

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1119
OFFERED BY M . _____

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Satisfying Energy
3 Needs and Saving the Environment Act” or the “SENSE
4 Act”.

5 SEC. 2. STANDARDS FOR COAL REFUSE POWER PLANTS.

6 (a) DEFINITIONS.—In this Act:

7 (1) ADMINISTRATOR.—The term “Adminis-
8 trator” means the Administrator of the Environ-
9 mental Protection Agency.

10 (2) BOILER OPERATING DAY.—The term “boiler
11 operating day” has the meaning given such term in
12 section 63.10042 of title 40, Code of Federal Regu-
13 lations, or any successor regulation.

14 (3) COAL REFUSE.—The term “coal refuse”
15 means any byproduct of coal mining, physical coal
16 cleaning, or coal preparation operation that contains
17 coal, matrix material, clay, and other organic and in-
18 organic material.

1 (4) COAL REFUSE ELECTRIC UTILITY STEAM
2 GENERATING UNIT.—The term “coal refuse electric
3 utility steam generating unit” means an electric util-
4 ity steam generating unit that—

5 (A) is in operation as of the date of enact-
6 ment of this Act;

7 (B) uses fluidized bed combustion tech-
8 nology to convert coal refuse into energy; and

9 (C) uses coal refuse as at least 75 percent
10 of the annual fuel consumed, by heat input, of
11 the unit.

12 (5) COAL REFUSE-FIRED FACILITY.—The term
13 “coal refuse-fired facility” means all coal refuse elec-
14 tric utility steam generating units that are—

15 (A) located on one or more contiguous or
16 adjacent properties;

17 (B) specified within the same Major Group
18 (2-digit code), as described in the Standard In-
19 dustrial Classification Manual (1987); and

20 (C) under common control of the same
21 person (or persons under common control).

22 (6) ELECTRIC UTILITY STEAM GENERATING
23 UNIT.—The term “electric utility steam generating
24 unit” means an electric utility steam generating
25 unit, as such term is defined in section 63.10042 of

1 title 40, Code of Federal Regulations, or any suc-
2 cessor regulation.

3 (b) EMISSION LIMITATIONS TO ADDRESS HYDROGEN
4 CHLORIDE AND SULFUR DIOXIDE AS HAZARDOUS AIR
5 POLLUTANTS.—

6 (1) APPLICABILITY.—For purposes of regu-
7 lating emissions of hydrogen chloride or sulfur diox-
8 ide from a coal refuse electric utility steam gener-
9 ating unit under section 112 of the Clean Air Act
10 (42 U.S.C. 7412), the Administrator—

11 (A) shall authorize the operator of such
12 unit to elect that such unit comply with ei-
13 ther—

14 (i) an emissions standard for emis-
15 sions of hydrogen chloride that meets the
16 requirements of paragraph (2); or

17 (ii) an emission standard for emis-
18 sions of sulfur dioxide that meets the re-
19 quirements of paragraph (2); and

20 (B) may not require that such unit comply
21 with both an emission standard for emissions of
22 hydrogen chloride and an emission standard for
23 emissions of sulfur dioxide.

24 (2) RULES FOR EMISSION LIMITATIONS.—

1 (A) IN GENERAL.—The Administrator
2 shall require an operator of a coal refuse elec-
3 tric utility steam generating unit to comply, at
4 the election of the operator, with no more than
5 one of the following emission standards:

6 (i) An emission standard for emissions
7 of hydrogen chloride from such unit that is
8 no more stringent than an emission rate of
9 0.002 pounds per million British thermal
10 units of heat input.

11 (ii) An emission standard for emis-
12 sions of hydrogen chloride from such unit
13 that is no more stringent than an emission
14 rate of 0.02 pounds per megawatt-hour.

15 (iii) An emission standard for emis-
16 sions of sulfur dioxide from such unit that
17 is no more stringent than an emission rate
18 of 0.20 pounds per million British thermal
19 units of heat input.

20 (iv) An emission standard for emis-
21 sions of sulfur dioxide from such unit that
22 is no more stringent than an emission rate
23 of 1.5 pounds per megawatt-hour.

24 (v) An emission standard for emis-
25 sions of sulfur dioxide from such unit that

1 is no more stringent than capture and con-
2 trol of 93 percent of sulfur dioxide across
3 the generating unit or group of generating
4 units, as determined by comparing—

5 (I) the expected sulfur dioxide
6 generated from combustion of fuels
7 emissions calculated based upon as-
8 fired fuel samples, to

9 (II) the actual sulfur dioxide
10 emissions as measured by a sulfur di-
11 oxide continuous emission monitoring
12 system.

13 (B) MEASUREMENT.—An emission stand-
14 ard described in subparagraph (A) shall be
15 measured as a 30 boiler operating day rolling
16 average per coal refuse electric utility steam
17 generating unit or group of coal refuse electric
18 utility steam generating units located at a sin-
19 gle coal refuse-fired facility.

Amend the title of the bill to read as follows: “A bill to establish the bases by which the Administrator of the Environmental Protection Agency shall issue, implement, and enforce certain emission limitations for existing electric utility steam generating units that convert coal refuse into energy.”.

