

2026 Regular Session

HOUSE BILL NO. 758

BY REPRESENTATIVE BRASS

ENVIRONMENT/QUALITY: Provides with respect to the Department of Environmental Quality fees

1 AN ACT

2 To amend and reenact R.S. 30:2011(A)(1), (D)(22)(b) and (c), and (25), 2014(B), (D)(2),  
3 (3), and (7), 2063(J), 2195(B), 2195.3(B), 2289.1(D), 2351.59(B), and (C) and R.S.  
4 37:3154(10), to enact R.S. 30:2014(E), (F), and (G), and to repeal R.S.  
5 30:2014(D)(4), (5), and (6) and 2044(C), relative to Department of Environmental  
6 Quality fees; to provide for new fee structures to be set by the department and for  
7 those fees to be promulgated by rules and regulations adopted by the department; and  
8 to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 30:2011(A)(1), (D)(22)(b) and (c), and (25), 2014(B), (D)(2), (3),  
11 and (7), 2063(J), 2195(B), 2195.3(B), 2289.1(D), 2351.59(B), and (C) are hereby amended  
12 and reenacted and R.S. 30:2014(E), (F), and (G) are hereby enacted to read as follows:

13 §2011. Department of Environmental Quality; creation; duties; powers; structure

14 A.(1) There is hereby created the Department of Environmental Quality  
15 which shall be the primary agency in the state concerned with environmental  
16 protection and regulation. The department shall have jurisdiction over matters  
17 affecting the regulation of the environment within the state, including but not limited  
18 to the regulation of air quality, noise pollution control, water pollution control, the  
19 regulation of solid waste disposal, the protection and preservation of the scenic rivers  
20 and streams of the state, the regulation and control of radiation, the management of  
21 hazardous waste, groundwater protection, underground storage tanks, and the

1 regulation of those programs which encourage, assist, and result in the reduction of  
2 wastes generated within Louisiana.

3 \* \* \*

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

5 \* \* \*

6 (22)

7 \* \* \*

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

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

19	(i)	<del>Accreditation application fee</del>	<del>\$ 726.00</del>
20		<del>payable every scope amendment</del>	
21		<del>and every three-year renewal.</del>	
22	(ii)(aa)	<del>Per major test category per</del>	<del>\$ 363.00</del>
23		<del>matrix payable every year, or</del>	
24	(bb)	<del>Minor conventional category</del>	<del>\$ 290.00</del>
25		<del>payable every year.</del>	
26	(iii)	<del>Annual surveillance and evaluation</del>	<del>\$ 363.00</del>
27		<del>applicable to minor conventional</del>	
28		<del>facilities and facilities applying for</del>	
29		<del>only one category of accreditation.</del>	

- 1                   (iv)    Annual fee for dependent mobile lab                   \$ 363.00
- 2                                   laboratories, per mobile
- 3                   (v)(aa) Proficiency samples biannually to be
- 4                                   purchased by the laboratory.
- 5                   (bb)    Bioassay/biomonitoring annually to
- 6                                   be purchased by the laboratory.
- 7                   (vi)    Third party audit to be billed directly to
- 8                                   the laboratory.
- 9                   (vii)   The accreditation fees for in-state laboratories
- 10                                   receiving national accreditation will be one and
- 11                                   one-half times the regular fees.
- 12                   (viii) The accreditation fees for out-of-state laboratories
- 13                                   receiving state accreditation will be
- 14                                   one and one-half times the regular fees.
- 15                   (ix)    The accreditation fees for out-of-state laboratories
- 16                                   receiving national accreditation will be
- 17                                   two times the regular fees.
- 18                   (x)    Interim accreditation application fees will be
- 19                                   two times the regular fees.

\*       \*       \*

21                   (25) To promulgate rules and regulations providing for conducting requested

22                   reviews of environmental conditions of a specified tract of immovable property,

23                   including but not limited to requests for no further action letters. Such rules may

24                   provide for a fee for each request by the landowner or a party with an interest in a

25                   real estate transaction involving the specified property ~~not to exceed the maximum~~

26                   ~~per hour overtime salary, including associated-related benefits, of a civil service~~

27                   ~~employee of the department per hour or portion thereof required to conduct the~~

28                   ~~review plus reasonable indirect costs calculated as a percentage of the hourly fee.~~

29                   Such percentage shall be determined annually by agreement between the department

1 ~~and the United States Environmental Protection Agency for use on grants and~~  
2 ~~contracts. However, the department shall require a requestor to pay a minimum fee~~  
3 ~~not exceeding one thousand six hundred fifty dollars prior to conducting the review.~~

4 \* \* \*

5 §2014. Permits, licenses, registrations, variances, and fees

6 \* \* \*

7 B. In order to provide for adequate permitting, monitoring, investigation,  
8 administration, and other activities required for the maintenance of a healthful and  
9 safe environment, an ~~initial~~ application fee and an annual monitoring and  
10 maintenance fee shall be charged for all permits, licenses, registrations, or variances  
11 authorized by this Subtitle. These fees shall be determined, except as otherwise  
12 provided in this Subtitle relative to maximum amounts of fees, using a formula  
13 developed by rules to be based upon a cost equal to the cost of the annual  
14 maintenance, permitting, monitoring, investigation, administration, and other  
15 activities required therewith, including any effects the volume of emissions or  
16 effluents may have on such activities. Any such formula or fees shall be adopted by  
17 the department by rule in accordance with the Administrative Procedure Act, R.S.  
18 49:950 et seq. Funds generated from these fees shall be deposited in the  
19 Environmental Trust Dedicated Fund Account as provided in R.S. 30:2015 unless  
20 specified elsewhere.

21 \* \* \*

22 D.

23 \* \* \*

24 ~~(2) Unless otherwise provided by law, the department is prohibited from~~  
25 ~~adjusting, modifying, or otherwise changing the formula for any fee authorized under~~  
26 ~~this Section in a manner that would increase the fee paid by any person by more than~~  
27 ~~five percent of the relevant fee paid by such person in the previous fiscal year.~~  
28 ~~However, this Paragraph shall not apply to fees imposed by the department for any~~  
29 ~~underground storage tanks as provided in R.S. 30:2194. The department is~~

1 authorized to adjust, modify, or otherwise change the formula for any fee authorized  
2 under this Section based on the annual rate of the Consumer Price Index for All  
3 Urban Consumers maintained by the United States Department of Labor, Bureau of  
4 Labor Statistics. This change can be aggregated for each year the formula has not  
5 been altered. The department shall adjust fee amounts through the rulemaking  
6 process.

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

15 \* \* \*

16 (7) The department may require a fee to process any request for a declaratory  
17 ruling, request for expedited permit, review of environmental conditions,  
18 remediation and associated oversight and indirect costs, or review of a self audit not  
19 to exceed the maximum per-hour overtime salary, including associated-related  
20 benefits, of a civil service employee of the department per hour or portion thereof  
21 required to conduct the review plus reasonable indirect costs calculated as a  
22 percentage of the hourly fee. Such percentage shall be determined annually by  
23 agreement between the department and the United States Environmental Protection  
24 Agency for use on grants and contracts. However, the department may require a  
25 requestor to pay a minimum fee of one thousand five hundred dollars.

26 E. In accordance with the provisions of Article VII, Section 2.1 of the  
27 Constitution of Louisiana, and notwithstanding any other provision of law to the  
28 contrary, the Department of Environmental Quality may modify any fee that is in  
29 effect on June 30, 2026, as authorized by this Subtitle. The department shall

1 promulgate rules to determine these fees by using a formula to be based upon a cost  
2 equal to the cost of the annual maintenance, permitting, monitoring, investigation,  
3 administration, and other related activities, including any effects the volume of  
4 emissions or effluents may have on such activities. These fees shall be adopted by  
5 the department by rule in accordance with the Administrative Procedure Act, R.S.  
6 49:950 et seq.

7 F. The department shall promulgate rules to determine emergency processing  
8 fees and late fees in accordance with the Administrative Procedure Act, R.S. 49:950  
9 et seq. Emergency processing fees shall not exceed one and one half times the  
10 regular fees. Late fees shall not exceed fifteen percent of the original fee amount.

11 G. Failure to pay the prescribed fee, as provided in this Subtitle, within  
12 ninety days after the due date shall constitute a violation and shall subject the person  
13 to applicable enforcement actions under the Louisiana Environmental Quality Act,  
14 R.S. 30:2001 et seq. including but not limited to denial of an application and  
15 revocation or suspension of the applicable permit, license, registration, or variance.

16 \* \* \*

17 §2063. Prevention of accidental releases

18 \* \* \*

19 J. The regulations authorized pursuant to this Section may provide for the  
20 registration of each process covered by the regulations. In accordance with the  
21 provisions of Article VII, Section 2.1 of the Constitution of Louisiana and R.S.  
22 30:2014, the department is authorized to increase fees to cover the operating  
23 expenses of the department for the continued implementation of the accidental  
24 release prevention program. ~~The fee increase shall be implemented by increasing,~~  
25 ~~on an average of four and one-half percent, existing fees assessed by the department~~  
26 ~~pursuant to its fee schedules under the air quality control program. The fee schedule~~  
27 ~~shall be based on industrial groups that reflect the degree that these are to be~~  
28 ~~regulated under the accidental release prevention program.~~

29 \* \* \*

1 §2195. Motor Fuels Underground Storage Tank Trust Dedicated Fund Account

2 \* \* \*

3 B. There is hereby established a special statutorily dedicated fund account  
4 in the state treasury to be known as the Motor Fuel Underground Storage Tank Trust  
5 Dedicated Fund Account, hereafter referred to in this Chapter as the "Tank Trust  
6 Account", into which the state treasurer shall, each fiscal year, deposit the revenues  
7 received from the collection of the fees as established in R.S. 30:2195.3(A)(1)(a) and  
8 (B). The secretary is authorized pursuant to Article VII, Section 9(A) of the  
9 Constitution of Louisiana and R.S. 30:2031 to enter into an agreement with a private  
10 legal entity to receive and administer the Tank Trust Account for the purpose of  
11 providing financial responsibility for underground motor fuel storage tanks. On an  
12 annual basis, all owners of registered tanks shall remit to the department a tank  
13 registration fee of ~~sixty~~ sixty-six dollars for each tank. The revenue from the tank  
14 registration fees shall be deposited directly into the Environmental Trust Account as  
15 provided by R.S. 30:2015 and utilized for underground storage tank activities only,  
16 and any deviation from the aforesaid shall be documented and reported to the House  
17 Committee on Natural Resources and Environment and the Senate Committee on  
18 Environmental Quality. Revenues received from annual maintenance and  
19 monitoring fees, other than those established in R.S. 30:2195.3(B), shall be deposited  
20 into the Environmental Trust Account. The department shall promulgate rules and  
21 regulations for the implementation of this Section in accordance with the  
22 Administrative Procedure Act, R.S. 49:950 et seq.

23 \* \* \*

24 §2195.3. Source of funding; limitations on disbursements from the Tank Trust  
25 Account; limit on amount in Tank Trust Account

26 \* \* \*

27 B. All owners of motor fuel underground storage tanks storing new or used  
28 motor oil shall pay to the secretary a fee not to exceed ~~two hundred seventy-five~~  
29 three hundred dollars per eligible underground motor fuel storage tank per year. Late

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

7 \* \* \*

8 §2289.1. Requests for review, investigation, and oversight; fees

9 \* \* \*

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

23 \* \* \*

24 §2351.59. Fees

25 \* \* \*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (3) Notification fees ~~will be due upon application as follows:~~ shall be  
29 assessed for each lead abatement project. For the lead abatement of a building or

1        other structure, the fee shall be based upon the projected lead-based painted areas to  
2        be abated in the abatement project. Areas of lead-contaminated soil associated with  
3        the abatement process will be included in the projected square footage for the  
4        building or structure.

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

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

10                ~~(ii) Each additional increment of 2000~~  
11        ~~square feet or portion thereof                        \$ 110.00~~

12                ~~(iii) Revisions to notification fees                        \$ 55.00~~

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

15                ~~(i) Half acre or less    \$ 220.00~~

16                ~~(ii) Each additional half acre or~~  
17        ~~portion thereof    \$ 110.00~~

18                ~~(iii) Revisions to notification fees                        \$ 55.00~~

19                ~~(c) Emergency notification processing fees will be one and one-half~~  
20        ~~times the regular fees.~~

21                (4) Any such formula for fees shall be adopted by the department by rule in  
22        accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

23                                        \*        \*        \*

24        Section 2. R.S. 37:3154(10) is hereby amended and reenacted to read as follows:

25        §3154. Board of Certification and Training; powers and duties; certificates;  
26        revocation and suspension

27                                        \*        \*        \*

28                (10) To establish appropriate fees for examination, training, and certification  
29        ~~to be paid by the applicant. fees that shall be determined using a formula developed~~



Proposed law changes from an initial fee to an application fee charged for the permits, licenses, registrations, or variances and provides an exception for funds to be deposited in the Environmental Trust Fund Dedicated Account unless specified elsewhere.

Present law provides that the dept. is prohibited from changing the formula for fees authorized under present law by more than 5% of what was paid the preceding year.

Proposed law provides that the dept. can utilize the rulemaking process to change the formula based on the consumer price index and it can be aggregated for years in which it was not altered.

Present law provides that the dept. cannot create new fees under present law (Subtitle II).

Proposed law allows the dept. to adjust or modify fees for activities authorized under present law or to change the formula if the need arises due to new technology, correction of errors, new industry, federal obligations, and budgetary concerns by promulgating rules to determine the fees by using a formula to be based upon a cost equal to the cost of the annual maintenance, permitting, monitoring, investigation, administration, and other activities required, including any effects the volume of emissions or effluents may have on such activities.

Present law allows the dept. to require a fee to process any 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 dept. per hour or portion thereof required to conduct the review plus reasonable indirect costs calculated as a percentage of the hourly fee.

Proposed law adds authority for the dept. to require a fee to process a request for expedited permit, review of environmental conditions, remediation, or review of a self audit.

Proposed law adds provision for the dept. to modify any fee that is in effect on June 30, 2026, authorized by present law by promulgating rules to determine these fees by using a formula based upon a cost equal to the cost of the annual maintenance, permitting, monitoring, investigation, administration, and other activities required, including any effects the volume of emissions or effluents may have on such activities.

Proposed law provides that the dept. must promulgate rules to determine emergency processing fees, which must not exceed one and a half times the regular fees.

Proposed law adds a provision to allow the dept. to promulgate rules to determine late fees, which must not exceed 15% of the original amount.

Proposed law establishes a violation subject to enforcement actions of the La. Environmental Quality Act (R.S. 30:2001 et seq.) for failure to pay the prescribed fees including but not limited to revocation or suspension of the applicable permit, license, registration, or variance.

Present law authorizes the dept. to increase fees to cover the operating expenses of the dept. for the continued implementation of the accidental release prevention program by increasing, on an average of 4.5%, existing fees assessed by the dept. pursuant to its fee schedules under the air quality control program based on industrial groups that reflect the degree that these are to be regulated under the accidental release prevention program.

Proposed law eliminates the provision of present law which specifies the fee increase must be implemented by increasing, on an average of 4.5%, existing fees assessed by the dept. pursuant to its fee schedules under the air quality control program based on industrial groups that reflect the degree that these are to be regulated under the accidental release prevention program but retains the authorization for the dept. to increase fees to cover the operating

expenses of the dept. for the continued implementation of the accidental release prevention program.

Present law provides for establishment of the Motor Fuels Underground Tank Storage Tank Trust Dedicated Fund Account and for the funds to be deposited and administered with a tank registration fee of \$60 for each tank.

Proposed law retains the provisions of present law but increases the tank registration fee from \$60 to \$66.

Present law provides for owners of motor fuel underground storage tanks storing motor oil to pay a fee of up to \$275 per year.

Proposed law increases the motor fuel underground storage tank fee for storing motor oil from \$275 to \$300 per year.

Present law authorizes the dept. to charge a participation fee up to \$660 per application for approval of an investigation plan and a fee up to \$660 per application for approval of a remediation plan and to promulgate rules and regulations to provide for the disbursement of actual direct costs associated with oversight activities conducted pursuant to present law.

Proposed law retains the authorization for the dept. to charge fees for approval of investigation and remediation plans but eliminates the specified amount of \$660 and provides for the fees to be adopted by the dept. in accordance with the Administrative Procedure Act (R.S. 49:950 et seq.).

Present law provides for applications for licensure, certification, and accreditation fees as well as notification fees for lead abatement projects to be paid annually to the secretary.

Proposed law retains the annual payments for applications and notifications but provides they be paid to the dept. rather than the secretary.

Present law provides for license evaluation fees of \$550 to be paid by lead contractors.

Proposed law eliminates the provision of \$550 by lead contractors and provides that license evaluation fees be paid annually.

Present law provides certification fees to be paid by discipline and establishes amounts to be paid.

Proposed law eliminates the set fee by discipline and provides that the certification fees be paid annually.

Present law provides for accreditation fees for organization fees to be paid with set fees for categories.

Proposed law retains the provision for organizations to pay accreditation fees but adds a requirement for instructors to pay accreditation fees as well as a provision for the fees to be paid annually.

Proposed law further eliminates the set fees for accreditation by category.

Present law provides for notification fees to be paid upon application with specifications for the lead abatement project size and type of structure.

Proposed law provides for notification fees to be assessed per project with consideration for the project size and type of structure.

Proposed law further provides that any formula for fees be adopted by the dept. in accordance with the Administrative Procedures Act (R.S. 49:950 et seq.).

Present law provides for application fees for examination, training, and certification to be paid by the applicant for the Board of Certification and Training.

Proposed law specifies that the fees be established using a formula based on the cost of establishing a certification program for operators of solid waste disposal facilities for examination, training and certification and adopted by the dept. in accordance with the Administrative Procedures Act (R.S. 49:950 et seq.) and deposited in the Environmental Trust Dedicated Fund Account.

Present law provides for the dept. to modify fees in effect on June 30, 2002, as provided under present law and provides criteria for the modifications.

Proposed law repeals provisions of present law.

Present law provides for the dept. to modify fees in effect on June 30, 2021, as provided under present law and provides criteria for the modifications.

Proposed law repeals provisions of present law.

Present law provides for the department to collect from each facility permitted as a construction or demolition debris landfill, as part of the annual monitoring and maintenance fee, a fee not exceeding 25 cents per ton of construction or demolition debris deposited in the facility, only applicable to construction or demolition debris which is subject to a fee imposed by the facility.

Proposed law repeals provisions of present law.

Present law provides the fee for reviewing environmental self-audits and corrective actions must not exceed the maximum salary, of a civil service employee of the department per hour or portion required to conduct the review plus reasonable indirect costs calculated as a percentage of the hourly fee, which is determined annually by agreement between the dept. and the Environmental Protection Agency for use on grants and contracts with the dept. allowed to require a minimum fee of \$1500.

Proposed law repeals provisions of present law.

(Amends R.S. 30:2011(A)(1), (D)(22)(b) and (c), and (25), 2014(B), (D)(2), (3), and (7), 2063(J), 2195(B), 2195.3(B), 2289.1(D), 2351.59(B), and (C) and R.S. 37:3154(10); Adds R.S. 30:2014(E), (F), and (G); Repeals R.S. 30:2014(D)(4), (5), and (6) and 2044(C))