



REGION 6 ADMINISTRATOR

DALLAS, TX 75270

April 1, 2024

The Honorable Cleo Fields
Louisiana Senate District 14
2147 Government Street
Baton Rouge, Louisiana 70806

Re: Senate Bill No. 275 titled "Louisiana Community Air Monitoring Reliability Act"

Dear Senator Fields:

Thank you for your March 27, 2024, request to the U.S. Environmental Protection Agency to provide comments on Senate Bill 275. We appreciate the opportunity to review the bill and provide comments to your office. Senate Bill 275, if passed would add a new Chapter to Title 30 of the Louisiana Revised Statutes that purports to establish state standards for community air monitoring programs operated by entities and limits the use, disclosure or dissemination of information that does not meet the specifications specified in the bill. Among other issues, the EPA has concerns that the bill may "preclude" the use of any credible evidence to determine compliance under the Clean Air Act and may conflict with Louisiana's federally approved Title V and State Implementation programs (i.e., New Source Review).

We refer you to the EPA's Credible Evidence Revisions rule, adopted in 1997, that makes clear that "various kinds of information other than reference test data ... may be used to demonstrate compliance or noncompliance with emission standards." 62 Fed. Reg. 8314, 8315. Consistent with that premise, the regulations governing State Implementation Plan development expressly prohibit a state plan from "preclud[ing] the use, including the exclusive use, of any credible evidence or information ... [f]or the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard." 40 C.F.R. Section 51.212(c) (emphasis added).

To the extent that Louisiana Senate Bill No. 275 purports to limit the use of community monitoring data that the EPA and LDEQ would deem to be credible evidence for Clean Air Act compliance demonstrations or Clean Air Act enforcement, the Bill would be inconsistent with federal law.

The EPA will continue to monitor the progression of SB No. 275 as it moves through the committee's hearing process. Thank you for reaching out, we are available to engage in further discussions with you regarding our concerns. Should you have any further questions please feel free to reach out to my office.

Sincerely,

A handwritten signature in black ink, appearing to read "Earthea Nance". The signature is fluid and cursive, with a large initial "E" and "N".

Earthea Nance PhD, PE
Regional Administrator, Region 6.
U.S. Environmental Protection Agency