

S 2365

WEST Act

Congress: 112 (2011–2013, Ended)

Chamber: Senate

Policy Area: Energy

Introduced: Apr 25, 2012

Current Status: Read twice and referred to the Committee on Energy and Natural Resources.

Latest Action: Read twice and referred to the Committee on Energy and Natural Resources. (Apr 25, 2012)

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Sponsor

Name: Sen. Hatch, Orrin G. [R-UT]

Party: Republican • State: UT • Chamber: Senate

Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Barrasso, John [R-WY]	R · WY		Apr 25, 2012
Sen. Crapo, Mike [R-ID]	R · ID		Apr 25, 2012
Sen. Moran, Jerry [R-KS]	R · KS		Apr 25, 2012
Sen. Risch, James E. [R-ID]	R · ID		Apr 25, 2012
Sen. Enzi, Michael B. [R-WY]	R · WY		May 9, 2012

Committee Activity

Committee	Chamber	Activity	Date
Energy and Natural Resources Committee	Senate	Referred To	Apr 25, 2012

Subjects & Policy Tags

Policy Area:

Energy

Related Bills

Bill	Relationship	Last Action
112 HR 1837	Related bill	Mar 5, 2012: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 332.
112 HR 1633	Related bill	Dec 13, 2011: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 256.
112 S 1528	Related bill	Sep 8, 2011: Read twice and referred to the Committee on Environment and Public Works.
112 HR 2021	Related bill	Jun 27, 2011: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 86.
112 HR 872	Related bill	Jun 21, 2011: Placed on Senate Legislative Calendar under General Orders. Calendar No. 78.
112 HR 1231	Related bill	May 17, 2011: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 52.
112 HR 910	Related bill	Apr 8, 2011: Received in the Senate and Read twice and referred to the Committee on Environment and Public Works.
112 S 482	Related bill	Mar 10, 2011: Sponsor introductory remarks on measure. (CR S1517-1518)

Western Economic Security Today Act or the WEST Act - **Title I: Putting the Gulf of Mexico Back to Work Act** - Putting the Gulf of Mexico Back to Work Act - Amends the Outer Continental Shelf Lands Act to direct (current law authorizes) the Secretary of the Interior to require a lessee operating under an approved exploration plan to obtain: (1) a permit before drilling any well in accordance with the plan, and (2) a new permit before drilling any well of a design that is significantly different than the design for which the existing permit was issued.

Prohibits the Secretary from issuing a drilling permit without ensuring that the proposed drilling operations meet all: (1) critical safety system requirements, including blowout prevention; and (2) oil spill response and containment requirements.

Deems an application to drill to be approved if the Secretary does not make a decision within 60 days after receipt of the application.

Confers exclusive jurisdiction for a covered civil action upon a judicial district in the Fifth Circuit unless there is no district in that circuit in which the action may be brought.

Bars a covered civil action unless it is filed within 60 days after the date of the final federal agency action.

Restricts the court, in a covered civil action, from granting or approving prospective relief unless the court finds that the relief is narrowly drawn, extends no further than necessary to correct the violation of a legal requirement, and is the least intrusive means necessary to correct that violation.

Prohibits a party to a covered civil action from receiving payment from the federal government for attorneys' fees and court costs.

Title II: Restarting American Offshore Leasing Now - Restarting American Offshore Leasing Now Act - Directs the Secretary to conduct, within 60 days after the date of enactment of this Act, Lease Sale 216 and Lease Sale 222 in the Central Gulf of Mexico.

Directs the Secretary to conduct, within 1 year after the date of enactment of this Act, offshore oil and gas Lease Sale 220 (outer Continental Shelf, Offshore Virginia).

III: Reversing President Obama's Offshore Moratorium - Reversing President Obama's Offshore Moratorium Act - Directs the Secretary to conduct lease sales that include: (1) at least 50% of the available unleased acreage within each outer Continental Shelf (OCS) planning area considered to have the largest undiscovered, technically recoverable oil and gas resources, with an emphasis upon offering the most geologically prospective parts of the planning area; and (2) any state subdivision of an OCS planning area whose governor requests that such area be made available for leasing.

Directs the Secretary to make available, for the 2012-2017 5-year oil and gas leasing program, OCS planning areas estimated to contain more than: (1) 2.5 billion barrels of oil, or (2) 7.5 trillion cubic feet of natural gas.

Directs the Secretary, in developing a 5-year oil and gas leasing program, to determine a domestic strategic production goal which focuses upon: (1) meeting domestic demand for oil and natural gas and reducing the dependence of the United States on foreign energy, and (2) production increases achieved by the leasing program at the end of the 15-year period beginning on the effective date of such program.

Sets forth a production goal of an increase by 2027 of at least: (1) 3 million barrels of oil per day, and (2) 10 billion cubic feet of natural gas per day.

Title IV: Jobs and Energy Permitting - Jobs and Energy Permitting Act of 2012 - Amends the Clean Air Act to require any air quality impact of OCS sources to be measured or modeled and determined solely with respect to the impacts in the corresponding onshore area.

Exempts direct emissions from any vessel servicing or associated with an OCS source, including emissions while at the OCS source or in route to or from the OCS source within 25 miles of the OCS source, from any emission control requirement applicable to such source under such Act. Provides that an OCS source, for platform or drill ship exploration, is established when drilling commences at a location and ceases to exist when drilling activity ends at such location or is temporarily interrupted because the platform or drill ship relocates.

Requires: (1) final agency action on a permit application for platform or drill ship exploration for an OCS source under such Act to be taken no later than 180 days after it is filed, (2) such final agency action to be considered to be nationally applicable under judicial review, and (3) judicial review of such action to be available without additional administrative review or adjudication. Prohibits: (1) the Environmental Appeals Board of the Environmental Protection Agency (EPA) from having any authority to consider any matter regarding the consideration, issuance, or denial of such permit; and (2) any administrative stay of the effectiveness of such permit from extending beyond 180 days after the date the application is filed.

Title V: Sacramento-San Joaquin Valley Water Reliability - Sacramento-San Joaquin Valley Water Reliability Act - Amends the Central Valley Project Improvement Act to expand the purposes of such Act and to redefine the term "anadromous fish" as used in such Act.

Directs the Secretary to: (1) renew any existing long-term repayment or water service contract that provides for the delivery of water from the Central Valley Project (CVP) for a period of 40 years (the current contract term is 25 years), and (2) take all necessary actions to facilitate and expedite CVP water transfers in accordance with this Act or any other provisions of federal reclamation or environmental law. Prohibits the Secretary from imposing mitigation or other requirements on a proposed transfer of water.

Authorizes the Secretary to modify CVP operations to provide reasonable flows of suitable quality, quantity, and timing to protect all life stages of anadromous fish.

Requires the CVP and the California State Water Project (SWP) to be operated pursuant to the water quality standards and operational constraints described in the "Principles for Agreement of the Bay-Delta Standards Between the State of California and the Federal Government," dated December 15, 1994 (Bay-Delta Accord of 1994), without regard to the Endangered Species Act of 1973 (ESA) or any other law pertaining to the operation of the CVP and the SWP.

Directs the Secretary to cease any action to implement the Stipulation of Settlement (the Settlement) resulting from litigation entitled "*Natural Resources Defense Council, et al. v. Kirk Rodgers, et al.*" U.S. District Court, Eastern District of California.

Directs the Secretary, upon the request of a contractor, to convert all existing long-term CVP contracts to contracts that require a contractor to pay the remaining balance of construction at a Treasury rate discount.

Directs the Secretary (notwithstanding the provisions of this Act or other federal reclamation or environmental laws), in

the operation of CVP, to: (1) strictly adhere to state water rights law governing water rights priorities by honoring water rights senior to those belonging to CVP, regardless of the source of priority; and (2) strictly adhere to and honor water rights and other priorities that are obtained or that exist under the California Water Code.

Declares that: (1) coordinated operations between CVP and SWP, as consented to and requested by the state of California and the federal government, require assertion of federal supremacy to protect existing water rights throughout the system, a circumstance that is unique to California; and (2) this title should not serve as precedent for similar operations in any other state.

Title VI: Reducing Regulatory Burdens - Reducing Regulatory Burdens Act of 2012 - Amends the Federal Water Pollution Control Act (commonly known as the Clean Water Act) to prohibit the EPA Administrator or a state from requiring a permit for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or the residue resulting from application of such pesticide. Exempts from such prohibition: (1) a discharge resulting from the application of a pesticide in violation of a provision of FIFRA that is relevant to protecting water quality if the discharge would not have occurred but for the violation or if the quantity of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation; (2) stormwater discharges subject to regulation under the National Pollutant Discharge Elimination System (NPDES); and (3) discharges, subject to NPDES regulation, of manufacturing or industrial effluent, treatment works effluent, and discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.

Amends FIFRA to prohibit the Administrator or a state from requiring a permit under the Clean Water Act except under such circumstances.

Title VII: Farm Dust Regulation Prevention - Farm Dust Regulation Prevention Act of 2012 - Amends the Clean Air Act (CAA) to prohibit the Administrator from proposing, finalizing, implementing, or enforcing any regulation revising the national primary ambient air quality standard or the national secondary ambient air quality standard applicable to particulate matter with an aerodynamic diameter greater than 2.5 micrometers for one year.

Exempts nuisance dust from the CAA and excludes nuisance dust from CAA references to particulate matter, except with respect to geographic areas where such dust is not regulated under state, tribal, or local law to the extent the Administrator finds that: (1) nuisance dust causes substantial adverse public health and welfare effects at ambient concentrations, and (2) the benefits of applying CAA standards and other requirements to such dust outweigh the costs. Defines "nuisance dust" as particulate matter that: (1) is generated primarily from natural sources, unpaved roads, agricultural activities, earth moving, or other activities typically conducted in rural areas; and (2) consists primarily of soil, other natural or biological materials, or some combination of such materials. Excludes from such term particulate matter that is: (1) emitted directly into the ambient air from combustion, such as exhaust from combustion engines and emissions from stationary combustion processes; (2) comprised of residuals from the combustion of coal; and (3) radioactive and produced from uranium mining or processing.

Expresses the sense of Congress that the Administrator should implement an approach to excluding events that are not reasonably controllable or preventable from determinations of whether an area is in compliance with any national ambient air quality standard applicable to coarse particulate matter, that: (1) maximizes transparency and predictability for states, Indian tribes, and local governments; and (2) minimizes the regulatory and cost burdens such governments bear in excluding those events.

Requires the Administrator, before issuing a requirement or implementing a program under the CAA related to agriculture and the national primary ambient air quality standard or the national secondary ambient air quality standard for particulate matter, to analyze the impact of such actions on employment levels in the agriculture industry and on agricultural economic activity.

Title VIII: Energy Tax Prevention - Energy Tax Prevention Act of 2012 - Amends the CAA to: (1) define a "greenhouse gas" (GHG) as water vapor, carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons, perfluorocarbons, or any other substance subject to regulation, action, or consideration under such Act to address climate change; (2) prohibit the Administrator from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of, a GHG; and (3) exclude GHGs from the definition of "air pollutant" for purposes of addressing climate change.

Exempts from such prohibition: (1) implementation and enforcement of the rule entitled "Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards" or of the proposed rule entitled "Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles"; (2) implementation of the renewable fuel program; (3) statutorily authorized federal research, development, and demonstration programs addressing climate change; (4) implementation and enforcement of stratospheric ozone protection to the extent that such implementation or enforcement only involves class I or II substances; and (5) implementation and enforcement of requirements for monitoring and reporting of carbon dioxide emissions.

Repeals and nullifies the rules and actions entitled:

- "Mandatory Reporting of Greenhouse Gases";
- "Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act";
- "Reconsideration of Interpretation of Regulations That Determine Pollutants Covered by Clean Air Act Permitting Programs" and the memorandum concerning "EPA's Interpretation of Regulations that Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program";
- "Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule";
- "Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Substantial Inadequacy and SIP Call";
- "Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Failure To Submit State Implementation Plan Revisions Required for Greenhouse Gases";
- "Action to Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan";
- "Action to Ensure Authority to Implement Title V Permitting Programs Under the Greenhouse Gas Tailoring Rule";
- "Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program";
- "Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans";
- "Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program; Proposed Rule"; and
- Any other federal action under the CAA occurring before this Act's enactment that applies a stationary source permitting requirement or an emissions standard for a GHG to address climate change.

Prohibits the Administrator from waiving the ban on states adopting or enforcing standards relating to the control of emissions from new motor vehicles or engines with respect to GHG emissions for model year 2017 or any subsequent model year.

Actions Timeline

- **Apr 25, 2012:** Introduced in Senate
- **Apr 25, 2012:** Read twice and referred to the Committee on Energy and Natural Resources.