

112TH CONGRESS
1ST SESSION

S. _____

To amend the Clean Air Act to address air pollution from outer Continental Shelf activities.

IN THE SENATE OF THE UNITED STATES

Ms. MURKOWSKI (for herself, Mr. BEGICH, Mr. INHOFE, Mr. BARRASSO, Mr. HOEVEN, Mr. CORNYN, Mr. BLUNT, Ms. LANDRIEU, Mrs. HUTCHISON, Mr. COATS, Mr. CORKER, Mr. THUNE, and Mr. LUGAR) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend the Clean Air Act to address 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 “Offshore Energy and
5 Jobs Permitting 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 in the second sentence by insert-
9 ing before the period at the end the following: “, except

1 that any air quality impact of any OCS source shall be
2 measured or modeled, as appropriate, and determined
3 solely with respect to the impacts in the corresponding on-
4 shore area”.

5 **SEC. 3. OUTER CONTINENTAL SHELF SOURCE.**

6 Section 328(a)(4) of the Clean Air Act (42 U.S.C.
7 7627(a)(4)) is amended—

8 (1) in the matter preceding subparagraph (A),
9 by striking “subsections (a) and (b)” and inserting
10 “this subsection and subsections (b) and (d)”; and

11 (2) in subparagraph (C)—

12 (A) by redesignating clauses (i) through
13 (iii) as subclauses (I) through (III), respec-
14 tively, and by indenting the subclauses appro-
15 priately;

16 (B) by striking “The terms” and inserting
17 “(i) IN GENERAL.—The terms”; and

18 (C) by striking the undesignated matter
19 following subclause (III) (as redesignated by
20 subparagraph (A)) and inserting the following:

21 “(ii) OCS SOURCE ACTIVITY.—An
22 OCS source activity includes platform and
23 drill ship exploration, construction, devel-
24 opment, production, processing, and trans-
25 portation.

1 “(iii) EMISSIONS.—Emissions from
2 any vessel servicing or associated with an
3 OCS source, including emissions while at
4 the OCS source or en route to or from the
5 OCS source within 25 miles of the OCS
6 source—

7 “(I) shall be considered direct
8 emissions from the OCS source; but

9 “(II) shall not be subject to any
10 emission control requirement applica-
11 ble to the source under subpart 1 of
12 part C of title I.

13 “(iv) PLATFORM OR DRILL SHIP EX-
14 PLORATION.—For platform or drill ship
15 exploration, an OCS source is established
16 at the point in time when drilling com-
17 mences at a location and ceases to exist
18 when drilling activity ends at that location
19 or is temporarily interrupted because the
20 platform or drill ship relocates for weather
21 or other reasons.”.

22 **SEC. 4. PERMITS.**

23 Section 328 of the Clean Air Act (42 U.S.C. 7627)
24 is amended by adding at the end the following:

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

4 “(1) final agency action (including any recon-
5 sideration of the issuance or denial of the permit)
6 shall be taken not later than 180 days after the date
7 of filing the completed application;

8 “(2) the Environmental Appeals Board of the
9 Environmental Protection Agency shall have no au-
10 thority to consider any matter relating to the consid-
11 eration, issuance, or denial of the permit;

12 “(3) no administrative stay of the effectiveness
13 of the permit may extend beyond the date that is
14 180 days after the date of filing the completed appli-
15 cation;

16 “(4) the final agency action shall be considered
17 to be nationally applicable under section 307(b); and

18 “(5) judicial review of the final agency action
19 shall be available only in accordance with section
20 307(b) without additional administrative review or
21 adjudication.”.