

Item #5: CEEPC Federal Legislative Update

January 25, 2012

^{NEW} HR 1633/S 1528 Farm Dust Regulation Prevention Act of 2011
Status: September 8 Referred to the Senate Committee on Environment and Public Works. December 13 Placed on House Legislative Calendar under General Orders (Calendar No. 256).
Summary: To amend the Clean Air Act to limit Federal regulation of nuisance dust in areas in which that dust is regulated under State, tribal, or local law, to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, and for other purposes. Some particle emissions currently regulated under the Clean Air Act also cause global warming.
HR 10/S 299 Regulations From the Executive in Need of Scrutiny Act of 2011 (REINS Act)
Status: December 8 version passed in house (112-278) referred to Senate Committee on Homeland Security and Governmental Affairs. Hearings held.
Summary: Rewrites provisions regarding congressional review of agency rulemaking to require congressional approval of major rules of the executive branch before they may take effect. Major rules defined as those with an annual effect of \$100 million or more, a major increase in costs/prices, or significant adverse effects on competition, employment, investment, productivity, or innovation.
HR 2599 PACE Assessment Protection Act of 2011
Status: August 22 referred to the Subcommittee on Insurance, Housing and Community Opportunity
Summary: Would rescind Federal Housing Finance Authority guidance and affirm the validity of PACE financing; define PACE financing as an “assessment,” not a “loan.”; limit or eliminate risks to Fannie Mae and Freddie Mac by establishing national program standards such as underwriting criteria, consumer protections, qualifying improvements, and qualifying contractors. CEEPC’s comment letter supported this bill.
HR 3307 American Renewable Energy Production Tax Credit Extension Act of 2011
Status: November 2 referred to House Committee on Ways and Means
Summary: Would give a four-year extension to an existing production tax credit for wind, biomass, geothermal, small irrigation, landfill gas, trash, and some hydropower.
S 652 Building and Upgrading Infrastructure for Long-Term Development
Status: March 17 Referred to Committee on Finance
Summary: Would establish the American Infrastructure Financing Authority (AIFA) to provide direct loans and loan guarantees to facilitate transportation, water, or energy infrastructure projects. Requires infrastructure projects assisted under this Act to have costs of at least \$100 million (\$25 million for rural infrastructure projects). CEEPC’s comment letter asked that district/thermal energy solutions qualify by lowering the eligibility threshold.
HR 3664/S 1108 10 Million Solar Roofs Act of 2011
Status: December 20 Referred to House Subcommittee on Energy and Environment

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July 12 Hearing in Senate Committee on Energy and Natural Resources. December 15 Ordered to be reported with amendment favorably (Senate).
Summary: Would create a competitive grant program with \$50 million in funds for each fiscal year 2012 - 2016 to make solar permitting more efficient. The program's ultimate goal is to help install solar energy systems on at least 10 million properties by the end of 2020. CEEPC's comment letter supported the bill and suggested adding other clean energy technologies.
S1737 Sensible Accounting to Value Energy (SAVE) Act
Status: October 19 Introduced and referred to Committee on Banking, Housing, and Urban Affairs
Summary: Would improve the accuracy of mortgage underwriting used by Federal mortgage agencies by ensuring that energy costs are included in the underwriting process, reducing energy consumed by homes and facilitating the creation of energy efficiency retrofit and construction jobs.
S1881 Safeguarding America's Future and Environment (SAFE) Act
Status: November 16 Introduced and referred to Committee on Environment and Public Works
Summary: Would establish a Natural Resources Climate Change Adaptation Panel and require the development and maintenance of a federal strategy to adapt to climate variability and change.
HR2412 Commuter Benefits Equity Act of 2011
Status: 7/6/2011 Referred to House committee. Status: Referred to the House Committee on Ways and Means.
Summary: Amends the Internal Revenue Code to equalize and increase to \$230, with a cost-of-living adjustment after 2012, the tax exclusion for both transportation and parking fringe benefits.
H.R.2250/S.1392 EPA Regulatory Relief Act of 2011
Status: 10/18/2011 Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 201.
Summary: Sets a minimum compliance date of 5 years after the effective date of the regulation. Requires that rules take into account cost of achieving emissions reductions, non-air quality health and environmental impacts of standards, feasibility, availability of labor and equipment, and net employment impacts.
S. 1971 Comprehensive Assessment of Regulations on the Economy Act (CARE Act)
Status: 12/8/2011 Referred to Senate committee. Status: Read twice and referred to the Committee on Environment and Public Works.
Summary: Requires EPA to assess regulations' impact on jobs and the economy.
HR 3773 Domestic Alternative Fuels Act of 2012
Status: 1/17/12 Referred to the House Committee on Energy and Commerce.
Summary: Inserting 'domestic alternative fuel' (produced from domestic fossil fuels other than petroleum into renewable fuel) alongside renewable fuels in fuel volume standards in the Clean Air Act (42 U.S.C. 7545(o)(1))
HR 3010 Regulatory Accountability Act of 2011

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Status: 12/2/11 Passed in the House amended.

12/5/2011 Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.

Summary: Revises procedures for rulemaking under the Administrative Procedure Act.

Other Federal Actions

Keystone Pipeline

- ✓ [Obama administration rejects Keystone XL pipeline](#) (Jan 18)

Cross-State Pollution Rule

- ✓ [Court Stays Cross-State Air Pollution Rule](#) On December 30, 2011, the United States Court of Appeals for the District of Columbia issued an order staying the Cross-State Air Pollution Rule (CSAPR) pending the resolution of an appeal of the rule. Several companies, industry groups and states appealed CSAPR after it was promulgated in July 2011.

Utility MACT

- ✓ [USEPA Announces Final Utility MACT Rule](#) On December 21, 2011, the United States Environmental Protection Agency ("USEPA") released a final rule setting forth mercury and air toxics standards for power plants (commonly referred to as the "Utility MACT"). The rule applies to electric generating units that are larger than 25 megawatts and burn coal or oil.

EPA's Boiler MACT and CISWI Rules

- ✓ [EPA proposes reconsiderations for boilers and incinerators, and proposes revisions to the non-hazardous secondary materials rule](#)
December 2, 2011 - EPA issued proposed reconsiderations for rules to reduce emissions of air pollutants from existing and new Boilers and major and area source facilities, and from Commercial and Industrial Solid Waste Incinerators (CISWI). EPA also proposed revisions to the Non-Hazardous Secondary Material (NHSM) Rule.
- ✓ [Court Vacates EPA's Stay of the Boiler MACT and CISWI Rules](#) "On January 9, 2012, the United States District Court for the District of Columbia ("D.C. District Court") issued an [opinion](#) and [order](#) vacating EPA's stay of the rules for controlling hazardous air pollutants from boilers ("Boiler MACT") and commercial and industrial solid waste incineration units ("CISWI Rules"). The Court's vacatur order creates legal uncertainties for stationary sources which operate these types of emission units..."
- ✓ [EPA To Exercise Enforcement Discretion on Boiler MACT Deadlines](#)
"On Wednesday, January 18th, [by letter to Senator Ron Wyden of Oregon](#), the EPA advised that it would exercise enforcement discretion with respect to the 2011 notification deadlines for existing boilers and incinerators that have passed while the EPA's administrative stay of its March 2011 new rules has been pending..."

Related Legislation in Congress:

[H.J.RES.59](#): Disapproving a rule submitted by the Environmental Protection Agency relating to

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"National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers".

Status: 5/13/11 Referred to the House Subcommittee on Energy and Power

H.RES.419: Providing for consideration of the bill (H.R. 2681) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes, and providing for consideration of the bill (H.R. 2250) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

Status: 10/4/11 Passed/agreed to in House. Motion to reconsider laid on the table and agreed to without objection.

Source: www.thomas.loc.gov