

2025 Regular Session

HOUSE BILL NO. 634

BY REPRESENTATIVE JACOB LANDRY

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

MINERALS: To provide relative to remediation of oilfield sites

1 AN ACT

2 To enact R.S. 30:29(N) and Subpart A of Part I of Title 30 of the Revised Statutes of 1950,
3 to be comprised of R.S. 30:30 through 30.4, relative to environmental remediation;
4 to provide definitions; to establish a review panel for disputes between operators and
5 landowners regarding contamination; to provide for the membership and convening
6 of the review panel; to provide for review panel procedures; to provide for the use
7 of an evaluation plan and a remediation plan; to provide procedures for approval of
8 the remediation plan by other state agencies; to provide for the payment of agency
9 and remediation costs to the Natural Resources Trust Authority; to provide relative
10 to appeals; to provide for immunity of review panel and plan participants; to provide
11 for admissibility of evidence; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 30:29(N) and Subpart A of Part I of Title 30 of the Revised Statutes
14 of 1950, comprised of R.S. 30:30 through 30.4 are hereby enacted to read as follows:

15 §29. Remediation of oilfield sites and exploration and production sites

16 * * *

17 N. This Section shall not be applicable to any suit filed on or after January
18 1, 2026, in connection with environmental damage to property arising from activities
19 subject to the jurisdiction of the Department of Conservation and Energy.

1 SUBPART A. REMEDIATION OF OILFIELD SITES AND EXPLORATION AND
2 PRODUCTION SITES; SALTWATER AND OIL ASSESSMENT PROCESS

3 §30. Legislative findings

4 A. The legislature hereby finds and declares that Article IX, Section 1 of the
5 Constitution of Louisiana mandates that the natural resources and the environment
6 of the state, including ground water, are to be protected, conserved, and replenished
7 insofar as possible and consistent with the health, safety, and welfare of the people
8 and further mandates that the legislature enact laws to implement this policy. It is
9 the duty of the legislature to set forth procedures to ensure that damage to the
10 environment is remediated to a standard that protects the public interest. The
11 legislature further finds that past efforts to remedy these issues have proved
12 unworkable. To this end, this Subpart provides the procedure for resolution of
13 regulatory remediation for environmental damage to property arising from activities
14 subject to the jurisdiction of the Department of Conservation and Energy. The
15 provisions of this Subpart shall not be construed to impede or limit provisions under
16 private contracts imposing remediation obligations in excess of the requirements of
17 the department or limit the right of a party to a private contract to enforce any
18 contract provision in a court of proper jurisdiction.

19 B. This Subpart shall be applicable to any suit filed on or after January 1,
20 2026, in connection with environmental damage to property arising from activities
21 subject to the jurisdiction of the Department of Conservation and Energy.

22 C. The department is hereby authorized to adopt rules and regulations in
23 accordance with the Administrative Procedure Act to provide for the efficient
24 administration of this Subpart.

25 §30.1. Definitions

26 For the purposes of this Subpart, the following terms shall have the following
27 meanings:

28 (1) "Contamination" means the introduction or presence of substances or
29 contaminants into a usable groundwater aquifer, an underground source of drinking

1 water (USDW), or soil in such quantities as to render them unsuitable for their
2 reasonably intended purposes.

3 (2) "Department" means the Department of Conservation and Energy, or any
4 successor agency.

5 (3) "Environmental damage" means any actual or potential impact, damage,
6 or injury to environmental media caused by contamination resulting from activities
7 associated with oilfield sites or exploration and production sites.

8 (4) "Environmental media" shall include but not be limited to soil, surface
9 water, ground water, or sediment.

10 (5) "Evaluation or remediation" shall include but not be limited to
11 investigation, testing, monitoring, containment, prevention, or abatement.

12 (6) "Landowner" means the owner of the surface rights and the owner of the
13 mineral rights of the immovable property where the alleged "contamination" is
14 located.

15 (7) "Oilfield site "or "exploration and production (E&P) site" means any
16 location or any portion thereof on which oil or gas exploration, development, or
17 production activities have occurred, including wells, equipment, tanks, flow lines or
18 impoundments used for the purposes of the drilling, workover, production, primary
19 separation, disposal, transportation or storage of E&P wastes, crude oil and natural
20 gas processing, transportation or storage of a common production stream of crude
21 oil, natural gas, coal seam natural gas, or geothermal energy prior to a custody
22 transfer or a sales point. In general, this definition would apply to all exploration and
23 production operations located on the same lease, unit, or field.

24 (8) "Operator" means the operator of record with the department for the E&P
25 site associated with the alleged contamination at issue in the dispute, along with the
26 working interest owner for the E&P site.

27 (9) "Party" means both the "landowner" and "operator" of the "E&P site" and
28 location of the alleged "contamination" involved in the dispute at issue.

1 (10) "Review panel" means a three member review panel convened in
2 accordance with the provisions of R.S.30:30.2 through 30.4 to review the incident
3 of contamination and recommend a remediation plan.

4 (11) "Remediation plan" means the plan adopted in accordance with this
5 Subpart which addresses environmental damage in conformity with the requirements
6 of Article IX, Section 1 of the Constitution of Louisiana to protect the environment
7 and public health, safety, and welfare, and is in compliance with the specific relevant
8 and applicable standards and regulations promulgated by a state agency in
9 accordance with the Administrative Procedure Act in effect at the time of clean up
10 to remediate contamination resulting from oilfield or exploration and production
11 operations or waste.

12 (12) "Timely notice" means written notice sent by certified mail, return
13 receipt requested.

14 §30.2. Review panel; membership; selection; convening

15 A. Upon any dispute between a landowner and an operator regarding the
16 appropriate response to alleged contamination, the operator shall, at the earliest
17 opportunity, send timely notice to the Department of Conservation and Energy,
18 office of the secretary, and to any affected landowner of the alleged contamination,
19 a description of the contamination and the alleged environmental damage, a
20 description of the property alleged to have been damaged, and the operator's
21 immediate efforts to stop and remediate the contamination. The notice shall also be
22 accompanied by notice via electronic means where practicable. The operator shall
23 provide the names and addresses of any known landowners, as well as the operator's
24 name and address, in its notice to the department.

25 B. The operator shall act reasonably and prudently to execute immediate
26 remediation procedures to stop any ongoing contamination while the process
27 described in this section is pending, and shall document his efforts for inclusion in
28 the process.

1 C. In the event that a lawsuit subject to R.S. 30:30, et seq is filed prior to
2 completion of the regulatory evaluation and report or remediation plan development
3 process described in this Subpart, such suit shall be stayed pending the completion
4 of the regulatory evaluation and report or remediation plan development process
5 described in this Subpart.

6 D. In the event that no lawsuit has been filed prior to notification of the
7 department, prescription for private claims arising from the contamination shall be
8 suspended from the date timely notice is sent to the department and affected
9 landowners until ninety days after the decision of the review panel is mailed in
10 accordance with R.S. 30:30.3. The review panel shall retain exclusive jurisdiction
11 over the controversy until its final remediation plan, or decision of compliance with
12 regulatory obligations, is mailed to all parties pursuant to R.S. 30:30.3.

13 E. Upon receipt of timely notice, the department shall convene a review
14 panel consisting of three members in accordance with the following procedures:

15 (1) The members of the review panel shall have generalized expertise in
16 environmental evaluation and remediation who are appropriately licensed and/or
17 certificated.

18 (2) Within fifteen days of the receipt of notice by the department, the
19 department shall provide notice via certified mail that a review panel is being formed
20 and advising the landowners collectively and the operators collectively that they
21 shall each nominate one member of the panel within thirty days. If, for any reason,
22 a party fails to select a member in accordance with this Section, the department shall
23 choose at random a member on behalf of the party within fifteen days.

24 (3) Within ten days of appointment by a party or set of parties, the
25 department shall notify the panel member of his appointment. After the second panel
26 member is appointed, the department shall immediately advise both members that
27 they shall, within fifteen days, consult and agree upon a third member of the panel.

28 (4) Upon the appointment and notification of the third panel member, the
29 panel shall be deemed convened, and the department shall notify the parties.

1 (5) There shall be a chairperson of every review panel, who shall be an
2 employee or contractor of the department with experience in evaluation and
3 remediation of oilfield sites. The chairperson shall serve to advise the panel and
4 shall not vote on the evaluation or restoration plan.

5 (6) An advisory attorney shall be appointed to assist the chairperson and the
6 panel with any legal issues, and the attorney shall not vote on the evaluation or
7 remediation plan. The advisory attorney shall be an employee or contracted attorney
8 of the department as designated by the secretary.

9 (7) Upon finalization, each review panel shall be approved by the State
10 Mineral and Energy Board as sufficient to meet the requirements of this Subpart
11 prior to the panel entering its duties.

12 (8) Prior to entering their duties, each member of the review panel shall
13 subscribe before a notary public the following oath:

14 "I, (name) do solemnly swear/affirm that I will faithfully perform the duties
15 of review panel member to the best of my ability and without partiality or favoritism
16 of any kind. I acknowledge that I represent neither side and that it is my lawful duty
17 to serve with complete impartiality and to render a decision in accordance with law
18 and the evidence."

19 §30.3. Review panel; procedure

20 A. All evidence submitted to the review panel shall be in written form only,
21 including depositions if appropriate. The department may utilize its subpoena power
22 in R.S. 30:8 at the request of a party.

23 B. Each party shall submit a delineation of the areas of interest for evaluation
24 and remediation. The evaluation and remediation plan of the panel shall be limited
25 to the combined areas identified by the parties.

26 C. Should the panel deem it necessary, it may consult with persons with
27 specialized areas of expertise, either within or outside the department, on issues
28 relating to the evaluation or remediation procedures necessary within the area of
29 interest. Should the panel deem it necessary, it may seek factual information,
30 reports, and expert opinions from the parties on issues relating to the evaluation or
31 remediation procedures necessary within the area of interest.

1 D. The review panel shall review all evidence submitted by the parties within
2 a reasonable time. When the panel determines it necessary, the panel shall draft an
3 evaluation plan which will be used to determine: (1) whether contamination exists,
4 (2) causation, and (3) who is the responsible party or parties in accordance with
5 adopted regulatory obligations. The evaluation plan shall also include a scheduling
6 order with deadlines by which the evaluation work and resulting analysis shall be
7 completed and reports of the same submitted to the panel. The evaluation plan shall
8 require split sampling and allow both the operator and landowner to submit a report
9 setting forth the findings and their analysis of the results. If following receipt of
10 these reports and underlying data, the panel determines causation of contamination
11 and who is the responsible party or parties, the panel shall develop a remediation
12 plan to regulatory standards based on the evidence. If the panel instead determines
13 that there is no contamination or no responsible party, then the panel shall draft a
14 report to that effect including the basis for its decision and forward the report to the
15 appropriate agencies in accordance with Subsection F of this Section for their review
16 and either approval or comment.

17 E. Any disputes that arise during the course of the review panel's work shall
18 be resolved by the secretary or his designee.

19 F. The review panel, in consultation with the chairperson and the attorney
20 advisor, shall prepare and render an order. The order, along with any remediation
21 plan developed by the panel, shall either state that previous remediation efforts are
22 sufficient to fulfill regulatory requirements or that further remediation is necessary.
23 If further remediation is found to be necessary by the panel, the remediation plan
24 shall include all further necessary remediation to fulfill regulatory requirements,
25 along with the anticipated cost of remediation efforts as well as an approved
26 remediation cost estimate. The panel shall, within five days of rendering an order,
27 send copies of the order and any remediation plan via certified mail to the following:

28 (1) All parties to the review panel.

29 (2) The secretary of the Department of Conservation and Energy.

1 (3) The secretary of the Louisiana Department of Environmental Quality.

2 (4) The commissioner of Agriculture.

3 (5) The secretary of the Louisiana Department of Wildlife and Fisheries.

4 G. Upon receipt of a report of no contamination or responsible party or
5 receipt of the remediation plan, the applicable state agencies shall review the report
6 or plan solely for the purposes of determining compliance with its laws and
7 regulations and issue any comments to the review panel within thirty days via
8 certified mail. If the agencies approve the report or plan, the agency shall approve
9 it via signature by the agency's secretary or commissioner or his designee. If any
10 agency does not approve of the report or plan, the agency shall submit its comments
11 in writing to the review panel within thirty days of receipt. If an agency does not
12 approve the plan, the panel shall incorporate the agency's comments and resubmit the
13 report or plan with revisions to each agency in Subsection F of this Section. This
14 process shall continue until all agencies listed in Subsection F of this Section
15 approve the plan. Along with their approval, all agencies listed in Subsection F of
16 this Section shall include an estimate, if any, of the cost in overseeing
17 implementation of the approved plan and an invoice for their costs in reviewing the
18 report or plan, as well as, in the case of the Department of Conservation and Energy,
19 the costs of staffing the review panel.

20 H. Upon approval of a remediation plan by all agencies in Subsection F of
21 this Section, the responsible party shall deposit the approved remediation cost
22 estimate amount along with any invoiced amount by the departments listed in
23 Subsection F of this Section into an account managed by the Natural Resources Trust
24 Authority to be disbursed at the direction of the authority for remediation work in
25 accordance with the remediation plan.

26 §30.4. Appeals, admissibility, testimony

27 A. There shall be no suspensive appeal. The implementation of the final
28 regulatory plan may be enjoined in a separate proceeding if the requirements of the

1 Code of Civil Procedure with respect to injunctions are met, including the provision
2 of appropriate security.

3 B.(1) Any appeal of the final regulatory plan or order shall be filed as a
4 hearing request with the Division of Administrative Law (DAL) in accordance with
5 R.S. 49:991, et seq. The request shall be filed with sixty days from final regulatory
6 or plan issuance to the parties.

7 (2) Within thirty days after service of the request for hearing or within
8 further time allowed by the hearing officer, the department shall transmit to the DAL
9 the original or a certified copy of the entire record of the proceeding under review.
10 By stipulation of all parties to the review proceedings, the record may be shortened.
11 A party unreasonably refusing to stipulate to limit the record may be taxed by the
12 DAL for the additional costs. The DAL may require or permit subsequent
13 corrections or additions to the record.

14 (3) The review shall be confined to the record. In cases of alleged
15 irregularities in procedure before the department not shown in the record, proof
16 thereon may be taken in the hearing. The hearing officer, upon request, shall hear
17 oral argument and receive written briefs.

18 (4) The hearing officer may affirm the decision of the assistant secretary or
19 remand the case for further proceedings. The hearing officer may reverse or modify
20 the decision if substantial rights of the appellant have been prejudiced because the
21 administrative findings, inferences, conclusions, or decisions are:

22 (a) In violation of constitutional or statutory provisions.

23 (b) In excess of the statutory authority of the agency.

24 (c) Made upon unlawful procedure.

25 (d) Affected by other error of law.

26 (e) Arbitrary or capricious, or characterized by abuse of discretion or clearly
27 unwarranted exercise of discretion.

28 (f) Manifestly erroneous in view of the reliable, probative, and substantial
29 evidence on the whole record.

1 (5) Any person aggrieved by the ruling of the hearing officer, including the
2 department, shall have the right of judicial appeal directly to the First Circuit Court
3 of Appeals.

4 C. Any member of the review panel, or the attorney chairperson, department,
5 agency, or any department or agency staff who either assists the review panel in its
6 work or reviewed the panel remediation plan, approved such plan, or commented on
7 such plan shall have absolute immunity from civil liability for all communications,
8 findings, opinions and conclusions made in the course and scope of duties prescribed
9 by this Subpart.

10 D. The written record of the review panel, approved remediation plan, and
11 report shall be admissible in any subsequent court proceedings as evidence of the
12 state's regulatory action and approved remediation plan and shall be res judicata
13 concerning the regulatory requirements of remediation within the area of interest
14 delineated by the parties.

15 E. The testimony of any member of the review panel, the attorney
16 chairperson and their staff and any member of the department or agencies listed in
17 Subsection A of this Section shall be inadmissible in any court proceeding arising
18 out of the contamination or operations at issue in the process outlined in R.S. 30:30
19 through 30.4.

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 634 Original

2025 Regular Session

Jacob Landry

Abstract: Provides the procedure for resolution of regulatory remediation for environmental damage to property arising from activities subject to the jurisdiction of the Department of Conservation and Energy through a review panel process applicable to suits filed on or after January 1, 2026.

Present law provides a process for remediation of oilfield and exploration and production sites.

Proposed law retains present law but provides that the present law process will not apply to any suit filed on or after July 1, 2026.

Proposed law provides a process for remediation of oilfield and exploration and production sites and a saltwater and oil assessment process, which will apply to suits filed on or after January 1, 2026, replacing the present law process.

Proposed law establishes a review panel and provides for the appointment of its members following notice to the department of a dispute between an operator and a landowner regarding contamination. Requires approval of the panel by the State Mineral and Energy Board and provides an oath with review panel members must take prior to service on the panel.

Proposed law requires immediate response by the operator while the review panel is selected.

Proposed law establishes procedures for the review panel, including submission of evidence, information required to be provided by the parties, and review of evidence. Authorizes the panel to consult with experts and seek information from the parties regarding the evaluation or remediation procedures necessary.

Proposed law requires the review panel to draft an evaluation plan which must include a scheduling order for evaluation work, the submission of reports to the panel, and certain sampling requirements. Further provides the evaluation plan must be used to determine the following:

- (1) Whether contamination exists.
- (2) Causation.
- (3) The responsible party or parties.

Proposed law provides for the preparation of a remediation plan by the review panel based on the evaluation plan process and an order stating whether remediation already undertaken was sufficient or if further remediation is necessary. Requires the review panel to provide the following parties with a copy of the order and remediation plan:

- (1) All parties to the review panel.
- (2) The secretary of the Dept. of Conservation and Energy.
- (3) The secretary of the La. Dept. of Environmental Quality.
- (4) The Commissioner of Agriculture.
- (5) The secretary of the Dept. of Wildlife and Fisheries.

Proposed law requires these agencies to review the remediation plan to ensure compliance with the laws within their jurisdiction, provide comments to the review panel, an estimate any costs to the agency to oversee implementation of the plan, and an invoice for their costs in reviewing the plan. Further provides a process for all of the agencies to come to agreement on a final plan.

Proposed law provides that approval of a remediation plan, the responsible party is required to provide estimated remediation costs and amounts invoiced by the agencies for their review of the plan to the Natural Resources Trust Authority to pay for remediation work according to the remediation plan.

Proposed law provides that there is no right of suspensive appeal and that final regulatory plans or orders must be appealed to the Division of Administrative Law and establishes authority of the hearing officer reviewing the decision. Further provides that appeals from the administrative decision may be made to the First Circuit Court of Appeals.

(Adds R.S. 30:29(N) and 30 - 30.4)