

Max Baucus
S.D.C.

3-16-11
4:33pm
TMSS

AMENDMENT NO. _____ Calendar No. _____

Purpose: To prohibit the regulation of greenhouse gases from certain sources.

IN THE SENATE OF THE UNITED STATES—112th Cong., 1st Sess.

S. 493

To re **AMENDMENT N^o 236** ns,

By BAUCUS

Refe **To:** _____ nd

S. 493

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AMF

Page(s)

115

GPO: 2010 68-070 (misc)

Viz:

- 1 At the end, add the following:
- 2 **SEC. ____ . GREENHOUSE GAS-RELATED EXEMPTIONS FROM**
- 3 **PERMITTING REQUIREMENTS.**
- 4 (a) PURPOSES.—The purposes of this section are—
- 5 (1) to ensure that the greenhouse gas emissions
- 6 from certain sources will not require a permit under
- 7 the Clean Air Act (42 U.S.C. 7401 et seq.); and
- 8 (2) to exempt greenhouse gas emissions from
- 9 certain agricultural sources from permitting require-
- 10 ments under that Act.

1 (b) AMENDMENT.—Title III of the Clean Air Act (42
2 U.S.C. 7601 et seq.) is amended by adding at the end
3 the following:

4 **“SEC. 329. GREENHOUSE GAS-RELATED EXEMPTIONS FROM**
5 **PERMITTING REQUIREMENTS.**

6 “(a) DEFINITION OF GREENHOUSE GAS.—In this
7 section, the term ‘greenhouse gas’ means any of the fol-
8 lowing:

9 “(1) Carbon dioxide.

10 “(2) Methane.

11 “(3) Nitrous oxide.

12 “(4) Sulfur hexafluoride.

13 “(5) Hydrofluorocarbons.

14 “(6) Perfluorocarbons.

15 “(7) Nitrogen trifluoride.

16 “(8) Any other anthropogenic gas, if the Ad-
17 ministrator determines that 1 ton of the gas has the
18 same or greater effect on global climate change as
19 does 1 ton of carbon dioxide.

20 “(b) NEW SOURCE REVIEW.—

21 “(1) MODIFICATION OF DEFINITION OF AIR
22 POLLUTANT.—For purposes of determining whether
23 a stationary source is a major emitting facility under
24 section 169(1) or has undertaken construction pur-
25 suant to section 165(a), the term ‘air pollutant’ shall

1 not include any greenhouse gas unless the gas is
2 subject to regulation under this Act for reasons
3 independent of the effects of the gas on global cli-
4 mate change.

5 “(2) THRESHOLDS FOR EXCLUSIONS FROM
6 PERMIT PROVISIONS.—No requirement of part C of
7 title I shall apply with respect to any greenhouse gas
8 unless the gas is subject to regulation under this Act
9 for reasons independent of the effects of the gas on
10 global climate change or the gas is emitted by a sta-
11 tionary source—

12 “(A) that is—

13 “(i) a new major emitting facility that
14 will emit, or have the potential to emit,
15 greenhouse gases in a quantity of at least
16 75,000 tons of carbon dioxide equivalent
17 per year; or

18 “(ii) an existing major emitting facil-
19 ity that undertakes construction which in-
20 creases the quantity of greenhouse gas
21 emissions, or which results in emission of
22 greenhouse gases not previously emitted, of
23 at least 75,000 tons carbon dioxide equiva-
24 lent per year; and

1 “(B) that has greenhouse gas emissions
2 equal to or exceeding 250 tons per year in mass
3 emissions or, in the case of any of the types of
4 stationary sources identified in section 169(1),
5 100 tons per year in mass emissions.

6 “(3) AGRICULTURAL SOURCES.—In calculating
7 the emissions or potential emissions of a source or
8 facility, emissions of greenhouse gases that are sub-
9 ject to regulation under this Act solely on the basis
10 of the effect of the gases on global climate change
11 shall be excluded if the emissions are from—

12 “(A) changes in land use;

13 “(B) the raising of commodity crops,
14 stock, dairy, poultry, or fur-bearing animals, or
15 the growing of fruits or vegetables; or

16 “(C) farms, plantations, ranches, nurs-
17 eries, ranges, orchards, and greenhouses or
18 other similar structures used primarily for the
19 raising of agricultural or horticultural commod-
20 ities.

21 “(c) TITLE V OPERATING PERMITS.—Notwith-
22 standing any provision of title III or title V, no stationary
23 source shall be required to apply for, or operate pursuant
24 to, a permit under title V, solely on the basis of the emis-
25 sions of the stationary source of greenhouse gases that

1 are subject to regulation under this Act solely on the basis
2 of the effect of the greenhouse gases on global climate
3 change, unless those emissions from that source are sub-
4 ject to regulation under this Act.”.