

2020 Regular Session

HOUSE BILL NO. 187

BY REPRESENTATIVE LYONS

ENVIRONMENT/ENFORCEMENT: Increases the maximum civil penalties for violations of environmental laws

1 AN ACT

2 To amend and reenact R.S. 30:2025(E)(1)(a) and (E)(2), relative to enforcement of
3 environmental laws; to increase the maximum civil penalties that may be assessed
4 by the Department of Environmental Quality or the court for each day of violation;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 30:2025(E)(1)(a) and (E)(2) are hereby amended and reenacted to
8 read as follows:

9 §2025. Enforcement

10 * * *

11 E. Civil penalties.

12 (1)(a) Any person found to be in violation of any requirement of this Subtitle
13 may be liable for a civil penalty, to be assessed by the secretary, the assistant
14 secretary of the office of environmental compliance, or the court, of not more than
15 the cost to the state of any response action made necessary by such violation which
16 is not voluntarily paid by the violator, and a penalty of not more than ~~thirty-two~~
17 forty-seven thousand five hundred dollars for each day of violation. However, when
18 any such violation is done intentionally, willfully, or knowingly, or results in a
19 discharge or disposal which causes irreparable or severe damage to the environment

1 or if the substance discharged is one which endangers human life or health, such
2 person may be liable for an additional penalty of not more than one million dollars.

3 * * *

4 (2) Any person to whom a compliance order or a cease and desist order is
5 issued pursuant to Subsection C of this Section who fails to take corrective action
6 within the time specified in said order shall be liable for a civil penalty to be assessed
7 by the secretary, the assistant secretary of the office of environmental compliance,
8 or the court of not more than ~~fifty~~ sixty-five thousand dollars for each day of
9 continued violation or noncompliance.

10 * * *

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 187 Original

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Lyons

Abstract: Increases the maximum civil penalties for violations of environmental laws.

Present law provides for a maximum civil penalty of \$32,500 for each day a violation of the environmental laws of the state occurs. Proposed law increases that maximum civil penalty to \$47,500 per day.

Present law authorizes a maximum civil penalty of \$50,000 for each day a person fails to take corrective action under a compliance order or a cease and desist order. Proposed law increases that maximum penalty to \$65,000 per day of noncompliance.

(Amends R.S. 30:2025(E)(1)(a) and (E)(2))