

Regular Session, 2010

ACT No. 986

HOUSE BILL NO. 1163

BY REPRESENTATIVE ST. GERMAIN

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
14 Management and Protection Organizations (TEMPO) database system and any
15 similar database 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,
21 or substantial permit modification of an existing hazardous waste permit, solid waste
22 permit, LPDES permit, or air quality permit.

23 (3) If requested by the permit applicant, the department shall provide the
24 permit applicant a reasonable opportunity to review a draft hazardous waste permit,
25 solid waste permit, LPDES permit, and air quality permit before such draft permit

1 is publicly noticed. Where the draft permit includes one or more revisions to an
2 existing permit, the draft permit shall clearly identify each change made by the
3 department to the existing permit.

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____