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(Original Signature of Member)

114TH CONGRESS
1ST SESSION

H. R. _____

To harmonize requirements of the 2008 and 2015 ozone national ambient
air quality standards, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To harmonize requirements of the 2008 and 2015 ozone
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 “Ozone National Ambi-
5 ent Air Quality Standard Deadline Harmonization Act of
6 2015”.

7 **SEC. 2. FINDINGS.**

8 The Congress finds the following:

1 (1) Ozone precursor emissions have been re-
2 duced by over 50 percent since 1980, resulting in a
3 33 percent improvement of ozone air quality. The
4 Environmental Protection Agency projects this im-
5 provement will continue even under rules and pro-
6 grams already in place.

7 (2) States are just beginning to implement the
8 2008 ozone standards, for which the Environmental
9 Protection Agency published State implementation
10 plan requirements on February 13, 2015. Notwith-
11 standing this delayed implementation of the 2008
12 ozone standards, the Environmental Protection
13 Agency published the 2015 ozone standards on Octo-
14 ber 26, 2015.

15 (3) With publication of the 2015 ozone stand-
16 ards so early in the implementation of the 2008
17 ozone standards, States face the prospect of simulta-
18 neously implementing two national ambient air qual-
19 ity standards for ozone.

20 (4) In addition, counties face severe statutorily-
21 imposed consequences if designated as nonattain-
22 ment or for failing to meet attainment deadlines,
23 even if those counties would ultimately achieve at-
24 tainment with no further action.

1 (5) If the 2008 and 2015 ozone standards im-
2 plementation schedules are not harmonized, already
3 strained State resources will be burdened by overlap-
4 ping implementation schedules, and counties that
5 are projected to achieve necessary air quality im-
6 provements will face significant and permanent sanc-
7 tions.

8 **SEC. 3. OZONE STANDARDS IMPLEMENTATION SCHEDULE**
9 **HARMONIZATION.**

10 (a) DESIGNATION SUBMISSION.—Not later than Oc-
11 tober 26, 2024, the Governor of each State shall designate
12 in accordance with section 107(d) of the Clean Air Act
13 (42 U.S.C. 7407(d)) all areas (or portions thereof) of the
14 Governor’s State as attainment, nonattainment, or
15 unclassifiable with respect to the 2015 ozone standards.

16 (b) DESIGNATION PROMULGATION.—Not later than
17 October 26, 2025, the Administrator shall promulgate
18 final designations under section 107(d) of the Clean Air
19 Act (42 U.S.C. 7407(d)) for all areas in all States with
20 respect to the 2015 ozone standards, including any modi-
21 fications to the designations submitted under subsection
22 (a).

23 (c) STATE IMPLEMENTATION PLANS.—Not later
24 than October 26, 2026, notwithstanding the deadline spec-
25 ified in section 110(a)(1) of the Clean Air Act (42 U.S.C.

1 7410 (d)(1)), each State shall submit the plan required
2 by such section 110(a)(1) for the 2015 ozone standards.

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

4 (a) IN GENERAL.—The 2015 ozone standards shall
5 not apply to the review and disposition of a
6 preconstruction permit application if—

7 (1) the Administrator or the State, local, or
8 tribal permitting authority, as applicable, determines
9 the application to be complete on or before the date
10 of promulgation of final designations under section
11 3(b); or

12 (2) the Administrator or the State, local, or
13 tribal permitting authority, as applicable, publishes
14 a public notice of a preliminary determination or
15 draft permit for the application before the date that
16 is 60 days after the date of promulgation of final
17 designations under section 3(b).

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

20 (1) eliminate the obligation of a preconstruction
21 permit applicant to install best available control
22 technology and lowest achievable emissions rate
23 technology, as applicable; or

24 (2) limit the authority of a State, local, or trib-
25 al permitting authority to impose more stringent

1 emissions requirements pursuant to State, local, or
2 tribal law than Federal national ambient air quality
3 standards established by the Environmental Protec-
4 tion Agency.

5 **SEC. 5. ADJUSTMENT OF 5-YEAR REVIEW CYCLE.**

6 (a) 10-YEAR CYCLE FOR ALL CRITERIA AIR POLLUT-
7 ANTS.—Paragraphs (1) and (2)(B) of section 109(d) of
8 the Clean Air Act (42 U.S.C. 7409(d)) are amended by
9 striking “five-year intervals” each place it appears and in-
10 serting “ten-year intervals”.

11 (b) CYCLE FOR NEXT REVIEW OF OZONE CRITERIA
12 AND STANDARDS.—Notwithstanding section 109(d) of the
13 Clean Air Act (42 U.S.C. 7409(d)), the Administrator of
14 the Environmental Protection Agency shall not—

15 (1) complete, before October 26, 2025, any re-
16 view of the criteria for ozone published under section
17 108 of such Act (42 U.S.C. 7408) or the national
18 ambient air quality standard for ozone promulgated
19 under section 109 of such Act (42 U.S.C. 7409); or

20 (2) propose, before such date, any revisions to
21 such criteria or standards.

22 **SEC. 6. DEFINITIONS.**

23 In this Act:

24 (1) The term “2008 ozone standards” means
25 the national ambient air quality standards for ozone

1 published in the Federal Register on March 27,
2 2008 (73 Fed. Reg. 16436).

3 (2) The term “2015 ozone standards” means
4 the national ambient air quality standards for ozone
5 published in the Federal Register on October 26,
6 2015 (80 Fed. Reg. 65292).

7 (3) The term “Administrator” means the Ad-
8 ministrator of the Environmental Protection Agency.

9 (4) The term “best available control tech-
10 nology” has the meaning given to that term in sec-
11 tion 169(3) of the Clean Air Act (42 U.S.C.
12 7479(3)).

13 (5) The term “lowest achievable emissions rate”
14 has the meaning given to that term in section
15 171(3) of the Clean Air Act (42 U.S.C. 7501(3)).

16 (6) The term “preconstruction permit”—

17 (A) means a permit that is required under
18 part C or D of title I of the Clean Air Act (42
19 U.S.C. 7470 et seq.) for the construction or
20 modification of a major emitting facility or
21 major stationary source; and

22 (B) includes any such permit issued by the
23 Environmental Protection Agency or a State,
24 local, or tribal permitting authority.