

2025 Regular Session

HOUSE BILL NO. 694 (Substitute for House Bill No. 602 by Representative Landry)

BY REPRESENTATIVE JACOB LANDRY

MINERALS: Provides relative to remediation of oilfield and exploration and production sites

1 AN ACT

2 To amend and reenact R.S. 30:29(A), (B)(1), (C)(1) and (3)(a) and (5) and (6)(b) and (c),  
3 (D)(1) through (3), (E)(1), (F), (H)(1), (I)(2) and (4), and (M)(1)(introductory  
4 paragraph) and (c), to enact R.S. 30:29(C)(6)(d), and to repeal R.S. 30:29(M)(1)(d),  
5 relative to the evaluation and remediation of oilfield sites; to provide for the most  
6 feasible plan to be utilized in evaluation and remediation procedures; to provide a  
7 date by which a most feasible plan must be adopted; and to provide for related  
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 30:29(A), (B)(1), (C)(1) and (3)(a) and (5) and (6)(b) and (c), (D)(1)  
11 through (3), (E)(1), (F), (H)(1), (I)(2) and (4), and (M)(1)(introductory paragraph) and (c)  
12 are hereby amended and reenacted and R.S. 30:29(C)(6)(d) is hereby enacted to read as  
13 follows:

14 §29. Remediation of oilfield sites and exploration and production sites

15 A. The legislature hereby finds and declares that Article IX, Section 1 of the  
16 Constitution of Louisiana mandates that the natural resources and the environment  
17 of the state, including ground water, are to be protected, conserved, and replenished  
18 insofar as possible and consistent with the health, safety, and welfare of the people  
19 and further mandates that the legislature enact laws to implement this policy. It is  
20 the duty of the legislature to set forth procedures to ensure that damage to the

1 environment is evaluated and if necessary remediated to a standard that protects the  
 2 public interest. To this end, this Section provides the procedure for judicial  
 3 resolution of claims for environmental damage to property arising from activities  
 4 subject to the jurisdiction of the Department of Energy and Natural Resources, office  
 5 of conservation. The provisions of this Section shall be implemented upon receipt  
 6 of timely notice as required by Paragraph (B)(1) of this Section. The provisions of  
 7 this Section shall not be construed to impede or limit provisions under private  
 8 contracts imposing remediation obligations in excess of the requirements of the  
 9 department or limit the right of a party to a private contract to enforce any contract  
 10 provision in a court of proper jurisdiction.

11 B.(1) Notwithstanding any law to the contrary, immediately upon the filing  
 12 or amendment of any litigation or pleading making a judicial demand arising from  
 13 or alleging environmental damage, including actions based in whole or in part on  
 14 R.S. 30:16 or 26, the provisions of this Section shall apply, and the party filing same  
 15 shall provide timely notice to the state of Louisiana through the Department of  
 16 Energy and Natural Resources, commissioner of conservation and the attorney  
 17 general. The litigation shall be stayed with respect to any judicial demand until  
 18 thirty days after notice is issued and return receipt is filed with the court.

19 \* \* \*

20 C.(1) If at any time ~~during the proceeding~~ a party admits liability for  
 21 environmental damage or the finder of fact determines that environmental damage  
 22 exists and determines the party or parties who caused the damage or who are  
 23 otherwise legally responsible therefor, the court shall order the party or parties who  
 24 admit responsibility or whom the court finds legally responsible for the damage to  
 25 develop a plan or submittal for the evaluation or remediation to applicable regulatory  
 26 standards of the contamination that resulted in the environmental damage. The court  
 27 shall order that the plan be developed and submitted to the department ~~and the court~~  
 28 ~~within a time that the court department determines is reasonable and shall allow~~  
 29 ninety days from the first date a party admits responsibility or ninety days of the date

1        the court finds a party legally responsible, whichever occurs later. ~~the~~ The plaintiff  
2        or any other party ~~at least~~ shall have thirty days from the date each plan or submittal  
3        was ~~made~~ submitted to the department ~~and the court~~ to review the plan or submittal  
4        and to provide to the department and the court a with an alternate plan, comment  
5        comments, or input in response thereto to the plan or plans submitted. The court  
6        may extend the time for filing any plan or comments for good cause shown. The  
7        department shall consider any plan, comment, or response provided timely by any  
8        party. The department shall submit to the court a schedule of estimated costs for  
9        review of the plans or submittals of the parties by the department and ~~the court~~ shall  
10       require the party admitting responsibility or the party found legally responsible by  
11       the court to deposit in the registry of the court sufficient funds to pay the cost of the  
12       department's review of the plans or submittals. Any plan or submittal shall include  
13       an estimation of cost to implement the plan.

\* \* \*

15        (3)(a) The department shall use and apply ~~the~~ applicable regulatory standards  
16        including but not limited to the Risk Evaluation and Corrective Action Program  
17        (RECAP) and may use other exceptions to LAC 43:XIX.1 et seq., otherwise  
18        identified as Statewide Order No. 29-B, in approving or structuring a plan that the  
19        department determines to be the most feasible plan to evaluate or remediate the  
20        environmental damage. In any action governed by the provisions of this Section, the  
21        department shall not require landowner consent to apply exceptions, including  
22        RECAP, to the application of Statewide Order No. 29-B.

\* \* \*

24        (5) The court shall adopt the plan approved by the department as the most  
25        feasible plan, unless a party proves by ~~a preponderance of the~~ clear and convincing  
26        evidence that ~~another~~ the plan approved by the department is arbitrary and capricious  
27        and another plan that was timely provided to the department pursuant to Subsection  
28        C of this Section is a more feasible plan to adequately protect the environment and  
29        the public health, safety, and welfare. The court shall enter a judgment adopting a



1 posting of a bond for the implementation of the most feasible plan in such amount  
 2 as provided by and in accordance with the procedures set forth for the posting of  
 3 suspensive appeal bonds. Any such bond shall be valid through completion of the  
 4 remediation. In lieu of paying funds into the registry of the court, the responsible  
 5 party may at its option pay directly the cost of implementing the most feasible plan  
 6 and post bond in an amount equal to the total cost of the most feasible plan as  
 7 provided by and in accordance with the procedures set forth for the posting of  
 8 suspensive appeal bonds. If a responsible party directly pays the cost of  
 9 implementing the most feasible plan, then the responsible party shall provide to the  
 10 district court a summary of costs paid each quarter until the earlier of when the most  
 11 feasible plan is fully implemented or the district court orders that no further  
 12 summaries are required.

13 (3) The court shall issue such orders as may be necessary to ensure that any  
 14 such funds are actually expended in a manner consistent with the adopted and most  
 15 feasible plan for the evaluation or remediation of the environmental damage for  
 16 which the award or payment is made.

17 \* \* \*

18 E.(1) In any civil action in which a party is responsible for ~~damages or~~  
 19 ~~payments for the evaluation or remediation of~~ environmental damage, a party  
 20 providing evidence, in whole or in part, upon which the judgment is based shall be  
 21 entitled to recover from the party or parties ~~admitting responsibility or the party or~~  
 22 ~~parties~~ found legally responsible by the court, ~~in addition to any other amounts to~~  
 23 ~~which the party may be entitled,~~ all costs attributable to producing that portion of the  
 24 evidence that directly relates to the establishment of environmental damage,  
 25 including, but not limited to, expert witness fees, environmental evaluation,  
 26 investigation, and testing, the cost of developing a plan of evaluation or remediation,  
 27 and reasonable attorney fees incurred in the trial court and the department. Upon  
 28 adoption of the most feasible plan by the trial court, a party admitting responsibility  
 29 or a party found to be legally responsible for environmental damage shall not be





- 1 Section 2. R.S. 30:29(M)(1)(d) is hereby repealed in its entirety.
- 2 Section 3. The provisions of this Act shall apply to any case in which the court has
- 3 not approved a plan as the most feasible plan on or before January 1, 2026.

## 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 694 Original

2025 Regular Session

Jacob Landry

**Abstract:** Provides for the most feasible plan to be utilized in evaluation and remediation procedures and provides a date by which a most feasible plan must be adopted for oilfield sites.

Present law provides the procedure for judicial resolution of claims for remediation due to environmental damage to property arising from exploration and production activities at oilfield sites.

Proposed law adds a provision to evaluate environmental damage and remediate if necessary.

Present law provides for the application of present law to those filing judicial claims related to environmental damage to property.

Proposed law adds that present law is applicable to claims filed under present law (R.S. 30:16 and R.S. 30:26).

Present law provides that when a party admits to or is found to be legally responsible for environmental damage the court will require that a plan be developed for evaluation and remediation of environmental damage and submitted to the department.

Proposed law adds that the plan must be submitted to the department within 90 days of the admission or determination, whichever is later.

Present law provides for a plaintiff or other party has 30 days from the submission of the plan to review the plan and provide the court with comments.

Proposed law adds that the plaintiff or party may provide an alternate plan in addition to comments and that the court may extend the time for filing a plan or comments for good cause shown.

Present law requires the department to use and apply regulatory standards in approving the most feasible plan to evaluate or remediate environmental damage.

Proposed law specifies that the Risk Evaluation and Corrective Action Program be included in the applicable regulatory standards and the landowner consent is not required to apply exceptions of present law (LAC 43:XIX.1 et seq.), which is also referred to as Statewide Order No. 29-B, when the department determines the most feasible plan to evaluate or remediate environmental damage.

Present law requires the court to adopt the plan designated by the department as the most feasible plan unless a party proves by the preponderance of the evidence that another plan is a more feasible plan.

Proposed law changes the standard from a preponderance to clear and convincing for proof of the most feasible plan and specifies that evidence must show the plan is arbitrary and capricious and another plan that was timely provided to the department is a more feasible plan.

Proposed law provides that a trial must be stayed from the time of filing of a limited admission until the court adopts the most feasible plan.

Present law provides that any appeal under present law must be a de novo review and heard with preference on an expedited basis.

Proposed law changes provisions for an appeal to provide for an appeal of a judgment adopting the most feasible plan to be taken to the Court of Appeals for the First Circuit.

Proposed law provides that unless there is an explicit remediation standard expressly provided by contract, a party's legal responsibility is satisfied by meeting applicable regulatory standards.

Present law provides for the court to allow funds to be paid into the court registry to fund the evaluation or remediation and implementation of any plan or submittal adopted by the court.

Proposed law changes any plan or submittal under present law to the most feasible plan adopted by the court.

Proposed law allows for funds to be paid directly to the cost of implementing the most feasible plan rather than posting the funds into the court registry provided that a bond is posted according to the requirements of an appeal bond and if the funds are paid directly to the remediation costs that a summary of costs is provided to the court quarterly until the plan is completed or the court orders otherwise.

Present law provides in any civil action in which a party is responsible for damages or payments for the evaluation or remediation of environmental damage, a party providing evidence on which the judgment is based is entitled to recover from the parties admitting responsibility or found legally responsible by the court all costs incurred in producing the evidence that directly relates to the establishment of environmental damage in addition to any other amounts to which the party is entitled.

Proposed law removes the responsibility for damages or payments for the evaluation or remediation of environmental damages and only includes the party responsible for environmental damage as found by the court and not for the party's admission of responsibility.

Proposed law also removes the provision of present law for any other amounts to which the party may be entitled.

Proposed law provides that if a party admits responsibility or is found to be legally responsible by the court, no further fees must be paid once the most feasible plan is adopted by the court.

Proposed law further provides that a defendant can recover from the plaintiff reasonable attorney fees and costs if the defendant is found to be not legally responsible for the alleged environmental damage.

Present law provides that the court and department retain oversight to ensure compliance with the plan and for the party admitting responsibility or found legally responsible by the court to file progress reports periodically as the court or department requires.

Proposed law retains the provisions of present law but removes the provision for the party to be found legally responsible by the court.

Present law provides that a property owner is not precluded from pursuing a private claim or judicial remedy for environmental damage except provided by present law and awards granted for additional remediation in excess of those provided by the court are not required to be deposited into the court's registry.

Proposed law provides that additional remediation only be allowed if provided by an express provision for nonremediation damages and requires that any award granted in connection with the judgment for damages awarded to fund the most feasible plan to be paid into the registry of the court.

Present law defines "contamination", "environmental damage", "evaluation or remediation", "feasible plan", "oilfield site", and "timely notice".

Proposed law changes the definition for "environmental damage" to include actual or potential contamination resulting from oilfield activities as well as narrowing the meaning of environmental media to only include soil, surface water, ground water, or sediment.

Proposed law changes the definition provided for "feasible plan" to "most feasible plan" and specifies that the regulations and laws that apply to remediation include an evaluation and only remediate if necessary and change the application from "contamination" to "environmental damage".

Present law provides that damages in actions governed by the provisions of present law are limited to:

- (1) The cost of funding the feasible plan adopted by the court.
- (2) The cost of additional remediation only if required by an express contractual provision providing for remediation to original condition or to some other specific remediation standard.
- (3) The cost of evaluating, correcting or repairing environmental damage upon a showing that such damage was caused by unreasonable or excessive operations based on rules, regulations, lease terms and implied lease obligations arising by operation of law, or standards applicable at the time of the activity complained of, provided that such damage is not duplicative of damages awarded under present law.
- (4) The cost of nonremediation damages.

Proposed law retains the first two provision of present law and narrows the second two provisions to include economic loss damages if proven by clear and convincing evidence and other nonremediation damages to the fair market value of the property impacted by environmental damage.

Proposed law specifies that fair market value of the property is based on the value of the property as if it had no environmental damage.

(Amends R.S. 30:29(A), (B)(1), (C)(1) and (3)(a) and (5) and (6)(b) and (c), (D)(1) through (3), (E)(1), (F), (H)(1), (I)(2) and (4), and (M)(1)(intro. para.) and (c); Adds R.S. 30:29(C)(6)(d); Repeals R.S. 30:29(M)(1)(d))