

House Committee on Natural Resources and Environment

Minutes of Meeting
2016 Regular Session
April 27, 2016

I. CALL TO ORDER

Representative Christopher J. Leopold, vice chairman of the House Committee on Natural Resources and Environment, called the meeting to order at 9:29 a.m. in Room 4, in the State Capitol in Baton Rouge, Louisiana. The secretary called the roll.

II. ROLL CALL

MEMBERS PRESENT:

Representative Stuart J. Bishop, chairman
Representative James K. Armes III
Representative Robert E. Billiot
Representative Terry R. Brown
Representative Charles R. Chaney
Representative Patrick Connick
Representative Jean-Paul P. Coussan
Representative Phillip R. DeVillier
Representative Franklin J. Foil
Representative Jerry Gisclair
Representative John E. Guinn
Representative Christopher J. Leopold, vice chairman
Representative Rodney Lyons
Representative Jack G. McFarland
Representative Blake Miguez
Representative Jack Montoucet
Representative James H. "Jim" Morris
Representative Malinda B. White
Representative Jerome "Zee" Zeringue

MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Su King, legislative analyst
Tyler S. McCloud, attorney
Karen Stephens, secretary

ADDITIONAL ATTENDEES:

Larry Warino, clerk
Danny Leming, sergeant at arms
Myrtis Jarrell, sergeant at arms

III. DISCUSSION OF LEGISLATION

Representative Bishop in the chair.

House Bill No. 553 by Representative Marcelle

Representative Marcelle presented House Bill No. 553, which designates and provides for critical areas of ground water concern.

Russel Honore, GreenARMY, 14443 Memorial Tower Drive, Baton Rouge, LA 70810, (441) 227-1527, spoke in support of House Bill No. 553.

Hays Town, GreenARMY, 1544 Stanford Avenue, Baton Rouge, LA 70808, (225) 252-6642, spoke in support of House Bill No. 553.

Kathy Rhorer Wascom, Louisiana Environmental Action Network (LEAN), 1255 Aberdeen Avenue, Baton Rouge, LA 70808, (225) 344-4313, spoke in support of House Bill No. 553.

William Fontenot, Sierra Club, 632 Drehr Avenue, Baton Rouge, LA 70806, (225) 383-5673, spoke in support of House Bill No. 553.

Anthony Duplechin, Capital Area Groundwater District, 3535 S. Sherwood Forest Boulevard, Suite 137, Baton Rouge, LA 70816, (225) 293-7370, spoke for information only on House Bill No. 553.

Andrew Jacoby, LEAN, 200 Carondelet, Suite 1905, New Orleans, LA 70130, (847) 224-0386, spoke in support of House Bill No. 553.

Brent Golleher, Louisiana Mid-Continent Oil and Gas Association (LMOGA), 730 North Boulevard, Baton Rouge, LA 70802, (225) 387-3205, spoke in opposition to House Bill No. 553.

Michael DiResto, Baton Rouge Area Chamber, 564 Laurel Street, Baton Rouge, LA 70801, (225) 933-2800, spoke in opposition to House Bill No. 553.

Rob Landry, Louisiana Chemical Association, One American Place, Suite 2040, Baton Rouge, LA 70825, (225) 344-2609, spoke in opposition to House Bill No. 553.

Representative Bishop offered amendments to make a technical change. Representative Bishop offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Bishop, Armes, Billiot, Terry Brown, Chaney, Coussan, DeVillier, Gisclair, Lyons, McFarland, Miguez, White, and Zeringue voted yea.

Representative Connick offered a motion to report House Bill No. 553 with amendments, to which Representative Miguez objected. Representative Miguez offered a substitute motion to involuntarily defer action on House Bill No. 553, to which Representative Connick objected. The secretary called the roll on the substitute motion to involuntarily defer action on House Bill No. 553, and the motion passed by a vote of 10 yeas and 7 nays. Representatives Bishop, Armes, Chaney, Coussan, Foil, Guinn, Leopold, McFarland, Miguez, and White voted yea. Representatives Billiot, Terry Brown, Connick, Gisclair, Lyons, Montoucet, and Zeringue voted nay.

Witness cards submitted by individuals who did not speak are as follows: 6 in support. 18 in opposition. Witness cards are included in the committee records.

House Bill No. 469 by Representative Connick

Representative Connick presented House Bill No. 469, which requires fence-line air monitoring systems at certain facilities.

Representative Leopold in the chair.

Representative Connick offered amendments to:

- (1) Limit the requirement to install fence-line air monitoring system to facilities cited for three permit violations within a 24-month period.
- (2) Require fence-line air monitoring system to be installed at the facility's cost within 120 days of the third violation order or assessment becoming enforceable.
- (3) Require only facilities required to install and operate fence-line air monitoring system to retain records and reduce the number of years for the retention of those records from ten years to five years.

Representative Connick offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 14 yeas and 0 nays. Representatives Armes, Terry Brown, Chaney, Connick, DeVillier, Gisclair, Guinn, Leopold, Lyons, McFarland, Miguez, Montoucet, White, and Zeringue voted yea.

Keith Adams, St. Rose Community One Voice, (no witness card provided), spoke in support of House Bill No. 469.

Martha Huckabay, St. Rose Community One Voice, 133 Riverwood Drive, St. Rose, LA 70087, (985) 812-7775, spoke in support of House Bill No. 469.

Anne Rolfes, Louisiana Bucket Brigade, 2803 St. Phillip Street, New Orleans, LA 70119, (504) 484-3433, spoke in support of House Bill No. 469.

Curtis Johnson, 318 Profit Street, Marrero, LA 70072, (302) 530-6321, spoke in support of House Bill No. 469.

Aronious Dorris, GreenARMY, 15242 S. Marsden Place, Baton Rouge, LA 70816, (225) 328-1394, spoke in support of House Bill No. 469.

Russel Honore, GreenARMY, 14443 Memorial Tower Drive, Baton Rouge, LA 70810, (441) 227-1527, spoke in support of House Bill No. 469.

Doug Watts, United Steel Workers, 2416 S. Darla Avenue, Gonzales, LA 70737, (985) 320-2788, spoke in support of House Bill No. 469.

Representative Bishop in the chair.

Robert Schromm, Louisiana Chemical Association, One American Place, Suite 2040, Baton Rouge, LA 70825, (225) 344-2609, spoke in opposition to House Bill No. 469.

Emory A. Belton, Jr., Southwestern Electric Power Company (SWEPCO) and Louisiana Electric Utility Environmental Group (LEUEG), 301 Main Street, Suite 2100, Baton Rouge, LA 70825, (225) 615-0212, spoke in opposition to House Bill No. 469.

Brent Golleher, Louisiana Mid-Continent Oil and Gas Association (LMOGA), 730 North Boulevard, Baton Rouge, LA 70802, (225) 387-3205, spoke in opposition to House Bill No. 469.

Representative Bishop invoked a three-minute limit on testimony for the remainder of the meeting.

Representative Lyons offered a motion to report House Bill No. 469 with amendments, to which Representative McFarland objected. The secretary called the roll, and House Bill No. 469 was

reported with amendments by a vote of 17 yeas and 1 nay. Representatives Bishop, Armes, Billiot, Terry Brown, Chaney, Connick, Coussan, DeVillier, Foil, Gisclair, Guinn, Leopold, Lyons, Miguez, Montoucet, White, and Zeringue voted yea. Representative McFarland voted nay.

Witness cards submitted by individuals who did not speak are as follows: 12 in support. 17 in opposition. Witness cards are included in the committee records.

House Bill No. 11 by Representative Reynolds

Representative Reynolds presented House Bill No. 11, which prohibits the open burning of munitions and waste explosives.

Representative Leopold in the chair.

Representative Terry Brown offered amendments to:

- (1) Expand the prohibition on open burning of waste to include hazardous waste.
- (2) Provide for an exception for open burning of munitions or waste explosives on a U.S. Army installation.

Representative Terry Brown offered a motion to adopt the proposed amendments, to which Representative Bishop objected. The secretary called the roll, and the amendments were adopted by a vote of 14 yeas and 5 nays. Representatives Armes, Billiot, Terry Brown, Chaney, Connick, Coussan, DeVillier, Foil, Gisclair, Guinn, Lyons, Montoucet, White, and Zeringue voted yea. Representatives Bishop, Leopold, McFarland, Miguez, and Jim Morris voted nay.

Representative Bishop in the chair.

Representative Terry Brown offered amendments to:

- (1) Remove the previous amendments.
- (2) Provide for an exception for open burning of munitions or waste explosives on a military installation or by the state police.
- (3) Add an effective date of January 1, 2018.

Representative Terry Brown offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 19 yeas and 0 nays. Representatives Bishop, Armes, Billiot, Terry Brown, Chaney, Connick, Coussan, DeVillier, Foil, Gisclair, Guinn, Leopold, Lyons, McFarland, Miguez, Montoucet, Jim Morris, White, and Zeringue voted yea.

Wilma Subra, Louisiana Environmental Action Network (LEAN), P.O. Box 9813, New Iberia, LA 70562, (337) 367-2216, spoke in support of House Bill No. 11.

Brenda Vallee, Central Louisiana Coalition for a Clean and Healthy Environment (CLCCHE), P.O. Box 366, Pineville, LA, (318) 446-0501, spoke in support of House Bill No. 11.

John A. Munsen, Jr., 157 Old Road, Colfax, LA 71417, (318) 627-5588, spoke in support of House Bill No. 11.

James A. Hodges, Jr., 1526 Masters Drive, Pineville, LA 71360, (318) 640-9658, spoke in support of House Bill No. 11.

Foster Campbell, Public Service Commission, 415 Texas Street, Suite 100, Shreveport, LA 71161, (225) 925-9661, spoke in support of House Bill No. 11.

Dr. Brian Salvatore, Camp Minden Citizens Advisory Group, 9916 Redwing, Shreveport, LA 71115, (318) 364-7811, spoke in support of House Bill No. 11.

Representative Leopold in the chair.

Dr. Robert Flournoy, (no address provided), (318) 243-4325, spoke in support of House Bill No. 11.

Representative Bishop in the chair.

Cephas Bowie, Jr., 398 Kateland Road, Colfax, LA 71417, (318) 627-5058, spoke in support of House Bill No. 11.

Senator Ryan Gatti, District No. 36, 2123 Shed Road, Bossier City, LA 71111, (318) 746-0861, spoke in support of House Bill No. 11.

John E. Martel, CLCCHE, 126 Old Levee Road, Montgomery, LA 71451, (318) 880-1860, spoke in support of House Bill No. 11.

Frances Kelley, Louisiana Progress Action, 935 Linden Street, Shreveport, LA 71104, (318) 782-4138, spoke in support of House Bill No. 11.

Russel Honore, GreenARMY, 14443 Memorial Tower Drive, Baton Rouge, LA 70810, (441) 227-1527, spoke in support of House Bill No. 11.

Samuel Mims, 710 Central School Loop, Dubberly, LA 71024, (318) 382-9556, spoke in support of House Bill No. 11.

Ron Hagar, Camp Minden Citizens Advisory Group, P.O. Box 1, Saline, LA 71070, (318) 525-2324, spoke in support of House Bill No. 11.

Mike Barnett, Clean Harbors, 1807 Monitor Avenue, Baton Rouge, LA 70817, (225) 751-3718, spoke in opposition to House Bill No. 11.

Joe Ganey, Clean Harbors, 684 O'Quinn Spur, Colfax, LA 71417, (318) 664-5439, spoke in opposition to House Bill No. 11.

Phil Refallick, Clean Harbors, 40 Arbor Oaks Drive, Columbia, SC 24063, (803) 600-5305, spoke in opposition to House Bill No. 11.

Stan Rasmussen, U.S. Army and Department of Defense, 628 McClellan Avenue, Fort Leavenworth, KS 66027, (816) 389-3448, spoke in opposition to House Bill No. 11. He stated that he would withdraw his opposition if the bill could be amended.

In response to Mr. Rasmussen's request, Representative Terry Brown offered amendments to change the previous amendments by expanding the exception to apply to open burning by the military whether or not on a military installation. Representative Terry Brown offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 14 yeas and 0 nays. Representatives Bishop, Armes, Billiot, Terry Brown, Chaney, Connick, Coussan, Foil, Gisclair, Guinn, McFarland, Miguez, White, and Zeringue voted yea.

Dr. Mike Crouch, Clean Harbors, 2238 Eliza Beaumont Lane, Baton Rouge, LA 70808, (225) 505-1436, spoke in opposition to House Bill No. 11.

Patricia Flournoy, 1609 E. Georgia, Ruston, LA 71270, (318) 251-1423, spoke for information only on House Bill No. 11.

Lourdes Iturralde, Department of Environmental Quality, P.O. Box 4312, Baton Rouge, LA 70821, (225) 219-3710, spoke for information only on House Bill No. 11.

Elliot Vega, Department of Environmental Quality, P.O. Box 4313, Baton Rouge, LA 70821, (225) 219-3180, spoke for information only on House Bill No. 11.

Perry Theriot, Department of Environmental Quality, 602 N. Fifth Street, Baton Rouge, LA 70802, (225) 219-3985, spoke for information only on House Bill No. 11.

Further action was taken by the committee on House Bill No. 11 at a later point in the meeting. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 11.

House Bill No. 631 by Representative Miguez

Representative Bishop announced that House Bill No. 631, which provides for types of tires and penalties for failure to comply with the Waste Tire Program, is voluntarily deferred.

House Bill No. 11 by Representative Reynolds

This is a continuation of the discussion on House Bill No. 11 from earlier in the meeting. Please check for the prior action to complete the record of discussion and motions on House Bill No. 11.

Representative Terry Brown offered a motion to report House Bill No. 11 with amendments, to which Representative Bishop objected. The secretary called the roll, and House Bill No. 11 was reported with amendments by a vote of 9 yeas and 8 nays. Representatives Billiot, Terry Brown, Chaney, Connick, Gisclair, Lyons, Montoucet, White, and Zeringue voted yea. Representatives Bishop, Armes, Coussan, Foil, Guinn, Leopold, McFarland, and Miguez voted nay.

Witness cards submitted by individuals who did not speak are as follows: 3 for information only. 45 in support. 34 in opposition. Witness cards are included in the committee records.

IV. OTHER BUSINESS

Presentation on LNG industry

Ryan Bourriaque, Cameron Parish Police Jury, 148 Smith Circle, Cameron, LA 70631, (337) 775-5718, spoke for information only.

Julie A. Nelson, Cameron LNG, 2925 Briarpark Drive, Suite 1000, Houston, TX 77042, (713) 263-4274, spoke for information only.

Jason French, Cheniere Energy, 12539 Rosewood Way Lane, Houston, TX 77041, (832) 499-9277, spoke for information only.

Komi Hassan, Magnolia LNG, 1001 McKinney Street, Suite 600, Houston, TX 77002, (713) 815-6900, spoke for information only.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The committee adjourned at 2:34 p.m.

Respectfully submitted,

Chairman Stuart J. Bishop
House Committee on Natural Resources and Environment

Date adopted: