

**Proposed Amendments – California Health and Safety Code  
AIR QUALITY PROVISIONS ONLY**

**1. Establish New Program to Identify and Monitor**

Section 42705.5 is added to the Health and Safety Code, to read:

42705.5 (a) For purposes of this section, the following definitions apply:

(1) "Community air monitoring system" means advanced sensing monitoring equipment that measures and records air pollutant concentrations in the ambient air at or near sensitive receptor locations and in disadvantaged communities and that may be useful for estimating associated pollutant exposures and health risks and in determining trends in air pollutant levels over time. For the purpose of this section and Section 44391.1, sensitive receptors shall include hospitals, schools and day care centers and such other locations as the district or state board may determine. Disadvantaged communities are as defined in Section 39711.

(2) "Fence-line monitoring system" means monitoring equipment that measures and records air pollutant concentrations at or along the property boundary of a major stationary source and that may be useful for detecting or estimating the quantity of fugitive emissions and other air emissions from such source.

(b) The state board shall, on or before October 1, 2018, prepare a monitoring plan regarding the availability and effectiveness of toxic air contaminant and criteria air pollutant advanced sensing monitoring technologies, existing advanced monitoring networks, as well as the need for and benefits of establishing additional community - based advanced monitoring networks in consultation with the Scientific Review Panel on Toxic Air Contaminants, the districts, the Office of Environmental Health Hazard Assessment, environmental justice organizations, affected industries and other interested stakeholders. In preparing the monitoring plan, the state board shall conduct at least one public workshop.

(c) Based on the findings and recommendations in the monitoring plan prepared pursuant to subdivision (b), the state board shall select, concurrent with the monitoring plan, and in consultation with the districts and based on an assessment of the locations of sensitive receptors and disadvantaged communities, the highest priority locations around the state to deploy advanced sensing monitoring networks. By July 1, 2019, any district containing a location selected pursuant to this subdivision shall deploy an advanced monitoring network in the selected location(s). In implementing this subdivision, the district may require any stationary source which emits pollutants in or materially affecting the highest priority locations identified in this subdivision in the quantities set forth in Section 42700 to deploy a fence-line monitoring system or other appropriate real-time on-site monitoring taking into account technical capabilities, cost and the degree to which additional data would materially contribute to an understanding of community risk.

(d) By January 1, 2020 and January 1 of every year thereafter, the state board shall select additional locations pursuant to subdivision (b), as the state board deems appropriate based on

the monitoring plan described in subdivision (a). Any district containing a location selected pursuant to this subdivision shall deploy an advanced sensing monitoring network in the selected location within one year of the state board selecting such location. The state board shall hold an annual public hearing on the status of implementing the community monitoring network and make recommendations for improvements.

(e) The districts shall provide the air quality data produced from the monitoring networks implemented pursuant to subdivision (c) to the state board. The state board shall publish on its internet website the air quality data.

## **2. Establish a New Community Plan Program**

Section 44391.1 is added to the Health and Safety to read:

(a) The state board shall, on or before October 1, 2018, prepare a statewide strategy to reduce criteria and toxic air contaminant emissions in communities affected by a high cumulative emissions burden in consultation with the Scientific Review Panel on Toxic Air Contaminants, the districts, the Office of Environmental Health Hazard Assessment, and other interested stakeholders. In preparing the strategy, the state board shall conduct public workshops. The strategy shall include, but not be limited to, all of the following:

(1) An assessment of the areas of the State where additional emissions reductions are needed. The assessment shall prioritize disadvantaged communities, as identified pursuant to section 39711, and sensitive receptor locations based on one or more of the following: best available modeling information, existing air quality monitoring information, and the monitoring results conducted under section 42705.5.

(2) An assessment and identification of the contributing sources or categories of sources including an estimate of relative contribution that have the most significant public health impacts on the communities identified pursuant to paragraph (1) of this subdivision.

(3) An assessment of whether a district shall implement the risk reduction audit and emissions reduction plan provisions of Section 44391 for any stationary source to achieve emission reductions commensurate with its relative contribution if the source's emissions either cause or significantly contribute to a material impact on a sensitive receptor location or disadvantaged community for which monitoring is conducted under Section 427505.5.

(4) An assessment of the existing and available measures for reducing emissions from the contributing sources or categories of sources for those sources identified pursuant to paragraph (2) of this subdivision.

(b) Based on the findings and recommendations in the strategy prepared pursuant to subdivision (a), the state board shall select, concurrent with the strategy, based on the assessment pursuant to paragraph (1) of subdivision (a), locations around the state for preparation of community action plans. By October 1, 2019, the district encompassing any location selected pursuant to this subdivision shall adopt, in consultation with the state board, individuals,

community-based organizations, affected sources and local governmental bodies in the affected community, a community action plan for the location selected. The community action plans shall be submitted to the Board for review and approval within 60 days of the receipt of the plan. Plans that are rejected will be resubmitted within 30 days. The plans shall result in emissions reductions in the community based on monitoring or other data. The district encompassing any location selected pursuant to this subdivision shall prepare an annual report summarizing the results and actions taken to further reduce emissions pursuant to the community action plan.

**3. Assuring Data Reporting, Verification and Uniformity**

Section 39607.6 is added to the Health and Safety Code, to read:

The state board shall require, in consultation with the districts, a uniform statewide system of annual reporting of criteria air pollutant emissions and toxic air contaminant emissions from any stationary source that reports to the state board pursuant to Section 38530; is authorized by a district permit to emit 250 tons or more per year of any nonattainment pollutant or its precursors; or, pursuant to Section 44360, receives an elevated prioritization score based on cancer or non-cancer health impacts. The state board may require, as appropriate, that stationary sources subject to this section provide any relevant facility-level emissions data to the state board. The state board may require, as appropriate, that stationary sources subject to this section verify or certify the accuracy of the annual emissions reports via an accredited third party verifier or certifier as determined by the state board.

[Funding to be determined.]

