

**AMENDMENT TO THE RULES COMMITTEE PRINT  
OF H.R. 7  
OFFERED BY MR. SULLIVAN OF OKLAHOMA**

At the end of the bill, add the following new title  
(and conform the table of contents accordingly):

1     **TITLE XVIII—CEMENT SECTOR**  
2             **REGULATORY RELIEF**

3     **SEC. 18001. SHORT TITLE.**

4             This title may be cited as the “Cement Sector Regu-  
5 latory Relief Act of 2012”.

6     **SEC. 18002. LEGISLATIVE STAY.**

7             (a) ESTABLISHMENT OF STANDARDS.—In place of  
8 the rules specified in subsection (b), and notwithstanding  
9 the date by which such rules would otherwise be required  
10 to be promulgated, the Administrator of the Environ-  
11 mental Protection Agency (in this title referred to as the  
12 “Administrator”) shall—

13                 (1) propose regulations for the Portland cement  
14 manufacturing industry and Portland cement plants  
15 subject to any of the rules specified in subsection

16             (b)—

17                 (A) establishing maximum achievable con-  
18 trol technology standards, performance stand-

1           ards, and other requirements under sections  
2           112 and 129, as applicable, of the Clean Air  
3           Act (42 U.S.C. 7412, 7429); and

4           (B) identifying non-hazardous secondary  
5           materials that, when used as fuels or ingredi-  
6           ents in combustion units of such industry and  
7           plants are solid waste under the Solid Waste  
8           Disposal Act (42 U.S.C. 6901 et seq.; com-  
9           monly referred to as the “Resource Conserva-  
10          tion and Recovery Act”) for purposes of deter-  
11          mining the extent to which such combustion  
12          units are required to meet the emissions stand-  
13          ards under section 112 of the Clean Air Act (42  
14          U.S.C. 7412) or the emission standards under  
15          section 129 of such Act (42 U.S.C. 7429); and  
16          (2) finalize the regulations on the date that is  
17          15 months after the date of the enactment of this  
18          Act.

19          (b) STAY OF EARLIER RULES.—

20               (1) The following rule is of no force or effect,  
21               shall be treated as though such rule had never taken  
22               effect, and shall be replaced as described in sub-  
23               section (a): “National Emission Standards for Haz-  
24               ardous Air Pollutants from the Portland Cement  
25               Manufacturing Industry and Standards of Perform-

1       ance for Portland Cement Plants”, published at 75  
2       Fed. Reg. 54970 (September 9, 2010).

3               (2) The following rules are of no force or effect,  
4       shall be treated as though such rules had never  
5       taken effect, and shall be replaced as described in  
6       subsection (a), insofar as such rules are applicable  
7       to the Portland cement manufacturing industry and  
8       Portland cement plants:

9               (A) “Standards of Performance for New  
10       Stationary Sources and Emission Guidelines for  
11       Existing Sources: Commercial and Industrial  
12       Solid Waste Incineration Units”, published at  
13       76 Fed. Reg. 15704 (March 21, 2011).

14              (B) “Identification of Non-Hazardous Sec-  
15       ondary Materials That Are Solid Waste”, pub-  
16       lished at 76 Fed. Reg. 15456 (March 21,  
17       2011).

18   **SEC. 18003. COMPLIANCE DATES.**

19       (a) ESTABLISHMENT OF COMPLIANCE DATES.—For  
20       each regulation promulgated pursuant to section 18002,  
21       the Administrator—

22              (1) shall establish a date for compliance with  
23       standards and requirements under such regulation  
24       that is, notwithstanding any other provision of law,

1 not earlier than 5 years after the effective date of  
2 the regulation; and

3 (2) in proposing a date for such compliance,  
4 shall take into consideration—

5 (A) the costs of achieving emissions reduc-  
6 tions;

7 (B) any non-air quality health and environ-  
8 mental impact and energy requirements of the  
9 standards and requirements;

10 (C) the feasibility of implementing the  
11 standards and requirements, including the time  
12 needed to—

13 (i) obtain necessary permit approvals;

14 and

15 (ii) procure, install, and test control  
16 equipment;

17 (D) the availability of equipment, sup-  
18 pliers, and labor, given the requirements of the  
19 regulation and other proposed or finalized regu-  
20 lations of the Environmental Protection Agency;  
21 and

22 (E) potential net employment impacts.

23 (b) NEW SOURCES.—The date on which the Adminis-  
24 trator proposes a regulation pursuant to section  
25 18002(a)(1) establishing an emission standard under sec-

1 tion 112 or 129 of the Clean Air Act (42 U.S.C. 7412,  
2 7429) shall be treated as the date on which the Adminis-  
3 trator first proposes such a regulation for purposes of ap-  
4 plying the definition of a new source under section  
5 112(a)(4) of such Act (42 U.S.C. 7412(a)(4)) or the defi-  
6 nition of a new solid waste incineration unit under section  
7 129(g)(2) of such Act (42 U.S.C. 7429(g)(2)).

8 (c) **RULE OF CONSTRUCTION.**—Nothing in this title  
9 shall be construed to restrict or otherwise affect the provi-  
10 sions of paragraphs (3)(B) and (4) of section 112(i) of  
11 the Clean Air Act (42 U.S.C. 7412(i)).

12 **SEC. 18004. ENERGY RECOVERY AND CONSERVATION.**

13 Notwithstanding any other provision of law, and to  
14 ensure the recovery and conservation of energy consistent  
15 with the Solid Waste Disposal Act (42 U.S.C. 6901 et  
16 seq.; commonly referred to as the “Resource Conservation  
17 and Recovery Act”), in promulgating rules under section  
18 18002(a) addressing the subject matter of the rules speci-  
19 fied in section 18002(b)(2), the Administrator—

20 (1) shall adopt the definitions of the terms  
21 “commercial and industrial solid waste incineration  
22 unit”, “commercial and industrial waste”, and “con-  
23 tained gaseous material” in the rule entitled “Stand-  
24 ards of Performance for New Stationary Sources  
25 and Emission Guidelines for Existing Sources: Com-

1 commercial and Industrial Solid Waste Incineration  
2 Units”, published at 65 Fed. Reg. 75338 (December  
3 1, 2000); and

4 (2) shall identify non-hazardous secondary ma-  
5 terial to be solid waste only if—

6 (A) the material meets such definition of  
7 commercial and industrial waste; or

8 (B) if the material is a gas, it meets such  
9 definition of contained gaseous material.

10 **SEC. 18005. OTHER PROVISIONS.**

11 (a) ESTABLISHMENT OF STANDARDS ACHIEVABLE IN  
12 PRACTICE.—In promulgating rules under section  
13 18002(a), the Administrator shall ensure that emissions  
14 standards for existing and new sources established under  
15 section 112 or 129 of the Clean Air Act (42 U.S.C. 7412,  
16 7429), as applicable, can be met under actual operating  
17 conditions consistently and concurrently with emission  
18 standards for all other air pollutants regulated by the rule  
19 for the source category, taking into account variability in  
20 actual source performance, source design, fuels, inputs,  
21 controls, ability to measure the pollutant emissions, and  
22 operating conditions.

23 (b) REGULATORY ALTERNATIVES.—For each regula-  
24 tion promulgated pursuant to section 18002(a), from  
25 among the range of regulatory alternatives authorized

1 under the Clean Air Act (42 U.S.C. 7401 et seq.) includ-  
2 ing work practice standards under section 112(h) of such  
3 Act (42 U.S.C. 7412(h)), the Administrator shall impose  
4 the least burdensome, consistent with the purposes of such  
5 Act and Executive Order No. 13563 published at 76 Fed.  
6 Reg. 3821 (January 21, 2011).

