ACT No. 163

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
1	* * *
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

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

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

* * *

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

- (2) The prohibition in this Subsection shall not apply to the regulation or permitting of any such facility possessing a permit or interim permit on April 16, 1990 nor to an application which was pending and had not been denied prior to July 1, 1990.
- (3) In no event shall any such permit be issued without in parishes with a population below fifty thousand according to the latest federal decennial census. In such parishes, a permit may be only issued after prior notification of legislators representing the area which includes the site of the facility, or the proposed site of the facility and after a prior public hearing in that area.
- (4) (2) The department shall promulgate necessary rules and regulations, in accordance with the Administrative Procedure Act, for the permitting of medical waste incinerator disposal facilities within one hundred eighty days after being specifically authorized by law.

30 * * *

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 R.S. 30:2180(D)(4) is hereby repealed in its entirety.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

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APPROVED: _____