

July 13, 2018

TO: Members, Subcommittee on Environment
FROM: Committee Majority Staff
RE: Subcommittee Markup

I. INTRODUCTION

The Subcommittee on Environment will meet in open markup session on Tuesday, July 17, 2018, in 2322 Rayburn House Office Building at 1:00 p.m. to consider the following:

- H.R. 3128; To amend section 111 of the Clean Air Act to clarify when a physical change in, or change in the method of operation of, a stationary source constitutes a modification, and for other purposes.

In keeping with Chairman Walden’s announced policy, Members must submit any amendments they may have two hours before they are offered during this markup. Members may submit amendments by email to peter.kielty@mail.house.gov. Any information with respect to an amendment’s parliamentary standing (e.g., its germaneness) should be submitted at this time as well.

II. LEGISLATIVE HISTORY

On June 29, 2017, Rep. Morgan Griffith (R-VA) introduced a bill, H.R. 3128, to reform how the EPA’s New Source Review (NSR) program affects existing sources of emissions. The Subcommittee on Environment held a hearing entitled “New Source Review Permitting Challenges for Manufacturing and Infrastructure” on February 14, 2018 where the Subcommittee received testimony on the impact of the NSR program on the United States’ manufacturing, power generation, and industrial sectors, which included testimony on H.R. 3128.¹ On May 16, 2018, the Subcommittee on Environment held a legislative hearing focused on a discussion draft, based on H.R. 3128, addressing NSR permitting reform.²

III. EXPLANATION OF LEGISLATION

HR 3128 amends the definition of “modification” in section 111(a) of the Clean Air Act to clarify that a change at an existing source constitutes a modification only when the change increases the source’s maximum achievable hourly emission rate of an air pollutant.

It is anticipated that an amendment in the nature of a substitute will be offered at the

¹ See Subcommittee on Environment [NSR background hearing held on February 14, 2018](#)

² See Subcommittee on Environment [NSR legislative hearing held on May 16, 2018](#)

subcommittee markup that is substantially similar to the discussion draft examined by the Subcommittee on Environment on May 16, 2018 and includes comparable provisions as contained in the originally introduced HR 3128. The amendment in the nature of the substitute also includes provisions aimed at encouraging the adoption of energy efficiency upgrades, pollution control equipment, and reliability and safety improvements at existing facilities.

IV. STAFF CONTACTS

If you have any questions regarding this markup, please contact Wyatt Ellertson, Peter Spencer, or Mary Martin of the Committee staff at (202) 225-2927.