AMENDMENT TO
RULES COMMITTEE PRINT 116–63
OFFERED BY MR. GRIFFITH OF VIRGINIA

At the end of title XII of the committee print, add the following new subtitle:

Subtitle G—New Source Review Permitting Improvement

SEC. 12701. CLARIFICATION OF DEFINITION OF A MODIFICATION: EMISSION RATE INCREASES, POLLUTION CONTROL, EFFICIENCY, SAFETY, AND RELIABILITY PROJECTS.

Paragraph (4) of section 111(a) of the Clean Air Act (42 U.S.C. 7411(a)) is amended—

(1) by inserting “(A)” before “The term”;

(2) by inserting before the period at the end the following: “. For purposes of the preceding sentence, a change increases the amount of any air pollutant emitted by such source only if the maximum hourly emission rate of an air pollutant that is achievable by such source after the change is higher than the maximum hourly emission rate of such air pollutant that was achievable by such source during any hour..."
in the 10-year period immediately preceding the
change”; and

(3) by adding at the end the following:

“(B) Notwithstanding subparagraph (A), the
term ‘modification’ does not include a change at a
stationary source that is designed—

“(i) to reduce the amount of any air pol-
lutant emitted by the source per unit of produc-
tion; or

“(ii) to restore, maintain, or improve the
reliability of operations at, or the safety of, the
source,
except, with respect to either clause (i) or (ii), when
the change would be a modification as defined in
subparagraph (A) and the Administrator determines
that the increase in the maximum achievable hourly
emission rate of a pollutant from such change would
cause an adverse effect on human health or the envi-
ronment.”.

SEC. 12702. CLARIFICATION OF DEFINITION OF CONSTRUC-
TION FOR PREVENTION OF SIGNIFICANT DE-
TERIORATION.

Subparagraph (C) of section 169(2) of the Clean Air
Act (42 U.S.C. 7479(2)) is amended to read as follows:
“(C) The term ‘construction’, when used in connection with a major emitting facility, includes a modification (as defined in section 111(a)) at such facility, except that for purposes of this subparagraph a modification does not include a change at a major emitting facility that does not result in a significant emissions increase, or a significant net emissions increase, in annual actual emissions at such facility.”.

SEC. 12703. CLARIFICATION OF DEFINITION OF MODIFICATIONS AND MODIFIED FOR NONATTAINMENT AREAS.

Paragraph (4) of section 171 of the Clean Air Act (42 U.S.C. 7501) is amended to read as follows:

“(4) The terms ‘modifications’ and ‘modified’ mean a modification as defined in section 111(a)(4), except that such terms do not include a change at a major emitting facility that does not result in a significant emissions increase, or a significant net emissions increase, in annual actual emissions at such facility.”.

SEC. 12704. RULE OF CONSTRUCTION.

Nothing in this subtitle or the amendments made by this subtitle shall be construed to treat any change as a
modifications for purposes of any provision of the Clean Air Act (42 U.S.C. 7401 et seq.) if such change would not have been so treated as of the day before the date of enactment of this Act.