

114TH CONGRESS
1ST SESSION

H. R. 4000

To harmonize requirements of the 2008 and 2015 ozone national ambient air quality standards, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2015

Mr. FLORES introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To harmonize requirements of the 2008 and 2015 ozone national ambient air quality standards, 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. SHORT TITLE.**

4 This Act may be cited as the “Ozone National Ambi-
5 ent Air Quality Standard Deadline Harmonization Act of
6 2015”.

7 **SEC. 2. FINDINGS.**

8 The Congress finds the following:

9 (1) Ozone precursor emissions have been re-
10 duced by over 50 percent since 1980, resulting in a

1 33-percent improvement of ozone air quality. The
2 Environmental Protection Agency projects this im-
3 provement will continue even under rules and pro-
4 grams already in place.

5 (2) States are just beginning to implement the
6 2008 ozone standards, for which the Environmental
7 Protection Agency published State implementation
8 plan requirements on February 13, 2015. Notwith-
9 standing this delayed implementation of the 2008
10 ozone standards, the Environmental Protection
11 Agency published the 2015 ozone standards on Octo-
12 ber 26, 2015.

13 (3) With publication of the 2015 ozone stand-
14 ards so early in the implementation of the 2008
15 ozone standards, States face the prospect of simulta-
16 neously implementing two national ambient air qual-
17 ity standards for ozone.

18 (4) In addition, counties face severe statutorily
19 imposed consequences if designated as nonattain-
20 ment or for failing to meet attainment deadlines,
21 even if those counties would ultimately achieve at-
22 tainment with no further action.

23 (5) If the 2008 and 2015 ozone standards im-
24 plementation schedules are not harmonized, already
25 strained State resources will be burdened by overlap-

1 ping implementation schedules, and counties that
2 are projected to achieve necessary air quality im-
3 provements will face significant and permanent sanc-
4 tions.

5 **SEC. 3. OZONE STANDARDS IMPLEMENTATION SCHEDULE**
6 **HARMONIZATION.**

7 (a) DESIGNATION SUBMISSION.—Not later than Oc-
8 tober 26, 2024, the Governor of each State shall designate
9 in accordance with section 107(d) of the Clean Air Act
10 (42 U.S.C. 7407(d)) all areas (or portions thereof) of the
11 Governor’s State as attainment, nonattainment, or
12 unclassifiable with respect to the 2015 ozone standards.

13 (b) DESIGNATION PROMULGATION.—Not later than
14 October 26, 2025, the Administrator shall promulgate
15 final designations under section 107(d) of the Clean Air
16 Act (42 U.S.C. 7407(d)) for all areas in all States with
17 respect to the 2015 ozone standards, including any modi-
18 fications to the designations submitted under subsection
19 (a).

20 (c) STATE IMPLEMENTATION PLANS.—Not later
21 than October 26, 2026, notwithstanding the deadline spec-
22 ified in section 110(a)(1) of the Clean Air Act (42 U.S.C.
23 7410(d)(1)), each State shall submit the plan required by
24 such section 110(a)(1) for the 2015 ozone standards.

1 **SEC. 4. CERTAIN PRECONSTRUCTION PERMITS.**

2 (a) IN GENERAL.—The 2015 ozone standards shall
3 not apply to the review and disposition of a
4 preconstruction permit application if—

5 (1) the Administrator or the State, local, or
6 tribal permitting authority, as applicable, determines
7 the application to be complete on or before the date
8 of promulgation of final designations under section
9 3(b); or

10 (2) the Administrator or the State, local, or
11 tribal permitting authority, as applicable, publishes
12 a public notice of a preliminary determination or
13 draft permit for the application before the date that
14 is 60 days after the date of promulgation of final
15 designations under section 3(b).

16 (b) RULES OF CONSTRUCTION.—Nothing in this sec-
17 tion shall be construed to—

18 (1) eliminate the obligation of a preconstruction
19 permit applicant to install best available control
20 technology and lowest achievable emissions rate
21 technology, as applicable; or

22 (2) limit the authority of a State, local, or trib-
23 al permitting authority to impose more stringent
24 emissions requirements pursuant to State, local, or
25 tribal law than Federal national ambient air quality

1 standards established by the Environmental Protec-
2 tion Agency.

3 **SEC. 5. ADJUSTMENT OF 5-YEAR REVIEW CYCLE.**

4 (a) 10-YEAR CYCLE FOR ALL CRITERIA AIR POL-
5 LUTANTS.—Paragraphs (1) and (2)(B) of section 109(d)
6 of the Clean Air Act (42 U.S.C. 7409(d)) are amended
7 by striking “five-year intervals” each place it appears and
8 inserting “ten-year intervals”.

9 (b) CYCLE FOR NEXT REVIEW OF OZONE CRITERIA
10 AND STANDARDS.—Notwithstanding section 109(d) of the
11 Clean Air Act (42 U.S.C. 7409(d)), the Administrator of
12 the Environmental Protection Agency shall not—

13 (1) complete, before October 26, 2025, any re-
14 view of the criteria for ozone published under section
15 108 of such Act (42 U.S.C. 7408) or the national
16 ambient air quality standard for ozone promulgated
17 under section 109 of such Act (42 U.S.C. 7409); or

18 (2) propose, before such date, any revisions to
19 such criteria or standards.

20 **SEC. 6. DEFINITIONS.**

21 In this Act:

22 (1) The term “2008 ozone standards” means
23 the national ambient air quality standards for ozone
24 published in the Federal Register on March 27,
25 2008 (73 Fed. Reg. 16436).

1 (2) The term “2015 ozone standards” means
2 the national ambient air quality standards for ozone
3 published in the Federal Register on October 26,
4 2015 (80 Fed. Reg. 65292).

5 (3) The term “Administrator” means the Ad-
6 ministrator of the Environmental Protection Agency.

7 (4) The term “best available control tech-
8 nology” has the meaning given to that term in sec-
9 tion 169(3) of the Clean Air Act (42 U.S.C.
10 7479(3)).

11 (5) The term “lowest achievable emissions rate”
12 has the meaning given to that term in section
13 171(3) of the Clean Air Act (42 U.S.C. 7501(3)).

14 (6) The term “preconstruction permit”—

15 (A) means a permit that is required under
16 part C or D of title I of the Clean Air Act (42
17 U.S.C. 7470 et seq.) for the construction or
18 modification of a major emitting facility or
19 major stationary source; and

20 (B) includes any such permit issued by the
21 Environmental Protection Agency or a State,
22 local, or tribal permitting authority.

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