

Union Calendar No. 379

115TH CONGRESS
2D SESSION

H. R. 1917

[Report No. 115–509]

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.

IN THE HOUSE OF REPRESENTATIVES

APRIL 5, 2017

Mr. JOHNSON of Ohio (for himself, Ms. SEWELL of Alabama, Mr. BISHOP of Georgia, Mr. SESSIONS, Mrs. ROBY, and Mr. MURPHY of Pennsylvania) introduced the following bill; which was referred to the Committee on Energy and Commerce

JANUARY 10, 2018

Additional sponsors: Mr. CRAMER, Mr. DUNCAN of South Carolina, and Mr. BARR

JANUARY 10, 2018

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Blocking Regulatory
 5 Interference from Closing Kilns Act of 2017”.

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

13 (a) EXTENSION OF COMPLIANCE DATES.—

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

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

23 (b) FINAL RULES DESCRIBED.—A final rule de-
 24 scribed in this subsection is any final rule to address na-
 25 tional emission standards for hazardous air pollutants

1 (NESHAP) for brick and structural clay products manu-
2 facturing or clay ceramics manufacturing under section
3 112 of the Clean Air Act (42 U.S.C. 7412), including—

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

8 (2) the final rule entitled “NESHAP for Brick
9 and Structural Clay Products Manufacturing; and
10 NESHAP for Clay Ceramics Manufacturing: Correc-
11 tion” published at 80 Fed. Reg. 75817 (December
12 4, 2015); and

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

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

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

21 (2) ends on the date on which judgment be-
22 comes final, and no longer subject to further appeal
23 or review, in all actions (including actions that are
24 filed pursuant to section 307 of the Clean Air Act
25 (42 U.S.C. 7607))—

- 1 (A) that are filed during the 60 days de-
2 scribed in paragraph (1); and
3 (B) that seek review of any aspect of such
4 rule.

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