

Regular Session, 2010

HOUSE BILL NO. 1163

BY REPRESENTATIVE ST. GERMAIN

ENVIRONMENT/PERMITS: Provides for notice to and review by certain permit holders of changes made by the Dept. of Environmental Quality

1 AN ACT

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

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 30:2022(D) is hereby enacted to read as follows:

9 §2022. Permit applications and variance requests; notification

10 * * *

11 D. (1) For purposes of this Subsection, the following terms shall have the
12 meanings hereinafter ascribed to them, unless the context clearly indicates otherwise:

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

16 (b) "Substantial permit modification" means a substantial permit modification
17 as defined in LAC 33:I.1503.

18 (2) If requested by the permit applicant, the department shall provide the
19 permit applicant a written summary of specific changes to the existing permit
20 whenever the department prepares a draft database permit for the renewal, extension,

1 or substantial permit modification of an existing hazardous waste permit, solid waste
2 permit, LPDES permit, or air quality permit.

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

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

19 (5) The secretary shall adopt rules, in accordance with the Administrative
20 Procedure Act, R.S. 49:950 et seq., to implement the requirements of this
21 Subsections.

22 Section 2. This Act shall become effective upon signature by the governor or, if not
23 signed by the governor, upon expiration of the time for bills to become law without signature
24 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
25 vetoed by the governor and subsequently approved by the legislature, this Act shall become
26 effective on the day following such approval.

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)]

St. Germain

HB No. 1163

Abstract: Provides for certain permit applicants to receive summaries of changes, draft permits, and draft language.

Proposed law requires the Dept. of Environmental Quality, upon request, to provide an applicant a summary of draft changes to an existing permit for a renewal, extension, or substantial permit modification of a hazardous waste, solid waste, Louisiana Pollutant Discharge Elimination System (LPDES), or air quality permit.

Proposed law requires the department upon request, to provide an applicant a reasonable opportunity to review a draft hazardous waste, solid waste, Louisiana Pollutant Discharge Elimination System (LPDES), or air quality permit prior to public notice.

Proposed law provides draft permits that change an existing permits shall clearly identify the change to the existing permit.

Proposed law provides that for minor permit modifications that do not require a draft or public notice, the department shall provide the applicant a reasonable opportunity to review the proposed language either upon request by the applicant or when a modification is proposed by the department.

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

(Adds R.S. 30:2022(D))