

## Union Calendar No.

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2021

[Report No. 112-]

To amend the Clean Air Act regarding air pollution from Outer Continental Shelf activities.

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### IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2011

Mr. GARDNER (for himself, Mr. GENE GREEN of Texas, Mr. POMPEO, Mr. SHIMKUS, Mr. SCALISE, Mr. BURGESS, Mr. TERRY, Mr. PITTS, Mr. KINZINGER of Illinois, Mr. GRIFFITH of Virginia, Mr. OLSON, and Mrs. McMORRIS RODGERS) introduced the following bill; which was referred to the Committee on Energy and Commerce

JUNE --, 2011

Committed to the Committee of the Whole House on the State of the Union,  
and ordered to be printed

# **A BILL**

To amend the Clean Air Act regarding air pollution from  
Outer Continental Shelf activities.

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 “Jobs and Energy Per-  
5       mitting Act of 2011”.

6       **SEC. 2. AIR QUALITY MEASUREMENT.**

7       Section 328(a)(1) of the Clean Air Act (42 U.S.C.  
8       7627(a)(1)) is amended by inserting before the period at  
9       the end of the second sentence the following: “, except that  
10      any air quality impact of any OCS source shall be meas-  
11      ured or modeled, as appropriate, and determined solely  
12      with respect to the impacts in the corresponding onshore  
13      area”.

14      **SEC. 3. OCS SOURCE.**

15      Section 328(a)(4)(C) of the Clean Air Act (42 U.S.C.  
16      7627(a)(4)(C)) is amended in the matter following clause  
17      (iii) by striking “shall be considered direct emissions from  
18      the OCS source” and inserting “shall be considered direct  
19      emissions from the OCS source but shall not be subject  
20      to any emission control requirement applicable to the  
21      source under subpart 1 of part C of title I of this Act.  
22      For platform or drill ship exploration, an OCS source is  
23      established at the point in time when drilling commences  
24      at a location and ceases to exist when drilling activity ends  
25      at such location or is temporarily interrupted because the

1 platform or drill ship relocates for weather or other rea-  
2 sons.”.

3 **SEC. 4. PERMITS.**

4 (a) PERMITS.—Section 328 of the Clean Air Act (42  
5 U.S.C. 7627) is amended by adding at the end thereof  
6 the following:

7 “(d) PERMIT APPLICATION.—In the case of a com-  
8 pleted application for a permit under this Act for platform  
9 or drill ship exploration for an OCS source—

10 “(1) final agency action (including any recon-  
11 sideration of the issuance or denial of such permit)  
12 shall be taken not later than 6 months after the date  
13 of filing such completed application;

14 “(2) the Environmental Appeals Board of the  
15 Environmental Protection Agency shall have no au-  
16 thority to consider any matter regarding the consid-  
17 eration, issuance, or denial of such permit;

18 “(3) no administrative stay of the effectiveness  
19 of such permit may extend beyond the date that is  
20 6 months after the date of filing such completed ap-  
21 plication;

22 “(4) such final agency action shall be consid-  
23 ered to be nationally applicable under section  
24 307(b); and

1           “(5) judicial review of such final agency action  
2           shall be available only in accordance with such sec-  
3           tion 307(b) without additional administrative review  
4           or adjudication.”.

5           (b) CONFORMING AMENDMENT.—Section 328(a)(4)  
6           of the Clean Air Act (42 U.S.C. 7627(a)(4)) is amended  
7           by striking “For purposes of subsections (a) and (b)” and  
8           inserting “For purposes of subsections (a), (b), and (d)”.