

115TH CONGRESS  
2D SESSION

# S. 2825

To amend the Clean Air Act to modify provisions relating to international border areas, marginal areas, and rural transport areas, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 10, 2018

Mr. FLAKE (for himself and Mr. MCCAIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Clean Air Act to modify provisions relating to international border areas, marginal areas, and rural transport areas, 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 Designation Ac-  
5 tions in Areas of Pollutant Transport Act” or the  
6 “ADAAPT Act”.

7 **SEC. 2. AMENDMENTS TO THE CLEAN AIR ACT.**

8 (a) INTERNATIONAL BORDER AREAS.—Section 179B  
9 of the Clean Air Act (42 U.S.C. 7509a) is amended—

1 (1) in subsection (a)(1)—

2 (A) by striking “the Act” and inserting  
3 “this Act”; and

4 (B) by striking “, and” and inserting “;  
5 and”;

6 (2) in subsection (b), by striking “section  
7 181(a)(2) or (5)” and inserting “section 181(b)(2)”;

8 (3) in subsection (c), by striking “or (9)”; and

9 (4) by adding at the end the following:

10 “(e) ACTION ON DEMONSTRATION.—Not later than  
11 180 days after the date on which the Administrator re-  
12 ceives a demonstration of attainment submitted by a State  
13 under subsection (b), (c), or (d), the Administrator shall  
14 approve or disapprove the demonstration.”.

15 (b) MARGINAL AREAS.—Section 182(a)(2) of the  
16 Clean Air Act (42 U.S.C. 7511a(a)(2)) is amended—

17 (1) in the matter preceding subparagraph (A),  
18 by striking “requirements—” and inserting “re-  
19 quirements:”; and

20 (2) in subparagraph (C)—

21 (A) by redesignating clauses (i) and (ii) as  
22 subclauses (I) and (II), respectively, and in-  
23 denting appropriately;

1 (B) in the matter preceding subclause (I)  
2 (as so designated), by striking “Within” and in-  
3 serting the following:

4 “(i) REVISION.—Subject to clause (ii),  
5 not later than”; and

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

7 “(ii) CERTAIN NONATTAINMENT  
8 AREAS.—

9 “(I) APPLICABILITY.—Section  
10 173(a)(1) shall not apply to a revision  
11 submitted to the Administrator under  
12 clause (i) for a nonattainment area  
13 described in subclause (III).

14 “(II) BEST AVAILABLE CONTROL  
15 TECHNOLOGY.—With respect to a re-  
16 vision submitted to the Administrator  
17 under clause (i) for a nonattainment  
18 area described in subclause (III), a  
19 State may substitute the best avail-  
20 able control technology (as defined in  
21 section 169) for the lowest achievable  
22 emission rate.

23 “(III) NONATTAINMENT  
24 AREAS.—A nonattainment area de-

1                   scribed in this subclause is a non-  
2                   attainment area—

3                               “(aa) with an implementa-  
4                               tion plan or plan revision ap-  
5                               proved under section 179B(a);

6                               “(bb) for which the Admin-  
7                               istrator has approved a dem-  
8                               onstration of attainment for  
9                               ozone under section 179B(b); or

10                              “(cc) that is treated by the  
11                              Administrator as a rural trans-  
12                              port area (within the meaning of  
13                              subsection (h)(2)).”.

14           (c) RURAL TRANSPORT AREAS.—Section 182(h) of  
15 the Clean Air Act (42 U.S.C. 7511a(h)) is amended—

16                   (1) in paragraph (1), by striking “does not in-  
17                   clude” and all that follows through “, which area”;  
18                   and

19                   (2) by adding at the end the following:

20                              “(3) TIMELINE.—Not later than 180 days after  
21                              the date on which the Administrator receives a dem-  
22                              onstration submitted by a State to secure treatment  
23                              by the Administrator of an ozone nonattainment  
24                              area in the State as a rural transport area (within

1 the meaning of paragraph (2)), the Administrator  
2 shall—

3 “(A) approve or disapprove the demonstra-  
4 tion; and

5 “(B) make, or decline to make, a finding  
6 under paragraph (2).”.

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