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## DIGEST

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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)