

Laura Almond

From: Laura Almond
Sent: Monday, December 8, 2025 12:41 PM
To: 'apa.s-envq@legis.la.gov'; 'apa.h-natr@legis.la.gov'; 'apa.senatepresident@legis.la.gov'; 'apa.housespeaker@legis.la.gov'
Cc: Courtney Burdette (DEQ); Jill Clark; Deidra Johnson; William Little; Nathan Mills
Subject: Summary Report for Proposed Rule OS104
Attachments: OS104 NOI.pdf; OS104 Comment Summary.pdf

Tracking:	Recipient	Delivery
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	Courtney Burdette (DEQ)	Delivered: 12/8/2025 12:41 PM
	Jill Clark	Delivered: 12/8/2025 12:41 PM
	Deidra Johnson	Delivered: 12/8/2025 12:41 PM
	William Little	Delivered: 12/8/2025 12:41 PM
	Nathan Mills	Delivered: 12/8/2025 12:41 PM

December 8, 2025

The Honorable Eddie J. Lambert, Chairman
c/o Committee Staff
Senate Committee on Environmental Quality

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

**RE: Summary Report for Proposed Rule OS104
Voluntary Environmental Self-Audit Regulations
(LAC 33:I.Chapter 70)
Proposed on August 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. No changes have been made to the proposed rule since the report provided for in R.S. 49:966(B) was submitted. Attached are computer files comprising the summary report along with a copy of the notice of intent. The original proposed rule was previously provided to you and is not being resubmitted with this report.

We would appreciate it if you would acknowledge receipt of this message by return email. Please contact Laura Almond at (225) 219-3981 if you have any questions regarding this material.

Sincerely yours,

Jill C. Clark
General Counsel

This concludes this transmission.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:575 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1761 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:303 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3121 (December 2005), LR 34:1017, (June 2008), LR 51:

Chapter 43. Interim Status

§4301. Purpose and Applicability

A. - D.13.d. ...

- e. electronics as described in LAC 33:V.3810;
- f. antifreeze as described in LAC 33:V.3811; and
- g. aerosol cans as described in LAC 33:V.3812.

E. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et. seq., and specifically R.S. 30:2180 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 10:496 (July 1984), LR 13:84 (February 1987), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1743 (September 1998), LR 25:482 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 26:2498 (November 2000), LR 27:713 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2474 (October 2005), LR 31:3121 (December 2005), LR 32:612 (April 2006), LR 33:2126 (October 2007), LR 34:632 (April 2008), amended by the Office of the Secretary, Legal Division, LR 43:1146 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:42 (January 2018), LR 46:947 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

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. 49:978.1 - 978.8.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 179 of 2014.

Public Hearing

A public hearing will be held on September 25, 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=93452818861> or 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.

Public Comments

All interested persons are invited to submit written comments on the proposed Rule. Persons commenting

should reference this proposed Rule by HW134ft. Such comments must be received no later than September 25, 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. The comment period for this Rule ends on the same date as the public hearing. 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 HW134ft. The proposed rule is available on the Internet at <https://deq.louisiana.gov/page/monthly-regulation-changes-2025%20>.

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
General Counsel

2508#032

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Voluntary Environmental Self-Audit Regulations (LAC 33:I.7005, 7007, 7009, 7011, and 7013)

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.Chapter 70 (OS104).

The proposed Rule will amend and clarify sections of LAC 33:I.Chapter 70 -Voluntary Environmental Self-Audit Regulations. The Voluntary Environmental Self-Audit Program was established to enhance protection of human health and the environment and increase environmental compliance at regulated entities. The Voluntary Self-Audit Regulations were promulgated on December 20, 2023. Based on implementation of the program and feedback from participants, the department has determined that revisions are necessary to aid in further implementation of the program. The proposed Rule also addresses comments received during the rulemaking process, public hearing, and comment period, for the original Rule. The basis and rationale for this Rule are to aid the department in continued implementation of the self-audit program. 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.

Title 33
ENVIRONMENTAL QUALITY
Part I. Office of the Secretary
Subpart 5. Voluntary Environmental Self-Audit
Program

Chapter 70. Voluntary Environmental Self-Audit
Regulations

§7005. 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.

Date of Discovery or Discovery—when the owner or operator of a facility has an objectively reasonable basis for believing a violation has, or may have occurred.

Disclosure of Violation or Disclosure—written notification via the department's approved form by the owner or operator related to violations discovered during the course of an audit.

Pattern—a series of violations that are due to separate and distinct events within a three year period at the same facility or unit/process.

Regulated Entity—Repealed.

Same or Closely Related Violation—a violation that is part of a pattern of noncompliance.

Systematic Discovery—the detection of a potential violation through an environmental audit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2044(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:2100 (December 2023), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§7007. Exclusions

A. Violations that are not eligible for relief under this program shall include, but not be limited to violations:

1. that result in serious actual harm to the environment including those reported in accordance with LAC 33:I.Chapter 39;

2. that may present an imminent or substantial endangerment to the environment or public health including those reported in accordance with LAC 33:I.Chapter 39;

A.3. - B. ...

C. The department reserves the right to take enforcement action with respect to a violation that:

1. is excluded under LAC 33:I.7007.A;

2. is not properly or adequately disclosed and/or corrected in accordance with this Chapter; or

3. is determined to not be eligible for penalty mitigation.

D. Participation in the environmental voluntary self-audit program shall not prohibit the department from conducting any inspections and/or investigations authorized by environmental statutes, regulations, or other obligations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2044(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:2100 (December 2023), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§7009. Program Scope

A. - A.1.c. ...

d. The department shall acknowledge receipt of the notice of audit in writing. The owner or operator may initiate an audit prior to receiving the acknowledgement in writing.

e. The department may request additional information to satisfy any incomplete notice of audit forms.

f. The owner or operator shall notify the department in writing if an approved audit will not be conducted or completed.

A.2....

a. The disclosure of violation(s) shall be submitted by the owner or operator no later than 30 calendar days after the end of the audit period. The violation(s) shall be properly disclosed and reported to the department by certified mail, or other means approved by the department, in order to qualify for penalty mitigation.

b. - c. ...

d. The department shall acknowledge receipt of the disclosure of violation in writing.

3. An environmental audit shall be completed within a reasonable time, not to exceed six months from the audit commencement date reported in the notice of audit form, unless the department grants an extension of time.

4. The department shall document the official end of audit period in writing to the owner or operator.

B. Requests for Extension of Time

1. Requirements for Request for Extension of Time

a. If an audit cannot be completed within six months after the audit commencement date, a request for extension of time shall be submitted in writing at least 30 calendar days prior to the expiration of the audit period with sufficient information to justify an extension. The department shall review the request for extension and grant or deny the request in writing. An approved extension shall only apply to the time/duration of the audit.

b. The department may grant an extension up to 180 calendar days. The owner or operator shall include the amount of additional time being requested in the written request. Extensions shall not be utilized as uninterrupted or continuous environmental audits.

C. Corrective Actions

1. Corrective actions shall be completed within 90 calendar days from the date of discovery of the violation unless a specific period is required by statute, regulation, permit requirement or as provided in 7009.C.1.b.

a. Corrective actions shall include detailed actions implemented, or to be implemented, to prevent recurrence of the violation and a scheduled date of completion. All completed corrective actions shall be evaluated by the department. The owner or operator shall submit a revised disclosure of violation if the proposed corrective actions change.

b. Monthly progress reports documenting implementation of corrective actions that will take longer than 90 calendar days to complete shall be submitted to the department until completion of the corrective actions. The

progress report shall be postmarked by the 15 day following the completion of the preceding calendar quarter.

c. A final written report shall be submitted to the department within 30 calendar days after completion of the audit or completion of all corrective actions, whichever is later. The final written report shall include, but not be limited, to:

- i. notice of audit;
- ii. disclosure of violation(s); and
- iii. certification of completion of all corrective actions, which shall also include any actions implemented to prevent recurrence of the violation.

d. Failure to notify, implement, and/or complete all corrective actions shall be considered a violation and may be subject to the appropriate enforcement action.

D. Retention of Environmental Audit Report

1. The complete environmental audit report should not be submitted to the department unless specifically requested by the department in writing.

2. The complete environmental audit report shall be maintained on-site or in an accessible location for a period of five years after completion of the audit.

E. Penalty Mitigation

1. The owner or operator shall receive a 100 percent reduction in civil penalties for each disclosed violation that meets the following nine conditions:

a. ...

b. The violation was voluntarily discovered. The violation was not discovered through a federal, state, or local requirement prescribed by statute, regulation, permit, judicial or administrative order, or a consent agreement.

c. The violation was disclosed to the department in writing no later than 30 calendar days after the end of the audit period, unless an existing law or regulation requires disclosure sooner or as provided in 7009.E.1.d.

d. The violation was independently discovered. Discovery of a violation will be presumed to be independent if such discovery occurs prior to, and is disclosed to the department within 72 hours following any of the circumstances below.

- i. notice to the owner or operator of an inspection by the department.

- ii. notice to the owner or operator of a threatened citizen suit, third party complaint, or whistleblower complaint filed with the department and relating to the alleged violation.

- iii. receipt by the owner or operator of a written information request by the department relating to the subject matter of the violation.

e. The violation was corrected as expeditiously as possible, but no later than 90 calendar days from the date of discovery, or as allowed under 7009.C.1.b.

f. - i. ...

2. The owner or operator shall receive a 75 percent reduction in civil penalties for any disclosed violation if all of the conditions in LAC 33:I.7009.E.1 are met except systematic discovery.

3. Failure to meet the required conditions in LAC 33:I.7009.E shall result in ineligibility for penalty reduction and may be subject to the appropriate enforcement action.

4. LAC 33:7009.E.1.d shall not prohibit the department from conducting any inspections and/or investigations as provided in LAC 33:I.7007.D.

5. The department reserves the right to collect any monetary benefits realized through noncompliance.

6. The department shall issue a written determination for penalty mitigation.

F. - F.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2044(C)

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:21000 (December 2023), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§7011. New Owner

A. Definitions

1. 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.

* * *

New Owner—any person not responsible for the environmental compliance at the time the violation(s) occurred at the facility that is the subject of the environmental audit, did not cause the violation being disclosed, and could not have prevented the occurrence.

B. - B.1. ...

2. An audit shall be completed within six months after the acquisition closing date, if the new owner continues an audit that was initiated by the previous owner.

3. An audit initiated by a new owner shall be completed within a reasonable time, not to exceed nine months from the audit commencement date reported in the Notice of Audit form, unless the department grants an extension of time.

4. Failure to request and receive written approval from the department for an extension of time to complete an audit may forfeit any penalty mitigation.

5. The new owner making the disclosure must certify in the disclosure that all of the following conditions were true before the acquisition closing date of the facility that is the subject of the audit.

- a. The new owner was not responsible for the environmental compliance at the time the violation(s) occurred at the facility or the operation that is the subject of the audit.

- b. The new owner did not have the largest ownership share of the seller.

- c. The seller did not have the largest ownership share of the new owner.

- d. The new owner and seller did not have a common corporate parent or a common majority interest owner.

6. A new owner is eligible for penalty mitigation if the following are met.

- a. Prompt disclosure of the violations to the department.

- b. The conditions outlined in LAC 33:I.7011.B.5.

7. The new owner shall receive a 100 percent reduction in civil penalties for each disclosed violation that meets the following nine conditions.

a. The violation was systematically discovered through an environmental audit.

b. The violation was voluntarily discovered. The violation was not discovered through a federal, state, or local requirement prescribed by statute, regulation, permit, judicial or administrative order, or a consent agreement.

c. The violation was disclosed to the department in writing no later than 30 calendar days after the end of the audit period, unless an existing law or regulation requires disclosure sooner, or as provided in 7009.E.1.d.

d. The violation was independently discovered. Discovery of a violation will be presumed to be independent if such discovery occurs prior to, and is disclosed to the department within 72 hours following any of the circumstances below.

i. Notice to the owner or operator of an inspection by the department.

ii. Notice to the owner or operator of a third party complaint or whistleblower complaint filed with the department and related to the alleged violation.

iii. Receipt by the owner or operator of a written information request by the department relating to the subject matter of the violation.

e. The violation was corrected as expeditiously as possible, but no later than 90 calendar days from the date of discovery or as allowed under 7009.C.1.b.

f. The appropriate measures to prevent a recurrence of the violation were implemented after the violation was disclosed to the department.

g. The same or closely related violation has not occurred at the same facility within the past three years.

h. The violation is not excluded as listed in LAC 33:I.7007.A.

i. The owner or operator has cooperated by providing information as necessary and required by the department to determine eligibility.

8. Penalty mitigation will not apply if any of the following are met.

a. The new owner who made the disclosure willingly or knowingly committed the violation or was responsible for the commission of the violation.

b. The new owner who made the disclosure recklessly committed the violation or was responsible for the commission of the disclosed violation and the violation resulted in substantial injury or harm to one or more persons, property, or the environment on-site or off-site.

c. The violation was committed willfully or knowingly by a member of the new owner's management, or an agent of the new owner, and the new owner's policies or lack of prevention systems contributed materially to the occurrence of the violation.

d. The violation was recklessly committed by a member of the new owner's management, by an agent of the new owner, or if the new owner's policies or lack of prevention systems contributed materially to the occurrence of the violation resulting in substantial injury or harm to one or more persons, property, or the environment on-site or off-site.

e. The violation has resulted in substantial economic benefit that gives the new owner a clear advantage over its business competitors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2044(C).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:2101 (December 2023), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§7013. Fees

A. - B.1....

C. Failure to pay the initial fee or 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 appropriate enforcement action under the subtitle.

D. - E.3.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2044(C).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:2102 (December 2023), amended by the Office of the Secretary, Division, LR 51:

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.

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 OS104. Such comments must be received no later than October 2, 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 OS104. The proposed regulation 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 September 25, 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=93452818861> or 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
General Counsel

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Voluntary Environmental Self-Audit
Regulations**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule change is not anticipated to have any implementation costs or savings, as the tasks necessary to accomplish this rulemaking can be undertaken within the Department of Environmental Quality (DEQ) employees' normal scope of work and during regular working hours.

The proposed rule will amend or clarify sections of LAC 33:I.Chapter 70-Voluntary Environmental Self-Audit Regulations. The changes include, but are not limited to the following: 1) addition of new program definitions; 2) revisions to the Program Scope section related to the Notice of Audit, the Disclosure of Violations, extension requests, corrective actions, and penalty mitigation; and 3) clarification of the audit period for a new owner initiating an audit or a new owner continuing a previously initiated audit. The changes will aid in further implementation of the audit program.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

An entity will be eligible for penalty mitigation if the required conditions are met. Penalty mitigation could result in a decrease in revenue. If the disclosed violation is not eligible for relief under the audit program or an entity fails to meet the required penalty mitigation conditions, the department can take enforcement action. The enforcement action may result in a civil penalty, which could increase revenue. The department is unable to quantify any increases or decreases associated with the proposed rule change.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR
NONGOVERNMENTAL GROUPS (Summary)**

Participation in the environmental self-audit program is voluntary. If a disclosed violation is not eligible for relief under the audit program or an entity fails to meet the conditions for penalty mitigation, the department can take enforcement action. The enforcement action may result in a civil penalty.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

There is no anticipated impact on competition and employment as a result of the proposed rule change.

Jill C. Clark
General Counsel
2508#059

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Auctioneers Licensing Board**

Auctioneers (LAC 46:III.Chapters 1-29)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:3101 that the Auctioneers Licensing Board proposes to amend its existing rules and regulations to comply with Act 786 of the 2024 Regular Session regarding auction business licensing and the requirement for a qualified party; bond requirements. Rules and regulations for electronic meetings and the Welcome Home Act are also included. The board is repealing the original Chapter 5 which included Board Meeting; Order of Business and Rules of Order because that information is covered in other state statutes.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part III. Auctioneers

Chapter 1. Description of Organization

§101. Organization of the Board

A. The Louisiana Auctioneers Licensing Board (hereafter referred to as board) is created by virtue of R.S. 37:3111. No member of the board shall be held liable as an individual in any suit against the board. Statutes relating thereto are found in R.S. 37:3111 et seq., of the Louisiana Statutes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3111 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:335 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:781 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 51:

**Chapter 3. General Course and Method of
Operations**

§307. Special Meetings

A. ...

B. Notice of any special meeting shall be given by electronic mail posted at least five days prior to such a meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3111 and R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:336 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:782 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 51:

Comment Summary Response
Voluntary Environmental Self-Audit Regulations
LAC 33:I.Chapter 70
Log Number OS104

COMMENT 1: Background

On June 20, 2023, the LDEQ issued the original Notice of Intent to amend Louisiana Administrative Code ("LAC") Title 33, Section I to include Chapter 70, entitled "Voluntary Environmental Self-Audit Regulations" (the "Self-Audit Rule"). The Associations provided comments to the Department at that time. The Department promulgated the final rules on December 20, 2023.

As discussed in this Notice of Intent, after almost two years of stakeholder participation and feedback, the Department has determined that revisions are necessary to aid in further implementation of the program. As noted by the Department, the voluntary self-audit program provides "enhanced protection of human health and the environment" while incentivizing proactive compliance investigation and correction of identified problems at regulated facilities.

The Associations support the Department's efforts to update and refine the Self-Audit Rule. Since its initial promulgation in 2023, the Associations have actively engaged with the Department to provide feedback and industry expertise to better the program and encourage its effective use. The Proposed Rule reflects a much-appreciated responsiveness to the input of member companies to ensure the program is usable and meets the Department's goals. The Associations continue to appreciate the opportunity to work with the Department in this effort and present the following comments.

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

RESPONSE: No response is necessary.

COMMENT 2: COMMENTS

1. The deadline to complete corrective action is difficult to identify and can create complex scheduling and review for both the facilities and the Department.

The Self-Audit Rule would benefit from a revision to the definition of "date of discovery" as that term controls the deadline for corrective action. The proposed rule revisions indicate that "[c]orrective actions shall be completed within 90 calendar days **from the date of discovery of the violation** unless a specific period is required by statute, regulation, permit requirement or as provided in 7009.C.1.b." The term "Date of Discovery" is defined in Section 7005 as "when the owner or operator of a facility has an objectively reasonable basis for believing a violation has, **or may have occurred.**"

The Department's proposed definition of *Date of Discovery or Discovery*, should provide an "objective" standard for determining when a violation has occurred, for the purposes of establishing corrective action deadlines. While the proposed definition appropriately limits the knowledge to the owner/operator (which ensures the party in a position to address the discovery is the party that defines the date of discovery), the inclusion of "may have occurred" is vague and undercuts the "objective" nature of the belief.

The Associations agree that timely completion of corrective actions should be a major component of the penalty mitigation afforded under the program. As written, the Proposed Rule creates a 90-day timeline for each individual violation discovered, running from the *Date of Discovery or Discovery*. This opens the facility to unintentional errors likely to occur when keeping track of numerous corrective action schedules and timelines. This is compounded by the inclusion of "may have occurred" in the definition of *Date of Discovery or Discovery*. Further, the "may have occurred" language could well result in delay of planning and completion of a corrective action, because determining whether a violation occurred or not may involve a complex root cause analysis that would reduce the 90-day period for actually planning and completing the corrective action.

This is problematic for tracking purposes for both the facility and the Department and could result in corrective action deadlines ahead of *Disclosure of Violation* deadlines. For instance, if a facility has a reasonably "objective" basis that a violation *may have* occurred on the 10th day of the audit, corrective action is to be completed by the 100th day of the audit. The audit may continue for another 80 days or so, thus the disclosure of violation is not due until 30 calendar days thereafter.

Thus, the Associations suggest that the 90-day time period to complete corrective actions begins on completion of the audit,

allowing the completion of the audit to trigger both disclosures and subsequent corrective actions. At the least or in addition to this edit, the phrase "may have occurred" should be removed from the definition of *Date of Discovery or Discovery*.

Finally, if none of the above options are implemented, the Associations request the following provision be added to proposed LAC 33:I.7009.E:

3. The owner or operator shall receive a 75 percent reduction in civil penalties for any disclosed violation if all of the conditions in LAC 33:I.7009.E.1, except for subparagraph e, are fulfilled and the violation was corrected no later than 90 days after the end of the audit period.

4. Failure to meet the required conditions in LAC 33:I.7009.E...

5-7 ...

The proposed language would prevent scheduling errors from barring penalty mitigation. Under the proposed provision, facilities can receive a reduced benefit for their efforts in ultimately completing the audit and achieving compliance.

FOR/AGAINST: The department acknowledges the comment. The audit program is a voluntary program that allows owners/operators the opportunity to discover and correct violations with the benefit of civil penalty mitigation if specific conditions are met. The nine penalty mitigation conditions are summarized as follows: 1) systematic discovery; 2) voluntary disclosure; 3) prompt disclosure; 4) independent discovery; 5) correction and remediation; 6) prevent recurrence; 7) no repeat violation; 8) violation is not excluded per regulations; and 9) cooperation. The department's regulations for corrective actions are in line with EPA's audit policy. The owner/operator is responsible for determining when a violation occurred and initiating corrective actions. The trigger for discovery ensures all owners/operations are promptly working towards correcting a violation. Allowing the completion of the audit to trigger subsequent corrective actions contradicts the purpose of the audit program. The current and proposed regulations acknowledge and adequately address corrective actions that may take longer than 90 calendar days to complete.

RESPONSE: The department will not make any changes to the regulatory text at this time.

COMMENT 3: **2. Quarterly progress reports under § 7009.C.1.b would be more effective in updating the Department and minimizing administrative burdens.**

Quarterly progress reports under § 7009.C.1.b would reduce administrative burdens and avoid duplicative records production for both the Department and regulated facilities. Correct actions under § 7009.C.1.b may span several months depending on shipping delays for required equipment, contractor availability, and other complicating factors. In some cases, corrective actions may require outages, which may not be reasonably feasible until a certain date. Thus, for many longer-term corrective action items, monthly reports may be duplicative without providing the Department with any additional information that would assist in evaluating the progress of the corrective action.

Quarterly reports would provide a more practical and efficient means of keeping the Department informed of a facility's progress, while minimizing the recordkeeping burdens of both parties. Therefore, the Associations propose the following revision:

b. Monthly **Quarterly** progress reports documenting implementation of corrective actions that will take longer than 90 calendar days to complete shall be submitted to the department until completion of the corrective actions. The progress report shall be postmarked by the **15th** day following the completion of the preceding calendar quarter.

This proposed revision aligns with the Department's quarterly deadline and supports more efficient communication and oversight.

FOR/AGAINST: The department acknowledges the comment. To further implementation of the audit program and to better monitor long-term corrective action(s), the department proposed the revision of LAC 33:1.7009.C.1.b to require the submission of progress reports. While the proposed regulation requires the progress reports to document monthly information, the report is submitted to the department on a quarterly basis.

RESPONSE: The department will not make any changes to the regulatory text at this time. The reporting period will be revised for clarification in the next rule update.

COMMENT 4: **3. The definitions in § 7007.A.7 related to *Closely Related* remain**

ambiguous.

LAC 33:I.7007 lists seven types of violations excluded from the Self-Audit Rule. § 7007.A.7 excludes, "[violations] that are the same or closely related at the same facility within the past three years." Initially, the term "closely related" was undefined and created ambiguity. The Proposed Rule provides the following definitions related to the exclusion:

Pattern—a series of violations that are due to separate and distinct events within a three year period at the same facility or unit/process.

* * *

Same or Closely Related Violation—a violation that is part of a pattern of noncompliance.

When determining eligibility of violations and assessing prior violations at that facility, the review should be limited to the scope detailed in the Notice of Audit ("NOA") form submitted to the Department. When a company submits the NOA form to the Department, it must clearly define the scope of the audit as being applicable to either the entire facility or to specific processes or operations. Thus, the scope of the audit defined in the NOA clearly limits the scope of similar violations for the past three years to that facility, unit, or process that was defined in the NOA. However, as proposed, the definition for "same or closely related" can be construed as applicable to the entire facility rather than the specific units or processes within the scope of the self-audit. Further, the Associations request that the term Pattern be revised as follows:

Pattern—a series of violations related to the same rule or permit condition that are due to the same or similar root cause occurring as separate and distinct events within a three-year period at the same facility or unit/process within the scope of the audit.

FOR/AGAINST: The department acknowledges the comment. An evaluation of the audit regulations and program resulted in the addition of "Pattern" and "Same or closely related violation" as new definitions. The commenter's proposed definition of "pattern" may allow the same or similar violation to qualify for civil penalty mitigation numerous times before the 3-year exclusion period would be effective. This proposal would create an unjust benefit for non-compliant owners/operators. The proposed definition may also benefit owners/operators who may

opt for a unit/process or individual permit audit versus a facility-wide audit, which is adverse to the purpose of the program. The Disclosure of Violation form includes an attached table that allows the owner/operator to identify any repeat violations. The department will evaluate all violations to determine the existence of a pattern and the failure to implement appropriate corrective actions to prevent recurrence of the same or closely related violations at a facility. The department will continue to assess the effectiveness of the audit program and appreciates suggestions that may aid in its enhancement

RESPONSE: The department will not make any changes to the regulatory text at this time.

COMMENT 5: **4. Hand-delivery to the Department provides the same level of date-certification as certified mail for the notice of audit.**

LAC 33:I.7009.A.1.c requires that the notice of audit shall be submitted in writing by certified mail or "other means approved by the department." In the NOA form, the Department clarifies that "certified mail is the only approved means of submission" at this time. The Associations recognize the utility of certified mail in evidencing the dates on which the notice was both sent and received. However, this certainty and utility is also available through hand delivery to the Department, specifically to the Department's dropbox. The date stamp provided by the Department at the dropbox evidences the delivery and receipt. Thus, the Associations propose adding "hand delivery to the Department drop-box" as an option under the Instructions on the NOA form.

FOR/AGAINST: The department acknowledges the comment. LAC 33:I.7009.A.1.c, Notice of Audit, and LAC 33:I.7009.A.2.a, Disclosure of Violation(s), require submission of the respective forms via certified mail or other means approved by the department. The department currently accepts hand-delivered forms that are date and time stamped with the official LDEQ stamp. Hand-delivery will continue to be an accepted means of submission.

RESPONSE: The regulations currently allow for submission of forms via certified mail or other means approved by the department. The applicable forms and documents will be updated to specifically acknowledge hand-delivery with the official LDEQ stamp as an accepted means of submission.

COMMENT 6: **5. Allowing the Department to seek additional information on a notice of audit without rejecting the notice of audit provides consistency on the important date for the start of the audit.**

The Associations support the proposed revisions to § 7009.A.1.e, which as revised allows the Department to request additional information to correct an incomplete or unclear NOA form rather than rejecting it outright. Self-audits conducted under the Department's program often involve intentional planning and scheduling to maximize the benefits of program while minimizing operational disruptions. Rejection of the NOA disrupts the facility's plan, forcing the facility to restart the process and potentially delaying the audit until the next available opportunity. The proposed language, however, allows facilities to correct deficiencies in the NOA and maintain their audit schedule. This benefits all parties through more efficient communication and timely compliance.

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

RESPONSE: No response is necessary.

COMMENT #

SUGGESTED BY

1-6

Lauren J. Rucinski, Louisiana Chemical Association (LCA) and Louisiana Mid-Continent Oil and Gas Association (LMOGA)-attorney for Kean Miller, LLP
[oral comment]

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

Total Commenters: 1

Total Comments: 6

Laura Almond

From: APA - House Natural Res <apa.h-natr@legis.la.gov>
Sent: Monday, December 8, 2025 12:41 PM
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 - House Speaker <apa.housespeaker@legis.la.gov>
Sent: Monday, December 8, 2025 12:41 PM
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

From: APA - Senate Environment <apa.s-envq@legis.la.gov>
Sent: Monday, December 8, 2025 12:41 PM
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

From: APA - Senate President <APA.senatepresident@legis.la.gov>
Sent: Monday, December 8, 2025 12:41 PM
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.s-envq@legis.la.gov'; 'apa.h-natr@legis.la.gov'; 'apa.senatepresident@legis.la.gov'; 'apa.housespeaker@legis.la.gov'
Sent: Monday, December 8, 2025 12:41 PM
Subject: Relayed: Summary Report for Proposed Rule OS104

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

'apa.s-envq@legis.la.gov' (apa.s-envq@legis.la.gov)

'apa.h-natr@legis.la.gov' (apa.h-natr@legis.la.gov)

'apa.senatepresident@legis.la.gov' (apa.senatepresident@legis.la.gov)

'apa.housespeaker@legis.la.gov' (apa.housespeaker@legis.la.gov)

Subject: Summary Report for Proposed Rule OS104



Summary Report
for Proposed Ru...

Laura Almond

From: Microsoft Outlook
To: Jill Clark
Sent: Monday, December 8, 2025 12:41 PM
Subject: Delivered: Summary Report for Proposed Rule OS104

Your message has been delivered to the following recipients:

Jill Clark (Jill.Clark@la.gov)

Subject: Summary Report for Proposed Rule OS104



Summary Report
for Proposed Ru...

Laura Almond

From: Microsoft Outlook
To: Courtney Burdette (DEQ)
Sent: Monday, December 8, 2025 12:41 PM
Subject: Delivered: Summary Report for Proposed Rule OS104

Your message has been delivered to the following recipients:

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

Subject: Summary Report for Proposed Rule OS104



Summary Report
for Proposed Ru...

Laura Almond

From: Microsoft Outlook
To: William Little
Sent: Monday, December 8, 2025 12:41 PM
Subject: Delivered: Summary Report for Proposed Rule OS104

Your message has been delivered to the following recipients:

William Little (William.Little@la.gov)

Subject: Summary Report for Proposed Rule OS104



Summary Report
for Proposed Ru...

Laura Almond

From: Microsoft Outlook
To: Deidra Johnson
Sent: Monday, December 8, 2025 12:41 PM
Subject: Delivered: Summary Report for Proposed Rule OS104

Your message has been delivered to the following recipients:

Deidra Johnson (Deidra.Johnson@LA.GOV)

Subject: Summary Report for Proposed Rule OS104



Summary Report
for Proposed Ru...

Laura Almond

From: Microsoft Outlook
To: Nathan Mills
Sent: Monday, December 8, 2025 12:41 PM
Subject: Delivered: Summary Report for Proposed Rule OS104

Your message has been delivered to the following recipients:

Nathan Mills (Nathan.Mills@LA.GOV)

Subject: Summary Report for Proposed Rule OS104



Summary Report
for Proposed Ru...