

2021 Regular Session

HOUSE BILL NO. 88

BY REPRESENTATIVE MARCELLE

WATER/RESOURCES: Provides relative to industrial withdrawal of groundwater from the Southern Hills Aquifer

1 AN ACT

2 To enact R.S. 38:3097.10, relative to industrial withdrawal of groundwater; to provide for
3 definitions; to provide for limitations on the quantity of water withdrawal; to provide
4 for recordkeeping; to provide for reporting of such withdrawals; and to provide for
5 related matters.

6 Notice of intention to introduce this Act has been published
7 as provided by Article III, Section 13 of the Constitution of
8 Louisiana.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 38:3097.10 is hereby enacted to read as follows:

11 §3097.10. Southern Hills Aquifer protection

12 A. The following terms shall have the meanings ascribed to them in this
13 Section, unless the context clearly indicates otherwise:

14 (1) "Covered area" shall mean any area within the parishes of East Baton
15 Rouge, West Baton Rouge, East Feliciana, West Feliciana, and Pointe Coupee.

16 (2) "Covered facility" shall mean any commercial or industrial facility and
17 all the contiguous property under the control of the owner or operator.

18 B. By January 1, 2026, every covered facility in the covered area shall limit
19 its withdrawal of groundwater to five million gallons of groundwater per day.

1 C. Every covered facility in the covered area shall monitor groundwater
2 withdrawal quantities and report to the commissioner any withdrawals in excess of
3 one million gallons of groundwater per day. Covered facilities shall maintain
4 records of groundwater withdrawals for a period of at least five years.

5 D. The provisions of this Section shall not apply to agricultural, residential,
6 domestic, municipal, or public supply uses.

7 E. The commissioner of conservation shall adopt any necessary rules and
8 regulations in accordance with the Administrative Procedure Act to monitor and
9 enforce the provisions of this Section.

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 88 Original

2021 Regular Session

Marcelle

Abstract: Provides limitations on groundwater withdrawals from the Southern Hills Aquifer by industrial facilities and requires reporting and recordkeeping.

Present law creates the Capital Area Groundwater Conservation District for the purpose of the efficient administration, conservation, and development of groundwater resources for the parishes of East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, and West Feliciana. Requires the district to work in conjunction with the commissioner of conservation.

Present law specifies that the state has exclusive jurisdiction of groundwater management. Provides that such jurisdiction cannot supersede the zoning authority of local governments or the duties of soil and water conservation districts.

Proposed law retains present law.

Proposed law defines "covered facility" as any commercial or industrial facility and all the contiguous property under the control of the owner or operator. Additionally, defines "covered area" as any area within the parishes of East Baton Rouge, West Baton Rouge, East Feliciana, West Feliciana, and Pointe Coupee.

Proposed law specifies that by Jan. 1, 2026, every covered facility in a covered area must limit the amount of groundwater that a covered facility can withdraw from the Southern Hills Aquifer to five million gallons of groundwater per day. Further requires covered facilities to report any withdrawals in excess of one million gallons of groundwater per day and to maintain records of such withdrawals for at least five years.

Proposed law exempts agricultural, residential, domestic, municipal, or public supply uses from proposed law.

Proposed law requires the commissioner of conservation to adopt any necessary rules and regulations to monitor and enforce proposed law.

(Adds R.S. 38:3097.10)