

115TH CONGRESS
2D SESSION

H. R. 1917

IN THE SENATE OF THE UNITED STATES

MARCH 8, 2018

Received; read twice and referred to the Committee on Environment and
Public Works

AN ACT

To allow for judicial review of any final rule addressing national emission standards for hazardous air pollutants for brick and structural clay products or for clay ceramics manufacturing before requiring compliance with such rule.

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 “Blocking Regulatory
3 Interference from Closing Kilns Act of 2017”.

4 **SEC. 2. EXTENDING COMPLIANCE DATES (PENDING JUDI-**
5 **CIAL REVIEW) OF RULES ADDRESSING NA-**
6 **TIONAL EMISSION STANDARDS FOR HAZ-**
7 **ARDOUS AIR POLLUTANTS FOR BRICK AND**
8 **STRUCTURAL CLAY PRODUCTS MANUFAC-**
9 **TURING OR CLAY CERAMICS MANUFAC-**
10 **TURING.**

11 (a) **EXTENSION OF COMPLIANCE DATES.**—

12 (1) **EXTENSION.**—Each compliance date of any
13 final rule described in subsection (b) is deemed to be
14 extended by the time period equal to the time period
15 described in subsection (c).

16 (2) **DEFINITION.**—In this subsection, the term
17 “compliance date” means, with respect to any re-
18 quirement of a final rule described in subsection (b),
19 the date by which any State, local, or tribal govern-
20 ment or other person is first required to comply.

21 (b) **FINAL RULES DESCRIBED.**—A final rule de-
22 scribed in this subsection is any final rule to address na-
23 tional emission standards for hazardous air pollutants
24 (NESHAP) for brick and structural clay products manu-
25 facturing or clay ceramics manufacturing under section
26 112 of the Clean Air Act (42 U.S.C. 7412), including—

1 (1) the final rule entitled “NESHAP for Brick
2 and Structural Clay Products Manufacturing; and
3 NESHAP for Clay Ceramics Manufacturing” pub-
4 lished at 80 Fed. Reg. 65469 (October 26, 2015);

5 (2) the final rule entitled “NESHAP for Brick
6 and Structural Clay Products Manufacturing; and
7 NESHAP for Clay Ceramics Manufacturing: Correc-
8 tion” published at 80 Fed. Reg. 75817 (December
9 4, 2015); and

10 (3) any final rule that succeeds or amends the
11 rule described in paragraph (1) or (2).

12 (c) PERIOD DESCRIBED.—The time period described
13 in this subsection is the period of days that—

14 (1) begins on the date that is 60 days after the
15 day on which notice of promulgation of a final rule
16 described in subsection (b) appears in the Federal
17 Register; and

18 (2) ends on the date on which judgment be-
19 comes final, and no longer subject to further appeal
20 or review, in all actions (including actions that are
21 filed pursuant to section 307 of the Clean Air Act
22 (42 U.S.C. 7607))—

23 (A) that are filed during the 60 days de-
24 scribed in paragraph (1); and

1 (B) that seek review of any aspect of such
2 rule.

3 **SEC. 3. STEP 2 COMPLIANCE DATE FOR STANDARDS OF**
4 **PERFORMANCE FOR NEW RESIDENTIAL**
5 **WOOD HEATERS, NEW RESIDENTIAL**
6 **HYDRONIC HEATERS, AND FORCED-AIR FUR-**
7 **NACES.**

8 (a) IN GENERAL.—The Step 2 compliance date (as
9 such term is used in the final rule entitled “Standards
10 of Performance for New Residential Wood Heaters, New
11 Residential Hydronic Heaters and Forced-Air Furnaces”
12 published at 80 Fed. Reg. 13672 (March 16, 2015)) is
13 deemed to be May 15, 2023.

14 (b) CONFORMING CHANGES.—Not later than 60 days
15 after the date of enactment of this Act, the Administrator
16 of the Environmental Protection Agency shall make such
17 technical and conforming changes to rules and guidance
18 documents as may be necessary to implement subsection
19 (a).

Passed the House of Representatives March 7,
2018.

Attest:

KAREN L. HAAS,
Clerk.