

RÉSUMÉ DIGEST

ACT 85 (HB 758)

2026 Regular Session

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Existing law establishes the Dept. of Environmental Quality (dept.) and provides it with jurisdiction over matters affecting the regulation of the environment within the state, including but not limited to the regulation of air quality, noise pollution control, water pollution control, the regulation of solid waste disposal, the protection and preservation of the scenic rivers and streams of the state, the regulation and control of radiation, the management of hazardous waste, and the regulation of those programs which encourage, assist, and result in the reduction of wastes generated within La.

New law adds groundwater protection and underground storage tanks to the list.

Prior law provided a fee schedule for commercial laboratories with set fee amounts.

New law removes the set amounts and provides the secretary with authorization to set a fee schedule using a formula based on the test category per matrix, accreditation requested, and location of the lab.

Prior law provided for promulgation of rules for conducting environmental reviews of immovable property with maximum and minimum fee requirements specified in prior law.

New law removes the maximum and minimum specifications and retains the provision for promulgation of rules.

Prior law provided for an initial fee and an annual monitoring and maintenance fee to be charged for all permits, licenses, registrations, or variances authorized by existing law related to adequate permitting, monitoring, investigation, administration, and other activities required for the maintenance of a healthful and safe environment and provided for the fees to be deposited in the Environmental Trust Fund Dedicated Account.

New law changes from an initial fee to an application fee charged for the permits, licenses, registrations, or variances and provides an exception for funds to be deposited in the Environmental Trust Fund Dedicated Account unless specified elsewhere.

Prior law provided that the dept. was prohibited from changing the formula for fees authorized under prior law by more than 5% of what was paid the preceding year.

New law provides that the dept. can utilize the rulemaking process to change the formula based on the consumer price index and it can be aggregated for years in which it was not altered.

Existing law provided that the dept. cannot create new fees under existing law (Subtitle II).

New law allows the dept. to adjust or modify fees for activities authorized under existing law or to change the formula if the need arises due to new technology, correction of errors, new industry, federal obligations, and budgetary concerns by promulgating rules to determine the fees by using a formula to be based upon a cost equal to the cost of the annual maintenance, permitting, monitoring, investigation, administration, and other activities required, including any effects the volume of emissions or effluents may have on such activities.

Prior law permitted the dept. to modify certain fees in effect on specific dates by a specified percentage in conjunction with promulgating and adopting the necessary regulations to implement them and by submitting a written report regarding the implementation and use for the fees to the Joint Legislative Committee on the Budget within 90 days.

New law repeals the process provided to modify certain fees in prior law and provides for the secretary to establish fees through the rulemaking process that reflect the dept's. work and costs necessary to issue and enforce the permits and sets caps for the fees based on the type of permits as follows:

- (1) Groundwater Protection Fees in Part I of Title 33 of the La. Administrative Code cannot exceed \$75,000 for any one site annually.

- (2) Laboratory Accreditation Fees in Part I of Title 33 of the La. Administrative Code cannot exceed \$1,500 per test scope category annually.
- (3) Air Quality Control Fees in Part III of Title 33 of the La. Administrative Code are based on the number of emissions points or the total tons actually emitted, with an application fee or annual fee per emission point that cannot exceed \$100 per point. The annual fee per ton for criteria pollutants cannot exceed \$100 annually with Toxic Air Pollutant rates set by class.
- (4) Hazardous Waste Fees in Part V of Title 33 of the La. Administrative Code cannot exceed \$775,000 for any one permit annually.
- (5) Solid Waste Fees in Part VII of Title 33 of the La. Administrative Code cannot exceed \$250,000 for any one permit annually.
- (6) Water Quality Fees in Part IX of Title 33 of the La. Administrative Code cannot exceed \$250,000 for any one permit annually.
- (7) Radiation Protection Fees in Part XV of Title 33 of the La. Administrative Code cannot exceed \$775,000 for any one license annually.

Existing law allows the dept. to require a fee to process any request for a declaratory ruling, not to exceed the maximum per-hour overtime salary, including associated-related benefits, of a civil service employee of the dept. per hour or portion thereof required to conduct the review plus reasonable indirect costs calculated as a percentage of the hourly fee.

New law adds authority for the dept. to require a fee to process a request for expedited permit, review of environmental conditions, remediation, or review of a self audit.

New law adds provision for the dept. to modify any fee that is in effect on June 30, 2026, authorized by existing law by promulgating rules to determine these fees by using a formula based upon a cost equal to the cost of the annual maintenance, permitting, monitoring, investigation, administration, and other activities required, including any effects the volume of emissions or effluents may have on such activities.

New law provides that the dept. must promulgate rules to determine emergency processing fees, which must not exceed one and a half times the regular fees.

New law adds a provision to allow the dept. to promulgate rules to determine late fees, which must not exceed 15% of the original amount.

New law establishes a violation subject to enforcement actions of the La. Environmental Quality Act (R.S. 30:2001 et seq.) for failure to pay the prescribed fees within 90 days after the due date including but not limited to revocation or suspension of the applicable permit, license, registration, or variance.

Prior law authorized the dept. to increase fees to cover the operating expenses of the dept. for the continued implementation of the accidental release prevention program by increasing, on an average of 4.5%, existing fees assessed by the dept. pursuant to its fee schedules under the air quality control program based on industrial groups that reflected the degree that these were to be regulated under the accidental release prevention program.

New law eliminates the provision of prior law which specifies the fee increase must be implemented by increasing, on an average of 4.5%, existing fees assessed by the dept. pursuant to its fee schedules under the air quality control program based on industrial groups that reflect the degree that these are to be regulated under the accidental release prevention program but retains the authorization for the dept. to increase fees to cover the operating expenses of the dept. for the continued implementation of the accidental release prevention program.

Prior law provided for owners of motor fuel underground storage tanks storing motor oil to pay a fee of up to \$275 per year.

New law increases the motor fuel underground storage tank fee for storing motor oil from \$275 to \$300 per year.

Prior law authorized the dept. to charge a participation fee up to \$660 per application for approval of an investigation plan and a fee up to \$660 per application for approval of a remediation plan and to promulgate rules and regulations to provide for the disbursement of actual direct costs associated with oversight activities conducted pursuant to existing law.

New law retains the authorization for the dept. to charge fees for approval of investigation and remediation plans but eliminates the specified amount of \$660 and provides for the fees to be adopted by the dept. in accordance with the Administrative Procedure Act (R.S. 49:950 et seq.).

Existing law provides for applications for licensure, certification, and accreditation fees as well as notification fees for lead abatement projects to be paid annually to the secretary.

New law retains the annual payments for applications and notifications but provides they be paid to the dept. rather than the secretary.

Prior law provided for license evaluation fees of \$550 to be paid by lead contractors.

New law eliminates the provision of \$550 by lead contractors and provides that license evaluation fees be paid annually.

Prior law provided certification fees to be paid by discipline and establishes amounts to be paid.

New law eliminates the set fee by discipline and provides that the certification fees be paid annually.

Prior law provided for accreditation fees for organization fees to be paid with set fees for categories.

New law retains the provision for organizations to pay accreditation fees but adds a requirement for instructors to pay accreditation fees as well as a provision for the fees to be paid annually.

New law further eliminates the set fees for accreditation by category.

Prior law provided for notification fees to be paid upon application with specifications for the lead abatement project size and type of structure.

New law provides for notification fees to be assessed per project with consideration for the project size and type of structure.

New law further provides that any formula for fees be adopted by the dept. in accordance with the Administrative Procedures Act (R.S. 49:950 et seq.).

Prior law provided for application fees for examination, training, and certification to be paid by the applicant for the Board of Certification and Training.

New law specifies that the fees be established using a formula based on the cost of establishing a certification program for operators of solid waste disposal facilities for examination, training and certification and adopted by the dept. in accordance with the Administrative Procedures Act (R.S. 49:950 et seq.) and deposited in the Environmental Trust Dedicated Fund Account.

Prior law provided for the dept. to modify fees in effect on June 30, 2002, as provided under prior law and provided criteria for the modifications.

New law repeals provisions of prior law.

Prior law provided for the dept. to modify fees in effect on June 30, 2021, as provided under prior law and provided criteria for the modifications.

New law repeals provisions of prior law.

Prior law provided for the dept. to collect from each facility permitted as a construction or demolition debris landfill, as part of the annual monitoring and maintenance fee, a fee not exceeding 25 cents per ton of construction or demolition debris deposited in the facility, only applicable to construction or demolition debris which was subject to a fee imposed by the facility.

New law repeals provisions of prior law.

Prior law provided the fee for reviewing environmental self-audits and corrective actions must not have exceed the maximum salary, of a civil service employee of the dept. per hour or portion required to conduct the review plus reasonable indirect costs calculated as a percentage of the hourly fee, which was determined annually by agreement between the dept. and the Environmental Protection Agency for use on grants and contracts with the dept. allowed to require a minimum fee of \$1500.

New law repeals provisions of prior law.

Effective August 1, 2026.

(Amends R.S. 30:2011(A)(1), (D)(22)(b) and (c), and (25), 2014(B), (D)(2), (3), (4), and (7), 2063(J), 2195.3(B), 2289.1(D), 2351.59(B), and (C) and R.S. 37:3154(10); Adds R.S. 30:2014(E), (F), and (G); Repeals R.S. 30:2014(D)(5) and (6) and 2044(C))