

2020 Regular Session

HOUSE BILL NO. 587

BY REPRESENTATIVE COUSSAN

ENVIRONMENT/QUALITY DEPT: Authorizes the secretary of the Department of Environmental Quality to establish a voluntary environmental self-audit program

1 AN ACT

2 To enact amend and reenact R.S. 30:2030(A) and to enact R.S. 30:2044, relative to the  
3 Department of Environmental Quality; to authorize the secretary to promulgate  
4 regulations allowing for voluntary environmental self-audits; to provide for the  
5 confidentiality of information contained in a voluntary environmental self-audit; to  
6 provide for exceptions to confidentiality requirements; to provide for incentives to  
7 facilities conducting voluntary environmental self-audits; and to provide for related  
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 30:2030(A) is hereby amended and reenacted and R.S. 30:2044 is  
11 hereby enacted to read as follows:

12 §2030. Confidential information; restricted access via the Internet

13 A.(1) Department records and information obtained under this Subtitle, or  
14 by any rule, regulation, order, license, or permit term or condition adopted or issued  
15 hereunder, or by any investigation authorized thereby, shall be available to the  
16 public, unless nondisclosure is requested in writing, and such information is  
17 determined by the department to require confidentiality. Such information may be  
18 classified as confidential by the department if the secretary makes a written  
19 determination that confidentiality is necessary to:

1 (a) Prevent impairment of an ongoing investigation or prejudice to the final  
2 decision regarding a violation; or

3 (b) Protect trade secrets, proprietary secrets and information, and  
4 commercial or financial information.

5 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection,  
6 information contained in a voluntary environmental self-audit authorized by R.S.  
7 30:2044 shall be held confidential by the department and shall be withheld from  
8 public disclosure for a limited time period specified in the rules and regulations  
9 adopted by the department under the provisions of R.S. 30:2044.

10 ~~(2)~~ (3) However, such nondisclosure shall not apply to necessary use by duly  
11 authorized officers or employees of state or federal government in carrying out their  
12 responsibilities under this Subtitle or applicable federal law, and air emission data  
13 or discharges to surface and ground waters and the location and identification of any  
14 buried waste materials shall be not construed as confidential information unless the  
15 information is disclosed to the department in a voluntary environmental self-audit  
16 under the provisions of R.S. 30:2044 and the regulations are promulgated in  
17 accordance with that Section. Information that is required to be reported to a state  
18 or federal agency by statute, regulation, or permit, shall not be held confidential.

19 \* \* \*

20 §2044. Voluntary environmental self-audits

21 A. The secretary shall promulgate under the Administrative Procedure Act  
22 regulations establishing a program for voluntary environmental self-audits. As a part  
23 of that program, the regulations shall provide for the following:

24 (1) Conduct of voluntary environmental self-audits.

25 (2) Submission of the results of voluntary environmental self-audits to the  
26 department.

27 (3) The period of time that information contained in the voluntary  
28 environmental self-audit may be held confidential by the department.

1           (4) Incentives in the form of reduction or elimination, or both, of civil  
2           penalties for violations disclosed to the department in a voluntary environmental  
3           self-audit.

4           (5) Corrective action for violations discovered as a result of a voluntary  
5           environmental self-audit.

6           (6) Submission to the department of the plans to correct violations  
7           discovered during a voluntary environmental audit.

8           (7) A fee for reviewing voluntary environmental self-audit reports and  
9           actions taken to correct the violations reported.

10           B. The fee for reviewing environmental self-audits shall not exceed the  
11           maximum per-hour salary, including associated benefits, of a civil service employee  
12           of the department per hour or portion thereof required to conduct the review plus  
13           reasonable indirect costs calculated as a percentage of the hourly fee. Such  
14           percentage shall be determined annually by agreement between the department and  
15           the United State Environmental Protection Agency for use on grants and contracts.  
16           However, the department may require a minimum fee of one thousand five hundred  
17           dollars.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 587 Original

2020 Regular Session

Coussan

**Abstract:** Authorizes the Dept. of Environmental Quality to promulgate regulations for a voluntary environmental self-audit program administered by the department.

Proposed law authorizes the secretary of the Dept. of Environmental Quality to establish a program for voluntary environmental self-audits. Requires that the regulations provide for the conduct of the self-audit, submission of the results to the department, the period of time that information contained in the self-audit may be held confidential, incentives to encourage the use of self-audits, corrective actions for violations discovered by the self-audit, submission of a corrective plan, and fees for reviewing the audit and corrective plan.

Present law provides that department records and information obtained from rules, regulations, orders, licenses, or permits are available to the public unless the secretary determines that release of the information may impair an investigation or the protection of trade secrets and proprietary information.

Proposed law provides that information obtained through a voluntary environmental self-audit must be held confidential for a limited time as specified in the rules applicable to voluntary environmental self-audits. Further provides that information disclosed to the department under a self-audit that is required to be reported to a state or federal agency by statute regulations or permits will not be held confidential.

(Amends R.S. 30:2030(A); Adds R.S. 30:2044)