

2017 Regular Session

HOUSE BILL NO. 394

BY REPRESENTATIVE COX

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

ENVIRONMENT/AIR: Provides relative to fence-line air quality monitoring

1 AN ACT

2 To enact R.S. 30:2067, relative to air quality; to require a fence-line air monitoring system
3 at certain facilities; to provide for definitions; to provide for record keeping; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 30:2067 is hereby enacted to read as follows:

7 §2067. Air quality monitoring

8 A. For purposes of this Section, the following terms shall have the meanings
9 ascribed to them in this Section, unless the context clearly indicates otherwise:

10 (1) "Facility" means any stationary source or any group of stationary sources
11 that are located on one or more contiguous or adjacent properties, which are under
12 the common control of the same person or persons and are defined as a major source
13 under the federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq., the Louisiana
14 Air Control Law, or any rule or regulation promulgated pursuant to either of these
15 laws.

16 (2) "Fence-line air monitoring system" means equipment that measures and
17 records air pollutant concentrations along the property boundary of a repeat offender
18 facility used for detecting an exceedance of air quality standards or the existence of
19 a public health threat and includes the following:

1 (a) A meteorological station, unless a meteorological station is located on the
2 facility property.

3 (b) Chemical-specific detection, measurement, notice, and reporting of any
4 and all exceedances of the United States Environmental Protection Agency's Acute
5 Exposure Guideline Levels AEGL-1, AEGL-2, or AEGL-3, or Immediately
6 Dangerous to Life and Health limits.

7 (c) Real-time data collection whereby the data collected from the system is
8 not stored for later processing, rather that it is collected, processed, and transmitted
9 simultaneously and without delay, such that an exceedance of air quality standards
10 can be identified and addressed and the state and local communities warned while
11 the exceedance occurs.

12 (d) Real-time data dissemination to the public including but not limited to
13 a real-time text message or telephone call sent to a community alert system for
14 first-responders, municipalities, community members, and any other people who
15 choose to receive such message or call. The message or call shall be sent in the
16 event of an exceedance of air quality standards, a public health threat, or an
17 exceedance of the limits provided for in Subparagraph (b) of this Paragraph.

18 (e) Back-up power systems such that there is no more than two percent
19 downtime in system operation.

20 (3) "Repeat offender" means any facility that meets either of the following:

21 (a) A facility of which the owner or operator has been cited by the
22 department or the United States Environmental Protection Agency, for two
23 compliance orders within a twenty-five month period, beginning on July 1, 2017.

24 (b) A facility expressly designated by official act as a repeat offender facility
25 by a police jury, the governing authority of a home rule parish, or city-parish
26 government of the facility's jurisdiction.

27 B. Every repeat offender facility shall install and continuously operate a
28 fence-line air monitoring system at the property boundary of the repeat offender
29 facility closest to the nearest residential community. The fence-line air monitoring

1 system shall be installed at the repeat offender facility's cost within one hundred
 2 twenty days of the second violation order or assessment becoming enforceable. The
 3 system shall monitor each criteria pollutant under both the United States
 4 Environmental Protection Agency's national primary and secondary ambient air
 5 quality standards, 40 CFR Part 50, Chapter 1, Subchapter C; and the list of toxic air
 6 pollutants in LAC 33:III.5101 et seq. contained in the estimated emissions of the
 7 repeat offender facility's Part 70 permit.

8 C. All repeat offender facility owners or operators required to install and
 9 operate a fence-line air monitoring system shall maintain records of all fence-line air
 10 monitoring system data including, but not limited to, the time periods the system was
 11 inoperable due to malfunction or maintenance, for a period of five years after the
 12 data is collected.

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

17 E. The Department of Environmental Quality shall include, within any
 18 compliance order that triggers installation under this Section, a repeat offender fee
 19 designed to cover all related costs incurred by the Department of Environmental
 20 Quality for the current and future monitoring and oversight of the repeat offender's
 21 fence-line air monitoring system.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 394 Original

2017 Regular Session

Cox

Abstract: Requires repeat offender facilities to implement a fence-line air monitoring system.

Proposed law requires repeat offender facilities to install and continuously operate a fence-line air monitoring system at the property boundary of the repeat offender facility closest to the nearest residential community. Proposed law provides for the criteria pollutants the system shall monitor.

Proposed law requires a fence-line air monitoring system be installed at the repeat offender facility's cost within 120 days of the second violation order or assessment becoming enforceable.

Proposed law defines "repeat offender" as any facility that the owner or operator has been cited by the department or the U.S. Environmental Protection Agency (EPA), for two compliance orders within a 24-month period, beginning on July 1, 2017, or any facility expressly designated by official act as a repeat offender facility by a police jury, the governing authority of a home rule parish, or city-parish government of the facility's jurisdiction.

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 a "fence-line air monitoring system" as equipment that measures and records air pollutant concentrations along the property boundary of a facility used for detecting an exceedance of air quality standards or the existence of a public health threat. Requires that the system include a meteorological station, chemical-specific detection, measurement, notice, and reporting of any and all exceedances, real-time data collection, real-time data public alerts, and back-up power systems.

Proposed law requires facility owners or operators that are required to install and operate a fence-line air monitoring system to maintain the records of all data from such system.

Proposed law further requires compliance with the EPA's monitoring requirements.

(Adds R.S. 30:2067)