

Assembly Bill No. 1647

CHAPTER 589

An act to add Section 42705.6 to the Health and Safety Code, relating to nonvehicular air pollution.

[Approved by Governor October 8, 2017. Filed with
Secretary of State October 8, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1647, Muratsuchi. Petroleum refineries: air monitoring systems.

Existing law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law authorizes the State Air Resources Board or the air district to require the owner or the operator of an air pollution emission source to take any action that the state board or the air district determines to be reasonable for the determination of the amount of air pollution emissions from that source.

This bill would require a refinery-related community air monitoring system, as defined, to be installed on or before January 1, 2020, as specified, and would require an air district to design, develop, install, operate, and maintain the refinery-related community air monitoring system or to contract with a third party to provide those services. The bill would require an owner or operator of a petroleum refinery to develop, install, operate, and maintain a fence-line monitoring system, as defined, on or before January 1, 2020, as specified. The bill would require the air district and the owner or operator of a refinery to collect real-time data from these monitoring systems, to provide that data as quickly as possible in a publicly accessible format, and to maintain records of that data. The bill would require the owner or operator of a petroleum refinery to be responsible for the costs associated with the refinery-related community air monitoring system and the fence-line monitoring system, except as specified. By adding to the duties of air districts, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 42705.6 is added to the Health and Safety Code, to read:

42705.6.

(a) For purposes of this section, the following definitions apply:

(1) “Refinery-related community air monitoring system” means equipment that measures and records air pollutant concentrations in the ambient air at or near sensitive receptor locations near a petroleum refinery and that may be useful for estimating associated pollutant exposures and health risks and in determining trends in air pollutant levels over time.

(2) “Fence-line monitoring system” means equipment that measures and records air pollutant concentrations at or adjacent to a petroleum refinery and that may be useful for detecting or estimating the quantity of fugitive emissions, gas leaks, and other air emissions from the refinery.

(b) Notwithstanding Section 42708, and on or before January 1, 2020, a refinery-related community air monitoring system shall be installed near each refinery that is consistent with the requirements and guidance applicable to the siting of air quality monitors as established by the federal Environmental Protection Agency and that meets all of the following requirements:

(1) A district shall design, develop, install, operate, and maintain the refinery-related community air monitoring system, which shall be operated and maintained in accordance with guidance from the appropriate district. A district may contract with a third party to implement this paragraph.

(2) The refinery-related community air monitoring system shall include equipment capable of measuring compounds emitted to the atmosphere from refinery processes, as determined by the appropriate district.

(c) On or before January 1, 2020, the owner or operator of a petroleum refinery shall develop, install, operate, and maintain a fence-line monitoring system in accordance with guidance developed by the appropriate district.

(d) The district and the owner or operator of a petroleum refinery shall collect real-time data from the refinery-related community air monitoring system and the fence-line monitoring system and shall maintain records of that data. To the extent feasible, the data generated by these systems shall be provided to the public as quickly as possible in a publicly accessible format.

(e) Guidance developed by a district pursuant to this section shall take into account technological capabilities and incorporate input from affected parties and, to the extent feasible, shall be informed by refinery-related guidance in the monitoring plan prepared pursuant to subdivision (b) of Section 42705.5.

(f) (1) Except as provided in paragraph (2), the owner or operator of a petroleum refinery shall be responsible for the costs associated with implementing this section.

(2) To the extent a refinery-related community air monitoring system is intentionally utilized by a district to monitor emissions from sources under its jurisdiction other than a petroleum refinery, the district shall ensure the costs of the system are shared in a reasonably equitable manner.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.