

DECLARATION OF EMERGENCY**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division****Construction and Demolition Debris Tonnage Fee
(LAC 33:VII.529) (SW041E1)**

In accordance with the emergency provision of the Administrative Procedure Act, R.S. 49:953(B), which allows the Department of Environmental Quality to use emergency procedures to establish rules, and under the authority of R.S. 30:2011, the secretary of the department hereby declares that an emergency action is necessary to secure additional funding to support the department's continued surveillance and oversight activities to prevent improper disposal of solid waste in order to protect the public health and the environment.

This is a renewal of Emergency Rule SW041E, which was effective on July 10, 2006, and published in the *Louisiana Register* on July 20, 2006. Hurricanes Katrina and Rita of 2005 produced an extraordinary amount of waste that is being handled as construction or demolition debris. This has enlarged a pre-existing lack of adequate funding for surveillance of landfills permitted to accept construction or demolition debris collected from these facilities. Prior to Act 718 of the 2006 Regular Session of the Louisiana Legislature, there was no source of funding for the department to finance the additional surveillance and oversight necessary to assure the proper cleanup and disposal of this waste. This Emergency Rule implements the provisions of Act 718 of the 2006 Regular Session of the Louisiana Legislature regarding the imposition of a \$0.20 per ton fee assessed on construction or demolition debris deposited in a facility permitted as a construction or demolition debris landfill. Permitted, as defined in the regulations (LAC 33:VII.115), in brief, is any written authorization issued by the administrative authority. Written authorizations include, but are not limited to, standard permits, temporary disposal site authorizations, orders to upgrade, or orders to close. This fee will apply to construction or demolition debris which is subject to a fee imposed by the facility. Submittal of the fee is not due to the department until the invoicing for Fiscal Year 2007-2008. Recordkeeping of data on which invoicing will be based begins on July 1, 2006. The department has begun rulemaking to promulgate this regulation change.

This Emergency Rule is effective on November 7, 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 SW041E1 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 1st day of November, 2006.

Mike D. McDaniel, Ph.D.
Secretary

**Title 33
ENVIRONMENTAL QUALITY**

Part VII. Solid Waste

Subpart 1. Solid Waste Regulations

Chapter 5. Solid Waste Management System

Subchapter D. Solid Waste Fees

§529. Annual Monitoring and Maintenance Fee

A. - B.2.b. ...

c. for construction or demolition debris deposited at permitted construction or demolition debris facilities (Type III facilities), \$0.20/ton; and the fee is only applicable to construction or demolition debris that is subject to a fee imposed by the facility;

ed. for surface impoundments, no tonnage fee;

de. for publicly operated facilities that treat domestic sewage sludge, no tonnage fee; and

ef. for Type I-A, II-A, III (except construction or demolition debris disposal facilities), and beneficial-use facilities, no tonnage fee.

B.3. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq and specifically 2014(D)(5).

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 Management and Finance, Fiscal Services Division, LR 22:18 (January 1996), LR 25:427 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:689 (May 2003), LR 29:2051 (October 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 32:**.