



Title 33 – Abridged for Financial Services ENVIRONMENTAL QUALITY

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Title 33 – Abridged for Financial Services
ENVIRONMENTAL QUALITY
Part I. Office of the Secretary
Subpart 1. Departmental Administrative Procedures

Chapter 3. Adjudications

§351. Subpoenas

- A. The issuance of a subpoena shall be by order of the presiding officer and upon written request of a party directed to the administrative hearings clerk, whose duty and function it shall be to process all subpoenas.
- B. Failure of a witness to appear or respond to a subpoena will not be grounds for a continuance unless:
 - 1. the testimony of the witness is shown to be material, relevant, and not merely cumulative to the proceeding; and
 - 2. the request for the subpoena was received by the administrative hearings clerk at least 15 days prior to the date required for appearance or return on the subpoena, or for good cause shown.
- C. To request the issuance of a subpoena, the following procedure shall be followed:
 - 1. unless otherwise ordered by the presiding officer, the subpoena shall be prepared by the requester;
 - 2. the subpoena must include the heading contained in LAC 33:I.331.B and contain the name of the party and the representative requesting the subpoena; the complete name of the person being subpoenaed; the specific service address (with directions if necessary); whether personal service is necessary; a sufficient description of any document or item to be produced; and the date, time, place, and proceeding for which the subpoena is requested;
 - 3. a subpoena adapted from the Louisiana Code of Civil Procedure formulary is acceptable. Sample subpoena forms are available from the administrative hearings clerk; and
 - 4. a request on behalf of any party other than the department shall state the number of miles between the witness's address and the place where the appearance and/or return is to be made and be accompanied by a check made payable to the department in the amount to cover costs, including the following:
 - a. service fees due whenever a private process server or any other person authorized by law is utilized to obtain service; and
 - b. and an amount sufficient to cover witness fees pursuant to R.S. 49:956(5).
- D. The presiding officer may fix expert witness fees in accordance with R.S. 49:950 et seq.
- E. For good cause the presiding officer may issue any order necessary to protect a party or person from a subpoena which may cause disclosure of confidential information, undue burden or expense, annoyance, embarrassment, or oppression.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Administrative Hearings Division, LR 21:561 (June 1995).

Chapter 5. Confidential Information Regulations

§511. Disclosure of Confidential Records or Information

A. Any employee or former employee of the department or anyone acting as a representative of the secretary of the department who is convicted of intentional disclosure or conspiracy to disclose trade secrets or other information that has been determined to be confidential is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$1,000, imprisonment for up to one year, or both.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 30:744 (April 2004).

Chapter 7. Penalties

§705. Penalty Determination Method

A. A penalty range for each penalty event is calculated based on the two violation-specific factors. The two violation-specific factors are plotted on the penalty matrix to determine a penalty range for a particular penalty event (see Table 1). The various penalty ranges for a penalty event are found inside each cell of the penalty matrix

Table 1. Penalty Matrix				
Degree of Risk/Impact to Human Health or Property	Nature and Gravity of the Violation			
		Major	Moderate	Minor
	Major	\$32,500 to \$20,000	\$20,000 to \$15,000	\$15,000 to \$11,000
	Moderate	\$11,000 to \$8,000	\$8,000 to \$5,000	\$5,000 to \$3,000
	Minor	\$3,000 to \$1,500	\$1,500 to \$500	\$500 to \$100

1. **Penalty Matrix**—Degree of Risk to Human Health or Property. The first stage of the penalty calculation involves the categorization of each penalty event as major, moderate, or minor with regard to its degree of risk to human health or property. The following criteria are used to categorize each penalty event with regard to its degree of risk to human health or property.

a. Major. Refers to a violation in which actual measurable harm or substantial risk of harm to the environment or public health occurs. The noncompliance results in, or would reasonably be expected to result in, the temporary or permanent loss of a use of the environmental resource. A violation of major impact and hazard may be one characterized by high volume and/or frequent occurrence and/or high pollutant concentration. Such violations may have a detrimental impact on sensitive environments or include the discharge of toxic pollutants;

b. Moderate. Refers to a violation that has the potential for measurable detrimental impact on the environment or public health. A violation of moderate impact and hazard may be one characterized by occasional occurrence and/or pollutant concentration that may be expected to have a detrimental effect under certain conditions; and

c. Minor. Refers to a violation that does not directly present actual harm or substantial risk of harm to the environment or public health. Violations that are isolated single incidences and that cause no measurable detrimental effect to the environment or public health may be

considered minor. Violations that are administrative in nature may be, but are not necessarily, considered minor.

2. **Penalty Matrix**—Nature and Gravity of the Violation. The second stage of the penalty calculation involves the categorization of each penalty event as major, moderate, or minor with regard to its nature and gravity. The following criteria are used to categorize each penalty event with regard to its nature and gravity.

a. Major. Refers to violations of applicable statutes, regulations, orders, permit limits, or permit requirements that result in negating the intent of the requirement. The respondent deviates significantly from the requirements of the statutes, regulations, or permit to such an extent that little or no implementation of requirements occurs;

b. Moderate. Refers to violations of applicable statutes, regulations, orders, permit limits, or permit requirements that result in substantially negating the intent of the requirement. The respondent deviates from the requirements of the statutes, regulations, or permit, but some implementation of the requirements occurred; and

c. Minor. Refers to violations of applicable statutes, regulations, orders, permit limits, or permit requirements that result in some deviation from the intent of the requirement. The respondent deviates somewhat from the requirements of the statutes, regulations, or permit; however, substantial implementation of the requirements occurred.

B. Once a penalty event has been categorized as major, moderate, or minor for both its degree of risk to human health or property and its nature and gravity, a penalty range is obtained by plotting these two categorizations with the corresponding cell of the penalty matrix.

C. Violator-Specific Factors (Adjustment Factors) per Event. The next stage of the penalty calculation involves the adjustment of the penalty using the following violator-specific factors:

1. the history of previous violations or repeated noncompliance;
2. the gross revenues generated by the respondent;
3. the degree of culpability, recalcitrance, defiance, or indifference to regulations or orders;
4. whether the person charged has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the noncompliance or violation; and
5. whether the noncompliance or violation and the surrounding circumstances were immediately reported to the department, and whether the violation or noncompliance was concealed or there was an attempt to conceal by the person charged.

D. The five violator-specific factors are used to adjust the penalty amount for each penalty event. Each violator-specific factor is assigned a percentage adjustment on a case-by-case basis. The upward or downward percentage adjustment for each violator-specific factor shall be no more than 100 percent of the difference between the minimum and maximum penalty amount for the chosen matrix cell. The five percentages are added together to calculate a total percentage adjustment for the penalty range for the penalty event. The total upward or downward percentage adjustment is also limited to 100 percent. The total percentage adjustment is multiplied by the difference between the minimum and maximum penalty amount for the chosen matrix cell. The product is then added to, or subtracted from, the minimum penalty amount in the chosen matrix cell.

E. The information obtained from the violation-specific and violator-specific factors can be entered into one of the following formulas to obtain a penalty amount (P_n) for each penalty event:

$$P_n = A_n + (B_n \times [C_n - A_n])$$
$$P_n = 2(A_n + [B_n \times (C_n - A_n)]) *$$

where:

P_n = penalty amount for a given penalty event.

A_n = the minimum value of the penalty range for the cell located on the penalty matrix for a given penalty event.

B_n = the sum of percentage adjustments calculated for a given penalty event, where $100 \text{ percent} \geq B \geq -100 \text{ percent}$.

C_n = the maximum value of the penalty range for the cell located on the penalty matrix for a given penalty event.

* NOTE: For violation of a previous enforcement action the penalty is multiplied by 2. The statutory maximum is \$50,000 in circumstances where the penalty event constitutes a violation of a previous enforcement action as stated in R.S. 30:2025(E)(2).

F. The values for each penalty amount (P_n) are added to determine a penalty subtotal (P_s):

$$P_s = P_1 + P_2 + P_3$$

G. The department shall consider the monetary benefits realized through noncompliance. Any monetary benefits calculated may be added to the penalty subtotal. However, the amount calculated may not cause the penalty subtotal to exceed the maximum penalty amount allowed by law. A cash penalty should be collected unless it has been demonstrated and documented that the violator cannot pay the cash penalty.

H. Response costs (R_c) are then added to the penalty subtotal (P_s) to determine the total penalty amount (P_t):

$$P_t = P_s + R_c$$

I. In accordance with R.S. 30:2025(E)(1)(a), the department reserves the right to assess an additional penalty of not more than \$1,000,000 for any penalty event that is done intentionally, willfully, or knowingly, or results in a discharge or disposal that causes irreparable or severe damage to the environment or if the substance discharged is one which endangers human life or health.

J. In circumstances where the respondent has provided, or has agreed to provide, a grant, donation, or other form of assistance with respect to a designated pollution source, as provided in R.S. 30:2031, the penalty amount may be reduced by the monetary value of such grant, donation, or other form of assistance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2050.3.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 25:658 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2400 (December 1999), LR 30:421 (March 2004), amended by the Office of Environmental Assessment, LR 30:2802 (December 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 32:1843 (October 2006).

Chapter 8. Expedited Penalty Agreement

§805. Applicability

A. Limit of Penalty Amount. The total penalty assessed for the expedited penalty agreement shall not exceed \$1,500 for one violation or \$3,000 for two or more violations.

B. Departmental Discretion. The secretary of the department or his designee, at his sole discretion, may propose an expedited penalty agreement for any violation described in LAC 33:I.807.A and considered in accordance with Subsection E of this Section. The expedited penalty agreement shall specify that the respondent waives any right to an adjudicatory hearing or judicial review regarding violations identified in the signed expedited penalty agreement. The respondent must concur with and sign the expedited penalty agreement in order to be governed by this Chapter and R.S. 30:2025(D).

C. Notification to the Respondent. The expedited penalty agreement shall serve as notification to the respondent of the assessed penalty amount for the violations identified on the specified dates.

D. Certification by the Respondent. By signing the expedited penalty agreement, the respondent certifies that all cited violations in the expedited penalty agreement have been or will be corrected, and that the assessed penalty amount has been or will be paid, within 30 days of receipt of the expedited penalty agreement.

E. Nine Factors for Consideration. An expedited penalty agreement may be used to assess a monetary penalty for a violation or violations cited in an enforcement action that includes a notice of potential penalty component. An expedited penalty agreement may be used only when the following criteria for the nine factors for consideration listed in R.S. 30:2025(E)(3)(a) are satisfied.

1. The History of Previous Violations or Repeated Noncompliance. An expedited penalty agreement may be utilized to assess a monetary penalty only for a violation that is not a repeat occurrence of a violation that was cited in any compliance order, penalty assessment, settlement agreement, or expedited penalty agreement issued to or entered into with the respondent by the department within the previous two years, and occurred at a facility under the same agency interest number. Site-specific enforcement history considerations will only apply to expedited penalty agreements.

2. The Nature and Gravity of the Violation. The violation identified is considered to be minor or moderate with regard to its nature and gravity.

a. The violation identified in the expedited penalty agreement deviates somewhat from the requirements of statutes, regulations, or permit; however, the violation exhibits at least substantial implementation of the requirements.

b. The violation identified is isolated in occurrence and limited in duration.

c. The violation is easily identifiable and corrected.

d. The respondent concurs with the violation identified and agrees to correct the violation identified and any damages caused or allowed by the identified violation within 30 days of receipt of the expedited penalty agreement.

3. The Gross Revenues Generated by the Respondent. By signing the expedited penalty agreement, the respondent agrees that sufficient gross revenues exist to pay the assessed penalty and correct the violation identified in the expedited penalty agreement within 30 days of receipt of the expedited penalty agreement.

4. The Degree of Culpability, Recalcitrance, Defiance, or Indifference to Regulations or Orders. The respondent is culpable for the violation identified, but has not shown recalcitrance, defiance, or extreme indifference to regulations or orders. Willingness to sign an expedited penalty agreement and correct the identified violation within the specified time frame demonstrates respect for the regulations and a willingness to comply.

5. The Monetary Benefits Realized through Noncompliance. The respondent's monetary benefit from noncompliance for the violation identified shall be considered. The intent of these regulations is to eliminate economic incentives for noncompliance.

6. The Degree of Risk to Human Health or Property Caused by the Violation. The violation identified does not present actual harm or substantial risk of harm to the environment or public health. The violation identified is isolated in occurrence or administrative in nature, and the violation identified has no measurable detrimental effect on the environment or public health.

7. Whether the Noncompliance or Violation and the Surrounding Circumstances Were Immediately Reported to the Department and Whether the Violation or Noncompliance Was Concealed or There Was an Attempt to Conceal by the Person Charged. Depending upon the type of violation, failure to report may or may not be applicable to this factor. If the respondent

concealed or attempted to conceal any violation, the violation shall not qualify for consideration under these regulations.

8. Whether the Person Charged Has Failed to Mitigate or to Make a Reasonable Attempt to Mitigate the Damages Caused by the Noncompliance or Violation. By signing the expedited penalty agreement, the respondent states that the violation identified and the resulting damages, if any, have been or will be corrected. Violations considered for expedited penalty agreements are, by nature, easily identified and corrected. Damages caused by any violation identified are expected to be nonexistent or minimal.

9. The Costs of Bringing and Prosecuting an Enforcement Action, Such as Staff Time, Equipment Use, Hearing Records, and Expert Assistance. Enforcement costs for the expedited penalty agreement are considered minimal. Enforcement costs for individual violations are covered with the penalty amount set forth for each violation in LAC 33:I.807.

F. Schedule. The respondent must return the signed expedited penalty agreement and payment for the assessed amount to the department within 30 days of the respondent's receipt of the expedited penalty agreement. If the department has not received the signed expedited penalty agreement and payment for the assessed amount by the close of business on the thirtieth day after the respondent's receipt of the expedited penalty agreement, the expedited penalty agreement may be withdrawn at the department's discretion.

G. Extensions. If the department determines that compliance with the cited violation is technically infeasible or impracticable within the initial 30-day period for compliance, the department, at its discretion, may grant additional time in order for the respondent to correct the violation cited in the expedited penalty agreement.

H. Additional Rights of the Department

1. If the respondent signs the expedited penalty agreement, but fails to correct the violation identified, pay the assessed amount, or correct any damages caused or allowed by the cited violation within the specified time frame, the department may issue additional enforcement actions, including but not limited to, a civil penalty assessment, and may take any other action authorized by law to enforce the terms of the expedited penalty agreement.

2. If the respondent does not agree to and sign the expedited penalty agreement, the department shall consider the respondent notified that a formal civil penalty is under consideration. The department may then pursue formal enforcement action against the respondent in accordance with R.S. 30:2025(C), 2025(E), 2050.2, and 2050.3.

I. Required Documentation. The department shall not propose any expedited penalty agreement without an affidavit, inspection report, or other documentation to establish that the respondent has caused or allowed the violation to occur on the specified dates.

J. Evidentiary Requirements. Any expedited penalty agreement issued by the department shall notify the respondent of the evidence used to establish that the respondent has caused or allowed the violation to occur on the specified dates.

K. Public Enforcement List. The signed expedited penalty agreement is a final enforcement action of the department and shall be included on the public list of enforcement actions referenced in R.S. 30:2050.1(B)(1).

L. Date of Issuance. When an expedited penalty agreement is issued in conjunction with a Notice of Potential Penalty, the issuance date shall be the date on the document of initial signature by the administrative authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2025(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:2242 (December 2006), amended by the Office of the Secretary, Legal Division, LR 42:236 (February 2016).

§807. Types of Violations and Expedited Penalty Amounts

A. The types of violations listed in the following tables may qualify for coverage under this Chapter; however, any violation listed below, which is identified in an expedited penalty agreement, must also meet the conditions set forth in LAC 33:I.805.E.

I Office of the Secretary

EXPEDITED PENALTIES			
OFFICE OF THE SECRETARY			
Violation	Citation	Amount	Frequency
Failure to submit a timely NOC-1 within one year of changes in the name only of a facility or of its owner/operator.	LAC 33:I.1905.A	\$250	Per occurrence
Failure to provide timely notification for the unauthorized discharge of any material that exceeds the reportable quantity but does not cause an emergency condition.	LAC 33:I.3917.A	\$500	Per occurrence
Failure to provide prompt notification of any unauthorized discharge that results in the contamination of the groundwaters of the state or that otherwise moves in, into, within, or on any saturated subsurface strata in accordance with LAC 33:I.3923.	LAC 33:I.3919.A	\$500	Per occurrence
Failure to provide timely written notification of the unauthorized discharge of any material that exceeds the reportable quantity but does not cause an emergency condition.	LAC 33:I.3925.A	\$500	Per occurrence

III Air Quality

EXPEDITED PENALTIES			
AIR QUALITY			
Violation	Citation	Amount	Frequency
Failure to submit a timely and complete permit application prior to construction, but the application was submitted within one year from the start of construction of a facility that is eligible for coverage under a Minor Source Permit or a Minor Source - Air General Permit for a crude oil and/or natural gas facility.	LAC 33:III.501.C.1	\$250	Per occurrence
Failure to submit a timely and complete permit application prior to reconstruction or modification, but submitted the application within one year from the start of reconstruction or modification of a facility that is permitted under a Minor Source Permit or a Minor Source - Air General Permit for a crude oil and/or natural gas facility.	LAC 33:III.501.C.1	\$250	Per occurrence
Failure to obtain a Minor Source Permit or a Minor Source Permit - Air General Permit, but obtained the necessary permit within one year after commencement of operations of a crude oil and/or natural gas facility that may result in the initiation of emission of air contaminants.	LAC 33:III.501.C.2	\$1,000	Per occurrence

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EXPEDITED PENALTIES			
AIR QUALITY			
Violation	Citation	Amount	Frequency
Failure to obtain a Minor Source Permit or a Minor Source Permit - Air General Permit, but obtained the necessary permit within two years after commencement of operations of a crude oil and/or natural gas facility that may result in the initiation of emission of air contaminants.	LAC 33:III.501.C.2	\$1,500	Per occurrence
Failure to timely submit any applicable Specific Condition or General Condition report as specified in any minor source permit.	LAC 33:III.501.C.4	\$250	Per occurrence
Failure to timely submit any applicable Specific Condition or General Condition report (other than those specified elsewhere in this Section) as specified in a Part 70 (Title V) air permit.	LAC 33:III.501.C.4	\$350	Per occurrence
40 CFR Part 70 General Permit conditions (Part K, L, M, or R): Failure to timely submit any applicable annual or semiannual report.	LAC 33:III.501.C.4	\$500	Per occurrence
Failure to submit the Title V permit renewal application at least six months prior to the expiration date of the current permit, but obtained the renewal permit on or before the expiration date of the current permit.	LAC 33:III.507.E.4	\$1,000	Per occurrence
Failure to provide notice of change of ownership within 45 days after the change.	LAC 33:III.517.G	\$250	Per occurrence
Failure to submit a complete Annual Criteria Pollutant Emissions Inventory in a timely manner when applicable.	LAC 33:III.919	\$500	Per occurrence
Failure to take all reasonable precautions to prevent particulate matter from becoming airborne.	LAC 33:III.1305.A	\$750	Per occurrence
Failure to install and maintain tarps in an abrasive blasting facility.	LAC 33:III.1329.C.1-3	\$750	Per occurrence
Failure to prevent blasting material or visible floating solids from reaching waters of the state, minimized to the maximum extent possible as specified in the facility and/or activity BMP, or in accordance with the LPDES permit program.	LAC 33:III.1329.E	\$750	Per occurrence
Failure to use and diligently maintain in proper working order all emission control equipment according to the manufacturer's specifications whenever any emissions are being generated that can be controlled by the facility, even if the ambient air quality standards in affected areas are not exceeded.	LAC 33:III.1329.H	\$750	Per violation
Failure to maintain records on the facility premises at all times, and present them to an authorized representative of the department upon request.	LAC 33:III.1333.A or B	\$200	Per record
Failure to maintain records for glycol dehydrators subject to LAC 33:III.2116.	LAC 33:III.2116.F	\$250	Per occurrence
Failure to submit a complete Annual Toxic Emissions Data Inventory in a timely manner when applicable.	LAC 33:III.5107.A	\$500	Per occurrence

III Asbestos

Abridged for LDEQ Financial Services. For information purposes only. Prepared 5/5/2021.
Sections pertaining to Fees may reference regulations not included.

EXPEDITED PENALTIES			
AIR QUALITY—Asbestos			
Violation	Citation	Amount	Frequency
Failure to teach courses meeting the minimum criteria and length of training specified, including hands-on training specific to the discipline taught.	LAC 33:III.2799.C and F.5.i	\$200	Per occurrence
Failure to renew training provider or trainer recognition prior to teaching a class.	LAC 33:III.2799.F	\$200- Training Provider \$100- Trainer	Per occurrence
Failure to submit any applicable course notification in writing prior to class commencement, including changes in instructors, location, or time, or course cancellation.	LAC 33:III.2799.F.5.c.i-ii and e	\$150	Per occurrence
Failure to timely submit a complete class roster of trainees.	LAC 33:III.2799.F.5.d	\$100	Per occurrence
Failure to thoroughly inspect the affected facility or part of the facility where a demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable ACM, prior to the commencement of the demolition or renovation.	LAC 33:III.5151.F.1	\$500	Per occurrence
Failure to provide a typed notice of intention to demolish or renovate, using the latest version of Form AAC-2, Notification of Demolition and Renovation.	LAC 33:III.5151.F.2.a	\$200	Per occurrence
Failure to provide notice of a new start date to the DEQ regional office if an asbestos renovation or demolition operation will begin on a date other than the one contained in the original notice.	LAC 33:III.5151.F.2.c.iv	\$100	Per occurrence
Failure to submit a typed notification as specified in LAC 33:III.5151.F.2.d and e within five working days after an emergency asbestos notification has been made by phone.	LAC 33:III.5151.F.2.f.ii	\$200	Per occurrence
Acceptance of an invalid Asbestos Disposal Verification Form (ADVF) by a waste transporter or disposal site owner or operator.	LAC 33:III.5151.F.2.g.vii	\$200	Per occurrence

III Lead

EXPEDITED PENALTIES			
AIR QUALITY—Lead			
Violation	Citation	Amount	Frequency
Failure by a training provider to receive recognition prior to offering or claiming to provide, or providing, lead training courses for accreditation purposes.	LAC 33:III.2805.A and B.14	\$200	Per occurrence
Failure by a training provider to employ qualified principal instructors; in particular, allowing trainers to teach courses without current accreditation in the disciplines they teach.	LAC 33:III.2805.B.2.c	\$100	Per occurrence
Failure to teach courses meeting the minimum criteria and length of training specified, including required hands-on training.	LAC 33:III.2805.B.6 and 14.b	\$200	Per occurrence
Failure to timely submit a complete class roster of trainees within 10 days of course completion.	LAC 33:III.2805.B.9	\$100	Per occurrence
Failure to submit any applicable course notification in writing prior to class commencement, including changes in instructors, location, or time, or course cancellation.	LAC 33:III.2805.E	\$100	Per occurrence

III Stage II

EXPEDITED PENALTIES			
AIR QUALITY—Stage II Vapor Recovery			
Violation	Citation	Amount	Frequency
Note: LAC 33:III.2132 is only applicable to subject gasoline dispensing facilities in the parishes of Ascension, East Baton Rouge, West Baton Rouge, Iberville, Livingston, and Pointe Coupee.			
Failure to use and/or diligently maintain, in proper working order, all air pollution control equipment installed at the site.	LAC 33:III.905	\$300	Per occurrence
Failure to submit an application to the administrative authority prior to installation of the Stage II vapor recovery system.	LAC 33:III.2132.B.6	\$500	Per occurrence
Failure to have at least one person trained as required by the regulations.	LAC 33:III.2132.C	\$300	Per occurrence
Failure to test the vapor recovery system prior to start-up of the facility and annually thereafter.	LAC 33:III.2132.D	\$750	Per occurrence
Failure to post operating instructions on each pump.	LAC 33:III.2132.E	\$100	Per occurrence
Failure to maintain equipment and tag defective equipment "out of order."	LAC 33:III.2132.F.1 and 3-4	\$500	Per inspection
Failure to perform daily inspections and accurately record results.	LAC 33:III.2132.F.2	\$300	Per inspection
Failure to maintain records on-site for at least two years and present them to an authorized representative upon request.	LAC 33:III.2132.G.1-7	\$200	Per compliance inspection

III Chemical Accident Prevention

EXPEDITED PENALTIES			
AIR QUALITY—CHEMICAL ACCIDENT PREVENTION			
Violation	Citation	Amount	Frequency
Failure to ensure current and newly assigned employees have received initial and refresher training as specified (five or fewer employees).	LAC 33:III.5901.A, as described by 40 CFR 68.54 (a-d) (Program 2)	\$500	Per occurrence/employee
Failure to prepare and implement procedures to maintain the ongoing mechanical integrity of the process equipment and/or perform or cause to be performed inspections and tests on process equipment.	LAC 33:III.5901.A, as described by 40 CFR 68.56(a and d) (Program 2)	\$1500	Per occurrence
Failure to document completion of a process hazard analysis action item.	LAC 33:III.5901.A, as described by 40 CFR 68.67(e) (Program 3)	\$250	Per occurrence
Failure to ensure current and newly assigned employees have received initial and refresher training (five or fewer employees).	LAC 33:III.5901.A, as described by 40 CFR 68.71(a and b) (Program 3)	\$750	Per occurrence/employee
Failure to document each inspection and test performed on process equipment.	LAC 33:III.5901.A, as described by 40 CFR 68.73(d)(4) (Program 3)	\$250	Per occurrence

V Hazardous Waste

EXPEDITED PENALTIES			
HAZARDOUS WASTE			
Violation	Citation	Amount	Frequency
Unpermitted/Unauthorized storage of on-site generated hazardous waste for a period greater than the allowable time frame and this storage did not result in, or significantly increase the risk of, a release of or exposure to hazardous waste.	LAC 33:V.303.B	\$1,000	Per occurrence
Failure by a generator of a solid waste (as defined in LAC 33:V.109) to determine if solid waste is a hazardous waste and this failure did not result in, or significantly increase the risk of a release or exposure to hazardous waste.	LAC 33:V.1103	\$1,000	Per occurrence
Failure by a generator to notify the Office of Environmental Services within seven days of changes to the information submitted in its application for an EPA identification number.	LAC 33:V.1105.B	\$250	Per inspection
Failure to keep a container containing non-volatile hazardous waste closed, except when necessary to add or remove waste (five or fewer containers).	LAC 33:V.1109.E.1.a.i; LAC 33:V.1109.E.4; LAC 33:V.1109.E.7.a	\$250	Per occurrence
Failure to conduct weekly inspections of hazardous waste containers.	LAC 33:V.1109.E.1.a.i	\$500	Per occurrence
Failure to mark a container of hazardous waste with an accumulation start date (five or fewer containers).	LAC 33:V.1109.E.1.c; LAC 33:V.1109.E.7.c	\$250	Per occurrence
Failure to clearly label or mark a container and/or tank storing hazardous waste with the words "Hazardous Waste" or other words identifying the contents of the container (five or fewer containers).	LAC 33:V.1109.E.1.d; LAC 33:V.1109.E.4; LAC 33:V.1109.E.7.c	\$250	Per occurrence
Failure by a hazardous waste generator to submit a timely, accurate, and/or complete hazardous waste annual report.	LAC 33:V.1111.B	\$500	Per occurrence
Failure to label or mark each universal waste or a container storing universal waste in accordance with LAC 33:V.3823 and/or LAC 33:V.3845 (five or fewer containers).	LAC 33:V.3823; LAC 33:V.3845	\$250	Per occurrence
Failure by a used oil handler to label or mark containers or aboveground tanks storing used oil or fill pipes to transfer used oil into underground storage tanks with the words "Used Oil" (five or fewer containers).	LAC 33:V.4013.D; LAC 33:V.4035.G; LAC 33:V.4049.F; LAC 33:V.4069.F	\$250	Per occurrence
Failure by a used oil handler to stop, contain, cleanup, and/or manage a release of used oil, and/or repair or replace a leaking used oil container or tank prior to returning it to service.	LAC 33:V.4013.E; LAC 33:V.4035.H; LAC 33:V.4049.G; LAC 33:V.4069.G	\$750	Per occurrence

VII Solid Waste

EXPEDITED PENALTIES			
SOLID WASTE			
Violation	Citation	Amount	Frequency
Unauthorized on-site processing and/or disposal of regulated solid waste generated at the site by an individual who owns, leases, or has an actual right, title, or interest in the property.	LAC 33:VII.315.C	\$500	Per occurrence

EXPEDITED PENALTIES			
SOLID WASTE			
Violation	Citation	Amount	Frequency
Unauthorized processing and/or disposal of solid waste which was generated at an off-site location.	LAC 33:VII.315.C	\$1,500	Per occurrence
Unauthorized on-site processing and/or disposal of regulated solid waste at a site by a business or other entity having an actual right, title, or interest in the property.	LAC 33:VII.315.C	\$1,500	Per occurrence
Failure to report any discharge, deposit, injection, spill, dumping, leaking, or placing of solid waste into or on the water, air, or land.	LAC 33:VII.315.F	\$500	Per occurrence
An individual engaged in open burning of solid waste as prohibited by regulation.	LAC 33:VII.315.M	\$300	Per occurrence
A business engaged in open burning of solid waste as prohibited by regulation.	LAC 33:VII.315.M	\$1,500	Per occurrence
Offering residential solid waste to an unauthorized transporter and/or a facility not permitted to receive such waste.	LAC 33:VII.315.O	\$500	Per occurrence
Offering commercial solid waste and/or construction and demolition debris to an unauthorized transporter and/or a facility not permitted to receive such waste.	LAC 33:VII.315.O	\$1,000	Per occurrence
Offering industrial solid waste to an unauthorized transporter and/or a facility not permitted to receive such waste.	LAC 33:VII.315.O	\$1,500	Per occurrence
Failure to notify the department of generating, transporting, processing, or disposing of solid waste.	LAC 33:VII.401.A	\$300	Per occurrence
Transportation of solid waste to a processing or disposal facility not permitted to receive such waste.	LAC 33:VII.505.D	\$1,500	Per occurrence
Failure by a permitted solid waste facility to submit a timely and/or accurate Certification of Compliance (submittal no more than 180 days past due).	LAC 33:VII.525.A	\$500	Per occurrence

VII Waste Tires

EXPEDITED PENALTIES			
SOLID WASTE—Waste Tires			
Violation	Citation	Amount	Frequency
Storage of more than 20 whole waste tires without authorization from the administrative authority.	LAC 33:VII.10509.B	\$200	Per occurrence
Transporting more than 20 waste tires without first obtaining a transporter authorization certificate.	LAC 33:VII.10509.C	\$300	Per occurrence
Storing waste tires for more than 365 days.	LAC 33:VII.10509.E	\$200	Per occurrence
Failure to maintain all required records for three years on-site or at an alternative site approved in writing by the administrative authority.	LAC 33:VII.10509.G; 10519.O and P	\$200	Per occurrence
Failure to obtain a waste tire generator identification number within 30 days of commencing business operations.	LAC 33:VII.10519.A	\$300	Per occurrence
Failure to accept one waste tire for every new tire sold unless the purchaser chooses to keep the waste tire.	LAC 33:VII.10519.B	\$100	Per occurrence
Failure to collect appropriate waste tire fee for each tire sold.	LAC 33:VII.10519.C; 10521.B; 10535.B	\$200	Per occurrence

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Sections pertaining to Fees may reference regulations not included.

EXPEDITED PENALTIES			
SOLID WASTE—Waste Tires			
Violation	Citation	Amount	Frequency
Failure to submit monthly waste tire fee reports to the state on a monthly basis, as specified in the regulations.	LAC 33:VII.10519.D; 10521.C	\$250	Six or fewer months in violation
Failure to submit monthly waste tire fee reports to the state on a monthly basis, as specified in the regulations.	LAC 33:VII.10519.D; 10521.C	\$500	More than six months and up to 12 months in violation
Failure to keep and preserve records necessary to verify the amount of the waste tire fees for a minimum of three years.	LAC 33:VII.10519.D; LAC 33:VII.10519.P; LAC 33:VII.10521.C	\$200	Per inspection
Failure to post required notifications to the public.	LAC 33:VII.10519.E; 10521.D	\$100	Per occurrence
Failure to list the waste tire fee on a separate line on the invoice so that no tax will be charged on the fee.	LAC 33:VII.10519.F; 10521.E	\$100	Per occurrence
Failure to comply with the manifest requirements specified in LAC 33:VII.10533.	LAC 33:VII.10519.G; 10521.G	\$200	Per occurrence
Failure to keep waste tires or waste tire material covered as specified.	LAC 33:VII.10519.H; 10521.H	\$200	Per occurrence
Storing waste tires for more than 120 days without complying with the exceptions for the extended storage time.	LAC 33:VII.10519.I	\$200	Per occurrence
Failure to use an authorized transporter for removal of waste tires from a place of business.	LAC 33:VII.10519.K	\$500	Per occurrence
Failure to segregate waste tires from new or used tires offered for sale.	LAC 33:VII.10519.M	\$200	Per occurrence
Failure of a motor vehicle dealer to notify the administrative authority within 30 days of commencing business operations.	LAC 33:VII.10521.A	\$300	Per occurrence
Failure to submit application and fees for transporter authorization.	LAC 33:VII.10523.A	\$300	Per occurrence
Failure to use a waste tire manifest when transporting greater than 20 waste tires.	LAC 33:VII.10523.C	\$200	Per occurrence
Failure of transporter to transport all waste tires to an authorized collection center or a permitted processing facility.	LAC 33:VII.10523.D	\$1,000	Per occurrence
Failure of out-of-state or out-of-country transporter to comply with state waste tire regulations.	LAC 33:VII.10523.E	\$200	Per occurrence
Failure to affix to driver's door and passenger's door the authorization certificate number, 3 inches in height.	LAC 33:VII.10523.F	\$100	Per occurrence
Failure to provide notification in writing within 10 days when any information on the authorization certificate form changes, or if the business closes and ceases transporting waste tires.	LAC 33:VII.10523.G	\$100	Per occurrence
Acceptance by a processor of more than five unmanifested waste tires per day per customer.	LAC 33:VII.10525.A.2	\$300	Per occurrence
Failure of a processor to maintain a log for all unmanifested loads.	LAC 33:VII.10525.A.2	\$200	Per occurrence
Failure to meet any of the facility standards listed in LAC 33:VII.10525.D.	LAC 33:VII.10525.D	\$300	Per occurrence

EXPEDITED PENALTIES			
SOLID WASTE—Waste Tires			
Violation	Citation	Amount	Frequency
Failure by a collector or collection center to follow the requirements for receipt of waste tires.	LAC 33:VII.10527.A	\$200	Per occurrence
Failure of collection center operator to meet the standards in LAC 33:VII.10525.D.1-10 and 12-24.	LAC 33:VII.10527.B	\$300	Per occurrence
A collector or collection center exceeding the storage limit of waste tires or waste tire material.	LAC 33:VII.10527.C; 10531.C	\$300	Per occurrence
Failure of recycler to provide notification of its existence and obtain an identification number.	LAC 33:VII.10531.A	\$300	Per occurrence
Failure of a waste tire or waste tire material recycler to meet the requirements of LAC 33:VII.10525.D.	LAC 33:VII.10531.B	\$300	Per occurrence
Failure to provide a manifest for all waste tire shipments containing more than 20 tires.	LAC 33:VII.10533.A	\$200	Per occurrence
Failure to follow the requirements for manifest discrepancies.	LAC 33:VII.10533.C	\$300	Per occurrence
Failure to maintain completed manifests for three years and have them available for inspection.	LAC 33:VII.10533.D	\$200	Per occurrence

IX Storm Water General Permit

EXPEDITED PENALTIES			
WATER QUALITY—Storm Water General Permit Series (LAR040000, LAR050000, LAR100000, and LAR200000)			
Violation	Citation	Amount ¹	Frequency
Failure to submit a Notice of Intent for coverage under LPDES Storm Water General Permit LAR050000 or LAR100000.	LAC 33:IX.2511.C.1	\$1,000	Per occurrence
Failure to comply with effluent limitations and/or monitoring requirements from a facility eligible for coverage under an LPDES permit within the Storm Water General Series.	LAC 33:IX.2701.A	\$300	Per occurrence
Failure to prepare and/or implement any portion or portions of a Storm Water Pollution Prevention Plan (SWPPP) as required by LPDES General Permit LAR200000.	LAC 33:IX.2701.A	\$300	Per occurrence

¹ For each applicable violation that potentially contributes to impairment of a water body, an additional \$500 penalty amount shall be added to the penalty amount specified with the violation.

IX Sanitary General Permit

EXPEDITED PENALTIES			
WATER QUALITY—Sanitary General Permit Series LAG530000, LAG540000, LAG560000, LAG570000, and LAG750000			
Violation	Citation	Amount ¹	Frequency
Unauthorized discharge of pollutants to waters of the state that does not cause an emergency condition and is from a facility eligible for coverage under LPDES General Permit LAG530000, LAG540000, or LAG750000.	LAC 33:IX.501.D	\$500	Per occurrence
Failure to comply with effluent limitations and/or monitoring requirements of LPDES General Permit LAG530000.	LAC 33:IX.2701.A	\$250	10 or fewer violations
Failure to comply with effluent limitations and/or monitoring requirements of LPDES General Permit LAG530000.	LAC 33:IX.2701.A	\$500	More than 10, but less than 20 violations
Failure to comply with effluent limitations and/or monitoring requirements of LPDES General Permit LAG540000 or LAG750000.	LAC 33:IX.2701.A	\$300	10 or fewer violations
Failure to comply with effluent limitations and/or monitoring requirements of LPDES General Permit LAG540000 or LAG750000.	LAC 33:IX.2701.A	\$600	More than 10, but less than 20 violations
Failure to properly operate and maintain all facilities and systems of treatment and control including sanitary sewer overflows.	LAC 33:IX.2701.E	\$250	Per occurrence
Failure to properly operate and maintain all facilities and systems of treatment and control.	LAC 33:IX.2701.E	\$100	Per occurrence
Unauthorized discharge of pollutants to waters of the state that do not cause an emergency condition and is from a facility eligible for coverage under LPDES General Permit LAG560000 or LAG570000.	LAC 33:IX.501.D	\$750	Per occurrence
Failure to comply with effluent limitations and/or monitoring requirement of an LPDES General Permit LAG560000 or LAG570000.	LAC 33:IX.2701.A	\$500	10 or fewer violations
Failure to comply with effluent limitations and/or monitoring requirement of an LPDES General Permit LAG560000 or LAG570000.	LAC 33:IX.2701.A	\$1,000	More than 10, but less than 20 violations

¹ For each applicable violation that potentially contributes to impairment of a water body, an additional \$500 penalty amount shall be added to the penalty amount specified with the violation.

IX Industrial/Commercial General Permit Series

EXPEDITED PENALTIES			
WATER QUALITY—Industrial/Commercial General Permit Series LAG110000, LAG380000, LAG420000, LAG470000, LAG480000, LAG490000, LAG670000, and LAG780000			
Violation	Citation	Amount ¹	Frequency
Unauthorized discharge of pollutants to waters of the state that does not cause an emergency condition and is from a facility eligible for coverage under an LPDES permit within the Industrial/Commercial General Series.	LAC 33:IX.501.D	\$800	Per occurrence

EXPEDITED PENALTIES			
WATER QUALITY—Industrial/Commercial General Permit Series LAG110000, LAG380000, LAG420000, LAG470000, LAG480000, LAG490000, LAG670000, and LAG780000			
Violation	Citation	Amount ¹	Frequency
Failure to comply with effluent limitations and/or monitoring requirements from a facility covered under an LPDES permit within the Industrial/Commercial General Series.	LAC 33:IX.2701.A	\$500	10 or fewer violations
Failure to comply with effluent limitations and/or monitoring requirements from a facility covered under an LPDES permit within the Industrial/Commercial General Series.	LAC 33:IX.2701.A	\$1,000	More than 10, but less than 20 violations

¹ For each applicable violation that potentially contributes to impairment of a water body, an additional \$500 penalty amount shall be added to the penalty amount specified with the violation.

IX Oil and Gas General Permit

EXPEDITED PENALTIES			
WATER QUALITY—Oil and Gas General Permit Series LAG260000, LAG300000, LAG330000, or LAG830000			
Violation	Citation	Amount ¹	Frequency
Unauthorized discharge of pollutants to waters of the state that does not cause an emergency condition and is from a facility eligible for coverage under an LPDES permit within the Oil and Gas General Series.	LAC 33:IX.501.D	\$1,000	Per occurrence
Failure to comply with effluent limitations and/or monitoring requirements from a facility covered under an LPDES permit within the Oil and Gas General Series.	LAC 33:IX.2701.A	\$500	10 or fewer violations
Failure to comply with effluent limitations and/or monitoring requirements from a facility covered under an LPDES permit within the Oil and Gas General Series.	LAC 33:IX.2701.A	\$1,000	More than 10, but less than 20 violations

¹ For each applicable violation that potentially contributes to impairment of a water body, an additional \$500 penalty amount shall be added to the penalty amount specified with the violation.

IX Other Permits

EXPEDITED PENALTIES			
WATER QUALITY—Other Permits			
Violation ²	Citation	Amount ¹	Frequency
Failure to comply with effluent limitations and/or monitoring requirements from a facility covered under an LPDES permit, which is not defined as a <i>Major Facility</i> or covered under a <i>General Permit</i> as defined in LAC 33:IX.2313.	LAC 33:IX.2701.A	\$500	10 or fewer violations
Failure to comply with effluent limitations and/or monitoring requirements from a facility covered under an LPDES permit, which is not defined as a <i>Major Facility</i> or covered under a <i>General Permit</i> as defined in LAC 33:IX.2313.	LAC 33:IX.2701.A	\$1,000	More than 10, but less than 20 violations

¹ For each applicable violation that potentially contributes to impairment of a water body, an additional \$500 penalty amount shall be added to the penalty amount specified above.

² For municipal sanitary treatment plants eligible for or covered under an LPDES permit within the Minor series, application of expedited penalty related LPDES General Permit LAG560000 or LAG570000 violations may be used as approved by the administrative authority.

IX Nonspecific

EXPEDITED PENALTIES			
WATER QUALITY—Nonspecific			
Violation	Citation	Amount ¹	Frequency
Failure to develop a Spill Prevention and Control (SPC) plan for any applicable facility.	LAC 33:IX.708.C.1; LAC 33:IX.905	\$1,000	Per occurrence
Failure to implement any component of an SPC plan which does not result in a release of pollutants to waters of the state.	LAC 33:IX.708.C.1; LAC 33:IX.905	\$500	Per occurrence
Failure to implement any component of an SPC plan which results in a release of pollutants to waters of the state.	LAC 33:IX.708.C.1; LAC 33:IX.905	\$1,000	Per occurrence
Unauthorized discharge of oily fluids, oil field wastes, and/or produced water.	LAC 33:IX.708.C.2; LAC 33:IX.1701.B; LAC 33:IX.1901.A	\$1,000	Per occurrence
Failure to submit an initial application or Notice of Intent for authorization under an LPDES permit.	LAC 33:IX.2501.A	\$500	Per required submittal
Failure to reapply for authorization under an LPDES permit in a timely manner prior to the expiration date of the current permit.	LAC 33:IX.2501.A	\$250	Per required submittal
Failure to reapply for authorization under an LPDES permit at a <i>Major Facility</i> , as defined in LAC 33:IX.2313, in a timely manner prior to the expiration date of the current permit.	LAC 33:IX.2501.A	\$500	Per required submittal
Failure to submit certain reports as required by any LPDES permit, including, but not limited to, noncompliance reports, storm water reports, pretreatment reports, biomonitoring reports, overflow reports, construction schedule progress reports, environmental audit reports as required by a municipal pollution prevention plan, and toxicity reduction evaluation reports.	LAC 33:IX.2701.A	\$300	Per required submittal

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EXPEDITED PENALTIES			
WATER QUALITY—Nonspecific			
Violation	Citation	Amount ¹	Frequency
Failure to prepare and/or implement any portion or portions of a Storm Water Pollution Prevention Plan (SWPPP), a Pollution Prevention Plan (PPP), or a Best Management Practices (BMP) Plan as required by any LPDES permit not specified elsewhere in this Chapter.	LAC 33:IX.2701.A	\$1,000	Per occurrence
Failure to comply with any portion(s) of Sewage Sludge and Biosolids Use, or Disposal Permit LAJ650000.	LAC 33:IX.7301.D.1	\$400	Per occurrence
Failure to comply with registration requirements and standards for transporters of sewage sludge and/or standards for vehicles used in the transport of sewage sludge.	LAC 33:IX.7301.F	\$400	Per occurrence
Unauthorized use or disposal of sewage sludge or biosolids.	LAC 33:IX.7301.G.1 or G.2	\$1,000	Per occurrence

¹ For each applicable violation that potentially contributes to impairment of a water body, an additional \$500 penalty amount shall be added to the penalty amount specified with the violation.

XI Underground Storage Tanks

EXPEDITED PENALTIES			
UNDERGROUND STORAGE TANKS			
Violation	Citation	Amount	Frequency
Failure to register an existing or new UST containing a regulated substance.	LAC 33:XI.301.A-B	\$300	Per inspection
Failure to certify and provide required information on the department's approved registration form.	LAC 33:XI.301.B.1-2	\$200	Per inspection
Failure to provide notification within 30 days after selling a UST system or acquiring a UST system; failure to keep a current copy of the registration form on-site or at the nearest staffed facility.	LAC 33:XI.301.C.1-3	\$300	Per inspection
Allowing a regulated substance to be placed into a new UST system that has not been registered.	LAC 33:XI.301.C.4	\$1,500	Per inspection
Failure to provide corrosion protection to tanks that routinely contain regulated substances using one of the specified methods.	LAC 33:XI.303.D.1	\$500	Per inspection
Failure to provide corrosion protection to piping that routinely contains regulated substances using one of the specified methods.	LAC 33:XI.303.D.2	\$500	Per inspection
Failure to provide corrosion protection to flex hoses and/or sub-pumps that routinely contain regulated substances using one of the specified methods.	LAC 33:XI.303.D.2	\$500	Per inspection
Failure to provide spill and/or overfill prevention equipment as specified.	LAC 33:XI.303.D.3	\$300	Per inspection
Failure to ensure that the individual exercising supervisory control over installation-critical junctures is certified in accordance with LAC 33:XI.Chapter 13.	LAC 33:XI.303.D.6.b.ii	\$1,500	Per occurrence
Failure to upgrade an existing UST system to new system standards as specified.	LAC 33:XI.303.E	\$1,300	Per inspection
Failure to pay fees by the required date.	LAC 33:XI.307.D	\$200	Per inspection
Failure to report any spill and/or overfill.	LAC 33:XI.501.C	\$500	Per inspection
Failure to investigate and/or clean up any spill and/or overfill.	LAC 33:XI.501.C	\$1,500	Per inspection

EXPEDITED PENALTIES			
UNDERGROUND STORAGE TANKS			
Violation	Citation	Amount	Frequency
Failure to continuously operate and maintain corrosion protection to the metal components of portions of the tank and piping that routinely contain regulated substances and are in contact with the ground or water.	LAC 33:XI.503.A.1	\$300	Per inspection
Failure to have a UST system equipped with a cathodic protection system inspected for proper operation as specified.	LAC 33:XI.503.A.2	\$300	Per inspection
Failure to inspect a UST system with an impressed current cathodic protection system every 60 days to ensure that the equipment is running properly.	LAC 33:XI.503.A.3	\$300	Per inspection
Failure to meet requirements for repairs to UST systems.	LAC 33:XI.507	\$300	Per inspection
Failure to ensure that the individual exercising supervisory control over repair-critical junctures is certified.	LAC 33:XI.507.A.2	\$1,000	Per occurrence
Failure to maintain required information and/or keep records at the UST site and make them immediately available or keep them at an alternative site and provide them after a request.	LAC 33:XI.509.B and C	\$200	Per inspection
Failure of Class A, B, or C UST operators to be trained and certified in accordance with the regulations and deadlines in LAC 33:XI.607.	LAC 33:XI.603.A.2	\$500	Per occurrence
Failure of Class A or B UST operators to be retrained in accordance with LAC 33:XI.603 and 605 within three years of initial training.	LAC 33:XI.609.A	\$500	Per occurrence
Failure of a Class C operator to be re-trained after beginning work at a UST facility owned by an operator that did not provide the Class C operators initial training.	LAC 33:XI.609.B	\$300	Per occurrence
Failure to meet the performance requirements when performing release detection required in LAC 33:XI.703.	LAC 33:XI.701; 703.A.2.b and c	\$750	Per inspection
Failure to conduct an annual performance test on automatic line leak detectors by simulating a leak.	LAC 33:XI.701.B.1	\$350	Per inspection
Failure to use a method or combination of methods of release detection described in LAC 33:XI.701 for all new or existing tank systems.	LAC 33:XI.703.A.1	\$1,500	Per inspection
Failure to monitor tanks for releases as specified.	LAC 33:XI.703.B.1	\$350	Per inspection
Failure to monitor underground piping for releases as specified.	LAC 33:XI.703.B.2	\$750	Per inspection
Failure to report any suspected release within 24 hours after becoming aware of the occurrence or when a leak detection method indicates that a release may have occurred.	LAC 33:XI.703.A.3 or 707	\$500	Per occurrence
Failure to investigate and confirm any suspected release of a regulated substance requiring reporting under LAC 33:XI.707 within seven days of detection.	LAC 33:XI.711	\$1,500	Per occurrence
Failure to maintain corrosion protection and/or release detection on a UST system that is temporarily closed and contains more than 2.5 cm (1 inch) of residue, or 0.3 percent by weight of the total capacity of the UST system.	LAC 33:XI.903.A	\$500	Per inspection
Failure to permanently close tanks that do not meet the required performance standards.	LAC 33:XI.903.C	\$1,000	Per inspection
Failure to perform and/or submit a site assessment within 24 months of the date tanks are placed into temporary closure.	LAC 33:XI.903.D	\$500	Per inspection

EXPEDITED PENALTIES			
UNDERGROUND STORAGE TANKS			
Violation	Citation	Amount	Frequency
Failure to comply with permanent closure and/or changes in service procedures.	LAC 33:XI.905	\$500	<i>Section 807</i> Per inspection
Failure to use a certified worker for tank closure.	LAC 33:XI.905.A.2	\$1,000	Per inspection
Failure to assess the site at closure or change-in-service where contamination is most likely to be present.	LAC 33:XI.907.A	\$500	Per occurrence
Failure to submit the assessment in duplicate within 60 days following permanent closure or change-in-service.	LAC 33:XI.907.A	\$500	Per occurrence
Failure to begin corrective action of contaminated soils, contaminated groundwater, or free product discovered through methods in LAC 33:XI.907.A, in accordance with LAC 33:XI.715.	LAC 33:XI.907.B	\$1,500	Per occurrence
No person shall conduct critical junctures of a UST system unless the person present at the site and exercising responsible supervisory control over the critical juncture is currently certified in accordance with LAC 33:XI.Chapter 13.	LAC 33:XI.1301.B	\$1,500	Per inspection

XV Radiation

EXPEDITED PENALTIES			
RADIATION			
Violation	Citation	Amount	Frequency
Failure to submit a timely and complete license renewal application 30 days prior to expiration of existing license.	LAC 33:XV.332.C	\$250	Per occurrence
Failure to provide adequate or accurate information on notification of reciprocity.	LAC 33:XV.390.A.2	\$250	Per occurrence
Failure to secure licensed or registered radioactive material from unauthorized removal or access.	LAC 33:XV.445.A	\$500	Per occurrence
Failure to post each radiation area with conspicuous signage.	LAC 33:XV.451	\$300	Per occurrence
Failure of licensed transferor to verify that the transferee is licensed to receive the radioactive materials.	LAC 33:XV.340.C	\$1000	Per occurrence
Failure to perform required surveys or monitoring with properly calibrated instruments.	LAC 33:XV.430	\$500	Per inspection
Failure to perform periodic measurement of entrance exposure rates at installation, annually thereafter, or after any maintenance of the x-ray fluoroscopic system.	LAC 33:XV.605.A.3.b.i	\$1000	Per occurrence

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:2243 (December 2006), amended LR 34:1393 (July 2008), LR 35:62 (January 2009), amended by the Office of the Secretary, Legal Division, LR 42:236 (February 2016).

Chapter 11. Declaratory Rulings

§1119. Disposition of Petition

A. After determining whether any circumstances exist that preclude the issuance of a declaratory ruling under

LAC 33:I.1121, the department shall, not later than 60 days after receipt of the petition, either:

1. notify the applicant that the fee as specified in LAC 33:I.1151 is owed and issue a declaratory ruling;
2. deny the request for a declaratory ruling;
3. grant the request for a declaratory ruling, notify the applicant that the fee as specified in LAC 33:I.1151 is owed, and set a time within which the ruling will be issued; or
4. fail to respond to the petition, in which case the department's failure to respond shall be deemed to be a denial of the request for a ruling as well as a denial of the merits of the request.

B. All declaratory rulings and written denials of the requests for declaratory rulings issued by the department shall contain an explanation of the relevant facts and conclusions that served as the basis for the ruling or the denial.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2050.10.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 23:1142 (September 1997), amended by the Office of the Secretary, Legal Division, LR 43:931 (May 2017).

§1151. Fees

A. Fee for Declaratory Ruling

1. After a petition for a declaratory ruling has been received by the department, the appointing authority will determine how the department will proceed according to LAC 33:I.1119.A. If the department decides to proceed via LAC 33:I.1119.A.1 or LAC 33:I.1119.A.3, a minimum \$1,500 nontransferable and nonrefundable fee shall be submitted to the department.

2. Prior to the issuance of the declaratory ruling, a final fee determination shall be made.

a. An appropriate fee shall be computed based on the maximum hourly overtime salary, including associated related benefits, of the department's civil service employee who issues the ruling.

b. The fee shall be computed by multiplying the salary figure calculated according to Subparagraph A.2.a of this Section by every overtime hour, or portion thereof, worked by the department employee on the declaratory ruling.

c. If the final fee based on these calculations exceeds \$1,500, the applicant shall be invoiced the final fee amount, less the \$1,500 already received paid. The declaratory ruling shall not be issued until this amount is paid.

B. Refunds. The fees in this Section are nontransferable and nonrefundable.

C. Methods of Payment

1. 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 at the address provided on the invoice.

2. Electronic Methods of Payment

a. Persons wishing to make payments using the electronic pay method should access the department's website and follow the instructions provided on the website.

- b. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.
3. Cash is not an acceptable form of payment.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 43:931 (May 2017).

Chapter 12. Requests for Review of Environmental Conditions

§1201. Applicability and Scope

- A. This Chapter applies to reviews by the department of reports of environmental conditions at specified tracts of immovable property when such reports from site investigations are not required or requested by the administrative authority.
- B. Nothing herein shall be construed to diminish the responsibility of any person (e.g., owner, operator, employee, agent, contractor, or assign) having knowledge of the presence at any site of any hazardous substance, hazardous waste, hazardous waste constituent, or other pollutant or contaminant, to notify the department pursuant to LAC 33:I.Chapter 39. If additional information becomes available to indicate that the source of the release is a current discharge or a discharge that should have been reported, enforcement action may be taken.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and specifically 2011(D)(25).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:447 (March 2007).

§1203. Procedure for Submittal of Request

- A. All requests for reviews by the department of reports of environmental conditions shall be accompanied by an initial \$1650 minimum fee.
 1. All payments made by check, draft, or money order shall be made payable to the Department of Environmental Quality, and mailed to the department with the request.
 2. Persons wishing to make payments using the electronic pay (e-pay) method shall access the department's website and follow the instructions provided on the website.
 3. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.
 4. Cash is not an acceptable form of payment.
- B. Contents of Request. An applicant requesting a review of environmental conditions for specific immovable property shall furnish the following information:
 1. the agency interest number or a completed agency interest form from the department identifying the facility/agency interest;
 2. the area of investigation, if different from the facility/agency interest location;
 3. the basis for the request;
 4. the purpose of the use of the property and the date-range of the use;
 5. a brief description of activities that occurred on the property;
 6. the future intended use of the property;
 7. the types and results of investigations that have occurred, including the following information:
 - a. report dates;
 - b. the media investigated;
 - c. the constituents of concern (COC);
 - d. the maximum remaining concentration of the COC; and
 - e. the limiting RECAP standards for the COC;

8. any remedial standards previously developed for the property;
9. any remedial actions taken for the property; and
10. any other information requested by the administrative authority.

C. An applicant shall submit the request for review, in accordance with the requirements of Subsection B of this Section, in triplicate, with the initial minimum fee in Subsection A of this Section, to the administrator of the Office of Environmental Assessment.

D. The administrative authority will issue the result of the review to the owner/operator of the facility and to the person requesting the review.

E. The administrative authority shall keep an accounting of time spent by the department civil service employee processing the review request. Every hour or portion thereof that the department civil service employee works processing the request shall be multiplied by the maximum per-hour overtime salary, including associated related benefits, of the department civil service employee who performed the work. If this amount exceeds the initial minimum fee charged pursuant to R.S. 30:2011(D)(25) and Subsection A of this Section, an additional fee shall be charged for the amount exceeding the initial minimum fee.

1. An invoice for the additional fee shall be transmitted to the person requesting the review after the review is complete.

2. Failure to pay the additional fee by the due date specified on the invoice will constitute a violation of these regulations and shall subject the person requesting the review to relevant enforcement action under the Louisiana Environmental Quality Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and specifically 2011(D)(25), and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:447 (March 2007), amended LR 33:2079 (October 2007), LR 35:2178 (October 2009), amended by the Office of the Secretary, Legal Division, LR 38:2749 (November 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2136 (November 2017), LR 44:0000 (July 2018).

Chapter 14. Groundwater Fees

§1401. Authority

A. Rules and regulations are hereby established by the Department of Environmental Quality as authorized by R.S. 30:2014.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Ground Water Protection Division, LR 18:729 (July 1992).

§1403. Scope and Purpose

A. The purpose of these regulations is to establish a fee system for funding the departmental review and oversight of assessment and remediation activities undertaken by those entities noted in LAC 33:I.1405 and for funding the monitoring, investigation and other activities required to be conducted for the maintenance of a safe and healthful environment by the Department of Environmental Quality.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Ground Water Protection Division, LR 18:729 (July 1992).

§1405. Applicability

A. These rules and regulations apply to facilities which are required under solid waste regulations or hazardous waste regulations to produce annual reports concerning the groundwater

condition at their sites, to facilities which have installed groundwater monitoring systems, and to facilities conducting assessment and/or remediation of groundwater contamination (regardless of whether said contamination originated from a regulated waste management unit or from a non-regulated facility) for which the department is providing oversight. These rules and regulations do not apply:

1. to sites over which other departments, such as the Department of Natural Resources, are legitimately exercising oversight and to which the department provides no assistance or technical guidance;
2. to sites regulated under the underground storage tank regulations; or
3. to facilities billed under the authority of another Part or Chapter of Title 33 for the same activity.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Ground Water Protection Division, LR 18:729 (July 1992), repromulgated LR 21:796 (August 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2441 (November 2000).

§1407. Definitions

A. The following terms used in this Chapter shall have the meanings listed below, unless the context otherwise requires, or unless specifically redefined in a particular Section.

Assessment—planning, data gathering and reporting, and other activities used to generate a report that appraises groundwater contamination and draws conclusions as to the need for further assessment and/or corrective action.

Assessment Oversight—departmental review and evaluation of a facility's assessment activities.

Corrective Action Oversight—departmental review and evaluation of corrective action plans and of remedial actions undertaken to restore the quality of contaminated groundwater.

Corrective Action Plan—a plan that details a schedule of remedial actions that will restore the quality of contaminated groundwater.

Non-Regulated Facility—a facility that is not classified as a solid or hazardous waste facility but under which groundwater contamination has been detected.

Regulated Unit—a solid waste facility or a hazardous waste facility under which groundwater contamination has been detected.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Ground Water Protection Division, LR 18:729 (July 1992), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1889 (September 2008).

§1409. Groundwater Protection Fees

A. Assessment Oversight (Annual). The fee listed below covers the cost of reviewing, evaluating, and approving plans and/or reports that assess groundwater contamination and draw conclusions as to the need for further assessment and/or corrective action.

Hazardous Waste Facilities	\$11,435
Solid Waste Facilities	\$7,623
Nonregulated Facilities	\$3,812

B. Corrective Action Oversight (Annual). The fee listed below covers the cost of reviewing, evaluating, and approving plans and/or actions to remediate groundwater that has been contaminated by a facility.

Hazardous Waste Facilities	\$15,246
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Solid Waste Facilities	\$11,435
Nonregulated Facilities	\$3,812

C. Annual Report Review Fee. The fee listed below covers the cost of reviewing the groundwater annual reports required by Hazardous and/or Solid Waste regulations.

Hazardous Waste Facilities	\$1,525
Solid Waste Facilities	\$381

D. Groundwater Monitoring Systems Review. The fee listed below covers the cost of reviewing the geology and design of proposed groundwater monitoring systems to ensure compliance with department specifications.

Each well	\$726
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E. Groundwater Monitoring Systems Inspection Fee (Annual). The fee listed below covers the cost of inspecting monitoring systems to ensure that they are functioning properly and continue to maintain their integrity. The cost also includes other activities, such as the analysis of boring logs and site geology (cross sections, isopachs, etc.). The maximum fee that can be charged for this category is \$7,260.

Each well	\$363
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F. Facility Inspection Fee (Annual). The fee listed below covers the cost of inspecting the various facilities to ensure compliance with the groundwater protection requirements contained in the facilities' permits.

Hazardous Waste Facilities	\$1,452
With sampling	\$10,890
Solid Waste Facilities	\$726
With sampling	\$2,178

G. Oversight of Abandonment Procedures. The fee listed below covers the cost of reviewing plans to plug and abandon all non-permitted groundwater monitoring systems (monitoring wells, piezometers, observations wells, and recovery wells) to ensure that they do not pose a potential threat to groundwater.

Casing pulled	\$146 each well
Casing reamed out	\$291 each well
Casing left in place	\$726 each well

H. Maximum Total Fee per Facility. The maximum annual fee that can be assessed a facility under these regulations is \$45,739.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Ground Water Protection Division, LR 18:729 (July 1992), amended LR 21:797 (August 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:671 (May 2003), LR 29:2041 (October 2003), amended by the Office of the Secretary, Legal Division, LR 43:931 (May 2017).

§1411. Methods of Payment

A. All payments made by check, draft, or money order shall be made payable to the Department of Environmental Quality, and mailed to the department at the address provided on the invoice.

B. Electronic Methods of Payment

1. Persons wishing to make payments using the electronic pay method should access the department's website and follow the instructions provided on the website.
 2. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.
- C. Cash is not an acceptable form of payment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Ground Water Protection Division, LR 18:730 (July 1992), repromulgated LR 21:797 (August 1995), amended by the Office of the Secretary, Legal Affairs Division, LR 35:2178 (October 2009), amended by the Office of the Secretary, Legal Division, LR 43:932 (May 2017).

§1413. Late Payment Fee

- A. Payments not received within 15 days of the due date will be charged a late payment fee.
- B. Any late payment fee shall be calculated from the due date indicated on the invoice.
- C. Payments not received by the department by:
 1. the fifteenth day from the due date will be assessed a 5 percent late payment fee on the original assessed fee;
 2. the thirtieth day from the due date will be assessed an additional 5 percent late payment fee on the original assessed fee; and
 3. the sixtieth day from the due date will be assessed an additional 5 percent late payment fee on the original assessed fee.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Ground Water Protection Division, LR 18:730 (July 1992), amended LR 21:797 (August 1995), amended by the Office of Management and Finance, Fiscal Services Division, LR 25:426 (March 1999), amended by the Office of the Secretary, Legal Division, LR 43:932 (May 2017).

§1415. Failure to Pay

- A. Failure to pay the prescribed application fee or annual fee as provided herein, within 90 days after the due date, will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Louisiana Environmental Quality Act including, but not limited to, revocation or suspension of the applicable permit, license, registration, or variance.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Ground Water Protection Division, LR 18:730 (July 1992), amended by the Office of Management and Finance, Fiscal Services Division, LR 25:426 (March 1999).

Chapter 17. Permit Qualifications and Requirements

§1701. Requirements for Obtaining a Permit

- A. In addition to meeting the requirements for permits outlined in the applicable sections of the environmental quality regulations, an applicant shall:
 1. have no history of environmental violation(s) that demonstrates to the department an unwillingness or inability to achieve and maintain compliance with the permit for which the application is being made, unless the department determines that the applicant's history of environmental violation(s) can be adequately addressed by permit conditions;
 2. if required, register with the Secretary of State;

3. owe no outstanding monies including, but not limited to: fees, cost recovery, reimbursement costs, response costs, final judgments, or final penalties to the department; and

4. if under a compliance schedule, be making satisfactory progress in meeting the conditions of the compliance schedule.

B. Before issuing any permit or transfer of ownership of a permit, the administrative authority may conduct an evaluation of the applicant related to the management of any facilities or activities subject to regulation under any applicable air, water, solid waste, hazardous waste, radiation control, or other environmental programs administered by the various states of the United States or by the federal government. If, pursuant to this evaluation, the administrative authority determines that the applicant has demonstrated an unwillingness or inability to achieve and maintain compliance with the permit for which application is being made, the administrative authority may:

1. include such conditions in the permit as reasonably deemed necessary for the protection of human health and the environment; or

2. deny any application for the issuance or transfer of the permit.

C. The applicant shall provide to the Office of Environmental Services a list of the state(s) where he or she has federal or state environmental permits identical to, or of a similar nature to, the permit for which application is being made. This information shall be provided for all individuals, partnerships, corporations, or other entities who own a controlling interest (50 percent or more) in the company or who participate in the environmental management of the facility for an entity applying for a permit or an ownership interest.

D. In addition to providing the information required in Subsection C of this Section, the applicant shall submit a written statement to the Office of Environmental Services as part of the permit application, to certify that:

1. if required, the applicant has registered with the secretary of state; and

2. no outstanding fees or final penalties are owed to the department.

E. The administrative authority may require the submission of additional information if the administrative authority deems such information necessary in order to make a determination under this Chapter

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014.2 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 25:660 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2441 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2433 (October 2005), LR 33:2079 (October 2007), amended by the Office of the Secretary, Legal Division, LR 43:932 (May 2017).

Chapter 18. Expedited Permit Processing 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. Expedited processing of an application for a permit, modification, license, registration, or variance is an exercise of the discretion of the administrative authority and is subject to the availability of resources needed in order to process the permit, modification, license, registration, or variance. Permit actions approved for expedited permit processing must meet all regulatory requirements, including required public comment periods and any required review by other agencies.

B. Eligibility

1. An application for an initial permit or permit modification necessary for new construction as required by the Environmental Quality Act or regulation is eligible for expedited permit processing.

2. An application for permit modification that does not result in new permanent jobs is eligible for expedited processing pursuant to the provisions of this Chapter if it is associated with new construction; includes increases in production that benefit the national, state, or local economy; or provides a direct benefit to the environment.

3. Applications for permit renewal and/or reconciliation will be considered for expedited processing pursuant to the provisions of this Chapter on a case-by-case basis.

4. A request for expedited permit processing submitted prior to submittal of the associated permit application will not be considered.

5. Requests for exemptions, letters of no objection, and other miscellaneous letters of response are not eligible for expedited permit processing.

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

D. Approval of a request for expedited permit processing in no way guarantees issuance of the permit action or issuance of the permit action by the date requested.

E. The department may deny a request for expedited permit processing for any reason, including but not limited to the following:

1. the applicant's failure to pay outstanding fees or penalties;
2. compliance history concerns regarding the applicant;
3. an infeasible date requested for permit action;
4. an insufficient maximum amount the applicant is willing to pay; or
5. insufficient workforce resources available to assign to the task or a request not in line with department priorities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014.5.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:1013 (June 2007), amended LR 38:1232 (May 2012).

§1805. Fees

A. In addition to the fees charged pursuant to R.S. 30:2014, a fee shall be charged for each application for a 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 of the department who performs the work.

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

3. The applicant may request that the expedited permit processing 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 application for a 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, unless the applicant agrees in writing to pay the expedited fees required to complete the expedited processing of the permit action.

B. In the event that the administrative authority ceases processing an application for a permit, modification, license, registration, or variance in accordance with LAC 33:I.1803.D.3 or Paragraph A.3 of this Section, a fee will be charged for every overtime

hour or portion thereof that a department employee or contractor worked on expedited processing of the subject application for a permit, modification, license, registration, or variance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30: 2014.5 and 6.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:1014 (June 2007).

§1807. Invoicing and Failure to Pay

A. An invoice for the expedited permit processing fee shall be transmitted to the applicant after the administrative authority has made a decision to grant or deny the permit, modification, license, registration, or variance.

B. If the administrative authority has ceased processing the permit application in accordance with

LAC 33:I.1803.D.3 or 1805.A.3, an invoice for the appropriate expedited permit processing fee shall be transmitted to the applicant.

C. Failure to pay the expedited permit processing fee by the due date specified on the invoice constitutes 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.

D. A permit appeal, whether by the applicant or a third party, shall not stay the requirement to pay the expedited permit processing fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30: 2014.5 and 6.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:1015 (June 2007).

Chapter 19. Facility Name and Ownership/Operator Changes Process

§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.

Name and Ownership/Operator Change Fees	
Program	LAC Citation for Fee
Air	LAC 33:III.223, Fee Number 2000
Solid Waste: Type I, I-A, II, and II-A Facilities	LAC 33.VII.1501.C (N/A for name change alone)
Solid Waste: Type III Facilities or Beneficial Use Facilities	LAC 33.VII.1501.D (N/A for name change alone)
LPDES	LAC 33:IX.1309.D.4 (N/A for name change alone)

B. Methods of Payment

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

2. Electronic Methods of Payment

- a. Persons wishing to make payments using the electronic pay (e-pay) method shall access the department's website and follow the instructions provided on the website.
- b. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.
3. Cash is not an acceptable form of payment.
- 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., and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2429 (October 2005), amended LR 35:2178 (October 2009), LR 36:2552 (November 2010), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:0000 (July 2018).

Chapter 23. Procedures for Public Record Requests

§2305. Standard Operating Procedures

- A. All requests for copies of public records, including discovery requests, subpoenas duces tecum for production of public records, and the preparation of a record of decision pursuant to LAC 33:I.Chapter 20, shall be made using LDEQ Form ISD-0005-01. A certification on LDEQ Form ISD-0005-02 shall be submitted with a request for free or reduced rate copies. Completed forms may be submitted in person, by mail, by facsimile, or by another approved method. No other form of request will be honored. Copies of the forms may be obtained through the department's website or from the department's custodian of records.
- B. Payment shall be made in accordance with the rates established in this Chapter.
- C. Advance payment is required, except for a request for an administrative record of decision required to be lodged with a court.
 1. All payments made by check, draft, or money order shall be made payable to the Department of Environmental Quality.
 2. Persons wishing to make payments using the electronic pay method (e-pay) shall access the department's website and follow the instructions provided on the website.
 3. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.
 4. Cash is not an acceptable form of payment.
- D. In order to ensure the preservation of department records, no records shall leave the premises, whether accompanied by agency personnel or otherwise.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950 et seq., and 44:1 et seq., and R.S. 49:316.1(A)(2)(a) and (c).

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 29:702 (May 2003), amended by the Office of Environmental Assessment, LR 30:2020 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:88 (January 2007), LR 35:2178 (October 2009).

§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.
 1. Requests for exceptions to standard operating procedures shall be approved in advance by the department's custodian of records.
 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 proof of payment made by an approved method of payment, 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.

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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950 et seq., and 44:1 et seq., and R.S. 49:316.1(A)(2)(a) and (c).

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 29:702 (May 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2080 (October 2007), LR 35:2179 (October 2009).

§2309. Uniform Fee Schedule

Item	Regular Fee	Reduced Fee
Copy	\$0.25 per one-sided page	\$0.05 per one-sided page
	\$0.50 per two-sided page	\$0.10 per two-sided page
Copy, Color	\$1 per one-sided page	\$0.50 per one-sided page
Copy of existing electronic file	\$0.25 per one-sided page paper copy	\$0.05 per page paper copy
	\$0.50 per two-sided page paper copy	\$0.10 per page paper copy
(Disk/CD will be provided by the department)	Cost of disk/CD for electronic copy	Cost of disk/CD for electronic copy
Computer-generated report/map that requires data processing time* (Disk/CD will be provided by the department) *Cost to include personnel, supplies, etc.	\$25 per hour + cost of disk/CD	\$5 per hour + cost of disk/CD
Copies printed and produced by outside sources at the request of the department (LSU Press, DOA Printing, etc.)	As determined by the cost statement	As determined by the cost statement
Facsimile, per page **A cover sheet and an invoice shall be included in the faxed material at no charge.	\$1 per page**	\$1 per page**
Reproduced videotape	Cost of tape	Cost of tape
Reproduced audiotape	Cost of tape	Cost of tape

Item	Regular Fee	Reduced Fee
Postage & Handling	Actual cost	Actual cost
Viewing records, certification of record copies, or copies of Requests for Proposal (RFP)	No charge	No charge

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 29:703 (May 2003).

Subpart 3. Laboratory Accreditation

Chapter 45. Policy and Intent

§4501. Description and Intent of Program

A. Description and Intent of the Laboratory Accreditation Program

1. These regulations provide requirements for an accreditation program specifically applicable to commercial laboratories, wherever located, that provide chemical analyses, analytical results, or other test data to the department, by contract or by agreement, and the data is:

- a. submitted on behalf of any facility, as defined in R.S. 30:2004;
- b. required as a part of any permit application;
- c. required by order of the department;
- d. required to be included on any monitoring reports submitted to the department;
- e. required to be submitted by contract; or
- f. otherwise required by department regulations.

2. The department laboratory accreditation program is designed to ensure the accuracy, precision, and reliability of the data generated, as well as the use of department-approved methods in the generation of that data. Laboratory data generated by commercial environmental laboratories that are not accredited under this Subpart shall not be accepted by the department.

B. This accreditation covers the following matrices:

1. air emissions;
2. nonpotable water;
3. solid and chemical material; and
4. biological tissue.

C. Each matrix, as defined in LAC 33:I.4503, is divided into test categories. Applications for accreditation may be made for one or more test categories within specified matrices. The laboratory shall identify in the application, the specific department-approved methods it will be using for each test category. The laboratory shall also have participated in all relevant department-approved proficiency testing programs and shall indicate this at the appropriate box or location on the application. Any variance from approved protocol or procedure is acceptable only with prior written confirmation by the department.

D. Applicants must have an acceptable quality control system and associated documentation. Accreditation earned from other states or regulatory agencies may be accepted by the department, provided that a review shows that the requirements are no less stringent than those required by these regulations. Reciprocity with other state accreditation programs will be reviewed by the department, and if the requirements of these regulations are met, then accreditation may be granted.

E. This Subpart shall not apply to the following:

1. laboratory analyses programs accredited under the regulatory and statutory authority of the Louisiana Department of Health and Hospitals; and

2. personnel monitoring services in accordance with LAC 33:XV.430.C and to those activities specifically licensed in accordance with LAC 33:XV.Chapter 3.Subchapter B, equivalent agreement state regulations, and the Nuclear Regulatory Commission regulations, Title 10 Code of Federal Regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:917 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1434 (July 2000), LR 29:312 (March 2003), amended by the Office of the Secretary, Legal Division, LR 43:932 (May 2017).

§4503. Definitions

A. When used in these rules and regulations, the following words and phrases shall have the meanings ascribed to them below.

Accreditation—the formal recognition by the department of a laboratory's competence wherein specific tests or types of tests can be accurately and successfully performed in compliance with all minimum requirements set forth in these regulations.

Annual Renewal Date—July 1.

Applicant—the laboratory requesting accreditation.

Commercial Laboratory—any laboratory, wherever located, that performs analyses or tests for third parties for a fee or other compensation and provides chemical analyses, analytical results, or other test data to the department, by contract or agreement, and the data is: submitted on behalf of any facility, as defined in R.S. 30:2004; or required as a part of any permit application; or required by order of the department; or required to be included on any monitoring reports submitted to the department; or otherwise required by department regulations. The term commercial laboratory does not include laboratories accredited by the Louisiana Department of Health and Hospitals in accordance with R.S. 49:1001, et seq.

Corrective Action Proficiency Test Sample—a proficiency test sample of known composition provided by an external source (e.g., EPA) that is used to evaluate lab performance after completion of required corrective action(s) of a failed proficiency evaluation test round.

Department—the Louisiana Department of Environmental Quality.

Department Accreditation Program—a program instituted by the department by which a laboratory that generates data for submittal to any area of the department may be deemed an accredited laboratory producing acceptable data, based upon the accuracy and reliability of the generated data, the use of department-approved methodology for the generation of the data, and the utilization of an acceptable quality control/quality assurance program to document the quality of the data produced.

Department-Approved Testing Methods—the laboratory and field procedures that have been approved by the department. These include all EPA-recognized methods, as well as those deemed equivalent by the department, that are adopted from existing standards and regulations or developed for specific fields of testing, specific testing technologies, or specific types of tests. This refers to the methods cited in the 40 CFR and subsequent changes published in the Federal Register from such sources as U.S. EPA, Standard Methods for the Examination of Water and Wastewater, ASTM, NIOSH, SW-846, American Public Health Association for Microbiological Methods, USGS, AOAC, and alternate test procedures approved for use.

Discreditation—the revocation by the department of the formal recognition of the laboratory's accredited status because of a violation of LAC 33:I.5705.F.

EPA—the United States Environmental Protection Agency.

EPA-Accepted Methods—the methods cited in the 40 CFR and subsequent changes published in the Federal Register; from such sources as EPA, Standard Methods for the Examination of Water

and Wastewater, ASTM, NIOSH, SW846, American Public Health Association for Microbiological Methods, USGS, AOAC, and alternate test procedures approved for nationwide use, as well as any method approved by the department.

Field of Testing—Repealed.

Field Test—any activity or operation conducted on-site resulting in the measurement of a specific parameter. Field tests are generally conducted at or near the site of sampling and include soil classification, pH, temperature, flow rate, fugitive emissions monitoring of valves, pumps, flanges, etc.

Interim Status—a status that exists in the accreditation process wherein all application requirements have been met by the laboratory, but formal accreditation status has not been granted by the department. Interim status is granted on a case-by-case basis at the discretion of the department and shall not exceed one year in length.

Laboratory—any facility, whether fixed-based, mobile, or field, that analyzes environmental samples and that seeks accreditation by the department.

Laboratory Representative—the laboratory employee who is designated as the contact person responsible for the information provided in the application and for ensuring compliance with the requirements for accreditation.

Matrix (Matrices)—the substrate of a test sample that includes air emissions, nonpotable water, solid and chemical materials, and biological tissue.

Mobile Laboratory—any facility that analyzes environmental samples and that seeks accreditation by the department that is capable of moving or being moved from one site to another.

NIST—National Institute of Standards and Technology.

NRC—Nuclear Regulatory Commission.

Primary Accrediting Authority—for the purpose of NELAP Accreditation, the Louisiana Department of Environmental Quality, with the exception of those laboratory analyses accredited under the regulatory and statutory authority of the Louisiana Department of Health and Hospitals.

Proficiency Evaluation Test Sample (PE)—a sample of known composition (unknown to laboratory) provided by an external source (e.g., EPA) that is used to evaluate lab performance.

Reaccreditation—the reinstatement of a fully accredited status by the department, thereby signifying that all violations of LAC 33:I.5705.F that initiated the discreditation action have been corrected and that the laboratory is deemed in compliance with requirements of these regulations.

Reciprocity—a method of obtaining accreditation, whereby the applicant laboratory provides documentation that demonstrates that its current certification or accreditation is no less stringent than required by these regulations. All fees associated with accreditation in the state of Louisiana shall be applicable. Laboratories located within the state of Louisiana shall be required to apply for a certification and shall not be eligible for reciprocity.

Round Robin Testing—a method of proficiency testing, whereby a blind sample is split and sent to laboratories for analysis from the department or its representative. Laboratories participating in round robin testing shall not pass test samples from one laboratory to another. This form of testing shall be limited to use where applicable.

Small Laboratory—a laboratory consisting of 10 or fewer people who influence the quality of data from sample collection through report generation.

Suspension—a temporary removal by the department of the accredited status, in part or whole, of a laboratory because of an infraction(s) of LAC 33:I.5705.F until such time that the infraction(s) is satisfactorily corrected and the laboratory is returned to a fully accredited status or the infraction(s) is not corrected and the laboratory is discredited.

Test Category—any one of the 11 categories listed in LAC 33:I.4705.B in which a laboratory may request department accreditation for a specific test or analysis.

Traceable Material—any material whose true value or true measurement can be related to a standard reference, usually national or international, all having stated uncertainties (e.g., NIST traceable thermometers, standards, reagents, etc.).

Variance—any deviation from a department-approved method that has the potential for affecting the analytical results generated from a test procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:918 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1434 (July 2000), amended by the Office of Environmental Assessment, LR 31:1570 (July 2005), amended by the Office of the Secretary, Legal Division, LR 43:933 (May 2017).

Chapter 47. Louisiana Environmental Laboratory Accreditation Program (LELAP) State Accreditation Requirements

§4701. Accreditation Process

A. The department accreditation process comprises four basic steps:

1. the submittal to the Office of Environmental Assessment of a written request from the laboratory in the form of an application provided by the department, along with payment of all applicable fees;
2. an on-site assessment/evaluation of the laboratory submitting the request/application by authorized representatives of the department with the appropriate laboratory background;
3. the successful participation in department-approved applicable proficiency evaluations; and
4. both periodic technical evaluation of the laboratory and periodic submittal by the laboratory of written documentation that all requirements of the department accreditation program are being fulfilled in order to maintain accreditation.

B. When all requirements for accreditation have been successfully fulfilled, the department shall grant the applicant laboratory a formal notice of certification that lists those matrices, analytes, and methods for which the laboratory is certified. The certificate must be posted within public view in the laboratory setting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:919 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1435 (July 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2434 (October 2005), LR 33:2081 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2749 (November 2012), LR 43:933 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2136 (November 2017).

§4703. Application for Accreditation

A. An applicant for environmental laboratory accreditation must be legally identifiable and possess a permanent business address and telephone number. The applicant laboratory must have the staff and resources in order to satisfactorily accomplish those analyses/tests for which accreditation is requested.

B. An application for environmental laboratory accreditation shall be made in writing to the Office of Environmental Assessment, using the current application provided by the department. This application shall include all requested information and be accompanied by the appropriate application fee. Supplemental information may be required.

C. Laboratories maintained on separate premises, even though operated under the same management, shall be required to maintain distinct accreditation. If a laboratory is located outside of the state of Louisiana, it shall be considered a separate and distinct laboratory and shall require individual accreditation. Separate accreditation is not required for buildings on the

same or adjoining grounds. If a mobile laboratory is operating independently within the state, separate accreditation may be necessary.

D. Each laboratory shall identify an official to represent it in all matters related to attaining and maintaining environmental laboratory accreditation. This official shall be the point of contact with the laboratory and shall be known as the laboratory representative. The laboratory representative may be any senior person from either the technical or managerial staff. The laboratory shall designate an individual in a position of authority to ensure that the laboratory complies with the criteria and conditions for accreditation. The laboratory shall also designate an individual who has the authority to bind the company in a legal manner.

E. In cases where all application requirements have been met, including review of all methods and quality assurance program data, a status of interim status, as defined in LAC 33:I.4503.A, may be granted at the discretion of the department on a case-by-case basis. Interim status may not exceed one year in length. Before a laboratory is granted full accreditation, all requirements of these regulations shall be met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:919 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1435 (July 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2434 (October 2005), LR 33:2081 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2749 (November 2012), LR 43:933 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2136 (November 2017).

§4705. Categories of Accreditation

A. At the time of application, each applicant shall clearly identify both the matrix (matrices) and the test categories for which accreditation is sought. A copy of each relevant test method documentation and the requisite equipment for the method shall be available at the laboratory. A current list of approved methods for each parameter/analyte shall be maintained by the Office of Environmental Assessment and shall be included as part of the application package. In cases where a method used by the laboratory is not listed, the laboratory shall submit documentation that verifies that the results obtained from the method in use are equal to or better than those results obtained from the approved method(s). The department shall review the data submitted by the laboratory and shall notify the laboratory in writing within 60 calendar days regarding whether the method is acceptable or unacceptable as an alternate method of analysis.

B. A laboratory may apply for accreditation in any one or more of the four matrices, as defined in LAC 33:I.4503.A, and in one or more of the 11 test categories applicable to the matrix (matrices) selected. The laboratory shall be accredited in those parameters within the test category(ies) for which the laboratory demonstrates acceptable performance on proficiency samples (when available) and meets all other requirements of the department accreditation program. The accreditation test categories are as follows:

1. metals;
2. air pollutants including industrial hygiene and Toxic Organic Compounds (T.O.) methods, stack sampling, and ambient air;
3. nutrients, minerals, ions, demands, classical wet chemistry, and total and fecal coliform;
4. microbiology (including fecal coliform and total coliform);
5. bioassay and biomonitoring;
6. organics (including volatiles, semi-volatiles, pesticides, herbicides, and PCBs);
7. dioxins and furans;
8. radiochemistry and radio assay;
9. asbestos;
10. geo-technical properties of soils including, but not limited to, compaction test, permeability, particle size analysis, soils classification, etc.; and

11. minor conventional parameters - BOD5, oil and grease, TSS, pH, fecal and total coliform, and residual chlorine.

C. An accredited laboratory may request the addition of a matrix (matrices) and test category (categories) to its scope of accreditation at any time. Such a request shall be submitted on the current application to the Office of Environmental Assessment. Unless the previous on-site inspection can verify the competence of the laboratory to perform the additional tests, another on-site inspection may be required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:919 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1435 (July 2000), LR 26:2443 (November 2000), repromulgated LR 27:38 (January 2001), amended by the Office of Environmental Assessment, LR 31:1570 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2435 (October 2005), LR 33:2081 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2750 (November 2012), LR 43:933 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2137 (November 2017).

§4707. Fees

A. Testing laboratories applying for accreditation or renewal of accreditation shall submit the appropriate fee calculated from the fee schedule along with the required application or update materials. Fees are nonrefundable. Fees are based on the number of test categories in each matrix (matrices).

B. In-house laboratories owned and/or operated by the state, local, or federal government are exempt from the fee requirements paid to the department, but shall make appropriate application for accreditation in accordance with other provisions of these regulations. Required proficiency samples shall be purchased by the laboratory and the required third-party audit shall be billed directly to the laboratory.

C. The annual fees shall not be prorated and shall apply in full to any portion of the fiscal year that remains prior to the annual renewal date (July 1).

D. The following basic fee structure shall be used in determining all application and annual fees due to the department.

Accreditation application fee payable every scope amendment and every three-year renewal	\$726*
Per major test category per matrix payable every year	\$363*
Minor conventional category payable every year	\$290*
Annual surveillance and evaluation applicable to minor conventional facilities and facilities applying for only one category of accreditation	\$363*
Proficiency samples biannually	to be purchased by the laboratory
Bioassay/biomonitoring annually	to be purchased by the laboratory
Third-party audit	to be billed directly to the laboratory
*The accreditation fees for laboratories receiving national accreditation (NELAP)	shall be one and one-half times the regular fee as stated above

E. Additional fees may be charged for the expansion of accreditation to include new test categories. Accreditation shall be granted only after fees have been received.

F. Travel expenses incurred by representatives of the department, traveling within and outside of the state of Louisiana, conducting an assessment/inspection for the purpose of accreditation

shall be reimbursed by the laboratory. These rates shall be in accordance with the Division of Administration state general travel regulations, within the limits established for state employees.

G. Methods of Payment

1. 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 at the address provided on the invoice.

2. Electronic Methods of Payment

a. Persons wishing to make payments using the electronic pay method should access the department's website and follow the instructions provided on the website.

b. Persons wishing to make payments using the electronic funds transfer (EFT) method should contact the Office of Management and Finance for further instructions.

3. Cash is not an acceptable form of payment.

H. Late Payment Fee

1. Payments not received within 15 days of the due date will be charged a late payment fee.

2. Any late payment fee shall be calculated from the due date indicated on the invoice.

3. Payments not received by the department by:

a. the fifteenth day from the due date will be assessed a 5 percent late payment fee on the original assessed fee;

b. the thirtieth day from the due date will be assessed an additional 5 percent late payment fee on the original assessed fee; and

c. the sixtieth day from the due date will be assessed an additional 5 percent late payment fee on the original assessed fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:920 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1436 (July 2000), LR 29:672 (May 2003), LR 29:2041 (October 2003), amended by the Office of the Secretary, Legal Division, LR 43:934 (May 2017).

§4709. Inspection of Laboratory

A. As a condition of obtaining and maintaining accreditation, a laboratory shall permit and facilitate inspections by personnel or designated representatives of the department. The specific requirements of an on-site inspection are outlined in LAC 33:I.Chapter 51.

B. Inspectors shall conform to appropriate safety procedures during an on-site inspection. The authorized representatives of the department who perform the on-site evaluation must be experienced professionals and hold at least a bachelor's degree in a science-related field with technical experience in a laboratory. The representative(s) must successfully complete a laboratory certification course presented by the United States Environmental Protection Agency, the National Institute of Standards and Technology, or other department-approved training group.

C. Regular inspections of accredited laboratories shall be conducted at intervals of not more than two years. Such inspections shall be conducted by representatives of the department upon presentation of credentials. Prior to granting initial accreditation and after all documentation provided to the department has been reviewed, an announced on-site laboratory inspection shall be performed.

D. Inspections may include on-site proficiency test sample(s) analyses but shall not exceed 10 percent of the test parameter(s) but must maintain minimum of one test. If there is a cost for these samples, the department will bill the laboratory, and the laboratory shall remit within 30 calendar days.

E. Laboratories that utilize mobile and/or field laboratories shall not be required to certify each laboratory individually. The mobile and/or field facilities shall be considered a part of the fixed-

based laboratory and shall be required to participate in performance evaluation studies. Mobile and/or field laboratories shall not be exempt from any applicable requirements of an on-site evaluation as outlined in LAC 33:I.Chapter 51. Mobile and/or field laboratories may be inspected at the discretion of the department. In the event an organization is composed entirely of mobile and/or field laboratories and no fixed-based laboratory exists, the business address of the organization shall be utilized as the location for accreditation purposes.

F. Fixed-base laboratories that have moved to a new location shall be inspected within 30 calendar days after the laboratory has notified the department, in writing, of such change in location as required in LAC 33:I.5707.

G. The department shall reserve the right to inspect or observe the testing procedure(s) of the laboratory if such action is deemed necessary by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:920 (May 1998).

§4711. Proficiency Testing Participation

A. All accredited environmental laboratories or laboratories seeking accreditation must participate in department-approved proficiency testing programs relevant to their scope of accreditation, except when determined by the department that an appropriate proficiency test is not accessible or readily available. The department may provide appropriate commercial test samples at the applicant's expense whenever necessary.

B. If proficiency test samples are not available for particular test categories, the laboratory requesting accreditation will submit an "analytical data package." An "analytical data package" shall include all relevant analytical methodology, technical information, and quality assurance results concerning a particular type of analysis for which there is no current proficiency testing program.

C. Department-approved proficiency tests shall be used to provide suitable evidence of laboratory proficiency.

D. Proficiency testing studies will be available at a minimum of every six months. Laboratories shall participate in two proficiency test studies per year for each field of testing. Failure to meet the minimum semiannual schedule shall be regarded as a failed proficiency test study. Laboratories may set up round robin testing programs under the department's supervision in order to satisfy this requirement, using splits where applicable.

E. Laboratories shall satisfactorily complete two proficiency test studies offered for each test category accredited within the most recent three proficiency test studies attempted. A year shall be considered as the 12-month period from the first day of July until the last day of June. Results shall be considered satisfactory when they are within the acceptable limits established by the testing agency or the department.

F. Each participating laboratory shall authorize the proficiency test provider to release the results of the proficiency evaluation (PE) test to the Office of Environmental Assessment at the same time that they are submitted to the laboratory. Every laboratory that receives test results that are "unacceptable" for a specific analyte must investigate and identify likely causes for these results, resolve any problems, and report such activity to the Office of Environmental Assessment, along with the submittal of corrective action proficiency sample test results. The laboratory shall report only the analytes for which corrective action was required.

G. In cases of on-site proficiency testing, the department shall inform the laboratory of the results of the evaluation. The department may require the laboratory to analyze additional proficiency samples if the results of such test are "unacceptable."

- H. Results of proficiency testing during the preceding 12 months shall be made available by the laboratory, upon request, to any person utilizing or requesting the services of the laboratory.
- I. Accredited laboratories that desire to extend the range of tests or analyses offered shall submit a written request with the appropriate fees, shall comply with the requirements of these regulations, and shall demonstrate satisfactory results in at least one round of proficiency testing samples prior to receiving accreditation.
- J. Laboratories shall bear the cost of any subscription(s) to a proficiency testing program required by the department for compliance purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:921 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1436 (July 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2435 (October 2005), LR 33:2081 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2750 (November 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2137 (November 2017).

§4713. Interim Acceptance of Accreditation by Another Accrediting Authority for In-State Laboratories

- A. Acceptance of accreditation from another accrediting authority as equivalent accreditation shall be determined by the department.
- B. All of the following requirements must be fulfilled:
 - 1. a completed application form and support documents submitted;
 - 2. any appropriate fee(s) paid;
 - 3. evidence of successful participation in a proficiency testing program or its equivalent;
 - 4. written documentation of accreditation sent to the department;
 - 5. a comparison of certification requirements from the accredited laboratory; and
 - 6. an on-site evaluation/inspection conducted by authorized representatives of the department or the previous inspection conducted by the accrediting authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:921 (May 1998).

§4715. Accreditation for Laboratories Not Located in Louisiana

- A. Out-of-state laboratories may receive accreditation via two mechanisms:
 - 1. direct application to the department based on the requirements of this program; or
 - 2. reciprocity based on evaluation of current accreditation maintained. Reciprocal accreditation is based on meeting the requirements set forth in LAC 33:I.4713.
- B. A testing laboratory located outside of Louisiana may receive accreditation from the department or from another agency having environmental regulatory responsibility or delegated administrative authority, if approved by the department. The laboratory shall comply with all documentation and fee requests from the department.
- C. If the out-of-state laboratory's accreditation is revoked, the Louisiana authorization is thereby automatically canceled. The environmental representative shall notify the state and all clients in Louisiana that utilize the laboratory of the revocation within 10 calendar days.
- D. When accreditation of the laboratory has been reinstated, the department will request adequate documentation from the laboratory indicating that the laboratory is in compliance with these regulations. The following requirements must be fulfilled before the department reinstates the laboratory as accredited:
 - 1. a completed application form and support documents submitted;
 - 2. fee(s) paid in accordance with LAC 33:I.4707;

3. evidence of successful participation in a proficiency testing program or its equivalent;
4. written documentation of accreditation sent to the department; and
5. an on-site evaluation/inspection conducted by authorized representatives of the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:921 (May 1998).

§4719. Implementation

A. All commercial laboratories analyzing data as of the effective date of these regulations that are directly or indirectly submitting data to the department must submit an application for accreditation as required in

LAC 33:I.4701.A.1, including the review fee, by July 1, 2000. The department shall not accept laboratory data generated by laboratories that do not comply with this deadline until such laboratories receive accreditation and fully comply with the requirements of this Section. The department shall not accept environmental data submitted to the department either directly or indirectly until the laboratory has applied for accreditation under these regulations.

B. All laboratories subject to these regulations must receive accreditation from the department, as provided in these regulations, undergo an on-site inspection as specified in LAC 33:I.4701.A.2, and successfully participate in proficiency evaluations as required in LAC 33:I.4701.A.3 by December 31, 2000, or as otherwise agreed to by the department and the applicant, not to exceed one year from December 31, 2000. The department shall not accept data generated by laboratories that do not comply with these deadlines until such laboratories receive accreditation and fully comply with the requirements of this Section.

C. The department will accept analytical data generated by laboratories that do not comply with the deadlines established in Subsection B of this Section for accreditation if such laboratories:

1. have submitted a complete application form and supporting documents;
2. have submitted documentation verifying certification/accreditation by a department-approved accreditation program or supporting documentation showing the quality assurance and quality control program used to generate analytical data by the laboratory; and
3. have paid appropriate fees.

D. These regulations shall not apply to field tests as defined in LAC 33:I.4503.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:922 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1436 (July 2000), LR 29:312 (March 2003).

Chapter 57. Maintenance of Accreditation

§5703. Renewal of Accreditation

A. Accreditation shall be renewed annually, provided the testing laboratory has maintained compliance with these regulations, has reported acceptable proficiency test values for accredited classes, and has paid appropriate fees.

B. Failure to receive a renewal notice does not exempt laboratories from meeting the renewal date requirements.

C. Failure to pay the required renewal fees for 30 days shall automatically suspend accreditation of the laboratory until the fee is received by the department.

D. Failure to pay the required renewal fees for 90 days shall automatically result in discreditation of the laboratory. A laboratory whose accreditation has expired may reapply.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:932 (May 1998).

§5705. Discreditation and Suspension

A. The department may suspend or discredit a laboratory in any or all test categories when the laboratory fails to fully meet all requirements of these regulations. Factors such as the gravity of the offense, the danger to the public of the offense, the intent of the violation, the extent of the violation, and the proposed correction of the problem will be considered to determine if suspension or discreditation is to be imposed. An emergency order immediately discrediting the laboratory may be issued if any conditions exist that present an eminent danger to public health and safety.

B. The department shall notify the laboratory by registered or certified letter of the suspension or discreditation and the reasons for the action.

C. Suspensions shall not be withdrawn until the basis for the suspension has been eliminated or rectified.

D. Appeals for laboratories that have received discreditation notices are governed by applicable statutes.

E. If the testing laboratory's accreditation is revoked by the department or another agency having primary enforcement responsibility or delegated administrative responsibility (e.g., out-of-state laboratories), the laboratory management shall notify, in writing, all clients that utilize the laboratory for analysis of samples and reporting of data to the department that the laboratory's accreditation has been revoked. Clients must be advised of the change in accreditation status within 10 calendar days from the official notice of the action.

F. The following shall be considered grounds for discreditation/suspension:

1. violation of a condition of the accreditation;
2. violation of a statute, regulation, or order of the department;
3. misrepresentations or falsifications made to the department, including any documents associated with accreditation applications;
4. demonstrable nonconformance with the requirements of these regulations, including failure to correct deficiencies;
5. nonpayment of applicable fees;
6. demonstrating incompetence or making consistent errors in analyses or erroneous reporting;
7. failure to report, in writing within 30 days, any changes in location, ownership, management and supervisory staff, authorized representative, major facilities of the laboratory, modification of technique, or any revisions to the accreditation application or required support documentation;
8. failure to employ approved testing methods in the performance of analyses;
9. failure to maintain facilities or equipment properly;
10. failure to report analytical test results as required or to maintain required records of test results;
11. failure to participate successfully in a required performance evaluation program;
12. violation or aiding and abetting in the violation of any provision of these regulations or the rules promulgated hereunder;
13. advertising false credentials;
14. failure to indicate clearly in the records when analyses were subcontracted to another laboratory;

15. performing and charging for additional tests or analyses that have not been requested by the customer, falsifying analyses, or engaging in other unethical or fraudulent practices; and

16. subcontracting performance evaluation samples to another laboratory and using the results to satisfy requirements for accreditation.

G. If the department discredits/suspends a laboratory, the laboratory shall return the certificate of accreditation to the department within 10 calendar days from receipt of notification of the discreditation or suspension.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:932 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1439 (July 2000).

Chapter 59. Accreditation for Laboratories Participating in the NELAP Certification Program

§5901. Accreditation Process

A. In-state laboratories participating in the National Environmental Laboratory Accreditation Program (NELAP) shall be certified under standards established by these regulations and those of the NELAP program, as found at <http://134.67.104.12/html/nelac/standards.htm> or by writing NELAP, U.S. Environmental Protection Agency (MD-75A), Research Triangle Park, NC 27711, Attention: NELAP Director, telephone (919) 541-1120. NELAP-certified laboratories shall be required to meet the requirements for reciprocity as set forth in LAC 33:I.4713.

B. The NELAP accreditation process comprises these basic steps:

1. the submittal to the department of a written request from the laboratory in the form of an application provided by the department with the payment of all applicable fees;
2. a review of personnel qualifications;
3. an on-site assessment/evaluation of the laboratory submitting the request/application by authorized representatives of the department with the appropriate laboratory background;
4. the successful participation in the NELAP-approved proficiency evaluations; and
5. a review of the quality assurance/quality control practices, and quality systems in use at the laboratory.

C. When all the requirements for accreditation have been successfully fulfilled, the department shall grant the applicant laboratory a formal notice of accreditation and a certificate of accreditation that lists those fields of testing, methods used by the laboratory, and individual analytes determined by a particular method for which the laboratory is accredited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:1439 (July 2000).

§5903. Categories of Accreditation

A. A laboratory may apply for accreditation in any 1 or more of the 4 matrices and in 1 or more of the 11 test categories applicable to the matrix (matrices) selected. The laboratory shall be accredited in those parameters/analytes within the test category(ies) found in LAC 33:I.4705.B and matrix (matrices), as defined in LAC 33:I.4503. The laboratory shall be accredited in those parameters/analytes within the test category(ies) for which the laboratory demonstrates acceptable performance on proficiency samples (when available) and meets all other requirements of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

Abridged for LDEQ Financial Services. For information purposes only. Prepared 5/5/2021.
Sections pertaining to Fees may reference regulations not included.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:1439 (July 2000), amended by the Office of the Secretary, Legal Division, LR 43:934 (May 2017).



Title 33 – Abridged for Financial Services
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 2. Rules and Regulations for the Fee System of the Air Quality Control Programs

§201. Scope and Purpose

A. It is the purpose of these regulations to establish a fee system for funding the monitoring, investigation and other activities required to be conducted for the maintenance of a safe and healthful environment by the Department of Environmental Quality in accordance with the Louisiana Environmental Quality Act (R.S. 30:2001 et seq.). Fees are required for all permits, licenses, registrations, and variances authorized by the Act.

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 LR 14:610 (September 1988), LR 19:1373 (October 1993).

§203. Authority

A. These regulations provide fees as required by R.S. 30:2014.

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 LR 14:610 (September 1988).

§205. Definitions

A. All terms used in these rules, unless the context otherwise requires or unless specifically defined in the Louisiana Environmental Quality Act, or in other regulations promulgated by the secretary of the Department of Environmental Quality or his predecessor, shall have their usual meaning.

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 LR 14:610 (September 1988).

§207. Application Fees

A. No application or amendments thereto shall be processed prior to payment of a permit fee, when it is determined that a permit fee is due. No permit, license, registration, or variance, unless otherwise authorized by the secretary, shall be issued until the full amount of the fee has been paid and such check or draft has been accepted by the bank or drawee and the department's account has been credited with the amount of the fee, when it is determined that a permit fee is due.

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 LR 14:610 (September 1988), LR 19:1373 (October 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:264 (February 2000).

§209. Annual Fees

A. All parties conducting activities for which an annual maintenance fee is provided shall be subject to the payment of such fee by the due date indicated on the invoice. The annual maintenance fees are based on a state fiscal year from July 1 to June 30. All major and all minor sources that have been issued a permit for air pollution emissions shall pay an annual maintenance fee.

B. Additional Fees for Part 70 Sources. In addition to the annual maintenance fee required by Subsection A of this Section, the department may assess an additional annual fee not to exceed 20 percent of the annual maintenance fee on each part 70 source, as defined in LAC 33:III.502. This fee shall be used to fund the department's ambient air monitoring operations and/or other air quality-related activities of the department.

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 LR 14:611 (September 1988), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:17 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:264 (February 2000), amended by the Office of the Secretary, Legal Division, LR 43:935 (May 2017).

§211. Methodology

A. Formula to Apportion Fees

Air Toxics Permits Application Fee for major sources of toxic pollutants (based on type of facility and on rated production capacity/throughput)	Surcharge of 10% of the permit application fee to be charged when there is an increase in toxic air pollutant emissions above the Minimum Emission Rates (MER) listed in LAC 33:III.5112, Table 51.1
Air Toxics Annual Emissions Fee for major sources of toxic air pollutants (based on air toxic pollutants emitted) ¹	Variable
Annual Maintenance Fee (based on type of facility and on rated production capacity/throughput)	Variable
New Application Fee (based on type of facility and on rated production capacity/throughput)	Variable
Major and Minor Modification Modified Permit Fee (based on type of facility and on rated production capacity/throughput)	Variable
PSD Application Fee (based on type of facility and on rated production capacity/throughput)	Surcharge of 50% of the application fee when a PSD permit application is being processed
"NESHAP" Maintenance Fee (based on type of facility and on rated production capacity/throughput)	Surcharge of 25% of the Annual Maintenance Fee for that particular process/plant to be added to the Annual Maintenance Fee

"NSPS" Maintenance Fee (based on type of facility and on rated production capacity/throughput)	Surcharge of 25% of the permit application fee to be charged for any permit application that includes the addition of new equipment subject to NSPS regulation
¹ Fees shall be assessed on major sources as defined in LAC 33:III.5103. Sources that have reduced emissions below major source thresholds are not required to submit annual emissions reports in accordance with LAC 33:III.5107.	

B. Fee Methodology

1. All fees required by this Chapter are listed in LAC 33:III.223, Fee Schedule Listing, which shall be referred to as the Fee Schedule in the remainder of this Chapter. All persons required to obtain a new or modified permit shall be subject to a permit application fee (see Fee Schedule) unless otherwise exempted. This fee shall be submitted with any application for a new or modified permit. The annual maintenance fee for a new or modified source shall be paid during the fiscal year (July 1 to June 30) in which the process specified in the permit comes on line.
2. The Standard Industrial Classification (SIC) codes listed in the Fee Schedule shall be used to assist in the determination of the proper fees to assess.
3. The permit fee for sources or facilities with multiple processes shall be equal to the total amounts required by the individual processes involved, as listed in the Fee Schedule, unless the entire facility is covered by a single fee category.
4. All invoices for annual maintenance fees for major sources shall be submitted to those sources during the fiscal year. The annual maintenance fee shall be applicable to the fiscal year beginning July 1 of each year and ending the following June 30. Failure to remit the annual maintenance fee in accordance with the above shall be considered grounds for revoking an existing permit. Maintenance fees not received for prior fiscal years are due upon receipt of new or duplicate invoices. Minor sources may or may not receive an annual compliance inspection. In this case the maintenance fee must be paid within 30 days after notification by the agency of the amount due. Only one such fee shall be charged annually.
5. If a conditional permit is issued in accordance with adopted procedures, fees submitted with that application for permit shall be retained and be applicable to the regular permit when it is acted upon.
6. If a process is not listed in the fee schedule and is not a source type exempted from fees by this regulation, then the department shall assign a fee using the negotiated fee set forth in fee number 1710 or 1712, as applicable. If a process or facility is specifically listed in the fee schedule, then fee number 1710 or 1712 cannot be utilized.
7. Annually, the department shall reevaluate the Fee Schedule based upon the previous fiscal year's reasonable costs involved in the operation of the permit system and submit such revised schedule to the secretary for approval.
8. When a company withdraws its application and claims refund for the permit fee, no refund shall be made if the review of the application is essentially completed at the time of withdrawal. However, up to 50 percent refund may be made when the review has been initiated, but is not essentially completed.
9. Annual maintenance fees (AMF) are not prorated. If a facility operates any part of a year or at a reduced rate during the year, the full annual maintenance fee is still charged. In order for the annual maintenance fee to be cancelled, the facility must not operate at all during the year and the permit to operate for the facility must be cancelled and/or changes must be made to the

process or facility in order to make the process or facility not subject to regulation by the department. The cancellation of the permit shall require that a new permit be issued before the facility could be operated again. Failure to pay the annual maintenance fee will cause the permit for the facility covered by the fee to be cancelled.

10. When a permanent shutdown occurs and a company properly notifies the Office of Environmental Services by official change in the Emission Inventory Questionnaire (EIQ) and permit, then the maintenance fee would be dropped for that shutdown portion of the process/plant. This fee reduction or cancellation shall apply only in the fiscal years in which the shutdown portion of the plant or process did not operate at all. The EIQ and permit shall also need to be changed to delete the emissions from the shutdown portion of the plant or process before the start of the fiscal year in which the fee would have been charged.

11. Reserved.

12. NSPS fees may be waived when a PSD application fee is imposed.

13. The department shall determine the type of fee. This determination shall be based on the work load created by the permit application and shall be determined based on the factors described as follows.

a. New Application Fee. The new application fee shall be based on the new capacity when a new process or operation is added or the incremental increase in capacity when the capacity is increased by more than 80 percent. It applies when:

- i. a new facility is added;
- ii. a new operation in an existing facility is added; or
- iii. an existing operation is expanded by more than 80 percent in capacity.

b. Major Modification Fee. The major modification fee shall be based on the existing capacity when the capacity is increased by more than 40 percent and less than 80 percent. The applicant has the option to choose to base the major modification fee on the incremental capacity increase and using the new permit application rate in cases where the incremental increase is small compared to the existing capacity. In that case, the applicant can choose the smaller fee as long as it is larger than the minimum major modification fee listed for the category. In all cases, the minimum amount of the fee would be equal to or greater than the minimum major modification fee for the category. The major modification fee applies when:

- i. the modification will trigger PSD review;
- ii. the modification would have triggered PSD review without the use of contemporaneous emission reductions or banked emissions;
- iii. the modification will increase emissions by 25 tons/year or more of nonattainment pollutant;
- iv. the modification will change emissions over 100 tons/year of a criteria pollutant for which the standard has been attained; or
- v. the modification will increase capacity of an existing operation at least by 40 percent and less than 80 percent.

c. Minor Modification Fee. The minor modification fee (based on existing capacity) applies when a modification is not qualified under new application fee or major modification fee. The minor modification fee shall be based on the existing capacity when the capacity is increased by less than 40 percent. The applicant has the option to choose to base the minor modification fee on the incremental capacity increase and using the new permit application rate in cases where the incremental increase is small compared to the existing capacity. In that case, the applicant can choose the smaller fee as long as it is larger than the minimum minor modification fee listed for the category. In all cases, the minimum amount of the fee would be equal to or greater than the minimum minor modification fee for the category.

d. If a permit modification is such that it does not increase capacity and changes emissions by less than
25 tons/year of all nonattainment pollutants, by less than
10 tons/year of an individual toxic air pollutant, by less than 25 tons/year of total toxic air pollutants, and by less than
100 tons/year of all other criteria (attainment) pollutants, then the permit fee shall be charged equal to the minimum minor modification permit fee for each fee process category involved. If no minimum minor modification permit fee is listed in LAC 33:III.223, then the minimum minor modification fee is calculated as follows:

i. if the minor modification fee is greater than \$2,000, then the minimum minor modification fee is equal to 25 percent of the minor modification fee;

ii. if the minor modification fee is \$500 to \$2,000, then the minimum minor modification fee is \$500.

e. Small Source Permit. The small source permit, as defined by LAC 33:III.503.B.2, applies when a permitted source is not a *Part 70 source* as defined in LAC 33:III.502. The permitted source must also emit or have the potential to emit less than 25 tons/year of any criteria pollutant, and less than 10 tons per year of any toxic air pollutant. For permit applications with processes specifically listed in the fee schedule that would also qualify for the small source permit fee, the permit fee shall be the lesser of these listed fees.

14. Air Toxics Annual Emissions Fees based on actual annual emissions that occurred during the previous calendar year shall be assessed on *major sources* as defined in LAC 33:III.5103.

15. For permits issued under LAC 33:III.507 (title V permits), the following applies:

a. no application fee shall be charged for the initial permit provided no modifications are being made at the facility; and

b. the application fee for renewals of permits where no modifications are being made at the facility shall be the minimum minor modification fee as listed in LAC 33:III.223, or where no such fee is listed in the fee schedule, as calculated in accordance with Subparagraph B.13.d of this Section.

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 LR 14:611 (September 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 1991), LR 18:706 (July 1992), LR 19:1419 (November 1993), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:17 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:264 (February 2000), LR 26:2444 (November 2000), LR 29:2776 (December 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2435 (October 2005), LR 33:2082 (October 2007), LR 33:2620 (December 2007), LR 37:1145 (April 2011), amended by the Office of the Secretary, Legal Division, LR 43:935 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:0000 (July 2018).

§213. Determination of Fee

A. These regulations apply to all registrants, specific licenses, permittees and other persons subject to charges concerned with one or more of the various programs of the Department of Environmental Quality.

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 LR 14:612 (September 1988).

§215. Methods of Payment

A. All payments made by check, draft, or money order shall be made payable to the Department of Environmental Quality, and mailed to the department at the address provided on the invoice.

B. Electronic Methods of Payment

1. Persons wishing to make payments using the electronic pay method should access the department's website and follow the instructions provided on the website.
 2. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.
- C. Cash is not an acceptable form of payment.**

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054, and R.S. 49:316.1(A)(2)(a) and (c)

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 LR 14:612 (September 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 18:706 (July 1992), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996), amended by the Office of the Secretary, Legal Affairs Division, LR 35:2179 (October 2009), amended by the Office of the Secretary, Legal Division, LR 43:935 (May 2017).

§217. Late Payment Fee

- A. Payments not received within 15 days of the due date will be charged a late payment fee.
- B. Any late payment fee shall be calculated from the due date indicated on the invoice.
- C. Payments not received by the department by:
 1. the fifteenth day from the due date will be assessed a 5 percent late payment fee on the original assessed fee;
 2. the thirtieth day from the due date will be assessed an additional 5 percent late payment fee on the original assessed fee; and
 3. the sixtieth day from the due date will be assessed an additional 5 percent late payment fee on the original assessed fee.

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 LR 14:612 (September 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 18:706 (July 1992), LR 19:1373 (October 1993), LR 21:781 (August 1995), amended by the Office of Management and Finance, Fiscal Services Division, LR 25:426 (March 1999), amended by the Office of the Secretary, Legal Division, LR 43:935 (May 2017).

§219. Failure to Pay

- A. Failure to pay the prescribed application fee or annual fee as provided herein, within 90 days after the due date, will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Louisiana Environmental Quality Act including, but not limited to, revocation or suspension of the applicable permit, license, registration, or variance.

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 LR 14:612 (September 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1373 (October 1993), amended by the Office of Management and Finance, Fiscal Services Division, LR 25:426 (March 1999).

§221. Effective Date

- A. The application fees prescribed herein shall be effective upon publication in the *Louisiana Register* as adopted.
- B. The annual fees prescribed herein shall be effective for the state fiscal year in which these fee regulations are published in the *Louisiana Register* as adopted and each state fiscal year thereafter. Fees submitted to the department in accordance with previous fee regulations for the

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Sections pertaining to Fees may reference regulations not included.

state fiscal year in which these fee regulations are published in the *Louisiana Register* as adopted shall be credited against the fees due and payable under these fee regulations.

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 LR 14:612 (September 1988).

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Sections pertaining to Fees may reference regulations not included.

§223. Fee Schedule Listing

A. Table 1–Fee Schedule Listing

Table 1						
Fee Schedule Listing						
Fee Num	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application Fee	Modified Permit Fees	
					Major	Minor
0010	Reserved.					
0015 *Note	Iron Ore Processing per Million Dollars in Capital Cost	1011 MIN.	\$58.08 \$250.00	\$290.40 \$500.00	\$173.80 \$500.00	\$58.08 \$500.00
0020	Bituminous Coal and Lignite Mining	1211	\$832.00	\$4,158.00	\$2,497.00	\$832.00
0030	Coal Preparation	1211	\$2,082.00	\$10,401.00	\$6,241.00	\$2,082.00
0040	Crude Oil and Natural Gas Production (Less than 100 T/Yr Source)	1311	\$250.00	\$500.00	\$500.00	\$500.00
0041	Crude Oil and Natural Gas Production (Equal to or Greater than 100 T/Yr and Less than 250 T/Yr Source)	1311	\$250.00	\$832.00	\$500.00	\$500.00
0042	Crude Oil and Natural Gas Production 250 T/Yr to 500 T/Yr Source	1311	\$514.00	\$2,569.00	\$1,540.00	\$514.00
0043	Crude Oil and Natural Gas Production Greater than 500 T/Yr Source	1311	\$855.00	\$3,425.00	\$2,569.00	\$855.00
0050	Natural Gas Liquids per Unit	1321 MIN.	\$417.00	\$2,082.00	\$1248.00	\$417.00 \$500.00
0060	Construction Sand and Gravel	1442	\$250.00	\$832.00	\$500.00	\$500.00
0070	Industrial Sand	1446	\$250.00	\$832.00	\$500.00	\$500.00
0080	Salt Mining	1476	\$2,082.00	\$10,401.00	\$6,241.00	\$2,082.00
0090	Sulfur Mining	1477	\$2,082.00	\$10,401.00	\$6,241.00	\$2,082.00
0100	Commercial Rice Milling	2044	\$832.00	\$4,158.00	\$2,497.00	\$832.00
0110	Animal Feed Preparation	2048	\$832.00	\$4,158.00	\$2,497.00	\$832.00
0120	Cane Sugar, Except Refining Only	2061	\$2,082.00	\$10,401.00	\$6,241.00	\$2,082.00
0130	Cane Sugar Refining per 1,000 Lb/Hr Rated Capacity	2062 MIN.	\$16.62 \$2,053.00	\$83.22 \$10,274.00	\$49.92 \$6,164.00	\$16.62 \$2,053.00

Table 1						
Fee Schedule Listing						
Fee Num	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application Fee	Modified Permit Fees	
					Major	Minor
0140	Cottonseed Oil Mill	2074	\$417.00	\$2,082.00	\$1,248.00	\$500.00
0150	Soybean Oil Mill	2075	\$292.00	\$1,457.00	\$875.00	\$500.00
0160	Animal and Marine Fats and Oil (Rendering) 10,000 or More Ton/Yr	2077	\$997.00	\$4,992.00	\$2,995.00	\$997.00
0170	Animal and Marine Fats and Oil (Rendering) Less than 10,000 Ton/Yr	2077	\$500.00	\$2,497.00	\$1,499.00	\$500.00
0180	Shortening, Table Oils, Margarine, and Other Edible Fats and Oils	2079	\$250.00	\$1,041.00	\$623.00	\$500.00
0190	Malt Beverages	2082	\$250.00	\$1,041.00	\$623.00	\$500.00
0200	Coffee Roasting per 1,000,000 Lb/Yr Rated Capacity	2095 MIN. MAX.	\$165.53 \$395.00 \$10,445.00	\$832.00 \$1,975.00 \$52,228.00	\$498.04 \$1,185.00 \$31,337.00	\$165.53 \$500.00 \$10,445.00
0210 *Note	Sawmill and/or Planing Less than 25,000 Bd Ft/Shift	2421	\$417.00	\$2,082.00	\$1,248.00	\$500.00
0220 *Note	Sawmill and/or Planing More than 25,000 Bd Ft/Shift	2421	\$1,248.00	\$6,241.00	\$3,745.00	\$1,248.00
0230 *Note	Hardwood Mill	2426	\$748.00	\$3,745.00	\$2,247.00	\$748.00
0240 *Note	Special Product Sawmill N.E.C.	2429	\$748.00	\$3,745.00	\$2,247.00	\$748.00
0250	Millwork with 10 Employees or More	2431	\$748.00	\$3,745.00	\$2,247.00	\$748.00
0260	Hardwood Veneer and Plywood	2435	\$1,665.00	\$8,321.00	\$4,992.00	\$1,665.00
0270	Softwood Veneer and Plywood	2436	\$1,665.00	\$8,321.00	\$4,992.00	\$1,665.00
0280	Wood Preserving	2491	\$417.00	\$2,082.00	\$1,248.00	\$500.00

Table 1						
Fee Schedule Listing						
Fee Num	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application Fee	Modified Permit Fees	
					Major	Minor
0290	Particleboard/Waferboard Manufacture (O.S.B.)	2492	\$1,665.00	\$8,321.00	\$4,992.00	\$1,665.00
0300	Hardboard Manufacture	2499	\$1,248.00	\$6,241.00	\$3,745.00	\$1,248.00
0310	Furniture and Fixtures: A) 100 or More Employees	2511	\$526.00	\$2,634.00	\$1,580.00	\$526.00
0320	Furniture and Fixtures: B) More than 10 and Less than 100 Employees	2511	\$250.00	\$1,248.00	\$748.00	\$500.00
0330	Pulp Mills per Ton Daily Rated Capacity	2611 MIN.	\$6.22 \$4,282.00	\$31.19 \$21,405.00	\$18.73 \$12,843.00	\$6.22 \$4,281.00
0340 *Note	Paper Mill per Ton Daily Rated Capacity	2621 MIN.	\$6.22 \$4,282.00	\$31.19 \$21,405.00	\$18.73 \$12,843.00	\$6.22 \$4,281.00
0350	Paperboard Mills per Ton Daily Rated Capacity	2631 MIN.	\$6.22 \$4,282.00	\$31.19 \$21,405.00	\$18.73 \$12,843.00	\$6.22 \$4,281.00
0360	Paper Coating	2641	\$250.00	\$1,248.00	\$748.00	\$500.00
0365	Paper Bag Manufacture	2643	\$317.00	\$1,580.00	\$949.00	\$500.00
0370	Insulation Manufacture	2649	\$417.00	\$2,082.00	\$1,248.00	\$500.00
0375	Folding Paper Board Boxes per Packaging Press Line	2651 MIN.	\$417.00 \$2,053.00	\$2,082.00 \$10,274.00	\$1,248.00 \$6,164.00	\$417.00 \$2,053.00
0380	Corrugated Boxes: Converters (with Boilers)	2653	\$623.00	\$3,119.00	\$1,874.00	\$623.00
0381	Corrugated Boxes: Sheet Plant	2653	\$263.00	\$1,317.00	\$790.00	\$500.00
0390	Building Board and Tile	2661	\$2,082.00	\$10,401.00	\$6,241.00	\$2,082.00
0400	Commercial Printing: Black and White per Press	2752 MIN.	\$249.00 \$1,198.00	\$1,248.00 \$5,993.00	\$748.00 \$3,595.00	\$249.00 \$1,198.00
0410	Commercial Printing: Color per Press	2752 MIN.	\$416.00 \$2,053.00	\$2,079.00 \$10,274.00	\$1,249.00 \$6,164.00	\$416.00 \$2,053.00
0420 *Note	Caustic/Chlorine per 1,000,000 Lb/Yr Rated Cap Posed on Chlorine	2812 MIN.	\$4.17 \$2,053.00	\$20.81 \$10,274.00	\$12.47 \$6,164.00	\$4.17 \$2,053.00
0440	Industrial Gases	2813	\$832.00	\$4,158.00	\$2,497.00	\$832.00
0450	Inorganic Pigments	2816	\$832.00	\$4,158.00	\$2,497.00	\$832.00
0460	Aluminum Sulfate Production per 100 Ton/Yr Rated Capacity	2819 MIN.	\$2.06 \$1,712.00	\$10.41 \$8,562.00	\$6.22 \$5,137.00	\$2.06 \$1,712.00

Table 1						
Fee Schedule Listing						
Fee Num	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application Fee	Modified Permit Fees	
					Major	Minor
0470	Alumina per 1,000,000 Lb/Yr Rated Capacity	2819 MIN.	\$8.29 \$1,712.00	\$41.58 \$8,562.00	\$24.95 \$5,137.00	\$8.29 \$1,712.00
0480	Catalyst Mfg. and Cat. Regeneration per Line	2819	\$2,082.00	\$10,401.00	\$6,241.00	\$2,082.00
0490	Fluosilicates	2819	\$1,248.00	\$6,241.00	\$3,745.00	\$1,248.00
0500	Industrial Inorganic Chemicals Mfg. N.E.C. per 1,000,000 Lb/Yr	2819 MIN.	\$2.06 \$1,198.00	\$10.41 \$5,993.00	\$6.22 \$3,595.00	\$2.06 \$1,198.00
0510	Industrial Inorganic Acids N.E.C. per 1,000,000 Lb/Yr Rated Capacity	2819 MIN.	\$20.81 \$2,053.00	\$104.01 \$10,274.00	\$62.40 \$6,164.00	\$20.81 \$2,053.00
0520	Nitric Acid Manufacture per 1,000 Ton/Yr Rated Capacity	2819 MIN.	\$8.29 \$2,053.00	\$41.58 \$10,274.00	\$24.95 \$6,164.00	\$8.29 \$2,053.00
0530	Phosphoric Acid Mfg. per Ton Daily Rated Capacity	2819 MIN.	\$2.06 \$1,712.00	\$10.41 \$8,562.00	\$6.22 \$5,137.00	\$2.06 \$1,712.00
0540	Sulphuric Acid Manufacture per Ton Daily Rated Capacity	2819 MIN.	\$2.06 \$1,712.00	\$10.41 \$8,562.00	\$6.22 \$5,137.00	\$2.06 \$1,712.00
0550	Polyethylene/Polypropylene Manufacture per 1,000,000 Lb/Yr Rated Capacity	2821 MIN.	\$16.62 \$2,053.00	\$83.22 \$10,274.00	\$49.92 \$6,164.00	\$16.62 \$2,053.00
0560	PVC Manufacture per 1,000,000 Lb/Yr Rated Capacity	2821 MIN.	\$20.81 \$2,053.00	\$104.01 \$10,274.00	\$62.40 \$6,164.00	\$20.81 \$2,053.00
0570	Synthetic Resins Manufacture N.E.C. per 1,000,000 Lb/Yr Rated Capacity	2821 MIN.	\$20.81 \$2,053.00	\$104.01 \$10,274.00	\$62.40 \$6,164.00	\$20.81 \$2,053.00
0580	Rubber Mfg. per 1,000,000 Lb/Yr Rated Capacity	2822 MIN.	\$20.81 \$2,053.00	\$104.01 \$10,274.00	\$62.40 \$6,164.00	\$20.81 \$2,053.00
0585	Paint Manufacturing and Blending	2851	\$775.00	\$3,870.00	\$2,323.00	\$775.00
0590	Charcoal per Oven	2861 MIN.	\$417.00	\$2,082.00	\$1,248.00	\$417.00 \$500.00
0600	Gum and Wood Chemicals per Unit	2861	\$1,248.00	\$6,241.00	\$3,745.00	\$1,248.00

Table 1						
Fee Schedule Listing						
Fee Num	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application Fee	Modified Permit Fees	
					Major	Minor
0610	Styrene Monomer per 1,000,000 Lb/Yr Rated Capacity	2865 MIN.	\$8.29 \$2,053.00	\$41.58 \$10,274.00	\$24.95 \$6,164.00	\$8.29 \$2,053.00
0620	Halogenated Hydrocarbons per 1,000,000 Lb/Yr Rated Capacity	2869 MIN.	\$12.47 \$2,053.00	\$62.40 \$10,274.00	\$37.44 \$6,164.00	\$12.47 \$2,053.00
0630	Organic Oxides, Alcohols, Glycols per 1,000,000 Lb/Yr Rated Capacity	2869 MIN.	\$8.29 \$2,053.00	\$41.58 \$10,274.00	\$24.95 \$6,164.00	\$8.29 \$2,053.00
0635	Olefins and Aromatics N.E.C. per 1,000,000 Lb/Yr Rated Capacity	2869 MIN.	\$8.29 \$2,053.00	\$41.58 \$10,274.00	\$24.95 \$6,164.00	\$8.29 \$2,053.00
0640	Ammonia Manufacture per Ton Daily Rated Capacity	2873 MIN.	\$4.16 \$2,053.00	\$20.82 \$10,274.00	\$12.47 \$6,164.00	\$4.16 \$2,053.00
0650	Fertilizer Manufacture per 1,000 Ton/Yr Rated Capacity	2873 MIN.	\$2.06 \$1,198.00	\$10.41 \$5,993.00	\$6.22 \$3,595.00	\$2.06 \$1,198.00
0660	Urea and Ureaform per 1,000 Ton/Yr Rated Capacity	2873 MIN.	\$4.16 \$1,198.00	\$20.82 \$5,993.00	\$12.47 \$3,595.00	\$4.16 \$1,198.00
0670	Pesticides Mfg. per Train	2879	\$1,665.00	\$8,321.00	\$4,992.00	\$1,665.00
0680	Carbon Black Manufacture per 1,000,000 Lb/Yr Rated Capacity	2895 MIN.	\$24.95 \$2,053.00	\$124.78 \$10,274.00	\$74.90 \$6,164.00	\$24.95 \$2,053.00
0690	Chemical and Chemical Prep. N.E.C. per 1,000,000 Lb/Yr	2899 MIN.	\$20.82 \$1,712.00	\$104.01 \$8,562.00	\$62.40 \$5,137.00	\$20.82 \$1,712.00
0695	Chemical and Chemical Prep. N.E.C. with Output Less than 1,000,000 Lb/Yr	2899	\$1,185.00	\$5,927.00	\$3,557.00	\$1,185.00
0700	Drilling Mud-Storage and Distribution	2899	\$417.00	\$2,082.00	\$1,248.00	\$500.00
0710	Drilling Mud-Grinding	2899	\$1,665.00	\$8,321.00	\$4,992.00	\$1,665.00
715	Salt Processing and Packaging per 1,000,000 Lb/Yr	2899 MIN.	\$0.33 \$514.00	\$1.69 \$2,569.00	\$1.01 \$1,540.00	\$0.33 \$514.00
0720	Petroleum Refining per 1,000 BBL/Day Rated Capacity Crude Throughput	2911 MIN.	\$104.01 \$2,053.00	\$520.05 \$10,274.00	\$312.40 \$6,164.00	\$105.11 \$2,053.00

Table 1						
Fee Schedule Listing						
Fee Num	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application Fee	Modified Permit Fees	
					Major	Minor
0730 *Note	Asphaltic Concrete Paving Plants per Ton/Hr Rated Capacity	2951 MIN.	\$3.14 \$855.00	\$15.64 \$4,281.00	\$9.38 \$2,569.00	\$3.14 \$855.00
0740	Asphalt Blowing Plant (Not to be Charged Separately if in Refinery)	2951	\$1,248.00	\$6,241.00	\$3,745.00	\$1,248.00
0760 *Note	Blending, Compounding, or Refining of Lubricants per Unit	2992	\$1,248.00	\$6,241.00	\$3,745.00	\$1,248.00
0770	Petroleum Coke Calcining per 1,000 Ton/Yr Rated Capacity	2999 MIN.	\$16.62 \$2,053.00	\$83.22 \$10,274.00	\$49.92 \$6,164.00	\$16.62 \$2,053.00
0773	Fiberglass Swimming Pools	N/A	\$292.00	\$1,457.00	\$875.00	\$500.00
0775	Plastics Injection Moulding and Extrusion per Line	3079 MIN.	\$417.00	\$2,082.00	\$1,248.00	\$417.00 \$500.00
0780	Glass and Glass Container Mfg. Natural Gas Fuel per Line	3229	\$623.00	\$3,119.00	\$1,874.00	\$623.00
0790	Cement Manufacture per 1,000 Ton/Yr Rated Capacity	3241 MIN.	\$12.47 \$1,712.00	\$62.40 \$8,562.00	\$37.44 \$5,137.00	\$12.47 \$1,712.00
0800	Glass and Glass Container Mfg. Fuel Oil per Line	3241	\$1,248.00	\$6,241.00	\$3,745.00	\$1,248.00
0810	Brick Manufacture per 1,000 Ton/Yr Rated Capacity	3251 MIN.	\$6.22 \$855.00	\$31.19 \$4,281.00	\$18.73 \$2,569.00	\$6.22 \$855.00
0815	Concrete Products	3272	\$422.00	\$2,107.00	\$1,263.00	\$500.00
0820 *Note	Ready-Mix Concrete	3273	\$1,041.00	\$3162.00	\$2,082.00	\$1,041.00
0830	Lime Manufacture per 1,000 Ton/Yr Rated Capacity	3274 MIN.	\$12.47 \$1,198.00	\$62.40 \$5,993.00	\$37.44 \$3,595.00	\$12.47 \$1,198.00
0840	Gypsum Manufacture per 1,000 Ton/Yr Rated Capacity	3275 MIN.	\$12.47 \$1,198.00	\$62.40 \$5,993.00	\$37.44 \$3,595.00	\$12.47 \$1,198.00
0850	Asbestos Products per Site or per Production Unit	3292	\$2,497.00	\$12,482.00	\$7,490.00	\$2,497.00
0860	Clay Kiln	3295	\$500.00	\$2,499.00	\$1,499.00	\$500.00

Table 1						
Fee Schedule Listing						
Fee Num	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application Fee	Modified Permit Fees	
					Major	Minor
0870	Rock Crusher	3295	\$458.00	\$2,288.00	\$1,374.00	\$500.00
0880	Gray Iron and Steel Foundries: A) 3,500 or More Ton/Yr Production	3321	\$667.00	\$3,327.00	\$1,997.00	\$667.00
0890	Gray Iron and Steel Foundries: B) Less than 3,500 Ton/Yr Production	3321	\$332.00	\$1,665.00	\$997.00	\$500.00
0900	Malleable Iron Foundries: A) 3,500 or More Ton/Yr Production	3322	\$667.00	\$3,327.00	\$1,997.00	\$667.00
0910	Malleable Iron Foundries: B) Less than 3,500 Ton/Yr Production	3322	\$332.00	\$1,665.00	\$997.00	\$500.00
0920	Steel Investment Foundries: A) 3,500 or More Ton/Yr Production	3324	\$667.00	\$3,327.00	\$1,997.00	\$667.00
0930	Steel Investment Foundries: B) Less than 3,500 Ton/Yr Production	3324	\$332.00	\$1,665.00	\$997.00	\$500.00
0940	Steel Foundries N.E.C.: A) 3,500 or More Ton/Yr Production	3325	\$667.00	\$3,327.00	\$1,997.00	\$667.00
0950	Steel Foundries N.E.C.: B) Less than 3,500 Ton/Yr Production	3325	\$332.00	\$1,665.00	\$997.00	\$500.00
0960	Primary Smelting and Refining of Copper per 100,000 Lb/Yr Rated Capacity	3331 MIN.	\$8.29 \$2,053.00	\$41.58 \$10,274.00	\$24.95 \$6,164.00	\$8.29 \$2,053.00
0970	Aluminum Production per Pot	3334 MIN.	\$41.58 \$2,053.00	\$208.03 \$10,274.00	\$124.30 \$6,164.00	\$41.58 \$2,053.00
0980	Refining of Non-Ferrous Metals N.E.C. per 1,000 Lb/Yr Rated Capacity	3339 MIN.	\$0.04 \$2,053.00	\$0.40 \$10,274.00	\$0.23 \$6,164.00	\$0.04 \$2,053.00
0990	Secondary Smelting of Non- Ferrous Metals per Furnace	3341 MIN.	\$1,248.00 \$2,569.00	\$6,241.00 \$12,843.00	\$3,745.00 \$7,706.00	\$1,248.00 \$2,569.00
1000	Wire Manufacture	3357	\$832.00	\$4,158.00	\$2,497.00	\$832.00
1010	Aluminum Foundries (Castings) per Unit	3361 MIN.	\$332.00	\$1,665.00	\$997.00	\$332.00 \$500.00

Table 1						
Fee Schedule Listing						
Fee Num	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application Fee	Modified Permit Fees	
					Major	Minor
1020	Brass/Bronze/Copper-Based Alloy Foundry per Furnace	3362 MIN.	\$417.00	\$2,082.00	\$1,248.00	\$417.00 \$500.00
1030	Metal Heat Treating Including Shotpeening	3398	\$250.00	\$1,248.00	\$748.00	\$500.00
1040	Metal Can Manufacture	3411	\$833.00	\$4,158.00	\$2,497.00	\$832.00
1050	Drum Manufacturing and/or Reconditioning	3412	\$1,248.00	\$6,241.00	\$3,745.00	\$1,248.00
1059	Fabricated Structural Steel with 5 or More Welders	3441	\$832.00	\$4,158.00	\$2,497.00	\$832.00
1060	Fabricated Plate Work with 5 or More Welders	3443	\$1,053.00	\$5,268.00	\$3,162.00	\$1,053.00 Section 223
1070	Electroplating, Polishing and Anodizing with 5 or More Employees	3471	\$250.00	\$1,248.00	\$748.00	\$500.00
1080	Sandblasting or Chemical Cleaning of Metal: A) 10 or More Employees	3471	\$1,248.00	\$6,241.00	\$3,745.00	\$1,248.00
1090	Sandblasting or Chemical Cleaning of Metal: B) Less than 10 Employees	3471	\$623.00	\$3,119.00	\$1,874.00	\$623.00
1100	Coating, Engraving, and Allied Services: A) 10 or More Employees	3479	\$458.00	\$2,288.00	\$1,374.00	\$500.00
1110	Coating, Engraving, and Allied Services: B) Less than 10 Employees	3479	\$250.00	\$1,248.00	\$748.00	\$500.00
1120	Galvanizing and Pipe Coating Excluding All Other Activities	3479	\$500.00	\$2,497.00	\$1,499.00	\$500.00
1130	Painting Topcoat per Line	3479 MIN.	\$417.00	\$2,082.00	\$1,248.00	\$417.00 \$500.00
1140	Potting per Line	3479 MIN.	\$250.00	\$1,248.00	\$748.00	\$250.00 \$500.00
1150	Soldering per Line	3479 MIN.	\$250.00	\$1,248.00	\$748.00	\$250.00 \$500.00
1160	Wire Coating per Line	3479	\$832.00	\$4,158.00	\$2,497.00	\$832.00
1170	Oil Field Machinery and Equipment	3533	\$417.00	\$2,082.00	\$1,248.00	\$500.00

Table 1						
Fee Schedule Listing						
Fee Num	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application Fee	Modified Permit Fees	
					Major	Minor
1180	Power Chain Saw Manufacture per Line	3546	\$623.00	\$3,119.00	\$1,874.00	\$623.00
1190	Commercial Grain Dryer	3559	\$500.00	\$2,497.00	\$1,499.00	\$500.00
1193	Commercial Laundry, Dry Cleaning, and Pressing Machines	3582	\$623.00	\$3,119.00	\$1,874.00	\$623.00
1195	Electric Transformers per 1,000 Units/Year	3612 MIN.	\$193.51 \$526.00	\$967.52 \$2,634.00	\$580.51 \$1,580.00	\$193.51 \$526.00
1200	Electrode Manufacture per Line	3624	\$582.00	\$2,910.00	\$1,747.00	\$582.00
1210	Telephone Manufacture per Line	3661	\$1,457.00	\$7,280.00	\$4,369.00	\$1,457.00
1220	Electrical Connector Manufacture per Line	3678	\$748.00	\$3,745.00	\$2,247.00	\$748.00
1230	Battery Manufacture per Line	3691	\$832.00	\$4,158.00	\$2,497.00	\$832.00
1240	Electrical Equipment per Line	3694	\$500.00	\$2,497.00	\$1,499.00	\$500.00
1245	Automobile, Truck, and Van Assembly per 1,000 Vehicles per Year Capacity	3711 MIN. MAX.	\$208.03 \$1,317.00 \$41,612.00	\$1,040.05 \$6,598.00 \$208,060.00	\$624.03 \$3,952.00 \$124,836.00	\$208.03 \$1,317.00 \$41,612.00
1250	Ship and Boat Building: A) 5001 or More Employees	3732	\$6,241.00	\$31,202.00	\$18,722.00	\$6,241.00
1260	Ship and Boat Building: B) 2501 to 5000 Employees	3732	\$4,158.00	\$20,804.00	\$12,482.00	\$4,158.00
1270	Ship and Boat Building: C) 1001 to 2500 Employees	3732	\$2,082.00	\$10,401.00	\$6,241.00	\$2,082.00
1280	Ship and Boat Building: D) 201 to 1000 Employees	3732	\$1,248.00	\$6,241.00	\$3,745.00	\$1,248.00
1290	Ship and Boat Building: E) 200 or Less Employees	3732	\$417.00	\$2,082.00	\$1,248.00	\$500.00
1300	Playground Equipment Manufacture per Line	3949	\$623.00	\$3,119.00	\$1,874.00	\$623.00
1310	Grain Elevators: A) 20,000 or More Ton/Yr	4221	\$1,329.00	\$6,655.00	\$3,993.00	\$1,329.00

Table 1						
Fee Schedule Listing						
Fee Num	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application Fee	Modified Permit Fees	
					Major	Minor
1320	Grain Elevators: B) Less than 20,000 Ton/Yr	4221	\$667.00	\$3,328.00	\$1,997.00	\$667.00
1330 *Note	A) Petroleum, Chemical Bulk Storage and Terminal (over 3,000,000 BBL Capacity)	4226	\$12,482.00	\$62,406.00	\$37,444.00	\$12,482.00
1340 *Note	B) Petroleum, Chemical Bulk Storage and Terminal (1,000,000-3,000,000 BBL Capacity)	4226	\$8,321.00	\$41,604.00	\$24,962.00	\$8,321.00
1350 *Note	C) Petroleum, Chemical Bulk Storage and Terminal (500,001-1,000,000 BBL Capacity)	4226	\$4,158.00	\$20,804.00	\$12,482.00	\$4,158.00
1360 *Note	D) Petroleum, Chemical Bulk Storage and Terminal (500,000 BBL Capacity or Less)	4226	\$2,082.00	\$10,401.00	\$6,241.00	\$2,082.00
1361 *Note	Wholesale Distribution of Coke and Other Bulk Goods per 1,000 Ton/Yr Capacity	4463 MIN.	\$0.85 \$2,053.00	\$4.17 \$10,274.00	\$2.46 \$6,164.00	\$0.85 \$2,053.00
1362	Crude Oil Pipeline: Facility with Less than 100,000 BBLS Storage Capacity	4612	\$922.00	\$4,611.00	\$2,767.00	\$922.00
1363	Crude Oil Pipeline: Facility with 100,000 to 500,000 BBLS Storage Capacity	4612	\$1,317.00	\$6,587.00	\$3,952.00	\$1,317.00
1364	Crude Oil Pipeline: Facility with over 500,000 BBLS Storage Capacity	4612	\$1,844.00	\$9,221.00	\$5,532.00	\$1,844.00
1366	Refined Oil Pipeline: Facility with Less than 100,000 BBLS Storage Capacity	4613	\$790.00	\$3,952.00	\$2,370.00	\$790.00
1367	Refined Oil Pipeline: Facility with 100,000 to 500,000 BBLS Storage Capacity	4613	\$1,053.00	\$5,268.00	\$3,162.00	\$1,053.00
1368	Refined Oil Pipeline: Facility with Over 500,000 BBLS Storage Capacity	4613	\$1,580.00	\$7,904.00	\$4,741.00	\$1,580.00

Table 1						
Fee Schedule Listing						
Fee Num	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application Fee	Modified Permit Fees	
					Major	Minor
1370	Railcar/Barge/Tank Truck Cleaning Heavy Fuels Only	4742	\$417.00	\$2,082.00	\$1,248.00	\$500.00
1380	Railcar and Barge Cleaning Other Than Heavy Fuels	4742	\$2,082.00	\$10,401.00	\$6,241.00	\$2,082.00
1390	Tank Truck Cleaning Other Than Heavy Fuels	4742	\$1,248.00	\$6,241.00	\$3,745.00	\$1,248.00
1400	A) Electric Power Gen. per MW (Over 0.7 Percent S in Fuel)	4911 MIN.	\$19.33 \$3,938.00	\$96.73 \$19,693.00	\$58.04 \$11,816.00	\$19.33 \$3,938.00
1410 *Note	B) Electric Power Gen. per MW (0.7 Percent S or Less in Fuel)	4911 MIN.	\$11.58 \$1,884.00	\$58.04 \$9,419.00	\$34.82 \$5,651.00	\$11.58 \$1,884.00
1420	C) Electric Power Gen. per MW (Natural Gas Fired)	4911 MIN.	\$5.82 \$1,370.00	\$29.03 \$6,849.00	\$17.41 \$4,110.00	\$5.82 \$1,370.00
1430 *Note	Natural Gas Comp per 100 H.P. (Turbines)	4922 MIN.	\$8.29 \$250.00	\$41.58 \$500.00	\$24.95 \$500.00	\$8.29 \$500.00
1440 *Note	Recip. Nat Gas Comp per 100 H.P.: A) 50,000 H.P.	4922	\$37.47	\$187.23	\$112.33	\$37.47
1450 *Note	Recip. Nat Gas Comp per 100 H.P.: B) 20,000 to 50,000 H.P.	4922	\$41.58	\$208.03	\$124.78	\$41.58
1460 *Note	Recip. Nat Gas Comp per 100 H.P.: C) 5,000 to 20,000 H.P.	4922	\$49.92	\$249.61	\$149.73	\$49.92

Table 1						
Fee Schedule Listing						
Fee Num	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application Fee	Modified Permit Fees	
					Major	Minor
1470 *Note	Recip. Nat Gas Comp per 100 H.P.: D) 2,500 to 5,000 H.P.	4922	\$58.26	\$291.18	\$174.72	\$58.26
1480 *Note	Recip. Nat Gas Comp per 100 H.P.: E) 1,000 to 2,500 H.P.	4922	\$62.40	\$312.02	\$187.23	\$62.40
1490 *Note	Recip. Nat Gas Comp: F) Less than 1,000 H.P.	4922	\$832.00	\$2,082.00	\$832.00	\$832.00
1500 *Note	Coal Gassification per \$100,000 Capital Cost	4925 MIN. MAX.	\$8.29 \$1,317.00 \$66,614.00	\$41.58 \$6,587.00 \$333,067.00	\$24.95 \$3,952.00 \$199,840.00	\$8.29 \$1,317.00 \$66,614.00
1510 *Note	Co-Generation per \$100,000 Capital Cost	4939 MIN. MAX.	\$8.29 \$1,317.00 \$41,612.00	\$41.58 \$6,587.00 \$208,060.00	\$24.95 \$3,952.00 \$124,836.00	\$8.29 \$1,317.00 \$41,612.00
1520	Incinerators: A) 1,000 Lb/Hr and Greater Capacity	4953	\$526.00	\$2,634.00	\$1,580.00	\$526.00
1521	Incinerators: B) Less than 1,000 Lb/Hr Capacity	4953	\$250.00	\$855.00	\$514.00	\$500.00
1525	Sanitary Landfill per Million Mg of Planned Capacity	4953 MIN.	\$146.00 \$291.00	\$726.00 \$1,452.00	\$436.00 \$872.00	\$146.00 \$500.00
1530	Municipal Incinerators	4953	\$4,158.00	\$20,804.00	\$12,482.00	\$4,158.00
1532	Commercial Hazardous Waste Incinerator per 1,000,000 Btu per Hour Thermal Capacity	4953 MIN.	\$239.75 \$5,268.00	\$1,198.70 \$26,345.00	\$719.22 \$15,807.00	\$239.75 \$5,268.00
1533	Noncommercial Hazardous Waste Incinerator (per 1,000,000 Btu/Hr Thermal Capacity)	4953 MIN.	\$119.87 \$3,425.00	\$600.17 \$17,124.00	\$359.60 \$10,274.00	\$119.87 \$3,425.00

Table 1						
Fee Schedule Listing						
Fee Num	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application Fee	Modified Permit Fees	
					Major	Minor
1534	Commercial Hazardous Waste Disp. Facility N.E.C.	4953	\$34,249.00	\$171,244.00	\$102,746.00	\$34,249.00
1535	Commercial Hazardous Waste Underground Injection (Surface Facilities) per Location	4953	\$6,849.00	\$34,249.00	\$20,550.00	\$6,849.00
1536	Recoverable/Re-usable Materials Proc. Facility (per 1,000,000 Btu/Hr Thermal Capacity)	4953 MIN. MAX.	\$119.87 \$3,425.00 \$17,124.00	\$599.35 \$17,124.00 \$85,622.00	\$359.60 \$10,274.00 \$51,373.00	\$119.87 \$3,425.00 \$17,124.00
1540	Steam Gen. Units per 1000 Lb/Hr Steam Cap: Natural Gas or Comb Non-Fossil Fuels	4961 MIN.	\$2.06 \$341.00	\$10.41 \$1,712.00	\$6.22 \$1,027.00	\$2.06 \$500.00
1550	Steam Gen. Units per 1000 Lb/Hr Steam Cap: Fuels with 0.7 Percent S or Less	4961 MIN.	\$4.17 \$855.00	\$20.81 \$4,281.00	\$12.47 \$2,569.00	\$4.17 \$855.00
1560	Steam Gen. Units per 1000 Lb/Hr Steam Cap: Fuels with More than 0.7 Percent S	4961 MIN.	\$6.22 \$1,198.00	\$31.19 \$5,993.00	\$18.73 \$3,595.00	\$6.22 \$1,198.00
1570	Cement (Bulk Distribution)	5052	\$1,665.00	\$8,321.00	\$4,992.00	\$1,665.00
1580	Wholesale Distribution of Coal per 1,000 Ton/Yr Throughput	5052 MIN.	\$0.40 \$1,198.00	\$2.06 \$5,993.00	\$1.22 \$3,595.00	\$0.40 \$1,198.00
1590	Automobile Recycling Scrap per 1000 Ton/Yr	5093 MIN. MAX.	\$17.12 \$855.00 \$41,612.00	\$85.61 \$4,281.00 \$208,060.00	\$51.37 \$2,569.00 \$124,836.00	\$17.12 \$855.00 \$41,612.00
1600	Bulk Loader: Over 100,000 Ton/Yr Throughput	5153	\$4,158.00	\$20,804.00	\$12,482.00	\$4,158.00
1610 *Note	Bulk Loader: Less Than or Equal to 100,000 and More Than 25,000 Ton/Yr Throughput	5153	\$2,082.00	\$10,401.00	\$6,241.00	\$2,082.00

Table 1						
Fee Schedule Listing						
Fee Num	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application Fee	Modified Permit Fees	
					Major	Minor
1611 *Note	Bulk Loader: 25,000 Ton/Yr or Less Throughput	5153	\$1,185.00	\$5,927.00	\$3,557.00	\$1,185.00
1612 *Note	Bulk Loader: No Grain or Dusty Materials Transfer	5153	\$790.00	\$3,952.00	\$2,370.00	\$790.00
1620	Grain Elevators-Terminal per 10,000 BU/Yr Throughput	5153 MIN.	\$0.40 \$1,884.00	\$2.06 \$9,419.00	\$1.22 \$5,651.00	\$0.40 \$1,884.00
1630	Wholesale Distribution of Chemicals and Allied Products per Facility	5161	\$1,041.00	\$4,158.00	\$3,119.00	\$1,041.00
1640	Petroleum Bulk Plants	5171	\$250.00	\$500.00	\$500.00	\$500.00
1650	Petroleum Bulk Terminal	5171	\$832.00	\$4,158.00	\$2,497.00	\$832.00
1660	Petroleum Bulk Station	5171	\$250.00	\$500.00	\$500.00	\$500.00
1670	Storage Tank	5171	\$250.00	\$832.00	\$500.00	\$500.00
1680	Crude Oil Distribution	5172	\$1,248.00	\$6,241.00	\$3,745.00	\$1,248.00
1690	Tire Recapping Plant	7534	\$250.00	\$855.00	\$514.00	\$500.00
1700	Chemical Waste Disposal Facility for Nonhazardous Waste	9998	\$3,870.00	\$19,352.00	\$11,611.00	\$3,870.00
1710	Negotiated Fee for Minor Sources		\$291.00	\$1,452.00	\$872.00	\$500.00
1711	Research Fee for Alternate Disposal of Hazardous Waste		\$250.00	\$500.00	\$500.00	\$500.00
1712 *Note	Negotiated Fee for Part 70 Sources	MIN.	\$291.00 + \$7.26 /ton \$1,452.00	\$1452.00 + \$36. 30/to n \$7,260.00	\$872.00 + \$21. 78/to n \$4,356.00	\$291.00 + \$7. 26/ ton \$1,452.00

Abridged for LDEQ Financial Services. For information purposes only. Prepared 5/5/2021.
 Sections pertaining to Fees may reference regulations not included.

Table 1						
Fee Schedule Listing						
Fee Num	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application Fee	Modified Permit Fees	
					Major	Minor
1720 *Note	Small Business Sources	N/A	\$250.00	\$785.00	\$500.00	\$500.00
1722	Small Source Permit	N/A	\$250.00	\$785.00	\$500.00	\$500.00

B. Table 2—Additional Fees

Table 2		
Additional Fees		
Fee Number	Fee Description	Amount
2000 *Note 22	Name and Company Ownership/Operator Changes under LAC 33:1.Chapter 19	\$500.00
2010	The Issuance or Denial of Variances and Permit Exemptions. The fee for a variance shall be waived for sources operating under an air permit.	\$500.00
2016	New, Modified, or Renewed Acid Rain Permits	\$500.00
2020	The Issuance of an Asbestos Disposal Verification Form (ADVF)—(at least 10 working days notification given)—Fee is nontransferable and nonrefundable.	\$73.00
2030	The Issuance of an Asbestos Disposal Verification Form (ADVF)—(less than 10 working days notification given)—Fee is nontransferable and nonrefundable.	\$109.00
2040	Agent Accreditation for Asbestos: Includes Contractor/Supervisor, Inspector, Management Planner, or Project Designer—Normal Application Processing per Discipline (greater than five working days after receipt of required documentation and fees)—Fee is nontransferable and nonrefundable.	\$291.00
2050	Agent Accreditation for Asbestos: Includes Contractor/Supervisor, Inspector, Management Planner, or Project Designer—Emergency Application Processing per Discipline (less than or equal to five working days after receipt of required documentation and fees)—Fee is nontransferable and nonrefundable.	\$436.00
2060	Worker Accreditation for Asbestos—Normal Application Processing (greater than five working days after receipt of required documentation and fees)—Fee is nontransferable and nonrefundable.	\$73.00
2070	Worker Accreditation for Asbestos—Emergency Application Processing (less than or equal to five working days after receipt of required documentation and fees)—Fee is nontransferable and nonrefundable.	\$109.00
2080	Duplicate Certificate—Fee is nontransferable and nonrefundable.	\$37.00
2090	Asbestos Training Organization Recognition Plus Trainer Recognition per Trainer—Normal Application Processing (greater than five working days after receipt of required documentation and fees)—Fee is nontransferable and nonrefundable.	\$436.00 \$73.00

Table 2		
Additional Fees		
Fee Number	Fee Description	Amount
2100	Asbestos Training Organization Recognition Plus Trainer Recognition per Trainer—Emergency Application Processing (less than or equal to five working days after receipt of required documentation and fees)—Fee is nontransferable and nonrefundable.	\$654.00 \$109.00
2200 *Note 13*	Air Toxics Annual Fee per Ton Emitted on an Annual Basis:	
	Class I Pollutants	\$156.82
	Class II Pollutants	\$78.41
	Class III Pollutants	\$39.20
2300 *Note 14*	Criteria Pollutant Annual Fee per Ton Emitted on an Annual Basis (Non-Title V Facility): Nitrogen oxides (NOx) Sulfur dioxide (SO2) Non-toxic organic (VOC) Particulate (PM10)	\$14.11/ton
2310 *Note 14*	Criteria Pollutant Annual Fee per Ton Emitted on an Annual Basis (Title V Facility): Nitrogen oxides (NOx) Sulfur dioxide (SO2) Non-toxic organic (VOC) Particulate (PM10)	\$14.11/ton
2400	An application approval fee for Stage II Vapor Recovery An annual facility inspection fee for Stage II Vapor Recovery	\$ 146.00 \$218.00
2600 *Note 16*	Accident Prevention Program Annual Maintenance Fee: Program 1	\$291.00
2620 *Note 16*	Accident Prevention Program Annual Maintenance Fee: Program 2	\$581.00
2630 *Note 16*	Accident Prevention Program Annual Maintenance Fee: Program 3	\$3,630.00
2810	An application fee for point source emissions banking (not applicable when filing application with a new permit or permit modification)	\$500.00
2900 *Note 19*	Lead Contractor License Evaluation Processing Fee—Fee is nontransferable and nonrefundable.	\$550.00
2901 *Note 19*	Lead Project Supervisor Accreditation Application Processing Fee—Fee is nontransferable and nonrefundable.	\$275.00
2902 *Note 19*	Lead Project Designer Accreditation Application Processing Fee—Fee is nontransferable and nonrefundable.	\$550.00

Table 2		
Additional Fees		
Fee Number	Fee Description	Amount
2903 *Note 19*	Lead Risk Assessor Accreditation Application Processing Fee— Fee is nontransferable and nonrefundable.	\$275.00
2904 *Note 19*	Lead Inspector Accreditation Application Processing Fee—Fee is nontransferable and nonrefundable.	\$165.00
2905 *Note 19*	Lead Worker Accreditation Application Processing Fee—Fee is nontransferable and nonrefundable.	\$55.00
2906 *Note 19*	Recognition Application Processing Fee for In-State Louisiana Lead Training Organizations per Training Organization— Fee is nontransferable and nonrefundable.	\$550.00
2907 *Note 19*	Recognition Application Processing Fee for Louisiana Lead Training Organizations per Instructor—Fee is nontransferable and nonrefundable.	\$55.00
2908 *Note 19*	Recognition Application Processing Fee for Out of State Lead Training Organizations per Out of State Training Organization—Fee is nontransferable and nonrefundable.	\$825.00
2909 *Note 19*	Recognition Application Processing Fee for Out of State Lead Training Organizations per Instructor—Fee is nontransferable and nonrefundable.	\$110.00
2910 *Note 19*	Lead Abatement Project Notification Processing Fee, 2000 Square Feet and under—Fee is nontransferable and nonrefundable.	\$220.00
2911 *Note 19*	Lead Abatement Project Notification Processing Fee for Each Additional Increment of 2000 Square Feet or Portion Thereof—Fee is nontransferable and nonrefundable.	\$110.00
2912 *Note 19*	Lead Abatement Project Notification Processing Fee (Fee Per Revision)—Fee is nontransferable and nonrefundable.	\$55.00
2913 *Note 19*	Soil Lead Abatement Project Notification Processing Fee, Half Acre or Less—Fee is nontransferable and nonrefundable.	\$220.00
2914 *Note 19*	Soil Lead Abatement Project Notification Processing Fee, Each Additional Half Acre or Portion Thereof—Fee is nontransferable and nonrefundable.	\$110.00

NOTE: Explanatory Notes for Fee Schedule

Note 1. This category does not include building paper.

Note 2. This category is considered one process with the fee based on the rated yearly chlorine capacity.

Note 3. Reserved.

Note 4. The fees for this category apply to both batch and continuous processes.

Note 5. This fee applied to lubricants meaning lubricating oils and greases. This fee is not to be charged for units which are part of a facility for which the petroleum refinery fee was paid.

Note 6. The fees for this category are based on the organic compound storage capacity of the facility.

Note 7. For an electric power generation unit to be placed in this category it must burn fuel oil or coal of less than 0.7 percent Sulphur.

Note 8. Wholesale grain distribution is not included in this category.

Note 9. Facilities with no fuel or waste burning equipment are exempted from both the annual compliance and permit fees. Power must be supplied by electric motors or internal combustion engines.

Note 10. For coal gasification and cogeneration projects when computing application fees, the capital cost for the control equipment that reduces emissions to a level below the applicable NSPS regulations should be deducted from the capital cost.

Note 11. The maximum annual maintenance fee for Categories 1430-1490 is not to exceed \$41,612 total for any one gas transmission permit.

Note 12. The maximum annual maintenance fee for one location with two or more plants shall be \$1,883.

Note 13. Fees will be determined by aggregating and rounding (e.g., parts of a ton less than 0.50 are invoiced as zero and parts of a ton equal to or greater than 0.50 are invoiced as one ton) actual annual emissions of each class of toxic air pollutants (as delineated in the tables in LAC 33:III.5112) for a facility and applying the appropriate fee schedule for that class. If a facility emits more than 4000 tons per year of any single toxic air pollutant, fees shall be assessed on only the first 4000 tons. In no case shall the fee for this category be less than \$146.

Note 14. Fees will not be assessed for emissions of a single criteria pollutant over and above 4,000 tons per year from a facility. Criteria fees will be assessed on actual annual emissions that occurred during the previous calendar year. The minimum fee for this category shall be \$146.

Note 14a. The throughput of these categories shall be based on the amount of grain or other materials that are known to produce significant amounts of particulate emissions. The determination of which materials or grains are considered as dusty materials is based on the material having similar emission factors to grain or having similar properties that can be used to estimate potential emissions.

Note 15. Applications must be accompanied by a certificate of eligibility authorized by the department's Small Business Technical Assistance Program. Final determination of a facility's eligibility is to be made by the administrative authority or his designee and may be based on (but not limited to) the following factors: risk assessment, proposed action, location, etc. For the purpose of this Chapter a small business is a facility which: has 50 employees or fewer; is independently owned; is a small business concern as defined pursuant to the Small Business Act; emits less than 5 tons/year of any single hazardous air pollutant and less than 15 tons/year of any combination of hazardous air pollutants; emits less than 25 tons/year of any criteria pollutant; has an annual gross revenue that does not exceed \$5,000,000; is not a major stationary source; and does not incinerate, recycle, or recover any off-site hazardous, toxic, industrial, medical, or municipal waste.

Note 16. The choice of which program level applies is based on the highest level assigned to any process at the facility that applies at any time during the state fiscal year for which the

invoice is being prepared (Program 3 being the highest). This annual maintenance fee is charged based on a state fiscal year from July to June.

Note 17. Reserved.

Note 18. Reserved.

Note 19. The fee for emergency processing will be 1.5 times the regular fees.

Processing Timelines		
Notification or Application	Normal Processing	Emergency Processing
Asbestos and Lead Training Organizations' and Trainers' Recognition	30 days	Application to be processed less than or equal to five working days after receipt of required documentation and fees
Asbestos and Lead Accreditation	30 days	Application to be processed less than or equal to five working days after receipt of required documentation and fees
Asbestos Demolition and Renovation Notification	Notification to be processed less than or equal to 10 working days after receipt or postmark of required documentation and fees	Notification to be processed less than or equal to 10 working days after receipt or postmark of required documentation and fees
Lead Contractors' "Letter of Approval"	30 days	Notification to be processed less than or equal to five working days after receipt of required documentation and fees

Note 20. This fee category applies to facilities that use a direct reduction process to process iron ore. The fees are based on the capital cost of the facility. In determination of fees for this fee category, the capital cost shall be used in the same manner as the capacity in other fee categories.

Note 21. Tons shall refer to the permitted total of criteria pollutants, excluding PM2.5. The minimum fee applies only if the requirement for a Part 70 permit is triggered by criteria pollutant emissions.

Note 22. No fee shall be assessed when only the name of a facility is changed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054, 2341, and 2351 et seq.

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 LR 14:613 (September 1988), LR 15:735

(September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 1991), repromulgated LR 18:31 (January 1992), amended LR 18:706 (July 1992), LR 18:1256 (November 1992), LR 19:1373 (October 1993), LR 19:1420 (November 1993), LR 19:1564 (December 1993), LR 20:421 (April 1994), LR 20:1263 (November 1994), LR 21:22 (January 1995), LR 21:782 (August 1995), LR 21:942 (September 1995), repromulgated LR 21:1080 (October 1995), amended LR 21:1236 (November 1995), LR 23:1496, 1499 (November 1997), LR 23:1662 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:267 (February 2000), LR 26:485 (March 2000), LR 26:1606 (August 2000), repromulgated LR 27:192 (February 2001), amended LR 29:672 (May 2003), LR 29:2042 (October 2003), LR 30:1475 (July 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2620 (December 2007), LR 34:2560 (December 2008), LR 37:1145 (April 2011), amended by the Office of the Secretary, Legal Division, LR 43:936 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:0000 (July 2018).

Chapter 3. Regulatory Permits

§307. Regulatory Permit for Oil and Gas Well Testing

G. In accordance with LAC 33:III.Chapter 2, the fee for this regulatory permit shall be \$500.
There shall be no annual maintenance fee associated with this regulatory permit.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 35:457 (March 2009), amended by the Office of the Secretary, Legal Division, LR 43:942 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:1898 (October 2017), LR 44:0000 (July 2018).

§309. Regulatory Permit for Release of Natural Gas from Pipelines and Associated Equipment

I. In accordance with LAC 33:III.Chapter 2, the fee for this regulatory permit shall be \$500.
There shall be no annual maintenance fee associated with this regulatory permit.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 35:458 (March 2009), amended by the Office of the Secretary, Legal Division, LR 43:942 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:0000 (July 2018).

§311. Regulatory Permit for Stationary Internal Combustion Engines

M. In accordance with LAC 33:III.Chapter 2, the fee for this regulatory permit is \$785. In accordance with LAC 33:III.209 and 211, the annual maintenance fee associated with this regulatory permit shall be \$250. Applicable surcharges as described in LAC 33:III.211.A shall also be assessed.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 35:459 (March 2009), amended LR 37:3221 (November 2011), amended by the Office of the Secretary, Legal Division, LR 40:780 (April 2014), LR 42:1884 (November 2016), LR 43:942 (May 2017).

§313. Regulatory Permit for Portable Air Curtain Incinerators

F. In accordance with LAC 33:III.Chapter 2, the fee for this regulatory permit is \$2,634 (fee number 1520). If emissions from the ACI are such that it qualifies for a small source permit as described in LAC 33:III.503.B.2, the fee is \$785 (fee number 1722), in accordance with LAC 33:III.211.B.13.e. In accordance with LAC 33:III.209 and 211, the annual maintenance fee associated with this regulatory permit shall be \$526, if fee number 1520 is applicable, or \$250, if fee number 1722 is applicable.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 35:460 (March 2009), amended by the Office of the Secretary, Legal Division, LR 43:942 (May 2017).

§315. Regulatory Permit for Concrete Manufacturing Facilities

H. In accordance with LAC 33:III.Chapter 2, the fee for this regulatory permit is \$785 (fee number 1722). In accordance with LAC 33:III.209 and 211, the annual maintenance fee associated with this regulatory permit shall be \$250.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 36:1541 (July 2010), amended by the Office of the Secretary, Legal Division, LR 43:942 (May 2017).

§317. Regulatory Permit for Rock, Concrete, and Asphalt Crushing Facilities

K. Fees. In accordance with LAC 33:III.223, Table 1, the new permit application fee for this regulatory permit shall be \$2,288 (fee number 0870). In accordance with LAC 33:III.209 and 211, the annual maintenance fee associated with this regulatory permit shall be \$458. If potential emissions from the crusher are such that it qualifies for a small source permit as described in LAC 33:III.503.B.2, then fee number 1722 located in LAC 33:III.223, Table 1 shall apply in accordance with LAC 33:III.211.B.13.e.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 38:1955 (August 2012), amended by the Office of the Secretary, Legal Division, LR 43:942 (May 2017).

§319. Regulatory Permit for Flaring of Materials Other than Natural Gas

I. In accordance with LAC 33:III.223, Table 1, the fee for this regulatory permit shall be \$500. There shall be no annual maintenance fee associated with this regulatory permit.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 39:1039 (April 2013), amended LR 43:942 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:0000 (July 2018).

§321. Regulatory Permit for Storage Vessels

H. Fees. Fees for this regulatory permit shall be as prescribed by fee number 1670 of LAC 33:III.223, Table 1. Applicable surcharges as described in LAC 33:III.211.A shall also be assessed.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:42 (January 2018).

§323. Regulatory Permit for Boilers and Process Heaters

J. Fees. Fees for this regulatory permit shall be as prescribed by fee number 1540 or 1550, as applicable, of LAC 33:III.223, Table 1, or the applicable major or minor modification fee for the stationary source as determined in accordance with LAC 33:III.211.B, whichever is lower. Applicable surcharges as described in LAC 33:III.211.A shall also be assessed.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:1759 (December 2019).

§325. Regulatory Permit for Cooling Towers

H. Fees. Fees for this regulatory permit shall be the applicable major or minor modification fee for the stationary source as determined in accordance with LAC 33:III.211.B. Applicable surcharges as described in LAC 33:III.211.A shall also be assessed.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:1760 (December 2019).

§327. Regulatory Permit for Stationary Combustion Turbines

I. Fees. Fees for this regulatory permit shall be the applicable major or minor modification fee for the stationary source as determined in accordance with LAC 33:III.211.B. Applicable surcharges as described in LAC 33:III.211.A shall also be assessed.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:**558** (April 2020).



Title 33 – Abridged for Financial Services
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 51. Fee Schedules

§5101. Applicability

A. The regulations in this Chapter apply to generators of hazardous waste as well as treaters, storers, and disposers of hazardous waste except as provided in LAC 33:V.1101 and LAC 33:V.1501.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 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 11:533 (May 1985), LR 12:676 (October 1986), LR 18:724 (July 1992).

§5103. Scope and Purpose

A. It is the purpose of these regulations to establish a fee system for funding the monitoring, investigation, and other activities required to be conducted for the maintenance of a safe and healthful environment by the Department of Environmental Quality in accordance with the Louisiana Environmental Quality Act (R.S. 30:2014 et seq.). Fees are required for all permits, licenses, registrations, and variances authorized by the Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 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 11:533 (May 1985), LR 12:676 (October 1986), LR 18:724 (July 1992).

§5105. Authority

A. These regulations provide fees as required by R.S. 30:2014.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 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 11:533 (May 1985), LR 12:676 (October 1986).

§5107. Definitions

(See LAC 33:V.109)

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 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 11:533 (May 1985), LR 12:676 (October 1986).

§5109. Application Fees

A. Treaters, Storers, and/or Disposers (TSD)

1. A one-time application fee shall be paid to cover application, evaluation, and other related program costs.

2. Major amendments of applications for operating permits, closure/post-closure permits, and modifications of permits may be considered as separate applications for purposes of calculating fees.
3. The application fee shall be assessed subsequent to the receipt and review of an application or other request for permit action.
4. There shall be no refunds of TSD application fees.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:676 (October 1986), LR 16:684 (August 1990), LR 18:724 (July 1992), amended by the Office of the Secretary, Legal Division, LR 43:943 (May 2017).

§5111. Treaters, Storers, and/or Disposers Application Fees

A. The applicant is required to calculate the appropriate application fee and, if applicable, siting fee according to the schedule included in the permit application form. Payment shall be made in accordance with the requirements of LAC 33:V.5127.

B. Application Fee Schedule

Item	Fee
Site Analysis—per acre site size	\$413 ¹
Process and Plan Analysis	\$1,650
Facility Analysis—per unit ²	\$825
Management/Financial Analysis	\$1,650

[Note: Fee equals total of the four items.]

1 Up to 100 acres, no additional fee thereafter.

2 Incinerator, land farm, treatment pond, etc., each counted as a facility.

C. Administrative Cost Fee

$\text{Application Fee} \times 0.30 = \text{Administrative Cost Fee}$

D. Siting Fee. This fee will be applicable to new commercial hazardous waste treatment, storage, and disposal facilities. This fee will be used to assess the impact of the location of the facility on the citizens in the surrounding area, the local infrastructure, and on the environment. A portion of this fee shall be allocated to the local governmental subdivision for the preparation of an infrastructure assessment report as determined by the secretary. When siting a commercial facility, the secretary shall determine whether the local governmental subdivision should be compensated for any reasonable and necessary cost for preparation of the infrastructure report:

$\text{Application Fee} \times 0.05 = \text{Siting Fee}$
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AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq., and R.S. 49:316.1(A)(2)(a) and (c).

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 11:533 (May 1985), LR 12:318 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 18:724 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:288 (March 2001), LR 29:685 (May 2003), LR 29:2048 (October 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 35:2179 (October 2009), amended by the

Office of the Secretary, Legal Division, LR 43:943 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:0000 (July 2018).

§5113. Provision for Collection of Additional Fees Should Application Fees Paid Be Less Than Program Costs

- A. Operators who paid an application fee of \$15,000 will be assessed an additional fee equaling the deficit, apportioned equally, provided that no operator pays more than the calculated fee of LAC 33:V.5111.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 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 11:533 (May 1985), LR 12:676 (October 1986), LR 14:621 (September 1988).

§5115. Provision of Funds Collected in Excess of Program Costs

- A. Excess funds over program cost generated by this fee shall be credited to the following year's budget.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 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 11:533 (May 1985), LR 12:676 (October 1986), LR 14:621 (September 1988).

§5117. Annual Monitoring and Maintenance Fees

- A. All annual fees provided by this Chapter shall be paid within 30 days from receipt of billing.
- B. Annual maintenance fees are not prorated. If a facility operates any part of a year or at a reduced rate during the year, the full annual maintenance fee is still charged.
- C. The annual maintenance fee for a new or modified permit shall be paid during the fiscal year (July 1 to June 30) in which the process specified in the permit comes on line.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 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 11:533 (May 1985), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 14:621 (September 1988), LR 16:684 (August 1990), amended by the Office of the Secretary, Legal Division, LR 43:943 (May 2017).

§5119. Treaters, Storers, and/or Disposers Annual Maintenance Fees

- A. Fee per Facility

Off-Site Disposer (Commercial)	\$131,670
Reclaimer (compensated for waste removed)	\$57,750
Reclaimer (uncompensated for waste removed or pays for waste removed)	\$41,250
Off-Site Disposer (Noncommercial)	\$33,000
On-Site Disposer	\$16,500

NOTE: The higher fee for off-site disposal is due to the cost of the manifest system and emergency response to transport spills (neither cost is applicable to on-site disposers).

- B. Fee per Hazardous Waste Unit Type

Unit Type	Fee
Storage:	
Container/Tank/Waste Pile/etc.	\$5,400
Treatment:	
Incinerator/Boiler/Industrial Furnace/Filtration Unit/etc.	\$8,695
Disposal:	
Landfill/Miscellaneous Unit/etc.	\$13,645

C. Fee Based on Volume

Less than 1,000 tons	\$3,222
Less than 10,000 tons	\$8,092
Less than 100,000 tons	\$12,963
Less than 1,000,000 tons	\$17,834
More than 1,000,000 tons	\$22,704

D. Administrative Cost Fee

Annual Maintenance Fee x 0.30 = Administrative Cost Fee
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E. Land Disposal Prohibitions Fee. The land disposal prohibitions fee includes treatment, processing (including use, reuse, recycling), and/or disposal facility annual fee (not on storage facilities). This fee applies to facilities handling wastes subject to the land disposal prohibitions in LAC 33:V.Chapter 22.

On-Site	\$1,650
Off-Site Noncommercial	\$3,300
Reclaimer	\$4,125
Off-Site Commercial	\$8,250

F. Incinerator and Boiler/Industrial Furnace Inspection and Monitoring Fee. This is an annual fee applied to defray the cost of annually inspecting the required continuous monitors and recording devices for each incinerator, boiler, or industrial furnace to determine whether they are being properly maintained and calibrated. This fee will annually be a flat rate of \$1,650.

G. Annual Landfill Inspection and Monitoring Fee. An annual fee shall be charged for the inspection of the regulatory requirement for leak detection and leachate collection systems associated with hazardous waste landfills to determine operational status and degree of proper maintenance. For each landfill unit or cell with a separate leak detection and leachate collection system, the annual fee will be \$165.

H. Annual Land Treatment Unsaturated Zone Monitoring Inspection Fee.

1. Semiannual Zone of Incorporation (ZOI) Inspection Fee. This fee covers the cost of inspection, random sampling and laboratory analysis of the zone of incorporation.

ZOI soil samples	\$1,650 each acre
Soil-pore liquid monitors (Lysimeters)	\$4,125 each monitor

2. Annual Land Treatment Unit Report Review Fee. This fee covers the cost of reviewing the report required by final permits for land treatment. Included in the annual land treatment unit report are the results of the unsaturated zone monitoring, semiannual soil core

sample analyses, quarterly soil-pore liquid quality analyses from below the treatment zone, and soil moisture tensiometer readings of the ZOI.

Hazardous Waste Facilities	\$1,650 each report
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I. Formula to Apportion Fees

Annual Maintenance Fee = Fee per Facility + Fee per Unit + Fee based on Volume + Administrative Cost Fee + Land Disposal Prohibitions Fee + Groundwater Protection Annual Fee + Incineration Inspection and Monitoring Fee + Boiler/Industrial Furnace Inspection and Monitoring Fee + Annual Landfill Inspection and Monitoring Fee + Annual Land Treatment Unsaturated Zone Monitoring Inspection Fee

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 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 11:533 (May 1985), LR 12:318 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 15:378 (May 1989), LR 16:684 (August 1990), LR 16:1057 (December 1990), LR 18:723 (July 1992), LR 18:1375 (December 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:685 (May 2003), LR 29:2049 (October 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 35:2179 (October 2009), amended by the Office of the Secretary, Legal Division, LR 43:943 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:0000 (July 2018).

§5120. Land Disposal Prohibition Petition Fees

A. Petitions submitted in accordance with R.S. 30:2193(E)(2) and/or LAC 33:V.Chapter 22 are subject to additional fees as noted below for each petition submitted. These fees must be submitted at the time a petition is submitted.

Variance	\$16,500
Exemption	\$74,250
Extension	\$8,250
No-Alternatives Determinations:	
Original Petition	\$16,500
Renewal Petition/Request	\$16,500
Request for determination for addition of a hazardous waste(s) not covered by existing determination	\$1,650

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1803 (October 1999), LR 29:686 (May 2003), LR 29:2049 (October 2003), amended by the Office of the Secretary, Legal Division, LR 43:944 (May 2017).

§5121. Generators and Transporters of Hazardous Waste

A. Registration

1. All generators of hazardous waste must file or have on file a notification of that facility, using Notification Form HW-1 available from the administrative authority (see LAC 33:V.303.A).

2. For generators of hazardous waste, the Notification Form HW-1 shall be deemed a registration upon acceptance and approval by the administrative authority.

B. Application Fees

1. Transfer Facilities

a. Hazardous Waste Transfer Facility Fee. All hazardous waste transfer facilities in Louisiana shall pay an application fee of \$1,900 to the department.

b. Used Oil Transfer Facility Fee. All used oil transfer facilities in Louisiana shall pay an application fee of \$1,300 to the department.

2. 90-day Storage Extension. Application for 30-day Extension of Accumulation Time Limit in LAC 33:V.1109.E.2 and LAC 33:V31109.E.9. All requests for extension of accumulation time limit shall be accompanied by a \$500 application fee.

C. Annual Fees

1. Large Quantity Generators (LQG) or Small Quantity Generators (SQG)

a. Generators Annual Fee. Fee will annually be \$469, plus the prohibited waste fee.

b. Prohibited Waste Fee. Annual prohibited waste fee is \$165 for each generator who generates for land disposal as provided in LAC 33:V.Chapter 22. The generator will be subject to this fee if any waste generated is prohibited from disposal at any time during the year for which the fee is assessed.

2. Conditionally Exempt Small Quantity Generators (CESQG). Conditionally exempt small quantity generators (see LAC 33:V.108) shall pay a fee of \$83 per year to the department.

3. Transporters. All transporters of hazardous waste with a facility in Louisiana shall pay a fee of \$330 per year to the department. There will be only one fee regardless of the number of vehicles in the service of the transporter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 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 11:533 (May 1985), LR 12:676 (October 1986), LR 14:621 (September 1988), amended by the Office of the Secretary, Legal Division, LR 43:944 (May 2017).

§5123. Annual Fee for Facilities with Closed Hazardous Waste Units in Post-Closure

A. Post-Closure Annual Fee. This is an annual fee applied to defray the cost of annually inspecting the facilities with closed hazardous waste units in post-closure care and with no operating unit/permit. This fee shall be \$4,125 annually.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 43:945 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:0000 (July 2018).

§5127. Methods of Payment

A. All payments made by check, draft, or money order shall be made payable to the Department of Environmental Quality, and mailed to the department at the address provided on the invoice.

B. Electronic Methods of Payment

1. Persons wishing to make payments using the electronic pay method should access the department's website and follow the instructions provided on the website.

2. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.

C. Cash is not an acceptable form of payment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq., and R.S. 49:316.1(A)(2)(a) and (c).

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 11:533 (May 1985), LR 12:676 (October 1986), LR 18:725 (July 1992), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996), amended by the Office of the Secretary, Legal Affairs Division, LR 35:2180 (October 2009), amended by the Office of the Secretary, Legal Division, LR 43:945 (May 2017).

§5129. Late Payment Fee

- A. Payments not received within 15 days of the due date will be charged a late payment fee.
- B. Any late payment fee shall be calculated from the due date indicated on the invoice.
- C. Payments not received by the department by:
 - 1. the fifteenth day from the due date will be assessed a 5 percent late payment fee on the original assessed fee;
 - 2. the thirtieth day from the due date will be assessed an additional 5 percent late payment fee on the original assessed fee; and
 - 3. the sixtieth day from the due date will be assessed an additional 5 percent late payment fee on the original assessed fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 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 11:533 (May 1985), LR 12:676 (October 1986), LR 18:725 (July 1992), 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 the Secretary, Legal Division, LR 43:945 (May 2017).

§5131. Failure to Pay

- A. Failure to pay the prescribed application fee or annual fee as provided herein, within 90 days after the due date, will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Environmental Quality Act including, but not limited to, revocation or suspension of the applicable permit, license, registration, or variance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 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 11:533 (May 1985), LR 12:321 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 18:725 (July 1992), amended by the Office of Management and Finance, Fiscal Services Division, LR 25:427 (March 1999), amended by the Office of the Secretary, Legal Division, LR 43:945 (May 2017).

§5133. Effective Date

- A. The application fees prescribed herein shall be required for all applications filed on or after these fee regulations are published in the Louisiana Register as adopted.
- B. The annual fees prescribed herein shall be effective for the state fiscal year in which these fee regulations are published in the Louisiana Register as adopted and each state fiscal year thereafter. Fees submitted to the department in accordance with previous fee regulations for the state fiscal year in which these fee regulations are published in the Louisiana Register as adopted shall be credited against the fees and due and payable under these fee regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 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 11:533 (May 1985), LR 12:676 (October 1986).

§5139. Groundwater Protection Permit Review Fee

A. Permit Review Fee. This fee covers the cost of reviewing permits for geology, geotechnical design, and groundwater protection aspects.

Hazardous Waste Facilities (1 time)	\$8,250 each
Permit Modifications:	
Class 1 and 2	\$330 each
Class 3	\$1,238 each
Solid Waste Facilities (1 time)	\$8,250 each
Permit Modifications:	
Major	\$825 each
Minor	\$330 each

B. Oversight of Abandonment Procedures. This fee covers the cost of reviewing plans to plug and abandon all permitted groundwater monitoring systems (monitoring wells, piezometers, observations wells, and recovery wells) to ensure that they do not pose a potential threat to groundwater.

Casing pulled	\$146 each
Casing reamed out	\$291 each
Casing left in place	\$726 each

AUTHORITY NOTE: Promulgated in accordance with 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Groundwater Division, LR 14:621 (September 1988), amended LR 16:685 (August 1990), amended by the Hazardous Waste Division, LR 18:725 (July 1992), LR 18:1256 (November 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:687 (May 2003), LR 29:2050 (October 2003), amended by the Office of the Secretary, Legal Division, LR 43:945 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:0000 (July 2018).

§5141. Incinerator and Boiler/Industrial Furnace Inspection and Monitoring Fee

A. Trial Burn or Test Burn Observer Fee. This is a special fee charged at a daily rate to cover the cost to the department of providing and placing on site a regulatory observer team during incinerator trial burns, boiler/industrial furnace trial burns, or other types of test burns required by regulations or the administrative authority when an observer team is required by regulations, specified by permit conditions, or considered necessary to ensure that human health and the environment are adequately protected.

1. This fee will be \$825 for each day of the test burn or trial burn.

2. This fee will be billed following completion of the trial burn or test burn and must be paid by the due date indicated on the invoice.

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

Abridged for LDEQ Financial Services. For information purposes only. Prepared 5/5/2021.
Sections pertaining to Fees may reference regulations not included.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:1057 (December 1990), amended LR 18:1375 (December 1992), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2510 (November 2000), LR 29:687 (May 2003), LR 29:2050 (October 2003), amended by the Office of the Secretary, Legal Division, LR 43:946 (May 2017).

§5145. Annual Land Treatment Unsaturated Zone Monitoring Inspection Fee

A. Permit Review Fee. This fee covers the cost of reviewing permits for geology, geotechnical design, and hydrological separation requirements of these regulations.

Initial Permit	\$8,250 each
Permit Modifications:	
Class 1	\$330 each
Class 2 or 3	\$1,238 each

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:1057 (December 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:688 (May 2003), LR 29:2050 (October 2003), amended by the Office of the Secretary, Legal Division, LR 43:946 (May 2017).

§5147. Fee for NHEM Determination for Contaminated Environmental Media

A. A fee of \$4,125 shall be submitted at the time a request for a review of contaminated environmental media for a NHEM determination is made in accordance with LAC 33:V.106.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq. and, in particular, 2186(A)(2).

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs Division, LR 33:455 (March 2007), amended by the Office of the Secretary, Legal Division, LR 43:946 (May 2017).

§5149. Annual Fee for Facilities with Closed Hazardous Waste Units in Post Closure

A. Post Closure Annual Fee. This is an annual fee applied to defray the cost of annually inspecting the facilities with closed hazardous waste units in post-closure care. This fee shall be \$4,125 annually.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 43:946 (May 2017).



**Title 33 – Abridged for Financial Services
ENVIRONMENTAL QUALITY**

**Part VI. Inactive and Abandoned Hazardous Waste and Hazardous Substance Site
Remediation**

Chapter 4. PRP Search, Notification, and Demand for Remediation

§403. Notification to Provide Information

A. The Office of Environmental Assessment shall send a written notification to provide information to all PRPs identified during its preliminary PRP investigation. The administrative authority may, at its discretion, send supplemental or additional notifications to any PRP identified by the administrative authority at any time during the remedial action process.

B. The notification to provide information shall require each recipient to provide all available information regarding the specified site, including without limitation:

1. the types of hazardous substances and their chemical name or makeup, if known;
2. the quantities of hazardous substances disposed of or discharged;
3. the location(s) of disposal or discharge from any known pollution source or facility;
4. dates of disposal of hazardous substances and quantities disposed of on each date;
5. names of persons providing transportation of hazardous substances; and
6. names of owners or operators of the site at the time of disposal or discharge of hazardous substances.

C. PRPs must respond to the administrative authority within 45 calendar days of receipt of the notification to provide information. The administrative authority may grant reasonable extensions to the 45-day period upon written request submitted by a PRP prior to the expiration of the initial period.

D. Any PRP who willfully fails to provide the information required by the administrative authority in accordance with this Section shall be liable for a penalty of up to \$25,000 for each day of violation in accordance with R.S. 30:2274(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2221 et seq. and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2186 (November 1999), LR 26:2511 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2137 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2757 (November 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2139 (November 2017)

Chapter 6. Cost Recovery

§601. Purpose and Scope

A. This Chapter shall govern the recovery of remedial costs incurred on or after the effective date of these regulations. Nothing herein shall prevent the department from recovering remedial costs incurred prior to the effective date of these regulations.

B. As stated in R.S. 30:2271, all remedial costs incurred shall be borne by PRPs wherever possible.

C. The department may elect not to pursue cost recovery where, based on information gathered by the department, it reasonably has determined that:

1. no PRPs can be identified;
2. no identified PRP is financially viable;
3. the PRP identified is a parish, state or political subdivision of the state, or federal entity;
4. the department may be unable to meet its burden of proof on one or more elements of its case;
5. the time and expense of the department's effort to recover costs exceed the amount to be recovered;
6. a legal action, settlement, or agreement between the PRP(s) and the department or state precludes past, present, and/or future cost recovery; or
7. the department meets unforeseen legal, administrative, or programmatic constraints that preclude further attempts at recovering costs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2221 et seq. and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2192 (November 1999).

§603. Calculation and Invoicing of Remedial Costs

A. Remedial costs shall be calculated to reflect the actual cost of remedial actions to the department, including but not limited to, all costs of investigation, remediation, enforcement, oversight, and cost recovery. Such costs shall be calculated as the sum of:

1. direct personnel costs—the total of the number of direct hours expended by all department employees with regard to a specific site multiplied by the employee's hourly rate at the time the expense was incurred;
2. fringe benefits—the total of all personnel fringe benefits based on the categories and their respective rates for hours expended by each employee at the site;
3. department's direct costs—the total of direct costs to the department, including without limitation, personnel, operating services, equipment, supplies, travel, sampling, and contractual charges; and
4. payments made by the department to its contractors—the total of all payments made by the department to its contractors, grantees, or agents for planning, management, direction, or performance of remedial and oversight actions for a specific site.

B. The department will invoice PRPs according to the cost recovery provisions defined in a legal agreement and/or R.S. 30:2271 et seq. and/or as determined necessary by the department.

C. The department may establish by rule an indirect rate and may recover indirect costs, such as office space, file storage space, utilities, insurance, equipment usage, administrative overhead, operating services, and other overhead costs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2221 et seq. and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2193 (November 1999).

§605. Documentation of Remedial Costs

A. The department shall document all remedial costs. This documentation shall be the basis for recovery of remedial costs.

B. The department shall compile and retain supporting documentation for costs for which it may seek reimbursement. This documentation may include, but is not limited to:

1. time and attendance records;
2. records of the cost of site-specific travel including, but not limited to, travel reimbursement forms, requisitions, invoices, or memoranda;

3. invoices from the purchase of supplies, services, or equipment for a specific site;
 4. contractor invoices;
 5. cooperative agreements or other legal action documents;
 6. records of site-specific direct costs, such as laboratory sampling and analytical costs, equipment rentals, copying service, or other services; and
 7. records reflecting the costs of bringing an enforcement action, including without limitation, staff time, equipment use, hearing records, expert assistance, and such other items as the department determines to be a cost of the action. Contractor quarterly reports or pre-award documents that may contain confidential information concerning contractor overhead and labor rates shall not be included.
- C. Unless required for a longer period of time, documents shall be retained at the offices of the department for a period of at least three years from completion of the remedial action or the time that the department determines that no further action is required at a site.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2221 et seq. and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2193 (November 1999).

§607. Determination of Remedial Costs; Demand to PRPs

- A. Timing. The Office of Environmental Assessment may at any time prepare a written determination of the cost of partial or complete remediation of a site. The department may revise its determination in writing at any time thereafter.
- B. Demand to PRPs. The department may seek to recover its remedial costs using any of the means described in the Act and these regulations.
- C. Treble Liability
1. PRPs who fail to comply with demand letters, administrative orders, or court orders concerning the site without sufficient cause are potentially liable for three times the total remedial costs.
 2. In the event the court finds any PRP liable for three times the value of the remedial costs allocated by the court to that PRP, this finding shall not be used to mitigate the allocated share of other PRPs also found liable for the site.
- D. Review of Cost Documentation
1. The department shall provide an opportunity for review of the cost documentation for a particular site to any person who has received a demand for payment of remedial costs from the department. The department may accept written factual information to support any dispute concerning the calculation of the demand. The department may take such further action as it determines necessary regarding review.
 2. Neither the department's cost determination nor any administrative review in accordance with Paragraph D.1 of this Section shall be considered to be an adjudication in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2221 et seq. and 2271 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2193 (November 1999), amended LR 26:2513 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2138 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2759 (November 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2141 (November 2017).

Chapter 9. Voluntary Remediation

§911. Application Process

A. Voluntary Remedial Investigation Applications. Prior to performing a remedial investigation and submission of the application in Subsection B of this Section, the applicant may submit a voluntary remedial investigation application for review and approval by the administrative authority, which consists of the following:

1. a Voluntary Remedial Investigation Application Form VCP001, available from the Office of Environmental Assessment and on the department's website, with required attachments, accompanied by the remedial investigation work plan review fee; and
2. a remedial investigation work plan, which shall conform to the site investigation requirements of RECAP and, at a minimum, include the following:
 - a. identification of all data needs following the review of existing preliminary evaluation reports and other existing data;
 - b. identification of all potential exposure pathways/receptors and associated data needs;
 - c. identification of all potentially applicable, relevant, and appropriate requirements (ARARs) and associated data needs;
 - d. a site-specific health and safety plan including necessary training, procedures, and requirements;
 - e. a site-specific sampling and analysis plan that includes the number, type, and location of all samples to be taken and the types of analyses to be conducted during the required site characterization activities; and
 - f. a quality assurance/quality control plan that identifies the quality assurance objectives and the quality control procedures necessary to obtain data of a sufficient quality for the remedial investigation.

B. Voluntary Remediation Applications. Prior to implementation of a voluntary remedial action at a site, applicants must submit a voluntary remediation application to the Office of Environmental Assessment for review and final approval. The application shall consist of the following:

1. a Voluntary Remediation Application Form VCP002, available from the Office of Environmental Assessment and on the department's website, with required attachments, accompanied by the remedial action plan review fee;
2. a voluntary remedial action plan that contains a remedial investigation report, a remedial design, and a remedial project plan;
3. the remedial investigation report, which shall, at a minimum, include:
 - a. the scope and description of the investigation;
 - b. a site background summary;
 - c. sampling and analysis results;
 - d. identification of the sources of the release;
 - e. identification of the horizontal and vertical extent of the contamination;
 - f. proposed remedial action goals; and
 - g. conclusions and recommendations for further action; and
4. the remedial design, which shall implement the remedy that is being proposed in order to attain the remedial action goals. The remedial project plan shall include all tasks, specifications, and subplans necessary for the implementation of the remedial design, including construction and operation of the final remedy. The requirements for the remedial project plan include:
 - a. a work plan, including:
 - i. a general description of the work to be performed and a summary of the engineering design criteria;
 - ii. maps showing the general location of the site and the existing conditions of the facility;

- iii. a copy of any required permits and approvals;
- iv. detailed plans and procedural material specifications necessary for the construction of the remedy;
- v. specific quality control tests to be performed to document the construction, including specifications for the testing or reference to specific testing methods, frequency of testing, acceptable results, and other documentation methods as required by the administrative authority;
- vi. start-up procedures and criteria to demonstrate the remedy is prepared for routine operation; and
- vii. additional information to address ARARs;
- b. a sampling and analysis plan;
- c. a quality assurance/quality control plan;
- d. a site-specific health and safety plan;
- e. a project implementation schedule;
- f. if deemed necessary by the administrative authority, an operation and maintenance plan for post-remedial management including, but not limited to:
 - i. the name, telephone number, and address of the person responsible for the operation and maintenance of the site;
 - ii. a description of all operation and maintenance tasks and specifications;
 - iii. all design and construction plans;
 - iv. any applicable equipment diagrams, specifications, and manufacturer's guidelines;
 - v. an operation and maintenance schedule;
 - vi. a list of spare parts available at the site for repairs;
 - vii. a site-specific health and safety plan; and
 - viii. other information that may be requested by the administrative authority;
- g. if deemed necessary by the administrative authority, a monitoring plan for post-remedial management. This monitoring plan must include a description of provisions for monitoring of site conditions during the post-remedial management period to prevent further endangerment to human health and the environment, including:
 - i. the location of monitoring points;
 - ii. the environmental media to be monitored;
 - iii. the hazardous substances to be monitored and the basis for their selection;
 - iv. a monitoring schedule;
 - v. monitoring methodologies to be used (including sample collection procedures and laboratory methodology);
 - vi. provisions for quality assurance and quality control;
 - vii. data presentation and evaluation methods;
 - viii. a contingency plan to address ineffective monitoring; and
 - ix. provisions for reporting to the department on a semiannual basis including, at a minimum:
 - (a). the findings from the previous six months;
 - (b). an explanation of any anomalous or unexpected results;
 - (c). an explanation of any results that are not in compliance with the RECAP standards; and
 - (d). proposals for corrective action; and
- h. other information that may be required by the administrative authority. The department may allow information to be incorporated by reference to avoid unnecessary duplication.

C. Acceptance for Public Review

1. After a satisfactory review of the voluntary remediation application and the incorporation of necessary modifications required by the administrative authority into the application, the administrative authority will accept the application for public review.

2. After the application is accepted for public review and before the beginning of the public comment period provided in Subsections D and F of this Section, the applicant shall provide the number of copies of the accepted application specified by the administrative authority to the Office of Environmental Assessment.

3. The applicant shall also place copies of the accepted application in local public facilities, to be determined by the administrative authority (e.g., public library, local government office), near the voluntary remediation site.

D. Public Notice. Upon acceptance of the voluntary remediation application, as set forth in Subsection C of this Section, the applicant must place a public notice of the proposed voluntary remedial action plan in the local newspaper of general circulation in the parish where the voluntary remediation site is located. The public notice shall be a single classified advertisement at least 4 inches by 6 inches in size in the legal or public notices section. The applicant must provide proof of publication of the notice to the Office of Environmental Assessment prior to final approval of the plan. The public notice shall:

1. solicit comments, for a minimum of 30 days, on the voluntary remedial action plan from interested parties;

2. provide the names of all of the applicants and the physical location of the voluntary remediation site;

3. indicate that comments shall be submitted to the Office of Environmental Assessment (including the contact person, mailing address, and physical address), as well as indicate the deadline for submission of comments;

4. indicate where copies of the proposed plan can be reviewed by the public; and

5. inform interested parties that they may request a public hearing on the voluntary remedial action plan.

E. Direct Notice to Landowners. Within five days of the public notice in Subsection D of this Section, the applicant must send a direct written notice of the voluntary remedial action plan to persons owning immovable property contiguous to the voluntary remediation site. This notice shall be sent to persons listed as owners of the property on the rolls of the parish tax assessor as of the date on which the voluntary remediation application is submitted. The notice must be sent by certified mail and contain the same information that is provided in the public notice. Return receipts or other evidence of the receipt or attempted delivery of the direct notice must be provided to the Office of Environmental Assessment prior to final approval of the plan.

F. Public Hearing and Comment

1. Comments on the voluntary remedial action plan shall be accepted by the Office of Environmental Assessment for a period of 30 days after the date of the public notice and shall be fully considered by the administrative authority prior to final approval of the plan. However, if the administrative authority determines a shorter or longer comment period is warranted, the administrative authority may provide for a shorter or longer comment period in the public notice described in Paragraph D.1 of this Section. Also, the comment period provided in the public notice may be extended by the administrative authority if the administrative authority determines such an extension is warranted.

2. A public hearing may be held if the administrative authority determines a hearing is necessary based on public comments or other information.

3. The applicant shall be responsible for the actual costs of any such public hearing including, but not limited to, the costs of building rental, security, court reporter, and hearing officer.

G. Prior to final approval of the voluntary remediation application, the administrative authority may require further modifications of the proposed plan if warranted based on issues brought forth by the public.

H. Upon final approval of the voluntary remediation application, the administrative authority may include in the approval an acknowledgement that, upon certification of completion of the remedial actions, the applicant shall receive the exemption from liability provided for in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2285 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:516 (April 2001), amended by the Office of Environmental Assessment, LR 30:2024 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2485 (October 2005), LR 33:2139 (October 2007), LR 34:1901 (September 2008), amended by the Office of the Secretary, Legal Division, LR 38:2759 (November 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2142 (November 2017).

§917. Fees and Direct Cost Recovery

A. Fees

1. Voluntary Remedial Investigation Application Review Fee. Remedial investigation work plans submitted to the department for review must be accompanied by a \$500 review fee.

2. Voluntary Remediation Application Review Fee. Voluntary remediation applications must be accompanied by a \$500 review fee.

3. No application shall be accepted or reviewed unless accompanied by the appropriate review fee as required in Paragraphs A.1 and 2 of this Section.

B. Cost Recovery. Participants in the voluntary remediation program shall reimburse the department for actual direct costs associated with reasonable and appropriate oversight activities of the department conducted in accordance with this Chapter including, but not limited to, review, supervision, investigation, and monitoring activities.

1. Application review fees required by Subsection A of this Section, which are paid by the applicant, are subtracted from the actual direct costs for which the applicant is invoiced.

2. No certificate of completion shall be issued by the administrative authority unless the actual direct costs assessed by the department are paid in full by the applicant.

3. The department shall invoice the applicant for accrued actual direct costs (less any application review fees already paid) on a quarterly basis following the date of application. A final invoice shall be sent after the voluntary remedial action is completed and prior to issuance of a certificate of completion.

4. Methods of Payment

a. All payments made by check, draft, or money order shall be made payable to the Department of Environmental Quality, and mailed to the department at the address provided on the invoice.

b. Electronic Methods of Payment

i. Persons wishing to make payments using the electronic pay (e-pay) method shall access the department's website and follow the instructions provided on the website.

ii. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.

c. Cash is not an acceptable form of payment.

5. Payment shall be made by the due date shown on the invoice.

a. Payments that are not received within 15 days of the due date will be assessed a late payment fee equal to 5 percent of the invoiced amount.

b. Payments not received within 30 days of the due date will be assessed a late payment fee of an additional 5 percent of the original invoiced amount.

c. Payments not received within 60 days of the due date will be assessed a late payment fee of an additional 5 percent of the original invoiced amount.

d. If payments are not submitted within 90 days of the due date, the department may suspend all work on the site until such time as payment is received by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2285 et seq., and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:519 (April 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 35:2180 (October 2009).



Title 33 – Abridged for Financial Services
ENVIRONMENTAL QUALITY
Part VII. Solid Waste
Subpart 1. Solid Waste Regulations

Chapter 15. Solid Waste Fees

§1501. Standard Permit Application Review Fee

- A. Applicants for type I, I-A, II, and II-A standard permits shall pay a \$4,125 permit application review fee for each facility. The fee shall accompany each permit application submitted.
- B. Applicants for type III standard permits or beneficial-use plans shall pay a permit application review fee of \$825 for each facility. The fee shall accompany each permit application submitted.
- C. Permit holders providing permit modifications for type I, I-A, II, and II-A facilities shall pay a \$1,650 permit-modification review fee. The fee shall accompany each modification submitted. Permit holders providing mandatory modifications in response to these regulations shall pay a \$825 permit-modification fee. The fee shall accompany each mandatory modification submitted. Permit modifications required by LAC 33:VII.805.A will not be subject to a permit modification fee.
- D. Permit holders providing permit modifications for type III facilities or beneficial use facilities shall pay a \$413 modification review fee. The fee shall accompany each modification submitted.
- E. The administrative authority may waive fees for modifications that are:
 - 1. initiated by the administrative authority; or
 - 2. submitted as a result of a permit condition that requires submittal of a modification request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

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 Environmental Assessment, Environmental Planning Division, LR 29:688 (May 2003), LR 29:2051 (October 2003), repromulgated by the Office of the Secretary, Legal Affairs Division, LR 33:1108 (June 2007), amended LR 37:3258 (November 2011), amended by the Office of the Secretary, Legal Division, LR 43:946 (May 2017).

§1503. Closure Plan Review Fee

- A. Applicants for type I, I-A, II, and II-A closures shall pay a \$1,650 closure-plan review fee. The fee shall accompany each closure plan submitted.
- B. Applicants for type III or beneficial-use facilities closures shall pay a \$413 closure-plan review fee. The fee shall accompany each closure plan submitted.
- C. Permit holders providing closure-plan modifications for type I, I-A, II, and II-A facilities shall pay a \$825 closure-plan modification review fee. The fee shall accompany each modification submitted.

D. Permit holders providing closure-plan modifications for type III or beneficial-use facilities shall pay a \$207 closure-plan modification review fee. The fee shall accompany each modification submitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

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 Environmental Assessment, Environmental Planning Division, LR 29:688 (May 2003), LR 29:2051 (October 2003), repromulgated by the Office of the Secretary, Legal Affairs Division, LR 33:1108 (June 2007), amended by the Office of the Secretary, Legal Division, LR 43:947 (May 2017).

§1505. Annual Monitoring and Maintenance Fee

A. An initial fee is charged for the processing of transporter notifications.

1. The fee shall be calculated by the following formula.

$$\begin{aligned} &\text{Initial fee per notification} + \text{Fee based on each} \\ &\quad \text{vehicle owned by the transporter} = \\ &\quad \text{Notification Fee} \end{aligned}$$

2. No fee is assessed for modifying an existing notification form. The fee shall accompany the notification form at the time of its filing.

Initial Fee	\$165
Fee Per Vehicle	\$42

B. All holders of permits for solid waste processing and/or disposal facilities that have not completed closure, including post-closure activities, in accordance with an approved plan, shall be charged an annual monitoring and maintenance fee for each permit. This annual monitoring and maintenance fee shall be calculated by the following formula.

$$\begin{aligned} &\text{Base fee per permit} + \text{Fee based on tonnage} \\ &\quad = \text{Annual monitoring and maintenance} \\ &\quad \text{fee} \end{aligned}$$

1. Base fees are as follows:

- a. \$9,900 for type I facilities (including facilities that handle both industrial and non-industrial waste);
- b. \$2,475 for type II facilities; and
- c. \$825 for type I-A, II-A, III, and beneficial-use facilities.

2. Tonnage fees will be based on the wet-weight tonnage, as reported in the previous year's disposer annual report, and are calculated as follows:

- a. for industrial wastes (type I facilities, except surface impoundments), \$0.99/ton;
 - b. for non-industrial wastes (type II facilities, except surface impoundments), \$0.25/ton for amounts exceeding 25,000 tons;
 - c. for construction or demolition debris deposited at permitted construction or demolition debris facilities (type III facilities), \$0.25/ton; and the fee is only applicable to construction or demolition debris that is subject to a fee imposed by the facility;
 - d. for surface impoundments, no tonnage fee;
 - e. for publicly operated facilities that treat domestic sewage sludge, no tonnage fee;
- and

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

3. The maximum annual monitoring and maintenance fee per facility for type I facilities (including facilities that handle both industrial and non-industrial solid wastes) is \$120,000.

The maximum fee per facility for type II facilities is \$30,000. Surface impoundments, as noted above, are assessed only the base fee.

C. The annual monitoring and maintenance period shall be from July 1 through June 30, commencing upon promulgation of these regulations and terminating upon completion of closure or post-closure activities for the facility in accordance with the permit of the administrative authority. The annual monitoring and maintenance fee for facilities during post-closure shall be 25 percent of the applicable base fee in Paragraph B.1 of this Section.

D. Annual maintenance fees are not prorated. If a facility operates any part of a year or at a reduced rate during the year, the full annual maintenance fee is still charged.

E. The annual maintenance fee for a new or modified permit shall be paid during the fiscal year (July 1 to June 30) in which the process specified in the permit comes on line.

F. The annual fees prescribed herein shall be effective retroactive for the state fiscal year in which these fee regulations are published in the Louisiana Register as adopted and each state fiscal year thereafter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154, and R.S. 49:316.1(A)(2)(a) and (c).

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 32:2241 (December 2006), repromulgated LR 33:1108 (June 2007), amended LR 35:2180 (October 2009), amended by the Office of the Secretary, Legal Division, LR 43:947 (May 2017).

§1507. Methods of Payment

A. 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 at the address provided on the invoice.

B. Electronic Methods of Payment

1. Persons wishing to make payments using the electronic pay method should access the department's website and follow the instructions provided on the website.

2. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.

C. Cash is not an acceptable form of payment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154, and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 43:947 (May 2017).

§1509. Late Payment Fee

A. Payments not received within 15 days of the due date will be charged a late payment fee.

B. Any late payment fee shall be calculated from the due date indicated on the invoice.

C. Payments not received by the department by the:

1. fifteenth day from the due date will be assessed a 5 percent late payment fee on the original assessed fee;

2. thirtieth day from the due date will be assessed an additional 5 percent late payment fee on the original assessed fee; and

3. sixtieth day from the due date will be assessed an additional 5 percent late payment fee on the original assessed fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154, and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 43:947 (May 2017).

§1511. Failure to Pay

A. Failure to pay the prescribed application fee or annual fee as provided herein, within 90 days after the due date, will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Louisiana Environmental Quality Act including, but not limited to, revocation or suspension of the applicable permit, license, registration, or variance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154, and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 43:948 (May 2017).

Subpart 2. Recycling

Chapter 104. Credit for New Recycling Manufacturing or Process Equipment and/or Service Contracts

§10415. Amount of Credit

A. The maximum total credit related to a purchase of qualified new recycling manufacturing or process equipment and/or a qualified service contract that may be allowable for all taxable periods is 14 percent of the cost of the qualified recycling equipment or qualified service contract, less the amount of any other Louisiana tax credits for the purchase of the equipment or the cost of the service contract. The total tax credits allowed under this Chapter shall be limited to five million dollars per tax year. Example:

Cost of equipment	\$1,000,000
	X .14
	\$ 140,000
Less other Louisiana credit on purchase	\$ 40,000
Maximum credit for all taxable periods	\$ 100,000

B. Fourteen percent of the maximum total credit related to a purchase of qualified recycling equipment and/or a qualified service contract is earned each taxable period in which the equipment or service contract continues to be in use exclusively in the state of Louisiana to a maximum of five periods. Example:

Maximum credit for all taxable periods	\$ 100,000
	X .14
Credit earned for this taxable period	\$ 14,000

C. The maximum credit that may be claimed for all purchases of qualified recycling equipment and/or qualified service contracts, including carryover of previously earned but unused credits, in any taxable period shall not exceed 50 percent of the tax that would be otherwise due. Example:

Tax otherwise due:	
Income tax	\$ 12,000
Franchise tax	\$ 18,000
Total	\$ 30,000
	X .50
Maximum credit to be claimed on return	\$ 15,000

D. Any unused credit for a taxable period in which a credit is earned may be carried forward to subsequent years until the credit is exhausted.

E. If the qualified recycling equipment is sold or exchanged before the entire credit is claimed, any unearned portion of the credit shall be canceled for all periods following the period of sale. If a qualified service contract is transferred by virtue of a sale of the qualified recycling equipment or otherwise before the entire credit is claimed, any unearned portion of the credit shall be canceled for all periods following the period of the transfer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6005.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 18:842 (August 1992), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2633 (December 2007), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:659 (May 2019).

Chapter 105. Waste Tires

§10535. Fees and Fund Disbursement

A. Permit and Application Fees. Each applicant for the following permits or other authorization from the administrative authority shall submit with the application or request a non-refundable fee for the following categories in the amount specified.

1. Transporter Fees

- a. The transporter authorization application fee is \$125.
- b. The transporter maintenance and monitoring fee is \$32 per vehicle annually payable on or before July 31 of each year. This fee is to be paid on each truck listed on the transporter application form, or if the vehicle used to transport tires is a tractor and trailer rig, the vehicle fee must be paid for each tractor.
- c. The transporter modification fee is \$32 per vehicle transfer. This fee is charged each time a vehicle is added or substituted on a transporter authorization certificate.

2. The collection center permit application fee is \$1,000.

3. The mobile processor annual application fee is \$750.

4. The standard processor permit application fee is \$1,563.

5. The permit modification fee is \$125.

6. The high volume end use facility application fee is \$313.

B. A waste tire fee is hereby imposed on each tire sold in Louisiana, to be collected from the purchaser by the tire dealer or motor vehicle dealer at the time of retail sale. The fee shall be \$2 for each passenger/light truck tire, \$5 for each medium truck tire, and \$10 for each off-road tire. For recapped or retreaded tires, a waste tire fee of \$1.25 shall be collected upon the sale of each recapped or retreaded tire. This fee shall be collected whether or not the purchaser retains the waste tires. The department does not require the collection of fees on the sale of tires weighing 500 pounds or more, solid tires, or tires de minimis in nature, including but not limited to lawn mower tires, bicycle tires, and golf cart tires.

C. Waste Tire Fee Audits and Informal Resolution Procedures

1. Audits shall be undertaken to ensure waste tire generators are in compliance with all applicable regulations and that all monies owed to the waste tire management fund are efficiently, effectively, and timely collected and remitted to the fund.

2. Waste tire generators are audited for various reasons, including but not limited to, referrals resulting from department inspections and enforcement issues, waste tire program or financial services staff collection efforts, and/or research initiated and performed by the auditors based on various circumstances.

3. Upon a determination that outstanding waste tire fees are owed, the administrative authority shall mail a written demand letter and invoice to the generator. The written demand letter shall include the following:

- a. the amount of the debt owed;
- b. a plan of action for recovery of the debt by the administrative authority;
- c. options available to the generator for repayment of the debt; and
- d. the informal procedures available to the generator by which the written demand letter, and contents of the invoice including the amount of the debt may be disputed.

4. Demand letters and invoices may be disputed by either sending a written dispute letter to the administrative authority requesting that the invoice be reevaluated, or by sending a written letter to the administrative authority requesting an informal meeting with the department to discuss the matter.

a. Written Dispute Process. Within 30 calendar days of the date on the written demand letter, the generator may dispute the debt by sending a letter to the administrative authority containing a concise statement, along with any supporting documentation,

demonstrating why the debt is not owed. After a written dispute is received, the administrative authority will review the dispute, along with any supporting documentation submitted, and thereafter take any of the following actions:

- i. reverse the amount of the debt in dispute and close the invoice;
- ii. partially reduce the amount of the debt and issue a new written demand letter and invoice; or
- iii. deny the dispute on grounds that insufficient information has been provided by the generator and proceed with appropriate department debt collection efforts.

b. Informal Dispute Meeting. Within 30 calendar days of the date on the written demand letter, the generator may dispute the debt by sending a letter to the administrative authority requesting an informal meeting to discuss the debt. Upon a determination by the administrative authority that a meeting is warranted, the administrative authority will notify the generator in writing of the date, time, and place of the informal meeting. The generator shall bring to the meeting all supporting documentation, including but not limited to, receipts, sales invoices, or any other documentation to dispute the debt. After the meeting, the administrative authority will consider the information discussed at the meeting, review all supporting documentation, if any, presented by the generator at the meeting, and thereafter take any of the following actions:

- i. reverse the amount of the debt in dispute and close the invoice;
- ii. partially reduce the amount of the debt and issue a new written demand letter and invoice; or
- iii. deny the dispute on grounds that insufficient information was provided to dispute the debt and proceed with appropriate debt collection efforts.

D. The disposition of the fee shall be as follows.

1. The entire waste tire fee shall be forwarded to the Office of Management and Finance by the tire dealer and/or motor vehicle dealer and shall be deposited in the waste tire management fund.

2. The waste tire fee shall be designated as follows:

a. a minimum of seven and a half cents per pound of whole waste tires and/or waste tire material that is recycled or that reaches an approved end-market use will be utilized to pay permitted waste tire processors that have entered into a processor agreement with the administrative authority, and are in compliance with all applicable requirements of these regulations;

b. a maximum of 10 percent of the waste tire fees collected may be utilized for program administration; and

c. ten percent of the waste tire fees collected may be used for the cleanup of unauthorized waste tire piles and waste tire material.

E. Payments for Processing and Marketing Waste Tires and Waste Tire Material. Payments made by the state of Louisiana are meant to temporarily supplement the business activities of processors and are not meant to cover all business expenses and costs associated with processing and marketing. Payments shall only be paid to standard permitted processors under written agreement with the administrative authority in accordance with LAC 33:VII.10516.

1. No payments shall be made for waste tires generated outside of the state of Louisiana.

2. No payments shall be made for used tires or for tires destined to be retreaded.

3. The payment for marketing or recycling of waste tire and/or waste tire material shall be a minimum of seven and a half cents per pound of waste tires and/or waste tire material that is recycled in accordance with a department approved end-market use. The determination that waste tires and/or waste tire material is being marketed to an end-market use shall be made by the administrative authority. This determination may be reviewed at any

time. The processor shall maintain documentation demonstrating the waste tires and/or waste tire material has been recycled or has reached end-market use.

4. The payment for marketing waste tires and/or waste tire material produced by means other than shredding shall be determined on a case-by-case basis, but shall be a minimum of seven and a half cents per pound of waste tires and/or waste tire material.

5. Payments shall be made to the processor on a monthly basis, after properly completed monthly reports are submitted by the processor to the administrative authority. Reporting forms will be provided by the administrative authority.

6. The amount of payments made to each processor is based on the availability of monies in the waste tire management fund.

7. All, or a portion, of a processor's payments may be retained by the administrative authority if the administrative authority has evidence that the processor is not fulfilling the terms of the processor agreement and/or the conditions of the processor's standard permit or the standards and requirements of these regulations.

8. Waste tire material that was produced prior to January 1, 1998, and for which processing payments were made are only eligible for the additional \$0.15 incentive for marketing the waste tire material when the material is marketed after December 31, 1997.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended LR 22:1213 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2781 (December 2000), LR 27:832 (June 2001), LR 27:2228 (December 2001), amended by the Office of Environmental Assessment, LR 31:1324 (June 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2504 (October 2005), LR 33:2160 (October 2007), amended by the Office of the Secretary, Legal Division, LR 42:268 (February 2016), LR 43:948 (May 2017).



Title 33 – Abridged for Financial Services
ENVIRONMENTAL QUALITY
Part IX. Water Quality
Subpart 1. Water Pollution Control

Chapter 13. Louisiana Water Pollution Control Fee System Regulation

§1309. Fee System

A. Applicability. Fees established by these regulations shall be applicable to all facilities subject to regulation under the Louisiana Water Control Law, R.S. 30:2071 et seq., including those with no discharge and/or closed system permits.

B. Annual Fee

1. The annual fee shall be calculated by multiplying the rating points times the rate factor except that the annual fee for each general permit shall be established by the administrative authority as provided below.

2. The rating points shall be computed using the appropriate Annual Fee Rating Worksheet.

3. The rate factor shall be applied per rating point as follows:

a. for municipal facilities:

i. \$162.80 per rating point as of July 1, 2017; and

b. for all other facilities:

i. \$299.16 per rating point as of July 1, 2017.

4. The annual fee shall be paid each year a facility is subject to regulation under the Louisiana Water Control Law, R.S. 30:2071 et seq. The year shall correspond with the state's fiscal year, July 1 through June 30.

5. For new facilities, the annual fee may be prorated to correspond to the start-up date.

6. The annual fee for inactive facilities may be reduced by 50 percent during any fiscal year in which the facility was inactive for the entire fiscal year. In no case shall the fee be reduced below the minimum fee.

C. New Permit Fee

1. A new permit fee shall be paid for issuance of any new or temporary permit.

2. The new permit fee shall be assessed subsequent to the receipt and review of an application or other request for permit action.

3. This fee shall be 20 percent of the calculated annual fee but not less than the minimum annual fee, as defined in Paragraph E.1 of this Section.

D. Modified or Reissued Permit Fee

1. A modified or reissued permit fee shall be paid for any permit action which requires modification or reissuance of an existing permit.

2. The modified or reissued permit fee shall be assessed subsequent to the receipt and review of an application or other request for permit action.

3. This fee shall be 20 percent of the calculated annual fee but not less than the minimum annual fee, as defined in Paragraph E.1 of this Section, for permit actions requiring implementation of the public notice procedure.

4. For all other permit actions, this fee shall be 10 percent of the calculated annual fee but not less than the minimum annual fee, as defined in Paragraph E.1 of this Section.

E. Minimum and Maximum Annual Fee

1. The minimum annual fee shall be \$380 as of July 1, 2017.
2. The maximum annual fee shall be \$150,000 as of July 1, 2017.

F. General Permit Fee. At the discretion of the administrative authority, an annual fee may be assessed for facilities regulated by a general permit. In deciding to establish an annual fee for facilities covered by a general permit, the administrative authority should consider the resources involved in administering the general permit, the economic impact on the regulated community, and the economic impact on the fee program. If the decision is made to assess an annual fee for an activity covered by a general permit, then each facility involved in that activity and covered by the general permit shall be assessed the fee.

G. Due Date. Fees shall be received by the department by the due date indicated on the invoice.

H. Late Payment Fee

1. Fee payments not received within 15 days of the due date will be charged a late payment fee.
2. Any late payment fee shall be calculated from the due date indicated on the invoice.
3. Payments not received by the department by:
 - a. the fifteenth day from the due date will be assessed a 5 percent late payment fee on the original assessed fee;
 - b. the thirtieth day from the due date will be assessed an additional 5 percent late payment fee on the original assessed fee; and
 - c. the sixtieth day from the due date will be assessed an additional 5 percent late payment fee on the original assessed fee.

I. Failure to Pay. Failure to pay the prescribed application fee or annual fee as provided herein, within

90 days after the due date, will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Louisiana Environmental Quality Act including, but not limited to, revocation or suspension of the applicable permit, license, registration, or variance.

J. Refunds

1. There shall be no refunds of new, modified or reissued permit fees.
2. The annual fee may be prorated and/or refunded should a facility relinquish its discharge permit.

K. Annual Fee Rating Worksheet. The annual fee shall be computed using the appropriate Annual Fee Rating Worksheet as provided in LAC 33:IX.1313 or LAC 33:IX.1317. Instructions for completing the appropriate Annual Fee Rating Worksheet are provided in LAC 33:IX.1311 and LAC 33:IX.1315.

L. Facility Complexity Designation

1. The facility complexity designation shall be based on the SIC code as established in the tables in LAC 33:IX.1319.
2. If a facility is not specifically covered by an SIC code, the administrative authority may assign an SIC code and/or Facility Complexity Designation on a case-by-case basis.
3. When it is demonstrated that factors associated with processes and waste generation are fundamentally different from those considered in assignment of a complexity designation, the administrative authority, on a case-by-case basis, may assign a minor facility a different complexity designation than that indicated in LAC 33:IX.1319. In making such a reassignment the administrative authority shall consider:
 - a. type and quantity of wastewaters discharged, the ultimate avenue of disposal, and the potential to discharge; and

b. complexity of the permitting procedure and the inspection requirements for this type of facility.

M. Methods of Payment

1. All payments made by check, draft, or money order shall be made payable to the Department of Environmental Quality, and mailed to the department at the address provided on the invoice.

2. Electronic Methods of Payment

a. Persons wishing to make payments using the electronic pay method shall access the department's website and follow the instructions provided on the website.

b. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.

3. Cash is not an acceptable form of payment.

N. Other Fees

Permit Type	Amount
Gen-LAG 03-Barge Cleaner	I: \$380.00 II: \$2,750 III: \$5,500 IV: \$11,000
Gen-LAG11-Concrete/Asphalt	\$355
Gen-LAG26-Territorial Seas	\$1,750
Gen-LAG30-UST Dewatering	\$109
Gen-LAG33-Coastal	\$1,750
Gen-LAG38-Potable Water	\$380
Gen-LAG42-Short-Term/Emergency	\$550
Gen-LAG47-Auto Repair/Dealers	\$291
Gen-LAG48-Light Commercial	\$380
Gen-LAG49-Sand and Gravel	\$726
Gen-LAG53-Sanitary Class I	\$109
Gen-LAG54-Sanitary Class II	\$291
Gen-LAG56-Sanitary Class III	\$545
Gen-LAG57-Sanitary Class IV	\$654
Gen-LAG67-Hydrostatic Test	\$330
Gen-LAG75-Exterior Vehicle Wash	\$291
Gen-LAG78-C and D Landfills	\$726
Gen-LAG83- Petroleum UST Remediation	\$1,089
Gen-LAG119-Concrete/Asphalt (SW)	\$426
Gen-LAG309-UST Dewatering (SW)	\$937
Gen-LAG679-Hydrostatic Test (SW)	\$872
Gen-LAG759-Mobile Vehicle/Equipment Wash	\$349
Gen-LAG839-Petroleum UST (SW)	\$2,904
Gen-LAR04-Small MS4	Population: >1000 and <10,000:\$110 >10,000 and <50,000: \$550 >50,000 and <150,000: \$1,650
Gen-LAR05-Multi-Sector	\$109

Permit Type	Amount
Gen-LAR06-DOTD Construction	I: \$29,100 II: \$36,375 III: \$50,925 IV: \$58,000
Gen-LAR10-Construction	\$291

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014(B), and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 14:626 (September 1988), LR 18:731 (July 1992), LR 21:798 (August 1995), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996), amended by the Office of Water Resources, LR 24:326 (February 1998), amended by the Office of Management and Finance, Fiscal Services Division, LR 25:427 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:689 (May 2003), LR 29:2052 (October 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 35:1493 (August 2009), LR 35:2181 (October 2009), amended by the Office of the Secretary, Legal Division, LR 43:948 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:0000 (July 2018).

Chapter 15. Water Quality Certification Procedures

§1507. Procedures for Issuance of Water Quality Certification

A. Application Requirements

1. Application Requirements. Any person, desiring issuance of a state water quality certification, shall file an application for certification with the Department of Environmental Quality at its office in Baton Rouge. The application should include:

- a. the date of application;
- b. the name, address, or principal place of business of the applicant;
- c. if the applicant is a corporation, the state in which it is incorporated, the name of its principal officers and the name and address of the Louisiana agent for service of process;
- d. the name of the individual who shall be primarily responsible for conduct of the activity for which certification is sought (plant manager or other person responsible for facility operation);
- e. the nature of the activity to be conducted by the applicant, including estimates of volume of excavation for dredge and fill activities;
- f. whether the discharge is occurring or proposed, including an estimated schedule for all proposed activities;
- g. the location of the discharge, stating if applicable, the municipality, the parish, the drainage basin, the name of the receiving water, and the location of the point of discharge with regard to the receiving water;
- h. the nature of the receiving water, including type (creek, river, swamp, canal, lake or pond), nature (fresh, brackish or salt), and direction of flow;
- i. description of waste treatment works, if any, that will receive and process the wastewater before discharge into the receiving water;
- j. the type of discharge, including chemical composition, quantity (expressed as gallons per unit of time), frequency, temperature, and kinds and quantities of pollutants or contaminants;
- k. projected future variations in the nature of the discharge;
- l. the type, diameter or cross-section and length of any conduit conveying the discharge;
- m. names and addresses of adjoining riparian owners; and

n. maps, drawings, or plats at an appropriate scale and referenced to a commonly used set of geographic coordinates (latitude/longitude or section/range/township) which provide sufficient detail to accurately delineate:

- i. the boundaries of the lands owned or to be utilized by the applicant in carrying out any activity;
- ii. the location and extent of receiving waters in the vicinity of said lands;
- iii. the location, dimensions, and type of any temporary or permanent structures or conveyances erected or to be erected on said lands; and
- iv. the location of discharges into receiving waters.

2. Processing Fee

a. A one-time processing fee will be assessed all applicants to help defray the costs of this expanded program. The fee schedule will be as follows.

Noncommercial Activities	\$37/application
Commercial Activities	\$385/application

b. Payment shall accompany the application for certification. The department shall consider the application incomplete and initiation of the application review process will not begin until payment of the processing fee is received. Payment shall be by one of the methods listed in LAC 33:IX.1309.M.1-2.b and shall be nonrefundable.

3. Exemptions from Processing Fee. All 402 permit applications will be exempt from this fee since fees are already assessed as part of the state permit system.

4. Approved Land Management Plan Requirement. Applicants whose applications involve the clearing of land for agricultural purposes shall submit to the Office of Environmental Services an approved land management plan for the land to be cleared before the application will be deemed adequate.

5. Power to Request Additional Information. The administrative authority may request, and the applicant shall furnish, any additional information deemed necessary for the proper consideration of the application to determine if the proposed discharge meets all applicable effluent limitations, water quality related effluent limitations, water quality standards, new source performance standards, and toxic and pretreatment standards.

6. Omissions from Applications. If the applicant considers that it is not feasible or is unnecessary to furnish any portion of the information required by Paragraphs 1 and 2 of this Section, applicant shall submit a detailed statement explaining the reasons for omission of any such information; but if the administrative authority does not concur in such omission, applicant shall submit the omitted information.

7. Confidentiality of Information. Any information submitted by the applicant, as required by an application for certification, and declared as confidential by the applicant shall be handled in accordance with LAC 33:I.Chapter 5.

8. Signing of Applications. Applications will be considered valid only if the application bears the signature of an individual authorized by a company, corporation, municipality, governmental agency, or an individual if the individual is the applicant. The signatory shall certify that all information contained in the application is true and correct to the best of his knowledge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(A)(3).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:496 (July 1984), amended by the Office of the Secretary, LR 22:345 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2550 (November 2000), LR 29:690 (May 2003), LR 29:2052 (October 2003), amended by the Office of Environmental Assessment, LR 30:2027 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2507 (October 2005), LR 33:2163 (October 2007), LR 35:2181 (October 2009), amended by the Office of the Secretary, Legal Division, LR 43:949 (May 2017).

Subpart 3. Louisiana Sewage Sludge and Biosolids Program

Chapter 73. Standards for the Use or Disposal of Sewage Sludge and Biosolids

Subchapter A. Program Requirements

§7301. General Provisions

F. Registration Requirements and Standards for Transporters of Sewage Sludge and Standards for Vehicles and/or Containers Used in the Transport of Sewage Sludge

1. Registration Requirements

a. A transporter of sewage sludge and/or grease mixed with sewage sludge shall not transport any sewage sludge and/or grease mixed with sewage sludge without first registering such activity with the Office of Environmental Services in writing and paying all associated fees.

b. Registration shall be through a form obtained from the Office of Environmental Services or through the department's website. All the information required by the form shall be provided. The method of payment of fees shall be in accordance with LAC 33:IX.1309.

c. The registration period shall be for one state fiscal year period of July 1 to June 30. All registrations shall expire on June 30 of each year. If a person wishes to continue the operation of transporting sewage sludge, he or she shall apply for re-registration to the Office of Environmental Services on or before May 1 of each year.

d. The fee for registration shall be an annual fee of \$110.

e. The Office of Environmental Services shall be notified prior to any modification to the information submitted for registration, including, but not limited to, the following:

i. the removal and/or addition of information about the facility to which the sewage sludge is being transported; and

ii. the removal and/or addition of a vehicle that will be utilized for the transporting of sewage sludge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:781 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2516 (October 2005), LR 33:2366 (November 2007), repromulgated LR 34:1028 (June 2008), amended LR 35:927 (May 2009), LR 37:2992 (October 2011), amended by the Office of the Secretary, Legal Division, LR 43:949 (May 2017).

§7315. Fee Schedule

A. Applicability. Fees established by these regulations shall be applicable to all facilities subject to regulation under this Chapter.

B. Annual Fee

1. The annual sewage sludge fee shall be \$2,000.

2. The billing period shall correspond with the state's fiscal year (July 1 through June 30).

C. General Permit Fee. At the discretion of the administrative authority, an annual fee may be assessed for facilities regulated by a general permit. In deciding to establish an annual fee for facilities covered by a general permit, the administrative authority should consider the resources involved in administering the general permit, the economic impact on the regulated community, and the economic impact on the fee program. If the decision is made to assess an annual fee for an activity covered by a general permit, then each facility involved in that activity and covered by the general permit shall be assessed the fee.

D. Other Fees

Permit Type	Amount
Gen-LAJ65-Disposal in Landfill	\$600

E. Due Date. Fees shall be received by the department by the due date indicated on the invoice.

F. Late Payment Fee

1. Payments not received within 15 days of the due date will be charged a late payment fee.
2. Any late payment fee shall be calculated from the due date indicated on the invoice.
3. Payments not received by the department by the:
 - a. fifteenth day from the due date will be assessed a 5 percent late payment fee on the original assessed fee;
 - b. thirtieth day from the due date will be assessed an additional 5 percent late payment fee on the original assessed fee; and
 - c. sixtieth day from the due date will be assessed an additional 5 percent late payment fee on the original assessed fee.

G. Failure to Pay. Failure to pay the prescribed application fee or annual fee as provided herein, within 90 days after the due date, will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Louisiana Environmental Quality Act including, but not limited to, revocation or suspension of the applicable permit, license, registration, or variance.

H. Refunds. The fees in this section are nontransferable and nonrefundable.

I. Methods of Payment

1. 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 at the address provided on the invoice.
2. Electronic Methods of Payment
 - a. Persons wishing to make payments using the electronic pay method should access the department's website and follow the instructions provided on the website.
 - b. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.
3. Cash is not an acceptable form of payment.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 43:949 (May 2017).



Title 33 – Abridged for Financial Services
ENVIRONMENTAL QUALITY
Part XI. Underground Storage Tanks

Chapter 3. Registration Requirements, Standards, and Fee Schedule

§307. Fee Schedule

A. Applicability. These regulations apply to registered UST systems, regardless of their operational status.

B. Annual Fees

1. Fees shall be assessed for the State of Louisiana fiscal year (July 1 through June 30).

2. Any UST system shall be assessed the entire annual fee for the fiscal year in which it is installed or permanently closed, regardless of the date during that year on which such action occurs.

3. The owner of the UST system is responsible for payment of the annual fee, any late payment fees, and all outstanding fees and late payment fees.

4. Fees are assessed according to the following schedule.

Fee Number	Annual Fees	Amount
1	Annual Registration Fee	
	All registered UST systems	\$60
2	Annual Maintenance and Monitoring Fees	
a	UST systems at federal facilities (all categories except USTs defined in Fee Number 2.b., which shall be assessed the higher fee)	\$174
b	UST systems containing any substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 (but not including any substance regulated as hazardous waste under the department's Hazardous Waste Regulations, LAC 33:V.Subpart 1)	\$726
c	UST systems containing petroleum products not meeting the definition of motor fuels	\$174
3	Motor Fuels Underground Storage Tank Trust Fund Fee	
	UST systems containing new or used motor oil (except USTs identified in LAC 33:XI.1101.C and D)	\$303

C. Amended Registration Fees. The fee for amending or modifying a registration for change of ownership shall be \$60.

D. Methods of Payment

1. 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 at the address provided on the invoice.

2. Electronic Methods of Payment

a. Persons wishing to make payments using the electronic pay method should access the department's website and follow the instructions provided on the website.

b. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.

3. Cash is not an acceptable form of payment.

E. Late Payment Fee

1. Fee payments not received within 15 days of the due date will be charged a late payment fee.

2. Any late payment fee shall be calculated from the due date indicated on the invoice.

3. Payments not received by the department by:

a. the fifteenth day from the due date will be assessed a 5 percent late payment fee on the original assessed fee;

b. the thirtieth day from the due date will be assessed an additional 5 percent late payment fee on the original assessed fee; and

c. the sixtieth day from the due date will be assessed an additional 5 percent late payment fee on the original assessed fee.

F. Failure to Pay. Failure to pay the prescribed fees as provided herein, within 90 days after the due date, shall constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the act including, but not limited to, revocation or suspension of the applicable permit, license, registration, or variance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001, 2014, 2195, and 2195.3 et seq., and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 11:1139 (December 1985), amended LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:727 (July 1992), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996), LR 25:427 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2400 (December 1999), LR 29:690 (May 2003), LR 29:2052 (October 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 35:2181 (October 2009), amended by the Office of the Secretary, Legal Division, LR 43:950 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:1597 (September 2018).

Chapter 13. Certification Requirements for Persons Who Install, Repair, or Close Underground Storage Tank Systems

§1305. Categories of Certification and Requirements for Issuance and Renewal of Certificates

A. Categories of Certification. UST certificates issued by the department will address the following categories:

1. installation/repair; and
2. closure.

B. Requirements for Certification Examination

1. To qualify for an examination, a person need not be a resident of Louisiana. A person shall provide, to the Office of Environmental Assessment, payment of the examination fee and meet the following requirements to be eligible for a UST certification examination.

a. Any person who applies for a certificate addressing UST system installation/repair shall demonstrate:

- i. two years of experience in UST system installation/repair; and

ii. active participation in a minimum of five separate jobs involving UST system installations/repairs (three of which must be installations) conducted after December 22, 1988.

b. Any person who applies for a certificate addressing UST system closure shall demonstrate:

i. two years of experience in UST system closures; and

ii. active participation in a minimum of five jobs involving UST system closures conducted after December 22, 1988.

c. The following may substitute for the experience required in LAC 33:XI.1305.B.1.a or b:

i. a civil, environmental, or mechanical engineering degree from a recognized college or university; or

ii. closely related work experience on a year-for-year basis.

2. All information regarding an applicant's qualifications shall be provided on a department-prescribed application form. Applications shall include a listing of jobs performed, their locations, and the names of the companies/employers for whom the jobs were conducted.

C. Requirements for Certification. No person shall be issued a certificate unless he or she has successfully passed a written examination described in LAC 33:XI.1307.

D. Fees. The following fees are hereby established for certification and renewal:

1. examination fee for individual certification, \$146; and

2. certification renewal fee, \$146.

E. Jurisdiction. The UST certificate shall be valid in all parishes and municipalities throughout Louisiana. All certified persons shall be required to conduct their operations within local jurisdictions in conformity with local requirements.

F. Expiration and Renewal of Certificates

1. All UST certificates and certificate renewals shall expire December 31 of every second year. Applications for certificate renewal and payment of the renewal fee should be submitted to the Office of Management and Finance by November 1 of each year they expire. A person whose certificate has expired prior to his or her submission of evidence of compliance with Paragraph F.2 of this Section shall be considered a new applicant for certification.

2. A person who has been issued a certificate may renew it for another two-year period by paying the designated renewal fee and:

a. submitting, on a department-prescribed form, a certificate renewal application demonstrating that he or she has completed 16 hours of department-approved continuing education training courses; or

b. submitting, on a department-prescribed form, a certificate renewal application and successfully passing a written examination described in LAC 33:XI.1307. Payment of the examination fee specified in LAC 33:XI.1305.D.1 is not required.

G. Issuance and Display of Identification Cards and Certificates

1. Upon issuance of a UST certificate, the department will issue an identification card to the successful applicant that shows the person's name, driver's license or state identification number and the issuing state, categories of certification, certificate number, certificate issuance date, and certificate expiration date.

2. A person who holds a current certificate shall present his or her identification card upon request by a representative of the Department of Environmental Quality or the owner or operator of the UST system for which installation, repair, or closure is to be conducted.

H. Changes in Employment. It is incumbent upon a certified person to provide written notification to the Office of Environmental Assessment within 20 days after his or her knowledge of a change in employment.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2562 (November 2000), LR 29:691 (May 2003), LR 29:2052 (October 2003), amended by the Office of Environmental Assessment, LR 30:2804 (December 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2522 (October 2005), LR 33:2175 (October 2007), amended by the Office of the Secretary, Legal Division, LR 38:2764 (November 2012), LR 43:951 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2147 (November 2017), LR 44:1630 (September 2018).



Title 33 – Abridged for Financial Services
ENVIRONMENTAL QUALITY
Part XV. Radiation Protection

Chapter 5. Radiation Safety Requirements for Industrial Radiographic Operations

Subchapter B. Personal Radiation Safety Requirements for Radiographers

§579. Identification (I.D.) Cards for Radiographers or Radiographer Trainees

A. Issuance

1. An I.D. card shall be issued to each person who successfully completes the requirements of LAC 33:XV.575.A or B.
2. A radiographer I.D. card shall contain the radiographer's photograph. The department will take the photograph at the time the examination is administered. The radiographer trainee I.D. card does not require a photograph.
3. An I.D. card remains the property of the state of Louisiana and may be revoked or suspended under the provisions of this Section.
4. Any individual who wishes to replace his/her I.D. card shall submit to the Office of Environmental Compliance a written request for a replacement I.D. card, stating the reason a replacement I.D. card is needed. A non-refundable fee of \$29 shall be paid to the department for each replacement of an I.D. card. The prescribed fee shall be submitted with the written request for a replacement I.D. card. The individual shall maintain a copy of the request in his/her possession while performing industrial radiographic operations until a replacement I.D. card is received from the department.

B. Expiration of I.D. Card. Each I.D. card is valid for a period of five years, unless revoked or suspended in accordance with LAC 33:XV.579. Each I.D. card expires at the end of the day indicated on the I.D. card.

C. Renewal of a Radiographer I.D. Card

1. Applications for examination to renew an I.D. card shall be filed in accordance with LAC 33:XV.575.A.
2. The examination for renewal of an I.D. card shall be administered in accordance with LAC 33:XV.575.
3. A renewal I.D. card shall be issued in accordance with this Section.

D. Renewal of a Radiographer Trainee I.D. Card

1. Applications for a renewal radiographer trainee I.D. card shall be filed in accordance with LAC 33:XV.575.B.
2. A renewal I.D. card shall be issued in accordance with this Section.

E. Revocation or Suspension of an I.D. Card

1. Any radiographer or radiographer trainee who violates these Rules may be required to show cause at a formal hearing why his or her I.D. card should not be revoked or suspended in accordance with these regulations.
2. When a department order has been issued for an industrial radiographer or radiographer trainee to cease and desist from the use of sources of radiation or the department revokes or suspends his or her I.D. card, the industrial radiographer or radiographer trainee shall surrender the I.D. card to the department until the order is changed or the suspension expires.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:1000 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2584 (November 2000), LR 29:36 (January 2003), LR 29:691 (May 2003), LR 29:2053 (October 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2531 (October 2005), LR 33:2184 (October 2007), amended by the Office of the Secretary, Legal Division, LR 43:951 (May 2017).

Chapter 25. Fee Schedule

§2501. Scope and Purpose

A. It is the purpose of these regulations to establish a fee system for funding the monitoring, investigation, and other activities required to be conducted for the maintenance of a safe and healthful environment by the Department of Environmental Quality in accordance with the Louisiana Environmental Quality Act (R.S. 30:2101 et seq.). Fees are required for all permits, licenses, registrations, and variances authorized by the Act.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, LR 10:1013 (December 1984), amended by the Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:718 (July 1992).

§2502. Authority

A. These regulations provide fees as required by R.S. 30:2014(B), R.S. 30:2106, and R.S. 30:2115.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, LR 10:1013 (December 1984), amended by the Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:718 (July 1992).

§2503. Definitions

A. All terms used in these rules, unless the context otherwise requires or unless specifically defined in the Louisiana Environmental Quality Act, or in other regulations promulgated by the administrative authority or his or her predecessor, shall have their usual meanings.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, LR 10:1013 (December 1984), amended by the Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:718 (July 1992).

§2504. Application Fees

A. Each application or amendment thereto for which a fee is prescribed shall be accompanied by a remittance in the full amount of the fee. No application or amendment thereto shall be accepted or processed prior to payment of the full amount specified. No permit, license, registration, or variance shall be issued, unless otherwise authorized by the administrative authority, until such check or draft has been accepted by the bank or drawee and the department's account has been credited with the amount of the fee in full.

B. Payment of the prescribed annual fee does not automatically renew the license, certificate, registration, or approval for which the fee is paid. License renewal applications must be filed in accordance with LAC 33:XV.333.A. The accompanying renewal fee must be submitted with a full license renewal application every nine years.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, LR 10:1013 (December 1984), amended by the Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:718 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:1816 (September 2003), amended by the Office of the Secretary, Legal Division, LR 43:951 (May 2017).

§2505. Annual Fees

A. All activities for which an annual fee is provided shall be subject to the payment of such fee by the due date indicated on the invoice, except that any fee in excess of \$50,000, upon written application to, and approval of, the administrative authority, may be paid in installments over a period not to exceed six months, according to a payment schedule established by the administrative authority.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, LR 10:1013 (December 1984), amended by the Nuclear Energy Division, LR 11:530 (May 1985), LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:718 (July 1992), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2607 (November 2000).

§2506. Reciprocal Agreements—Licenses and Registrants

A. Persons operating within Louisiana under the provisions of LAC 33:XV.212 or LAC 33:XV.390 shall submit to the Office of Environmental Compliance the annual fee of the applicable category before the first entry into the state. The fee will allow reciprocal recognition of the license or registration for one year from the date of receipt.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, LR 10:1013 (December 1984), amended by the Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:718 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2607 (November 2000), LR 29:1816 (September 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2539 (October 2005), LR 33:2191 (October 2007).

§2507. Reimbursements

A. One-half of the annual fee will be reimbursed to the licensee or registrant upon receipt of a written request to terminate the license or registration, provided that the request has been received by the Office of Environmental Compliance within 180 days after the annual fee due date, and the fee has not been delinquent. Requests for termination of the license or registration received after 180 days of the annual fee due date will not entitle the licensee or registrant to reimbursement of any portion of the annual fee. No interest, legal or otherwise, will be paid on the funds withheld prior to reimbursement.

B. One-half of the application fee will be reimbursed to the licensee or registrant upon receipt of a written request from the applicant to withdraw an application prior to final approval. In the case of the denial of an application, for whatever reason, one half of the application fee will be refunded. No interest, legal or otherwise, will be paid on the funds withheld prior to reimbursement.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, LR 10:1013 (December 1984), amended by the Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:718 (July 1992), amended

by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2607 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2539 (October 2005), LR 33:2191 (October 2007).

§2508. Determination of Fee

- A. The fee for each applicable category is listed in LAC 33:XV.2599.Appendix A.
- B. In the case of licenses that authorize more than one activity, the total fee will be for the activity assigned the higher fee.
- C. Licenses that are amended and that result in a change in the LAC 33:XV.2599.Appendix A category to a more costly license shall be assessed the entire fee for that type of license effective with the amendment without regard to any fees already paid.
- D. Electronic products that are in storage are subject to the same initial application fee and annual maintenance fee unless the X-ray unit is rendered permanently incapable of producing radiation and this fact is documented in writing to the Office of Environmental Compliance.
- E. Electronic products that are no longer possessed by the registrant (e.g., sold, donated, or transferred) shall not be subject to the annual maintenance fee, provided written documentation is received by the invoice due date, which includes the name, address, and telephone number to whom possession was transferred.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, LR 10:1013 (December 1984), amended by the Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:718 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1441 (July 2000), LR 26:2607 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2539 (October 2005), LR 33:2192 (October 2007).

§2509. Methods of Payment

- A. All payments made by check, draft, or money order shall be made payable to the Department of Environmental Quality, and mailed to the department at the address provided on the invoice.
- B. Electronic Methods of Payment
 - 1. Persons wishing to make payments using the electronic pay method shall access the department's website and follow the instructions provided on the website.
 - 2. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.
- C. Cash is not an acceptable form of payment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, LR 10:1013 (December 1984), amended by the Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:719 (July 1992), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996), amended by the Office of the Secretary, Legal Affairs Division, LR 35:2182 (October 2009), amended by the Office of the Secretary, Legal Division, LR 43:951 (May 2017).

§2510. Late Payment Fee

- A. Payments not received within 15 days of the due date will be charged a late payment fee.
- B. Any late payment fee shall be calculated from the due date indicated on the invoice.
- C. Payments not received by the department by:
 - 1. the fifteenth day from the due date will be assessed a 5 percent late payment fee on the original assessed fee;
 - 2. the thirtieth day from the due date will be assessed an additional 5 percent late payment fee on the original assessed fee; and

3. the sixtieth day from the due date will be assessed an additional 5 percent late payment fee on the original assessed fee.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, LR 10:1013 (December 1984), amended by the Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:719 (July 1992), amended LR 21:791 (August 1995), amended by the Office of Management and Finance, Fiscal Services Division, LR 25:428 (March 1999), amended by the Office of the Secretary, Legal Division, LR 43:951 (May 2017).

§2511. Failure to Pay

A. Failure to pay the prescribed application fee or annual fee as provided herein, within 90 days after the due date, will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Environmental Quality Act including, but not limited to, revocation or suspension of the applicable permit, license, registration, or variance.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, LR 10:1013 (December 1984), amended by the Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:719 (July 1992), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996), LR 25:428 (March 1999), amended by the Office of the Secretary, Legal Division, LR 43:951 (May 2017).

§2512. Effective Date

A. The fees prescribed herein shall be effective on August 20, 1995 or upon publication in the Louisiana Register as adopted.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, LR 10:1014 (December 1984), amended by the Nuclear Energy Division, LR 11:530 (May 1985), LR 12:674 (October 1986), LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:719 (July 1992), amended LR 21:792 (August 1995).

§2513. Multiple Locations

A. Those persons possessing licenses or registrations that name multiple locations where sources of radiation are stored, used, or otherwise possessed, shall be subject to an additional fee of 10 percent of the annual maintenance fee for each such location within the state of Louisiana, not to exceed an amount equal to the annual maintenance fee.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, LR 10:1013 (December 1984), amended by the Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 21:792 (August 1995).

§2599. Appendix A

Appendix A–Radiation Protection Program Fee Schedule		
	New/Renewal Application Fee	Annual Maintenance Fee
I. Radioactive Material Licensing		
A. Medical licenses:		
1. Therapy:		

Appendix A–Radiation Protection Program Fee Schedule		
	New/Renewal Application Fee	Annual Maintenance Fee
a. Teletherapy	\$807	\$807
b. Brachytherapy	\$807	\$807
2. Nuclear medicine diagnostic only	\$995	\$995
3. Nuclear medicine diagnostic/therapy	\$1,067	\$1,067
4. Nuclear pacemaker implantation	\$400	\$400
5. Eye applicators	\$400	\$400
6. In-vitro studies or radioimmunoassays or calibration sources	\$400	\$400
7. Processing or manufacturing and distribution of radiopharmaceuticals	\$1,569	\$1,336
8. Mobile nuclear medicine services	\$1,569	\$1,336
9. "Broad scope" medical licenses	\$1,569	\$1,336
10. Manufacturing of medical devices/sources	\$1,830	\$1,525
11. Distribution of medical devices/sources	\$1,372	\$1,140
12. All other medical licenses	\$444	\$444
B. Source material licenses:		
1. For mining, milling, or processing activities, or utilization which results in concentration or redistribution of naturally occurring radioactive material	\$7,928	\$7,928
2. For the concentration and recovery of uranium from phosphoric acid as "yellow cake" (powered solid)	\$3,965	\$3,965
3. For the concentration of uranium from or in phosphoric acid	\$1,983	\$1,983
4. All other specific "source material" licenses	\$400	\$400
C. Special nuclear material (SNM) licenses:		
1. For use of SNM in sealed sources contained in devices used in measuring systems	\$610	\$610
2. SNM used as calibration or reference sources	\$400	\$400
3. All other licenses or use of SNM in quantities not sufficient to form a critical mass, except as in I.A.4, I.C.1, and 2	\$400	\$400
D. Industrial radioactive material licenses:		
1. For processing or manufacturing for commercial distribution	\$7,841	\$5,903
2. For industrial radiography operations performed in a shielded radiography installation(s) or permanently designated areas at the address listed in the license	\$1,336	\$1,053

Appendix A–Radiation Protection Program Fee Schedule		
	New/Renewal Application Fee	Annual Maintenance Fee
3. For industrial radiography operations performed at temporary jobsite(s) of the licensee	\$3,935	\$2,963
4. For possession and use of radioactive materials in sealed sources for irradiation of materials where the source is not removed from the shield and is less than 10,000 Curies	\$1,983	\$995
5. For possession and use of radioactive materials in sealed sources for irradiation of materials when the source is not removed from the shield and is greater than 10,000 Curies, or where the source is removed from the shield	\$3,935	\$1,968
6. For distribution of items containing radioactive material	\$1,983	\$1,983
7. Well-logging and subsurface tracer studies:		
a. Collar markers, nails, etc. for orientation	\$400	\$400
b. Sealed sources less than 10 Curies and/or tracers less than or equal to 500 mCi	\$1,184	\$1,184
c. Sealed sources of 10 Curies or greater and/or tracers greater than 500 mCi but less than 5 Curies	\$1,983	\$1,983
d. Field flood studies and/or tracers equal to or greater than 5 Curies	\$2,977	\$2,977
8. Operation of a nuclear laundry	\$7,856	\$3,935
9. Industrial research and development of radioactive materials or products containing radioactive materials	\$995	\$995
10. Academic research and/or instruction	\$807	\$807
11. Licenses of broad scope:		
a. Academic, industrial, research and development, total activity equal to or greater than 1 Curie	\$1,983	\$1,983
b. Academic, industrial, research and development, total activity less than 1 Curie	\$1,184	\$1,184
12. Gas chromatographs, sulfur analyzers, lead analyzers, or similar laboratory devices	\$400	\$400
13. Calibration sources equal to or less than 1 Curie per source	\$400	\$400
14. Level or density gauges	\$610	\$610
15. Pipe wall thickness gauges	\$807	\$807
16. Soil moisture and density gauges	\$610	\$610
17. NORM decontamination/maintenance:		

Appendix A–Radiation Protection Program Fee Schedule		
	New/Renewal Application Fee	Annual Maintenance Fee
a. at permanently designated areas at the location(s) listed in the license	\$4,574	\$3,812
b. at temporary jobsite(s) of the licensee	\$4,574	\$4,574
18. Commercial NORM storage	\$3,812	\$3,812
19. All other specific industrial licenses except as otherwise noted	\$807	\$807
20. Commercial NORM treatment	\$18,296	\$15,246
E. Radioactive waste disposal licenses:		
1. Commercial waste disposal involving burial	\$1,029,105	\$1,029,105
2. Commercial waste disposal involving incineration of vials containing liquid scintillation fluids	\$7,841	\$3,935
3. All other commercial waste disposal involving storage, packaging and/or transfer	\$3,935	\$3,935
F. Civil defense licenses	\$480	\$400
G. Teletherapy service company license	\$1,983	\$1,983
H. Consultant licenses:		
1. No calibration sources	\$196	\$114
2. Possession of calibration sources equal to or less than 500 mCi each	\$291	\$196
3. Possession of calibration sources greater than 500 mCi	\$400	\$291
4. Installation and/or servicing of medical afterloaders	\$531	\$458
II. Electronic Product Registration		
1. Medical diagnostic X-ray (per registration)	\$129	\$129
2. Medical therapeutic X-ray (per registration):		
a. below 500 kVp	\$305	\$305
b. 500 kVp to 1 MeV (including accelerator and Van deGraaf)	\$610	\$610
c. 1 MeV to 10 MeV	\$916	\$916
d. 10 MeV or greater	\$1,220	\$1,220
3. Dental X-ray (per registration)	\$115	\$106
4. Veterinary X-ray (per registration)	\$115	\$115
5. Educational institution X-ray (teaching unit, per registration)	\$190	\$115
6. Industrial accelerator (includes Van de Graaf machines and neutron generators)	\$610	\$610
7. Industrial radiography (per registration)	\$305	\$305
8. All other X-ray (per registration) except as otherwise noted	\$138	\$138
III. General Licenses		

Appendix A–Radiation Protection Program Fee Schedule		
	New/Renewal Application Fee	Annual Maintenance Fee
A. NORM (Wellhead fee per field shall not exceed \$2,287 per operator. Operators reporting contamination by field will be invoiced for all wellheads in the field. Operators reporting contamination by wellhead will be invoiced only for contaminated units.)		
1. 1-5 contaminated wellheads	\$153	\$153
2. 6-20 contaminated wellheads	\$763	\$763
3. >20 contaminated wellheads	\$2,287	\$2,287
4. Stripper wells-contaminated (\$763 maximum for strippers per field):	\$153	\$153
a. 1 to 5 contaminated stripper wells	\$153	\$153
b. > 5 contaminated stripper wells	\$763	\$763
5. NORM locations (other than fields):		
a. gas plants, pipeyards, chemical plant, refinery	\$458	\$458
b. warehouses, pipeline, manufacturing plant, NORM equipment storage site, etc.	\$458	\$458
6. Interim container storage per NORM Waste Management Plan of an approved location		\$1,525
7. NORM location as otherwise defined in LAC 33:XV.1403 and not exempted by LAC 33:XV.1404, not included in III.A.1-6 of this Appendix	\$153	\$153
B. Tritium sign	\$109	\$0
C. All other general licenses which require registration	\$153	\$153
IV. Reciprocal Recognition		
The fee for reciprocal recognition of a license or registration from another state or the NRC is the annual fee of the applicable category. The fee covers activities in the state of Louisiana for one year from the date of receipt.		
V. Shielding Evaluation (per room)		
A. Diagnostic	\$153	*
B. Therapeutic (below 500 kVp)	\$230	*
C. Therapeutic (500 kVp to 1 MeV)	\$378	*
D. Therapeutic (1 MeV to 10 MeV)	\$531	*
E. Therapeutic (10 MeV or greater)	\$1,148	*
F. Industrial and industrial radiography	\$531	*
VI. Device, Product, or Sealed Source Evaluation		
A. Device evaluation (each)	\$1,067	*
B. Sealed source design evaluation (each)	\$690	*
C. Update sheet	\$230	*
VII. Testing		

Appendix A–Radiation Protection Program Fee Schedule		
	New/Renewal Application Fee	Annual Maintenance Fee
Testing to determine qualifications of employees, per test administered	\$196	*
VIII. Nuclear Electric Generating Station		
Located in Louisiana		\$432,696
Located near Louisiana (Plume Exposure Pathway Emergency Planning Zone —includes area in Louisiana)		\$313,632
Uranium Enrichment Facility		\$76,230
IX. La. Radiation Protection Program Laboratory Analysis Fees-Repealed		

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, LR 10:1014 (December 1984), amended by the Nuclear Energy Division, LR 11:530 (May 1985), LR 12:674 (October 1986), LR 13:569 (October 1987), LR 14:622 (September 1988), LR 15:737 (September 1989), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:719 (July 1992), repromulgated LR 18:955 (September 1992), amended LR 19:624 (May 1993), LR 21:792 (August 1995), repromulgated LR 21:944 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2607 (November 2000), LR 29:691 (May 2003), LR 29:2053 (October 2003), amended by the Office of the Secretary, Legal Division, LR 43:952 (May 2017).