**Title 33**

**ENVIRONMENTAL QUALITY**

**Part VI. Inactive and Abandoned Hazardous Waste and Hazardous Substances Site Remediation**

**Chapter 11. Brownfields Cleanup Revolving Loan Fund Program**

**§1103. Authority**

 A. — B. …

 C. Act 612 of the 2018 Regular Session of the Louisiana Legislature amended R.S. 30:2552 to repeal the Brownfields Cleanup Revolving Loan Fund Program, effective July 1, 2020. However, Act 91 of the 2020 Regular Session of the Louisiana Legislature repealed the provisions of Act 612 on June 5, 2020, prior to the effective date of Act 612. As such, the Brownfields Cleanup Revolving Loan Fund Program was reinstated.

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2551-2552.

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2217 (September 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division LR 47:

**§1107. Eligibility for Participation in the Program**

 A. — B.1. …

 2. ~~The site must be eligible for participation in the Louisiana Voluntary Remediation Program as provided in~~The nature and extent of contamination to be remediated at the site using loan funds must be defined and documented in a department-approved Risk Evaluation / Corrective Action Program (RECAP) investigation report, voluntary remediation investigation report as provided in LAC 33:VI.Chapter 9, and/or other applicable report, such as a lead and asbestos containing materials survey. A site cleanup plan shall be submitted to the department’s brownfields coordinator within~~and the applicant must enter the program by submitting a completed voluntary remediation application for the site to the department within~~ 120 days of the execution of the loan agreement, unless an extension is granted by the administrative authority. The cleanup must be conducted with department oversight~~site must remain in the Louisiana Voluntary Remediation Program~~ to remain eligible for the loan program. All application and oversight fees associated with the remediation shall be paid in a timely fashion in accordance with ~~those~~applicable regulations.

 3. — 6. …

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2551-2552.

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2217 (September 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division LR 47:

**§1109. Ineligible and Eligible Costs**

 A. — A.11. …

 B. Eligible Costs. Loan funds may be used for:

 1. programmatic costs that are integral to achieving the purposes of the loan as described in the terms and conditions of the applicable federal cooperative agreement funding the loan~~most current edition of the federal “Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund, and Cleanup Grants” guidance document or its equivalent~~;

 2. preparation of cleanup planning documents such as:

 a. a voluntary remediation application, including development of the voluntary remedial action plan, as described in LAC 33:VI.911.B;

 b. a Risk Evaluation / Corrective Action Program (RECAP) compliant corrective action plan;

 c. a department-approved remedial action plan;

 d. a Quality Assurance Project Plan (QAPP) for data collection activities to be conducted during the remedial action;

 e. a community relations plan; and

 f. an Analysis of Brownfields Cleanup Alternatives (ABCA) to meet federal grant requirements;

 3. remediation of an eligible site pursuant to and in conformance with department oversight and approval ~~the Louisiana Voluntary Remediation Program~~;

 4. preparation of a ~~voluntary~~ remedial action report, as detailed in the approved loan agreement ~~described in LAC 33:VI.913.C.1~~;

 5. — 6. …

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2551-2552.

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2218 (September 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division LR 47:

**§1111. Loan Requirements**

 A. The maximum loan amount shall be $~~2~~500,000 per brownfields site and shall not exceed the estimated cost of the project. Under special circumstances this maximum loan amount may be increased by the department. The department may award loans that are less than the total project cost for a brownfields site. Loan amounts cannot be increased after the loan award due to cost overruns or other reasons. The borrower must apply for another loan to get additional funds.

 B. — F. …

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2551-2552.

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2218 (September 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division LR 47:

**§1113. Loan Application Process**

 A. — B.4. …

 5. a~~n~~ department-approved remedial investigation report ~~as described in LAC 33:VI.911.B.3~~;

 6. — 11. …

 12. an appraisal of the estimated value of the property after the ~~voluntary~~ remedial action is complete;

 B.13. — E. …

 AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2551-2552.

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2218 (September 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division LR 47: