

SENATE BILL NO. 99

BY SENATOR FOIL

1 AN ACT

2 To amend and reenact R.S. 30:2022(A)(1), 2050.1(B)(2)(a), 2050.3(B)(3), 2075.2(B), 2116,
3 2162(A)(2), 2181, 2195.9(A)(6), 2250, and 2286.1(A)(2), relative to electronic
4 communication and notification at the Department of Environmental Quality; to
5 provide for electronic applications; to provide for electronic mail; to provide for
6 force and effect of notification; to provide for certified mail; to provide for written
7 comments and notices; to provide for written requests; to provide for mailing lists;
8 to provide for distribution; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 30:2022(A)(1), 2050.1(B)(2)(a), 2050.3(B)(3), 2075.2(B), 2116,
11 2162(A)(2), 2181, 2195.9(A)(6), 2250, and 2286.1(A)(2) are hereby amended and reenacted
12 to read as follows:

13 §2022. Permit applications and variance requests; notification

14 A.(1) Any person seeking a permit, license, registration, variance, or LPDES
15 variance shall file ~~a~~ **an electronic or** written application for such with the secretary.
16 Excluding applications relative to medical and dental devices, the secretary shall
17 promptly send a notice of the subject matter of each application to the governing
18 authority of the parish affected by the application and any public interest group or
19 individual within the affected parish who has requested notice **electronically or** in
20 writing and provided a mailing address **or email address**. The notice of a permit,

1 license, or registration application shall be provided within thirty days after receipt
 2 of the application. The parish governing authority shall promptly notify each
 3 municipality within said parish affected by the application. **Electronic transmission**
 4 **of notice pursuant to this Section shall have the same force and effect as notice**
 5 **provided by mail or certified mail.**

6 * * *

7 §2050.1. Enforcement; policies; list; legal review

8 * * *

9 B.(1)

* * *

10 (2)(a) On a periodic basis, the secretary shall mail, **including by electronic**
 11 **mail**, a copy of the list, either separately or as part of a department publication, to
 12 persons who request that they be placed on the mailing list. **Electronic transmission**
 13 **of notice pursuant to this Section shall have the same force and effect as notice**
 14 **provided by mail or certified mail.**

15 * * *

16 §2050.3. Enforcement; notice of violation; penalties

17 * * *

18 B.(1)

* * *

19 * * *

20 (3) Written comments **or electronically submitted comments** may be filed
 21 with the assistant secretary regarding the alleged violation and a possible penalty.

22 * * *

23 §2075.2. Sewage treatment facility; privately owned; surety required; nonfunctional
 24 system

25 * * *

26 B. If the treatment facility is to be acquired by a homeowners' association, by
 27 act of sale or donation, for operation and maintenance, the original permittee must
 28 submit the legal name of the association, with one person as "environmental contact"
 29 for any matter relating to the treatment plant. The permittee shall also include the
 30 current mailing address, and telephone number, **and an electronic mail address** for

1 the environmental contact, which shall be submitted to the department at least sixty
2 days prior to legal transfer of the facility.

3 * * *

4 §2116. Naturally occurring radioactive material

5 On and after July 1, 1995, the secretary, upon receipt of an application for
6 any commercial facility seeking a specific license for the treatment, storage, or
7 disposal of naturally occurring radioactive material shall promptly notify the
8 governing authority of any parish affected by the application and any public interest
9 group or individual within the affected parish who has requested notice in writing or
10 electronically and provided a mailing address or email address. The parish
11 governing authority shall promptly notify each municipality within said parish
12 affected by the application. The secretary shall promptly consider such application
13 and take such action thereon as he deems appropriate in accordance with law;
14 however, the failure by the secretary or the parish governing authority to give the
15 notice required by this Section shall not affect the validity of the action taken on the
16 application. For the purposes of this Subsection, "any public interest group within
17 the affected parish" shall mean any association having not less than twenty-five
18 members who reside in the parish in which the relevant facility is or will be located.

19 Electronic transmission of notice pursuant to this Section shall have the same
20 force and effect as notice provided by mail or certified mail.

21 * * *

22 §2162. Solid waste capacity

23 A.(1) * * *

24 (2) In performing such evaluations, the secretary shall determine the
25 permitted capacity that is available to safely manage the solid waste. After each such
26 determination, the secretary shall submit a report to the House Committee on Natural
27 Resources and Environment and the Senate Committee on Environmental Quality
28 and shall make such determination available to the public through public notification
29 and the department mail list, including an email list. Electronic transmission of
30 notice pursuant to this Section shall have the same force and effect as notice

1 provided by mail or certified mail.

2 * * *

3 §2181. Notice to legislators

4 The assistant secretary for the office of environmental services shall send a

5 list of the applications for hazardous waste permits and a list of the hazardous waste

6 permits that have been granted to each member of the ~~legislative committees on~~

7 ~~natural resources and the environment in the Louisiana House of Representatives and~~

8 ~~the Louisiana Senate~~ **Committee on Environmental Quality and the House**

9 **Committee on Natural Resources and Environment**, and to each member of the

10 legislature in whose district a facility that has applied for or been granted a

11 hazardous waste permit is located. The lists shall be mailed **or electronically**

12 **transmitted** monthly to their district offices and shall include the nature of the

13 permit, the dates of application or granting, the person or company affected, and the

14 parish of the location of the facility subject to the permit. However, the failure of the

15 assistant secretary to provide the list required by this Section shall not affect the

16 validity of the action taken on the applications or permits. **Electronic transmission**

17 **of the list pursuant to this Section shall have the same force and effect as**

18 **mailing.**

19 * * *

20 §2195.9. Financial responsibility

21 A. The financial responsibility requirements for taking response actions and

22 third-party judgments by motor fuel underground storage tank owners who are

23 eligible participants in the Tank Trust Account are hereby established as follows:

24 * * *

25 (6) A lien filed by the department with the same ranking and privilege as that

26 authorized by R.S. 30:2195(F)(2) may be substituted for the financial responsibility

27 requirement of this Section, but in no case shall the lien be substituted on behalf of

28 an owner or operator who continues to operate the system. The department shall

29 promulgate regulations to provide for the use of this lien that ensures the fiscal

30 stability of the account. Such regulations shall provide that the use of the funds in the

1 Tank Trust Account in any fiscal year on sites for which the lien authorized by this
 2 Section has been used to substitute for the financial responsibility amount shall not
 3 exceed twenty percent of the amounts collected in the previous fiscal year. The
 4 secretary is authorized to exceed the twenty percent limitation contained in this
 5 Paragraph upon recommendation of the Motor Fuels Underground Storage Tank
 6 Trust Fund Advisory Board. Upon recommendation of the board to exceed the
 7 twenty percent limitation as provided for in this Paragraph, the secretary shall send
 8 ~~written~~ notice to the Senate Committee on Environmental Quality and the House
 9 Committee on Natural Resources and Environment listing the project name, project
 10 location, and the amount of the project that exceeds the twenty percent limitation.

11 **Electronic transmission of written notice pursuant to this Section shall have the**
 12 **same force and effect as notice provided by mail or certified mail.**

13 * * *

14 §2250. Notice of determination of tax imposed

15 Upon determining the tax imposed on each disposer or generator of
 16 hazardous waste in Louisiana, the secretary shall ~~mail a~~ **provide, by mail or**
 17 **electronic transmission,** written notice of such determination to each disposer or
 18 generator and to the secretary of the Department of Revenue, setting out the amount
 19 of tax imposed on the disposer or generator, the fact that the notice is being mailed
 20 to the Department of Revenue, and the fact that the amount of tax in the written
 21 notice will be due on January 1, 1985, and that the secretary of the Department of
 22 Revenue will proceed to collect the tax on that date. **Electronic transmission of**
 23 **notice pursuant to this Section shall have the same force and effect as notice**
 24 **provided by mail or certified mail.**

25 * * *

26 §2286.1. Submission and approval of voluntary remedial action plans

27 A. * * *

28 * * *

29 (2) Within ninety days of receipt of the remedial investigation work plan, the
 30 department shall review the plan and either approve such plan or provide written

1 notices of deficiencies in the investigation work plan. **Electronic transmission of**
2 **the written notices of deficiencies pursuant to this Section shall have the same**
3 **force and effect as notice provided by mail or certified mail.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____