

# ACT No. 481

2021 Regular Session

HOUSE BILL NO. 72

BY REPRESENTATIVE COUSSAN

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§2018. Environmental assessment hearings

\* \* \*

C. The department may, and if requested shall conduct a public hearing on the environmental assessment statement in the parish where the facility is located. Any public hearing on the environmental assessment statement, whether requested or at the discretion of the department, may be combined with a public hearing on the proposed permit. If the facility is located in more than one parish, the department may conduct a single hearing to serve all the affected parishes in the vicinity of a centrally located facility. Simultaneously with the submission of the statement to the department, the applicant shall also submit copies of the statement to the local governmental authority and designated public building where the facility is located, at no cost to the local governmental authority or the designated public building.

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1           §2030. Confidential information; restricted access via the Internet

2                   A.

3   \*       \*       \*

4                   (2) Notwithstanding the provisions of Paragraph (1) of this Subsection,  
5                   information contained in a voluntary environmental self-audit authorized by R.S.  
6                   30:2044 shall be held confidential by the department and shall be withheld from  
7                   public disclosure until a final decision is made, or for a period not to exceed two  
8                   years, whichever occurs first. Any final decision made by the department shall be  
9                   public and published on the department's website. However, nothing in this  
10                   Paragraph shall prohibit a request for confidentiality pursuant to Subparagraph (1)(b)  
11                   of this Subsection. Information that is required to be reported to a state or federal  
12                   agency by statute, regulation, or permit, including but not limited to notifications  
13                   required by R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), and 2204(A), shall not be  
14                   held confidential.

15                   ~~(2)~~ (3) ~~However, such nondisclosure~~ Nondisclosure shall not apply to  
16                   necessary use by duly authorized officers or employees of state or federal  
17                   government in carrying out their responsibilities under this Subtitle or applicable  
18                   federal law, and air emission data or discharges to surface and ground waters and the  
19                   location and identification of any buried waste materials shall be not construed as  
20                   confidential information.

21   \*       \*       \*

22           §2044. Voluntary environmental self-audits

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

26                                   (1) Procedures for conducting voluntary environmental self-audits.

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

1                   (3) Incentives in the form of reduction or elimination, or both, of civil  
 2                   penalties for violations disclosed to the department in a voluntary environmental  
 3                   self-audit.

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

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

8                   (6) A fee for reviewing voluntary environmental self-audit reports and  
 9                   actions taken to correct the violations reported.

10                   B. The secretary shall promulgate rules and regulations in accordance with  
 11                   the Administrative Procedure Act identifying violations that are not eligible for relief  
 12                   under this program. The violations shall include but are not limited to:

13                   (1) Violations that result in serious actual harm to the environment.

14                   (2) Violations that may present an imminent or substantial endangerment to  
 15                   public health or the environment.

16                   (3) Violations discovered by the department prior to the written disclosure  
 17                   of the violation to the department.

18                   (4) Violations detected through monitoring, sampling, or auditing procedures  
 19                   that are required by statute, regulation, permit, judicial or administrative order, or  
 20                   consent agreement.

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

1                    D. Prescription shall be suspended for all claims for violations under this  
 2                    Subtitle or of the regulations promulgated pursuant to this Subtitle upon participation  
 3                    in the voluntary self-audit program. The suspension of prescription shall terminate  
 4                    upon a final decision under R.S. 30:2030(A)(2) or after a period of two years,  
 5                    whichever occurs first.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_