

105TH CONGRESS  
1ST SESSION

# H. R. 130

To amend the Clean Air Act to provide for the reclassification of downwind nonattainment areas, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. CUNNINGHAM (for himself, Mr. HUNTER, and Mr. BILBRAY) introduced the following bill; which was referred to the Committee on Commerce

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## A BILL

To amend the Clean Air Act to provide for the reclassification of downwind nonattainment areas, 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. RECLASSIFICATION OF DOWNWIND NON-**  
4       **ATTAINMENT AREAS.**

5       (a) IN GENERAL.—Section 181(a) of the Clean Air  
6       Act is amended by adding the following new paragraph  
7       at the end thereof:

8       “(6)(A) In the case of a downwind nonattainment  
9       area impacted by transport of ozone pollution from an

1 upwind area, upon application by the State, the Adminis-  
2 tration shall—

3 “(i) reclassify the downwind nonattainment  
4 area to reflect an adjusted ozone design value which  
5 excludes ozone concentrations attributable to trans-  
6 port from an upwind area; and

7 “(ii) redesignate the downwind nonattainment  
8 area as an attainment area if the adjusted ozone de-  
9 sign value (which excludes concentrations attrib-  
10 utable to transport from an upwind area) for the  
11 most recent applicable period does not exceed the  
12 national ambient air quality standard for ozone.

13 “(B) For purposes of this paragraph:

14 “(i) The term ‘downwind nonattainment area’  
15 means a nonattainment area where the air entering  
16 the area at the upwind boundary already contains  
17 ozone or ozone precursors.

18 “(ii) The term ‘concentration attributable to  
19 transport from an upwind area’ means the portion  
20 of an ozone concentration in a downwind nonattain-  
21 ment area which is demonstrated (to the satisfaction  
22 of the Administrator) to have been caused by ozone  
23 or ozone precursor emissions from an identified  
24 upwind area.

1           “(iii) The term ‘upwind area’ shall mean an  
2           area emitting ozone precursor emissions that are  
3           demonstrated (to the satisfaction of the Adminis-  
4           trator) to be the cause of ozone concentrations  
5           measured at a monitoring site in a downwind non-  
6           attainment area.”.

7           (b) IMPLEMENTATION PLAN REQUIREMENTS.—Sec-  
8           tion 110(a)(2)(D)(i)(I) is amended by inserting “or any  
9           other area within the State” after “any other State”.

10          (c) EFFECTIVE DATE.—Not later than 1 year after  
11          the date of the enactment of this Act, each State shall  
12          adopt and submit a revision of the applicable implementa-  
13          tion plan under section 110 of the Clean Air Act to reflect  
14          the amendments made by this section.

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