

Title 33
ENVIRONMENTAL QUALITY
Part I. Office of the Secretary
Subpart 1. Departmental Administrative Procedures

Chapter 23. Procedures for Public Record Requests

§2303. Policy

A. The department shall implement the fee schedule in LAC 33:I.2309 when providing copies of public records requested by the public.

~~B. The department reserves the right to deny any request that is so burdensome as to interfere with the operation of the constitutional and legal duties of the custodian of records.~~

~~C. No copies shall be provided to any requester who appears on the Accounts Receivable Past Due report until all past due amounts have been paid.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950 et seq., 44:1 et seq., and 30:2043 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 25:429 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:

§2305. Standard Operating Procedures

A. All requests for copies of public records, including discovery requests and subpoenas duces tecum for production of original public records, shall be made using LDEQ Form FSD-0005-01. A certification on LDEQ Form FSD-0005-02 shall be submitted with the request if for free or reduced rate copies are requested. Completed forms may be submitted in person, by mail, ~~or by facsimile~~, or other approved method. No other request (e.g., e-mail, telephone, telegram) will be honored. ~~Completion of the DEQ Form FSD-0005-01 is waived only if the records requested are prepared by the department specifically for sale to the public (e.g., Environmental Regulatory Code).~~ Copies of the forms may be obtained through the DEQ department's website at www.deq.state.la.us or from the Office of Management and Finance, department's Custodian of Records.

~~B. - C. . . .~~

D. In order to ensure the preservation of ~~official~~ department records, no records shall leave the premises ~~for duplication~~, whether accompanied by agency personnel or otherwise.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950 et seq. and 44:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 25:429 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2442 (November 2000), LR 29:

§2307. Exceptions to Standard Operating Procedures

A. The following procedures shall apply to persons requesting copies of public records under an exception to standard operating procedures.

~~B. All requests for copies of public records shall be made using DEQ Form FSD-0005-01.~~

~~C.~~ 1. ~~Requests for exceptions to standard operating procedures must shall be approved in advance by the department's Custodian of Records in the Office of Management and Finance.~~

2. ~~All requests for copies of public records shall be made using LDEQ Form ISD-0005-01 unless the records were prepared for sale to the public, e.g., Environmental Regulatory Code.~~

B. Specific Exceptions

1. ~~Exception to LAC 33:I.2305.C. Copies of public records may be requested and delivered by facsimile. The copies may be sent upon receipt of a facsimile of the payment check or money order, pending receipt of the actual payment.~~

a. ~~Custodian of records' approval and credit approval may be required prior to providing copies by facsimile.~~

b. ~~If payment is not received within 10 working days, the requester's name will appear on an Accounts Receivable Past Due report maintained by the Office of Management and Finance, Financial Services Division.~~

c. ~~No copies shall be provided to any requester who appears on the Accounts Receivable Past Due report until all past due amounts have been paid.~~

2. ~~Exception to LAC 33:I.2305.D. Oversize and color records that must be duplicated by an outside source copy provider, due to unavailability of suitable copying equipment within the department, may leave the premises by approval of the custodian of records.~~

a. ~~The document shall be accompanied by an official, employee, agent, or contractor of the agency who shall remain with the document until its return.~~

b. ~~The requester shall be responsible for all costs of reproduction.~~

The requester shall:

i. ~~make payment or arrangements for payment with the outside source copy provider in advance of the request for the exception; and~~

ii. ~~include a statement of such arrangements as part of the request.~~

c. ~~The department reserves the right to approve the outside source copy provider and to refuse the release of public records to an outside source copy provider.~~

~~D. The only exception to LAC 33:I.2305.D is for large maps that must be duplicated by an outside source copy provider, due to unavailability of suitable copying equipment within the department. In this case, the document shall be accompanied by a department employee who shall remain with the document until its return.~~

1. ~~When public records are taken by department personnel to an outside source copy provider as an exception to LAC 33:I.2305.D, the requester shall be responsible for all costs of reproduction. The requester shall make payment or arrangements for payment with the outside source copy provider in advance of the request for the exception, and shall include a statement of such arrangements as part of the request. The department reserves the right to approve the outside source copy provider and to refuse the release of original public records to an outside source copy provider.~~

2. ~~A request for any exception to LAC 33:I.2305.D other than that specified in this Subsection shall be submitted to the secretary, deputy secretary, or undersecretary for consideration and approval.~~

E.—When payment of an invoice for copies of public records provided by facsimile, as an exception to standard operating procedure, is not received in the Office of Management and Finance, Financial Services Division within 10 working days, the requester’s name will appear on an Accounts Receivable Past Due report maintained by the Financial Services Division. No copies shall be provided to any requester who appears on the Accounts Receivable Past Due report until all past due amounts have been paid. Custodian of Records approval is required, and credit approval may be required, prior to providing copies by facsimile.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950 et seq. and 44:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 25:429 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2442 (November 2000), LR 29:

§2309. Uniform Fee Schedule

Item	Cost
Regular Fees:	
One-sided Copy (any size)	\$.25 page
Two-sided Copy (any size)	\$.50 page
Reduced Fees (Form FSD-0005-02 completed):	
One-sided Copy (any size)	\$.05 page
Two-sided Copy (any size)	\$.10 page
Computer Reports (Copy of existing computer generated report):	
One-sided Copy (any size)	\$.25 page
Two-sided Copy (any size)	\$.50 page
Requests for Proposal (RFP) [Current request only]	No Charge
Copies printed and produced by outside sources (Request made by DEQ employees) (DNR Print Shop, LSU Press, DOA Printing, etc.)	As determined by the cost statement
Reproduced VCR Tapes	Cost of tape and production
Computer Generated Report/Map that requires data processing time* (Disk/CD will be provided by DEQ) *Cost to include personnel, supplies, etc.	Determined on each request
Facsimile, per page ** A cover sheet and an invoice shall be included in the faxed material at no charge	\$1.00 per page**
Copy of Established File on Personal Computer (Disk/CD will be provided by DEQ) (Charges include processing time)	\$5.00 per Disk/CD
Postage and Handling	Actual Cost

Item	Regular Fee	Reduced Fee
Copy	\$.25 per one-sided page	\$.05 per one-sided page
	\$.50 per two-sided page	\$.10 per two-sided page
Copy, Color	\$1.00 per one-sided page	\$.50 per one-sided page
Copy of existing electronic file	\$.25 per one-sided page paper copy	\$.05 per page paper copy
	\$.50 per two-sided page paper copy	\$.10 per page paper copy

<u>Item</u>	<u>Regular Fee</u>	<u>Reduced Fee</u>
<u>(Disk/CD will be provided by the department)</u>	<u>Cost of disk/CD for electronic copy</u>	<u>Cost of disk/CD for electronic copy</u>
<u>Computer-generated report/map that requires data processing time*</u> <u>(Disk/CD will be provided by the department)</u> <u>*Cost to include personnel, supplies, etc.</u>	<u>\$25.00 per hour + cost of disk/CD</u>	<u>\$5.00 per hour + cost of disk/CD</u>
<u>Copies printed and produced by outside sources at the request of the department (LSU Press, DOA Printing, etc.)</u>	<u>As determined by the cost statement</u>	<u>As determined by the cost statement</u>
<u>Facsimile, per page</u> <u>**A cover sheet and an invoice shall be included in the faxed material at no charge.</u>	<u>\$1.00 per page**</u>	<u>\$1.00 per page**</u>
<u>Reproduced videotape</u>	<u>Cost of tape</u>	<u>Cost of tape</u>
<u>Reproduced audiotape</u>	<u>Cost of tape</u>	<u>Cost of tape</u>
<u>Postage & Handling</u>	<u>Actual cost</u>	<u>Actual cost</u>
<u>Viewing records, certification of record copies, or copies of Requests for Proposal (RFP)</u>	<u>No charge</u>	<u>No charge</u>

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950 et seq. and 44:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 25:430 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29: