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Representatives Thompson, Cera

**Cosponsors: Representatives Grossman, Hill, Stebelton, Blessing,
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A B I L L

To enact section 3704.20 of the Revised Code to 1
require the Director of Environmental Protection 2
to adopt rules establishing standards of 3
performance for carbon dioxide emissions from 4
existing coal-fired and natural gas-fired electric 5
generating units and to specify factors on which 6
the standards must be based. 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3704.20 of the Revised Code be 8
enacted to read as follows: 9

Sec. 3704.20. (A) If the United States environmental 10
protection agency adopts regulations or issues guidelines for 11
reducing carbon dioxide emissions from existing coal-fired or 12
natural gas-fired electric generating units under section 111(d) 13
of the federal Clean Air Act, the director of environmental 14
protection, in accordance with Chapter 119. of the Revised Code, 15
shall adopt rules establishing standards of performance for carbon 16
dioxide emissions from existing coal-fired electric generating 17
units in compliance with division (B) of this section and from 18

existing natural gas-fired electric generating units in compliance 19
with division (C) of this section to the maximum extent 20
permissible under the United States environmental protection 21
agency regulations or guidelines. 22

(B) Except as provided in division (D) of this section, 23
standards of performance for existing coal-fired electric 24
generating units shall be based on all of the following: 25

(1) The best system of emission reduction that, taking into 26
account the cost of achieving that reduction and any non-air 27
quality health and environmental impact and energy requirements, 28
has been adequately demonstrated for coal-fired electric 29
generating units that are subject to the standards of performance; 30

(2) Reductions in emissions of carbon dioxide that can 31
reasonably be achieved through measures undertaken at each 32
coal-fired electric generating unit; 33

(3) Efficiency and other measures that can be undertaken at 34
each coal-fired electric generating unit to reduce carbon dioxide 35
emissions from the unit without changing from coal to other 36
lower-carbon fuels, co-firing other fuels with coal, or limiting 37
the economic utilization of the unit. 38

(C) Except as provided in division (D) of this section, 39
standards of performance for existing natural gas-fired electric 40
generating units shall be based on all of the following: 41

(1) The best system of emission reduction that, taking into 42
account the cost of achieving that reduction and any non-air 43
quality health and environmental impact and energy requirements, 44
has been adequately demonstrated for natural gas-fired electric 45
generating units that are subject to the standards of performance; 46

(2) Reductions in emissions of carbon dioxide that can 47
reasonably be achieved through measures undertaken at each natural 48

gas-fired electric generating unit; 49

(3) Efficiency and other measures that can be undertaken at 50
each natural gas-fired electric generating unit to reduce carbon 51
dioxide emissions from the unit without changing from natural gas 52
to other lower-carbon fuels or limiting the economic utilization 53
of the unit. 54

(D) In establishing a standard of performance for an existing 55
coal-fired or natural gas-fired electric generating unit, the 56
director shall consider whether to adopt less stringent standards 57
or longer compliance schedules than those established in 58
applicable federal regulations or guidelines based on all of the 59
following: 60

(1) Consumer impacts, including any disproportionate impacts 61
of energy price increases on lower income populations; 62

(2) Unreasonable costs of reducing emissions resulting from 63
plant age, location, or basic process design; 64

(3) Physical difficulties with or the impossibility of 65
implementing emission reduction measures; 66

(4) The absolute cost of applying the performance standard to 67
the unit; 68

(5) The expected remaining useful life of the unit; 69

(6) Impacts of closing the unit, including economic impacts 70
such as expected job losses, if the unit is unable to comply with 71
the performance standard; 72

(7) Impacts on the reliability of the state's electrical 73
grid; 74

(8) All actual reductions in carbon dioxide emissions 75
beginning January 1, 2005; 76

(9) Any other factors specific to the unit that make 77
application of a less stringent standard or longer compliance 78

schedule more reasonable. 79

(E) The director may implement, to the maximum extent 80
permissible, the standards of performance established in rules 81
adopted under this section through mechanisms that provide 82
flexibility in complying with the standards. 83

(F) Any plan establishing standards of performance for 84
existing coal-fired or natural gas-fired electric generating units 85
developed under this section shall be prepared in consultation 86
with the public utilities commission of Ohio created in Chapter 87
4901. of the Revised Code, the Ohio air quality development 88
authority created in Chapter 3706. of the Revised Code, and any 89
other relevant agency to ensure that the plan does not threaten 90
the affordability of electric power to all classes of electricity 91
consumers, takes full advantage of the federal Clean Air Act to 92
minimize impacts to the cost and reliability of electricity, and 93
minimizes the impacts on current and future industrial, 94
commercial, and residential consumers. 95

(G) The director shall consider the provisions of this 96
section, to the extent practicable, in the development of a plan 97
to be submitted to the United States environmental protection 98
agency under section 111(d) of the federal Clean Air Act. 99

(H) Any plan establishing standards of performance for 100
existing coal-fired or natural gas-fired electric generating units 101
developed under this section ceases to operate if applicable 102
regulations adopted or guidelines issued by the United States 103
environmental protection agency under section 111(d) of the 104
federal Clean Air Act are withdrawn by the agency or invalidated 105
by a court. 106