

2019 Regular Session

HOUSE BILL NO. 175

BY REPRESENTATIVE BOUIE

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

ENVIRONMENT/AIR: Requires fence-line 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 of the following:

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

16 (b) Any stationary source regulated as a minor source by the department that
17 has been designated as a facility for the purposes of this Section by the local
18 governing authority of the parish in which the facility is located.

1 (c) Any permitted solid waste landfill that has been designated as a facility
2 for the purposes of this Section by the local governing authority of the parish in
3 which the facility is located.

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

8 (a) A meteorological station, unless a meteorological station is located on the
9 facility property.

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

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

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

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

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

1 shall be installed at the facility's cost on or before January 1, 2020. Any monitoring
 2 expense incurred by the department will be at the cost of the facility owner and at no
 3 expense to the department. The system shall monitor each criteria pollutant under
 4 both the United States Environmental Protection Agency's national primary and
 5 secondary ambient air quality standards, 40 CFR Part 50, Chapter 1, Subchapter C;
 6 and the list of toxic air pollutants in Chapter 51 of Part III of Title 33 of the
 7 Louisiana Administrative Code contained in the estimated emissions of the facility's
 8 Part 70 permit, if the facility has such a permit.

9 C. All facility owners or operators required to install and operate a fence-line
 10 air monitoring system shall maintain records of all fence-line air monitoring system
 11 data, including the time periods the system was inoperable due to malfunction or
 12 maintenance, for a period of five years after the 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.

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 175 Original

2019 Regular Session

Bouie

Abstract: Requires certain facilities to implement a fence-line air monitoring system after receiving three compliance orders for air permit violations.

Proposed law requires on or before Jan. 1, 2020, the owner or operator of each facility operate a fence-line air monitoring system at the property boundary of the facility closest to the nearest residential community. Proposed law provides for the criteria pollutants the system must monitor.

Proposed law requires a fence-line air monitoring system be installed, and any monitoring costs incurred by the department be, at the facility's cost.

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. Also defines "facility" as any stationary minor source or permitted solid waste landfill that

has been designated as a "facility" for the purposes of proposed law by the local governing authority of the parish in which the facility is located.

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.

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

(Adds R.S. 30:2067)