

November 13, 2017

TO: Members, Subcommittee on Environment
FROM: Committee Majority Staff
RE: Subcommittee Markup

I. INTRODUCTION

The Subcommittee on Environment will meet in open markup session on Wednesday, November 15, 2017, at 10:00 am, in 2123 Rayburn House Office Building to consider the following:

- H.R. 1917, Blocking Regulatory Interference from Closing Kilns (BRICK) Act of 2017;
- H.R. 453, Relief from New Source Performance Standards Act of 2017;
- H.R. 350, Recognizing the Protection of Motorsports Act of 2017; and
- H.R. 1119, Satisfying Energy Needs and Saving the Environment (SENSE) Act.

In keeping with Chairman Walden's announced policy, Members must submit any amendments they may have two hours before they are offered during this markup. Members may submit amendments by email to peter.kielty@mail.house.gov. Any information with respect to an amendment's parliamentary standing (e.g., its germaneness) should be submitted at this time as well.

II. EXPLANATION OF LEGISLATION

A. H.R. 1917, Blocking Regulatory Interference from Closing Kilns (BRICK) Act of 2017

Section 1. Short Title.

Section 1 provides that the Act may be cited as the "Blocking Regulatory Interference from Closing Interference from Closing Kilns Act of 2017".

Section 2. Extending Compliance Dates (Pending Judicial Review) of Rules Addressing National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing or Clay Ceramics Manufacturing.

Section 2(a) provides that the term “compliance date” means the date by which any State, local, or tribal government or other person is first required to comply with the rule.

Section 2(b) provides that the final rules subject to the Act include any final rule that addresses National Emission Standards for Hazardous Air Pollutants (NESHAP) for brick and structural clay products or for clay ceramics manufacturing under section 112 of the Clean Air Act (CAA), including any final rule that succeeds or amends the Environmental Protection Agency’s (EPA) final rule published at 80 Fed. Reg. 65469 (October 26, 2015) and 80 Fed. Reg. 75817 (December 4, 2015).¹

Section 2(c) provides that the time period by which the compliance dates would be extended would be the period of time that begins 60 days after the final rule appears in the Federal Register, and ends on the date on which judgment becomes final, and no longer subject to further appeal or review, in all actions filed during the initial 60 days after the rule appears in the Federal Register seeking review of the rule, including actions pursuant to CAA section 307.

B. H.R. 453, Relief from New Source Performance Standards Act of 2017²

Section 1. Short Title.

Section 1 provides that the Act may be cited as the “Relief from New Source Performance Standards Act of 2017”.

Section 2. Step 2 Compliance Date for Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters, and Force-Air Furnaces.

Section 2(a) extends the deadlines for the second phase of New Source Performance Standards (NSPS) to May 15, 2023, for new residential wood heaters, new residential hydronic heaters, and new residential forced-air furnaces.

Section 2(b) directs the Administrator of the Environmental Protection Agency to make technical and conforming changes to rules and guidance documents as necessary to implement subsection (a) not later than 60 days after the date of enactment of this Act.

C. H.R. 350, Recognizing the Protection of Motorsports Act of 2017³

Section 1. Short Title.

¹ For further information on national emission standards for hazardous air pollutants (NESHAP) for brick and structural clay products manufacturing and clay ceramics manufacturing, see <https://www.epa.gov/stationary-sources-air-pollution/brick-and-structural-clay-products-national-emission-standards>.

² For more information on the New Source Performance Standards (NSPS) for residential wood heaters, see <https://www.epa.gov/residential-wood-heaters/final-new-source-performance-standards-residential-wood-heaters>.

³ An April 12, 2016 letter from the Committee to EPA inquiring about this policy can be found at <https://hudson.house.gov/uploads/041216%20Letter.%20EPA%20Racecar%20Emissions%20Standards.pdf>. EPA’s May 17, 2016 response can be found at <https://energycommerce.house.gov/wp-content/uploads/2016/04/05.17.16-EPA-Response-Letter.pdf>.

Section 1 provides that the Act may be cited as the “Recognizing the Protection of Motorsports Act of 2017” or the “RPM Act of 2017”.

Section 2. Findings.

Section 2 states four congressional findings related to vehicles used solely for competition and EPA regulatory actions under the Clean Air Act.

Section 3. Exclusion of Vehicles Used Solely for Competition from the Anti-Tampering Provisions of the Clean Air Act.

Section 3 amends section 203 of the CAA to not prohibit any action with respect to any device or element of design if the action is for the purpose of modifying a motor vehicle into a vehicle to be used solely for competition.

Section 4. Exclusion of Vehicles Used Solely for Competition from the Definition of Motor Vehicle in the Clean Air Act.

Section 4 amends section 216 to exclude vehicles used solely for competition from the definition of “motor vehicle” in the CAA.

Section 5. Implementation.

Section 5 directs the Administrator of the EPA to finalize any regulations necessary to implement the amendments made by this Act not later than 12 months after the date of enactment of this Act.

D. H.R. 1119, Satisfying Energy Needs and Saving the Environment (SENSE) Act

Section 1. Short Title.

Section 1 provides the short title of “Satisfying Energy Needs and Saving the Environment Act” or the “SENSE Act”.

Section 2. Standards for Coal Refuse Power Plants:

Section 2(a) provides definitions for the following terms: administrator, boiler operating day, coal refuse, coal refuse electric utility steam generating unit, coal refuse-fired facility, Cross-State Air Pollution Rule (CSAPR), electric utility steam generating unit, and Phase I of CSAPR.⁴

⁴ For further information on the Cross State Air Pollution Rule, see <https://www.epa.gov/csapr/cross-state-air-pollution-final-and-proposed-rules#Final>. For further information on the Mercury and Air Toxic Standards, see <https://www.epa.gov/mats/epa-announces-mercury-and-air-toxics-standards-mats-power-plants-rules-and-fact-sheets>

Section 2(b) provides less restrictive sulfur dioxide emissions allocations under CSAPR for coal refuse electric utility steam generating units.

Section 2(c) provides an alternative compliance means for HCl and SO₂ under the Mercury and Air Toxics Standard for coal refuse electric utility steam generating units.

III. STAFF CONTACTS

If you have any questions regarding this markup, please contact Ben Lieberman or Mary Martin of the Committee staff at (202) 225-2927.