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PROPOSED LEGISLATION—"CLEAN AIR ACT AMENDMENTS OF 1989"

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A DRAFT OF PROPOSED LEGISLATION TO AMEND THE CLEAN AIR ACT TO PROVIDE FOR THE ATTAINMENT AND MAINTENANCE OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS, THE CONTROL OF TOXIC AIR POLLUTANTS, THE PREVENTION OF ACID DEPOSITION, AND OTHER IMPROVEMENTS IN THE QUALITY OF THE NATION'S AIR

JULY 24, 1989.—Message and accompanying papers referred to the Committee on Energy and Commerce and ordered to be printed

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To the Congress of the United States:

Today I am pleased to transmit proposed legislation entitled the "Clean Air Act Amendments of 1989." This proposal reflects the first major clean air legislation proposed by the executive branch in a decade. It is designed to achieve consensus by complementing the important efforts of the Congress in recent years, so that we can move forward this year with a plan to protect our Nation's air.

On June 12, 1989, I outlined the highlights of my program to provide clean air for all Americans, the first sweeping revisions to the Clean Air Act since 1977. This legislation implements that program. While emissions of some pollutants—such as lead and carbon monoxide—have been reduced since the Clean Air Act was passed in 1970, progress has not come quickly enough and much remains to be done.

My proposal is designed to curb three major threats: acid rain, urban air pollution, and toxic air emissions. The seven-title proposal I am sending you today represents the actions that we believe the Congress should take in each of these areas. If this legislation is enacted, acid rain-related pollutants will be reduced by nearly one-half, all urban areas in the country will finally attain national air quality standards, and emissions of toxic air pollutants will be slashed.

My acid rain proposal would permanently cut sulfur dioxide (SO2) emissions by 10 million tons from 1980 levels and would result in a 2 million ton cut in nitrogen oxide (NOx) emissions from levels projected by the year 2000. All cities currently not meeting the health standards for ozone and carbon monoxide would be brought into attainment. Most cities would attain the standard by 1995, and the plan is designed to ensure attainment in all but the most severely impacted cities by the year 2000. New plants emitting toxic compounds into the air would be required to employ the best technology currently available so as to achieve a significant cut in pollutants suspected of causing cancer.

More important, this proposed legislation makes deep, early cuts in air pollution and continues that progress forward into the 21st century. During my campaign I promised the American people that my Administration would work to protect the environment and to ensure clean air for all Americans. Enactment of the proposal I present to you today will be a major step in fulfilling that promise. I urge these important proposals be promptly considered and enacted. We owe the people of our great Nation nothing less.

GEORGE BUSH.

THE WHITE HOUSE, *July 21, 1989.*

A BILL

To amend the Clean Air Act to provide for the attainment and maintenance of the national ambient air quality standards, the control of toxic air pollutants, the prevention of acid deposition, and other improvements in the quality of the nation's air.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. SHORT TITLE AND TABLE OF CONTENTS

This Act may be cited as "The Clean Air Act Amendments of 1989".

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TITLE III -- HAZARDOUS AIR POLLUTANTS

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which establish the elements of tribal implementation plans and procedures for approval or disapproval of tribal implementation plans and portions thereof.

"(4) In any case in which the Administrator determines that the treatment of Indian tribes as identical to States is inappropriate or administratively infeasible, the Administrator may provide, by regulation, other means by which the Administrator will directly administer such provisions so as to achieve the appropriate purpose.

"(5) Until such time as the Administrator promulgates regulations pursuant to this subsection, the Administrator may continue to provide financial assistance to eligible Indian tribes under section 105.".

SEC. 108. MISCELLANEOUS.

(a) Transportation Planning Guidance.-- Section 108 of the Clean Air Act is amended by--

(1) revising the first sentence of subsection 108(e) to read as follows:

"(e) Within nine months after the date of enactment of the Clean Air Act Amendments of 1989 and periodically thereafter as necessary to maintain a continuous process of transportation and air quality planning, including emissions inventory development, the Administrator shall, after consultation with the Secretary of Transportation and State and local officials, update the June 1978 Transportation-Air Quality Planning Guidelines; and

(2) amending the introductory language and subparagraph (A) of paragraph 108(f)(1) to read as follows:

"(f)(1) The Administrator shall, from time to time, publish and make available to appropriate Federal, State, and local environmental and transportation agencies--

"(A) information, prepared as appropriate after consultation with the Secretary of Transportation, regarding the emission reduction potential of transportation control measures, including but not limited to--

"(i) trip-reduction ordinances;

"(ii) employer-based transportation management plans;

"(iii) transit improvements;

"(iv) traffic-flow improvements;

"(v) area-wide rideshare programs;

"(vi) no-drive days;

"(vii) parking-management programs;

"(viii) park-and-ride and fringe parking programs;

"(ix) work-schedule changes; and

"(x) road-pricing and tolls;".

(b) State Reports on Emissions-related Data.-- Section 110 of the Clean Air Act is amended by adding a new subsection (u) at the end thereof, to read as follows:

"(u) Any State shall submit, according to such schedule as the Administrator may prescribe, such reports as the Administrator may require relating to emission reductions, vehicle miles travelled, congestion levels, and any other information the Administrator may deem necessary to assess the development, effectiveness, need for revision, or implementation of any plan or plan revision required under this Act.".

(c) New Source Standards of Performance.--

(1) Section 111(b)(1)(B) of the Clean Air Act is amended by--

(A) striking "120 days" and inserting "one year";

(B) striking "90 days" and inserting "one year";

(C) striking "four years" and inserting "eight years";

(D) inserting "Notwithstanding the requirements of the previous sentence, the Administrator need not review any such standard if he determines that such review is not appropriate in light of readily available information on the efficacy of such standard." immediately before the sentence beginning "Standards of performance or revisions thereof..."; and

(E) adding a new sentence at the end thereof, to read as follows: "When implementation and enforcement of any requirement of this Act indicate that emission limitations and percent reductions beyond those required by the standards promulgated under this section are

achieved in practice, the Administrator shall, when revising those standards, consider the emission limitations and percent reductions achieved in practice.

(2) Section 111(f)(1) of the Clean Air Act is amended to read as follows:

"(f)(1) For those categories of major stationary sources that the Administrator listed under subsection (b)(1)(A) prior to the date of enactment of the Clean Air Act Amendments of 1989 and for which regulations had not been proposed by the Administrator by such date, the Administrator shall:

"(A) propose regulations establishing standards of performance for at least 25 percent of such categories of sources within two years of the date of enactment of the Clean Air Act Amendments of 1989;

"(B) propose regulations establishing standards of performance for at least 50 percent of such categories of sources within four years of the date of enactment of the Clean Air Act Amendments of 1989; and

"(C) propose regulations for the remaining categories of sources within six years of the date of enactment of the Clean Air Act Amendments of 1989;".

(d) Regulation of Existing Sources.-- Section 111(d)(1)(A)(i) of the Clean Air Act is amended by striking "or 112(b)(1)(A)" and inserting "or emitted from a source category which is regulated under section 112".

(e) Authority to Obtain Information.-- Section 114(a)(1) of the Clean Air Act is amended by--

(1) striking the term "or" and inserting a comma immediately after the phrase "any emission source"; and

(2) inserting "or who manufactures emission control equipment or process equipment, or who the Administrator believes may have information necessary for the purposes set forth in this subsection" immediately after "any person who owns or operates an emission source".

(f) Consultation.-- The second-to-last sentence of Section 121 of the Clean Air Act is amended to read as follows:
"The Administrator shall update as necessary the original regulations required and promulgated under this section (as in effect immediately before the date of enactment of the Clean Air Act Amendments of 1989) to ensure adequate consultation.".

(g) Permit Process for Addressing Interstate Effects.-- Section 126 of Clean Air Act is amended by adding a new subsection (d), to read as follows:

"(d) The provisions of this section shall not apply to any source or implementation plan in a State with a permit program fully approved under title IV.".

(h) Increment Exemptions.-- Section 163(c)(1) of the Clean Air Act is amended by--

(1) replacing the comma and "and" at the end of subparagraph (C) with a period;