

2021 Regular Session

HOUSE BILL NO. 72

BY REPRESENTATIVE COUSSAN

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

BUDGETARY CONTROLS: Requires the secretary of the Department of Environmental Quality to establish a voluntary environmental self-audit program

1 AN ACT

2 To amend and reenact R.S. 30:2018(C) and 2030(A)(2) and to enact R.S. 30:2030(A)(3) and
3 2044, relative to the Department of Environmental Quality; to require the secretary
4 to promulgate regulations allowing for voluntary environmental self-audits; to
5 provide for the confidentiality of information contained in a voluntary environmental
6 self-audit; to provide for exceptions to confidentiality requirements; to provide for
7 incentives to facilities conducting voluntary environmental self-audits; and to
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 30:2018(C) and 2030(A)(2) is hereby amended and reenacted and
11 R.S. 30:2030(A)(3) and 2044 are hereby enacted to read as follows:

12 §2018. Environmental assessment hearings

13 * * *

14 C. The department may, and if requested shall conduct a public hearing on
15 the environmental assessment statement in the parish where the facility is located.
16 Any public hearing on the environmental assessment statement, whether requested
17 or at the discretion of the department, may be combined with a public hearing on the
18 proposed permit. If the facility is located in more than one parish, the department
19 may conduct a single hearing to serve all the affected parishes in the vicinity of a
20 centrally located facility. Simultaneously with the submission of the statement to the

1 department, the applicant shall also submit copies of the statement to the local
2 governmental authority and designated public building where the facility is located,
3 at no cost to the local governmental authority or the designated public building.

4 * * *

5 §2030. Confidential information; restricted access via the Internet

6 A.

7 * * *

8 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection,
9 information contained in a voluntary environmental self-audit authorized by R.S.
10 30:2044 shall be held confidential by the department and shall be withheld from
11 public disclosure for a limited time period, not to exceed two years, specified in the
12 rules and regulations adopted by the department under the provisions of R.S.
13 30:2044.

14 ~~(2)~~(3) However, such nondisclosure shall not apply to necessary use by duly
15 authorized officers or employees of state or federal government in carrying out their
16 responsibilities under this Subtitle or applicable federal law, and air emission data
17 or discharges to surface and ground waters and the location and identification of any
18 buried waste materials shall be not construed as confidential information unless the
19 information is disclosed to the department in a voluntary environmental self-audit
20 conducted in accordance with the rules and regulations promulgated pursuant to R.S.
21 30:2044. Information that is required to be reported to a state or federal agency by
22 statute, regulation, or permit, shall not be held confidential.

23 * * *

24 §2044. Voluntary environmental self-audits

25 A. The secretary shall promulgate, in accordance with the Administrative
26 Procedure Act, regulations establishing a program for voluntary environmental
27 self-audits. As a part of that program, the regulations shall provide for the following:

28 (1) Conduct of voluntary environmental self-audits.

1 (2) Submission of the results of voluntary environmental self-audits to the
2 department.

3 (3) The period of time that information contained in the voluntary
4 environmental self-audit may be held confidential by the department which shall not
5 exceed two years.

6 (4) Incentives in the form of reduction or elimination, or both, of civil
7 penalties for violations disclosed to the department in a voluntary environmental
8 self-audit.

9 (5) Corrective action for violations discovered as a result of a voluntary
10 environmental self-audit.

11 (6) Submission to the department of the plans to correct violations
12 discovered during a voluntary environmental audit.

13 (7) A fee for reviewing voluntary environmental self-audit reports and
14 actions taken to correct the violations reported.

15 B. The fee for reviewing environmental self-audits shall not exceed the
16 maximum per-hour salary, including associated benefits, of a civil service employee
17 of the department per hour or portion thereof required to conduct the review plus
18 reasonable indirect costs calculated as a percentage of the hourly fee. Such
19 percentage shall be determined annually by agreement between the department and
20 the United States Environmental Protection Agency for use on grants and contracts.
21 However, the department may require a minimum fee of one thousand five hundred
22 dollars.

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 72 Reengrossed

2021 Regular Session

Coussan

Abstract: Requires the Dept. of Environmental Quality to promulgate regulations for a voluntary environmental self-audit program administered by the department.

Proposed law requires the secretary of the Dept. of Environmental Quality to establish a program for voluntary environmental self-audits. Requires that the regulations provide for

the conduct of the self-audit, submission of the results to the department, the period of time that information contained in the self-audit may be held confidential which shall not exceed two years, incentives to encourage the use of self-audits, corrective actions for violations discovered by the self-audit, submission of a corrective plan, and fees for reviewing the audit and corrective plan.

Present law provides that department records and information obtained from rules, regulations, orders, licenses, or permits are available to the public unless the secretary determines that release of the information may impair an investigation or the protection of trade secrets and proprietary information.

Proposed law requires information obtained through a voluntary environmental self-audit be held confidential for a limited time, not to exceed two years, as specified in the rules applicable to voluntary environmental self-audits. Specifies that information disclosed to the department under a self-audit that is required to be reported to a state or federal agency by statute, regulation, or permit will not be held confidential.

Present law requires the department to conduct a public hearing on all environmental assessment statements.

Proposed law changes this requirement by giving the department discretion on conducting such a hearing and allows members of the public to request such a hearing.

(Amends R.S. 30:2018(C) and 2030(A)(2); Adds R.S. 30:2030(A)(3) and 2044)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Provide the Department of Environmental Quality discretionary authority to conduct public hearings on environmental assessments. Also, allows the public to request such hearings.
2. Make technical changes.

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the engrossed bill:

1. Limit the time period that information contained in self-audit may be held confidential to no more two years.
2. Make technical changes.