
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Tyler S. McCloud.

DIGEST

SB 400 Original

2020 Regular Session

Fields

Present law provides for civil penalties for any violation of the Environmental Quality Act, assessed by the secretary, the assistant secretary of the office of environmental compliance, or the court, of not more than the cost to the state of any response action made necessary by such violation which is not voluntarily paid by the violator, and a penalty of not more than \$32,500 for each day of violation. Proposed law increases such civil penalty from \$32,500 per day to \$65,000 per day.

Present law provides that when any such violation is done intentionally, willfully, or knowingly, or results in a discharge or disposal which causes irreparable or severe damage to the environment or if the substance discharged is one which endangers human life or health, such person may be liable for an additional penalty of not more than \$1,000,000. Proposed law increase such additional penalty from not more than \$1,000,000 to \$2,000,000.

Present law subjects any person to whom a compliance order or a cease and desist order is issued and fails to take corrective action within the time specified in said order to a civil penalty to be assessed by the secretary, the assistant secretary of the office of environmental compliance, or the court of not more than \$50,000 for each day of continued violation or noncompliance. Proposed law increases the civil penalty from not more than \$50,000 per day to not more than \$100,000 per day.

Present law provides for felony criminal penalties for any person who willfully or knowingly discharges, emits, or disposes of any substance in violation of present law, of the regulations, or of the permit or license terms and conditions, when the substance is one that endangers or that could endanger human life or health. Present law provides for a fine of not more than \$1,000,000 or the cost of any cleanup made necessary by such violation and provides for an additional fine of not more than \$100,000 per violation, which may be assessed for each day the violation continues, and costs of prosecution, or imprisoned at hard labor for not more than 10 years, or both, provided that a continuous violation extending beyond a single day shall be considered a single violation.

Proposed law increases the fine from \$1,000,000 to \$2,000,000, the additional fine from \$100,000 per violation to \$200,000 per violation, and the imprisonment from not more than 10 years at hard labor to 20 years at hard labor.

Present law provides for misdemeanor criminal penalties for any person who willfully or knowingly discharges, emits, or disposes of any substance in contravention of present law, of the regulations, or of the permit or license terms and conditions in pursuance thereof, when the substance does not endanger or could not endanger human life or health, or who willfully or knowingly violates any fee or filing requirement, or who willfully or knowingly makes any false statement, representation, or certification in any form, application, record, label, manifest, report, plan, or other document filed or required to be maintained or who willfully or knowingly falsifies, intentionally tampers with, or

knowingly renders inaccurate any monitoring device or method required to be maintained. Present law provides for a fine of not more than \$25,000 per violation, which may be assessed for each day the violation continues, and costs of prosecution, or imprisoned for not more than one year or both, provided that a continuous violation extending beyond a single day shall be considered a single violation.

Proposed law increases the fine from \$25,000 per violation to \$50,000 per violation and imprisonment from not more than one year to two years, or both.

Effective August 1, 2020.

(Amends R.S. 30:2025(E)(1)(a) and (2) and (F)(1)(a) and (2)(a))