

107TH CONGRESS  
1ST SESSION

# H. R. 3362

To amend the Clean Air Act to impose certain requirements on areas upwind of ozone nonattainment areas, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 28, 2001

Mr. CONDIT (for himself, Mr. MATSUI, Mr. DOOLITTLE, Mr. DOOLEY of California, Mr. FILNER, Mr. PETERSON of Minnesota, and Mr. RADANOVICH) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Clean Air Act to impose certain requirements on areas upwind of ozone nonattainment 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 “Transported Air Pollu-  
5 tion Mitigation Act of 2001”.

1 **SEC. 2. SIP REQUIREMENTS FOR AREAS UPWIND OF OZONE**  
2 **NONATTAINMENT AREAS.**

3 (a) SIP REVISIONS FOR ALL AREAS.—Section  
4 110(a) of the Clean Air Act is amended by inserting the  
5 following new paragraph after paragraph (3):

6 “(4) For each area (hereinafter in this paragraph re-  
7 ferred to as an ‘upwind area’) in a State which, as deter-  
8 mined by the State, causes or significantly contributes to  
9 a violation of the national ambient air quality standard  
10 for ozone in another area (hereinafter in this paragraph  
11 referred to as a ‘downwind area’) in the State, the State  
12 shall submit, within 1 year of such determination, a revi-  
13 sion of the applicable implementation plan that includes  
14 a requirement that either—

15 “(A) the upwind area reduce emissions of ozone  
16 or its precursors by an amount determined by the  
17 State to be necessary to mitigate impacts commensurate  
18 with the level of contribution caused by the  
19 upwind area to air pollution concentrations in the  
20 downwind area; or

21 “(B) the upwind area make payments to the  
22 State or to an air quality district designated by the  
23 State to compensate the downwind area in such  
24 amounts as such State finds necessary to pay for the  
25 costs of emission reduction measures required to be  
26 undertaken in the downwind area to fully mitigate

1 the impacts of pollutants transported from the  
2 upwind area.”.

3 (b) REQUIREMENTS FOR MODERATE OZONE NON-  
4 ATTAINMENT AREAS.—Paragraph (4) of section 182(b) of  
5 the Clean Air Act is amended by adding the following at  
6 the end thereof:

7 “(B) For each moderate area which the State  
8 determines to cause or significantly contribute to a  
9 violation of the national ambient air quality stand-  
10 ards for ozone in a downwind area (as identified by  
11 the State under section 110(a)(4)), the State shall  
12 submit, within 1 year after such determination, a re-  
13 vision to the applicable implementation plan that in-  
14 cludes all provisions necessary to provide for an en-  
15 hanced vehicle inspection and maintenance program  
16 as described in paragraph (3) of subsection (c) of  
17 this section and the regulations of the Administrator  
18 adopted pursuant to such paragraph (3).”.

19 **SEC. 3. SIP REQUIREMENTS FOR STATES UPWIND OF**  
20 **OZONE NONATTAINMENT AREAS.**

21 (a) SIP REVISIONS FOR ALL AREAS.—Section 126  
22 of the Clean Air Act is amended by inserting the following  
23 new subsection after subsection (c):

24 “(d) STATES UPWIND OF OZONE NONATTAINMENT  
25 AREAS.—For each State (hereinafter in this subsection re-

1 ferred to as an ‘upwind State’) which, as determined by  
2 the Administrator, causes or significantly contributes to  
3 a violation of the national ambient air quality standard  
4 for ozone in an area in one or more other States (herein-  
5 after in this paragraph referred to as a ‘downwind area’),  
6 the State shall submit, within 1 year of such determina-  
7 tion, a revision of the applicable implementation plan pro-  
8 visions adopted under section 110(a)(2)(D)(ii) that con-  
9 tains either or both the following:

10           “(1) Provisions under which the upwind State  
11           will require reductions in emissions of ozone or its  
12           precursors by an amount determined by the Admin-  
13           istrator to be necessary to mitigate impacts commensurate  
14           with the level of contribution caused by  
15           sources in the upwind State to ozone concentrations  
16           in the downwind area.

17           “(2) Provisions under which the upwind State  
18           will make payments to the State or States in which  
19           all or part of the downwind area is located or to an  
20           air quality district designated by the Administrator  
21           to compensate such State or States in such amounts  
22           as the Administrator finds necessary to pay for the  
23           costs of emission reduction measures required to be  
24           undertaken in the downwind area to fully mitigate

1 the impacts of pollutants transported from the  
2 upwind State.”.

3 (b) REQUIREMENTS FOR MODERATE OZONE NON-  
4 ATTAINMENT AREAS.—Paragraph (4) of section 182(b) of  
5 the Clean Air Act is amended by adding the following at  
6 the end thereof:

7 “(C) For each moderate area which the Admin-  
8 istrator determines to cause or significantly con-  
9 tribute to a violation of the national ambient air  
10 quality standards for ozone in a downwind area (as  
11 identified by the Administrator under section  
12 126(d)), the State shall submit, within 1 year after  
13 such determination, a revision to the applicable im-  
14 plementation plan that includes all provisions nec-  
15 essary to provide for an enhanced vehicle inspection  
16 and maintenance program as described in paragraph  
17 (3) of subsection (c) of this section and the regula-  
18 tions of the Administrator adopted pursuant to such  
19 paragraph (3).”.

20 **SEC. 4. MAINTENANCE PLANS.**

21 (a) REQUIREMENTS FOR MAINTENANCE PLANS.—(1)  
22 Subsection (a) of section 175A of the Clean Air Act is  
23 amended by adding the following at the end thereof: “Such  
24 plan shall also be amended within 1 year after the later  
25 of—

1           “(1) the date of enactment of the Transported  
2           Air Pollution Mitigation Act of 2001, or

3           “(2) the date on which the request under sec-  
4           tion 107(d) is submitted

5 to include measures to provide for an enhanced vehicle in-  
6 spection and maintenance program as described in para-  
7 graph (3) and (4) of section 182(c) and the regulations  
8 of the Administrator adopted pursuant to such paragraphs  
9 if the State determines that the area requesting redesigna-  
10 tion is causing or significantly contributing to a violation  
11 of the national ambient air quality standards for ozone  
12 in a downwind area (as identified by the State under sec-  
13 tion 110(a)(4)) or if the Administrator determines that  
14 the area requesting redesignation is causing or signifi-  
15 cantly contributing to a violation of the national ambient  
16 air quality standards for ozone in a downwind State (as  
17 identified by the Administrator under section 126(d)).”.

18           (b) TRANSPORT MITIGATION.—Section 175A of the  
19 Clean Air Act is amended by adding the following at the  
20 end thereof:

21           “(e) TRANSPORT MITIGATION.—Each plan adopted  
22 under this section shall be amended within 1 year after  
23 the enactment of this subsection to require that any  
24 upwind area (as identified by the State under section  
25 110(a)(4)) and any upwind State (as identified by the Ad-

1 administrator under section 126(d)) that is designated as an  
2 attainment area that causes or significantly contributes to  
3 a violation of the national ambient air quality standard  
4 for ozone in any downwind area (as identified under sec-  
5 tion 110(a)(4) or section 126(d)) shall be required by the  
6 applicable implementation plans under section 110 and  
7 this part to implement all measures with respect to the  
8 air pollutant concerned which were contained in the State  
9 implementation plan for such upwind area before its re-  
10 designation as an attainment area. Such measures shall  
11 include all existing control measures, as well as any con-  
12 trol measures not yet implemented that are necessary to  
13 fully mitigate the transport of ozone and its precursors  
14 to such downwind areas. There shall be no relaxation or  
15 rescission of any control measure or rule in the upwind  
16 area or upwind State as long as sources in such upwind  
17 area or State cause or contribute to a violation of the na-  
18 tional ambient air quality standard for ozone in any such  
19 downwind area.”.

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