

Union Calendar No. 384

115TH CONGRESS
2^D SESSION

H. R. 1119

[Report No. 115-514]

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2017

Mr. ROTHFUS (for himself, Mr. THOMPSON of Pennsylvania, Mr. MCKINLEY, Mr. BARLETTA, and Mr. KELLY of Pennsylvania) introduced the following bill; which was referred to the Committee on Energy and Commerce

JANUARY 12, 2018

Additional sponsors: Mr. MURPHY of Pennsylvania and Mr. SHUSTER

JANUARY 12, 2018

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on February 16, 2017]

A BILL

To establish the bases by which the Administrator of the Environmental Protection Agency shall issue, implement, and enforce certain emission limitations and allocations 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,*

3 **SECTION 1. SHORT TITLE.**

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

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

7 (a) *DEFINITIONS.—In this Act:*

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

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

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

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

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

1 (B) uses fluidized bed combustion technology
2 to convert coal refuse into energy; and

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

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

9 (A) located on one or more contiguous or
10 adjacent properties;

11 (B) specified within the same Major Group
12 (2-digit code), as described in the Standard In-
13 dustrial Classification Manual (1987); and

14 (C) under common control of the same per-
15 son (or persons under common control).

16 (6) *ELECTRIC UTILITY STEAM GENERATING*
17 *UNIT*.—The term “electric utility steam generating
18 unit” means an electric utility steam generating unit,
19 as such term is defined in section 63.10042 of title 40,
20 Code of Federal Regulations, or any successor regula-
21 tion.

22 (b) *EMISSION LIMITATIONS TO ADDRESS HYDROGEN*
23 *CHLORIDE AND SULFUR DIOXIDE AS HAZARDOUS AIR*
24 *POLLUTANTS*.—

1 (1) *APPLICABILITY.*—*For purposes of regulating*
2 *emissions of hydrogen chloride or sulfur dioxide from*
3 *a coal refuse electric utility steam generating unit*
4 *under section 112 of the Clean Air Act (42 U.S.C.*
5 *7412), the Administrator—*

6 (A) *shall authorize the operator of such unit*
7 *to elect that such unit comply with either—*

8 (i) *an emissions standard for emissions*
9 *of hydrogen chloride that meets the require-*
10 *ments of paragraph (2); or*

11 (ii) *an emission standard for emissions*
12 *of sulfur dioxide that meets the require-*
13 *ments of paragraph (2); and*

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

18 (2) *RULES FOR EMISSION LIMITATIONS.*—

19 (A) *IN GENERAL.*—*The Administrator shall*
20 *require an operator of a coal refuse electric util-*
21 *ity steam generating unit to comply, at the elec-*
22 *tion of the operator, with no more than one of*
23 *the following emission standards:*

24 (i) *An emission standard for emissions*
25 *of hydrogen chloride from such unit that is*

1 *no more stringent than an emission rate of*
2 *0.002 pounds per million British thermal*
3 *units of heat input.*

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

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

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

17 *(v) An emission standard for emissions*
18 *of sulfur dioxide from such unit that is no*
19 *more stringent than capture and control of*
20 *93 percent of sulfur dioxide across the gen-*
21 *erating unit or group of generating units,*
22 *as determined by comparing—*

23 *(I) the expected sulfur dioxide*
24 *generated from combustion of fuels*

1 *emissions calculated based upon as-*
2 *fired fuel samples, to*

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

7 *(B) MEASUREMENT.—An emission standard*
8 *described in subparagraph (A) shall be measured*
9 *as a 30 boiler operating day rolling average per*
10 *coal refuse electric utility steam generating unit*
11 *or group of coal refuse electric utility steam gen-*
12 *erating units located at a single coal refuse-fired*
13 *facility.*

Amend the title so as to read: “A bill 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.”.

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