

[DISCUSSION DRAFT]

113TH CONGRESS
2^D SESSION

H. R. _____

To promote new manufacturing in the United States by providing for greater transparency and timeliness in obtaining necessary permits, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To promote new manufacturing in the United States by providing for greater transparency and timeliness in obtaining necessary permits, 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 “Promoting New Manu-
5 facturing Act”.

1 **SEC. 2. BUILDING AND MANUFACTURING PROJECTS**
2 **DASHBOARD.**

3 (a) IN GENERAL.—The Administrator shall, with re-
4 spect to fiscal year 2008 and each subsequent fiscal year,
5 publish in a readily accessible location on the Environ-
6 mental Protection Agency’s public Website the following:

7 (1) The total number of preconstruction per-
8 mits issued during the fiscal year.

9 (2) The percentage of such preconstruction per-
10 mits issued within one year after the date of filing
11 of a completed application.

12 (3) The average length of time for the Agency’s
13 Environmental Appeals Board to issue a final deci-
14 sion on petitions appealing decisions to grant or
15 deny a preconstruction permit application.

16 (b) INITIAL PUBLICATION; UPDATES.—The Adminis-
17 trator shall—

18 (1) make the publication required by subsection

19 (a) for fiscal years 2008 through 2013 not later
20 than 60 days after the date of enactment of this
21 Act; and

22 (2) update such publication not less than annu-
23 ally.

1 **SEC. 3. TIMELY ISSUANCE OF REGULATIONS AND GUID-**
2 **ANCE TO ADDRESS NEW OR REVISED NA-**
3 **TIONAL AMBIENT AIR QUALITY STANDARDS**
4 **IN PRECONSTRUCTION PERMITTING.**

5 (a) IN GENERAL.—In publishing any final rule estab-
6 lishing or revising a national ambient air quality standard,
7 the Administrator shall concurrently publish regulations
8 and guidance for implementing the standard, including in-
9 formation relating to submission and consideration of a
10 preconstruction permit application under the new or re-
11 vised standard.

12 (b) APPLICABILITY OF STANDARD TO
13 PRECONSTRUCTION PERMITTING.—If the Administrator
14 fails to publish final regulations and guidance that include
15 information relating to submission and consideration of a
16 preconstruction permit application under a new or revised
17 national ambient air quality standard concurrently with
18 such standard, then such standard shall not apply to the
19 review and disposition of a preconstruction permit applica-
20 tion until the Agency has published such final regulations
21 and guidance.

22 (c) RULE OF CONSTRUCTION.—After publishing reg-
23 ulations and guidance for implementing national ambient
24 air quality standards under subsection (a), nothing in this
25 section shall preclude the Environmental Protection Agen-

1 cy from issuing subsequent regulations or guidance to as-
2 sist States and facilities in implementing such standards.

3 **SEC. 4. REPORT TO CONGRESS ON ACTIONS TO EXPEDITE**
4 **REVIEW OF PRECONSTRUCTION PERMITS.**

5 (a) IN GENERAL.—Not later than 120 days after the
6 date of enactment of this Act, and annually thereafter,
7 the Administrator shall submit to Congress a report—

8 (1) identifying the goals of the Environmental
9 Protection Agency, including specific timelines, to
10 expedite the process for issuance of preconstruction
11 permits;

12 (2) identifying the specific reasons for delays in
13 issuing—

14 (A) preconstruction permits required under
15 part C of the Clean Air Act (42 U.S.C. 7470
16 et seq.) beyond the one-year statutory deadline
17 mandated by section 165(c) of the Clean Air
18 Act (42 U.S.C. 7475(c)); or

19 (B) preconstruction permits required under
20 part D of the Clean Air Act (42 U.S.C. 7501
21 et seq.) beyond the one-year period beginning
22 on the date on which the permit application is
23 determined to be complete;

1 (3) describing how the Agency is resolving
2 delays in making completeness determinations for
3 preconstruction permit applications;

4 (4) describing how the Agency is resolving proc-
5 essing delays for preconstruction permits; and

6 (5) summarizing and responding to public com-
7 ments concerning the report received under sub-
8 section (b).

9 (b) PUBLIC COMMENT.—Before submitting each re-
10 port required by subsection (a), the Administrator shall
11 publish a draft report on the website of the Environmental
12 Protection Agency and provide the public with a period
13 of at least 30 days to submit comments on the draft re-
14 port.

15 **SEC. 5. DEFINITIONS.**

16 In this Act:

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

20 (2) MAJOR EMITTING FACILITY; MAJOR STA-
21 TIONARY SOURCE.—The terms “major emitting fa-
22 cility” and “major stationary source” have the
23 meaning given to those terms in section 302(j) of
24 the Clean Air Act (42 U.S.C. 7602(j)).

1 (3) NATIONAL AMBIENT AIR QUALITY STAND-
2 ARD.—The term “national ambient air quality
3 standard” means a national ambient air quality
4 standard for an air pollutant under section 109 of
5 the Clean Air Act (42 U.S.C. 7409) that is finalized
6 on or after the date of enactment of this Act.

7 (4) PRECONSTRUCTION PERMIT.—The term
8 “preconstruction permit”—

9 (A) means a permit that is required under
10 part C or D of title I of the Clean Air Act (42
11 U.S.C. 7470 et seq.) for the construction or
12 modification of a major emitting facility or
13 major stationary source; and

14 (B) includes any such permit issued by the
15 Environmental Protection Agency or a State,
16 local, or tribal permitting authority.