

## HR 3409

Stop the War on Coal Act of 2012

**Congress:** 112 (2011–2013, Ended)

**Chamber:** House

**Policy Area:** Public Lands and Natural Resources

**Introduced:** Nov 14, 2011

**Current Status:** Received in the Senate and Read twice and referred to the Committee on Environment and Public Works.

**Latest Action:** Received in the Senate and Read twice and referred to the Committee on Environment and Public Works. (Nov 13, 2012)

**Official Text:** <https://www.congress.gov/bill/112th-congress/house-bill/3409>

### Sponsor

**Name:** Rep. Johnson, Bill [R-OH-6]

**Party:** Republican • **State:** OH • **Chamber:** House

### Cosponsors (19 total)

| Cosponsor                            | Party / State | Role | Date Joined  |
|--------------------------------------|---------------|------|--------------|
| Rep. Harris, Andy [R-MD-1]           | R · MD        |      | Nov 16, 2011 |
| Rep. Stivers, Steve [R-OH-15]        | R · OH        |      | Nov 16, 2011 |
| Rep. Bucshon, Larry [R-IN-8]         | R · IN        |      | Nov 17, 2011 |
| Rep. Kelly, Mike [R-PA-3]            | R · PA        |      | Nov 17, 2011 |
| Rep. Roe, David P. [R-TN-1]          | R · TN        |      | Nov 17, 2011 |
| Rep. Rogers, Harold [R-KY-5]         | R · KY        |      | Nov 17, 2011 |
| Rep. Flores, Bill [R-TX-17]          | R · TX        |      | Nov 22, 2011 |
| Rep. Harper, Gregg [R-MS-3]          | R · MS        |      | Nov 22, 2011 |
| Rep. McKinley, David B. [R-WV-1]     | R · WV        |      | Nov 22, 2011 |
| Rep. Rokita, Todd [R-IN-4]           | R · IN        |      | Nov 22, 2011 |
| Rep. Tiberi, Patrick J. [R-OH-12]    | R · OH        |      | Nov 22, 2011 |
| Rep. Young, Don [R-AK-At Large]      | R · AK        |      | Nov 22, 2011 |
| Rep. Shuster, Bill [R-PA-9]          | R · PA        |      | Nov 29, 2011 |
| Rep. Bartlett, Roscoe G. [R-MD-6]    | R · MD        |      | Dec 1, 2011  |
| Rep. LaTourette, Steven C. [R-OH-14] | R · OH        |      | Dec 1, 2011  |
| Rep. Berg, Rick [R-ND-At Large]      | R · ND        |      | Jan 18, 2012 |
| Rep. Capito, Shelley Moore [R-WV-2]  | R · WV        |      | Jan 25, 2012 |
| Rep. Gosar, Paul A. [R-AZ-1]         | R · AZ        |      | Mar 5, 2012  |
| Rep. Murphy, Tim [R-PA-18]           | R · PA        |      | Jul 24, 2012 |

## Committee Activity

| Committee                              | Chamber | Activity        | Date         |
|--|---------|-----------------|--------------|
| Environment and Public Works Committee | Senate  | Referred To     | Nov 13, 2012 |
| Natural Resources Committee            | House   | Discharged from | Feb 29, 2012 |

## Subjects & Policy Tags

### Policy Area:

Public Lands and Natural Resources

## Related Bills

| Bill         | Relationship | Last Action  |
|--------------|--------------|--|
| 112 HRES 788 | Related bill | Sep 20, 2012: Motion to reconsider laid on the table Agreed to without objection.                                  |
| 112 S 3558   | Related bill | Sep 19, 2012: Read twice and referred to the Committee on Environment and Public Works.                            |
| 112 S 3512   | Related bill | Aug 2, 2012: Read twice and referred to the Committee on Environment and Public Works.                             |
| 112 S 3445   | Related bill | Jul 26, 2012: Read twice and referred to the Committee on Energy and Natural Resources.                            |
| 112 S 3450   | Related bill | Jul 26, 2012: Read twice and referred to the Committee on Energy and Natural Resources.                            |
| 112 HR 2273  | Related bill | Oct 18, 2011: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 202.  |
| 112 HR 2401  | Related bill | Sep 26, 2011: Received in the Senate and Read twice and referred to the Committee on Environment and Public Works. |
| 112 HR 2018  | Related bill | Jul 18, 2011: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 103.  |
| 112 HR 910   | Related bill | Apr 8, 2011: Received in the Senate and Read twice and referred to the Committee on Environment and Public Works.  |
| 112 S 482    | Related bill | Mar 10, 2011: Sponsor introductory remarks on measure. (CR S1517-1518)   |

**Stop the War on Coal Act of 2012 - Title I: Limitation on Authority to Issue Regulations Under The Surface Mining Control and Reclamation Act of 1977** - (Sec. 101) Prohibits the Secretary of the Interior, before December 31, 2013, from issuing or approving any proposed or final regulation under the Surface Mining Control and Reclamation Act of 1977 that would: (1) adversely impact employment in coal mines in the United States; (2) cause a reduction in revenue received by the federal government or any state, tribal, or local government, by reducing through regulation the quantity of coal in the United States that is available for mining; (3) reduce the quantity of coal available for domestic consumption or for export; (4) designate any area as unsuitable for surface coal mining and reclamation operations; or (5) expose the United States to liability for taking the value of privately owned coal through regulation.

(Sec. 102) Amends the Surface Mining Control and Reclamation Act of 1977 to require the Secretary, or any other federal official proposing a rule under that Act, to publish with each proposed rule each scientific study relied on in developing it.

**Title II: No Greenhouse Gas Regulation Under the Clean Air Act** - (Sec. 201) Amends the Clean Air Act (CAA) to prohibit the Administrator of the Environmental Protection Agency (EPA) from promulgating any regulation concerning, taking action relating to, or taking into consideration, the emission of a greenhouse gas (GHG) to address climate change. Excludes GHGs from the definition of "air pollutant" for purposes of addressing climate change.

Exempts from such prohibition: (1) implementation and enforcement of the rule, "Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards" and implementation and enforcement of the rule, "Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles"; (2) implementation of the renewable fuel program; (3) statutorily authorized federal research, development, and demonstration programs and voluntary programs addressing climate change; (4) implementation and enforcement of stratospheric ozone protection to the extent that such implementation or enforcement only involves class I or II substances; and (5) implementation and enforcement of requirements for monitoring and reporting of carbon dioxide emissions. Provides that none of such exemptions shall cause a GHG to be: (1) subject to regulations relating to prevention of significant deterioration of air quality, or (2) considered an air pollutant for purposes of air pollution prevention and control permits.

Repeals and nullifies the following rules and actions:

- "Mandatory Reporting of Greenhouse Gases";
- "Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act";
- "Reconsideration of Interpretation of Regulations That Determine Pollutants Covered by Clean Air Act Permitting Programs" and the memorandum, "EPA's Interpretation of Regulations that Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program";
- "Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule";
- "Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Substantial Inadequacy and SIP Call";
- "Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Failure To Submit State Implementation Plan Revisions Required for Greenhouse Gases";
- "Action to Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources

- of Greenhouse Gas Emissions: Federal Implementation Plan";
- "Action to Ensure Authority to Implement Title V Permitting Programs Under the Greenhouse Gas Tailoring Rule";
- "Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program";
- "Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting Sources in State Implementation Plans";
- "Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program; Proposed Rule"; and
- Any other federal action under the CAA occurring before this Act's enactment that constitutes a stationary source permitting requirement or an emissions standard for a GHG to address climate change.

(Sec. 202) Declares that Congress finds that the emissions of GHGs from a motor vehicle tailpipe are related to fuel economy. Requires the Secretary of Transportation (DOT) to submit a report to Congress that assumes the implementation and enforcement of the final rule entitled, "2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards" and that estimates: (1) the total number of jobs that will be lost due to decreased demand by year caused by the rule, (2) the number of additional fatalities and injuries that will be caused by the rule, and (3) the additional cost to the economy of the regulation of fuel economy and GHG emissions by EPA and state agencies for model years 2011 through 2025. Prohibits the Secretary from consulting with the Administrator or any official from the California Air Resources Board in fulfilling such reporting requirement unless the Secretary is gathering basic factual information.

Prohibits the Administrator from waiving the ban on states adopting or enforcing standards relating to the control of emissions from new motor vehicles or engines with respect to GHG emissions for 2017 or subsequent model years. Invalidates waivers granted by the Administrator before enactment of this Act.

**Title III: Transparency in Regulatory Analysis of Impacts on Nation** - (Sec. 301) Requires the President to establish the Committee for the Cumulative Analysis of Regulations that Impact Energy and Manufacturing in the United States (the Committee) to analyze and report on the cumulative and incremental impacts of covered rules and actions of EPA concerning air, waste, water, and climate change.

Defines "covered rule" to mean:

- the Clean Air Interstate Rule and the rule establishing Federal Implementation Plans for the Clean Air Interstate Rule;
- "National Ambient Air Quality Standards for Ozone";
- "National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters";
- "National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers";
- "National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units";
- "Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals From Electric Utilities";
- "Primary National Ambient Air Quality Standard for Sulfur Dioxide";

- "Primary National Ambient Air Quality Standards for Nitrogen Dioxide";
- "National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants";
- Any rule or guideline promulgated on or after January 1, 2009, under the CAA concerning standards for performance for new or existing stationary sources to address climate change;
- Any rule or guideline promulgated on or after such date by the Administrator, a state, local government, or a permitting agency under or as the result of visibility protection for federal class I areas under the CAA;
- Any rule promulgated on or after such date establishing or modifying a national ambient air quality standard under the CAA; and
- Any rule promulgated on or after such date addressing fuels under emission standards for moving sources under the CAA as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060-AQ86 or any substantially similar rule.

Defines "covered actions" to mean any action on or after January 1, 2009, by EPA, a state, a local government, or a permitting agency as a result of the application of specified CAA provisions (relating to permitting or to prevention of significant deterioration of air quality) with respect to an air pollutant that is identified as a GHG in "Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act," published on December 15, 2009.

(Sec. 302) Requires the Committee to conduct analyses for each of the calendar years 2016, 2020, and 2030 of: (1) the cumulative impact of covered rules that are promulgated as final regulations on or before January 1, 2013, in combination with covered actions; (2) the cumulative impact of all covered rules (including covered rules that have not been promulgated as final regulations on or before January 1, 2013), in combination with covered actions; and (3) the incremental impact of each covered rule not promulgated as a final regulation on or before such date, relative to an analytic baseline representing the results of the analysis of the cumulative impact of covered rules that are promulgated as final regulations on or before such date.

Requires each such analysis to include: (1) estimates of the impacts of such rules and actions on the global economic competitiveness of the United States, electricity prices, fuel prices, employment, and the reliability and adequacy of bulk power supply in the United States; and (2) a discussion and an assessment of the cumulative impact on consumers, small businesses, regional economies, state, local, and tribal governments, low-income communities, public health (including health effects associated with regulatory costs), local and industry-specific labor markets, and agriculture.

(Sec. 303) Requires such Committee to submit a final report on such analyses by September 30, 2013, after the public is given an opportunity to submit comments.

(Sec. 304) Nullifies the rule entitled "Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals." Requires the Administrator, in place of such rule, to continue to implement the Clean Air Interstate Rule.

Prohibits the Administrator from issuing any proposed or final rule under the CAA relating to: (1) the national ambient air quality standards for ozone or particulate matter (including any modification of the Clean Air Interstate Rule) until three years after the Committee submits its final report; (2) the national primary and secondary ambient air quality standards that relies on scientific or technical data that have not been made available to the public; or (3) the national primary and secondary ambient air quality standards, unless the accompanying regulatory impact analysis is peer reviewed in a manner consistent with the Office of Management and Budget's (OMB) "Final Information Quality Bulletin for Peer

Review" and the third edition of EPA's "Peer Review Handbook." Requires the Administrator to: (1) base such rule on actual monitored (and not modeled) data, (2) allow the trading of emissions allowances among entities covered by the rule irrespective of the states in which such entities are located, and (3) require state implementation of the standards established by such final rule no earlier than three years after its publication.

Nullifies the proposed rule entitled "National Emission Standards for Hazardous Air Pollutants From Coal- and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units" and any final rule based on such proposed rule that is issued prior to this Act's enactment. Requires the Administrator, at least 12 months after the issuance of the Committee's report, to issue, in place of such rule: (1) regulations establishing national emission standards for coal-and oil-fired electric utility steam generating units under the CAA with respect to each hazardous air pollutant; and (2) regulations establishing standards of performance for fossil-fuel-fired electric utility, industrial-commercial-institutional, and small industrial-commercial-institutional steam generating units under Standards of Performance for New Stationary Sources. Requires the Administrator to require compliance with such regulations no earlier than five years after their effective date.

Prohibits this Act from being construed to restrict or otherwise affect provisions concerning permit extensions and presidential exemptions from stationary source requirements under the CAA.

Requires the Administrator: (1) for purposes of determining the maximum degree of reduction in emissions of hazardous air pollutants from coal- and oil-fired electric utility steam generating units that is deemed achievable for new sources, to identify the best controlled similar source for each source category or subcategory under actual operating conditions; and (2) for purposes of determining emission standards of such pollutants for existing sources, to identify one group of sources that constitutes the best performing 12% of existing sources for each source category or subcategory under actual operating conditions.

Requires the Administrator to impose the least burdensome of emission standards for coal-and oil-fired electric utility steam generating units and for fossil-fuel-fired electric utility, industrial-commercial-institutional, and small industrial-commercial-institutional steam generating units from among the range of regulatory alternatives authorized under the CAA, including work practice standards.

(Sec. 305) Requires the Administrator, in establishing any national primary and secondary ambient air quality standard under the CAA, to take into consideration feasibility and cost.

**Title IV: Management and Disposal of Coal Combustion Residuals** - (Sec. 401) Amends the Solid Waste Disposal Act to authorize states to adopt and implement coal combustion residuals permit programs. Requires each state governor to notify the Administrator within 6 months about whether such state will implement such a program. Requires states that decide to implement such a program to: (1) submit to the Administrator, within 36 months, a certification that such program meets the specifications of this Act; and (2) maintain either an approved municipal solid waste program for the control of hazardous disposal or an authorized state hazardous waste program. Authorizes such state to update the certification as needed to reflect changes to the coal combustion residuals permit program. Establishes minimum requirements for coal combustion residuals permit programs.

Requires the revised criteria established by this Act to apply to owners or operators of structures, including surface impoundments, that receive coal combustion residuals. Directs such a program to require that an independent registered professional engineer certify that: (1) the design of structures is in accordance with recognized and generally accepted

good engineering practices for containment of the maximum volume of coal combustion residuals and liquids appropriate for the structure, and (2) the construction and maintenance of the structure will ensure dam stability. Directs such a program to require the inspection of surface impoundment structures at least annually by an independent registered professional engineer to assure that the design, operation, and maintenance of the surface impoundment is in accordance with recognized and generally accepted good engineering practices for containment of the maximum volume of coal combustion residuals and liquids which can be impounded, so as to ensure dam stability.

Directs state agency heads to require: (1) action to correct structural deficiencies according to a schedule determined by the agency, and (2) that such a structure close if such deficiencies are not corrected according to such schedule.

Requires each structure that first receives coal combustion residuals after this Act's enactment to be constructed with a base located a minimum of two feet above the upper limit of the water table, unless it is demonstrated that: (1) the hydrogeologic characteristics of the structure and surrounding land would preclude such a requirement, and (2) the function and integrity of the liner system will not be adversely impacted by contact with the water table.

Directs the agency responsible for implementing such a program to require that owners or operators of structures address wind dispersal of dust by requiring cover or by wetting coal combustion residuals with water to a moisture content that prevents wind dispersal, facilitates compaction, and does not result in free liquids. Authorizes owners or operators of structures to propose alternative methods to address wind dispersal of dust that will provide comparable or more effective control of dust.

Directs such agency to require that such owners and operators apply for and obtain a permit incorporating the requirements of the coal combustion residuals permit program. Requires states, by the date on which a state submits certification, to notify owners and operators of such structures of the obligation to apply for and obtain such permit and the groundwater monitoring requirements. Directs a state to require such owners or operators to comply with groundwater monitoring requirements within a year after a state submits such certification.

Authorizes such agencies to: (1) obtain information for compliance purposes, (2) require monitoring and testing to ensure compliance, (3) inspect structures, and (4) implement and enforce such program.

Establishes certain requirements concerning groundwater for surface impoundments that receive coal combustion residuals.

Sets forth revised criteria for such programs with respect to: (1) design, groundwater monitoring, corrective action, and closure and post-closure for structures; (2) location restrictions for structures in floodplains, wetlands, fault areas, seismic impact zones, and unstable areas; (3) air quality; (4) financial assurance; (5) surface water; (6) record keeping; (7) run-on and run-off control systems for landfills and other land-based units other than surface impoundments that receive coal combustion residuals; and (8) run-off control systems for surface impoundments that receive coal combustion residuals.

Requires the Administrator to provide a state with notice of, and an opportunity to remedy, deficiencies.

Requires the Administrator to implement such a program for a state only if: (1) the governor of such state notifies the Administrator that such state will not implement a program; (2) the state is notified of, but fails to remedy, program deficiencies; or (3) the state notifies the Administrator that it will no longer implement such a program. Authorizes a state to obtain review of a determination by the Administrator that the state has failed to remedy such deficiencies as if such determination was a final regulation.

Sets forth provisions concerning resumption of implementation by states.

Requires the time period and method for a structure's closure to be set forth in a closure plan that establishes a deadline for completion and that takes into account the site-specific characteristics of such structure. Directs the closure plan for a surface impoundment to require the removal of liquid and the stabilization of remaining waste as necessary to support the final cover.

Prohibits the Administrator from having concurrent enforcement authority when a state is implementing a coal combustion residuals permit program, unless assistance is provided at the request of the head of a lead state agency that is implementing such program.

Prohibits the Administrator from applying such programs to the utilization, placement, and storage of coal combustion residuals at surface mining and reclamation operations.

(Sec. 402) Prohibits this Act from being construed to: (1) alter the EPA's regulatory determination, entitled "Notice of Regulatory Determination on Wastes from the Combustion of Fossil Fuels," that the fossil fuel combustion wastes addressed do not warrant regulation under SWDA; (2) affect the authority of a state to request, or the Administrator to provide, technical assistance under SWDA; or (3) affect the obligations of the owner or operator of a structure (as defined by SWDA) under the Federal Power Act concerning electric reliability.

#### **Title V: Preserving State Authority to Make Determinations Relating to Water Quality Standards - (Sec. 501)**

Amends the Federal Water Pollution Control Act (commonly known as the Clean Water Act) to prohibit the Administrator from: (1) promulgating a revised or new water quality standard for a pollutant when the Administrator has approved a state water quality standard for such pollutant unless the state concurs with the Administrator's determination that the revised or new standard is necessary to meet the requirements of such Act; (2) taking action to supersede a state's determination that a discharge will comply with effluent limitations, water quality standards, controls on the discharge of pollutants, and toxic and pretreatment effluent standards under such Act; (3) withdrawing approval of a state program under the National Pollution Discharge Elimination System (NPDES), limiting federal financial assistance for a state NPDES program, or objecting to the issuance of a NPDES permit by a state on the basis that the Administrator disagrees with the state regarding the implementation of an approved water quality standard or the implementation of any federal guidance that directs the interpretation of such standard; or (4) prohibiting the specification of any defined area as a disposal site for the discharge of dredged or fill material into navigable waters and denying or restricting the use of such area as a disposal site in a permit if the state where the discharge originates does not concur with the Administrator's determination that the discharge will result in an unacceptable adverse effect on municipal water supplies, shellfish beds, and fishery areas. Prohibits the Administrator from retroactively invalidating a discharge permit for dredged or fill material.

(Sec. 503) Shortens the period in which the Director of the United States Fish and Wildlife Service must submit comments with respect to a general dredge and fill permit application. Requires the Administrator and other agencies to submit comments on an application for a general permit or a permit to discharge into navigable waters at specified disposal sites within 30 days after the date of receipt of such application (or within 60 days if additional time is requested).

(Sec. 504) Applies this Act to actions taken on or after this Act's enactment, including actions taken with respect to permit applications that are pending or revised or new standards that are being promulgated.

(Sec. 505) Requires the Administrator to report on any increase or reduction in waterborne pathogenic microorganisms (including protozoa, viruses, bacteria, and parasites), toxic chemicals, or toxic metals (such as lead and mercury) in waters regulated by a state under this Act.

(Sec. 506) Prohibits this Act from being construed to limit the authority of the Administrator to regulate a pipeline that crosses a streambed.

(Sec. 507) Requires the Administrator, before issuing a regulation, policy statement, guidance, response to a petition, or other requirement or implementing a new or substantially altered program under this Act, to analyze the impact, disaggregated by state, of such action on employment levels and economic activity. Directs the Administrator to: (1) post such analysis on EPA's website; (2) request the governor of any state experiencing more than a de minimis negative impact on employment levels (a loss of more than 100 jobs) or economic activity (a decrease in economic activity of more than \$1 million) to post such analysis in the state's Capitol; (3) hold a public hearing in each state where such action will have more than a de minimis negative impact; and (4) give notice of such impact to states' congressional delegations, governors, and legislatures.

**Title VI: Regional Haze Regulatory Relief** - (Sec. 601) Amends the CAA to require the Administrator to promulgate a federal implementation plan in place of a state implementation plan to remedy any impairment to visibility in designated class I areas (international parks, wilderness areas and memorial parks that exceed 5,000 acres, and national parks that exceed 6,000 acres) only if: (1) such state failed to consider the costs of, the time necessary for, and the energy and non-air quality environmental impacts of, compliance with such plan and the remaining useful life of any existing air pollution source; and (2) compliance with federal implementation plan requirements is not required earlier than five years after the date of promulgation.

Requires: (1) the Administrator, upon receipt of a request by a state, to revoke an existing federal or state implementation plan for such state regarding visibility or any determination made in 2012 or 2013 of best available retrofit technology for a source; and (2) such state to submit to the Administrator a visibility plan no later than two years after such revocation.

(Sec. 602) Provides that states have sole discretion, after considering certain economic factors, in determining emission limits, schedules of compliance, and other measures for each applicable implementation plan for a state for any area that is listed as contributing to impairment of visibility.

Requires the state, in determining best available retrofit technology, or the Administrator, in determining emission limitations that reflect such technology, to consider, in addition to other factors, the economic impacts to the state and the degree of improvement in visibility that may reasonably be anticipated to result from measures described in the applicable implementation plan.

Provides that a state's determination of such technology for any source may be subject to review by the Administrator, an administrative entity, or a federal or state court only pursuant to a clearly erroneous standard of review.

**Title VII: No Regional Haze Regulation on the Coal-Powered Navajo Generating Station** - (Sec. 701) Amends the CAA to prohibit the Administrator from promulgating any federal implementation plan relating to visibility protection that would: (1) adversely impact employment at the coal-powered Navajo Generating Station or other coal-fired power plants and coal mines on tribal lands in northern Arizona; (2) diminish the revenue received by governments by reducing through regulation the amount of coal that is available for mining on Navajo and Hopi Reservation lands; (3) cause a reduction in coal-based revenue to meet financial obligations required by federally authorized Indian water rights settlements pursuant to the Colorado River Basin Project Act; (4) reduce the amount of coal, or increase the cost of coal, available for the Navajo Generating Station's federal responsibility to deliver water and power as authorized by the Colorado River Basin Project Act; or (5) expose the United States to liability for taking the value of tribally-owned coal in northern Arizona through regulation.

## Actions Timeline

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- **Nov 13, 2012:** Received in the Senate and Read twice and referred to the Committee on Environment and Public Works.
- **Sep 21, 2012:** Considered as unfinished business. (consideration: CR H6237-6257)
- **Sep 21, 2012:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Sep 21, 2012:** DEBATE - Pursuant to the provisions of H. Res. 788, the Committee of the Whole proceeded with 10 minutes of debate on the Jackson Lee amendment No. 8.
- **Sep 21, 2012:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Jackson Lee (TX) amendment, the Chair put the question on adoption of the amendment, and by voice vote announced that the noes had prevailed. Ms. Jackson Lee (TX) demanded a recorded vote and the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Sep 21, 2012:** DEBATE - Pursuant to the provisions of H. Res. 788, the Committee of the Whole proceeded with 10 minutes of debate on the McKinley amendment No. 9.
- **Sep 21, 2012:** POSTPONED PROCEEDINGS - At the conclusion of debate on the McKinley amendment, the Chair put the question on adoption of the amendment, and by voice vote announced that the ayes had prevailed. Mr. McKinley demanded a recorded vote and the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Sep 21, 2012:** DEBATE - Pursuant to the provisions of H. Res. 788, the Committee of the Whole proceeded with 10 minutes of debate on the Markey amendment No. 10.
- **Sep 21, 2012:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Markey amendment, the Chair put the question on adoption of the amendment, and by voice vote announced that the noes had prevailed. Mr. Markey demanded a recorded vote and the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Sep 21, 2012:** DEBATE - Pursuant to the provisions of H. Res. 788, the Committee of the Whole proceeded with 10 minutes of debate on the DeFazio amendment No. 11.
- **Sep 21, 2012:** POSTPONED PROCEEDINGS - At the conclusion of debate on the DeFazio amendment, the Chair put the question on adoption of the amendment, and by voice vote announced that the noes had prevailed. Mr. DeFazio demanded a recorded vote and the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Sep 21, 2012:** DEBATE - Pursuant to the provisions of H. Res. 788, the Committee of the Whole proceeded with 10 minutes of debate on the Flake amendment No. 12.
- **Sep 21, 2012:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Flake amendment, the Chair put the question on adoption of the amendment, and by voice vote announced that the ayes had prevailed. Mr. Waxman demanded a recorded vote and the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Sep 21, 2012:** DEBATE - Pursuant to the provisions of H. Res. 788, the Committee of the Whole proceeded with 10 minutes of debate on the Gosar amendment No. 13.
- **Sep 21, 2012:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Gosar amendment, the Chair put the question on adoption of the amendment, and by voice vote announced that the ayes had prevailed. Mr. Wasman demanded a recorded vote and the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Sep 21, 2012:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was on adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **Sep 21, 2012:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 3409.
- **Sep 21, 2012:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union.
- **Sep 21, 2012:** The previous question was ordered pursuant to the rule. (consideration: CR H6254)
- **Sep 21, 2012:** Mrs. Capps moved to recommit with instructions to Energy and Commerce. (consideration: CR H6254-6256; text: CR H6254)
- **Sep 21, 2012:** DEBATE - The House proceeded with 10 minutes of debate on the Capps motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment to add findings to the bill stating that the national program to improve vehicle fuel efficiency will provide major economic and consumer benefits. The motion would also prohibit H.R. 3409 from overturning the EPA and

Department of Transportation pollution control and fuel efficiency rule for 2017 to 2025 model year vehicles if such a nullification would result in: consumers paying more for gasoline over the life of their car, a loss of jobs in the U.S. auto manufacturing industry, or a negative impact to the U.S. economy.

- **Sep 21, 2012:** On motion to recommit with instructions Failed by recorded vote: 173 - 233 (Roll no. 602). (consideration: CR H6256)
- **Sep 21, 2012:** Passed/agreed to in House: On passage Passed by recorded vote: 233 - 175 (Roll no. 603).
- **Sep 21, 2012:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 21, 2012:** On passage Passed by recorded vote: 233 - 175 (Roll no. 603).
- **Sep 20, 2012:** Considered under the provisions of rule H. Res. 788. (consideration: CR H6196-6219; text of amendment in the nature of a substitute: CR H6204-6211)
- **Sep 20, 2012:** The resolution provides for consideration of both H.J.Res. 118 and H.R. 3409. H.J. Res. 118 is debatable for one hour and is closed to amendments. H.R. 3409 is debatable for one hour and specified amendments are in order. Motions to recommit are in order. The resolution also provides for approval of the Journal on specified days; appointing of Members to perform duties of the Chair; not counting of legislative days for the purposes of the War Powers Act, purposes of clause 7 of rule XIII, and the purposes of clause 7(c)(1) of rule XXII.
- **Sep 20, 2012:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 788 and Rule XVIII.
- **Sep 20, 2012:** The Speaker designated the Honorable Steven C. LaTourette to act as Chairman of the Committee.
- **Sep 20, 2012:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 3409.
- **Sep 20, 2012:** DEBATE - Pursuant to the provisions of H.Res. 788, the Committee of the Whole proceeded with 10 minutes of debate on the Markey amendment No. 1.
- **Sep 20, 2012:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Markey amendment, the Chair put the question on adoption of the amendment, and by voice vote announced that the noes had prevailed. Mr. Markey demanded a recorded vote and the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Sep 20, 2012:** DEBATE - Pursuant to the provisions of H. Res. 788, the Committee of the Whole proceeded with 10 minutes of debate on the Bucshon amendment No. 2.
- **Sep 20, 2012:** DEBATE - Pursuant to the provisions of H. Res. 788, the Committee of the Whole proceeded with 10 minutes of debate on the Waxman amendment No. 3.
- **Sep 20, 2012:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Waxman amendment, the Chair put the question on adoption of the amendment, and by voice vote announced that the noes had prevailed. Mr. Waxman demanded a recorded vote and the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Sep 20, 2012:** DEBATE - Pursuant to the provisions of H. Res. 788, the Committee of the Whole proceeded with 10 minutes of debate on the Kelly amendment No. 4.
- **Sep 20, 2012:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Kelly amendment, the Chair put the question on adoption of the amendment, and by voice vote announced that the ayes had prevailed. Mr. Markey demanded a recorded vote and the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Sep 20, 2012:** DEBATE - Pursuant to the provisions of H. Res. 788, the Committee of the Whole proceeded with 10 minutes of debate on the Markey amendment No. 5.
- **Sep 20, 2012:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Markey amendment, the Chair put the question on adoption of the amendment, and by voice vote announced that the ayes had prevailed. Mr. Benishek demanded a recorded vote and the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Sep 20, 2012:** DEBATE - Pursuant to the provisions of H. Res. 788, the Committee of the Whole proceeded with 10 minutes of debate on the Benishek amendment No. 6.
- **Sep 20, 2012:** DEBATE - Pursuant to the provisions of H. Res. 788, the Committee of the Whole proceeded with 10 minutes of debate on the Harris amendment No. 7.
- **Sep 20, 2012:** Mr. Harris moved to rise..
- **Sep 20, 2012:** On motion to rise. Agreed to by voice vote.
- **Sep 20, 2012:** Committee of the Whole House on the state of the Union rises leaving H.R. 3409 as unfinished business.
- **Sep 13, 2012:** Reported by the Committee on Natural Resources. H. Rept. 112-670.

**Sep 13, 2012:** Placed on the Union Calendar, Calendar No. 482.

- **Feb 29, 2012:** Subcommittee on Energy and Mineral Resources Discharged.
- **Feb 29, 2012:** Committee Consideration and Mark-up Session Held.
- **Feb 29, 2012:** Ordered to be Reported by the Yeas and Nays: 26 - 16.
- **Nov 15, 2011:** Referred to the Subcommittee on Energy and Mineral Resources.
- **Nov 14, 2011:** Introduced in House
- **Nov 14, 2011:** Referred to the House Committee on Natural Resources.