

AMENDED IN SENATE JUNE 8, 2017  
AMENDED IN ASSEMBLY MAY 26, 2017  
AMENDED IN ASSEMBLY APRIL 17, 2017  
CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1647**

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**Introduced by Assembly Member Muratsuchi  
(Coauthor: Assembly Member Grayson)**

February 17, 2017

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An act to add Section 42705.5 to the Health and Safety Code, relating to nonvehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1647, as amended, 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 ~~an air district to require the owner or operator of a petroleum refinery to install~~ a community air monitoring system, as defined, *to be installed* on or before January 1, 2020, as specified, and *would require an air district to oversee the development, installation, operation, and maintenance of the community air monitoring system. The bill would require an owner or operator of a*

*petroleum refinery* to ~~install~~ *develop, install, operate, and maintain* a fence-line monitoring system, as defined, on or before January 1, ~~2019;~~ *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. 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.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

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

1 SECTION 1. Section 42705.5 is added to the Health and Safety  
2 Code, to read:

3 42705.5. (a) For purposes of this section, the following  
4 definitions apply:

5 (1) “Community air monitoring system” means equipment that  
6 measures and records air pollutant concentrations in the ambient  
7 air at or near sensitive receptor locations near a petroleum refinery  
8 and that may be useful for estimating associated pollutant  
9 exposures and health risks and in determining trends in air pollutant  
10 levels over time.

11 (2) “Fence-line monitoring system” means equipment that  
12 measures and records air pollutant concentrations along the  
13 property boundary of a petroleum refinery and that may be useful  
14 for detecting or estimating the quantity of fugitive emissions, gas  
15 leaks, and other air emissions from the refinery.

16 ~~(b) Notwithstanding Section 42708, a district shall require the~~  
17 ~~owner or operator of a petroleum refinery to install the following~~  
18 ~~monitoring systems, which shall be operated and maintained in~~  
19 ~~accordance with guidance from the district:~~

20 ~~(1) A~~

21 ~~(b) Notwithstanding Section 42708, and on or before January~~  
22 ~~1, 2020, a community air monitoring system, system shall be~~

1 ~~installed on or before January 1, 2020, based on that is consistent~~  
 2 ~~with the requirements and guidance applicable to the siting of air~~  
 3 ~~quality monitors as established by the federal Environmental~~  
 4 ~~Protection Agency’s monitoring siting requirements and guidance.~~  
 5 ~~The community air monitoring system shall include equipment~~  
 6 ~~capable of measuring compounds resulting from refinery processes~~  
 7 ~~that are likely to impact communities. Agency and that meets all~~  
 8 ~~of the following requirements:~~

9 (1) *A district shall oversee the development, installation,*  
 10 *operation, and maintenance of the community air monitoring*  
 11 *system, which shall be operated and maintained in accordance*  
 12 *with guidance from the appropriate district.*

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

17 ~~(2) A~~

18 (c) *On or before January 1, 2020, the owner or operator of a*  
 19 *petroleum refinery shall develop, install, operate, and maintain a*  
 20 *fence-line monitoring system, installed on or before January 1,*  
 21 *2019, as required by system in accordance with guidance developed*  
 22 *by the appropriate district. The guidance developed by the district*  
 23 *shall take into account technological capabilities and incorporate*  
 24 *input from affected parties.*

25 ~~(e)~~

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

32 SEC. 2. No reimbursement is required by this act pursuant to  
 33 Section 6 of Article XIII B of the California Constitution because  
 34 a local agency or school district has the authority to levy service  
 35 charges, fees, or assessments sufficient to pay for the program or  
 36 level of service mandated by this act, within the meaning of Section  
 37 17556 of the Government Code.