

# ***Clean Air Act Recommendations***

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## ***Summary of Proposals to Modify Act to Ease Restrictions on Industrial Growth***

National Environmental Development Association's Clean Air Act Project (NEDA/CAAP), a cooperative industry-labor activity, has prepared papers on seven issues which may be addressed by 97th Congress. These issue papers are available in their entirety from NEDA/CAAP, upon request. As a quick-reference guide to these papers, here are NEDA/CAAP's recommendations in brief:

### ***ISSUE PAPER No. 1: Prevention of Significant Deterioration***

**A.** Require BACT (or NSPS) and protection of NAAQS in all attainment areas. Restrict PSD increment review to class I areas where NAAQS may not provide adequate protection of the unique aesthetic values important to such special areas.

**B.** Limit PSD increments for sulphur dioxide, particulate matter, and all other NAAQS pollutants to an annual average value.

**C.** Apply PSD permit and review requirements only to pollutants that would be emitted in "major" amounts from a new source or would represent a "major" net increase (after bubbling) from a modified source.

**D.** Apply PSD requirements to NAAQS pollutants only.

**E.** Tighten procedures for designating new class I areas to coincide with stringent class III designation procedures presently specified in Section 164(a)(2) and to require consideration of the national interest.

**F.** Specify that Section 165(d)(2) and 165(e)(3) visibility, soils, vegetation, etc. ("air quality-related values") requirements shall not be used to deny a PSD permit application until EPA has validated models and adopted guidelines and regulations for assessing such effects caused by emissions from the category of source subject to review. A committee of scientific experts appointed by the National Academy of Sciences should review the proposed models and guidelines and public hearings should be conducted prior to adoption of "air quality-related values" regulations.

**G.** Limit visibility control program to effects within a class I area, excluding distant views looking outward from points in class I areas.

## **ISSUE PAPER No. 2:** **National Ambient** **Air Quality Standards**

**A.** Amend Section 108 to refine the procedure and improve the scientific foundation for NAAQS. EPA would be required to prepare a critical evaluation of all scientific data included in each existing and proposed new criteria document. This evaluation and the criteria document are to be presented to a committee of independent scientific experts to be appointed by a scientific group such as the National Academy of Sciences (NAS). This independent committee would prepare a written evaluation of the scientific validity of each existing or proposed new criteria document prepared by EPA. This written evaluation shall consider the relevancy, quality, and accuracy of each key study or data source contained in the criteria document. In proposing a new or revised standard, EPA must comment on the validity of the studies upon which it relies in setting a standard, and provide rationale for promulgation of a standard in response to the committee's recommendations.

**B.** Amend Section 109 to require EPA to specify the allowable exceedances of the short-term NAAQS, on a pollutant-by-pollutant basis, to account for exceedances caused by meteorology, natural pollutant concentrations, and other reasons beyond human control.

**C.** Amend Section 109 to provide that each state may establish state secondary NAAQS in lieu of EPA's secondary NAAQS after EPA has adopted or revised a criteria document. State established secondary NAAQS would recognize that welfare effects vary regionally, depending on such factors as the type of crops grown, natural resources and employment needs. Upon adoption of a secondary NAAQS for a given pollutant by a state, the existing secondary standard promulgated by EPA would be voided.

## **ISSUE PAPER No. 3:** **Nonattainment Requirements**

**A.** Allow states that are unable to demonstrate the mandatory 1982/1987 attainment of NAAQS, despite good faith efforts, to set attainment dates beyond the present deadlines where long-term progress can be projected.

**B.** In areas without an approved nonattainment plan, limit the construction ban to those new sources and modifications that are in specific industrial categories for which EPA has found the nonattainment plan to be defective and that would cause emissions of any single nonattainment pollutant for which the plan is defective to increase by 100 tons per year or more (net) on a source-wide basis.

**C.** Delete offsets requirements where BACT, RACT and other emission control programs will provide long-term achievement of NAAQS (Refer to Issue Paper No. 5).

**D.** Repeal the demand—under Section 172(b)(1)(A)—for proof that the benefits of a proposed new or modified source outweigh all environmental and social costs.

**E.** Limit the statewide compliance demonstration to major emission points only.

## **ISSUE PAPER No. 4:** **Control Technology** **Requirements**

**A.** Replace LAER with BACT as a more cost-effective method of achieving the best control of new sources.

**B.** Equate BACT with NSPS where an NSPS has been promulgated to eliminate unnecessary siting costs and delays.

**C.** Make new source performance standards effective upon the date of final promulgation, rather than retroactive to the date of proposal.

**D.** Allow amortization of pollution control equipment by protecting new sources and modifications from additional emission control requirements during permitting, construction and for 10 years after a permit to operate is granted.

### **ISSUE PAPER No. 5:**

#### ***National Policy Conflicts***

There is increasing evidence that, in some instances, the inflexibility of Clean Air Act requirements will lead to direct conflicts between compelling national priorities: clean air, employment and energy development. In areas where offsets are unavailable or PSD increments are consumed, it will be impossible to build new plans and to expand or modernize existing ones. There are also problems with older facilities which, when faced with stringent Clean Air Act requirements, may be subjected to undue economic hardship.

NEDA/CAAP acknowledges the seriousness of these problems and continues to seek solutions to them. NEDA/CAAP does not make legislative recommendations at this time; Issue Paper No. 6 discusses problems, suggests possible need for flexibility.

### **ISSUE PAPER No. 6:**

#### ***Acid Precipitation***

**A.** Accelerate research already initiated by Congress and the Administration into the causes and effects of acid precipitation.

### **ISSUE PAPER No. 7:**

#### ***State Discretion***

**A.** Allow the states to have more discretion under their SIPs so that reasonable adjustments, alternate compliance schemes, and other modifications can be granted by the states as long as reasonable further progress toward attainment is ensured.

For copy of papers or additional information contact NEDA/CAAP, Three National Press Building, Washington, DC 20045; phone (202) 638-1230.