

2022 Regular Session

HOUSE BILL NO. 398

BY REPRESENTATIVE DUPLESSIS

ENVIRONMENT/ENFORCEMENT: Increases the maximum civil penalties assessed by the Department of Environmental Quality

1 AN ACT

2 To amend and reenact R.S. 30:2025(E)(1)(a) and (2), relative to civil penalties assessed by
3 the Department of Environmental Quality or the courts; to increase the daily penalty
4 allowable for each violation; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

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

8 §2025. Enforcement

9 * * *

10 E. Civil penalties.

11 (1)(a) Any person found to be in violation of any requirement of this Subtitle
12 may be liable for a civil penalty, to be assessed by the secretary, the assistant
13 secretary of the office of environmental compliance, or the court, of not more than
14 the cost to the state of any response action made necessary by such violation which
15 is not voluntarily paid by the violator, and a penalty of not more than ~~thirty-two~~
16 forty-seven thousand five hundred dollars for each day of violation. However, when
17 any such violation is done intentionally, willfully, or knowingly, or results in a
18 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~~ ninety-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 398 Engrossed

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Duplessis

Abstract: Increases the maximum civil penalties assessed by the Department of Environmental Quality.

Present law provides for a maximum civil penalty assessed by the Dept. of Environmental Quality or the court of \$32,500 for each day of violation.

Proposed law increases the maximum civil penalty from \$32,500 to \$47,500 for each day of violation.

Present law provides for a maximum civil penalty assessed by the department or the court of \$50,000 for each day a person fails to take corrective action on a compliance order or a cease and desist order within the time specified in the order.

Proposed law increases the maximum civil penalty from \$50,000 to \$95,000 for each day of noncompliance.

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