

Regular Session, 2010

HOUSE BILL NO. 894

BY REPRESENTATIVE CHAMPAGNE

1 AN ACT

2 To amend and reenact R.S. 30:2154(B)(2)(a) and to enact R.S. 30:2154(B)(9), relative to  
3 regulatory permits; to authorize the secretary of the Department of Environmental  
4 Quality to develop regulatory permits for solid waste; to provide for limitations on  
5 such authority; to provide for delegation of authority; and to provide for related  
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 30:2154(B)(2)(a) is hereby amended and reenacted and R.S.  
9 30:2154(B)(9) is hereby enacted to read as follows:

10 §2154. Powers; duties; restrictions; prohibitions; penalties

11 \* \* \*

12 B. The secretary is hereby directed:

13 \* \* \*

14 (2)(a) To adopt by regulation a system for the registration and permitting of  
15 all solid waste disposal facilities within the state and to delegate the authority to  
16 issue or deny registrations, permits, and licenses to the appropriate assistant secretary  
17 when such delegation is deemed appropriate by the secretary. The authority to  
18 execute minor permit actions and to issue registrations, certifications, notices of  
19 deficiency, and notification of inclusion under a general permit or a regulatory  
20 permit may be delegated by the secretary or the appropriate assistant secretary to an  
21 authorized representative, notwithstanding the provisions of R.S. 30:2050.26.

22 \* \* \*

23 (9)(a) To develop regulatory permits for certain waste processing or disposal  
24 facilities provided the following conditions are satisfied:

1           (i) A regulatory permit shall not preclude the secretary from exercising all  
2           powers and duties as set forth in R.S. 30:2011(D), including but not limited to the  
3           authority to conduct inspections and investigations and enter facilities as provided  
4           in R.S. 30:2012, and to sample, monitor, or assess, for the purposes of assuring  
5           compliance with a regulatory permit or as otherwise authorized by this Subtitle or  
6           regulations adopted thereunder, any substances, pollutants, equipment, or facility at  
7           any location covered under the regulatory permit.

8           (ii) A regulatory permit shall require compliance with all applicable  
9           provisions of the department's rules and regulations, any applicable sections of the  
10           federal Resource Conservation and Recovery Act, and all Federal Aviation  
11           Administration safety guidelines, rules, regulations, or recommendations. Violation  
12           of the terms and conditions of a regulatory permit may constitute a violation of such  
13           regulation or act.

14           (iii) A regulatory permit may not authorize the operation or maintenance of  
15           a nuisance or a danger to public health or safety. All equipment maintained at the  
16           facility shall be maintained in good condition and shall be operated properly.

17           (iv) A regulatory permit shall, as appropriate, prescribe operational controls,  
18           equipment requirements, personnel requirements, testing requirements, and any other  
19           enforceable conditions. A regulatory permit shall also prescribe any necessary  
20           monitoring, recordkeeping, and reporting provisions necessary for the protection of  
21           public health and the environment.

22           (v) A regulatory permit may require any person seeking such permit to  
23           submit a written notification and any fee authorized by this Subtitle and applicable  
24           regulations to the secretary. Where required, submission of a written notification  
25           and any fee authorized by this Subtitle and applicable regulations shall be in lieu of  
26           submission of a permit application. The written notification shall be signed and  
27           certified in accordance with LAC 33:VII governing permit application submittal.  
28           Any person who submits a written notification and any fee authorized by this  
29           Subtitle and applicable regulations shall be authorized to operate under the

1 regulatory permit for which the notification was submitted when notified by the  
2 department that the notification was complete.

3 (vi) All regulatory permits promulgated by the secretary shall establish  
4 notification procedures, permit terms, and confirmation of notification by the  
5 department and shall be promulgated in accordance with the procedures provided in  
6 R.S. 30:2019.

7 (b) Regulatory permits for landfill facilities and land farm facilities are  
8 prohibited except for those facilities that may be authorized under a regulatory  
9 permit pertaining to emergency debris sites.

10 (c) Regulatory permits may authorize emergency debris management sites  
11 and activities.

12 \* \* \*

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_