

AMENDMENTS TO ASSEMBLY BILL NO. 1216  
AS AMENDED IN ASSEMBLY APRIL 26, 2023

Amendment 1

On page 3, in line 14, after “(b)” insert:

(1)

Amendment 2

On page 3, in line 14, strike out “2025,” and insert:

2027,

Amendment 3

On page 3, in line 17, strike out “in accordance with guidance developed” and insert:

that is approved

Amendment 4

On page 3, in line 21, strike out “nitrogen oxides, and volatile organic compounds”

Amendment 5

On page 3, in line 23, after the first “appropriate” insert:

air quality management

Amendment 6

On page 3, between lines 23 and 24, insert:

(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.



Amendment 7

On page 3, in line 24, after “(c)” insert:

(1)

Amendment 8

On page 3, in lines 28 and 29, strike out “district in accordance with the district’s guidance. To” and insert:

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

Amendment 9

On page 3, in line 29, strike out “these” and insert:

wastewater treatment-related fence-line monitoring

Amendment 10

On page 3, in line 30, strike out “as quickly as possible” and insert:

by the owner or operator of a wastewater treatment facility

Amendment 11

On page 3, in line 31, strike out “format.” and insert:

format that provides a real-time data display.

Amendment 12

On page 3, strike out lines 32 to 34, inclusive, in line 35, strike out “(e)” and insert:

(d)

Amendment 13

On page 3, in line 36, strike out “the” and insert:

all of the following costs:

(1) The

Amendment 14

On page 3, in line 36, after “with” insert:

development,

Amendment 15

On page 3, in line 38, strike out “system pursuant to this”, strike out line 39 and insert:

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.

# PROPOSED AMENDMENTS

**RN 23 19577 04  
08/14/23 12:03 PM  
SUBSTANTIVE**

PROPOSED AMENDMENTS TO ASSEMBLY BILL NO. 1216

AMENDED IN ASSEMBLY APRIL 26, 2023

AMENDED IN ASSEMBLY APRIL 13, 2023

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023—24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1216**



RN2319577

**Introduced by Assembly Member Muratsuchi**  
(Principal coauthor: Senator Allen)

February 16, 2023

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

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1216, as amended, 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, ~~2025~~, 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 ~~in accordance with guidance developed~~ *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, ~~including hydrogen sulfide,~~ *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, oxides and volatile organic compounds emitted to into the atmosphere from wastewater treatment or reclamation processes that the appropriate district deems appropriate for monitoring. The 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 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,~~ *data for at least 3 years,* and to transmit ~~the that~~ data to the appropriate air quality management ~~district in accordance with the district's guidance.~~ *district.* 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.~~ *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.  
State-mandated local program: yes.

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

Page 2 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:

Page 3 1 (1) "Wastewater treatment facility" means a wastewater  
2 treatment or reclamation facility that comes within both of the  
3 following descriptions:

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

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

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

14 (b) (1) On or before January 1, ~~2025~~, 2027, the owner or  
15 operator of a wastewater treatment facility shall develop, install,  
16 operate, and maintain a wastewater treatment-related fence-line  
17 monitoring system ~~in accordance with guidance developed that is~~  
18 *approved* by the appropriate air quality management district. The  
19 wastewater treatment-related fence-line monitoring system shall  
20 include equipment capable of measuring pollutants of concern,  
21 including hydrogen sulfide, ~~nitrogen oxides, and volatile organic~~

| Amendments 1 & 2

| Amendment 3

| Amendment 4

**PROPOSED AMENDMENTS**

AB 1216

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**RN 23 19577 04  
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SUBSTANTIVE**

Page 3 22 ~~compounds~~ emitted to the atmosphere from wastewater treatment  
 23 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.*

24 (c) (1) The owner or operator of a wastewater treatment facility  
 25 shall collect real-time data from the wastewater treatment-related  
 26 fence-line monitoring system, shall maintain records of that data,  
 27 and shall transmit the data to the appropriate air quality  
 28 management ~~district in accordance with the district's guidance.~~  
 29 ~~To 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 these wastewater treatment-related fence-line*  
 30 *monitoring systems shall be provided to the public as quickly as*  
 + *possible by the owner or operator of a wastewater treatment facility*  
 31 *in a publicly accessible format. format that provides a real-time*  
 + *data display.*

32 ~~(d) Guidance developed by a district pursuant to this section~~  
 33 ~~shall take into account technological capabilities and incorporate~~  
 34 ~~input from affected parties.~~

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

37 (1) *The costs associated with development, installation,*  
 38 *maintenance, and operation of a wastewater treatment-related*  
 39 *fence-line monitoring system pursuant to this section. 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).*

**Amendment 5  
Amendment 6**

**Amendment 7**

**Amendment 8  
Amendment 9**

**Amendment 10**

**Amendment 11**

**Amendment 12**

**Amendments 13 & 14**

**Amendment 15**

+ (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.*

Page 4

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

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