

ACT No. 451

2016 Regular Session

HOUSE BILL NO. 900

BY REPRESENTATIVE LEOPOLD

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AN ACT

To amend and reenact R.S. 30:2011(D)(22)(b) and (c) and (25), 2014(D)(4) and (5), 2195(B), 2351.59(C)(1)(a) and (b), (2), and (3), and to enact R.S. 30:2014(D)(6), relative to fees collected by the Department of Environmental Quality; to authorize an increase of fees paid to the Department of Environmental Quality; to authorize an increase of fees paid for accreditation by commercial laboratories; to authorize and increase in fees paid for certain reviews of immovable property; to authorize a fee for requesting a declaratory ruling; to authorize an increase for underground storage tank fees; to authorize an increase in fees deposited into the Lead Hazard Reduction Fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2011(D)(22)(b) and (c) and (25), 2014(D)(4) and (5), 2195(B), 2351.59(C)(1)(a) and (b), (2), and (3) are hereby amended and reenacted and R.S. 30:2014(D)(6) is hereby enacted to read as follows:

§2011. Department of Environmental Quality created; duties; powers; structure

* * *

D. The secretary shall have the following powers and duties:

* * *

(22)

* * *

(b) Notwithstanding the provisions of R.S. 30:2014(D)(3) or R.S. 49:971(A), the secretary is hereby authorized to establish a fee schedule in accordance with

1 Subparagraph (c) of this Paragraph for any application for accreditation by a
2 commercial laboratory under the provisions of Subparagraph (a) of this Paragraph.

3 (c) The fee schedule authorized by Subparagraph (b) of this Paragraph shall
4 not exceed the following amounts:

5 (i) Accreditation application fee \$ ~~660.00~~ 726.00
6 payable every scope amendment
7 and every three years three-year renewal.

8 (ii)(aa) Per major test category per \$ ~~330.00~~ 363.00
9 matrix payable every year, or

10 (bb) Minor conventional category \$ ~~264.00~~ 290.00
11 payable every year.

12 (iii) Annual surveillance and evaluation \$ ~~330.00~~ 363.00
13 applicable to minor conventional
14 facilities and facilities applying for
15 only one category of accreditation.

16 (iv)(aa) Proficiency samples biannually to be
17 purchased by the laboratory.

18 (bb) Bioassay/biomonitoring annually to
19 be purchased by the laboratory.

20 (v) Third party audit to be billed directly to
21 the laboratory.

22 (vi) The accreditation fees for laboratories
23 receiving national accreditation will be
24 one and one-half times the regular fees.

25 * * *

26 (25) To promulgate rules and regulations providing for conducting requested
27 reviews of environmental conditions of a specified tract of immovable property,
28 including but not limited to requests for no further action letters. Such rules may
29 provide for a fee for each request by the landowner or a party with an interest in a
30 real estate transaction involving the specified property not to exceed the maximum

1 per hour overtime salary, including associated-related benefits, of a civil service
 2 employee of the department per hour or portion thereof required to conduct the
 3 review plus reasonable indirect costs calculated as a percentage of the hourly fee.
 4 Such percentage shall be determined annually by agreement between the department
 5 and the United States Environmental Protection Agency for use on grants and
 6 contracts. However, the department shall require a requestor to pay a minimum fee
 7 not exceeding one thousand ~~five~~ six hundred fifty dollars prior to conducting the
 8 review.

9 * * *

10 §2014. Permits, licenses, registrations, variances, and ~~monitoring~~ fees

11 * * *

12 D.

13 * * *

14 (4)(a) In accordance with the provisions of Article VII, Section 2.1 of the
 15 Constitution of Louisiana, and notwithstanding any other provision of law, the
 16 Department of Environmental Quality may modify any fee that is in effect on June
 17 30, 2002, is authorized by this Title, and is required to be deposited into the
 18 Environmental Trust Fund. Such a modification may increase the rate in effect on
 19 June 30, 2002, over the two-year fiscal period beginning July 1, 2002, as follows:
 20 the department may increase any such fee by a maximum of twenty percent, effective
 21 on or after July 1, 2002, and by a maximum of ten percent above the rate in effect on
 22 June 30, 2003, effective on or after July 1, 2003. Within ninety days of the
 23 promulgation and adoption of any regulation necessary to implement the fees herein,
 24 the Department of Environmental Quality shall submit a written report to the Joint
 25 Legislative Committee on the Budget for its approval which details the proposed use
 26 for the fee increase, efforts to decrease the processing time for permits, efforts to
 27 increase the number of inspections conducted at regulated facilities, enforcement
 28 activities, and efforts to increase the collection of fines imposed by the Department
 29 of Environmental Quality.

1 **(b) Notwithstanding any other provision of law to the contrary, the**
2 **Department of Environmental Quality may increase the following fees from the**
3 **amounts in effect on March 14, 2015, is authorized by this Title or any rule or**
4 **regulation promulgated pursuant thereto, and is required to be deposited into the**
5 **Environmental Trust Fund as follows:**

6 **(i) Ground water fees provided for in Chapter 14 of Part 1 of Title 33 of the**
7 **Louisiana Administrative Code may be increased by up to ten percent.**

8 **(ii) Air fees provided for in Part III of Title 33 of the Louisiana**
9 **Administrative Code may be increased by up to ten percent. A minimum application**
10 **fee of five hundred dollars and a minimum annual maintenance fee of two-hundred**
11 **fifty dollars may be established. The maximum annual maintenance fee for natural**
12 **gas compressors provided in LAC 33:III.223, Table 1, Categories 1430 through 1490**
13 **shall not exceed forty-one thousand six hundred twelve dollars for any one gas**
14 **transmission permit. In addition, the secretary is hereby authorized to establish a fee**
15 **schedule for the following:**

16 **(aa) An application fee for a new, modification, or renewal of an acid rain**
17 **permit not to exceed five hundred dollars.**

18 **(bb) An application fee for the renewal with no modification of an operating**
19 **permit not to exceed the minimum minor permit modification fee.**

20 **(cc) An annual fee charged for sources permitted pursuant to 40 CFR Part**
21 **70 and required to obtain a permit pursuant to Title V of the federal Clean Air Act**
22 **not to exceed twenty percent of the total annual maintenance fees.**

23 **(iii) Hazardous waste fees provided in Part V of Title 33 of the Louisiana**
24 **Administrative Code may be increased by up to twenty-five percent. In addition, the**
25 **secretary is hereby authorized to establish a fee schedule for the following:**

26 **(aa) An annual maintenance fee for hazardous waste treatment, storage and**
27 **disposal facilities that are in post-closure not to exceed four thousand one hundred**
28 **twenty-five dollars.**

29 **(bb) An application fee for hazardous waste transfer facilities not to exceed**
30 **one thousand nine hundred dollars.**

1 (cc) An application fee for used oil transfer facilities not to exceed one
2 thousand three hundred dollars.

3 (dd) An application fee for an extension of the accumulation time by
4 hazardous waste generators not to exceed five hundred dollars.

5 (iv)(aa) Solid waste fees provided in Part VII of Title 33 of the Louisiana
6 Administrative Code may be increased by up to twenty-five percent.

7 (bb) Tonnage fees for non-industrial wastes provided for in LAC
8 33:VII.1505(B)(2)(b) may be applied for amounts exceeding twenty-five thousand
9 tons.

10 (v) Water quality fees in Part IX of Title 33 of the Louisiana Administrative
11 Code may be increased by up to ten percent. In addition the secretary is hereby
12 authorized to establish a fee schedule for the following:

13 (aa) A general permit for oil and gas wells in the coastal and territorial seas
14 provided for in LAC 33:IX.1309(N) charged annually based upon each application
15 for coverage under the general permit not to exceed one thousand seven hundred
16 fifty dollars.

17 (bb) A general permit for sewage sludge authorizations charged annually not
18 to exceed six hundred dollars.

19 (cc) An annual fee for sewage sludge individual permits not to exceed two
20 thousand dollars.

21 (vi)(aa) Underground storage tank fees provided for in Part XI of Title 33 of
22 the Louisiana Administrative Code may be increased by up to ten percent.

23 (bb) The secretary is hereby authorized to establish a fee schedule for the
24 amendment of registrations not to exceed sixty dollars.

25 (vii)(aa) Radiation protection fees in Part XV of Title 33 of the Louisiana
26 Administrative Code may be increased by up to ten percent.

27 (bb) The secretary is hereby authorized to establish a fee schedule for a
28 license renewal application fee not to exceed the new application fee.

29 (viii) Any increase authorized by this Subparagraph by a certain percentage
30 shall be rounded up to the nearest dollar.

1 (c) Within ninety days of the promulgation and adoption of any regulation
 2 necessary to implement the fees authorized by Subparagraph (b) of this Paragraph,
 3 the department shall submit a written report to the Joint Legislative Committee on
 4 the Budget for its approval which details the proposed use for the fee increase,
 5 efforts to decrease the processing time for permits, efforts to increase the number of
 6 inspections conducted at regulated facilities, enforcement activities, and efforts to
 7 increase the collection of fines imposed by the department.

8 (5) Except as provided in R.S. 30:2155.1, the department shall collect from
 9 each facility permitted as a construction or demolition debris landfill, as part of the
 10 annual monitoring and maintenance fee, a fee not exceeding ~~twenty~~ twenty-five cents
 11 per ton of construction or demolition debris deposited in the facility. The fee
 12 provided for in this Paragraph shall ~~only apply~~ apply only to construction or
 13 demolition debris which is subject to a fee imposed by the facility. The secretary is
 14 authorized to promulgate rules and regulations to implement this Paragraph.

15 (6) The Department may require a fee to process any request for a
 16 declaratory ruling not to exceed the maximum per-hour overtime salary, including
 17 associated-related benefits, of a civil service employee of the department per hour
 18 or portion thereof required to conduct the review plus reasonable indirect costs
 19 calculated as a percentage of the hourly fee. Such percentage shall be determined
 20 annually by agreement between the department and the United States Environmental
 21 Protection Agency for use on grants and contracts. However, the department may
 22 require a requestor to pay a minimum fee of one thousand five hundred dollars.

* * *

§2195. Motor Fuels Underground Storage Tank Trust Fund

* * *

26 B. There is hereby established a special custodial trust fund in the state
 27 treasury to be known as the Motor Fuel Underground Storage Tank Trust Fund,
 28 hereafter referred to as the "Tank Trust Fund", into which the state treasurer shall,
 29 each fiscal year, deposit the revenues received from the collection of the fees as
 30 established in R.S. 30:2195.3(A)(1)(a) and (B). The secretary is authorized pursuant

1 to Article VII, Section 9(A) of the Constitution of Louisiana and R.S. 30:2031 to
 2 enter into an agreement with a private legal entity to receive and administer the Tank
 3 Trust Fund for the purpose of providing financial responsibility for underground
 4 motor fuel storage tanks. On an annual basis, all owners of registered tanks shall
 5 remit to the department a tank registration fee of ~~fifty-four~~ sixty dollars for each
 6 tank. The revenue from the tank registration fees shall be deposited directly into the
 7 Environmental Trust Fund as provided by R.S. 30:2015 and utilized for underground
 8 storage tank activities only, and any deviation from the aforesaid shall be
 9 documented and reported to the House Committee on Natural Resources and
 10 Environment and the Senate Committee on Environmental Quality. Revenues
 11 received from annual maintenance and monitoring fees, other than those established
 12 in R.S. 30:2195.3(B), shall be deposited into the Environmental Trust Fund. The
 13 department shall promulgate rules and regulations for the implementation of this
 14 Section in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

15 * * *

16 §2351.59. Fees

17 * * *

18 C.(1) License and certification fees shall be paid as follows:

19 (a) License evaluation fee of five hundred fifty dollars shall be paid by lead
 20 contractors.

21 (b) Certification fees shall be paid for the following disciplines:

- 22 (i) Lead project supervisor \$ ~~250.00~~ 275.00
- 23 (ii) Lead project designer \$ ~~500.00~~ 550.00
- 24 (iii) Risk assessor \$ ~~250.00~~ 275.00
- 25 (iv) Lead inspector \$ ~~150.00~~ 165.00
- 26 (v) Lead worker \$ ~~50.00~~ 55.00

27 * * *

28 (2) Accreditation fees for training organizations shall be paid as follows:

- 29 (a) In-state training organizations (Louisiana domiciliaries):
- 30 (i) Application processing fee \$ ~~500.00~~ 550.00

- 1 (ii) Processing fee per instructor \$ ~~50.00~~ 55.00
- 2 (iii) Emergency processing 1.5 times the regular fees
- 3 (b) Out-of-state training organizations (non-Louisiana domiciliaries):
- 4 (i) Application processing fee \$ ~~750.00~~ 825.00
- 5 (ii) Processing fee per instructor \$ ~~100.00~~ 110.00
- 6 (iii) Emergency processing 1.5 times the regular fees
- 7 (3) Notification fees will be due upon application as follows:
- 8 (a) For the lead abatement of a building or other structure, the fee shall be
- 9 based upon the projected lead-based painted areas to be abated in the abatement
- 10 project. Areas of lead-contaminated soil associated with the abatement process will
- 11 be included in the projected square footage for the building or structure as follows:
- 12 (i) 2000 square feet and under \$ ~~200.00~~ 220.00
- 13 (ii) Each additional increment of 2000
- 14 square feet or portion thereof \$ ~~100.00~~ 110.00
- 15 (iii) Revisions to notification fees \$ ~~50.00~~ 55.00
- 16 (b) For the lead abatement of soil only, the fee shall be based upon the
- 17 projected acreage of the abatement project as follows:
- 18 (i) Half acre or less \$ ~~200.00~~ 220.00
- 19 (ii) Each additional half acre or
- 20 portion thereof \$ ~~100.00~~ 110.00
- 21 (iii) Revisions to notification fees \$ ~~50.00~~ 55.00
- 22 (c) Emergency notification processing fees will be one and one- half
- 23 times the regular fees.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.