

97TH CONGRESS
2D SESSION

S. 2266

To amend the Clean Air Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 24 (legislative day, FEBRUARY 22), 1982

Mr. ROBERT C. BYRD (for himself, Mr. FORD, and Mr. EAGLETON) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Clean Air Act, and for other purposes.

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

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Clean Air Reauthorization and Acid Precipitation Study Act of 1982".

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AMENDMENT OF CLEAN AIR ACT

SEC. 2. Except as otherwise expressly provided in this Act, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be a reference to a section or other provision of the Clean Air Act (42 U.S.C. 7401-7626).

TITLE I—IMPLEMENTATION PLANS AND ENFORCEMENT

AMENDMENTS RELATING TO STATE PLANS AND STATE

IMPLEMENTATION PLANS REVISION PROCESS

SEC. 101. (a) Section 110(a)(2)(A) is amended by adding "and section 172(a)" after "subsection (e)".
 (b) Section 110(a)(2)(I) is repealed.
 (c) Section 110(a)(3)(A) is amended by renumbering it as section 110(a)(3)(A)(i), and by adding the following at the end thereof:

"(ii) The State shall notify the Administrator of any proposed revision of its implementation plan, and shall provide him with a copy of each proposal. The State shall notify the Administrator of any adoption of an implementation plan revision and shall include for information of the Administrator (I) a brief summary of any written objections or comments filed with the State concerning the revision and (II) a brief summary of actions taken by the State with respect to such objections or comments.

"(iii) The Administrator shall submit to the State such comments as he may have on the technical and legal sufficiency of any proposed revision, including any recommended changes the Administrator considers necessary for the proposed revision to satisfy the requirements of paragraph (2) of this section, as part of the State administrative proceeding on the proposed revision. Within thirty days of receipt of notice from the State that it has adopted an implementation plan revision, the Administrator shall publish notice of such revision in the Federal Register and provide a period of no less than thirty days and no more than seventy days for public comment.

"(iv) Any revision by a State of an implementation plan shall be deemed approved by the Administrator and become effective ninety days after publication in the Federal Register unless the Administrator, upon considering the record in the

1 State administrative proceeding and any comments submitted
 2 in response to the Administrator's notice, has disapproved
 3 the revision for failure to satisfy the requirements of para-
 4 graph (2) of this section. The Administrator shall publish a
 5 notice in the Federal Register of each approval or disapprov-
 6 al of an implementation plan revision.

7 “(v) The Administrator may extend, for equal periods of
 8 time not to exceed sixty days, both the comment period spec-
 9 ified in clause (iii) of this subparagraph and the effective date
 10 specified in clause (iv) thereof upon a determination that
 11 there is reasonable cause to allow further public comment.

12 “(vi) The Administrator may, insofar as consistent with
 13 the deadlines specified in clauses (iii) through (v), hold public
 14 hearings on any implementation plan revisions.

15 “(vii) If any person—

16 “(I) files a comment with the Administrator
 17 during the public comment period under this subsection
 18 objecting to the approval of the plan revision based
 19 upon any provision of this Act or any regulation under
 20 this Act, and

21 “(II) demonstrates in such comment that an ob-
 22 jection was filed on the same grounds with the State
 23 during State proceedings respecting such revision,
 24 an approval under clause (iv) shall not be effective unless the
 25 Administrator finds, on the basis of this Act and any applica-

1 ble regulation under this Act, that the State's response to the
 2 objection was not arbitrary or capricious and publishes such
 3 finding in the notice required by that clause.

4 “(viii) The State plan revision and supporting materials
 5 (including the record of the State proceedings, public com-
 6 ments before the Administrator, other materials considered
 7 by the Administrator, and Federal Register notices) shall
 8 constitute the record for purposes of judicial review of any
 9 approval by the Administrator of a plan revision or of any
 10 finding by the Administrator under clause (vii).”

11 (d) Section 110(a)(2)(G) is repealed.

12 (f) Section 110(a)(5)(A)(i) is amended to read as follows:

13 “Any State may include in a State implementation plan, but
 14 the Administrator may not require as a condition of approval
 15 of such plan under this section, any indirect source review
 16 program or, except as specified in section 172 of this Act,
 17 any program for periodic inspection and testing of motor ve-
 18 hicles. The Administrator may approve and enforce as part of
 19 an applicable implementation plan, an indirect source review
 20 program or a program for periodic inspection and testing of
 21 motor vehicles when the State chooses to adopt and submit
 22 as part of its plan.”

1 AMENDMENTS RELATING TO NEW SOURCE PERFORMANCE
2 STANDARDS

3 SEC. 102. (a)(1) Section 111(a)(1) is amended by insert-
4 ing before "the percentage reduction achievable" the follow-
5 ing: "(except as provided in paragraph (9))".

6 (2) Section 111(a) is amended by adding the following
7 new paragraph at the end thereof:

8 "(9) The provisions of subparagraph (A)(ii) of
9 paragraph (1) respecting percentage reduction shall
10 apply only to those categories of stationary sources to
11 which such provisions apply under regulations in effect
12 on December 31, 1981."

13 (b) Section 111(a)(2) is amended by striking out "(or, if
14 earlier, proposed regulations)".

15 AMENDMENTS RELATING TO ENFORCEMENT

16 SEC. 103. (a) Section 113(a)(4) is amended by inserting
17 after the third sentence thereof: "Such time provided for
18 compliance may not exceed one year from date of issuance of
19 the order. Nothing in the preceding sentence shall affect the
20 time provided for compliance with orders issued under sub-
21 section (d).".

22 (b) Section 113(b)(2) is amended by striking out "(A)",
23 by striking out ", or", and by striking out clause (B).

24 (c) Section 113(b) is amended by inserting the following
25 immediately after paragraph (5): "The Administrator may

1 commence a civil action against any person for a permanent
2 or temporary injunction, or to assess and recover a civil pen-
3 alty of not more the \$25,000 per day of violation, or both,
4 whenever such person violates any requirement of an applica-
5 ble implementation plan more than thirty days after having
6 been notified by the Administrator under subsection (a)(1)
7 that such person is violating such requirement. The Adminis-
8 trator shall commence such an action against the owner or
9 operator of a major stationary source in any case in which an
10 order is not issued under subsection (a) following the thirty-
11 day notice under subsection (a)(1). It is the intent of Congress
12 that the Administrator shall have a reasonable period consist-
13 ent with the purposes of this Act to decide whether to issue
14 such order."

15 (d) Section 113(c)(1)(A) is amended by striking out "(i)"
16 and by striking out clause (ii), including ", or" where it ap-
17 pears at the end thereof.

18 (e) Section 113 is amended by adding the following new
19 subsection at the end thereof:

20 "(f) The Administrator shall carry out the authorities
21 vested in him under this section and under sections 114
22 (except as provided in section 114(b)) and 120 through the
23 use of full-time officers or employees of the United States. In
24 carrying out such authorities, the use of contractors should be

1 limited to those necessary to provide technical support, ex-
2 perts, and similar activities.

3 (f) Section 113(b)(3) is amended by inserting "section"
4 after "111(e)".

5 (g)(1) Section 113(d)(5) is amended by—

6 (A) inserting after "enactment" in clause (i) of
7 subparagraph (A) the words ", including section 301 of
8 the Powerplant and Industrial Fuel Use Act of 1978";

9 and

10 (B) striking out "December 31, 1980" and substi-

11 tuting "six years after the date of issuance of the

12 order" in subparagraph (A) thereof and by striking out

13 the last sentence of subparagraph (A) and substituting:

14 "The date specified under paragraph (1) of this subsec-

15 tion shall be recommended by the appropriate State

16 and approved by the Administrator."

17 (2) Section 111(a)(8) is amended by inserting "(i) or"

18 immediately before "(ii)".

19 (h)(1) section 111(a)(8) of the Clean Air Act is amended

20 by—

21 (A) striking out "or" at the end of clause (A); and

22 (B) inserting after the comma at the end of clause

23 (B) the following: "(C) which qualifies under section

24 113(d)(5)(A)(iii) of this Act."

25 (2) Section 113(d)(5)(A) of such Act is amended by—

1 (A) striking out "or" at the end of clause (i);

2 (B) adding "or" after the comma at the end of

3 clause (ii); and

4 (C) inserting after clause (ii) the following:

5 "(iii) voluntarily converts to an alternate fuel."

6 (3) Section 113(d)(5)(B) of such Act is amended by in-

7 serting "or other alternate fuel" after "coal" each place it

8 appears.

9 (4) Section 120(a)(2)(B)(i) of such Act is amended by

10 inserting "or other alternate fuel" after "coal".

11 (5) Section 163(c)(1)(A) of such Act is amended by—

12 (A) inserting ", or by reason of a voluntary con-

13 version," after "provisions"; and

14 (B) inserting "or such voluntary conversion" after

15 "such order".

16 (i) Subsection 113(e) is amended by inserting in subpara-

17 graph (1)(E) thereof, prior to the word "compliance," the

18 word "substantial," and by striking the language following

19 "operations" and preceding "; and".

20 (j) Section 120 is amended by—

21 (1) in subsection (a)(1)(B), striking out "(i)",

22 changing "may" to "shall" in the second sentence

23 thereof, striking out "action" and substituting "sec-

24 tion", and striking out all of clause (ii);

1 (2) in the first paragraph preceding clause (i) of
 2 subsection (a)(2)(A), striking out "shall" and substitut-
 3 ing "may";

4 (3) in subsection (a)(2)(C), striking out "Adminis-
 5 trator" and substituting "State or Administrator, as
 6 appropriate," and striking out "if he finds" and substi-
 7 tuting "if the Administrator or the State finds";

8 (4)(A) changing paragraph (2) of subsection (b) to
 9 read as follows:

10 "(2) provide for the assessment and collection of
 11 such penalty by the Administrator, if the State has not
 12 received a delegation pursuant to subsection (a);"; and

13 (B) striking out "(i)" in paragraph (1) of subsec-
 14 tion (b);

15 (5) in subsection (b)(3), striking out the comma
 16 after "States" and all that follows through "Adminis-
 17 trator,";

18 (6) amending subsection (b)(4)(A) to read as fol-
 19 lows:

20 "(A) calculate the amount of the penalty
 21 owed and the schedule of payments for each
 22 source and, within such reasonable period as the
 23 Administrator or the State, as appropriate, shall
 24 prescribe after the issuance of such notice or after
 25 the denial of a petition under subparagraph (B), to

1 submit that calculation and schedule, together
 2 with information necessary for an independent
 3 verification thereof, to the State or to the Admin-
 4 istrator, as appropriate; or";

5 (7) in subsection (b)(4)(B), striking out the words
 6 "forty-five days" and inserting "such reasonable period
 7 as the Administrator or the State, as appropriate, shall
 8 prescribe";

9 (8) amending subsection (b)(5) to read as follows:

10 "(5) provide for—

11 "(A) an opportunity, after notice, for a public
 12 hearing on the record to be conducted by the Ad-
 13 ministrator or the State, as appropriate, in ac-
 14 cordance with applicable procedural requirements,

15 and

16 "(B) a decision on such petition (including
 17 findings of fact and conclusions of law) within a
 18 reasonable time after receipt of any such peti-
 19 tion;";

20 (9) striking out paragraph (6) of subsection (b) and
 21 redesignating paragraph (7) as paragraph (6);

22 (10) inserting "and" after the semicolon in such
 23 redesignated paragraph (6) of subsection (b) and
 24 amending paragraph (8) of subsection (b) to read as fol-
 25 lows:

1 “(7) authorize the State or the Administrator, as
2 appropriate, to at any time adjust or compromise the
3 amount of any penalty assessment consistent with the
4 purposes of this section, except that such adjustment or
5 compromise authority may not be exercised unless the
6 source is in compliance.”;

7 (11) striking out paragraph (9) of subsection (b)
8 and the second and third sentences following such
9 paragraph (9);

10 (12) in subsection (d)(2), striking out “equal to”
11 and striking out in subparagraph (A) “is no less than”
12 and substituting “reflects”;

13 (13) changing paragraph (3) of subsection (d) to
14 read as follows:

15 “(3) The assessed penalty finally required under this
16 section shall be paid in such installments as the State or Ad-
17 ministrator, as appropriate, determines appropriate to
18 achieve the purposes of this section.”;

19 (14) in subsection (e) striking out the comma after
20 “section” and all that follows through the comma
21 before “shall”; and

22 (15) after subsection (g) insert:

23 “(h) The Administrator may, after notice and public
24 hearing, revoke or suspend any delegation under this section

1 if he determines that the State is not acting in compliance
2 with this section.”.

3 (k) The amendments made by this section shall apply
4 only to orders issued, and actions commenced, under section
5 113 or section 120 of the Clean Air Act after the date of the
6 enactment of this Act.

7 ATTAINMENT DATE EXTENSIONS

8 SEC. 104. (a) Section 172(a) is amended by adding the
9 following new paragraphs at the end thereof:

10 “(3)(A) In the case of any national primary ambient air
11 quality standard or standards, whenever the State (other than
12 a State granted an extension under paragraph (2) for carbon
13 monoxide or photochemical oxidants or both)—

14 “(i) certifies to the Administrator that attainment
15 of one or more of such standards would not be (or was
16 not) possible in any nonattainment area within the
17 period prior to December 31, 1982, despite adoption
18 by the State of reasonably available control measures
19 for the air pollutant concerned and requests an exten-
20 sion of that period, and

21 “(ii) makes a commitment that the State will not
22 modify any State plan provisions in such manner as
23 will adversely affect reasonable further progress toward
24 attainment, and

1 “(iii) makes a commitment to adopt, within the
 2 time allowed in subparagraph (B) of this paragraph,
 3 and to implement as expeditiously as practicable, rea-
 4 sonably available control measures for the air pollutant
 5 concerned (or alternative measures that achieve equal
 6 or greater reductions in emissions of such pollutant) for
 7 all major sources in such area,
 8 the Administrator shall promptly publish notice of such certi-
 9 fication and afford an opportunity of not more than sixty days
 10 for public comment (including a hearing). The certification
 11 under subparagraph (A) shall be accompanied by a statement
 12 of the reasons why attainment of the standard or standards is
 13 not possible as provided in that subparagraph. If the Admin-
 14 istrator is satisfied, based on the State certification and after
 15 considering any public comments, that such attainment is not
 16 possible, he shall extend the date required for attainment of
 17 such standard or standards in any nonattainment area, as the
 18 case may, in that State. The period of such extension shall be
 19 determined when a plan revision is submitted under subpara-
 20 graph (B).

21 “(B) Each State for which an extension is approved by
 22 the Administrator under subparagraph (A) for any national
 23 primary ambient air quality standard shall, as a condition of
 24 such extension, submit (within such reasonable period as the

1 Administrator shall prescribe) a revision of the applicable im-
 2 plementation plan which demonstrates that the plan will—

3 “(i) assure attainment of the standard concerned
 4 in the nonattainment area involved as expeditiously as
 5 practicable, but not later than December 31, 1987, and

6 “(ii) comply with the requirements of this part (in-
 7 cluding the implementation as expeditiously as practi-
 8 cable, during the period of the extension, of reasonably
 9 available control measures, with respect to existing
 10 stationary sources of the air pollutant concerned which
 11 are major stationary sources by reason of the emission
 12 of such air pollutant, or alternative measures that
 13 achieve equal or greater reductions in emissions of
 14 such pollutant).

15 Any extension approved under subparagraph (a) of this para-
 16 graph shall terminate within such reasonable period of time
 17 as determined by the Administrator (but not to exceed two
 18 years) if a plan revision under this paragraph is not submitted
 19 and approved within such time.

20 “(4)(A) Upon application of any State, the Administra-
 21 tor may, after notice and a public hearing, provide, in his
 22 discretion, an additional extension of the date required for
 23 attainment of any national primary ambient air quality stand-
 24 ard in any nonattainment area for a period not to exceed six

1 years after the extended date specified pursuant to paragraph
2 (2) or (3).

3 “(B) An additional extension under this paragraph may
4 be issued only for nonattainment areas where the date re-
5 quired for attainment of any national primary ambient air
6 quality standard has been previously extended (under para-
7 graph (2) or (3)) for a period not later than December 31,
8 1987. The State must demonstrate to the Administrator,
9 with respect to each such area, that—

10 “(i) the State has made good faith efforts to make
11 reasonable further progress (as defined in section
12 171(1)) toward attainment of the standard concerned in
13 the nonattainment area concerned during the period of
14 the previous extension under paragraph (2) or (3) and
15 has achieved annual incremental reductions in emis-
16 sions of the air pollutant concerned;

17 “(ii) all applicable implementation plan provisions,
18 including the taking of necessary legislative and fund-
19 ing actions proposed in the applicable implementation
20 plan and including all provisions relating to reasonably
21 available control technology for the air pollutant con-
22 cerned (or alternative measures that achieve equal or
23 greater reductions in emissions of such pollutant), are
24 being adequately implemented;

1 “(iii) air quality problems are so severe and
2 persistent (by reason of interstate or international air
3 pollution, geographical or meteorological conditions, or
4 for other identified reasons) that the standard cannot be
5 attained, despite good faith efforts, by the date speci-
6 fied in the previous extension under paragraph (2) or
7 (3); and

8 “(iv) in the case of an area for which an addition-
9 al extension is requested under this paragraph for the
10 attainment of the national primary ambient air quality
11 standard for carbon monoxide or photochemical oxi-
12 dants (or both), the State has adopted, on or before the
13 issuance of the extension, and will implement in a cost-
14 effective manner for the period of such additional ex-
15 tension, a program of motor vehicle inspection and
16 maintenance which is not inconsistent with the pur-
17 poses and requirements of title II.

18 “(C) Where an extension is issued for any area in a
19 State of the attainment date for any primary national ambient
20 air quality standard for any air pollutant under subparagraph
21 (B), the State shall, as a condition of such extension, submit
22 to the Administrator a revision of the applicable implementa-
23 tion plan—

24 “(i) which will require additional control technol-
25 ogy for existing stationary sources of that air pollutant

1 which were not subject to adequate controls under
 2 prior provisions of such plan, and
 3 "(ii) which will require control measures for such
 4 sources which effectively demonstrate attainment of
 5 such standard no later than the end of the requested
 6 extension period.

7 Such revision shall be submitted, together with an application
 8 for an extension under this paragraph, not earlier than the
 9 last year of the prior extension of the attainment date for
 10 such standard under paragraph (2) or (3).

11 "(D) Within three years after enactment of the Clean
 12 Air Reauthorization and Acid Precipitation Study Act of
 13 1982, the Administrator shall promulgate guidelines for plan
 14 revisions under this paragraph, including guidelines respect-
 15 ing the term of the extensions.

16 "(E) It is the intent of Congress that, before issuance of
 17 an additional extension under this paragraph, the Administra-
 18 tor should be satisfied with the demonstration from the State
 19 required by this paragraph and that such State has made a
 20 good-faith effort to reduce pollution and achieve attainment.

21 "(5)(A) In the case of a State required to attain the
 22 national primary ambient air quality standard for any air pol-
 23 lutant in any nonattainment area by the date referred to in
 24 paragraph (1), if the State fails to attain the standard in such
 25 area by such date, the Administrator may, in his discretion,

1 prohibit the issuance of any permit for a major stationary
 2 source which emits that air pollutant under the program
 3 adopted pursuant to this part for the construction or modifica-
 4 tion of any such source in that area if the emissions from such
 5 source or proposed source will cause or contribute to in-
 6 creases of concentrations of such pollutant in such area
 7 before the date on which the standard is attained in such
 8 area, unless an extension of the attainment date for that
 9 standard has been issued under paragraph (2) or (3) of this
 10 subsection. In the case of a State required to attain the na-
 11 tional primary ambient air quality standard for any air pollut-
 12 ant in any nonattainment area by the extended date estab-
 13 lished under paragraph (2) or (3), if the State fails to achieve
 14 attainment by such date, the Administrator may, in his dis-
 15 cretion, prohibit the issuance of any permit for a major sta-
 16 tionary source which emits that air pollutant under the pro-
 17 gram adopted pursuant to this part for the construction or
 18 modification of any such source in that area if the emissions
 19 from such source or proposed source will cause or contribute
 20 to increases of concentrations of such pollutant in such area
 21 before the date on which the standard is attained in such
 22 area, unless an extension of the attainment date for that
 23 standard has been issued under paragraph (4) of this subsec-
 24 tion.

1 “(B) In the case of a State required to attain the nation-
 2 al primary ambient air quality standard for any air pollutant
 3 in any nonattainment area by the date established under
 4 paragraph (4), if the State fails to achieve attainment by such
 5 date, the Administrator may, in his discretion, prohibit the
 6 issuance of any permit for a major stationary source which
 7 emits that air pollutant after that date under the program
 8 adopted pursuant to this part for the construction or modifica-
 9 tion any such source in that area if the emissions from such
 10 source or proposed source will cause or contribute to in-
 11 creases or concentrations of such pollutant in such area, until
 12 that standard has been attained in that area.

13 “(C) The permitting agency may, on a case-by-case
 14 basis, waive the application of the prohibition on issuance of
 15 permits contained in subparagraph (A) or (B) for the con-
 16 struction or modification of any major stationary source in
 17 any nonattainment area, to replace an existing stationary
 18 source in that area, where the permitting authority deter-
 19 mines (i) that the emissions from the new modified source of
 20 each air pollutant by reason of which such area is designated
 21 as a nonattainment area will be less than the emissions of
 22 those pollutants from the existing source and (ii) that the new
 23 source will comply with emission limitations which represent
 24 the best available control technology.

1 “(D) As used in this paragraph, the term ‘program
 2 adopted pursuant to section 173’ includes a program referred
 3 to in section 173 which is promulgated by the Administrator
 4 under section 110(c).

5 “(6) Each State granted an extension under this subsec-
 6 tion shall provide for reasonable further progress (as defined
 7 in section 171(1)) toward attainment during each year of such
 8 extension.”.

9 (b)(1) Section 113(a)(5) is amended to read as follows:

10 “(5) The Administrator shall issue an order or bring a
 11 civil action under subsection (b)(5) to enforce any prohibition
 12 issued under section 172(a)(5).”.

13 (2) Section 113(b)(5) is amended to read as follows:

14 “(5) violates the prohibition issued under section
 15 172(a)(5).”.

16 (c) Section 110(a)(2)(A) is amended by striking out
 17 “except as may be provided in subparagraph (I)(i)” and by
 18 inserting after “subject to subsection (e)” the words “and
 19 section 172(a)”.

20 OTHER AMENDMENTS RELATING TO NONATTAINMENT

21 SEC. 105. (a)(1) Section 110(a)(2)(I) is amended to read
 22 as follows:

23 “(I) it meets the requirements of part D with re-
 24 spect to nonattainment areas;”.

1 (2) Section 172(a)(1) is amended by striking out "which
2 area required by section 110(a)(2)(I) as a precondition for the
3 construction or modification of any major stationary source in
4 any such area on or after July 1, 1979,".

5 (b)(1) Section 173(2) is amended by striking out the
6 words "is required to comply" and inserting a comma after
7 "source" and the following: "complies, in the case of a
8 permit issued before the date of the enactment of the Clean
9 Air Reauthorization and Acid Precipitation Study Act of
10 1982,".

11 (2) Section 173 is amended by inserting after paragraph
12 (2) a new paragraph as follows and by renumbering para-
13 graphs (3) and (4) as (4) and (5), respectively:

14 "(3) the proposed source is required to comply
15 with the best available control technology, in the case
16 of a permit issued on or after the date of the enact-
17 ment of the Clean Air Reauthorization and Acid Pre-
18 cipitation Study Act of 1982;".

19 (3) Paragraph (3) of section 171 is amended by adding
20 the following new sentence at the end thereof: "The provi-
21 sions of this paragraph shall not apply in the case of a permit
22 issued on or after the date of the enactment of the Clean Air
23 Reauthorization and Acid Precipitation Study Act of 1982;".

24 (c)(1) Section 172(b) is amended by—

1 (A) striking out subparagraph (B) in paragraph
2 (11) and inserting "and" at the end of subparagraph
3 (A), and redesignating subparagraph (C) as (B);

4 (B) striking out the period at the end of paragraph
5 (11) and substituting "; and", and
6 (C) adding the following at the end thereof:

7 "(12) in the case of an area—
8 "(A) which is a nonattainment area for
9 carbon monoxide or photochemical oxidants, or for
10 both,

11 "(B) for which the State has requested or ob-
12 tained an extension under subsection (a) (2) or (3)
13 for one or more of such pollutants, and

14 "(C) which the Administrator, in consultation
15 with the State, determines to be an urban area
16 having a population greater than five hundred
17 thousand, in which the Administrator determines

18 that the highest levels of photochemical oxidants
19 or carbon monoxide for 1981 exceed the national
20 ambient air quality standard for that pollutant by

21 an amount equal to, or greater than, 50 per
22 centum of the level specified in the primary na-
23 tional ambient air quality standard for that pollut-

24 ant,

1 contain a program applicable to inuse motor vehicle emis-
 2 sions which is implemented in a cost-effective manner and
 3 which is not inconsistent with the purposes and requirements
 4 of title II. The program required under paragraph (12) shall,
 5 where appropriate as determined by the State, include a pro-
 6 gram for vehicle inspection and maintenance which is imple-
 7 mented in a cost-effective manner. Such inspection and main-
 8 tenance program may, as determined by the State, apply first
 9 to motor vehicle fleets and commercial operators and, if the
 10 State determines that it is necessary for attainment, to other
 11 vehicles. Immediately after the date of the enactment of the
 12 Clean Air Reauthorization and Acid Precipitation Study Act
 13 of 1982, any State may review any State implementation
 14 plan provisions respecting any nonattainment area within the
 15 State under which a motor vehicle inspection and mainte-
 16 nance program was adopted before the date of the enactment
 17 of such 1982 amendments. If the Senate determines that
 18 such area is not an urban area to which paragraph (12) ap-
 19 plies, the State may, in its discretion, continue such program,
 20 or submit a plan revision to modify or eliminate any such
 21 program from such plan. If the State determines that such
 22 area is such an urban area, the State may apply such pro-
 23 gram first to fleets and commercial operators and if the State
 24 determines that it is necessary for attainment, to other vehi-
 25 cles.”.

1 (2) Section 110(a)(2)(G) is amended to read as follows:
 2 “(G) it provides for a program of automobile in-
 3 spection and maintenance to the extent required by
 4 section 172(b)(12) and section 172(a)(4)(B)(iv);”.

5 (d) Section 173 is amended by inserting “(a)” after
 6 “173” and by adding the following at the end thereof:

7 “(b) Paragraph (1) of subsection (a) shall not apply in
 8 the case of any revision approved by the Administrator of an
 9 applicable implementation plan under which—

10 “(1) the construction or modification of stationary
 11 sources which are subject to section 172(b)(6) is re-
 12 quired to comply with best available control technol-
 13 ogy;

14 “(2) an adequate emissions inventory is main-
 15 tained pursuant to section 172(b)(4);

16 “(3) all existing major stationary sources which
 17 cause or contribute to the area being a nonattainment
 18 area for the applicable pollutant shall be subject to
 19 emission limitations based upon reasonably available
 20 control technology (or alternative measures that
 21 achieve equal or greater reductions in emissions of the
 22 applicable pollutant) as expeditiously as practicable, but
 23 not later than December 31, 1987 (or such earlier date
 24 as may be specified in an extension granted under sec-
 25 tion 172(a)(2) or (3));

1 “(4) notwithstanding the construction or modifica-
 2 tion of stationary sources, there is a program for ob-
 3 taining such annual reductions in emissions as repre-
 4 sent reasonable further progress (as defined in section
 5 171(1)); and

6 “(5) the increased emissions of the applicable pol-
 7 lutant which result from the construction or modifica-
 8 tion of stationary sources subject to section 172(b)(6),
 9 for which permits are issued during any year, shall not
 10 exceed 1 per centum of the total inventoried emissions
 11 of such pollutant in the nonattainment area within
 12 which such sources are located based on the average of
 13 the inventoried emissions over the preceding three
 14 years.”.

15 (e) The authority provided by section 176 (a) and (b) and
 16 section 316 of the Clean Air Act shall be applied by the
 17 Administrator on the basis, in his judgment, of the severity of
 18 the violations concerned and if appropriate, on a graduated or
 19 partial basis.

20 AMENDMENTS RELATING TO PREVENTION OF SIGNIFICANT
 21 DETERIORATION

22 SEC. 106. (a)(1) The first sentence of section 163(a) is
 23 amended to read as follows: “In the case of sulfur oxide and
 24 particulate matter, each applicable implementation plan shall
 25 contain measures assuring that maximum allowable concen-

1 trations of such pollutant shall not be exceeded and that, in
 2 addition, for class I areas, maximum allowable increases over
 3 baseline concentrations of such pollutant shall not be exceed-
 4 ed.”.

5 (2) Section 163(a) is amended by striking out the second
 6 sentence thereof.

7 (3) Subsection (b) of section 163 is amended by (A)
 8 striking out so much of the table in paragraph (1) thereof as
 9 relates to maximum values for periods of three hours or
 10 twenty-four hours, (B) striking out paragraphs (2) and (3),
 11 and (c) redesignating paragraph (4) as (2).

12 (4) Section 163(c)(1)(C) is amended by inserting “(i)”
 13 after “matter” and by inserting after “activities” the follow-
 14 ing “, or (ii) attributable to fugitive dust (including dust from
 15 farming and other agricultural activities, unpaved roads, con-
 16 struction activities, mining and related activities, and other
 17 activities”).

18 (b)(1) Subsection (a) of section 164 is amended by strik-
 19 ing out so much of such subsection as follows paragraph (2)
 20 thereof and substituting: “No area established as class I
 21 under section 162(a) may be redesignated.”.

22 (2) Strike out section 164(b)(1)(C).

23 (c) Section 165(a) is amended by striking out “more
 24 than one time per year” in subparagraph (A) of paragraph
 25 (3),

1 (d) Section 165(a) is amended by (1) striking out “; and”
 2 at the end of paragraph (7) and substituting a period, (2)
 3 inserting “and” at the end of paragraph (6), and (3) striking
 4 out paragraph (8).

5 (e) Section 165(b) is amended to read as follows:

6 “(b)(1) The provisions of this section shall apply to any
 7 physical change in, or change in the method of operation of, a
 8 stationary source only if such change results in a significant
 9 net increase in the emissions from that source of any air pol-
 10 lutant which is regulated under section 109.

11 “(2) The term ‘increase’ includes the emission of a sig-
 12 nificant amount of any air pollutant which was not emitted
 13 before the physical change referred to in paragraph (1). The
 14 terms ‘significant net increase’ and ‘significant amount’ shall
 15 have such meaning as provided in regulations of the Adminis-
 16 trator. Such regulations shall include within the meaning of
 17 such terms any increase in emission of an air pollutant (or
 18 new emissions of the pollutant) which, when combined with
 19 other generally contemporaneous increases and decreases in
 20 emissions (or new emissions) of that pollutant, result in an
 21 aggregate increase in emissions of that air pollutant in excess
 22 of a de minimus amount determined by the Administrator by
 23 rule.

24 “(3) the de minimus amount determined by the Adminis-
 25 trator under this subsection shall be one hundred tons per

1 year (one thousand tons per year of carbon monoxide) for any
 2 air pollutant for which a national ambient air quality standard
 3 is established (other than lead) and eighteen tons per year for
 4 fluorides, unless the Administrator determines, by rule, that a
 5 lesser amount is necessary to carry out the purposes of this
 6 part.”.

7 (f) Section 165(e)(2) is amended by—

8 (1) striking out “gathered” in the first sentence
 9 thereof and substituting “to the extent required in the
 10 discretion of the permitting authority”; and

11 (2) striking out second sentence.

12 (g) Section 165 is amended by adding the following new
 13 subsection at the end thereof:

14 “(f) Any program for the issuance of permits under this
 15 section shall provide that the permitting agency to the great-
 16 est extent practicable will—

17 “(1) notify the applicant for such permit within
 18 two months after receipt of the application as to
 19 whether or not the application is complete and, if in-
 20 complete, in what respects the application should be
 21 modified; and

22 “(2) issue or deny the permit within seven months
 23 after a completed application is received by the permit-
 24 ting agency.

1 For the purposes of clarifying the requirements of any pro-
 2 gram for the issuance of permits under this section, any offi-
 3 cer or employee of a permitting agency may communicate
 4 and meet with any applicant for a permit under this section
 5 at any time prior to the submission of the application for such
 6 permit.”.

7 (h)(1) Section 166(a) is amended by striking out “not
 8 later than two years after the date of the enactment of this
 9 part” and substituting “and as appropriate for any such pol-
 10 lutant”.

11 (2) Section 166(c) is amended by striking out “numeri-
 12 cal”.

13 (i) Section 166(d) is amended by striking out “at least as
 14 effective as the increments established in section 163” and by
 15 changing the comma after “purposes” to a period and strik-
 16 ing out all that follows through the period at the end of the
 17 subsection.

18 (j) Strike out section 169(3) and amend section 302 by
 19 adding the following at the end thereof:

20 “(r)(1) The term ‘best available control technology’
 21 means an emission limitation—

22 “(A) which is based on the maximum degree of
 23 reduction of each pollutant subject to regulation under
 24 this Act emitted from, or which results from, a station-
 25 ary source; and

1 “(B) which the permitting authority (taking into
 2 account energy, environmental, and economic impacts,
 3 and other costs), determines is achievable for the
 4 source through application of production processes and
 5 available methods, systems, and techniques (including
 6 fuel cleaning or treatment or innovative fuel combus-
 7 tion techniques) for the control of each such pollutant.
 8 The permitting authority shall make the termination under
 9 subparagraph (B) as expeditiously as practicable.

10 “(2) Where a standard of performance has been estab-
 11 lished under section 111 (or an emission limitation under sec-
 12 tion 112) for a category of stationary sources with respect to
 13 a particular air pollutant, and the source does not emit or
 14 have the potential to emit more than five hundred tons per
 15 year of such air pollutant, the term ‘best available control
 16 technology’ means the applicable standard of performance es-
 17 tablished under section 111 (or the applicable emission limi-
 18 tation under section 112) unless—

19 “(A) the permitting Agency elects to make such
 20 determination on a case-by-case basis; or

21 “(B) the applicable standard of performance has
 22 not been reviewed and revised (or determined not to
 23 require revision) pursuant to section 111(b)(1)(B) within
 24 the four-year period prior to the filing of a completed

1 permit application for the construction or modification
2 of the source.

3 “(3) In all other cases, such emission limitation shall be
4 determined on a case-by-case basis. Where a standard of per-
5 formance has been established under section 111 for a cate-
6 gory of stationary sources with respect to any air pollutant or
7 where an emission limitation has been established under sec-
8 tion 112 for the control of such air pollutant, neither the
9 emission limitation referred to in the preceding sentence nor
10 any emission limitation established under subparagraphs (A)
11 and (B) of paragraph (2) of this subsection may be less strin-
12 gent than the applicable standard of performance under sec-
13 tion 111 (or the emission limitation under section 112).

14 “(4) Nothing in this subsection shall be construed to
15 prevent any State or political subdivision thereof from adopt-
16 ing or enforcing pursuant to section 116, with respect to any
17 stationary source or category of stationary sources, any
18 standard or limitation which is more stringent than best
19 available control technology as defined in paragraph (1) or (2)
20 of this subsection.”.

21 AMENDMENTS RELATING TO VISIBILITY PROTECTION

22 SEC. 107. (a) Section 169A(a)(1) is amended by insert-
23 ing “significant” before “future” and before “impairment”
24 the first time it appears.

1 (b) Section 169A(b)(2) is amended by inserting “signifi-
2 cant” before “impairment” in the first sentence and the first
3 time it appears in paragraph (A).

4 (c) Section 165(d)(1)(2)(B) is amended by striking out
5 “an adverse” and substituting “a significant adverse”;

6 (d) Section 165(d)(2)(C) is amended by—
7 (1) inserting “significant” before “change” and
8 before “adverse” in subparagraph (i);

9 (2) striking out “an adverse” in subparagraph (ii)
10 and substituting “a significant adverse”;

11 (3) inserting “significant” after “no” in subpara-
12 graph (iii).

13 (e) Section 169A is amended by replacing the word “in”
14 with “within” each time it appears immediately before the
15 words “mandatory Class I Federal area(s),” and by substitut-
16 ing the words “within the area” for the words “of the area”
17 in the first sentence of paragraph (a)(2) thereof.

18 OPERATION AND MAINTENANCE

19 SEC. 108. (a) Section 110(a)(2) is amended by striking
20 out “and” at the end of subparagraph (J), by striking out the
21 period at the end of subparagraph (K) and substituting “;
22 and”, and by adding the following at the end thereof:

23 “(L) it contains a program to insure the proper oper-
24 ation and maintenance of pollution control equipment used by

1 major stationary sources subject to emission limitations pur-
2 suant to this Act to comply with such emission limitations."

3 (b) Plan revisions to take account of the amendment
4 made by subsection (a) shall be submitted to the Administra-
5 tor under section 110(a) of the Clean Air Act not later than
6 six months after the date of the enactment of this Act.

7 EMERGENCY VARIANCES

8 SEC. 109. (a) Section 110(f)(1) of the Clean Air Act is
9 amended by inserting ", or by the President," after "Gover-
10 nor of any State covered by the President's determination".

11 (b) Section 110(f)(2) of such Act is amended—

12 (1) by inserting "or the President" after "Gover-
13 nor or such State";

14 (2) by inserting "(1)" after "(A)";

15 (3) by striking out "(B)" and inserting in lieu
16 thereof "(ii)";

17 (4) by striking out the period at the end of the
18 first sentence thereof and inserting in lieu thereof ";
19 or"; and

20 (5) by inserting after clause (ii) (as so redesignat-
21 ed) the following new subparagraph:

22 "(B) foreign imports of fuels used by such source
23 have reached an excessive level and such imports can
24 be reduced by the emergency suspension."

1 (c) Section 110(f)(3) of such Act is amended to read as
2 follows:

3 "(3) A temporary emergency suspension issued by a
4 Governor or the President under this subsection shall remain
5 in effect for a maximum of two years, or, in the case of a
6 suspension issued by a Governor, such lesser period as may
7 be specified in a disapproval order of the Administrator, if
8 any; but no suspension may remain in effect for a period in
9 excess of four months if such suspension results in a violation
10 of any national ambient air quality standard. The Administra-
11 tor may disapprove a suspension issued by a Governor if he
12 determines that such suspension does not meet the require-
13 ments of paragraph (2)."

14 (d) Section 110(f)(4) of such Act is amended—

15 (1) by striking out "for a four month period" and
16 inserting in lieu thereof "for a period of up to two years;
17 and

18 (2) by inserting before the period at the end there-
19 of the following: "but no suspension may remain in
20 effect for a period in excess of four months if such sus-
21 pension results in a violation of any national ambient
22 air quality standard".

23 (e) Section 110(f)(5) of such Act is amended by inserting
24 "or President" after "Governor".

1 (f) Section 110(f) of such Act is amended by adding at
2 the end thereof the following new paragraph:

3 “(6) Any suspension issued under this subsection
4 for a period in excess of four months shall be revoked
5 by the person who issued it if he determines that such
6 source did not change to an alternate fuel.”.

7 ADMINISTRATIVE REVIEW

8 SEC. 110. (a) Section 115(a) is amended by striking out
9 the period at the end thereof and adding the following at the
10 end thereof: “, and the Administrator shall publish notice
11 thereof in the Federal Register. He shall thereafter receive
12 public comments, and conduct an investigation including
13 public hearings respecting the air pollution concerned and, on
14 the basis thereof, make a finding as to whether or not any air
15 pollutant or pollutants emitted in the United States cause or
16 contribute to such air pollution in such foreign country.”.

17 (b) Section 115(b) is amended by striking out “The
18 notice of the Administrator” and substituting “Any finding
19 by the Administrator that any air pollutant or pollutants
20 emitted in the United States cause or contribute to air pollu-
21 tion which may reasonably be anticipated to endanger public
22 health or welfare in a foreign country”.

23 OTHER AMENDMENTS TO PART A

24 SEC. 111. Part A of title I is amended by adding the
25 following at the end thereof:

1 “REGULATORY STABILITY

2 “SEC. 130. (a) In the case of the construction of any
3 new stationary source, or the modification of a stationary
4 source, if—

5 “(1) where any new source performance standard
6 is applicable under section 111 for the control of any
7 air pollutant, the construction or modification complies
8 with such standard under section 111; or

9 “(2) where part C or D applies, a permit (or other
10 form of approval) is issued under an applicable imple-
11 mentation plan under this Act on or after the date of
12 the enactment of the Clean Air Reauthorization and
13 Acid Precipitation Study Act of 1982 for such con-
14 struction or modification which requires the application
15 of the best available control technology for the control
16 of any pollutant and such construction or modification
17 meets all applicable requirements of such permit or
18 other approval; or

19 “(3) where both paragraphs (1) and (2) are appli-
20 cable, then during the ten-year period beginning on the
21 date on which operation of such new or modified com-
22 mences, such source shall not (without the consent of
23 the owner or operator thereof) be subject to any emis-
24 sion limitation or standard under this Act for the con-
25 trol of such air pollutant which is more stringent than

1 the most stringent of the requirements referred to in
2 paragraph (1) or (2) unless such source is subsequently
3 modified (within the meaning of section 111(a)(4)).

4 “(b) Subsection (a) shall not apply to any emission limi-
5 tation or standard imposed on any stationary source with re-
6 spect to—

7 “(1) any air pollutant regulated under section
8 112;

9 “(2) an air pollutant for which no national ambi-
10 ent air quality standard is in effect at the time of com-
11 mencement of the construction to which subsection (a)
12 applies but for which a national primary ambient air
13 quality standard is promulgated after such time; or

14 “(3) any other air pollutant where, in the judg-
15 ment of the Administrator, the application of subsection
16 (a) to such pollutant may reasonably be anticipated to
17 endanger public health or welfare.

18 “(c) For purposes of this section, the terms ‘commenced’
19 and ‘stationary source’ have the same meaning as such terms
20 have when used in section 111.”

21 EFFECTIVE DATE AND TRANSITIONAL RULES

22 SEC. 112. (a)(1) Not later than one hundred and eighty
23 days after the date of the enactment of this Act, the Adminis-
24 trator of the Environmental Protection Agency shall promul-
25 gate or amend such regulations under the Clean Air Act as

1 may be necessary to reflect the amendments made by this
2 title. Such regulations shall take effect as provided in this
3 section.

4 (2) Without regard to whether or not regulations re-
5 ferred to in paragraph (1) have been promulgated, the
6 amendments made by sections 105 and 106 shall take effect
7 on the date of the enactment of this Act and shall apply with
8 respect to implementation plans, or portions or revisions
9 thereof, which either (A) are submitted by a State to the
10 Administrator of the Environmental Protection Agency after
11 the date of the enactment of this Act, or (B) were submitted
12 prior to such date but not approved or disapproved as of that
13 date. The amendments made by section 102 of this Act shall
14 also take effect upon the date of enactment of this Act and
15 apply to implementation plans and portions and revisions
16 thereof as in the preceding sentence, except that the require-
17 ment in section 110(a)(3)(A)(v), as amended, that EPA disap-
18 proval be based on information considered by the State, shall
19 not apply to State administrative proceedings commenced
20 prior to the date ninety days after enactment of this Act.

21 (3) Any applicable implementation plan approved by the
22 Administrator before the date of the enactment of this Act
23 shall remain in force and effect after such date until such time
24 as a revision, or portion of a revision, of the plan submitted
25 by the State is approved (or treated as approved) by the Ad-

1 ministrator (or until such time as the Administrator takes
2 action as provided in section 110(a)(2)(H) of the Clean Air
3 Act).

4 TITLE II—OZONE PROTECTION

5 SEC. 201(a). Section 152 is amended by adding the fol-
6 lowing to the end of the section:

7 “(3) the term ‘chlorofluorocarbon’ means any of
8 the halocarbon compounds commonly known as CFC-
9 11, CFC-12, CFC-113, CFC-114, CFC-115, and
10 CFC-22, as well as any other simple saturated com-
11 pounds of carbon, chlorine, fluorine, and optionally hy-
12 drogen contained not more than four carbon atoms.”.

13 (b) Section 153 is amended to—

14 (1) insert a new subsection (c) which reads as fol-
15 lows:

16 “(c) The administrator shall continue to conduct the
17 studies and research authorized by section 153 (a) and (b) of
18 this subtitle, and shall give priority in such studies and re-
19 search to increasing actual measurements of stratospheric
20 ozone and to improving methods of identifying potential
21 trends in actual ozone measurements.”.

22 (2) redesignating subsection “(c)” as subsection

23 “(d)”

24 (3) redesignating subsection “(d)” as subsection

25 “(e)”

1 (4) inserting new subsections (f) and (g) which
2 reads as follows:

3 “(f) The Administrator shall undertake to contract annu-
4 ally with the National Academy of Sciences to (i) continue
5 the review and research efforts heretofore conducted by the
6 Academy pursuant to section 153(e) of this title; (ii) deter-
7 mine if changes in the concentration of ozone in the strato-
8 sphere have occurred or are occurring and, if so, the extent,
9 nature, and causes of any such changes; (iii) investigate
10 whether there are unreasonable effects on health and welfare
11 from any such changes; and (iv) report all findings as well as
12 any uncertainties associated with such findings;

13 “(g) The National Academy of Sciences, in consultation
14 with the National Aeronautics and Space Administration and
15 the Administrator of the National Oceanic and Atmospheric
16 Administration, shall not later than two years from the effec-
17 tive date of this section, and annually thereafter until such
18 time as the theory of ozone depletion by chlorofluorocarbons
19 has been validated or invalidated, report to the Administrator
20 and the Congress all findings concerning actual or potential
21 alteration of the concentration of ozone in the stratosphere
22 and the causes of any such alteration, and the implications
23 and uncertainties associated with such findings. Copies of
24 such reports shall be made available to the public.”.

1 (4) redesignating subsection "(e)" as subsection
2 "(h)";

3 (5) redesignating subsection "(f)" as subsection
4 "(i)";

5 (6) redesignating subsection "(g)" as subsection
6 "(j)."

7 (c) Section 154 is amended by adding the following new
8 subsection at the end thereof:

9 "(g) The research and monitoring programs provided for
10 in this section shall be continued and expanded, with particu-
11 lar emphasis given to determining whether changes in the
12 concentration of ozone in the stratosphere have occurred or
13 are occurring and, if so, the extent, nature, causes and effects
14 of any such changes and any uncertainties associated there-
15 with."

16 (d) Section 156 is amended by inserting "(a)" before
17 "The" and by adding the following new subsection at the end
18 thereof:

19 "(b) The President shall, no later than two years after
20 the date of the enactment of the Clean Air Reauthorization
21 and Acid Precipitation Study Act of 1982 and annually
22 thereafter, report to the Congress on the status of actions
23 undertaken to reach an international agreement or agree-
24 ments pursuant to subsection (a). The reports shall include
25 information as to the nature, extent, and implications of any

1 threat to the concentration of ozone in the stratosphere and
2 the appropriate regulatory action to be taken by such coun-
3 tries pursuant to such agreement or agreements to provide
4 protection against the depletion of ozone in the stratosphere.
5 Copies of such reports shall be made available to the
6 public."

7 (e) Section 157 is amended by—

8 (1) striking out subsection (a);

9 (2) redesignating subsection "(b)" as subsection
10 "(a)"; and

11 (3) adding a new subsection (b) as follows:

12 (1) "(b) The Administrator shall not propose further regula-
13 tions for the control in the United States of any chlorofluoro-
14 carbon under this statute or the Toxic Substance Control Act
15 until such time as either—

16 "(1) the Administrator determines that depletion
17 of the stratospheric ozone by chlorofluorocarbons at a
18 rate determined to be eventually harmful to human
19 health and the environment is actually detected; or

20 "(2) that the President reports under section
21 156(a) international agreement has been reached with
22 respect to chlorofluorocarbons as to the nature, extent,
23 and implications of any threat to the concentration of
24 ozone in the stratosphere and as to the appropriate

1 regulatory action to be taken, if any, to provide protec-
 2 tion against the depletion of ozone;
 3 In promulgating such regulations the Administrator shall
 4 take into account any unresolved scientific questions and eco-
 5 nomic and policy implications of chlorofluorocarbon emission
 6 reduction, as well as the availability of suitable alternative
 7 products.”.

8 (f) Section 158 is amended by—

9 (1) inserting “(a)” before the existing paragraph,
 10 (2) adding the following subsection at the end
 11 thereof:

12 “(b) Nothing contained in this part shall affect (1) the
 13 validity of regulations concerning aerosol propellants contain-
 14 ing chlorofluorocarbons promulgated by the Administrator
 15 prior to the effective date of those sections, or (2) the
 16 Administrator’s obligation to comply with other applicable
 17 requirements in adopting regulations for the control of chloro-
 18 fluorocarbons consistent with the requirements of section
 19 157(b).”.

20 (g) Section 159 is amended by—

21 (1) inserting “or (c)” at the end of the sentence in
 22 subsection (a)

23 (2) adding the following subsection at the end
 24 thereof:

25 information as to the nature, extent, and implications of any

1 “(c) No State or political subdivision thereof may adopt
 2 or attempt to enforce any regulation respecting the control of
 3 chlorofluorocarbons for the purpose of protecting the strato-
 4 sphere or ozone in the stratosphere until such time as the
 5 Administrator, pursuant to section 157(b) of this title and
 6 other applicable requirements, has promulgated a regulation
 7 or regulations respecting the control in the United States of
 8 chlorofluorocarbons. Regulation by a State or political subdi-
 9 vision shall be in accordance with subsection (b).”.

10 TITLE III—AUTHORIZATION OF 11 APPROPRIATIONS

12 SEC. 301. Section 326 is amended to read as follows:

13 “AUTHORIZATION OF APPROPRIATIONS

14 “SEC. 326. There is authorized to be appropriated to
 15 the Administrator for fiscal year 1982 and for each fiscal
 16 year thereafter through fiscal year 1987 such sums as may be
 17 necessary to ensure that this Act will be carried out effective-
 18 ly by the Administrator and the States, including the provi-
 19 sions of this Act relating to training of State and local per-
 20 sonnel, enforcement, abatement, and control, the considera-
 21 tion of State implementation plans and revisions thereof, and
 22 audit activities, and will provide sufficient funds for personnel
 23 to the Administrator to carry out such provisions without
 24 undue reliance on contractors, particularly in regard to the
 25 regulatory functions of this Act. Such authorization shall not

1 be less than the sums authorized to be appropriated to carry
 2 out the provisions (other than section 323 as previously in
 3 effect) of this Act in fiscal year 1981. No funds appropriated
 4 pursuant to this Act to the Administrator shall be used by the
 5 Administrator for any payment for a reduction-in-force in any
 6 fiscal year, and no such reduction shall be finalized, unless at
 7 least thirty days prior to issuing any general notice of such
 8 reduction the Administrator informs the appropriate legisla-
 9 tive and appropriation committees of the Senate and House
 10 of Representatives in writing of the reasons for such reduc-
 11 tion, the impact of such reduction on carrying out the provi-
 12 sions of this Act, the details of any such reduction, and other
 13 pertinent information. Nothing in this section shall authorize
 14 appropriations for any research and development activities
 15 under this Act."

16 TITLE IV—ACID PRECIPITATION STUDY

17 FINDINGS AND PURPOSES

18 SEC. 401. (a) FINDINGS.—The Congress finds and de-
 19 clares that—

20 (1) the phenomenon known as acid deposition is a
 21 problem of both national and international scope and
 22 interest;

23 (2) acid deposition occurs in various parts of the
 24 world and has the potential to contribute to higher

1 levels of acidity in aquatic systems, terrestrial systems,
 2 and the deterioration of buildings and monuments;

3 (3) acidity in precipitation occurs through both an-
 4 thropogenic and natural causes;

5 (4) sulfur dioxide and nitrogen oxides from indus-
 6 trial and transportation sources have been identified as
 7 contributing elements in the creation of acid precipita-
 8 tion;

9 (5) the atmospheric chemistry relating to the con-
 10 version of sulfur dioxide and nitrogen oxides into sul-
 11 fates and nitrates is enormously complicated since the
 12 conversion may be influenced by temperature, humid-
 13 ity, catalytic particles in the air, the presence of cer-
 14 tain oxidants, sunlight, or other factors;

15 (6) there is widespread agreement in the scientific
 16 community that the method by which the precursors to
 17 acid precipitation are processed in the atmosphere is
 18 poorly understood;

19 (7) various techniques of reducing emissions from
 20 stationary sources of precursors of acid deposition, in-
 21 cluding increased use of precombustion fuel treatment
 22 and the development of inherently low-polluting com-
 23 bustion technologies, may prove to be of significant
 24 long-range value in reducing the amount of acid depo-
 25 sition;

1 (8) the national acid precipitation assessment plan
 2 established under title VII of the Energy Security Act,
 3 and its cooperative links to similar State and interna-
 4 tional programs concerned with acid deposition, pro-
 5 vide an established framework for synthesizing existing
 6 scientific data, and developing additional scientific data,
 7 relating to acid deposition and for making recommen-
 8 dations for strategies to prevent, limit, and remedy the
 9 harmful effects of acid deposition; and

10 (9) the causes and effects of acid deposition, par-
 11 ticularly the atmospheric chemistry and of long-range
 12 transport of acid deposition precursors, should be more
 13 fully understood before undertaking complex and poten-
 14 tially costly efforts to further control sulfur dioxide and
 15 nitrogen oxide emissions.

16 (b) PURPOSES.—It is the purpose of this Act to provide
 17 for—

18 (1) an accelerated effort to understand the causes
 19 and effects of acid precipitation; and

20 (2) examination of the potential and feasibility of
 21 various techniques of controlling sulfur dioxide and ni-
 22 trogen oxide emission, such as precombustion fuel
 23 treatment and inherently low-polluting combustion
 24 technologies, which may hold promise of reducing
 25 emissions of these pollutants.

1 ACCELERATED STUDY AND REPORT

2 SEC. 402. (a)(1) Sections 704(a) and 704(d) of the
 3 Energy Security Act (Public Law 96-294) are amended by
 4 striking out “ten-year” and substituting “five-year” in each
 5 place such term appears.

6 (2) Section 704(c)(4) of such Act is amended by striking
 7 out “nine”.

8 (b) Section 705(a) of such Act is amended by striking
 9 out “nine”.

10 (c) Section 706(b) of such Act is amended by striking
 11 out “nine” and by striking out “ten-year” and substituting
 12 “five-year”.

13 (d) Section 704(e) of such Act is amended by adding the
 14 following at the end thereof: “Not later than five years after
 15 the date of the enactment of the Energy Security Act, the
 16 Task Force shall submit a final report setting forth in detail
 17 the recommendations of the Task Force under subsection
 18 (b)(14). The Administrator of the Environmental Protection
 19 Agency may submit recommendations, to accompany the
 20 transmittal of the final report of the Task Force, for specific
 21 changes in law, if any, that are supported by the scientific
 22 findings of the Task Force. The Administrator of the Envi-
 23 ronmental Protection Agency shall not propose or promul-
 24 gate any rule or regulation to control sulphur dioxide or ni-
 25 trogen oxide emissions, if such rule or regulation would

1 expand the Administrator's existing regulatory authority,
2 before the final report is transmitted."

3 (e) Section 704 of such Act is amended by adding the
4 following at the end thereof:

5 "(g) In carrying out the program objective set forth in
6 subsection (b)(9)(B), the Task Force shall examine the useful-
7 ness of precombustion treatment of fuels in reducing sulfur
8 dioxide and nitrogen oxide emissions and shall also investi-
9 gate the potential for long-term reduction in such emissions
10 which may be achieved through the implementation of inher-
11 ently low-polluting combustion processes, such as atmospher-
12 ic fluidized bed combustion and pressurized fluidized combus-
13 tion.

14 "(h) In carrying out the program objective set forth in
15 subsection (b)(11), the Task Force shall actively solicit data,
16 views, and comments from State agencies which are carrying
17 out studies and research relating to acid deposition."

18 ○

1 expand the Administrator's existing regulatory authority,
2 before the final report is transmitted."

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4 following at the end thereof:

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6 subsection (b)(9)(B), the Task Force shall examine the useful-
7 ness of precombustion treatment of fuels in reducing sulfur
8 dioxide and nitrogen oxide emissions and shall also investi-
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11 ently low-polluting combustion processes, such as atmospher-
12 ic fluidized bed combustion and pressurized fluidized combus-
13 tion."

14 "(h) In carrying out the program objective set forth in
15 subsection (b)(11), the Task Force shall actively solicit data,
16 views, and comments from State agencies which are carrying
17 out studies and research relating to acid deposition."