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**SB-674 Air pollution: covered facilities: community air monitoring systems: fence-line monitoring systems.** (2023-2024)

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CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

**SENATE BILL**

**NO. 674**

**Introduced by Senator Gonzalez**  
**(Principal coauthor: Assembly Member Robert Rivas)**  
**(Coauthors: Senators Skinner, Stern, and Wiener)**  
**(Coauthors: Assembly Members Friedman, Lowenthal, Muratsuchi, and Wicks)**

**February 16, 2023**

An act to amend Section 42705.6 of the Health and Safety Code, relating to air pollution.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 674, Gonzalez. Air pollution: covered facilities: community air monitoring systems: fence-line monitoring systems.

Existing law requires a refinery-related community air monitoring system to be installed near each petroleum refinery that meets certain requirements. Existing law requires the owner or operator of a petroleum refinery to develop, install, operate, and maintain a fence-line monitoring system in accordance with guidance developed by the appropriate air quality management district or air pollution control district. Existing law requires the air districts and the owners or operators of refineries to collect real-time data from those monitoring systems, maintain records of that data, and, to the extent feasible, provide to the public the data in a publicly accessible format.

This bill would expand the application of these provisions to any “covered facility,” defined to include refineries that produce gasoline, diesel fuel, aviation fuel, biofuel, lubricating oil, asphalt, petrochemical feedstock, or other similar products, and to include facilities with operations related to a refinery that are located on contiguous or adjacent properties. The bill would require the refinery-related community air monitoring system and the fence-line monitoring system to be updated or installed on or before January 1, 2028, after a 30-day public comment period, as specified. The bill would require the appropriate air district to establish pollutants for the monitoring systems to monitor and would include certain pollutants identified by the Office of Environmental Health Hazard Assessment. The bill would authorize the air district to exclude a pollutant for monitoring at those monitoring systems, as provided. The bill would require air districts, on a 5-year basis, to review the list of pollutants being measured and would authorize the air districts to revise the list, as provided. The bill would require the air districts and the owners and operators of covered facilities to maintain records of the data collected from those systems for at least 5 years and would require the owners and operators to post online, and to notify the public of the availability of, quarterly reports containing certain information. The bill would require owners and operators of covered facilities to notify the air district and the public, as provided, as quickly as possible of any exceedances of specified pollutant thresholds. The bill would require the owners or operators of covered facilities, within 24 hours of a fence-line monitoring system detecting an exceedance of those thresholds, to initiate a root cause analysis and to determine appropriate corrective action, as provided. The bill would require the owners or operators of covered facilities to conduct third-party audits of its fence-line monitoring system, as provided, to ensure the accuracy of the system. Because the bill would impose additional duties on air districts, the bill would impose a state-mandated local program.

Under existing law, a violation of requirements for stationary sources or any rule, regulation, permit, or order of the state board or of an air district is a crime.

Because this bill would impose the monitoring systems requirement on owners or operators of covered facilities engaging in other types of refining processes and would impose additional requirements on owners and operators of covered facilities, a violation of which would be a crime, the 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

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

**SECTION 1.** This act shall be known, and may be cited, as the Refinery Air Pollution Transparency and Reduction Act.

**SEC. 2.** Section 42705.6 of the Health and Safety Code is amended to read:

**42705.6.** (a) For purposes of this section, the following definitions apply:

(1) “Biofuel” means biodiesel, renewable diesel, and renewable aviation fuel, and other liquid products derived from alternative feedstock, if the alternative feedstock is refined through coprocessing or at a refinery that was converted from petroleum to alternative feedstock.

(2) “Covered facility” means either of the following:

(A) A refinery that produces gasoline, diesel fuel, aviation fuel, biofuel, lubricating oil, asphalt, petrochemical feedstock, or other similar products through the processing of crude oil or alternative feedstock, redistillation of unfinished petroleum derivatives, cracking, or other processes.

(B) A facility with operations related to a refinery, including storage tanks, sulfur recovery plants, port terminals, electrical generation plants, and hydrogen plants, that is located on a property that is contiguous or adjacent to the refinery.

(3) “Fence-line monitoring system” means equipment that measures and records ambient air pollutant concentrations at or adjacent to a covered facility and that detects and estimates the quantity of fugitive emissions, gas leaks, and other air emissions from the covered facility and that may be useful for estimating associated pollutant exposures and health risks and in determining trends in air pollutant levels over time.

(4) “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 covered facility and that may be useful for estimating associated pollutant exposures and health risks and in determining trends in air pollutant levels over time.

(5) “Sensitive receptor” has the same meaning as set forth in Section 42705.5.

(b) Notwithstanding Section 42708, and on or before January 1, 2028, a refinery-related community air monitoring system shall, after a 30-day public comment period, be updated or installed near each covered facility that is consistent with the requirements and guidance applicable to the siting of air quality monitors as established by the United States Environmental Protection Agency, and be updated, as deemed necessary by the state board, within 120 days of amendments to the guidance by the United States Environmental Protection Agency, that meets both of the following requirements:

(1) A district shall update an existing refinery-related community air monitoring system to implement this section or design, develop, install, operate, and maintain a new 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 covered facility processes, meteorological parameters, and digital components capable of enabling real-time access to air pollution and meteorological measurements via an internet website and application programming interface, as determined by the appropriate district.

(c) On or before January 1, 2028, the owner or operator of a covered facility shall, after a 30-day public comment period and approval by the appropriate district, update an existing fence-line monitoring system to implement this section or develop, install, operate, and maintain a new fence-line monitoring system in accordance with guidance developed by the appropriate district. The fence-line monitoring system shall provide coverage along all areas of the covered facility property line that are within five miles of any area that is zoned for residential, commercial, business, industrial, recreational, or open-space use, unless that coverage is infeasible based on substantial evidence. The fence-line monitoring system shall include equipment capable of measuring compounds emitted to the atmosphere from covered facility processes, meteorological parameters, and digital components capable of enabling real-time access to air pollution and meteorological measurements via an internet website and application programming interface.

(d) (1) The appropriate district shall establish pollutants for monitoring at refinery-related community air monitoring systems and covered facility fence-line monitoring systems and shall include pollutants identified by the Office of Environmental Health Hazard Assessment, including, but not limited to, the following pollutants identified in the office's March 2019 Analysis of Refinery Chemical Emissions and Health Effects as candidates for air monitoring at a covered facility:

(A) Acetaldehyde.

(B) Ammonia.

(C) Benzene.

(D) 1,3-butadiene.

(E) Cadmium.

(F) Diethanolamine.

(G) Formaldehyde.

(H) Hydrogen fluoride.

(I) Hydrogen sulfide.

(J) Manganese.

(K) Naphthalene.

(L) Nickel.

(M) Oxides of nitrogen.

(N) Polycyclic aromatic hydrocarbons.

(O) Particulate matter.

(P) Sulfur dioxide.

(Q) Sulfuric acid.

(R) Toluene.

(2) A district may exclude a pollutant for monitoring at a refinery-related community air monitoring system and covered facility fence-line monitoring system if substantial evidence supports that real-time monitoring of the pollutant is technologically infeasible or the pollutant would not be released by refining processes during routine and nonroutine operations at the covered facility.

(3) A district shall, on a five-year basis, review the list of pollutants being measured and may revise the list of pollutants after considering advances in monitoring technology, reported covered facility emissions, ambient air data collected by the covered facility fence-line and refinery-related community monitoring systems, and any other relevant emissions information.

(e) (1) The district and the owner or operator of a covered facility 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 for at least five years. The owner or operator of a covered facility shall post online quarterly reports that summarize pollutant levels, variations, and trends over a three-month period timeframe and notify the public of the availability of the reports.

(2) The data generated by these systems shall be provided to the public within 24 hours in a publicly accessible and machine-readable format. The data shall be archived and made available to the public online for download through an application programming interface or other widely recognized standard and backend components shall be optimized to minimize delays in accessing data. The data shall include all historical and meteorological data, and pollution measurements and metadata, including latitude and longitude, detection limits, signal strength, calibration, and quality control checks.

(f) The owner or operator of a covered facility shall conduct third-party audits, using an auditor approved by the district, of its fence-line monitoring system to ensure the system is providing accurate data, including conducting quality control checks, system calibration, and evaluation of quality control and assurance plans. The audit reports shall be submitted to the district and made available to the public online by the covered facility. The third-party audits shall be conducted in accordance with the following schedule:

(1) An initial audit shall be conducted as follows:

(A) For a fence-line monitoring system installed on or after January 1, 2025, within six months after the installation and operation of the system.

(B) For a fence-line monitoring system installed before January 1, 2025, by July 1, 2025.

(2) Subsequent audits shall occur every two years and review at least one year of monitoring data.

(3) If an audit makes recommendations or identifies deficiencies in a fence-line monitoring system, the owner or operator of the covered facility shall develop a corrective action plan within one month of the audit report to describe actions that will be taken to address all recommendations and deficiencies within a timeline of no more than six months. A followup performance audit shall be conducted within one month of completion of the corrective action plan to document the resolution of the recommendations and deficiencies identified in the audit. The owner or operator of a covered facility shall implement all recommendations of the auditor for correcting deficiencies, except those that would cause a safety concern. The corrective action plan shall be submitted to the district and made available to the public online by the covered facility.

(g) The owner or operator of a covered facility shall notify the district and public as quickly as possible of any exceedances of the notification threshold that are detected by the fence-line monitoring system. The notification threshold shall be established as the lowest available one-hour average of the National Ambient Air Quality Standards, California Ambient Air Quality Standards, and the acute reference exposure levels as assessed by the Office of Environmental Health Hazard Assessment, or, if not established, the historical concentration of any measured pollutant, if historical data is available. At a minimum, the notification to the public shall include email and text message notifications to members of the public requesting notification by email or text message notification, as appropriate.

(h) (1) Within 24 hours of a fence-line monitoring system detecting an exceedance of the notification threshold of any measured pollutant, the owner or operator of a covered facility shall initiate a root cause analysis to locate the cause of the exceedance and to determine appropriate corrective action. The owner or operator of the covered facility shall prepare and submit a report to the district and post online within 14 days of the exceedance explaining the root cause analysis findings and corrective action performed by the covered facility. The root cause analysis shall include a visual inspection to determine the cause of the exceedance and any of the following:

(A) Optical gas imaging.

(B) Leak inspection using Method 21 under Appendix A-7 of Part 60 (commencing with Section 60.1) of Title 40 of the Code of Federal Regulations.

(C) Other test or monitoring method approved by the district, the state board, or the United States Environmental Protection Agency.

(2) If the root cause analysis requires corrective action, the covered facility shall conduct a reinspection of the source within 14 days of the corrective action and submit a report to the district and post online.

(3) The covered facility shall be assessed a civil penalty pursuant to Article 3 (commencing with Section 42400) of Chapter 4 by the district for failing to conduct a root cause analysis and take corrective action within 14 days.

(4) (A) A fence-line monitoring system approved by the district shall presumptively yield credible evidence that may be used to establish whether a covered facility has violated or is in violation of any plan, order, permit, rule, regulation, or law.

(B) A covered facility may rebut the presumption established in subparagraph (A) by providing evidence that the covered facility was not the source of pollution that triggered the fence-line monitoring system.

(i) (1) Guidance developed by a district pursuant to this section shall require the preparation of a quality control and assurance plan to ensure data quality and 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 and the United States Environmental Protection Agency guidance on quality assurance and management plans.

(2) Guidance and rules or regulations developed by a district pursuant to this section shall be reviewed and updated every five years through a public process.

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

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

(k) No later than July 1, 2027, the appropriate district shall provide notice to the appropriate policy committees of the Legislature regarding its progress toward meeting the January 1, 2028, implementation deadline pursuant to subdivisions (b) and (c).

(l) All fence-line monitoring systems and refinery-related community air monitoring systems installed before January 1, 2025, shall continue in operation during the implementation of any additional requirements pursuant to this section.

(m) This section does not limit the authority or jurisdiction of the Environmental Protection Agency, the state board, or the districts, and does not prohibit a city, county, or city and county from imposing more stringent regulations, limits, or prohibitions on a covered facility.

**SEC. 3.** 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.