



## **The Wait for Answers About Louisiana R.S. 30:16 Citizen Suits Continues**

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In January 2022, the Louisiana Supreme Court heard arguments on which, if any, prescriptive period (the Louisiana term for a statute of limitations) applies to a private landowner’s action under La. Rev. Stat. § 30:16 (“R.S. 30:16”) for remediation of alleged property contamination arising from historical oil and gas operations. *State ex rel. Tureau v. BEPCO, L.P.*, No. 2021-C-00856. R.S. 30:16 allows private citizens to sue to restrain violations of conservation regulations if the Commissioner of Conservation of the Louisiana Department of Natural Resources fails to do so. In *Tureau*, a landowner alleges that operations—which ceased decades ago—left contamination on his property that exceeds regulatory standards, and he seeks remediation of the property (and private attorney and expert fees) from the oil and gas operators under R.S. 30:16. The defendants argued to the supreme court that the action was subject to the one-year prescriptive period applicable to delictual actions (analogous to tort actions), and the landowner argued that an action under R.S. 30:16 is imprescriptible.

Five months after oral argument, the supreme court ordered special briefing from the parties on an issue that was not raised in the courts below—whether the petition states a cause of action under the statute, including whether a R.S. 30:16 action requires ongoing conduct by the defendant rather than merely ongoing harm resulting from past conduct. Resolution of this issue will have significant implications, including what remedies landowners may have to address historical contamination and the extent of liability for former operators in Louisiana. An additional oral argument will be scheduled for September 2022.