

2026 Regular Session

HOUSE BILL NO. 1191

BY REPRESENTATIVE JACOB LANDRY

ENERGY/OIL & GAS WELLS: Creates a certificate of compliance process for oilfield and exploration and production sites

1 AN ACT

2 To enact R.S. 30:29.3, relative to certificates of compliance for oilfield and exploration and  
3 production sites; to establish a certificate of compliance process for oilfield and  
4 exploration and production sites; to provide definitions; to provide for procedural  
5 requirements; to provide for certificates of compliance; to provide for corrective  
6 action; to provide for venue; to authorize department fees; to authorize department  
7 rulemaking; to provide for a public records exemption; to provide for applicability  
8 to certain suits; to provide an effective date; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 30:29.3 is hereby enacted to read as follows:

11 §29.3. Certificate of compliance for oilfield sites and exploration and production  
12 sites

13 A. Definitions. As used in this Section, the following terms shall have the  
14 following meanings:

15 (1) "Certificate of compliance" means the document issued by the  
16 department pursuant to this Section certifying that a site is in compliance with  
17 applicable laws at the time of evaluation.

18 (2) "Corrective action period" means the six-month period following the  
19 department's issuance of a report of noncompliance pursuant to Subparagraph  
20 (B)(8)(b) of this Section, during which the requesting parties may take corrective  
21 actions to achieve compliance.

1           (3) "Environmental damage" shall have the same meaning as provided in  
2           R.S. 30:29(D)(2).

3           (4) "Most feasible plan" shall have the same meaning as provided in R.S.  
4           30:29(D)(4).

5           (5) "Notice" means the written joint notice filed by the requesting parties  
6           with the department pursuant to Paragraph (B)(1) of this Section to initiate the  
7           voluntary evaluation process pursuant to this Section.

8           (6) "Operator of interest" means the most recent solvent prior operator of  
9           record or any registered operator in good standing with the department that has  
10          acquired either a lease or other right to discover and produce minerals from the site  
11          or a bona fide option to acquire such a lease.

12          (a) No person or entity shall initiate or participate in the certificate of  
13          compliance process for the purpose of generating, obtaining, or preserving  
14          environmental data or sampling results for use as evidence in any pending or  
15          anticipated litigation or administrative proceeding to which that person is a party and  
16          in which conditions at the site are at issue, other than in a proceeding in which a  
17          certificate of compliance itself is asserted as an affirmative defense following its  
18          issuance.

19          (b) For purposes of this Section, "operator of interest" does not include a  
20          royalty owner, overriding royalty interest owner, or any other person whose interest  
21          in the site is limited to a financial or production interest and who does not bear direct  
22          operational responsibility for the site as operator of record or as a lessee under  
23          applicable law. The exclusion of the owner of an interest, including any working  
24          interest owners, from this definition does not affect any rights or obligations such  
25          owners may have under applicable law.

26          (7) "Requesting parties" means the surface owner, or their authorized  
27          representative, and the operator of interest of a historic oilfield site or exploration  
28          and production site subject to regulation under applicable law, acting jointly. A  
29          certificate of compliance shall not be issued unless both the surface owner and the

1 operator of interest join in the notice to the department and in all subsequent phases  
2 of the evaluation process. Where the surface owner and operator of interest are the  
3 same person or entity, a single applicant shall satisfy this requirement and be  
4 considered a "requesting party".

5 (8) "Review period" means the one-year period commencing upon the  
6 department's receipt of the notice, or any extension thereof granted pursuant to  
7 Paragraph (B)(7) of this Section, during which the requesting parties may submit  
8 data and documentation and the department shall conduct an evaluation of the site.

9 (9) "Site" means any location, including any facility, structure, installation,  
10 equipment, or construction of any type at the location, and any environmental media  
11 at the location, including soil, surface water, ground water, and sediment, that is  
12 subject to regulation under applicable law. The boundaries and depth of the "site"  
13 may be delineated by the parties.

14 B. Notice and evaluation process.

15 (1) To initiate the certificate of compliance process, the requesting parties  
16 shall jointly file a written notice with the department. The process is strictly  
17 voluntary and may not be initiated during any pending litigation making a judicial  
18 demand arising from or alleging environmental damage with respect to the site. The  
19 notice shall include the following:

20 (a) Identification of the requesting parties by name and in what capacity each  
21 is acting.

22 (b) Identification of the site to be evaluated, including its location by section,  
23 township, range, and parish and any delineation of boundaries and depth to which  
24 the requesting parties have agreed if applicable.

25 (c) A map, plat, or survey which clearly delineates the boundaries of the site.

26 (d) A statement that the requesting parties jointly and voluntarily seek a  
27 certificate of compliance for the site pursuant to this Section.

28 (2) Until such time as the department promulgates rules in accordance with  
29 the Administrative Procedure Act providing a method for filing and considering a

1        notice, the notice shall be filed by certified mail, signed by both requesting parties,  
2        addressed to the secretary.

3                (3) The joint filing shall constitute notice to and consent by the surface  
4        owner for all purposes, including satisfaction of any notification requirements  
5        otherwise applicable under R.S. 30:29.1.

6                (4) The review period shall commence upon receipt of the notice by the  
7        department. During the review period, the requesting parties may submit to the  
8        department any data, environmental sampling results, testing reports, operational  
9        records, and other documentation relevant to the compliance status of the site. The  
10       requesting parties shall retain custody of all such data and documentation and shall  
11       not be required to submit any materials to the department; however, the requesting  
12       parties may voluntarily submit such materials for consideration by the department.  
13       Submission of a notice, data, or documentation to the department pursuant to this  
14       Section shall not constitute an admission of liability with respect to any condition at  
15       the site.

16               (5) During the review period, agents of the department shall conduct at least  
17       one visual inspection of the site, which shall be coordinated in advance with the  
18       requesting parties, and a representative of each requesting party shall be present  
19       during the inspection. The department may conduct subsequent site visits as it  
20       deems necessary for the evaluation, provided that the requesting parties are given  
21       reasonable advance notice of each visit and an opportunity to monitor.

22               (6) Prior to the issuance of a certificate of compliance or a report of  
23       noncompliance, the requesting parties shall jointly execute an affidavit attesting to  
24       the completeness and accuracy of all data and documentation submitted to the  
25       department pursuant to this Section. The affidavit shall be executed by an authorized  
26       representative of each requesting party. Submission of a materially false affidavit  
27       shall void any certificate of compliance issued in reliance thereon and shall not bar  
28       any claim the department otherwise has under applicable law.

1           (7) The department may extend the review period for up to six additional  
2           months upon a written request submitted by the requesting parties prior to the close  
3           of the initial one-year review period. The request for extension shall state the basis  
4           therefor, and the department shall grant or deny the request within thirty days of  
5           receipt. If the department does not act on the request within thirty days, the  
6           extension shall be deemed granted.

7           (8)(a) Within sixty days after the close of the review period, including any  
8           extension thereof, the department shall issue to the requesting parties one of the  
9           following determinations:

10           (i) A full or partial certificate of compliance, where the department has  
11           evaluated the site and determined that the site, or the applicable portion thereof, is  
12           in compliance with applicable law.

13           (ii) A report of environmental noncompliance, where the department  
14           determines that one or more environmental media at the site contain contamination  
15           exceeding applicable law. A report of environmental noncompliance shall describe  
16           with particularity each item of substantive noncompliance identified, the  
17           environmental media affected, the analytical data supporting each finding, and the  
18           corrective actions required to achieve compliance. Upon issuance of a report of  
19           environmental noncompliance, the corrective action period shall commence in  
20           accordance with Subsection D of this Section.

21           (iii) A notice of administrative deficiency, where the department determines  
22           that the site does not present contamination of environmental media above applicable  
23           regulatory standards, but that one or more administrative, operational, or  
24           recordkeeping requirements under applicable law have not been satisfied. A notice  
25           of administrative deficiency shall not constitute a report of noncompliance for  
26           purposes of this Section, shall not trigger the corrective action period under  
27           Subsection D of this Section, and shall not give rise to any inference or presumption  
28           of environmental liability with respect to the site. Administrative deficiencies  
29           identified in a notice pursuant to this Item shall be addressed through the  
30           department's regulatory and enforcement authority pursuant to this Subtitle and shall

1 not affect the admissibility or preclusive effect of any certificate of compliance  
2 issued as to environmental conditions at the site.

3 (b) Notwithstanding any outstanding administrative deficiencies that may be  
4 addressed pursuant to Item (B)(8)(a)(iii) of this Section, where environmental  
5 sampling and testing conducted during the review period demonstrates that all  
6 sampled environmental media at the site meet the requirements of applicable law, the  
7 department shall at minimum issue a partial certificate of compliance as to the  
8 environmental conditions of those media. The existence of an outstanding notice of  
9 administrative deficiency shall not delay, condition, or preclude the issuance of such  
10 a certificate and the certificate shall carry the full preclusive effect described in  
11 Subsection C of this Section as to environmental damage and property damage  
12 claims relating to pre-certification conditions of those media.

13 (9) All data, information, communications, analyses, and documentation  
14 generated or exchanged between the requesting parties and the department during the  
15 evaluation process established by this Subsection, other than a certificate, partial  
16 certificate, and a final report of environmental noncompliance, shall be confidential,  
17 shall not be subject to the Public Records Law, R.S. 44:1 et seq., and shall not be  
18 disclosed, used as evidence, or otherwise relied upon in any judicial or administrative  
19 proceeding by a person other than a requesting party, the department, or any of their  
20 respective successors or assigns. The requesting parties may, by mutual written  
21 agreement, waive confidentiality as to any specific document or communication.

22 C. Effect of certificate of compliance.

23 (1) The issuance of a certificate of compliance shall foreclose future judicial  
24 or administrative action by the department or any other governmental entity for fees,  
25 penalties, or monetary damages relating to site conditions that existed prior to the  
26 time of certification. Nothing shall preclude the department from issuing appropriate  
27 orders to require corrective action relating to environmental site conditions arising  
28 after the date of the certificate. The department may pursue only administrative  
29 remedies to address environmental noncompliance that arises after the date of the  
30 certificate.

1           (2) In any private litigation filed relating to a site for which a certificate of  
2           compliance has been issued, and notwithstanding R.S. 30:29(H)(1), the following  
3           shall apply:

4           (a) The certificate of compliance shall be admissible evidence creating a  
5           rebuttable presumption that operation of the site was reasonable, prudent, and in  
6           conformance with industry standards and state requirements as of the date of  
7           certification.

8           (b) No claim for environmental damage as defined in R.S. 30:29(I)(2), nor  
9           any claim for property damage arising from or related to oilfield operations or  
10          exploration and production activities, shall be maintained by any party with respect  
11          to site conditions that existed prior to the date of the certificate of compliance.

12          (3) The issuance of a certificate of compliance for a site shall satisfy and  
13          foreclose the requirements of R.S. 30:29 and R.S. 30:29.2 as to any environmental  
14          damage or property damage claim relating to environmental site conditions that  
15          existed prior to the date of the certificate. Where a certificate of compliance has  
16          been issued, a most feasible plan shall not be required under R.S. 30:29 for  
17          pre-certification conditions and the certificate shall constitute conclusive evidence  
18          that the site meets applicable law as of the date of certification.

19          (4) When a certificate of compliance is asserted as an affirmative defense in  
20          any subsequently filed litigation, the court shall conduct a threshold determination  
21          of the validity of the certificate before requiring compliance with the notice, stay, or  
22          plan procedures of R.S. 30:29 or the alternative dispute resolution procedures of R.S.  
23          30:29.2. The presumption created by a certificate of compliance may be rebutted  
24          only upon clear and convincing evidence that the certificate was procured by fraud  
25          or material misrepresentation by the requesting parties. A certificate found valid by  
26          the court shall be dispositive as to all claims relating to pre-certification site  
27          conditions.

28          (5) The bar on claims established by Subparagraph (2)(b) of this Subsection  
29          shall not apply to a claim brought solely to enforce an express contractual provision

1 providing for remediation to original condition or to some other specific remediation  
2 standard, as preserved by Paragraph (G)(1) of this Section, unless the surface owner  
3 has voluntarily waived such contractual rights in writing prior to the issuance of the  
4 certificate of compliance. A written waiver of such contractual rights shall be  
5 binding upon the surface owner and any subsequent purchaser or transferee of the  
6 surface estate upon recordation in the conveyance records of the parish in which the  
7 site is located.

8 (6) Notwithstanding any provision of this Section to the contrary, no report  
9 of environmental noncompliance may be used in any judicial proceeding against a  
10 prior operator or lessee that is not a requesting party and that only held an interest  
11 in the site prior to the joint written notice to the department.

12 D. Corrective action period.

13 (1) Upon issuance of a report of noncompliance pursuant to Subparagraph  
14 (B)(8)(b) of this Section, the corrective action period shall commence. During the  
15 corrective action period, the requesting parties may take such corrective actions as  
16 are necessary to bring the site into compliance with applicable law. Either requesting  
17 party may request reinspection by the department at any time during the corrective  
18 action period.

19 (2) All data, environmental sampling results, testing reports, operational  
20 records, correspondence, and other documentation generated, submitted to,  
21 exchanged with, or reviewed by the department, the requesting parties, or their  
22 agents or consultants on or after the commencement date of the corrective action  
23 period in connection with the evaluation of the site shall be confidential, shall not be  
24 subject to the Public Records Law, R.S. 44:1 et seq., and shall not be disclosed or  
25 used as evidence in any judicial or administrative proceeding by a person who is not  
26 a requesting party, the department, or any of their respective successors or assigns.  
27 Nothing in this Paragraph shall apply to a final report of environmental  
28 noncompliance. The requesting parties may, by mutual written agreement, waive  
29 confidentiality as to any specific document or communication.

1           (3) All judicial proceedings pending or subsequently initiated that assert  
2           claims for environmental damage or property damage relating to pre-certification site  
3           conditions shall be stayed during the corrective action period. Any party may apply  
4           to the Nineteenth Judicial District Court to enforce the stay provided by this  
5           Subsection. The stay shall terminate automatically upon the earliest of the  
6           following:

7                   (a) Issuance of a certificate of compliance by the department.

8                   (b) Issuance of a final report of noncompliance by the department pursuant  
9           to Paragraph (5) of this Subsection.

10                   (c) Expiration of the corrective action period without the department having  
11           issued a certificate of compliance or a final report of noncompliance.

12                   (4) The department shall not assess penalties or issue compliance orders  
13           pertaining to the items of noncompliance identified in the report of noncompliance  
14           during the corrective action period, except that the department shall not be prohibited  
15           from making any order necessary to address an imminent and substantial threat to  
16           public health or safety.

17                   (5) Following reinspection after completion of corrective actions, or at the  
18           close of the corrective action period if reinspection has not been requested, the  
19           department shall issue either a certificate of compliance or a final report of  
20           noncompliance.

21                   E. The venue for any lawsuit or administrative proceeding involving, arising  
22           from, or challenging a certificate of compliance issued pursuant to this Section or a  
23           boundary determination regarding the site, including any proceeding in which the  
24           certificate is asserted as an affirmative defense or in which a party seeks to enforce  
25           or dissolve the stay of judicial proceedings provided by Paragraph (D)(3) of this  
26           Section, shall be exclusively in the Nineteenth Judicial District Court.

27                   F. Fees and rulemaking.

28                   (1) The department is authorized to promulgate rules in accordance with the  
29           Administrative Procedure Act to implement the provisions of this Section, including  
30           but not limited to rules establishing the following:

1           (a) A schedule of fees to be charged to requesting parties for the evaluation  
2           and certification process, including the costs of inspections and reinspections.

3           (b) Procedures for filing and processing the notice and for subsequent phases  
4           of the evaluation process, including the designation of a single point of contact and  
5           procedures for voluntary data submission.

6           (c) Standards and protocols for the evaluation of sites for compliance with  
7           applicable law, and protocols for the assessment of saltwater and brine contamination  
8           at oilfield and exploration and production sites, consistent with any saltwater and oil  
9           assessment program administered by the department.

10          (d) Procedures governing the corrective action period, including timelines  
11          and requirements for reinspection requests.

12          (2) Until such time as the department promulgates rules pursuant to this  
13          Subsection, the procedures set forth in Subsections B and D of this Section shall  
14          govern the filing of the notice, the voluntary evaluation process, and the corrective  
15          action period.

16           G. Voluntary waiver of remediation standard.

17          (1) Nothing in this Section shall be construed to impede or limit express  
18          contractual provisions providing for remediation to original condition or some other  
19          specific remediation standard. However, a surface owner may, at any time prior to  
20          the issuance of a certificate of compliance, voluntarily execute a written waiver of  
21          such contractual rights with respect to pre-certification site conditions, which waiver  
22          shall be binding upon the surface owner and any subsequent purchaser or transferee  
23          of the surface estate upon recordation in the conveyance records of the parish in  
24          which the site is located. In the absence of an express contractual provision  
25          providing otherwise, a party's legal responsibility is satisfied by meeting the  
26          standards set forth in applicable law.

27          (2) To be effective, a waiver executed pursuant to this Subsection shall  
28          conform to the following:

29           (a) Be in writing and signed by the surface owner or its duly authorized  
30           representative.

1           (b) Be expressly identified as a voluntary waiver of remediation to original  
2           condition or other specific remediation standard if applicable.

3           (c) Describe with reasonable specificity the site or portion thereof to which  
4           the waiver applies.

5           (d) Be filed with the department as part of, or as an attachment to, the notice,  
6           or filed separately with the department at any time prior to the issuance of a  
7           certificate of compliance, with a copy delivered to the operator of interest.

8           (3) A waiver executed and filed pursuant to this Subsection shall be recorded  
9           by the surface owner in the conveyance records of the parish in which the site is  
10          located within thirty days of filing with the department. Upon recordation, the  
11          waiver shall be binding upon the surface owner and any subsequent purchaser or  
12          transferee of the surface estate with respect to pre-certification site conditions.

13          (4) A waiver executed pursuant to this Subsection shall not impair any right  
14          of the surface owner to enforce obligations arising from site conditions that occur  
15          after the date of the certificate of compliance, nor shall it affect any express  
16          contractual provision addressing post-certification remediation obligations.

17           H. Effect on operator succession and post-certification acquisition.

18          (1) Notwithstanding any other provision of law to the contrary, a person who  
19          acquires a mineral lease, operating interest, or other right to conduct exploration and  
20          production activities at a site for which a certificate of compliance has been issued  
21          pursuant to this Section shall not, by virtue of that acquisition alone, become  
22          responsible for or assume any obligation with respect to environmental damage or  
23          property damage arising from pre-certification site conditions. Such acquisition shall  
24          not subject the acquiring party to liability in solido with any prior operator, lessee,  
25          or working interest owner for pre-certification conditions, nor shall it constitute a  
26          basis for proceeding against the acquiring party as the operator of record for  
27          pre-certification conditions. The acquiring party's regulatory and civil liability shall  
28          be limited to site conditions arising from its own operations conducted after the date  
29          of the certificate of compliance.

1           (2) A certificate of compliance issued pursuant to this Section constitutes  
2           conclusive documentation of the baseline environmental conditions at the site as of  
3           the date of certification. In any subsequent judicial or administrative proceeding,  
4           contamination or damage identified after the date of the certificate shall be presumed  
5           to constitute post-certification conditions and shall not be deemed indistinguishable  
6           from pre-certification conditions absent clear and convincing evidence to the  
7           contrary. This presumption shall apply in favor of any operator who acquires an  
8           interest in the site on or after the date of the certificate and against any claim seeking  
9           to hold that operator responsible for pre-certification conditions on the basis that  
10           post-certification and pre-certification damage cannot be distinguished.

11           (3) Nothing in this Subsection shall limit the liability of any person for  
12           environmental damage or property damage caused by that person's own  
13           post-certification operations, nor shall it limit the enforcement authority of the  
14           department or any other governmental entity with respect to post-certification site  
15           conditions. Nothing in this Subsection shall be construed to release any prior  
16           operator from liability to a subsequent operator or to the surface owner for  
17           pre-certification conditions.

18           I. The procedures provided in this Section are voluntary and shall not be the  
19           exclusive means by which a party may demonstrate compliance with applicable law.  
20           For purposes of determining if any site or portion thereof is in compliance with  
21           applicable law or regulatory standards as contemplated by this Section, the  
22           department shall use and apply the Risk Evaluation and Corrective Action Program  
23           (RECAP) and may use other exceptions to Statewide Order No. 29-B, LAC  
24           43:XIX.101 et seq.

25           J. The certificate of compliance issued pursuant to this Section shall be  
26           binding upon the requesting parties and any subsequent purchaser or transferee of the  
27           surface or mineral estate upon recordation in the conveyance records of the parish  
28           in which the site is located.

1 Section 2. This Act shall become effective upon signature by the governor or, if not  
 2 signed by the governor, upon expiration of the time for bills to become law without signature  
 3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 5 effective on the day following such approval.

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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 1191 Engrossed

2026 Regular Session

Jacob Landry

**Abstract:** Creates a voluntary certification of compliance process for surface owners and oil and gas operators regarding environmental damage at oilfield and exploration and production sites.

Proposed law creates a process for surface owners and operators to jointly obtain certificates of compliance regarding environmental damage at oilfield sites and exploration and production sites.

Proposed law provides definitions.

Proposed law establishes a process for the joint submission of written notice to the Dept. of Conservation and Energy by the surface owner and operator to initiate the certificate process.

Proposed law provides for a departmental review period, during which sites are inspected and evaluated pursuant to environmental damage standards under present law and corrective actions identified. Further provides that the requesting parties may submit data to the department during the review period.

Proposed law provides that after the review period, the department must issue one of the following to the requesting parties:

- (1) A full or partial certificate of compliance.
- (2) A report of environmental noncompliance.
- (3) A notice of administrative deficiency.

Proposed law provides that the issuance of a certificate of compliance will foreclose future claims and administrative actions regarding site conditions existing prior to the certificate of compliance.

Proposed law authorizes the filing of a certificate of compliance as admissible evidence in a claim for environmental damage and as an affirmative defense to certain claims and requires the court to consider the validity of the certificate as a threshold determination in the case.

Proposed law provides that the issuance of a report of environmental noncompliance triggers a corrective action period to address issues of noncompliance identified in the report and establishes timelines for the corrective action period. Further authorizes a stay of judicial proceedings during the corrective action period.

Proposed law provides that a notice of administrative deficiency is to be issued where there is no corrective action required for the site to be in compliance with present law remediation standards, but one or more administrative, operational, or recordkeeping requirements under present law have not been met. Further provides for the procedures and effects of a notice of administrative deficiency.

Proposed law provides for confidentiality and a public records exception for data and documents related to the evaluation and corrective action periods, but provides that certificates of compliance and final reports of environmental noncompliance are not subject to this confidentiality. Further provides that the requesting parties may waive confidentiality for any particular document or communication.

Proposed law authorizes the departments to promulgate rules to implement the certificate of compliance process, to establish fees for the evaluation and certification process, and to establish standards for site evaluations.

Proposed law establishes the proper venue for claims involving certificates of compliance as the 19th Judicial District Court.

Proposed law provides for a voluntary waiver of non-regulatory remediation standards that the surface owner may otherwise benefit from and specifies the process required to make such a waiver.

Proposed law emphasizes that this is a voluntary process.

Proposed law provides that if certificates of compliance and voluntary waivers are recorded in the appropriate conveyance records, they will be binding on third parties.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 30:29.3)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Remove the Department of Environmental Quality from participation in the certificate of compliance process.
2. Clarify that the certificate of compliance process is not a pre-litigation process.
3. Remove definitions of "Departments", "RECAP" and "Statewide Order 29-B" and add a definition for "operator in interest".
4. Authorize the Department of Conservation and Energy to issue notices of administrative deficiency and provide procedures and effects related to such notices in addition to certificates of compliance and reports of environmental noncompliance.
5. Simplify references to law and regulations applicable to remediation of sites.
6. Make a court hearing regarding the validity of a certificate mandatory rather than permissive where a certificate is used as an affirmative defense in a suit.
7. Add a provision prohibiting the use of reports of environmental noncompliance in lawsuits against prior operators or lessees.

8. Add a provision for confidentiality and a public records exception for information and documentation generated or exchanged between the requesting parties and the Department of Conservation and Energy during the evaluation process, in addition to the confidentiality applicable to the corrective action process, which may be waived by the requesting parties and which does not apply to any certificate of compliance or a final report of environmental noncompliance.
9. Remove the requirement that a final report of noncompliance include certain unresolved of noncompliance and be admissible in related proceedings.
10. Add provision regarding the effect of a certificate of compliance on subsequent operators and acquisitions and the establishment of baseline environmental conditions at the site.
11. Clarify that the certificate of compliance process does not affect the liability of any person for environmental damage that they cause after certification or release any prior operator from liability to a surface owner or subsequent operator for pre-certification conditions.
12. Make technical changes.