HLS 21RS-880 ENGROSSED

2021 Regular Session

HOUSE BILL NO. 549

1

BY REPRESENTATIVE MCCORMICK

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ENVIRONMENT/HAZ MATERIAL: Modifies definitions relative to hazardous materials reporting under the Right-to-Know Law

AN ACT

2	To amend and reenact R.S. 30:2363(7) and (13), relative to the reporting of hazardous
3	material releases; to provide for definitions; to provide for the applicability of
4	reporting requirements under the Hazardous Materials Information Development,
5	Preparedness, and Response Act and laws regarding hazardous materials
6	transportation and motor carrier safety; to provide relative to natural gas pipelines;
7	and to provide for related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. 30:2363(7) and (13) are hereby amended and reenacted to read as
10	follows:
11	§2363. Definitions
12	The following terms as used in this Chapter shall have the following meanings:
13	* * *
14	(7) "Facility" means the physical premises used by the owner or operator in
15	which the hazardous materials are manufactured, used, or stored. A natural gas
16	pipeline, including but not limited to transmission and distribution assets, shall be
17	considered a facility and subject to the reporting requirements for facilities under this
18	Chapter. A natural gas pipeline shall not be considered a transport vehicle or

Page 1 of 3

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1 otherwise subject to the reporting requirements under Chapter 12 of Title 32 of the 2 Revised Statutes of 1950, regarding hazardous materials transportation and motor 3 <u>carrier safety</u>. A natural gas pipeline shall not be classified as a compressed natural 4 gas facility. 5 6 (13) "Owner or operator" means any person, partnership, or corporation in 7 the state including, unless otherwise stated, the state and local government, or any 8 of its agencies, authorities, departments, bureaus, or instrumentalities engaged in 9 business or research operations which use, manufacture, emit, or store a hazardous 10 material at in a facility. 11

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 549 Engrossed

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Abstract: Changes the definitions for "facility" and "owner or operator" under the Right-To-Know Law in order to make explicit that natural gas pipelines are to be treated as "facilities" under this law and are subject to its reporting requirements, rather than being treated as a "transport vehicle" and being subject to reporting requirements under provisions related to hazardous material transportation and motor carrier safety.

<u>Present law</u> defines the term "facility", as used in the Hazardous Material Information Development, Preparedness and Response Act (Right-to-Know Law), as the physical premises where hazardous materials are manufactured, used, or stored.

<u>Present law</u>, under the Right-To-Know Law and associated administrative rules, provides for the reporting of unauthorized releases from natural gas pipelines and establishes a reportable quantity of 1,000 pounds.

<u>Proposed law</u> retains <u>present law</u>, but articulates under the definition of "facility" that natural gas pipelines:

- (1) Are to be considered "facilities" under the Right-To-Know Law and subject to the reporting requirements under the Right-to-Know Law.
- (2) Are not to be treated as "transport vehicles" or subject to reporting requirements under the laws regarding hazardous materials transportation and motor carrier safety.

<u>Present law</u> defines "owner or operator", as used in the Right-to-Know Law, as a person or entity engaged in operations with hazardous materials "at" a facility. The <u>present law</u> definition of "facility" refers to an owner or operator's physical premises "in" which

Page 2 of 3

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HLS 21RS-880 ENGROSSED
HB NO. 549

hazardous materials are handled. <u>Proposed law</u> modifies the definition of "owner or operator" under <u>present law</u> for consistency with the <u>present law</u> definition of "facility", as well as the <u>proposed law</u> definition of "facility" inclusive of pipelines, by referring to hazardous materials "in" a facility rather than "at" a facility.

(Amends R.S. 30:2363(7) and (13))