

117TH CONGRESS
1ST SESSION

H. R. 1855

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

MARCH 11, 2021

Mr. SCALISE introduced the following bill; which was referred to the
Committee on Energy and Commerce

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 DASH-**
7 **BOARD.**

8 (a) IN GENERAL.—The Administrator shall, with re-
9 spect to fiscal year 2016 and each subsequent fiscal year,

1 publish in a readily accessible location on the Environ-
2 mental Protection Agency's public website the Agency's
3 estimate of the following:

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

6 (2) The percentage of such preconstruction per-
7 mits issued within one year after the date of filing
8 of a completed application.

9 (3) The average length of time for the Agency's
10 Environmental Appeals Board to issue a final deci-
11 sion on petitions appealing decisions to grant or
12 deny a preconstruction permit application.

13 (b) INITIAL PUBLICATION; UPDATES.—The Adminis-
14 trator shall—

15 (1) make the publication required by subsection
16 (a) for fiscal years 2016 through 2020 not later
17 than 60 days after the date of enactment of this
18 Act; and

19 (2) update such publication not less than annu-
20 ally.

21 (c) SOURCES OF INFORMATION.—In carrying out this
22 section:

23 (1) With respect to information to be published
24 for fiscal years 2016 through 2020, the Environ-
25 mental Protection Agency's estimates shall be based

1 on information that is in the Agency's possession as
2 of the date of enactment of this Act, including infor-
3 mation in the RACT/BACT/LAER Clearinghouse
4 database.

5 (2) With respect to information to be published
6 for any fiscal year, nothing in this section compels
7 the Environmental Protection Agency to seek or col-
8 lect any information in addition to the information
9 that is voluntarily provided by States and local air
10 agencies for the RACT/BACT/LAER Clearinghouse
11 database.

12 **SEC. 3. TIMELY ISSUANCE OF REGULATIONS AND GUID-**
13 **ANCE TO ADDRESS NEW OR REVISED NA-**
14 **TIONAL AMBIENT AIR QUALITY STANDARDS**
15 **IN PRECONSTRUCTION PERMITTING.**

16 (a) IN GENERAL.—In publishing any final rule estab-
17 lishing or revising a national ambient air quality standard,
18 the Administrator shall, as the Administrator determines
19 necessary and appropriate to assist States, permitting au-
20 thorities, and permit applicants, concurrently publish reg-
21 ulations and guidance for implementing the standard, in-
22 cluding information relating to submission and consider-
23 ation of a preconstruction permit application under the
24 new or revised standard.

1 (b) APPLICABILITY OF STANDARD TO
2 PRECONSTRUCTION PERMITTING.—If the Administrator
3 fails to publish final regulations and guidance that include
4 information relating to submission and consideration of a
5 preconstruction permit application under a new or revised
6 national ambient air quality standard concurrently with
7 such standard, then such standard shall not apply to the
8 review and disposition of a preconstruction permit applica-
9 tion until the Agency has published such final regulations
10 and guidance.

11 (c) RULES OF CONSTRUCTION.—

12 (1) After publishing regulations and guidance
13 for implementing national ambient air quality stand-
14 ards under subsection (a), nothing in this section
15 shall preclude the Environmental Protection Agency
16 from issuing subsequent regulations or guidance to
17 assist States and facilities in implementing such
18 standards.

19 (2) Nothing in this section shall be construed to
20 eliminate the obligation of a preconstruction permit
21 applicant to install best available control technology
22 and lowest achievable emission rate technology, as
23 applicable.

24 (3) Nothing in this section shall be construed to
25 limit the authority of a State, local, or Tribal per-

1 mitting authority to impose more stringent emissions
2 requirements pursuant to State, local, or Tribal law
3 than Federal national ambient air quality standards
4 established by the Environmental Protection Agency.

5 **SEC. 4. REPORT TO CONGRESS ON ACTIONS TO EXPEDITE**
6 **REVIEW OF PRECONSTRUCTION PERMITS.**

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

10 (1) identifying the activities being undertaken
11 by the Environmental Protection Agency to increase
12 the efficiency of the preconstruction permitting proc-
13 ess;

14 (2) identifying the specific reasons for delays in
15 issuing—

16 (A) preconstruction permits required under
17 part C of the Clean Air Act (42 U.S.C. 7470
18 et seq.) beyond the one-year statutory deadline
19 mandated by section 165(c) of the Clean Air
20 Act (42 U.S.C. 7475(c)); or

21 (B) preconstruction permits required under
22 part D of the Clean Air Act (42 U.S.C. 7501
23 et seq.) beyond the one-year period beginning
24 on the date on which the permit application is
25 determined to be complete;

1 (3) describing how the Agency is resolving
2 delays in making completeness determinations for
3 preconstruction permit applications;

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

8 (5) summarizing and responding to public com-
9 ments concerning the report received under sub-
10 section (b).

11 (b) PUBLIC COMMENT.—Before submitting each re-
12 port required by subsection (a), the Administrator shall
13 publish a draft report on the website of the Environmental
14 Protection Agency and provide the public with a period
15 of at least 30 days to submit comments on the draft re-
16 port.

17 (c) SOURCES OF INFORMATION.—Nothing in this sec-
18 tion compels the Environmental Protection Agency to seek
19 or collect any information in addition to the information
20 that is voluntarily provided by States and local air agen-
21 cies for the RACT/BACT/LAER Clearinghouse database.

22 **SEC. 5. DEFINITIONS.**

23 In this Act:

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) MAJOR EMITTING FACILITY; MAJOR STA-
14 TIONARY SOURCE.—The terms “major emitting fa-
15 cility” and “major stationary source” have the
16 meanings given to those terms in section 302(j) of
17 the Clean Air Act (42 U.S.C. 7602(j)).

18 (5) NATIONAL AMBIENT AIR QUALITY STAND-
19 ARD.—The term “national ambient air quality
20 standard” means a national ambient air quality
21 standard for an air pollutant under section 109 of
22 the Clean Air Act (42 U.S.C. 7409) that is finalized
23 on or after the date of enactment of this Act.

24 (6) PRECONSTRUCTION PERMIT.—The term
25 “preconstruction permit”—

1 (A) means a permit that is required under
2 part C or D of title I of the Clean Air Act (42
3 U.S.C. 7470 et seq.) for the construction or
4 modification of a major emitting facility or
5 major stationary source; and

6 (B) includes any such permit issued by the
7 Environmental Protection Agency or a State,
8 local, or Tribal permitting authority.

9 (7) RACT/BACT/LAER CLEARINGHOUSE
10 DATABASE.—The term “RACT/BACT/LAER Clear-
11 inghouse database” means the central database of
12 air pollution technology information that is posted
13 on the Environmental Protection Agency’s website.

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