

2024 Regular Session

SENATE BILL NO. 275

BY SENATOR LAMBERT

ENVIRONMENTAL CONTROL. Provides for air monitoring. (gov sig)

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AN ACT

To enact Chapter 16-A of Title 30 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 30:2383.1 through 2383.11, relative to air monitoring; to provide for creation of the community air monitoring; to provide for a purpose; to provide for standards for community air monitoring programs; to provide for data collection; to provide for applicability; to provide for definitions; to provide for program requirements; to provide for data communication; to provide for prohibited uses of data; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 16-A of Title 30 of the Louisiana Revised Statutes of 1950, comprised of R.S. 30:2383.1 through 2383.11, is hereby enacted to read as follows:

CHAPTER 16-A LOUISIANA COMMUNITY AIR

MONITORING RELIABILITY

§2383.1. Short title

This chapter shall be known and may be cited as the Louisiana Community Air Monitoring Reliability Act.

§2383.2. Purpose

1 The purpose of this Chapter is to establish state standards for
2 community air monitoring programs operated by non-governmental entities to
3 ensure that the data collected from such programs provides the public with
4 access to accurate air quality information.

5 §2383.3. Applicability

6 This Chapter shall apply to non-governmental entities that have received
7 public funds for purposes of developing, deploying, operating, supporting, or
8 maintaining community air monitoring programs as well as such entities using
9 private funds for such purposes.

10 §2383.4. Definitions

11 As used in this Chapter, unless the context indicates otherwise, the
12 following terms have the following meanings:

13 (1) "Community air monitoring programs" means measurement
14 systems, testing equipment, tools, and processes used or developed for the
15 purpose of collecting air emissions data and measuring or recording air
16 pollutant concentrations by non-governmental entities, which received public
17 funds or use private funds. Such shall include both one-time monitoring events
18 as well as multi-sampling events. Monitoring performed by "reporting entities"
19 as defined herein for any purpose, including as required under judicial or
20 administrative action, are excluded from this definition.

21 (2) "Criteria air pollutants" include those air pollutants for which
22 NAAQS have been established under Section 109 of the federal Clean Air Act,
23 42 U.S.C. 7409, including ozone, particulate matter, carbon monoxide, lead,
24 sulfur dioxide, and nitrogen dioxide.

25 (3) "Department" means the Louisiana Department of Environmental
26 Quality.

27 (4) "Environmental Protection Agency" or "EPA" means the United
28 States Environmental Protection Agency.

29 (5) "Hazardous air pollutant" means a hazardous air pollutant as such

1 term is defined in Section 112(a) of the federal Clean Air Act, 42 U.S.C. 7412.

2 This term also includes "toxic air pollutants" as such term is defined in LAC
3 33:5103.

4 (6) "National Ambient Air Quality Standards" or "NAAQS" means the
5 national ambient air quality standards established under Section 109 of the
6 federal Clean Air Act, 42 U.S.C. 7409.

7 (7) "Public funds" means any money that has been awarded, granted,
8 distributed, or otherwise provided by federal, state, tribal, or local
9 governments, agencies, and instrumentalities.

10 (8) "Private funds" means any money other than "public funds".

11 (9) "Reporting Entities" means any organization, group, company, or
12 owner/operator of a stationary source developing or administering a community
13 air monitoring program as defined separately in this section.

14 (10) "Stationary source" means a stationary source as such term is
15 defined in Section 112(a) of the federal Clean Air Act, 42 U.S.C. 7412.

16 §2383.5. Community Air Monitoring Program Requirements

17 A. Community air monitoring programs which seek to conduct
18 monitoring of criteria air pollutants shall use the science-based standards set
19 forth in 40 CFR Part 50, including the NAAQS.

20 B. Community air monitoring programs which seek to conduct
21 monitoring of hazardous air pollutant emissions shall use the most current
22 Environmental Protection Agency-approved or promulgated emission test or
23 monitoring method, or the most current and best available version of such
24 methods approved or promulgated by the Environmental Protection Agency.

25 §2383.6. Data collection integrity

26 The parameters, equipment, and analytical methods used to evaluate the
27 monitoring data shall be scientifically validated and verified as technically and
28 practically feasible.

29 §2383.7. Monitoring for criteria air pollutants

1 If community air monitoring data indicates that a community is not in
2 compliance with the NAAQS, the department may consider necessary actions
3 to address the issue, including but not limited to, identifying sources of
4 pollution, implementing pollution control measures, and engaging in public
5 outreach and education. All actions taken by the department to address
6 non-compliance with NAAQS shall be consistent with the Clean Air Act, if
7 applicable.

8 §2383.8. Monitoring for hazardous air pollutants

9 The department may use the data collected through the community air
10 monitoring program in compliance with the state's promulgated air monitoring
11 requirements as part of its analysis of hazardous air pollutants to determine
12 whether any additional safeguards are necessary to protect communities that
13 are disproportionately impacted.

14 §2383.9. Data communication

15 Any release or communication of the collected monitoring data shall
16 include clear explanations of data interpretation, appropriate context, data
17 limitations, and relevant uncertainties.

18 §2383.10. Prohibition on use of monitoring data

19 A. To promote compliance with this Chapter and the collection of
20 accurate and reliable data from community air monitoring programs, any data
21 produced from community air monitoring programs that are not in compliance
22 with this Chapter shall not be used, disclosed, or disseminated by the
23 department or any person for purposes of or in support of the following:

24 (1) Issuing a fine, penalty, or violation against any person, including the
25 owner or operator of a stationary source.

26 (2) Bringing an administrative, regulatory, or judicial enforcement
27 action or proceeding against any person, including the owner or operator of a
28 stationary source.

29 B. The prohibitions under this Section apply to use by the department

