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THE WHITE HOUSE  
WASHINGTON

July 6, 1976

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: WILLIAM F. GOROG  
FROM: JAMES E. CONNOR *JEC*  
SUBJECT: Status of Clean Air  
Legislation

The President reviewed your memorandum of June 28 and made the following notations:

"Encouraging but auto people tell me essential to get their problem settled as soon as possible.

Can we get issues split?

Can't UAW help in this?

Please follow-up with appropriate action.

cc: Dick Cheney

*staffing*

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Bill Hoover)

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THE WHITE HOUSE

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June 28, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: WILLIAM F. GOROG *WFG*

SUBJECT: Status of Clean Air Legislation

Subsequent to our recent meetings, we have been working to find a satisfactory accommodation with the strong position presented by the Minority Members of the Senate Committee. To this end, I have had discussions not only with our own Administration people, but also have had direct conversations with the heads of major environmental groups and industry representatives. My conclusion at this point is that there is an excellent chance that we can find a compromise position acceptable to all parties that will permit us to amend the Clean Air Act without having significant economic impact on industry. I believe that your meeting with the Minority served as the catalyst that was needed to move people from their polarized positions. We have seen indications from both the House and the Senate that they would be willing to work with us.

Since your meeting with the Minority Members, we have had three sessions with representatives of EPA, DOT, OMB, Interior and FEA. The objective has been to arrive at an Administration position that will have the full backing of all agencies. I believe that we are now very close to meeting this goal.

I am very concerned, however, about the political environment in the Congress at this point. I am afraid that due to the pressures of the upcoming Conventions, the actions taken pre-Convention may not be in the best interests of the Nation.

Accordingly, it is my recommendation that we continue to pursue the technical details of modification of amendments; but that we do not press for early consideration.

The present schedule calls for consideration by the Senate on July 22nd. My best estimate is that it will be delayed until late August unless we press for an accelerated schedule.

The automobile companies wish to have their issues resolved as early as possible. This could be accomplished by splitting the auto and stationary amendments into separate Bills. We should encourage this action.

## 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.