

DECLARATION OF EMERGENCY**Department of Environmental Quality
Office of Environmental Assessment****Expedited Penalty Agreement
(LAC 33:I.801 and 807, and VII.115 and 315) (MM004E4)**

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, which allow the Department of Environmental Quality to use emergency procedures to establish rules, and of R.S. 30:2011, which allows the department to establish standards, guidelines, and criteria, to promulgate rules and regulations, and to issue compliance schedules, the secretary of the department hereby declares that an emergency action is necessary in order to implement expedited penalty agreements.

This is a renewal of Emergency Rule MM004E3, which was effective on March 15, 2008, and published in the *Louisiana Register* on March 20, 2008. The expedited penalty agreement rule, LAC 33:I.Chapter 8, became final on December 20, 2006. This Emergency Rule supplements that rule by adding certain violations to, and clarifying existing violations in, the types of violations that may qualify for expedited penalties and adjusting existing penalty amounts to be consistent across media for similar violations. The structure of the expedited penalty table is changed to divide it into separate tables by media and type. The Emergency Rule will abate delays that have occurred in correcting violations of the Environmental Quality Act concerning the unauthorized transporting, disposal, and/or burning of solid wastes and violations of the UST delivery prohibition rule required by the federal Underground Storage Tank Compliance Act of 2005. Delays in enforcement reduce the effectiveness of the enforcement action and unnecessarily utilize resources. In the recent past, complaints of unauthorized disposal and burning of solid wastes have increased considerably, especially in the hurricane-impacted areas. This Emergency Rule will provide an alternative penalty assessment mechanism that the department may utilize, at its discretion, to expedite penalty agreements in appropriate cases, reducing staff time and increasing efficiency in addressing such violations. The report to the Governor by the Advisory Task Force on Funding and Efficiency of the Louisiana Department of Environmental Quality has approved an expedited penalty approach. It recommended a pilot program for addressing certain classes of violations with penalties in a timelier manner. The legislature approved that report and passed Act 1196 in the 2003 Regular Session allowing the department to promulgate rules for the program. A pilot program was created and monitored for approximately two years. Positive feedback on the program led the department to promulgate the permanent expedited penalty agreement rule that became final on December 20, 2006.

This Emergency Rule is effective on July 13, 2008, and shall remain in effect for a maximum of 120 days or until a final rule is promulgated, whichever occurs first. For more information concerning MM004E4 you may contact the Regulation Development Section at (225) 219-3550.

This Emergency Rule is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx, and 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 Baratavia Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

Adopted this 2nd day of July, 2008.

Harold Leggett, Ph.D.
Secretary

**Title 33
ENVIRONMENTAL QUALITY**

Part I. Office of the Secretary

Subpart 1. Departmental Administrative Procedures

Chapter 8. Expedited Penalty Agreement

§801. Definitions

* * *

LAR050000—an LPDES multi-sector storm water general permit.

LAR100000—an LPDES storm water general permit associated with construction activity greater than 5 acres.

LPDES General Permit—for the purposes of this Chapter, any Louisiana Pollutant Discharge Elimination System Permit in the LAG530000, LAG540000, or LAG750000; ~~LAR050000, or LAR100000~~-series.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2025(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:2242 (December 2006), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

§807. Types of Violations and Expedited Penalty Amounts

A. The types of violations listed in the following table may qualify for coverage under this Chapter; however, any violation listed below, which is identified in an expedited penalty agreement, must also meet the conditions set forth in LAC 33:I.805.E.

EXPEDITED PENALTIES			
ALL MEDIA			
Violation	Citation	Amount	Frequency
* * *			
[See Prior Text]			

EXPEDITED PENALTIES			
AIR QUALITY			
Violation	Citation	Amount	Frequency
Failure to timely submit any applicable Specific Condition or General Condition report as specified in a minor source permit.	<u>LAC 33:III.501.C.4</u>	<u>\$250</u>	<u>Per occurrence</u>

EXPEDITED PENALTIES			
AIR QUALITY			
Violation	Citation	Amount	Frequency
<u>Failure to timely submit any applicable Specific Condition or General Condition report (other than those specified elsewhere in this Section) as specified in a Part 70 (Title V) air permit.</u>	<u>LAC 33:III.501.C.4</u>	<u>\$350</u>	<u>Per occurrence</u>
40 CFR Part 70 General Permit conditions (Part K, L, M, or R): Failure to timely submit any applicable annual, semiannual, or quarterly reports.	LAC 33:III.501.C.4	\$500	Per occurrence
<u>Failure to submit an updated Emission Point List, Emissions Inventory Questionnaire (EIQ), emissions calculations, and certification statement as described in LAC 33:III.517.B.1 within seven calendar days after effecting any modification to a facility authorized to operate under a standard oil and gas permit.</u>	<u>LAC 33:III.501.C.4</u>	<u>\$750</u>	<u>Per occurrence/ emission point</u>
<u>Failure to submit the Title V permit renewal application at least six months prior to the date of expiration, applicable only when the renewal application is submitted prior to permit expiration and a renewal permit is issued on or before the expiration date.</u>	<u>LAC 33:III.507.E.4</u>	<u>\$1,000</u>	<u>Per occurrence</u>
<u>Failure to provide notice of change of ownership within 45 days after the change.</u>	<u>LAC 33:III.517.G</u>	<u>\$200</u>	<u>Per occurrence</u>

EXPEDITED PENALTIES			
AIR QUALITY			
Violation	Citation	Amount	Frequency
Failure to submit an Annual Criteria Pollutant Emissions Inventory in a timely and complete manner when applicable.	LAC 33:III.919	\$500	Per occurrence
Failure to submit an Annual Toxic Emissions Data Inventory in a timely and complete manner when applicable.	LAC 33:III.5107	\$500	Per occurrence
Control of Fugitive Emissions, sandblasting facilities: Failure to take all reasonable precautions to prevent particulate matter from becoming airborne.	LAC 33:III.1305.A	\$250	Per occurrence
Failure to provide notice of change of ownership within 45 days after the change.	LAC 33:III.517.G	\$200	Per occurrence
Failure to timely submit any applicable Specific Condition or General Condition report as specified in a minor source permit.	LAC 33:III.501.C.4	\$250	Per occurrence
Failure to timely submit any applicable Specific Condition or General Condition report (other than those specified elsewhere in this Section) as specified in a Part 70 (Title V) air permit.	LAC 33:III.501.C.4	\$350	Per occurrence

EXPEDITED PENALTIES			
AIR QUALITY			
Violation	Citation	Amount	Frequency
Failure to submit an updated Emission Point List, Emissions Inventory Questionnaire (EIQ), emissions calculations, and certification statement as described in LAC 33:III.517.B.1 within seven calendar days after effecting any modification to a facility authorized to operate under a standard oil and gas permit.	LAC 33:III.501.C.4	\$750	Per occurrence/ emission point
Failure to submit the Title V permit renewal application at least six months prior to the date of expiration, applicable only when the renewal application is submitted prior to permit expiration and a renewal permit is issued on or before the expiration date.	LAC 33:III.507.E.4	\$1,000	Per occurrence
Failure to maintain records for glycol dehydrators subject to LAC 33:III.2116.	LAC 33:III.2116.F	\$250	Per occurrence
Failure to submit an <u>Annual Toxic Emissions Data Inventory in a timely and complete manner when applicable.</u>	<u>LAC 33:III.5107</u>	<u>\$500</u>	<u>Per occurrence</u>
Failure to submit an initial perchloroethylene inventory report.	LAC 33:III.5307.A	\$250	Per occurrence
Failure to submit a perchloroethylene usage report by July 1 for the preceding calendar year.	LAC 33:III.5307.B	\$250	Per occurrence

EXPEDITED PENALTIES
AIR QUALITY—Stage II Vapor Recovery

Note: LAC 33:III.2132 is only applicable to subject gasoline dispensing facilities in the parishes of Ascension, East Baton Rouge, West Baton Rouge, Iberville, Livingston, and Pointe Coupee.			
Violation	Citation	Amount	Frequency
<u>Failure to use and/or diligently maintain, in proper working order, all air pollution control equipment installed at the site.</u>	<u>LAC 33:III.905</u>	<u>\$300</u>	<u>Per occurrence</u>
Failure to submit an application to the administrative authority prior to installation of the Stage II vapor recovery system.	LAC 33:III.2132.B.6	\$500	Per occurrence
Failure to have at least one person trained as required by the regulations.	LAC 33:III.2132.C	\$300	Per occurrence
Failure to test the vapor recovery system prior to start-up of the facility and annually thereafter.	LAC 33:III.2132.D	\$750	Per occurrence
Failure to post operating instructions on each pump.	LAC 33:III.2132.E	\$100	Per occurrence
Failure to maintain equipment and tag defective equipment "out of order."	LAC 33:III.2132.F.1 and 3-4	\$500	Per inspection
Failure to perform daily inspections and accurately record results.	LAC 33:III.2132.F.2	\$300	Per inspection
Failure to maintain records on-site for at least two years and present them to an authorized representative upon request.	LAC 33:III.2132.G.1-7	\$200 \$300	Per compliance inspection
<u>Failure to use and/or diligently maintain, in proper working order, all air pollution control equipment installed at the site.</u>	<u>LAC 33:III.905</u>	<u>\$100</u>	<u>Per occurrence</u>

EXPEDITED PENALTIES			
HAZARDOUS WASTE—Used Oil			
Violation	Citation	Amount	Frequency

EXPEDITED PENALTIES			
HAZARDOUS WASTE—Used Oil			
Violation	Citation	Amount	Frequency
* * *			
[See Prior Text]			

EXPEDITED PENALTIES			
SOLID WASTE			
Violation	Citation	Amount	Frequency
<u>Unauthorized on-site disposal of regulated solid waste generated at the site by the owner, lessee, or other person having an actual right, title, or interest in the property.</u>	<u>LAC 33:VII.315.C</u>	<u>\$250</u>	<u>Per occurrence</u>
<u>Unauthorized disposal of solid waste by the generator at an off-site location not permitted to receive such waste.</u>	<u>LAC 33:VII.315.C</u>	<u>\$250</u>	<u>Per occurrence</u>
<u>Operation of an unauthorized disposal site where solid waste is disposed.</u>	<u>LAC 33:VII.315.C</u>	<u>\$1,000</u>	<u>Per occurrence</u>
<u>An owner, lessee, or other person having an actual right, title, or interest in the property of an unauthorized disposal site in which solid waste is disposed.</u>	<u>LAC 33:VII.315.C</u>	<u>\$1,000</u>	<u>Per occurrence</u>
<u>Failure to report any discharge, deposit, injection, spill, dumping, leaking, or placing of solid waste into or on the water, air, or land.</u>	<u>LAC 33:VII.315.F</u>	<u>\$500</u>	<u>Per occurrence</u>
<u>Open burning of solid waste as prohibited by regulation.</u>	<u>LAC 33:VII.315.M</u>	<u>\$250</u>	<u>Per occurrence</u>
<u>Offering residential solid waste to an unauthorized transporter and/or facility not permitted to receive such waste.</u>	<u>LAC 33:VII.315.O</u>	<u>\$250</u>	<u>Per occurrence</u>

EXPEDITED PENALTIES			
SOLID WASTE			
Violation	Citation	Amount	Frequency
<u>Offering commercial solid waste and/or construction and demolition debris to an unauthorized transporter and/or a facility not permitted to receive such waste.</u>	<u>LAC 33:VII.315.O</u>	<u>\$500</u>	<u>Per occurrence</u>
<u>Offering industrial solid waste to an unauthorized transporter and/or a facility not permitted to receive such waste.</u>	<u>LAC 33:VII.315.O</u>	<u>\$750</u>	<u>Per occurrence</u>
<u>Failure to notify the department after becoming subject to the regulations as a generator, transporter, processor, or disposer of solid waste.</u>	<u>LAC 33:VII.401.A</u>	<u>\$300</u>	<u>Per occurrence</u>
<u>Transportation of solid waste to processing or disposal facilities not permitted to receive such waste.</u>	<u>LAC 33:VII.505.D</u>	<u>\$1,000</u>	<u>Per occurrence</u>

EXPEDITED PENALTIES			
SOLID WASTE—Waste Tires			
Violation	Citation	Amount	Frequency
Storage of more than 20 whole tires without authorization from the administrative authority.	LAC 33:VII.10509.B	\$200	Per occurrence
Transporting more than 20 tires without first obtaining a transporter authorization certificate.	LAC 33:VII.10509.C	\$300 \$200	Per occurrence
Storing tires for greater than 365 days.	LAC 33:VII.10509.E	\$200	Per occurrence
Failure to maintain all required records for three years on-site or at an alternative site approved in writing by the administrative authority.	LAC 33:VII.10509.G; <u>10519.O and P</u>	\$200	Per occurrence

EXPEDITED PENALTIES			
SOLID WASTE—Waste Tires			
Violation	Citation	Amount	Frequency
Failure to obtain a waste tire generator identification number within 30 days of commencing business operations.	LAC 33:VII.10519.A	\$300	Per occurrence
Failure to accept one waste tire for every new tire sold unless the purchaser chooses to keep the waste tire.	LAC 33:VII.10519.B	\$100	Per occurrence
<u>Failure to collect appropriate waste tire fee for each tire sold.</u>	<u>LAC 33:VII.10519.C; 10521.B; 10535.B</u>	<u>\$200</u>	<u>Per occurrence</u>
Failure to remit waste tire fees to the state on a monthly basis as specified.	LAC 33:VII.10519.D; <u>10521.C</u>	\$200 \$100	Per occurrence
Failure to post required notifications to the public.	LAC 33:VII.10519.E; <u>10521.D</u>	\$100	Per occurrence
Failure to list the waste tire fee on a separate line on the invoice so that no tax will be charged on the fee.	LAC 33:VII.10519.F; <u>10521.E</u>	\$100	Per occurrence
Failure to keep waste tires or waste tire material covered as specified.	LAC 33:VII.10519.H; <u>10521.H</u>	\$200	Per occurrence
<u>Storing waste tires for more than 120 days without complying with the exceptions for the extended storage time.</u>	<u>LAC 33:VII.10519.I</u>	<u>\$200</u>	<u>Per occurrence</u>
<u>Failure to use an authorized transporter for removal of tires from a place of business.</u>	<u>LAC 33:VII.10519.K</u>	<u>\$500</u>	<u>Per occurrence</u>
Failure to segregate waste tires from new or used tires offered for sale.	LAC 33:VII.10519.M	\$200	Per occurrence
<u>Failure of motor vehicle dealer to notify administrative authority within 30 days of commencing business operations.</u>	<u>LAC 33:VII.10521.A</u>	<u>\$300</u>	<u>Per occurrence</u>

EXPEDITED PENALTIES			
SOLID WASTE—Waste Tires			
Violation	Citation	Amount	Frequency
Failure to provide a manifest for all waste tire shipments containing more than 20 tires.	LAC 33:VII.10533.A	\$200	Per occurrence
Failure to maintain completed manifests for three years and have them available for inspection.	LAC 33:VII.10533.D	\$200	Per occurrence
Failure to collect appropriate waste tire fee for each new tire sold.	LAC 33:VII.10519.C; 10535.B	\$200	Per occurrence
Failure to submit application and fees for transporter authorization.	LAC 33:VII.10523.A	\$300	Per occurrence
Failure to use a manifest when transporting greater than 20 waste tires.	LAC 33:VII.10523.C	\$200	Per occurrence
Failure of transporter to transport all waste tires to an authorized collection center or a permitted processing facility.	LAC 33:VII.10523.D	\$1,000 \$300	Per occurrence
Failure of out-of-state or out-of-country transporter to comply with state waste tire regulations.	LAC 33:VII.10523.E	\$200	Per occurrence
Failure to affix to driver's door and passenger's door the authorization certificate number, 3 inches in height.	LAC 33:VII.10523.F	\$100	Per occurrence
Failure to provide notification in writing within 10 days when any information on the authorization certificate form changes, or if the business closes and ceases transporting waste tires.	LAC 33:VII.10523.G	\$100	Per occurrence

EXPEDITED PENALTIES			
SOLID WASTE—Waste Tires			
Violation	Citation	Amount	Frequency
<u>Acceptance by a processor of more than five unmanifested tires per day per customer.</u>	<u>LAC 33:VII.10525.A.2</u>	<u>\$300</u>	<u>Per occurrence</u>
<u>Failure of a processor to maintain a log for all unmanifested loads.</u>	<u>LAC 33:VII.10525.A.2</u>	<u>\$200</u>	<u>Per occurrence</u>
<u>Failure to meet any of the facility standards listed in LAC 33:VII.10525.D.</u>	<u>LAC 33:VII.10525.D</u>	<u>\$300</u>	<u>Per occurrence</u>
<u>Failure by a collector or collection center to follow the requirements for receipt of tires.</u>	<u>LAC 33:VII.10527.A</u>	<u>\$200</u>	<u>Per occurrence</u>
<u>Failure of collection center operator to meet the standards in LAC 33:VII.10525.D.1-10 and 12-24.</u>	<u>LAC 33:VII.10527.B</u>	<u>\$300</u>	<u>Per occurrence</u>
<u>A collector or collection center exceeding the storage limit of waste tires or waste tire material.</u>	<u>LAC 33:VII.10527.C;</u> <u>10531.C</u>	<u>\$300</u>	<u>Per occurrence</u>
<u>Failure of recycler to provide notification of its existence and obtain an identification number.</u>	<u>LAC 33:VII.10531.A</u>	<u>\$300</u>	<u>Per occurrence</u>
<u>Failure of waste tire or waste tire material recycler to meet the requirements of LAC 33:VII.10525.D.</u>	<u>LAC 33:VII.10531.B</u>	<u>\$300</u>	<u>Per occurrence</u>
<u>Failure to follow the requirements for manifest discrepancies.</u>	<u>LAC 33:VII.10533.C</u>	<u>\$300</u>	<u>Per occurrence</u>
<u>Failure to provide a manifest for all waste tire shipments containing more than 20 tires.</u>	<u>LAC 33:VII.10533.A</u>	<u>\$200</u>	<u>Per occurrence</u>
<u>Failure to follow the requirements for manifest discrepancies.</u>	<u>LAC 33:VII.10533.C</u>	<u>\$300</u>	<u>Per occurrence</u>

EXPEDITED PENALTIES			
SOLID WASTE—Waste Tires			
Violation	Citation	Amount	Frequency
<u>Failure to maintain completed manifests for three years and have them available for inspection.</u>	<u>LAC 33:VII.10533.D</u>	<u>\$200</u>	<u>Per occurrence</u>

EXPEDITED PENALTIES			
WATER QUALITY			
Violation	Citation	Amount	Frequency
<u>Failure to develop and/or implement a Spill Prevention and Control Plan (SPC):</u>			
<u>1. Failing to develop an SPC plan for any applicable facility.</u>	<u>LAC 33:IX.905</u>	<u>\$500</u>	<u>Per occurrence</u>
<u>2. Failing to implement any component of an SPC plan.</u>	<u>LAC 33:IX.905</u>	<u>\$100</u>	<u>Per occurrence</u>
<u>Unauthorized discharge of oily fluids.</u>	<u>LAC 33:IX.1701.B</u>	<u>\$1,000</u>	<u>Per occurrence</u>
<u>Unauthorized discharge of oil field wastes, including produced water.</u>	<u>LAC 33:IX.1901.A</u>	<u>\$1,000</u>	<u>Per occurrence</u>
<u>Failure to submit a Notice of Intent for coverage under the LAR050000 or LAR100000 LPDES Storm Water General Permit.</u>	<u>LAC 33:IX.2511.C.1</u>	<u>\$1,000</u>	<u>Per occurrence</u>
Failure to comply with any portion(s) of an LPDES LAG530000 Schedule A permit.	LAC 33:IX.2701.A	\$200 and completion of a department-sponsored compliance class	10 or fewer violations
Failure to comply with any portion(s) of an LPDES LAG530000 Schedule A permit.	LAC 33:IX.2701.A	\$400 and completion of a department-sponsored compliance class	More than 10 violations

EXPEDITED PENALTIES			
WATER QUALITY			
Violation	Citation	Amount	Frequency
Failure to comply with any portion(s) of an LPDES LAG530000 Schedule B permit.	LAC 33:IX.2701.A	\$300 and completion of a department-sponsored compliance class	10 or fewer violations
Failure to comply with any portion(s) of an LPDES LAG530000 Schedule B permit.	LAC 33:IX.2701.A	\$500 and completion of a department-sponsored compliance class	More than 10 violations
Failure to comply with any portion(s) of an LPDES LAG540000 permit.	LAC 33:IX.2701.A	\$400 and completion of a department-sponsored compliance class	10 or fewer violations
Failure to comply with any portion(s) of an LPDES LAG540000 permit.	LAC 33:IX.2701.A	\$600 and completion of a department-sponsored compliance class	More than 10 violations
Failure to comply with any portion(s) of an LPDES LAG750000 permit.	LAC 33:IX.2701.A	\$400 and completion of a department-sponsored compliance class	10 or fewer violations
Failure to comply with any portion(s) of an LPDES LAG750000 permit.	LAC 33:IX.2701.A	\$600 and completion of a department-sponsored compliance class	More than 10 violations
Failure to develop and/or implement a Spill Prevention and Control Plan (SPC):			
1. Failing to develop an SPC plan for any applicable facility.	LAC 33:IX.905	\$500	Per occurrence

EXPEDITED PENALTIES			
WATER QUALITY			
Violation	Citation	Amount	Frequency
2. Failing to implement any component of an SPC plan.	LAC 33:IX.905	\$100	Per occurrence
<u>Failure to comply with monitoring requirements of LPDES Storm Water General Permits LAR050000 and LAR100000.</u>	<u>LAC 33:IX.2701.A</u>	<u>\$300</u>	<u>Per occurrence</u>
Failure to submit certain reports as required by any LPDES permit not previously defined as an LPDES General Permit in LAC 33:I.801, including noncompliance reports, storm water reports, pretreatment reports, biomonitoring reports, overflow reports, construction schedule progress reports, environmental audit reports as required by a municipal pollution prevention plan, and toxicity reduction evaluation reports.	LAC 33:IX.2701.A	\$300	Per required submittal
Failure to prepare and/or implement any portion or portions of a Storm Water Pollution Prevention Plan (SWPPP), Pollution Prevention Plan (PPP), or Best Management Practices/Plan (BMP) as required by any LPDES permit not previously defined as an LPDES General Permit in LAC 33:I.801.	LAC 33:IX.2701.A	\$500	Per occurrence
Failure to submit a Notice of Intent for coverage under the LAR050000 or LAR100000 LPDES Storm Water General Permit.	LAC 33:IX.2511.C.1	\$1,000	Per occurrence

EXPEDITED PENALTIES			
WATER QUALITY			
Violation	Citation	Amount	Frequency
Unauthorized discharge of oil field wastes, including produced water.	LAC 33:IX.1901.A	\$1,000	Per occurrence
Unauthorized discharge of oily fluids.	LAC 33:IX.1701.B	\$1,000	Per occurrence

EXPEDITED PENALTIES			
UNDERGROUND STORAGE TANKS			
Violation	Citation	Amount	Frequency
Failure to register an existing or new UST containing a regulated substance.	LAC 33:XI.301.A-B	\$300	Per inspection
Failure to certify and provide required information on the department's approved registration form.	LAC 33:XI.301.B.1-2	\$200 \$300	Per inspection
Failure to provide notification within 30 days after selling a UST system or acquiring a UST system; failure to keep a current copy of the registration form on-site or at the nearest staffed facility.	LAC 33:XI.301.C.1-3	\$300	Per inspection
<u>Allowing a regulated substance to be placed into a new UST system that has not been registered.</u>	<u>LAC 33:XI.301.C.4</u>	<u>\$300</u>	<u>Per inspection</u>
Failure to provide corrosion protection to tanks that routinely contain regulated substances using one of the specified methods.	LAC 33:XI.303.B.1	\$500 and completion of a department-sponsored compliance class	Per inspection
Failure to provide corrosion protection to piping that routinely contains regulated substances using one of the specified methods.	LAC 33:XI.303.B.2	\$500 \$250 and completion of a department-sponsored compliance class	Per inspection

EXPEDITED PENALTIES			
UNDERGROUND STORAGE TANKS			
Violation	Citation	Amount	Frequency
Failure to provide corrosion protection to flex hoses and/or sub-pumps that routinely contain regulated substances using one of the specified methods.	LAC 33:XI.303.B.2	\$500 \$100 and completion of a department-sponsored compliance class	Per inspection
Failure to provide spill and/or overfill prevention equipment as specified.	LAC 33:XI.303.B.3	\$300 and completion of a department-sponsored compliance class	Per inspection
<u>Failure to ensure that the individual exercising supervisory control over installation-critical junctures is certified in accordance with LAC 33:XI Chapter 13.</u>	<u>LAC 33:XI.303.B.4.b.ii</u>	<u>\$1,000</u>	<u>Per occurrence</u>
Failure to upgrade an existing UST system to new system standards as specified.	LAC 33:XI.303.C	\$1,300 \$500 and completion of a department-sponsored compliance class	Per inspection
Failure to pay fees by the required date.	LAC 33:XI.307.D	\$200	Per inspection
Failure to report, investigate, and/or clean up any spill and overfill.	LAC 33:XI.501.C	\$500 \$1,500	Per inspection
<u>Failure to investigate and/or clean up any spill and overfill.</u>	<u>LAC 33:XI.501.C</u>	<u>\$1,500</u>	<u>Per inspection</u>
Failure to continuously operate and maintain corrosion protection to the metal components of portions of the tank and piping that routinely contain regulated substances and are in contact with the ground or water.	LAC 33:XI.503.A.1	\$300 and completion of a department-sponsored compliance class	Per inspection

EXPEDITED PENALTIES			
UNDERGROUND STORAGE TANKS			
Violation	Citation	Amount	Frequency
Failure to have a UST system equipped with a cathodic protection system inspected for proper operation as specified.	LAC 33:XI.503.A.2	\$300 \$500 and completion of a department-sponsored compliance class	Per inspection
Failure to inspect a UST system with an impressed current cathodic protection system every 60 days to ensure that the equipment is running properly.	LAC 33:XI.503.A.3	\$300 and completion of a department-sponsored compliance class	Per inspection
Failure to comply with recordkeeping requirements.	LAC 33:XI.503.B	\$200 and completion of a department-sponsored compliance class	Per inspection
Failure to meet requirements for repairs to UST systems.	LAC 33:XI.507	\$300	Per inspection
<u>Failure to ensure that the individual exercising supervisory control over repair-critical junctures is certified.</u>	<u>LAC 33:XI.507.A.2</u>	<u>\$1,000</u>	<u>Per occurrence</u>
Failure to follow reporting requirements, maintain required information, and/or keep records at the UST site and make them immediately available or keep them at an alternative site and provide them after a request.	LAC 33:XI.509. <u>B and C</u>	\$200 \$300 and completion of a department-sponsored compliance class	Per inspection
Failure to meet the performance requirements when performing release detection required in LAC 33:XI.703.	LAC 33:XI.701; <u>703.A.1.b and c</u>	\$750 and completion of a department-sponsored compliance class	Per inspection

EXPEDITED PENALTIES			
UNDERGROUND STORAGE TANKS			
Violation	Citation	Amount	Frequency
Failure to use a method or combination of methods of release detection described in LAC 33:XI.701 for all new or existing tank systems.	LAC 33:XI.703.A.1, <u>not including Subparagraphs a-c</u>	\$1,500 and completion of a department-sponsored compliance class	Per inspection
Failure to <u>monitor tanks for releases</u> satisfy the additional requirements for petroleum UST systems as specified.	LAC 33:XI.703.B.1	\$350 and completion of a department-sponsored compliance class	Per inspection
<u>Failure to monitor underground piping for releases as specified.</u>	<u>LAC 33:XI.703.B.2</u>	<u>\$750 and completion of a department-sponsored compliance class</u>	<u>Per inspection</u>
Failure to maintain release detection records.	LAC 33:XI.705	\$200 and completion of a department-sponsored compliance class	Per inspection
Failure to report any suspected release within 24 hours after becoming aware of the occurrence or when a leak detection method indicates that a release may have occurred.	LAC 33:XI.703.A.2 or 707	\$500 and completion of a department-sponsored compliance class	Per occurrence
Failure to investigate and confirm any suspected release of a regulated substance that requires reporting under LAC 33:XI.707 within seven days.	LAC 33:XI.711	\$1,500	Per occurrence

EXPEDITED PENALTIES			
UNDERGROUND STORAGE TANKS			
Violation	Citation	Amount	Frequency
Failure to maintain corrosion protection and/or release detection on a UST system that is temporarily closed and contains more than 2.5 cm (1 inch) of residue, or 0.3 percent by weight of the total capacity of the UST system.	LAC 33:XI.903.A	\$500 and completion of a department-sponsored compliance class	Per inspection
Failure to comply with permanent closure and/or changes in service procedures.	LAC 33:XI.905	\$500	Per inspection
<u>Failure to use a certified worker for tank closure.</u>	<u>LAC 33:XI.905.A.2</u>	<u>\$1,000</u>	<u>Per inspection</u>
<u>Failure to assess the site at closure or change-in-service where contamination is most likely to be present.</u>	<u>LAC 33:XI.907.A</u>	<u>\$500</u>	<u>Per occurrence</u>
<u>Failure to submit the assessment in duplicate within 60 days following permanent closure or change-in-service.</u>	<u>LAC 33:XI.907.A</u>	<u>\$500</u>	<u>Per occurrence</u>
<u>Failure to begin corrective action of contaminated soils, contaminated groundwater, or free product discovered through methods in LAC 33:XI.907.A, in accordance with LAC 33:XI.715.</u>	<u>LAC 33:XI.907.B</u>	<u>\$1,500</u>	<u>Per occurrence</u>

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2025(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:2243 (December 2006), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

Part VII. Solid Waste

Subpart 1. Solid Waste Regulations

Chapter 1. General Provisions and Definitions

§115. Definitions

A. For all purposes of these rules and regulations, the terms defined in this Section shall have the following meanings, unless the context of use clearly indicates otherwise.

* * *

Transport—to move ~~industrial solid waste off-site and/or to move solid waste of a commercial establishment or more than one household~~ to a non-processing transfer station or collection, processing, or disposal facility.

Transporter—any person who moves ~~industrial solid waste off-site and/or who moves solid waste of a commercial establishment or more than one household~~ to a non-processing transfer station or collection, processing, or disposal facility, excluding individuals who transport their own residential waste to a collection facility, non-processing transfer station, or permitted processing facility and/or solid waste landfill.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2514, 2609 (November 2000), amended by the Office of Environmental Assessment, LR 31:1576 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1019 (June 2007), LR 34:1023 (June 2008), LR 34:**.

Chapter 3. Scope and Mandatory Provisions of the Program

§315. Mandatory Provisions

A. - N.2. ...

O. Generators shall not offer solid waste to transporters, processing facilities, or disposal facilities that have not received authorization and/or the required permits necessary to receive and/or manage the generator’s solid waste.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993), LR 19:1315 (October 1993), repromulgated LR 19:1421 (November 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:954 (August 1997), LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2516 (November 2000), LR 30:1675 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2487 (October 2005), LR 33:1030 (June 2007), LR 34:**.