

Laura Almond

From: Laura Almond
Sent: Monday, December 8, 2025 12:40 PM
To: 'apa.h-natr@legis.la.gov'; 'apa.s-envq@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 OS105
Attachments: OS105 Notice of Intent.pdf; OS105 Comment Summary.pdf

Tracking:	Recipient	Delivery
	'apa.h-natr@legis.la.gov'	
	'apa.s-envq@legis.la.gov'	
	'apa.senatepresident@legis.la.gov'	
	'apa.housespeaker@legis.la.gov'	
	Courtney Burdette (DEQ)	Delivered: 12/8/2025 12:40 PM
	Jill Clark	Delivered: 12/8/2025 12:40 PM
	Deidra Johnson	Delivered: 12/8/2025 12:40 PM
	William Little	Delivered: 12/8/2025 12:40 PM
	Nathan Mills	Delivered: 12/8/2025 12:40 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 OS105
Expedited Penalty Maximums
(LAC 33:I.805.A)
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. 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

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

~~The proposed rule is not anticipated to have a material effect on competition and employment.~~

~~Mark Normand, Jr.
Undersecretary
250096027~~

~~Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office~~

NOTICE OF INTENT

**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division**

Expedited Penalty Maximums (LAC 33:I.805)

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

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

Title 33

ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

**Chapter 8. Expedited Penalty Agreement
§805. Applicability**

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

B. - L. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2025(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:2242 (December 2006), amended by the Office of the Secretary, Legal Division, LR 42:236 (February 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 48:1790 (July 2022), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Family Impact Statement

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

Poverty Impact Statement

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

Small Business Analysis

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

Provider Impact Statement

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

Public Comments

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

Public Hearing

A public hearing will be held on October 30, 2025, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or online via [Zoom](https://deqlouisiana.zoom.us/j/6836133613?omn=96029909881) at <https://deqlouisiana.zoom.us/j/6836133613?omn=96029909881> 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: Expedited Penalty Maximums

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

The Louisiana Department of Environmental Quality (LDEQ) does not anticipate any costs or savings resulting from implementing the proposed rule change. The department reports that the tasks necessary to accomplish this rulemaking can be undertaken within LDEQ employees' normal scope of work and during regular working hours.

Since its inception in 2004, the department's Expedited Penalty Agreement (XP) Program has been an effective tool to address past violations and deter future noncompliance with the

Environmental Quality Act and the environmental regulations found in the Louisiana Environmental Code of Regulations (Title 33). XP's can be issued quickly due to specific violations being linked to an established fine already codified in the regulations. The XP is a voluntary agreement, where the respondent agrees to pay the fine and to forgo the right to request an adjudicatory hearing. The XP procedure allows the department, when agreed upon by the respondent, to more efficiently and effectively bring facilities into compliance with state environmental regulations.

The proposed rule change expands the XP Program maximums for a specific violation from \$3,000 to \$5,000 and for a case involving two or more violations from \$5,000 to \$10,000, thereby allowing the Enforcement Division to resolve penalty components of more cases utilizing the XP Program. This does not necessarily increase the penalties for a specific violation, but provides greater access to the XP program for a violator who would exceed the current maximum cap of \$3,000 or \$5,000, depending on the number of violations.

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

The proposed rule change is not anticipated to have any effect on the revenue collections of the state and local governmental units.

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

The proposed rule changes are not anticipated to impose any additional costs to directly affected persons and nongovernmental groups.

The revisions to the existing XP rule are being proposed to allow more enforcement cases to be resolved more quickly by allowing greater access to the program. The regulated sector will be able to take the necessary corrective steps and pay the monetary penalty more efficiently. Therefore, the business will be able to achieve compliance earlier.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are not anticipated to have an effect on competition or employment.

Jill C. Clark
General Counsel
2509#061

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Hazardous Waste Generator Improvement Rule Clean-Up
(LAC 33:V.Chapters 1, 3, 10, 22, 30, and 51;
LAC 33:VII.Chapters 1, 3, and 7)

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 Hazardous Waste regulations, LAC 33:V.Chapters 1, 3, 10, 22, 30, and 51 and the Solid Waste regulations, LAC 33:VII.Chapters 1, 3, and 7 (MM022).

The proposed Rule will update and revise language that is inaccurate or unnecessary as well as clarify and correct formatting inconsistencies contained in Rule HW124

(Generator Improvements Rule) promulgated July 20, 2020.

Larger changes and additions include the:

- revision of LAC 33:V.105.A.8 for notification of ceasing regulated hazardous waste activities;
- addition of LAC 33:V.105.A.9 for relocation of hazardous waste activities to another location;
- addition of LAC 33:V.1013.C.2.d.i that details how small quantity generators shall conduct and maintain weekly inspection records;
- addition of LAC 33:V.1015.B.1.e.i that details how large quantity generators must conduct and maintain weekly inspection records; and
- addition of LAC 33:V.1033.A.8 and LAC 33:V.1033.B.7 that details procedures to withdraw an episodic event notification.

Additionally, the proposed Rule creates LAC 33:VII.119, which outlines the waste determination process and LAC 33:VII.315.P, which requires solid waste generators to conduct a hazardous waste determination for all generated wastes. The proposed Rule also updates references to the hazardous waste regulations in LAC 33:VII that either have been moved or no longer exist. The basis and rationale for this proposed Rule are to correct language that is incorrect or inaccurate, clarify and provide minimums for regulations that were added or modified, incorporate waste determination requirements from the hazardous waste regulations into solid waste, and update solid waste citations that reference moved or deleted hazardous waste citations. This proposed 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 V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—

Hazardous Waste

Chapter 1. General Provisions and Definitions

§105. Program Scope

These rules and regulations apply to owners and operators of all facilities that generate, transport, treat, store, or dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also apply to the denial of a permit for the active life of a hazardous waste management facility or individual unit at a treatment, storage, and disposal (TSD) facility under LAC 33:V.706. Definitions appropriate to these rules and regulations, including *solid waste* and *hazardous waste*, appear in LAC 33:V.109. Wastes that are excluded from regulation are found in this Section.

A. ...

1. Within 90 days after the promulgation or revision of these regulations anyone subject to these regulations who has not previously notified the department on the Notification of Hazardous Waste Activity Form (HW-1), or whose notification on the HW-1 Form is not approved, shall notify the Office of Environmental Services, using the most current HW-1 Form or other form approved by the department.

2. - 6. ...

**Comment Summary Response
Expedited Penalty Maximums
(LAC 33:I.805.A) (OS105)**

COMMENT 1: Louisiana Chemical Association and the Louisiana Mid-Continent Oil and Gas Association (collectively, the "Associations"):

General Comment

"The Associations submit this comment in support of the Department's proposed amendment to LAC 33:I.805.A, which raises the expedited penalty (XP) maximums for a specific violation from \$3,000 to \$5,000 and for a case involving two or more violations from \$5,000 to \$10,000, aligning the rule with La. R.S. 30:2025(D)(1) as amended by Act No. 492 of the 2025 Regular Legislative Session, effective August 1, 2025. By expanding the monetary scope of the Program, the Proposed Rule could materially improve enforcement efficiency and reduce transaction costs for all parties.

The Department explains that current XP maximums "often pose a barrier" to resolving otherwise qualifying cases via the XP Program. By increasing the caps, the Department can resolve penalty components of more cases using the streamlined XP mechanism, which in turn translates into faster closure of minor and moderate enforcement matters, fewer protracted negotiations, and reduced administrative burden on both the agency and regulated entities. The Proposed Rule reiterates that participation in the XP program is voluntary, preserving flexibility for facilities and the Department to elect the most appropriate resolution path. Thus, the proposed increase expands options without imposing new mandatory burdens. By facilitating quicker resolutions and clearer exposure for facilities at the outset, the revised maximums incentivize not only prompt settlements, but also prompt corrective actions. Said another way, the Department's stated rationale, removing barriers to XP use, supports early facility alignment with regulatory requirements, thereby supporting improvements in overall compliance performance."

FOR/AGAINST: The Department appreciates the Associations support.

RESPONSE 1: No response is necessary

COMMENT 2: Louisiana Chemical Association and the Louisiana Mid-Continent Oil and Gas Association (collectively, the "Associations"):

"As discussed in the Notice of Intent, the Proposed Rule seeks to revise LAC 33:I.805.A to align with the maximums specified in R.S. 30:2025(D)(1), which was amended by Act No. 492 of the 2025 Regular Legislative Session effective August 1, 2025. The Associations support statutory and regulatory consistency."

FOR/AGAINST: The Department appreciates the Associations support.

RESPONSE 2: No response is necessary

**Comment Summary Response
Expedited Penalty Maximums
(LAC 33:I.805.A) (OS105)**

COMMENT #

SUGGESTED BY

01 -- 02

Lauren J. Rucinski (Kean Miller (LLP) on behalf of Louisiana Chemical Association and the Louisiana Mid-Continent Oil and Gas Association (collectively, the "Associations")

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

Total Commenters: 01

Total Comments: 02

Laura Almond

From: APA - House Natural Res <apa.h-natr@legis.la.gov>
Sent: Monday, December 8, 2025 12:40 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 12:40 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 President <APA.senatepresident@legis.la.gov>
Sent: Monday, December 8, 2025 12:40 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: APA - Senate Environment <apa.s-envq@legis.la.gov>
Sent: Monday, December 8, 2025 12:40 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: Microsoft Outlook
To: 'apa.h-natr@legis.la.gov'; 'apa.s-envq@legis.la.gov'; 'apa.senatepresident@legis.la.gov';
'apa.housespeaker@legis.la.gov'
Sent: Monday, December 8, 2025 12:40 PM
Subject: Relayed: Summary Report for Proposed Rule OS105

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

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

'apa.s-envq@legis.la.gov' (apa.s-envq@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 OS105



Summary Report
for Proposed Ru...

Laura Almond

From: Microsoft Outlook
To: Courtney Burdette (DEQ)
Sent: Monday, December 8, 2025 12:40 PM
Subject: Delivered: Summary Report for Proposed Rule OS105

Your message has been delivered to the following recipients:

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

Subject: Summary Report for Proposed Rule OS105



Summary Report
for Proposed Ru...

Laura Almond

From: Microsoft Outlook
To: Jill Clark
Sent: Monday, December 8, 2025 12:40 PM
Subject: Delivered: Summary Report for Proposed Rule OS105

Your message has been delivered to the following recipients:

Jill Clark (Jill.Clark@la.gov)

Subject: Summary Report for Proposed Rule OS105



Summary Report
for Proposed Ru...

Laura Almond

From: Microsoft Outlook
To: Deidra Johnson
Sent: Monday, December 8, 2025 12:40 PM
Subject: Delivered: Summary Report for Proposed Rule OS105

Your message has been delivered to the following recipients:

Deidra Johnson (Deidra.Johnson@LA.GOV)

Subject: Summary Report for Proposed Rule OS105



Summary Report
for Proposed Ru...

Laura Almond

From: Microsoft Outlook
To: William Little
Sent: Monday, December 8, 2025 12:40 PM
Subject: Delivered: Summary Report for Proposed Rule OS105

Your message has been delivered to the following recipients:

William Little (William.Little@la.gov)

Subject: Summary Report for Proposed Rule OS105



Summary Report
for Proposed Ru...

Laura Almond

From: Microsoft Outlook
To: Nathan Mills
Sent: Monday, December 8, 2025 12:40 PM
Subject: Delivered: Summary Report for Proposed Rule OS105

Your message has been delivered to the following recipients:

Nathan Mills (Nathan.Mills@LA.GOV)

Subject: Summary Report for Proposed Rule OS105



Summary Report
for Proposed Ru...