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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.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2005

Mr. JEFFORDS (for himself and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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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