

# Environmental Regulation History in a Nutshell

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## Pre-1960's

- Federal government generally uninvolved
- Air pollution (and most other media) viewed as state and local problems
- Mid 60's activity:
  - 1965 Motor Vehicle Air Pollution Control Act
  - 1965 Water Quality Act (failed due to no regulatory authority)
  - 1967 Air Quality Act (failed due to funding)

# 1970 Federal Clean Air Act !

- Comprehensive national framework for air quality
- Assigns EPA nationwide authority to define air pollutants and air quality standards, and permit sources of air emissions.
- States assigned direct responsibility for air quality planning and most normal regulation of emission sources

# State Implementation Plan (SIP)

- CAA requires states to create a SIP
- SIPs are reviewed and approved (or not) by EPA
- Once approved, SIP has the force of federal law
- States adopt their own air quality laws, which may be more stringent than requirements of CAA

# Scope and Purpose of CAA

- “to protect and enhance the quality of the nation’s air resources so as to promote the public health and welfare and productive capacity of its population”
- “to initiate and accelerate a research and development program to achieve the prevention and control of air pollution”

## Scope and Purpose cont.

- “to provide technical and financial assistance to State and local governments”
- “to encourage and assist the development and operation of regional air pollution prevention and control programs”

# Role of the EPA

- CAA assigns the Administrator of EPA responsibility to develop most nationwide air quality programs, to oversee state and local air pollution control agencies implementing CAA requirements, and to assume these state and local regulatory responsibilities in jurisdictions that fail to fulfill their responsibilities.

# CAA expanded in 1977 and 1990

- 1977 Prevention of Significant Deterioration (PSD) - affects “attainment” areas, and mentions environment as a whole rather than just human health
- 1990 CAA Act Amendments - a major update and strengthening of 1970 CAA.



# 1990 CAAA

- Increase efforts to attain air quality standards by early 21st century
- Intensified focus on air toxics
- New nationwide program of state issued air permits
- Programs to limit acid rain and stratospheric ozone depletion
- Greater controls on motor vehicle emissions
- More severe criminal sanctions for violations

# 1990 CAAA EPA Role

- Establish a nationwide R&D program
- Define air quality criteria and ‘criteria pollutants’, define primary and secondary air quality standards, and provide information on control techniques
- Define categories of stationary sources, control requirements and operating permit procedures
- Define HAPs and associated emission restrictions and controls
- Define substances that should be immediately dangerous in case of accidental release

## 1990 CAAA EPA Role cont.

- Oversee state efforts to designate air quality control regions and determine whether or not these regions have attained air quality standards, and create and implement SIPs to meet planning and regulatory responsibilities, and to assume state responsibilities where states fail to do so (“FIP”)

# 1990 CAAA EPA Role cont.

- Provide grants to state agencies in support of CAA activities
- Design and implement an acid deposition control program
- Design and implement a stratospheric ozone protection program

# State Implementation Plans

## Minimum Criteria

- Control strategy for each area sufficient to attain and maintain NAAQS, and to prevent significant deterioration and protect visibility, including consideration of projected emissions increases as a result of population and economic growth
- Description of enforcement methods, including monitoring of compliance and handling violations
- Emissions inventory
- Air quality data and modeling and projections of future air quality

# State Implementation Plans

## Minimum Criteria cont.

- Air pollution emergency episode plans
- Legally enforceable program for review of new and modified sources
- Operating permit program to meet Title V standards.
- For NAAQS exceedences, a non-attainment plan with control strategies.

# Thanks for Your Attention!

- Material source:
- “The Complete Guide to Environmental Law”, Specialty Technical Publishers.