



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites	
------	------------------	----------------	--------------	-----------------	------------------	--------------	--

AB-1216 Wastewater treatment plants: monitoring of air pollutants. (2023-2024)

SHARE THIS:  

Date Published: 10/12/2023 02:00 PM

Assembly Bill No. 1216

CHAPTER 675

An act to add Section 42705.7 to the Health and Safety Code, relating to air pollution.

[Approved by Governor October 10, 2023. Filed with Secretary of State October 10, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1216, Muratsuchi. Wastewater treatment plants: monitoring of air pollutants.

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 adopt rules and regulations 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. Existing law requires the air pollution control officer to inspect, as the officer determines necessary, the monitoring devices installed in every stationary source of air contaminants located within a jurisdiction that is required to have those devices to ensure that the devices are functioning properly. Existing law authorizes the district to require reasonable fees to be paid by the operator of that source to cover the expense of the inspection and other costs related thereto. A person who violates these requirements, or any rule, regulation, permit, or order of the state board or of a district adopted pursuant to these requirements is guilty of a misdemeanor and subject to a specified fine or imprisonment, or both a fine and imprisonment, as provided.

This bill would require, on or before January 1, 2027, the owner or operator of a wastewater treatment facility that is located within 1,500 feet of a residential area and has an original design capacity of 425,000,000 gallons or more per day to develop, install, operate, and maintain a wastewater treatment-related fence-line monitoring system approved by the appropriate air quality management district. The bill would require the wastewater treatment-related fence-line monitoring system to include equipment capable of measuring pollutants of concern, as provided, emitted into the atmosphere that the appropriate air quality management district deems appropriate for monitoring. The bill would provide that it does not alter the responsibility of an owner or operator of a wastewater treatment facility to not exceed limits for nitrogen oxides and volatile organic compounds emitted into the atmosphere established in existing air quality regulations, as provided, and would require source testing for these pollutants to be conducted pursuant to a protocol approved by the appropriate air quality management district.

This bill would require the owner or operator of a wastewater treatment facility to collect real-time data from the wastewater treatment-related fence-line monitoring system, to maintain records of that data for at least 3 years, and to transmit that data to the appropriate air quality management district. The bill would require the air quality management district to maintain records of data from a wastewater treatment-related fence-line monitoring system for at least 3 years. In addition, the bill would require, to the extent feasible, the data generated by these systems to be provided to the public in a publicly accessible format that provides a real-time data display.

This bill also would require the owner or operator of a wastewater treatment facility to be responsible for specified costs related to the wastewater treatment-related fence-line monitoring system, including all costs incurred by the air quality management district related to the wastewater treatment-related fence-line monitoring system and source testing at the wastewater treatment facility, and the costs associated with providing the required data to the air quality management district and the public.

By adding to the duties of air districts and by expanding the scope of crimes, 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 specified reasons.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 42705.7 is added to the Health and Safety Code, to read:

42705.7. (a) For purposes of this section, the following definitions apply:

(1) "Wastewater treatment facility" means a wastewater treatment or reclamation facility that comes within both of the following descriptions:

(A) Is located within 1,500 feet of a residential neighborhood.

(B) Has an original design capacity of 425,000,000 gallons or more per day.

(2) "Wastewater treatment-related fence-line monitoring system" means equipment that measures and records air pollutant concentrations at or adjacent to a wastewater treatment facility and that may be useful for detecting or estimating emissions of pollutants from the treatment facility, including the quantity of fugitive emissions and other air emissions, and meets the minimum requirements of the appropriate air quality management district.

(b) (1) On or before January 1, 2027, the owner or operator of a wastewater treatment facility shall develop, install, operate, and maintain a wastewater treatment-related fence-line monitoring system that is approved by the appropriate air quality management district. The wastewater treatment-related fence-line monitoring system shall include equipment capable of measuring pollutants of concern, including hydrogen sulfide, emitted to the atmosphere from wastewater treatment or reclamation processes that the appropriate air quality management district deems appropriate for monitoring.

(2) Nothing in this section shall be construed as altering the responsibility of an owner or operator of a wastewater treatment facility to not exceed the limits for nitrogen oxides and volatile organic compounds established in existing air quality regulations, as determined by source tests required to be conducted by the operator or conducted by the appropriate air quality management district. Source testing by the owner or operator, or a contractor, shall be conducted pursuant to a protocol approved by the appropriate air quality management district.

(c) (1) The owner or operator of a wastewater treatment facility shall collect real-time data from the wastewater treatment-related fence-line monitoring system, shall maintain records of that data, and shall transmit the data to the appropriate air quality management district.

(2) The air quality management district and the owner or operator of a wastewater treatment facility shall maintain records of data from a wastewater treatment-related fence-line monitoring system for at least three years. To the extent feasible, the data generated by wastewater treatment-related fence-line monitoring systems shall be provided to the public by the owner or operator of a wastewater treatment facility in a publicly accessible format that provides a real-time data display.

(d) The owner or operator of a wastewater treatment facility shall be responsible for all of the following costs:

(1) The costs associated with development, installation, maintenance, and operation of a wastewater treatment-related fence-line monitoring system and source testing at the wastewater treatment facility.

(2) The costs associated with providing the data to the air quality management district and the public as required pursuant to subdivision (c).

(3) All costs incurred by the air quality management district related to the wastewater treatment-related fence-line monitoring system and source testing at the wastewater treatment facility, including, but not limited to, any costs to review and approve a

wastewater treatment-related fence-line monitoring system plan, review documentation, identify appropriate pollutants to monitor, and collect, process, analyze, and store samples and data.

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 or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.