§ 47139. Emission credits for air quality projects

(a) In General.— The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall issue guidance on how to ensure that airport sponsors receive appropriate emission reduction credits for carrying out projects described in sections 40117 (a)(3)(G), 47102 (3)(F), 47102 (3)(K), and 47102 (3)(L). Such guidance shall include, at a minimum, the following conditions:

1. The provision of credits is consistent with the Clean Air Act (42 U.S.C. 7402 et seq.).
2. Credits generated by the emissions reductions are kept by the airport sponsor and may only be used for purposes of any current or future general conformity determination under the Clean Air Act or as offsets under the Environmental Protection Agency’s new source review program for projects on the airport or associated with the airport.
3. Credits are calculated and provided to airports on a consistent basis nationwide.
4. Credits are provided to airport sponsors in a timely manner.
5. The establishment of a method to assure the Secretary that, for any specific airport project for which funding is being requested, the appropriate credits will be granted.

(b) Assurance of Receipt of Credits.— As a condition for making a grant for a project described in section 47102 (3)(F), 47102 (3)(K), 47102 (3)(L), or 47140 or as a condition for granting approval to collect or use a passenger facility fee for a project described in section 40117 (a)(3)(G), 47103 (3)(F), 47102 (3)(K), 47102 (3)(L), or 47140, the Secretary must receive assurance from the State in which the project is located, or from the Administrator of the Environmental Protection Agency where there is a Federal implementation plan, that the airport sponsor will receive appropriate emission credits in accordance with the conditions of this section.

(c) Previously Approved Projects.— The Administrator of the Environmental Protection Agency, in consultation with the Secretary, shall determine how to provide appropriate emissions credits to airport projects previously approved under section 47136 consistent with the guidance and conditions specified in subsection (a).

(d) State Authority Under CAA.— Nothing in this section shall be construed as overriding existing State law or regulation pursuant to section 116 of the Clean Air Act (42 U.S.C. 7416).


References in Text

The Clean Air Act, referred to in subsec. (a)(1), (2), is act July 14, 1955, ch. 360, 69 Stat. 322, as amended, which is classified generally to chapter 85 (§ 7401 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of Title 42 and Tables.

Effective Date

Section applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108–176, set out as an Effective Date of 2003 Amendment note under section 106 of this title.