

SENATE BILL NO. 139

BY SENATOR WARD AND REPRESENTATIVES ARMES, ARNOLD, BADON, BERTHELOT, BROSSETT, BROWN, COX, GISCLAIR, HARRISON, JONES, KLECKLEY, LEOPOLD, MONTOUCET, MORENO, ORTEGO, RICHARD, SCHEXNAYDER, ST. GERMAIN AND THIBAUT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 30:148.9(B) and to enact R.S. 30:18(A)(6), relative to underground caverns for hydrocarbon storage or solution mining; to provide for penalties for violations of laws, regulations, or orders relative to drilling or use of such underground caverns; to provide factors for determining penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:148.9(B) is hereby amended and reenacted and R.S. 30:18(A)(6) is hereby enacted to read as follows:

§18. Penalties for violation of Chapter; venue

A.(1) \* \* \*

**(6)(a)(i) Notwithstanding any provision of this Section to the contrary, any person found to be in violation of any provision of this Chapter related to the drilling or use of underground caverns for hydrocarbon storage or solution mining, or any requirement, rule, regulation, or order related thereto, may be liable for a civil penalty, to be assessed by the commissioner or the court, of not more than the cost to the state of any response action made necessary by such violation that is not voluntarily paid by the violator, and a penalty of not more than thirty-two thousand five hundred dollars for each day of violation. However, such person may be liable for an additional penalty of not more than one million dollars when any such violation is done intentionally, willfully, or knowingly and either results in a discharge or disposal that causes irreparable**

1 or severe damage to the environment or involves the discharge of a substance  
2 which endangers human life or health.

3 (ii) If the penalty assessed by the commissioner is upheld in full or in  
4 part, the commissioner shall be entitled to legal interest as provided in R.S.  
5 9:3500 from the date of imposition of the penalty until paid.

6 (iii) Any person found to be in violation of any provision of this Chapter  
7 related to the drilling or use of underground caverns for hydrocarbon storage  
8 or solution mining, or any requirement, rule, regulation, or order related  
9 thereto, may be subject to the revocation or suspension of any permit, license,  
10 or variance that has been issued to the person related to the drilling or use of  
11 such underground caverns for hydrocarbon storage or solution mining.

12 (b) Any person to whom a compliance order or a cease and desist order  
13 is issued pursuant to this Chapter who fails to take corrective action within the  
14 time specified in said order shall be liable for a civil penalty to be assessed by  
15 the commissioner or the court of not more than fifty thousand dollars for each  
16 day of continued violation or noncompliance.

17 (c)(i) In determining whether or not a civil penalty is to be assessed and  
18 in determining the amount of the penalty or the amount agreed upon in  
19 compromise, the following factors shall be considered:

20 (aa) The history of previous violations or repeated noncompliance.

21 (bb) The nature and gravity of the violation.

22 (cc) The degree of culpability, recalcitrance, defiance, or indifference to  
23 regulations or orders.

24 (dd) The monetary benefits realized through noncompliance.

25 (ee) The degree of risk to human health or property caused by the  
26 violation.

27 (ff) Whether the noncompliance or violation and the surrounding  
28 circumstances were immediately reported to the commissioner and whether the  
29 violation or noncompliance was concealed or if there was an attempt to conceal  
30 by the person charged.



1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
3 effective on the day following such approval.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_