

2018 Regular Session

HOUSE BILL NO. 863

BY REPRESENTATIVE JACKSON

ENVIRONMENT/AIR: Provides relative to facility air quality monitoring

1 AN ACT

2 To enact R.S. 30:2067, relative to air quality; to require an air quality monitoring system at
3 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) "Monitor" means equipment that measures and records concentrations
17 of certain atmospheric pollutants in an area near or adjacent to a facility subject to
18 the monitoring requirements of this Section.

19 B. The owner or operator of any facility at which three or more emergency
20 conditions, as defined by the department's regulations, have occurred within a

1 twenty-four month period beginning on July 1, 2018, and have resulted in the
2 emission of pollutants into the air in excess of permit limits, shall install and
3 continuously operate a monitor in the area near or adjacent to the facility for a period
4 of not less than one year. The department may disregard an emergency condition
5 from consideration that results from circumstances outside the control of the owner
6 or operator of the facility. The monitor shall provide for ambient monitoring of the
7 pollutants of concern associated with the emergency conditions giving rise to the
8 requirements of this Section.

9 C. No later than one-hundred twenty days from the third emergency
10 condition giving rise to the monitoring requirements of this Section, the facility
11 owner or operator shall submit the proposed location of the monitor and a list of
12 pollutants to be monitored to the department for approval. If the facility owner or
13 operator demonstrates to the satisfaction of the department that it cannot secure an
14 approved off-site location, the monitor shall be placed at the facility's property
15 boundary closest to the nearest residential community. The monitor shall be installed
16 and operated at the facility owner or operator's cost and be in operation within thirty
17 days of the department's approval of the monitor location and pollutant list. The
18 owner or operator of a facility subject to the monitoring provisions of this Section
19 shall meet the requirements of 40 CFR Part 58, Appendix B during the operation of
20 the monitor.

21 D. Any facility owners or operators required to install and operate a monitor
22 pursuant to this Section shall submit monitoring results to the office of
23 environmental assessment on a monthly basis and the reports shall be made available
24 to the public through the department's electronic document management system.

25 E. Any facility owners or operators required to install and operate a monitor
26 pursuant to this Section shall maintain records of all air monitoring data including,
27 but not limited to, the time periods the monitor was inoperable due to malfunction,
28 calibration, or maintenance, for a period of five years after the data is collected.

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 863 Original

2018 Regular Session

Jackson

Abstract: Requires certain facilities to monitor air quality.

Proposed law requires any facility at which three or more emergency conditions occur within a 24-month period beginning on July 1, 2018, and have resulted in the emission of pollutants into the air in excess of permit limits, to install and continuously operate a monitor in the area near or adjacent to the facility for a period of not less than one year.

Proposed law authorizes the Dept. of Environmental Quality to disregard emergency conditions resulting from circumstances outside the control of the owner or operator of the facility.

Proposed law requires the monitor to provide ambient monitoring of the pollutants associated with the emergency conditions.

Proposed law requires that no later than 120 days from the third emergency condition, the facility owner or operator must submit the proposed location of the monitor and a list of pollutants to be monitored to the department for approval.

Proposed law provides that if the facility owner or operator demonstrates that it cannot secure an approved off-site location, the monitor will be placed at the facility's property boundary closest to the nearest residential community.

Proposed law requires that the monitor be installed and operated at the facility owner or operator's cost and be in operation within 30 days of the approval of the monitor location and pollutant list.

Proposed law requires monitoring results to be submitted to the office of environmental assessment on a monthly basis, and requires the reports be made available to the public through the department's electronic document management system.

Proposed law requires the maintenance of records of all air monitoring data including, but not limited to, the time periods the monitor was inoperable due to malfunction, calibration or maintenance, for a period of five years after the data is collected.

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 "monitor" as equipment that measures and records concentrations of certain atmospheric pollutants in an area near or adjacent to a facility subject to the monitoring requirements of proposed law.

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

(Adds R.S. 30:2067)