
DIGEST

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HB 180 Original

2018 Regular Session

Marcelle

Abstract: Designates E. Baton Rouge Parish, W. Baton Rouge Parish, E. Feliciana Parish, W. Feliciana Parish, and Pointe Coupee Parish as a critical area of groundwater concern and provides for the board of commissioners of the Capital Area Groundwater Conservation District.

Present law requires the commissioner, through the office of conservation, to administer all matters related to the management of the state's groundwater resources by providing for the most "advantageous use" of the resource consistent with the protection, conservation, and replenishment thereof.

Present law defines an "area of groundwater concern" as an area in which, under current usage and normal environmental conditions, sustainability of an aquifer is not being maintained due to either movement of a salt water front, water level decline, or subsidence, which results in unacceptable environmental, economic, social, or health impact, or which causes serious adverse impact to an aquifer, considering the areal and temporal extent of all such impacts.

Present law defines "critical area of groundwater concern" as an area of groundwater concern that cannot maintain sustainability without withdrawal restrictions.

Present law provides for the authority of the commissioner to identify areas of groundwater concern and critical areas of groundwater concern and the procedures by which well owners apply to have such areas designated. Present law provides that if the commissioner does identify an area where the groundwater is threatened, he must establish a plan to manage the resource. The plan may include educational and conservation programs, incentives to reduce groundwater use, and, if given the critical designation, restrictions on withdrawals.

Present law requires the commissioner to hold a public hearing on any draft order proposing to designate a threatened area and that at least 30 days prior to the hearing, the commissioner shall provide a copy of the draft order to the House and Senate committees on natural resources.

Proposed law retains present law and designates the area comprised of the parishes of E. Baton Rouge, W. Baton Rouge, E. Feliciana, W. Feliciana, and Pointe Coupee, as an area of groundwater concern and a critical area of groundwater concern. Proposed law requires the commissioner to hold at least one public hearing in the area designated by proposed law, and to issue an order to manage the groundwater resource.

Present law provides that the board of commissioners of the Capital Area Groundwater Commission consists of 16 members appointed by the governor and confirmed by the Senate as follows:

- (1) Five members, one appointed from each of the five parishes in the district as nominated by the parish governing authorities. The five parishes in the district are E. Baton Rouge, W. Baton Rouge, E. Feliciana, W. Feliciana, and Pointe Coupee.
- (2) Three members appointed from nominations by industrial users in the district.
- (3) Three members appointed from nominations by privately or publicly owned entities furnishing water for rural or municipal use within the district, with one of the three always being appointed from nominations by privately owned users furnishing a municipal water supply.
- (4) The director of the Dept. of Public Works or his designee.
- (5) The commissioner of conservation or his designee who shall be a member of his staff.
- (6) One member appointed from nominations by the La. Farm Bureau Federation and the La. Cattlemen's Association.
- (7) The secretary of the Dept. of Environmental Quality or his designee who shall be a member of his staff.
- (8) One member appointed from nominations by the members of the board.

Proposed law retains present law and adds a public health advocate nominated by the Delta Chapter of the Sierra Club and the La. Environmental Action Network to the membership, for a total of 17 members.

Present law provides for the board to elect a chairman, vice-chairman, and treasurer. Proposed law provides for the governor to appoint the chairman who serves at the governor's pleasure and board to elect the vice-chairman and treasurer.

Proposed law prohibits from commission membership any person with a conflict of interest as provided by present law and any person employed by, who has an ownership interest in, or is a consultant of a private entity that produces or uses groundwater in the jurisdiction of the governing body for any beneficial use, in excess of 50,000 gallons for any day during any calendar year from a well or wells owned or operated by such entity or from a well or wells owned or operated solely for the production of water used by such entity.

(Amends R.S. 38:3074(A), (B)(intro. para.), (C), (D), and (E), 3075, and 3097.6(B)(intro. para.), (2), and (3)(a) and (e); Adds R.S. 38:3074(B)(9) and (F) and 3097.6(C))