

2024 Regular Session

SENATE BILL NO. 76

BY SENATOR FESI

HAZARDOUS MATERIALS. Provides for the notification of certain hazardous material releases. (8/1/24)

1 AN ACT

2 To amend and reenact R.S. 30:2363(7) and (13), 2370(H)(2), and 2373(B)(1), relative to the
3 "Right-to-Know" law; to provide for natural gas pipelines; to provide for definitions;
4 to provide for reporting requirements; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 30:2363(7) and (13), 2370(H)(2), and 2373(B)(1) are hereby amended
7 and reenacted to read as follows:

8 §2363. Definitions

9 The following terms as used in this Chapter shall have the following
10 meanings:

11 * * *

12 (7) "Facility" means the physical premises used by the owner or operator in
13 which the hazardous materials are manufactured, used, or stored. A natural gas
14 pipeline, including but not limited to transmission and distribution assets, shall not
15 be considered a facility and **shall not be** subject to the reporting requirements for
16 facilities under this Chapter. A natural gas pipeline shall not be considered a
17 transport vehicle or otherwise subject to the reporting requirements under Chapter

1 12 of Title 32 of the Louisiana Revised Statutes of 1950, regarding hazardous
2 materials transportation and motor carrier safety. A natural gas pipeline shall not be
3 classified as a compressed natural gas facility.

4 * * *

5 (13) "Owner or operator" means any person, partnership, or corporation in
6 the state including, unless otherwise stated, the state and local government, or any
7 of its agencies, authorities, departments, bureaus, or instrumentalities engaged in
8 business or research operations which use, manufacture, emit, or store a hazardous
9 material in a facility. **This term shall not include the owner or operator of a**
10 **natural gas pipeline.**

11 * * *

12 §2370. Extraordinary circumstances; deputy secretary's discretion to permit
13 alternative reporting procedures; residential and retail use;
14 exemptions

15 * * *

16 H. The following nonexclusive list of facilities shall qualify, when otherwise
17 required to report under this Chapter, for the alternate reporting procedures
18 established under this Section:

19 * * *

20 (2) ~~Natural gas, crude~~ **Crude** oil, and hydrocarbon product pipelines.

21 * * *

22 §2373. Failure to report; penalties

23 * * *

24 B.(1) Owners and operators shall immediately notify the department of any
25 reportable releases, other than a federally or state permitted release or application of
26 a pesticide or fertilizer, of a hazardous material or substance listed pursuant to this
27 Chapter exceeding the reportable quantity when that reportable quantity could be
28 reasonably expected to escape the site of the facility, as soon as the owner or
29 operator has knowledge of such release. Failure to do so shall subject owners and

1 operators to civil penalties as provided in Subsection C of this Section.
 2 ~~Notwithstanding any provision of law to the contrary, natural gas from distribution~~
 3 ~~lines shall have a reportable release of forty-two thousand pounds or more.~~

4 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jacob Wilson.

DIGEST

SB 76 Original 2024 Regular Session Fesi

Present law establishes the "Right-to-Know" law to inform the public of the risks and effects of certain hazardous materials and provides for certain reporting requirements and definitions. Present law provides that a "facility" is the physical premises in which hazardous materials are manufactured, used, or stored, and further provides that a natural gas pipeline is a facility.

Proposed law excludes natural gas pipelines from the definition of "facility".

Present law provides that an "owner or operator" is an entity engaged in activities which use, manufacture, emit, or store hazardous materials in a facility. Proposed law excludes owners of natural gas pipelines from the definition of "owner or operator".

Present law provides for alternative reporting procedures for certain owners and operators of certain facilities.

Proposed law removes natural gas pipelines from the facilities that qualify for alternative reporting procedures.

Present law provides for the reporting of certain information and for penalties related to a release of natural gas from distribution lines, the threshold for which is a reportable quantity of one thousand pounds or more of natural gas.

Proposed law removes the reportable quantity for releases of natural gas from distribution lines.

Effective August 1, 2024.

(Amends R.S. 30:2363(7) and (13), 2370(H)(2), and 2373(B)(1))