

115TH CONGRESS
1ST SESSION

S. 839

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 SENATE OF THE UNITED STATES

APRIL 5 (legislative day, APRIL 4), 2017

Mr. WICKER (for himself, Mrs. CAPITO, and Mr. INHOFE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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”.

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

8 (a) **EXTENSION OF COMPLIANCE DATES.—**

9 (1) **EXTENSION.**—Each compliance date of any
10 final rule described in subsection (b) is deemed to be
11 extended by the time period equal to the time period
12 described in subsection (c).

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

18 (b) **FINAL RULES DESCRIBED.**—A final rule de-
19 scribed in this subsection is any final rule to address na-
20 tional emission standards for hazardous air pollutants
21 (NESHAP) for brick and structural clay products manu-
22 facturing or clay ceramics manufacturing under section
23 112 of the Clean Air Act (42 U.S.C. 7412), including—

24 (1) the final rule entitled “NESHAP for Brick
25 and Structural Clay Products Manufacturing; and

1 NESHAP for Clay Ceramics Manufacturing” pub-
2 lished at 80 Fed. Reg. 65469 (October 26, 2015);

3 (2) the final rule entitled “NESHAP for Brick
4 and Structural Clay Products Manufacturing; and
5 NESHAP for Clay Ceramics Manufacturing: Correc-
6 tion” published at 80 Fed. Reg. 75817 (December
7 4, 2015); and

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

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

12 (1) begins on the date that is 60 days after the
13 day on which notice of promulgation of a final rule
14 described in subsection (b) appears in the Federal
15 Register; and

16 (2) ends on the date on which judgment be-
17 comes final, and no longer subject to further appeal
18 or review, in all actions (including actions that are
19 filed pursuant to section 307 of the Clean Air Act
20 (42 U.S.C. 7607))—

21 (A) that are filed during the 60 days de-
22 scribed in paragraph (1); and

23 (B) that seek review of any aspect of such
24 rule.

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