

2020 Regular Session

HOUSE BILL NO. 869 (Substitute for House Bill No. 659 by Representative Carrier)

BY REPRESENTATIVE CARRIER

1 AN ACT

2 To amend and reenact R.S. 30:2011(D)(24)(e), 2018(C), and 2154(C) and to repeal R.S.
3 30:2180(D)(4), relative to medical waste disposal; to provide for submission of
4 environmental assessment statements to public buildings; to repeal the prohibition
5 on permitting of certain solid waste facilities; to provide for effectiveness; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 30:2011(D)(24)(e), 2018(C), and 2154(C) are hereby amended and
9 reenacted to read as follows:

10 §2011. Department of Environmental Quality created; duties; powers; structure

11 * * *

12 D. The secretary shall have the following powers and duties:

13 * * *

14 (24)

15 * * *

16 (e) The provisions of this Paragraph shall not apply to the construction or
17 operation of a medical waste incinerator which is permitted pursuant to the
18 provisions of R.S. 30:2154(C) ~~or 30:2180(D)(4)~~.

19 * * *

20 §2018. Environmental assessment hearings

21 * * *

22 C. The department ~~may, and if requested, shall~~; shall conduct a public
23 hearing on the environmental assessment statement in the parish where the facility
24 is located. Any public hearing on the environmental assessment statement, ~~whether~~

1 requested or at the discretion of the department, may be combined with a public
 2 hearing on the proposed permit. If the facility is located in more than one parish, the
 3 department may conduct a single hearing to serve all the affected parishes in the
 4 vicinity of a centrally located facility. Simultaneously with the submission of the
 5 statement to the department, the applicant shall also submit copies of the statement
 6 to the local governmental authority and designated public library building where the
 7 facility is located, at no cost to the local governmental authority or the designated
 8 public library building.

9 * * *

10 §2154. Powers; duties; restrictions; prohibitions; penalties

11 * * *

12 C.(1) Notwithstanding any other provision of the law to the contrary, the
 13 secretary ~~shall not~~ may only issue any permit or ~~promulgate any rule or regulation~~
 14 which would allow the construction or operation of a medical waste incinerator
 15 disposal facility of any type ~~in this state until such rules and regulations are~~
 16 ~~specifically authorized by law.~~

17 (2) ~~The prohibition in this Subsection shall not apply to the regulation or~~
 18 ~~permitting of any such facility possessing a permit or interim permit on April 16,~~
 19 ~~1990 nor to an application which was pending and had not been denied prior to July~~
 20 ~~1, 1990.~~

21 (3) ~~In no event shall any such permit be issued without~~ in parishes with a
 22 population below fifty thousand according to the latest federal decennial census. In
 23 such parishes, a permit may be only issued after prior notification of legislators
 24 representing the area which includes the site of the facility, or the proposed site of
 25 the facility and after a prior public hearing in that area.

26 (4) ~~(2)~~ The department shall promulgate necessary rules and regulations, in
 27 accordance with the Administrative Procedure Act, for the permitting of medical
 28 waste incinerator disposal facilities ~~within one hundred eighty days after being~~
 29 ~~specifically authorized by law.~~

30 * * *

1 Section 2. R.S. 30:2180(D)(4) is hereby repealed in its entirety.

2 Section 3. This Act shall become effective upon signature by the governor or, if not
3 signed by the governor, upon expiration of the time for bills to become law without signature
4 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
5 vetoed by the governor and subsequently approved by the legislature, this Act shall become
6 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____