

## Laura Almond

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**From:** Laura Almond  
**Sent:** Monday, June 1, 2026 7:55 AM  
**To:** APA - Senate Environment; APA - House Speaker; APA - Senate Environment; 'apa.h-natr@legis.la.gov'  
**Cc:** Courtney Burdette (DEQ); Jill Clark; Deidra Johnson; William Little; Nathan Mills; Kaylee Fontenot; Tonya Landry  
**Subject:** Interim Summary Response Proposed Rule OS099S  
**Attachments:** Response to Comments 6.1.26.doc; OS099 Rule language Substantive Changes 4.7.26.docx

Tracking:	Recipient	Delivery	Read
	APA - Senate Environment		
	APA - House Speaker		
	APA - Senate Environment		
	'apa.h-natr@legis.la.gov'		
	Courtney Burdette (DEQ)	Delivered: 6/1/2026 7:55 AM	
	Jill Clark	Delivered: 6/1/2026 7:55 AM	
	Deidra Johnson	Delivered: 6/1/2026 7:55 AM	Read: 6/1/2026 8:05 AM
	William Little	Delivered: 6/1/2026 7:55 AM	
	Nathan Mills	Delivered: 6/1/2026 7:55 AM	
	Kaylee Fontenot	Delivered: 6/1/2026 7:55 AM	Read: 6/1/2026 7:59 AM
	Tonya Landry	Delivered: 6/1/2026 7:55 AM	

The Honorable Eddie Lambert, Chairman  
c/o Tyler McCloud, Attorney  
Senate Committee on Environmental Quality

The Honorable Brett F. Geymann, Chairman  
House Committee on Natural Resources and Environment  
c/o Committee Staff

RE: Interim Summary Report for Proposed Rule OS099  
Notification and Permit Transfer Procedures for Changes to Company/Facility Name and  
Ownership/Operator  
LAC 33:I.Chapter 19  
Proposed on September 20, 2025

Pursuant to the Louisiana Administrative Procedure Act, the Louisiana Department of Environmental Quality is submitting a report regarding the above-referenced proposed rule, which was published in the *Louisiana Register*. Comments were received. Amendments have been made to the proposed rule. Attached are computer files comprising the interim summary report.

***We would appreciate it if you would acknowledge receipt of this message by return email.*** Please contact Laura Almond at (225) 219-3985 if you have any questions regarding this material.

Sincerely yours,

Jill C. Clark  
General Counsel

Laura Almond  
Environmental Project Specialist  
Louisiana Department of Environmental Quality  
Legal Affairs Division  
(225) 219-3985

## Laura Almond

---

**From:** APA - House Speaker <apa.housespeaker@legis.la.gov>  
**Sent:** Monday, June 1, 2026 7:55 AM  
**To:** Laura Almond  
**Subject:** Request received

**EXTERNAL EMAIL:** Please do not click on links or attachments unless you know the content is safe.

### ELECTRONIC RECEIPT FROM THE OFFICE OF THE SPEAKER

Your Administrative Procedure Act (APA) submission has been received by the Office of the Speaker, Louisiana House of Representatives.

(Please do not respond to this automatically generated response.)

*If your communication is unrelated to an APA required submission, it has been deleted.*

*If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.*

*If you would like to contact members of a particular committee, click here for House Committees*

<https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees

<https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.

## Laura Almond

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**From:** APA - House Natural Res <apa.h-natr@legis.la.gov>  
**Sent:** Monday, June 1, 2026 7:55 AM  
**To:** Laura Almond  
**Subject:** Request received

**EXTERNAL EMAIL:** Please do not click on links or attachments unless you know the content is safe.

### ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Natural Resources, Louisiana House.

(Please do not respond to this automatically generated response.)

*If your communication is unrelated to an APA required submission, it has been deleted.*

*If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.*

*If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.*

## Laura Almond

---

**From:** APA - Senate Environment <apa.s-envq@legis.la.gov>  
**Sent:** Monday, June 1, 2026 7:55 AM  
**To:** Laura Almond  
**Cc:** APA - Senate Environment  
**Subject:** Request received

**EXTERNAL EMAIL:** Please do not click on links or attachments unless you know the content is safe.

### ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Environment, Louisiana Senate.

(Please do not respond to this automatically generated response.)

*If your communication is unrelated to an APA required submission, it has been deleted.*

*If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.*

*If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.*

## Laura Almond

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**From:** Microsoft Outlook  
**To:** APA - Senate Environment; APA - House Speaker; apa.h-natr@legis.la.gov  
**Sent:** Monday, June 1, 2026 7:55 AM  
**Subject:** Relayed: Interim Summary Response Proposed Rule OS099S

**Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:**

[APA - Senate Environment \(apa.s-envq@legis.la.gov\)](mailto:apa.s-envq@legis.la.gov)

[APA - House Speaker \(apa.housespeaker@legis.la.gov\)](mailto:apa.housespeaker@legis.la.gov)

[apa.h-natr@legis.la.gov \(apa.h-natr@legis.la.gov\)](mailto:apa.h-natr@legis.la.gov)

Subject: Interim Summary Response Proposed Rule OS099S



Interim Summary  
Response Propo...

## Laura Almond

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**From:** Laura Almond  
**Sent:** Monday, June 1, 2026 8:19 AM  
**To:** apa.senatepresident@legis.la.gov  
**Subject:** FW: Interim Summary Response Proposed Rule OS099S  
**Attachments:** Response to Comments 6.1.26.doc; OS099 Rule language Substantive Changes 4.7.26.docx

Good morning,

I inadvertently forgot to include the Senate President's office on the original email.

Laura Almond  
Environmental Project Specialist  
Louisiana Department of Environmental Quality  
Legal Affairs Division  
(225) 219-3985

**From:** Laura Almond  
**Sent:** Monday, June 1, 2026 7:55 AM  
**To:** APA - Senate Environment <apa.s-envq@legis.la.gov>; APA - House Speaker <apa.housespeaker@legis.la.gov>; APA - Senate Environment <apa.s-envq@legis.la.gov>; 'apa.h-natr@legis.la.gov' <apa.h-natr@legis.la.gov>  
**Cc:** Courtney Burdette (DEQ) <Courtney.Burdette@LA.GOV>; Jill Clark <Jill.Clark@la.gov>; Deidra Johnson <Deidra.Johnson@LA.GOV>; William Little <William.Little@la.gov>; Nathan Mills <Nathan.Mills@LA.GOV>; Kaylee Fontenot <Kaylee.Fontenot@LA.GOV>; Tonya Landry <Tonya.Landry@LA.GOV>  
**Subject:** Interim Summary Response Proposed Rule OS099S

The Honorable Eddie Lambert, Chairman  
c/o Tyler McCloud, Attorney  
Senate Committee on Environmental Quality

The Honorable Brett F. Geymann, Chairman  
House Committee on Natural Resources and Environment  
c/o Committee Staff

RE: Interim Summary Report for Proposed Rule OS099  
Notification and Permit Transfer Procedures for Changes to Company/Facility Name and  
Ownership/Operator  
LAC 33:I.Chapter 19  
Proposed on September 20, 2025

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***We would appreciate it if you would acknowledge receipt of this message by return email.*** Please contact Laura Almond at (225) 219-3985 if you have any questions regarding this material.

Sincerely yours,

Jill C. Clark  
General Counsel

Laura Almond  
Environmental Project Specialist  
Louisiana Department of Environmental Quality  
Legal Affairs Division  
(225) 219-3985

## Laura Almond

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**From:** APA - Senate President <APA.senatepresident@legis.la.gov>  
**Sent:** Monday, June 1, 2026 8:19 AM  
**To:** Laura Almond  
**Subject:** Request received

**EXTERNAL EMAIL:** Please do not click on links or attachments unless you know the content is safe.

### ELECTRONIC RECEIPT FROM THE OFFICE OF THE PRESIDENT

Your Administrative Procedure Act (APA) submission has been received by the Office of the President, Louisiana Senate.

(Please do not respond to this automatically generated response.)

*If your communication is unrelated to an APA required submission, it has been deleted.*

*If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.*

*If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.*

**Laura Almond**

---

**From:** Microsoft Outlook  
**To:** apa.senatepresident@legis.la.gov  
**Sent:** Monday, June 1, 2026 8:19 AM  
**Subject:** Relayed: FW: Interim Summary Response Proposed Rule OS099S

**Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:**

[apa.senatepresident@legis.la.gov](mailto:apa.senatepresident@legis.la.gov) ([apa.senatepresident@legis.la.gov](mailto:apa.senatepresident@legis.la.gov))

Subject: FW: Interim Summary Response Proposed Rule OS099S



FW: Interim  
Summary Respo...

## Laura Almond

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**From:** Kaylee Fontenot  
**To:** Laura Almond  
**Sent:** Monday, June 1, 2026 8:00 AM  
**Subject:** Read: Interim Summary Response Proposed Rule OS099S

Your message

To: Kaylee Fontenot  
Subject: Interim Summary Response Proposed Rule OS099S  
Sent: Monday, June 1, 2026 7:54:36 AM (UTC-06:00) Central Time (US & Canada)

was read on Monday, June 1, 2026 7:58:57 AM (UTC-06:00) Central Time (US & Canada).

## Laura Almond

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**From:** Microsoft Outlook  
**To:** Courtney Burdette (DEQ)  
**Sent:** Monday, June 1, 2026 7:55 AM  
**Subject:** Delivered: Interim Summary Response Proposed Rule OS099S

### Your message has been delivered to the following recipients:

Courtney Burdette (DEQ) (Courtney.Burdette@LA.GOV)

Subject: Interim Summary Response Proposed Rule OS099S



Interim Summary  
Response Propo...

## Laura Almond

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**From:** Microsoft Outlook  
**To:** Nathan Mills  
**Sent:** Monday, June 1, 2026 7:55 AM  
**Subject:** Delivered: Interim Summary Response Proposed Rule OS099S

### Your message has been delivered to the following recipients:

[Nathan Mills \(Nathan.Mills@LA.GOV\)](mailto:Nathan.Mills@LA.GOV)

Subject: Interim Summary Response Proposed Rule OS099S



Interim Summary  
Response Propo...

**Laura Almond**

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**From:** Microsoft Outlook  
**To:** Tonya Landry  
**Sent:** Monday, June 1, 2026 7:55 AM  
**Subject:** Delivered: Interim Summary Response Proposed Rule OS099S

**Your message has been delivered to the following recipients:**

[Tonya Landry \(Tonya.Landry@LA.GOV\)](mailto:Tonya.Landry@LA.GOV)

Subject: Interim Summary Response Proposed Rule OS099S



Interim Summary  
Response Propo...

**Laura Almond**

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**From:** Microsoft Outlook  
**To:** Kaylee Fontenot  
**Sent:** Monday, June 1, 2026 7:55 AM  
**Subject:** Delivered: Interim Summary Response Proposed Rule OS099S

**Your message has been delivered to the following recipients:**

[Kaylee Fontenot \(Kaylee.Fontenot@LA.GOV\)](mailto:Kaylee.Fontenot@LA.GOV)

Subject: Interim Summary Response Proposed Rule OS099S



Interim Summary  
Response Propo...

## Laura Almond

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**From:** Microsoft Outlook  
**To:** Jill Clark  
**Sent:** Monday, June 1, 2026 7:55 AM  
**Subject:** Delivered: Interim Summary Response Proposed Rule OS099S

### Your message has been delivered to the following recipients:

Jill Clark (Jill.Clark@la.gov)

Subject: Interim Summary Response Proposed Rule OS099S



Interim Summary  
Response Propo...

**Laura Almond**

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**From:** Microsoft Outlook  
**To:** William Little  
**Sent:** Monday, June 1, 2026 7:55 AM  
**Subject:** Delivered: Interim Summary Response Proposed Rule OS099S

**Your message has been delivered to the following recipients:**

[William Little \(William.Little@la.gov\)](mailto:William.Little@la.gov)

Subject: Interim Summary Response Proposed Rule OS099S



Interim Summary  
Response Propo...

## Laura Almond

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**From:** Microsoft Outlook  
**To:** Deidra Johnson  
**Sent:** Monday, June 1, 2026 7:55 AM  
**Subject:** Delivered: Interim Summary Response Proposed Rule OS099S

### Your message has been delivered to the following recipients:

[Deidra Johnson \(Deidra.Johnson@LA.GOV\)](mailto:Deidra.Johnson@LA.GOV)

Subject: Interim Summary Response Proposed Rule OS099S



Interim Summary  
Response Propo...

## Laura Almond

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**From:** Deidra Johnson  
**To:** Laura Almond  
**Sent:** Monday, June 1, 2026 8:05 AM  
**Subject:** Read: Interim Summary Response Proposed Rule OS099S

Your message

To: Deidra Johnson  
Subject: Interim Summary Response Proposed Rule OS099S  
Sent: Monday, June 1, 2026 7:54:36 AM (UTC-06:00) Central Time (US & Canada)

was read on Monday, June 1, 2026 8:04:59 AM (UTC-06:00) Central Time (US & Canada).

**Interim Comment Summary Response**  
**Notification and Permit Transfer Procedures for Changes to Company/Facility**  
**Name and Ownership/Operator**  
**(LAC 33:I.Chapter 19) (OS099)**

COMMENT 1: The Proposed Rule amends LAC 33:I.1901 such that instead of applying to “name and ownership/operator changes at facilities”, Chapter 19 would apply to “the owner/operator of any facility ...whenever a company or facility name change or an ownership or operator change occurs.” The Proposed Rule also amends section 1901.A.1 as follows:

~~Written n~~Notifications of these changes shall be submitted by the new owner/operator to the department for facilities applying on the most current version of the Notification of Change Form (NOC-1 Form) approved by the department.. . .

Thus, Chapter 19 applies to current owner/operators with certain effective permits issued, but the new owner/operator is required to submit the required form to the Department. Further, the “previous owner or operator” retains responsibility for compliance with the permits until the effective date of the permit transfer. See Section 1903.A (as amended) and liability for failure to provide notice seems to be borne by the new owner/operator under Sections 1908.D and 1909.F, given that the Department may initiate action to terminate or revoke, and reissue an existing permit for failure to disclose a change in ownership or operational control within the time period or failure to submit an accurate, complete NOC-1 Form. Thus, the proposed amendment to Section 1901.A may introduce unnecessary confusion about the applicability of the regulations and what entity is reasonable for compliance with Chapter 19 transfer procedures. The current version of Section 1901.A may be more appropriate with edits to incorporate other clarifying changes implemented through the Proposed Rule:

This Chapter applies to name, company, and ownership/operator changes at facilities and the transfer of the owner/operator of any facility with certain effective permits issued that are under the purview of the air, water, hazardous waste, and solid waste regulatory programs.

FOR: Clarifying the language may eliminate confusion when determining applicability.

AGAINST: The department agrees with the comment; no arguments are necessary.

RESPONSE 1: The department will modify the proposed rule language to clarify applicability. The new draft language of LAC 33:I.1901.A will read as follows:

This Chapter applies to changes at a facility for a company/facility name change or a ownership/operator change for certain effective permits issued under the air, water, hazardous waste, and solid waste regulatory programs.

COMMENT 2: In addition to applicability of Chapter 19, whether a change is subject to the NOC-1 form requirements also needs clarification. Also, the regulations as amended, and current form of the NOC-1 contemplate various instances in which a NOC-1 form is required:

- Change in the name of a facility identified in a permit listed at 1901.A.1

“For a change in a permit resulting only due to a change in the name of a facility or change in the name of the company written notification shall be made to the Office of Environmental services, The [sic] owner or operator shall submit a complete Notification of Change Form (NOC-1) ...” §1905.A, as amended

- Change in the name of a “company” identified in a permit listed at 1901.A.1

“For a change in a permit resulting only due to a change in the name of a facility or change in the name of the company written notification shall be made to the Office of Environmental services, The [sic] owner or operator shall submit a complete Notification of Change Form (NOC-1) ...” §1905.A, as amended

- Change in ownership or operatorship of a facility (with or without financial assurance)

“Changes in the ownership or operational control of a facility shall be made with written notification to the Office of Environmental Services [sic] and shall include the following. 1. The new owner or operator shall submit a complete Notification of Change Form (NOC-1 Form)...” §1907.B, as amended.

“Changes in the ownership or operational control of a

facility shall be made with written notification to the Office of Environmental Services. The new owner or operator shall submit a complete Notification of Change (NOC-1 Form)...” §1909.B, as amended.

- Transfer of a permit listed at 1901.A.1 to a newowner or operator (with or without financialassurance)

“The administrative authority may approve the transfer of a permit to a new owner or operator where no financial assurance is required when an accurate and complete NOC-1 Form and the following information has been received...” §1907.A, as amended.

“The administrative authority may approve the transfer of a permit to a new owner or operator where financial assurance is required, based on the following factors” §1909.A, as amended.

Accordingly, as understood, an NOC-1 is required: (i) when there is a change in the name of the company (i.e., the name of the company has changed, but the company itself remains the owner or operator of the facility with the new branding and responsible for compliance) or change in the name of the facility and, in either instance, a change to a permit identified in §1901.A.1 is required, (ii), when there is a change in ownership or operatorship of a facility, meaning there is a new entity that will be the owner or operator of a facility, whether a permit transfer required or not and (iii) to transfer a permit identified in §1901.A.1

For clarity, consider this example: Company A owns and operates Facility A. Company A is changing its name to Company B. Thus, Facility A will be renamed Facility B. None of the permits identified under Section 1901.A.1 are issued to Company A for ownership/operation of Facility A. Is the NOC-1 form required? Because Section 1905.A, as amended, indicates that changes in the name of a facility or changes to the name of the “company” only require an NOC-1 Form “for a change in a permit”, it seems as though no NOC-1 would be required. However, clarity is requested in light of Sections 1907.B and 1909.B. Both of those sections require an NOC-1 Form to be submitted where there is a “chang[e] in the ownership or operational control of a facility....” Neither section 1907.B nor 1909.B is limited to changes in ownership or operational control that require a permit listed at §1901.A.1 to be transferred. However, as understood, Sections 1907.B and 1909.B are implicated only where a new entity becomes the owner or operator of a facility.

Furthermore, it would be advantageous for the Department to define "operational control." It is ostensibly clear when there is an applicable permit, and the operator is identified. However, if there are no applicable permits, when does a change in operatorship occur?

Consider another example: as part of a typical but complex company acquisition, Original Company 1, Inc. forms subsidiary Company 1, LLC as an interim company to hold relevant assets such as Plant A during a transaction. Company 1, LLC will be eventually acquired by or merged into New Company 1, Inc.

Is an NOC-1 required:

- If New Company 1, Inc. is a wholly separate entity from Original Company 1, Inc. and there are no applicable permits that can be transferred with the NOC-1 form (assume no name change to Plant A)?
- If New Company 1, Inc. is a wholly separate entity from Original Company 1, Inc. and there are applicable permits that can be transferred with the NOC-1 form (assume no name change to Plant A)?
- If Original Company 1, Inc. transfers Plant A to Company 1, LLC as a stock sell (with or without permits that can be transferred through the NOC-1 and with or without a name change to Plant A)?
- If Original Company 1, Inc. transfers Plant A to Company 1, LLC as an asset sell (with or without permits that can be transferred through the NOC-1 and with or without a name change to Plant A)?
- 

Thus, scenario or Q&A guidance would be beneficial. Otherwise, gaps remain even with the changes in the Proposed Rule.

**FOR:** Clarifying the language may eliminate confusion as it relates to terminology and when determining applicability, thereby requiring the submittal of a NOC-1 Form, which must provide the required financial assurance information and/or documentation. The department appreciates the scenario or Q&A guidance suggestion.

**AGAINST:** The department is unable to document all possible name/ownership/operator change scenarios.

**RESPONSE 2:** LAC 33:I.Chapter 19 has subject-specific Sections so the user can determine applicability and find specific provisions easier. The applicability Section found in LAC 33:I.1901.A of this rule establishes when facilities are subject to this rule and is applicable to each Section of the Chapter. LAC 33:I.Chapter 19 applies to a change of a facility name, company name, or when the owner and/or operator

changes for a facility with certain effective air, water, hazardous waste, and solid waste permits. Section, LAC 33:I.1905 is specific to a change in the name of a facility or company for facilities with an effective permit that is subject to this rule. Further, certain permit activities require financial assurance, where others do not require financial assurance as it relates to a transfer of an effective permit per LAC 33:I.1907 and 1909. Financial assurance language was added to the applicability Section, LAC 33:I.1901.A.

The Notification of Change Form (NOC-1 Form) is the tool the department uses to update its records for facilities with effective permits that are subject to this rule. If there are no effective department issued permits under the air, water, hazardous waste, or solid waste regulatory programs per LAC 33:I.1901.A, a written notification (NOC-1 Form) does not need to be submitted to the department.

A permit must be issued to the actual person(s) or company that owns or operates a facility. Therefore, to transfer an effective department issued permit or change a facility or company name, the new company (Company B) must submit a complete Notification of Change Form (NOC-1 Form) to the department with all required signatures.

No change to the proposed rule language in LAC 33:I.1905.A is necessary. The applicability Section (LAC 33:I.1901.A) and the Name Change Only Section (LAC 33:I.1905.A), require a written notification, using the Notification of Change Form (NOC-1 Form) when there is a change in the company name or facility name for a facility with an effective department issued permit.

No change to proposed rule language in LAC 33:I.1907.A or LAC 33:I.1909 is necessary. These Sections are to address facilities with effective permits that require financial assurance and those that do not require financial assurance as it relates to this rule.

The department appreciates the suggestion of a scenario or Q&A Guidance and added language to define “operational control”.

COMMENT 3: The Department should clarify the threshold for requiring a permit modification rather than Chapter 19 NOC-1 procedures. As proposed, new LAC 33:I.1901.B states:

B. A name or ownership/operator change processed in accordance with this Chapter will be considered a minor permitting action or administrative amendment. Name or

ownership/operator change requests shall be processed in accordance with this Chapter, **unless the administrative authority determines the name or ownership/operator change shall be processed pursuant to the requirements for a minor permit modification or administrative amendment in lieu of the procedures contained in this Chapter.**

(emphasis added). Additional guidance on when a minor permit modification or administrative amendment in lieu of the procedures in Chapter 19 is warranted to avoid uncertainty, especially as it relates to timing uncertainties associated with permit modifications as compared to the Chapter 19 NOC-1 process.

FOR/AGAINST: No argument necessary; comment does not suggest amendment or change.

RESPONSE 3: The department appreciates the suggestion.

COMMENT 4: The proposed rule identifies at Section 1901.A.4 permits, authorizations, and certifications that may not be transferred through the NOC-1 procedures. Those include: "air permit exemptions, except exemptions granted under LAC 33:III.504.B.4 [sic]" and "any variance for air requested in accordance with LAC 33:III.917." The Associations understand the reference to LAC 33:III.504.B.4 should instead read LAC 33:III.501.B.4, which govern permitting exemptions granted by the Department. Under section 501.B.4, the Department may expressly grant an exemption from permitting requirements at Chapter 5 of the air regulations if the facility meets the criteria outlined. The Section 501.B.4 provision is very similar to the Section 501.B.2.d. (La. R.S.30:2054(B)(2)(b)(ix)) statutory exemption provision in its threshold for emissions; however, the Section 501.B.4. requires formal approval from the Department, rather than conferring exempt status by operation of law. The Associations support the use of the NOC-1 process to transfer Section 501.B.4 exemptions expressly granted by the Department, but do not support exclusion of any other exemptions such as the air permitting exemptions at LAC 33:III.501.b.5.D, temporary exemption for testing at LAC 33:III.523.B, and variances (e.g., under LAC 33:III.917).

FOR/AGAINST: The department agrees with the comment; no arguments are necessary.

RESPONSE 4: The department will modify the proposed rule language in LAC 33:I.1901.A.1.a to change the citation from LAC 33:III.504.B.4 to LAC 33:III.501.B.4.

COMMENT 5: According to LDEQ guidance, “[e]xemptions are **permitting actions**” and are generally used for two purposes: when a facility needs to make a small, permanent change that is immediately necessary and/or to document the exemption status of a facility from permitting requirements.<sup>1</sup> Variances are issued for temporary changes in permitting requirements in the event that extenuating circumstances cause a facility to be unable to strictly adhere to the terms of the permit and/or provisions of an applicable regulation.<sup>2</sup> The Department treats variances like permitting actions, which are signed by the Assistant Secretary of Environmental Services and issued under air permit routing/approval slips.

Nothing in any of the applicable regulations or statute prevents transfer of these permitting actions in the event of new ownership/operatorship. Where the underlying permit may be transferred under the NOC-1 procedures, any accompanying modifications should also be transferred using that same mechanism. Said another way, if a new owner or operator intends to operate the facility in such a way that the Department’s basis for issuance of a previously granted exemption or variance remains relevant, such should be transferable with the permit. Allowing related exemptions and variances to transfer with the permit, would also reduce the risk of inadvertent noncompliance during transitions.

Thus, the Associations respectfully request that the transfer of variances and permit exemptions be allowed through the NOC-1 Form along with the associated permit.

<sup>1</sup> Louisiana Guidance for Air Permitting Actions, pg. 43 of 194 (emphasis added).

<sup>2</sup> See id. at pg. 48 of 194; LAC 33:III.917.

FOR: The department should allow for the transfer of exemptions to test and variances via NOC-1 procedures.

AGAINST: The department generally agrees with the comment, but wishes to retain the discretion to evaluate requests to transfer exemptions to test and variances on a case-by-case basis.

RESPONSE 5: Given the varied nature of exemptions to test, which allow a permittee to determine the effect of a proposed modification on emission rates, and variances, which provide temporary authorization for emissions in excess of permitted limits or otherwise allow for some act contrary to the air quality regulations due to extenuating circumstances, the department wishes to retain the discretion to evaluate requests to transfer exemptions to test and variances on a case-by-case basis. The department will modify the proposed rule language in LAC 33:I.1901.A.1.a and 1901.A.4.

COMMENT 6: The Proposed Rules exclude expired, terminated, or rescinded permits from the NOC-1 transfer procedures at Section 1901.4.d. That exclusion clarifies that administratively continued permits pending renewal may be transferred, but only at the discretion of the Department. It is unclear why the distinction is made for permits pending renewal that have been administratively continued. The Associations request that the term "at the discretion of the permitting authority" be removed and that any administratively continued permit be transferred in the same manner as any other enforceable permit.

FOR/AGAINST: The department acknowledges the comment. The department wishes to retain the discretion to evaluate requests to transfer administratively extended permits on a case-by-case basis.

RESPONSE 6: No change to the proposed rule language in LAC 33:I.1901.A.5.d is necessary. The department will evaluate each request on a case-by-case basis to make a determination if an administratively continued permit can be processed. This will allow the practical operational needs of industry while maintaining regulatory compliance.

**Interim Comment Summary Response  
Notification and Permit Transfer Procedures for Changes to Company/Facility  
Name and Ownership/Operator  
(LAC 33:I.Chapter 19) (OS099)**

COMMENT #

SUGGESTED BY

01 – 06

Lauren J. Rucinski, Kean Miller LLP on behalf of Louisiana Chemical Association (“LCA”) and the Louisiana Mid- Continent Oil and Gas Association (“LMOGA”)

Comments reflected in this document are repeated verbatim from the written submittal.

Total Commenters: 01

Total Comments: 06

Title 33  
ENVIRONMENTAL QUALITY  
Part I. Office of the Secretary

Chapter 19 Notification and Permit Transfer Procedures for Changes to Facility

Company/Facility Name and Ownership/Operator Changes Process

§1901. Applicability

A. This Chapter applies to changes at a facility for a company/facility name change or an name and ownership/operator changes at facilities the ownership/operator of any facility with changes for certain effective permits issued that are under the purview of the air, water, hazardous waste, and solid waste regulatory programs, whenever a company or facility name change or an ownership or operator change occurs. The new owner/operator shall comply with the financial assurance requirements in accordance with LAC 33:I.1907 or 1909.

1. ~~Written~~ Notifications of these changes shall be submitted by the new owner/operator to the department for facilities applying on the most current version of the Notification of Change Form (NOC-1 Form) approved by the department. This form may be found on the department's website. Notification of changes shall be made for or holding any air permits, Louisiana Pollutant Discharge Elimination System (LPDES) permits, hazardous waste permits, and/or solid waste permits as indicated below: A name, ownership, and/or operator change will be considered a minor permitting action or administrative amendment.

- a. air quality permits, including, but not limited to:
  - i. regulatory permits;
  - ii. minor source permits;
  - iii. Title V permits;
  - iv. acid rain permits;

v. prevention of significant deterioration (PSD) permits: ~~and~~

vi. exemptions granted under LAC 33:III.501.B.4:

vii. exemptions to test granted under LAC 33:III.523.B, may be

transferred at the discretion of the administrative authority; and

viii. variances granted under LAC 33:III.917 or 2119, may be

transferred at the discretion of the administrative authority:

b. solid waste permits;

c. hazardous waste permits;

d. LPDES permits, except as noted in Subsection A.5 and C of this

Section; and

e. biosolids permits.

2. Administratively extended permits may be transferred under this Chapter

at the discretion of the administrative authority.

3. The NOC-1 Form shall not be used to make name changes, or to transfer

authorization to a new owner or operator for:

a. radiation permits and licenses;

b. UST registrations and certifications;

c. water quality certifications;

d. certifications, registrations, and accreditations related to the

asbestos program;

e. certifications, registrations, and accreditations related to the lead

based paint program;

f. transporter ID numbers and authorizations under the hazardous waste program (see Subsection D of this Section);

g. transporter ID numbers and authorizations under the solid waste and sewage sludge programs;

h. accreditations under the Louisiana Environmental Laboratory Accreditation Program; and

i. name and ownership/operator changes for sites undergoing remediation, other than for the transfer of effective permits associated with the site(s).

4. The following do not qualify for company/facility name or ownership/operator changes by the department through the NOC-1 Form:

a. LPDES general permits, which specifically include language prohibiting transfer of permit coverage;

b. air permit exemptions, except exemptions granted under LAC 33:III.504.B.4;

e. any variance for air requested in accordance with LAC 33:III.917;

~~b.d.~~ any hazardous waste variances requested or updated in accordance with LAC 33:V.105.K;

~~c.e.~~ any permit that is expired, terminated, or rescinded (except that administratively continued permits pending renewal may be transferred at the discretion of the permitting authority); and

~~d.f.~~ administrative orders, settlement agreements, orders on consent, orders to close, orders to upgrade, or any other such mechanism.

B. A name or ownership/operator change processed in accordance with this Chapter will be considered a minor permitting action or administrative amendment. Name or ownership/operator change requests shall be processed in accordance with this Chapter, unless the administrative authority determines the name or ownership/operator change shall be processed pursuant to the requirements for a minor permit modification or administrative amendment in lieu of the procedures contained in this Chapter.

~~C.B.~~ When the ownership of a facility holding an LPDES permit changes and there is no change to the operator of that facility, a LPDES permit transfer is not required. ~~Notification of the change of ownership is still required in accordance with LAC 33:I.1905.~~ A NOC-1 Form shall be submitted for a change in the name of a facility or a change in the name of the company, in accordance with LAC 33:I.1905.

D. EPA Hazardous Waste Identification (ID) Numbers

1. EPA hazardous waste ID numbers are not transferable.

2. For facilities with a hazardous waste permit, the new applicant shall submit both an accurate and complete NOC-1 Form to transfer the permit and an accurate and complete Notification of Hazardous Waste Activity Form (HW-1 Form), or a RCRA Subtitle C Site Identification Form (EPA Form 8700-12) for changes to the EPA hazardous waste ID number in accordance with LAC 33:V.1017. The applicant shall use the most current versions of the NOC-1 and HW-1 forms approved by the department.

3. For facilities with an EPA hazardous waste ID number that do not have a hazardous waste permit, and that have other permits subject to these regulations, the applicant shall submit an accurate and complete NOC-1 Form for the transfer of the permit(s) and an accurate and complete HW-1 (or EPA Form 8700-12) for changes to the EPA hazardous waste

ID number in accordance with LAC 33:V.1017. The applicant shall use the most current versions of the NOC-1 and HW-1 forms approved by the department.

4. For facilities with only an EPA hazardous waste ID number and no permits subject to transfer, the applicant need only submit an accurate and complete HW-1 Form (or EPA Form 8700-12) in accordance with LAC 33:V.1017. The applicant shall use the most current version of the HW-1 Form approved by the department.

E.C. The terms *administratively complete*, *administrative amendment*, *financial assurance*, and *minor modification* as used in this Chapter shall have the same meaning and intent as when used in LAC 33:Parts III, V, VII, and IX. The term operational control shall consist of having custody, care, or concern over a thing subject to regulation by the Louisiana Environmental Quality Act or the Louisiana Administrative Code when the custodian has the right to direct or control it, and has a duty to prevent harm occasioned by the violation of the Louisiana Environmental Quality Act or other environmental regulations.

F.D. This Chapter does not supersede an otherwise applicable requirement addressing administrative amendments or modifications in the air, LPDES, hazardous waste, and solid waste programs, in particular, applicable ~~MACT rules~~regulations promulgated under 40 CFR part 63 (MACT standards), or acid rain program requirements.

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, Legal Affairs Division, LR 31:2428 (October 2005), LR 52:

### **§1903. Liability**

A. The previous owner or operator retains responsibility for compliance with all permit terms and conditions until the effective date of the permit has been transferred, as determined by the administrative authority in accordance with this Chapter.

B. The previous owner or operator retains responsibility for the compliance with the financial requirements assurance regulations until the new owner or operator has demonstrated that he or she is complying with the specified financial requirements assurance regulations of Title 33 of the Louisiana Administrative Code (e.g., LAC 33:V.Chapter 37, LAC 33.VII.Chapter 13, and LAC 33:IX.Chapter 67 and Section 7307).

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, Legal Affairs Division, LR 31:2428 (October 2005), amended LR 36:2552 (November 2010) ), LR 52:

### §1905. Name Change

A. For a change in a permit resulting only due to a change in the name of a facility  
~~Changes in the name only of a facility or change in the name of the company of its~~  
~~owner/operator, written notification~~ shall be made ~~with written notification~~ to the Office of Environmental Services. The owner or operator shall submit a complete Notification of Change Name/Ownership/Operator Change Form (NOC-1 Form), using the most current version of the form approved by the department, prior to or no later than 45 days after the change. This form may be found on the department's website.

B. ~~Within~~No later than 30 days after receipt of ~~the~~a complete notification of a ~~change of name change~~ or for a facility or of its owner/operator, change in the name of the company, the administrative authority shall notify the owner/operator that the department has received and processed the name change.

1. For notifications submitted prior to or no later than 45 days after the change, ~~the~~the effective date of the name change shall be the date indicated on the NOC-1 Form unless the administrative authority determines that a different date is appropriate, in which case

the Office of Environmental Services shall notify the permit applicant of the actual effective date.

2. For notifications submitted later than 45 days after the change, the effective date of the name change shall be the date the change is approved by the administrative authority, unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.

C. For permitted hazardous waste facilities, the permittee shall send a notice of the name change to all persons on the facility mailing list maintained by the administrative authority, and to the appropriate units of state and local government, as specified in LAC 33:V.717. This notification shall be made ~~within~~ no later than 90 calendar days after the change is effective.

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, Legal Affairs Division, LR 31:2428 (October 2005), amended LR 36:2552 (November 2010), LR 52:

**§1907. Change of Ownership/Operator—No Financial Assurance Required**

A. The administrative authority may approve the transfer of a permit to a new owner or operator where no financial assurance is required, ~~based on the presence of the following factors:~~ when an accurate and complete NOC-1 Form and the following information has been received:

1. documentation clearly identifying the party who will be responsible for existing violations; and
2. evidence of managerial competence permit qualifications and requirements on the part of the new owner or operator in accordance with LAC 33:I.1701.

B. Changes in the ownership or operational control of a facility shall be made with written notification to the Office of Environmental Services and shall include the following.

1. The new owner or operator shall submit a complete Notification of Change Name/Ownership/Operator Change Form (NOC-1 Form), using the most current version of the form approved by the department, prior to or no later than 45 days after the change.

2. A written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the previous and new permittees shall also be submitted to the administrative authority. The agreement shall be attached to and submitted with a the completed NOC-1 Form. ~~The department may initiate action to terminate or revoke an existing media permit for a failure to disclose a change of ownership or operational control within 45 days after the change.~~

C. ~~Within~~ No later than 30 days after the receipt of the a complete notification of a change of the ownership or operational control of a facility, the administrative authority shall notify the previous and new owners/operators of the department's approval or disapproval of the transfer of the permit to the new owner or operator based on its evaluation of the factors set forth in Subsection A of this Section. The department will also notify EPA of changes in Title V permits within the same timeframe. ~~The effective date of the permit transfer shall be the date indicated on the NOC-1 Form unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.~~

1. For notifications submitted prior to, or no later than, 45 days after the change, the effective date of the permit transfer and change of ownership or operational control shall be the date indicated on the NOC-1 Form, unless the administrative authority determines

that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.

2. For notifications submitted later than 45 days after the change, the effective date of the permit transfer and change of ownership or operational control shall be the date the change is approved by the administrative authority, unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.

D. The department may initiate action to terminate or revoke, and reissue an existing permit for a failure to disclose a change of ownership or operational control within 45 days after the change or for failure to submit an accurate, complete NOC-1 Form.

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, Legal Affairs Division, LR 31:2428 (October 2005), LR 52:

**§1909. Change of Ownership/Operator—Financial Assurance Required**

A. The administrative authority may approve the transfer of a permit to a new owner or operator where financial assurance is required, based on the following factors:

1. assumption by the new owner or operator of liability for existing violations;
2. demonstration of compliance with financial responsibility requirements by the new owner or operator; ~~and~~

3. a description of the financial structure of the operating unit including capital structure, principal ownership, and insurance coverage for personal injury and property damage (Upon review, supporting information may be requested including, but not limited to, financial reports and financial statements.); and

~~4.3.~~ evidence of ~~managerial competence~~ permit qualifications and requirements on the part of the new owner or operator in accordance with LAC 33:I.1701.

B. Changes in the ownership or operational control of a facility shall be made with written notification to the Office of Environmental Services. The new owner or operator shall submit a complete Name/Ownership/Operator Change Form Notification of Change (NOC-1 Form), using the most current version of the form approved by the department, prior to or no later than 45 days after the change. ~~The department may initiate action to terminate or revoke an existing media permit for a failure to disclose a change of ownership or operational control within 45 days after the change.~~ The following actions are also required to be completed in conjunction with the change of ownership/operator notification.

1. A written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the previous and new permittees shall be submitted to the administrative authority. The agreement shall be attached to and submitted with a the completed NOC-1 Form.

2. A written agreement containing specific information regarding the implementation of a financial assurance mechanism meeting the applicable requirements of LAC 33:V.Chapter 37 (hazardous waste financial requirements), LAC 33:VII.Chapter 13 (solid waste financial assurance requirements), LAC 33:IX.Chapter 67 (water financial security requirements), and Section 7307 (sewage sludge financial assurance requirements). The agreements shall be attached to and submitted with a completed NOC-1 Form. The term of the implementation schedule shall not exceed six months, as indicated in Subsection C of this Section.

23. Permitted and interim status hazardous waste facilities shall also submit a revised Part I (i.e., Hazardous Waste Permit Part A Form) permit application and Hazardous Waste Notification Form (HW-1 Form) ~~in conjunction with~~ the NOC-1 Form.

34. When a transfer of ownership or operational control occurs, the previous owner or operator shall comply with the applicable requirements of LAC 33:V.Chapter 37 (hazardous waste financial requirements), LAC 33:VII.Chapter 13 (solid waste financial assurance requirements), and LAC 33:IX.Chapter 67 (water financial security requirements) and Section 7307 (sewage sludge financial assurance requirements) until the new owner or operator has demonstrated that he or she is complying with the applicable requirements of LAC 33:V.Chapter 37, LAC 33:VII.Chapter 13, and LAC 33:IX.Chapter 67 and Section 7307.

C. The new owner or operator shall demonstrate compliance with the applicable requirements of LAC 33:V.Chapter 37, LAC 33:VII.Chapter 13, and LAC 33:IX.Chapter 67 and Section 7307 ~~within~~ no later than six months ~~or after~~ the date of the change of ownership or operational control of the facility. Upon adequate demonstration to the administrative authority by the new owner or operator of compliance with these financial assurance requirements, the administrative authority shall notify the previous owner or operator that he or she no longer needs to comply with the financial assurance requirements as of the date of demonstration.

D. Within 45 days after the receipt of ~~the~~ complete notification of a change of ownership or operational control of a facility, the administrative authority shall notify the previous and new owners/operators of the department's approval or disapproval of the transfer of the permit to the new owner or operator based on its evaluation of the factors set forth in Subsection A of this Section.

1. For notifications submitted prior to, or no later than, 45 days after the change, the effective date of the permit transfer shall be the date indicated on the NOC-1 Form unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.

2. For notifications submitted later than 45 days after the change, the effective date of the permit transfer and change of ownership or operational control shall be the date the change is approved by the administrative authority, unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.

E. For permitted hazardous waste facilities, the new permittee shall send a notice of the change of ownership or operational control to all persons on the facility mailing list maintained by the administrative authority, and to the appropriate units of state and local government, as specified in LAC 33:V.717. This notification shall be made ~~within~~ no later than 90 calendar days after the administrative authority has provided a written response approving the transfer of the permit and the change has been put into effect.

F. The department may initiate action to terminate or revoke and reissue an existing permit for a failure to disclose a change of ownership or operational control within 45 days after the change or a failure to submit an accurate and complete NOC-1 Form.

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, Legal Affairs Division, LR 31:2429 (October 2005), amended LR 36:2552 (November 2010), LR 52:

#### **§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 on the appropriate Notification of Change (NOC-1 Form) accompanied 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. The notification shall not be considered complete if the appropriate fees are not submitted.

\* \* \*

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 or hand delivered to the department at the address provided on the NOC-1 Fform.

2. — 3. ...

C. Failure to Pay. Failure to pay the prescribed name change or ownership/operator change fee as provided herein shall result in denial of the change request ~~not being processed by the department, and~~ may subject the owner/operator to enforcement actions under the Louisiana Environmental Quality Act ~~including, but not limited to, revocation or suspension of the permit, license, registration, or variance for the failure to pay fees and for any resulting noncompliance.~~

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 44:1238 (July 2018), amended by the Office of the Secretary, Legal Affairs Division, LR 52: