

NOTICE OF INTENT

Department of Environmental Quality  
Office of the Secretary  
Legal Affairs and Criminal Investigations Division

Fee Increase - Miscellaneous Amendments and Corrections  
(LAC 33:I.1203, 1911; III.211, 223, 307, 309, 319; V.5123, 5139 and IX.1309) (MM020)

Under the authority of the 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 Not Applicable regulations, LAC 33:I.1203, 1911; III.211, 223, 307, 309, 319; V.5123, 5139 and IX.1309 (MM020).

This Rule provides for miscellaneous amendments and corrections necessary for fee changes authorized by Act 451 of the 2016 Regular Legislative Session. This Act authorized certain fee increases, new fees and other changes to the regulations pertaining to fees. This Rule is required to correct errors found during the implementation of MM018, the original fee increase Rule. The basis and rationale for this Rule are to implement the fee changes authorized in Act 451 of the 2016 Regular Legislative Session. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Family Impact Statement**

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

**Poverty Impact Statement**

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

**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 regulation. Persons commenting should reference this proposed regulation by MM020. Such comments must be received no later than June 6, 2018, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Affairs and Criminal Investigations Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-4068 or by e-mail to [deidra.johnson@la.gov](mailto:deidra.johnson@la.gov). Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of MM020. These proposed regulations are available on the Internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

**Public Hearing**

A public hearing will be held on May 30, 2018, 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 and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, 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 Baratavia Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson  
General Counsel

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part I. Office of the Secretary**  
**Subpart 1. Departmental Administrative Procedures**

**Chapter 12. Requests for Review of Environmental Conditions**

**§1203. Procedure for Submittal of Request**

A. All requests for reviews by the department of reports of environmental conditions shall be accompanied by an initial \$~~1500~~1,650 minimum fee.

A.1. — E.2. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq., and specifically 2011(D)(25), 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 33:447 (March 2007), amended LR 33:2079 (October 2007), LR 35:2178 (October 2009), amended by the Office of the Secretary, Legal Division, LR 38:2749 (November 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR43:2136 (November 2017), LR 44:

**Chapter 19. Facility Name and Ownership/Operator Changes Process**

**§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 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.

<b>Name and Ownership/Operator Change Fees</b>	
<b>Program</b>	<b>LAC Citation for Fee</b>
Air	LAC 33:III.223, Fee Number 2000
<del>Hazardous Waste</del>	<del>LAC 33:V.5123.A</del>
Solid Waste: Type I, I-A, II, and II-A Facilities	LAC 33.VII.1501.C (N/A for name change alone)
Solid Waste: Type III Facilities or Beneficial Use Facilities	LAC 33.VII.1501.D (N/A for name change alone)
LPDES	LAC 33:IX.1309.D.4 (N/A for name change alone)

B. — C. ...

**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:

**Part III. Air**

**Chapter 2. Rules and Regulations for the Fee System of the Air Quality Control Programs**

**§211. Methodology**

A. — B.13.d. ...

i. if the minor modification fee is greater than ~~\$8002,000~~, then the minimum minor modification fee is equal to 25 percent of the minor modification fee; and

ii. if the minor modification fee is ~~\$200500~~ to ~~\$8002,000~~, then the minimum minor modification fee is ~~\$200500~~; and.

~~iii. if the minor modification fee is less than \$200, then the minimum minor modification fee is the same as the minor modification fee.~~

B.13.e. — B.15.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:611 (September 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 1991), LR 18:706 (July 1992), LR 19:1419 (November 1993), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:17 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:264 (February 2000), LR 26:2444 (November 2000), LR 29:2776 (December 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2435 (October 2005), LR 33:2082 (October 2007), LR 33:2620 (December 2007), LR 37:1145 (April 2011), amended by the Office of the Secretary, Legal Division, LR 43:935 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

**§223. Fee Schedule Listing**

A. Table 1–Schedule Listing

Table 1						
Fee Schedule Listing						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application Fee	Modified Permit Fees	
					Major	Minor



Table 1						
Fee Schedule Listing						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application Fee	Modified Permit Fees	
					Major	Minor
* * *						
0990	Secondary Smelting of Non-Ferrous Metals per Furnace	3341	\$1,247.40 <u>\$1,248.00</u>	\$6,240.30 <u>\$6,241.00</u>	\$3,745.00	\$1,247.40 <u>\$1,248.00</u>
		MIN.	\$2,569.00	\$12,843.00	\$7,706.00	\$2,569.00
* * *						
1010	Aluminum Foundries (Castings) per Unit	3361	\$332.00	\$1,665.00	\$997.00	\$500.00 <u>\$332.00</u>
		MIN.				<u>\$500.00</u>
1020	Brass/Bronze/Copper-Based Alloy Foundry per Furnace	3362	\$417.00	\$2,082.00	\$1,248.00	\$500.00 <u>\$417.00</u>
		MIN.				<u>\$500.00</u>
* * *						
1130	Painting Topcoat per Line	3479	\$417.00	\$2,082.00	\$1,248.00	\$500.00 <u>\$417.00</u>
		MIN.				<u>\$500.00</u>
1140	Potting per Line	3479	\$250.00	\$1,248.00	\$748.00	\$500.00 <u>\$250.00</u>
		MIN.				<u>\$500.00</u>

Table 1						
Fee Schedule Listing						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application Fee	Modified Permit Fees	
					Major	Minor
1150	Soldering per Line	3479	\$250.00	\$1,248.00	\$748.00	<del>\$500.00</del> <u>\$250.00</u> <u>\$500.00</u>
* * *						
1430	Natural Gas Comp per 100 H.P. (Turbines)	4922	\$8.29	\$41.58	\$24.95	\$8.29
*Note 11*		<u>MIN.</u>	<u>\$250.00</u>	<u>\$500.00</u>	<u>\$500.00</u>	<u>\$500.00</u>
* * *						
1500	Coal Gassification per \$100,000 Capital Cost	4925	\$8.29	\$41.58	\$24.95	\$8.29
*Note 10*		MIN.	\$1,317.00	<del>\$6,598.00</del> <u>\$6,587.00</u>	\$3,952.00	\$1,317.00
		MAX.	\$66,614.00	\$333,067.00	\$199,840.00	\$66,614.00
1510	Co-Generation per \$100,000 Capital Cost	4939	\$8.29	\$41.58	\$24.95	\$8.29
*Note 10*		MIN.	\$1,317.00	<del>\$6,598.00</del> <u>\$6,587.00</u>	\$3,952.00	\$1,317.00
		MAX.	\$41,612.00	\$208,060.00	\$124,836.00	\$41,612.00
1520	Incinerators: A) 1,000 Lb/Hr and Greater Capacity	4953	\$526.00	<del>\$2,624.00</del> <u>\$2,634.00</u>	\$1,580.00	\$526.00

Table 1						
Fee Schedule Listing						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application Fee	Modified Permit Fees	
					Major	Minor
* * *						
1525	Sanitary Landfill per Million Mg of Planned Capacity	4953	<del>\$145.20</del>	\$726.00	\$436.00	<del>\$145.20</del>
			<u>\$146.00</u>			<u>\$146.00</u>
		MIN.	\$291.00	\$1,452.00	\$872.00	\$500.00
* * *						
1540	Steam Gen. Units per 1000 Lb/Hr Steam Cap: Natural Gas or Comb Non-Fossil Fuels	4961	\$2.06	\$10.41	\$6.22	\$2.06
		MIN.	\$341.00	<del>\$1,711.60</del>	\$1,027.00	\$500.00
				<u>\$1,712.00</u>		
* * *						

B. Table 2–Additional Fees

Table 2		
Additional Fees		
Fee Number	Fee Description	Amount
2000	Name and Company Ownership/Operator Changes under LAC	\$500.00
<u>*Note</u> <u>22*</u>	33:I.Chapter 19	

2010	The Issuance or Denial of <del>Relocation, Administrative Amendments, Variances, Authorization to Construct, Change of Tank Service, Research &amp; Development,</del> and <u>Permit Exemptions</u> . Theis fee for a <u>variance</u> shall be waived for sources operating under an air permit.	\$500.00
* * *		
2300  *Note 14*	Criteria Pollutant Annual Fee per Ton Emitted on an Annual Basis (Non-Title V Facility):  Nitrogen oxides (NO <sub>x</sub> )  Sulfur dioxide (SO <sub>2</sub> )  Non-toxic organic (VOC)  Particulate (PM <sub>10</sub> )	<del>\$13.91</del> <u>14.11</u> / ton
2310  *Note 14*	Criteria Pollutant Annual Fee per Ton Emitted on an Annual Basis (Title V Facility):  Nitrogen oxides (NO <sub>x</sub> )  Sulfur dioxide (SO <sub>2</sub> )  Non-toxic organic (VOC)  Particulate (PM <sub>10</sub> )	<del>\$13.91</del> <u>14.11</u> / ton
* * *		

NOTE: Explanatory Notes for Fee Schedule

Note 1. — Note 22. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2054, 2341, and 2351 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:613 (September 1988), LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 1991), repromulgated LR 18:31 (January 1992), amended LR 18:706 (July 1992), LR 18:1256 Section 223 Section 223 Title 33, Part III 32 October 2017 Environmental Regulatory Code (November 1992), LR 19:1373 (October 1993), LR 19:1420 (November 1993), LR 19:1564 (December 1993), LR 20:421 (April 1994), LR 20:1263 (November 1994), LR 21:22 (January 1995), LR 21:782 (August 1995), LR 21:942 (September 1995), repromulgated LR 21:1080 (October 1995), amended LR 21:1236 (November 1995), LR 23:1496, 1499 (November 1997), LR 23:1662 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:267 (February 2000), LR 26:485 (March 2000), LR 26:1606 (August 2000), repromulgated LR 27:192 (February 2001), amended LR 29:672 (May 2003), LR 29:2042



(October 2003), LR 30:1475 (July 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2620 (December 2007), LR 34:2560 (December 2008), LR 37:1145 (April 2011), amended by the Office of the Secretary, Legal Division, LR 43:936 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

**§307. Regulatory Permit for Oil and Gas Well Testing**

A. — F.3. ...

G. In accordance with LAC 33:III.Chapter 2, the fee for this regulatory permit shall be \$500 (~~fee number 1710~~). There shall be no annual maintenance fee associated with this regulatory permit.

H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 35:457 (March 2009), amended by the Office of the Secretary, Legal Division, LR 43:942 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:1898 (October 2017), LR 44:

**§309. Regulatory Permit for Release of Natural Gas from Pipelines and Associated Equipment**

A. — H.3. ...

I. In accordance with LAC 33:III.Chapter 2, the fee for this regulatory permit shall be \$500 (~~fee number 1710~~). There shall be no annual maintenance fee associated with this regulatory permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 35:458 (March 2009), amended by the Office of the Secretary, Legal Division, LR 43:942 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

**§319. Regulatory Permit for Flaring of Materials Other than Natural Gas**

A. — H.2.c. ...

I. In accordance with LAC 33:III.223, Table 1, the fee for this regulatory permit shall be \$500 (~~fee number 1710~~). There shall be no annual maintenance fee associated with this regulatory permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 39:1039 (April 2013), LR 43:942 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

**Part V. Hazardous Waste and Hazardous Materials**  
**Subpart 1. Department of Environmental Quality—Hazardous Waste**

**Chapter 51. Fee Schedules**

**§5111. Treaters, Storers, and/or Disposers Application Fees**

A. The applicant is required to calculate the appropriate application fee and, if applicable, siting fee according to the schedule included in the permit application form. Payment shall be made in accordance with the requirements of LAC 33:V.5127.

B. Application Fee Schedule

Item	Fee
Site Analysis—per acre site size	\$413 <sup>1</sup>
Process and Plan Analysis	\$1,650
Facility Analysis—per <u>facility</u> unit <sup>2</sup>	\$825
Management/Financial Analysis	\$1,650

[NOTE: Fee equals total of the four items.]

<sup>1</sup> Up to 100 acres, no additional fee thereafter.

<sup>2</sup> Incinerator, land farm, treatment pond, etc., each counted as a facilityunit.

C. — D. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2014 et seq., and R.S. 49:316.1(A)(2)(a) and (c).

**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 11:533 (May 1985), LR 12:318 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 18:724 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:288 (March 2001), LR 29:685 (May 2003), LR 29:2048 (October 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 35:2179 (October 2009), amended by the Office of the Secretary, Legal Division, LR 43:943 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

**§5119. Treaters, Storers, and/or Disposers Annual Maintenance Fees**

A. Fee per ~~Site~~Facility

Off-Site Disposer (Commercial)	\$131,670
Reclaimer (compensated for waste removed)	\$57,750

Reclaimer (uncompensated for waste removed or pays for waste removed)	\$41,250
Off-Site Disposer (Noncommercial)	\$33,000
On-Site Disposer	\$16,500

NOTE: The higher fee for off-site disposal is due to the cost of the manifest system and emergency response to transport spills (neither cost is applicable to on-site disposers)

B. Fee per Hazardous Waste ~~Facility~~ Unit Type

<i>Unit Type</i>	<b>Fee</b>
<b>Storage:</b>	
Container/Tank/Waste Pile/etc.	\$5,400
<b>Treatment:</b>	
Incinerator/Boiler/Industrial Furnace/Filtration Unit/etc.	\$8,695
<b>Disposal:</b>	
Landfill/Miscellaneous Unit/etc.	\$13,645

C. — H.2. ...

\* \* \*

I. Formula to Apportion Fees

<p>Annual Maintenance Fee = Fee per <del>Site</del> <u>Facility</u> + Fee per <del>Facility</del> <u>Unit</u> + Fee based on Volume + Administrative Cost Fee + Land Disposal Prohibitions Fee + Groundwater Protection Annual Fee + Incineration Inspection and Monitoring Fee + Boiler/Industrial Furnace Inspection and Monitoring Fee + Annual Landfill Inspection and Monitoring Fee + Annual Land Treatment Unsaturated Zone Monitoring Inspection Fee</p>
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AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 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 11:533 (May 1985), LR 12:318 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 15:378 (May 1989), LR 16:684 (August 1990), LR 16:1057 (December 1990), LR 18:723 (July 1992), LR 18:1375 (December 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:685 (May 2003), LR 29:2049 (October

2003), amended by the Office of the Secretary, Legal Affairs Division, LR 35:2179 (October 2009), amended by the Office of the Secretary, Legal Division, LR 43:943 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

**§5123. Annual Fee for Facilities with Closed Hazardous Waste Units in Post Closure**

A. Post Closure Annual Fee. This is an annual fee applied to defray the cost of annually inspecting the facilities with closed hazardous waste units in post-closure care and with no operating unit/permit. This fee shall be \$4,125 annually.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 43:945 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

**§5139. Groundwater Protection Permit Review Fee**

A. ...

\* \* \*

B. Oversight of Abandonment Procedures. This fee covers the cost of reviewing plans to plug and abandon all permitted groundwater monitoring systems (monitoring wells, piezometers, observations wells, and recovery wells) to ensure that they do not pose a potential threat to groundwater.

Casing pulled	\$ <del>165</del> <u>146</u> each
Casing reamed out	\$ <del>330</del> <u>291</u> each
Casing left in place	\$ <del>825</del> <u>726</u> each

~~C. Groundwater Monitoring Systems Installation Permit. This fee covers the cost of reviewing the geology and design of proposed groundwater monitoring systems to ensure compliance with department specifications for units subject to permitting under these regulations.~~

Each Well	\$825
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AUTHORITY NOTE: Promulgated in accordance with 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Groundwater Division, LR 14:621 (September 1988), amended

LR 16:685 (August 1990), amended by the Hazardous Waste Division, LR 18:725 (July 1992), LR 18:1256 (November 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:687 (May 2003), LR 29:2050 (October 2003), amended by the Office of the Secretary, Legal Division, LR 43:945 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

**Part IX. Water Quality  
Subpart 1. Water Pollution Control**

**Chapter 13. Louisiana Water Pollution Control Fee System Regulation**

**§1309. Fee System**

A. — M.3. ...

N. Other Fees

Permit Type	Amount
Gen-LAG 03-Barge Cleaner	I: <del>\$379,500</del> <u>380</u> II: \$2,750 III: \$5,500 IV: \$11,000
* * *	
Gen-LAR10-Construction	\$291

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014(B), and R.S. 49:316.1(A)(2)(a) and (c).

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 14:626 (September 1988), LR 18:731 (July 1992), LR 21:798 (August 1995), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996), amended by the Office of Water Resources, LR 24:326 (February 1998), amended by the Office of Management and Finance, Fiscal Services Division, LR 25:427 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:689 (May 2003), LR 29:2052 (October 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 35:1493 (August 2009), LR 35:2181 (October 2009), amended by the Office of the Secretary, Legal Division, LR 43:948 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

LOG #: MM020

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(email address)

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Office: Office of Management and Finance

Return Address: 602 North 5th Street  
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Rule Title: Fee Increases–Miscellaneous  
Amendments and Corrections (LAC  
33:I.1203, 1991; III.211, 223, 307, 309,  
319; V.5123, 5139; and IX.1309)

Date Rule Takes Effect: Upon Promulgation

**SUMMARY**  
(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. **THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.**

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

There are no anticipated implementation costs as a result of the proposed rule change.

The proposed rule change is being promulgated in order to correct errors found in the original rule authorized by Act 451 of 2016.

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

The Department of Environmental Quality anticipates increased revenues of \$60,000 annually as a result of the proposed rule change. The department will now begin assessing all fees at the authorized rate. The department began assessing some fee increases authorized by Act 451 upon promulgation of the rule in May 2017, however for certain fees the department continued to collect the amount from the existing fee structure. The state regulated community is responsible for the fees.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

The state regulated community will incur minimal costs as a result of the proposed rule change.

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

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

\_\_\_\_\_  
Signature of Agency Head or Designee

\_\_\_\_\_  
Legislative Fiscal Officer or Designee

Herman Robinson, General Counsel  
Typed Name and Title of Agency Head or Designee

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

The following information is requested in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed rule provides the regulatory framework for implementing the agency's fee increase package that was passed in the 2016 Regular Legislative Session. It outlines the miscellaneous amendments and corrections necessary for fee changes authorized.

- B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

Louisiana Revised Statutes (multiple citations) require that the department shall promulgate rules and regulations for the implementation of these Sections in accordance with the Administrative Procedure Act.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session  
(1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

No, this proposed rule will not result in any increase in the expenditure of funds.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) \_\_\_ Yes. If yes, attach documentation.

(b) \_\_\_ No. If no, provide justification as to why this rule change should be published at this time.

This question is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

There is no anticipated increase or decrease in costs to implement the proposed action.

COSTS	FY18-19	FY19-20	FY20-21
PERSONAL SERVICES	-0-	-0-	-0-
OPERATING EXPENSES	-0-	-0-	-0-
PROFESSIONAL SERVICES	-0-	-0-	-0-
OTHER CHARGES	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-
MAJOR REPAIR & CONSTR POSITIONS (#)	-0-	-0-	-0-

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

This question is not applicable.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY18-19	FY19-20	FY20-21
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF-GENERATED DEDICATED	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-
OTHER (Please specify)	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

Yes, the agency currently has sufficient funds to implement the proposed action.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.



No impact on local governmental units is anticipated.

2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.

There will be no costs or savings to local governmental units, so no funding sources will be affected.

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II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

There is an increase in restricted funds.

REVENUE INCREASE/DECREASE	FY18-19	FY19-20	FY20-21
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF-GENERATED	-0-	-0-	-0-
RESTRICTED FUNDS*	\$60,000	\$60,000	\$60,000
FEDERAL FUNDS	-0-	-0-	-0-
LOCAL FUNDS	-0-	-0-	-0-
<b>TOTAL</b>	<b>\$60,000</b>	<b>\$60,000</b>	<b>\$60,000</b>

\*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

Revenues are anticipated to increase by approximately \$60,000 annually based on the fee increases provided in the proposed rule and authorized by Act 451 of 2016. It will impact the Environmental Trust Fund.

These amounts were calculated by the department by taking into account each fee, the number of entities that currently pay the fee, and the increase in what they will pay starting in FY 2019.

The department has been collecting the amount established in the statute for the majority of the fees. The department will now begin collecting that amount for the following: all requests for reviews by the department of reports of environmental conditions which will be increased by \$150 and the criteria pollutant annual fee per ton emitted on an annual basis for the Title V facilities and Non-Title V facilities will increase by 20 cents.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

All non-governmental groups that pay permit or other fees to DEQ will be directly affected by the proposed action, which includes industries such as petrochemical, manufacturing, and construction. Workload adjustments and/or additional paperwork should not be required, as the billing and invoicing structure has not changed, only the amounts billed.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

There should be no change on receipts or income, only changes in costs and/or expenditures.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

There is no anticipated impact on competition in the public and private sectors as the fee increases required by the miscellaneous amendments and corrections will be negligible. These fees have been discussed with industry participants who are subject to the increases and we do not anticipate any significant impact on public or private sector employment.