



BREAZEALE, SACHSE & WILSON, L.L.P.
ATTORNEYS AT LAW

Legislative Session - Pre-filed Bills of Interest

The Legislature begins its session on April 27, 2009. Certain bills have been pre-filed and are pending. Some of the pre-filed bills that may be of interest to you are summarized below. We will track these bills as they go through the process and keep you updated.

SB 317 by Sen. Hebert - This bill amends La. R.S. 30:2159.1 and prohibits the construction, establishment, or expansion of a "construction and demolition solid waste facility" within 5,000 feet of an airport serving piston-powered aircraft and 10,000 feet of an airport serving turbine powered aircraft. The section does not apply to the renewal of a permit or a final permit decision by the department "prior to the effective date of the Section."

HB 589 by Rep. Lambert - Amends La. R.S. 30:2024(D) and allows the secretary to suspend any permit conditions contested by an applicant during the course of an adjudicatory proceeding or de novo judicial review. Non-contested provisions of the permit are effective. The proposed bill goes on to say that "provided, however, solely to the extent necessary to prevent withdrawal of delegation to the state of any federal environmental program, if the permit involves [a new facility, well, source, discharger], the applicant shall be without a permit for the proposed new facility, injection well, source, or discharger pending conclusion of the" proceedings or review.

HB 539 by Rep. Jackson - Repeals La. R.S. 30: 2014(A)(3) that prohibited the issuance of a permit to any "facility to be used in receiving sulphur in the solid state in bulk quantities and from which sulphur particulate matter will be emitted."

HB 836 by Rep. Dove - Essentially moves the oil spill coordinator from the Office of the Governor to the LDEQ.

SB 140 by Sen. Riser - Amends La. R.S. 30:2373(D) and lowers the applicable standards for careless handling of hazardous materials from a 'wanton and reckless' standards to a standard in which a person could be guilty of careless handling for such handling in a "negligent or unreasonable manner or who takes improper or inadequate precautions to ensure that the materials are properly stored or contained." The proposed bill goes on to require that any owner or operator who "directly or indirectly causes a reportable release, whether inadvertently or intentionally" shall be liable for all reasonable response costs. The subsection applies to a reportable release of any hazardous materials, substance, or waste, as those terms are defined. The liability of a small business owner is capped at \$25,000.

HB 423 by Rep. Lambert - Amends La. R.S. 49:214.24 to add Ascension Parish to the coastal zone.

HB 702 by Rep. Dove - Amends La. 49:214.34 to add an exception from the requirement to obtain a coastal use permit for the use of articulated concrete mats in water greater than four feet deep to protect shallow or exposed pipelines in certain specified situations.



John B. King

Partner—Baton Rouge

Phone: 225.381.8014

Fax: 225.387.5397

Email: john.king@bswllp.com

John B. King's principal areas of practice include environmental and oil and gas regulatory permitting and defense, compliance assistance, toxic tort defense, and litigation.