

2020 Regular Session

SENATE BILL NO. 399

BY SENATOR FIELDS AND REPRESENTATIVES JORDAN AND MARCELLE

ENVIRONMENTAL QUALITY. Provides for reporting and notification of releases of certain materials that cause an emergency condition. (8/1/20)

1 AN ACT

2 To amend and reenact R.S. 30:2363(10) and 2373(B)(2) and (6) and to enact R.S.
3 30:2363(21) and 2365(A)(8), relative to the "Right-to-Know" law; to provide for the
4 reporting of certain releases of hazardous materials; to provide for definitions; to
5 provide for reporting of emergency conditions; to provide for public notification of
6 emergency conditions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 30:2363(10) and 2373(B)(2) and (6) are hereby amended and
9 reenacted and R.S. 30:2363(21) and 2365(A)(8) are hereby enacted to read as follows:

10 §2363. Definitions

11 The following terms as used in this Chapter shall have the following
12 meanings:

13 * * *

14 (10) "Immediately" means a reasonable period of time after identifying the
15 nature, quantity, and potential off-site impact of a release considering the exigency
16 of the circumstances. **In cases of an emergency condition as defined by this**
17 **Section, "immediately" means as soon as possible not to exceed fifteen minutes**

1 from the discovery of the condition.

2 * * *

3 (21)(a) "Emergency condition" means condition that could result in any
4 of the following:

5 (i) Reasonable expectation that the health and safety of the public is
6 endangered.

7 (ii) Cause significant adverse impact to the land, water, or air
8 environment.

9 (iii) Cause severe damage to property.

10 (b) An emergency condition is presumed to exist whenever a reportable
11 hazardous material release causes an injury requiring hospitalization or a
12 fatality or results in a fire or explosion which could reasonably expect to affect
13 the public safety beyond the boundaries of the facility.

14 * * *

15 §2365. Responsibilities of the department

16 A. The deputy secretary shall:

17 * * *

18 (8) Develop or utilize, in cooperation with any federal, state, or local
19 governmental agency, an electronic or telephonic public notification system
20 that, in addition to any other appropriate technology, includes cell tower or
21 cellular base station location to aid in the dissemination of information to the
22 public.

23 * * *

24 §2373. Failure to report; penalties

25 * * *

26 B.

27 * * *

28 (2) Any reportable release of any hazardous material regulated by this
29 Chapter which causes any injury requiring hospitalization or any fatality or any

presumes the existence of an emergency condition whenever a reportable hazardous material release causes an injury requiring hospitalization, or a fatality, or results in a fire or explosion which could reasonably expect to affect the public safety beyond the boundaries of the facility.

Present law defines "immediately" as a reasonable period of time after identifying the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances.

Proposed law retains present law and adds that in cases of an emergency condition, "immediately" means as soon as possible not to exceed 15 minutes from the discovery of the condition.

Proposed law requires the deputy secretary of the Dept. of Public Safety and Corrections to develop or utilize an electronic or telephonic public notification system that, in addition to any other appropriate technology, includes cell tower or cellular base station location to aid in the dissemination of information to the public.

Proposed law requires owners or operators to immediately report to the department any reportable release of any hazardous material regulated by present law which causes an emergency condition.

Proposed law requires the department to utilize the public notification system upon receipt of such notification.

Proposed law provides that any additional information required by rules and regulations promulgated pursuant to present law shall be reported to the department after a reasonable amount of time to take prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances.

Present law authorizes the rules and regulations to implement and clarify the reporting requirements of present law and to address changes in federal regulations.

Proposed law requires such rules and regulations provide that any written notification reports on releases that caused an emergency condition shall be submitted within 24 hours from the emergency condition report.

Effective August 1, 2020.

(Amends R.S. 30:2363(10) and 2373(B)(2) and (6); adds R.S. 30:2363(21) and 2365(A)(8))