

2016 Regular Session

HOUSE BILL NO. 371

BY REPRESENTATIVE BOUIE

PUBLIC FACILITIES: Prohibits the construction of schools on former waste sites

1 AN ACT

2 To enact R.S. 17:173, relative to the construction of schools; to prohibit the construction of
3 certain schools on certain former waste sites; to require remediation under certain
4 circumstances; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 17:173 is hereby enacted to read as follows:

7 §173. Construction of schools on former waste sites; remediation

8 A. The governing authority of any public school or school in a special school
9 district in the state shall not approve, authorize, or implement a plan for the
10 construction of a new school for grades pre-kindergarten through twelfth grade on
11 land formerly used as a landfill for commercial disposal of solid or hazardous waste
12 as defined in the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., unless
13 remediation is conducted as provided in Subsection B of this Section. The
14 provisions of this Section shall not apply to the repair or ordinary maintenance of an
15 existing school.

16 B. When the Department of Environmental Quality determines that
17 concentration levels of hazardous waste do not meet the residential remediation
18 standards of the Risk Evaluation/Corrective Action Program established pursuant to
19 R.S. 30:2272.1 on property on which a school will be constructed, the governing
20 authority of the school shall remediate the property to such standards.

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 371 Engrossed

2016 Regular Session

Bowie

Abstract: Prohibits the construction of a new public school on property formerly used as a landfill for commercial disposal of certain waste unless required remediation is conducted by the school governing authority.

Proposed law prohibits the governing authority of any public school or school in a special school district from approving, authorizing, or implementing a plan for the construction of a new school for grades pre-K-12 on land formerly used as a landfill for commercial disposal of solid or hazardous waste unless remediation is conducted by the school governing authority as provided in proposed law. Provides that this prohibition is not applicable to the repair and ordinary maintenance of an existing school.

Proposed law provides that when the Dept. of Environmental Quality determines that concentration levels of hazardous waste fail to meet the residential remediation standards of the department's Risk Evaluation/Corrective Action Program on property on which a school will be constructed, the governing authority of the school shall remediate the property to such standards.

(Adds R.S. 17:173)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Narrow application of prohibition against school construction to land formerly used as a landfill for commercial disposal of solid or hazardous waste and make prohibition conditional upon certain determinations and actions relative to remediation.
2. Add requirement that a school governing authority remediate property prior to school construction when Dept. of Environmental Quality determines the property does not meet certain standards.