



(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To require the Administrator of the Environmental Protection Agency to publish, concurrently with any final rule establishing or revising a national ambient air quality standard, regulations and guidance for implementing the standard, including information relating to submission and consideration of a preconstruction permit application under the new or revised standard, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. ALLEN introduced the following bill; which was referred to the Committee
on _____

A BILL

To require the Administrator of the Environmental Protection Agency to publish, concurrently with any final rule establishing or revising a national ambient air quality standard, regulations and guidance for implementing the standard, including information relating to submission and consideration of a preconstruction permit application under the new or revised 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 and Building
3 Infrastructure Improvement Act”.

4 **SEC. 2. PRECONSTRUCTION PERMITS.**

5 Section 109 of the Clean Air Act (42 U.S.C. 7409)
6 is amended by adding at the end the following:

7 “(e) **TIMELY ISSUANCE OF IMPLEMENTING REGULA-**
8 **TIONS AND GUIDANCE.**—

9 “(1) **IN GENERAL.**—In publishing any final rule
10 establishing or revising a national ambient air qual-
11 ity standard, the Administrator shall, to assist
12 States, permitting authorities, and permit appli-
13 cants, concurrently publish final regulations and
14 guidance for implementing the standard, including
15 information relating to submission and consideration
16 of a preconstruction permit application under the
17 new or revised standard.

18 “(2) **APPLICABILITY OF STANDARD TO**
19 **PRECONSTRUCTION PERMITTING.**—If the Adminis-
20 trator fails to publish final regulations and guidance
21 under paragraph (1) that include information relat-
22 ing to submission and consideration of a
23 preconstruction permit application under a new or
24 revised national ambient air quality standard con-
25 currently with such standard, then such standard
26 shall not apply to the review and disposition of a

1 preconstruction permit application until the Admin-
2 istrator has published such final regulations and
3 guidance.

4 “(3) RULES OF CONSTRUCTION.—

5 “(A) Nothing in this subsection shall be
6 construed to preclude the Administrator from
7 issuing regulations and guidance to assist
8 States, permitting authorities, and permit appli-
9 cants in implementing a national ambient air
10 quality standard subsequent to publishing regu-
11 lations and guidance for such standard under
12 paragraph (1).

13 “(B) Nothing in this subsection shall be
14 construed to eliminate the obligation of a
15 preconstruction permit applicant to install best
16 available control technology and lowest achiev-
17 able emission rate technology, as applicable.

18 “(C) Nothing in this subsection shall be
19 construed to limit the authority of a State,
20 local, or Tribal permitting authority to impose
21 more stringent emissions requirements pursu-
22 ant to State, local, or Tribal law than national
23 ambient air quality standards.

24 “(4) DEFINITIONS.—In this subsection:

1 “(A) The term ‘best available control tech-
2 nology’ has the meaning given to that term in
3 section 169(3).

4 “(B) The term ‘lowest achievable emission
5 rate’ has the meaning given to that term in sec-
6 tion 171(3).

7 “(C) The term ‘preconstruction permit’—

8 “(i) means a permit that is required
9 under this title for the construction or
10 modification of a stationary source; and

11 “(ii) includes any such permit issued
12 by the Environmental Protection Agency
13 or a State, local, or Tribal permitting au-
14 thority.”.

15 **SEC. 3. CERTAIN PRECONSTRUCTION PERMITS.**

16 (a) IN GENERAL.—The 2024 Primary Annual Partic-
17 ulate Matter_{2.5} Standard shall not apply to the review and
18 disposition of a preconstruction permit application if—

19 (1) the Administrator or the State, local, or
20 Tribal permitting authority, as applicable, deter-
21 mines the application to be complete on or before
22 the date of promulgation of the final designation of
23 the area involved under section 107(d) of the Clean
24 Air Act (42 U.S.C. 7407(d)) with respect to the

1 2024 Primary Annual Particulate Matter_{2.5} Stand-
2 ard; or

3 (2) the Administrator or the State, local, or
4 Tribal permitting authority, as applicable, publishes
5 a public notice of a preliminary determination or
6 draft permit for the application before the date that
7 is 60 days after the date of promulgation of the final
8 designation of the area involved under section
9 107(d) of the Clean Air Act (42 U.S.C. 7407(d))
10 with respect to the 2024 Primary Annual Particu-
11 late Matter_{2.5} Standard.

12 (b) RULES OF CONSTRUCTION.—Nothing in this sec-
13 tion shall be construed to—

14 (1) eliminate the obligation of a preconstruction
15 permit applicant to install best available control
16 technology and lowest achievable emission rate tech-
17 nology, as applicable; or

18 (2) limit the authority of a State, local, or Trib-
19 al permitting authority to impose more stringent
20 emissions requirements pursuant to State, local, or
21 Tribal law than national ambient air quality stand-
22 ards.

23 (c) DEFINITIONS.—In this section:

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

4 (2) BEST AVAILABLE CONTROL TECH-
5 NOLOGY.—The term “best available control tech-
6 nology” has the meaning given to that term in sec-
7 tion 169(3) of the Clean Air Act (42 U.S.C.
8 7479(3)).

9 (3) LOWEST ACHIEVABLE EMISSION RATE.—
10 The term “lowest achievable emission rate” has the
11 meaning given to that term in section 171(3) of the
12 Clean Air Act (42 U.S.C. 7501(3)).

13 (4) NATIONAL AMBIENT AIR QUALITY STAND-
14 ARD.—The term “national ambient air quality
15 standard” means a national ambient air quality
16 standard promulgated under section 109 of the
17 Clean Air Act (42 U.S.C. 7409).

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

20 (A) means a permit that is required under
21 title I of the Clean Air Act (42 U.S.C. 7401 et
22 seq.) for the construction or modification of a
23 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 (6) 2024 PRIMARY ANNUAL PARTICULATE MAT-
5 TER_{2.5} STANDARD.—The term “2024 Primary An-
6 nual Particulate Matter_{2.5} Standard” means the
7 final rule titled “Reconsideration of the National
8 Ambient Air Quality Standards for Particulate Mat-
9 ter” published in the Federal Register on March 6,
10 2024 (89 Fed. Reg. 16202).