

Union Calendar No.

118TH CONGRESS
1ST SESSION

H. R. 1131

[Report No. 118-]

To require the Administrator of the Environmental Protection Agency to authorize the use of flexible air permitting with respect to certain critical energy resource facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 21, 2023

Mr. JOYCE of Pennsylvania (for himself and Mr. ALLEN) introduced the following bill; which was referred to the Committee on Energy and Commerce

MARCH --, 2023

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

A BILL

To require the Administrator of the Environmental Protection Agency to authorize the use of flexible air permitting with respect to certain critical energy resource facilities, and for other purposes.

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. FLEXIBLE AIR PERMITS FOR CRITICAL ENERGY**
4 **RESOURCE FACILITIES.**

5 (a) IN GENERAL.—The Administrator of the Envi-
6 ronmental Protection Agency shall, as necessary, revise
7 regulations under parts 70 and 71 of title 40, Code of
8 Federal Regulations, to—

9 (1) authorize the owner or operator of a critical
10 energy resource facility to utilize flexible air permit-
11 ting (as described in the final rule titled “Operating
12 Permit Programs; Flexible Air Permitting Rule”
13 published by the Environmental Protection Agency
14 in the Federal Register on October 6, 2009 (74 Fed.
15 Reg. 51418)) with respect to such critical energy re-
16 source facility; and

17 (2) facilitate flexible, market-responsive oper-
18 ations (as described in the final rule identified in
19 paragraph (1)) with respect to critical energy re-
20 source facilities.

21 (b) DEFINITIONS.—In this section:

22 (1) CRITICAL ENERGY RESOURCE.—The term
23 “critical energy resource” means, as determined by
24 the Secretary of Energy, any energy resource—

1 (A) that is essential to the energy sector
2 and energy systems of the United States; and

3 (B) the supply chain of which is vulnerable
4 to disruption.

5 (2) CRITICAL ENERGY RESOURCE FACILITY.—

6 The term “critical energy resource facility” means a
7 facility that processes or refines a critical energy re-
8 source.