

2023 Regular Session

SENATE BILL NO. 35

BY SENATOR FIELDS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ENVIRONMENTAL QUALITY. Requires air monitoring systems in certain permitted facilities. (8/1/23)

1 AN ACT
2 To enact R.S. 30:2376.1, relative to the "Right-to-Know" law; to provide for air monitoring
3 systems at certain facilities; to provide for definitions; to provide requirements for
4 air quality monitoring systems; to provide for recordkeeping; and to provide for
5 related matters.
6 Be it enacted by the Legislature of Louisiana:
7 Section 1. R.S. 30:2376.1 is hereby enacted to read as follows:
8 **§2376.1. Air quality monitoring**
9 **A. For purposes of this Section, the following terms shall have the**
10 **meanings ascribed to them in this Section, unless the context clearly indicates**
11 **otherwise:**
12 **(1) "Facility" means any stationary source or any group of stationary**
13 **sources that are located on one or more contiguous or adjacent properties,**
14 **which are under the common control of the same person or persons, and**
15 **defined as a major source under the federal Clean Air Act, as amended, 42**
16 **U.S.C. 7401 et seq., the Louisiana Air Control Law, or any rule or regulation**
17 **promulgated pursuant to either of these laws.**

1 **(2) "Air monitoring system" means equipment required to be installed**
2 **or operated by federal or state law, rule, regulation, or guidance by the facility's**
3 **permit, registration, variance, or license, or by order of the secretary, that**
4 **measures and records air pollutant concentrations and is used for detecting any**
5 **exceedance of air quality standards or the existence of a public health threat. In**
6 **addition to any other requirements of a facility's air monitoring system, the**
7 **system shall also include all of the following items:**

8 **(a) Real-time data collection whereby the data collected from the system**
9 **is not stored for later processing, but is collected, processed, and transmitted**
10 **simultaneously and without delay, so that any exceedance of air quality**
11 **standards can be identified and addressed and the state and local communities**
12 **warned while the exceedance occurs.**

13 **(b) Real-time data dissemination to the public including but not limited**
14 **to a real-time text message or telephone call sent to a community alert system**
15 **for first responders, municipalities, community members, and any other people**
16 **who choose to receive the message or call, or who are located within a**
17 **geographic area surrounding the facility. The message or call shall be sent in the**
18 **event of an exceedance of air quality standards, a public health threat, or any**
19 **exceedance of the limits provided for in the facility's permit or otherwise**
20 **provided by law. Any data collected by an air monitor prior to July 1, 2024,**
21 **when real-time collection is required by Subsection B of this Section, shall be**
22 **available for access by the department.**

23 **B. On or before July 1, 2024, the owner or operator of each facility shall**
24 **continuously operate an air monitoring system as otherwise required and that**
25 **meets the requirements of Subsection A of this Section, at the facility at a**
26 **location determined by the department. The air monitoring system shall be**
27 **installed at the facility's cost and any monitoring expense incurred by the**
28 **department shall be at the cost of the facility owner and at no expense to the**
29 **department. The system shall monitor each criteria pollutant under both the**

1 United States Environmental Protection Agency's national primary and
 2 secondary ambient air quality standards, 40 CFR Part 50, Chapter 1,
 3 Subchapter C; and the list of toxic air pollutants in Chapter 51 of Part III of
 4 Title 33 of the Louisiana Administrative Code contained in the estimated
 5 emissions of the facility's Part 70 permit.

6 C. All facility owners or operators required to install and operate an air
 7 monitoring system pursuant to this Section shall maintain records of all air
 8 monitoring system data, including the time periods the system was inoperable
 9 due to malfunction or maintenance, for a period of five years after the data is
 10 collected. The facility operator shall report this data to the department twice
 11 each year beginning January 1, 2025. Data shall be collected and stored so that
 12 exceedances of public health standards can be accurately traced to the date,
 13 location, and type of pollution.

14 D. In addition to the requirements set forth in this Section, any
 15 monitoring system required by this Section shall at a minimum meet the United
 16 States Environmental Protection Agency's monitoring requirements of 40 CFR
 17 Part 58, as amended.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jacob K. Wilson.

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Proposed law requires on or before July 1, 2024, the owner or operator of each facility must operate an air monitoring system at a location determined by the department. Proposed law provides for the criteria of pollutants the system must monitor.

Proposed law requires a monitoring system to be installed by the facility and any monitoring costs incurred by the department be borne by the facility.

Proposed law defines "facility" as any stationary source or any group of stationary sources that are located on one or more contiguous or adjacent properties, which are under common control of the same person or persons and are defined as a major source under the federal Clean Air Act, present law, or any rule or regulation promulgated pursuant to either law.

Proposed law defines an "air monitoring system" as equipment required to be installed by present law that measures and records air pollutant concentrations and is used for detecting an exceedance of air quality standards or the existence of a public health threat. Requires that the system include real-time data collection and real-time data public alerts.

Proposed law requires facility owners or operators required to operate an air monitoring system to maintain the records of all data from such system for five years and report the data to the department twice each year beginning January 1, 2025.

Proposed law further requires compliance with the Environmental Protection Agency's monitoring requirements.

Effective August 1, 2023.

(Adds R.S. 30:2376.1)