

115TH CONGRESS  
1ST SESSION

# H. R. 1355

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.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2017

Mr. SCHWEIKERT introduced the following bill; which was referred to the Committee on Energy and Commerce

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## 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 is at least as good as the quality of  
2 the data that would be produced for the respective  
3 air pollutants in the respective designated areas if  
4 the State did not exercise the option to conduct  
5 monitoring pursuant to this paragraph.

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

11 “(i) finding that such standard is not met;

12 and

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

14 “(E) GREATER REGULATORY FLEXIBILITY.—  
15 With respect to each designated area in which a  
16 State conducts monitoring pursuant to this para-  
17 graph, subject to subparagraphs (C) and (D), the  
18 Administrator—

19 “(i) shall not take any action to enforce  
20 any requirement concerning the method of mon-  
21 itoring the criteria air pollutant involved in the  
22 area involved, unless the Administrator finds  
23 that the applicant is acting in bad faith; and

24 “(ii) shall allow the State involved to base  
25 any determination on whether an exceedance of

1 the national ambient air quality standard for  
2 the criteria air pollutant involved has occurred  
3 on data derived from monitoring pursuant to  
4 this paragraph.

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

6 “(i) The term ‘covered criteria air pollut-  
7 ant’ means an air pollutant for which air qual-  
8 ity criteria have been issued under section  
9 108(a), except that such term does not include  
10 carbon monoxide or nitrogen dioxide.

11 “(ii) The term ‘designated area’ means an  
12 area that is designated under section 107(d) as  
13 being in nonattainment, in attainment, or  
14 unclassifiable.”.

15 (b) REGULATIONS.—Not later than 12 months after  
16 the date of enactment of this Act, the Administrator of  
17 the Environmental Protection Agency shall promulgate  
18 final regulations to implement section 110(a)(4) of the  
19 Clean Air Act, as added by subsection (a). Such regula-  
20 tions shall specify how a State must demonstrate to the  
21 Administrator, as required by subparagraph (C) of such  
22 section 110(a)(4), that the quality of the data produced  
23 through monitoring pursuant to such section 110(a)(4) is  
24 at least as good as the quality of the data that would be  
25 produced for the respective air pollutants in the respective

- 1 areas if the State did not exercise the option to conduct
- 2 monitoring pursuant to such section 110(a)(4).

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