

1.1 moves to amend H.F. No. 3146 as follows:

1.2 Page 2, after line 21, insert:

1.3 "**Sec. 5. [116.062] AIR TOXICS EMISSIONS REPORTING.**

1.4 (a) The commissioner shall require each facility operating under an air quality permit
1.5 issued by the agency to report the facility's air toxics emissions annually to the agency,
1.6 including a facility not required as a condition of its air quality permit to keep records of
1.7 air toxics emissions. The commissioner shall determine the method to be used by a facility
1.8 to directly measure or estimate air toxics emissions. The commissioner shall incorporate
1.9 the requirement to report air toxics emissions annually into the air quality permit of each
1.10 facility subject to this section.

1.11 (b) For the purposes of this section, "air toxic" means a chemical compound or compound
1.12 class that is emitted into the air by a permitted facility and that is listed, reported, or identified
1.13 under any of the following categories:

1.14 (1) hazardous air pollutants listed under the federal Clean Air Act, United States Code,
1.15 title 42, section 7412, as amended;

1.16 (2) chemicals reported as emitted into the atmosphere by a facility located in Minnesota
1.17 in its report under the Toxic Release Inventory under the federal Emergency Planning and
1.18 Community Right-to-Know Act, United States Code, title 42, section 11023, as amended;

1.19 (3) chemicals of high concern, as listed by the Minnesota Department of Health under
1.20 Minnesota Statutes, section 116.9402;

1.21 (4) chemicals for which the Minnesota Department of Health has promulgated health
1.22 based values or risk assessment advice;

2.1 (5) chemicals for which emissions limits are incorporated into current facility permits;
2.2 and

2.3 (6) chemicals reported by facilities in the agency's triannual emissions inventory.

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

2.5 Page 7, after line 15, insert:

2.6 "Sec. 11. **COMMUNITY AIR MONITORING SYSTEM PILOT GRANT PROGRAM.**

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

2.9 (b) "Agency" means the Minnesota Pollution Control Agency.

2.10 (c) "Commissioner" means the commissioner of the Minnesota Pollution Control Agency.

2.11 (d) "Community air monitoring system" means a system of devices monitoring ambient
2.12 air quality at many locations within a small geographic area that is subject to air pollution
2.13 from a variety of stationary and mobile sources in order to obtain frequent measurements
2.14 of pollution levels, to detect differences in exposure to pollution over distances no larger
2.15 than a city block, and to identify areas where pollution levels are inordinately elevated.

2.16 (e) "Environmental justice area" has the meaning given in Minnesota Statutes, section
2.17 116.06, subdivision 10b.

2.18 (f) "Nonprofit organization" means an organization that is exempt from taxation under
2.19 section 501(c)(3) of the Internal revenue Code.

2.20 Subd. 2. **Establishment of program.** A community air monitoring system pilot grant
2.21 program is established in the Pollution Control Agency for the purpose of measuring air
2.22 pollution levels at many locations within an environmental justice area in Minneapolis.

2.23 Subd. 3. **Eligible applicants.** Grants under this section may be awarded to applicants
2.24 consisting of a partnership between a nonprofit organization located in an environmental
2.25 justice area in which the community air monitoring system is to be deployed and an entity
2.26 that has experience deploying, operating, and interpreting data from air monitoring systems.

2.27 Subd. 4. **Eligible projects.** Grants may be awarded under this section to applicants
2.28 whose proposals:

2.29 (1) utilize a variety of air monitoring technologies approved for use by the agency,
2.30 including, but not limited to, stationary monitors, sensor-based handheld devices, and mobile
2.31 devices that can be attached to vehicles or drones to measure air pollution levels;

3.1 (2) obtain data at fixed locations and from handheld monitoring devices carried by
3.2 residents of the community on designated walking routes in the targeted community that
3.3 can provide high-frequency measurements; and

3.4 (3) use the monitoring data to generate maps of pollution levels throughout the monitored
3.5 area.

3.6 **Subd. 5. Eligible expenditures.** Grant awards may be used only to fund the following
3.7 activities:

3.8 (1) planning the configuration and deployment of the community air monitoring system;

3.9 (2) purchasing and installing air monitoring devices as part of the community air
3.10 monitoring system;

3.11 (3) training and paying persons who operate stationary, handheld, and mobile devices
3.12 to measure air pollution;

3.13 (4) developing data and mapping systems to analyze, organize, and present the air
3.14 monitoring data collected; and

3.15 (5) the writing of a final report on the project under subdivision 9.

3.16 **Subd. 6. Air monitoring technologies; agency approval.** The agency must approve of
3.17 air monitoring technologies proposed to be used in a project awarded a grant under this
3.18 section. Approved air monitoring technologies must meet a reasonable level of accuracy
3.19 and consistency.

3.20 **Subd. 7. Application and grant award process.** An eligible applicant must submit an
3.21 application to the commissioner on a form prescribed by the commissioner. The
3.22 commissioner shall develop administrative procedures governing the application and grant
3.23 award process. The commissioner shall act as fiscal agent for the grant program and shall
3.24 be responsible for receiving and reviewing grant applications and awarding grants under
3.25 this section.

3.26 **Subd. 8. Grant awards; priorities.** In awarding grants under this section, the
3.27 commissioner shall give priority to proposed projects that:

3.28 (1) take place in areas with high rates of illness associated with exposure to air pollution,
3.29 including asthma, chronic obstructive pulmonary disease, heart disease, chronic bronchitis,
3.30 and cancer;

3.31 (2) promote public access to and transparency of air monitoring data developed through
3.32 the project; and

4.1 (3) conduct outreach activities to promote community awareness of and engagement
4.2 with the project.

4.3 Subd. 9. Report to agency. No later than 90 days following the end of the project, the
4.4 applicant must submit a written report to the agency describing the project's findings and
4.5 results, and any recommendations for agency actions, programs, or activities to reduce levels
4.6 of air pollution measured by the community air monitoring system. The applicant must also
4.7 forward to the agency all air monitoring data developed by the project.

4.8 Subd. 10. Report to legislature. No later than January 15, 2024, the commissioner shall
4.9 submit a report to the chairs and ranking minority members of the senate and house
4.10 committees with primary responsibility for environment policy and finance on the results
4.11 of the grant program, including:

4.12 (1) any changes in the agency's air monitoring network that will occur as a result of data
4.13 developed under the program;

4.14 (2) any actions the agency has taken or proposes to take to reduce levels of pollution
4.15 that impact the environmental justice areas that received grants under the program; and

4.16 (3) any recommendations for legislation, including whether the program should be
4.17 extended or expanded.

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

4.19 Sec. 12. **RULEMAKING; AIR TOXICS EMISSIONS.**

4.20 Subdivision 1. **Definitions.** For the purposes of this section:

4.21 (1) "agency" means the Minnesota Pollution Control Agency;

4.22 (2) "air toxic" has the meaning given under section 116.062;

4.23 (3) "commissioner" has the meaning given in Minnesota Statutes, section 116.06,
4.24 subdivision 6a;

4.25 (4) "continuous emissions monitoring system" has the meaning given in Minnesota
4.26 Rules, chapter 7017.1002, subpart 4;

4.27 (5) "environmental justice area" has the meaning given in Minnesota Statutes, section
4.28 116.06, subdivision 10b;

4.29 (6) "performance test" has the meaning given in Minnesota Rules, chapter 7017.2005;
4.30 and

5.1 (7) "volatile organic compound" means any compound of carbon, excluding carbon
5.2 monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium
5.3 carbonate, which participates in atmospheric photochemical reactions.

5.4 Subd. 2. **Rulemaking required.** No later than January 15, 2023, the commissioner of
5.5 the Pollution Control Agency must initiate rulemaking under Minnesota Statutes, chapter
5.6 14 to regulate air toxics emissions by providing notice of a rulemaking hearing as required
5.7 under Minnesota Statutes, section 14.14, subdivision 1a.

5.8 Subd. 3. **Content of rules.** (a) The rulemaking required under subdivision 1 must address,
5.9 at a minimum, the following issues:

5.10 (1) the specific air toxics to be subject to the rules, including, at a minimum, those defined
5.11 in section 116.062;

5.12 (2) the types of facilities to be subject to the rules, including, at a minimum, facilities
5.13 that have been issued an air quality permit by the commissioner and:

5.14 (i) emit air toxics, whether the emissions are limited in a permit or not; or

5.15 (ii) purchase or use material containing volatile organic compounds;

5.16 (3) performance tests conducted by facilities to measure the volume of air toxics
5.17 emissions, testing methods, testing procedures and protocols, and testing frequency;

5.18 (4) air monitoring required, including the use of continuous emissions monitoring systems
5.19 for certain facilities;

5.20 (5) requirements for reporting to the agency information to assist it in determining the
5.21 volume of the facility's air toxics emissions, and its compliance with emissions limits in the
5.22 facility's permit;

5.23 (6) recordkeeping related to air toxics emissions; and

5.24 (7) frequency of facility inspections and inspection activities that provide information
5.25 about air toxics emissions.

5.26 (b) In developing rules, the commissioner must establish testing, monitoring, reporting
5.27 recordkeeping, and inspection requirements for facilities that reflect:

5.28 (1) the different risks to human health and the environment posed by the specific air
5.29 toxics and volumes emitted by a facility, such that facilities posing greater risks are required
5.30 to conduct performance tests and air monitoring and receive inspections and report to the
5.31 agency more frequently;

6.1 (2) the facility's record of compliance with air toxics emission limits and other permit
6.2 conditions; and

6.3 (3) any exposure of residents of an environmental justice area to the facility's air toxics
6.4 emissions.

6.5 Subd. 4. **Modifying permits.** After completion of the rulemaking required in subdivision
6.6 1, the commissioner must incorporate air toxics emission limits to conform with the rule
6.7 changes in existing air quality permits that:

6.8 (1) contain emission limits for air toxics; and

6.9 (2) do not contain emission limits for air toxics but whose facilities do emit air toxics.

6.10 Subd. 5. **Relation to federal law.** The commissioner must implement the requirements
6.11 of this section in a manner that is consistent with federal law and to the fullest extent allowed
6.12 by federal law. Nothing in this section may be construed to conflict with federal law.

6.13 Subd. 6. **Rulemaking cost.** The commissioner must collect the agency's costs to develop
6.14 the rulemaking required under this section and to conduct regulatory activities required as
6.15 a result of the rulemaking through the annual fee paid by owners or operators of facilities
6.16 required to obtain air quality permits from the agency, as required under Minnesota Statutes,
6.17 section 116.07, subdivision 4d, paragraph (b).

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

6.19 Sec. 13. **APPROPRIATION.**

6.20 (a) \$540,000 in fiscal year 2023 is appropriated from the general fund to the commissioner
6.21 of the Pollution Control Agency for the purpose of purchasing three air monitoring devices
6.22 to measure pollutants in ambient air. The monitoring devices must be placed within a census
6.23 tract that the commissioner of the Pollution Control Agency has determined is located in
6.24 an environmental justice area, as defined in Minnesota Statutes, section 116.06, subdivision
6.25 10b. This is a onetime appropriation.

6.26 (b) \$500,000 in fiscal year 2023 is appropriated from the general fund to the commissioner
6.27 of the Minnesota Pollution Control Agency for the purpose of awarding grants for a
6.28 community air monitoring system pilot program under section 11, and to pay the agency's
6.29 reasonable costs to administer the pilot grant program. This is a onetime appropriation. Any
6.30 unexpended funds remaining on December 31, 2023, cancel to the general fund.

6.31 (c) \$..... in fiscal year 2023 is appropriated from the general fund to the commissioner
6.32 of the Pollution Control Agency for the purpose of promulgating rules to regulate air toxics

- 7.1 emissions, as specified in section 12. This is a onetime appropriation and remains available
- 7.2 until expended.
- 7.3 **EFFECTIVE DATE.** This section is effective the day following final enactment."
- 7.4 Renumber the sections in sequence and correct the internal references
- 7.5 Amend the title accordingly