

Modernizing Clean Air Permitting Act of 2024

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The bipartisan **Modernizing Clean Air Permitting Act** would update the Clean Air Act with common-sense reforms to support a growing nation, without compromising protections for public health and the environment. The bill would help states, communities, and businesses across the country more effectively deal with emissions outside of their control, reward good actors for reducing their emissions, and provide certainty for permittees.

If enacted, the Modernizing Clean Air Permitting Act would:

Revise the treatment of natural background levels, recognizing the impact of natural disasters and international emissions.

Focusing on National Ambient Air Quality Standards (NAAQS), the bill would:

- Disallow naturally occurring events, disasters, and resilience actions from consideration of primary or secondary air quality standards under Section 107(d) of the Clean Air Act;
- Specify that States are not required to lower the standard under locally uncontrollable levels, even if the EPA sets a level below background under Section 109 of the Clean Air Act;
- Require EPA to consider rates of compliance with previous standards, the technological feasibility of compliance, and the costs of compliance when revising air quality standards;
- Increase flexibility for Governors to determine and mitigate mobile source contributions; and
- Require a report to Congress on the treatment of international emissions.

Update the criteria by which the EPA can review and revise standards.

The Modernizing Clean Air Permitting Act would require that 85% of non-attainment areas to be in compliance under a previous revision before a new revision to lower the standard is made.

Streamline the reclassification of major sources as area sources.

The Modernizing Clean Air Permitting Act would mandate the reclassification of a “major source” as an “area source” after six consecutive months of the stationary pollutant source demonstrating that its actual or potential emissions no longer qualify as a “major source” under the Clean Air Act. The section also prevents the backsliding by the reclassified source on an annual basis.

Reform standards of performance for new stationary sources.

Specifically for new stationary sources, the bill would:

- Prevent EPA from mandating a new best system of emissions reduction (BSER) until such a technology has been both demonstrated and appropriately commercialized;
- Limit the EPA from establishing standards for pollutants separate from existing sources or aside from the specific criteria pollutant in question;
- Provide for new statutory treatment of modification of existing emission sources by defining a modification as a new source only if it increases production capability and increases the maximum hourly emissions rate of a pollutant;
- Allow for exceptions to the new statutory treatment if greenhouse gases or pollutants emitted are reduced by the modification on a per unit of production basis; and
- Limit offsets necessary for New Source Reviews based off of limited increases above the periodic emissions inventory of a region.

Address the treatment of pending permits.

The Modernizing Clean Air Permitting Act would allow permittees that have received a draft permit to operate under the confines of that permit, not subject to a revised NAAQS or non-attainment finding that would require a new permit.