

113TH CONGRESS  
2D SESSION

# H. R. 4795

To promote new manufacturing in the United States by providing for greater transparency and timeliness in obtaining necessary permits, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 30, 2014

Mr. SCALISE (for himself, Mr. KINZINGER of Illinois, Mr. MCKINLEY, Mr. OLSON, Mr. BARTON, Mr. WHITFIELD, Mr. HALL, Mr. CASSIDY, Mr. LATTA, Mr. PITTS, Mr. POMPEO, and Mr. BILIRAKIS) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To promote new manufacturing in the United States by providing for greater transparency and timeliness in obtaining necessary permits, 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 “Promoting New Manu-  
5 facturing Act”.

1 **SEC. 2. BUILDING AND MANUFACTURING PROJECTS**  
2 **DASHBOARD.**

3 (a) **IN GENERAL.**—The Administrator shall, with re-  
4 spect to fiscal year 2008 and each subsequent fiscal year,  
5 publish in a readily accessible location on the Environ-  
6 mental Protection Agency’s public Website the Agency’s  
7 estimate of the following:

8 (1) The total number of preconstruction per-  
9 mits issued during the fiscal year.

10 (2) The percentage of such preconstruction per-  
11 mits issued within one year after the date of filing  
12 of a completed application.

13 (3) The average length of time for the Agency’s  
14 Environmental Appeals Board to issue a final deci-  
15 sion on petitions appealing decisions to grant or  
16 deny a preconstruction permit application.

17 (b) **INITIAL PUBLICATION; UPDATES.**—The Adminis-  
18 trator shall—

19 (1) make the publication required by subsection  
20 (a) for fiscal years 2008 through 2013 not later  
21 than 60 days after the date of enactment of this  
22 Act; and

23 (2) update such publication not less than annu-  
24 ally.

25 (c) **SOURCES OF INFORMATION.**—In carrying out this  
26 section:

1           (1) With respect to information to be published  
2           for fiscal years 2008 through 2013, the Environ-  
3           mental Protection Agency's estimates shall be based  
4           on information that is in the Agency's possession as  
5           of the date of enactment of this Act, including infor-  
6           mation in the RACT/BACT/LAER Clearinghouse  
7           database.

8           (2) With respect to information to be published  
9           for any fiscal year, nothing in the section compels  
10          the Environmental Protection Agency to seek or col-  
11          lect any information in addition to the information  
12          that is voluntarily provided by States and local air  
13          agencies for the RACT/BACT/LAER Clearinghouse  
14          database.

15 **SEC. 3. TIMELY ISSUANCE OF REGULATIONS AND GUID-**  
16 **ANCE TO ADDRESS NEW OR REVISED NA-**  
17 **TIONAL AMBIENT AIR QUALITY STANDARDS**  
18 **IN PRECONSTRUCTION PERMITTING.**

19          (a) IN GENERAL.—In publishing any final rule estab-  
20          lishing or revising a national ambient air quality standard,  
21          the Administrator shall, as the Administrator determines  
22          necessary and appropriate to assist States, permitting au-  
23          thorities, and permit applicants, concurrently publish reg-  
24          ulations and guidance for implementing the standard, in-  
25          cluding information relating to submission and consider-

1 ation of a preconstruction permit application under the  
2 new or revised standard.

3 (b) APPLICABILITY OF STANDARD TO  
4 PRECONSTRUCTION PERMITTING.—If the Administrator  
5 fails to publish final regulations and guidance that include  
6 information relating to submission and consideration of a  
7 preconstruction permit application under a new or revised  
8 national ambient air quality standard concurrently with  
9 such standard, then such standard shall not apply to the  
10 review and disposition of a preconstruction permit  
11 application until the Agency has published such final regu-  
12 lations and guidance.

13 (c) RULES OF CONSTRUCTION.—

14 (1) After publishing regulations and guidance  
15 for implementing national ambient air quality stand-  
16 ards under subsection (a), nothing in this section  
17 shall preclude the Environmental Protection Agency  
18 from issuing subsequent regulations or guidance to  
19 assist States and facilities in implementing such  
20 standards.

21 (2) Nothing in this section shall be construed to  
22 eliminate the obligation of a preconstruction permit  
23 applicant to install best available control technology  
24 and lowest achievable emissions rate technology, as  
25 applicable.

1 **SEC. 4. REPORT TO CONGRESS ON ACTIONS TO EXPEDITE**  
2 **REVIEW OF PRECONSTRUCTION PERMITS.**

3 (a) IN GENERAL.—Not later than 180 days after the  
4 date of enactment of this Act, and annually thereafter,  
5 the Administrator shall submit to Congress a report—

6 (1) identifying the activities being undertaken  
7 by the Environmental Protection Agency to increase  
8 the efficiency of the preconstruction permitting proc-  
9 ess;

10 (2) identifying the specific reasons for delays in  
11 issuing—

12 (A) preconstruction permits required under  
13 part C of the Clean Air Act (42 U.S.C. 7470  
14 et seq.) beyond the one-year statutory deadline  
15 mandated by section 165(c) of the Clean Air  
16 Act (42 U.S.C. 7475(c)); or

17 (B) preconstruction permits required under  
18 part D of the Clean Air Act (42 U.S.C. 7501  
19 et seq.) beyond the one-year period beginning  
20 on the date on which the permit application is  
21 determined to be complete;

22 (3) describing how the Agency is resolving  
23 delays in making completeness determinations for  
24 preconstruction permit applications;

25 (4) describing how the Agency is resolving proc-  
26 essing delays for preconstruction permits, including

1 any increases in communication with State and local  
2 permitting authorities; and

3 (5) summarizing and responding to public com-  
4 ments concerning the report received under sub-  
5 section (b).

6 (b) PUBLIC COMMENT.—Before submitting each re-  
7 port required by subsection (a), the Administrator shall  
8 publish a draft report on the Website of the Environ-  
9 mental Protection Agency and provide the public with a  
10 period of at least 30 days to submit comments on the draft  
11 report.

12 (c) SOURCES OF INFORMATION.—Nothing in this sec-  
13 tion compels the Environmental Protection Agency to seek  
14 or collect any information in addition to the information  
15 that is voluntarily provided by States and local air agen-  
16 cies for the RACT/BACT/LAER Clearinghouse database.

17 **SEC. 5. DEFINITIONS.**

18 In this Act:

19 (1) ADMINISTRATOR.—The term “Adminis-  
20 trator” means the Administrator of the Environ-  
21 mental Protection Agency.

22 (2) BEST AVAILABLE CONTROL TECH-  
23 NOLOGY.—The term “best available control tech-  
24 nology” has the meaning given to that term in sec-

1       tion 169(3) of the Clean Air Act (42 U.S.C.  
2       7479(3)).

3           (3) LOWEST ACHIEVABLE EMISSIONS RATE.—  
4       The term “lowest achievable emissions 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           (4) MAJOR EMITTING FACILITY; MAJOR STA-  
8       TIONARY SOURCE.—The terms “major emitting fa-  
9       cility” and “major stationary source” have the  
10      meaning given to those terms in section 302(j) of  
11      the Clean Air Act (42 U.S.C. 7602(j)).

12          (5) NATIONAL AMBIENT AIR QUALITY STAND-  
13      ARD.—The term “national ambient air quality  
14      standard” means a national ambient air quality  
15      standard for an air pollutant under section 109 of  
16      the Clean Air Act (42 U.S.C. 7409) that is finalized  
17      on or after the date of enactment of this Act.

18          (6) PRECONSTRUCTION PERMIT.—The term  
19      “preconstruction permit”—

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

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

4                   (7)    RACT/BACT/LAER    CLEARINGHOUSE  
5                   DATABASE.—The term “RACT/BACT/LAER Clear-  
6                   inghouse database” means the central database of  
7                   air pollution technology information that is posted  
8                   on the Environmental Protection Agency’s Website.

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