**Title 33**

**Environmental Quality**

**Part XI. Underground Storage Tanks**

**Chapter 14. Grant Program**

**§1401. Purpose**

 A. The purpose of this Chapter is to establish procedures to provide for grants for upgrades and/or improvements to single wall underground storage tank systems.

 B. The Motor Fuels Underground Storage Tank Trust Fund Advisory Board shall advise the secretary with regard to implementation of the tank trust account including investment of the trust and issuance of grants.

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2195.2.A(6)(e).

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

**§1403. Applicability**

 A. This Chapter applies to providing financial assistance to private persons, or entities, in financing the costs necessary for upgrading and/or improving single wall underground storage tank systems to the standards outlined in LAC 33:XI.303.

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2195.2.A(6)(e).

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

**§1405. Effective Date**

A. These regulations are effective January 1, 2024. These regulations are only applicable to grant applications that occur on or after January 1, 2024.

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2195.2.A(6)(e).

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

**§1407. Definitions**

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

*Applicant*—the legal underground storage tank (UST) owner (i.e., private person or private entity) at the project facility.

*Domiciled*—the place of a private person’s habitual residence; a private person may reside in several places, but may not have more than one domicile. The domicile of a private entity may be either the state of its formation or the state of its principal place of business.

*Improvement*—to replace existing single wall underground storage tanks (USTs) with double wall USTs and/or replace existing single wall product piping with double wall product piping. Containment and ancillary equipment such as submersible turbine pumps (STP), STP sumps, under dispenser containment (UDC) sumps, UST monitors and sensors, fill ports, shear valves, flex lines, and spill/overfill prevention equipment may be included for reimbursement only when upgrading and/or improving existing single wall USTs and/or single wall product piping.

*Private Entity*—a nonpublic juridical entity to which the law attributes personality, e.g., a corporation or a partnership. The personality of an entity is distinct from that of its members.

*Private Person*—a natural person or human being.

*Project Facility*—a single, specific facility where the grant will be applied for the approved upgrades and/or improvements to single wall underground storage tank systems.

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2195.2.A(6)(e).

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

**§1409. Grant Program Funding and Requirements**

A. This grant program is funded by the cost recovery efforts and interest earned on the tank trust account (interest account) in accordance with R.S. 30:2195.2.

B. A grant may only be made pursuant to this Chapter if all of the following apply:

1. the applicant is domiciled in Louisiana;

2. the site is registered with the department as a single wall underground storage tank system; and

3. the applicant is in compliance with and has paid all fees assessed by the Environmental Quality Act, La. R.S. 30:2001, et Seq., and LAC 33:XI.

C. Grants provided pursuant to this Chapter shall only be made in the form of reimbursement for completed upgrades and/or improvements after inspection and approval by the department.

D. No grant shall exceed $150,000. The total amount of grants issued per state fiscal year (July 1 – June 30) shall be determined by the beginning balance in the interest account as indicated below:

1. If the interest account has a beginning balance of greater than $5,000,000 on July 1, then then total amount of grants per year shall not exceed $3,000,000.

2. If the interest account has a beginning balance of less than $5,000,000 on July 1, then the total amount of grants per year shall not exceed $1,500,000.

E. Eligible applicants may apply for only one grant each state fiscal year.

F. The applicant shall apply the grant only at the project facility.

G. Applicants shall complete the upgrade and/or improvement as soon as possible but no later than two fiscal years (July 1 – June 30) beyond the fiscal year of approval for participation in the grant program. Failure to complete the upgrade and/or improvement within two fiscal years will result in the applicant being ineligible for reimbursement from the grant program.

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2195.2.A(6)(e).

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

**§1411. Application Process**

A. An application for funding shall be on a department provided form and shall include information regarding:

 1. the applicant, including location of domicile;

 2. the project facility, including information about the single wall underground storage tank system; and

 3. the proposed upgrade and/or improvements to the single wall underground storage tank system.

B. The application period for participation in the grant program shall be from January 1 to March 31. Applications received after March 31 will be rejected for participation in the grant program for the upcoming state fiscal year and the applicants must reapply for participation in the grant program for the forthcoming state fiscal year.

C. The department may perform a compliance evaluation inspection of the project facility prior to any upgrades and/or improvements.

D. The department shall notify the applicant in writing if the application has been approved or rejected with an explanation.

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2195.2.A(6)(e).

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

**§1413. Procedures Prior to Making Upgrades or Improvements**

A. Applicants may be approved for the grant program upon the condition they meet the requirements for participation and are in compliance with the Environmental Quality Act, R.S. 30:2001, et seq., and LAC 33:XI.

B. Applicants must have written approval from the department for participation in the grant program prior to implementing any eligible upgrades and/or improvements.

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2195.2.A(6)(e).

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

**§1415. Department Inspections and Notifications**

A. The department may perform periodic inspections during the upgrade and/or improvement and may be present for all installation-critical junctures.

B. If the Environmental Quality Act, R.S. 30:2001, et seq., and LAC 33:XI are not followed by the UST owner, operator, or certified worker prior to and during the upgrade and/or improvement, the applicant may not be awarded the grant reimbursement.

 1. The department shall notify the applicant in writing as soon as any violation is determined that disqualifies the applicant from receiving the grant reimbursement.

 C. The applicant shall notify the department upon completion of the upgrade and/or improvement.

 D. The department shall perform a final inspection of the upgrade and/or improvement and prepare a final inspection report documenting the work has been completed in accordance with the scope of work.

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2195.2.A(6)(e).

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

**§1417. Grant Reimbursement Procedures**

A. The grant reimbursement shall be on a department provided form and shall include the following.

 1. An affidavit signed by the applicant that all upgrades and/or improvements have been completed in accordance with the scope of work and in accordance with the Environmental Quality Act, R.S. 30:2001, et seq., and LAC 33:XI.

 2. Copies of all paid invoices for the upgrade and/or improvement.

 B. The applicant shall not request reimbursement until after the project facility is placed into service from the upgrade and/or improvement.

 C. The grant program reimbursement form shall be submitted to the department within 90 days of the project facility being placed into service.

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2195.2.A(6)(e).

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49: