

BILL SUMMARY:
CLEAN AIR ATTAINMENT ENFORCEMENT ACT

How It Works:

- Amends the Clean Air Act to strengthen penalties on sources in "covered areas" that fail to comply with the Act.

- "covered areas" is defined as areas that both are designated nonattainment with PM standards and are designated as in serious, severe, or extreme nonattainment with ozone standards.

- If a covered area fails to submit a State Implementation plan under the act showing it will come into attainment:
    - The Administrator's currently limited discretion of imposing highway penalties or offset penalties is eliminated by requiring both penalties be imposed.
    - The offset ratio is raised from 2 to 1 up to 5 to 1.

- Expands an existing penalty provision for failure of ozone nonattainment areas to come into attainment in the required timeframe. It does this by:
    - Imposing penalties for failure not only severe and extreme nonattainment areas to attain by their deadlines, but also serious nonattainment areas. (increasing coverage)
    - Imposing pro rata penalties for failure to make adequate progress toward attainment annually, as determined by the Administrator. (accelerating imposition of penalties)
        - These penalties are escalating – 10% of full penalties for an initial finding of inadequate progress plus an additional 5% of full penalties for each year the area does not make adequate progress.
    - Expands the amount of emissions subject to a penalty from 20% of baseline emissions to 30%.
    - Increasing the current penalty for emissions of VOCs from major sources:
        - Serious areas increase from current $0/ton to $10,000/ton
        - Severe areas increase from current $5,000/ton to $20,000/ton
        - Extreme areas increase from $5,000/ton to $30,000.
    - Expands penalty provisions for ozone to include NOx at $5,000 ton.

- Creates new penalties for failure to attain PM2.5 standards. It does this by:
    - Assessing $50,000/ton for direct emissions of fine PM.
        - The portion subject to penalty is 30% of baseline emissions, as with VOCs.
        - Imposes pro rata accelerated and escalating penalties for failure to make progress, as with VOCs and NOx.
        - Applies to all PM nonattainment areas that are "covered areas."

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