

COMMITTEE PRINT

118TH CONGRESS
2^D SESSION

H. R.

To facilitate efficient State implementation of national ambient air quality standards, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To facilitate efficient State implementation of national ambient air quality standards, 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 “Air Quality Standards
5 Implementation Act of 2024”.

6 **SEC. 2. FACILITATING STATE IMPLEMENTATION OF NA-**
7 **TIONAL AMBIENT AIR QUALITY STANDARDS.**

8 (a) **TIMELINE FOR REVIEW OF NATIONAL AMBIENT**
9 **AIR QUALITY STANDARDS.**—Paragraphs (1) and (2)(B)

1 of section 109(d) of the Clean Air Act (42 U.S.C.
2 7409(d)) are amended by striking “five-year intervals”
3 each place it appears and inserting “10-year intervals”.

4 (b) CONSIDERATION OF ATTAINABILITY.—Section
5 109(b)(1) of the Clean Air Act (42 U.S.C. 7409(b)(1))
6 is amended by inserting after the first sentence the fol-
7 lowing: “If the Administrator, in consultation with the
8 independent scientific review committee appointed under
9 subsection (d), finds that a range of levels of air quality
10 for an air pollutant are requisite to protect public health
11 with an adequate margin of safety, as described in the
12 preceding sentence, the Administrator may, as a sec-
13 ondary consideration in establishing and revising the na-
14 tional primary ambient air quality standard for such air
15 pollutant, consider likely attainability of the standard.”.

16 (c) COMPOSITION OF INDEPENDENT SCIENTIFIC RE-
17 VIEW COMMITTEE.—Section 109(d)(2)(A) of the Clean
18 Air Act (42 U.S.C. 7409(d)(2)(A)) is amended—

19 (1) by striking “one person representing State
20 air pollution control agencies” and inserting “three
21 persons representing State air pollution control
22 agencies”; and

23 (2) by adding at the end the following: “The
24 persons representing State air pollution control
25 agencies shall be from geographically diverse areas

1 with at least one person representing a State located
2 in Region 1, 2, 3, or 5 of the Environmental Protec-
3 tion Agency, one person representing a State located
4 in Region 4, 6, or 7 of the Environmental Protection
5 Agency, and one person representing a State located
6 in Region 8, 9, or 10 of the Environmental Protec-
7 tion Agency.”.

8 (d) CONSIDERATION OF ADVERSE PUBLIC HEALTH,
9 WELFARE, SOCIAL, ECONOMIC, OR ENERGY EFFECTS.—
10 Section 109(d)(2) of the Clean Air Act (42 U.S.C.
11 7409(d)(2)) is amended by adding at the end the fol-
12 lowing:

13 “(D) Prior to establishing or revising a national am-
14 bient air quality standard, the Administrator shall re-
15 quest, and such committee, after receiving public com-
16 ments, shall assess and provide advice under subpara-
17 graph (C)(iv) regarding any adverse public health, welfare,
18 social, economic, or energy effects which may result from
19 various strategies for attainment and maintenance of such
20 national ambient air quality standard.”.

21 (e) TIMELY ISSUANCE OF IMPLEMENTING REGULA-
22 TIONS AND GUIDANCE.—Section 109 of the Clean Air Act
23 (42 U.S.C. 7409) is amended by adding at the end the
24 following:

1 “(e) TIMELY ISSUANCE OF IMPLEMENTING REGULA-
2 TIONS AND GUIDANCE.—

3 “(1) IN GENERAL.—In publishing any final rule
4 establishing or revising a national ambient air qual-
5 ity standard, the Administrator shall, to assist
6 States, permitting authorities, and permit appli-
7 cants, concurrently publish regulations and guidance
8 for implementing the standard, including informa-
9 tion relating to submission and consideration of a
10 preconstruction permit application under the new or
11 revised standard.

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

23 “(3) RULES OF CONSTRUCTION.—

24 “(A) Nothing in this subsection shall be
25 construed to preclude the Administrator from

1 issuing regulations and guidance to assist
2 States, permitting authorities, and permit appli-
3 cants in implementing a national ambient air
4 quality standard subsequent to publishing regu-
5 lations and guidance for such standard under
6 paragraph (1).

7 “(B) Nothing in this subsection shall be
8 construed to eliminate the obligation of a
9 preconstruction permit applicant to install best
10 available control technology and lowest achiev-
11 able emission rate technology, as applicable.

12 “(C) Nothing in this subsection shall be
13 construed to limit the authority of a State,
14 local, or Tribal permitting authority to impose
15 more stringent emissions requirements pursu-
16 ant to State, local, or Tribal law than national
17 ambient air quality standards.

18 “(4) DEFINITIONS.—In this subsection:

19 “(A) The term ‘best available control tech-
20 nology’ has the meaning given to that term in
21 section 169(3).

22 “(B) The term ‘lowest achievable emission
23 rate’ has the meaning given to that term in sec-
24 tion 171(3).

25 “(C) The term ‘preconstruction permit’—

1 “(i) means a permit that is required
2 under this title for the construction or
3 modification of a stationary source; and

4 “(ii) includes any such permit issued
5 by the Environmental Protection Agency
6 or a State, local, or Tribal permitting au-
7 thority.”.

8 (f) OPPORTUNITY FOR STATES TO CORRECT DEFI-
9 CIENCY PRIOR TO PROMULGATION OF FEDERAL IMPLE-
10 MENTATION PLAN.—Section 110(c)(1) of the Clean Air
11 Act (42 U.S.C. 7410(c)(1)) is amended—

12 (1) by striking “at any time”; and

13 (2) by adding at the end the following: “Before
14 promulgating the Federal implementation plan, the
15 Administrator shall give the State at least one year
16 after such finding or disapproval to submit a plan or
17 plan revision to correct the deficiency. If the State
18 submits a plan or plan revision to correct the defi-
19 ciency, the Administrator may, notwithstanding the
20 2-year deadline under this paragraph to promulgate
21 a Federal implementation plan, choose to take up to
22 3 years after such finding or disapproval to promul-
23 gate a Federal implementation plan.”.

24 (g) CONTINGENCY MEASURES FOR EXTREME OZONE
25 NONATTAINMENT AREAS.—Section 172(c)(9) of the Clean

1 Air Act (42 U.S.C. 7502(e)(9)) is amended by adding at
2 the end the following: “Notwithstanding the preceding
3 sentences and any other provision of this Act, such meas-
4 ures shall not be required for any nonattainment area for
5 ozone classified as an Extreme Area.”.

6 (h) PLAN SUBMISSIONS AND REQUIREMENTS FOR
7 OZONE NONATTAINMENT AREAS.—Section 182 of the
8 Clean Air Act (42 U.S.C. 7511a) is amended—

9 (1) in subsection (b)(1)(A)(ii)(III), by inserting
10 “and economic feasibility” after “technological
11 achievability”;

12 (2) in subsection (c)(2)(B)(ii), by inserting
13 “and economic feasibility” after “technological
14 achievability”;

15 (3) in subsection (e), in the matter preceding
16 paragraph (1)—

17 (A) by striking “The provisions of clause
18 (ii) of subsection (c)(2)(B) (relating to reduc-
19 tions of less than 3 percent), the provisions of
20 paragraphs” and inserting “The provisions of
21 paragraphs”; and

22 (B) by striking “, and the provisions of
23 clause (ii) of subsection (b)(1)(A) (relating to
24 reductions of less than 15 percent)”; and

1 (4) in paragraph (5) of subsection (e), by strik-
2 ing “, if the State demonstrates to the satisfaction
3 of the Administrator that—” and all that follows
4 through the end of the paragraph and inserting a
5 period.

6 (i) PLAN REVISIONS FOR MILESTONES FOR PARTIC-
7 ULATE MATTER NONATTAINMENT AREAS.—Section
8 189(e)(1) of the Clean Air Act (42 U.S.C. 7513a(e)(1))
9 is amended by inserting “, which take into account techno-
10 logical achievability and economic feasibility,” before “and
11 which demonstrate reasonable further progress”.

12 (j) EXCEPTIONAL EVENTS.—Section 319(b) of the
13 Clean Air Act (42 U.S.C. 7619(b)) is amended—

14 (1) in the subsection heading, by inserting “OR
15 ACTIONS TO MITIGATE WILDFIRE RISK” after
16 “EVENTS”;

17 (2) in paragraph (1)—

18 (A) in the paragraph heading, by striking
19 “DEFINITION OF EXCEPTIONAL EVENT” and in-
20 serting “DEFINITIONS”;

21 (B) in subparagraph (A), by redesignating
22 clauses (i) through (iv), as subclauses (I)
23 through (IV), respectively;

1 (C) by striking “(A)” and all that follows
2 through “an event that—” and inserting the
3 following:

4 “(A) EXCEPTIONAL EVENT.—

5 “(i) IN GENERAL.—The term ‘except-
6 tional event’ means an event that—”;

7 (D) by amending clause (III) of subpara-
8 graph (A)(i), as redesignated, to read as fol-
9 lows:

10 “(III) is an event that is—

11 “(aa) a natural event;

12 “(bb) caused by a human
13 activity that is intended to mirror
14 the occurrence or reoccurrence of
15 a natural event; or

16 “(cc) caused by a human ac-
17 tivity that is unlikely to recur.”;

18 (E) by striking subparagraph (B) and in-
19 serting the following:

20 “(ii) EXCLUSIONS.—In this sub-
21 section, the term ‘exceptional event’ does
22 not include—

23 “(I) ordinarily occurring stagna-
24 tion of air masses;

1 “(II) meteorological inversions;

2 or

3 “(III) air pollution relating to
4 source noncompliance.”; and

5 (F) by adding at the end the following:

6 “(B) ACTION TO MITIGATE WILDFIRE
7 RISK.—The term ‘action to mitigate wildfire
8 risk’ means a prescribed fire or similar meas-
9 ure, undertaken in accordance with State ap-
10 proved practices, to reduce the risk and severity
11 of wildfires.”;

12 (3) in paragraph (2)—

13 (A) in subparagraph (A)—

14 (i) by striking “March 1, 2006” and
15 inserting “18 months after the date of en-
16 actment of the Air Quality Standards Im-
17 plementation Act of 2024”;

18 (ii) by inserting “revisions to” before
19 “regulations”; and

20 (iii) by adding “or actions to mitigate
21 wildfire risk” before the period at the end;

22 (B) in subparagraph (B)—

23 (i) by inserting “or action to mitigate
24 wildfire risk” after “an exceptional event”;

25 and

1 (ii) by striking “paragraph (3)” and
2 inserting “this section”;

3 (C) by adding at the end the following:

4 “(C) REGIONAL ANALYSIS.—When more
5 than one State notifies the Administrator of its
6 intent to submit a petition for an exceptional
7 event or an action to mitigate wildfire risk for
8 the same air quality event, the Administrator
9 shall conduct regional modeling and analysis,
10 upon request by one or more States, to satisfy
11 the analysis required for an exceptional event or
12 an action to mitigate wildfire risk petition for
13 such air quality event.

14 “(D) TRANSPARENCY.—Not later than 12
15 months after the date of enactment of the Air
16 Quality Standards Implementation Act of 2024,
17 the Administrator shall establish and update
18 monthly a public website describing the status
19 of all submitted petitions for exceptional events
20 and actions to mitigate wildfire risk.”;

21 (4) in paragraph (3)(A)—

22 (A) by redesignating clauses (ii) through
23 (v) as clauses (iii) through (vi), respectively;
24 and

1 (B) by inserting after clause (i) the fol-
2 lowing:

3 “(ii) the principle that actions to miti-
4 gate wildfire risk can play an important
5 role in reducing the magnitude and fre-
6 quency of wildfires;”;

7 (5) in paragraph (3)(B)—

8 (A) in clause (i), by inserting “or action to
9 mitigate wildfire risk” before “must be”;

10 (B) by amending clause (ii) to read as fol-
11 lows:

12 “(ii) a clear causal relationship must
13 exist, or be reasonably expected to exist,
14 between the measured exceedances of a na-
15 tional ambient air quality standard and the
16 exceptional event or action to mitigate
17 wildfire risk to demonstrate that the excep-
18 tional event or action to mitigate wildfire
19 risk caused a specific air pollution con-
20 centration at a particular air quality moni-
21 toring location;”;

22 (C) by amending clause (iv) to read as fol-
23 lows:

24 “(iv) there are criteria and procedures
25 for the Governor of a State to petition the

1 Administrator to exclude air quality moni-
2 toring data that is directly due to excep-
3 tional events or actions to mitigate wildfire
4 risk from use in determinations by the Ad-
5 ministrator with respect to—

6 “(I) area or source exceedances
7 or violations of the national ambient
8 air quality standards;

9 “(II) the designation, redesigna-
10 tion, classification, or reclassification
11 of an area;

12 “(III) the demonstration by a
13 State of attainment of a national am-
14 bient air quality standard;

15 “(IV) attainment determinations;

16 “(V) attainment date extensions;

17 “(VI) finding a State implemen-
18 tation plan to be inadequate; or

19 “(VII) preconstruction dem-
20 onstrations under section 165(a)(3).”;

21 and

22 (6) by striking paragraph (4).

23 (k) REPORT ON EMISSIONS EMANATING FROM OUT-
24 SIDE THE UNITED STATES.—Not later than 24 months
25 after the date of enactment of this Act, the Administrator,

1 in consultation with States, shall submit to the Congress
2 a report on—

3 (1) the extent to which foreign sources of air
4 pollution, including emissions from sources located
5 outside North America, impact—

6 (A) designations of areas (or portions
7 thereof) as nonattainment, attainment, or
8 unclassifiable under section 107(d) of the Clean
9 Air Act (42 U.S.C. 7407(d)); and

10 (B) attainment and maintenance of na-
11 tional ambient air quality standards;

12 (2) the Environmental Protection Agency's pro-
13 cedures and timelines for disposing of petitions sub-
14 mitted pursuant to section 179B(b) of the Clean Air
15 Act (42 U.S.C. 7509a(b));

16 (3) the total number of petitions received by the
17 Agency pursuant to such section 179B(b), and for
18 each such petition the date initially submitted and
19 the date of final disposition by the Agency; and

20 (4) whether the Administrator recommends any
21 statutory changes to facilitate the more efficient re-
22 view and disposition of petitions submitted pursuant
23 to such section 179B(b).

24 (I) STUDY ON OZONE FORMATION.—

1 (1) STUDY.—The Administrator, in consulta-
2 tion with States and the National Oceanic and At-
3 mospheric Administration, shall conduct a study on
4 the atmospheric formation of ozone and effective
5 control strategies, including—

6 (A) the relative contribution of man-made
7 and naturally occurring nitrogen oxides, volatile
8 organic compounds, and other pollutants in
9 ozone formation in urban and rural areas, in-
10 cluding during wildfires, and the most cost-ef-
11 fective control strategies to reduce ozone; and

12 (B) the science of wintertime ozone forma-
13 tion, including photochemical modeling of win-
14 tertime ozone formation, and approaches to
15 cost-effectively reduce wintertime ozone levels.

16 (2) PEER REVIEW.—The Administrator shall
17 have the study conducted under paragraph (1) peer
18 reviewed by an independent panel of experts in ac-
19 cordance with the requirements applicable to a high-
20 ly influential scientific assessment.

21 (3) REPORT.—The Administrator shall submit
22 to Congress a report describing the results of the
23 study conducted under paragraph (1), including the
24 findings of the peer review panel.

1 (4) REGULATIONS AND GUIDANCE.—The Ad-
2 ministrators shall incorporate the results of the study
3 conducted under paragraph (1), including the find-
4 ings of the peer review panel under paragraph (2),
5 into any Federal rules and guidance implementing
6 the 2015 ozone standards.

7 **SEC. 3. APPLICABILITY OF SANCTIONS AND FEES IF EMIS-**
8 **SIONS BEYOND CONTROL.**

9 The Clean Air Act (42 U.S.C. 7401 et seq.) is amend-
10 ed by inserting after section 179B the following new sec-
11 tion:

12 **“SEC. 179C. APPLICABILITY OF SANCTIONS AND FEES IF**
13 **EMISSIONS BEYOND CONTROL.**

14 “(a) IN GENERAL.—Notwithstanding any other pro-
15 vision of this Act, with respect to any nonattainment area
16 that is classified under section 181 as a Severe Area or
17 an Extreme Area for ozone or under section 188 as a Seri-
18 ous Area for particulate matter, no sanction or fee under
19 section 179 or 185 shall apply with respect to a State (or
20 a local government or source therein) on the basis of a
21 deficiency described in section 179(a), or the State’s fail-
22 ure to attain a national ambient air quality standard for
23 ozone or particulate matter by the applicable attainment
24 date, if the State demonstrates that the State would have

1 avoided such deficiency or attained such standard but for
2 one or more of the following:

3 “(1) Emissions emanating from outside the
4 nonattainment area.

5 “(2) Emissions from an exceptional event (as
6 defined in section 319(b)(1)).

7 “(3) Emissions from mobile sources to the ex-
8 tent the State demonstrates that—

9 “(A) such emissions are beyond the control
10 of the State to reduce or eliminate; and

11 “(B) the State is fully implementing such
12 measures as are within the authority of the
13 State to control emissions from the mobile
14 sources.

15 “(b) NO EFFECT ON UNDERLYING STANDARDS.—

16 The inapplicability of sanctions or fees with respect to a
17 State pursuant to subsection (a) does not affect the obliga-
18 tion of the State (and local governments and sources
19 therein) under other provisions of this Act to establish and
20 implement measures to attain a national ambient air qual-
21 ity standard for ozone or particulate matter.

22 “(c) PERIODIC RENEWAL OF DEMONSTRATION.—

23 For subsection (a) to continue to apply with respect to
24 a State (or local government or source therein), the State

1 involved shall renew the demonstration required by sub-
2 section (a) at least once every 5 years.”.

3 **SEC. 4. CERTAIN PRECONSTRUCTION PERMITS.**

4 (a) IN GENERAL.—The 2024 Primary Annual Partic-
5 ulate Matter_{2.5} Standard shall not apply to the review and
6 disposition of a preconstruction permit application if—

7 (1) the Administrator or the State, local, or
8 Tribal permitting authority, as applicable, deter-
9 mines the application to be complete on or before
10 the date of promulgation of the final designation of
11 the area involved under section 107(d) of the Clean
12 Air Act (42 U.S.C. 7407(d)) with respect to the
13 2024 Primary Annual Particulate Matter_{2.5} Stand-
14 ard; or

15 (2) the Administrator or the State, local, or
16 Tribal permitting authority, as applicable, publishes
17 a public notice of a preliminary determination or
18 draft permit for the application before the date that
19 is 60 days after the date of promulgation of the final
20 designation of the area involved under section
21 107(d) of the Clean Air Act (42 U.S.C. 7407(d))
22 with respect to the 2024 Primary Annual Particu-
23 late Matter_{2.5} Standard.

24 (b) RULES OF CONSTRUCTION.—Nothing in this sec-
25 tion shall be construed to—

1 (1) eliminate the obligation of a preconstruction
2 permit applicant to install best available control
3 technology and lowest achievable emission rate tech-
4 nology, as applicable; or

5 (2) limit the authority of a State, local, or Trib-
6 al permitting authority to impose more stringent
7 emissions requirements pursuant to State, local, or
8 Tribal law than national ambient air quality stand-
9 ards.

10 **SEC. 5. DEFINITIONS.**

11 In this Act:

12 (1) ADMINISTRATOR.—The term “Adminis-
13 trator” means the Administrator of the Environ-
14 mental Protection Agency.

15 (2) BEST AVAILABLE CONTROL TECH-
16 NOLOGY.—The term “best available control tech-
17 nology” has the meaning given to that term in sec-
18 tion 169(3) of the Clean Air Act (42 U.S.C.
19 7479(3)).

20 (3) HIGHLY INFLUENTIAL SCIENTIFIC ASSESS-
21 MENT.—The term “highly influential scientific as-
22 sessment” means a highly influential scientific as-
23 sessment as defined in the publication of the Office
24 of Management and Budget entitled “Final Informa-

1 tion Quality Bulletin for Peer Review” (70 Fed.
2 Reg. 2664 (January 14, 2005)).

3 (4) LOWEST ACHIEVABLE EMISSION RATE.—
4 The term “lowest achievable emission rate” has the
5 meaning given to that term in section 171(3) of the
6 Clean Air Act (42 U.S.C. 7501(3)).

7 (5) NATIONAL AMBIENT AIR QUALITY STAND-
8 ARD.—The term “national ambient air quality
9 standard” means a national ambient air quality
10 standard promulgated under section 109 of the
11 Clean Air Act (42 U.S.C. 7409).

12 (6) PRECONSTRUCTION PERMIT.—The term
13 “preconstruction permit”—

14 (A) means a permit that is required under
15 title I of the Clean Air Act (42 U.S.C. 7401 et
16 seq.) for the construction or modification of a
17 stationary source; and

18 (B) includes any such permit issued by the
19 Environmental Protection Agency or a State,
20 local, or Tribal permitting authority.

21 (7) 2015 OZONE STANDARDS.—The term “2015
22 ozone standards” means the national ambient air
23 quality standards for ozone published in the Federal
24 Register on October 26, 2015 (80 Fed. Reg. 65292).

1 (8) 2024 PRIMARY ANNUAL PARTICULATE MAT-
2 TER_{2.5} STANDARD.—The term “2024 Primary An-
3 nual Particulate Matter_{2.5} Standard” means [the
4 primary annual national ambient air quality stand-
5 ard for particulate matter_{2.5}] published in the Fed-
6 eral Register on [_____, 2024] [(____ Fed.
7 Reg. _____)].