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*LAR050000*—~~an LPDES multi-sector storm water general permit.~~Repealed.

*LAR100000*—~~an LPDES storm water general permit associated with construction activity greater than 5 acres.~~Repealed.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Chapter, any Louisiana Pollutant Discharge Elimination System Permit in the LAG530000, LAG540000, or LAG750000 series.~~Repealed.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** |
| Failure to submit a timely NOC-1 within one year of changes in the name only of a facility or of its owner/operator. | LAC 33:I.1905.A | $250 | Per occurrence |
| \* \* \* | | | |

| **EXPEDITED PENALTIES** | | | |
| --- | --- | --- | --- |
| **AIR QUALITY** | | | |
| **Violation** | **Citation** | **Amount** | **Frequency** |
| 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. | LAC 33:III.501.C.1 | $250 | Per occurrence |
| 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. | LAC 33:III.501.C.1 | $250 | Per occurrence |
| 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. | LAC 33:III.501.C.2 | $1,000 | Per occurrence |
| 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. | LAC 33:III.501.C.2 | $1,500 | Per occurrence |
| Failure to timely submit any applicable Specific Condition or General Condition report as specified in any minor source permit. | LAC 33:III.501.C.4 | $250 | Per occurrence |
| \* \* \* | | | |
| 40 CFR Part 70 General Permit conditions (Part K, L, M, or R): Failure to timely submit any applicable annual~~,~~ or 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~~ |
| Failure to submit the Title V permit renewal application at least six months prior to the ~~date of~~ expiration date of the current permit, but obtained the renewal permit~~, 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. | LAC 33:III.507.E.4 | $1,000 | Per occurrence |
| Failure to provide notice of change of ownership within 45 days after the change. | LAC 33:III.517.G | ~~$200~~$250 | Per occurrence |
| Failure to submit a~~n~~ complete Annual Criteria Pollutant Emissions Inventory in a timely ~~and complete~~ manner when applicable. | LAC 33:III.919 | $500 | Per occurrence |
| ~~Control of Fugitive Emissions, sandblasting facilites:~~ Failure to take all reasonable precautions to prevent particulate matter from becoming airborne. | LAC 33:III.1305.A | ~~$250~~$750 | Per occurrence |
| Failure to install and maintain tarps in an abrasive blasting facility. | LAC 33:III.1329.C.1-3 | $750 | Per occurrence |
| 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. | LAC 33:III.1329.E | $750 | Per occurrence |
| 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. | LAC 33:III.1329.H | $750 | Per violation |
| Failure to maintain records on the facility premises at all times, and present them to an authorized representative of the department upon request. | LAC 33:III.1333.A or B | $200 | Per record |
| \* \* \* | | | |
| Failure to submit a~~n~~ complete Annual Toxic Emissions Data Inventory in a timely ~~and complete~~ manner when applicable. | LAC 33:III.5107.A | $500 | Per occurrence |
| ~~Failure to submit an initial perchloroethylene inventory report.~~ | ~~LAC 33:III.5307.A~~ | ~~$250~~ | ~~Per occurrence~~ |
| ~~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** | | | |
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| **AIR QUALITY—Asbestos** | | | |
| **Violation** | **Citation** | **Amount** | **Frequency** |
| **\* \* \*** | | | |

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

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

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

| **Expedited Penalties** | | | |
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| **HAZARDOUS WASTE~~-Used Oil~~** | | | |
| **Violation** | **Citation** | **Amount** | **Frequency** |
| 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. | LAC 33:V.303.B | $1,000 | Per occurrence |
| Failure by a generator of a *solid waste* (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. | LAC 33:V.1103 | $1,000 | Per occurrence |
| 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. | LAC 33:V.1105.B | $250 | Per inspection |
| Failure to keep a container containing non-volatile hazardous waste closed, except when necessary to add or remove waste (five or fewer containers). | LAC 33:V.1109.E.1.a.i; LAC 33:V.1109.E.4;  LAC 33:V.1109.E.7.a | $250 | Per occurrence |
| Failure to conduct weekly inspections of hazardous waste containers. | LAC 33:V.1109.E.1.a.i | $500 | Per occurrence |
| Failure to mark a container of hazardous waste with an accumulation start date (five or fewer containers). | LAC 33:V.1109.E.1.c; LAC 33.V.1109.E.7.c | $250 | Per occurrence |
| 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). | LAC 33:V.1109.E.1.d; LAC 33:V.1109.E.4; LAC 33:V.1109.E.7.c | $250 | Per occurrence |
| Failure by a hazardous waste generator to submit a timely, accurate, and/or complete hazardous waste annual report. | LAC 33:V.1111.B | $500 | Per occurrence |
| 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). | LAC 33:V.3823;  LAC 33:V.3845 | $250 | Per occurrence |
| 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). | LAC 33:V.4013.D; LAC 33:V.4035.G; LAC 33:V.4049.F; LAC 33:V.4069.F | $250 | Per occurrence |
| 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 container~~s~~ or tank~~s~~ prior to returning ~~them~~it to service. | LAC 33:V.4013.E;  LAC 33:V.4035.H;  LAC 33:V.4049.G;  LAC 33:V.4069.G | ~~$500~~$750 | Per occurrence |
| ~~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** | | | |
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| **SOLID WASTE** | | | |
| **Violation** | **Citation** | **Amount** | **Frequency** |
| Unauthorized on-site processing and/or disposal of regulated solid waste generated at the site by ~~the~~an individual who own~~er~~s, ~~lessee~~leases, or ~~other person having~~has an actual right, title, or interest in the property. | LAC 33:VII.315.C | ~~$250~~$500 | Per occurrence |
| Unauthorized processing and/or disposal of solid waste ~~by the generator~~which was generated at an off-site location ~~not permitted to receive such waste~~. | LAC 33:VII.315.C | ~~$250~~$1,500 | 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 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. | LAC 33:VII.315.C | $1,500 | Per occurrence |
| ~~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 ~~O~~open burning of solid waste as prohibited by regulation. | LAC 33:VII.315.M | ~~$250~~$300 | Per occurrence |
| A business engaged in open burning of solid waste as prohibited by regulation. | LAC 33:VII.315.M | $1,500 | Per occurrence |
| Offering residential solid waste to an unauthorized transporter and/or a facility not permitted to receive such waste. | LAC 33:VII.315.O | ~~$250~~$500 | 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~~$1,000 | Per occurrence |
| Offering industrial solid waste to an unauthorized transporter and/or a facility not permitted to receive such waste. | LAC 33:VII.315.O | ~~$750~~$1,500 | Per occurrence |
| **\* \* \*** | | | |
| Transportation of solid waste to a processing or disposal facility not permitted to receive such waste. | LAC 33:VII.505.D | ~~$1000~~$1,500 | Per occurrence |
| 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). | LAC 33:VII.525.A | $500 | Per occurrence |

| **EXPEDITED PENALTIES** | | | |
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| **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 |
| 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~~ more 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 |
| \* \* \* | | | |
| Failure to comply with the manifest requirements specified in LAC 33:VII.10533. | LAC 33:VII.10519.G; 10521.G | $200 | Per occurrence |
| \* \* \* | | | |
| Failure to use an authorized transporter for removal of waste tires from a place of business. | LAC 33:VII.10519.K | $500 | Per occurrence |
| **\* \* \*** | | | |
| Failure of a motor vehicle dealer to notify the administrative authority within 30 days of commencing business operations. | LAC 33:VII.10521.A | $300 | Per occurrence |
| **\* \* \*** | | | |
| Failure to use a waste tire 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 waste tires per day per customer. | LAC 33:VII.10525.A.2 | $300 | Per occurrence |
| **\* \* \*** | | | |
| Failure by a collector or collection center to follow the requirements for receipt of waste tires. | LAC 33:VII.10527.A | $200 | Per occurrence |
| **\* \* \*** | | | |

| **EXPEDITED PENALTIES** | | | |
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| **WATER QUALITY**—**Storm Water General Permit Series**  **(LAR040000, LAR050000, LAR100000, and LAR200000)** | | | |
| **Violation** | **Citation** | **Amount1** | **Frequency** |
| Failure to submit a Notice of Intent for coverage under LPDES Storm Water General Permit LAR050000 or LAR100000. | LAC 33:IX.2511.C.1 | $1,000 | Per occurrence |
| 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. | LAC 33:IX.2701.A | $300 | Per occurrence |
| 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. | LAC 33:IX.2701.A | $300 | Per occurrence |

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** | | | |
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| **WATER QUALITY**—**Sanitary General Permit Series**  **LAG530000, LAG540000, LAG560000, LAG570000, and LAG750000** | | | |
| **Violation** | **Citation** | **Amount1** | **Frequency** |
| 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. | LAC 33:IX.501.D | $500 | Per occurrence |
| Failure to comply with effluent limitations and/or monitoring requirements of LPDES General Permit LAG530000. | LAC 33:IX.2701.A | $250 | 10 or fewer violations |
| Failure to comply with effluent limitations and/or monitoring requirements of LPDES General Permit LAG530000. | LAC 33:IX.2701.A | $500 | More than 10, but less than 20 violations |
| Failure to comply with effluent limitations and/or monitoring requirements of LPDES General Permit LAG540000 or LAG750000. | LAC 33:IX.2701.A | $300 | 10 or fewer violations |
| Failure to comply with effluent limitations and/or monitoring requirements of LPDES General Permit LAG540000 or LAG750000. | LAC 33:IX.2701.A | $600 | More than 10, but less than 20 violations |
| Failure to properly operate and maintain all facilities and systems of treatment and control including sanitary sewer overflows. | LAC 33:IX.2701.E | $250 | Per occurrence |
| Failure to properly operate and maintain all facilities and systems of treatment and control. | LAC 33:IX.2701.E | $100 | Per occurrence |
| 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. | LAC 33:IX.501.D | $750 | Per occurrence |
| Failure to comply with effluent limitations and/or monitoring requirement of an LPDES General Permit LAG560000 or LAG570000. | LAC 33:IX.2701.A | $500 | 10 or fewer violations |
| Failure to comply with effluent limitations and/or monitoring requirement of an LPDES General Permit LAG560000 or LAG570000. | 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 with the violation.

| **EXPEDITED PENALTIES** | | | |
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| **WATER QUALITY**—**Industrial/Commercial General Permit Series**  **LAG110000, LAG380000, LAG420000, LAG470000, LAG480000, LAG490000, LAG670000, and LAG780000** | | | |
| **Violation** | **Citation** | **Amount1** | **Frequency** |
| 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. | LAC 33:IX.501.D | $800 | Per occurrence |
| Failure to comply with effluent limitations and/or monitoring requirements from a facility covered under an LPDES permit within the Industrial/Commercial General Series. | 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 within the Industrial/Commercial General Series. | 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 with the violation.

| **EXPEDITED PENALTIES** | | | |
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| **WATER QUALITY**—**Oil and Gas General Permit Series**  **LAG260000, LAG300000, LAG330000, or LAG830000** | | | |
| **Violation** | **Citation** | **Amount1** | **Frequency** |
| 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. | LAC 33:IX.501.D | $1,000 | Per occurrence |
| 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. | 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 within the Oil and Gas General Series. | 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 with the violation.

| **EXPEDITED PENALTIES** | | | |
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| **WATER QUALITY**—**Other Permits** | | | |
| **Violation2** | **Citation** | **Amount1** | **Frequency** |
| Failure to comply with effluent limitations and/or monitoring requirements from a facility covered under an LPDES permit, which is not defined as a *Major Facility* or covered under a *General Permit* 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 *Major Facility* or covered under a *General Permit* 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.

| **EXPEDITED PENALTIES** | | | |
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| **WATER QUALITY—Nonspecific** | | | |
| **Violation** | **Citation** | **Amount1** | **Frequency** |
| 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 |
| Failure to implement any component of an SPC plan which does not result in a release of pollutants to waters of the state. | LAC 33:IX.708.C.1;  LAC 33:IX.905 | $500~~$100~~ | Per occurrence |
| Failure to implement any component of an SPC plan which results in a release of pollutants to waters of the state. | LAC 33:IX.708.C.1;  LAC 33:IX.905 | $1,000 | Per occurrence |
| ~~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. | LAC 33:IX.708.C.2; LAC 33:IX.1701.B; 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. | LAC 33:IX.2501.A | $500 | Per required submittal |
| Failure to reapply for authorization under an LPDES permit in a timely manner prior to the expiration date of the current permit. | LAC 33:IX.2501.A | $250 | Per required submittal |
| Failure to reapply for authorization under an LPDES permit at a *Major Facility*, as defined in LAC 33:IX.2313, in a timely manner prior to the expiration date of the current permit. | LAC 33:IX.2501.A | $500 | Per required submittal |
| ~~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~~ |
| ~~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~~ |
| ~~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 |
| 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 specified elsewhere in this Chapter~~previously defined as an LPDES General Permit in LAC 33:I.801~~. | LAC 33:IX.2701.A | ~~$500~~$1,000 | Per occurrence |
| Failure to comply with any portion(s) of Sewage Sludge and Biosolids Use, or Disposal Permit LAJ650000. | LAC 33:IX.7301.D.1 | $400 | Per occurrence |
| 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. | LAC 33:IX.7301.F | $400 | Per occurrence |
| Unauthorized use or disposal of sewage sludge or biosolids. | LAC 33:IX.7301.G.1 or G.2 | $1,000 | Per occurrence |

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~~$1,500 | Per inspection |
| Failure to provide corrosion protection to tanks that routinely contain regulated substances using one of the specified methods. | LAC 33:XI.303.~~B~~D.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. ~~B~~D.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. ~~B~~D.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. ~~B~~D.3 | $300 ~~and completion of a department sponsored compliance class~~ | Per inspection |
| 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~~E | $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 |
| ~~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. | LAC 33:XI.603.A.2 | $500 | Per occurrence |
| 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. | LAC 33:XI.609.A | $500 | Per occurrence |
| Failure of a Class C operator to be re-trained after beginning work at a UST facility owned by an operator that did not provide the Class C operators initial training. | LAC 33:XI.609.B | $300 | Per occurrence |
| 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 |
| Failure to conduct an annual performance test on automatic line leak detectors by simulating a leak. | LAC 33:XI.701.B.1 | $350 | Per inspection |
| 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 |
| ~~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~~requiring reporting under LAC 33:XI.707 within seven days of detection. | 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 |
| Failure to permanently close tanks that do not meet the required performance standards. | LAC 33:XI.903.C | $1,000 | Per inspection |
| Failure to perform and/or submit a site assessment within 24 months of the date tanks are placed into temporary closure. | LAC 33:XI.903.D | $500 | Per inspection |
| \* \* \* | | | |
| 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. | LAC 33:XI.1301.B | $1,500 | Per inspection |

| **EXPEDITED PENALTIES** | | | |
| --- | --- | --- | --- |
| **RADIATION** | | | |
| **Violation** | **Citation** | **Amount** | **Frequency** |
| Failure to submit a timely and complete license renewal application 30 days prior to expiration of existing license. | LAC 33:XV.332.C | $250 | Per occurrence |
| Failure to provide adequate or accurate information on notification of reciprocity. | LAC 33:XV.390.A.2 | $250 | Per occurrence |
| Failure to secure licensed or registered radioactive material from unauthorized removal or access. | LAC 33:XV.445.A | $500 | Per occurrence |
| Failure to post each radiation area with conspicuous signage. | LAC 33:XV.451 | $300 | Per occurrence |
| Failure of licensed transferor to verify that the transferee is licensed to receive the radioactive materials. | LAC 33:XV.340.C | $1000 | Per occurrence |
| Failure to perform required surveys or monitoring with properly calibrated instruments. | LAC 33:XV.430 | $500 | Per inspection |
| Failure to perform periodic measurement of entrance exposure rates at installation, annually thereafter, or after any maintenance of the x-ray fluoroscopic system. | LAC 33:XV.605.A.3.b.i | $1000 | Per occurrence |

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:\*\*.