
HOUSE COMMITTEE AMENDMENTS

2021 Regular Session

Substitute for Original House Bill No. 537 by Representative Romero as proposed by the House Committee on Natural Resources and Environment

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To amend and reenact R.S. 30:2162, relative to solid waste capacity; to provide for evaluation of solid waste and capacity; to provide for the determination of necessary permitted capacity; to limit new permitted capacity; to provide for reports to certain legislative committees; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2162 is hereby amended and reenacted to read as follows:

§2162. Solid waste capacity

A. Not later than January 1, 2022, and every two years thereafter, the secretary shall make an evaluation of the following:

(1) ~~Not later than January 1, 2007, and at least every two years thereafter, the secretary of the Department of Environmental Quality shall evaluate the~~ The volume and types of solid waste managed in Louisiana, which shall include solid waste that is reduced, generated, transported, recycled, processed, incinerated, treated, stored, or disposed.

(2) ~~In performing such evaluations, the secretary shall determine the permitted capacity that is available to safely manage the solid waste. After each such determination, the secretary shall submit a report to the House Committee on Natural Resources and Environment and the Senate Committee on Environmental Quality and shall make such determination available to the public through public notification and the department mail list.~~ The capacity necessary for the state to safely and efficiently manage such solid waste.

(3) The capacity currently permitted in the state.

~~B.(1) The secretary shall ensure that sufficient available permitted capacity exists to safely and efficiently manage solid waste resulting from a declared emergency originating from an in-state emergencies.~~

~~(2) Permitted capacity shall be considered along with other relevant factors in the permitting of solid waste. Not later than January 1, 2022, and every two years thereafter, the secretary shall determine the total permitted capacity necessary to manage solid waste in Louisiana, based on the evaluation made pursuant to Subsection A of this Section and considering whether available permitted capacity exists to safely and efficiently manage solid waste resulting from a declared emergency.~~

C. The secretary shall not issue new solid waste permits that would increase the total permitted capacity of the state in an amount in excess of fifteen percent greater than the necessary total permitted capacity as determined by the secretary pursuant to Subsection B of this Section. However, the secretary may increase the total permitted capacity above the fifteen percent limitation for any year, by rule adopted in accordance with the Administrative Procedure Act, provided the secretary finds, based on reliable evidence in the record of a public hearing on the proposed rule, that failure to increase the total permitted capacity above the limitation required by this Section will result, within one year, in insufficient capacity for the proper management of solid waste in the state.

D. The secretary shall submit a report that includes the evaluations, findings, and determinations made pursuant to this Section to the House Committee on Natural Resources and Environment and the Senate Committee on Environmental Quality on or before February 1, 2022, and every two years thereafter.

Section 2. 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.

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 Draft

2021 Regular Session

Abstract: Modifies the evaluation of solid waste and permitted capacity for solid waste management by the secretary of the Dept. of Environmental Quality and requires a determination by the secretary of the total permitted capacity necessary for solid waste management.

Present law requires the secretary of the Dept. of Environmental Quality to evaluate the volume and types of solid waste managed in the state, determine available permitted capacity for safe management of solid waste, and ensure that sufficient available permitted capacity exists to manage solid waste resulting from a declared emergency. Proposed law retains present law.

Present law requires that permitted capacity be considered along with other relevant factors in permitting for solid waste. Proposed law removes present law.

Proposed law requires the secretary to determine the permitted capacity necessary for the state to safely manage solid waste and prohibits the secretary from issuing permits or licenses that would increase the total permitted capacity by more than 15% above the total capacity necessary.

Proposed law allows the secretary to increase this limit by administrative rule if evidence provided at a public hearing on the proposed rule shows that, without the variance, La. will not have the capacity necessary to manage waste in the state within one year.

Proposed law requires the secretary to submit a report detailing the evaluations, findings, and determinations made pursuant to proposed law to the House Committee on Natural Resources and Environment and the Senate Committee on Environmental Quality by Feb. 1, 2022, and every two years thereafter.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 30:2162)