

2021 Regular Session

HOUSE BILL NO. 670

BY REPRESENTATIVE GARY CARTER

ENVIRONMENT/FEES: Authorizes an increase in certain fees collected by the Department of Environmental Quality

1 AN ACT

2 To amend and reenact R.S. 30:2011(D)(22)(c) and to enact R.S. 30:2014(D)(4)(d), relative
3 to fees collected by the Department of Environmental Quality; to authorize a
4 minimum amount for fees paid to the department; to authorize an increase of certain
5 fees paid to the department; to establish a new fee for radioactive waste disposal
6 processing; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 30:2011(D)(22)(c) is hereby amended and reenacted and R.S.
9 30:2014(D)(4)(d) is hereby enacted to read as follows:

10 §2011. Department of Environmental Quality created; duties; powers; structure

11 * * *

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

13 * * *

14 (22)

15 * * *

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

- 18 (i) Accreditation application fee \$ 726.00
- 19 payable every scope amendment
- 20 and every three-year renewal.

- 1 (ii)(aa) Per major test category per \$ 363.00
- 2 matrix payable every year, or
- 3 (bb) Minor conventional category \$ 290.00
- 4 payable every year.
- 5 (iii) Annual surveillance and evaluation \$ 363.00
- 6 applicable to minor conventional
- 7 facilities and facilities applying for
- 8 only one category of accreditation.
- 9 ~~(iv)(aa)~~ Annual fee for dependent mobile lab \$363.00
- 10 laboratories, per mobile
- 11 ~~(v)~~(aa) Proficiency samples biannually to be
- 12 purchased by the laboratory.
- 13 (bb) Bioassay/biomonitoring annually to
- 14 be purchased by the laboratory.
- 15 ~~(v)~~(vi) Third party audit to be billed directly to
- 16 the laboratory.
- 17 ~~(vi)~~(vii) The accreditation fees for in state laboratories
- 18 receiving national accreditation will be
- 19 one and one-half times the regular fees.
- 20 ~~(vii)~~ The accreditation fees for out-of-state laboratories
- 21 receiving state accreditation will be
- 22 one and one-half times the regular fees.
- 23 ~~(viii)~~ The accreditation fees for out-of-state laboratories
- 24 receiving national accreditation will be
- 25 two times the regular fees.
- 26 ~~(ix)~~ Interim accreditation application fees
- 27 will be two times the regular fees.

§2014. Permits, licenses, registrations, variances, and fees

* * *

1 D.

2 * * *

3 (4)

4 * * *

5 (d) In accordance with the provisions of Article VII, Section 2.1 of the
6 Constitution of Louisiana, and notwithstanding any other provision of law to the
7 contrary, the Department of Environmental Quality may increase the following fees
8 that are in effect on June 30, 2021, as authorized by this Title, and are required to be
9 deposited into the Environmental Trust Dedicated Fund Account as indicated:

10 (i) Air fees provided for in Part III of Title 33 of the Louisiana
11 Administrative Code:

12 (aa) The criteria pollutant annual fee per ton emitted on an annual basis for
13 all facility types may be increased by an amount not to exceed twenty dollars per ton
14 phased in over a two-year period. The first phase will increase to sixteen dollars and
15 sixty one cents per ton and will become effective July 1, 2022. The second phase
16 will increase to twenty dollars per ton and will become effective July 1, 2023.

17 (bb) The minimum fee for criteria pollutant annual fee and air toxins annual
18 fees may be increased to two hundred and fifty dollars.

19 (cc) In addition, the secretary is hereby authorized to establish an application
20 fee of five thousand dollars for the issuance of asbestos disposal verification forms
21 for a single site for the period of one fiscal year.

22 (ii) Solid waste fees provided for in Part VII of Title 33 of the Louisiana
23 Administrative Code:

24 (aa) Establish a waste tire transporter authorization application fee not to
25 exceed two hundred and fifty dollars, which shall be deposited into the Waste Tire
26 Management Fund.

27 (bb) In addition, the secretary is hereby authorized to establish an annual fee
28 schedule for all transporters of solid waste with a facility located in Louisiana.

1 (cc) All holders of permits for solid waste processing and disposal facilities
2 that have not completed closure, including post-closure activities, in accordance with
3 an approved plan, shall be charged an annual monitoring and maintenance fee for
4 each permit and an annual tonnage fee for applicable permits. Annual monitoring
5 and maintenance fees shall be charged for each permitted waste type.

6 (dd) The maximum annual tonnage fee for type I facilities is one hundred
7 twenty thousand dollars.

8 (ee) The maximum annual tonnage fee for type II facilities is thirty thousand
9 dollars.

10 (ff) The permit application review fee for type I, I-A, II, and II-A standard
11 permit applicants may be increased to six thousand one hundred twenty five dollars.

12 (gg) The permit application review fee for type III standard permit applicants
13 may be increased to one thousand three hundred twenty five dollars.

14 (hh) The permit application review fee for type I, I-A, II, and II-A
15 permit-modification applicants may be increased to two thousand six hundred fifty
16 dollars.

17 (ii) The permit application review fee for type III permit-modification
18 applicants may be increased to eight hundred thirteen dollars.

19 (jj) In addition, the secretary is hereby authorized to establish an annual fee
20 of two hundred fifty dollars for all transporters of solid waste with a facility located
21 in Louisiana.

22 (iii) Radiation protection fees provided for in Part XV of Title 33 of the
23 Louisiana Administrative Code:

24 (aa) The secretary may establish that the naturally occurring radioactive
25 materials general license fee shall be billed per wellhead in the amount of one
26 hundred twenty five dollars regardless of the field. No maximum fee shall apply.

27 (bb) In addition, the secretary is hereby authorized to establish a fee schedule
28 for the following activities:

Proposed law authorizes increases in air fees as follows:

- (1) Criteria pollutant annual fee - not to exceed \$20 per ton in two phases. The first phase will increase the fee to \$16.61/ton effective 7/1/22. The second phase will increase the fee to \$20/ton effective 7/1/23.
- (2) Minimum fee for criteria pollutants - not to exceed \$250.
- (3) New fee for asbestos disposal certification forms - \$5000 for one fiscal year.

Proposed law authorizes increases in solid waste fees as follows:

- (1) Waste tire transporter authorization application fee - not to exceed \$250.
- (2) Maximum annual tonnage fee for type I facilities - \$120,000.
- (3) Maximum annual tonnage fee for type II facilities - \$30,000.
- (4) Permit application review fee for type I, I-A, II, and II-A standard permits applicants may be increased to \$6125.
- (5) Permit application review fee for type III standard permits applicants may be increased to \$1325.
- (6) Permit application review fee for type I, I-A, II, and II-A permits-modification applicants may be increased to \$2650.
- (7) Permit application review fee for type III permits-modification applicants may be increased to \$813.
- (8) All transporters of solid waste with a facility - \$250.00

Proposed law relative to radioactive waste disposal processing, authorizes a fee of \$250 to be billed at the wellhead regardless of the field. Further authorizes device, product, or sealed source evaluation 6A device evaluation (each) increased to \$5000. Device, product, or sealed source evaluation 6B sealed source design evaluation (each) increased to \$2000. Device, product, or sealed source evaluation 6C update sheet increased to \$500. Further authorizes fees for a commercial naturally occurring radioactive materials waste disposal application fee of \$23,000 and a commercial naturally occurring radioactive materials waste disposal annual fee of \$20,000.

(Amends R.S. 30:2011(D)(22)(c); Adds R.S. 30:2014(D)(4)(d))