HR 1582 IH

112th CONGRESS

1st Session

H. R. 1582

To address the application of the national primary ambient air quality standard for ozone with respect to extreme nonattainment areas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

April 15, 2011

Mr. MCCARTHY of California (for himself, Mr. NUNES, Mr. DENHAM, and Mr. ISSA) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To address the application of the national primary ambient air quality standard for ozone with respect to extreme nonattainment areas, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Commonsense Ozone Regulation Act'.

SEC. 2. EXCLUSIVE APPLICATION OF 8-HOUR NAAQS TO COVERED EXTREME OZONE NONATTAINMENT AREAS.

(a) In General- Notwithstanding section 172(e) of the Clean Air Act (42 U.S.C. 7502(e)), any covered extreme ozone nonattainment area shall not be subject to any control (as defined in section 4(2)) pursuant to the 1-hour national primary ambient air quality standard for ozone.

(b) Retroactive Applicability- Subsection (a) applies as of the effective date of the classification of the area involved as extreme pursuant to the 8-hour national primary ambient air quality standard for ozone promulgated on July 18, 1997 (62 Fed. Reg. 38856).

SEC. 3. POSTPONEMENT OF FUTURE OZONE STANDARDS FOR COVERED EXTREME OZONE NONATTAINMENT AREAS.

(a) Postponement of Standard- With respect to any covered extreme ozone nonattainment area--

(1) the Administrator may take such steps as are necessary to classify the area pursuant to any rule setting the level of the 8-hour national primary ambient air quality standard for ozone below 0.08...
parts per million; and

(2) until the date that is 6 months after a report on the feasibility of compliance in the area with the rule described in paragraph (1) is submitted to the Congress and the Administrator under subsection (b)(4)--

(A) the rule described in paragraph (1) shall not otherwise apply; and

(B) the 8-hour national primary ambient air quality standard for ozone in effect as of January 1, 2011, shall continue to apply.

(b) Local Advisory Committees-

(1) ESTABLISHMENT AND APPLICABILITY- Subsection (a) applies with respect to a covered extreme ozone nonattainment area only if the governing board of the responsible local air agency agrees to establish, in accordance with this subsection, a local advisory committee to study the feasibility of compliance in such area with a rule described in subsection (a)(1).

(2) MEMBERS- Each local advisory committee under this subsection shall be composed of the following members, to be appointed by the governing board of the responsible local air agency:

(A) A representative of the governing board of the responsible local air agency.

(B) A local representative of the energy industry.

(C) A local representative of the agriculture industry.

(D) A local representative of the manufacturing and processing industry.

(E) A local representative of the transportation industry.

(F) A local representative of local government.

(G) A local representative of the health care industry.

(H) A local environmental justice representative.

(3) STUDY-

(A) FEASIBILITY OF COMPLIANCE WITH RULE- Each local advisory committee under this subsection shall conduct a study on the feasibility of compliance in the applicable covered extreme ozone nonattainment area with a rule described in subsection (a)(1), taking into account--

(i) topography of the area;

(ii) weather in the area;

(iii) foreign sources of pollution (both stationary and mobile) that cause ozone formation in the area;

(iv) pass-through traffic and its impact on ozone formation in the area;
(v) exceptional events in the area;

(vi) current and future technologies needed to bring the area into compliance with the rule; and

(vii) natural ozone background levels in the area.

(B) COSTS OF COMPLIANCE WITH RULE- Each study described in subparagraph (A) shall address the potential adverse employment impacts of, and the costs of compliance with, a rule described in subsection (a)(1) for local businesses, agriculture operations, and residents in the applicable covered extreme ozone nonattainment area.

(4) REPORT- Not later than 5 years after a rule described in subsection (a)(1) is promulgated as final--

(A) each local advisory committee under this subsection shall submit to the governing board of the responsible local air agency a report on the results of the study by the committee under paragraph (3), including any findings and recommendations of the committee; and

(B) such governing board shall immediately submit such report, without change, to the Congress and the Administrator.

SEC. 4. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR- The term `Administrator' means the Administrator of the Environmental Protection Agency.

(2) CONTROL- The term `control' has the meaning given to such term for purposes of section 172(e) of the Clean Air Act (42 U.S.C. 7502(e)) and includes any fee or penalty under section 185 of such Act (42 U.S.C. 7511d)).

(3) COVERED EXTREME OZONE NONATTAINMENT AREA- The term `covered extreme ozone nonattainment area' means a nonattainment area for ozone classified as extreme as of January 1, 2011, pursuant to the 8-hour national primary ambient air quality standard for ozone promulgated on July 18, 1997 (62 Fed. Reg. 38856).

(4) EXCEPTIONAL EVENT- The term `exceptional event' has the meaning given such term in section 319(b) of the Clean Air Act (42 U.S.C. 7619(b)).

(5) RESPONSIBLE LOCAL AIR AGENCY- The term `responsible local air agency' means the local air district or other local government agency or authority with responsibility for enforcing requirements relating to the prevention and regulation of air pollution for the area involved.

END