

109TH CONGRESS  
1ST SESSION

# H. R. 4333

To require the Administrator of the Environmental Protection Agency to establish performance standards for fine particulates for certain pulp and paper mills, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2005

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

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## A BILL

To require the Administrator of the Environmental Protection Agency to establish performance standards for fine particulates for certain pulp and paper mills, and for other purposes.

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 “Tire-Derived Fuel  
5       Safety Act of 2005”.

6       **SEC. 2. COMBUSTION OF TIRE-DERIVED FUEL.**

7       (a) DEFINITIONS.—In this section:

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

4           (2) ELIGIBLE MILL.—The term “eligible mill”  
5           means any pulp or paper mill (SIC code 2611 or  
6           2621) that burns or proposes to burn tire-derived  
7           fuel.

8           (3) EMISSION.—The term “emission” means an  
9           emission into the air of—

10                 (A) a criteria pollutant, including a fine  
11                 particulate; or

12                 (B) a hazardous air pollutant.

13           (4) TIRE-DERIVED FUEL.—The term “tire-de-  
14           rived fuel” means fuel derived from whole or shred-  
15           ded tires, including in combination with another  
16           fuel.

17           (b) REQUIREMENTS FOR APPROVAL.—

18                 (1) IN GENERAL.—Except as provided in para-  
19                 graph (2), notwithstanding any other provision of  
20                 law, the Administrator shall not issue a permit  
21                 under the Clean Air Act (42 U.S.C. 7401 et seq.),  
22                 and shall object to the issuance of a permit under  
23                 section 505(b) of that Act (42 U.S.C. 7661d(b)), au-  
24                 thorizing the burning of tire-derived fuel at an eligi-  
25                 ble mill that is a major stationary source (as defined

1 in section 111(a) of that Act (42 U.S.C. 7411(a)))  
2 unless—

3 (A) the Administrator has listed the source  
4 as part of a source category for which a per-  
5 formance standard has been established under  
6 subsection (c); and

7 (B) the source demonstrates to the satis-  
8 faction of the Administrator that the source—

9 (i) will install any control equipment  
10 required or make the necessary process  
11 changes before the date on which the  
12 source begins operation; and

13 (ii) will operate at or below the re-  
14 quired emissions performance standards as  
15 demonstrated by data from a continuous  
16 emissions monitoring device.

17 (2) INTERIM PERMITS.—Notwithstanding para-  
18 graph (1), the Administrator may approve an in-  
19 terim permit (including a trial permit) to burn tire-  
20 derived fuel at a new eligible mill, or an eligible mill  
21 in existence on the date of enactment of this Act,  
22 that is a major stationary source (as defined in sec-  
23 tion 111(a) of the Clean Air Act (42 U.S.C.  
24 7411(a))) that demonstrates to the satisfaction of  
25 the Administrator that the source—

1 (A) will install—

2 (i) an electrostatic precipitator;

3 (ii) a Kevlar baghouse; or

4 (iii) any other technology that  
5 achieves a reduction in emissions that is  
6 equivalent to the reduction achieved using  
7 an electrostatic precipitator or a Kevlar  
8 baghouse; and

9 (B) will operate at or below the required  
10 emissions performance standards as dem-  
11 onstrated by data from a continuous emissions  
12 monitoring device.

13 (c) STANDARDS FOR CERTAIN PULP AND PAPER  
14 MILLS.—

15 (1) ESTABLISHMENT.—

16 (A) IN GENERAL.—Not later than 18  
17 months after the date of enactment of this Act,  
18 the Administrator shall establish performance  
19 standards for fine particulates for—

20 (i) new eligible mills; and

21 (ii) eligible mills in existence on the  
22 date on which the standards are proposed.

23 (B) REQUIREMENTS.—In establishing  
24 standards under subparagraph (A), the Admin-  
25 istrator shall—

1 (i) ensure that the standards would  
2 result in reductions in emission levels that  
3 are at least equal to reductions achieved  
4 through the use of an electrostatic precipi-  
5 tator or Kevlar baghouse; and

6 (ii) require pulp and paper mills that  
7 are in operation as of the date on which  
8 the standards are proposed, but that are  
9 not in compliance with those standards, to  
10 come into compliance with the standards  
11 by not later than 18 months after the ef-  
12 fective date of the standards.

13 (2) STUDY AND REPORT ON GENERAL HEALTH  
14 EFFECTS.—Not later than 1 year after the date of  
15 enactment of this Act, the Administrator shall con-  
16 duct a study, and submit to Congress a report, on  
17 the impact on human health of increased emissions,  
18 especially fine particulates, from the use of tire-de-  
19 rived fuel.

20 (3) REPORT ON HEALTH EFFECTS ON CERTAIN  
21 CHILDREN.—As soon as practicable after the date of  
22 enactment of this Act, the Administrator, in coordi-  
23 nation with the Secretary of Health and Human  
24 Services, shall submit to Congress a report that de-  
25 scribes the rates of birth defects and childhood dis-

1       eases (particularly respiratory and immune system  
2       diseases) of children that live or attend school within  
3       a 20-mile radius of any pulp and paper mill that  
4       burns tire-derived fuel.

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