

2021 Regular Session

HOUSE BILL NO. 72

BY REPRESENTATIVE COUSSAN

1 AN ACT

2 To amend and reenact R.S. 30:2018(C) and 2030(A)(2) and to enact R.S. 30:2030(A)(3) and
3 2044, relative to the Department of Environmental Quality; to require the secretary
4 to promulgate regulations allowing for voluntary environmental self-audits; to
5 provide for the confidentiality of information contained in a voluntary environmental
6 self-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. 30:2018(C) and 2030(A)(2) is hereby amended and reenacted and
11 R.S. 30:2030(A)(3) and 2044 are hereby enacted to read as follows:

12 §2018. Environmental assessment hearings

13 * * *

14 C. The department may, and if requested shall conduct a public hearing on
15 the environmental assessment statement in the parish where the facility is located.
16 Any public hearing on the environmental assessment statement, whether requested
17 or at the discretion of the department, may be combined with a public hearing on the
18 proposed permit. If the facility is located in more than one parish, the department
19 may conduct a single hearing to serve all the affected parishes in the vicinity of a
20 centrally located facility. Simultaneously with the submission of the statement to the
21 department, the applicant shall also submit copies of the statement to the local
22 governmental authority and designated public building where the facility is located,
23 at no cost to the local governmental authority or the designated public building.

24 * * *

1 §2030. Confidential information; restricted access via the Internet

2 A.

3 * * *

4 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection,
5 information contained in a voluntary environmental self-audit authorized by R.S.
6 30:2044 shall be held confidential by the department and shall be withheld from
7 public disclosure until a final decision is made, or for a period not to exceed two
8 years, whichever occurs first. Any final decision made by the department shall be
9 public and published on the department's website. However, nothing in this
10 Paragraph shall prohibit a request for confidentiality pursuant to Subparagraph (1)(b)
11 of this Subsection. Information that is required to be reported to a state or federal
12 agency by statute, regulation, or permit, including but not limited to notifications
13 required by R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), and 2204(A), shall not be
14 held confidential.

15 ~~(2)~~ (3) ~~However, such nondisclosure~~ Nondisclosure shall not apply to
16 necessary use by duly authorized officers or employees of state or federal
17 government in carrying out their responsibilities under this Subtitle or applicable
18 federal law, and air emission data or discharges to surface and ground waters and the
19 location and identification of any buried waste materials shall be not construed as
20 confidential information.

21 * * *

22 §2044. Voluntary environmental self-audits

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

26 (1) Procedures for conducting voluntary environmental self-audits.

27 (2) Submission of the results of voluntary environmental self-audits to the
28 department.

1 (3) Incentives in the form of reduction or elimination, or both, of civil
 2 penalties for violations disclosed to the department in a voluntary environmental
 3 self-audit.

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

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

8 (6) A fee for reviewing voluntary environmental self-audit reports and
 9 actions taken to correct the violations reported.

10 B. The secretary shall promulgate rules and regulations in accordance with
 11 the Administrative Procedure Act identifying violations that are not eligible for relief
 12 under this program. The violations shall include but are not limited to:

13 (1) Violations that result in serious actual harm to the environment.

14 (2) Violations that may present an imminent or substantial endangerment to
 15 public health or the environment.

16 (3) Violations discovered by the department prior to the written disclosure
 17 of the violation to the department.

18 (4) Violations detected through monitoring, sampling, or auditing procedures
 19 that are required by statute, regulation, permit, judicial or administrative order, or
 20 consent agreement.

21 C. The fee for reviewing environmental self-audits and corrective actions
 22 shall not exceed the maximum per-hour salary, including associated benefits, of a
 23 civil service employee of the department per hour or portion thereof required to
 24 conduct the review plus reasonable indirect costs calculated as a percentage of the
 25 hourly fee. Such percentage shall be determined annually by agreement between the
 26 department and the United States Environmental Protection Agency for use on grants
 27 and contracts. However, the department may require a minimum fee of one thousand
 28 five hundred dollars.

1 D. Prescription shall be suspended for all claims for violations under this
 2 Subtitle or of the regulations promulgated pursuant to this Subtitle upon participation
 3 in the voluntary self-audit program. The suspension of prescription shall terminate
 4 upon a final decision under R.S. 30:2030(A)(2) or after a period of two years,
 5 whichever occurs first.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____