

Regular Session, 2014

HOUSE BILL NO. 1088

BY REPRESENTATIVE BILLIOT

ENVIRONMENT: Provides relative to remedial investigations of certain industrial sites

## 1 AN ACT

2 To enact R.S. 30:2034, relative to closure of certain facilities; to provide for remedial  
3 investigations of certain property; to require reporting; to require the submission of  
4 remedial action work plans; to provide for exceptions; to provide for violations; and  
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 30:2034 is hereby enacted to read as follows:

8 §2034. Closure of facilities

9 A. Prior to vacating any facility located on public land owned or leased from  
10 the state or any entity defined as a lessor in R.S. 41:1211, or prior to donation of any  
11 land to the state or such entity, the lessee or prospective donor shall conduct a  
12 remedial investigation in conformance with R.S. 30:2286.1(A) to determine the  
13 presence of any hazardous substance, as defined in R.S. 30:2272(6)(a), if any of the  
14 following conditions exist:

15 (1) At any time during the term of the lease or, in the case of a donation, at  
16 any time prior to donation, any portion of the property was utilized in a manner that  
17 was subject to any of the following:

18 (a) Permitting as a major source of air pollutants.

19 (b) Permitting pursuant to Chapter 8 or Chapter 9 of this Subtitle.

1           (c) Classification as major by the department or by the United States  
2           Environmental Protection Agency for the purposes of the Louisiana Pollutant  
3           Discharge Elimination System permitting.

4           (d) Regulation of any person as a large quantity generator of hazardous  
5           waste or as a solid or hazardous waste transporter.

6           (2) A lessee or prospective donor knows or reasonably should have known  
7           that any of his activities would result in the discharge or disposal of a hazardous  
8           substance on the property.

9           B. If any evidence of contamination is found on the property pursuant to the  
10          remedial investigation required by this Section, the lessee or prospective donor shall  
11          submit the results of the investigation to the secretary within thirty days. Should the  
12          results show that contaminates on the property exceed any applicable standard, the  
13          lessee or prospective donor shall submit a remedial action work plan to the secretary  
14          to address the contamination.

15          C. This Section shall not apply to any property that was utilized as a  
16          permitted landfill or other facility where waste was allowed to remain in place after  
17          closure pursuant to a permit or rules and regulations adopted by the department or  
18          to any property that is subject to facility-wide corrective action pursuant to Chapter  
19          9 of this Subtitle.

20          D. The failure to conduct the investigation required by this Section shall be  
21          a violation of this Subtitle and may subject the lessee or prospective donor to an  
22          enforcement action in addition to any other liability imposed for remediation of the  
23          property pursuant to Chapter 12 of this Subtitle.

24          E. Nothing in this Section shall relieve the lessee or prospective donor from  
25          any liability which he would otherwise have in this Subtitle or any other federal or  
26          state rule or regulation. Additionally, nothing in this Section shall affect the liability  
27          of any person with respect to any damages caused to third parties.

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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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Billiot

HB No. 1088

**Abstract:** Requires the lessee or prospective donor to conduct a remedial investigation of certain property prior to vacating.

Proposed law requires that prior to vacating any facility located on public land owned or leased from the state or any governmental entity, or prior to donation of any land to the state or such entity, the lessee or prospective donor shall conduct a remedial investigation to determine the presence of any hazardous substance, if any of the following exist:

- (1) The property was used in a manner that required a major air source permit, a solid waste permit, a hazardous waste permit, a Louisiana Pollutant Discharge Elimination System permit classified as major by the U.S. Environmental Protection Agency, regulation as a large quantity generator of hazardous waste, or as a solid or hazardous waste transporter.
- (2) A lessee or prospective donor knows or reasonably should have known that any of his activities would result in the discharge or disposal of a hazardous substance on the property.

Proposed law requires that if any evidence of contamination is found on the property pursuant to the remedial investigation, the results shall be submitted to the secretary within 30 days. Should the results show that contaminates on the property exceed any applicable standard, the lessee or prospective donor must submit a remedial action work plan to the secretary.

Proposed law provides that proposed law shall not apply to any property that was utilized as a permitted landfill or other facility where waste was allowed to remain in place after closure or to any property that is subject to facility-wide corrective action under present hazardous waste laws.

Proposed law provides that violations of proposed law may subject the lessee or prospective donor to an enforcement action in addition to any other liability imposed for remediation of the property pursuant to present law.

Proposed law provides that proposed law shall not relieve the lessee or prospective donor from any liability which he would otherwise have under present law or any other federal or state rule or regulation. Additionally, proposed law shall not affect the liability of any person with respect to any damages caused to third parties.

(Adds R.S. 30:2034)