SLS 20RS-303 **ORIGINAL**

2020 Regular Session

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SENATE BILL NO. 399

BY SENATOR FIELDS AND REPRESENTATIVES JORDAN AND MARCELLE

ENVIRONMENTAL QUALITY. Provides for reporting and notification of releases of certain materials that cause an emergency condition. (8/1/20)

AN ACT

2	To amend and reenact R.S. 30:2363(10) and 2373(B)(2) and (6) and to enact R.S.
3	30:2363(21) and 2365(A)(8), relative to the "Right-to-Know" law; to provide for the
4	reporting of certain releases of hazardous materials; to provide for definitions; to
5	provide for reporting of emergency conditions; to provide for public notification of
6	emergency conditions; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 30:2363(10) and 2373(B)(2) and (6) are hereby amended and
9	reenacted and R.S. 30:2363(21) and 2365(A)(8) are hereby enacted to read as follows:
10	§2363. Definitions
11	The following terms as used in this Chapter shall have the following
12	meanings:
13	* * *
14	(10) "Immediately" means a reasonable period of time after identifying the
15	nature, quantity, and potential off-site impact of a release considering the exigency
16	of the circumstances. In cases of an emergency condition as defined by this
17	Section, "immediately" means as soon as possible not to exceed fifteen minutes

1	from the discovery of the condition.
2	* * *
3	(21)(a) "Emergency condition" means condition that could result in any
4	of the following:
5	(i) Reasonable expectation that the health and safety of the public is
6	endangered.
7	(ii) Cause significant adverse impact to the land, water, or air
8	environment.
9	(iii) Cause severe damage to property.
10	(b) An emergency condition is presumed to exist whenever a reportable
11	hazardous material release causes an injury requiring hospitalization or a
12	fatality or results in a fire or explosion which could reasonably expect to affect
13	the public safety beyond the boundaries of the facility.
14	* * *
15	§2365. Responsibilities of the department
16	A. The deputy secretary shall:
17	* * *
18	(8) Develop or utilize, in cooperation with any federal, state, or local
19	governmental agency, an electronic or telephonic public notification system
20	that, in addition to any other appropriate technology, includes cell tower or
21	cellular base station location to aid in the dissemination of information to the
22	public.
23	* * *
24	§2373. Failure to report; penalties
25	* * *
26	В.
27	* * *
28	(2) Any reportable release of any hazardous material regulated by this
29	Chapter which causes any injury requiring hospitalization or any fatality or any

1 release which results in a fire or explosion which could reasonably be expected to 2 affect the public safety beyond the boundaries of the facility an emergency condition shall be reported immediately by the owners and operators to the 3 department. Reports required by this Paragraph may be limited to only 4 notification to that an emergency condition exists. Upon receipt of such 5 notification, the department shall utilize the public notification system. In 6 7 determining the scope of the public notification, the department shall consider, 8 based on contemporaneous information available, the atmospheric conditions 9 and possible geographic area affected. Any additional information required 10 from an owner or operator by rules and regulations promulgated pursuant to 11 this Chapter shall be reported to the department after a reasonable amount of 12 time to take prompt measures to determine the nature, quantity, and potential 13 off-site impact of a release, considering the exigency of the circumstances. 14 (6) The secretary may develop rules and regulations to implement and clarify 15 16 the reporting requirements of this Subsection and to address changes in federal regulations. The rules and regulations shall at a minimum provide that the 17 initial written notification report on releases that caused an emergency 18 19 condition shall be submitted within twenty-four hours from the report required

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by Paragraph 2 of this Subsection.

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SB 399 Original

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Tyler S. McCloud.

DIGEST 2020 Regular Session

Fields

<u>Present law</u> provides for the "Hazardous Materials Information Development, Preparedness, and Response Act" also known as the "Right-to-Know" law that creates a comprehensive information system containing specific data regarding the presence and location of hazardous materials in the state to be shared with the public and among state agencies and local governing authorities.

<u>Proposed law</u> defines an "emergency condition" as any condition that could reasonably expect to endanger the health and safety of the public; cause significant adverse impact to the land, water, or air environment; or cause severe damage to property. <u>Proposed law</u>

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presumes the existence of an emergency condition whenever a reportable hazardous material release causes an injury requiring hospitalization, or a fatality, or results in a fire or explosion which could reasonably expect to affect the public safety beyond the boundaries of the facility.

<u>Present law</u> defines "immediately" as a reasonable period of time after identifying the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances.

<u>Proposed law</u> retains <u>present law</u> and adds that in cases of an emergency condition, "immediately" means as soon as possible not to exceed 15 minutes from the discovery of the condition.

<u>Proposed law</u> requires the deputy secretary of the Dept. of Public Safety and Corrections to develop or utilize an electronic or telephonic public notification system that, in addition to any other appropriate technology, includes cell tower or cellular base station location to aid in the dissemination of information to the public.

<u>Proposed law</u> requires owners or operators to immediately report to the department any reportable release of any hazardous material regulated by <u>present law</u> which causes an emergency condition.

<u>Proposed law</u> requires the department to utilize the public notification system upon receipt of such notification.

<u>Proposed law</u> provides that any additional information required by rules and regulations promulgated pursuant to <u>present law</u> shall be reported to the department after a reasonable amount of time to take prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances.

<u>Present law</u> authorizes the rules and regulations to implement and clarify the reporting requirements of present law and to address changes in federal regulations.

<u>Proposed law</u> requires such rules and regulations provide that any written notification reports on releases that caused an emergency condition shall be submitted within 24 hours from the emergency condition report.

Effective August 1, 2020.

(Amends R.S. 30:2363(10) and 2373(B)(2) and (6); adds R.S. 30:2363(21) and 2365(A)(8))