

[DISCUSSION DRAFT]

118TH CONGRESS
2D 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 by striking
19 “one person representing State air pollution control agen-
20 cies” and inserting “three persons representing State air
21 pollution control agencies”.

22 (d) CONSIDERATION OF ADVERSE PUBLIC HEALTH,
23 WELFARE, SOCIAL, ECONOMIC, OR ENERGY EFFECTS.—
24 Section 109(d)(2) of the Clean Air Act (42 U.S.C.

1 7409(d)(2)) is amended by adding at the end the fol-
2 lowing:

3 “(D) Prior to establishing or revising a national am-
4 bient air quality standard, the Administrator shall re-
5 quest, and such committee, after receiving public com-
6 ments, shall assess and provide advice under subpara-
7 graph (C)(iv) regarding any adverse public health, welfare,
8 social, economic, or energy effects which may result from
9 various strategies for attainment and maintenance of such
10 national ambient air quality standard.”.

11 (e) TIMELY ISSUANCE OF IMPLEMENTING REGULA-
12 TIONS AND GUIDANCE.—Section 109 of the Clean Air Act
13 (42 U.S.C. 7409) is amended by adding at the end the
14 following:

15 “(e) TIMELY ISSUANCE OF IMPLEMENTING REGULA-
16 TIONS AND GUIDANCE.—

17 “(1) IN GENERAL.—In publishing any final rule
18 establishing or revising a national ambient air qual-
19 ity standard, the Administrator shall, to assist
20 States, permitting authorities, and permit appli-
21 cants, concurrently publish regulations and guidance
22 for implementing the standard, including informa-
23 tion relating to submission and consideration of a
24 preconstruction permit application under the new or
25 revised standard.

1 “(2) APPLICABILITY OF STANDARD TO
2 PRECONSTRUCTION PERMITTING.—If the Adminis-
3 trator fails to publish final regulations and guidance
4 that include information relating to submission and
5 consideration of a preconstruction permit application
6 under a new or revised national ambient air quality
7 standard concurrently with such standard, then such
8 standard shall not apply to the review and disposi-
9 tion of a preconstruction permit application until the
10 Administrator has published such final regulations
11 and guidance.

12 “(3) RULES OF CONSTRUCTION.—

13 “(A) Nothing in this subsection shall be
14 construed to preclude the Administrator from
15 issuing regulations and guidance to assist
16 States, permitting authorities, and permit appli-
17 cants in implementing a national ambient air
18 quality standard subsequent to publishing regu-
19 lations and guidance for such standard under
20 paragraph (1).

21 “(B) Nothing in this subsection shall be
22 construed to eliminate the obligation of a
23 preconstruction permit applicant to install best
24 available control technology and lowest achiev-
25 able emission rate technology, as applicable.

1 “(C) Nothing in this subsection shall be
2 construed to limit the authority of a State,
3 local, or Tribal permitting authority to impose
4 more stringent emissions requirements pursu-
5 ant to State, local, or Tribal law than national
6 ambient air quality standards.

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

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

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

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

15 “(i) means a permit that is required
16 under this title for the construction or
17 modification of a stationary source; and

18 “(ii) includes any such permit issued
19 by the Environmental Protection Agency
20 or a State, local, or Tribal permitting au-
21 thority.”.

22 (f) CONTINGENCY MEASURES FOR EXTREME OZONE
23 NONATTAINMENT AREAS.—Section 172(c)(9) of the Clean
24 Air Act (42 U.S.C. 7502(c)(9)) is amended by adding at
25 the end the following: “Notwithstanding the preceding

1 sentences and any other provision of this Act, such meas-
2 ures shall not be required for any nonattainment area for
3 ozone classified as an Extreme Area.”.

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

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

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

13 (3) in subsection (e), in the matter preceding
14 paragraph (1)—

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

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

23 (4) in paragraph (5) of subsection (e), by strik-
24 ing “, if the State demonstrates to the satisfaction
25 of the Administrator that—” and all that follows

1 through the end of the paragraph and inserting a
2 period.

3 (h) PLAN REVISIONS FOR MILESTONES FOR PARTIC-
4 ULATE MATTER NONATTAINMENT AREAS.—Section
5 189(e)(1) of the Clean Air Act (42 U.S.C. 7513a(e)(1))
6 is amended by inserting “, which take into account techno-
7 logical achievability and economic feasibility,” before “and
8 which demonstrate reasonable further progress”.

9 (i) EXCEPTIONAL EVENTS.—Section 319(b) of the
10 Clean Air Act (42 U.S.C. 7619(b)) is amended—

11 (1) in the subsection heading, by inserting “OR
12 ACTIONS TO MITIGATE WILDFIRE RISK” after
13 “EVENTS”;

14 (2) in paragraph (1)—

15 (A) in the paragraph heading, by striking
16 “DEFINITION OF EXCEPTIONAL EVENT” and in-
17 serting “DEFINITIONS”;

18 (B) in subparagraph (A), by redesignating
19 clauses (i) through (iv), as subclauses (I)
20 through (IV), respectively;

21 (C) by striking “(A)” and all that follows
22 through “an event that—” and inserting the
23 following:

24 “(A) EXCEPTIONAL EVENT.—

1 “(i) IN GENERAL.—The term ‘excep-
2 tional event’ means an event that—”;

3 (D) by amending clause (III) of subpara-
4 graph (A)(i), as redesignated, to read as fol-
5 lows:

6 “(III) is an event that is—

7 “(aa) a natural event;

8 “(bb) caused by a human
9 activity that is intended to mirror
10 the occurrence or reoccurrence of
11 a natural event; or

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

14 (E) by striking subparagraph (B) and in-
15 serting the following:

16 “(ii) EXCLUSIONS.—In this sub-
17 section, the term ‘exceptional event’ does
18 not include—

19 “(I) ordinarily occurring stagna-
20 tion of air masses;

21 “(II) meteorological inversions;
22 or

23 “(III) air pollution relating to
24 source noncompliance.”; and

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

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

7 (3) in paragraph (2)—

8 (A) in subparagraph (A)—

9 (i) by striking “March 1, 2006” and
10 inserting “six months after the date of en-
11 actment of the Air Quality Standards Im-
12 plementation Act of 2024”;

13 (ii) by inserting “revisions to” before
14 “regulations”; and

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

17 (B) in subparagraph (B), by striking
18 “paragraph (3)” and inserting “this section”;

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

20 “(C) REGIONAL ANALYSIS.—When more
21 than one State notifies the Administrator of its
22 intent to submit a petition for an exceptional
23 event or an action to mitigate wildfire risk for
24 the same air quality event, the Administrator
25 shall conduct regional modeling and analysis,

1 upon request by one or more States, to satisfy
2 the analysis required for an exceptional event or
3 an action to mitigate wildfire risk petition for
4 such air quality event.

5 “(D) TRANSPARENCY.—Not later than 3
6 months after the date of enactment of the Air
7 Quality Standards Implementation Act of 2024,
8 the Administrator shall establish and update
9 monthly a public website describing the status
10 of all submitted petitions for exceptional events
11 and actions to mitigate wildfire risk.”;

12 (4) in paragraph (3)(B)—

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

15 (B) in clause (ii)—

16 (i) by striking “a clear causal rela-
17 tionship must exist” and inserting “a clear
18 causal relationship must exist, or be rea-
19 sonably expected to exist,”; and

20 (ii) by inserting “or action to mitigate
21 wildfire risk” after “exceptional event”
22 each place it appears; and

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

1 “(iv) there are criteria and procedures
2 for the Governor of a State to petition the
3 Administrator to exclude air quality moni-
4 toring data that is directly due to excep-
5 tional events or actions to mitigate wildfire
6 risk from use in determinations by the Ad-
7 ministrator with respect to—

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

11 “(II) the designation, redesigna-
12 tion, classification, or reclassification
13 of an area, the demonstration by a
14 State of attainment of a national am-
15 bient air quality standard, a deter-
16 mination as to whether a source is a
17 new source as defined in section 111,
18 permitting, or other determinations by
19 the Administrator for purposes of de-
20 termining compliance with this Act.”;
21 and

22 (5) by striking paragraph (4).

23 (j) 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 (k) 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 ministrator 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. DEFINITIONS.**

4 In this Act:

5 (1) ADMINISTRATOR.—The term “Adminis-
6 trator” means the Administrator of the Environ-
7 mental Protection Agency.

8 (2) HIGHLY INFLUENTIAL SCIENTIFIC ASSESS-
9 MENT.—The term “highly influential scientific as-
10 sessment” means a highly influential scientific as-
11 sessment as defined in the publication of the Office
12 of Management and Budget entitled “Final Informa-
13 tion Quality Bulletin for Peer Review” (70 Fed.
14 Reg. 2664 (January 14, 2005)).

15 (3) NATIONAL AMBIENT AIR QUALITY STAND-
16 ARD.—The term “national ambient air quality
17 standard” means a national ambient air quality
18 standard promulgated under section 109 of the
19 Clean Air Act (42 U.S.C. 7409).

20 (4) 2015 OZONE STANDARDS.—The term “2015
21 ozone standards” means the national ambient air
22 quality standards for ozone published in the Federal
23 Register on October 26, 2015 (80 Fed. Reg. 65292).