

1.1 moves to amend H.F. No. 3579 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. **[116.0718] ENSURING COMPLIANCE WITH AIR EMISSION LIMITS.**

1.4 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
1.5 the meanings given them.

1.6 (b) "Continuous emission monitoring system" or "CEMS" has the meaning given in
1.7 Minnesota Rules, part 7017.1002, subpart 4.

1.8 (c) "Covered facility" means a major facility or a facility issued a state permit under
1.9 Minnesota Rules, part 7007.0250.

1.10 (d) "Environmental justice area" has the meaning given in section 116.065, subdivision
1.11 1.

1.12 (e) "Major facility" means a facility that has been issued an air quality permit by the
1.13 agency and that has a potential to emit:

1.14 (1) an air pollutant in excess of 100 tons per year;

1.15 (2) a single hazardous air pollutant in excess of 10 tons per year; or

1.16 (3) a combination of hazardous air pollutants in excess of 25 tons per year.

1.17 (f) "Performance test" has the meaning given in Minnesota Rules, part 7017.2005, subpart
1.18 4.

1.19 (g) "Potential to emit" means the maximum annual air emissions of a pollutant from a
1.20 facility operating at full design capacity continuously for 8,760 hours throughout a year.

1.21 (h) "Toxic air pollutant" has the meaning given to "air toxics" in section 116.062.

2.1 Subd. 2. **Compliance determination protocol.** Each air quality permit issued by the
2.2 agency to a covered facility must contain a compliance determination protocol that consists
2.3 of the list of methods the agency requires a covered facility to employ to physically measure
2.4 the actual emissions of each pollutant the covered facility emits and the frequency with
2.5 which the covered facility must employ each method. The compliance determination protocol
2.6 must be designed to minimize the length of time between physical measures of each pollutant
2.7 emitted by the covered facility. Methods of physical measurement the agency may employ
2.8 include but are not limited to continuous emission monitoring systems, performance tests,
2.9 ambient monitoring near the covered facility, portable monitoring units that have been
2.10 calibrated with performance tests or continuous emission monitors, and any other physical
2.11 method of measuring actual emissions that the agency determines is accurate.

2.12 Subd. 3. **Reporting requirements.** (a) A permit that requires a covered facility to
2.13 maintain records of parameters that serve as indirect measures of the covered facility's air
2.14 emissions must require the covered facility to transmit the records to the agency no less
2.15 often than monthly. For purposes of this subdivision, "indirect measures of the covered
2.16 facility's air emissions" means proxy measures or calculations that affect, indicate, or are
2.17 correlated with the volume of emissions released by the covered facility, including but not
2.18 limited to measurements of the pollution removal efficiency of pollution control equipment,
2.19 temperature or pressure of equipment or processes, and the volume of inputs the covered
2.20 facility purchases or uses that emit hazardous air pollutants during the production process.

2.21 (b) A third party under contract to a covered facility must report the results of any tests
2.22 or measurements required under the permit or ordered by the commissioner directly to the
2.23 agency at the same time the results are reported to the covered facility.

2.24 Subd. 4. **Performance tests; schedule.** (a) This subdivision applies to a covered facility:

2.25 (1) located in or within one mile of an environmental justice area;

2.26 (2) that emits a toxic air pollutant or a pollutant identified as a pollutant of high concern
2.27 under section 116.9402; and

2.28 (3) that does not measure the covered facility's emissions of the pollutants that meet the
2.29 conditions of clause (2) by means of a continuous emission monitoring system.

2.30 (b) A covered facility subject to this subdivision must conduct a performance test annually
2.31 for all of the pollutants that meet the conditions of paragraph (a), clause (2).

2.32 (c) A covered facility that exceeds an emissions limit in a permit must conduct a
2.33 performance test for that pollutant within 12 months of the date of the exceedance.

3.1 (d) A covered facility whose pollution control equipment has undergone a significant
3.2 alteration, repair, or parts replacement that may affect the covered facility's ability to meet
3.3 an emissions limit, as determined by the commissioner, must conduct a performance test
3.4 within 90 days of the pollution control equipment becoming operational following the
3.5 modification.

3.6 **EFFECTIVE DATE.** This section is effective the day following final enactment, is
3.7 made part of all air quality permits issued on or after that date, and must be incorporated
3.8 by the agency by reference, as applicable, into all existing air quality permits."

3.9 Amend the title accordingly