

Union Calendar No. 363

113TH CONGRESS
2^D SESSION

H. R. 4795

[Report No. 113-488]

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

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

JUNE 23, 2014

Additional sponsors: Mr. TERRY and Mr. GUTHRIE

JUNE 23, 2014

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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”.

6 **SEC. 2. BUILDING AND MANUFACTURING PROJECTS**
7 **DASHBOARD.**

8 (a) IN GENERAL.—The Administrator shall, with re-
9 spect to fiscal year 2008 and each subsequent fiscal year,
10 publish in a readily accessible location on the Environ-
11 mental Protection Agency’s public Website the Agency’s
12 estimate of the following:

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

15 (2) The percentage of such preconstruction per-
16 mits issued within one year after the date of filing
17 of a completed application.

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

22 (b) INITIAL PUBLICATION; UPDATES.—The Adminis-
23 trator shall—

24 (1) make the publication required by subsection

25 (a) for fiscal years 2008 through 2013 not later

1 than 60 days after the date of enactment of this
2 Act; and

3 (2) update such publication not less than annu-
4 ally.

5 (c) SOURCES OF INFORMATION.—In carrying out this
6 section:

7 (1) With respect to information to be published
8 for fiscal years 2008 through 2013, the Environ-
9 mental Protection Agency’s estimates shall be based
10 on information that is in the Agency’s possession as
11 of the date of enactment of this Act, including infor-
12 mation in the RACT/BACT/LAER Clearinghouse
13 database.

14 (2) With respect to information to be published
15 for any fiscal year, nothing in the section compels
16 the Environmental Protection Agency to seek or col-
17 lect any information in addition to the information
18 that is voluntarily provided by States and local air
19 agencies for the RACT/BACT/LAER Clearinghouse
20 database.

1 **SEC. 3. TIMELY ISSUANCE OF REGULATIONS AND GUID-**
2 **ANCE TO ADDRESS NEW OR REVISED NA-**
3 **TIONAL AMBIENT AIR QUALITY STANDARDS**
4 **IN PRECONSTRUCTION PERMITTING.**

5 (a) IN GENERAL.—In publishing any final rule estab-
6 lishing or revising a national ambient air quality standard,
7 the Administrator shall, as the Administrator determines
8 necessary and appropriate to assist States, permitting au-
9 thorities, and permit applicants, concurrently publish reg-
10 ulations and guidance for implementing the standard, in-
11 cluding information relating to submission and consider-
12 ation of a preconstruction permit application under the
13 new or revised standard.

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

24 (c) RULES OF CONSTRUCTION.—

25 (1) After publishing regulations and guidance
26 for implementing national ambient air quality stand-

1 ards under subsection (a), nothing in this section
2 shall preclude the Environmental Protection Agency
3 from issuing subsequent regulations or guidance to
4 assist States and facilities in implementing such
5 standards.

6 (2) Nothing in this section shall be construed to
7 eliminate the obligation of a preconstruction permit
8 applicant to install best available control technology
9 and lowest achievable emissions rate technology, as
10 applicable.

11 **SEC. 4. REPORT TO CONGRESS ON ACTIONS TO EXPEDITE**
12 **REVIEW OF PRECONSTRUCTION PERMITS.**

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

16 (1) identifying the activities being undertaken
17 by the Environmental Protection Agency to increase
18 the efficiency of the preconstruction permitting proc-
19 ess;

20 (2) identifying the specific reasons for delays in
21 issuing—

22 (A) preconstruction permits required under
23 part C of the Clean Air Act (42 U.S.C. 7470
24 et seq.) beyond the one-year statutory deadline

1 mandated by section 165(c) of the Clean Air
2 Act (42 U.S.C. 7475(c)); or

3 (B) preconstruction permits required under
4 part D of the Clean Air Act (42 U.S.C. 7501
5 et seq.) beyond the one-year period beginning
6 on the date on which the permit application is
7 determined to be complete;

8 (3) describing how the Agency is resolving
9 delays in making completeness determinations for
10 preconstruction permit applications;

11 (4) describing how the Agency is resolving proc-
12 essing delays for preconstruction permits, including
13 any increases in communication with State and local
14 permitting authorities; and

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

18 (b) PUBLIC COMMENT.—Before submitting each re-
19 port required by subsection (a), the Administrator shall
20 publish a draft report on the Website of the Environ-
21 mental Protection Agency and provide the public with a
22 period of at least 30 days to submit comments on the draft
23 report.

24 (c) SOURCES OF INFORMATION.—Nothing in this sec-
25 tion compels the Environmental Protection Agency to seek

1 or collect any information in addition to the information
2 that is voluntarily provided by States and local air agen-
3 cies for the RACT/BACT/LAER Clearinghouse database.

4 **SEC. 5. DEFINITIONS.**

5 In this Act:

6 (1) ADMINISTRATOR.—The term “Adminis-
7 trator” means the Administrator of the Environ-
8 mental Protection Agency.

9 (2) BEST AVAILABLE CONTROL TECH-
10 NOLOGY.—The term “best available control tech-
11 nology” has the meaning given to that term in sec-
12 tion 169(3) of the Clean Air Act (42 U.S.C.
13 7479(3)).

14 (3) LOWEST ACHIEVABLE EMISSIONS RATE.—
15 The term “lowest achievable emissions rate” has the
16 meaning given to that term in section 171(3) of the
17 Clean Air Act (42 U.S.C. 7501(3)).

18 (4) MAJOR EMITTING FACILITY; MAJOR STA-
19 TIONARY SOURCE.—The terms “major emitting fa-
20 cility” and “major stationary source” have the
21 meaning given to those terms in section 302(j) of
22 the Clean Air Act (42 U.S.C. 7602(j)).

23 (5) NATIONAL AMBIENT AIR QUALITY STAND-
24 ARD.—The term “national ambient air quality
25 standard” means a national ambient air quality

1 standard for an air pollutant under section 109 of
2 the Clean Air Act (42 U.S.C. 7409) that is finalized
3 on or after the date of enactment of this Act.

4 (6) PRECONSTRUCTION PERMIT.—The term
5 “preconstruction permit”—

6 (A) means a permit that is required under
7 part C or D of title I of the Clean Air Act (42
8 U.S.C. 7470 et seq.) for the construction or
9 modification of a major emitting facility or
10 major stationary source; and

11 (B) includes any such permit issued by the
12 Environmental Protection Agency or a State,
13 local, or tribal permitting authority.

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

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