

109TH CONGRESS
1ST SESSION

H. R. 3597

To require the Administrator of the Environmental Protection Agency to conduct a feasibility study for applying airport bubbles as a method of identifying, assessing, and reducing the adverse environmental impacts of airport ground and flight operations and improving the overall quality of the environment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2005

Mr. ROTHMAN introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Administrator of the Environmental Protection Agency to conduct a feasibility study for applying airport bubbles as a method of identifying, assessing, and reducing the adverse environmental impacts of airport ground and flight operations and improving the overall quality of the environment, 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,*

1 **SECTION 1. SHORT TITLE; AND TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Right to Know About Airport Pollution Act of 2005”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

- Sec. 1. Short title; and table of contents.
- Sec. 2. Findings and purpose.
- Sec. 3. Definitions.
- Sec. 4. Study of using airport bubbles.
- Sec. 5. Study of emission standards for airplane engines.
- Sec. 6. Progress reports.
- Sec. 7. Reporting of toxic chemical releases.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the serious ground level ozone, noise, water
9 pollution, and solid waste disposal problems attend-
10 ant to airport operations require a thorough evalua-
11 tion of all significant sources of pollution;

12 (2) the Clean Air Act (42 U.S.C. 7401 et
13 seq.)—

14 (A) requires each State to reduce emis-
15 sions contributing to ground level ozone prob-
16 lems and maintain those reductions; and

17 (B) requires the Administrator of the En-
18 vironmental Protection Agency to study, in ad-
19 dition to other sources, the effects of sporadic,
20 extreme noise (such as jet noise near airports)
21 on public health and welfare;

1 (3) the Federal Water Pollution Control Act
2 (33 U.S.C. 1251 et seq.) establishes a regulatory
3 and enforcement program for discharges of wastes
4 into waters;

5 (4) the Safe Drinking Water Act (42 U.S.C.
6 300f et seq.) establishes primary drinking water
7 standards and a ground water control program;

8 (5) the Solid Waste Disposal Act (42 U.S.C.
9 6901 et seq.) regulates management and disposal of
10 solid and hazardous waste;

11 (6) a study of air pollution problems in Cali-
12 fornia—

13 (A) has determined that airports are sig-
14 nificant sources of air pollution; and

15 (B) has led to the creation of an airport
16 bubble concept; and

17 (7) the airport bubble concept is an approach
18 that—

19 (A) treats an airport and the area within
20 a specific radius around the airport as a single
21 source of pollution that emits a range of pollut-
22 ants, including air, noise, water, and solid
23 waste; and

24 (B) seeks, by implementation of specific
25 programs or regulations, to reduce the pollution

1 from each source within the bubble and thereby
2 reduce the overall pollution in that area.

3 (b) PURPOSE.—The purpose of this Act is to require
4 the Administrator to conduct—

5 (1) a feasibility study for applying airport bub-
6 bles to airports as a method of assessing and reduc-
7 ing, where appropriate, air, noise, water, and solid
8 waste pollution in and around the airports and im-
9 proving overall environmental quality; and

10 (2) a study of air pollutant emission standards
11 established by the Environmental Protection Agency
12 for airplane engines to determine whether it is fea-
13 sible and desirable to strengthen the standards.

14 **SEC. 3. DEFINITIONS.**

15 In this Act:

16 (1) ADMINISTRATOR.—The term “Adminis-
17 trator” means the Administrator of the Environ-
18 mental Protection Agency.

19 (2) AIRPORT BUBBLE.—The term “airport bub-
20 ble” means an area—

21 (A) in and around an airport (or other fa-
22 cility using aircraft) within which sources of
23 pollution and levels of pollution from those
24 sources are to be identified and reduced; and

1 (B) containing a variety of types of air,
2 noise, water, and solid waste sources of pollu-
3 tion in which the aggregate of each type of pol-
4 lutant from the respective sources is regulated
5 as if the various sources were a single source.

6 **SEC. 4. STUDY OF USING AIRPORT BUBBLES.**

7 (a) IN GENERAL.—The Administrator shall conduct
8 a study to determine the feasibility of regulating air, noise,
9 water, and solid waste pollution from all sources in and
10 around airports using airport bubbles.

11 (b) WORKING GROUP.—In conducting the study, the
12 Administrator shall establish and consult with a working
13 group comprised of—

14 (1) the Administrator of the Federal Aviation
15 Administration (or a designee);

16 (2) the Secretary of Defense (or a designee);

17 (3) the Secretary of Transportation (or a des-
18 ignee);

19 (4) a representative of air quality districts;

20 (5) a representative of environmental research
21 groups;

22 (6) a representative of State Audubon Societies;

23 (7) a representative of the Sierra Club;

24 (8) a representative of the Nature Conservancy;

1 (9) a representative of port authorities of
2 States;

3 (10) an airport manager;

4 (11) a representative of commanding officers of
5 military air bases and stations;

6 (12) a representative of the bus lines that serve
7 airports who is familiar with the emissions testing
8 and repair records of those buses, the schedules of
9 those lines, and any problems with delays in service
10 caused by traffic congestion;

11 (13) a representative of the taxis and lim-
12 ousines that serve airports who is familiar with the
13 emissions testing and repair records of the taxis and
14 limousines and the volume of business generated by
15 the taxis and limousines;

16 (14) a representative of local law enforcement
17 agencies or other entities responsible for traffic con-
18 ditions in and around airports;

19 (15) a representative of the Air Transport As-
20 sociation;

21 (16) a representative of the Airports Council
22 International—North America;

23 (17) a representative of environmental special-
24 ists from airport authorities; and

1 (18) a representative from an aviation union
2 representing ground crews.

3 (c) REQUIRED ELEMENTS.—In conducting the study,
4 the Administrator shall—

5 (1) collect, analyze, and consider information on
6 the variety of stationary and mobile sources of air,
7 noise, water, and solid waste pollution within airport
8 bubbles around airports in the United States, includ-
9 ing—

10 (A) aircraft, vehicles, and equipment that
11 service aircraft (including main and auxiliary
12 engines); and

13 (B) buses, taxis, and limousines that serve
14 airports;

15 (2) study a statistically significant number of
16 airports serving commercial aviation in a manner de-
17 signed to obtain a representative sampling of such
18 airports;

19 (3) consider all relevant information that is
20 available, including State implementation plans
21 under the Clean Air Act (42 U.S.C. 7401 et seq.)
22 and airport master plans;

23 (4) consider the air quality implications of air-
24 port and ground and in-flight aircraft operations,
25 such as routing and delays;

1 (5) assess the role of airports in interstate and
2 international travel and commerce and the environ-
3 mental and economic impact of regulating airports
4 as significant sources of air, noise, water, and solid
5 waste pollution;

6 (6) propose boundaries of the areas to be in-
7 cluded within airport bubbles;

8 (7) propose a definition of air pollutant emis-
9 sions for airport bubbles that includes hydrocarbons,
10 volatile organic compounds, and other ozone precur-
11 sors targeted for reduction under Federal air pollu-
12 tion law;

13 (8) develop an inventory of each source of air,
14 noise, water, and solid waste pollution to be regu-
15 lated within airport bubbles and the level of reduc-
16 tion for each source;

17 (9) list and evaluate programs that might be
18 implemented to reduce air, noise, water, and solid
19 waste pollution within airport bubbles and the envi-
20 ronmental and economic impact of each of the pro-
21 grams, including any changes to Federal or State
22 law (including regulations) that would be required
23 for implementation of each of the programs;

24 (10) evaluate the feasibility of regulating air,
25 noise, water, and solid waste pollutants in and

1 around airports using airport bubbles and make rec-
2 ommendations regarding which programs should be
3 included in an effective implementation of airport
4 bubble methodology; and

5 (11) address the issues of air and noise pollu-
6 tion source identification and regulation that are
7 unique to military air bases and stations.

8 (d) REPORT.—Not later than 3 years after the date
9 of enactment of this Act, the Administration shall submit
10 to Congress a report describing the results and rec-
11 ommendations of the study required by this section.

12 **SEC. 5. STUDY OF EMISSION STANDARDS FOR AIRPLANE**
13 **ENGINES.**

14 (a) IN GENERAL.—The Administrator shall conduct
15 a study of air pollutant emission standards established by
16 the Environmental Protection Agency for airplane engines
17 to determine whether it is feasible and desirable to
18 strengthen the standards.

19 (b) REPORT.—Not later than 2 years after the date
20 of enactment of this Act, the Administrator shall submit
21 to Congress a report describing the results and rec-
22 ommendations of the study required by this section.

23 **SEC. 6. PROGRESS REPORTS.**

24 Not later than 1 year after the enactment of this Act,
25 and every year thereafter, the Administrator shall submit

1 to the appropriate congressional committees a report
2 which details the progress being made by the agency in
3 complying with section 4 and section 5 of this Act.

4 **SEC. 7. REPORTING OF TOXIC CHEMICAL RELEASES.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of enactment of this Act, the Administrator shall pro-
7 mulgate regulations requiring each airport that regularly
8 serves commercial or military jet aircraft to report, under
9 section 313 of the Emergency Planning and Community
10 Right-To-Know Act of 1986 (42 U.S.C. 11023) and sec-
11 tion 6607 of the Pollution Prevention Act of 1990 (42
12 U.S.C. 13106), releases and other waste management ac-
13 tivities associated with the manufacturing, processing, or
14 other use of toxic chemicals listed under section 313 of
15 the Emergency Planning and Community Right-To-Know
16 Act of 1986 (42 U.S.C. 11023), including toxic chemicals
17 manufactured, processed, or otherwise used—

18 (1) during operation and maintenance of air-
19 craft and other motor vehicles at the airport; and

20 (2) in the course of other airport and airline ac-
21 tivities.

22 (b) TREATMENT AS A FACILITY.—For the purpose
23 of subsection (a), an airport shall be considered to be a
24 facility as defined in section 329 of the Emergency Plan-

1 ning and Community Right-To-Know Act of 1986 (42
2 U.S.C. 11049).

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