

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 8352

To protect clean air and public health by expanding fenceline and ambient air monitoring and access to air quality information for communities affected by air pollution, to require hazardous air pollutant monitoring at the fenceline of facilities whose emissions are linked to local health threats, to ensure the Environmental Protection Agency promulgates rules that require hazardous air pollutant data measurement and electronic submission at fencelines and stacks of industrial source categories, to expand and strengthen the national ambient air quality monitoring network, to deploy air sensors in communities affected by air pollution, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2022

Ms. BLUNT ROCHESTER (for herself, Mr. McEACHIN, Ms. BARRAGÁN, Ms. JAYAPAL, Mr. RUSH, Ms. UNDERWOOD, Ms. CASTOR of Florida, and Mr. BOWMAN) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To protect clean air and public health by expanding fenceline and ambient air monitoring and access to air quality information for communities affected by air pollution, to require hazardous air pollutant monitoring at the fenceline of facilities whose emissions are linked to local health threats, to ensure the Environmental Protection Agency promulgates rules that require hazardous air pollutant data measurement and electronic submission at fencelines and stacks of industrial source categories, to

expand and strengthen the national ambient air quality monitoring network, to deploy air sensors in communities affected by air pollution, 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 “Public Health Air  
5 Quality Act of 2022”.

6 **SEC. 2. DEFINITIONS.**

7        In this Act:

8            (1) ADMINISTRATOR.—The term “Adminis-  
9 trator” means the Administrator of the Environ-  
10 mental Protection Agency.

11            (2) ACCIDENTAL RELEASE.—The term “acci-  
12 dental release” has the meaning given the term in  
13 section 112(r)(2) of the Clean Air Act (42 U.S.C.  
14 7412(r)(2)).

15            (3) AREA SOURCE; EXISTING SOURCE; HAZ-  
16 ARDOUS AIR POLLUTANT; MAJOR SOURCE; NEW  
17 SOURCE; STATIONARY SOURCE.—Except as otherwise  
18 provided, the terms “area source”, “existing  
19 source”, “hazardous air pollutant”, “major source”,  
20 “new source”, and “stationary source” have the  
21 meanings given the terms in section 112(a) of the  
22 Clean Air Act (42 U.S.C. 7412(a)).

1           (4) EMISSIONS MEASUREMENT SYSTEM.—The  
2 term “emission measurement system” means a set  
3 of monitors, testing equipment, tools, and processes  
4 employed at a facility to measure emissions from di-  
5 rect and fugitive points at a source or facility or at  
6 the source’s or facility’s fenceline that employs Envi-  
7 ronmental Protection Agency-approved or promul-  
8 gated test methods for all measured pollutants for  
9 which a method is available.

10           (5) FEDERAL EQUIVALENT METHOD; FEDERAL  
11 REFERENCE METHOD.—The terms “Federal equiva-  
12 lent method” and “Federal reference method” have  
13 the meanings given to such terms in section 53.1 of  
14 title 40, Code of Federal Regulations (or to the  
15 same or substantially similar terms in successor reg-  
16 ulations).

17           (6) METHOD 325A.—The term “Method 325A”  
18 means the most current version of the test method  
19 325A published by the Environmental Protection  
20 Agency.

21           (7) METHOD 325B.—The term “Method 325B”  
22 means the most current version of the test method  
23 325B published by the Environmental Protection  
24 Agency.

1           (8) METHOD TO-15A.—The term “Method TO-  
2           15A” means the most current version of the test  
3           method TO-15 (including TO-15A) published by  
4           the Environmental Protection Agency.

5           (9) NATIONAL AMBIENT AIR QUALITY STAND-  
6           ARD.—The term “national ambient air quality  
7           standard” means a national ambient air quality  
8           standard established under section 109 of the Clean  
9           Air Act (42 U.S.C. 7409).

10          (10) NCore; SLAMS.—The terms “NCore” and  
11          “SLAMS” have the meaning given those terms in  
12          section 58.1 of title 40, Code of Federal Regulations  
13          (as in effect on the date of enactment of this Act).

14          (11) REAL-TIME.—The term “real-time” means  
15          the actual or near actual time during which pollut-  
16          ant levels occur at or near the property boundary of  
17          a facility or in a nearby community.

18          (12) SOURCE.—The term “source” means a  
19          source as such term is used in the Clean Air Act (42  
20          U.S.C. 7401 et seq.).

21 **SEC. 3. HEALTH EMERGENCY AIR TOXICS MONITORING**  
22 **NETWORK.**

23          (a) MONITORING.—

24                  (1) IN GENERAL.—

1 (A) PROGRAM.—The Administrator shall  
2 carry out a program to administer or conduct,  
3 pursuant to authority provided under the Clean  
4 Air Act (42 U.S.C. 7401 et seq.), including sec-  
5 tions 103 and 114 of that Act (42 U.S.C. 7403,  
6 7414), emissions measurement and quantifica-  
7 tion, including the best available form of  
8 fence-line monitoring of stationary sources of  
9 hazardous air pollutants that are on the list de-  
10 veloped under subsection (c), including through  
11 expansion of the National Air Toxics Trends  
12 Station network or through creating a new net-  
13 work, as appropriate.

14 (B) TIMING.—The Administrator shall  
15 begin implementation of the program under  
16 subparagraph (A) not later than 18 months  
17 after the date of enactment of this Act.

18 (2) MONITORING PERIOD.—

19 (A) IN GENERAL.—The Administrator  
20 shall maintain the monitoring required under  
21 paragraph (1) for a period of not less than 6  
22 years after the date on which the monitoring re-  
23 quired under that paragraph is first carried  
24 out.

1 (B) SUBSEQUENT MONITORING.—After the  
2 6-year period described in subparagraph (A),  
3 the Administrator shall maintain the emissions  
4 measurement and quantification program under  
5 paragraph (1), consistent with this section,  
6 through—

7 (i) maintaining monitors at all or  
8 some sources under the program under  
9 paragraph (1); and

10 (ii) adding or moving monitors under  
11 the program under paragraph (1) to addi-  
12 tional sources, following the process for  
13 substitution of sources in subsection (g).

14 (C) SHORTENED PERIOD.—If the Adminis-  
15 trator determines that 6 years of monitoring, as  
16 required by subparagraph (A), is not necessary  
17 to protect public health or assure compliance at  
18 the source or the facility involved, the Adminis-  
19 trator may decrease or end the monitoring after  
20 at least 3 years of monitoring has occurred.

21 (D) ADDITIONAL INSPECTIONS AND TEST-  
22 ING.—In addition to fenceline monitoring under  
23 the program under this subsection, the Admin-  
24 istrator shall use the Administrator’s full au-  
25 thority to inspect and require emission testing

1 at sources at or inside the facility involved to  
2 the extent necessary to identify and address the  
3 emissions crossing the fenceline.

4 (b) PUBLICATION OF RESULTS.—

5 (1) IN GENERAL.—The Administrator shall  
6 publish and maintain the plans for and the results  
7 of all measurements, including fenceline monitoring,  
8 conducted under the program under subsection  
9 (a)(1) on the website of the Environmental Protec-  
10 tion Agency—

11 (A) in a highly accessible format;

12 (B) in multiple languages; and

13 (C) for a period of at least 6 years.

14 (2) IMMEDIATE AVAILABILITY.—The Adminis-  
15 trator shall ensure that the monitoring data de-  
16 scribed in paragraph (1) is made publicly available  
17 under that paragraph as expeditiously as practicable,  
18 and not later than 7 days after electronic submis-  
19 sion, which shall be not later than one month after  
20 the date of collection of such data.

21 (c) LIST OF SOURCES.—

22 (1) DEVELOPMENT.—

23 (A) IN GENERAL.—Not later than 270  
24 days after the date of enactment of this Act,  
25 the Administrator shall publish, after public no-

1 tice and comment, a list of stationary sources  
2 of hazardous air pollutants that, subject to sub-  
3 paragraph (B), includes—

4 (i) at least 45 of the sources listed—

5 (I) as high-priority facilities in  
6 Appendix A of the report of the Office  
7 of Inspector General of the Environ-  
8 mental Protection Agency numbered  
9 20–N–0128 and dated March 31,  
10 2020; or

11 (II) as contributing to high can-  
12 cer risk at the census block level in  
13 Appendix C of the report of the Office  
14 of Inspector General of the Environ-  
15 mental Protection Agency numbered  
16 21–P–0129 and dated May 6, 2021;  
17 and

18 (ii) at least 55 other major sources or  
19 area sources that meet the criteria de-  
20 scribed in paragraph (2).

21 (B) SUBSTITUTION.—

22 (i) IN GENERAL.—If the Adminis-  
23 trator determines that a source described  
24 in subparagraph (A)(i) no longer contrib-



1                   utes to high health risks or impacts, the  
2                   Administrator shall—

3                               (I) cease to include that source in  
4                               the list under subparagraph (A); and

5                               (II) include instead an additional  
6                               major source or area source described  
7                               in subparagraph (A)(ii) to ensure that  
8                               the list under subparagraph (A) in-  
9                               cludes not less than 100 high-priority  
10                              sources.

11                             (ii) DESCRIPTION OF REASONS.—The  
12                             Administrator shall publish in the Federal  
13                             Register—

14                                       (I) any determination to make a  
15                                       substitution under clause (i); and

16                                       (II) an explanation of the reasons  
17                                       for any such determination dem-  
18                                       onstrating, based on monitoring data  
19                                       or other reliable information, that the  
20                                       substitution is likely to ensure that  
21                                       monitoring under this section occurs  
22                                       at the sources causing or contributing  
23                                       to the highest potential health risks or  
24                                       other impacts from hazardous air pol-  
25                                       lution.

1 (iii) REQUIREMENT.—The Adminis-  
2 trator may include an additional major  
3 source or area source under clause (i)(II)  
4 only if the Administrator determines that  
5 the source is, or is likely to be, contrib-  
6 uting local health risks or impacts that are  
7 equivalent to, or greater than, those of the  
8 source for which the new source is being  
9 substituted.

10 (2) CRITERIA.—The Administrator may include  
11 a major source or area source described in clause (ii)  
12 of paragraph (1)(A) on the list described in that  
13 paragraph only if the source—

14 (A) emits at least 1 of the pollutants de-  
15 scribed in paragraph (3);

16 (B) is—

17 (i) located in, or within 3 miles of, a  
18 census tract with—

19 (I) a cancer risk of at least 100-  
20 in-1,000,000; or

21 (II) a chronic non-cancer hazard  
22 index that is greater than 1; or

23 (ii) in a source category with—

24 (I) a cancer risk that is at least  
25 50-in-1,000,000 for the individual

1 most exposed to emissions from the  
2 source category;

3 (II) a total organ-specific hazard  
4 index for chronic non-cancer risk that  
5 is greater than 1; or

6 (III) an acute risk hazard  
7 quotient that is greater than 1; and

8 (C)(i) is classified in 1 or more of North  
9 American Industry Classification System codes  
10 322, 324, 325, 326, 331, 332, 339, 424, and  
11 562;

12 (ii)(I) is required to prepare and imple-  
13 ment a risk management plan pursuant to sec-  
14 tion 112(r) of the Clean Air Act (42 U.S.C.  
15 7412(r)); and

16 (II) has had an accidental release required  
17 to be reported during the previous 5-year period  
18 pursuant to sections 68.42 and 68.195 of title  
19 40, Code of Federal Regulations (as in effect on  
20 the date of enactment of this Act); or

21 (iii) is determined by the Administrator to  
22 be a high priority source or facility for emis-  
23 sions measurement because the emissions of the  
24 source or facility are causing or contributing to,

1 or have the potential to cause or contribute to,  
2 serious health risks or impacts.

3 (3) POLLUTANTS.—The pollutants described in  
4 this paragraph are—

5 (A) ethylene oxide, CAS 75218;

6 (B) chloroprene, CAS 126998;

7 (C) benzene, CAS 71432;

8 (D) 1,3-butadiene, CAS 106990;

9 (E) formaldehyde, CAS 50000;

10 (F) acetaldehyde, CAS 75070;

11 (G) lead compounds;

12 (H) arsenic compounds;

13 (I) cadmium compounds;

14 (J) nickel compounds;

15 (K) manganese compounds;

16 (L) any other hazardous air pollutant in-  
17 cluded in the list described in section 112(b) of  
18 the Clean Air Act (42 U.S.C. 7412(b)) that the  
19 Administrator determines, after public notice  
20 and comment, the emissions of which—

21 (i) are, or may be contributing to, se-  
22 rious health risks; and

23 (ii) warrant emissions quantification  
24 and measurement; and

1 (M) any pollutant that is a precursor to at-  
2 mospheric photochemical production of any  
3 other pollutant on such list.

4 (4) USE OF RISK ASSESSMENTS.—In carrying  
5 out this subsection, the Administrator shall—

6 (A) use—

7 (i) the Environmental Protection  
8 Agency's latest evaluations and methods of  
9 compiling and evaluating information  
10 about risks from air toxics, or the most re-  
11 cent Air Toxics Screening Assessment or  
12 other current evaluation or report by the  
13 Environmental Protection Agency pro-  
14 viding similar information about cancer  
15 and noncancer risks from hazardous air  
16 pollution based on measured or modeled  
17 emissions;

18 (ii) the Risk-Screening Environmental  
19 Indicators model of the Administrator;

20 (iii) a prior health risk assessment  
21 that was performed by the Administrator  
22 for the applicable source or source cat-  
23 egory; or

24 (iv) a new health risk assessment per-  
25 formed by the Administrator that—

1 (I) follows the best available  
2 science (including the most recent  
3 guidance from the National Academy  
4 of Sciences); and

5 (II) considers, to the greatest ex-  
6 tent practicable, with respect to the  
7 applicable source or facility—

8 (aa) cumulative risks and  
9 impacts;

10 (bb) increased vulnerability  
11 that results from socioeconomic  
12 disparities;

13 (cc) multiple source expo-  
14 sure; and

15 (dd) exposure in utero, in  
16 childhood, and through the age of  
17 85; and

18 (B) consider—

19 (i) the most recent emission tests  
20 available to the Administrator or received  
21 by the Environmental Protection Agency in  
22 public comment; and

23 (ii) any fence-line or ambient moni-  
24 toring data for which an Environmental

1                   Protection Agency-approved data quality  
2                   check has been performed.

3           (d) METHODS AND TECHNOLOGIES.—

4                   (1) IN GENERAL.—Except as provided in para-  
5                   graph (3), in carrying out the program under sub-  
6                   section (a), the Administrator shall for each sta-  
7                   tionary source on the list published under subsection  
8                   (c)(1), employ an emissions measurement system to  
9                   monitor the pollutants described in subsection (c)(3)  
10                  emitted by the stationary source, including at  
11                  least—

12                           (A) the most current Environmental Pro-  
13                           tection Agency-approved or promulgated emis-  
14                           sion test or monitoring method, including Meth-  
15                           ods 325A, 325B, and TO-15 or the most cur-  
16                           rent and best available version of such methods  
17                           approved or promulgated by the Environmental  
18                           Protection Agency; or

19                           (B) for each stationary source described in  
20                           paragraph (2), the best available method for  
21                           continuous, real-time measurement of air pol-  
22                           lutant concentrations.

23                   (2) STATIONARY SOURCES DESCRIBED.—A sta-  
24                  tionary source referred to in paragraph (1)(B) is—

1 (A) not less than each of the 20 stationary  
2 sources on the list published under subsection  
3 (c)(1) that—

4 (i) emits the greatest volume of pol-  
5 lutants described in subsection (c)(3); or

6 (ii) causes the greatest health risk,  
7 based on the emissions of the pollutants  
8 described in subsection (c)(3) individually,  
9 as a group, or cumulatively, based on—

10 (I)(aa) the Environmental Pro-  
11 tection Agency's latest evaluations  
12 and methods of compiling and evalu-  
13 ating information about risks from air  
14 toxics, or the most recent Air Toxics  
15 Screening Assessment or other cur-  
16 rent evaluation or report by the Envi-  
17 ronmental Protection Agency pro-  
18 viding similar information about can-  
19 cer and noncancer risks from haz-  
20 ardous air pollution based on meas-  
21 ured or modeled emissions;

22 (bb) the Risk-Screening Environ-  
23 mental Indicators model of the Ad-  
24 ministrator;



1 (cc) a prior health risk assess-  
2 ment that was performed by the Ad-  
3 ministrator for the applicable source  
4 or source category; or

5 (dd) a new health risk assess-  
6 ment performed by the Administrator  
7 that—

8 (AA) follows the best avail-  
9 able science (including the most  
10 recent guidance from the Na-  
11 tional Academy of Sciences); and

12 (BB) considers, to the great-  
13 est extent practicable, with re-  
14 spect to the applicable source or  
15 facility, cumulative risks and im-  
16 pacts, increased vulnerability that  
17 results from socioeconomic dis-  
18 parities, multiple source expo-  
19 sure, and exposure in utero, in  
20 childhood, and through the age of  
21 85; and

22 (II) the most recent emission  
23 tests available to the Environmental  
24 Protection Agency or received in pub-  
25 lic comment, and any fence-line or am-

1                   bient monitoring data for which an  
2                   Environmental Protection Agency-ap-  
3                   proved data quality check has been  
4                   performed;

5                   (B) any other stationary source on the list  
6                   published under subsection (c)(1) that is regu-  
7                   lated under section 112(r)(7) of the Clean Air  
8                   Act (42 U.S.C. 7412(r)(7)) and has had an ac-  
9                   cidental release or incident that is required to  
10                  be reported during the previous 5-year period  
11                  under such section 112(r)(7); and

12                  (C) any other stationary source on the list  
13                  published under subsection (c)(1) for which ap-  
14                  plication of the methods described in subpara-  
15                  graph (A) alone will not be sufficient to monitor  
16                  and report the pollutants described in sub-  
17                  section (c)(3) that are emitted by that sta-  
18                  tionary source.

19                  (3) UPDATES.—

20                  (A) APPROVED OR PROMULGATED METH-  
21                  ODS.—The Administrator shall—

22                         (i) not later than 270 days after the  
23                         date of enactment of this Act, review and,  
24                         after public notice and comment, update  
25                         each approved or promulgated test method

1 described in this section to add as many of  
2 the pollutants described in subsection  
3 (c)(3) as possible; and

4 (ii) otherwise strengthen the test  
5 methods described in clause (i) to support  
6 effective hazardous air pollutant measure-  
7 ment and the full implementation of this  
8 Act.

9 (B) NEW TEST METHODS.—

10 (i) IN GENERAL.—Not later than 18  
11 months after the date of enactment of this  
12 Act, the Administrator shall approve or  
13 promulgate, as applicable, any new test  
14 methods that are necessary to ensure effec-  
15 tive fenceline monitoring of all pollutants  
16 and sources described in this section, in-  
17 cluding—

18 (I) at least 1 method that rep-  
19 resents the best and most accurate  
20 form of continuous, real-time fenceline  
21 monitoring; and

22 (II) at least 1 method that rep-  
23 resents the best and most accurate  
24 form of multimetal monitoring.

1                   (ii) UPDATES REQUIRED.—Not less  
2 frequently than once every 10 years, the  
3 Administrator shall review and, if nec-  
4 essary, after public notice and comment,  
5 strengthen or add new test methods that  
6 meet the requirements under clause (i),  
7 which shall be based on—

8                   (I) the best available monitoring  
9 technologies; and

10                   (II) the advice of staff of the En-  
11 vironmental Protection Agency re-  
12 sponsible for enforcement of this Act  
13 and other monitoring experts.

14 (e) MONITOR PLACEMENT AND MAINTENANCE.—

15                   (1) IN GENERAL.—The Administrator shall,  
16 after public notice and comment, place and main-  
17 tain, or ensure placement and regular maintenance  
18 of, all monitors required under this section to ensure  
19 effective and reliable emissions measurement pursu-  
20 ant to this section.

21                   (2) MAINTENANCE CHECK.—The maintenance  
22 required under paragraph (1) shall include a mainte-  
23 nance check of the monitor not less frequently than  
24 once every 180 days, unless—

1 (A) the test method used by the monitor  
2 requires a maintenance check more frequently;

3 or

4 (B) a maintenance check is requested by a  
5 member of the public.

6 (3) PUBLIC INPUT.—The Administrator shall,  
7 after public notice and comment, create a process  
8 for the public—

9 (A) to track the maintenance of monitors  
10 under this subsection; and

11 (B) request a maintenance check of a mon-  
12 itor.

13 (f) REPORT.—Not later than 6 years after the date  
14 of enactment of this Act, and not less frequently than  
15 every 6 years thereafter, the Administrator shall submit  
16 to the Congress and post publicly on the website of the  
17 Environmental Protection Agency a report describing the  
18 results of the program carried out under subsection (a),  
19 which shall include—

20 (1) the results of emissions measurement imple-  
21 mented under that program;

22 (2) any actions of the Administrator taken  
23 based on that emissions measurement data or pro-  
24 gram; and

25 (3) whether the Administrator proposes—

1 (A) to continue emissions measurements at  
2 any or all of the stationary sources on the list  
3 published under subsection (c)(1); or

4 (B) to implement emissions measurements  
5 of any additional stationary sources as deter-  
6 mined under subsection (g).

7 (g) DETERMINATION REGARDING ADDITIONAL  
8 SOURCES.—Not later than 6 years after the date of enact-  
9 ment of this Act, and not less frequently than every 6  
10 years thereafter, the Administrator shall—

11 (1) after public notice and comment, make a  
12 determination of whether to add or remove sources  
13 to the list published under subsection (c)(1)—

14 (A) to ensure compliance of such sta-  
15 tionary sources with existing emission stand-  
16 ards under section 112 of the Clean Air Act (42  
17 U.S.C. 7412);

18 (B) to prevent and detect accidental re-  
19 leases;

20 (C) to protect the health of the commu-  
21 nities most exposed to the emissions of haz-  
22 ardous air pollutants from such stationary  
23 sources to the greatest extent possible; or

24 (D) to ensure the 100 highest-priority  
25 sources or facilities, based on the best available

1 science and the most current data on health  
2 risks and impacts, have emissions measurement  
3 systems in place for pollutants required to be  
4 monitored under this section; and

5 (2) publish a determination under paragraph  
6 (1) in the Federal Register.

7 (h) AUTHORIZATION OF APPROPRIATIONS.—There is  
8 authorized to be appropriated to carry out this section  
9 \$146,000,000 for the period of fiscal years 2023 and  
10 2024.

11 **SEC. 4. COMMUNITY AIR TOXICS MONITORING.**

12 (a) REGULATIONS.—Not later than 2 years after the  
13 date of enactment of this Act, the Administrator shall pro-  
14 mulgate regulations pursuant to authority provided by the  
15 Clean Air Act, which may include subsections (d), (f), and  
16 (r) of section 112, section 113, and section 114 of the  
17 Clean Air Act (42 U.S.C. 7412, 7413, 7414), for each  
18 source category described in subsection (b), that—

19 (1) require all sources in the source category to  
20 implement, not later than 1 year after the promulga-  
21 tion of the regulations, the best available form of  
22 emissions measurement, including continuous emis-  
23 sions monitoring and fenceline monitoring, to ensure  
24 compliance with the emission standards for haz-  
25 ardous air pollutants;

1           (2) for facilities in the source category that are  
2 required to submit risk management plans under  
3 section 112(r)(7) of that Act (42 U.S.C.  
4 7412(r)(7)), require each facility to implement—

5           (A) continuous, real-time monitoring to  
6 provide for effective emergency response and  
7 provide information to prevent future releases;  
8 and

9           (B) emissions measurement, including  
10 fenceline monitoring, to provide for effective  
11 emergency response and provide information to  
12 prevent future releases;

13          (3) subject to subsection (e), establish a correc-  
14 tive action level at the fenceline for at least the top  
15 3 hazardous air pollutants that drive the cancer,  
16 chronic non-cancer, or acute risk for the source cat-  
17 egory;

18          (4) if any applicable corrective action level  
19 under paragraph (3) is exceeded, require—

20           (A) a root cause analysis;

21           (B) full remedial action to resolve the ex-  
22 ceedance and protect the most exposed or most  
23 vulnerable individuals potentially affected by  
24 the exceedance; and



1 (C) a public report that a violation of the  
2 Clean Air Act (42 U.S.C. 7401 et seq.) has oc-  
3 curred; and

4 (5) treat any requirement imposed by the regu-  
5 lations under this section as a requirement under  
6 section 112 of the Clean Air Act (42 U.S.C. 7412)  
7 that is enforceable under section 113 of such Act  
8 (42 U.S.C. 7413).

9 (b) SOURCE CATEGORIES.—The source categories de-  
10 scribed in this subsection shall include—

11 (1) each category or subcategory of major  
12 sources or area sources that—

13 (A) contains—

14 (i) at least 1 of the stationary sources  
15 of hazardous air pollutants that are on the  
16 list published under section 3(c);

17 (ii) major sources or area sources  
18 identified in the most recent National  
19 Emissions Inventory of the Environmental  
20 Protection Agency as emitting a pollutant  
21 described in section 3(c)(3);

22 (iii) petroleum, chemical, petro-  
23 chemical, or plastics manufacturing  
24 sources, marine vessel loading operations,  
25 or other sources that are classified in 1 or

1 more of North American Industry Classi-  
2 fication System codes 322, 324, 325, 326,  
3 331, 332, 339, 424, and 562; or

4 (iv) any other major source of fugitive  
5 hazardous air pollutant emissions for  
6 which the Environmental Protection Agen-  
7 cy is subject to a court-ordered or statu-  
8 tory deadline, engaged in a reconsideration  
9 proceeding, or subject to a court remand  
10 (or is likely within the 2-year period begin-  
11 ning on the date of enactment of this Act  
12 to become subject to such an obligation or  
13 action) to review and determine whether to  
14 revise the emissions standards that apply  
15 to that major source; or

16 (B) contains any stationary source that—

17 (i) is regulated under section  
18 112(r)(7) of the Clean Air Act (42 U.S.C.  
19 7412(r)(7)); and

20 (ii) has had an accidental release or  
21 incident that is required to be reported  
22 during the previous 5-year period under  
23 such section 112(r) and the regulations  
24 thereunder; and

1           (2) any other source category for which the Ad-  
2           ministrator determines that requiring fenceline mon-  
3           itoring would benefit public health or welfare.

4           (c) DETERMINATION OF BEST AVAILABLE FORM OF  
5 MONITORING.—

6           (1) IN GENERAL.—The Administrator, in con-  
7           sultation with the Office of Air and Radiation, the  
8           Office of Enforcement and Compliance Assurance,  
9           the Office of Environmental Justice, and the Office  
10          of Research and Development, shall, for purposes of  
11          the regulations promulgated pursuant to subsection  
12          (a)—

13                 (A) determine the best available form of  
14                 emissions measurement, including continuous  
15                 emissions monitoring and fenceline monitoring;  
16                 and

17                 (B) ensure the methods required under the  
18                 regulations are at least as stringent as the most  
19                 current Environmental Protection Agency-ap-  
20                 proved or promulgated emission test or moni-  
21                 toring method, including Methods 325A, 325B,  
22                 and TO-15 (or the most current and best avail-  
23                 able version of such methods approved or pro-  
24                 mulgated by the Environmental Protection  
25                 Agency).

1           (2) REQUIREMENT.—In carrying out paragraph  
2           (1)(B), the Administrator shall ensure that 1 or  
3           more of the methods described in or promulgated  
4           under section 3 or subsection (d) (including  
5           multimetal monitoring) is included in the regulations  
6           promulgated pursuant to subsection (a) if that  
7           method is the best available method for 1 or more  
8           of the pollutants for which monitoring is required  
9           under this section.

10          (d) METHODS AND TECHNOLOGIES.—

11           (1) IN GENERAL.—For all stationary sources in  
12           the source categories described in subsection (b), as  
13           the best available fenceline monitoring method for  
14           those source categories, the Administrator may, in  
15           the regulations promulgated pursuant to subsection  
16           (a)—

17                   (A) require application, implementation, or  
18                   employment of optical remote sensing tech-  
19                   nology to provide real-time measurements of air  
20                   pollutant concentrations along an open-path; or

21                   (B) provide an explanation of why applica-  
22                   tion, implementation, or employment of 1 or  
23                   more of the technologies described in subpara-  
24                   graph (A) is not necessary—

1 (i) to ensure compliance with the  
2 emission standards established under the  
3 regulations promulgated pursuant to sub-  
4 section (d), (f), or (r) of section 112 of the  
5 Clean Air Act (42 U.S.C. 7412), as appli-  
6 cable; or

7 (ii) to protect the public health, to  
8 prevent accidental releases, or to provide  
9 for effective emergency response.

10 (2) MULTIPLE-SOURCE OR FACILITY COM-  
11 PLEXES.—

12 (A) DEFINITION OF MULTIPLE-SOURCE OR  
13 FACILITY COMPLEX.—In this paragraph, the  
14 term “multiple-source or facility complex”  
15 means 1 or more stationary sources co-located  
16 at the same site.

17 (B) MULTIPLE-SOURCE OR FACILITY COM-  
18 PLEX MONITORING.—In the regulations promul-  
19 gated pursuant to subsection (a), the Adminis-  
20 trator shall ensure that the best available form  
21 of monitoring for a multiple-source or facility  
22 complex that contains not less than 2 stationary  
23 sources in 1 or more of North American Indus-  
24 try Classification System codes 324, 325, and

1           326, or a related chemical or petrochemical sec-  
2           tor, may be at least a combination of—

3                   (i) real-time, open-path monitoring;

4                   and

5                   (ii) Method 325A and Method 325B.

6           (C) REQUIREMENT.—In carrying out sub-  
7           paragraph (B), the Administrator may consider  
8           whether any other multiple-source or facility  
9           complexes should be required to employ the  
10          combined monitoring methods described in that  
11          subparagraph.

12          (e) PRECAUTIONARY APPROACH.—In promulgating  
13          the corrective action level for each of the hazardous air  
14          pollutants described in subsection (a)(3), the Adminis-  
15          trator shall—

16                   (1) consider the best available science;

17                   (2) take a precautionary approach to ensure  
18          that the owner or operator of the source or facility  
19          reduces the emissions of the source or facility to pre-  
20          vent harm if the measured concentration at the  
21          fenceline would, or is likely to—

22                           (A) increase harm to public health or safe-  
23                           ty (including through an increased health risk);

24                           or

1 (B) reach a level that may result in short-  
2 term, long-term, or chronic human exposure to  
3 air pollution (including any fetal exposure that  
4 begins in utero) that increases the risk of—

5 (i) health harms resulting from odors,  
6 irritation, sensitizing effects, or any com-  
7 bination of those harms;

8 (ii) disease (including cancer and  
9 other illnesses); or

10 (iii) death; and

11 (3) take into account the aggregate and cumu-  
12 lative emissions and health risks from the facility,  
13 including multiple source categories, as applicable, to  
14 ensure full health protection from the entire facility.

15 (f) MAINTENANCE AND PUBLIC REPORTING.—

16 (1) IN GENERAL.—In the regulations promul-  
17 gated under subsection (a), the Administrator shall  
18 ensure that—

19 (A) the owners or operators of sources sub-  
20 ject to the requirements of this section—

21 (i) perform regular inspections and  
22 maintenance of all measured equipment re-  
23 quired under this section; and

24 (ii) submit regular reports to the Ad-  
25 ministrator that—

1 (I) include the measured emis-  
2 sions data collected by that emissions  
3 measurement equipment;

4 (II) describe the status of that  
5 measurement equipment; and

6 (III) contain a detailed expla-  
7 nation of the circumstances sur-  
8 rounding a delay in collecting or miss-  
9 ing data;

10 (B) the emissions measurement system re-  
11 quired under this section is continuous and  
12 yields reliable data not less than 95 percent of  
13 the time, without any regulatory exemption or  
14 extension; and

15 (C) any problem with the fenceline moni-  
16 toring equipment required under this section is  
17 repaired within 2 days of discovering the prob-  
18 lem.

19 (2) VIOLATION.—In the regulations promul-  
20 gated under subsection (a), the Administrator  
21 shall—

22 (A) require the owner or operator of a sta-  
23 tionary source subject to such regulations to re-  
24 port, with respect to such source, at least semi-  
25 annually—



1 (i) all exceedances of any corrective  
2 action level; and

3 (ii) all corrective action planned and  
4 taken; and

5 (B) for purposes of imposing penalties,  
6 treat each day on which a violation of a report-  
7 ing requirement under subparagraph (A) con-  
8 tinues as a separate violation.

9 (3) PUBLIC REPORTING.—

10 (A) IN GENERAL.—The Administrator  
11 shall make available on the website of the Envi-  
12 ronmental Protection Agency, in an accessible  
13 format that includes multiple languages—

14 (i) all emissions measurement plans  
15 and reports required under this section;

16 (ii) all emissions measurement data  
17 collected by monitoring equipment required  
18 under this section; and

19 (iii) an option to sign up for commu-  
20 nity-wide or source-specific alerts that alert  
21 the user if the emissions concentrations  
22 measured pursuant to clause (i) or (ii), as  
23 applicable, exceed—

24 (I) a health reference level of the  
25 Administrator;

1 (II) a health reference level ap-  
2 proved by the Administrator; or

3 (III) the applicable corrective ac-  
4 tion level under subsection (a)(3).

5 (B) PUBLIC NOTICE AND COMMENT.—The  
6 Administrator shall provide notice and receive  
7 public comment on the format and accessibility  
8 of the information required under subparagraph  
9 (A).

10 (C) PUBLICATION.—The Administrator  
11 shall publicize the information required under  
12 subparagraph (A) in each community that con-  
13 tains a source regulated under this section  
14 through not less than 2 of the most widely  
15 viewed local media formats for members of that  
16 community that live nearest the regulated  
17 source.

18 (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
19 authorized to be appropriated to carry out this section  
20 \$50,000,000 for the period of fiscal years 2023 and 2024.

21 **SEC. 5. NAAQS MONITORING NETWORK.**

22 (a) DEPLOYMENT OF N CORE MULTIPOLLUTANT  
23 MONITORING STATIONS.—The Administrator shall re-  
24 quire the deployment of 80 additional NCore multipollut-  
25 ant monitoring stations.

1 (b) DEADLINE.—Not later than 3 years after the  
2 date of enactment of this Act, the Administrator shall en-  
3 sure that all NCore multipollutant monitoring stations re-  
4 quired to be deployed under subsection (a) are—

5 (1) installed and integrated into the air quality  
6 monitoring system established pursuant to sections  
7 110(a)(2)(B) and 319 of the Clean Air Act (42  
8 U.S.C. 7410(a)(2)(B), 7619); and

9 (2) after installation, operated and maintained  
10 on a continuing basis.

11 (c) MONITORING RESULTS.—Monitoring results from  
12 NCore multipollutant stations deployed pursuant to sub-  
13 section (a) shall be used for—

14 (1) assessments of the compliance of areas with  
15 national ambient air quality standards;

16 (2) integrated science assessments in reviews of  
17 national ambient air quality standards promulgated  
18 under section 109 of the Clean Air Act (42 U.S.C.  
19 7409);

20 (3) evaluating disparities of pollution exposures  
21 within metropolitan areas; and

22 (4) such other purposes as the Administrator  
23 determines will promote the protection of public  
24 health from air pollution.

25 (d) LOCATIONS.—

1           (1) VULNERABLE POPULATIONS.—The Admin-  
2           istrator shall ensure that not less than 40 of the  
3           NCore multipollutant monitoring stations required  
4           under subsection (a)—

5                   (A) are not limited to metropolitan statis-  
6                   tical areas with populations of 50,000 or great-  
7                   er; and

8                   (B) are sited in census tracts that each  
9                   meet 1 or more of the following criteria, with  
10                  the specific site selected consistent with Appen-  
11                  dix D to part 58 of title 40, Code of Federal  
12                  Regulations (as in effect on the date of enact-  
13                  ment of the Act):

14                   (i) The rates of childhood asthma,  
15                   adult asthma, chronic obstructive pul-  
16                   monary disease, heart disease, or cancer  
17                   are at least 5 percent higher than the na-  
18                   tional average for that condition in the  
19                   census tract.

20                   (ii) The percentage of people living  
21                   below the poverty level, that are above age  
22                   18 without a high school diploma, or that  
23                   are unemployed, is higher than the na-  
24                   tional average in the census tract.

1 (iii) Two or more major sources (as  
2 defined in section 501 of the Clean Air Act  
3 (42 U.S.C. 7661)) are located within the  
4 census tract or adjacent census tracts com-  
5 bined.

6 (iv) There is a higher-than-national-  
7 average population in the census tract of  
8 vulnerable or sensitive individuals who may  
9 be at greater risk than the general popu-  
10 lation of adverse health effects from expo-  
11 sure to 1 or more air pollutants for which  
12 national ambient air quality standards  
13 have been established pursuant to section  
14 109 of the Clean Air Act (42 U.S.C.  
15 7409).

16 (2) SITING DETERMINATIONS.—In determining  
17 and approving sites for NCore multipollutant moni-  
18 toring stations required under subsection (a), the  
19 Administrator shall—

20 (A) invite proposals from or on behalf of  
21 residents of any community for the siting of the  
22 stations in that community, which may include  
23 inviting proposals through regional or virtual  
24 meetings;

1 (B) prioritize siting of the stations in cen-  
2 sus tracts or counties that the Administrator  
3 determines should be prioritized for siting based  
4 on—

5 (i) the potential for the levels of 1 or  
6 more air pollutants to be monitored by the  
7 stations to reach or exceed the level of the  
8 applicable national ambient air quality  
9 standard established pursuant to section  
10 109 of the Clean Air Act (42 U.S.C.  
11 7409);

12 (ii) the number of people who live,  
13 work, or recreate in the area or areas for  
14 which monitoring by the stations is reason-  
15 ably anticipated to be representative with  
16 respect to air quality and the proportion of  
17 those people who are at higher risk than  
18 the general population of adverse health ef-  
19 fects from the air pollutants monitored;

20 (iii) the lack or inadequacy of existing  
21 air quality monitors for providing rep-  
22 resentative air quality data for the affected  
23 area or areas for the pollutants to be  
24 measured by the station; and

1 (iv) the current designation of the  
2 area in which the monitoring station would  
3 be located as unclassifiable or attainment  
4 for one or more of the pollutants to be  
5 monitored by that station; and

6 (C) prior to making siting determina-  
7 tions—

8 (i) provide public notice of proposed  
9 siting locations—

10 (I) in the Federal Register;

11 (II) by email to persons who have  
12 requested notice of proposed siting de-  
13 terminations;

14 (III) by news release; and

15 (IV) by posting on the public  
16 website of the Environmental Protec-  
17 tion Agency; and

18 (ii) provide an opportunity for public  
19 comment for not less than 30 days after  
20 the date of publication of the notice re-  
21 quired under clause (i) in the Federal Reg-  
22 ister.

23 (3) RELIANCE ON HYBRID METHODS.—In de-  
24 termining under paragraph (2)(B)(i) the potential  
25 for an air pollutant to reach or exceed the level of

1 the applicable standard, the Administrator may rely  
2 on hybrid methods that combine information from  
3 multiple sources, including monitors, sensors, mod-  
4 eling, and satellites.

5 (e) ADDITIONAL AMBIENT MONITORS.—

6 (1) IN GENERAL.—The Administrator shall de-  
7 ploy not fewer than 100 Federal reference method  
8 monitors or Federal equivalent method monitors for  
9 1 or more air pollutants for which national ambient  
10 air quality standards have been established pursuant  
11 to section 109 of the Clean Air Act (42 U.S.C.  
12 7409) in areas—

13 (A) that are unmonitored or undermon-  
14 itored, as determined by the Administrator; and

15 (B) within which the Administrator deter-  
16 mines, after public notice and comment, that  
17 adding those monitors is warranted—

18 (i) to detect whether the area is in  
19 nonattainment of the applicable national  
20 ambient air quality standards; and

21 (ii) to improve the publicly available  
22 data on air quality for 1 or more of those  
23 air pollutants (or precursors to those air  
24 pollutants).



1           (2) SITING DETERMINATIONS.—In approving  
2 sites for new Federal reference method monitors or  
3 Federal equivalent method monitors required under  
4 this subsection, the Administrator shall prioritize  
5 siting of the stations in census tracts or counties in  
6 accordance with subsection (d)(2)(B).

7           (3) RELATION TO PREVIOUSLY DEPLOYED OR  
8 PLANNED MONITORS.—The Federal reference meth-  
9 od monitors required under this subsection shall be  
10 in addition to, and not in lieu of, any monitors al-  
11 ready deployed or planned for deployment by the  
12 Administrator, any State, any other governmental  
13 entity, or any other entity prior to the date of enact-  
14 ment of this Act.

15       (f) REPORT.—Not later than 2 years after the date  
16 of enactment of this Act, the Administrator shall—

17           (1) in coordination with the States, complete an  
18 assessment, which includes public input, on the sta-  
19 tus of all ambient air quality monitors that are part  
20 of Federal, State, or local networks and used for de-  
21 termining compliance with national ambient air  
22 quality standards; and

23           (2) submit to the Congress and make available  
24 on the public website of the Environmental Protec-  
25 tion Agency a report that includes—

1 (A) a list of all monitors identified under  
2 paragraph (1); and

3 (B) a schedule and plan to restore or re-  
4 place all monitors included in the list under  
5 subparagraph (A) to full operation not later  
6 than 16 months of the date of enactment of  
7 this Act, except that the schedule and plan shall  
8 not apply to monitors—

9 (i) that have been discontinued in ac-  
10 cordance with section 58.14(c) of title 40,  
11 Code of Federal Regulations (as in effect  
12 on the date of enactment of this Act); and

13 (ii)(I) for which such discontinuation  
14 is not subject to a judicial challenge; or

15 (II) for which a judicial challenge de-  
16 scribed in subclause (I) has been fully re-  
17 solved by a settlement or order that au-  
18 thorizes discontinuation of such monitor.

19 (g) DESIGNATIONS.—Not later than 2 years after the  
20 date on which data is received from a monitor sited pursu-  
21 ant to this section that demonstrates that an area that  
22 is designated pursuant to section 107(d)(1) of the Clean  
23 Air Act (42 U.S.C. 7407(d)(1)) by the Administrator as  
24 in attainment or unclassifiable for an air pollutant is in  
25 violation of the applicable national ambient air quality

1 standard, the Administrator shall redesignate pursuant to  
2 section 107(d)(3) of such Act (42 U.S.C. 7407(d)(3)) that  
3 area as in nonattainment for that pollutant unless the des-  
4 ignation is otherwise precluded under this Act.

5 (h) SATELLITE MONITORING.—

6 (1) SATELLITE MONITORING DATA.—

7 (A) PROVISION OF SATELLITE DATA.—The  
8 Administrator of the Environmental Protection  
9 Agency may consult with the Administrator of  
10 the National Aeronautics and Space Adminis-  
11 tration regarding data from the satellites of the  
12 National Aeronautics and Space Administration  
13 for use in calculating design values under any  
14 national ambient air quality standards for PM<sub>10</sub>  
15 and PM<sub>2.5</sub>.

16 (B) REGULATIONS REQUIRED.—The Ad-  
17 ministrator of the Environmental Protection  
18 Agency may promulgate regulations to specify  
19 procedures (including any modeling techniques)  
20 for using data described in subparagraph (A) in  
21 combination with information from multiple  
22 sources, including monitors and modeling, to  
23 calculate the expected number of exceedances  
24 per year and the design values for PM<sub>10</sub> and  
25 PM<sub>2.5</sub> for purposes of determining compliance

1 or noncompliance with the national ambient air  
2 quality standards for those pollutants.

3 (2) NATIONAL ACADEMY OF SCIENCES RE-  
4 PORT.—

5 (A) IN GENERAL.—The Administrator may  
6 enter into an arrangement with the National  
7 Academy of Sciences under which the National  
8 Academy of Sciences agrees to submit a report  
9 that describes the actions necessary, including  
10 new science and satellite assets to enable the  
11 contribution of satellite monitoring to the cal-  
12 culation of design values and nonattainment de-  
13 terminations under any national ambient air  
14 quality standards for ozone, oxides of nitrogen,  
15 and oxides of sulfur established pursuant to  
16 section 109 of the Clean Air Act (42 U.S.C.  
17 7409).

18 (B) REGULATIONS REQUIRED.—

19 (i) IN GENERAL.—Not later than De-  
20 cember 31, 2023, the Administrator, in co-  
21 ordination with the Administrator of the  
22 National Aeronautics and Space Adminis-  
23 tration and the Administrator of the Na-  
24 tional Oceanic and Atmospheric Adminis-  
25 tration, shall promulgate regulations that

1 provide a plan for the use of satellite moni-  
2 toring data in calculating design values for  
3 the pollutants described in subparagraph  
4 (A).

5 (ii) REQUIREMENT.—Not later than  
6 January 1, 2027, the Administrator shall  
7 implement the plan required by clause (i)  
8 and provide for use of satellite data in cal-  
9 culating design values for the pollutants  
10 described in subparagraph (A).

11 (3) DEFINITION.—For purposes of this sub-  
12 section, the term “design value” means, for each  
13 pollutant, the air quality statistic the Administrator  
14 defines in part 50 (including appendices) of title 40,  
15 Code of Federal Regulations, for comparison with  
16 the relevant national ambient air quality standard  
17 established under section 109 of the Clean Air Act  
18 (42 U.S.C. 7409), regardless of whether the regula-  
19 tion (including appendices) in part 50 of title 40,  
20 Code of Federal Regulations, uses the term “design  
21 value”.

22 (i) MONITORING PLANS.—Notwithstanding any other  
23 provision of law, the Administrator may not approve a  
24 State monitoring plan under section 58.10 of title 40,

1 Code of Federal Regulations (or successor regulations) un-  
2 less—

3 (1) the State provided, with respect to the State  
4 monitoring plan—

5 (A) public notice;

6 (B) not less than 45 days for public com-  
7 ment; and

8 (C) an opportunity for public hearing; and

9 (2) the Administrator—

10 (A) proposes in the Federal Register to ap-  
11 prove or disapprove of the State monitoring  
12 plan;

13 (B) provides not less than 45 days for pub-  
14 lic comment on the proposal described in sub-  
15 paragraph (A); and

16 (C) publishes in the Federal Register the  
17 final action on the proposal described in sub-  
18 paragraph (A).

19 (j) FUNDING.—

20 (1) AUTHORIZATION OF APPROPRIATIONS.—

21 There is authorized to be appropriated to carry out  
22 this section \$75,000,000 for fiscal year 2023.

23 (2) USES.—The Administrator—

24 (A) may use the amounts made available  
25 to carry out this section—

1 (i) to directly deploy new or replace-  
2 ment NCore multipollutant monitoring sta-  
3 tions required under subsection (a); or

4 (ii) to make grants under section 103  
5 or 105 of the Clean Air Act (42 U.S.C.  
6 7403; 7405) to State and local govern-  
7 ments for deployment and operation of the  
8 NCore multipollutant monitoring stations  
9 required under subsection (a); and

10 (B) shall use not less than 5 percent, but  
11 not more than 10 percent, of the amounts made  
12 available to carry out this section to perform  
13 the maintenance and repairs necessary to re-  
14 store to operation NCore multipollutant moni-  
15 toring stations that are—

16 (i) as of the date of enactment of this  
17 Act, nonoperational; and

18 (ii) located in areas that are des-  
19 ignated as in nonattainment of national  
20 ambient air quality standards under sec-  
21 tion 109 of the Clean Air Act (42 U.S.C.  
22 7409) for ozone or particulate matter.

23 **SEC. 6. SENSOR MONITORING.**

24 (a) **DEPLOYMENT OF AIR QUALITY SENSORS.—**

1           (1) IN GENERAL.—Not later than 2 years after  
2 the date of enactment of this Act, the Adminis-  
3 trator—

4           (A) shall deploy, in accordance with the  
5 prioritization criteria described in section  
6 5(d)(2), not fewer than 1,000 air quality sen-  
7 sors, each of which shall cost not more than  
8 \$5,000;

9           (B) shall deploy such air quality sensors in  
10 clusters of not fewer than five in each of the  
11 census tracts or counties selected;

12           (C) before determining and approving sites  
13 for such air quality sensors, shall invite,  
14 through public notice and other means designed  
15 to reach communities disproportionately im-  
16 pacted by air pollution, proposals from or on  
17 each behalf of residents of any community for  
18 the sites; and

19           (D) may contract with State and local air  
20 pollution control agencies to conduct sensor  
21 monitoring and report the results.

22           (2) REQUIREMENT.—In carrying out paragraph  
23 (1), the Administrator shall select sensors for de-  
24 ployment that—



1 (A) are available on the market at the time  
2 of purchase;

3 (B) the Administrator determines will pro-  
4 vide data of sufficient accuracy to provide a  
5 reasonable basis for determining whether the lo-  
6 cation in which the sensor is sited is or may be  
7 at risk of exceeding the applicable national am-  
8 bient air quality standard established pursuant  
9 to section 109 of the Clean Air Act (42 U.S.C.  
10 7409); and

11 (C) are the lowest cost available that meet  
12 the criteria of subparagraph (B).

13 (3) EXCEPTION TO COST LIMITATION.—Not-  
14 withstanding paragraph (1), if the Administrator de-  
15 termines in writing that a sensor model to measure  
16 a particular pollutant is not available on the market  
17 at a price at or below \$5,000 each, the Adminis-  
18 trator may spend an amount above \$5,000 to ac-  
19 quire such sensor model so long as the Adminis-  
20 trator complies with subparagraphs (B) and (C) of  
21 paragraph (2).

22 (b) POLLUTANTS.—

23 (1) IN GENERAL.—Each air quality sensor de-  
24 ployed pursuant to subsection (a) shall measure  
25 ozone, PM<sub>2.5</sub>, oxides of nitrogen, or sulfur dioxide.

1           (2) DETERMINATION.—The Administrator shall  
2 determine which pollutant or air pollutants an air  
3 quality sensor deployed pursuant to subsection (a)  
4 shall monitor based on the pollution sources affect-  
5 ing the area in which the sensor is to be deployed.

6           (c) DETERMINATION AND INSTALLATION.—

7           (1) IN GENERAL.—Not later than 18 months  
8 after the date on which an air quality sensor de-  
9 ployed pursuant to subsection (a) has been moni-  
10 toring air quality data for 1 year, the Administrator  
11 shall determine whether data from the air quality  
12 sensors deployed in the applicable census tract or  
13 county shows air pollution levels over the 1-year pe-  
14 riod ending on the date of the determination that  
15 reached 98 percent of the level of the national ambi-  
16 ent air quality standard under section 109 of the  
17 Clean Air Act (42 U.S.C. 7409) for any air pollut-  
18 ant.

19           (2) REQUIREMENT.—If the Administrator  
20 makes a determination under paragraph (1) that an  
21 air pollutant described in subsection (b)(1) met the  
22 threshold described in that paragraph, the Adminis-  
23 trator shall, not later 180 days after the date of the  
24 determination, ensure that Federal reference method  
25 monitors or Federal equivalent method monitors are

1 installed and in operation within that census tract or  
2 county for each pollutant that met the threshold.

3 (3) EXCEPTIONS.—The Administrator shall  
4 waive the requirement of paragraph (2) if the Ad-  
5 ministrator finds, within the 180-day period de-  
6 scribed in such paragraph, and after providing no-  
7 tice and an opportunity for public comment, that  
8 based on clear and convincing evidence—

9 (A) the measurements from the sensor or  
10 sensors supporting the determination described  
11 in paragraph (2) were so inaccurate as to pro-  
12 vide no reasonable basis for finding that levels  
13 of the relevant pollutant reached 98 percent of  
14 the level of the national ambient air quality  
15 standard under section 109 of the Clean Air  
16 Act (42 U.S.C. 7409) for the relevant pollutant;  
17 or

18 (B) complementary data such as informa-  
19 tion on the ambient matrix, meteorology, meas-  
20 urements from other nearby sensors or ambient  
21 monitors, modeling, satellite data, or other rel-  
22 evant and reliable information demonstrate that  
23 levels of the relevant pollutant could not have  
24 plausibly reached 98 percent of the level of such  
25 standard.

1 (d) REPORT.—Not later than 1 year after the date  
2 of enactment of this Act, and not less frequently than  
3 every 6 years thereafter, the Administrator shall report  
4 on additional areas of decision making where data from  
5 low-cost air quality sensors may be relevant and useful.

6 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
7 authorized to be appropriated to carry out this section  
8 \$6,000,000.

9 **SEC. 7. DATA REQUIREMENT.**

10 To the extent practicable, the Administrator shall in-  
11 tegrate the data collected through the programs estab-  
12 lished under this Act into the Environmental Justice  
13 Screening and Mapping Tool (EJSCREEN) of the Envi-  
14 ronmental Protection Agency or a relevant similar map-  
15 ping and screening tool.

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