

Features of the 1990 Clean Air Act

The role of the federal government and the role of the states

Although the 1990 Clean Air Act is a federal law covering the entire country, the states do much of the work to carry out the Act. For example, a state air pollution agency holds a hearing on a permit application by a power or chemical plant or fines a company for violating air pollution limits.

Under this law, EPA sets limits on how much of a pollutant can be in the air anywhere in the United States. This ensures that all Americans have the same basic health and environmental protections. The law allows individual states to have stronger pollution controls, but states are not allowed to have weaker pollution controls than those set for the whole country.

The law recognizes that it makes sense for states to take the lead in carrying out the Clean Air Act, because pollution control problems often require special understanding of local industries, geography, housing patterns, etc.

States have to develop **state implementation plans (SIPs)** that explain how each state will do its job under the Clean Air Act. A state implementation plan is a collection of the regulations a state will use to clean up polluted areas. The states must involve the public, through hearings and opportunities to comment, in the development of each state implementation plan.

EPA must approve each SIP, and if a SIP isn't acceptable, EPA can take over enforcing the Clean Air Act in that state.

The United States government, through EPA, assists the states by providing scientific research, expert studies, engineering designs and money to support clean air programs.

Interstate air pollution

Air pollution often travels from its source in one state to another state. In many metropolitan areas, people live in one state and work or shop in another; air pollution from cars and trucks may spread throughout the interstate area. The 1990 Clean Air Act provides for interstate commissions on air pollution control, which are to develop regional strategies for cleaning up air pollution. The 1990 Clean Air Act includes other provisions to reduce interstate air pollution.

International air pollution

Air pollution moves across national borders. The 1990 law covers pollution that originates in Mexico and Canada and drifts into the United States and pollution from the United States that reaches Canada and Mexico.

Permits

One of the major breakthroughs in the 1990 Clean Air Act is a **permit** program for larger sources that release pollutants into the air.[2]

[2] A source can be a power plant, factory or anything that releases pollutants into the air. Cars, trucks and other motor vehicles are sources, and consumer products and machines used in

industry can be sources too. Sources that stay in one place are referred to as stationary sources; sources that move around, like cars or planes, are called mobile sources.

Requiring polluters to apply for a permit is not a new idea. Approximately 35 states have had state-wide permit programs for air pollution. The Clean Water Act requires permits to release pollutants into lakes, rivers or other waterways. Now air pollution is also going to be managed by a national permit system. Under the new program, permits are issued by states or, when a state fails to carry out the Clean Air Act satisfactorily, by EPA. The permit includes information on which pollutants are being released, how much may be released, and what kinds of steps the source's owner or operator is taking to reduce pollution, including plans to **monitor** (measure) the pollution. The permit system is especially useful for businesses covered by more than one part of the law, since information about all of a source's air pollution will now be in one place. The permit system simplifies and clarifies businesses' obligations for cleaning up air pollution and, over time, can reduce paperwork. For instance, an electric power plant may be covered by the acid rain, hazardous air pollutant and non-attainment (smog) parts of the Clean Air Act; the detailed information required by all these separate sections will be in one place--on the permit.

Permit applications and permits are available to the public; contact your state or regional air pollution control agency or EPA for information on access to these documents.

Businesses seeking permits have to pay **permit fees** much like car owners paying for car registrations. The money from the fees will help pay for state air pollution control activities.

Enforcement

The 1990 Clean Air Act gives important new **enforcement** powers to EPA. It used to be very difficult for EPA to penalize a company for violating the Clean Air Act. EPA has to go to court for even minor violations. The 1990 law enables EPA to fine violators, much like a police officer giving traffic tickets. Other parts of the 1990 law increase penalties for violating the Act and bring the Clean Air Act's enforcement powers in line with other environmental laws.

Deadlines

The 1990 Clean Air Act sets **deadlines** for EPA, states, local governments and businesses to reduce air pollution. The deadlines in the 1990 Clean Air Act were designed to be more realistic than dead- lines in previous versions of the law, so it is more likely that these deadlines will be met.

Public participation

Public participation is a very important part of the 1990 Clean Air Act. Throughout the Act, the public is given opportunities to take part in deter- mining how the law will be carried out. For instance, you can take part in hearings on the state and local plans for cleaning up air pollution. You can sue the government or a source's owner or operator to get action when EPA or your state has not enforced the Act. You can request action by the state or EPA against violators.

The reports required by the Act are public documents. A great deal of information will be collected on just how much pollution is being released; these **monitoring (measuring) data** will be available to the public. The 1990 Clean Air Act ordered EPA to set up **clearinghouses** to collect and give out technical information. Typically, these clearinghouses will serve the public as well as state and other air pollution control agencies.

See the list at the end of this summary for organizations to contact for additional information about air pollution and the Clean Air Act.

Market approaches for reducing air pollution; economic incentives

The 1990 Clean Air Act has many features designed to clean up air pollution as efficiently and inexpensively as possible, letting businesses make choices on the best way to reach pollution cleanup goals. These new flexible programs are called **market** or **market-based** approaches. For instance, the acid rain clean-up program offers businesses choices as to how they reach their pollution reduction goals and includes pollution allowances that can be traded, bought and sold.

The 1990 Clean Air Act provides **economic incentives** for cleaning up pollution. For instance, gasoline refiners can get **credits** if they produce cleaner gasoline than required, and they can use those credits when their gasoline doesn't quite meet clean-up requirements.

<http://usinfo.org/enus/government/branches/pegcaa02.html#topic2a>