

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Asbestos and Lead Fees
(LAC 33:III.223) (AQ282)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.223 (Log #AQ282).

This rule is being proposed to promulgate language consistent with department policy, clarify language for applicants, apply consistency within the asbestos and lead programs, and allow processing time for an increase in the number of persons applying for accreditation and for the entering of required information into the department's mainframe database by a support group. Fees have not been modified. The proposed rule clarifies existing language and promulgates existing department policy that certain fees are nontransferable and nonrefundable. Existing language that appeared confusing is clarified by the addition of the words "processing" or "application processing." Processing timeframes are changed for uniformity between the asbestos and lead programs for accreditations and training providers, and to allow for the entry of specific information by a support group into the Tools for Environmental Management and Protection Organizations (TEMPO) database, the LDEQ main database that maintains and validates basic information for all personnel and companies. The basis and rationale for this rule are to clarify the intent of the regulations. This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on October 29, 2008, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Christopher A. Ratcliff at the address given below or at (225) 219-3471. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ282. Such comments must be received no later than November 5, 2008, at 4:30 p.m., and should be sent to Christopher A. Ratcliff, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3398 or by e-mail to chris.ratcliff@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at

(225) 219-3168. Check or money order is required in advance for each copy of AQ282. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

Herman Robinson, CPM
Executive Counsel

**Title 33
ENVIRONMENTAL QUALITY**

Part III. Air

Chapter 2. Rules and Regulations for the Fee System of the Air Quality Control Programs

§223. Fee Schedule Listing

Table 1. ...

Table 2		
Additional Fees		
Fee Number	Fee Description	Amount
* * *		
[See Prior Text in Fee Numbers 2000–2015]		
2020	The Issuance of an Asbestos Demolition Disposal Verification Form (ADVF)—(at least 10 working days notification given)—Fee is nontransferable and nonrefundable.	66.00
2030	The Issuance of an Asbestos Demolition Disposal Verification Form (ADVF)—(less than 10 working days notification given)—Fee is nontransferable and nonrefundable.	99.00
2040	Agent Accreditation for Asbestos: Includes Contractor/Supervisor, Inspector, Management Planner, or Project Designer—Normal <u>Application Processing per Discipline</u> (greater than three five working days after receipt of required documentation and fees)—Fee is nontransferable and nonrefundable.	264.00
2050	Agent Accreditation for Asbestos: Includes Contractor/Supervisor, Inspector, Management Planner, or Project Designer—Emergency <u>Application Processing per Discipline</u> (less than or equal to three five working days after receipt of required documentation and fees)—Fee is nontransferable and nonrefundable.	396.00
2060	Worker Accreditation for Asbestos—Normal <u>Application Processing</u> (greater than three five working days after receipt of required documentation and fees)—Fee is nontransferable and nonrefundable.	66.00
2070	Worker Accreditation for Asbestos—Emergency <u>Application Processing</u> (less than or equal to three five working days after receipt of required documentation and fees)—Fee is nontransferable and nonrefundable.	99.00
2080	Duplicate Certificate—Fee is nontransferable and nonrefundable.	33.00
2090	<u>Asbestos Training Organization Recognition Plus Trainer Recognition per Trainer</u> —Normal <u>Application Processing</u> (greater than three five working days after receipt of required documentation and fees)—Fee is nontransferable and nonrefundable.	396.00 66.00
2100	<u>Asbestos Training Organization Recognition Plus Trainer Recognition per Trainer</u> —Emergency <u>Application Processing</u> (less than or equal to three five working days after receipt of required documentation and fees)—Fee is nontransferable and nonrefundable.	594.00 99.00
* * *		
[See Prior Text in Fee Numbers 2200–2810]		
2900 *Note 19*	Lead Contractor License Evaluation <u>Processing Fee</u> —Fee is nontransferable and nonrefundable.	500.00
2901 *Note 19*	Lead Project Supervisor Accreditation <u>Application Processing Fee</u> —Fee is nontransferable and nonrefundable.	250.00
2902 *Note 19*	Lead Project Designer Accreditation <u>Application Processing Fee</u> —Fee is nontransferable and nonrefundable.	500.00

Table 2		
Additional Fees		
Fee Number	Fee Description	Amount
2903 *Note 19*	<u>Lead Risk Assessor Accreditation Application Processing Fee—Fee is nontransferable and nonrefundable.</u>	250.00
2904 *Note 19*	<u>Lead Inspector Accreditation Application Processing Fee—Fee is nontransferable and nonrefundable.</u>	150.00
2905 *Note 19*	<u>Lead Worker Accreditation Application Processing Fee—Fee is nontransferable and nonrefundable.</u>	50.00
2906 *Note 19*	Accreditation Recognition Application Processing Fee for In-State Louisiana Lead Training Organizations, Application Processing Fee per Training Organization—Fee is nontransferable and nonrefundable.	500.00
2907 *Note 19*	Accreditation Recognition Application Processing Fee for Louisiana Lead Training Organizations, Processing Fee per Instructor—Fee is nontransferable and nonrefundable.	50.00
2908 *Note 19*	Accreditation Recognition Application Processing Fee for Out of State Lead Training Organizations, Application Processing Fee per Out of State Training Organization—Fee is nontransferable and nonrefundable.	750.00
2909 *Note 19*	Accreditation Recognition Application Processing Fee for Out of State Lead Training Organizations, Processing Fee per Instructor—Fee is nontransferable and nonrefundable.	100.00
2910 *Note 19*	<u>Lead Abatement Project Notification Processing Fee, 2000 Square Feet and under—Fee is nontransferable and nonrefundable.</u>	200.00
2911 *Note 19*	<u>Lead Abatement Project Notification Processing Fee for Each Additional Increment of 2000 Square Feet or Portion Thereof—Fee is nontransferable and nonrefundable.</u>	100.00
2912 *Note 19*	Revisions to— <u>Lead Abatement Project Notification Processing Fee (Fee Per Revision)—Fee is nontransferable and nonrefundable.</u>	50.00
2913 *Note 19*	<u>Soil Lead Abatement Project Notification Processing Fee, Half Acre or Less—Fee is nontransferable and nonrefundable.</u>	200.00
2914 *Note 19*	<u>Soil Lead Abatement Project Notification Processing Fee, Each Additional Half Acre or Portion Thereof—Fee is nontransferable and nonrefundable.</u>	100.00

Explanatory Notes for Fee Schedule

Note 1. – Note 18. ...

Note 19. The fee for emergency processing will be 1.5 times the regular fees.

Processing Timelines		
Notification or Application	Normal Processing	Emergency Processing
<u>Asbestos and Lead Training Provider Organizations' and Trainers' Recognition</u>	30 days	<u>Application to be processed less than or equal to five working days after receipt of required documentation and fees. Applicant requests the application be processed in five working days or less</u>

Processing Timelines		
Notification or Application	Normal Processing	Emergency Processing
<u>Asbestos and Lead Accreditation</u>	<u>30 days</u> 2 weeks	<u>Application to be processed less than or equal to five working days after receipt of required documentation and fees</u> Applicant requests the application be processed in three working days or less
<u>Asbestos Demolition and Renovation Notification</u>	<u>Notification to be processed less than or equal to 10 working days after receipt or postmark of required documentation and fees</u> Postmarked or hand-delivered 10 working days prior to start up	<u>Notification to be processed less than or equal to 10 working days after receipt or postmark of required documentation and fees</u> Postmarked or hand-delivered less than 10 working days prior to start up
<u>Lead Contractors' "Letter of Approval"</u>	30 days	<u>Notification to be processed less than or equal to five working days after receipt of required documentation and fees</u> Applicant requests processing in five working days or less

Note 20. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054, 2341, and 2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:613 (September 1988), LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 1991), repromulgated LR 18:31 (January 1992), amended LR 18:706 (July 1992), LR 18:1256 (November 1992), LR 19:1373 (October 1993), LR 19:1420 (November 1993), LR 19:1564 (December 1993), LR 20:421 (April 1994), LR 20:1263 (November 1994), LR 21:22 (January 1995), LR 21:782 (August 1995), LR 21:942 (September 1995), repromulgated LR 21:1080 (October 1995), amended LR 21:1236 (November 1995), LR 23:1496, 1499 (November 1997), LR 23:1662 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:267 (February 2000), LR 26:485 (March 2000), LR 26:1606 (August 2000), repromulgated LR 27:192 (February 2001), amended LR 29:672 (May 2003), LR 29:2042 (October 2003), LR 30:1475 (July 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2620 (December 2007), LR 34:**.

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

LOG #: AQ282

Person
 Preparing Statement: Jodi G. Miller
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 Phone: 225-219-3004; moving to 225-219-0789

Dept.: Environmental Quality
 Office: Environmental Services

Return Address: OES, Permit Support Services Div.
P.O. Box 4313
Baton Rouge, LA 70821-4313

Rule Title: Asbestos and Lead Fees
(LAC 33:III.223)
 Date Rule Takes Effect: Upon Promulgation

SUMMARY
(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no implementation costs or savings to state or local governmental units as a result of the proposed rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No effect on revenue collections of state or local governmental units is expected. Fees have not been modified. The proposed rule clarifies existing language and promulgates existing department policy that certain fees are nontransferable and nonrefundable.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

No costs or economic benefits are expected as a result of the proposed rule. Fees have not been modified; only the language has been clarified.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition or employment is expected.

Signature of Agency Head or Designee

Legislative Fiscal Officer or Designee

Herman Robinson, CPM, Executive Counsel
Typed Name and Title of Agency Head or Designee

Date of Signature

Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

The following information is requested in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

Fees have not been modified. The proposed rule clarifies existing language and promulgates existing department policy that certain fees are nontransferable and nonrefundable. Existing language that appeared confusing is clarified by the addition of the words "processing" or "application processing." Processing timeframes are changed for uniformity between the asbestos and lead programs for accreditations and training providers, and to allow for the entry of specific information by a support group into the Tools for Environmental Management and Protection Organizations (TEMPO) database, the LDEQ main database that maintains and validates basic information for all personnel and companies.

- B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

This rule is being proposed to promulgate language consistent with department policy, clarify language for applicants, apply consistency within the asbestos and lead programs, and allow processing time for an increase in the number of persons applying for accreditation and for the entering of required information into the department's mainframe database by a support group.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session
(1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

No increase in expenditures is expected.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) ___ Yes. If yes, attach documentation.

(b) ___ No. If no, provide justification as to why this rule change should be published at this time.

This question is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY08-09	FY09-10	FY10-11
PERSONAL SERVICES	-0-	-0-	-0-
OPERATING EXPENSES	-0-	-0-	-0-
PROFESSIONAL SERVICES	-0-	-0-	-0-
OTHER CHARGES	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-
MAJOR REPAIR & CONSTR			
POSITIONS (#)	-0-	-0-	-0-

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

There will be no costs or savings associated with implementation of the proposed action. The workload will remain the same, the amount of paperwork will remain the same, and no additional documentation will be required.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY08-09	FY09-10	FY10-11
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF-GENERATED	-0-	-0-	-0-
DEDICATED	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-
OTHER (Specify)	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

Yes, the agency currently has sufficient funds to implement the proposed action. Currently, fees are received from applicants to process this work. Implementation of the proposed language will not increase the workload; therefore, funds should remain sufficient to support the program.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local

governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There will be no impact on local governmental units. The paperwork and fees, if any, will remain the same.

2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.

There will be no impact on local governmental units or the sources of their funding.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY08-09	FY09-10	FY10-11
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF-GENERATED	-0-	-0-	-0-
RESTRICTED FUNDS*	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-
LOCAL FUNDS	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

There will be no impact. Fees have not been modified. The proposed rule clarifies existing language and promulgates existing department policy that certain fees are nontransferable and nonrefundable.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

There will be no impact on regulated entities or nongovernmental units. The paperwork and fees will remain the same.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

There will be no impact on any of these groups. Fees have not been modified; only the language has been clarified.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

There will be no impact on any of these groups.