

**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:

1     **Subtitle G—New Source Review**  
2             **Permitting Improvement**

3     **SEC. 12701. CLARIFICATION OF DEFINITION OF A MODI-**  
4                     **FICATION: EMISSION RATE INCREASES, POL-**  
5                     **LUTION CONTROL, EFFICIENCY, SAFETY, AND**  
6                     **RELIABILITY PROJECTS.**

7     Paragraph (4) of section 111(a) of the Clean Air Act  
8 (42 U.S.C. 7411(a)) is amended—

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

10            (2) by inserting before the period at the end the  
11 following: “. For purposes of the preceding sentence,  
12 a change increases the amount of any air pollutant  
13 emitted by such source only if the maximum hourly  
14 emission rate of an air pollutant that is achievable  
15 by such source after the change is higher than the  
16 maximum hourly emission rate of such air pollutant  
17 that was achievable by such source during any hour

1 in the 10-year period immediately preceding the  
2 change”; and

3 (3) by adding at the end the following:

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

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

10 “(ii) to restore, maintain, or improve the  
11 reliability of operations at, or the safety of, the  
12 source,

13 except, with respect to either clause (i) or (ii), when  
14 the change would be a modification as defined in  
15 subparagraph (A) and the Administrator determines  
16 that the increase in the maximum achievable hourly  
17 emission rate of a pollutant from such change would  
18 cause an adverse effect on human health or the envi-  
19 ronment.”.

20 **SEC. 12702. CLARIFICATION OF DEFINITION OF CONSTRUC-**  
21 **TION FOR PREVENTION OF SIGNIFICANT DE-**  
22 **TERIORATION.**

23 Subparagraph (C) of section 169(2) of the Clean Air  
24 Act (42 U.S.C. 7479(2)) is amended to read as follows:

1           “(C) The term ‘construction’, when used in  
2           connection with a major emitting facility, in-  
3           cludes a modification (as defined in section  
4           111(a)) at such facility, except that for pur-  
5           poses of this subparagraph a modification does  
6           not include a change at a major emitting facil-  
7           ity that does not result in a significant emis-  
8           sions increase, or a significant net emissions in-  
9           crease, in annual actual emissions at such facil-  
10          ity.”.

11 **SEC. 12703. CLARIFICATION OF DEFINITION OF MODIFICA-**  
12                           **TIONS AND MODIFIED FOR NONATTAINMENT**  
13                           **AREAS.**

14          Paragraph (4) of section 171 of the Clean Air Act  
15 (42 U.S.C. 7501) is amended to read as follows:

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

23 **SEC. 12704. RULE OF CONSTRUCTION.**

24          Nothing in this subtitle or the amendments made by  
25 this subtitle shall be construed to treat any change as a

1 modification for purposes of any provision of the Clean  
2 Air Act (42 U.S.C. 7401 et seq.) if such change would  
3 not have been so treated as of the day before the date  
4 of enactment of this Act.

