

116TH CONGRESS  
1ST SESSION

# S. 2105

To amend 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.

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## IN THE SENATE OF THE UNITED STATES

JULY 11, 2019

Mr. PAUL introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend 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.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CLARIFICATION OF DEFINITION OF MODIFICA-**  
4 **TION.**

5 Section 111(a)(4) of the Clean Air Act (42 U.S.C.  
6 7411(a)(4)) is amended—

7 (1) by striking “(4) The term ‘modification’  
8 means” and inserting the following:

1 “(4) MODIFICATION.—

2 “(A) IN GENERAL.—The term ‘modifica-  
3 tion’ means”; and

4 (2) by adding at the end the following:

5 “(B) ASSOCIATED DEFINITION.—For pur-  
6 poses of subparagraph (A), a physical change  
7 in, or change in the method of operation of, a  
8 stationary source shall be considered to increase  
9 the amount of any air pollutant emitted by the  
10 stationary source only if the maximum achiev-  
11 able hourly emissions rate of the stationary  
12 source after the change will be higher than—

13 “(i) the maximum achievable hourly  
14 emissions rate of the stationary source as  
15 the stationary source was originally de-  
16 signed; and

17 “(ii) the maximum hourly emissions  
18 rate of the stationary source that was ac-  
19 tually achieved during the 10-year period  
20 preceding the change.”.

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