

115TH CONGRESS  
2D SESSION

# S. 2760

To amend the Clean Air Act to exclude energy efficiency projects, pollution control projects, and reliability projects from the definition of a modification.

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IN THE SENATE OF THE UNITED STATES

APRIL 26, 2018

Mr. PAUL introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Clean Air Act to exclude energy efficiency projects, pollution control projects, and reliability projects from the definition of a modification.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. EXCLUSION OF ENERGY EFFICIENCY PROJ-**  
4 **ECTS, POLLUTION CONTROL PROJECTS, AND**  
5 **RELIABILITY PROJECTS FROM THE DEFINI-**  
6 **TION OF A MODIFICATION.**

7 Section 111(a)(4) of the Clean Air Act (42 U.S.C.  
8 7411(a)(4)) is amended—

9 (1) by striking “(4) The term ‘modification’  
10 means” and inserting the following:

1 “(4) MODIFICATION.—

2 “(A) IN GENERAL.—The term ‘modifica-  
3 tion’ means”; and

4 (2) by adding at the end the following:

5 “(B) EXCLUSION.—The term ‘modifica-  
6 tion’ does not include any energy efficiency  
7 project, pollution control project, or reliability  
8 project.

9 “(C) ASSOCIATED DEFINITIONS.—For pur-  
10 poses of subparagraph (B):

11 “(i) ENERGY EFFICIENCY PROJECT.—  
12 The term ‘energy efficiency project’ means  
13 any project or activity undertaken at a sta-  
14 tionary source (including any physical  
15 change in, or change in the method of op-  
16 eration of, the stationary source) or any  
17 group of projects, activities, or changes un-  
18 dertaken during the same outage period—

19 “(I) as a result of which the  
20 maximum hourly carbon dioxide emis-  
21 sions rate of the stationary source is  
22 lower than that rate was immediately  
23 before the project or activity, or the  
24 group of projects, activities, or  
25 changes, was undertaken; and

1                   “(II) after which the maximum  
2                   hourly emission rate for any other  
3                   regulated pollutant is not more than  
4                   either the facility-wide or unit-specific  
5                   permitted emission rate.

6                   “(ii)        POLLUTION        CONTROL  
7                   PROJECT.—The term ‘pollution control  
8                   project’ means any project or activity un-  
9                   dertaken at a stationary source (including  
10                  any physical change in, or change in the  
11                  method of operation of, the stationary  
12                  source) or any group of projects, activities,  
13                  or changes undertaken during the same  
14                  outage period, that is undertaken to reduce  
15                  the emission of any pollutant.

16                  “(iii)   RELIABILITY   PROJECT.—The  
17                  term ‘reliability project’ means any project  
18                  or activity undertaken at a stationary  
19                  source (including any physical change in,  
20                  or change in the method of operation of,  
21                  the stationary source) or any group of  
22                  projects, activities, or changes undertaken  
23                  during the same outage period, that im-  
24                  proves the ability of the electric system—

1                   “(I) to supply the aggregate elec-  
2                   tric power and energy requirements of  
3                   electricity consumers at all times, tak-  
4                   ing into account scheduled and rea-  
5                   sonably expected unscheduled outages  
6                   of system components; and

7                   “(II) to withstand sudden dis-  
8                   turbances, such as electric short cir-  
9                   cuits, the unanticipated loss of system  
10                  components, or disturbances caused  
11                  by manmade physical or cyber at-  
12                  tacks.”.

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