

2021 Regular Session

HOUSE BILL NO. 670

BY REPRESENTATIVE GARY CARTER

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

1 AN ACT

2 To amend and reenact R.S. 30:2011(D)(22)(c) and 2014(D)(5) and (6) and to enact R.S.  
3 30:2014(D)(7), relative to fees collected by the Department of Environmental  
4 Quality; to authorize a minimum amount for fees paid to the department; to authorize  
5 an increase of certain fees paid to the department; to establish a new fee for  
6 radioactive waste disposal processing; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 30:2011(D)(22)(c) and 2014(D)(5) and (6) are hereby amended and  
9 reenacted and R.S. 30:2014(D)(7) is hereby enacted to read as follows:

10 §2011. Department of Environmental Quality created; duties; powers; structure

11 \* \* \*

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

13 \* \* \*

14 (22)

15 \* \* \*

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

- 18 (i) Accreditation application fee \$ 726.00
- 19 payable every scope amendment
- 20 and every three-year renewal.



1 §2014. Permits, licenses, registrations, variances, and fees

2 \* \* \*

3 D.

4 \* \* \*

5 (5) In accordance with the provisions of Article VII, Section 2.1 of the  
6 Constitution of Louisiana, and notwithstanding any other provision of law to the  
7 contrary, the Department of Environmental Quality may increase the following fees  
8 that are in effect on June 30, 2021, as authorized by this Title, and are required to be  
9 deposited into the Environmental Trust Dedicated Fund Account as indicated:

10 (a) Air fees provided for in Part III of Title 33 of the Louisiana  
11 Administrative Code:

12 (i) The criteria pollutant annual fee per ton emitted on an annual basis for all  
13 facility types may be increased by an amount not to exceed twenty dollars per ton  
14 phased in over a two-year period. The first phase will increase to sixteen dollars and  
15 sixty-one cents per ton and will become effective July 1, 2022. The second phase  
16 will increase to twenty dollars per ton and will become effective July 1, 2023.

17 (ii) The minimum fee for criteria pollutant annual fee and air toxins annual  
18 fees may be increased to two hundred fifty dollars.

19 (iii) In addition, the secretary is hereby authorized to establish an application  
20 fee of five thousand dollars for the issuance of asbestos disposal verification forms  
21 for a single site for the period of one fiscal year.

22 (b) Solid waste fees provided for in Part VII of Title 33 of the Louisiana  
23 Administrative Code:

24 (i) Establish a waste tire transporter authorization application fee not to  
25 exceed two hundred and fifty dollars, which shall be deposited into the Waste Tire  
26 Management Fund.

27 (ii) In addition, the secretary is hereby authorized to establish an annual fee  
28 schedule for all transporters of solid waste with a facility located in Louisiana.

1           (iii) All holders of permits for solid waste processing and disposal facilities  
2           that have not completed closure, including post-closure activities, in accordance with  
3           an approved plan, shall be charged an annual monitoring and maintenance fee for  
4           each permit and an annual tonnage fee for applicable permits. Annual monitoring  
5           and maintenance fees shall be charged for each permitted waste type.

6           (iv) The maximum annual tonnage fee for type I facilities is one hundred  
7           twenty thousand dollars.

8           (v) The maximum annual tonnage fee for type II facilities is thirty thousand  
9           dollars.

10          (vi) The permit application review fee for type I, I-A, II, and II-A standard  
11          permit applicants may be increased to six thousand one hundred twenty five dollars.

12          (vii) The permit application review fee for type III standard permit  
13          applicants may be increased to one thousand three hundred twenty-five dollars.

14          (viii) The permit application review fee for type I, I-A, II, and II-A  
15          permit-modification applicants may be increased to two thousand six hundred fifty  
16          dollars.

17          (ix) The permit application review fee for type III permit-modification  
18          applicants may be increased to eight hundred thirteen dollars.

19          (x) In addition, the secretary is hereby authorized to establish an annual fee  
20          of two hundred fifty dollars for all transporters of solid waste with a facility located  
21          in Louisiana.

22          (c) Radiation protection fees provided for in Part XV of Title 33 of the  
23          Louisiana Administrative Code:

24            (i) The secretary may establish that the naturally occurring radioactive  
25            materials general license fee shall be billed per wellhead in the amount of one  
26            hundred twenty-five dollars regardless of the field. No maximum fee shall apply.

27            (ii) In addition, the secretary is hereby authorized to establish a fee schedule  
28            for the following activities:

1            (aa) Device, Product, or Sealed Source Evaluation 6A device evaluation  
2            shall each be increased to five thousand dollars.

3            (bb) Device, Product, or Sealed Source Evaluation 6B sealed source design  
4            evaluation shall each be increased to two thousand dollars.

5            (cc) Device, Product, or Sealed Source Evaluation 6C update sheet shall be  
6            increased to five hundred dollars.

7            (dd) A commercial naturally occurring radioactive materials waste disposal  
8            application fee in the amount of twenty-three thousand dollars.

9            (ee) A commercial naturally occurring radioactive materials waste disposal  
10           annual fee in the amount of twenty thousand dollars.

11           ~~(5)~~(6) Except as provided in R.S. 30:2155.1, the department shall collect  
12           from each facility permitted as a construction or demolition debris landfill, as part  
13           of the annual monitoring and maintenance fee, a fee not exceeding twenty-five cents  
14           per ton of construction or demolition debris deposited in the facility. The fee  
15           provided for in this Paragraph shall apply only to construction or demolition debris  
16           which is subject to a fee imposed by the facility. The secretary is authorized to  
17           promulgate rules and regulations to implement this Paragraph.

18           ~~(6)~~(7) The department may require a fee to process any request for a  
19           declaratory ruling not to exceed the maximum per-hour overtime salary, including  
20           associated-related benefits, of a civil service employee of the department per hour  
21           or portion thereof required to conduct the review plus reasonable indirect costs  
22           calculated as a percentage of the hourly fee. Such percentage shall be determined  
23           annually by agreement between the department and the United States Environmental  
24           Protection Agency for use on grants and contracts. However, the department may  
25           require a requestor to pay a minimum fee of one thousand five hundred dollars.

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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)]

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HB 670 Reengrossed

2021 Regular Session

Gary Carter

**Abstract:** Establishes a new fee for radioactive waste disposal processing and provides for an increase in certain fees assessed by the Dept. of Environmental Quality.

Present law provides for the powers and duties of the secretary of the Dept. of Environmental Quality (DEQ) and allows the DEQ to charge certain fees. Proposed law retains present law.

Proposed law provides additional fees that the secretary may assess under his authority as follows:

- (1) Annual fee for dependent mobile laboratories - not to exceed \$363 per mobile.
- (2) The accreditation fees for in state laboratories receiving national accreditation - not to exceed one and one half times the regular fees.
- (3) The accreditation fees for out-of-state laboratories receiving state accreditation - not to exceed one and one-half times the regular fees.
- (4) The accreditation fees for out-of-state laboratories receiving national accreditation - not to exceed two times the regular fees.
- (5) Interim accreditation application fees - not to exceed two times the regular fees.

Proposed law authorizes increases in air fees as follows:

- (1) Criteria pollutant annual fee - not to exceed \$20 per ton in two phases. The first phase will increase the fee to \$16.61/ton effective July 1, 2022. The second phase will increase the fee to \$20/ton effective July 1, 2023.
- (2) Minimum fee for criteria pollutants - not to exceed \$250.
- (3) New fee for asbestos disposal certification forms - \$5000 for one fiscal year.

Proposed law authorizes increases in solid waste fees as follows:

- (1) Waste tire transporter authorization application fee - not to exceed \$250.
- (2) Maximum annual tonnage fee for type I facilities - \$120,000.
- (3) Maximum annual tonnage fee for type II facilities - \$30,000.
- (4) Permit application review fee for type I, I-A, II, and II-A standard permits applicants may be increased to \$6125.
- (5) Permit application review fee for type III standard permits applicants may be increased to \$1325.
- (6) Permit application review fee for type I, I-A, II, and II-A permits-modification applicants may be increased to \$2650.

- (7) Permit application review fee for type III permits-modification applicants may be increased to \$813.
- (8) All transporters of solid waste with a facility - \$250.00

Proposed law relative to radioactive waste disposal processing, authorizes a fee of \$250 to be billed at the wellhead regardless of the field. Further authorizes device, product, or sealed source evaluation 6A device evaluation (each) increased to \$5000. Device, product, or sealed source evaluation 6B sealed source design evaluation (each) increased to \$2000. Device, product, or sealed source evaluation 6C update sheet increased to \$500. Further authorizes fees for a commercial naturally occurring radioactive materials waste disposal application fee of \$23,000 and a commercial naturally occurring radioactive materials waste disposal annual fee of \$20,000.

(Amends R.S. 30:2011(D)(22)(c) and 2014(D)(5) and (6); Adds R.S. 30:2014(D)(7))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical changes.