

105TH CONGRESS
1ST SESSION

S. 733

To amend the Clean Air Act to expand the coverage of the single transport region established to control interstate pollution and to apply control measures throughout the region, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 9, 1997

Mr. D'AMATO introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Clean Air Act to expand the coverage of the single transport region established to control interstate pollution and to apply control measures throughout the region, 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 “Acid Deposition and
5 Ozone Control Act of 1997”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

1 (1)(A) reducing atmospheric nitrogen oxide will
2 reduce acidic deposition, and the serious adverse ef-
3 fects of acidic deposition on public health, natural
4 resources, building structures, and ecosystems; and

5 (B) acidic deposition has been demonstrated to
6 result in increased morbidity in fish and severe dam-
7 age to water bodies and forest lands;

8 (2)(A) reducing atmospheric nitrogen oxide will
9 provide further benefits by decreasing ambient levels
10 of tropospheric ozone, fine particulate matter, and
11 regional haze associated with poor visibility; and

12 (B) such conditions have been demonstrated to
13 result in severe threats to public health, including
14 lung irritation, increased incidence of asthma and
15 bronchitis, and increased human morbidity;

16 (3)(A) nitrogen deposition into affected water-
17 sheds can result in excessive nutrient enrichment
18 leading to algal blooms and increased biological oxy-
19 gen demand; and

20 (B) such conditions can lead to increased mor-
21 bidity in marine life and severe degradation of eco-
22 nomic and recreational opportunities;

23 (4) additional reductions in sulfur dioxide be-
24 yond levels currently required by the Clean Air Act
25 (42 U.S.C. 7401 et seq.) will result in decreases in

1 acidic deposition, regional haze, and ambient levels
2 of fine particulates;

3 (5) the allowance trading program established
4 in the Clean Air Act for the reduction of emissions
5 of sulfur dioxide has been highly effective at creating
6 cost-effective control measures;

7 (6) the technology exists to inexpensively reduce
8 sulfur dioxide emissions beyond the levels currently
9 required by the Clean Air Act;

10 (7) the ozone transport region established by
11 the Clean Air Act to reduce long-range transport of
12 ozone does not currently include all the States nec-
13 essary to achieve the intended reduction; and

14 (8) this Act shall support the Environmental
15 Protection Agency's stated objective of controlling
16 ground level ozone through regional controls, as de-
17 veloped by the Ozone Transport Assessment Group
18 and referred to in the January 10, 1997, advanced
19 notice of proposed rulemaking for State implementa-
20 tion plans under section 110(k)(5) of the Clean Air
21 Act (42 U.S.C. 7410(k)(5)).

22 (b) PURPOSES.—The purposes of this Act are—

23 (1) to recognize the scientific evidence that
24 emissions of nitrogen oxide present a substantial
25 threat to public health and the environment;

1 (2) to require reductions in the emission of ni-
2 trogen oxide;

3 (3) to recognize that the means exist to cost-ef-
4 fectively reduce emissions of sulfur dioxide beyond
5 the levels currently required by the Clean Air Act;

6 (4) to require reductions in the emission of sul-
7 fur dioxide;

8 (5) to recognize that tropospheric ozone is a re-
9 gional problem;

10 (6) to recognize that the single ozone transport
11 region created by the Clean Air Act does not cur-
12 rently include all the States necessary to adequately
13 address the problem of ozone; and

14 (7) to amend the Clean Air Act to expand the
15 membership in the ozone transport region by using
16 the best currently available science to include those
17 States that contribute to ozone levels in noncompli-
18 ance areas within the current single ozone transport
19 region.

20 **SEC. 3. CONTROL OF INTERSTATE OZONE AIR POLLUTION.**

21 (a) **ADDITIONAL STATES.**—Section 184(a) of the
22 Clean Air Act (42 U.S.C. 7511c(a)) is amended after the
23 first sentence by inserting the following: “The Adminis-
24 trator, using the best available science and models devel-
25 oped by the Ozone Transport Assessment Group, shall add

1 any State to the single ozone transport region that con-
 2 tributed 4 parts per billion or more to ozone via aerial
 3 transport to the ozone level of any noncompliant area in
 4 the single ozone transport region for any 1 of the second
 5 through tenth worst ozone days that occurred during the
 6 previous 10 years.”.

7 (b) CONTROL MEASURES.—Not later than 18 months
 8 after the date of enactment of this Act, any control meas-
 9 ure adopted under section 184(a) of the Clean Air Act
 10 (42 U.S.C. 7511c(a)) before the date of enactment of this
 11 Act shall apply to any State added to the single ozone
 12 transport region under the second sentence of section
 13 184(a) of the Clean Air Act (42 U.S.C. 7511c(a)) after
 14 the date of enactment of this Act.

15 **SEC. 4. ADDITIONAL NITROGEN OXIDE EMISSIONS REDUC-**
 16 **TIONS.**

17 Section 184 of the Clean Air Act (42 U.S.C. 7511c)
 18 is amended by adding at the end the following:

19 “(e) ADDITIONAL EMISSIONS REDUCTIONS.—

20 “(1) IN GENERAL.—Not later than 18 months
 21 after the date of enactment of this subsection, the
 22 Administrator shall promulgate regulations requiring
 23 reductions in the emissions of nitrogen oxide and
 24 sulfur dioxide in any State added to the single ozone
 25 transport region under the second sentence of sub-

1 section (a) to $\frac{1}{3}$ of the 1990 levels by the year
2 2003.

3 “(2) AFFECTED UNITS.—The regulations shall
4 apply to affected units, as defined under section
5 402.

6 “(3) ALLOWANCE PROGRAM.—The Adminis-
7 trator may establish an allowance trading program
8 to carry out this subsection.

9 “(4) EFFECT ON OTHER LAW.—This subsection
10 shall not affect any law (including regulations) that
11 requires a greater reduction in emissions of nitrogen
12 oxide or sulfur dioxide than is required by this sub-
13 section.”.

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