

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 1119

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## AN ACT

To establish the bases by which the Administrator of the Environmental Protection Agency shall issue, implement, and enforce certain emission limitations for existing electric utility steam generating units that convert coal refuse into energy.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Satisfying Energy  
3 Needs and Saving the Environment Act” or the “SENSE  
4 Act”.

5 **SEC. 2. STANDARDS FOR COAL REFUSE POWER PLANTS.**

6 (a) DEFINITIONS.—In this Act:

7 (1) ADMINISTRATOR.—The term “Adminis-  
8 trator” means the Administrator of the Environ-  
9 mental Protection Agency.

10 (2) BOILER OPERATING DAY.—The term “boiler  
11 operating day” has the meaning given such term in  
12 section 63.10042 of title 40, Code of Federal Regu-  
13 lations, or any successor regulation.

14 (3) COAL REFUSE.—The term “coal refuse”  
15 means any byproduct of coal mining, physical coal  
16 cleaning, or coal preparation operation that contains  
17 coal, matrix material, clay, and other organic and in-  
18 organic material.

19 (4) COAL REFUSE ELECTRIC UTILITY STEAM  
20 GENERATING UNIT.—The term “coal refuse electric  
21 utility steam generating unit” means an electric util-  
22 ity steam generating unit that—

23 (A) is in operation as of the date of enact-  
24 ment of this Act;

25 (B) uses fluidized bed combustion tech-  
26 nology to convert coal refuse into energy; and

1 (C) uses coal refuse as at least 75 percent  
2 of the annual fuel consumed, by heat input, of  
3 the unit.

4 (5) COAL REFUSE-FIRED FACILITY.—The term  
5 “coal refuse-fired facility” means all coal refuse elec-  
6 tric utility steam generating units that are—

7 (A) located on one or more contiguous or  
8 adjacent properties;

9 (B) specified within the same Major Group  
10 (2-digit code), as described in the Standard In-  
11 dustrial Classification Manual (1987); and

12 (C) under common control of the same  
13 person (or persons under common control).

14 (6) ELECTRIC UTILITY STEAM GENERATING  
15 UNIT.—The term “electric utility steam generating  
16 unit” means an electric utility steam generating  
17 unit, as such term is defined in section 63.10042 of  
18 title 40, Code of Federal Regulations, or any suc-  
19 cessor regulation.

20 (b) EMISSION LIMITATIONS TO ADDRESS HYDROGEN  
21 CHLORIDE AND SULFUR DIOXIDE AS HAZARDOUS AIR  
22 POLLUTANTS.—

23 (1) APPLICABILITY.—For purposes of regu-  
24 lating emissions of hydrogen chloride or sulfur diox-  
25 ide from a coal refuse electric utility steam gener-

1       ating unit under section 112 of the Clean Air Act  
2       (42 U.S.C. 7412), the Administrator—

3               (A) shall authorize the operator of such  
4       unit to elect that such unit comply with ei-  
5       ther—

6                       (i) an emissions standard for emis-  
7       sions of hydrogen chloride that meets the  
8       requirements of paragraph (2); or

9                       (ii) an emission standard for emis-  
10      sions of sulfur dioxide that meets the re-  
11      quirements of paragraph (2); and

12               (B) may not require that such unit comply  
13      with both an emission standard for emissions of  
14      hydrogen chloride and an emission standard for  
15      emissions of sulfur dioxide.

16      (2) RULES FOR EMISSION LIMITATIONS.—

17               (A) IN GENERAL.—The Administrator  
18      shall require an operator of a coal refuse elec-  
19      tric utility steam generating unit to comply, at  
20      the election of the operator, with no more than  
21      one of the following emission standards:

22                       (i) An emission standard for emissions  
23      of hydrogen chloride from such unit that is  
24      no more stringent than an emission rate of

1           0.002 pounds per million British thermal  
2           units of heat input.

3           (ii) An emission standard for emis-  
4           sions of hydrogen chloride from such unit  
5           that is no more stringent than an emission  
6           rate of 0.02 pounds per megawatt-hour.

7           (iii) An emission standard for emis-  
8           sions of sulfur dioxide from such unit that  
9           is no more stringent than an emission rate  
10          of 0.20 pounds per million British thermal  
11          units of heat input.

12          (iv) An emission standard for emis-  
13          sions of sulfur dioxide from such unit that  
14          is no more stringent than an emission rate  
15          of 1.5 pounds per megawatt-hour.

16          (v) An emission standard for emis-  
17          sions of sulfur dioxide from such unit that  
18          is no more stringent than capture and con-  
19          trol of 93 percent of sulfur dioxide across  
20          the generating unit or group of generating  
21          units, as determined by comparing—

22                (I) the expected sulfur dioxide  
23                generated from combustion of fuels  
24                emissions calculated based upon as-  
25                fired fuel samples, to

1                   (II) the actual sulfur dioxide  
2                   emissions as measured by a sulfur di-  
3                   oxide continuous emission monitoring  
4                   system.

5                   (B) MEASUREMENT.—An emission stand-  
6                   ard described in subparagraph (A) shall be  
7                   measured as a 30 boiler operating day rolling  
8                   average per coal refuse electric utility steam  
9                   generating unit or group of coal refuse electric  
10                  utility steam generating units located at a sin-  
11                  gle coal refuse-fired facility.

Passed the House of Representatives March 8,  
2018.

Attest:

*Clerk.*



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