

112TH CONGRESS
1ST SESSION

S. 1805

To prohibit the Administrator of the Environmental Protection Agency from rejecting or otherwise determining to be inadequate a State implementation plan in any case in which the State submitting the plan has not been given a reasonable time to develop and submit the plan in accordance with a certain provision of the Clean Air Act.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 3, 2011

Mr. JOHANNIS introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To prohibit the Administrator of the Environmental Protection Agency from rejecting or otherwise determining to be inadequate a State implementation plan in any case in which the State submitting the plan has not been given a reasonable time to develop and submit the plan in accordance with a certain provision of the Clean Air Act.

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. PROHIBITION ON REJECTION OF STATE IMPE-**
2 **MENTATION PLANS.**

3 (a) IN GENERAL.—The Administrator of the Envi-
4 ronmental Protection Agency (referred to in this section
5 as the “Administrator”) may not reject, determine to be
6 inadequate, or require compliance with a Federal imple-
7 mentation plan submitted under Section
8 110(a)(2)(D)(i)(I) of the Clean Air Act (42 U.S.C. 7401
9 et seq.) in any case in which the Administrator has not
10 provided the State submitting the plan a period of at least
11 2 years after the date of promulgation of any final rule
12 establishing an applicable standard intended to reduce the
13 interstate transport of fine particulate matter and ozone
14 to develop and submit such a plan in accordance with that
15 final rule and section 110(d) of the Clean Air Act (42
16 U.S.C. 7410(d)).

17 (b) PLANS SUBMITTED DURING DEVELOPMENT PE-
18 RIOD.—In a case in which a State submits a State imple-
19 mentation plan to the Administrator during a 2-year de-
20 velopment period described in subsection (a), the Adminis-
21 trator may not reject the State implementation plan if,
22 as a result of such a rejection, the State would be required
23 to comply with a final rule described in subsection (a) by
24 not later than 1 year after the date of submission of the
25 State implementation plan.

1 (c) PROVISION OF ADEQUATE DATA, MODELING,
2 AND SUPPORT DURING DEVELOPMENT PERIOD.—In any
3 case in which a State requests reasonable technical sup-
4 port or otherwise requests data (including integrated plan-
5 ning models and other modeling), clarification, or guid-
6 ance regarding the content of any final rule or applicable
7 regulation material to the State implementation plan, the
8 Administrator shall provide that support, clarification, or
9 guidance in a timely manner.

10 (d) EFFECTIVE DATE OF RULE.—Notwithstanding
11 any finalization of the proposed rule entitled, “Federal Im-
12 plementation Plans To Reduce Interstate Transport of
13 Fine Particulate Matter and Ozone” (75 Fed. Reg. 45210
14 (August 2, 2010)), before the date of enactment of this
15 Act—

16 (1) that final rule shall not be or become, as
17 applicable, effective until a date (to be determined
18 by the Administrator) that is at least 18 months
19 after the date of enactment of this Act; and

20 (2) the date by which compliance with any
21 standard or requirement under that final rule is re-
22 quired, and any date for further regulatory action
23 triggered by that final rule, shall be delayed by a pe-
24 riod equal to the period—

1 (A) beginning on the date of publication of
2 the final action for the final rule; and

3 (B) ending on the date on which the final
4 rule becomes effective pursuant to paragraph
5 (1).

6 (e) APPLICABILITY OF CLEAN AIR INTERSTATE
7 RULE DURING INTERIM PERIOD.—Notwithstanding any
8 other provision of law, the Administrator shall continue
9 to implement the final rule commonly known as the “Clean
10 Air Interstate Rule” (70 Fed. Reg. 25162 (May 12,
11 2005)), and the rule establishing Federal implementation
12 plans for that rule as promulgated and modified by the
13 Administrator (71 Fed. Reg. 25288 (April 28, 2006)), (71
14 Fed. Reg. 25328 (April 28, 2006)), (72 Fed. Reg. 59190
15 (Oct. 19, 2007)), (72 Fed. Reg. 62338 (Nov. 2, 2007)),
16 (74 Fed. Reg. 56721 (Nov. 3, 2009)), until the date on
17 which final action with respect to any Federal regulatory
18 mandate becomes effective in accordance with this Act.

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