NOTICE OF INTENT

Department of Environmental Quality

Office of the Secretary

Legal Affairs Division

Expedited Penalty Maximums

(LAC 33:I.805.A)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Office of the Secretary regulations, LAC 33:I.805.A (OS105).

The proposed Rule will expand the increase XP Program maximums for a specific violation from $3,000 to $5,000 and for a case involving two or more violations from $5,000 to $10,000, thereby allowing the Enforcement Division to resolve penalty components of more cases utilizing the XP Program. The current maximums often pose a barrier to the use of the XP Program to resolve cases that otherwise meet all qualifying XP Program criteria. The basis and rationale for this Rule are to revise LAC 33:I.805.A to mirror the expedited penalty maximums specified in R.S. 30:2025(D)(1) which was amended by Act No. 492 of the 2025 Regular Legislative Session, which became effective on August 1, 2025. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

This Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8, unless they violate a provision of the Environmental Quality Act or its implementing regulations. Additionally, participation in the LDEQ expedited penalty program is voluntary.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Comments**

All interested persons are invited to submit written comments on the proposed Rule. Persons commenting should reference this proposed Rule by OS105. Such comments must be received no later than November 6, 2025, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed Rule can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of OS105. The proposed Rule is available on the Internet at https://deq.louisiana.gov/page/monthly-regulation-changes-2025%20.

**Public Hearing**

A public hearing will be held on October 30, 2025, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or online via Zoom at https://deqlouisiana.zoom.us/j/6836133613?omn=96029909881or by phone at (646) 255-1997 Meeting ID 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

The proposed Rule is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Jill C. Clark

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**Title 33**

**ENVIRONMENTAL QUALITY**

**Part I. Office of the Secretary**

**Chapter 8. Expedited Penalty Agreement**

**§805. Applicability**

A. Limit of Penalty Amount. The total penalty assessed for the expedited penalty agreement shall not exceed $~~3~~5,000 for one violation or $~~5~~10,000 for two or more violations.

B. — L. …

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), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 48:1790 (July 2022), amended by the Office of the Secretary, Legal Affairs Division, LR 51: