

RÉSUMÉ DIGEST

ACT 181 (SB 503)

2024 Regular Session

Lambert

New law creates the La. Community Air Monitoring Reliability Act to establish standards for monitoring programs to ensure public access to accurate air quality information.

New law defines "ambient air" as that portion of the outdoor atmosphere which the public can access.

New law defines "community air monitoring program" as the components of a system for collecting emissions data, during one-time or multi-sampling events, and measuring or recording air pollutant concentrations, by entities. Reporting entities, as defined in new law, are excluded.

New law defines "criteria air pollutants" as those for which National Ambient Air Quality Standards (NAAQS) are established under the Clean Air Act, including ozone, particulates, carbon monoxide, lead, sulfur dioxide, and nitrogen dioxide.

New law defines "department" as the La. Dept. of Environmental Quality (DEQ).

New law defines "EPA" as the U.S. Environmental Protection Agency.

New law defines "hazardous air pollutant" as a pollutant as defined in federal law.

New law defines "toxic air pollutants" as pollutants defined in La. Administrative Code.

New law defines "NAAQS" as the air quality standards established in federal law.

New law defines "public funds" as any money provided by government or its instrumentalities.

New law defines "private funds" as money that is not public funds.

New law defines "reporting entities" as any owner or operator of a stationary source developing or administering an air monitoring program.

New law defines "stationary source" as a source defined in federal law.

New law requires community air monitoring programs that seek allege violations or noncompliance with the Clean Air Act, La. Environmental Quality Act or other rule or law to use the standards provided in federal law and the latest revision of EPA-approved testing and monitoring methods.

New law requires that equipment, software, and methods for data collection and analysis use the current EPA-approved testing and monitoring methods. Requires that analysis be through a LELAP-approved laboratory or include quality assurance certification. Prohibits use of equipment or methods that are proprietary or not publicly available.

New law provides that DEQ may use data collected through programs to review compliance with NAAQS. Provides that DEQ may consider actions including source identification, pollution control measures, and public outreach and education. Requires such actions be in accordance with the Clean Air Act.

New law provides that DEQ may use data collected to review compliance with state ambient air quality standards for hazardous or toxic air pollutants. Provides that DEQ may consider actions including source identification, pollution control measures, and public outreach and education. Requires such actions be in accordance with the existing law.

New law requires that any communication of collected data include explanations, context, applicable air standard data limitations, and relevant uncertainties.

New law provides that data produced by programs alone is not sufficient to show a violation of applicable law or permit. Further prohibits DEQ from using data from community air

monitoring programs that are not in compliance with new law for issuing a fine, penalty, or violation or for pursuing an enforcement action or proceeding.

New law prohibits use of data not in compliance with new law for alleging a violation of or noncompliance with new law or any other law for which the state has primary enforcement authority.

New law provides that invalidity of any provision of new law shall not affect any other provision or application of new law that can be effective without the invalid provision. Further provides that the provisions of new law are severable.

Effective May 23, 2024.

(Adds R.S. 30:2383.1-2383.11)