

**DECLARATION OF EMERGENCY  
Department of Environmental Quality  
Office of the Secretary**

**Expedited Permitting Program  
(LAC 33:I.1801, 1803, 1805, 1807, and 1809) (OS073E)**

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 and 2074, which allow 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 the expedited permitting program.

This Emergency Rule provides a process for expedited permitting and the implementation of the associated permitting fees authorized by Acts 586 and 779 of the 2006 Regular Legislative Session. These Acts allow for expedited permits to be processed at no additional cost to the department for overtime pay.

This Emergency Rule will allow the department to implement a pilot program format to gather the information needed to draft a final rule. Specifically, the department will be able to evaluate the environmental and public health benefits and the social and economic costs of expedited permitting and the associated fees.

Moreover, rapid implementation of Acts 586 and 779 will allow the expedited permitting program to begin immediately, enhancing economic growth. Many companies consider environmental permitting timelines in determining where to locate a proposed facility. Expedited permitting allows companies to act more quickly in response to market demands and conditions.

This Emergency Rule is effective on July 31, 2006, 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 OS073E you may contact the Regulation Development Section at (225) 219-3550.

This Emergency Rule is available on the Internet at [www.deq.louisiana.gov](http://www.deq.louisiana.gov) under Rules and Regulations, 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 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

Adopted this 31<sup>st</sup> day of July, 2006.

Mike D. McDaniel, Ph.D.  
Secretary

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part I. Office of the Secretary**

**Chapter 18. Expedited Permitting Program**

**§1801. Scope**

A. This Chapter establishes a program to expedite the processing of permits, modifications, licenses, registrations, or variances for environmental permit applicants who may request such services.

B. Eligibility and Priority

1. To the extent practicable, requests proposing new construction that will result in the creation of new permanent jobs will be given highest consideration.

2. Applications for permit renewals and/or reconciliations are not eligible for expedited processing pursuant to the provisions of this Chapter unless associated with new construction.

3. Applications for any permit, modification, license, registration, or variance needed to avoid or mitigate enforcement action are not eligible for expedited processing pursuant to the provisions of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:\*\*.

**§1803. Procedures**

A. Contents of Request. An applicant requesting expedited processing of a permit, modification, license, registration, or variance shall furnish the following information:

1. the requested timeframe for a final permit decision;
2. the basis and/or need for the request;
3. a commitment to provide any additional information required by the department as quickly as practicable;
4. after-hours contact information, including the cell phone number and e-mail address, for the individual(s) responsible for providing technical information; and
5. the maximum expedited permitting fee, if any, the applicant is willing to remit in accordance with LAC 33:I.1805.

B. Within 10 working days after receipt of a request to process any permit, modification, license, registration, or variance on an expedited basis, a final decision to grant or deny the request shall be issued.

C. Additional Information

1. If at any time during the review process of an application that has been determined complete the department finds that additional information is necessary, the department shall provide notice to the applicant and require a response from the applicant within a reasonable, specified time.

2. The applicant shall respond to the notice within the time specified. Such a response shall contain all information required by the department.

3. The department reserves the right to cease processing the permit, modification, license, registration, or variance in accordance with the provisions of this Chapter if the applicant fails to supply the requested additional information within the specified time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:\*\*.

### **§1805. Fees**

A. In addition to the fees charged pursuant to R.S. 30:2014, a fee shall be charged for each permit, modification, license, registration, or variance that is processed on an expedited basis in accordance with the provisions of this Chapter.

1. An appropriate fee shall be computed based on the maximum per hour overtime salary, including associated related benefits, of the civil service employee(s) of the department who perform(s) the work.

2. The fee shall be computed by multiplying the salary figure from Subsection A.1 of this Section by every overtime hour or portion thereof that a department employee or contractor works processing the expedited permit, modification, license, registration, or variance.

3. The applicant may request that the expedited permitting fee not exceed a maximum amount. If such a maximum amount is established, the number of overtime hours a department employee or contractor works processing the permit, modification, license, registration, or variance shall be limited accordingly. If further processing of the application is required, the department's continued review will not follow the provisions of this Chapter, and the request will no longer be handled on an expedited basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:\*\*.

### **§1807. Invoicing and Failure to Pay**

A. An invoice for the expedited permitting fee shall be transmitted to the applicant after the final decision has been made on the application for the permit, modification, license, registration, or variance.

B. Failure to pay the expedited permitting fee by the due date specified on the invoice will constitute a violation of these regulations and shall subject the applicant to relevant enforcement action under the Louisiana Environmental Quality Act including, but not limited to, revocation or suspension of the permit, modification, license, registration, or variance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:\*\*.

### **§1809. Public Notice and Availability of Records**

A. Requirement to Provide Public Notice. The department shall provide notice of each permit, modification, license, registration, or variance that is processed pursuant to the provisions of this Chapter.

1. The notice shall be given by advertisement in a newspaper in the local area where the facility is located, in the official state journal, and by mail to persons included on the appropriate mailing list developed and maintained by the department.

2. For permit actions subject to public notice requirements under other regulations or program requirements, such public notice shall contain information relative to this Section.

3. For permit actions not normally subject to public notice under other regulations or program requirements, the applicant shall be responsible for providing notice and shall bear all publication costs. Submission of proof of publication shall be required.

B. Contents of the Public Notice. The advertisement for public notice shall contain the name and address of the permitting authority, the name and address of the applicant/permittee, the name and physical location of the affected facility, and a statement that the application is being or has been processed in accordance with the provisions of the Expedited Permitting Program.

C. Availability of Records. All recorded information (completed permit application form, fact sheet or statement of basis, draft and proposed permits, or any public document) not classified as confidential information under R.S. 30:2030(A) or 30:2074(D) and designated as such in accordance with applicable regulations shall be made available to the public for inspection and copying in accordance with the Public Records Act, R.S. 44:1 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:\*\*.