

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1216**

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**Introduced by Assembly Member Muratsuchi**

February 16, 2023

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1216, as amended, Muratsuchi. Wastewater treatment plants: monitoring of ~~emissions~~ 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, 2025, the owner or operator of a wastewater treatment facility that is located within 1,500 feet of a residential area and meets other, specified criteria to develop, install, operate, and maintain a fence-line monitoring system in accordance with guidance developed by the appropriate air quality management district. The bill would require the fence-line monitoring system to include equipment capable of measuring pollutants of concern, including hydrogen sulfide, nitrogen oxides, and volatile organic compounds emitted to the atmosphere from wastewater treatment or reclamation processes that the appropriate district deems appropriate for monitoring. The bill would also 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, and to transmit the data to the appropriate air quality management district in accordance with the district's guidance. In addition, the bill would require, to the extent feasible, the data generated by these systems to be provided to the public as quickly as possible in a publicly accessible format.*

*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.*

~~The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. Existing law requires the State Water Resources Control Board to classify types of wastewater treatment plants, as defined, for the purpose of determining the levels of competence necessary to operate them.~~

~~This bill would state the intent of the Legislature to enact legislation that would relate to improving the monitoring of emissions from wastewater treatment plants.~~

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

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

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

3     *42705.7. (a) For purposes of this section, the following*  
4     *definitions apply:*

5     *(1) “Wastewater treatment facility” means a wastewater*  
6     *treatment or reclamation facility that comes within both of the*  
7     *following descriptions:*

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

9     *(B) Has a 450-million-gallon-per-day design capacity and*  
10    *processes an average of 25 million gallons or more of inflow per*  
11    *day.*

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

19    *(b) On or before January 1, 2025, the owner or operator of a*  
20    *wastewater treatment facility shall develop, install, operate, and*  
21    *maintain a fence-line monitoring system in accordance with*  
22    *guidance developed by the appropriate air quality management*  
23    *district. The fence-line monitoring system shall include equipment*  
24    *capable of measuring pollutants of concern, including hydrogen*  
25    *sulfide, nitrogen oxides, and volatile organic compounds emitted*  
26    *to the atmosphere from wastewater treatment or reclamation*  
27    *processes that the appropriate district deems appropriate for*  
28    *monitoring.*

29    *(c) The owner or operator of a wastewater treatment facility*  
30    *shall collect real-time data from the wastewater treatment-related*  
31    *fence-line monitoring system, shall maintain records of that data,*  
32    *and shall transmit the data to the appropriate air quality*  
33    *management district in accordance with the district’s guidance.*  
34    *To the extent feasible, the data generated by these systems shall*  
35    *be provided to the public as quickly as possible in a publicly*  
36    *accessible format.*

1 (d) Guidance developed by a district pursuant to this section  
2 shall take into account technological capabilities and incorporate  
3 input from affected parties.

4 (e) The owner or operator of a wastewater treatment facility  
5 shall be responsible for the costs associated with implementation,  
6 maintenance, and operation of a fence-line monitoring system  
7 pursuant to this section.

8 SEC. 2. No reimbursement is required by this act pursuant to  
9 Section 6 of Article XIII B of the California Constitution because  
10 a local agency or school district has the authority to levy service  
11 charges, fees, or assessments sufficient to pay for the program or  
12 level of service mandated by this act or because costs that may be  
13 incurred by a local agency or school district will be incurred  
14 because this act creates a new crime or infraction, eliminates a  
15 crime or infraction, or changes the penalty for a crime or  
16 infraction, within the meaning of Section 17556 of the Government  
17 Code, or changes the definition of a crime within the meaning of  
18 Section 6 of Article XIII B of the California Constitution.

19 ~~SECTION 1. It is the intent of the Legislature to enact~~  
20 ~~legislation that would relate to improving the monitoring of~~  
21 ~~emissions from wastewater treatment plants.~~