

**Louisiana Department of Environmental
Quality:
Environmental Self-Audit Program
Explained**



Disclaimer

This document is intended solely to provide a user-friendly explanation of the requirements of Louisiana's voluntary environmental self-audit program for the general public, including regulated entities who wish to participate in the self-audit program. The Department endeavors to remain consistent with existing statutes and regulations. This document is not intended to replace or supersede the promulgated regulations for the voluntary self-audit program, or establish regulatory standards or requirements. It is neither a statement of policy nor legally binding on the public. If statements or references in this document are in conflict with a state or federal regulation or standard, then the regulatory language or standard shall prevail. The Department intends to revise this document periodically to account for new and amended regulatory requirements. This document and any revisions or updates will be published online in the Environmental Audit Section, located under the Enforcement Division section of the Department's public website.

Background

House Bill No. 72 of the 2021 Regular Legislative Session was signed by Governor Edwards on June 29, 2021 as Act No. 481 (Act). The Act, which became effective on August 1, 2021, required the Secretary of the Department to promulgate regulations to establish a voluntary environmental self-audit program. Louisiana Revised Statute 30:2044 requires the audit program to provide for the following: 1) procedures for conducting voluntary environmental self-audits; 2) submission of the results of voluntary environmental self-audits; 3) incentives in the form of reduction or elimination, or both, of civil penalties for violations disclosed to the Department in a voluntary environmental self-audit; 4) corrective action for violations discovered as a result of a voluntary environmental self-audit; 5) submission to the Department of the plans to correct violations discovered during a voluntary environmental audit; and 6) a fee for reviewing voluntary environmental self-audit reports and actions taken to correct the violations reported. The audit program must also identify violations that are not eligible for relief under the program, establish a fee for reviewing environmental self-audits & corrective actions, and establish a period of prescription. LAC 33:I. Chapter 70-Voluntary Environmental Self-Audit Regulations was promulgated December 2023 and amended January 2026.

Exclusions (LAC 33:I.7007)

According to LAC 33:I.7007.A, violations that are not eligible for relief under the audit program shall include, but not be limited to, violations:

1. that result in serious actual harm to the environment, including those reported in accordance with LAC 33:I.Chapter 39 (LAC 33:I.7007.A.1);
2. that may present an imminent or substantial endangerment to the environment or public health, including those reported in accordance with LAC 33:I.Chapter 39 (LAC 33:I.7007.A.2);
3. discovered by the Department or EPA prior to written disclosure of the violation to the Department (LAC 33:I.7007.A.3);
4. detected through monitoring, sampling, or auditing procedures that are required by statute, regulation, permit, judicial, or administrative order, or consent agreement (LAC 33:I.7007.A.4);
5. subject to the Chemical Accident Prevention Provisions of 40 CFR Part 68 and LAC 33:III.5901 (LAC 33:I.7007.A.5);
6. that are deliberate and intentional (LAC 33:I.7007.A.6); or
7. that are the same or closely related at the same facility within the past three years (LAC 33:I.7007.A.7).

Notice of Audit (NOA) (LAC 33:I.7009.A.1)

LAC 33:I.7009.A.1.a states the owner or operator shall notify the Department in writing prior to initiating a voluntary environmental self-audit to be eligible for penalty mitigation. The notification shall be made via the NOA form. The owner or operator is required to use the Department's most current version of the approved NOA form found on the Department's public website (LAC 33:I.7009.A.1.b). LAC 33:I.7009.A.1.c requires the NOA be submitted by certified mail or others means approved by the Department. The Department also accepts NOAs that are hand delivered and date stamped with the Department's official time and date stamp. The Department will acknowledge receipt of the NOA (LAC 33:I.7009.A.1.d) or notify the owner or operator of any deficiencies that must be corrected. The Department will contact the owner or operator to correct any deficiencies/missing information in the NOA. An audit may be initiated prior to receiving the acknowledgement letter (LAC 33:I.7009.A.1.d). The NOA has the following sections.

- Facility Information
 - The Facility Information Section includes company and facility information, Agency Interest (AI) Number, and current permit(s).
- Facility Contact Information

- To expedite potential information requests, please include an email address.
- Audit Information
 - The Audit Information Section includes the date the audit will commence, a detailed scope of the audit, affected media, and reasonable inquiry for Title V (Part 70) Permit(s).
 - 40 CFR 70.5(d): Any application form, report, or compliance certification submitted pursuant to these regulations shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this part shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- Confidentiality Certification
 - The owner or operator is responsible for determining if any information submitted is subject to confidentiality.
- New Owner Information (as applicable)
 - Includes information related to the buyer and seller
- Certification of Voluntary Environmental Audit
 - The certification statement must be signed by the Responsible Official.

Request for Extension (LAC 33:I.7007.B)

An audit must be completed within six (6) months [or one hundred eighty (180) calendar days] from the audit commencement date reported in the Notice of Audit form (LAC 33:I.7007.B.1.a). If an audit cannot be completed within six (6) months of initiation, a request must be submitted in writing at least thirty (30) calendar days prior to the expiration of the audit period (LAC 33:I.7007.B.1.a). The request must include sufficient information to justify an extension (LAC 33:I.7007.B.1a). The approved extension shall only apply to the time to complete the audit.

The Department may grant an extension up to 180 calendar days (LAC 33:I.7009.B.1.b). The owner or operator must include the additional time being requested.

The extension request shall be granted or denied in writing. Any questions or concerns regarding a request for extension should be directed to the Audit Group.

Disclosure of Violation (DOV) (LAC 33:I.7009.A.2) and Corrective Actions (LAC 33:I.7009.C)

The DOV shall be submitted by the owner or operator no later than thirty (30) calendar days after the end of the audit period (LAC 33:I.7009.A.2.a). The DOV is required for

penalty mitigation eligibility (LAC 33:I.7009.A.2.a). The notification shall be made via the DOV form (LAC 33:I.7009.A.2.b). The owner or operator is required to use the Department's most current version of the approved DOV form found on the Department's public website (LAC 33:I.7009.A.2.b). The DOV shall be submitted by certified mail or other means approved by the Department. The Department also accepts DOVs that are hand delivered and date stamped with the Department's official time and date stamp. The DOV has the following sections.

- Facility Information
- Facility Contact Information
- Audit Information
 - The Audit Information Section includes the date the NOA was submitted, acknowledgment letter from the Department, and actual date the audit commenced.
- Confidentiality Certification
 - The owner or operator is responsible for determining if any information submitted is subject to confidentiality.
- New Owner Information (as applicable)
- Certification of Voluntary Environmental Audit
 - The certification statement must be signed by the Responsible Official.
- Disclosure of Violation Attachment
 - The Disclosure of Violation Attachment include the following sections:
 - Item No.
 - Source/Location
 - Detailed Description of Violation
 - Citation and Permit Specific Requirement/Condition
 - The citation must be specific, e.g. LAC 33:V.303.B, 40 CFR 60.104(a)(1)
 - If it is a violation of a permit, please include the specific permit requirement or condition.
 - Violation Discovery Date
 - Violation Start Date & End Date
 - Detailed Description of the Corrective Action
 - This includes action implemented or to be implemented to prevent recurrence.
 - Corrective Action Anticipated Completion Date
 - Benefit of Noncompliance Information
 - Repeat Violations

- All sections of the Disclosure of Violation attachment must be filled out. If a category is not applicable, please use “N/A”.

Violations discovered as part of routine environmental audits, audits required by regulation, enforcement action, and/or consent order, or compliance evaluations will not be considered part of a voluntary environmental audit.

Corrective actions must be completed within ninety (90) calendar days from the date of discovery of the violations unless a specific period is required by statute, regulation, or permit requirement or as provided in LAC 33:I.7009.C.1.b. Corrective actions must include detailed action implemented or to be implemented to prevent recurrence of the violation with a scheduled date of completion (LAC 33:I.7009.C.1.a). If corrective actions are not completed within ninety (90) calendar days, quarterly progress reports documenting implementation of long-term corrective actions shall be submitted until completion of the corrective action (LAC 33:I.7009.C.1.b).

All completed corrective actions shall be evaluated by the Department. The owner or operator shall submit a revised DOV if the proposed corrective actions change.

Per LAC 33:I.7009.C.1.d, failure to notify, implement, and/or complete all proposed corrective actions shall be considered a violation and subject to the appropriate enforcement action.

New Owners (LAC 33:I.7011)

New Owners are eligible for relief under the audit program as listed in LAC 33:I.7009 with the following exceptions (LAC 33:I.7011.B):

1. The new owner shall notify the Department in writing of the intent to continue an audit initiated by the previous owner (LAC 33:I.7011.B.1).
2. An audit must be completed within six (6) months after the acquisition closing date, if the new owner continues an audit initiated by the previous owner (LAC 33:I.7011.B.2). Failure to request and receive written approval from the Department for an extension of time to complete an audit may forfeit any penalty mitigation (LAC 33:I.7011.B.4).
3. An audit initiated by a new owner shall be completed within a reasonable time not to exceed nine (9) months from the audit commencement date (LAC 33:I.7011.B.3).

4. The new owner making the disclosure must certify in the disclosure that all of the following conditions were true before the acquisition closing date (LAC 33:I.7011.B.5).
 - a. The new owner was not responsible for the environmental compliance at the facility or the operation that is subject to the audit (LAC 33:I.7011.B.5.a).
 - b. The new owner did not have the largest ownership share of the seller (LAC 33:I.7011.B.5.b).
 - c. The seller did not have the largest ownership of the new owner (LAC 33:I.7011.B.5.c).
 - d. The new owner and seller did not have a common corporate parent or a common majority interest owner (LAC 33:I.7011.B.5.d).
5. A new owner is eligible for penalty mitigation if the following are met within nine (9) months of the acquisition closing date (LAC 33:I.7011.B.6):
 - a. Prompt disclosure of the violations to the Department (LAC 33:I.7011.B.6.a); and
 - b. The conditions outlined in LAC 33:I.7011.B.4 are met (LAC 33:I.7011.B.6.b).

Retention of Environmental Audit Report

The complete audit report or environmental audit report, the documented analyses, conclusions, and recommendations resulting from an environmental audit, should not be submitted to the Department unless specifically requested in writing (LAC 33:I.7009.D.1).

The complete environmental audit report shall be maintained on-site or in an accessible location for a period of five (5) years after completion of the audit. (LAC 33:I.7009.D.2)

An employee of the Department shall not request, review, or otherwise use an environmental audit report during a Department inspection of a facility (LAC 33:I.7007.B).

Confidentiality (LAC 33:I.7009.F)

While the voluntary self-audit regulations, specifically LAC 33:I.7009.F, grants confidentiality for a specified period, there are other existing regulations that allow or deny certain information from being deemed confidential.

As outlined in LAC 33:I.501.B, the following information or records may be classified as confidential if the Secretary of LDEQ makes a written determination that confidentiality is necessary to:

1. prevent impairment of an ongoing investigation (LAC 33:I.501.B.1);
2. prevent prejudice to the final decision regarding a violation (LAC 33:I.501.B.2);
3. protect trade secrets (LAC 33:I.501.B.3);
4. protect proprietary secrets (LAC 33:I.501.B.4);
5. protect commercial or financial information (LAC 33:I.501.B.5); or
6. comply with federal or state law or regulation or a valid court order (LAC 33:I.501.B.6).

Pursuant to LAC 33:I.503.E, the following information is prohibited from being classified as confidential:

1. air emission data (LAC 33:I.503.E.1);
2. any permit or portion of a permit issued to a source in accordance with LAC 33:III.507 (LAC 33:I.503.E.2);
3. effluent and discharge data to surface water and groundwater (LAC 33:I.503.E.3);
4. the location and identification of any buried waste (LAC 33:I.503.E.4);
5. the name and address of any license, registration, or permit applicant or permittee (LAC 33:I.503.E.5);
6. all National Pollution Discharge Elimination System (NPDES), Louisiana Pollution Discharge Elimination System (LPDES), and other water discharge permit applications or permits and information required by LPDES application forms, including information submitted on the forms and any attachments used to supply information required by the forms (LAC 33:I.503.E.6);
7. any information required by law or regulation to be disclosed or made available to the public (LAC 33:I.503.E.7); and
8. any other information for which a claim of confidentiality is prohibited by law or regulation (LAC 33:I.503.E.8).

The NOA form and the Department's NOA Acknowledgement Letter will not be confidential.

Disclosure of violation(s) or other documentation containing the results of a voluntary environmental self-audit shall be confidential by LDEQ and be withheld from public disclosure until a final decision is made or a period not to exceed two (2) years, from the receipt of the initial disclosure of violation, whichever occurs first (LAC 33:I.7009.F).

All requests for confidentiality shall be submitted in accordance with LAC 33:I.Chapter 5.

Prescription

Pursuant to LAC 33:I.7015.A, prescription shall be suspended for all claims with violations under the Subtitle, or the regulations promulgated to the Subtitle upon participation in the voluntary self-audit program. Suspension of prescription begins when the Department

receives the owner or operator's disclosure of violation (LAC 33:I.7015.A). Prescription is suspended until a final decision is made for penalty mitigation or after a period of two (2) years, whichever occurs first (LAC 33:I.7015.A).

Requirements for Penalty Mitigation (Nine Conditions) (LAC 33:I.7009.E)

The conditions listed below must be met to be eligible for civil penalty mitigation (LAC 33:I.7009.E.1):

1. The violation was systematically discovered through an environmental audit (LAC 33:I.7009.E.1.a).
2. The violation was voluntarily discovered. The violation was not discovered through a federal, state, or local requirement prescribed by statute, regulation, permit, judicial or administrative order, or consent agreement (LAC 33:I.7009.E.1.b).
3. The violation was disclosed in writing no later than thirty (30) calendar days after the end of the audit period, unless an existing law or regulation requires disclosure sooner or as provided in 7009.E.1.d (LAC 33:I.7009.E.1.c).
4. The violation was independently discovered (LAC 33:I.7009.E.1.d).
5. The violation was corrected as expeditiously as possible, but no later than ninety (90) calendar days from the date of discovery or as allowed under 7009.C.1.b (LAC 33:I.7009.E.1.e).
6. The appropriate measure(s) to prevent recurrence of the violation was implemented after the violation was disclosed (LAC 33:I.7009.E.1.f).
7. The same or closely related violation has not occurred at the same facility within the past three (3) years (LAC 33:I.7009.E.1.g).
8. The violation is not excluded as listed in LAC 33:I.7007.A (LAC 33:I.7009.E.1.h).
9. The owner or operator has cooperated by providing information as required by the Department to determine eligibility (LAC 33:I.7009.E.1.i).

If all nine (9) conditions are met, a civil penalty reduction of up to 100% is available (LAC 33:I.7009.E.1).

If all conditions are met except systematic discovery, a civil penalty reduction of up to 75% is available (LAC 33:I.7009.E.2).

The Department reserves the right to collect any monetary benefits realized through noncompliance (LAC 33:I.7009.E.5).

Departmental Rights

The Department reserves the following rights:

1. The right to take enforcement action with respect to violations that are excluded under LAC 33:I.7007.A ,are not properly or adequately disclosed and/or corrected in accordance with LAC 33:I.Chapter 70, or not eligible for penalty mitigation (LAC 33:I.7007.C.1-3).
2. The right to collect any monetary benefits realized through noncompliance (LAC 33:I.7009.E.5).
3. The right to conduct investigations and/or inspections to fulfill statutory requirements (LAC 33:I.7007.D).

Payment of Fees (LAC 33:I.7013)

All requests for reviewing environmental self-audits and corrective actions by the Department shall be accompanied by an initial \$1,500 minimum fee (LAC 33:I.7013.A.1).

The fees for the Environmental Self-Audit Program are nontransferable and nonrefundable (LAC 33:I.7013.B.1).

An additional fee shall be charged for the amount exceeding the initial minimum fee (LAC 33:I.7013.A.2). Invoices for any additional fee amount may be issued periodically while the audit and corrective actions are being conducted and/or implemented and a final invoice shall be issued once the review is complete (LAC 33:I.7013.A.3).

Failure to pay the initial fee or the additional fee by the due date on the specified invoice will constitute a violation of the regulations, LAC 33:I.Chapter 70, and will be subject to enforcement action (LAC 33:I.7013.C).

A late fee will be charged for any payment not received within fifteen (15) days of the due date (LAC 33:I.7013.E.1).

Methods of Payment (LAC 33:I.7013.D)

- All payments made by check, draft, or money order shall be made payable to the Louisiana Department of Environmental Quality, and mailed to the Department with a copy of the Notice of Audit (LAC 33:I.7013.D.1). The original Notice of Audit shall be submitted as directed on the form (LAC 33:I.7013.D.1).
- Payments can be submitted to:

Department of Environmental Quality
Office of Management and Finance
P. O. Box 4303
Baton Rouge, Louisiana 70821-4303
Attn: Teyona James, Accountant

- Electronic Methods of Payment (LAC 33:I.7013.D.2)
 - To make a payment via electronic pay method, access the Department's website at <http://business.deq.louisiana.gov/> and follow the instructions (LAC 33:I.7013.D.2.a).
 - To make a payment via electronic funds transfer (EFT), contact the Office of Management and Finance at _DEQ-SelfAudit@la.gov for further instruction (LAC 33:I.7013.D.2.b).

Public Website

The Environmental Audit Section is located under the Enforcement Division of the Department's public website. The following documents/information will be available under the Environmental Audit Section.

- regulatory information/background,
- Louisiana Department of Environmental Quality: Environmental Self-Audit Program Explained document,
- a PDF of the regulations, LAC 33:I. Chapter 70-Volunatry Environmental Self-Audit,
- the NOA and DOV Forms, and
- Final decisions regarding the audit.

Per LAC 33:I.7009.F.1, any final decision made by the Department shall be public and published on the Department's website. In addition to the public website, all audit related documents will also be available in Electronic Document Management System (EDMS) under the facility's AI Number.

Contact Information

Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Audit Section

Please direct all non-payment audit questions to DEQ_ENFSelfAudit@la.gov.

Tips to Navigate the Audit Process

- ❖ Submit the Notice of Audit (NOA) form and Disclosure of Violation (DOV) via certified mail or other means approved by the Department (LAC 33:I.7009.A.1.c and LAC 33:I.7009.A.2.a). At this time, certified mail and hand-delivery with the LDEQ time and date stamp are the only means approved by the Department.
- ❖ If a facility or site is not being audited in its entirety, a NOA should be submitted for each unit, process, or permit being audited if the audit is not initiated concurrently.
- ❖ The Department will acknowledge receipt of the notice of audit in writing (LAC 33:I.7009.A.1.d). To prevent any delays, a copy of the acknowledgement letter will be emailed to the email address provided on the NOA Form. The original letter will be mailed.
- ❖ An environmental audit shall be completed within a reasonable time, not to exceed six (6) months after the date the audit was initiated unless the Department grants an extension in writing (LAC 33:I.7009.A.3).
- ❖ The six (6) month audit period commences from the audit commencement date reported by the owner or operator (LAC 33:I.7009.A.3).
- ❖ All requests for extension shall be submitted in writing at least thirty (30) calendar days prior to expiration of the audit period and contain sufficient information to justify an extension (LAC 33:I.7009.B.1.a). Extensions may not be construed to authorize uninterrupted or continuous environmental audits.
- ❖ An audit does not prohibit the Department from conducting any regulatory inspections and/or investigations (LAC 33:I.7007.D).
- ❖ The Department will issue a letter when the audit period has expired to document the audit end date. (LAC 33:I.7009.A.4)
- ❖ LAC 33:7007.A.7 excludes violations that are the same or closely related at the same facility within the past three (3) years from being eligible for penalty mitigation.
- ❖ A DOV must be submitted no later than thirty (30) calendar days after the end of the audit period. (LAC 33:I.7009.E.1.c).
- ❖ Part 70>Title V violations are eligible for penalty mitigation if the violation was discovered based on reasonable inquiry beyond what is required under 40 CFR 70.5 for certification of any application form, report, or compliance certification. All Part 70>Title V violations will be evaluated on a case-by-case basis. (LAC 33:I.7007A.4)
- ❖ Participating in the Department's voluntary environmental self-audit program does not suspend or provide relief from any reporting requirements. Any violations discovered during a voluntary environmental self-audit should be included in any required report.

- ❖ A final report shall be submitted no later than thirty (30) calendar day after completion of the audit or completion of all corrective actions, whichever is later. The final report must include the NOA form, DOVs forms, and a certification of completion (LAC 33:I.7009.C.1.c.i-iii). An owner or operator is not prohibited from including additional information in the final report deemed relevant to the audit.