



Environmental Information

CAN AMERICA HAVE GROWTH AND CLEAN AIR?

Questions and Answers about Growth and the Clean Air Act

Will the Federal Clean Air Act stop or restrict growth in this country?

That question is being asked more and more frequently. The concern centers on economic development and stems from a lack of full understanding of certain sections of the Act and of the implementation of those sections. One concern is the prohibiting of new construction which affects air quality in a State which does not submit an approvable Clean Air Plan.* Such Plans, updating how a State will control pollution to achieve air quality standards, must be approved by the U.S. Environmental Protection Agency (EPA). A second concern is the potential loss of Federal assistance for new highways, air pollution control, and wastewater treatment facilities if States fail to submit an approvable plan. A third concern is based on the possibility of difficulties and delays that might occur in getting permits to build new industrial projects even where approved plans exist.

Congress passed major Clean Air Act Amendments in 1970 recognizing that expanding urbanization, industrial development and growing use of motor vehicles in this country was increasing air pollution to levels that endangered public health and public welfare. To protect the public health, the Act called for a national program of pollution emission control and air quality management. To ensure continued success of that program, Congress in 1977, set new and more stringent requirements for pollution controls that will require creative solutions and cooperative efforts on the part of States, local governments and all segments of the American society if air pollution is to be reduced to acceptable levels.

Because of the current concern for a healthy economy and high employment and because of the complexities of the Clean Air Act, the law is viewed by some as a possible deterrent to continued growth, particularly urban growth.

*A State Implementation Plan

EPA, however, believes that with the policies and guidelines that have been developed and through its continuing efforts to work with the States and local communities, the Clean Air Act can achieve the clean air goals set by Congress without stifling essential growth.

This fact sheet has been prepared to answer some of the most pressing questions about growth and the Clean Air Act.

Q. Aren't the Federal law requirements for States to revise their Clean Air Plans impossible to meet?

A. Congress required States to revise their Clean Air Plans for all areas where the health-based ambient air quality standards are not being met. These revisions, call for (1) adoption of all reasonable control measures on stationary sources and (2) for inspection and maintenance (I/M) for in-use vehicles, and/or other transportation control measures. EPA has worked with the States in interpreting these requirements and believes a workable program to meet the requirements is possible by any State that makes a good faith effort.

For stationary sources which contribute to the ozone (smog) problem States must adopt regulations on a phased schedule after the initial submission, and continue to study and develop measures to control non-traditional sources of particulate matter such as fugitive dust.

For I/M, where it is necessary, the Plan submitted must contain only the necessary legal authority and a commitment to develop an I/M system. That system does not have to be operational until 1981 or 1982, depending on the kind of system selected. For transportation control measures, State and local governments must establish a transportation air quality process and commit to implementation of reasonable measures.

Q. Won't it be impossible for States to demonstrate attainment of the air quality standards in many of the worst polluted areas?

A. The most difficult pollutants to control will be carbon monoxide and ozone. Congress recognized this and provided additional time--until 1987--for States to meet these standards. During this period substantial reductions will be achieved by emission controls on new cars under the Federal Motor Vehicle Control Program. Where the State can show that it uses all reasonable available control measures and still cannot achieve the standards, the Act requires only that the State commit to such reasonable measures and then identify what additional control measures could produce the additional required emission reductions. However, the Act does not require the State to make a commitment in 1979 to implement these additional measures. A final commitment does not have to be made until 1982, giving the State and local governments ample time for further study and consideration.

Q. Aren't the so-called "no-growth" sanctions inevitable in many areas?

A. No. The Act says that unless an approved Clean Air Plan is in place by July 1, 1979, no permit applications for major new construction can be approved. Also, certain types of Federal assistance including grants for highways, air pollution control and wastewater treatment facilities may be withheld. Congress' intention was to emphasize the serious need for State and local governments to revise their Plans as quickly as possible and to encourage the public's involvement as well as that of the industrial community in developing an adequate plan revision. EPA established criteria that are reasonable and that can be achieved by a good-faith effort.

If a State Plan is late or is inadequate and sanctions are imposed, all industrial growth will not stop automatically. Important to remember are:

- * All construction permits that are submitted by June 30, 1979 will continue to be processed;
- * The "no-new permit" restriction continues only until the State does submit an approvable plan;
- * The "no-growth" sanctions for particulate matter of sulfur oxides generally will not affect a broad area because violations of these pollutants tend to be more localized.
- * Federal assistance for highways and air pollution control will not be withheld where reasonable efforts are being made to submit a plan.

Q. Is all growth prohibited in nonattainment areas?

A. No. EPA addressed the problem of new sources in nonattainment areas with the Emission Offset Ruling developed in December 1976. This allows new construction in dirty air areas if there are compensating emission reductions from existing sources and if all reasonable available control measures are used on the new source. During the two years the ruling has been in effect it has worked well. A few delays have occurred, but only until adequate offsets were found. New construction has continued to be

approved in most areas of the country. The offset concept is being used by many States to provide for new source growth in their revised Plans. In addition to using the offset concept, States may plan for the future use of their air through providing a quantified margin for emission growth in these plans. Such a margin is achieved by adopting requirements to reduce emissions below the level necessary to meet the standards.

Q. Is it true that the offset concept discriminates against areas that have done the most to clean up pollution since additional control of existing sources is more difficult?

A. This is true for just a short time until the States complete their revised plans to include all reasonable available control measures. Once the Plans are revised, the baseline for determining offset credit should be relatively uniform nationally.

Q. Won't EPA's Prevention of Significant Deterioration Program (PSD) adversely affect the country's energy program and prevent construction of many new coal-fired power plants?

A. The Clean Air Act calls for keeping clean air areas clean and requires EPA to set regulations for three classes of areas. The air quality in Class I areas which include almost all national and international parks and wilderness areas must remain virtually free of new industrial pollution and no new sources are permitted. A limited number of plants are allowed in Class II areas and a somewhat greater number of Class III. In no area, however, will air pollution be allowed to rise above the health and welfare based standards.

The PSD requirements call for a preconstruction review of many major new construction that will affect air quality. The review insures that (1) the best control technology is used to control emissions and (2) that the new source will not exceed certain amounts of air quality deterioration that are allowable.

The PSD process focuses on a relatively few major new and modified sources. Since it began in mid-1975 some 200 PSD permits have been approved: only two have been denied. Permits have been issued for some 60 utility boilers totaling 35,000 megawatts since the start of the program. The average processing time was six months. Eight of the proposed sites are within a Class I area and one location for two units totaling over 1,300 megawatts is within 15 miles of a Class I area in Florida. In addition, two new refineries totaling 435,000 barrel-per-day capacity plus numerous refinery expansions have been approved to date under the PSD program.

Q. What sense does it make to require PSD permits for sources that want to locate in nonattainment areas?

A. A PSD permit is not required if a source is subject to the Emission Offset requirements and demonstrates that it will not affect a clean air area (and this has been open for public comment). However, a source that wants to locate in a nonattainment area should not automatically be exempt from PSD because (1) there could be a clean air area located within the nonattainment area or (2) pollutants from sources in such nonattainment areas could affect clean air areas by long-range transport.

Q. Don't the new source permit requirements under the Clean Air Act create substantial and costly delays to new industry?

A. The experience to date simply does not indicate that there have been costly delays. States issue as many as 40,000 new construction permits a year. Most are for small and medium size sources and the review is straightforward and rapid with few delays or denials.

Under the PSD program the average processing time for permits issued as of October 1978 was less than six months. Many of industry's concerns about future PSD permit delays center on the requirement for one year of air quality monitoring and on provisions which allow EPA up to one year to act on a permit application.

In regard to the monitoring requirement, this is expected to be necessary in only a few situations. As for the processing time, EPA has and will continue to process most PSD permits in much less than the one year allowed. In any case it is expected that many States will be taking over the PSD program and the PSD permit can be issued as part of the normal permitting procedures.

Those who plan new construction projects can accelerate the process by incorporating the permitting process into the early planning stages of the project and by consulting with the appropriate EPA Regional Office before submitting a permit application to first determine what requirements are applicable and what information is required.

States generally are implementing the Emission Offset Ruling and experience shows that most new sources have been approved. Delays have been minor where offsets are from within the facility being expanded or where a company has other plants in the area to provide the offsets. The most substantial

delays have come where external offsets were needed. Such delays will be fewer in the future, however, as States and industry become more familiar with this somewhat novel concept.



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