

2016 Regular Session

HOUSE BILL NO. 900

BY REPRESENTATIVE LEOPOLD

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

1 AN ACT

2 To amend and reenact R.S. 30:2011(D)(22)(b) and (c) and (25), 2014(D)(4) and (5),

3 2195(B), 2351.59(C)(1)(a) and (b), (2), and (3), and to enact R.S. 30:2014(D)(6),

4 relative to fees collected by the Department of Environmental Quality; to

5 authorize an increase of fees paid to the Department of Environmental Quality;

6 to authorize an increase of fees paid for accreditation by commercial

7 laboratories; to authorize and increase in fees paid for certain reviews of

8 immovable property; to authorize a fee for requesting a declaratory ruling; to

9 authorize an increase for underground storage tank fees; to authorize an

10 increase in fees deposited into the Lead Hazard Reduction Fund; and to provide

11 for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 30:2011(D)(22)(b) and (c) and (25), 2014(D)(4) and (5), 2195(B),

14 2351.59(C)(1)(a) and (b), (2), and (3) are hereby amended and reenacted and R.S.

15 30:2014(D)(6) is hereby enacted to read as follows:

16 §2011. Department of Environmental Quality created; duties; powers; structure

17 * * *

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

19 * * *

1 (22)

2 * * *

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

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

9 (i) Accreditation application fee \$ ~~660.00~~ 726.00
10 payable every scope amendment
11 and every three years year renewal.

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

14 (bb) Minor conventional category \$ ~~264.00~~ 290.00
15 payable every year.

16 (iii) Annual surveillance and evaluation \$ ~~330.00~~ 363.00
17 applicable to minor conventional
18 facilities and facilities applying for
19 only one category of accreditation.

20 (iv)(aa) Proficiency samples biannually to be
21 purchased by the laboratory.

22 (bb) Bioassay/biomonitoring annually to
23 be purchased by the laboratory.

24 (v) Third party audit to be billed directly to
25 the laboratory.

26 (vi) The accreditation fees for laboratories
27 receiving national accreditation will be
28 one and one-half times the regular fees.

29 * * *

1 (25) To promulgate rules and regulations providing for conducting requested
2 reviews of environmental conditions of a specified tract of immovable property,
3 including but not limited to requests for no further action letters. Such rules may
4 provide for a fee for each request by the landowner or a party with an interest in a
5 real estate transaction involving the specified property not to exceed the maximum
6 per hour overtime salary, including associated-related benefits, of a civil service
7 employee of the department per hour or portion thereof required to conduct the
8 review plus reasonable indirect costs calculated as a percentage of the hourly fee.
9 Such percentage shall be determined annually by agreement between the department
10 and the United States Environmental Protection Agency for use on grants and
11 contracts. However, the department shall require a requestor to pay a minimum fee
12 not exceeding one thousand ~~five~~ six hundred fifty dollars prior to conducting the
13 review.

* * *

15 §2014. Permits, licenses, registrations, variances, and ~~monitoring~~ fees

* * *

17 D.

* * *

19 (4)(a) In accordance with the provisions of Article VII, Section 2.1 of the
20 Constitution of Louisiana, and notwithstanding any other provision of law, the
21 Department of Environmental Quality may modify any fee that is in effect on June
22 30, 2002, is authorized by this Title, and is required to be deposited into the
23 Environmental Trust Fund. Such a modification may increase the rate in effect on
24 June 30, 2002, over the two-year fiscal period beginning July 1, 2002, as follows:
25 the department may increase any such fee by a maximum of twenty percent, effective
26 on or after July 1, 2002, and by a maximum of ten percent above the rate in effect on
27 June 30, 2003, effective on or after July 1, 2003. Within ninety days of the
28 promulgation and adoption of any regulation necessary to implement the fees herein,
29 the Department of Environmental Quality shall submit a written report to the Joint

1 Legislative Committee on the Budget for its approval which details the proposed use
2 for the fee increase, efforts to decrease the processing time for permits, efforts to
3 increase the number of inspections conducted at regulated facilities, enforcement
4 activities, and efforts to increase the collection of fines imposed by the Department
5 of Environmental Quality.

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

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

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

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

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

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

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

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

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

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

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

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

15 (bb) Tonnage fees for non-industrial wastes provided for in LAC
16 33:VII.1505(B)(2)(b) may be applied for amounts exceeding twenty-five thousand
17 tons.

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

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

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

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

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

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

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

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

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

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

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

25 (6) The Department may require a fee to process any request for a declaratory
26 ruling not to exceed the maximum per hour overtime salary, including
27 associated-related benefits, of a civil service employee of the department per hour
28 or portion thereof required to conduct the review plus reasonable indirect costs
29 calculated as a percentage of the hourly fee. Such percentage shall be determined

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

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

4 (i) Lead project supervisor \$ ~~250.00~~ 275.00

5 (ii) Lead project designer \$ ~~500.00~~ 550.00

6 (iii) Risk assessor \$ ~~250.00~~ 275.00

7 (iv) Lead inspector \$ ~~150.00~~ 165.00

8 (v) Lead worker \$ ~~50.00~~ 55.00

9 * * *

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

11 (a) In-state training organizations (Louisiana domiciliaries):

12 (i) Application processing fee \$ ~~500.00~~ 550.00

13 (ii) Processing fee per instructor \$ ~~50.00~~ 55.00

14 (iii) Emergency processing 1.5 times the regular fees

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

16 (i) Application processing fee \$ ~~750.00~~ 825.00

17 (ii) Processing fee per instructor \$ ~~100.00~~ 110.00

18 (iii) Emergency processing 1.5 times the regular fees

19 (3) Notification fees will be due upon application as follows:

20 (a) For the lead abatement of a building or other structure, the fee shall be
21 based upon the projected lead-based painted areas to be abated in the abatement
22 project. Areas of lead-contaminated soil associated with the abatement process will
23 be included in the projected square footage for the building or structure as follows:

24 (i) 2000 square feet and under \$ ~~200.00~~ 220.00

25 (ii) Each additional increment of 2000
26 square feet or portion thereof \$ ~~100.00~~ 110.00

27 (iii) Revisions to notification fees \$ ~~50.00~~ 55.00

28 (b) For the lead abatement of soil only, the fee shall be based upon the
29 projected acreage of the abatement project as follows:

- 1 (i) Half acre or less \$ ~~200.00~~ 220.00
- 2 (ii) Each additional half acre or
- 3 portion thereof \$ ~~100.00~~ 110.00
- 4 (iii) Revisions to notification fees \$ ~~50.00~~ 55.00
- 5 (c) Emergency notification processing fees will be one and one- half
- 6 times the regular fees.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 900 Engrossed

2016 Regular Session

Leopold

Abstract: Increases fees collected by the Dept. of Environmental Quality.

Proposed law increases the following maximums on fees for any application for accreditation by a commercial laboratory as follows and are effective as indicated:

	<u>Present</u>	<u>Proposed</u>
Accreditation application fee	\$ 660	\$ 726
Per major test category	\$ 330	\$ 363
Minor conventional category	\$ 264	\$ 290
Annual surveillance and evaluation of minor conventional facilities/one category	\$ 330	\$ 363

Present law authorizes the secretary of the Dept. of Environmental Quality (DEQ) to promulgate rules and regulations to conduct requested reviews of environmental conditions of a specified tract of immovable property, such as no further action letters.

Present law further provides that such rules may provide for a fee for each such request made not to exceed the maximum per hour overtime salary of a civil service employee of the department for each hour required to conduct the review plus indirect costs. Such indirect costs shall be calculated based on a percentage of the hourly fee, and the percentage shall be determined annually by an agreement between DEQ and the U.S. Environmental Protection Agency (EPA). The requestor shall pay a minimum advance fee not to exceed \$1,500.

Proposed law increases the minimum advance fee from not to exceed \$1,500 to not to exceed \$1,650.

Present law provides for an initial fee and an annual monitoring and maintenance fee for all permits, licenses, registrations, or variances. The fees are derived from a formula, developed by department rules, to equal the cost of annual maintenance, permitting, monitoring, investigation, administration, and other activities associated with the permits, licenses, registration, and variances. The formula cannot exceed the maximum amounts specified by present law.

Proposed law authorizes DEQ to increase the following fees from the amounts in effect in the Louisiana Administrative Code (LAC) on March 14, 2015, by the following percentages, rounded up to the nearest dollar, and authorizes the establishment of fees as indicated:

Ground Water Fees

LAC ground water fees 10% increase

Air Fees

LAC air fees 10% increase
 Air application fee \$500 min.
 Air annual maintenance fee \$250 min.
 Air natural gas compressor \$41,612 max.
 Acid rain permit \$500 max.
 Air renewal no modification Min. of minor modification fee
 Air Title V fee 20% of maintenance fee max.

Hazardous Waste Fees

LAC hazardous waste fees 25% increase
 Post-closure hazardous waste
 Annual maintenance fee \$4,125 max.
 Hazardous waste transfer
 facility \$1,900 max.
 Hazardous waste generator
 time accumulation extension \$500 max.

Solid Waste Fees

LAC solid waste fees 25% increase
 Non-industrial waste
 tonnage fees Charged on amounts exceeding 25,000 tons

Water Fees

LAC water fees 10% increase
 General permit of oil & gas
 wells in coastal and territorial
 seas \$1,750 per application
 General permit sewage sludge \$600
 Annual sewage sludge permit \$2,000

Underground Storage Tank Fees

LAC underground storage
 tank fees 10% increase
 Registration amendment fee \$60 max.

Radiation Fees

LAC radiation protection fees 10% increase
 License renewal application Max. of new application fee

Proposed law requires DEQ to submit a report, within 90 days of adoption of rules implementing the fee increases, to the Joint Legislative Committee on the Budget for approval. The report shall detail the uses of the fees and efforts to increase efficiency in permitting, inspections, enforcement, and collection of fines.

Present law authorizes DEQ to collect 20¢ per ton of solid waste deposited in a construction and demolition landfill. The fee only applies to waste that are subject to a fee by the facility. Proposed law increases the fee from 20¢ per ton to 25¢ per ton.

Proposed law authorizes a fee to process a 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 department per hour or portion thereof required to conduct the review plus reasonable indirect costs calculated as a percentage of the hourly fee. The percentage shall be determined annually by agreement between the department and the EPA for use on grants and contracts. Proposed law further authorizes a minimum fee paid by a requestor of not less than \$1,500.

Proposed law requires DEQ to submit a report, within 90 days of adoption of rules implementing the fee increases based on CPI-U adjustment, to the Joint Legislative Committee on the Budget for approval. The report shall detail the uses of the fees and efforts to increase efficiency in permitting, inspections, enforcement, and collection of fines.

Present law provides that all owners of registered motor fuel underground storage tanks shall pay a registration fee of \$54 for each tank, which money is used for storage tank activities. Proposed law increases the fee from \$54 to \$60.

Proposed law increases fees paid into the Lead Hazard Reduction Fund as indicated:

	<u>Present</u>	<u>Proposed</u>
Lead contractors license evaluation fee	\$ 500	\$ 550
Lead project supervisor	\$ 250	\$ 275
Lead project designer	\$ 500	\$ 550
Risk assessor	\$ 250	\$ 275
Lead inspector	\$ 150	\$ 165
Lead worker	\$ 50	\$ 55

Present law provides that a person applying for licensure under more than one category will pay only the fee for the highest category and exempts public entities and employees of public entities from certification fees.

Proposed law increases the following accreditation fees for training organizations:

	<u>Present</u>	<u>Proposed</u>
In-state training organizations:		
Application processing fee	\$ 500	\$ 550
Processing fee per instructor	\$ 50	\$ 55
Out-of-state training organizations:		
Application processing fee	\$ 750	\$ 825
Processing fee per instructor	\$ 100	\$ 110

Proposed law provides for the following notification fees for contaminated buildings and soil as indicated:

Buildings 2,000 sq. ft. and under	\$ 200	\$ 220
For each additional 2000 sq. ft.	\$ 100	\$ 110
Revisions to notifications	\$ 50	\$ 55
One-half acre or less of soil	\$ 200	\$ 220
Each additional half acre of soil	\$ 100	\$ 110
Revisions	\$ 50	\$ 55

Present law provides that emergency notifications for lead are 1.5 times the regular fee.

(Amends 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); Adds R.S. 30:2014(D)(6))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Remove authorization for the department, in even numbered years, to adjust fees that are assessed, charged, and collected by the Department of Environmental Quality after June 1, 2018, by an amount not to exceed the annual percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) (All Items - U.S. City Average) maintained by the U.S. Department of Labor, Bureau of Labor Statistics, rounded downward to the nearest dime.