

113TH CONGRESS
2D SESSION

H. R. 4957

To amend the Clean Air Act with respect to exceptional event demonstrations,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2014

Mr. OLSON (for himself, Mr. MCCARTHY of California, Mr. MCCLINTOCK, Mr. SCHWEIKERT, Mr. STOCKMAN, Mr. CHAFFETZ, Mr. PEARCE, Mr. POMPEO, Mr. CAMPBELL, Mr. TIPTON, Mr. SALMON, Mr. WEBER of Texas, Mr. DUNCAN of South Carolina, Mr. GOSAR, Mr. POE of Texas, Mr. FRANKS of Arizona, Mr. NEUGEBAUER, Mr. MARCHANT, Mr. CULBERSON, Mr. CONAWAY, Mr. LATTI, Mr. WILLIAMS, and Mr. KELLY of Pennsylvania) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Clean Air Act with respect to exceptional
event demonstrations, 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 “Commonsense Legisla-
5 tive Exceptional Events Reforms Act of 2014”.

1 **SEC. 2. CLEAN AIR ACT EXCEPTIONAL EVENTS.**

2 Section 319(b) of the Clean Air Act (42 U.S.C.
3 7619(b)) is amended—

4 (1) in paragraph (1)(B)—

5 (A) in clause (i)—

6 (i) by striking “(i) stagnation of air
7 masses or” and inserting “(i)(I) ordinarily
8 occurring stagnation of air masses or
9 (II)”;

10 (ii) by inserting “or” after the semi-
11 colon;

12 (B) by striking clause (ii); and

13 (C) by redesignating clause (iii) as clause
14 (ii); and

15 (2) in paragraph (3)—

16 (A) in subparagraph (B)(iv), by striking
17 “to petition the Administrator to” and inserting
18 “to submit a petition (in this section referred to
19 as an ‘exceptional event demonstration’) to the
20 Administrator to”; and

21 (B) by adding at the end the following:

22 “(C) CRITERIA FOR DETERMINATION OF
23 EXCEPTIONAL EVENT DEMONSTRATION.—

24 “(i) IN GENERAL.—The criteria for
25 evidence, analyses, and documentation ap-
26 plicable to approval or disapproval of an

1 exceptional event demonstration under the
2 regulations under this section shall be stat-
3 ed with specificity in order to minimize the
4 discretion of the Administrator in approv-
5 ing or disapproving that demonstration.

6 “(ii) STATE PARTICIPATION.—The
7 Administrator shall develop the criteria in
8 conjunction with input from the States.

9 “(iii) CONTENTS.—The criteria shall
10 reflect the varying levels of technical exper-
11 tise and resources available in State and
12 local agencies and the varying availability
13 of meteorological and other monitoring
14 data in rural areas, and may vary with re-
15 spect to different regions.

16 “(iv) CONSIDERATIONS.—In devel-
17 oping the criteria, the Administrator shall
18 consider the use of an expedited or stream-
19 lined approval process and conditions
20 under which exceptional event demonstra-
21 tions may be suitable for such a process.

22 “(D) TIMING OF DETERMINATION OF EX-
23 CEPTIONAL EVENT DEMONSTRATION.—

24 “(i) DEADLINE FOR DETERMINA-
25 TION.—

1 “(I) IN GENERAL.—Not later
2 than 90 days after submission of an
3 exceptional event demonstration, the
4 Administrator shall approve, dis-
5 approve, or request additional infor-
6 mation from a State regarding the ex-
7 ceptional event demonstration.

8 “(II) ADMINISTRATION.—If the
9 Administrator does not approve, dis-
10 approve, or request additional infor-
11 mation relating to an exceptional
12 event demonstration within the 90-day
13 period described in subclause (I), the
14 demonstration shall be considered to
15 be approved on the day after the date
16 on which that 90-day period ends.

17 “(ii) DEADLINE IF ADDITIONAL IN-
18 FORMATION REQUESTED.—

19 “(I) IN GENERAL.—If the Ad-
20 ministrator requests additional infor-
21 mation from a State regarding an ex-
22 ceptional event demonstration under
23 clause (i), not later than 90 days after
24 the submission of that additional in-
25 formation, the Administrator shall ap-

1 prove or disapprove the demonstra-
2 tion.

3 “(II) ADMINISTRATION.—If the
4 Administrator does not approve or
5 disapprove a demonstration for which
6 additional information is submitted
7 within the 90-day period described in
8 subclause (I), the demonstration shall
9 be considered to be approved.

10 “(E) BURDEN OF PROOF.—The regula-
11 tions promulgated under this section shall pro-
12 vide that—

13 “(i) a determination by the Adminis-
14 trator with respect to approval or dis-
15 approval of an exceptional event dem-
16 onstration be based on a preponderance of
17 the evidence; and

18 “(ii) in making a determination, the
19 Administrator—

20 “(I) shall accord substantial def-
21 erence to the findings of the State ex-
22 ceptional event demonstration; and

23 “(II) may develop and use anal-
24 yses and consider evidence not pro-
25 vided in the exceptional event dem-

1 onstration, subject to the condition
 2 that the analyses are developed by the
 3 Environmental Protection Agency.

4 “(F) APPEALS.—

5 “(i) DISAPPROVAL.—

6 “(I) IN GENERAL.—Subject to
 7 subclause (II), disapproval by the Ad-
 8 ministrator of an exceptional event
 9 demonstration shall be considered
 10 final action subject to judicial review
 11 under section 307(b).

12 “(II) LIMITATION.—Notwith-
 13 standing subclause (I), disapproval by
 14 the Administrator of an exceptional
 15 event demonstration shall only be sub-
 16 ject to appeal by the State that sub-
 17 mitted the exceptional event dem-
 18 onstration.

19 “(ii) APPROVAL.—Approval by the
 20 Administrator of an exceptional event dem-
 21 onstration shall not be subject to appeal or
 22 other judicial action.”.

23 **SEC. 3. REVISION OF REGULATIONS.**

24 After providing for a notice and comment period, but
 25 not later than 180 days after the date of enactment of

1 this Act, the Administrator of the Environmental Protec-
2 tion Agency shall revise the regulations under section
3 319(b) of the Clean Air Act (42 U.S.C. 7619(b)) to carry
4 out the amendments made by this Act.

