

114TH CONGRESS
1ST SESSION

H. R. 1320

To amend the Clean Air Act with respect to exceptional event demonstrations,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 2015

Mr. OLSON (for himself, Mr. POMPEO, Mr. KELLY of Pennsylvania, Mr. DUNCAN of South Carolina, Mr. TIPTON, Mr. BABIN, Mr. SALMON, Mr. SESSIONS, Mr. GOSAR, Mr. PEARCE, Mr. FARENTHOLD, Mr. LONG, and Mr. McCLINTOCK) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Clean Air Act with respect to exceptional
event demonstrations, 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 “Commonsense Legisla-
5 tive Exceptional Events Reforms Act of 2015”.

6 **SEC. 2. CLEAN AIR ACT EXCEPTIONAL EVENTS.**

7 Section 319(b) of the Clean Air Act (42 U.S.C.
8 7619(b)) is amended—

9 (1) in paragraph (1)(B)—

1 (A) in clause (i)—

2 (i) by striking “(i) stagnation of air
3 masses or” and inserting “(i)(I) ordinarily
4 occurring stagnation of air masses or
5 (II)”; and

6 (ii) by inserting “or” after the semi-
7 colon;

8 (B) by striking clause (ii); and

9 (C) by redesignating clause (iii) as clause
10 (ii); and

11 (2) in paragraph (3)—

12 (A) in subparagraph (B)(iv), by striking
13 “to petition the Administrator to” and inserting
14 “to submit a petition (in this section referred to
15 as an ‘exceptional event demonstration’) to the
16 Administrator to”; and

17 (B) by adding at the end the following:

18 “(C) CRITERIA FOR DETERMINATION OF
19 EXCEPTIONAL EVENT DEMONSTRATION.—

20 “(i) IN GENERAL.—The criteria for
21 evidence, analyses, and documentation ap-
22 plicable to approval or disapproval of an
23 exceptional event demonstration under the
24 regulations under this section shall be stat-
25 ed with specificity in order to minimize the

1 discretion of the Administrator in approv-
2 ing or disapproving that demonstration.

3 “(ii) STATE PARTICIPATION.—The
4 Administrator shall develop the criteria in
5 conjunction with input from the States.

6 “(iii) CONTENTS.—The criteria shall
7 reflect the varying levels of technical exper-
8 tise and resources available in State and
9 local agencies and the varying availability
10 of meteorological and other monitoring
11 data in rural areas, and may vary with re-
12 spect to different regions.

13 “(iv) CONSIDERATIONS.—In devel-
14 oping the criteria, the Administrator shall
15 consider the use of an expedited or stream-
16 lined approval process and conditions
17 under which exceptional event demonstra-
18 tions may be suitable for such a process.

19 “(D) TIMING OF DETERMINATION OF EX-
20 CEPTIONAL EVENT DEMONSTRATION.—

21 “(i) DEADLINE FOR DETERMINA-
22 TION.—

23 “(I) IN GENERAL.—Not later
24 than 90 days after submission of an
25 exceptional event demonstration, the

1 Administrator shall approve, dis-
2 approve, or request additional infor-
3 mation from a State regarding the ex-
4 ceptional event demonstration.

5 “(II) ADMINISTRATION.—If the
6 Administrator does not approve, dis-
7 approve, or request additional infor-
8 mation relating to an exceptional
9 event demonstration within the 90-day
10 period described in subclause (I), the
11 demonstration shall be considered to
12 be approved on the day after the date
13 on which that 90-day period ends.

14 “(ii) DEADLINE IF ADDITIONAL IN-
15 FORMATION REQUESTED.—

16 “(I) IN GENERAL.—If the Ad-
17 ministrator requests additional infor-
18 mation from a State regarding an ex-
19 ceptional event demonstration under
20 clause (i), not later than 90 days after
21 the submission of that additional in-
22 formation, the Administrator shall ap-
23 prove or disapprove the demonstra-
24 tion.

1 “(II) ADMINISTRATION.—If the
2 Administrator does not approve or
3 disapprove a demonstration for which
4 additional information is submitted
5 within the 90-day period described in
6 subclause (I), the demonstration shall
7 be considered to be approved.

8 “(E) BURDEN OF PROOF.—The regula-
9 tions promulgated under this section shall pro-
10 vide that—

11 “(i) a determination by the Adminis-
12 trator with respect to approval or dis-
13 approval of an exceptional event dem-
14 onstration be based on a preponderance of
15 the evidence; and

16 “(ii) in making a determination, the
17 Administrator—

18 “(I) shall accord substantial def-
19 erence to the findings of the State ex-
20 ceptional event demonstration; and

21 “(II) may develop and use anal-
22 yses and consider evidence not pro-
23 vided in the exceptional event dem-
24 onstration, subject to the condition

1 that the analyses are developed by the
2 Environmental Protection Agency.

3 “(F) APPEALS.—

4 “(i) DISAPPROVAL.—

5 “(I) IN GENERAL.—Subject to
6 subclause (II), disapproval by the Ad-
7 ministrator of an exceptional event
8 demonstration shall be considered
9 final action subject to judicial review
10 under section 307(b).

11 “(II) LIMITATION.—Notwith-
12 standing subclause (I), disapproval by
13 the Administrator of an exceptional
14 event demonstration shall only be sub-
15 ject to appeal by the State that sub-
16 mitted the exceptional event dem-
17 onstration.

18 “(ii) APPROVAL.—Approval by the
19 Administrator of an exceptional event dem-
20 onstration shall not be subject to appeal or
21 other judicial action.”.

22 **SEC. 3. REVISION OF REGULATIONS.**

23 After providing for a notice and comment period, but
24 not later than 180 days after the date of enactment of
25 this Act, the Administrator of the Environmental Protec-

1 tion Agency shall revise the regulations under section
2 319(b) of the Clean Air Act (42 U.S.C. 7619(b)) to carry
3 out the amendments made by this Act.

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