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) Ozone precursor emissions have been reduced by over 50 percent since 1980, resulting in a 33 percent improvement of ozone air quality. The Environmental Protection Agency projects this improvement will continue even under rules and programs already in place.

(2) States are just beginning to implement the 2008 ozone standards, for which the Environmental Protection Agency published State implementation plan requirements on February 13, 2015. Notwithstanding this delayed implementation of the 2008 ozone standards, the Environmental Protection Agency published the 2015 ozone standards on October 26, 2015.

(3) With publication of the 2015 ozone standards so early in the implementation of the 2008 ozone standards, States face the prospect of simultaneously implementing two national ambient air quality standards for ozone.

(4) In addition, counties face severe statutorily-imposed consequences if designated as nonattainment or for failing to meet attainment deadlines, even if those counties would ultimately achieve attainment with no further action.
(5) If the 2008 and 2015 ozone standards implementation schedules are not harmonized, already strained State resources will be burdened by overlapping implementation schedules, and counties that are projected to achieve necessary air quality improvements will face significant and permanent sanctions.

SEC. 3. OZONE STANDARDS IMPLEMENTATION SCHEDULE HARMONIZATION.

(a) Designation Submission.—Not later than October 26, 2024, the Governor of each State shall designate in accordance with section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) all areas (or portions thereof) of the Governor’s State as attainment, nonattainment, or unclassifiable with respect to the 2015 ozone standards.

(b) Designation Promulgation.—Not later than October 26, 2025, the Administrator shall promulgate final designations under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) for all areas in all States with respect to the 2015 ozone standards, including any modifications to the designations submitted under subsection (a).

(e) State Implementation Plans.—Not later than October 26, 2026, notwithstanding the deadline specified in section 110(a)(1) of the Clean Air Act (42 U.S.C.
7410 (d)(1)), each State shall submit the plan required
by such section 110(a)(1) for the 2015 ozone standards.

SEC. 4. CERTAIN PRECONSTRUCTION PERMITS.

(a) In General.—The 2015 ozone standards shall
not apply to the review and disposition of a
preconstruction permit application if—

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

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

(b) Rules of Construction.—Nothing in this sec-
tion shall be construed to—

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

(2) limit the authority of a State, local, or trib-
al permitting authority to impose more stringent
emissions requirements pursuant to State, local, or tribal law than Federal national ambient air quality standards established by the Environmental Protection Agency.

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

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

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

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

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

SEC. 6. DEFINITIONS.

In this Act:

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

(3) The term “Administrator” means the Administrator of the Environmental Protection Agency.

(4) The term “best available control technology” has the meaning given to that term in section 169(3) of the Clean Air Act (42 U.S.C. 7479(3)).

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

(6) The term “preconstruction permit”—

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

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