

**2017 -- S 0767 SUBSTITUTE A**

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LC001920/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2017**

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A N A C T

RELATING TO AERONAUTICS -- THE PERMANENT AIR QUALITY MONITORING ACT

Introduced By: Senator Michael J. McCaffrey

Date Introduced: April 12, 2017

Referred To: Senate Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 1-7-1, 1-7-6 and 1-7-9 of the General Laws in Chapter 1-7 entitled  
2 "The Permanent Air Quality Monitoring Act" are hereby amended to read as follows:

3           **1-7-1. Long-term air quality monitoring program.**

4           (a) The Rhode Island airport corporation (RIAC) shall design, acquire, install, operate  
5 and maintain a long-term air quality monitoring program in the vicinity of T.F. Green airport. The  
6 corporation may hire a consultant to perform these tasks.

7           (b) The monitoring program shall provide for the monitoring of all of the following:

8           (1) Particulate matter, including only ~~PM 2.5~~, particles less than 0.1 microns, and black  
9 carbon; ~~and~~

10           (2) ~~Volatile organic compounds (VOC's), including, but not limited to: benzene, 1, 3~~  
11 ~~butadiene, and naphthalene; and carbonyls including, but not limited to, formaldehyde and~~  
12 ~~acetaldehyde; and~~

13           (3) ~~Polycyclic aromatic hydrocarbons, including those that are particulate bound and~~  
14 ~~semivolatiles.~~

15           (c) (1) The design of the monitoring program shall:

16           (i) Include an implementation schedule for the components of the monitoring program set  
17 forth in subsection (b); and

18           (ii) Assure the quality and meaningfulness of the monitoring data; and

19           (iii) Be set forth in a draft work plan developed, in consultation with the department of

1 environmental management and the department of health.

2 (2) The consultation with the department of environmental management and the  
3 department of health shall include, but not limited to:

4 (i) Ensuring that peer review is employed in the development of an air quality monitoring  
5 strategy;

6 (ii) Providing the corporation with unbiased reviews of current, validated scientific  
7 knowledge relevant to air quality monitoring and public health impacts;

8 (iii) Assisting with the review of work plans and reports;

9 (iv) Evaluating and comparing the corporation's proposed methodologies, quality  
10 assurance procedures and monitoring criteria, with other relevant monitoring efforts mandated by  
11 either state or federal law in order to ensure consistency and comparability among the  
12 methodologies and criteria.

13 (d) The draft work plan and the final work plan shall describe and justify with reasonable  
14 specificity all significant aspects of the monitoring program, including, but not limited to, quality  
15 assurance procedures and a description and justification of the number, type, and location of the  
16 ambient air quality monitors to be installed as part of the long-term monitoring program.  
17 ~~provided that there shall be at a minimum, one monitor placed at each of the following locations:~~  
18 ~~North, South, East and West of the airport.~~ The ambient air quality monitors shall be set up in a  
19 network that shall include at least four (4) monitoring sites and shall be designed to measure air  
20 quality impacts from airport operations, including those associated with planes operating on the  
21 extended runway and on neighborhoods adjacent to the airport facility, as well as at the Winslow  
22 Park playing fields.

23 (e) Notwithstanding the consultation requirement, the draft work plan shall be submitted  
24 to the department of environmental management and the department of health within the thirty  
25 (30) days of the effective date of this section for review and comment, pursuant to chapter 35 of  
26 title 42 of the general laws. The departments shall provide comments within thirty (30) days of  
27 receipt of the draft work plan. Following the departments' review and comment period, the draft  
28 work plan shall be made available for review and comment by members of the general public,  
29 and the air quality monitoring public advisory committee, established by this chapter, pursuant to  
30 chapter 35 of title 42 of the general laws. Adoption of the final work plan by the corporation shall  
31 be in accordance with chapter 35 of title 42 of the general laws. The final work plan shall be  
32 submitted to the governor, the speaker of the house of representatives and the president of the  
33 senate by the corporation no later than October 30, 2007.

34 (f) The final work plan and all revised final work plans shall include a reasonable

1 evaluation of funding sources, such as federal grants, that may be available to the corporation to  
2 cover some or all of the costs of the air quality monitoring.

3 (g) Amendments to the final work plan may be proposed by the corporation in  
4 consultation with the department of environmental management and the department of health on  
5 or before March 30, 2009 and every March 30, thereafter. Amendments to the final work plan  
6 may also be proposed by the department of environmental management, the department of health  
7 and/or the air quality monitoring public advisory committee on or before January 31, 2009 and  
8 every January 31, thereafter. Any proposed amendments to the final work plan shall be available  
9 for review and comment by members of the general public, and the air quality monitoring public  
10 advisory committee established by this chapter, pursuant to chapter 35 of title 42 of the general  
11 laws. The purposes of proposed amendments to the final work plan are: (1) to allow the  
12 corporation, in consultation with the department of environmental management and the  
13 department of health to consider any adaptations that may be indicated by the data collected from  
14 the pervious year, including whether new monitoring technologies, methodologies, or criteria are  
15 necessary; and (2) to make necessary adjustments to the program based on changes to state and/or  
16 federal regulations. Any proposed amendments to the final work plan shall be incorporated into a  
17 "revised [as of this date] final work plan" document, upon approval of the corporation, and shall  
18 be submitted to the governor, the speaker of the house of representatives, and the president of the  
19 senate by the corporation no later than January 1 of each year.

20 (h) Long-term air quality monitors will be procured and in effect by December 30, 2007.  
21 Interim monitoring shall be performed until such time as the long-term monitoring program is in  
22 place, and the use of all data generated therefrom shall conform with the reporting requirements  
23 set forth in § 1-7-6(b).

24 **1-7-6. Reporting.**

25 (a) The corporation shall provide the department of environmental management with an  
26 inventory of greenhouse gas pollutants, including, but not limited to, carbon dioxide and methane,  
27 and an annual inventory of sulfur dioxide, nitrogen oxides, and carbon monoxide. The inventories  
28 of data generated in the prior calendar year shall be reported to the department of environmental  
29 management on or before March 30, 2009 and every March 30 thereafter.

30 (b) Data generated from the permanent air-quality monitors shall be reported to the  
31 department of environmental management and the department of health on at least a quarterly  
32 basis and shall be used by the departments to continuously augment and update air-quality  
33 monitoring studies conducted by the departments.

34 [\(c\) The department of health shall prepare an annual report which shall contain the](#)

1 department's findings, analysis, conclusions, and recommendations resulting from the data  
2 generated by and from the permanent air quality monitors (the "monitors"), as well as a summary  
3 of the data collected from the monitors. The first such report shall be due on or before July 31,  
4 2017, and on or before July 31 in 2018, 2019, and for any further year thereafter during which  
5 data is collected and reported pursuant to the provisions of subsection (b) of this section. Copies  
6 of these reports shall be provided by the required dates to the speaker of the house, the president  
7 of the senate, the office of the governor, the office of the attorney general, and the offices of the  
8 mayor and the city council of the city of Warwick.

9 **1-7-9. Sunset provisions.**

10 On or before January 31, 2017, and on or before January 31, 2018, and January 31, 2019  
11 thereafter, the department of environmental management, the department of health, and the  
12 attorney general shall submit to the governor, the speaker of the house, and the president of the  
13 senate, recommendations as to the continuation of the air monitoring required in this act and,  
14 unless extended by the general assembly, the corporation's obligation to operate and maintain the  
15 air monitoring system will cease on July 31, ~~2017~~ 2019.

16 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO AERONAUTICS -- THE PERMANENT AIR QUALITY MONITORING ACT

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1           This act would reduce the items which must be monitored by the air quality monitors at  
2 T.F. Green Airport to particles less than 0.1 microns, and black carbon. This act would also  
3 require the department of health to prepare a report based on the data collected by those monitors  
4 and to submit that report to various parties. The act would also revise where the monitors can be  
5 placed, and would also extend the required air monitoring for two (2) years to July 31, 2019.

6           This act would take effect upon passage.

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