

GREEN SHEET REDIGEST

HB 72

2021 Regular Session

Coussan

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

DIGEST

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 procedures for conducting 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. Further specifies that proposed law does not prohibit a request for confidentiality pursuant to present law concerning trade secrets, proprietary secrets, and commercial and financial information.

Proposed law requires the department's final decisions be public and published on the department's website.

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

Proposed law changes this requirement by requiring the department to conduct a hearing if requested.

Proposed law requires the secretary to promulgate rules and regulations identifying violations that are not eligible for relief under the voluntary self-audit program and list the types of violations as follows:

- (1) Violations that result in serious actual harm to the environment.
- (2) Violations that may present an imminent or substantial endangerment to public health or the environment.
- (3) Violations discovered by the department prior to the written disclosure of the violation to the department.
- (4) Violations detected through monitoring, sampling, or auditing procedures that are required by statute, regulation, permit, judicial or administrative order, or consent agreement.

Proposed law suspends prescriptions for claims for violations upon participation in the voluntary self-audit program until the department makes a final decision or two years, whichever occurs first.

(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 than two years.
2. Make technical changes.

The House Floor Amendments to the reengrossed bill:

1. Require the secretary to promulgate rules and regulations identifying violations that are not eligible for relief under the voluntary self-audit program and list the violations.
2. Clarify that proposed law cannot restrict a request for confidentiality pursuant to present law concerning trade secrets, proprietary secrets, and commercial or financial information.
3. Specify that information that is required to be reported to a state or federal agency by present law, regulation, or permit cannot be held confidential.
4. Make technical changes.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Environmental Quality to the re-reengrossed bill

1. Adds reviewing corrective actions in limitation of fees collected.
2. Requires final decisions be public and published.
3. Suspends prescription for claims for violations upon participation in the voluntary self-audit program until a final decision or 2 years, whichever occurs first.
4. Deletes duplicative provision relative to confidentiality.
5. Makes technical changes.