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.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. STANDARDS FOR COAL REFUSE POWER PLANTS.

(a) Definitions.—In this Act:

(1) Administrator.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) Boiler operating day.—The term “boiler operating day” has the meaning given such term in section 63.10042 of title 40, Code of Federal Regulations, or any successor regulation.

(3) Coal refuse.—The term “coal refuse” means any byproduct of coal mining, physical coal cleaning, or coal preparation operation that contains coal, matrix material, clay, and other organic and inorganic material.

(4) Coal refuse electric utility steam generating unit.—The term “coal refuse electric utility steam generating unit” means an electric utility steam generating unit that—

(A) is in operation as of the date of enactment of this Act;
(B) uses fluidized bed combustion technology to convert coal refuse into energy; and

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

(5) COAL REFUSE-FIRED FACILITY.—The term “coal refuse-fired facility” means all coal refuse electric utility steam generating units that are—

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

(B) specified within the same Major Group (2-digit code), as described in the Standard Industrial Classification Manual (1987); and

(C) under common control of the same person (or persons under common control).

(6) ELECTRIC UTILITY STEAM GENERATING UNIT.—The term “electric utility steam generating unit” means an electric utility steam generating unit, as such term is defined in section 63.10042 of title 40, Code of Federal Regulations, or any successor regulation.

(b) EMISSION LIMITATIONS TO ADDRESS HYDROGEN CHLORIDE AND SULFUR DIOXIDE AS HAZARDOUS AIR POLLUTANTS.—
(1) **APPLICABILITY.**—For purposes of regulating emissions of hydrogen chloride or sulfur dioxide from a coal refuse electric utility steam generating unit under section 112 of the Clean Air Act (42 U.S.C. 7412), the Administrator—

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

(i) an emissions standard for emissions of hydrogen chloride that meets the requirements of paragraph (2); or

(ii) an emission standard for emissions of sulfur dioxide that meets the requirements of paragraph (2); and

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

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

(A) **IN GENERAL.**—The Administrator shall require an operator of a coal refuse electric utility steam generating unit to comply, at the election of the operator, with no more than one of the following emission standards:

(i) An emission standard for emissions of hydrogen chloride from such unit that is
no more stringent than an emission rate of 0.002 pounds per million British thermal units of heat input.

(ii) An emission standard for emissions of hydrogen chloride from such unit that is no more stringent than an emission rate of 0.02 pounds per megawatt-hour.

(iii) An emission standard for emissions of sulfur dioxide from such unit that is no more stringent than an emission rate of 0.20 pounds per million British thermal units of heat input.

(iv) An emission standard for emissions of sulfur dioxide from such unit that is no more stringent than an emission rate of 1.5 pounds per megawatt-hour.

(v) An emission standard for emissions of sulfur dioxide from such unit that is no more stringent than capture and control of 93 percent of sulfur dioxide across the generating unit or group of generating units, as determined by comparing—

(I) the expected sulfur dioxide generated from combustion of fuels
emissions calculated based upon as-
fired fuel samples, to

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

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

Amend the title so as to read: “A bill to establish
the bases by which the Administrator of the Environ-
mental Protection Agency shall issue, implement, and en-
force certain emission limitations for existing electric util-
ity steam generating units that convert coal refuse into
energy.”.
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.

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