

Regular Session, 2010

SENATE BILL NO. 499

BY SENATOR AMEDEE

ENVIRONMENT QUALITY DEPT. Requires DEQ to provide written summaries of changes made in certain database permit renewals. (gov sig)

1 AN ACT

2 To enact R.S. 30:2022(D), (E), (F), and (G), relative to the issuance of Department of  
3 Environmental Quality permits; to require written summaries of certain permit  
4 renewals, extensions, and modifications; to provide for preliminary review of certain  
5 draft permits, modifications, and revisions by permit applicants; and to provide for  
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 30:2022(D), (E), (F), (G) are hereby enacted to read as follows:

9 §2022. Permit applications and variance requests; notification

10 \* \* \*

11 **D. For purposes of this Section, the following terms shall have the**  
12 **meanings hereinafter ascribed to them, unless the context clearly indicates**  
13 **otherwise:**

14 **(1) "Database" means the department's Tools for Environmental**  
15 **Protection and Management Organizations (TEMPO) database system or any**  
16 **similar database system used by the department to generate permits.**

17 **(2) "Substantial permit modification" means a substantial permit**

1           modification as defined in LAC 33:I.1503.

2           E.(1) If requested by the permit applicant, the department shall provide  
3           the permit applicant a written summary of specific changes to the existing  
4           permit whenever the department prepares a draft database permit for the  
5           renewal, extension, or substantial permit modification of an existing hazardous  
6           waste permit, solid waste permit, LPDES permit, or air quality permit.

7           (2) If requested by the permit applicant, the department shall provide  
8           the permit applicant a reasonable opportunity to review a draft hazardous  
9           waste permit, solid waste permit, LPDES permit, or air quality permit before  
10          such draft permit is publicly noticed. Where the draft permit includes one or  
11          more revisions to an existing permit, the draft permit shall clearly identify each  
12          change made by the department to the existing permit.

13          F. For minor permit modifications or revisions that do not require  
14          preparation of a draft permit and public notice, if requested by the permit  
15          applicant, the department shall provide the permit applicant a reasonable  
16          opportunity to review the proposed language of the permit modification or  
17          revision prior to issuance of the final permit modification or revision. If the  
18          department proposes minor permit modifications or revisions not requested by  
19          the permit applicant, the department shall provide the permit applicant a  
20          reasonable opportunity to review the proposed language of the permit  
21          modification or revision prior to issuance of the final permit modification or  
22          revision or shall reopen the permit in accordance with applicable law.

23          G. The department shall adopt rules in accordance with the  
24          Administrative Procedure Act to implement the requirements of Subsections  
25          (E) and (F) of this Section.

26          Section 2. This Act shall become effective upon signature by the governor or, if not  
27          signed by the governor, upon expiration of the time for bills to become law without signature  
28          by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
29          vetoed by the governor and subsequently approved by the legislature, this Act shall become

1 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cathy R. Wells.

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#### DIGEST

Present law requires persons seeking a permit, license, registration, variance, or LPDES variance to file a written application for such with DEQ. Further provides for procedures for the processing and reviewing of such applications.

Proposed law retains present law and requires DEQ to provide the permit applicant a written summary of specific changes, if requested by such applicant, to the existing permit whenever DEQ prepares a draft database permit for the renewal, extension, or substantial permit modification of an existing hazardous waste permit, solid waste permit, LPDES permit, or air quality permit.

Proposed law provides the following definitions:

"Database" means DEQ's Tools for Environmental Protection and Management Organizations (TEMPO) database system or any similar database system used by DEQ's to generate permits.

"Substantial permit modification" means a substantial permit modification as defined in LAC 33:I.503.

Proposed law requires DEQ to provide the permit applicant a reasonable opportunity to review a draft hazardous waste permit, solid waste permit, LPDES permit, or air quality permit before such draft permit is publicly noticed, if requested by such applicant.

Proposed law requires the draft permit to clearly identify each change made by DEQ to the existing permit if such draft permit includes one or more revisions to an existing permit.

Proposed law requires DEQ to provide the permit applicant a reasonable opportunity to review the proposed language of the permit modification or revision prior to issuance of the final permit modification or revision for minor permit modifications or revisions that do not require preparation of a draft permit and public notice, if requested by the permit applicant.

Proposed law requires DEQ to provide the permit applicant a reasonable opportunity to review the proposed language of the permit modification or revision prior to issuance of the final permit modification or revision or reopen the permit in accordance with applicable law if DEQ proposes minor permit modifications or revisions not requested by such applicant.

Proposed law requires DEQ to adopt rules in accordance with the APA.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 30:2022(D), (E), (F), and (G))