

112th CONGRESS

2d Session

**H. R. 6507**

To provide that any State implementation plan submitted pursuant to the Clean Air Act to address impairment of visibility shall apply for such State until 2022 with respect to emissions from taconite ore processing facilities, and for other purposes.

**IN THE HOUSE OF REPRESENTATIVES**

**September 21, 2012**

Mr. CRAVAACK introduced the following bill; which was referred to the Committee on Energy and Commerce

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**A BILL**

To provide that any State implementation plan submitted pursuant to the Clean Air Act to address impairment of visibility shall apply for such State until 2022 with respect to emissions from taconite ore processing facilities, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the 'Promoting Nuanced Taconite Regulations Act of 2012'.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) In section 169A of the Clean Air Act (42 U.S.C. 7491), Congress declared 'as a national goal the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution'.

(2) In section 51.308 of title 40, Code of Federal Regulations, the Environmental Protection Agency established 'requirements for implementation plans, plan revisions, and periodic progress reviews to address regional haze', including requirements to establish goals for 'reasonable progress towards achieving natural visibility conditions', in part by determining 'the rate of progress needed to attain natural visibility conditions by the year 2064'.

(3) In regulating the emissions that cause regional haze, Congress assigned States the lead role in developing and implementing a plan to reduce the precursor emissions that cause regional haze.

(4) The State of Minnesota, through the Minnesota Pollution Control Agency (in this section referred to as `MPCA'), issued a State Implementation Plan (in this section referred to as a `SIP') in December of 2009 that proposed the Best Available Retrofit Technology (in this section referred to as `BART') for nitrogen oxides and sulfur dioxide, finding that good combustion practices met BART for taconite facilities.

(5) The Environmental Protection Agency received and reviewed all of MPCA's December 2009 SIP. In January 2012, the Environmental Protection Agency proposed accepting Minnesota's SIP, including its emissions modeling, as well as BART to reduce the emissions of taconite (iron ore) processing facilities.

(6) MPCA performed an extensive study of BART for the different types of taconite indurating furnaces. MPCA determined that the current technologies in place (good combustion practices) were BART.

(7) The Environmental Protection Agency determined that because one taconite facility was able to make use of low NOx burners to reduce emissions, that low NOx burners should be considered BART for all taconite facilities, and that many facilities should add this technology within 18 months.

(8) The Environmental Protection Agency's failure to account for all of the factors in the State's analysis has led to a proposed rule that imposes technically infeasible deadlines.

(9) The State's Implementation Plan should take precedence, setting BART and appropriate emissions limits for taconite plants. The Environmental Protection Agency should defer to the State for such a period of time that the taconite plants can be feasibly upgraded according to the unique characteristics of each furnace and line.

### **SEC. 3. STATE REGULATION OF EMISSIONS FROM TACONITE ORE PROCESSING FACILITIES.**

Section 169A of the Clean Air Act (42 U.S.C. 7491) is amended--

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following subsection:

`(g)(1) Notwithstanding any other provision of this Act--

`(A) any implementation plan submitted by a State (including any such implementation plan submitted prior to the date of enactment of this paragraph) that specifies the best available retrofit technology for any taconite ore processing facility for the purpose of eliminating or reducing any impairment of visibility shall be considered to be approved under section 110 for such State with respect to such facility for such purpose; and

`(B) if such an implementation plan has been submitted, the Administrator may not promulgate, implement, or enforce any requirement pursuant to a plan under section 110(c) with respect to such facility for such purpose.

`(2) Paragraph (1) shall apply with respect to the period beginning on the date of enactment of this subsection and ending on January 1, 2022.

`(3) This subsection shall not be construed to prevent the Administrator from taking any action otherwise authorized under this Act with respect to a facility described in paragraph (1) for the purpose of protecting human health and safety.'.

*END*