
NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Division

Expedited Penalty Agreement
(LAC 33:I.801, 805 and 807) (OS088)

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 Office of the Secretary regulations, LAC 33:I.801, 805 and 807 (OS088).

This rule amends and updates the violations in the air quality, hazardous waste, solid waste, underground storage tanks, water quality, and radiation protection provisions in the expedited penalty program contained in LAC 33:I.807. The rule also clarifies various existing violations, and appropriately adjusts existing penalty amounts to make the amounts consistent with penalty amounts in the proposed rule.

The original expedited penalty agreement rule, LAC 33:I.Chapter 8, became final on December 20, 2006. Since that time, the department has determined additional violations may qualify for coverage under the expedited penalty agreement provisions set forth in LAC 33:I.Chapter 8. Just like the existing rule, the proposed rule provides an alternative penalty assessment mechanism that the department may utilize to expedite the assessment of penalties in appropriate cases. The department issues expedited penalties at its discretion based upon the circumstances associated with the violations. Entering into an expedited penalty agreement with the department is voluntary—the respondent retains the right to either enter into, or not enter into, the agreement. 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.

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

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

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

A public hearing will be held on December 29, 2015, 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.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by OS088. Such comments must be received no later than January 5, 2016, at 4:30 p.m., and should be sent to Deidra Johnson,

Attorney Supervisor, Office of the Secretary, Legal Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-4068 or by e-mail to 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 OS088. These proposed regulations are available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

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 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson, CPM
Executive Counsel

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

Chapter 8. Expedited Penalty Agreement

§801. Definitions

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~~LAR050000—an LPDES multi-sector storm water general permit.~~Repealed.

~~LAR100000—an LPDES storm water general permit associated with construction activity greater than 5 acres.~~Repealed.

~~LPDES General Permit—for the purposes of this Chapter, any Louisiana Pollutant Discharge Elimination System Permit in the LAG530000, LAG540000, or LAG750000 series.~~Repealed.

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 Affairs Division, LR 34:1393 (July 2008), amended by the Office of the Secretary, Legal Division, LR 41:**.

§805. Applicability

A. — D. ...

E. Nine Factors for Consideration. An expedited penalty agreement may be used to assess a monetary penalty for a violation or violations cited in an enforcement action that includes a Notice of Potential Penalty component. An expedited penalty agreement may be used only when the following criteria for the nine factors for consideration listed in R.S. 30:2025(E)(3)(a) are satisfied.

1. The History of Previous Violations or Repeated Noncompliance. An expedited penalty agreement may be utilized to assess a monetary penalty only for a~~The violation identified in the expedited penalty agreement~~that is not the same as or similar to a repeat occurrence of a violation that occurred within the previous two years at the facility under the same agency interest number, and that was identified~~cited~~in any compliance order, penalty assessment, settlement agreement, or expedited penalty agreement issued to or entered into with the respondent by the department within the previous two years, and occurred at a facility under the same agency

interest number. Site-specific enforcement history considerations will only apply to expedited penalty agreements.

E.2. — 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 41:**.

§807. Types of Violations and Expedited Penalty Amounts

A. The types of violations listed in the following tables may qualify for coverage under this Chapter; however, any violation listed below, which is identified in an expedited penalty agreement, must also meet the conditions set forth in LAC 33:I.805.E.

EXPEDITED PENALTIES			
ALL MEDIA OFFICE OF THE SECRETARY			
Violation	Citation	Amount	Frequency
<u>Failure to submit a timely NOC- 1 within one year of changes in the name only of a facility or of its owner/operator.</u>	<u>LAC 33:I.1905.A</u>	<u>\$250</u>	<u>Per occurrence</u>
* * *			

EXPEDITED PENALTIES			
AIR QUALITY			
Violation	Citation	Amount	Frequency
<p><u>Failure to submit a timely and complete permit application prior to construction, but the application was submitted within one year from the start of construction of a facility that is eligible for coverage under a Minor Source Permit or a Minor Source - Air General Permit for a crude oil and/or natural gas facility.</u></p>	<p><u>LAC 33:III.501.C.1</u></p>	<p><u>\$250</u></p>	<p><u>Per occurrence</u></p>
<p><u>Failure to submit a timely and complete permit application prior to reconstruction or modification, but submitted the application within one year from the start of reconstruction or modification of a facility that is permitted under a Minor Source Permit or a Minor Source - Air General Permit for a crude oil and/or natural gas facility.</u></p>	<p><u>LAC 33:III.501.C.1</u></p>	<p><u>\$250</u></p>	<p><u>Per occurrence</u></p>

EXPEDITED PENALTIES			
AIR QUALITY			
Violation	Citation	Amount	Frequency
<p><u>Failure to obtain a Minor Source Permit or a Minor Source Permit - Air General Permit, but obtained the necessary permit within one year after commencement of operations of a crude oil and/or natural gas facility that may result in the initiation of emission of air contaminants.</u></p>	<p><u>LAC 33:III.501.C.2</u></p>	<p><u>\$1,000</u></p>	<p><u>Per occurrence</u></p>
<p><u>Failure to obtain a Minor Source Permit or a Minor Source Permit - Air General Permit, but obtained the necessary permit within two years after commencement of operations of a crude oil and/or natural gas facility that may result in the initiation of emission of air contaminants.</u></p>	<p><u>LAC 33:III.501.C.2</u></p>	<p><u>\$1,500</u></p>	<p><u>Per occurrence</u></p>
<p>Failure to timely submit any applicable Specific Condition or General Condition report as specified in <u>any</u> minor source permit.</p>	<p>LAC 33:III.501.C.4</p>	<p>\$250</p>	<p>Per occurrence</p>

EXPEDITED PENALTIES			
AIR QUALITY			
Violation	Citation	Amount	Frequency
* * *			
40 CFR Part 70 General Permit conditions (Part K, L, M, or R): Failure to timely submit any applicable annual, <u>or</u> semiannual, or quarterly report.	LAC 33:III.501.C.4	\$500	Per occurrence
Failure to submit an updated Emission Point List, Emissions Inventory Questionnaire (EIQ), emissions calculations, and certification statement as described in LAC 33:III.517.B.1 within seven calendar days after effecting any modification to a facility authorized to operate under a standard oil and gas permit.	LAC 33:III.501.C.4	\$750	Per occurrence/ emission point

EXPEDITED PENALTIES			
AIR QUALITY			
Violation	Citation	Amount	Frequency
<p>Failure to submit the Title V permit renewal application at least six months prior to the date of expiration <u>date of the current permit</u>, but obtained <u>the renewal permit</u>;</p> <p>applicable only when the renewal application is submitted prior to permit expiration and a renewal permit is issued on or before the expiration date of the current permit.</p>	LAC 33:III.507.E.4	\$1,000	Per occurrence
<p>Failure to provide notice of change of ownership within 45 days after the change.</p>	LAC 33:III.517.G	\$200 <u>\$250</u>	Per occurrence
<p>Failure to submit an an <u>complete</u> Annual Criteria Pollutant Emissions Inventory in a timely and <u>complete</u> manner when applicable.</p>	LAC 33:III.919	\$500	Per occurrence

EXPEDITED PENALTIES			
AIR QUALITY			
Violation	Citation	Amount	Frequency
Control of Fugitive Emissions, sandblasting facilities: Failure to take all reasonable precautions to prevent particulate matter from becoming airborne.	LAC 33:III.1305.A	\$250 <u>\$750</u>	Per occurrence
<u>Failure to install and maintain tarps in an abrasive blasting facility.</u>	<u>LAC 33:III.1329.C.1-3</u>	<u>\$750</u>	<u>Per occurrence</u>
<u>Failure to prevent blasting material or visible floating solids from reaching waters of the state, minimized to the maximum extent possible as specified in the facility and/or activity BMP, or in accordance with the LPDES permit program.</u>	<u>LAC 33:III.1329.E</u>	<u>\$750</u>	<u>Per occurrence</u>

EXPEDITED PENALTIES			
AIR QUALITY			
Violation	Citation	Amount	Frequency
<p><u>Failure to use and diligently maintain in proper working order all emission control equipment according to the manufacturer’s specifications whenever any emissions are being generated that can be controlled by the facility, even if the ambient air quality standards in affected areas are not exceeded.</u></p>	<p><u>LAC 33:III.1329.H</u></p>	<p><u>\$750</u></p>	<p><u>Per violation</u></p>
<p><u>Failure to maintain records on the facility premises at all times, and present them to an authorized representative of the department upon request.</u></p>	<p><u>LAC 33:III.1333.A or B</u></p>	<p><u>\$200</u></p>	<p><u>Per record</u></p>
<p>* * *</p>			
<p><u>Failure to submit an complete Annual Toxic Emissions Data Inventory in a timely and complete manner when applicable.</u></p>	<p><u>LAC 33:III.5107.A</u></p>	<p><u>\$500</u></p>	<p><u>Per occurrence</u></p>
<p><u>Failure to submit an initial perchloroethylene inventory report.</u></p>	<p><u>LAC 33:III.5307.A</u></p>	<p><u>\$250</u></p>	<p><u>Per occurrence</u></p>

EXPEDITED PENALTIES			
AIR QUALITY			
Violation	Citation	Amount	Frequency
Failure to submit a perchloroethylene usage report by July 1 for the preceding calendar year.	LAC 33:III.5307.B	\$250	Per occurrence

EXPEDITED PENALTIES			
AIR QUALITY—Asbestos			
Violation	Citation	Amount	Frequency
* * *			

EXPEDITED PENALTIES			
AIR QUALITY—Lead			
Violation	Citation	Amount	Frequency
* * *			

EXPEDITED PENALTIES			
AIR QUALITY—Stage II Vapor Recovery			
Violation	Citation	Amount	Frequency
* * *			

<u>EXPEDITED PENALTIES</u>			
<u>AIR QUALITY – CHEMICAL ACCIDENT PREVENTION</u>			
<u>Violation</u>	<u>Citation</u>	<u>Amount</u>	<u>Frequency</u>
Failure to ensure current and newly assigned employees have received initial and refresher training as specified (five or fewer employees).	LAC 33:III.5901.A, as described by 40 CFR 68.54(a-d) (Program 2)	\$500	Per occurrence/ employee
Failure to prepare and implement procedures to maintain the ongoing mechanical integrity of the process equipment and/or perform or cause to be performed inspections and tests on process equipment.	LAC 33:III.5901.A, as described by 40 CFR 68.56(a and d) (Program 2)	\$1500	Per occurrence
Failure to document completion of a process hazard analysis action item.	LAC 33:III.5901.A, as described by 40 CFR 68.67(e) (Program 3)	\$250	Per occurrence
Failure to ensure current and newly assigned employees have received initial and refresher training (five or fewer employees).	LAC 33:III.5901.A, as described by 40 CFR 68.71(a and b) (Program 3)	\$750	Per occurrence/ employee

<u>EXPEDITED PENALTIES</u>			
<u>AIR QUALITY – CHEMICAL ACCIDENT PREVENTION</u>			
<u>Violation</u>	<u>Citation</u>	<u>Amount</u>	<u>Frequency</u>
<u>Failure to document each inspection and test performed on process equipment.</u>	<u>LAC 33:III.5901.A, as described by 40 CFR 68.73(d)(4) (Program 3)</u>	<u>\$250</u>	<u>Per occurrence</u>

EXPEDITED PENALTIES			
HAZARDOUS WASTE-Used Oil			
Violation	Citation	Amount	Frequency
<u>Unpermitted/Unauthorized storage of on-site generated hazardous waste for a period greater than the allowable time frame and this storage did not result in, or significantly increase the risk of, a release of or exposure to hazardous waste.</u>	<u>LAC 33:V.303.B</u>	<u>\$1,000</u>	<u>Per occurrence</u>
<u>Failure by a generator of a <i>solid waste</i> (as defined in LAC 33:V.109) to determine if solid waste is a hazardous waste and this failure did not result in, or significantly increase the risk of a release or exposure to hazardous waste.</u>	<u>LAC 33:V.1103</u>	<u>\$1,000</u>	<u>Per occurrence</u>
<u>Failure by a generator to notify the Office of Environmental Services within seven days of changes to the information submitted in its application for an EPA identification number.</u>	<u>LAC 33:V.1105.B</u>	<u>\$250</u>	<u>Per inspection</u>

EXPEDITED PENALTIES			
HAZARDOUS WASTE-Used Oil			
Violation	Citation	Amount	Frequency
<u>Failure to keep a container containing non-volatile hazardous waste closed, except when necessary to add or remove waste (five or fewer containers).</u>	<u>LAC</u> <u>33:V.1109.E.1.a.i;</u> <u>LAC 33:V.1109.E.4;</u> <u>LAC 33:V.1109.E.7.a</u>	<u>\$250</u>	<u>Per occurrence</u>
<u>Failure to conduct weekly inspections of hazardous waste containers.</u>	<u>LAC</u> <u>33:V.1109.E.1.a.i</u>	<u>\$500</u>	<u>Per occurrence</u>
<u>Failure to mark a container of hazardous waste with an accumulation start date (five or fewer containers).</u>	<u>LAC 33:V.1109.E.1.c;</u> <u>LAC 33.V.1109.E.7.c</u>	<u>\$250</u>	<u>Per occurrence</u>
<u>Failure to clearly label or mark a container and/or tank storing hazardous waste with the words “Hazardous Waste” or other words identifying the contents of the container (five or fewer containers).</u>	<u>LAC</u> <u>33:V.1109.E.1.d;</u> <u>LAC 33:V.1109.E.4;</u> <u>LAC 33:V.1109.E.7.c</u>	<u>\$250</u>	<u>Per occurrence</u>
<u>Failure by a hazardous waste generator to submit a timely, accurate, and/or complete hazardous waste annual report.</u>	<u>LAC 33:V.1111.B</u>	<u>\$500</u>	<u>Per occurrence</u>

EXPEDITED PENALTIES			
HAZARDOUS WASTE-Used Oil			
Violation	Citation	Amount	Frequency
<p><u>Failure to label or mark each universal waste or a container storing universal waste in accordance with LAC 33:V.3823 and/or LAC 33:V.3845 (five or fewer containers).</u></p>	<p><u>LAC 33:V.3823;</u> <u>LAC 33:V.3845</u></p>	<p><u>\$250</u></p>	<p><u>Per occurrence</u></p>
<p><u>Failure by a used oil handler to label or mark containers or aboveground tanks storing used oil or fill pipes to transfer used oil into underground storage tanks with the words “Used Oil” (five or fewer containers).</u></p>	<p><u>LAC 33:V.4013.D;</u> <u>LAC 33:V.4035.G;</u> <u>LAC 33:V.4049.F;</u> <u>LAC 33:V.4069.F</u></p>	<p><u>\$250</u></p>	<p><u>Per occurrence</u></p>
<p><u>Failure of by a used oil generator handler to stop, contain, clean up cleanup, and/or manage a release of used oil, and/or repair or replace a leaking used oil containers or tanks prior to returning them to service.</u></p>	<p><u>LAC 33:V.4013.E;</u> <u>LAC 33:V.4035.H;</u> <u>LAC 33:V.4049.G;</u> <u>LAC 33:V.4069.G</u></p>	<p><u>\$500\$750</u></p>	<p><u>Per occurrence</u></p>

EXPEDITED PENALTIES			
HAZARDOUS WASTE-Used Oil			
Violation	Citation	Amount	Frequency
Failure of a used oil transfer facility to stop, contain, clean up, and/or manage a release of used oil, and/or repair or replace leaking used oil containers or tanks prior to returning them to service.	LAC 33:V.4035.H	\$500	Per occurrence
Failure of a used oil processor or re-refiner to stop, contain, clean up, and/or manage a release of used oil, and/or repair or replace leaking used oil containers or tanks prior to returning them to service.	LAC 33:V.4049.G	\$500	Per occurrence
Failure of a used oil burner to stop, contain, clean up, and/or manage a release of used oil, and/or repair or replace leaking used oil containers or tanks prior to returning them to service.	LAC 33:V.4069.G	\$500	Per occurrence

EXPEDITED PENALTIES			
SOLID WASTE			
Violation	Citation	Amount	Frequency
Unauthorized on-site <u>processing and/or disposal of regulated solid waste generated at the site by thean individual who owns, lessee leases, or other person having</u> an actual right, title, or interest in the property.	LAC 33:VII.315.C	\$250 <u>\$500</u>	Per occurrence
Unauthorized <u>processing and/or disposal of solid waste by the generator</u> which was generated at an off-site location not permitted to receive such waste.	LAC 33:VII.315.C	\$250 <u>\$1,500</u>	Per occurrence
Operation of an unauthorized disposal site where solid waste is disposed.	LAC 33:VII.315.C	\$1,000	Per occurrence
Unauthorized on-site <u>processing and/or disposal of regulated solid waste at a site by a business or other entity having an actual right, title, or interest in the property.</u>	<u>LAC 33:VII.315.C</u>	<u>\$1,500</u>	<u>Per occurrence</u>

EXPEDITED PENALTIES			
SOLID WASTE			
Violation	Citation	Amount	Frequency
An owner, lessee, or other person having an actual right, title, or interest in the property of an unauthorized disposal site in which solid waste is disposed.	LAC 33:VII.315.C	\$1,000	Per occurrence
Failure to report any discharge, deposit, injection, spill, dumping, leaking, or placing of solid waste into or on the water, air, or land.	LAC 33:VII.315.F	\$500	Per occurrence
An individual engaged in Open burning of solid waste as prohibited by regulation.	LAC 33:VII.315.M	\$250 <u>\$300</u>	Per occurrence
A business engaged in open burning of solid waste as prohibited by regulation.	<u>LAC 33:VII.315.M</u>	<u>\$1,500</u>	<u>Per occurrence</u>
Offering residential solid waste to an unauthorized transporter and/or a facility not permitted to receive such waste.	LAC 33:VII.315.O	\$250 <u>\$500</u>	Per occurrence
Offering commercial solid waste and/or construction and demolition debris to an unauthorized transporter and/or a facility not permitted to receive such waste.	LAC 33:VII.315.O	\$500 <u>\$1,000</u>	Per occurrence

EXPEDITED PENALTIES			
SOLID WASTE			
Violation	Citation	Amount	Frequency
Offering industrial solid waste to an unauthorized transporter and/or a facility not permitted to receive such waste.	LAC 33:VII.315.O	\$750 <u>\$1,500</u>	Per occurrence
* * *			
Transportation of solid waste to a processing or disposal facility not permitted to receive such waste.	LAC 33:VII.505.D	\$1000 <u>\$1,500</u>	Per occurrence
<u>Failure by a permitted solid waste facility to submit a timely and/or accurate Certification of Compliance (submittal no more than 180 days past due).</u>	<u>LAC 33:VII.525.A</u>	<u>\$500</u>	<u>Per occurrence</u>

EXPEDITED PENALTIES			
SOLID WASTE—Waste Tires			
Violation	Citation	Amount	Frequency
Storage of more than 20 whole waste tires without authorization from the administrative authority.	LAC 33:VII.10509.B	\$200	Per occurrence

EXPEDITED PENALTIES			
SOLID WASTE—Waste Tires			
Violation	Citation	Amount	Frequency
Transporting more than 20 waste tires without first obtaining a transporter authorization certificate.	LAC 33:VII.10509.C	\$300	Per occurrence
Storing waste tires for greater than 365 days.	LAC 33:VII.10509.E	\$200	Per occurrence
* * *			
Failure to collect appropriate waste tire fee for each tire sold.	LAC 33:VII.10519.C; 10521.B; 10535.B	\$200	Per occurrence
Failure to remit waste tire fees to the state on a monthly basis as specified.	LAC 33:VII.10519.D; 10521.C	\$200	Per occurrence
Failure to submit monthly waste tire fee reports to the state on a monthly basis, as specified in the regulations.	LAC 33:VII.10519.D; 10521.C	\$250	Six or fewer months in violation
Failure to submit monthly waste tire fee reports to the state on a monthly basis, as specified in the regulations.	LAC 33:VII.10519.D; 10521.C	\$500	More than six months and up to 12 months in violation
Failure to keep and preserve records necessary to verify the amount of the waste tire fees for a minimum of three years.	LAC 33:VII.10519.D; LAC 33:VII.10519.P; LAC 33:VII.10521.C	\$200	Per inspection
Failure to post required notifications to the public.	LAC 33:VII.10519.E; 10521.D	\$100	Per occurrence
* * *			

EXPEDITED PENALTIES			
SOLID WASTE—Waste Tires			
Violation	Citation	Amount	Frequency
Failure to comply with the <u>manifest requirements specified in LAC 33:VII.10533.</u>	<u>LAC 33:VII.10519.G;</u> <u>10521.G</u>	<u>\$200</u>	<u>Per occurrence</u>
* * *			
Failure to use an authorized transporter for removal of <u>waste tires</u> from a place of business.	LAC 33:VII.10519.K	\$500	Per occurrence
* * *			
Failure of a motor vehicle dealer to notify <u>the</u> administrative authority within 30 days of commencing business operations.	LAC 33:VII.10521.A	\$300	Per occurrence
* * *			
Failure to use a <u>waste tire</u> manifest when transporting greater than 20 waste tires.	LAC 33:VII.10523.C	\$200	Per occurrence
* * *			
Acceptance by a processor of more than five unmanifested <u>waste tires</u> per day per customer.	LAC 33:VII.10525.A.2	\$300	Per occurrence
* * *			

EXPEDITED PENALTIES			
SOLID WASTE—Waste Tires			
Violation	Citation	Amount	Frequency
Failure by a collector or collection center to follow the requirements for receipt of waste tires.	LAC 33:VII.10527.A	\$200	Per occurrence
* * *			

<u>EXPEDITED PENALTIES</u>			
<u>WATER QUALITY—Storm Water General Permit Series</u>			
<u>(LAR040000, LAR050000, LAR100000, and LAR200000)</u>			
<u>Violation</u>	<u>Citation</u>	<u>Amount¹</u>	<u>Frequency</u>
<u>Failure to submit a Notice of Intent for coverage under LPDES Storm Water General Permit LAR050000 or LAR100000.</u>	<u>LAC 33:IX.2511.C.1</u>	<u>\$1,000</u>	<u>Per occurrence</u>
<u>Failure to comply with effluent limitations and/or monitoring requirements from a facility eligible for coverage under an LPDES permit within the Storm Water General Series.</u>	<u>LAC 33:IX.2701.A</u>	<u>\$300</u>	<u>Per occurrence</u>
<u>Failure to prepare and/or implement any portion or portions of a Storm Water Pollution Prevention Plan (SWPPP) as required by LPDES General Permit LAR200000.</u>	<u>LAC 33:IX.2701.A</u>	<u>\$300</u>	<u>Per occurrence</u>

¹ For each applicable violation that potentially contributes to impairment of a water body, an additional \$500 penalty amount shall be added to the penalty amount specified with the violation.

<u>EXPEDITED PENALTIES</u>			
<u>WATER QUALITY—Sanitary General Permit Series</u>			
<u>LAG530000, LAG540000, LAG560000, LAG570000, and LAG750000</u>			
<u>Violation</u>	<u>Citation</u>	<u>Amount¹</u>	<u>Frequency</u>

<u>EXPEDITED PENALTIES</u>			
<u>WATER QUALITY—Sanitary General Permit Series</u>			
<u>LAG530000, LAG540000, LAG560000, LAG570000, and LAG750000</u>			
<u>Violation</u>	<u>Citation</u>	<u>Amount¹</u>	<u>Frequency</u>
<u>Unauthorized discharge of pollutants to waters of the state that does not cause an emergency condition and is from a facility eligible for coverage under LPDES General Permit LAG53000, LAG540000, or LAG750000.</u>	<u>LAC 33:IX.501.D</u>	<u>\$500</u>	<u>Per occurrence</u>
<u>Failure to comply with effluent limitations and/or monitoring requirements of LPDES General Permit LAG530000.</u>	<u>LAC 33:IX.2701.A</u>	<u>\$250</u>	<u>10 or fewer violations</u>
<u>Failure to comply with effluent limitations and/or monitoring requirements of LPDES General Permit LAG530000.</u>	<u>LAC 33:IX.2701.A</u>	<u>\$500</u>	<u>More than 10, but less than 20 violations</u>
<u>Failure to comply with effluent limitations and/or monitoring requirements of LPDES General Permit LAG540000 or LAG750000.</u>	<u>LAC 33:IX.2701.A</u>	<u>\$300</u>	<u>10 or fewer violations</u>
<u>Failure to comply with effluent limitations and/or monitoring requirements of LPDES General Permit LAG540000 or LAG750000.</u>	<u>LAC 33:IX.2701.A</u>	<u>\$600</u>	<u>More than 10, but less than 20 violations</u>

<u>EXPEDITED PENALTIES</u>			
<u>WATER QUALITY—Sanitary General Permit Series</u>			
<u>LAG530000, LAG540000, LAG560000, LAG570000, and LAG750000</u>			
<u>Violation</u>	<u>Citation</u>	<u>Amount¹</u>	<u>Frequency</u>
<u>Failure to properly operate and maintain all facilities and systems of treatment and control including sanitary sewer overflows.</u>	<u>LAC 33:IX.2701.E</u>	<u>\$250</u>	<u>Per occurrence</u>
<u>Failure to properly operate and maintain all facilities and systems of treatment and control.</u>	<u>LAC 33:IX.2701.E</u>	<u>\$100</u>	<u>Per occurrence</u>
<u>Unauthorized discharge of pollutants to waters of the state that do not cause an emergency condition and is from a facility eligible for coverage under LPDES General Permit LAG560000 or LAG570000.</u>	<u>LAC 33:IX.501.D</u>	<u>\$750</u>	<u>Per occurrence</u>
<u>Failure to comply with effluent limitations and/or monitoring requirement of an LPDES General Permit LAG560000 or LAG570000.</u>	<u>LAC 33:IX.2701.A</u>	<u>\$500</u>	<u>10 or fewer violations</u>
<u>Failure to comply with effluent limitations and/or monitoring requirement of an LPDES General Permit LAG560000 or LAG570000.</u>	<u>LAC 33:IX.2701.A</u>	<u>\$1,000</u>	<u>More than 10, but less than 20 violations</u>

¹ For each applicable violation that potentially contributes to impairment of a water body, an additional \$500 penalty amount shall be added to the penalty amount specified with the violation.

<u>EXPEDITED PENALTIES</u>			
<u>WATER QUALITY—Industrial/Commercial General Permit Series</u>			
<u>LAG110000, LAG380000, LAG420000, LAG470000, LAG480000, LAG490000, LAG670000, and</u>			
<u>LAG780000</u>			
<u>Violation</u>	<u>Citation</u>	<u>Amount¹</u>	<u>Frequency</u>
<u>Unauthorized discharge of pollutants to waters of the state that does not cause an emergency condition and is from a facility eligible for coverage under an LPDES permit within the Industrial/Commercial General Series.</u>	<u>LAC 33:IX.501.D</u>	<u>\$800</u>	<u>Per occurrence</u>
<u>Failure to comply with effluent limitations and/or monitoring requirements from a facility covered under an LPDES permit within the Industrial/Commercial General Series.</u>	<u>LAC 33:IX.2701.A</u>	<u>\$500</u>	<u>10 or fewer violations</u>
<u>Failure to comply with effluent limitations and/or monitoring requirements from a facility covered under an LPDES permit within the Industrial/Commercial General Series.</u>	<u>LAC 33:IX.2701.A</u>	<u>\$1,000</u>	<u>More than 10, but less than 20 violations</u>

¹ For each applicable violation that potentially contributes to impairment of a water body, an additional \$500 penalty amount shall be added to the penalty amount specified with the violation.

<u>EXPEDITED PENALTIES</u>			
<u>WATER QUALITY—Oil and Gas General Permit Series</u>			
<u>LAG260000, LAG300000, LAG330000, or LAG830000</u>			
<u>Violation</u>	<u>Citation</u>	<u>Amount¹</u>	<u>Frequency</u>

<u>EXPEDITED PENALTIES</u>			
<u>WATER QUALITY—Oil and Gas General Permit Series</u>			
<u>LAG260000, LAG300000, LAG330000, or LAG830000</u>			
<u>Violation</u>	<u>Citation</u>	<u>Amount¹</u>	<u>Frequency</u>
<u>Unauthorized discharge of pollutants to waters of the state that does not cause an emergency condition and is from a facility eligible for coverage under an LPDES permit within the Oil and Gas General Series.</u>	<u>LAC 33:IX.501.D</u>	<u>\$1,000</u>	<u>Per occurrence</u>
<u>Failure to comply with effluent limitations and/or monitoring requirements from a facility covered under an LPDES permit within the Oil and Gas General Series.</u>	<u>LAC 33:IX.2701.A</u>	<u>\$500</u>	<u>10 or fewer violations</u>
<u>Failure to comply with effluent limitations and/or monitoring requirements from a facility covered under an LPDES permit within the Oil and Gas General Series.</u>	<u>LAC 33:IX.2701.A</u>	<u>\$1,000</u>	<u>More than 10, but less than 20 violations</u>

¹ For each applicable violation that potentially contributes to impairment of a water body, an additional \$500 penalty amount shall be added to the penalty amount specified with the violation.

<u>EXPEDITED PENALTIES</u>			
<u>WATER QUALITY—Other Permits</u>			
<u>Violation</u> ²	<u>Citation</u>	<u>Amount</u> ¹	<u>Frequency</u>
Failure to comply with effluent limitations and/or monitoring requirements from a facility covered under an LPDES permit, which is not defined as a <i>Major Facility</i> or covered under a <i>General Permit</i> as defined in LAC 33.IX.2313.	LAC 33:IX.2701.A	\$500	10 or fewer violations
Failure to comply with effluent limitations and/or monitoring requirements from a facility covered under an LPDES permit, which is not defined as a <i>Major Facility</i> or covered under a <i>General Permit</i> as defined in LAC 33.IX.2313.	LAC 33:IX.2701.A	\$1,000	More than 10, but less than 20 violations

¹ For each applicable violation that potentially contributes to impairment of a water body, an additional \$500 penalty amount shall be added to the penalty amount specified above.

² For municipal sanitary treatment plants eligible for or covered under an LPDES permit within the Minor series, application of expedited penalty related LPDES General Permit LAG560000 or LAG570000 violations may be used as approved by the administrative authority.

<u>EXPEDITED PENALTIES</u>			
<u>WATER QUALITY—Nonspecific</u>			
<u>Violation</u>	<u>Citation</u>	<u>Amount</u> ¹	<u>Frequency</u>
Failure to develop a Spill Prevention and Control (SPC) plan for any applicable facility.	LAC 33:IX.708.C.1; LAC 33:IX.905	\$1,000\$500	Per occurrence

EXPEDITED PENALTIES			
WATER QUALITY—<u>Nonspecific</u>			
Violation	Citation	Amount¹	Frequency
Failure to implement any component of an SPC plan <u>which does not result in a release of pollutants to waters of the state.</u>	<u>LAC 33:IX.708.C.1;</u> LAC 33:IX.905	\$500 \$400	Per occurrence
Failure to implement any component of an SPC plan which results in a release of pollutants to waters of the state.	<u>LAC 33:IX.708.C.1;</u> <u>LAC 33:IX.905</u>	<u>\$1,000</u>	<u>Per occurrence</u>
Unauthorized discharge of oily fluids.	LAC 33:IX.1701.B	\$1,000	Per occurrence
Unauthorized discharge of oily fluids, oil field wastes, including and/or produced water.	<u>LAC 33:IX.708.C.2;</u> <u>LAC 33:IX.1701.B;</u> LAC 33:IX.1901.A	\$1,000	Per occurrence
Failure to submit an initial application or Notice of Intent for authorization under an LPDES permit.	<u>LAC 33:IX.2501.A</u>	<u>\$500</u>	<u>Per required submittal</u>
Failure to reapply for authorization under an LPDES permit in a timely manner prior to the expiration date of the current permit.	<u>LAC 33:IX.2501.A</u>	<u>\$250</u>	<u>Per required submittal</u>
Failure to reapply for authorization under an LPDES permit at a <i>Major Facility</i> , as defined in LAC 33:IX.2313, in a timely manner prior to the expiration date of the current permit.	<u>LAC 33:IX.2501.A</u>	<u>\$500</u>	<u>Per required submittal</u>

EXPEDITED PENALTIES			
WATER QUALITY—<u>Nonspecific</u>			
Violation	Citation	Amount¹	Frequency
Failure to submit a Notice of Intent for coverage under the LAR050000 or LAR100000 LPDES Storm Water General Permit.	LAC 33:IX.2511.C.1	\$1,000	Per occurrence
Failure to comply with any portion(s) of an LPDES LAG530000 Schedule A permit.	LAC 33:IX.2701.A	\$200 and completion of a department sponsored compliance class	10 or fewer violations
Failure to comply with any portion(s) of an LPDES LAG530000 Schedule A permit.	LAC 33:IX.2701.A	\$400 and completion of a department sponsored compliance class	More than 10 violations
Failure to comply with any portion(s) of an LPDES LAG530000 Schedule B permit.	LAC 33:IX.2701.A	\$300 and completion of a department sponsored compliance class	10 or fewer violations

EXPEDITED PENALTIES			
WATER QUALITY—<u>Nonspecific</u>			
Violation	Citation	Amount¹	Frequency
Failure to comply with any portion(s) of an LPDES LAG530000 Schedule B permit.	LAC 33:IX.2701.A	\$500 and completion of a department sponsored compliance class	More than 10 violations
Failure to comply with any portion(s) of an LPDES LAG540000 permit.	LAC 33:IX.2701.A	\$400 and completion of a department sponsored compliance class	10 or fewer violations
Failure to comply with any portion(s) of an LPDES LAG540000 permit.	LAC 33:IX.2701.A	\$600 and completion of a department sponsored compliance class	More than 10 violations
Failure to comply with any portion(s) of an LPDES LAG750000 permit.	LAC 33:IX.2701.A	\$400 and completion of a department sponsored compliance class	10 or fewer violations

EXPEDITED PENALTIES			
WATER QUALITY—<u>Nonspecific</u>			
Violation	Citation	Amount¹	Frequency
Failure to comply with any portion(s) of an LPDES LAG750000 permit.	LAC 33:IX.2701.A	\$600 and completion of a department sponsored compliance class	More than 10 violations
Failure to comply with monitoring requirements of LPDES Storm Water General Permits LAR050000 and LAR100000.	LAC 33:IX.2701.A	\$300	Per occurrence
Failure to submit certain reports as required by any LPDES permit not previously defined as an LPDES General Permit in LAC 33:I.801, including, but not limited to, noncompliance reports, storm water reports, pretreatment reports, biomonitoring reports, overflow reports, construction schedule progress reports, environmental audit reports as required by a municipal pollution prevention plan, and toxicity reduction evaluation reports.	LAC 33:IX.2701.A	\$300	Per required submittal

EXPEDITED PENALTIES			
WATER QUALITY—<u>Nonspecific</u>			
Violation	Citation	Amount¹	Frequency
Failure to prepare and/or implement any portion or portions of a Storm Water Pollution Prevention Plan (SWPPP), a Pollution Prevention Plan (PPP), or a Best Management Practices (BMP) Plan as required by any LPDES permit not <u>specified elsewhere in this Chapter</u> previously defined as an LPDES General Permit in LAC 33:I.801.	LAC 33:IX.2701.A	\$500 <u>\$1,000</u>	Per occurrence
<u>Failure to comply with any portion(s) of Sewage Sludge and Biosolids Use, or Disposal Permit LAJ650000.</u>	<u>LAC 33:IX.7301.D.1</u>	<u>\$400</u>	<u>Per occurrence</u>
<u>Failure to comply with registration requirements and standards for transporters of sewage sludge and/or standards for vehicles used in the transport of sewage sludge.</u>	<u>LAC 33:IX.7301.F</u>	<u>\$400</u>	<u>Per occurrence</u>
<u>Unauthorized use or disposal of sewage sludge or biosolids.</u>	<u>LAC 33:IX.7301.G.1</u> <u>or G.2</u>	<u>\$1,000</u>	<u>Per occurrence</u>

¹ For each applicable violation that potentially contributes to impairment of a water body, an additional \$500 penalty amount shall be added to the penalty amount specified with the violation.

EXPEDITED PENALTIES			
UNDERGROUND STORAGE TANKS			
Violation	Citation	Amount	Frequency
* * *			
Allowing a regulated substance to be placed into a new UST system that has not been registered.	LAC 33:XI.301.C.4	\$300 <u>\$1,500</u>	Per inspection
Failure to provide corrosion protection to tanks that routinely contain regulated substances using one of the specified methods.	LAC 33:XI.303. BD .1	\$500-and completion of a department sponsored compliance class	Per inspection
Failure to provide corrosion protection to piping that routinely contains regulated substances using one of the specified methods.	LAC 33:XI.303. BD .2	\$500-and completion of a department sponsored compliance class	Per inspection
Failure to provide corrosion protection to flex hoses and/or sub-pumps that routinely contain regulated substances using one of the specified methods.	LAC 33:XI.303. BD .2	\$500-and completion of a department sponsored compliance class	Per inspection
Failure to provide spill and/or overfill prevention equipment as specified.	LAC 33:XI.303. BD .3	\$300-and completion of a department sponsored compliance class	Per inspection

EXPEDITED PENALTIES			
UNDERGROUND STORAGE TANKS			
Violation	Citation	Amount	Frequency
Failure to ensure that the individual exercising supervisory control over installation-critical junctures is certified in accordance with LAC 33:XI.Chapter 13.	LAC 33:XI.303. B.4.D.6 .b.ii	\$1,000-\$1,500	Per occurrence
Failure to upgrade an existing UST system to new system standards as specified.	LAC 33:XI.303. C	\$1,300-and completion of a department sponsored compliance class	Per inspection
* * *			
Failure to continuously operate and maintain corrosion protection to the metal components of portions of the tank and piping that routinely contain regulated substances and are in contact with the ground or water.	LAC 33:XI.503.A.1	\$300-and completion of a department sponsored compliance class	Per inspection
Failure to have a UST system equipped with a cathodic protection system inspected for proper operation as specified.	LAC 33:XI.503.A.2	\$300-and completion of a department sponsored compliance class	Per inspection
Failure to inspect a UST system with an impressed current cathodic protection system every 60 days to ensure that the equipment is running properly.	LAC 33:XI.503.A.3	\$300-and completion of a department sponsored compliance class	Per inspection

EXPEDITED PENALTIES			
UNDERGROUND STORAGE TANKS			
Violation	Citation	Amount	Frequency
Failure to comply with recordkeeping requirements.	LAC 33:XI.503.B	\$200 and completion of a department sponsored compliance class	Per inspection
Failure to meet requirements for repairs to UST systems.	LAC 33:XI.507	\$300	Per inspection
* * *			
Failure to maintain required information and/or keep records at the UST site and make them immediately available or keep them at an alternative site and provide them after a request.	LAC 33:XI.509.B and C	\$200 and completion of a department sponsored compliance class	Per inspection
Failure of Class A, B, or C UST operators to be trained and certified in accordance with the regulations and deadlines in LAC 33:XI.607.	<u>LAC 33:XI.603.A.2</u>	<u>\$500</u>	<u>Per occurrence</u>
Failure of Class A or B UST operators to be retrained in accordance with LAC 33:XI.603 and 605 within three years of initial training.	<u>LAC 33:XI.609.A</u>	<u>\$500</u>	<u>Per occurrence</u>
Failure of a Class C operator to be retrained after beginning work at a UST facility owned by an operator that did not provide the Class C operators initial training.	<u>LAC 33:XI.609.B</u>	<u>\$300</u>	<u>Per occurrence</u>

EXPEDITED PENALTIES			
UNDERGROUND STORAGE TANKS			
Violation	Citation	Amount	Frequency
Failure to meet the performance requirements when performing release detection required in LAC 33:XI.703.	LAC 33:XI.701; 703.A.2.b and c	\$750 and completion of a department sponsored compliance class	Per inspection
<u>Failure to conduct an annual performance test on automatic line leak detectors by simulating a leak.</u>	<u>LAC 33:XI.701.B.1</u>	<u>\$350</u>	<u>Per inspection</u>
Failure to use a method or combination of methods of release detection described in LAC 33:XI.701 for all new or existing tank systems.	LAC 33:XI.703.A.1	\$1,500 and completion of a department sponsored compliance class	Per inspection
Failure to monitor tanks for releases as specified.	LAC 33:XI.703.B.1	\$350 and completion of a department sponsored compliance class	Per inspection
Failure to monitor underground piping for releases as specified.	LAC 33:XI.703.B.2	\$750 and completion of a department sponsored compliance class	Per inspection

EXPEDITED PENALTIES			
UNDERGROUND STORAGE TANKS			
Violation	Citation	Amount	Frequency
Failure to maintain release detection records.	LAC 33:XI.705	\$200 and completion of a department sponsored compliance class	Per inspection
Failure to report any suspected release within 24 hours after becoming aware of the occurrence or when a leak detection method indicates that a release may have occurred.	LAC 33:XI.703.A.3 or 707	\$500 and completion of a department sponsored compliance class	Per occurrence
Failure to investigate and confirm any suspected release of a regulated substance that requires <u>requiring</u> reporting under LAC 33:XI.707 within seven days <u>of detection</u> .	LAC 33:XI.711	\$1,500	Per occurrence
Failure to maintain corrosion protection and/or release detection on a UST system that is temporarily closed and contains more than 2.5 cm (1 inch) of residue, or 0.3 percent by weight of the total capacity of the UST system.	LAC 33:XI.903.A	\$500 and completion of a department sponsored compliance class	Per inspection
<u>Failure to permanently close tanks that do not meet the required performance standards.</u>	<u>LAC 33:XI.903.C</u>	<u>\$1,000</u>	<u>Per inspection</u>

EXPEDITED PENALTIES			
UNDERGROUND STORAGE TANKS			
Violation	Citation	Amount	Frequency
<u>Failure to perform and/or submit a site assessment within 24 months of the date tanks are placed into temporary closure.</u>	<u>LAC 33:XI.903.D</u>	<u>\$500</u>	<u>Per inspection</u>
* * *			
<u>No person shall conduct critical junctures of a UST system unless the person present at the site and exercising responsible supervisory control over the critical juncture is currently certified in accordance with LAC 33:XI.Chapter 13.</u>	<u>LAC 33:XI.1301.B</u>	<u>\$1,500</u>	<u>Per inspection</u>

<u>EXPEDITED PENALTIES</u>			
<u>RADIATION</u>			
<u>Violation</u>	<u>Citation</u>	<u>Amount</u>	<u>Frequency</u>
<u>Failure to submit a timely and complete license renewal application 30 days prior to expiration of existing license.</u>	<u>LAC 33:XV.332.C</u>	<u>\$250</u>	<u>Per occurrence</u>
<u>Failure to provide adequate or accurate information on notification of reciprocity.</u>	<u>LAC 33:XV.390.A.2</u>	<u>\$250</u>	<u>Per occurrence</u>
<u>Failure to secure licensed or registered radioactive material from unauthorized removal or access.</u>	<u>LAC 33:XV.445.A</u>	<u>\$500</u>	<u>Per occurrence</u>
<u>Failure to post each radiation area with conspicuous signage.</u>	<u>LAC 33:XV.451</u>	<u>\$300</u>	<u>Per occurrence</u>
<u>Failure of licensed transferor to verify that the transferee is licensed to receive the radioactive materials.</u>	<u>LAC 33:XV.340.C</u>	<u>\$1000</u>	<u>Per occurrence</u>
<u>Failure to perform required surveys or monitoring with properly calibrated instruments.</u>	<u>LAC 33:XV.430</u>	<u>\$500</u>	<u>Per inspection</u>

<u>EXPEDITED PENALTIES</u>			
<u>RADIATION</u>			
<u>Violation</u>	<u>Citation</u>	<u>Amount</u>	<u>Frequency</u>
<u>Failure to perform periodic measurement of entrance exposure rates at installation, annually thereafter, or after any maintenance of the x-ray fluoroscopic system.</u>	<u>LAC</u> <u>33:XV.605.A.3.b.i</u>	<u>\$1000</u>	<u>Per occurrence</u>

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 32:2243 (December 2006), amended LR 34:1393 (July 2008), LR 35:62 (January 2009), amended by the Office of the Secretary, Legal Division, LR 41:**.

FISCAL AND ECONOMIC IMPACT STATEMENT

FOR ADMINISTRATIVE RULES

LOG #: OS088

Person Preparing Statement: Celena J. Cage
celena.cage@la.gov (email address) Dept.: Environmental Quality
 Phone: 225-219-3712 Office: Environmental Compliance
 Return Address: 602 North 5th Street Rule Title: Expedited Penalty Amendments and
Baton Rouge, LA 70802 Updates (LAC 33:I.801 and 807)
 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)

The proposed rule change may result in a savings to state governmental units as a result of adding violations to the expedited penalty program. The potential savings may occur through a reduction in litigation costs associated with the violation process, as certain violations would now be eligible for expedited penalties. The amount saved is indeterminable since it would depend on the violation, penalty amount and if industry voluntarily enters the expedited penalty program. There are no estimated implementation costs or savings to local governmental units as a result of the proposed rule.

The proposed rule adds violations in the air quality, hazardous waste, solid waste, underground storage tanks, water quality, and radiation protection provisions to the expedited penalty program. The rule also clarifies various existing violations by adjusting existing penalty amounts to make the amounts consistent with penalty amounts for violations that are part of the normal penalty process. For illustrative purposes, there are 1,733 violations that were issued for the six areas mentioned above in a two-year period from 10/1/2013 to 10/1/2015. To the extent the proposed expedited penalties were applicable, approximately 22% or 383 violations would be eligible for expedited penalties.

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

The proposed rule is not anticipated to have any impact on state and local government revenues. The penalties that are being added to the expedited penalty agreement are penalties that are currently in place. The proposed rule change may result in a more timely payment of penalties that are now part of the expedited penalty agreement, since the violation process can be lengthy.

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

The proposed rule may result in an economic benefit to directly affected persons or non-governmental groups that participated in the increased scope of violations within the expedited penalty agreement. The potential economic benefit would be a quicker penalty process since the process can be lengthy for industry and the department. Entering into an expedited penalty agreement with the department is voluntary.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition or employment in the public or private sector as a result of the proposed rule. The proposed rule will not adjust the workload of the department, but potentially change the process of handling violations and penalties.

Signature of Agency Head or Designee

Legislative Fiscal Officer or Designee

Herman Robinson, CPM, Executive 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).

This rule amends and updates the violations in the air quality, hazardous waste, solid waste, underground storage tanks, water quality, and radiation protection provisions in the expedited penalty program contained in LAC 33:1.807. The rule also clarifies various existing violations, and appropriately adjusts existing penalty amounts to make the amounts consistent with penalty amounts in the proposed rule.

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

The original expedited penalty agreement rule, LAC 33:1.Chapter 8, became final on December 20, 2006. Since that time, the department has determined additional violations may qualify for coverage under the expedited penalty agreement provisions set forth in LAC 33:1.Chapter 8. Just like the existing rule, the proposed rule provides an alternative penalty assessment mechanism that the department may utilize to expedite the assessment of penalties in appropriate cases. The department issues expedited penalties at its discretion based upon the circumstances associated with the violations. Entering into an expedited penalty agreement with the department is voluntary—the respondent retains the right to either enter into, or not enter into, the agreement.

- 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 increase in the expenditure of funds will occur as a result of the proposed rule.

(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?

No costs or savings to state agencies are anticipated as a result of the proposed rule.

COSTS	FY15-16	FY16-17	FY17-18
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	-0-	-0-	-0-
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	FY15-16	FY16-17	FY17-18
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF-GENERATED	-0-	-0-	-0-
DEDICATED	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-
OTHER (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?

No additional funds will be required to implement the proposed rule.

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.

There is no anticipated impact to local governmental units as a result of the proposed rule.

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

This question is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

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

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

No increase or decrease in revenues is anticipated as a result of the proposed rule.

REVENUE INCREASE/DECREASE	FY15-16	FY16-17	FY17-18
STATE GENERAL FUND	0	0	0
AGENCY SELF-GENERATED	0	0	0
RESTRICTED FUNDS*	0	0	0
FEDERAL FUNDS	0	0	0
LOCAL FUNDS	0	0	0
TOTAL	0	0	0

*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.

This question is not applicable.

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.

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups anticipated as a result of the proposed rule.

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.

No impact on receipts or income of affected persons or non-governmental groups is anticipated as a result of the proposed rule.

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.

No effect on competition or employment will result from this proposed rule.