

RÉSUMÉ DIGEST

ACT 481 (HB 72)

2021 Regular Session

Coussan

New 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 cannot 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.

Existing 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.

New 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 new law does not prohibit a request for confidentiality pursuant to existing law concerning trade secrets, proprietary secrets, and commercial and financial information.

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

Prior law required the department to conduct a public hearing on all environmental assessment statements.

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

New 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.

New 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.

New law provides that the fee for reviewing environmental self-audits and corrective actions cannot exceed the maximum per-hour salary, including associated benefits, to conduct the review, plus reasonable indirect costs calculated as a percentage of the hourly fee. Specifies that percentage is determined annually by the department and the U.S. Environmental Protection Agency for use on grants and contracts. Authorizes the department to assess a minimum fee of \$1,500.

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