

ACT No. 85

2026 Regular Session

HOUSE BILL NO. 758

BY REPRESENTATIVE BRASS

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AN ACT

To amend and reenact 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), to enact R.S. 30:2014(E), (F), and (G), and to repeal R.S. 30:2014(D)(5) and (6) and 2044(C), relative to Department of Environmental Quality fees; to provide for new fee structures to be set by the department and for those fees to be promulgated by rules and regulations adopted by the department; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. 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) are hereby amended and reenacted and R.S. 30:2014(E), (F), and (G) are hereby enacted to read as follows:

§2011. Department of Environmental Quality; creation; duties; powers; structure
A.(1) There is hereby created the Department of Environmental Quality which shall be the primary agency in the state concerned with environmental protection and regulation. The department shall have 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, groundwater protection, underground storage tanks, and the regulation of those programs which encourage, assist, and result in the reduction of wastes generated within Louisiana.

* * *

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

2 * * *

3 (22)

4 * * *

5 (b) ~~Notwithstanding the provisions of R.S. 30:2014(D)(3) or R.S. 49:971(A),~~
6 ~~the secretary is hereby authorized to establish a fee schedule in accordance with~~
7 ~~Subparagraph (c) of this Paragraph for any application for accreditation by a~~
8 ~~commercial laboratory under the provisions of Subparagraph (a) of this Paragraph.~~
9 The secretary is hereby authorized to establish a fee schedule for the certification of
10 any commercial laboratory under the provisions of Subparagraph (a) of this
11 Paragraph.

12 (c) The fee schedule authorized by Subparagraph (b) of this Paragraph shall
13 ~~not exceed the following amounts:~~ be determined by using a formula developed by
14 rules based upon the test category per matrix, accreditation requested, and location
15 of the laboratory.

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

19 (ii)(aa) ~~Per major test category per~~ \$ 363.00
20 ~~matrix payable every year, or~~

21 (bb) ~~Minor conventional category~~ \$ 290.00
22 ~~payable every year.~~

23 (iii) ~~Annual surveillance and evaluation~~ \$ 363.00
24 ~~applicable to minor conventional~~
25 ~~facilities and facilities applying for~~
26 ~~only one category of accreditation.~~

27 (iv) ~~Annual fee for dependent mobile lab~~ \$ 363.00
28 ~~laboratories, per mobile~~

29 (v)(aa) ~~Proficiency samples biannually to be~~
30 ~~purchased by the laboratory.~~

1 §2014. Permits, licenses, registrations, variances, and fees

2 * * *

3 B. In order to provide for adequate permitting, monitoring, investigation,
4 administration, and other activities required for the maintenance of a healthful and
5 safe environment, an ~~initial~~ application fee and an annual monitoring and
6 maintenance fee shall be charged for all permits, licenses, registrations, or variances
7 authorized by this Subtitle. These fees shall be determined, except as otherwise
8 provided in this Subtitle relative to maximum amounts of fees, using a formula
9 developed by rules to be based upon a cost equal to the cost of the annual
10 maintenance, permitting, monitoring, investigation, administration, and other
11 activities required therewith, including any effects the volume of emissions or
12 effluents may have on such activities. Any such formula or fees shall be adopted by
13 the department by rule in accordance with the Administrative Procedure Act, R.S.
14 49:950 et seq. Funds generated from these fees shall be deposited in the
15 Environmental Trust Dedicated Fund Account as provided in R.S. 30:2015 unless
16 specified elsewhere.

17 * * *

18 D.

19 * * *

20 ~~(2) Unless otherwise provided by law, the department is prohibited from~~
21 ~~adjusting, modifying, or otherwise changing the formula for any fee authorized under~~
22 ~~this Section in a manner that would increase the fee paid by any person by more than~~
23 ~~five percent of the relevant fee paid by such person in the previous fiscal year.~~
24 ~~However, this Paragraph shall not apply to fees imposed by the department for any~~
25 ~~underground storage tanks as provided in R.S. 30:2194. The department is~~
26 ~~authorized to adjust, modify, or otherwise change the formula for any fee authorized~~
27 ~~under this Section based on the annual rate of the Consumer Price Index for All~~
28 ~~Urban Consumers maintained by the United States Department of Labor, Bureau of~~
29 ~~Labor Statistics. This change can be aggregated for each year the formula has not~~

1 been altered. The department shall adjust fee amounts through the rulemaking
2 process.

3 (3) The department is prohibited from creating any new fees under this
4 Subtitle, but is authorized to adjust or modify fees for activities authorized under this
5 Subtitle or to change the formula if the need arises due to new technology, correction
6 of errors, new industry, federal obligations, and budgetary concerns. The department
7 shall promulgate rules to determine these fees by using a formula to be based upon
8 a cost equal to the cost of the annual maintenance, permitting, monitoring,
9 investigation, administration, and other activities required therewith, including any
10 effects the volume of emissions or effluents may have on such activities.

11 (4)(a) In accordance with the provisions of Article VII, Section 2.1 of the
12 Constitution of Louisiana, ~~and notwithstanding any other provision of law, the~~
13 Department of Environmental Quality may modify any fee that is in effect on June
14 30, 2002, ~~is authorized by this Title, and is required to be deposited into the~~
15 Environmental Trust Dedicated Fund Account. Such a modification may increase the
16 rate in effect on June 30, 2002, over the two-year fiscal period beginning July 1,
17 2002, as follows: ~~the department may increase any such fee by a maximum of twenty~~
18 percent, ~~effective on or after July 1, 2002, and by a maximum of ten percent above~~
19 the rate in effect on June 30, 2003, ~~effective on or after July 1, 2003. Within ninety~~
20 days of the promulgation and adoption of any regulation necessary to implement the
21 fees herein, the Department of Environmental Quality shall submit a written report
22 to the Joint Legislative Committee on the Budget for its approval which details the
23 proposed use for the fee increase, efforts to decrease the processing time for permits,
24 ~~efforts to increase the number of inspections conducted at regulated facilities,~~
25 enforcement activities, ~~and efforts to increase the collection of fines imposed by the~~
26 Department of Environmental Quality. the secretary may establish fees within each
27 medium the department regulates through the rulemaking process. The fees charged
28 shall be reflective of the department's work and costs necessary to issue and enforce
29 each permit, and the corresponding fee schedules and matrices shall contemplate the
30 scale and scope of each permit, facility, or other parameters necessary to determine

1 the fees the department will assess. The fees promulgated by the department shall
2 not exceed the following:

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

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

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

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

20 ~~(bb) An application fee for the renewal with no modification of an operating~~
21 ~~permit not to exceed the minimum minor permit modification fee.~~

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

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

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

1 ~~(bb) An application fee for hazardous waste transfer facilities not to exceed~~
 2 ~~one thousand nine hundred dollars.~~

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

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

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

9 ~~(bb) Tonnage fees for non-industrial wastes provided for in LAC~~
 10 ~~33:VII.1505(B)(2)(b) may be applied for amounts exceeding twenty-five thousand~~
 11 ~~tons.~~

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

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

19 ~~(bb) A general permit for sewage sludge authorizations charged annually not~~
 20 ~~to exceed six hundred dollars.~~

21 ~~(cc) An annual fee for sewage sludge individual permits not to exceed two~~
 22 ~~thousand dollars.~~

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

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

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

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

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

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

10 (a) Groundwater Protection Fees in Part I of Title 33 of the Louisiana
 11 Administrative Code shall not exceed seventy-five thousand dollars for any one site
 12 annually.

13 (b) Laboratory Accreditation Fees in Part I of Title 33 of the Louisiana
 14 Administrative Code shall not exceed one thousand five hundred dollars per test
 15 scope category annually.

16 (c) Air Quality Control Fees in Part III of Title 33 of the Louisiana
 17 Administrative Code shall be based on the number of emissions points or the total
 18 tons actually emitted. The application fee or annual fee per emission point shall not
 19 exceed one hundred dollars per point. The annual fee per ton for criteria pollutants
 20 shall not exceed one hundred dollars annually.

21 (i) Class I Toxic Air Pollutants shall be four times the criteria pollutant rate
 22 annually.

23 (ii) Class II Toxic Air Pollutants shall be three times the criteria pollutant
 24 rate annually.

25 (iii) Class III Toxic Air Pollutants shall be two times the criteria pollutant
 26 rate annually.

27 (d) Hazardous Waste Fees in Part V of Title 33 of the Louisiana
 28 Administrative Code shall not exceed seven hundred seventy-five thousand dollars
 29 for any one permit annually.

1 Administrative Procedure Act. Failure to pay the prescribed fee as provided herein,
2 within ninety days after the due date, shall constitute a violation and shall subject the
3 person to applicable enforcement actions under the Louisiana Environmental Quality
4 Act, including but not limited to revocation or suspension of the applicable permit,
5 license, registration, or variance.

6 * * *

7 §2289.1. Requests for review, investigation, and oversight; fees

8 * * *

9 D. The department is hereby authorized to charge and collect a participation
10 fee ~~not to exceed six hundred sixty dollars per application~~ for approval of an
11 investigation plan, and a fee ~~not to exceed six hundred sixty dollars per application~~
12 for approval of a remedial action plan. The department shall ~~promulgate rules and~~
13 ~~regulations to~~ provide for reimbursement to the state of the actual direct costs
14 associated with oversight of activities conducted pursuant to this Part, such as
15 review, supervision, investigation, and monitoring. The department may charge and
16 collect only for reasonable and appropriate oversight of activities conducted pursuant
17 to this Part. When the department holds a public hearing, the applicant shall be
18 responsible for the actual costs of the public hearing, including but not limited to
19 building rental, security, court reporter, and hearing officer. These fees shall be
20 adopted by the department by rule in accordance with the Administrative Procedure
21 Act, R.S. 49:950 et seq.

22 * * *

23 §2351.59. Fees

24 * * *

25 B. Licensure, certification, and accreditation fees shall be paid annually.
26 Notification fees are assessed for each lead abatement project. Fees shall be paid
27 upon application to the ~~secretary~~ department and deposited into the Lead Hazard
28 Reduction Dedicated Fund Account, R.S. 30:2351.41.

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

1 (a) License ~~evaluation fee of five hundred fifty dollars shall be paid by lead~~
2 ~~contractors~~ fees shall be paid annually.

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

4 (i) Lead project supervisor \$ ~~275.00~~

5 (ii) Lead project designer \$ ~~550.00~~

6 (iii) Risk assessor \$ ~~275.00~~

7 (iv) Lead inspector \$ ~~165.00~~

8 (v) Lead worker \$ ~~55.00~~

9 ~~(c) Emergency processing for licensure and certification fees shall be one~~
10 ~~and one-half times the regular processing fee.~~

11 ~~(d)~~ (c) The secretary is authorized to establish subcategories within any
12 category.

13 ~~(e) A person applying for licensure under more than one category shall pay~~
14 ~~only the fee for the highest category.~~

15 ~~(f) No fees shall be assessed to public entities or employees of public entities~~
16 ~~for certification.~~

17 (2) Accreditation fees for training organizations and instructors shall be paid
18 as follows: annually.

19 ~~(a) In-state training organizations (Louisiana domiciliaries):~~

20 ~~(i) Application processing fee \$ 550.00~~

21 ~~(ii) Processing fee per instructor \$ 55.00~~

22 ~~(iii) Emergency processing 1.5 times the regular fees~~

23 ~~(b) Out-of-state training organizations (non-Louisiana domiciliaries):~~

24 ~~(i) Application processing fee \$ 825.00~~

25 ~~(ii) Processing fee per instructor \$ 110.00~~

26 ~~(iii) Emergency processing 1.5 times the regular fees~~

27 (3) Notification fees ~~will be due upon application as follows:~~ shall be
28 assessed for each lead abatement project. For the lead abatement of a building or
29 other structure, the fee shall be based upon the projected lead-based painted areas to
30 be abated in the abatement project. Areas of lead-contaminated soil associated with

