

2016 Regular Session

HOUSE BILL NO. 469

BY REPRESENTATIVE CONNICK

ENVIRONMENT/AIR: Requires fence-line air monitoring systems at certain facilities

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 is either of the following:

13 (a) Defined as a major source under the federal Clean Air Act, as amended,
14 42 U.S.C. 7401 et seq., the Louisiana Air Control Law, or any rule or regulation
15 promulgated pursuant to either of these laws.

16 (b) Emits one-half ton per year or more of hydrogen sulfide, as listed in the
17 estimated emissions of the facility's operating permit required in accordance with 40
18 CFR Part 70.

19 (2) "Fence-line air monitoring system" means equipment that measures and
20 records air pollutant concentrations along the property boundary of a facility used

1 for detecting an exceedance of air quality standards or the existence of a public
2 health threat and includes the following:

3 (a) A meteorological station, unless a meteorological station is located on the
4 facility property.

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

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

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

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

22 B. On or before July 1, 2017, the owner or operator of each facility that has
23 been cited by the department or the United States Environmental Protection Agency,
24 either through a notice of violation or a compliance order, for three permit violations
25 within a twenty-four month period shall install and continuously operate a fence-line
26 air monitoring system at both the property boundary of the facility closest to the
27 nearest residential community and the downwind property boundary of the facility.
28 The fence-line air monitoring system shall be installed at the facility's cost within
29 one hundred twenty days of the third violation order or assessment becoming

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

6 C. All facility owners or operators required to install and operate a fence-line
7 air monitoring system shall maintain records of all fence-line air monitoring system
8 data, including the time periods the system was inoperable due to malfunction or
9 maintenance, for a period of five years after the data is collected. The facility
10 operator shall report this data to the Department of Environmental Quality on a
11 semiannual basis beginning on July 1, 2017. Data shall be collected and stored such
12 that exceedances of public health standards can be pinpointed to the date, location,
13 and type of pollution.

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

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 469 Engrossed

2016 Regular Session

Connick

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

Proposed law requires on or before July 1, 2017, the owner or operator of each facility cited for three permit violations within a 24-month period to install and continuously operate a fence-line air monitoring system at both the property boundary of the facility closest to the nearest residential community and the downwind property boundary of the facility. Proposed law provides for the criteria pollutants the system shall monitor.

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

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, any rule or regulation promulgated pursuant to either law, or emits one-half ton per year or more of hydrogen sulfide.

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 required to install and operate a fence-line air monitoring system to maintain the records of all data from such system for five years and report this data to the Dept. of Environmental Quality on a semiannual basis beginning on July 1, 2017. Proposed law requires the data be collected and stored such that exceedances of public health standards can be pinpointed to the date, location, and type of pollution.

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

(Adds R.S. 30:2067)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Limit the requirement to install fence-line air monitoring system to facilities cited for three permit violations within a 24-month period.
2. Require fence-line air monitoring system to be installed at the facility's cost within 120 days of the third violation order or assessment becoming enforceable.
3. Require only facilities required to install and operate fence-line air monitoring system to retain records and reduce the number of years for the retention of those records from ten years to five years.