



2013 JUN 5 PM 12:34
OFFICE OF THE
MAYOR

VINCENT C. GRAY
MAYOR

JUN 6 2013

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
1350 Pennsylvania Ave., Suite 402
Washington, D.C. 20004

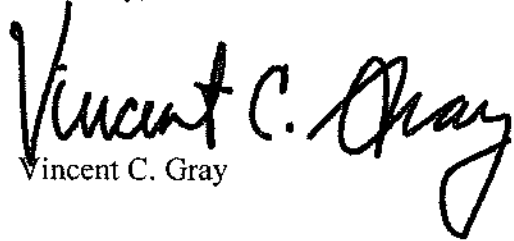
Dear Chairman Mendelson:

Today, I am transmitting legislation for consideration by the Council, the “Ban on Combustion of Coal Act of 2013.” This law restricts the ability of a facility to burn coal to less than 16,666 tons in a twelve month period and phases in a ban on coal as an allowable fuel source in the District. This limit will facilitate the transition to cleaner burning fuels. The limit is dependent upon the completion of a project to construct new cogeneration (combined heat and power) equipment at the United States Capitol Power Plant (CPP), the only coal-fired major source of air pollution in the District. In summary the bill provides that:

- After the commercial operation date, no facility in the District may exceed the use of 16,666 tons of coal per 12 month rolling period. The commercial operation date is the date upon which construction of the new cogeneration equipment has been completed, adequately tested, and authorized as able to deliver electricity to the distribution system.
- The legislation would also prohibit coal burning in the District, beginning 18 months after the commercial operation date of the CPP cogeneration project, except in instances of force majeure and for testing and tuning.
- The legislation will limit facilities to burning coal for no more than 72 hours per emissions unit, per year, for the purposes of tuning and testing.

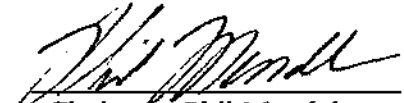
I urge the Council's prompt approval of this law that will protect the health and safety of our residents.

Sincerely,

A handwritten signature in black ink that reads "Vincent C. Gray". The signature is written in a cursive style with a large, looping 'V' and a long, sweeping tail on the 'y'.

Vincent C. Gray

Enclosures


Chairman Phil Mendelson
at the request of the Mayor

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson, at the request of the Mayor, introduced the following bill, which was referred to the Committee on _____.

To ban coal burning in the District, except in cases of force majeure, for the purposes of testing and tuning, or for charcoal cooking.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Ban on Combustion of Coal Act of 2013”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(a) “Cogeneration project” means the installation of 2 combustion turbines rated at 7.5 megawatts each and 2 heat recovery steam generation units rated at approximately 71.9 million British thermal units per hour each at the U.S. Capitol Power Plant, located at 25 E Street, SE, in the District of Columbia. The Architect of the Capitol submitted a permit application to the District Department of the Environment for the cogeneration project on February 10, 2012.

(b) “Commercial operation date” means the date on which all equipment necessary for the cogeneration project has been tested and commissioned and is both authorized (by PJM, Pepco, or the appropriate party in accordance with the interconnection agreement for the U.S.

1 Capitol Power Plant) and able to operate and deliver energy to the transmission or distribution
2 system.

3 (c) "Emissions unit" means any part of a stationary source which emits or would
4 have the potential to emit any pollutant subject to regulation under the federal Clean Air Act, 42
5 U.S.C. § 7401 *et seq.*, or the District of Columbia Air Pollution Control Act of 1984, effective
6 March 15, 1985 (D.C. Law 5-165; D.C. Official Code § 8-101 *et seq.*), and the implementing
7 regulations.

8 (d) "Force majeure" means an event beyond the control of the owner or operator of
9 the stationary source that prevents or threatens to prevent the stationary source from meeting its
10 mission, including:

11 (1) Acts of God (such as fires, explosions, earthquakes, hurricanes, tornados, tidal
12 waves, and floods);

13 (2) War, hostilities (whether war is declared or not), invasion, acts of foreign
14 enemies, mobilizations, requisitions, or embargoes;

15 (3) Rebellion, revolution, insurrection, or military or usurped power;

16 (4) Riots, strikes, or lockouts affecting the delivery of fuel to the stationary source;

17 and

18 (5) Acts or threats of terrorism that impact or threaten to impact the stationary source.

19 (e) "Stationary source" means a building, structure, facility, installation, or group of
20 buildings, structures, facilities or installations that emits or may emit any air pollutant subject to
21 regulation under the federal Clean Air Act⁴² U.S.C. § 7401 *et seq.*, or the District of Columbia
22 Air Pollution Control Act of 1984, effective March 15, 1985 (D.C. Law 5-165; D.C. Official
23 Code § 8-101 *et seq.*) and its implementing regulations (codified at 20 DCMR chapters 1-20).

1 Sec. 3. Prohibitions.

2 (a) Beginning on the effective date of this act, no stationary source shall combust coal
3 in excess of 16,666 tons per 12 month rolling period.

4 (b) Beginning 18 months after the commercial operation date, no stationary source
5 shall combust coal in the District, except:

6 (1) In instances of force majeure; provided, a stationary source may only
7 combust coal in instances of force majeure after all reasonable steps have been taken to first
8 utilize other fuel sources;

9 (2) For up to 72 hours per year, per emissions unit, for the purposes of tuning
10 and testing; and

11 (3) For charcoal cooking.

12 Sec. 4. Inspection, enforcement, and fines.

13 (a) The Mayor may enter any property or inspect activity reasonably believed to be
14 subject to this act.

15 (b) Civil infraction fines, penalties, and fees may be imposed in accordance with the
16 District of Columbia Air Pollution Control Act of 1984, effective March 15, 1985 (D.C. Law 5-
17 165; D.C. Official Code § 8-101 *et seq.*, and its implementing regulations.

18 (c) The Attorney General for the District of Columbia may commence appropriate civil
19 action in the Superior Court of the District of Columbia to secure a temporary restraining order, a
20 preliminary injunction, a permanent injunction, or other appropriate relief to enforce compliance
21 with the provisions of this act.

22 Sec. 5. Fiscal impact statement.

23 The Council adopts the fiscal impact statement in the committee report as the fiscal

1 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
2 approved December 24, 1973 (84 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

3 Sec. 6. Effective date.

4 This act shall take effect following approval by the Mayor (or in the event of veto by the
5 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
6 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
7 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
8 Columbia Register.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



Legal Counsel Division



MEMORANDUM

TO: Lolita S. Alston
Director
Office of Legislative Support

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: June 5, 2013

SUBJECT: Legal Sufficiency Review "Ban on Combustion of Coal Act of 2013" (AE-13-442)

This is to Certify that this Office has reviewed the above-referenced draft proposed legislation and found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.


Janet M. Robins