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## DIGEST

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HB 634 Original

2025 Regular Session

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**Abstract:** Provides the procedure for resolution of regulatory remediation for environmental damage to property arising from activities subject to the jurisdiction of the Department of Conservation and Energy through a review panel process applicable to suits filed on or after January 1, 2026.

Present law provides a process for remediation of oilfield and exploration and production sites.

Proposed law retains present law but provides that the present law process will not apply to any suit filed on or after July 1, 2026.

Proposed law provides a process for remediation of oilfield and exploration and production sites and a saltwater and oil assessment process, which will apply to suits filed on or after January 1, 2026, replacing the present law process.

Proposed law establishes a review panel and provides for the appointment of its members following notice to the department of a dispute between an operator and a landowner regarding contamination. Requires approval of the panel by the State Mineral and Energy Board and provides an oath with review panel members must take prior to service on the panel.

Proposed law requires immediate response by the operator while the review panel is selected.

Proposed law establishes procedures for the review panel, including submission of evidence, information required to be provided by the parties, and review of evidence. Authorizes the panel to consult with experts and seek information from the parties regarding the evaluation or remediation procedures necessary.

Proposed law requires the review panel to draft an evaluation plan which must include a scheduling order for evaluation work, the submission of reports to the panel, and certain sampling requirements. Further provides the evaluation plan must be used to determine the following:

- (1) Whether contamination exists.
- (2) Causation.
- (3) The responsible party or parties.

Proposed law provides for the preparation of a remediation plan by the review panel based on the evaluation plan process and an order stating whether remediation already undertaken was sufficient or if further remediation is necessary. Requires the review panel to provide the following parties with a copy of the order and remediation plan:

- (1) All parties to the review panel.
- (2) The secretary of the Dept. of Conservation and Energy.
- (3) The secretary of the La. Dept. of Environmental Quality.
- (4) The Commissioner of Agriculture.
- (5) The secretary of the Dept. of Wildlife and Fisheries.

Proposed law requires these agencies to review the remediation plan to ensure compliance with the laws within their jurisdiction, provide comments to the review panel, an estimate any costs to the agency to oversee implementation of the plan, and an invoice for their costs in reviewing the plan. Further provides a process for all of the agencies to come to agreement on a final plan.

Proposed law provides that approval of a remediation plan, the responsible party is required to provide estimated remediation costs and amounts invoiced by the agencies for their review of the plan to the Natural Resources Trust Authority to pay for remediation work according to the remediation plan.

Proposed law provides that there is no right of suspensive appeal and that final regulatory plans or orders must be appealed to the Division of Administrative Law and establishes authority of the hearing officer reviewing the decision. Further provides that appeals from the administrative decision may be made to the First Circuit Court of Appeals.

(Adds R.S. 30:29(N) and 30 - 30.4)