

118TH CONGRESS  
2D SESSION

# H. R. 7650

To facilitate efficient State implementation of national ambient air quality standards, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2024

Mr. CARTER of Georgia (for himself, Mr. GUTHRIE, Mr. WEBER of Texas, Mr. VALADAO, Mr. JOYCE of Pennsylvania, Mr. ALLEN, Mr. PENCE, Mrs. HARSHBARGER, Mr. NEWHOUSE, Mr. CRENSHAW, Mr. BARR, Mr. OBERNOLTE, Mr. PFLUGER, Mr. BALDERSON, and Mr. LATTA) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## 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”.

1 **SEC. 2. FACILITATING STATE IMPLEMENTATION OF NA-**  
2 **TIONAL AMBIENT AIR QUALITY STANDARDS.**

3 (a) **TIMELINE FOR REVIEW OF NATIONAL AMBIENT**  
4 **AIR QUALITY STANDARDS.**—Paragraphs (1) and (2)(B)  
5 of section 109(d) of the Clean Air Act (42 U.S.C.  
6 7409(d)) are amended by striking “five-year intervals”  
7 each place it appears and inserting “10-year intervals”.

8 (b) **CONSIDERATION OF ATTAINABILITY.**—Section  
9 109(b)(1) of the Clean Air Act (42 U.S.C. 7409(b)(1))  
10 is amended by inserting after the first sentence the fol-  
11 lowing: “If the Administrator, in consultation with the  
12 independent scientific review committee appointed under  
13 subsection (d), finds that a range of levels of air quality  
14 for an air pollutant are requisite to protect public health  
15 with an adequate margin of safety, as described in the  
16 preceding sentence, the Administrator may, as a sec-  
17 ondary consideration in establishing and revising the na-  
18 tional primary ambient air quality standard for such air  
19 pollutant, consider likely attainability of the standard.”.

20 (c) **COMPOSITION OF INDEPENDENT SCIENTIFIC RE-**  
21 **VIEW COMMITTEE.**—Section 109(d)(2)(A) of the Clean  
22 Air Act (42 U.S.C. 7409(d)(2)(A)) is amended—

23 (1) by striking “one person representing State  
24 air pollution control agencies” and inserting “three  
25 persons representing State air pollution control  
26 agencies”; and

1           (2) by adding at the end the following: “The  
2           persons representing State air pollution control  
3           agencies shall be from geographically diverse areas  
4           with at least one person representing a State located  
5           in Region 1, 2, 3, or 5 of the Environmental Protec-  
6           tion Agency, one person representing a State located  
7           in Region 4, 6, or 7 of the Environmental Protection  
8           Agency, and one person representing a State located  
9           in Region 8, 9, or 10 of the Environmental Protec-  
10          tion Agency.”.

11          (d) CONSIDERATION OF ADVERSE PUBLIC HEALTH,  
12          WELFARE, SOCIAL, ECONOMIC, OR ENERGY EFFECTS.—  
13          Section 109(d)(2) of the Clean Air Act (42 U.S.C.  
14          7409(d)(2)) is amended by adding at the end the fol-  
15          lowing:

16          “(D) Prior to establishing or revising a national am-  
17          bient air quality standard, the Administrator shall re-  
18          quest, and such committee, after receiving public com-  
19          ments, shall assess and provide advice under subpara-  
20          graph (C)(iv) regarding any adverse public health, welfare,  
21          social, economic, or energy effects which may result from  
22          various strategies for attainment and maintenance of such  
23          national ambient air quality standard.”.

24          (e) TIMELY ISSUANCE OF IMPLEMENTING REGULA-  
25          TIONS AND GUIDANCE.—Section 109 of the Clean Air Act

1 (42 U.S.C. 7409) is amended by adding at the end the  
2 following:

3 “(e) TIMELY ISSUANCE OF IMPLEMENTING REGULA-  
4 TIONS AND GUIDANCE.—

5 “(1) IN GENERAL.—In publishing any final rule  
6 establishing or revising a national ambient air qual-  
7 ity standard, the Administrator shall, to assist  
8 States, permitting authorities, and permit appli-  
9 cants, concurrently publish regulations and guidance  
10 for implementing the standard, including informa-  
11 tion relating to submission and consideration of a  
12 preconstruction permit application under the new or  
13 revised standard.

14 “(2) APPLICABILITY OF STANDARD TO  
15 PRECONSTRUCTION PERMITTING.—If the Adminis-  
16 trator fails to publish final regulations and guidance  
17 that include information relating to submission and  
18 consideration of a preconstruction permit application  
19 under a new or revised national ambient air quality  
20 standard concurrently with such standard, then such  
21 standard shall not apply to the review and disposi-  
22 tion of a preconstruction permit application until the  
23 Administrator has published such final regulations  
24 and guidance.

25 “(3) RULES OF CONSTRUCTION.—

1           “(A) Nothing in this subsection shall be  
2 construed to preclude the Administrator from  
3 issuing regulations and guidance to assist  
4 States, permitting authorities, and permit appli-  
5 cants in implementing a national ambient air  
6 quality standard subsequent to publishing regu-  
7 lations and guidance for such standard under  
8 paragraph (1).

9           “(B) Nothing in this subsection shall be  
10 construed to eliminate the obligation of a  
11 preconstruction permit applicant to install best  
12 available control technology and lowest achiev-  
13 able emission rate technology, as applicable.

14           “(C) Nothing in this subsection shall be  
15 construed to limit the authority of a State,  
16 local, or Tribal permitting authority to impose  
17 more stringent emissions requirements pursu-  
18 ant to State, local, or Tribal law than national  
19 ambient air quality standards.

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

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

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

4           “(C) The term ‘preconstruction permit’—  
5                   “(i) means a permit that is required  
6                   under this title for the construction or  
7                   modification of a stationary source; and  
8                   “(ii) includes any such permit issued  
9                   by the Environmental Protection Agency  
10                  or a State, local, or Tribal permitting au-  
11                  thority.”.

12           (f) OPPORTUNITY FOR STATES TO CORRECT DEFICI-  
13           CIENCY PRIOR TO PROMULGATION OF FEDERAL IMPLE-  
14           MENTATION PLAN.—Section 110(c)(1) of the Clean Air  
15           Act (42 U.S.C. 7410(c)(1)) is amended—

16                   (1) by striking “at any time”; and

17                   (2) by adding at the end the following: “Before  
18                   promulgating the Federal implementation plan, the  
19                   Administrator shall give the State at least one year  
20                   after such finding or disapproval to submit a plan or  
21                   plan revision to correct the deficiency. If the State  
22                   submits a plan or plan revision to correct the defi-  
23                   ciency, the Administrator may, notwithstanding the  
24                   2-year deadline under this paragraph to promulgate  
25                   a Federal implementation plan, choose to take up to

1       3 years after such finding or disapproval to promul-  
2       gate a Federal implementation plan.”.

3       (g) CONTINGENCY MEASURES FOR EXTREME OZONE  
4 NONATTAINMENT AREAS.—Section 172(c)(9) of the Clean  
5 Air Act (42 U.S.C. 7502(c)(9)) is amended by adding at  
6 the end the following: “Notwithstanding the preceding  
7 sentences and any other provision of this Act, such meas-  
8 ures shall not be required for any nonattainment area for  
9 ozone classified as an Extreme Area.”.

10       (h) PLAN SUBMISSIONS AND REQUIREMENTS FOR  
11 OZONE NONATTAINMENT AREAS.—Section 182 of the  
12 Clean Air Act (42 U.S.C. 7511a) is amended—

13             (1) in subsection (b)(1)(A)(ii)(III), by inserting  
14       “and economic feasibility” after “technological  
15       achievability”;

16             (2) in subsection (c)(2)(B)(ii), by inserting  
17       “and economic feasibility” after “technological  
18       achievability”;

19             (3) in subsection (e), in the matter preceding  
20       paragraph (1)—

21                 (A) by striking “The provisions of clause  
22                 (ii) of subsection (c)(2)(B) (relating to reduc-  
23                 tions of less than 3 percent), the provisions of  
24                 paragraphs” and inserting “The provisions of  
25                 paragraphs”; and

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

4 (4) in paragraph (5) of subsection (e), by strik-  
5 ing “, if the State demonstrates to the satisfaction  
6 of the Administrator that—” and all that follows  
7 through the end of the paragraph and inserting a  
8 period.

9 (i) PLAN REVISIONS FOR MILESTONES FOR PARTIC-  
10 ULATE MATTER NONATTAINMENT AREAS.—Section  
11 189(c)(1) of the Clean Air Act (42 U.S.C. 7513a(c)(1))  
12 is amended by inserting “, which take into account techno-  
13 logical achievability and economic feasibility,” before “and  
14 which demonstrate reasonable further progress”.

15 (j) EXCEPTIONAL EVENTS.—Section 319(b) of the  
16 Clean Air Act (42 U.S.C. 7619(b)) is amended—

17 (1) in the subsection heading, by inserting “OR  
18 ACTIONS TO MITIGATE WILDFIRE RISK” after  
19 “EVENTS”;

20 (2) in paragraph (1)—

21 (A) in the paragraph heading, by striking  
22 “DEFINITION OF EXCEPTIONAL EVENT” and in-  
23 serting “DEFINITIONS”;



1 (B) in subparagraph (A), by redesignating  
2 clauses (i) through (iv), as subclauses (I)  
3 through (IV), respectively;

4 (C) by striking “(A)” and all that follows  
5 through “an event that—” and inserting the  
6 following:

7 “(A) EXCEPTIONAL EVENT.—

8 “(i) IN GENERAL.—The term ‘except-  
9 tional event’ means an event that—”;

10 (D) by amending clause (III) of subpara-  
11 graph (A)(i), as redesignated, to read as fol-  
12 lows:

13 “(III) is an event that is—

14 “(aa) a natural event;

15 “(bb) caused by a human  
16 activity that is intended to mirror  
17 the occurrence or reoccurrence of  
18 a natural event; or

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

21 (E) by striking subparagraph (B) and in-  
22 serting the following:

23 “(ii) EXCLUSIONS.—In this sub-  
24 section, the term ‘exceptional event’ does  
25 not include—

1 “(I) ordinarily occurring stagna-  
2 tion of air masses;

3 “(II) meteorological inversions;  
4 or

5 “(III) air pollution relating to  
6 source noncompliance.”; and

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

8 “(B) ACTION TO MITIGATE WILDFIRE  
9 RISK.—The term ‘action to mitigate wildfire  
10 risk’ means a prescribed fire or similar meas-  
11 ure, undertaken in accordance with State ap-  
12 proved practices, to reduce the risk and severity  
13 of wildfires.”;

14 (3) in paragraph (2)—

15 (A) in subparagraph (A)—

16 (i) by striking “March 1, 2006” and  
17 inserting “18 months after the date of en-  
18 actment of the Air Quality Standards Im-  
19 plementation Act of 2024”;

20 (ii) by inserting “revisions to” before  
21 “regulations”; and

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

24 (B) in subparagraph (B)—

1 (i) by inserting “or action to mitigate  
2 wildfire risk” after “an exceptional event”;  
3 and

4 (ii) by striking “paragraph (3)” and  
5 inserting “this section”;

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

7 “(C) REGIONAL ANALYSIS.—When more  
8 than one State notifies the Administrator of its  
9 intent to submit a petition for an exceptional  
10 event or an action to mitigate wildfire risk for  
11 the same air quality event, the Administrator  
12 shall conduct regional modeling and analysis,  
13 upon request by one or more States, to satisfy  
14 the analysis required for an exceptional event or  
15 an action to mitigate wildfire risk petition for  
16 such air quality event.

17 “(D) TRANSPARENCY.—Not later than 12  
18 months after the date of enactment of the Air  
19 Quality Standards Implementation Act of 2024,  
20 the Administrator shall establish and update  
21 monthly a public website describing the status  
22 of all submitted petitions for exceptional events  
23 and actions to mitigate wildfire risk.”;

24 (4) in paragraph (3)(A)—

1 (A) by redesignating clauses (ii) through  
2 (v) as clauses (iii) through (vi), respectively;  
3 and

4 (B) by inserting after clause (i) the fol-  
5 lowing:

6 “(ii) the principle that actions to miti-  
7 gate wildfire risk can play an important  
8 role in reducing the magnitude and fre-  
9 quency of wildfires;”;

10 (5) in paragraph (3)(B)—

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

13 (B) by amending clause (ii) to read as fol-  
14 lows:

15 “(ii) a clear causal relationship must  
16 exist, or be reasonably expected to exist,  
17 between the measured exceedances of a na-  
18 tional ambient air quality standard and the  
19 exceptional event or action to mitigate  
20 wildfire risk to demonstrate that the excep-  
21 tional event or action to mitigate wildfire  
22 risk caused a specific air pollution con-  
23 centration at a particular air quality moni-  
24 toring location;”;

1 (C) by amending clause (iv) to read as fol-  
2 lows:

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

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

13 “(II) the designation, redesigna-  
14 tion, classification, or reclassification  
15 of an area;

16 “(III) the demonstration by a  
17 State of attainment of a national am-  
18 bient air quality standard;

19 “(IV) attainment determinations;

20 “(V) attainment date extensions;

21 “(VI) finding a State implemen-  
22 tation plan to be inadequate; or

23 “(VII) preconstruction dem-  
24 onstrations under section 165(a)(3).”;

25 and

1 (6) by striking paragraph (4).

2 (k) REPORT ON EMISSIONS EMANATING FROM OUT-  
3 SIDE THE UNITED STATES.—Not later than 24 months  
4 after the date of enactment of this Act, the Administrator,  
5 in consultation with States, shall submit to the Congress  
6 a report on—

7 (1) the extent to which foreign sources of air  
8 pollution, including emissions from sources located  
9 outside North America, impact—

10 (A) designations of areas (or portions  
11 thereof) as nonattainment, attainment, or  
12 unclassifiable under section 107(d) of the Clean  
13 Air Act (42 U.S.C. 7407(d)); and

14 (B) attainment and maintenance of na-  
15 tional ambient air quality standards;

16 (2) the Environmental Protection Agency's pro-  
17 cedures and timelines for disposing of petitions sub-  
18 mitted pursuant to section 179B(b) of the Clean Air  
19 Act (42 U.S.C. 7509a(b));

20 (3) the total number of petitions received by the  
21 Agency pursuant to such section 179B(b), and for  
22 each such petition the date initially submitted and  
23 the date of final disposition by the Agency; and

24 (4) whether the Administrator recommends any  
25 statutory changes to facilitate the more efficient re-

1 view and disposition of petitions submitted pursuant  
2 to such section 179B(b).

3 (l) STUDY ON OZONE FORMATION.—

4 (1) STUDY.—The Administrator, in consulta-  
5 tion with States and the National Oceanic and At-  
6 mospheric Administration, shall conduct a study on  
7 the atmospheric formation of ozone and effective  
8 control strategies, including—

9 (A) the relative contribution of man-made  
10 and naturally occurring nitrogen oxides, volatile  
11 organic compounds, and other pollutants in  
12 ozone formation in urban and rural areas, in-  
13 cluding during wildfires, and the most cost-ef-  
14 fective control strategies to reduce ozone; and

15 (B) the science of wintertime ozone forma-  
16 tion, including photochemical modeling of win-  
17 tertime ozone formation, and approaches to  
18 cost-effectively reduce wintertime ozone levels.

19 (2) PEER REVIEW.—The Administrator shall  
20 have the study conducted under paragraph (1) peer  
21 reviewed by an independent panel of experts in ac-  
22 cordance with the requirements applicable to a high-  
23 ly influential scientific assessment.

24 (3) REPORT.—The Administrator shall submit  
25 to Congress a report describing the results of the

1 study conducted under paragraph (1), including the  
2 findings of the peer review panel.

3 (4) REGULATIONS AND GUIDANCE.—The Ad-  
4 ministrator shall incorporate the results of the study  
5 conducted under paragraph (1), including the find-  
6 ings of the peer review panel under paragraph (2),  
7 into any Federal rules and guidance implementing  
8 the 2015 ozone standards.

9 **SEC. 3. APPLICABILITY OF SANCTIONS AND FEES IF EMIS-**  
10 **SIONS BEYOND CONTROL.**

11 The Clean Air Act (42 U.S.C. 7401 et seq.) is amend-  
12 ed by inserting after section 179B the following new sec-  
13 tion:

14 **“SEC. 179C. APPLICABILITY OF SANCTIONS AND FEES IF**  
15 **EMISSIONS BEYOND CONTROL.**

16 “(a) IN GENERAL.—Notwithstanding any other pro-  
17 vision of this Act, with respect to any nonattainment area  
18 that is classified under section 181 as a Severe Area or  
19 an Extreme Area for ozone or under section 188 as a Seri-  
20 ous Area for particulate matter, no sanction or fee under  
21 section 179 or 185 shall apply with respect to a State (or  
22 a local government or source therein) on the basis of a  
23 deficiency described in section 179(a), or the State’s fail-  
24 ure to attain a national ambient air quality standard for  
25 ozone or particulate matter by the applicable attainment



1 date, if the State demonstrates that the State would have  
2 avoided such deficiency or attained such standard but for  
3 one or more of the following:

4 “(1) Emissions emanating from outside the  
5 nonattainment area.

6 “(2) Emissions from an exceptional event (as  
7 defined in section 319(b)(1)).

8 “(3) Emissions from mobile sources to the ex-  
9 tent the State demonstrates that—

10 “(A) such emissions are beyond the control  
11 of the State to reduce or eliminate; and

12 “(B) the State is fully implementing such  
13 measures as are within the authority of the  
14 State to control emissions from the mobile  
15 sources.

16 “(b) NO EFFECT ON UNDERLYING STANDARDS.—

17 The inapplicability of sanctions or fees with respect to a  
18 State pursuant to subsection (a) does not affect the obliga-  
19 tion of the State (and local governments and sources  
20 therein) under other provisions of this Act to establish and  
21 implement measures to attain a national ambient air qual-  
22 ity standard for ozone or particulate matter.

23 “(c) PERIODIC RENEWAL OF DEMONSTRATION.—

24 For subsection (a) to continue to apply with respect to  
25 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. CERTAIN PRECONSTRUCTION PERMITS.**

4 (a) IN GENERAL.—The 2024 Primary Annual Partic-  
5 ulate Matter<sub>2.5</sub> Standard shall not apply to the review and  
6 disposition of a preconstruction permit application if—

7 (1) the Administrator or the State, local, or  
8 Tribal permitting authority, as applicable, deter-  
9 mines the application to be complete on or before  
10 the date of promulgation of the final designation of  
11 the area involved under section 107(d) of the Clean  
12 Air Act (42 U.S.C. 7407(d)) with respect to the  
13 2024 Primary Annual Particulate Matter<sub>2.5</sub> Stand-  
14 ard; or

15 (2) the Administrator or the State, local, or  
16 Tribal permitting authority, as applicable, publishes  
17 a public notice of a preliminary determination or  
18 draft permit for the application before the date that  
19 is 60 days after the date of promulgation of the final  
20 designation of the area involved under section  
21 107(d) of the Clean Air Act (42 U.S.C. 7407(d))  
22 with respect to the 2024 Primary Annual Particu-  
23 late Matter<sub>2.5</sub> Standard.

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

1           (1) eliminate the obligation of a preconstruction  
2 permit applicant to install best available control  
3 technology and lowest achievable emission rate tech-  
4 nology, as applicable; or

5           (2) limit the authority of a State, local, or Trib-  
6 al permitting authority to impose more stringent  
7 emissions requirements pursuant to State, local, or  
8 Tribal law than national ambient air quality stand-  
9 ards.

10 **SEC. 5. DEFINITIONS.**

11 In this Act:

12           (1) ADMINISTRATOR.—The term “Adminis-  
13 trator” means the Administrator of the Environ-  
14 mental Protection Agency.

15           (2) BEST AVAILABLE CONTROL TECH-  
16 NOLOGY.—The term “best available control tech-  
17 nology” has the meaning given to that term in sec-  
18 tion 169(3) of the Clean Air Act (42 U.S.C.  
19 7479(3)).

20           (3) HIGHLY INFLUENTIAL SCIENTIFIC ASSESS-  
21 MENT.—The term “highly influential scientific as-  
22 sessment” means a highly influential scientific as-  
23 sessment as defined in the publication of the Office  
24 of Management and Budget entitled “Final Informa-

1 tion Quality Bulletin for Peer Review” (70 Fed.  
2 Reg. 2664 (January 14, 2005)).

3 (4) LOWEST ACHIEVABLE EMISSION RATE.—  
4 The term “lowest achievable emission rate” has the  
5 meaning given to that term in section 171(3) of the  
6 Clean Air Act (42 U.S.C. 7501(3)).

7 (5) NATIONAL AMBIENT AIR QUALITY STAND-  
8 ARD.—The term “national ambient air quality  
9 standard” means a national ambient air quality  
10 standard promulgated under section 109 of the  
11 Clean Air Act (42 U.S.C. 7409).

12 (6) PRECONSTRUCTION PERMIT.—The term  
13 “preconstruction permit”—

14 (A) means a permit that is required under  
15 title I of the Clean Air Act (42 U.S.C. 7401 et  
16 seq.) for the construction or modification of a  
17 stationary source; and

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

21 (7) 2015 OZONE STANDARDS.—The term “2015  
22 ozone standards” means the national ambient air  
23 quality standards for ozone published in the Federal  
24 Register on October 26, 2015 (80 Fed. Reg. 65292).

1           (8) 2024 PRIMARY ANNUAL PARTICULATE MAT-  
2           TER<sub>2.5</sub> STANDARD.—The term “2024 Primary An-  
3           nual Particulate Matter<sub>2.5</sub> Standard” means the  
4           final rule titled “Reconsideration of the National  
5           Ambient Air Quality Standards for Particulate Mat-  
6           ter” published in the Federal Register on March 6,  
7           2024 (89 Fed. Reg. 16202).

○