

2023 Regular Session

SENATE BILL NO. 62

BY SENATOR FESI

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

HAZARDOUS MATERIALS. Provides for the notification of certain hazardous material releases. (8/1/23)

1 AN ACT

2 To amend and reenact R.S. 30:2363(7) and (13), 2370(H)(2), and 2373(B)(1), relative to the
3 "Right-to-Know" law; to provide for natural gas pipelines; to provide for definitions;
4 to provide for reporting requirements; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 30:2363(7) and (13), 2370(H)(2), and 2373(B)(1) are hereby
7 amended and reenacted to read as follows:

8 §2363. Definitions

9 The following terms as used in this Chapter shall have the following meanings:

10 * * *

11 (7) "Facility" means the physical premises used by the owner or operator in
12 which the hazardous materials are manufactured, used, or stored. A natural gas
13 pipeline, including but not limited to transmission and distribution assets, shall **not**
14 be considered a facility and **shall not be** subject to the reporting requirements for
15 facilities under this Chapter. A natural gas pipeline shall not be considered a
16 transport vehicle or otherwise subject to the reporting requirements under Chapter
17 12 of Title 32 of the Louisiana Revised Statutes of 1950, regarding hazardous

1 materials transportation and motor carrier safety. A natural gas pipeline shall not be
2 classified as a compressed natural gas facility.

3 * * *

4 (13) "Owner or operator" means any person, partnership, or corporation in
5 the state including, unless otherwise stated, the state and local government, or any
6 of its agencies, authorities, departments, bureaus, or instrumentalities engaged in
7 business or research operations which use, manufacture, emit, or store a hazardous
8 material in a facility. **This term shall not include the owner or operator of a**
9 **natural gas pipeline.**

10 * * *

11 §2370. Extraordinary circumstances; deputy secretary's discretion to permit
12 alternative reporting procedures; residential and retail use;
13 exemptions

14 * * *

15 H. The following nonexclusive list of facilities shall qualify, when otherwise
16 required to report under this Chapter, for the alternate reporting procedures
17 established under this Section:

18 * * *

19 (2) ~~Natural gas, crude~~ **Crude** oil; and hydrocarbon product pipelines.

20 * * *

21 §2373. Failure to report; penalties

22 * * *

23 B.(1) Owners and operators shall immediately notify the department of any
24 reportable releases, other than a federally or state permitted release or application of
25 a pesticide or fertilizer, of a hazardous material or substance listed pursuant to this
26 Chapter exceeding the reportable quantity when that reportable quantity could be
27 reasonably expected to escape the site of the facility, as soon as the owner or
28 operator has knowledge of such release. Failure to do so shall subject owners and
29 operators to civil penalties as provided in Subsection C of this Section.

1 Notwithstanding any provision of law to the contrary, natural gas from distribution
 2 lines shall have a reportable release of ~~one~~ **forty-two** thousand pounds or more.

3 * * *

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Jacob K. Wilson.

DIGEST

SB 62 Engrossed

2023 Regular Session

Fesi

Present law establishes the "Right-to-Know" law to inform the public of the risks and effects of certain hazardous materials and provides for certain reporting requirements and definitions. Present law provides that a "facility" is the physical premises in which hazardous materials are manufactured, used, or stored, and further provides that a natural gas pipeline is a facility.

Proposed law excludes natural gas pipelines from the definition of "facility".

Present law provides that an "owner or operator" is an entity engaged in activities which use, manufacture, emit, or store hazardous materials in a facility. Proposed law excludes owners of natural gas pipelines from the definition of "owner or operator".

Present law provides for alternative reporting procedures for certain owners and operators of certain facilities.

Proposed law removes natural gas pipelines from the facilities that qualify for alternative reporting procedures.

Present law provides for the reporting of certain information and for penalties related to a release of natural gas from distribution lines, the threshold for which is a reportable quantity of one thousand pounds or more of natural gas.

Proposed law changes the reportable quantity for releases of natural gas from distribution lines from 1,000 pounds or more to 42,000 pounds or more.

Effective August 1, 2023.

(Amends R.S. 30:2363(7) and (13), 2370(H)(2), and 2373(B)(1))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Environmental Quality
 to the original bill

1. Provides for a reportable release quantity of 42,000 pounds for natural gas pipelines.