

115TH CONGRESS
1ST SESSION

H. R. 3959

To amend the Clean Air Act to give States the option of monitoring covered criteria air pollutants in designated areas by greatly increasing the number of air quality sensors in exchange for greater regulatory flexibility in the methods of monitoring, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 4, 2017

Mr. SCHWEIKERT (for himself, Mr. CÁRDENAS, and Mr. AGUILAR) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Clean Air Act to give States the option of monitoring covered criteria air pollutants in designated areas by greatly increasing the number of air quality sensors in exchange for greater regulatory flexibility in the methods of monitoring, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Crowd Sourcing of En-
5 vironmental Data Act of 2017”.

1 **SEC. 2. OPTION FOR EXPANDED MONITORING.**

2 (a) IN GENERAL.—Section 110(a) of the Clean Air
3 Act (42 U.S.C. 7410(a)) is amended by inserting after
4 paragraph (3) the following:

5 “(4) OPTION FOR EXPANDED MONITORING.—

6 “(A) IN GENERAL.—Any State may include in
7 a State implementation plan a program for moni-
8 toring one or more covered criteria air pollutants in
9 one or more designated areas by—

10 “(i) continuing to use the monitoring sys-
11 tem (including for purposes of baseline meas-
12 urements) that was in operation as of the sub-
13 mission of the revision to the plan; and

14 “(ii) greatly increasing the number of air
15 quality sensors, which may include mobile sen-
16 sors, for such monitoring system.

17 “(B) STATE DISCRETION.—Subject to subpara-
18 graphs (C) and (D), the Administrator shall allow a
19 State to make a revision to a State implementation
20 plan in accordance with subparagraph (A) at the
21 State’s discretion.

22 “(C) ENSURING QUALITY.—On an annual basis,
23 each State that conducts monitoring pursuant to
24 this paragraph, as a condition on the continuation of
25 such monitoring, shall demonstrate to the Adminis-
26 trator that the quality of the data produced through

1 such monitoring meets all applicable data quality
2 standards under this Act.

3 “(D) REVIEW BY ADMINISTRATOR.—A State’s
4 annual demonstration under subparagraph (C) is
5 deemed to have met the standard described in such
6 subparagraph unless the Administrator issues a
7 written response—

8 “(i) finding that such standard is not met;
9 and

10 “(ii) explaining the basis for such finding.

11 “(E) GREATER REGULATORY FLEXIBILITY.—
12 With respect to each designated area in which a
13 State conducts monitoring pursuant to this para-
14 graph, the Administrator—

15 “(i) shall not require any particular meth-
16 od of monitoring to be used or not used, so long
17 as the data derived from such monitoring meets
18 all applicable data quality standards under this
19 Act, as described in subparagraph (C); and

20 “(ii) shall allow the State involved to con-
21 sider data derived from monitoring pursuant to
22 this paragraph in making any determination on
23 whether an exceedance of the national ambient
24 air quality standard for the criteria air pollut-
25 ant involved has occurred.

1 “(F) DEFINITIONS.—In this paragraph:

2 “(i) The term ‘covered criteria air pollut-

3 ant’ means an air pollutant for which air qual-

4 ity criteria have been issued under section

5 108(a), except that such term does not include

6 carbon monoxide or nitrogen dioxide.

7 “(ii) The term ‘designated area’ means an

8 area that is designated under section 107(d) as

9 being in nonattainment, in attainment, or

10 unclassifiable.”.

11 (b) REGULATIONS.—Not later than 12 months after

12 the date of enactment of this Act, the Administrator of

13 the Environmental Protection Agency shall promulgate

14 final regulations to implement section 110(a)(4) of the

15 Clean Air Act, as added by subsection (a). Such regula-

16 tions shall specify how a State must demonstrate to the

17 Administrator, as required by subparagraph (C) of such

18 section 110(a)(4), that the quality of the data produced

19 through monitoring pursuant to such section 110(a)(4) is

20 at least as good as the quality of the data that would be

21 produced for the respective air pollutants in the respective

22 areas if the State did not exercise the option to conduct

23 monitoring pursuant to such section 110(a)(4).

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