



DEPARTMENT OF ENVIRONMENTAL QUALITY

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GOVERNOR

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SECRETARY

MEMORANDUM

TO: **Public and Non-Profit Voluntary Remediation Program Applicants**

FROM: Wilbert F. Jordan, Jr.
Assistant Secretary *WJ 8/17/06*

SUBJECT: Voluntary Remediation Program Oversight Cost Waivers

Through the Louisiana Voluntary Remediation Program and Brownfields Initiative, the Department of Environmental Quality seeks to encourage the cleanup and redevelopment of brownfields properties in our state. In order to further this goal, DEQ may elect to not collect oversight costs from qualifying applicants (i.e., "waive costs") in the Voluntary Remediation Program (VRP).

PLEASE NOTE THAT THIS WAIVER DOES NOT APPLY TO THE \$500 VOLUNTARY REMEDIAL INVESTIGATION APPLICATION AND VOLUNTARY REMEDIATION APPLICATION FEES, WHICH STILL MUST BE PAID BY ALL VRP APPLICANTS.

DEQ may elect to not collect oversight costs from applicants to the VRP who:

1. Are **government** (non-federal) or **qualified non-profit organizations***, and
2. Are **not responsible persons** (for the subject property) as defined in LAC 33:VI.903 (Louisiana Voluntary Remediation Regulations).

DEQ may charge oversight fees up to a maximum of \$5000 of total direct costs for a Voluntary Remedial Investigation (VRI) and up to a maximum of \$5000 for a Voluntary Remedial Action (VRA) to an alternate source of funding.

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After DEQ has expended \$5000 in total direct oversight costs plus the application fee amount(s) submitted by the applicant, the applicant will be responsible for the remaining direct oversight costs for that VRI or VRA, if any, as provided in the Louisiana Voluntary Remediation Regulations (LAC 33:Part VI.Chapter 9). **For example, for an applicant who submits a Voluntary Remedial Investigation Application and subsequently a Voluntary Remediation Application, the maximum oversight cost waiver for that site would be \$10,000 (\$5000 maximum for the VRI and \$5000 for the VRA).**

Government or non-profit VRP applicants who desire oversight cost waivers must complete the Oversight Cost Waiver Request Form, available at www.deq.louisiana.gov/brownfields. This form must be included with both the Voluntary Remedial Investigation Application and the Voluntary Remedial Action Application if cost waivers are sought for both.

Oversight cost waivers will be granted solely at the discretion of DEQ and will be subject to alternate funding (e.g., federal grants) available for such purpose. DEQ may end this oversight cost waiver program at its own discretion at any time.

VRP applicants may also apply to have their remaining uncollected oversight costs waived up to the \$5000 maximum per VRI application and/or VRA application. Applicants for ongoing VRIs or VRAs must submit the Supplemental VRP Oversight Cost Waiver Request Form to the DEQ Remediation Services Division in order to receive the waiver of remaining costs. **However, oversight costs already paid to DEQ will not be refunded.**

If you have any questions regarding VRP oversight cost waivers, please contact Roger Gingles or Duane Wilson at (225)219-3236.

*For the purposes of the VRP oversight cost waivers, a **qualified non-profit organization** is defined in accordance with Section 4(6) of the Federal Financial Assistance Management Improvement Act of 1999, Public Law 106-107, as any corporation, trust, association, cooperative, or other organization that is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; is not organized principally for profit; and uses net proceeds to maintain, improve, or expand the operations of the organization.