

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

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.

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 “Promoting Nuanced
5 Taconite Regulations Act of 2012”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

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

7 (2) In section 51.308 of title 40, Code of Fed-
8 eral Regulations, the Environmental Protection
9 Agency established “requirements for implementa-
10 tion plans, plan revisions, and periodic progress re-
11 views to address regional haze”, including require-
12 ments to establish goals for “reasonable progress to-
13 wards achieving natural visibility conditions”, in
14 part by determining “the rate of progress needed to
15 attain natural visibility conditions by the year
16 2064”.

17 (3) In regulating the emissions that cause re-
18 gional haze, Congress assigned States the lead role
19 in developing and implementing a plan to reduce the
20 precursor emissions that cause regional haze.

21 (4) The State of Minnesota, through the Min-
22 nesota Pollution Control Agency (in this section re-
23 ferred to as “MPCA”), issued a State Implementa-
24 tion Plan (in this section referred to as a “SIP”) in
25 December of 2009 that proposed the Best Available

1 Retrofit Technology (in this section referred to as
2 “BART”) for nitrogen oxides and sulfur dioxide,
3 finding that good combustion practices met BART
4 for taconite facilities.

5 (5) The Environmental Protection Agency re-
6 ceived and reviewed all of MPCA’s December 2009
7 SIP. In January 2012, the Environmental Protec-
8 tion Agency proposed accepting Minnesota’s SIP, in-
9 cluding its emissions modeling, as well as BART to
10 reduce the emissions of taconite (iron ore) proc-
11 essing facilities.

12 (6) MPCA performed an extensive study of
13 BART for the different types of taconite indurating
14 furnaces. MPCA determined that the current tech-
15 nologies in place (good combustion practices) were
16 BART.

17 (7) The Environmental Protection Agency de-
18 termined that because one taconite facility was able
19 to make use of low NOx burners to reduce emis-
20 sions, that low NOx burners should be considered
21 BART for all taconite facilities, and that many fa-
22 cilities should add this technology within 18 months.

23 (8) The Environmental Protection Agency’s
24 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

1 of visibility shall be considered to be approved under
2 section 110 for such State with respect to such facil-
3 ity for such purpose; and

4 “(B) if such an implementation plan has been
5 submitted, the Administrator may not promulgate,
6 implement, or enforce any requirement pursuant to
7 a plan under section 110(c) with respect to such fa-
8 cility for such purpose.

9 “(2) Paragraph (1) shall apply with respect to the
10 period beginning on the date of enactment of this sub-
11 section and ending on January 1, 2022.

12 “(3) This subsection shall not be construed to prevent
13 the Administrator from taking any action otherwise au-
14 thorized under this Act with respect to a facility described
15 in paragraph (1) for the purpose of protecting human
16 health and safety.”.

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