

Public Law 95-190
95th Congress

An Act

To amend section 2 of the Safe Drinking Water Act (Public Law 93-523) to extend and increase authorizations provided for public water systems.

Nov. 16, 1977
[S. 1528]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Safe Drinking
Water
Amendments of
1977.
42 USC 201 note.

SHORT TITLE

SECTION 1. This Act may be cited as the "Safe Drinking Water Amendments of 1977".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) Section 1442(c) of the Public Health Service Act is amended by inserting "other than subsection (a) (2) (B) and provisions relating to research" after "section"; by striking out "and"; and by striking out the period at the end thereof and substituting "; and \$17,000,000 for each of the fiscal years 1978 and 1979. There are authorized to be appropriated to carry out subsection (a) (2) (B) \$8,000,000 for each of the fiscal years 1978 and 1979."

42 USC 300j-1.

(b) Section 1443(a) (5) of such Act is amended by striking out "and" and by inserting before the period at the end thereof: ", \$35,000,000 for fiscal year 1978, and \$45,000,000 for fiscal year 1979".

Grants for State
programs.
42 USC 300j-2.

(c) Section 1443(b) (5) of such Act is amended by striking out "and", and by inserting before the period at the end thereof: ", and \$10,000,000 for each of the fiscal years 1978 and 1979".

(d) Section 3(c) of the Safe Drinking Water Act is amended by striking out "and" and by inserting "; and \$1,000,000 for each of fiscal years 1978 and 1979" after "1977".

Rural water
survey.
42 USC 300f
note.
42 USC 300f
note.
42 USC 300f.

(e) Nothing in this Act shall be construed to authorize the appropriation of any amount for research under title XIV of the Public Health Service Act (relating to safe drinking water).

STUDIES

SEC. 3. (a) Section 1442(a) (3) of the Public Health Service Act is amended by inserting "(A)" after "(3)" and by adding the following at the end thereof:

42 USC 300j-1.

"(B) Not later than eighteen months after the date of enactment of this subparagraph, the Administrator shall submit a report to Congress which identifies and analyzes—

Report to
Congress.

"(i) the anticipated costs of compliance with interim and revised national primary drinking water regulations and the anticipated costs to States and units of local governments in implementing such regulations;

"(ii) alternative methods of (including alternative treatment techniques for) compliance with such regulations;

"(iii) methods of paying the costs of compliance by public water systems with national primary drinking water regulations, including user charges, State or local taxes or subsidies, Federal grants (including planning or construction grants, or both), loans,

and loan guarantees, and other methods of assisting in paying the costs of such compliance;

“(iv) the advantages and disadvantages of each of the methods referred to in clauses (ii) and (iii);

“(v) the sources of revenue presently available (and projected to be available) to public water systems to meet current and future expenses; and

“(vi) the costs of drinking water paid by residential and industrial consumers in a sample of large, medium, and small public water systems and of individually owned wells, and the reasons for any differences in such costs.

The report required by this subparagraph shall identify and analyze the items required in clauses (i) through (v) separately with respect to public water systems serving small communities. The report required by this subparagraph shall include such recommendations as the Administrator deems appropriate.”

Recommendations.

Report to Congress.
42 USC 300j-1.

(b) Section 1442 of such Act is amended by redesignating subsection (c) as (e) and by inserting the following new subsection after subsection (b):

“(c) Not later than eighteen months after the date of enactment of this subsection, the Administrator shall submit a report to Congress on the present and projected future availability of an adequate and dependable supply of safe drinking water to meet present and projected future need. Such report shall include an analysis of the future demand for drinking water and other competing uses of water, the availability and use of methods to conserve water or reduce demand, the adequacy of present measures to assure adequate and dependable supplies of safe drinking water, and the problems (financial, legal, or other) which need to be resolved in order to assure the availability of such supplies for the future. Existing information and data compiled by the National Water Commission and others shall be utilized to the extent possible.”

42 USC 300g-1.

(c) Section 1412(e)(2) of such Act is amended by inserting before the period at the end of the first sentence thereof the following: “, and revisions thereof reflecting new information which has become available since the most recent previous report shall be reported to the Congress each two years thereafter”.

42 USC 300f note.

Ante, p. 1393.

(d) Section 3(b) of the Safe Drinking Water Act is amended by striking out “for transmittal” and inserting “and” in lieu thereof.

(e)(1) Section 1442(a) of such Act is amended by adding the following new paragraphs at the end thereof:

Contaminants, studies.

“(10) The Administrator shall carry out a study of the reaction of chlorine and humic acids and the effects of the contaminants which result from such reaction on public health and on the safety of drinking water, including any carcinogenic effect.

“(11) The Administrator shall carry out a study of polychlorinated biphenyl contamination of actual or potential sources of drinking water, contamination of such sources by other substances known or suspected to be harmful to public health, the effects of such contamination, and means of removing, treating, or otherwise controlling such contamination. To assist in carrying out this paragraph, the Administrator is authorized to make grants to public agencies and private nonprofit institutions.”

Grants.

42 USC 300f note.

42 USC 300f.

(2) Nothing in this Act shall be construed to alter or affect the Administrator's authority or duty under title 14 of the Public Health Service Act to promulgate regulations or take other action with respect to any contaminant.

TRAINING

SEC. 4. Section 1442 of the Public Health Service Act, as amended by section 3(b) of this Act, is further amended by inserting the following new subsection after subsection (c):

“(d) The Administrator shall—

“(1) provide training for, and make grants for training (including postgraduate training) of (A) personnel of State agencies which have primary enforcement responsibility and of agencies or units of local government to which enforcement responsibilities have been delegated by the State, and (B) personnel who manage or operate public water systems, and

“(2) make grants for postgraduate training of individuals (including grants to educational institutions for traineeships) for purposes of qualifying such individuals to work as personnel referred to in paragraph (1).

Reasonable fees may be charged for training provided under paragraph (1) (B) to persons other than personnel of State or local agencies but such training shall be provided to personnel of State or local agencies without charge.”

Grants.
Ante, p. 1394.

Fees.

GRANTS FOR STATE PROGRAMS

SEC. 5. (a) Section 1443(a) of the Public Health Service Act is amended by redesignating paragraph (5) as paragraph (7) and by inserting after paragraph (4) the following new paragraphs:

“(5) The prohibition contained in the last sentence of paragraph (2) may be waived by the Administrator with respect to a grant to a State through fiscal year 1979 but such prohibition may only be waived if, in the judgment of the Administrator—

“(A) the State is making a diligent effort to assume and maintain primary enforcement responsibility for public water systems within the State;

“(B) the State has made significant progress toward assuming and maintaining such primary enforcement responsibility; and

“(C) there is reason to believe the State will assume such primary enforcement responsibility by October 1, 1979.

The amount of any grant awarded for the fiscal years 1978 and 1979 pursuant to a waiver under this paragraph may not exceed 75 per centum of the allotment which the State would have received for such fiscal year if it had assumed and maintained such primary enforcement responsibility. The remaining 25 per centum of the amount allotted to such State for such fiscal year shall be retained by the Administrator, and the Administrator may award such amount to such State at such time as the State assumes such responsibility before the beginning of fiscal year 1980. At the beginning of each fiscal years 1979 and 1980 the amounts retained by the Administrator for any preceding fiscal year and not awarded by the beginning of fiscal year 1979 or 1980 to the States to which such amounts were originally allotted may be removed from the original allotment and reallocated for fiscal year 1979 or 1980 (as the case may be) to States which have assumed primary enforcement responsibility by the beginning of such fiscal year.

“(6) The Administrator shall notify the State of the approval or disapproval of any application for a grant under this section—

“(A) within ninety days after receipt of such application, or

“(B) not later than the first day of the fiscal year for which the grant application is made, whichever is later.”

Prohibition,
waiver.
Ante, p. 1393.

Allotment
limitations.

Applications,
notification to
States.

EXTENSION OF DEADLINE FOR STATE UNDERGROUND INJECTION CONTROL PROGRAMS

42 USC 300h-1.

SEC. 6. (a) Section 1422(b)(1)(A) of the Public Health Service Act is amended by inserting the following new sentence at the end thereof: "The Administrator may, for good cause, extend the date for submission of an application by any State under this subparagraph for a period not to exceed an additional 270 days."

Regulations.
42 USC 300h.

(b) Section 1421(b) of such Act is amended by inserting the following new paragraph at the end thereof:

"(3) (A) The regulations of the Administrator under this section shall permit or provide for consideration of varying geologic, hydrological, or historical conditions in different States and in different areas within a State.

"(B) (i) In prescribing regulations under this section the Administrator shall, to the extent feasible, avoid promulgation of requirements which would unnecessarily disrupt State underground injection control programs which are in effect and being enforced in a substantial number or States.

"(ii) For the purpose of this subparagraph, a regulation prescribed by the Administrator under this section shall be deemed to disrupt a State underground injection control program only if it would be infeasible to comply with both such regulation and the State underground injection control program.

"(iii) For the purpose of this subparagraph, a regulation prescribed by the Administrator under this section shall be deemed unnecessary only if, without such regulation, underground sources of drinking water will not be endangered by any underground injection.

"(C) Nothing in this section shall be construed to alter or affect the duty to assure that underground sources of drinking water will not be endangered by any underground injection."

EXTENSION OF AUTHORITY TO ASSURE AVAILABILITY OF CHEMICALS NEEDED FOR WATER TREATMENT

42 USC 300j.

SEC. 7. Section 1441(f) of the Public Health Service Act is amended by striking out "June 30, 1977" and inserting in lieu thereof "September 30, 1979".

FEDERAL AGENCIES

42 USC 300j-6.

SEC. 8. (a) Section 1447(a) of the Public Health Service Act is amended to read as follows:

"FEDERAL AGENCIES

42 USC 300h.

"SEC. 1447. (a) Each Federal agency (1) having jurisdiction over any federally owned or maintained public water system or (2) engaged in any activity resulting, or which may result in, underground injection which endangers drinking water (within the meaning of section 1421(d)(2)) shall be subject to, and comply with, all Federal, State, and local requirements, administrative authorities, and process and sanctions respecting the provision of safe drinking water and respecting any underground injection program in the same manner, and to the same extent, as any nongovernmental entity. The preceding sentence shall apply (A) to any requirement whether substantive or procedural

(including any recordkeeping or reporting requirement, any requirement respecting permits, and any other requirement whatsoever), (B) to the exercise of any Federal, State, or local administrative authority, and (C) to any process or sanction, whether enforced in Federal, State, or local courts or in any other manner. This subsection shall apply, notwithstanding any immunity of such agencies, under any law or rule of law. No officer, agent, or employee of the United States shall be personally liable for any civil penalty under this title with respect to any act or omission within the scope of his official duties.”

Liability.

(b) Section 1401(12) of such Act is amended to read as follows:

“Person.”

“(12) The term ‘person’ means an individual, corporation, company, association, partnership, State, municipality, or Federal agency (and includes officers, employees, and agents of any corporation, company, association, State, municipality, or Federal agency).”

42 USC 300f.

(c) Section 1449(e) of such Act is amended by adding the following at the end thereof: “Nothing in this section or in any other law of the United States shall be construed to prohibit, exclude, or restrict any State or local government from—

Citizen’s civil actions.

42 USC 300j-8.

“(1) bringing any action or obtaining any remedy or sanction in any State or local court, or

“(2) bringing any administrative action or obtaining any administrative remedy or sanction,

against any agency of the United States under State or local law to enforce any requirement respecting the provision of safe drinking water or respecting any underground injection control program. Nothing in this section shall be construed to authorize judicial review of regulations or orders of the Administrator under this title, except as provided in section 1448. For provisions providing for application of certain requirements to such agencies in the same manner as to non-governmental entities, see section 1447.”

Judicial review.

42 USC 300j-7.

(d) Section 1447 of such Act is further amended by inserting at the end thereof a new subsection (c):

Ante, p. 1396;*Infra*.

Federal agencies.

42 USC 300j-6.

Indian rights and sovereignty.

“(c) (1) Nothing in the Safe Drinking Water Amendments of 1977 shall be construed to alter or affect the status of American Indian lands or water rights nor to waive any sovereignty over Indian lands guaranteed by treaty or statute.

“(2) For the purposes of this Act, the term ‘Federal agency’ shall not be construed to refer to or include any American Indian tribe, nor to the Secretary of the Interior in his capacity as trustee of Indian lands.”

“Federal agency.”

EMERGENCY ASSISTANCE

SEC. 9. Section 1442(a)(2) of the Public Health Service Act is amended by inserting “(A)” after “(2)” and by adding the following new subparagraph at the end thereof:

42 USC 300j-1.

“(B) The Administrator is authorized to provide technical assistance and to make grants to States, or publicly owned water systems to assist in responding to and alleviating any emergency situation respecting drinking water which the Administrator determines (i) may reasonably be anticipated to endanger public health, and (ii) arises from unknown conditions or conditions which such entity is unable to remedy without such emergency assistance.”

Technical assistance and grants.

TECHNICAL AND CONFORMING AMENDMENTS

- 42 USC 300g-5. SEC. 10. (a) Section 1416(b)(1) of the Public Health Service Act is amended by striking out "containment" wherever it appears therein and by inserting in lieu thereof "contaminant".
- 42 USC 300j-1. (b) Section 1442(b)(3)(C) of such Act is amended by striking out "1443(d)" and by inserting in lieu thereof "1443(c)".

AGENCY PERSONNEL

- 42 USC 300j-10. SEC. 11. (a) Subsection (a) of section 5108 of title 5, United States Code, is amended by striking out "an aggregate of 3,243" and inserting in lieu thereof "an aggregate of 3,293".
- 42 USC 300f. (b) To the extent that the Administrator of the Environmental Protection Agency deems such action necessary to the discharge of his functions under title XIV of the Public Health Service Act (relating to safe drinking water) and under other provisions of law, he may appoint personnel to fill not more than thirty scientific, engineering, professional, legal, and administrative positions within the Environmental Protection Agency without regard to the civil service laws and may fix the compensation of such personnel not in excess of the maximum rate payable for GS-18 of the General Schedule under section 5332 of title 5, United States Code.
- 5 USC 5332 note.

MONITORING OF UNREGULATED POLLUTANTS

- National drinking water regulations. *Ante*, p. 1394. SEC. 12. (a) Section 1412(e)(2) of the Public Health Service Act is amended by striking the word "and" at the end of clause (E) and by striking the period at the end of clause (F) and inserting in lieu thereof: "; and", and by adding the following new clause at the end thereof: "(G) periodic assessments and evaluations of unregulated contaminants which may require continuous monitoring or regulation."
- State enforcement, failure. 42 USC 300g-3. (b)(1) Section 1414(c) of such Act is amended by striking out "form and manner for giving such notice. Such notice" and inserting in lieu thereof "form, manner, and frequency for giving notice under this subsection. Notice under the first sentence of this subsection".
- Contaminant levels, notice to water users. *Infra*. (2) Section 1414(c) is further amended by inserting: "The Administrator may also require the owner or operator of a public water system to give notice to the persons served by it of contaminant levels of any unregulated contaminant required to be monitored under section 1445(a)." after "issued by the system."
- Records and inspections. 42 USC 300j-4. (3) Section 1414(c) is further amended by striking out "thereunder" and inserting in lieu thereof "issued under this subsection".
- (c) Section 1445(a) of such Act is amended by striking out "or" before "in administering", and by inserting before the period at the end thereof: ", in evaluating the health risks of unregulated contaminants, or in advising the public of such risks".
- (d) Section 1445(b)(1) of such Act is amended by inserting "(A)" immediately after "person subject to", by striking out "or" after "1412" and inserting in lieu thereof ", (B) an", by striking out "(or person" and substituting the following: ", or (C) any requirement to monitor an unregulated contaminant pursuant to subsection (a), or

person”, and by striking out the parenthesis after “or other person” and substituting “referred to in clause (A), (B), or (C)”.

EMERGENCY ASSISTANCE

SEC. 13. Section 1442(a)(2)(B) of the Public Health Service Act, as amended by section 9 of this Act, is further amended by striking out “respecting drinking water” and all that follows down through the period at the end thereof and substituting: “affecting public water systems (including sources of water for such systems) which the Administrator determines to present substantial danger to the public health. Grants provided under this subparagraph shall be used only to support those actions which (i) are necessary for preventing, limiting or mitigating danger to the public health in such emergency situation and (ii) would not, in the judgment of the Administrator, be taken without such emergency assistance. The Administrator may carry out the program authorized under this subparagraph as part of, and in accordance with the terms and conditions of, any other program of assistance for environmental emergencies which the Administrator is authorized to carry out under any other provision of law. No limitation on appropriations for any such other program shall apply to amounts appropriated under this subparagraph.”

Ante, p. 1397.

Grants.

CLEAN AIR ACT TECHNICAL AND CONFORMING AMENDMENTS

SEC. 14. (a) The Clean Air Act is amended as follows:

(1) in section 110(a)(2)(H) insert a semicolon at the end thereof;

(2) in section 110(a)(2)(J) strike out the comma at the end thereof and substitute a semicolon;

(3) in section 110(a)(5)(D) strike out “preconstruction or premodification”;

(4) in section 110(a)(3) add the following new subparagraph at the end thereof:

“(D) Any applicable implementation plan for which an attainment date later than December 31, 1982, is provided pursuant to section 172(a)(2) shall be revised by July 1, 1979, to include the comprehensive measures and requirements referred to in subsection (c)(5)(B).”;

(5) in section 110 redesignate subsections (g), (h), and (i) (as added by section 108(g) of the Clean Air Act Amendments of 1977) as (h), (i), and (j), respectively;

(6) in section 110(j), as redesignated by paragraph (5) of this subsection, strike out “at such source will enable it” and substitute “will enable such source”;

(7) in section 111(a) redesignate paragraph (7) (as added by section 109(f) of the Clean Air Act Amendments of 1977) as paragraph (8);

(8) in section 111 strike out subsection (j) and redesignate the following subsections accordingly;

(9) in section 111(j)(2), as redesignated by paragraph (8) of this subsection, strike out “(8)” and substitute “(B)”;

State implementation plans for ambient air quality standards.
42 USC 7410.
Ante, p. 694.
Ante, p. 695.

Ante, p. 746.

Ante, p. 696.

New stationary sources, performance standards.
Ante, p. 703.
Ante, p. 701.

Federal
enforcement
procedures.
Ante, p. 704.

(10) in section 113(b)(3) insert a comma after "coal conversion)" and after "smelter orders"; and strike out "320" and insert in lieu thereof "324";

(11) in section 113(b)(3) (as amended by section 111(c)(3) of the Clean Air Act Amendments of 1977), insert "or" at the end thereof;

Ante, p. 705.

(12) in section 113(c)(1)(B) (as amended by section 111(d)(2) of the Clean Air Act Amendments of 1977), insert "or" at the end thereof;

Ante, p. 705.

(13) in section 113(c)(1)(D) insert a comma after "Act)" and insert a comma after "penalties";

Compliance
orders.

Ante, p. 705.

(14) in section 113(d)(1) strike out "an order for any stationary source which" and insert in lieu thereof "to any stationary source which is unable to comply with any requirement of an applicable implementation plan an order which" and strike out "any requirement of an applicable implementation plan" and insert in lieu thereof "such requirement";

Ante, p. 715.

(15) in section 113(d)(1)(E) insert ", unless exempted under section 120(a)(2)(B) or (C)," after "notifies the source that"; insert "effective July 1, 1979, as provided" after "noncompliance penalty"; and strike out "120" the second time it appears therein and insert in lieu thereof "120 (b) (3) or (g).";

Determination.
Ante, p. 705.

(16) in section 113(d)(2) insert after the first sentence thereof the following: "The Administrator shall determine, not later than 90 days after receipt of notice of the issuance of an order under this subsection with respect to any major stationary source, whether or not any State order under this subsection is in accordance with the requirements of this Act.";

(17) in section 113(d)(4)(A) insert a closing parenthesis after "111(a)(1)";

(18) in the last sentence of section 113(d)(5)(A) strike out "an additional period of" and insert in lieu thereof "an additional period for";

(19) in section 113(d)(8) strike out "or (3)" after "paragraph (1)";

42 USC 7604.

(20) in section 113(d)(10) strike out "issued" and insert in lieu thereof "in effect"; and strike out "other" and insert in lieu thereof "Federal"; and strike out "or section 304" and substitute "and no action under section 304";

42 USC 7414.

(21) in section 113(d)(11) strike out "(and approved by the Administrator)" and substitute "and in effect";

42 USC 7521.

(22) in section 114(a)(iii) strike out "(except with respect to a manufacturer of motor vehicles or motor vehicle engines)" and insert in lieu thereof "(except a provision of title II with respect to a manufacturer of new motor vehicles or new motor vehicle engines)";

(23) in section 114(a)(1) insert "who owns or operates any emission source or who is" after "any person"; and insert "with respect to a provision of title II" after "208";

42 USC 7416.
42 USC 7401
note.

(24) in section 116 insert "(as in effect before the date of the enactment of the Clean Air Act Amendments of 1977)" after "and (f)";

(25) in section 119(a), add the following new paragraph at the end thereof:

“(3) For the purposes of sections 110, 304, and 307 of this Act, any order issued by the State and in effect pursuant to this subsection shall become part of the applicable implementation plan.”;

(26) in section 119(d)(3) strike out “319” and insert in lieu thereof “321”;

(27) in the first sentence of section 119(e) strike out “such order” and insert in lieu thereof “an order under this section”;

(28) in section 120(a)(2)(A)(i) insert “(whether or not such source is subject to a Federal or State consent decree)” after “plan”;

(29) in section 120(a)(2)(A)(iii) insert “, or Federal or State consent decree” after “subparagraph (B)” and strike out “or suspension.” at the end thereof and insert in lieu thereof “, suspension, or consent decree”;

(30) in section 120(a)(2)(B)(i) insert “section 113(d)(5) or” after “under” and insert “(as in effect before the date of the enactment of the Clean Air Act Amendments of 1977)” after “119”;

(31) in section 120(a)(2)(B)(ii) insert “(as in effect before the date of the enactment of the Clean Air Act Amendments of 1977)” after “119(c)(1)”;

(32) in section 120(b)(8) strike out “(6)” and substitute “(4)”;

(33) in section 120(b)(2)(A) strike out “subsection (e)” and insert in lieu thereof “subsection (a)(1)(B)(i)”;

(34) in section 120(b), after paragraph (9) insert: “In any case in which the State establishes a noncompliance penalty under this section, the State shall provide notice thereof to the Administrator.”;

(35) in the next to last sentence of section 120(b) strike out “delayed compliance” and insert in lieu thereof “noncompliance”; strike out “publication of the proposed penalty” and insert in lieu thereof “receipt of notice of the State penalty assessment”;

(36) in the last sentence of section 120(b) strike out “delayed compliance” and insert in lieu thereof “noncompliance”; and strike out “facility” and insert in lieu thereof “source”;

(37) in section 120(d)(2)(A) insert “the economic value which a delay in compliance beyond July 1, 1979, may have for the owner of such source, including” after “no less than”; and strike out “which a delay in compliance beyond July 1, 1979, may have for the owner or operator of such source” and insert in lieu thereof “which such a delay may have for the owner or operator of such source”;

(38) in section 120(e) insert a comma after “(b)”;

(39) in section 126(a)(1) strike out “, relating to significant deterioration of air quality,” and substitute “(relating to significant deterioration of air quality)”;

(40) in section 162(a)(4) insert a comma after “size”;

(41) in section 163(a) strike out “165(d)(2)(C)(iv)” and insert in lieu thereof “section 165(d)(2)(C)(iv)”;

Primary
nonferrous
smelter orders.
Ante, p. 712.
Ante, pp. 691,
771, 772.

Noncompliance
penalty.
Ante, p. 715.

42 USC 7401
note.

State penalty,
notice.

Ante, p. 724.

Ante, p. 731.

Ante, p. 732.

Post, p. 1402.

Ante, p. 733.

Ante, p. 731.

(42) in section 164(b)(2) insert "or is inconsistent with the requirements of section 162(a) or of subsection (a) of this section" after "this section";

(43) in section 164(e), insert "an" after "If any State affected by the redesignation of";

Preconstruction requirements.

Ante, p. 735.

Ante, p. 1399.

(44) in section 165(a)(1) strike out the colon at the end thereof and insert in lieu thereof a semicolon;

(45) in section 165(a)(3) insert ", as required pursuant to section 110(j)," after "demonstrates";

(46) in section 165(b) insert "cause or" before "contribute"; and strike out "actual" before "allowable";

(47) in section 165(d)(2)(C)(ii) strike out "contribute" and insert in lieu thereof "contribute";

(48) in section 165(d)(2)(C)(iii) strike out "quality related" and substitute "quality-related" and strike out the comma after "concentrations";

(49) in section 165(d)(2)(C)(iv) strike out "such sources" and substitute "such facility"; strike out "together with all other sources,"; and insert "cause or contribute to concentrations of such pollutant which" before "exceed";

Sulfur oxide emissions.

(50) in section 165(d)(2)(D)(iii) strike out everything after "as may be necessary to assure that" down through the colon and insert in lieu thereof the following: "emissions of sulfur oxides from such facility will not (during any day on which the otherwise applicable maximum allowable increases are exceeded) cause or contribute to concentrations which exceed the following maximum allowable increases for such areas over the baseline concentration for such pollutant and to assure that such emissions will not cause or contribute to concentrations which exceed the otherwise applicable maximum allowable increases for periods of exposure of 24 hours or less on more than 18 days during any annual period:";

Definitions.

(51) in section 165(d)(2)(D) add the following new clause:

"(iv) For purposes of clause (iii), the term 'high terrain area' means with respect to any facility, any area having an elevation of 900 feet or more above the base of the stack of such facility, and the term 'low terrain area' means any area other than a high terrain area.";

Ante, p. 740.

(52) in the second sentence of section 168(b) strike out "in accordance with this definition" and insert in lieu thereof "(in accordance with the definition of 'commenced' in section 169(2))";

Infra.

(53) immediately after section 168, strike out subpart 2 of part C of title I of such Act and insert such subpart after section 169;

Ante, p. 740.

(54) in section 169(2) add the following new subparagraph (C) at the end thereof:

"(C) The term 'construction' when used in connection with any source or facility, includes the modification (as defined in section 111(a)) of any source or facility.";

Ante, p. 1399.

Nonattainment plan provisions.

Ante, p. 746.

(55) in section 172(b)(4) strike out "paragraph (1)" and insert in lieu thereof "subsection (a)";

(56) in section 172(c) strike out "July 1, 1987" and insert in lieu thereof "December 31, 1987";

- (57) in section 173(1)(A) strike out "facility" each place it appears and insert in lieu thereof "source"; strike out "from new" and insert in lieu thereof "from new or modified"; and insert "applicable" before "implementation plan";
- (58) in section 173 strike out "and" after the semicolon in paragraph (2); strike out the period at the end of paragraph (3) and insert in lieu thereof "; and"; and add the following at the end thereof:
- "(4) the applicable implementation plan is being carried out for the nonattainment area in which the proposed source is to be constructed or modified in accordance with the requirements of this part.";
- (59) in section 176(a)(1) insert "national" before "primary";
- (60) in section 202(a) strike out "(a) Except as otherwise provided in subsection (b) —"
- "(a) (1) Except as otherwise provided in subsection (b) the" and substitute "(a) Except as otherwise provided in subsection (b) —"
- "(1) The";
- (61) in section 202(a)(3)(B) strike out "During the period of June 1 through December 31, 1979, and during each period of June 1 through December 31 of each third year after 1979," and insert in lieu thereof "During the period of June 1 through December 31, 1978, in the case of hydrocarbons and carbon monoxide, or during the period of June 1 through December 31, 1980, in the case of oxides of nitrogen, and during each period of June 1 through December 31 of each third year thereafter,";
- (62) in the last sentence of section 202(a)(3)(B) strike out "of" before "from";
- (63) in section 202(a)(3)(E) strike out "June 1, 1979," and insert in lieu thereof "June 1, 1978, in the case of hydrocarbons and carbon monoxide, and June 1, 1980, in the case of oxides of nitrogen,";
- (64) in section 202(b)(1)(B) strike out "model year 1976" and insert in lieu thereof "calendar year 1976";
- (65) in section 202(b)(1)(B)(i) strike out "United States" and insert in lieu thereof "other";
- (66) in section 203(a)(3)(B), strike out the comma after "purchaser" and substitute a semicolon;
- (67) in section 203(a)(4)(C), insert "or" after "person,";
- (68) in the last sentence of section 203(a) insert a period after "215";
- (69) in section 206(g)(3) insert "shall" after "(D)";
- (70) in section 207(a) strike out "(3) The cost" and substitute: "(3) The cost";
- (71) in section 207(f), as added by section 212 of the Clean Air Act Amendments of 1977, strike out "(f)" and substitute "(h)";
- (72) in section 207(h)(2) (as added by section 212 of the Clean Air Act Amendments of 1977 and redesignated in paragraph (65) of this section), strike out "as determined and" and insert in lieu thereof "as determined under";
- (73) in section 211(f)(2) strike out "first"; and insert " , except as otherwise provided pursuant to a waiver under paragraph (4) " after "per gallon of fuel";

Permit requirements.
42 USC 7503.

Ante, p. 749.
Moving sources emission standards.
Ante, p. 791.

Ante, p. 765.

Ante, p. 751.

Ante, p. 761.

Ante, p. 755.

Ante, p. 757.

Ante, p. 768.

Ante, p. 754.

Ante, p. 758.

Ante, p. 762.

- Ante*, p. 762. (74) in section 211(f)(4) insert "or the limitation specified in paragraph (2) of this subsection," after "subsection";
- Ante*, p. 757 (75) in section 215(d) strike out "December 31, 1981," and insert in lieu thereof "December 31, 1980,";
- Ante*, p. 770. (76) in section 302(e), insert a comma after "individual";
- Ante*, p. 771. (77) in section 304(a)(3) insert "or modified" after "new";
- (78) in section 304(f)(3) strike out "requirements" after "smelter orders," and substitute "any condition or requirement"; and strike out "or" before "section 169A" and insert ", or" after "(relating to ozone protection)";
- Ante*, pp. 776, 777. (79) in the first sentence of section 307(b)(1), insert "or requirement" before "under section 112,"; strike out "under section 111" and insert in lieu thereof "or requirement under section 111,"; strike out "any rule or order issued under section 120 (relating to noncompliance penalties," and insert in lieu thereof "any rule issued under section 118, 119, or under section 120, or";
- Ante*, pp. 704, 712, 715. (80) in the second sentence of section 307(b)(1) insert "under section 111(j), under section 112(c), under section 113(d), under section 119, or" before "under section 120"; and insert "(as in effect before the date of enactment of the Clean Air Act Amendments of 1977)" after "119(c)(2) (A), (B), or (C)"; and insert "(including any denial or disapproval by the Administrator under title I)" after "under this Act";
- 42 USC 7401. (81) in section 323(d), strike out "eleven" and substitute "thirteen"; strike out "seven" and substitute "nine"; strike out
Ante, p. 785. ", by and with the advice and consent of the Senate";
- Ante*, p. 788. (82) in section 324(j) insert after "(j)" the following: "The Commission may appoint and fix the pay of such staff as it deems necessary.";
- Ante*, p. 790. (83) redesignate section 325 (as added by section 315 of the Clean Air Act Amendments of 1977) as section 327 and in subsection (b)(4) thereof, strike out "103(b)(5)" and insert in lieu thereof "103(a)(5)"; and
- (84) in title III, add the following new section after section 325:

"CONSTRUCTION OF CERTAIN CLAUSES

- 42 USC 7625a. "SEC. 326. The parenthetical cross references in any provision of this Act to other provisions of the Act, or other provisions of law, where the words "relating to" or "pertaining to" are used, are made only for convenience, and shall be given no legal effect."
- (b) The Clean Air Act Amendments of 1977 (Public Law 95-95) is amended as follows:
- Ante*, p. 704. (1) in section 111, redesignate the second subsection (b) as paragraph (3) and redesignate existing paragraph (3) as paragraph (4);
- Ante*, p. 745. (2) in section 129(a)(2)(C), strike out "January 1, 1979," and insert in lieu thereof "July 1, 1979,";
- (3) in the next to last sentence of section 129(a)(2), strike "at" after "judgment";

(4) in section 129(c), strike out “subpart D” in each place it appears and insert in lieu thereof “part D of title I” and strike out “101” and insert in lieu thereof “110”;

(5) in section 224(g) strike out “after ‘engines’” and insert in lieu thereof “after ‘engine’”; and

(6) in section 406(c) strike out “section 110 of this Act” and insert in lieu thereof “section 110 of the Clean Air Act”.

Approved November 16, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-338 accompanying H.R. 6827 (Comm. on Interstate and Foreign Commerce).

SENATE REPORT No. 95-190 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May. 24, considered and passed Senate.

July. 12, considered and passed House, amended, in lieu of H.R. 6827.

Aug. 5, Senate agreed to House amendment with amendments.

Nov. 1, House agreed to one Senate amendment and amended the other; Senate concurred in House amendment.