

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4799

To amend the Clean Air Act to give States adequate time to revise their State implementation plans to prevent emissions activity within such States from contributing significantly to nonattainment in, or interfering with maintenance by, any other State with respect to any national ambient air quality standard, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 2, 2014

Mr. OLSON (for himself, Mr. POMPEO, Mr. SESSIONS, Mr. BURGESS, Mr. LONG, and Mr. CONAWAY) 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 give States adequate time to revise their State implementation plans to prevent emissions activity within such States from contributing significantly to nonattainment in, or interfering with maintenance by, any other State with respect to any national ambient air quality standard, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Clean Air Fairness  
3 Act of 2014”.

4 **SEC. 2. GIVING STATES ADEQUATE TIME TO REVISE SIPS**  
5 **TO ADDRESS INTERSTATE TRANSPORT OF**  
6 **AIR EMISSIONS.**

7 (a) AMENDMENT TO THE CLEAN AIR ACT.—Section  
8 110(a) of the Clean Air Act (42 U.S.C. 7410(a)) is  
9 amended by adding at the end the following:

10 “(7) Notwithstanding the 2-year period for promul-  
11 gating a Federal implementation plan described in sub-  
12 section (c)(1), the Administrator shall not promulgate a  
13 Federal implementation plan, and a State shall not be sub-  
14 ject to any penalty under this Act, for failure of its State  
15 implementation plan to meet the requirements of para-  
16 graph (2)(D)(i)(I) unless and until—

17 “(A) the Administrator, after providing notice  
18 and an opportunity for comment, promulgates a  
19 final rule identifying the emissions reductions nec-  
20 essary to meet such requirements; and

21 “(B) the Administrator provides such State  
22 with at least 2 years from the date of promulgation  
23 of such final rule to revise its State implementation  
24 plan to provide for such emissions reductions.”.

25 (b) CROSS-STATE AIR POLLUTION RULE.—

1           (1) IN GENERAL.—Notwithstanding the 2-year  
2           period for promulgating a Federal implementation  
3           plan described in section 110(c)(1) of the Clean Air  
4           Act (42 U.S.C. 7410(c)(1)), the Administrator of  
5           the Environmental Protection Agency shall not pro-  
6           mulgate, implement, or enforce a Federal implemen-  
7           tation plan, and a State shall not be subject to any  
8           penalty under such Act, for failure of its State im-  
9           plementation plan to meet the State’s obligations  
10          under section 110(a)(2)(D)(i)(I) of such Act (42  
11          U.S.C. 7410(a)(2)(D)(i)(I)) set forth in CSAPR un-  
12          less and until—

13                   (A) the Administrator, after taking into  
14                   consideration the Supreme Court’s decision in  
15                   Environmental Protection Agency et al. v. EME  
16                   Homer City Generation, L.P., et al., 134 S. Ct.  
17                   1584 (2014), publishes a final notice in the  
18                   Federal Register indicating the Administrator’s  
19                   intent to implement and enforce such obliga-  
20                   tions; and

21                   (B) the Administrator provides such State  
22                   with at least 2 years from the date of such pub-  
23                   lication to revise its State implementation plan  
24                   to address such obligations.

1           (2) CSAPR DEFINITION.—In this subsection,  
2           the term “CSAPR” means the rule entitled “Federal  
3           Implementation Plans: Interstate Transport of Fine  
4           Particulate Matter and Ozone and Correction of SIP  
5           Approvals” published at 76 Fed. Reg. 48208 (Au-  
6           gust 8, 2011) and any subsequent revisions to such  
7           rule.

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