

## NOTICE OF INTENT

Department of Environmental Quality  
Office of Environmental Assessment

Facility Name and Ownership/Operator Changes Process  
(LAC 33:I.1901, 1903, 1905, 1907, 1909, and 1911; III.505, 517, and 521; V.321 and 4303;  
VII.517; and IX.2701, 2901, 2903, and 2905) (OS057)

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 Environmental Quality regulations, LAC 33:I.1901, 1903, 1905, 1907, 1909, and 1911; III.505, 517, and 521; V.321 and 4303; VII.517; and IX.2701, 2901, 2903, and 2905 (Log #OS057).

This rule will provide a unified, streamlined process for name or ownership/operator changes at facilities under the purview of the air, LPDES, hazardous waste, and solid waste regulatory programs. The department's re-engineering resulted in the creation of a single entity to handle name or ownership/operator changes. The Governor's Environmental Task Force recognized that the regulatory processes for these changes were cumbersome for both the regulated community and the department's staff. Therefore, the task force recommended that the department create a streamlined process for all media. The project will occur in two stages. The first stage is being addressed in this proposed rule and deals with only permitted media facilities. The second stage will address hazardous and solid waste generators and other miscellaneous programs. The basis and rationale for this rule are to allow a unified procedure for all media resulting in cleaner notification procedures for the regulated community.

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 June 28, 2005, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room C111, 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 Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by OS057. Such comments must be received no later than July 5, 2005, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of Environmental Assessment, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to FAX (225) 219-3582 or by e-mail to [judith.schuerman@la.gov](mailto:judith.schuerman@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 OS057.

This regulation is available on the Internet at [www.deq.louisiana.gov](http://www.deq.louisiana.gov) under Rules and Regulations.

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; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374.

Wilbert F. Jordan, Jr.  
Assistant Secretary

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

**Chapter 19. Facility Name and Ownership/Operator Changes Process**

**§1901. Applicability**

A. This Chapter applies to name and ownership/operator changes at facilities that are under the purview of the air, water, hazardous waste, and solid waste regulatory programs. Written notifications of these changes shall be submitted to the department for facilities applying for or holding air permits, Louisiana Pollutant Discharge Elimination System (LPDES) permits, hazardous waste permits, and solid waste permits. A name, ownership, and/or operator change will be considered a minor permitting action or administrative amendment.

B. When the ownership of a facility holding an LPDES permit changes and there is no change to the operator of that facility, a permit transfer is not required. Notification of the change of ownership is still required in accordance with LAC 33:I.1905.

C. This Chapter does not supersede any otherwise applicable requirements addressing administrative amendments or modifications in the air, LPDES, hazardous waste, and solid waste programs, in particular, applicable MACT rules or acid rain program requirements.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:\*\*.

**§1903. Liability**

A. The previous owner or operator retains responsibility for compliance with all permit terms and conditions until the administrative authority makes a determination regarding a change of ownership or operator as specified in this Chapter.

B. The previous owner or operator retains responsibility for compliance with the financial requirements until the new owner or operator has demonstrated that he or she is complying with the specified financial requirements of Title 33 of the Louisiana Administrative Code (e.g., LAC 33:V.Chapter 37, LAC 33:VII.727.A.1 and 2, and LAC 33:IX.Chapter 67).

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:\*\*.

**§1905. Name Change**

A. Changes in the name only of a facility or of its owner/operator shall be made with written notification to the Office of Environmental Services. The owner or operator shall submit a complete Name/Ownership/Operator Change Form (NOC-1 Form) within 45 days after the change. This form may be found on the department's website.

B. Within 30 days after receipt of the complete notification of a change of name of a facility or of its owner/operator, the administrative authority shall notify the owner/operator that

the department has received and processed the name change. The effective date of the name change shall be the date indicated on the NOC-1 Form unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.

C. For permitted hazardous waste facilities, the permittee shall send a notice of the name change to all persons on the facility mailing list maintained by the administrative authority in accordance with LAC 33:V.717.A.5, and to the appropriate units of state and local government, as specified in LAC 33:V.717.A.2 and 4. This notification shall be made within 90 calendar days after the change is effective.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.  
 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:\*\*.

### **§1907. Change of Ownership/Operator—No Financial Assurance Required**

A. The administrative authority may approve the transfer of a permit to a new owner or operator where no financial assurance is required, based on the presence of the following factors:

1. assumption by the new owner or operator of liability for existing violations; and
2. evidence of managerial competence on the part of the new owner or operator (e.g., compliance history and compliance with LAC 33:I.1701).

B. Changes in the ownership or operational control of a facility shall be made with written notification to the Office of Environmental Services. The new owner or operator shall submit a Name/Ownership/Operator Change Form (NOC-1 Form) within 45 days after the change. A written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the previous and new permittees shall also be submitted to the administrative authority. The agreement shall be attached to the NOC-1 Form. The department may initiate action to terminate or revoke an existing media permit for a failure to disclose a change of ownership or operational control within 45 days after the change.

C. Within 30 days after receipt of the complete notification of a change of the ownership or operational control of a facility, the administrative authority shall notify the previous and new owners/operators of the department's approval or disapproval of the transfer of the permit to the new owner or operator based on its evaluation of the factors set forth in Subsection A of this Section. The department will also notify EPA of changes in Title V permits within the same timeframe. The effective date of the permit transfer shall be the date indicated on the NOC-1 Form unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.  
 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:\*\*.

### **§1909. Change of Ownership/Operator—Financial Assurance Required**

A. The administrative authority may approve the transfer of a permit to a new owner or operator where financial assurance is required, based on the following factors:

1. assumption by the new owner or operator of liability for existing violations;
2. demonstration of compliance with financial responsibility requirements by the new owner or operator; and
3. evidence of managerial competence on the part of the new owner or operator (e.g., compliance history and compliance with LAC 33:I.1701).

B. Changes in the ownership or operational control of a facility shall be made with written notification to the Office of Environmental Services. The new owner or operator shall submit a Name/Ownership/Operator Change Form (NOC-1 Form) within 45 days after the change. The department may initiate action to terminate or revoke an existing media permit for a failure to disclose a change of ownership or operational control within 45 days after the change. The following actions are also required to be completed in conjunction with the change of ownership/operator notification.

1. A written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the previous and new permittees shall be submitted to the administrative authority. The agreement shall be attached to the NOC-1 Form.
2. Permitted and interim status hazardous waste facilities shall also submit a revised Part I (i.e., Part A) permit application and Hazardous Waste Notification Form (HW-1 Form) in conjunction with the NOC-1 Form.
3. When a transfer of ownership or operational control occurs, the previous owner or operator shall comply with the applicable requirements of LAC 33:V.Chapter 37 (hazardous waste financial requirements), LAC 33:VII.727.A.1 and 2 (solid waste financial assurance requirements), and LAC 33:IX.Chapter 67 (water financial security requirements) until the new owner or operator has demonstrated that he or she is complying with the applicable requirements of LAC 33:V.Chapter 37, LAC 33:VII.727.A.1 and 2, and LAC 33:IX.Chapter 67.
4. The new owner or operator shall demonstrate compliance with the applicable requirements of LAC 33:V.Chapter 37, LAC 33:VII.727.A.1 and 2, and LAC 33:IX.Chapter 67 within six months of the date of the change of ownership or operational control of the facility. Upon demonstration to the administrative authority by the new owner or operator of compliance with these financial assurance requirements, the administrative authority shall notify the previous owner or operator that he or she no longer needs to comply with the financial assurance requirements as of the date of demonstration.

C. Within 45 days after receipt of the complete notification of a change of ownership or operational control of a facility, the administrative authority shall notify the previous and new owners/operators of the department's approval or disapproval of the transfer of the permit to the new owner or operator based on its evaluation of the factors set forth in Subsection A of this Section. The effective date of the permit transfer shall be the date indicated on the NOC-1 Form unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.

D. For permitted hazardous waste facilities, the new permittee shall send a notice of the change of ownership or operational control to all persons on the facility mailing list maintained by the administrative authority in accordance with LAC 33:V.717.A.5, and to the appropriate units of state and local government, as specified in LAC 33:V.717.A.2 and 4. This notification shall be made within 90 calendar days after the administrative authority has provided a written response approving the notification and the change has been put into effect.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.  
 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:\*\*.

**§1911. Fees for Name and Ownership/Operator Changes**

A. Notifications of name or ownership/operator changes at a facility shall be submitted by the new owner or operator with the appropriate fees. The fees listed below cover the cost of reviewing, evaluating, and processing a name or ownership/operator change that has occurred at the facility.

<u>Name and Ownership/Operator Change Fees</u>	
<u>Program</u>	<u>LAC Citation for Fee</u>
<u>Air</u>	<u>LAC 33:III.223, Fee Number 2000</u>
<u>Hazardous Waste</u>	<u>LAC 33:V.5123.A</u>
<u>Solid Waste: Type I, I-A, II, and II-A facilities</u>	<u>LAC 33.VII.525.C (N/A for name change alone)</u>
<u>Solid Waste: Type III facilities or beneficial use facilities</u>	<u>LAC 33.VII.525.D (N/A for name change alone)</u>
<u>LPDES</u>	<u>LAC 33:IX.1309.D.4 (N/A for name change alone)</u>

B. Method of Payment. All fee payments shall be made by check, draft, or money order payable to the Department of Environmental Quality and mailed to the department at the address provided on the NOC-1 Form.

C. Failure to Pay. Failure to pay the prescribed name change or ownership/operator change fee as provided herein shall result in the change request not being processed by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.  
 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:\*\*.

### Part III. Air

#### Chapter 5. Permit Procedures

##### §505. Acid Rain Program Permitting Requirements

A. - O.1.d. ...

e. changes in the owners or operators, done in accordance with LAC 33:I.Chapter 19~~provided that a new certificate of representation is submitted within 30 days;~~

O.1.f. - S.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

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 by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), LR 21:678 (July 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2446 (November 2000), amended by the Office of Environmental Assessment, LR 31:\*\*.

##### §517. Permit Applications and Submittal of Information

A. - F. ...

G. ~~Change of Ownership: shall be done in accordance with LAC 33:I.Chapter 19. Notification of any change in ownership must be given to the permitting authority within 90 days after the change. Such notification need not require a complete permit application submittal, but shall be provided in accordance with forms or guidance from the permitting authority and in accordance with requirements of LAC 33:I.1701. In addition, forms can be obtained through the department's website. The administrative authority is authorized to amend the permit to reflect such changes in accordance with LAC 33:III.521. Failure to disclose such changes of ownership within 90 days after the event will be grounds for invalidation of the permit. Based on review of the compliance history of the new owner, the administrative authority has the right to deny the transfer of the permit in accordance with provisions of LAC 33:I.1701. Changes in ownership of a source holding grandfathered status will require that a permit application be submitted in accordance with LAC 33:III.501.B.6 and Paragraph A.3 of this Section.~~

H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), amended LR 20:1375 (December 1994), amended by the Office of the Secretary, LR 22:344 (May 1996), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:405 (April 1997), LR 23:1677 (December 1997), amended by the Office of the Secretary, LR 25:661 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2448 (November 2000), amended by the Office of Environmental Assessment, LR 30:2021 (September 2004), LR 31:\*\*.

**§521. Administrative Amendments**

A. - A.2. ...

3. allows for a change in ownership at the source, in accordance with forms and guidance provided by the permitting authority and pursuant to LAC 33:I.Chapter 19H.517.G;

A.4. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), amended LR 20:1375 (December 1994), amended by the Office of Environmental Assessment, LR 31:\*\*.

**Part V. Hazardous Waste and Hazardous Materials****Subpart 1. Department of Environmental Quality—Hazardous Waste****Chapter 3. General Conditions for Treatment, Storage, and Disposal Facility Permits****§321. Modification of Permits**

A. Any proposed major modification of a facility or a site, any change in wastes handled in either volume or composition, and any other change in the site, facility, or operations ~~that~~which materially deviates from a permit or materially increases danger to the public health or the environment, ~~and any operator or ownership change~~ must be reported in writing to the Office of Environmental Services, ~~Permits Division~~ prior to such an occurrence and a permit modification must be obtained in accordance with the application, public notice, and permit requirements of this Chapter. Any operator or ownership change shall be made in accordance with LAC 33:I.Chapter 19. ~~The administrative authority may approve an ownership change (transfer of permit) based on the following factors:~~

- ~~1. assumption of liability for existing violations;~~
- ~~2. financial responsibility; and~~
- ~~3. managerial competence.~~

B. - B.1. ...

2. Changes in the ownership or operational control of a facility ~~shall~~may be made ~~as a Class 1 modification with prior written approval of the administrative authority in accordance with LAC 33:I.Chapter 19V.321.C.~~ The new owner or operator must submit a revised permit application to the Office of Environmental Services, ~~Permits Division~~ no later than 90 days prior to the scheduled change. A written agreement containing a specific date for transfer of permit responsibility between the current and new permittees must also be submitted to the administrative authority. When a transfer of ownership or operational control occurs, the old owner or operator shall comply with the requirements of LAC 33:V.Chapter 37 (Financial Requirements) until the new owner or operator has demonstrated that he or she is complying with the requirements of LAC 33:V.Chapter 37. The new owner or operator must demonstrate compliance with LAC 33:V.Chapter 37 requirements within six months of the date of the change of ownership or operational control of the facility. Upon demonstration to the administrative authority by the new owner or operator of compliance with LAC 33:V.Chapter 37, the

~~administrative authority shall notify the old owner or operator that he or she no longer needs to comply with LAC 33:V.Chapter 37 as of the date of demonstration.~~

C. - C.1.a. ...

i. The permittee must notify the Office of Environmental Services, ~~Permits Division~~ concerning the modification by certified mail or other means that establish proof of delivery within seven calendar days after the change is put into effect. This notice must specify the changes being made to permit conditions or supporting documents referenced by the permit and must explain why they are necessary. Along with the notice, the permittee must provide the applicable information required by LAC 33:V.515-533, 2707, and 3115.

1.a.ii. - 10.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 15:378 (May 1989), LR 16:614 (July 1990), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1691 (September 1998), LR 25:435 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2466 (November 2000), LR 28:1000 (May 2002), LR 29:319 (March 2003), amended by the Office of Environmental Assessment, LR 31:\*\*.

### Chapter 43. Interim Status

#### §4303. Changes during Interim Status

A. - A.3.b. ...

4. ~~changes in the ownership or operational control of a facility, which shall be done in accordance with LAC 33:I.Chapter 19; if the new owner or operator submits a revised Part I permit application no later than 90 days prior to the scheduled change. When a transfer of operational control of a facility occurs, the old owner or operator shall comply with the requirements of LAC 33:V.Chapter 43.Subchapter G (Financial Requirements), until the new owner or operator has demonstrated to the administrative authority that he is complying with the requirements of LAC 33:V.Chapter 43.Subchapter G. The new owner or operator must demonstrate compliance with LAC 33:V.Chapter 43.Subchapter G, requirements within six months of the date of the change in ownership or operational control of the facility. Upon demonstration to the administrative authority by the new owner or operator of compliance with LAC 33:V.Chapter 43.Subchapter G, the administrative authority shall notify the old owner or operator in writing that he or she no longer needs to comply with LAC 33:V.Chapter 43.Subchapter G, as of the date of demonstration. All other interim status duties are transferred effective immediately upon the date of the change in ownership or operational control of the facility;~~

A.5. - B.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality,

Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 15:378 (May 1989), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:1375 (December 1992), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:484 (March 1999), amended by the Office of Environmental Assessment, LR 31:\*\*.

## **Part VII. Solid Waste**

### **Subpart 1. Solid Waste Regulations**

#### **Chapter 5. Solid Waste Management System**

##### **Subchapter B. Permit System for Facilities Classified for Upgrade or Closure**

#### **§517. Permit Modifications**

A. - A.1.a.ii. ...

b. All notifications of proposed changes in ownership of a permit for a facility shall be done in accordance with LAC 33:I.Chapter 19. ~~are the responsibility of the permittee and shall include the following, to be submitted to the Office of Environmental Services, Permits Division:~~

- i. ~~a statement from the proposed permit holder assuming liability for existing violations and conditions;~~
- ii. ~~proof of financial responsibility by the proposed permit holder, as required by LAC 33:VII.727.A.1 and 2; and~~
- iii. ~~information required in LAC 33:I.1701.~~

2. - 4. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014.2.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 25:661 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2520 (November 2000), amended by the Office of Environmental Assessment, LR 30:2033 (September 2004), LR 31:\*\*.

## **Part IX. Water Quality**

### **Subpart 2. The Louisiana Pollutant Discharge Elimination System (LPDES) Program**

#### **Chapter 27. LPDES Permit Conditions**

#### **§2701. Conditions Applicable to All Permits**

The following conditions apply to all LPDES permits. Additional conditions applicable to LPDES permits are in LAC 33:IX.2703. All conditions applicable to LPDES permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a

specific citation to these regulations (or the corresponding approved state regulations) must be given in the permit.

A. - L.2. ...

3. Transfers. This permit is not transferable to any person except after notice to the state administrative authority in accordance with LAC 33:I.Chapter 19. The state administrative authority may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the CWA or the LEQA. (See LAC 33:IX.2901; in some cases, modification or revocation and reissuance is mandatory.)

L.4. - N.4. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Water Pollution Control Division, LR 23:724 (June 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2553 (November 2000), LR 28:468 (March 2002), repromulgated LR 30:230 (February 2004), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 31:\*\*.

## **Chapter 29. Transfer, Modification, Revocation and Reissuance, and Termination of LPDES Permits**

### **§2901. Transfer of Permits**

A. Transfers by Modification. Except as provided in LAC 33:IX.2901.B, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under LAC 33:IX.2903.A.2.b), or a minor modification has been made (under LAC 33:IX.2905 and in accordance with LAC 33:I.Chapter 19) to identify the new permittee and incorporate such other requirements as may be necessary under the CWA and the LEQA.

~~B. Automatic Transfers. As an alternative to transfers under LAC 33:IX.2901.A, any LPDES permit may be automatically transferred to a new permittee if:~~

~~1. the current permittee notifies the state administrative authority at least 30 days in advance of the proposed transfer date in LAC 33:IX.2901.B.2;~~

~~2. the notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them;~~

~~3. the state administrative authority does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this Subsection may also be a minor modification under LAC 33:IX.2905. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Paragraph B.2 of this Section; and~~

~~4. additional requirements are met for privately owned sewage treatment facilities regulated by the Public Service Commission when transferred after July 1, 1999. The~~

~~new permittee shall comply with the financial security requirements in LAC 33:IX.Chapter 67, unless a waiver or exemption has been granted under R.S. 30:2075.2(A)(6).~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Sections 2074(B)(3) and (4) and 2075.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:45 (January 2001), repromulgated LR 30:231 (February 2004), amended by the Office of Environmental Assessment, LR 31:\*\*.

### **§2903. Modification or Revocation and Reissuance of Permits**

A. - A.2.a. ...

b. the state administrative authority has received notification in accordance with LAC 33:I.Chapter 19 (as required in the permit, see LAC 33:IX.2701.L.3) of a proposed transfer of the permit. A permit also may be modified to reflect a transfer after the effective date of an automatic transfer (LAC 33:IX.2901.B) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:724 (June 1997), LR 23:1524 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2283 (October 2000), LR 27:45 (January 2001), LR 28:470 (March 2002), repromulgated LR 30:231 (February 2004), amended by the Office of Environmental Assessment, LR 31:\*\*.

### **§2905. Minor Modifications of Permits**

A. - A.3. ...

4. allow for a change in ownership or operational control of a facility, in accordance with LAC 33:I.Chapter 19, where the state administrative authority determines that no other change in the permit is necessary, ~~provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the state administrative authority. The new permittee of a privately owned sewage treatment facility regulated by the Public Service Commission must additionally comply with the financial security requirements in LAC 33:IX.Chapter 67, unless a waiver or exemption has been granted under R.S. 30:2075.2(A)(6);~~

5.a. - 7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:46 (January 2001),

repromulgated LR 30:231 (February 2004), amended by the Office of Environmental Assessment, LR 31:\*\*.

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

Person

Preparing

Statement: Sharon Parker

Dept.: Environmental Quality

Phone: (225) 219-3550

Office: Environmental Assessment

Return

Address: DEQ  
P.O. Box 4314  
Baton Rouge, LA 70821-4314

Rule

Title: Facility Name and Ownership/  
Operator Changes Process  
(LAC 33:I.1901, 1903, 1905, 1907,  
1909, and 1911; III.505, 517, and 521;  
V.321 and 4303; VII.517; and IX.2701,  
2901, 2903, and 2905)

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 are no expected implementation costs or savings to state or local governmental units by the proposed rule. Department staff will realize some reduction in process and review time as a result of the proposed rule.

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

There is no estimated effect on revenue collections of state or local governmental units by the proposed rule.

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

There will be no costs and/or economic benefits to directly affected persons or non-governmental groups, however, regulated entities will realize a reduction in paperwork as a result in the change in process implemented by the proposed rule.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no estimated effect on competition and employment by the proposed rule.

\_\_\_\_\_  
Signature of Agency Head or Designee

\_\_\_\_\_  
Legislative Fiscal Officer or Designee

Karen K. Gautreaux Deputy Secretary  
Typed Name and Title of Agency Head or Designee

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Date of Signature

LFO 03/09/2001

**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).

This rule will provide a unified, streamlined process for name, ownership and/or operator changes at facilities under the purview of the air, LPDES, hazardous waste, and solid waste regulatory programs, resulting in cleaner notification procedures for the regulated community.

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

The department's re-engineering resulted in the creation of a single entity to handle name, owner and/or operator changes. The governor's Environmental Task Force recognized that the regulatory processes for these changes were cumbersome for the regulated community and the department's staff. Therefore, the task force recommended that the department create a streamlined process for all media. The project will occur in two stages. The first stage is being addressed in this proposed rule and deals with permitted media facilities only. The second stage will address hazardous and solid waste generators and other miscellaneous programs.

- 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 expenditure of funds is expected by the proposed rule.

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	FY 04-05	FY 05-06	FY 06-07
PERSONAL SERVICES _____			
OPERATING EXPENSES _____			
PROFESSIONAL SERVICES _____			
OTHER CHARGES _____			
EQUIPMENT _____			
<b>TOTAL</b>	-0-	-0-	-0-
<b>MAJOR REPAIR &amp; CONSTR.</b>			
<b>POSITIONS (#)</b>	-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.

The proposed rule should not result in any increase or decrease in costs to implement the proposed action. There will be somewhat of a benefit to the change in process for the agency. This benefit will be reflected in decreased processing and review time for staff to make the requested changes.

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

SOURCE	FY 04-05	FY 05-06	FY 06-07
STATE GENERAL FUND _____			
AGENCY SELF-GENERATED _____			
DEDICATED _____			
FEDERAL FUNDS _____			
OTHER (Specify) _____			
<b>TOTAL</b>	-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?

The agency has sufficient funds to implement the proposed rule.

**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.

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

This does not apply.

**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	FY 04-05	FY 05-06	FY 06-07
STATE GENERAL FUND _____			
AGENCY SELF-GENERATED _____			
RESTRICTED FUNDS* _____			
FEDERAL FUNDS _____			
LOCAL FUNDS _____			
<b>TOTAL</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>

\*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.

This does not apply.

**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 costs and/or economic benefits to directly affected persons or non-governmental groups, however, both groups will realize a reduction in paperwork as a result in the change in process implemented by the proposed rule.

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.

This does not apply.

**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 competition or employment in the public and private sectors from the proposed action.