

105TH CONGRESS
1ST SESSION

H. R. 1911

To amend the Clean Air Act to impose certain requirements on areas upwind of ozone nonattainment areas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 1997

Mr. CONDIT (for himself, Mr. BILBRAY, Mr. DOOLEY of California, Mr. DOOLITTLE, Mr. FARR of California, Mr. FILNER, Mr. GOODE, Mr. JOHN, Mr. POMBO, and Mr. RADANOVICH) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Clean Air Act to impose certain requirements on areas upwind of ozone 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. SHORT TITLE.**

4 This Act may be cited as the “Transported Air Pollu-
5 tion Mitigation Act of 1997”.

1 **SEC. 2. SIP REQUIREMENTS FOR AREAS UPWIND OF OZONE**
2 **NONATTAINMENT AREAS.**

3 (a) SIP REVISIONS FOR ALL AREAS.—Section
4 110(a) of the Clean Air Act is amended by inserting the
5 following new paragraph after paragraph (3):

6 “(4) For each area (hereinafter in this paragraph re-
7 ferred to as an ‘upwind area’) in a State which, as deter-
8 mined by the State, causes or significantly contributes to
9 a violation of the national ambient air quality standard
10 for ozone in another area (hereinafter in this paragraph
11 referred to as a ‘downwind area’) in the State, the State
12 shall submit, within 1 year of such determination, a revi-
13 sion of the applicable implementation plan that includes
14 a requirement that either—

15 “(A) the upwind area reduce emissions of each
16 air pollutant concerned and its precursors by an
17 amount determined by the State to be necessary to
18 mitigate impacts commensurate with the level of
19 contribution caused by the upwind area to air pollu-
20 tion concentrations in the downwind area; or

21 “(B) the upwind area make payments to the
22 State or to an air quality district designated by the
23 State to compensate the downwind area in such
24 amounts as such State finds necessary to pay for the
25 costs of emission reduction measures required to be
26 undertaken in the downwind area to fully mitigate

1 the impacts of pollutants transported from the
2 upwind area.”.

3 (b) REQUIREMENTS FOR MODERATE OZONE NON-
4 ATTAINMENT AREAS.—Paragraph (4) of section 182(b) of
5 the Clean Air Act is amended by inserting “(A)” after the
6 heading and by adding the following at the end thereof:

7 “(B) For each moderate area which the State
8 determines to cause or significantly contribute to a
9 violation of the national ambient air quality stand-
10 ards for ozone in a downwind area (as identified by
11 the State under section 110(a)(4)), the State shall
12 submit, within 1 year after such determination, a re-
13 vision to the applicable implementation plan that in-
14 cludes all provisions necessary to provide for an en-
15 hanced vehicle inspection and maintenance program
16 as described in paragraph (3) of subsection (c) of
17 this section and the regulations of the Administrator
18 adopted pursuant to such paragraph (3).”.

19 (c) REQUIREMENTS FOR MAINTENANCE PLANS.—(1)
20 Subsection (a) 175A of the Clean Air Act is amended by
21 adding the following at the end thereof: “Such plan shall
22 also be amended within 1 year after the later of—

23 “(1) the date of enactment of the Transported
24 Air Pollution Mitigation Act of 1997, or

1 “(2) the date on which the request under sec-
2 tion 107(d) is submitted
3 to include measures to provide for an enhanced vehicle in-
4 spection and maintenance program as described in para-
5 graph (3) of section 182(e) and the regulations of the Ad-
6 ministrator adopted pursuant to such paragraph (3) if the
7 State determines that the area requesting redesignation
8 is causing or significantly contributing to a violation of
9 the national ambient air quality standards for ozone in
10 a downwind area (as identified by the State under section
11 110(a)(4)).”.

12 (2) Section 175A of the Clean Air Act is amended
13 by adding the following at the end thereof:

14 “(e) TRANSPORT MITIGATION.—Each plan adopted
15 under this section shall be amended within 1 year after
16 the enactment of this subsection to require that any
17 upwind area (as identified by the State under section
18 110(a)(4)) that is designated as an attainment area that
19 causes or significantly contributes to a violation of the na-
20 tional ambient air quality standard for ozone in any down-
21 wind area (as identified under section 110(a)(4)) shall be
22 required by the applicable implementation plans under
23 section 110 and this part to implement all measures with
24 respect to the air pollutant concerned which were con-
25 tained in the State implementation plan for such upwind

1 area before its redesignation as an attainment area. Such
2 measures shall include all existing control measures, as
3 well as any control measures not yet implemented that are
4 necessary to fully mitigate the transport of ozone and its
5 precursors to downwind areas. There shall be no relax-
6 ation or rescission of any control measure or rule in the
7 upwind area as long as the area causes or contributes to
8 a violation of the national ambient air quality standard
9 for ozone in any downwind area.”.

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