

2021 Regular Session

HOUSE BILL NO. 72

BY REPRESENTATIVE COUSSAN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

BUDGETARY CONTROLS: Authorizes the secretary of the Department of Environmental Quality to establish a voluntary environmental self-audit program

1 AN ACT

2 To amend and reenact R.S. 30:2030(A)(2) and to enact R.S. 30:2030(A)(3) and 2044,
3 relative to the Department of Environmental Quality; to authorize the secretary to
4 promulgate regulations allowing for voluntary environmental self-audits; to provide
5 for the confidentiality of information contained in a voluntary environmental self-
6 audit; to provide for exceptions to confidentiality requirements; to provide for
7 incentives to facilities conducting voluntary environmental self-audits; and to
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 30:2030(A)(2) is hereby amended and reenacted and R.S.
11 30:2030(A)(3) and 2044 are hereby enacted to read as follows:

12 §2030. Confidential information; restricted access via the Internet

13 A.

14 * * *

15 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection,
16 information contained in a voluntary environmental self-audit authorized by R.S.
17 30:2044 shall be held confidential by the department and shall be withheld from
18 public disclosure for a limited time period specified in the rules and regulations
19 adopted by the department under the provisions of R.S. 30:2044.

1 ~~(2)~~(3) However, such nondisclosure shall not apply to necessary use by duly
2 authorized officers or employees of state or federal government in carrying out their
3 responsibilities under this Subtitle or applicable federal law, and air emission data
4 or discharges to surface and ground waters and the location and identification of any
5 buried waste materials shall be not construed as confidential information unless the
6 information is disclosed to the department in a voluntary environmental self-audit
7 under the provisions of R.S. 30:2044 and the regulations are promulgated in
8 accordance with that Section. Information that is required to be reported to a state
9 or federal agency by statute, regulation, or permit, shall not be held confidential.

* * *

11 §2044. Voluntary environmental self-audits

12 A. The secretary shall promulgate, in accordance with the Administrative
13 Procedure Act, regulations establishing a program for voluntary environmental
14 self-audits. As a part of that program, the regulations shall provide for the following:

15 (1) Conduct of voluntary environmental self-audits.

16 (2) Submission of the results of voluntary environmental self-audits to the
17 department.

18 (3) The period of time that information contained in the voluntary
19 environmental self-audit may be held confidential by the department.

20 (4) Incentives in the form of reduction or elimination, or both, of civil
21 penalties for violations disclosed to the department in a voluntary environmental
22 self-audit.

23 (5) Corrective action for violations discovered as a result of a voluntary
24 environmental self-audit.

25 (6) Submission to the department of the plans to correct violations
26 discovered during a voluntary environmental audit.

27 (7) A fee for reviewing voluntary environmental self-audit reports and
28 actions taken to correct the violations reported.

1 B. The fee for reviewing environmental self-audits shall not exceed the
2 maximum per-hour salary, including associated benefits, of a civil service employee
3 of the department per hour or portion thereof required to conduct the review plus
4 reasonable indirect costs calculated as a percentage of the hourly fee. Such
5 percentage shall be determined annually by agreement between the department and
6 the United States Environmental Protection Agency for use on grants and contracts.
7 However, the department may require a minimum fee of one thousand five hundred
8 dollars.

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)]

HB 72 Original

2021 Regular Session

Coussan

Abstract: Authorizes the Dept. of Environmental Quality to promulgate regulations for a voluntary environmental self-audit program administered by the department.

Proposed law authorizes the secretary of the Dept. of Environmental Quality to establish a program for voluntary environmental self-audits. Requires that the regulations provide for the conduct of the self-audit, submission of the results to the department, the period of time that information contained in the self-audit may be held confidential, incentives to encourage the use of self-audits, corrective actions for violations discovered by the self-audit, submission of a corrective plan, and fees for reviewing the audit and corrective plan.

Present law provides that department records and information obtained from rules, regulations, orders, licenses, or permits are available to the public unless the secretary determines that release of the information may impair an investigation or the protection of trade secrets and proprietary information.

Proposed law requires information obtained through a voluntary environmental self-audit be held confidential for a limited time as specified in the rules applicable to voluntary environmental self-audits. Specifies that information disclosed to the department under a self-audit that is required to be reported to a state or federal agency by statute, regulation, or permit will not be held confidential.

(Amends R.S. 30:2030(A)(2); Adds R.S. 30:2030(A)(3) and 2044)