

ACT No. 405

2021 Regular Session

HOUSE BILL NO. 670

BY REPRESENTATIVE GARY CARTER

1 AN ACT

2 To amend and reenact R.S. 30:2011(D)(22)(c) and 2014(D)(5) and (6) and to enact R.S.
3 30:2014(D)(7), relative to fees collected by the Department of Environmental
4 Quality; to authorize a minimum amount for fees paid to the department; to authorize
5 an increase of certain fees paid to the department; to establish a new fee for
6 radioactive waste disposal 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) and 2014(D)(5) and (6) are hereby amended and
9 reenacted and R.S. 30:2014(D)(7) 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.

21 (ii)(aa) Per major test category per \$ 363.00

22 matrix payable every year, or

23 (bb) Minor conventional category \$ 290.00

24 payable every year.

1 (iii) Annual surveillance and evaluation \$ 363.00
 2 applicable to minor conventional
 3 facilities and facilities applying for
 4 only one category of accreditation.

5 ~~(iv)(aa)~~ Annual fee for dependent mobile lab \$ 363.00
 6 laboratories, per mobile

7 (v)(aa) Proficiency samples biannually to be
 8 purchased by the laboratory.

9 (bb) Bioassay/biomonitoring annually to
 10 be purchased by the laboratory.

11 ~~(v)~~(vi) Third party audit to be billed directly to
 12 the laboratory.

13 ~~(vi)~~(vii) The accreditation fees for in-state laboratories
 14 receiving national accreditation will be
 15 one and one-half times the regular fees.

16 (viii) The accreditation fees for out-of-state laboratories
 17 receiving state accreditation will be
 18 one and one-half times the regular fees.

19 (ix) The accreditation fees for out-of-state laboratories
 20 receiving national accreditation will be
 21 two times the regular fees.

22 (x) Interim accreditation application fees
 23 will be two times the regular fees.

24 * * *

25 §2014. Permits, licenses, registrations, variances, and fees

26 * * *

27 D.

28 * * *

29 (5) In accordance with the provisions of Article VII, Section 2.1 of the
 30 Constitution of Louisiana, and notwithstanding any other provision of law to the

1 contrary, the Department of Environmental Quality may increase the following fees
2 that are in effect on June 30, 2021, as authorized by this Title, and are required to be
3 deposited into the Environmental Trust Dedicated Fund Account as indicated:

4 (a) Air fees provided for in Part III of Title 33 of the Louisiana
5 Administrative Code:

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

11 (ii) The minimum fee for criteria pollutant annual fee and air toxins annual
12 fees may be increased to two hundred fifty dollars.

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

16 (b) Solid waste fees provided for in Part VII of Title 33 of the Louisiana
17 Administrative Code:

18 (i) Establish a waste tire transporter authorization application fee not to
19 exceed two hundred and fifty dollars, which shall be deposited into the Waste Tire
20 Management Fund.

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

23 (iii) All holders of permits for solid waste processing and disposal facilities
24 that have not completed closure, including post-closure activities, in accordance with
25 an approved plan, shall be charged an annual monitoring and maintenance fee for
26 each permit and an annual tonnage fee for applicable permits. Annual monitoring
27 and maintenance fees shall be charged for each permitted waste type.

28 (iv) The maximum annual tonnage fee for type I facilities is one hundred
29 twenty thousand dollars.

1 (v) The maximum annual tonnage fee for type II facilities is thirty thousand
2 dollars.

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

5 (vii) The permit application review fee for type III standard permit
6 applicants may be increased to one thousand three hundred twenty-five dollars.

7 (viii) The permit application review fee for type I, I-A, II, and II-A
8 permit-modification applicants may be increased to two thousand six hundred fifty
9 dollars.

10 (ix) The permit application review fee for type III permit-modification
11 applicants may be increased to eight hundred thirteen dollars.

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

15 (c) Radiation protection fees provided for in Part XV of Title 33 of the
16 Louisiana Administrative Code:

17 (i) The secretary may establish that the naturally occurring radioactive
18 materials general license fee shall be billed per wellhead in the amount of one
19 hundred twenty-five dollars regardless of the field. No maximum fee shall apply.

20 (ii) In addition, the secretary is hereby authorized to establish a fee schedule
21 for the following activities:

22 (aa) Device, Product, or Sealed Source Evaluation 6A device evaluation
23 shall each be increased to five thousand dollars.

24 (bb) Device, Product, or Sealed Source Evaluation 6B sealed source design
25 evaluation shall each be increased to two thousand dollars.

26 (cc) Device, Product, or Sealed Source Evaluation 6C update sheet shall be
27 increased to five hundred dollars.

28 (dd) A commercial naturally occurring radioactive materials waste disposal
29 application fee in the amount of twenty-three thousand dollars.

1 (ee) A commercial naturally occurring radioactive materials waste disposal
2 annual fee in the amount of twenty thousand dollars.

3 ~~(5)~~(6) Except as provided in R.S. 30:2155.1, the department shall collect
4 from each facility permitted as a construction or demolition debris landfill, as part
5 of the annual monitoring and maintenance fee, a fee not exceeding twenty-five cents
6 per ton of construction or demolition debris deposited in the facility. The fee
7 provided for in this Paragraph shall apply only to construction or demolition debris
8 which is subject to a fee imposed by the facility. The secretary is authorized to
9 promulgate rules and regulations to implement this Paragraph.

10 ~~(6)~~(7) The department may require a fee to process any request for a
11 declaratory ruling not to exceed the maximum per-hour overtime salary, including
12 associated-related benefits, of a civil service employee of the department per hour
13 or portion thereof required to conduct the review plus reasonable indirect costs
14 calculated as a percentage of the hourly fee. Such percentage shall be determined
15 annually by agreement between the department and the United States Environmental
16 Protection Agency for use on grants and contracts. However, the department may
17 require a requestor to pay a minimum fee of one thousand five hundred dollars.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____