
DIGEST

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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 contaminants 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)

