SLS 24RS-541 ORIGINAL

2024 Regular Session

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SENATE BILL NO. 275

BY SENATOR LAMBERT

ENVIRONMENTAL CONTROL. Provides for air monitoring. (gov sig)

AN ACT

2	To enact Chapter 16-A of Title 30 of the Louisiana Revised Statutes of 1950, to be
3	comprised of R.S. 30:2383.1 through 2383.11, relative to air monitoring; to provide
4	for creation of the community air monitoring; to provide for a purpose; to provide
5	for standards for community air monitoring programs; to provide for data collection;
6	to provide for applicability; to provide for definitions; to provide for program
7	requirements; to provide for data communication; to provide for prohibited uses of
8	data; and to provide for related matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. Chapter 16-A of Title 30 of the Louisiana Revised Statutes of 1950,
11	comprised of R.S. 30:2383.1 through 2383.11, is hereby enacted to read as follows:
12	CHAPTER 16-A LOUISIANA COMMUNITY AIR
13	MONITORING RELIABILITY
14	§2383.1. Short title
15	This chapter shall be known and may be cited as the Louisiana
16	Community Air Monitoring Reliability Act.
17	§2383.2. Purpose

1 The purpose of this Chapter is to establish state standards for 2 community air monitoring programs operated by non-governmental entities to 3 ensure that the data collected from such programs provides the public with access to accurate air quality information. 4 5 §2383.3. Applicability This Chapter shall apply to non-governmental entities that have received 6 7 public funds for purposes of developing, deploying, operating, supporting, or 8 maintaining community air monitoring programs as well as such entities using 9 private funds for such purposes. 10 §2383.4. Definitions 11 As used in this Chapter, unless the context indicates otherwise, the 12 following terms have the following meanings: 13 (1) "Community air monitoring programs" means measurement systems, testing equipment, tools, and processes used or developed for the 14 purpose of collecting air emissions data and measuring or recording air 15 16 pollutant concentrations by non-governmental entities, which received public funds or use private funds. Such shall include both one-time monitoring events 17 as well as multi-sampling events. Monitoring performed by "reporting entities" 18 19 as defined herein for any purpose, including as required under judicial or 20 administrative action, are excluded from this definition. (2) "Criteria air pollutants" include those air pollutants for which 21 22 NAAQS have been established under Section 109 of the federal Clean Air Act, 42 U.S.C. 7409, including ozone, particulate matter, carbon monoxide, lead, 23 24 sulfur dioxide, and nitrogen dioxide. (3) "Department" means the Louisiana Department of Environmental 25 Quality. 26 27 (4) "Environmental Protection Agency" or "EPA" means the United 28 **States Environmental Protection Agency.** 29 (5) "Hazardous air pollutant" means a hazardous air pollutant as such

1	term is defined in Section 112(a) of the federal Clean Air Act, 42 U.S.C. 7412.
2	This term also includes "toxic air pollutants" as such term is defined in LAC
3	<u>33:5103.</u>
4	(6) "National Ambient Air Quality Standards" or "NAAQS" means the
5	national ambient air quality standards established under Section 109 of the
6	federal Clean Air Act, 42 U.S.C. 7409.
7	(7) "Public funds" means any money that has been awarded, granted,
8	distributed, or otherwise provided by federal, state, tribal, or local
9	governments, agencies, and instrumentalities.
10	(8) "Private funds" means any money other than "public funds".
11	(9) "Reporting Entities" means any organization, group, company, or
12	owner/operator of a stationary source developing or administering a community
13	air monitoring program as defined separately in this section.
14	(10) "Stationary source" means a stationary source as such term is
15	defined in Section 112(a) of the federal Clean Air Act, 42 U.S.C. 7412.
16	§2383.5. Community Air Monitoring Program Requirements
17	A. Community air monitoring programs which seek to conduct
18	monitoring of criteria air pollutants shall use the science-based standards set
19	forth in 40 CFR Part 50, including the NAAQS.
20	B. Community air monitoring programs which seek to conduct
21	monitoring of hazardous air pollutant emissions shall use the most current
22	Environmental Protection Agency-approved or promulgated emission test or
23	monitoring method, or the most current and best available version of such
24	methods approved or promulgated by the Environmental Protection Agency.
25	§2383.6. Data collection integrity
26	The parameters, equipment, and analytical methods used to evaluate the
27	monitoring data shall be scientifically validated and verified as technically and
28	practically feasible.
29	§2383.7. Monitoring for criteria air pollutants

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If community air monitoring data indicates that a community is not in compliance with the NAAQS, the department may consider necessary actions to address the issue, including but not limited to, identifying sources of pollution, implementing pollution control measures, and engaging in public outreach and education. All actions taken by the department to address non-compliance with NAAQS shall be consistent with the Clean Air Act, if

## §2383.8. Monitoring for hazardous air pollutants

The department may use the data collected through the community air monitoring program in compliance with the state's promulgated air monitoring requirements as part of its analysis of hazardous air pollutants to determine whether any additional safeguards are necessary to protect communities that are disproportionately impacted.

Any release or communication of the collected monitoring data shall include clear explanations of data interpretation, appropriate context, data limitations, and relevant uncertainties.

## §2383.10. Prohibition on use of monitoring data

A. To promote compliance with this Chapter and the collection of accurate and reliable data from community air monitoring programs, any data produced from community air monitoring programs that are not in compliance with this Chapter shall not be used, disclosed, or disseminated by the department or any person for purposes of or in support of the following:

- (1) Issuing a fine, penalty, or violation against any person, including the owner or operator of a stationary source.
- (2) Bringing an administrative, regulatory, or judicial enforcement action or proceeding against any person, including the owner or operator of a stationary source.
  - **B.** The prohibitions under this Section apply to use by the department

or any person of any monitoring data not in compliance with this Chapter for

2 purposes of alleging violations or noncompliance with the federal Clean Air Act, 3 Louisiana Environmental Quality Act, any claims in civil litigation, or any other applicable law, rule, or regulation for which the state has primary enforcement 4 authority. 5 §2383.11. Severability 6 If any provision of this Act or the application thereof to any person or 7 8 circumstance is held invalid, the invalidity shall not affect other provisions or 9 applications of the Act which can be given effect without the invalid provision 10 or application, and to this end the provisions of this Act are declared to be 11 severable 12 Section 2. This Act shall become effective upon signature by the governor or, if not

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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

DIGEST 2024 Regular Session

Lambert

SB 275 Original

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<u>Proposed law</u> creates the Louisiana Community Air Monitoring Reliability Act to establish standards for monitoring programs conducted by non-government entities.

<u>Proposed law provides for data collection on certain pollutants under National Ambient Air Quality Standards (NAAQS) as provided in federal law.</u>

<u>Proposed law</u> provides that the department may consider necessary actions consistent with the federal Clean Air Act when a community is found to be in noncompliance with NAAQS, and the department may use data collected to determine the need for additional safeguards.

<u>Proposed law</u> provides that data shall not be used in support of fines, penalties, violations, or enforcement actions, or for purposes of alleging noncompliance with the federal Clean Air Act, Louisiana Environmental Quality Act, civil claims, or any other law, rule, or regulation for which the state has primary enforcement authority.

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

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