

December 4, 2017

TO: Members, House Committee on Energy and Commerce

FROM: Committee Majority Staff

RE: Committee on Energy and Commerce Markup

I. INTRODUCTION

The Committee on Energy and Commerce will meet in open markup session on Wednesday, December 6, 2017, at 10:00 a.m. in 2123 Rayburn House Office Building to consider the following:

- Resolution regarding subcommittee membership;
- H.R. 453, Relief from New Source Performance Standards Act of 2017;
- H.R. 350, Recognizing the Protection of Motorsports Act of 2017;
- H.R. 1119, Satisfying Energy Needs and Saving the Environment (SENSE) Act;
- H.R.1733, To direct the Secretary of Energy to review and update a report on the energy and environmental benefits of the re-refining of used lubricating oil;
- H.R. 1917, Blocking Regulatory Interference from Closing Kilns (BRICK) Act of 2017;
- H.R. 2872, Promoting Hydropower Development at Existing Nonpowered Dams Act; and,
- H.R. 2880, Promoting Closed-Loop Pumped Storage Hydropower 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. Resolution regarding subcommittee membership

The resolution would make changes to the membership of the Energy and Commerce Committee subcommittees, including the appointment of a chairman of the Subcommittee on Oversight and Investigations.

B. H.R. 453, Relief from New Source Performance Standards Act of 2017

H.R. 453 was introduced by Rep. Peterson (MN) on January 11, 2017. The bill extends by three years the deadlines for the second phase of New Source Performance Standards (NSPS) for new residential wood heaters.¹

C. H.R. 350, Recognizing the Protection of Motorsports Act of 2017

H.R. 350 was introduced by Rep. McHenry (NC) and Rep. Hudson (NC) on January 6, 2017. The bill clarifies that the anti-tampering provisions applicable to motor vehicles do not apply to vehicles used solely for competition.²

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

H.R. 1119 was introduced by Rep. Rothfus (PA) on February 16, 2017. The bill provides alternative compliance options with the Mercury and Air Toxics Standards for coal refuse-to-energy plants.³

E. H.R. 1733, To direct the Secretary of Energy to review and update a report on the energy and environmental benefits of the re-refining of used lubricating oil

H.R. 1733 was introduced by Rep. Brooks (IN) and Rep. Kennedy (MA) on March 27, 2017. The bill requires the Secretary of Energy to review and update a report and submit to Congress a coordinated Federal strategy to increase the beneficial reuse of used lubricating oil.

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

H.R. 1917 was introduced by Rep. Johnson (OH) on April 5, 2017. The bill extends the deadlines for the national emission standards for hazardous air pollutants (NESHAP) for brick and structural clay products manufacturing or clay ceramics manufacturing.⁴ The extension lasts until judicial review of the rules is completed.

¹ 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>.

² 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>.

³ 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>.

⁴ 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>.

G. H.R. 2872, Promoting Hydropower Development at Existing Nonpowered Dams Act

H.R. 2872 was introduced by Rep. Bucshon (IN) on June 12, 2017. The legislation promotes hydropower development at existing nonpowered dams by establishing an expedited licensing process that will result in a final decision on an application in two years or less. The legislation also requires the Federal Energy Regulatory Commission (FERC), the U.S. Army Corps of Engineers, and the Department of Interior, to develop a list of existing nonpowered Federal dams that have the greatest potential for non-Federal hydropower development.

H. H.R. 2880, Promoting Closed-Loop Pumped Storage Hydropower Act

H.R. 2880 was introduced by Rep. Griffith (VA) on June 12, 2017. The legislation promotes closed-loop pumped storage hydropower development by establishing an expedited licensing process that will result in a final decision on an application in two years or less. The legislation also requires FERC to hold a workshop to explore potential opportunities for development of closed-loop pumped storage projects at abandoned mine sites.

III. STAFF CONTACTS

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