
DIGEST

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Brossett

HB No. 1084

Abstract: Creates the "La. Air Quality Monitoring Law".

Proposed law provides for definitions and creates the Air Quality Monitoring Commission composed of the following members:

- (1) The secretary of the Department of Health and Hospitals, or his designee.
- (2) The secretary of the Department of Environmental Quality, or his designee.
- (3) A representative of the United States Environmental Protection Agency designated by the administrator.
- (4) The chair of the Department of Global Environmental Health Sciences of the Tulane University School of Public Health and Tropical Medicine, or his designee.
- (5) The director of the Environmental and Occupational Health Sciences Program at the Louisiana State University Health Sciences Center, or his designee.
- (6) Nine residents each representing one of the state's nine homeland security and emergency management regions appointed jointly by the chair of the House Committee on Natural Resources and Environment and the chair of the Senate Committee on Natural Resources from a list of nominees submitted by the governing authority of local governmental entities. Nominees shall live within the region from which they are nominated and within two miles of a facility as defined by proposed law, have demonstrated a commitment in their parish or municipality to improve air quality, and submit a letter of interest to the governing authority of their local governmental entity. The governing authority shall submit one nominee, selected from residents who submitted a letter of interest, to the chair of the House Committee on Natural Resources and Environment and the chair of the Senate Committee on Natural Resources.
- (7) Two representatives from the nonprofit sector who have a demonstrated history of addressing industrial emissions and air quality appointed jointly by the chair of the House Committee on Natural Resources and Environment and the chair of the Senate Committee on Natural Resources from a list of nominees submitted by the La. Bucket Brigade, the League of Women Voters, and the La. Environmental Action Network.

Proposed law prohibits membership to the commission if at anytime during the prior four years, the person derived anything of substantial economic interest directly or indirectly through any transaction involving any of the industries or facilities to be monitored of which he may reasonably be expected to know; or from any entity that transacts business with any of the industries or facilities to be monitored of which he may reasonably be expected to know.

Proposed law provides that the secretary of the Department of Environmental Quality shall serve as chair and the commission shall meet at the call of the chairman or a majority of the commission.

Proposed law provides for initial staggered terms of two, four, and six years and four-year terms thereafter for the members appointed to represent the homeland security and emergency management regions and the nonprofit sector.

Proposed law provides that the members shall not be compensated for their services on the commission but may seek travel reimbursements from their respective agencies. Proposed law provides that a majority of the membership is necessary for a quorum and a vacancy on the commission shall be filled in the same manner as the original appointment.

Proposed law provides that the commission has the authority to approve the monitoring systems used by a facility, the location and quantity of monitors on or near the boundaries of a facility; determine the schedule for installation of the monitoring system; notify the Environmental Protection Agency (EPA), the department, and local governmental entities when toxic air pollutants register above a level that presents, or may present, a threat of adverse human health or the environment and when a facility is not complying with monitoring as required by proposed law; and order a facility to shut down production that is producing toxic air pollutants above a level that presents, or may present, a threat of adverse human health or a threat to the environment.

Proposed law requires each facility that has a federally enforceable air permit to install monitors on or near the facility's boundary as approved by the commission.

Proposed law provides that the monitors detect, report, and record speciated volatile organic chemicals and air pollutants in parts per billion, provide real-time and continuous air quality data and air sampling reported on a real-time website available to the public, and use standard quality assurance and quality control protocols.

Proposed law requires such facilities to develop a plan for assistance by local first responders in the event of an unplanned release of toxic air pollutants and shall submit such plan to the governing authority of the local governmental entity where the facility is located.

Proposed law provides that the plan provide for arrangements for the use of first responders; a response that addresses personnel, authority, training, and communication; and access to the real-time data from the monitoring system required by proposed law.

Proposed law prohibits any state, local governmental entity, or industry official from making any statements to the public on the impact of a toxic air release, unless the data proves the veracity of the statement.

Proposed law provides that a facility found to be in violation of proposed law shall be subject to the enforcement procedures provided in present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 30:2067)