

1.1 moves to amend H.F. No. 2171 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. **[116.062] ODOR MANAGEMENT.**

1.4 Subdivision 1. **Definitions.** For the purposes of this section, the following terms have
1.5 the meanings given:

1.6 (1) "commissioner" means the commissioner of the Pollution Control Agency;

1.7 (2) "objectionable odor" means air pollution consisting of an odor that, considering its
1.8 characteristics, intensity, frequency, and duration:

1.9 (i) is or can reasonably be expected to be injurious to public health or welfare; or

1.10 (ii) unreasonably interferes with the enjoyment of life or the use of property of persons
1.11 exposed to the odor; and

1.12 (3) "odor complaint" means a notification received and recorded by the commissioner
1.13 or by a political subdivision from an identifiable person that describes the nature, duration,
1.14 and location of an odor.

1.15 Subd. 2. **Odor control.** (a) While responding to an odor complaint or during an inspection
1.16 of a facility, the commissioner may determine the facility is emitting an objectionable odor.

1.17 (b) A facility must implement odor control measures if determined by the commissioner
1.18 to be emitting an objectionable odor.

1.19 Subd. 3. **Objectionable odor; management plan.** (a) If the commissioner determines
1.20 that an odor emitted from a facility is an objectionable odor, the commissioner must notify
1.21 the owner or operator of the facility and require the owner or operator to develop an
1.22 odor-management plan designed to mitigate odor emissions. The plan must be approved by
1.23 a licensed engineer before it is submitted to the commissioner for review.

2.1 (b) The owner or operator of the facility must submit the odor-management plan required
2.2 under paragraph (a) to the commissioner for review within 90 days of receiving notification
2.3 from the commissioner. The commissioner may grant an extension for submitting the
2.4 odor-management plan for up to an additional 90 days for good cause.

2.5 (c) The commissioner must provide guidance to the owner or operator in developing an
2.6 odor-management plan.

2.7 (d) An odor-management plan must contain, at a minimum, for each odor source
2.8 contributing to odor emissions:

2.9 (1) a description of plant operations and materials that generate odors;

2.10 (2) proposed changes in equipment, operations, or materials that are designed to mitigate
2.11 odor emissions;

2.12 (3) the estimated effectiveness of the plan in reducing odor emissions;

2.13 (4) the estimated cost of implementing the plan; and

2.14 (5) a schedule of plan implementation activities.

2.15 (e) The commissioner may accept, reject, or modify an odor-management plan submitted
2.16 under this subdivision.

2.17 (f) If the revised odor-management plan is not acceptable to the commissioner or is
2.18 implemented but fails to reduce the facility's odor emissions to a level where the odor is no
2.19 longer an objectionable odor, the commissioner may:

2.20 (1) require the facility owner to submit a revised odor management plan within 90 days;

2.21 (2) impose penalties under section 115.071, or

2.22 (3) modify the facility's air emission permit under section 116.07, subdivision 4a,
2.23 paragraph (d).

2.24 Subd. 4. **Exemptions.** This section does not apply to:

2.25 (1) on-farm animal and agricultural operations;

2.26 (2) motor vehicles and transportation facilities;

2.27 (3) municipal wastewater treatment plants;

2.28 (4) single-family dwellings not used for commercial purposes;

2.29 (5) materials odorized for safety purposes;

2.30 (6) painting and coating operations that are not required to be permitted;

3.1 (7) restaurants; and

3.2 (8) temporary activities and operations.

3.3 Subd. 5. **Rulemaking required.** (a) The commissioner must adopt rules to implement
3.4 this section, and section 14.125 does not apply.

3.5 (b) The commissioner must comply with chapter 14 and must complete the statement
3.6 of need and reasonableness according to chapter 14 and section 116.07, subdivision 2,
3.7 paragraph (f).

3.8 (c) The rules must include:

3.9 (1) an odor standard or standards for air pollution that may qualify as objectionable odor
3.10 under subdivision 1, clause (2);

3.11 (2) a process for determining if an odor is objectionable;

3.12 (3) a process for investigating and addressing odor complaints;

3.13 (4) guidance for developing odor-management plans; and

3.14 (5) procedures and criteria for determining the success or failure of an odor-management
3.15 plan.

3.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.17 Sec. 2. **APPROPRIATION.**

3.18 \$300,000 in fiscal year 2024 is appropriated from the general fund to the commissioner
3.19 of the Pollution Control Agency for rulemaking and implementation of the odor management
3.20 requirements under Minnesota Statutes section 116.062. This is a onetime appropriation
3.21 and is available until June 30, 2026."

3.22 Amend the title accordingly