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PROPOSED CHANGES TO CLEAN AIR ACT AMENDMENTS

The following list includes coverage of all of the problem areas in House and Senate versions of the Clean Air Act Amendments, as well as an indication of how we might seek to resolve each problem area:

1. Source Coverage:

The Senate version is acceptable, if amended to give the EPA Administrator sole discretion as to additional sources requiring regulatory coverage.

2. Mandatory Class I Areas:

The House version is acceptable as written.

3. Expansion of Non-Attainment Areas:

The Senate version is acceptable, if amended to allow expansion in portions of air quality control regions not in violation of Air Standards, and to allow expansion at new sites.

4. Administrative Standards:

The House version is acceptable, if amended to allow the EPA Administrator to establish ambient air quality standards for any pollutant "which in his judgment has an adverse effect on public health and welfare."

5. Compliance Date Extensions and Delayed Compliance Penalties:

The House versions are acceptable, if amended to preclude application of any penalties on isolated rural power plants before 1985.

6. Coal Conversion:

Issue to be resolved in further discussions between FEA and EPA.

7. Federal Facility Compliance:

The House version is acceptable, if further amended to require substantive compliance only, without requirement for procedural compliance.



8. Priority Allocation:

This area, as contemplated in the Senate version, should be stricken by amendment.

9. Best Available Control Technology:

The House version is acceptable, if modified by amendment to preclude application of BACT to electric power plants prior to January 1, 1985, as well as to intermediate load electric power plants. Further amendment should be made to create a National Commission on Air Quality, as contemplated in the Senate version, and to seek from this commission a practicable definition of BACT.

10. Exemption of Surface Mining Activities:

Both versions should be amended to exempt emissions attributable to surface mining operations from the determination of maximum allowable increases of particulates.

11. Emissions Increment Limits:

The House version should be amended to substitute the increment numbers contained in the current EPA regulations, and the Senate version should be amended to accommodate Class III areas.

12. Ambient Standard Violations:

The House version is acceptable, if amended to allow for violations no more than once per year rather than never.

13. Naturally Occuring Particulates:

The Domenici Amendment to the Senate version should be supported as a means of allowing the EPA Administrator to provide for a discounting of naturally occurring particulates.

14. Selective Enforcement Audit:

Issue under study with EPA.

15. Transportation Control Planning Agencies:

Issue under study with OMB and EPA.

Where amendatory action is suggested, amendments have already been prepared.



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JULY 28, 1975

Office of the White House Press Secretary

THE WHITE HOUSE

FACT SHEET

AUTOMOBILE EMISSION STANDARDS

The President today sent to the Congress proposed legislation to continue the present Federal automobile emission standards through the 1981 model year, so as to permit a balance among the important objectives of improving air quality, protecting public health and safety, and avoiding unnecessary increases in consumer costs for automobiles, decreases in gasoline mileage, and increases in the Nation's dependence on imported oil.

The President also asked the Chairmen of the Senate and House Committees which have jurisdiction over the Clean Air Act to hold public hearings so that Administration witnesses can present findings from the executive branch study which led to the President's conclusion that current standards should be continued.

BACKGROUND

- . As the Clean Air Act now stands, Federal auto emission standards for 1977 would be tightened from current standards for oxides of nitrogen (NOx), and standards for 1978 model cars would be tightened for hydrocarbons (HC), carbonmonoxide (CO), and still further for oxides of nitrogen (NOx).
- . On June 27, 1975, the President sent to Congress a special message which:
 - . summarized the findings of an extensive executive branch study of the air quality, public health, consumer cost, gasoline mileage, and other implications of alternative emission standards; and
 - . presented his conclusions that the best balance among the various important objectives could be achieved by continuing 1975-76 standards through the 1981 model year.
- . Subcommittees of the Senate Committee on Public Works and the House Committee on Interstate and Foreign Commerce are now considering changes in the Clean Air Act.

THE PROPOSED LEGISLATION

The bill proposed by the President would amend the Clean Air Act to continue 1975-1976 auto emission standards for hydrocarbons (HC), carbonmonoxide (CO) and oxides of nitrogen (NOx) through the 1981 model year. The Federal standards, in grams per mile, would be:

<u>Model Year</u>	<u>HC</u>	<u>CO</u>	<u>NOx</u>
1977 - 1981	1.5	15.0	3.1

For comparison, the average emissions from uncontrolled cars were:

Pre-1968	8.7	87	3.5
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more



<u>Model Year</u>	<u>HC</u>	<u>CO</u>	<u>NOx</u>
Past Federal standards have been:			
1970-1971	4.1	34.0	(No standard; emissions
1972	3.0	28.0	rose to 4.5 to 5.0)
1973-1974	3.0	28.0	3.1
1975-1976	1.5	15.0	3.1

As the Clean Air Act now stands, Federal standards would be:

1977	1.5	15.0	2.0
1978 and later	.41	3.4	.4

THE EXECUTIVE BRANCH STUDY

The interagency study considered the air quality, health, consumer cost and energy impacts of various alternative emission standards that could be applied to 1977 and future model cars. The alternative standards considered in the study ranged from standards less stringent than the current ones (i.e., Canadian standards and 1973-74 U.S. Standards) to those now prescribed in the Clean Air Act for 1978 and future years. In summary, the principal conclusions from the interagency study were:

1. Controls on automobiles necessary to meet the current standards have reduced ambient concentration levels in those areas that have auto-related HC and CO problems; and have reduced the rate at which NOx concentrations have increased.
2. Through the year 1985, tighter or looser standards for HC, CO and NOx, in the range considered, would make little difference in the air quality in those areas that have an auto-related pollution problem. Many parts of the country have no auto-related pollution problem.
3. Present data are not sufficient to make specific calculations or final judgments on what sulfuric acid emission levels would be safe from a public health perspective. However, it is believed that sulfuric acid emissions could prove to be a significant public health risk and that emissions could increase substantially if standards more stringent than the 1975-1976 standards are adopted.
4. Further mandated reductions in emissions from automobiles may have the effect of increasing or creating pollutants other than HC, CO, and NOx.
5. Auto emission standards have had an impact on fuel economy and, therefore, on our nation's total petroleum demands and reliance on foreign sources. Standards tighter than the 1975-1976 standards will result in higher initial car costs and higher operating costs.
6. The basic philosophy and approach to future auto emission controls need to be reconsidered in light of current conditions.
 - (a) Significantly tighter standards at this time may preclude continued development of some promising fuel efficient and low emission technologies.
 - (b) Actions to reduce auto emissions must take into account other sources of the same pollutant.
7. Prompt Congressional action is needed on auto emission standards in order to establish a five-year emission program which is compatible with a strict fuel efficiency program.

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June 16, 1976

Cong
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MEMORANDUM FOR: THE PRESIDENT
FROM: JACK MARSH

Congressman Jim Broyhill spoke to me on the phone in reference to the proposed clean air legislation. He made the following points:

1. He understands you have met with several Senators whose main purpose, he feels, is to try and get you to back off the position that was earlier expressed by you in a letter to him, Jim Broyhill. He also feels Secretary Richardson is among those who are urging you to modify your position on this legislation.
2. He wanted you to know he felt you should hold tight to the position you have taken; however, if there is any chance you might modify or change your position, he wants you to advise those, such as himself, who have been assisting you so that are not caught by surprise.
3. He feels inasmuch as you have met with Members of the Senate who represent a view, it would be helpful if you meet with several of those in the House who represent the opposite side. The Members he suggests are:

Satterfield
Tim Lee Carter
Bud Brown
Jim Broyhill
Possibly a few others

The purpose of this memo is to advise you of Jim Broyhill's concern and in the meantime I have asked Max to submit a formal schedule proposal which will be staffed through the appropriate offices for your subsequent review.

cc: Dick Cheney, Max Friedersdorf, Jerry Jones, Bill Nicholson, Jim Cannon, Bill Seidman, Bill Gorog

JOM/dl



JUL 30 1976

July 29, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: MAX FRIEDERSDORF

Following is the **update** on two urgent legislative items which **have** changed drastically during **the** events of the day:

1. Separation **of** auto emissions **from** the non-degradation portion of the Clean Air Act was **not** accomplished **in** the Senate **today** and the **bill** has been put over until Tuesday when the pending business will be the Moss Amendment providing for a one year study on the non-degradation portion.
2. The conference on extension of the FEA has fallen **apart** because **of** an alliance between Scoop Jackson and Javits who **have** objected to the pricing provision. Zarb says that if this agreement reached **yesterday** on pricing **is** dropped because of Jackson-Javits, **the** bill will be unacceptable. FEA Authorization expires mid-night tomorrow night and it is now unlikely that any extension can be accomplished by Congress. Therefore, signing of **FEO** executive may be **the** only option.

cc: Jack Marsh
Dick Cheney



THE WHITE HOUSE

WASHINGTON

September 9, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: WILLIAM F. GOROG *WFG*

SUBJECT: Status of Clean Air Act Amendments



Last month, the Senate finished action on the Clean Air Act Amendments, generally leaving that legislation in the form reported out of the Public Works Committee. Included in the Senate Bill are two sections that are particularly objectionable: an overly stringent set of auto emissions standards that we believe does not balance energy, economic, and environmental needs; and a section dealing with deterioration of air quality in areas cleaner than national standards, which we find to be restrictive of future economic growth.

The House is presently in the midst of consideration of the Clean Air Amendments. Throughout the last three weeks, Congressmen Jim Broyhill and John Dingell had been attempting to work out with Paul Rogers a compromise bill that would have been suitable to environmental and industrial groups. When these efforts broke down, the Bill was brought to the floor. Broyhill and Dave Satterfield began a process aimed at 1) amending the Bill on the floor to bring it into a more acceptable position, or, failing in that effort, 2) killing the Bill by offering over 100 amendments on the floor.

On the first test vote for this strategy, Broyhill and Satterfield lost on an attempt to preclude the imposition of the significant deterioration sections of the Bill until a study of the effects of such sections could be completed. While Broyhill and Satterfield will today offer two or three more test amendments to see if they have the strength to amend the Bill further or to kill it, the chances are that these efforts will fail. This will leave us with a House Bill that contains sections on significant deterioration and other areas which, while different from those of the Senate Bill, are equally objectionable.

Dingell and Broyhill will offer an amendment to substitute less stringent auto standards (a position supported by the Administration), and it appears that this amendment will carry, perhaps by enough votes to ensure movement in conference away from the stringent Senate position.

While we had continually monitored the possibility of bringing about a Bill that dealt only with changes in the auto standards, this possibility is virtually dead. It is almost certain that we will be faced with a Bill out of conference in late September or early October. The auto standards in such a Bill will probably be acceptable to the Administration and industry, however, on the stationary source issues, we can expect strong pressures from industry to veto the Bill due to the restrictive measures regarding economic development in areas where air quality is better than national standards, and in areas where standards are in violation.



Need
SEP 15 1976
11:50AM

THE WHITE HOUSE
WASHINGTON

September 14, 1976

MEMORANDUM FOR:

JACK MARSH

THRU:

MAX FRIEDERSDORF *M.F.*

FROM:

CHARLES LEPPERT, JR. *CLJr*

SUBJECT:

Clean Air Act Amendments

I talked to Rep. Elford Cederberg (R. - Mich.) this afternoon and he indicated that it didn't look like any of the Michigan GOP delegation would fly to Ann Arbor with the President on September 15th because of the votes on amendments to the Clean Air Act. Cederberg said most Members felt it more important to be here to vote on those amendments unless something was arranged to put off the votes until Thursday, September 16.

I asked if the Michigan GOP Members considered flying up commercially or by charter around 5 p.m., September 15, if the votes on the clear air bill were over and that this was mentioned to me by Esch's office. Cederberg said he would have to see what they can work out.



SEP 10 1976

THE WHITE HOUSE
WASHINGTON

Date 10-9-76

TO: Jack Marsh

FROM: Max L. Friedersdorf

For Your Information

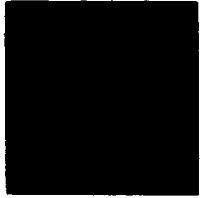
Please Handle _____

Please See Me _____

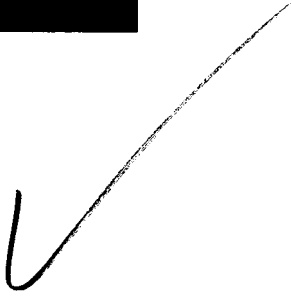
Comments, Please _____

Other Dingell-Broyhill will
be considered today +
likely will not
pass.

THE WHITE HOUSE
WASHINGTON



September 10, 1976



MEMORANDUM FOR: MAX FRIEDERSDORF
FROM: JACK MARSH *Jack*
SUBJECT: Clean Air Act Amendments

Note the last paragraph on the first page. What happened on this? I think any new development should be flagged by an asterisk on the Gorog paper.



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