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(Original Signature of Member)

112TH CONGRESS
2D SESSION

H. R. _____

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

Mr. CRAVAACK introduced the following bill; which was referred to the Committee on _____

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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

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

9 (2) In section 51.308 of title 40, Code of Fed-
10 eral Regulations, the Environmental Protection
11 Agency established “requirements for implementa-
12 tion plans, plan revisions, and periodic progress re-
13 views to address regional haze”, including require-
14 ments to establish goals for “reasonable progress to-
15 wards achieving natural visibility conditions”, in
16 part by determining “the rate of progress needed to
17 attain natural visibility conditions by the year
18 2064”.

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

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

1 December of 2009 that proposed the Best Available
2 Retrofit Technology (in this section referred to as
3 “BART”) for nitrogen oxides and sulfur dioxide,
4 finding that good combustion practices met BART
5 for taconite facilities.

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

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

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

24 (8) The Environmental Protection Agency’s
25 failure to account for all of the factors in the State’s

1 analysis has led to a proposed rule that imposes
2 technically infeasible deadlines.

3 (9) The State's Implementation Plan should
4 take precedence, setting BART and appropriate
5 emissions limits for taconite plants. The Environ-
6 mental Protection Agency should defer to the State
7 for such a period of time that the taconite plants
8 can be feasibly upgraded according to the unique
9 characteristics of each furnace and line.

10 **SEC. 3. STATE REGULATION OF EMISSIONS FROM TACO-**
11 **NITE ORE PROCESSING FACILITIES.**

12 Section 169A of the Clean Air Act (42 U.S.C. 7491)
13 is amended—

14 (1) by redesignating subsection (g) as sub-
15 section (h); and

16 (2) by inserting after subsection (f) the fol-
17 lowing subsection:

18 “(g)(1) Notwithstanding any other provision of this
19 Act—

20 “(A) any implementation plan submitted
21 by a State (including any such implementation
22 plan submitted prior to the date of enactment
23 of this paragraph) that specifies the best avail-
24 able retrofit technology for any taconite ore
25 processing facility for the purpose of elimi-

1 nating or reducing any impairment of visibility
2 shall be considered to be approved under sec-
3 tion 110 for such State with respect to such fa-
4 cility for such purpose; and

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

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

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