
Subsec. (d)(5)(A). Pub. L. 95–190, §14(a)(18), substituted "an additional period of".

Subsec. (d)(8). Pub. L. 95–190, §14(a)(19), struck out reference to par. (3) of this subsection.

Subsec. (d)(10). Pub. L. 95–190, §14(a)(20), substituted "in effect" for "issued", "Federal" for "other", and "and no action under" for "or"

Subsec. (d)(11). Pub. L. 95–190, §14(a)(21), substituted "and in effect" for "(and approved by the Administrator)".


1971—Subsec. (b)(2). Pub. L. 92–157, §302(b), inserted "(A) before "during" and ", or (B)" after "assumed enforcement".

Subsec. (c)(1)(A). Pub. L. 92–157, §302(c), inserted "(i)" before "during" and ", or (ii)" after "assumed enforcement".

Effective Date of 1977 Amendment

Amendment by Pub. L. 95–95 effective Aug. 7, 1977, except as otherwise expressly provided, see section 406(d) of Pub. L. 95–95, set out as a note under section 7401 of this title.

Pending Actions and Proceedings

Suits, actions, and other proceedings lawfully commenced by or against the Administrator or any other officer or employee of the United States in his official capacity or in relation to the discharge of his official duties under act July 14, 1955, the Clean Air Act, as in effect immediately prior to the enactment of Pub. L. 95–95 [Aug. 7, 1977], not to abate by reason of the taking effect of Pub. L. 95–95, see section 406(a) of Pub. L. 95–95, set out as an Effective Date of 1977 Amendment note under section 7401 of this title.

Modification or Recission of Rules, Regulations, Orders, Determinations, Contracts, Certifications, Authorizations, Delegations, and Other Actions

All rules, regulations, orders, determinations, contracts, certifications, authorizations, delegations, or other actions duly issued, made, or taken by or pursuant to act July 14, 1955, the Clean Air Act, as in effect immediately prior to the date of enactment of Pub. L. 95–95 [Aug. 7, 1977] to continue in full force and effect until modified or rescinded in accordance with act July 14, 1955, as amended by Pub. L. 90–95 [this chapter], see section 406(b) of Pub. L. 95–95, set out as an Effective Date of 1977 Amendment note under section 7401 of this title.

Transfer of Functions

Federal Power Commission terminated and its functions, personnel, property, funds, etc., transferred to Secretary of Energy (except for certain functions transferred to Federal Energy Regulatory Commission) by sections 7151(b), 7171(a), 7172(a), 7291, and 7293 of this title.

§7414. Recordkeeping, inspections, monitoring, and entry

(a) Authority of Administrator or authorized representative

For the purpose (1) of developing or assisting in the development of any implementation plan under section 7410 or section 7411(d) of this title, any standard of performance under section 7411 of this title, any emission standard under section 7429 of this title, or any regulation under section 7429 of this title (relating to solid waste combustion), (ii) of determining whether any person is in violation of any such standard or any requirement of such plan, or (ii) carrying out any provision of this chapter (except a provision of subchapter II of this chapter with respect to a manufacturer of new motor vehicles or new motor vehicle engines)—

(1) the Administrator may require any person who owns or operates any emission source, who manufactures emission control equipment or process equipment, who the Administrator believes may have information necessary for the purposes set forth in this subsection, or who is subject to any requirement of this chapter (other than a manufacturer subject to the provisions of section 7525(c) or 7542 of this title with respect to a provision of subchapter II of this chapter) on a one-time, periodic or continuous basis to—

(A) establish and maintain such records;

(B) make such reports;

(C) install, use, and maintain such monitoring equipment, and use such audit procedures, or methods;

(D) sample such emissions (in accordance with such procedures or methods, at such locations, at such intervals, during such periods and in such manner as the Administrator shall prescribe);

(E) keep records on control equipment parameters, production variables or other indirect data when direct monitoring of emissions is impractical;

(F) submit compliance certifications in accordance with subsection (a)(3) of this section; and

(G) provide such other information as the Administrator may reasonably require; and 2

(2) the Administrator or his authorized representative, upon presentation of his credentials—

(A) shall have a right of entry to, upon, or through any premises of such person or in which any records required to be maintained under paragraph (1) of this section are located, and

(B) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under paragraph (1), and sample any emissions which such person is required to sample under paragraph (1). 3

(3) The Administrator shall in the case of any person which is the owner or operator of a major stationary source, and may, in the case of any other person, require enhanced monitoring and submission of compliance certifications. Compliance certifications shall include (A) identification of the applicable requirement that is the basis of the certification, (B) the method used for determining the compliance status of the source, (C) the compliance status, (D) whether compliance is

1 So in original.

2 So in original. Probably should not be capitalized.

3 So in original. The "and" probably should not appear.
continuous or intermittent. (E) such other facts as the Administrator may require. Compliance certifications and monitoring data shall be subject to subsection (c) of this section. Submission of a compliance certification shall in no way limit the Administrator's authorities to investigate or otherwise implement this chapter. The Administrator shall promulgate rules to provide guidance and to implement this paragraph within 2 years after November 15, 1990.

(b) State enforcement

(1) Each State may develop and submit to the Administrator a procedure for carrying out this section in such State. If the Administrator finds the State procedure is adequate, he may delegate to such State any authority he has to carry out this section.

(2) Nothing in this subsection shall prohibit the Administrator from carrying out this section in any State.

(c) Availability of records, reports, and information to public; disclosure of trade secrets

Any records, reports or information obtained under subsection (a) of this section shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof, (other than emission data) to which the Administrator has access under this section if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such record, report, or information or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this chapter or when relevant in any proceeding under this chapter.

(d) Notice of proposed entry, inspection, or monitoring

(1) In the case of any emission standard or limitation or other requirement which is adopted by a State, as part of an applicable implementation plan or as part of an order under section 7413(d) of this title, before carrying out an entry, inspection, or monitoring under paragraph (2) of subsection (a) of this section with respect to such standard, limitation, or other requirement, the Administrator (or his representatives) shall provide the State air pollution control agency with reasonable prior notice of such action, indicating the purpose of such action. No State agency which receives notice under this paragraph of an action proposed to be taken may use the information contained in the notice to inform the person whose property is proposed to be affected of the proposed action. If the Administrator has reasonable basis for believing that a State agency is so using or will so use such information, notice to the agency under this paragraph is not required until such time as the Administrator determines the agency will no longer so use information contained in a notice under this paragraph. Nothing in this section shall be construed to require notification to any State agency of any action taken by the Administrator with respect to any standard, limitation, or other requirement which is not part of an applicable implementation plan or which was promulgated by the Administrator under section 7410(c) of this title.

(2) Nothing in paragraph (1) shall be construed to provide that any failure of the Administrator to comply with the requirements of such paragraph shall be a defense in any enforcement action brought by the Administrator or shall make inadmissible as evidence in any such action any information or material obtained notwithstanding such failure to comply with such requirements.


REFERENCES IN TEXT

Section 7413(d) of this title, referred to in subsec. (d)(1), was amended generally by Pub. L. 101–549, title VII, §701, Nov. 15, 1990, 104 Stat. 2672, and, as so amended, no longer relates to final compliance orders.

AMENDMENTS

1990—Subsec. (a). Pub. L. 101–549, §702(a)(1), which directed that “or” be struck out in first sentence immediately before “any emission standard under section 7412 of this title,” could not be executed because of the prior amendment by Pub. L. 101–549, §302(c), see below. Pub. L. 101–549, §702(a)(2), inserted “or any regulation under section 7429 of this title (relating to solid waste combustion),” before “(ii) of determining.” Pub. L. 101–549, §302(c), struck out “or” after “performance under section 7411 of this title,” and inserted “, or any regulation of solid waste combustion under section 7429 of this title,” after “standard under section 7412 of this title”.

Subsec. (a)(1). Pub. L. 101–549, §702(a)(3), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “the Administrator may require any person who owns or operates any emission source or who is subject to any requirement of this chapter (other than a manufacturer subject to the provisions of section 7525(c) or 7542 of this title) with respect to a provision of subchapter II of this chapter to (A) establish and maintain such records, (B) make such reports, (C) install, use, and maintain such monitoring equipment or methods, (D) sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe), and (E) provide such other information as he may reasonably require; and”.


Pub. L. 95–95, §305(d), substituted “carrying out any provision of this chapter (except with respect to a manufacturer of motor vehicles or motor vehicle engines)” for “carrying out sections 119 or 303” in cl. (iii) preceding par. (1), substituted “any person subject to any re-

5See References in Text note below.
qurement of this chapter (other than a manufac-
turer subject to the provisions of sections 7625(c) or 7542 of this
title) for “the owner or operator of any emission source” in par. (1),
substituted “any premises of such
person” for “any premises in which an emission source
is located” in subpar. (A) of par. (2), and substituted
“emissions which such person is required to sample
for: ‘emissions which the owner or operator of such
source is required to sample” in subpar. (B) of subpar.
(2).
Subsec. (a)(1). Pub. L. 95–190, §14(a)(23), inserted re-
ference to subchapter II of this chapter and “who owns
or operates any emission source or who is’ after “any
person”.
Subsec. (b)(1), Pub. L. 95–95, §109(d)(3), struck out
“‘except with respect to new sources owned or operated
by the United States”’ after “to carry out this sec-
tion”.
to section 119.

**Effective Date of 1977 Amendment**

Amendment by Pub. L. 95–95 effective Aug. 7, 1977, ex-
cept as otherwise expressly provided, see section 406(d)
of Pub. L. 95–95, set out as a note under section 7401 of
this title.

**Pending Actions and Proceedings**

Suits, actions, and other proceedings lawfully com-
missioned by or against the Administrator or any other
officer or employee of the United States in his official
capacity or in relation to the discharge of his official
duties under act July 14, 1955, the Clean Air Act, as in
effect immediately prior to the enactment of Pub. L.
95–95 [Aug. 7, 1977], not to abate by reason of the taking
effect of Pub. L. 95–95, see section 406(a) of Pub. L.
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**Modification or rescission of Rules, Regulations, Con-
tracts, Determinations, Contracts, Certifi-
Cations, Authorizations, Delegations, and Other
Actions**

All rules, regulations, orders, determinations, con-
tracts, certifications, authorizations, delegations, or
other actions duly issued, made, or taken by or pursu-
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immediately prior to the date of enactment of Pub. L.
95–95 [Aug. 7, 1977] to continue in full force and effect
until modified or rescinded in accordance with act July
14, 1955, as amended by Pub. L. 95–95 [this chapter],
section 406(b) of Pub. L. 95–95, set out as an Effective
Date of 1977 Amendment note under section 7401 of
this title.

§ 7415. International air pollution

(a) Endangerment of public health or welfare in
foreign countries from pollution emitted in
United States

Whenever the Administrator, upon receipt of
reports, surveys or studies from any duly con-
stituted international agency has reason to be-
lieve that any air pollutant or pollutants emit-
ted in the United States cause or contribute to
air pollution which may reasonably be antici-
pated to endanger public health or welfare in a
foreign country or whenever the Secretary of
State requests him to do so with respect to such
pollution which the Secretary of State alleges is
of such a nature, the Administrator shall give
formal notification thereof to the Governor of
the State in which such emissions originate.

(b) Prevention or elimination of endangerment

The notice of the Administrator shall be
deemed to be a finding under section

7410(a)(2)(H)(ii) of this title which requires a
plan revision with respect to so much of the ap-
licable implementation plan as is inadequate
prevention or elimination the endangerment re-
ferred to in subsection (a) of this section. Any
foreign country so affected by such emission
of pollutant or pollutants shall be invited to ap-
pear at any public hearing associated with any
revision of the appropriate portion of the appli-
cable implementation plan.

(c) Reciprocity

This section shall apply only to a foreign
country which the Administrator determines
has given the United States essentially the same
rights with respect to the prevention or control
of air pollution occurring in that country as is
given that country by this section.

(d) Recommendations

Recommendations issued following any abate-
ment conference conducted prior to August 7,
1977, shall remain in effect with respect to any
pollutant for which no national ambient air
quality standard has been established under sec-
 tion 7409 of this title unless the Administrator,
after consultation with all agencies which were
party to the conference, rescinds any such rec-
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