

**AMENDMENT TO THE RULES COMMITTEE PRINT  
OF H.R. 7**

**OFFERED BY MR. SULLIVAN OF OKLAHOMA**

Page 901, after line 2, insert the following:

1     **Subtitle A—General Provisions**

Page 902, after line 9, insert the following:

2             **Subtitle B—Cement Sector**  
3                     **Regulatory Relief**

4     **SEC. 13201. SHORT TITLE.**

5             This subtitle may be cited as the “Cement Sector  
6     Regulatory Relief Act of 2012”.

7     **SEC. 13202. LEGISLATIVE STAY.**

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

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

1 (A) establishing maximum achievable con-  
2 trol technology standards, performance stand-  
3 ards, and other requirements under sections  
4 112 and 129, as applicable, of the Clean Air  
5 Act (42 U.S.C. 7412, 7429); and

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

18 (2) finalize the regulations on the date that is  
19 15 months after the date of the enactment of this  
20 Act.

21 (b) STAY OF EARLIER RULES.—

22 (1) The following rule is of no force or effect,  
23 shall be treated as though such rule had never taken  
24 effect, and shall be replaced as described in sub-  
25 section (a): “National Emission Standards for Haz-

1       ardous Air Pollutants from the Portland Cement  
2       Manufacturing Industry and Standards of Perform-  
3       ance for Portland Cement Plants”, published at 75  
4       Fed. Reg. 54970 (September 9, 2010).

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

11               (A) “Standards of Performance for New  
12       Stationary Sources and Emission Guidelines for  
13       Existing Sources: Commercial and Industrial  
14       Solid Waste Incineration Units”, published at  
15       76 Fed. Reg. 15704 (March 21, 2011).

16               (B) “Identification of Non-Hazardous Sec-  
17       ondary Materials That Are Solid Waste”, pub-  
18       lished at 76 Fed. Reg. 15456 (March 21,  
19       2011).

20       **SEC. 13203. COMPLIANCE DATES.**

21       (a) ESTABLISHMENT OF COMPLIANCE DATES.—For  
22       each regulation promulgated pursuant to section 13202,  
23       the Administrator—

24               (1) shall establish a date for compliance with  
25       standards and requirements under such regulation

1 that is, notwithstanding any other provision of law,  
2 not earlier than 5 years after the effective date of  
3 the regulation; and

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

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

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

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

14 (i) obtain necessary permit approvals;

15 and

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

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

23 (E) potential net employment impacts.

24 (b) NEW SOURCES.—The date on which the Adminis-  
25 trator proposes a regulation pursuant to section

1 13202(a)(1) establishing an emission standard under sec-  
2 tion 112 or 129 of the Clean Air Act (42 U.S.C. 7412,  
3 7429) shall be treated as the date on which the Adminis-  
4 trator first proposes such a regulation for purposes of ap-  
5 plying the definition of a new source under section  
6 112(a)(4) of such Act (42 U.S.C. 7412(a)(4)) or the defi-  
7 nition of a new solid waste incineration unit under section  
8 129(g)(2) of such Act (42 U.S.C. 7429(g)(2)).

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

13 **SEC. 13204. ENERGY RECOVERY AND CONSERVATION.**

14 Notwithstanding any other provision of law, and to  
15 ensure the recovery and conservation of energy consistent  
16 with the Solid Waste Disposal Act (42 U.S.C. 6901 et  
17 seq.; commonly referred to as the “Resource Conservation  
18 and Recovery Act”), in promulgating rules under section  
19 13202(a) addressing the subject matter of the rules speci-  
20 fied in section 13202(b)(2), the Administrator—

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

1 and Emission Guidelines for Existing Sources: Com-  
2 mercial and Industrial Solid Waste Incineration  
3 Units”, published at 65 Fed. Reg. 75338 (December  
4 1, 2000); and

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

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

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

11 **SEC. 13205. OTHER PROVISIONS.**

12 (a) ESTABLISHMENT OF STANDARDS ACHIEVABLE IN  
13 PRACTICE.—In promulgating rules under section  
14 13202(a), the Administrator shall ensure that emissions  
15 standards for existing and new sources established under  
16 section 112 or 129 of the Clean Air Act (42 U.S.C. 7412,  
17 7429), as applicable, can be met under actual operating  
18 conditions consistently and concurrently with emission  
19 standards for all other air pollutants regulated by the rule  
20 for the source category, taking into account variability in  
21 actual source performance, source design, fuels, inputs,  
22 controls, ability to measure the pollutant emissions, and  
23 operating conditions.

24 (b) REGULATORY ALTERNATIVES.—For each regula-  
25 tion promulgated pursuant to section 13202(a), from

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

