

## EMERGENCY SERVICES

Through Act 83 of the 1979 Legislative session, the Department of Public Safety, Office of State Police (LSP) was authorized to promulgate rules and regulations and to oversee compliance governing the transportation and storage of hazardous materials. LSP is the on-scene coordinator for chemical emergencies at industrial sites or sites related to transportation.

LDEQ is authorized by the Environmental Quality Act to provide immediate response to any environmental problem or emergency incident which threatens human health or the environment. LDEQ maintains a close working relationship with LSP for the response and investigation of hazardous material incidents.

**Emergency incidents as defined in LAC 33:I.3915, shall be reported to the DPS (LSP) 24-Hour Louisiana Emergency Hazardous Materials Hotline at 225-925-6595.**

For the purpose of emergency response, one call to the hotline will suffice for initial notification to LSP and LDEQ.

## NON-EMERGENCY COMPLAINTS

LDEQ maintains several options for reporting non-emergency complaints. Internet forms are the preferred method of submission and are available at:

<https://www.deq.louisiana.gov/page/file-a-complaint-report-an-incident>

LDEQ's Single Point of Contact (SPOC) operates M-F 0800-1630 and may be contacted by telephone at 225-219-3640 and 225-342-1234; and after hours by voicemail or internet form. SPOC is also available by email at [spoc@LA.GOV](mailto:spoc@LA.GOV)

Citizens should be referred to SPOC and the *Environmental Citizen Complaint form* for submitting complaints to LDEQ.

**The preferred method for public safety and governmental agencies to submit a criminal complaint is by LDEQ's Criminal Complaint form.**

## LOUISIANA STATUTES

### **LRS 30:2531.8 Duties of law enforcement officers**

It shall be the duty of all law enforcement officers of this state to enforce the provisions of this Part.

### **LRS 30:2531.5 Legal enforcement**

A. All criminal violations under the provisions of this Part shall be prosecuted by the district attorney of the judicial district in which the violation occurred.

### **LRS 30:2531.6 Citations**

A.(1) Whenever any person has allegedly violated any provision of R.S. 30:2531 through 2531.3, a law enforcement officer shall take the person's name, address, and driver's license number, and if the violation occurs from a motor vehicle, the license number of the motor vehicle, and shall issue a citation or summons or otherwise notify him in writing that he must appear in court at a time and place to be specified in such citation or summons.

(2) If applicable, the citation or summons shall indicate that the alleged violator may admit liability and, in lieu of appearing in court, make the payment of the applicable fines, penalties, and costs to the appropriate court by mail or credit card. The law enforcement officer shall provide, in writing, the date by which the payment must be received and the name and phone number of the court having jurisdiction over the alleged offense. The citation or summons shall instruct the alleged violator to contact the court to obtain the amounts of the applicable fines, penalties, and costs and advise him that if he has violated R.S. 30:2531 he must pay special court costs of one hundred dollars, but for violations of R.S. 30:2531(B) he has the option to perform community service in a court-approved litter abatement work program in lieu of paying a fine.

B. Each law enforcement officer upon issuing a citation or summons to an alleged violator of any provision of R.S. 30:2531 through 2531.3 shall deposit the original citation or summons or a copy of same with a court having jurisdiction over the alleged offense.

C. Upon the deposit of the original citation or summons or a copy of same with a court having jurisdiction over the alleged offense, the original citation or summons or a copy of same shall be disposed of only by trial in a court of proper jurisdiction or any other official action by a judge of the court, including payment of the appropriate fines, penalties, and costs to that court by the person to whom such citation or summons has been issued.

D. It shall be unlawful for any law enforcement officer or any other officer or public employee to dispose of a litter citation or summons or copies thereof or of the record of the issuance of the citation or summons in a manner other than as required herein.

E. The chief administrative officer of each law enforcement agency in the state shall require all officers under his supervision to return to him a copy of every litter citation or summons which was issued by the officer for the violation of a litter law or ordinance, and in addition shall require the return of all copies of every litter citation or summons which has been spoiled or upon which an entry has been made without having issued the citation or summons to the alleged offender.

F. The chief administrative officer shall also maintain or cause to be maintained in connection with every litter citation or summons issued by an officer under his supervision a record of the disposition of the charge by the court in which the original or a copy of the litter citation or summons was deposited.

G. Nothing herein shall be construed as prohibiting or interfering with the authority of a district attorney or other prosecuting attorney to dismiss a litter citation or summons or litter charge by entry of a nolle prosequi.

H. Whenever an alleged offender fails to appear before the judicial officer at the place and time specified in a citation or summons, the judicial officer of the court exercising jurisdiction shall immediately forward to the Department of Public Safety and Corrections notice of the failure to appear, with information necessary for identification of the alleged offender, and another date and time for the alleged offender to appear before the judicial officer. Thereupon, unless the original charges have been disposed of, the Department of Public Safety and Corrections shall immediately notify the alleged offender that:

(1) The judicial officer has taken judicial notice of his failure to appear at the hearing on the date and time listed on the original citation or summons and has found him in contempt of court and his failure to appear could subject him to additional penalties or fines.

(2) He must appear before the judicial officer on a specified date and time to answer the charges for his original violation and his contempt of court.

(3) His failure to appear at this second hearing could subject him to another charge of contempt of court along with the punishment of serving time in jail.

### **LRS 30:2531.9 Application of other laws**

**A. Nothing in this Part shall limit the authority of any state agency to enforce any other laws, rules, or regulations relating to waste or the management of solid, biomedical, or hazardous waste.**

B. Nothing in this Part shall be construed to affect any ordinance of any political subdivision of the state of Louisiana in effect on June 16, 1998, or to prohibit any political subdivision of the state from adopting ordinances aimed at litter control and reduction. Parish governing authorities may enact such ordinances as further provided in R.S. 33:1236(54).

C. Nothing in this Part shall be deemed to supersede, amend, or delete the provisions of R.S. 30:2545 and 2546.

D. Any occurrence in violation of this Part and otherwise regulated by any other Chapter of this Subtitle may be prosecuted under this Part. However, no person shall be prosecuted for an occurrence in violation of this Part if the person is being prosecuted for the same occurrence under any other Chapter of this Subtitle.

### **LRS 30:2076. Prohibitions**

**A.(1) No person shall discharge or allow to be discharged into any waters of the state:**

**(a) Any waste or any other substance of any kind that will tend to cause water pollution in violation of any rule, order, or regulation; or**

**(b) Any substance, the discharge of which violates any term, condition, or limit imposed by a permit.**

**(2) The provisions of this Chapter shall not apply to any unintentional nonpoint-source discharge resulting from or in connection with the production of raw agricultural, horticultural, or aquacultural products.**

**(3) No person shall violate any rule or regulation adopted under this Chapter or the terms of any permit or order issued under authority of this Subtitle.**

**(4) No person shall cause or allow to be discharged within Louisiana any trash, garbage, sewage, or sewage sludge in contravention of any rules or regulations adopted pursuant thereto and authorized by R.S. 30:2074(B)(7).**

**B. No person engaged in a logging operation shall discharge or leave, or allow to be discharged and left, in any of the navigable waters of the state any trees or treetop. For the purpose of this Subsection, the term "treetop" shall be defined as that topmost portion of a tree trunk, with limbs attached, measuring in excess of three inches at the base of the treetop stem.**

C. No person shall discharge brine from salt domes which are located on the coastline of Louisiana and the Gulf of Mexico into any waters off said coastline and extending therefrom three miles or more into the Gulf of Mexico when it becomes evident to the department that said discharge is damaging or threatens to damage the aquatic life in the waters of the state. The department may require that any brine disposal be monitored in accordance with rules and regulations.

D. Any person who discharges, emits, or disposes of any substance into the waters of the state in contravention of any provision of this Chapter or of the regulations or of the terms and conditions of a permit or license issued thereunder, upon learning of the discharge, emission, or disposal, shall immediately, or in accordance with regulations adopted under this Subtitle, notify the department as to the nature and amount of the discharge and the circumstances surrounding the discharge. The secretary shall adopt and promulgate rules and regulations establishing procedures for making such notification. Any failure to make this notification or any attempt to conceal or actual concealment of the discharge, emission, or disposal shall be a violation of this Chapter. Each day of failure to give the notification required herein shall constitute a separate violation and shall be in addition to any other violations of this Subtitle.

E. Repealed by Acts 1990, No. 988, §2.

F. No person shall discharge into any underground waters of the state any hazardous waste as defined in R.S. 30:2173(2). The provisions of this Subsection are not intended to impair the implementation or administration of those programs authorized by R.S. 30:4(C)(16), R.S. 30:4.1, R.S. 30:2071, and R.S. 30:2180(A)(6), as long as permitted injections are conducted in strict adherence to the terms and conditions of a valid permit issued thereunder or under the rules and regulations adopted thereunder.

G.(1) The legislature of Louisiana hereby finds that a significant portion of the phosphate fertilizer and wet-process phosphoric acid manufacturing industry is located in the state of Louisiana, that the manufacture of wet-process phosphoric acid results in the generation of byproduct waste gypsum, and heretofore such gypsum has been disposed of by impoundment on land or by discharge into the Mississippi River. The Mississippi River is a valuable natural resource that must be protected against unnecessary degradation in order to protect and preserve the public health and welfare, drinking water quality, and major sectors of the economy including tourism and seafood industries, and the environment.

(2) No person shall discharge byproduct waste gypsum from the production of phosphate fertilizer or wet-process phosphoric acid into the Mississippi River. This prohibition shall not apply to authorized discharges of wastewaters or rainfall runoff containing dissolved gypsum or suspended gypsum when such discharge is in compliance with state and

federal permits and the discharge is not for the primary purpose of disposing of byproduct waste gypsum.

**LRS 30:2076.2. Criminal penalties for violation of the Louisiana Pollutant Discharge Elimination System (LPDES)**

**A. Negligent violations.**

**(1) Any person who negligently violates any provision of the Louisiana Pollutant Discharge Elimination System, or any order issued by the secretary under the Louisiana Pollutant Discharge Elimination System, or any permit condition or limitation implementing any of such provisions in a permit issued under the Louisiana Pollutant Discharge Elimination System by the secretary, or any requirement imposed in a pretreatment program approved under the Louisiana Pollutant Discharge Elimination System; or**

**(2) Any person who negligently introduces into public sewer systems or into publicly owned treatment works any pollutant or hazardous substance which such person knew or reasonably should have known could cause personal injury or property damage or, other than in compliance with all applicable federal, state, or local requirements or permits, which causes such treatment works to violate any effluent limitation or condition in any permit issued to the treatment works under the Louisiana Pollutant Discharge Elimination System by the department;**

(3) Shall, upon conviction, be subject to a fine of not less than two thousand five hundred dollars nor more than twenty-five thousand dollars per day of violation or imprisonment for not more than one year, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this Subsection, he shall be subject to a fine of not more than fifty thousand dollars per day of violation, or imprisonment for not more than two years, with or without hard labor, or both.

**B. Knowing violations.**

**(1) Any person who knowingly violates any provision of the Louisiana Pollutant Discharge Elimination System or any permit condition or limitation implementing any of such provisions in a permit issued under the Louisiana Pollutant Discharge Elimination System or any requirement imposed in a pretreatment program approved under the Louisiana Pollutant Discharge Elimination System; or**

**(2) Any person who knowingly introduces into public sewer systems or into a publicly owned treatment works any pollutant or hazardous substance which such person knew or reasonably should have known could cause personal injury or**

**property damage, or other than in compliance with all applicable federal, state, or local requirements or permits, which causes such treatment work to violate any effluent limitation or condition in a permit issued to the treatment works under the Louisiana Pollutant Discharge Elimination System;**

(3) Shall, upon conviction, be subject to a fine of not less than five thousand dollars nor more than fifty thousand dollars per day of violation, or imprisonment for not more than three years, with or without hard labor, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this Subsection, he shall be subject to a fine of not more than one hundred thousand dollars per day of violation, or imprisonment for not more than six years, with or without hard labor, or both.

C. Knowing endangerment.

(1) Any person who knowingly violates any provision of the Louisiana Pollutant Discharge Elimination System or any order issued by the secretary under the Louisiana Pollutant Discharge Elimination System or any permit condition or limitation implementing any of such provisions in a permit issued under the Louisiana Pollutant Discharge Elimination System by the secretary, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than two hundred fifty thousand dollars or imprisonment for not more than fifteen years, with or without hard labor, or both. A juridical person shall, upon conviction of violating this Paragraph, be subject to a fine of not more than one million dollars. If a conviction of a person is for a violation committed after a first conviction of such person under this Paragraph, he shall be subject to a fine of up to five hundred thousand dollars or imprisonment for up to thirty years at hard labor, or both.

(2) For the purpose of Paragraph (1) of this Subsection:

(a) In determining whether a defendant who is an individual knew that his conduct placed another person in imminent danger of death or serious bodily injury, the following shall apply:

(i) The person is responsible only for actual awareness or actual belief that he possessed; and

(ii) Knowledge possessed by a person other than the defendant but not by the defendant himself may not be attributed to the defendant.

(iii) In proving the defendant's possession of actual knowledge, circumstantial evidence may be used, including evidence that the defendant took affirmative steps to shield himself from relevant information. The knowledge necessary for culpability of a natural person is actual knowledge which may be established by direct or circumstantial

evidence, but not constructive or vicarious knowledge. Knowledge that the defendant should have had, could have had, or would have had under various circumstances does not suffice if he did not actually have the requisite knowledge about the danger at the time he acted.

(b) It is an affirmative defense to prosecution that the conduct charged was consented to by the person endangered and that the danger and conduct charged were reasonable foreseeable hazards of:

(i) An occupation, a business, or a profession; or

(ii) Medical treatment or medical or scientific experimentation conducted by professionally approved methods and such other person had been made aware of the risks involved prior to giving consent; and

(iii) Such defense may be established under this Subparagraph by a preponderance of the evidence.

(c) The term "organization" means a legal entity, other than a government, established or organized for any purpose, and such term includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, trust, society, union, or any other association of persons.

(d) The term "serious bodily injury" means bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

**D. False Statements. Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Louisiana Pollutant Discharge Elimination System or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the Louisiana Pollutant Discharge Elimination System shall, upon conviction, be subject to a fine of not more than ten thousand dollars or imprisonment for not more than two years, with or without hard labor, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this Subsection, he shall be subject to a fine of not more than twenty thousand dollars per day of violation, or imprisonment for not more than four years, with or without hard labor, or both.**



E. Treatment of single operational upset. For purposes of this Section, a single operational upset which leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation.

**F. Responsible corporate officer as "person". For the purposes of this Section, the term "person" means an individual, corporation, partnership, association, state, municipality, commission, political subdivision of a state, any interstate body, or any responsible corporate officer.**

**G. Hazardous substance defined. For the purpose of this Section, the term "hazardous substance" means any of the following:**

**(1) Any substance designated pursuant to Section 311(b)(2)(A) of the Clean Water Act (33 U.S.C. §1321(b)(2)(A)).**

**(2) Any element, compound, mixture, solution, or substance designated pursuant to Section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9602).**

**(3) Any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (42 U.S.C. §6921), but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. §6901 et seq.) has been suspended by Act of Congress.**

**(4) Any toxic pollutant listed under Section 307(a) of the Clean Water Act (33 U.S.C. §1317(a)).**

**(5) Any imminently hazardous chemical substance or mixture with respect to which the administrator has taken action pursuant to Section 7 of the Toxic Substances Control Act (15 U.S.C. §2606).**

H. Notice to district attorney. Upon a determination that a criminal violation may have occurred under this Section, notification shall be given to the district attorney in whose jurisdiction such possible violation has occurred. The secretary shall provide the district attorney with any and all information necessary to evaluate the alleged violation for criminal prosecution. The criminal prosecution of such violations shall be at the direction of the district attorney. The secretary shall cooperate fully with the district attorney.

I. Negligently defined. For purposes of this Section, the term "negligently" has the meaning specified under R.S. 14:12 with respect to the definition of criminal negligence.

**LRS 30:2025. Enforcement; F. Criminal penalties.**

**Except as otherwise provided by law:**

**(1)(a) Any person who willfully or knowingly discharges, emits, or disposes of any substance in contravention of any provision of this Subtitle, of the regulations, or of the permit or license terms and conditions in pursuance thereof, when the substance is one that endangers or that could endanger human life or health, shall be guilty of a felony and shall be fined not more than one million dollars or the cost of any cleanup made necessary by such violation and in addition may be fined not more than one hundred thousand dollars per violation, which may be assessed for each day the violation continues, and costs of prosecution, or imprisoned at hard labor for not more than ten years, or both, provided that a continuous violation extending beyond a single day shall be considered a single violation.**

(b) However, the discharge of air contaminants into the air of this state in violation of the provisions of this Subtitle, of the regulations, or of the permit or license terms and conditions in pursuance thereof, by the incineration of cardboard by a retail or wholesale merchant or by his employee or agent shall not subject such person to the fine herein provided for, unless such incineration would violate an applicable requirement of the federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended and the emission source meets any of the following:

(i) Emits or has the potential to emit, in the aggregate, ten tons per year or more of any toxic air pollutant listed by the department pursuant to R.S. 30:2060, or twenty-five tons per year or more of any combination of such toxic air pollutants.

(ii) Emits or has the potential to emit one hundred tons per year of any regulated air pollutant.

(iii) Is located in an ozone nonattainment area and emits or has the potential to emit one hundred tons per year or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate", fifty tons per year or more in areas classified as "serious", twenty-five tons per year or more in areas classified as "severe", and ten tons per year or more in areas classified as "extreme".

**(2)(a) Any person who willfully or knowingly discharges, emits, or disposes of any substance in contravention of any provision of this Subtitle of the regulations, or of the permit or license terms and conditions in pursuance thereof, when the substance does not endanger or could not endanger human life or health, or who willfully or knowingly violates any fee or filing requirement, or who willfully or knowingly makes any false statement, representation, or certification in any form, application, record, label, manifest, report, plan, or other document filed or**

required to be maintained under this Subtitle, or under any permit, rule, or regulation issued under this Subtitle, or who willfully or knowingly falsifies, intentionally tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Subtitle, or under any permit, rule, or regulation issued under this Subtitle, shall be guilty of a misdemeanor and may be fined not more than twenty-five thousand dollars per violation, which may be assessed for each day the violation continues, and costs of prosecution, or imprisoned for not more than one year, or both, provided that a continuous violation extending beyond a single day shall be considered a single violation. A finding that this Paragraph has been violated shall be a responsive verdict when the defendant has been charged with a violation of Paragraph (1) of this Subsection.

(b) For the purposes of this Section, a person shall not be considered to willfully or knowingly violate a fee requirement if a payment of the fee is made under protest in accordance with R.S. 30:2042.

(c) For the purposes of this Section, a person shall not be considered to willfully or knowingly violate a fee or filing requirement if such requirement was not complied with through excusable neglect.

(3) Repealed by Acts 1992, No. 1126, §2.

**(4) Upon a determination that a criminal violation may have occurred, notification shall be given to the district attorney in whose jurisdiction such possible violation has occurred. The department shall provide the district attorney with any and all information necessary to evaluate the alleged violation for criminal prosecution. The criminal prosecution of such violations shall be at the direction of the district attorney. The department shall cooperate fully with the district attorney.**

(5) The court may suspend the execution of a sentence imposed on any offender convicted under this Subtitle of illegally disposing of solid waste as defined under R.S. 30:2153, if the offender is placed on supervised probation for at least two years and, as a condition of probation, cleans up the site or removes the illegally disposed waste from the site to the satisfaction of the Department of Environmental Quality.

#### **LRS 30:2418.1. Failure to obtain a generator identification number**

**A. No person shall store more than twenty whole waste tires nor sell tires without holding a valid generator identification number or other authorization issued by the department.**

**B. No person subject to Subsection A of this Section shall allow the waste tires generated by his activities to be transported by a person without a valid transporter authorization certificate and a manifest satisfying the requirements of the department.**

**C. Any person who willfully or knowingly violates this Section shall, upon conviction, be subject to a fine of not less than three hundred dollars but not more than five hundred dollars, or imprisonment for six months, or both.**

**D. The provisions of this Section shall not apply to a commercial farmer as defined in R.S. 47:301(30).**

**E. The provisions of this Section shall not apply to persons operating a vehicle fleet, and performing on-site maintenance exclusively on their own vehicles, until such time as the department promulgates regulations governing such maintenance activities.**

**LRS 30:2418.2. Failure to obtain a waste tire transporter authorization certificate**

**A. No person shall transport more than twenty whole waste tires without a valid transporter authorization certificate or other authorization issued by the department and a manifest satisfying the requirements of the department.**

**B. A transporter of waste tires shall only accept and transport waste tires from a person who has obtained a valid generator identification number from the department.**

**C. Any person who willfully or knowingly violates this Section shall, upon conviction, be subject to a fine of not less than three hundred dollars but not more than five hundred dollars, or imprisonment for six months, or both.**

**D. The provisions of this Section shall not apply to a commercial farmer as defined in R.S. 47:301(30).**

**E. The provisions of this Section shall not apply to persons operating a vehicle fleet, and performing on-site maintenance exclusively on their own vehicles, until such time as the department promulgates regulations governing such maintenance activities.**

## **LRS 30:2531 Intentional littering**

**A. Intentional littering. (1) No person shall intentionally dispose or permit the disposal of litter upon any public place in the state, upon private property in this state not owned by him, upon property located in rural areas in this state not owned by him, or in or on the waters of this state, whether from a vehicle or otherwise, including but not limited to any public highway, public right-of-way, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley, except when such property is designated by the state or by any of its agencies or political subdivisions for the disposal of such litter and such person is authorized to use such property for such purpose.**

(2) Whoever violates the provisions of this Subsection shall:

(a) Upon first conviction, be fined five hundred dollars and sentenced to serve eight hours of community service in a litter abatement work program as approved by the court.

(b) Upon second conviction, be fined one thousand dollars and sentenced to serve sixteen hours of community service in a litter abatement work program as approved by the court.

(c) Upon third or subsequent conviction, be fined two thousand five hundred dollars, have his motor vehicle driver's license suspended for one year, and be sentenced to serve eighty hours of community service in a litter abatement work program as approved by the court, or all or any combination of the penalties provided by this Subparagraph.

(3) Whoever violates the provisions of this Subsection by the intentional disposal or permitting the disposal of cigarettes, cigarette butts, cigars, cigarillos, or cigar or cigarillo tips from a motor vehicle shall:

(a) Upon first conviction, be fined three hundred dollars and sentenced to serve eight hours of community service in a litter abatement work program as approved by the court.

(b) Upon second conviction, be fined seven hundred dollars and sentenced to serve sixteen hours of community service in a litter abatement work program as approved by the court.

(c) Upon third or subsequent conviction, be fined one thousand five hundred dollars, have his motor vehicle driver's license suspended for one year, and be sentenced to serve eighty hours of community service in a litter abatement work program as approved by the court, or all or any combination of the penalties provided by this Subparagraph.

### **LRS 30:2531.B Simple littering**

**B. Simple littering. (1) No person shall dispose of, or create a condition that the person knew or should have known was likely to result in the disposal of, litter upon any public place in this state, upon private property in this state not owned by him, upon property located in a rural area in this state not owned by him, or in or on the waters of this state, whether from a vehicle or otherwise, including but not limited to any public highway, public right-of-way, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley.**

(2) Persons found liable under the provisions of this Subsection shall be assessed the following civil penalties and costs:

(a) For a first violation, such person shall either be fined one hundred fifty dollars or given the option to perform eight hours of community service in a litter abatement work program in lieu of the assessed one hundred fifty dollar fine.

(b) For a second and each subsequent violation, such person shall either be fined one thousand dollars or be given the option to perform sixteen hours of community service in a litter abatement work program in lieu of the one thousand dollar fine.

### **LRS 30: 2531.1 Gross littering**

**A. No person shall intentionally dispose or permit the disposal of any household or office furniture or appliances, automotive parts, including but not limited to tires and engines, trailers, boats and boating accessories, tools and equipment, building materials, roofing nails, and bags or boxes of household or office garbage or refuse upon any public place in the state, upon private property in this state not owned by him, upon property located in rural areas in this state not owned by him, or in or on the waters of this state, whether from a vehicle or otherwise, including but not limited to any public highway, public right-of-way, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley, except when such property is designated by the state or by any of its agencies or political subdivisions for the disposal of such items and such person is authorized to use such property for such purpose.**

B.(1) If the litter listed in Subsection A of this Section is disposed of from a motor vehicle, boat, or conveyance, except a bus or large passenger vehicle or a school bus, all as defined by R.S. 32:1, there shall be an inference that the driver of the conveyance disposed of the litter. If such litter was possessed by a specific person immediately before the act of disposing, there shall be an inference that the possessor committed the act of

disposing. If there is photographic evidence of the license plate of a vehicle from which litter is disposed, there shall be an inference that the registered owner of the vehicle has violated this Section.

**(2) When litter disposed in violation of this Section is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings, which display the name of a person or in any other manner indicate that the article belongs or belonged to such person, there shall be an inference that such person has violated this Section.**

C. The person shall be cited for the offense by means of a citation, summons, or other means provided by law.

D.(1) Whoever violates the provisions of this Section shall, upon first conviction, be fined nine hundred dollars and sentenced to serve sixteen hours of community service in a litter abatement work program as approved by the court and may be imprisoned for not more than thirty days. In addition to all other penalties under this Paragraph, when the offense of gross littering involves the disposal of tires, the offender shall be fined one thousand eight hundred dollars and shall be responsible for the cost of removal, transportation, and processing of the tires.

(2) Upon second conviction, an offender shall be fined not less than two thousand dollars nor more than five thousand dollars and sentenced to serve twenty-four hours of community service in a litter abatement work program as approved by the court and may be imprisoned for not more than thirty days. In addition to all other penalties under this Paragraph, upon second conviction of gross littering involving the disposal of tires, the offender shall be fined not less than four thousand dollars and not more than ten thousand dollars and shall be responsible for the cost of removal, transportation, and processing of the tires.

(3) Upon third or subsequent conviction, an offender shall be fined not less than three thousand dollars nor more than ten thousand dollars, have his motor vehicle driver's license suspended for one year, be imprisoned for not more than thirty days, or sentenced to serve not less than forty-eight and not more than one hundred hours in a litter abatement work program as approved by the court, or all or any combination of the aforementioned penalties. In addition to all other penalties under this Paragraph, upon third conviction of gross littering involving the disposal of tires, the offender shall be fined not less than six thousand dollars and not more than twenty thousand dollars and shall be responsible for the cost of removal, transportation, and processing of the tires.

(4) The judge may require an individual convicted of a violation of this Section to remove litter from state highways, public rights-of-way, public playgrounds, public parks, or other appropriate locations for any prescribed period of time in lieu of the penalties prescribed in this Section.

E. A person may be found guilty and fined under this Section although the commission of the offense did not occur in the presence of a law enforcement officer if the evidence presented to the court establishes that the defendant has committed the offense.

F. For the purposes of this Section, each occurrence shall constitute a separate violation.

G. In addition to penalties otherwise provided, a person convicted under this Section shall:

(1) Repair or restore property damaged by or pay damages for any damage arising out of the violation of this Section.

(2) Pay all reasonable investigative expenses and costs to the investigative agency or agencies.

### **LRS 30:2531.3 Commercial littering prohibited**

**A. No person shall dispose or permit the disposal of litter resulting from industrial, commercial, mining, or agricultural operations in which the person has a financial interest upon any public place in the state, upon private property in this state not owned by him, upon property located in rural areas in this state not owned by him, or in or on the waters of this state, whether from a vehicle or otherwise, including but not limited to any public highway, public right-of-way, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley, except when such property is designated by the state or by any of its agencies or political subdivisions for the disposal of such items and such person is authorized to use such property for such purpose.**

**B. No person shall operate any truck or other vehicle on any highway in such a manner or condition that litter resulting from industrial, commercial, mining, or agricultural operations in which the person is involved can blow or fall out of such vehicle or that mud from its tires can fall upon the roadway.**

**C.(1) If the litter is disposed of from a motor vehicle, boat, or conveyance, except a bus or large passenger vehicle or a school bus, all as defined by R.S. 32:1, there shall be an inference that the driver of the conveyance disposed of the litter. If such litter was possessed by a specific person immediately before the act of disposing, there shall be a permissive rebuttable presumption that the possessor committed the act of disposing.**

**(2) When litter disposed in violation of this Section is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings, which display the name of a person or in any other manner indicate that**



**the article belongs or belonged to such person, there shall be a permissive rebuttable presumption that such person has violated this Section.**

(3) Any industrial, commercial, mining, or agricultural operation in the city of Donaldsonville shall construct and maintain fences or walls to enclose or contain litter generated by its operations. Failure to construct or maintain an enclosure shall constitute a separate violation of this Paragraph for each day that the enclosure is not built or maintained.

D. A person shall be jointly and severally liable for the actions of its agents, officers, and directors for any violation of this Section by any agent, officer, or director in the course and scope of his employment or duties.

**E. The person shall be cited for the offense by means of a citation, summons, or other means provided by law.**

F. Any person found liable under the provisions of this Section shall:

(1)(a) For a violation of Paragraph (C)(3) of this Section, pay a civil penalty of five hundred dollars.

(b) For any other violation, pay a civil penalty of two hundred dollars.

(2) Repair or restore property damaged by or pay damages for any damage arising out of the violation of this Section.

(3) Pay all reasonable investigative expenses and costs to the investigative agency or agencies.

(4) Pay for the cleanup of the litter unlawfully discarded by the defendant.

G. Any person found liable under the provisions of this Section shall pay special court costs of fifty dollars in lieu of other costs of court which shall be disbursed as follows:

(1) Twenty dollars shall be paid to the judicial expense fund for that judicial district, or to the justice of the peace or the city court, as the case may be.

(2) Twenty dollars shall be paid to the office of the district attorney, or to the constable or to the municipal prosecuting attorney, as the case may be.

(3) Ten dollars shall be paid to the clerk of the district court, or to the justice of the peace or the city court, as the case may be.

H. A person may be held liable and fined under this Section although the commission of the offense did not occur in the presence of a law enforcement officer if the evidence presented to the court establishes that the defendant has committed the offense.

I. For the purposes of this Section each occurrence shall constitute a separate violation.

### **LRS 30:2546 Littering of waters**

**A. It shall be unlawful for an operator, passenger, crew member, or any person on board any vessel to intentionally discharge, discard, and permanently abandon into the waters of the state any type of finished plastic products, including but not limited to synthetic ropes, fishing nets, and garbage bags, or to intentionally discharge, discard, and permanently abandon other garbage, including but not limited to paper products, glass, metal, dunnage, lining, and packing materials.**

B. As used in this Section, "vessel" means any boat, barge, or other vehicle operating in the waters of the state, including all commercial and recreational watercraft.

C. Any person who violates the provisions of this Section shall be fined not less than fifty dollars nor more than two hundred dollars for each violation; subsequent to notification of such violation, each twenty-four hour day the condition remains uncorrected shall constitute a separate violation.

D. The commission shall require, by regulation, that all marinas and all other access areas used by vessels have proper disposal facilities on site. The commission shall establish the requirements for such disposal reception facilities.

### **LRS 38:215 Obstruction of drainage**

**No person shall willfully obstruct any natural or artificial drainage canal, creek, bayou, or small river, or any public or private drainage.**

Whoever violates this Section shall be fined not less than twenty-five dollars nor more than one hundred dollars and in default of payment of fine and costs shall be imprisoned for not less than thirty days nor more than six months.

Each obstruction shall constitute a separate offense.

Failure on the part of anyone who has felled or cut trees in such manner that the tops obstruct any drainage or has placed any other obstruction in any drainage to remove the obstruction shall constitute prima facie evidence of willful intent within the meaning of this Section.

The word drainage as used in this Section means any natural drain or any artificial drain which has been used for the purposes of drainage for at least ten years.

## KEY TERMS

**Agency Interest number:** (AI#) unique number assigned to a person, place or operation, and generally a physical site regulated by LDEQ.

**Electronic Document Management System:** (EDMS) LDEQ's online public records system.

**Enforcement:** LDEQ's civil division responsible for enforcing regulatory compliance.

**Field Interview Form:** ("FIF") observational report form utilized by Surveillance inspectors.

**Remediation:** the act of correcting an error or stopping something bad from happening. When a company that polluted takes steps to clean up the water supply, this is an example of remediation.

**Site:** location of all contiguous land and structures, other appurtenances, and improvements on the land used for disposing of waste.

**Substance:** Any waste material regulated by LDEQ.

**Surveillance:** LDEQ's civil division responsible for conducting inspections and assessing regulatory compliance.

## SOLID WASTE

**Best Management Practice Plan:** (BMP) program partnership between LDEQ and the Louisiana Department of Agriculture and Forestry (LDAF) to guide the collection, storage and handling of organic solid waste materials (i.e. vegetative debris, stable bedding, etc.)

**Disposal:** the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste into or on any land or water so that such waste or any constituent thereof may enter the environment or be emitted into the air or discharged into waters of the state. Abandonment equals disposal.

**Discharge Monitoring Report:** (DMR) regulatory term for a periodic water pollution report prepared by required industries, municipalities and other facilities discharging to surface waters. The facility collects wastewater samples, conducts chemical and/or biological tests of the samples, and submits data to LDEQ via NetDMR.

**Hazardous Waste:** solid waste, as specifically defined in LAC 33:V.

**Infectious Waste:** waste which has the potential to endanger humans or other living organisms by the communication of diseases caused by microorganisms and/or viruses. Louisiana Pollutant Discharge Elimination System Program: (LPDES) is Louisiana's water quality control regulations which includes surface water discharge permitting system.

**NetDMR:** a website for required facilities to electronically submit discharge monitoring reports (DMRs) to LDEQ.

**Resource Conservation and Recovery Act:** (RCRA) is the public law that creates the framework for the proper management of hazardous and non-hazardous solid waste. RCRA is often used interchangeably to refer to the law, regulations and EPA policy and guidance.

**Solid Waste:** any garbage, refuse, or sludge from a waste treatment plant, water-supply treatment plant, or air pollution-control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, agricultural operations, and from community activities, and construction/demolition debris.

## **WATER**

**Discharge:** (LAC 33, Part IX, Subpart 1, 1:107) the placing, releasing, spilling, percolating, draining, pumping, leaking, seeping, emitting, or other escaping of pollutants into the air, waters, subsurface water, or ground as the result of a prior act or omission; or the placing of pollutants into pits, drums, barrels, or similar containers under conditions and circumstances that leaking, seeping, draining, or escaping of the pollutants can be reasonably anticipated.

**Waters of the State:** both the surface and underground waters within the state of Louisiana including all rivers, streams, lakes, estuaries, ground waters and all other water courses and waters within the confines of the state, and all bordering waters and the Gulf of Mexico.

## **CRIMINAL INVESTIGATION TELEPHONE CONTACTS**

### **LDEQ Criminal Investigation Division**

- Public and primary complaints 225-219-3944
- Baton Rouge
  - 225-219-3944
- Lake Charles
  - 337-491-2712
- Shreveport
  - 318-676-7467

## FREQUENTLY ASKED QUESTIONS

- **Is illegal disposal of solid waste, including construction and demolition debris, white goods, household trash, waste tires, etc. on private property legal?**
  - No, illegal disposal of solid waste on any public and private property is illegal. Refer to LRS 30:2531.1 for public property or property of a victim; and see LRS 30:2025.F.2.a for private property.
  
- **What are considerations for using LRS 30:2025.F.2.a?**
  - Defining the substance that was illegally disposed (solid waste), discharged (liquid) and or emitted (air) is critical.
  - Articulating and photographing the “substance”, and sampling and analysis if necessary.
  - Be mindful of the distinction between a waste tire and a used tires.
  
- **Can a fire department give permission and or otherwise authorize the illegal disposal of solid waste by burning, including structures?**
  - It is illegal to dispose of solid waste by burning. Refer to LRS 30:2025.F.2.a.
  - Open Burning regulations (LAC 33.III.1109.D, Control of Air Pollution from Outdoor Burning) provide exceptions for fire fighting personnel:
    - 7. fire purposely set as a part of an organized program of drills for the training of fire fighting personnel or for testing fire fighting materials or equipment if the following conditions are met:
      - a. the duration of the burning held to the minimum required for such purposes;
      - b. the burning is conducted only between the hours of 8 a.m. and 5 p.m.; and
      - c. the burning is controlled so that a traffic hazard as prohibited by Subsection E of this Section is not created;
  
- **Can a tire shop legally generate waste tires without being authorized as an LDEQ Waste Tire Generator?**
  - No, all Waste Tire Generators shall be authorized by LDEQ. Refer to LRS 30:2418.1.

- **What are enforcement considerations for the illegal disposal of waste tires?**

- Refer to LRS 30:2025.F.2.a for the act of illegal disposal of solid waste (waste tires);
- and refer to LRS 30:2418.2 for a potential violation of Unauthorized Transport of Waste Tires;
- and refer to LRS 30:2418.1 for a potential violation of Unauthorized Transfer of Waste Tires from an authorized Waste Tire Generator to an unauthorized transporter;
- and refer to LRS 30:2418.1 for a potential violation of Unauthorized Waste Tire Generator for storing more than twenty waste tires.

- **Who will clean-up and mitigate the site?**

- If the site presents an immediate danger to human health, emergency services should be contacted and will react accordingly.
- The Responsible Party is provided an opportunity to have an authorized clean-up contractor respond; and if unable or unwilling, the State has a process to proceed at the expense of the Responsible Party.
- If the site does not present an immediate danger to human health, the Responsible Party is encouraged to properly mitigate the site and or mitigation will be addressed through the civil and or criminal processes.
- According to LRS 30:2531.1
  - G. In addition to penalties otherwise provided, a person convicted under this Section shall:
    - (1) Repair or restore property damaged by or pay damages for any damage arising out of the violation of this Section.
    - (2) Pay all reasonable investigative expenses and costs to the investigative agency or agencies.
- According to LRS 30:2025.F
  - (5) The court may suspend the execution of a sentence imposed on any offender convicted under this Subtitle of illegally disposing of solid waste as defined under R.S. 30:2153, if the offender is placed on supervised probation for at least two years and, as a condition of probation, cleans up the site or removes the illegally disposed waste from the site to the satisfaction of the Department of Environmental Quality.