

2021 Regular Session

HOUSE BILL NO. 700 (Substitute for House Bill No. 537 by Representative Romero)

BY REPRESENTATIVE ROMERO

ENVIRONMENT/SOLID WASTE: Provides relative to solid waste permitted capacity

1 AN ACT

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

7 Be it enacted by the Legislature of Louisiana:

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

9 §2162. Solid waste capacity

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

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

17 (2) ~~In performing such evaluations, the secretary shall determine the~~  
18 ~~permitted capacity that is available to safely manage the solid waste. After each such~~  
19 ~~determination, the secretary shall submit a report to the House Committee on Natural~~  
20 ~~Resources and Environment and the Senate Committee on Environmental Quality~~

1 ~~and shall make such determination available to the public through public notification~~  
2 ~~and the department mail list.~~ The capacity necessary for the state to safely and  
3 efficiently manage such solid waste.

4 (3) The capacity currently permitted in the state.

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

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

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

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

1 Section 2. This Act shall become effective upon signature by the governor or, if not  
2 signed by the governor, upon expiration of the time for bills to become law without signature  
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
5 effective on the day following such approval.

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## 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)]

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HB 700 Original

2021 Regular Session

Romero

**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 specifies that not later than Jan. 1, 2007, and every two years thereafter, the secretary of the Dept. of Environmental Quality must 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 modifies present law, in part, by changing Jan. 1, 2007 to Jan 1, 2022.

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 specifies that not later than Jan. 1, 2022, and every two years thereafter, the secretary must 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 solid 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)