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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jacob K. Wilson.

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DIGEST

SB 503 Engrossed

2024 Regular Session

Lambert

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

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

Proposed 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 proposed law, are excluded.

Proposed 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.

Proposed law defines "department" as the Louisiana Dept. of Environmental Quality (DEQ).

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

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

Proposed law defines "toxic air pollutants" as pollutants defined in Louisiana Administrative Code.

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

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

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

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

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

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

Proposed 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.

Proposed 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.

Proposed 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 present law.

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

Proposed law provides that data produced by programs alone is not sufficient to show a violation of applicable law or permit. Further provides that DEQ shall not use data from community air monitoring programs that are not in compliance with proposed law for issuing a fine, penalty, or violation or for pursuing an enforcement action or proceeding.

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

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

Effective upon signature of the governor or lapse of time for gubernatorial action.

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