

CONTENTS

August 2025

I. EXECUTIVE ORDERS

JML 25-79	Amended State of Emergency—Office of Motor Vehicles	1117
JML 25-80	Renewal of State of Emergency—Cybersecurity Incidents	1118
JML 25-81	Veto of LAC 46:LXVI.1217—Radiologic Technologists—Fees and Expenses.....	1118
JML 25-82	Renewal of State of Emergency—Office of Broadband Development and Connectivity	1119
JML 25-83	Public Higher Education Reform Task Force	1120
JML 25-84	State of Emergency—Maximum Security Camp J Repairs Louisiana State Penitentiary	1121
JML 25-85	Renewal of State of Emergency—Hurricane Ida.....	1123
JML 25-86	Renewal of State of Emergency—Threat of Subsidence, Subsurface Instability, and Presence of Hydrocarbons in Sulphur Mines Salt Dome Area.....	1123

II. EMERGENCY RULES

Revenue

Tax Policy and Planning Division—Louisiana Fortified Roof Tax Credit Program (LAC 61:I.1935).....	1125
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Wildlife and Fisheries

Wildlife and Fisheries Commission—2025 Fall Inshore Shrimp Season Opening Dates	1126
2025 Recreational Gag Grouper Season Modification.....	1127

III. RULES

Education

Board of Elementary and Secondary Education—Bulletin 118—Statewide Assessment Standards and Practices—Cell Phone Use During Testing (LAC 28:XI.5316)	1128
Bulletin 741—Louisiana Handbook for School Administrators—Freedom Seal (LAC 28:CXV.2317).....	1128
Bulletin 1929—Louisiana Accounting and Uniform Governmental Handbook Business Administrator Credentials (LAC 28:XLI.1301)	1129
Educator Preparation, Evaluation, and Credentials (LAC 28:XLV.743 and 745; CXXXI.507 and 1315; and CXLVII.307 and 701).....	1129

Environmental Quality

Office of the Secretary, Legal Affairs Division—Advanced Recycling (LAC 33:VII.115, 301, 401, and 10303) (SW070).....	1131
One-Time Exclusion of Wastes for Chevron Oronite Co. LLC—Oak Point Plant (LAC 33:V.4999) (HW138).....	1134
Regulatory Permit for Storage Vessels (LAC 33:III.321) (AQ401)	1135
Standards for the Use or Disposal of Sewage Sludge and Biosolids (LAC 33:IX.Chapter 73) (WQ113).....	1136
Storage of Volatile Organic Compounds (LAC 33:III.2103) (AQ402)	1158

Governor

Board of Home Inspectors—General Rules (LAC 46:XL.309 and 313).....	1159
Division of Administration, Office of State Procurement—Procurement (LAC 34:V.Chapter 36).....	1160

Health

Board of Dentistry—General Provisions (LAC 46:XXXIII.136).....	1161
Board of Medical Examiners—Adjudication; Recusal (LAC 46:XLV.9920)	1162
Physicians; Bridge Year Program (LAC 46:XLV.303 and 398)	1162
Physicians; Retired Physician License (LAC 46:XLV.417, 418, 435, and 447)	1163
Health Standards Section—Nursing Facilities—Licensing Standards (LAC 48:I.9701 and 9759).....	1165

Insurance

Office of the Commissioner—Regulation 120—Administrative and Agency Proceedings Instituted against a License (LAC 37:XIII.18109, 18111, 18113, and 18115)	1166
Regulation 135—Advisory Board or Commission (LAC 37:XIII.Chapter 207).....	1167

Wildlife and Fisheries

Wildlife and Fisheries Commission—Black Bass Regulations on Bussey Brake Wildlife Management Area (LAC 76:XIX.111).....	1168
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IV. NOTICES OF INTENT

Agricultural and Forestry

Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides	
Advisory Commission on Pesticides (LAC 7:XXIII.711)	1170
Office of Animal Health and Food Safety—Chronic Wasting Disease (LAC 7:XXI.1705 and 1730).....	1171
Louisiana Egg Commission Revisions (LAC 7:V.Chapter 17)	1173
Trichomoniasis (LAC 7:XXI.751 and 752)	1176

Economic Development

Office of Economic Development—High Impact Jobs Program (LAC 13:I.Chapter 53)	1177
Small and Emerging Business Development Program (LAC 19:II.Chapters 1 and 3).....	1182

Energy and Natural Resources

Office of Conservation—Pipeline Safety (LAC 33:V.Chapter 301 and LAC 43:XIII.Chapter 3).....	1184
Pipeline Safety—Liquid Chlorine (LAC 33:V.30105).....	1200
Unconventional Reservoir Development (LAC 43:XIX.4301, 4303, 4305, and 4307)	1201
Office of the Secretary—Regulation of Solar Power Generation Facilities (LAC 43:I.Chapter 51)	1203

Environmental Quality

Office of the Secretary, Legal Affairs Division—2025 Annual Incorporation by Reference of Certain Federal	
Air Quality Regulations (LAC 33:III.505, 507, 2160, 3003, 5116, 5122, 5311, and 5901) (AQ405ft)	1210
Integrating e-Manifest with Hazardous Waste Exports and Other Manifest-Related Reports	
(LAC 33:V.109, 309, 1023, 1107, 1108, 1127, 1307, 1516, 1531, 4105, and 4911)	1213
Safe Management of Recalled Airbags (LAC 33:V.105 and 1009)	1219
Universal Waste Regulations: Addition of Aerosol Cans	
(LAC 33:V.105, 305, 1501, 2201, 3801, 3805, 3812, 3813, 3821, 3823, 3841, 3843, 3845, and 4301)	1221
Voluntary Environmental Self-Audit Regulations (LAC 33:I.Chapter 70).....	1226

Governor

Auctioneers Licensing Board—Auctioneers (LAC 46:III.Chapters 1-29).....	1230
Division of Administration, Office of Broadband Development and Connectivity	
Granting Unserved Municipalities Broadband Opportunities (GUMBO) (LAC 4:XXI.705)	1235
Granting Unserved Municipalities Broadband Opportunities 2.0 (GUMBO 2.0) (LAC 4:XXI.Chapter 18).....	1236
Division of Administration, Office of Group Benefits—Participation in the Office of Group Benefits	
(LAC 32:I.307)	1238

Health

Behavior Analyst Board—Application Procedures and Board Fees (LAC 46:VIII.Chapter 3)	1239
Bureau of Health Services Financing—Eligibility—Family Opportunity Act Medicaid Program	
(LAC 50:VIII.2303)	1240
Medical Transportation Program—Non-Emergency Medical Transportation (LAC 50:XXVII.Chapter 5).....	1241
Professional Services Reimbursement Methodology	
(LAC 50:IX.8305, 8505, 15113, 15133, and XIX.4334)	1243
Refugee Medical Assistance (LAC 50:XXXI.101, 103, 107, and 108)	1246

Public Safety and Corrections

Corrections Services—Special Agents (LAC 22:I.323)	1247
Office of Motor Vehicles—Administrative Procedures (LAC 55:III.201)	1249
Office of State Police—Required Equipment (LAC 55:III.813)	1250

Revenue

Tax Policy and Planning Division—Alcoholic Beverage Sales by Out-of-State Sellers to Louisiana Wholesalers—	
Registration and Electronic Reporting Procedures (LAC 61:I.203)	1251

Transportation and Development

Office of General Counsel—Personnel (LAC 70:XXI.Chapter 1)	1253
Pipe Bursting/Crushing (LAC 70:II.Chapter 19)	1255
Recycling of Highway Construction and Maintenance Material (LAC 70:I.501, 503, and 505)	1259
System Management (LAC 70:V.101, 103, and 105)	1261
Office of Operations—Combination or Double Tandem Load Permit	
(LAC 73:I.Chapter 21).....	1262

Treasury

Municipal Employees' Retirement System—Municipal Employees' Retirement System	
(LAC 58:XXV.Chapters 2, 3, 8, and 10).....	1266

Wildlife and Fisheries

Wildlife and Fisheries Commission—Administration of the Natural and Scenic Rivers and Historic and	
Scenic Rivers (LAC 76:IX.103, 109, 111, 117, and 118).....	1268
Derelict Crab Trap Removal Program (LAC 76:VII.367)	1274
Wildlife Rehabilitation Program (LAC 76:V.131)	1277

Workforce Commission

Plumbing Board—Plumbers—Introductory Information; Officers; and Meetings	
(LAC 46:LV.101, 503, and 507).....	1280

V. POTPOURRI	
Energy and Natural Resources	
Office of Conservation—Orphaned Oilfield Sites	1283
Environmental Quality	
Legal Affairs Division—Notice of Public Hearing—Request for Comments on Rulemaking.....	1302
Governor	
Division of Administration—Notice of Public Hearings	1303
Health	
Office of Public Health—Notice of Public Hearing—Substantive Changes to Proposed Rule—Regulation Of Medical Marijuana (LAC 51:XXIX.505, 2501, 2505, and 2511)	1303
Transportation and Development	
Bundled Bridge Progressive Design-Build (PDB) Projects.....	1304
VI. INDEX	1308

Executive Orders

EXECUTIVE ORDER JML 25-79

Amended State of Emergency
Office of Motor Vehicles

WHEREAS, the Governor is responsible for meeting the dangers to the state and people presented by emergencies and disasters;

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to address disasters resulting from natural or man-made events that cause or threaten loss of life, injury, or property damage, as well as emergencies, which include actual or potential conditions created by such disasters;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, La. R.S. 29:724(B)(1) empowers him to declare a state of emergency or disaster by executive order which has the force and effect of law;

WHEREAS, pursuant to R.S. 29:274 (B)(1), Governor Jeff Landry declared a state of emergency on March 20, 2025, in JML 25-032;

WHEREAS, JML 25-032 has been renewed and extended every thirty (30) days through JML 25-069 which is in effect through Sunday, July 13, 2025;

WHEREAS, R.S. 29:724 authorizes the Governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, the Department of Public Safety and Corrections, through its services, offices, and officers, has general authority for the security and physical safety of the citizens and property of Louisiana, the enforcement of laws and regulations pertaining to criminal conduct, the rehabilitation of youthful offenders, automobile and highway safety, motor vehicles and drivers, and fire protection;

WHEREAS, the Department's public safety services include the Office of Motor Vehicles which is charged with performing the functions of the state relative to the examination and licensing of drivers of motor vehicles within the state, the suspension and revocation of such licenses, the approval of driver education programs, issuance of vehicle title and registration certificates, recordation of liens against motor vehicles, and the collection of appropriate fees and motor vehicle sales tax;

WHEREAS, the OMV has consistently experienced system outages, leading to the closure of field offices and preventing public tag agents from processing driver's licenses, vehicle registrations, and reinstatement transactions;

WHEREAS, the OMV application and database are over 50 years old and operate on more than 400 programs

written in a programming language that is over 60 years old, making support options both limited and costly due to its outdated and complex nature;

WHEREAS, the OMV system has not been purged since 2008;

WHEREAS, modern applications instituted to create public efficiency are instead taxing the mainframe and causing crippling delays for the public;

WHEREAS, the Office of Motor Vehicles has continually experienced issues with searches for VIN numbers, driver's license numbers, and license plates;

WHEREAS, the current mainframe lacks redundancies, leaving the system vulnerable to disruptions;

WHEREAS, the current mainframe is out of space for new license plates, new indicators on driver's licenses, and new flags on driver's licenses;

WHEREAS, it is imperative for the Office of Motor Vehicles to procure and implement a modernized system to effectively carry out its responsibilities, including driver examination and licensing, license suspension and revocation, vehicle title and registration issuance, lien recordation, and the collection of motor vehicle-related fees and taxes;

WHEREAS, past administrations attempted to procure a new system for OMV but failed to implement it.

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to exist as a result of the emergency conditions that currently threaten the safety and property of the citizens in Louisiana.

Section 2: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551 *et seq.*), Louisiana Public Bid Law (R.S. 38:2211, *et seq.*), and the Louisiana Information Technology Procurement Code (R.S. 39:196-200), and their corresponding rules and regulations are hereby suspended if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with this emergency.

Section 3: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this event.

Section 4: This Order is effective from Friday, July 11, 2025, and shall continue in effect until Sunday, August 10, 2025, unless amended, modified, terminated, or rescinded earlier by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 11th day of July, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2508#066

EXECUTIVE ORDER JML 25-80

Renewal of State of Emergency—Cybersecurity Incidents

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies, including those caused by breach of cybersecurity, in order to ensure that preparations of this State will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, pursuant to R.S. 29:724(B)(1), Governor John Bel Edwards declared a state of emergency on December 28, 2023, in Proclamation Number 236 JBE 2023 in response to the threat of intentional cybersecurity breaches of public entities throughout the State of Louisiana;

WHEREAS, Proclamation Number 263 JBE 2023 has been renewed and extended every thirty (30) days through JML 25-070, which is in effect through Sunday, July 13, 2025;

WHEREAS, there have been severe, intentional cybersecurity breaches of public entities throughout the State of Louisiana;

WHEREAS, R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, it is necessary for the State to continue to work cooperatively to mitigate any damages, current or future from cybersecurity breaches and to address cybersecurity vulnerabilities in current systems;

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to continue to exist statewide in the State of Louisiana as a result of the imminent threat to the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to continue to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or

immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate in actions the state may take in response to the effects of this cybersecurity event.

Section 5: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are further authorized and directed to take all actions necessary to preserve the security and confidentiality of any data related to this emergency, including the execution of Memoranda of Understanding (MOUs), Non-Disclosure Agreements (NDAs), and/or any other related documents.

Section 6: Any departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, that may be affected by this cybersecurity emergency are directed to work with state officials to ensure there is a coordinated response to this event and are further directed to comply with the requirements of the Database Security Breach Notification Law, R.S. 51:3071 *et seq.*

Section 7: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551 *et seq.*), Louisiana Public Bid Law (R.S. 38:2211, *et seq.*), and the Louisiana Information Technology Procurement Code (R.S. 39:196-200), and their corresponding rules and regulations are hereby suspended if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with this emergency.

Section 8: This Order is effective upon signature and shall continue in effect from Friday, July 11, 2025 to Sunday, August 10, 2025, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 11th day of July, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2508#067

EXECUTIVE ORDER JML 25-81

Veto of LAC 46:LXVI.1217 Radiologic Technologists—Fees and Expenses

WHEREAS, on June 20, 2025, the Louisiana State Radiologic Technology Board of Examiners ("Board") adopted LAC 46:LXVI.1217, a rule that significantly raises professional licensing fees for radiologic technologists;

WHEREAS, the Louisiana State Radiologic Technology Board of Examiners identified the purpose of the fee

increase as “fiscal responsibility” and infrastructure updates, yet failed to provide adequate justification for such steep increases, including a 50% increase in initial license fees, a 100% increase in reciprocity fees, and a 400% increase in temporary work permit fees;

WHEREAS, the rule also imposes a flat \$200 late fee, effectively eliminating proportional penalties and punishing minor delays with the maximum fine allowed;

WHEREAS, any substantial fee increase—especially those that impact our frontline healthcare workers—deserve close legislative and executive review to ensure transparency, fairness, and alignment with the needs of the public;

WHEREAS, substantial fee increases of this nature warrant legislative scrutiny to ensure they align with the intent and approval of two-thirds of the Legislature;

WHEREAS, R.S. 49:970 grants the Governor the authority to veto any rule or regulation adopted by a state department, agency, board, or commission within thirty days of adoption.

NOW THEREFORE I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and R.S. 49:970, do hereby veto LAC 46:LXVI.1217, promulgated on June 20, 2025 in Louisiana Register Volume 51, No. 6, for the following reasons:

1. The rule imposes unjustified and excessive fee increases on licensed professionals without sufficient legislative input;

2. It places undue financial strain on Louisiana’s healthcare workforce, including those just entering the field;

3. It fails to reflect the values of transparency, accountability, and fairness that my Administration expects from state boards.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 16th day of July, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2508#068

EXECUTIVE ORDER JML 25-82

Renewal of State of Emergency
Office of Broadband Development and Connectivity

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, et seq., confers upon the Governor of the State of Louisiana emergency powers to address disasters resulting from natural or man-made events that cause or threaten loss of life, injury, or property damage, as well as emergencies, which include actual or potential conditions created by such disasters;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, La. R.S. 29:724(B)(1) empowers him to declare a

state of emergency or disaster by executive order which has the force and effect of law;

WHEREAS, pursuant to R.S. 29:274 (B)(1), Governor Jeff Landry declared a state of emergency on June 20, 2025, in JML 25-071, which is in effect through Sunday, July 20, 2025;

WHEREAS, La. R.S. 29:724 authorizes the Governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, the Office of Broadband Development and Connectivity was created to, among other things, promote and encourage broadband adoption for households that have not accessed services, to encourage the assistance of the private sector, including broadband service providers, to effectuate the deployment and access to broadband and other connectivity services to all residents of the state, and to apply for, receive, and administer grants or financial assistance from persons or government agencies;

WHEREAS, the State of Louisiana, through the Office of Broadband Development and Connectivity, has long been a model for broadband expansion for the country by establishing the State’s first broadband deployment program, the Granting Unserved Municipalities Broadband Opportunities (“GUMBO”) grant program;

WHEREAS, the Office of Broadband Development and Connectivity (“ConnectLA”) currently provides administrative duties and compliance processes for the GUMBO 1.0 grant program, set to serve over 60,000 locations with high-speed, reliable, internet service using up \$176 million in Capital Projects Funds from the U.S. Treasury by December 2026;

WHEREAS, the State of Louisiana and ConnectLA embarked on a challenge to continue to bridge the digital divide by participating in the Broadband, Equity, Access, and Deployment (“BEAD”) program administered by the U.S. Department of Commerce;

WHEREAS, the Notice of Funding Opportunities that was released by the U.S. Department of Commerce stipulated numerous steps and requirements to unlock \$1.355 billion in funds to be allocated to the State of Louisiana through this program;

WHEREAS, the State of Louisiana became the first state in the nation to receive approval of the Initial Proposal document from the U.S. Department of Commerce in December of 2023;

WHEREAS, this approval from the U.S. Department of Commerce set a one year timeline to complete a Final Proposal and provided the state the ability to complete its competitive grant process to serve the remaining locations within the state with broadband services;

WHEREAS, the State of Louisiana had become the first in the nation to release results from the program in November of 2024 and secure federal approval in January of 2025 for the Final Proposal, representing a comprehensive BEAD plan totaling \$1.355 billion, through the GUMBO 2.0 program;

WHEREAS, this historic investment represents a generational opportunity to deliver high-speed internet access to approximately 140,000 unserved or underserved locations across all 64 parishes;

WHEREAS, the U.S. Department of Commerce recently completed a review of the BEAD program to offer changes to streamline the program for all state broadband offices across the nation;

WHEREAS, a new policy notice was released on June 6, 2025, to expedite the BEAD award process and ensure all states have completed a “Benefit of the Bargain” grant round;

WHEREAS, the State of Louisiana must complete all new actions and redo the entirety of the bidding process within a 90 day timeframe from the release of the policy notice guidance from the U.S. Department of Commerce, with all results due by September 4, 2025;

WHEREAS, strict compliance with the requirements set forth in La. R.S. 51:2370.21, et seq., do not permit ConnectLa to complete the entirety of this process as required by the U.S. Department of Commerce by September 4, 2025.

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, et seq., a state of emergency is hereby declared to exist as a result of the emergency conditions that currently threaten the safety and property of the citizens in Louisiana.

Section 2: Pursuant to La. R.S. 29:724(D)(1), the following provisions are hereby suspended: La. R.S. 51:2370.21-2370.35 and LAC 4:XXI.Chapters 11-17.

Section 3: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this event.

Section 4: This Order is effective from Friday, July 18, 2025, and shall continue in effect until Sunday, August 17, 2025, unless amended, modified, terminated, or rescinded earlier by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 18th day of July, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2508#069

EXECUTIVE ORDER JML 25-83

Public Higher Education Reform Task Force

WHEREAS, public higher education systems are responsible for providing learning environments and experiences that promote intellectual development and foster

moral and civic virtue through rigorous, content-rich education across disciplines such as the arts, sciences, engineering, and other academic disciplines, ensuring that every student has an equal opportunity to realize their full potential;

WHEREAS, under the Higher Education Act of 1995, institutions of higher education must be accredited or pre-accredited by a recognized accrediting agency to qualify for Title IV federal funding;

WHEREAS, on April 23, 2025, President Donald J. Trump issued Executive Order 14279 ordering the U.S. Secretary of Education to implement reforms ensuring that:

(i) accreditation requires higher education institutions to provide high-quality, high-value academic programs free from unlawful discrimination or other violations of Federal law;

(ii) barriers are reduced that limit institutions from adopting practices that advance credential and degree completion and spur new models of education;

(iii) accreditation requires that institutions support and appropriately prioritize intellectual diversity amongst faculty in order to advance academic freedom, intellectual inquiry, and student learning;

(iv) accreditors are not using their role under Federal law to encourage or force institution to violate State laws, unless such State laws violate the Constitution or Federal law; and

(v) accreditors are prohibited from engaging in practices that result in credential inflation that burdens students with additional unnecessary costs.

WHEREAS, to advance these objectives, the Executive Order also directs the U.S. Secretary of Education to resume recognition of new accrediting agencies to increase competition and accountability in promoting high-quality, high-value academic programs focused on student outcomes;

WHEREAS, on May 1, 2025, the Acting Under Secretary of the United States Department of Education issued guidance on accrediting agencies and stated the U.S. Department of Education will conduct expeditious review of applications for a change in accrediting agencies or maintaining multiple accreditations received except in rare cases where an institution lacks a reasonable cause for making a change. This guidance also stated that Department guidance should allow institutions the freedom to develop unique partnerships with accrediting agencies;

WHEREAS, the State University System of Florida, the University System of Georgia, the University of North Carolina System, the University of South Carolina System, the Texas A&M University System, and the University of Tennessee System have recently founded the Commission for Public Higher Education (“CPHE”);

WHEREAS, the mission of CPHE is to advance the quality and improvement of higher education by accrediting and pre-accrediting state public colleges and universities that are incorporated, chartered, licensed, or authorized in the United States;

WHEREAS, CPHE will focus on student outcomes, streamline accreditation standards, focus on emerging educational models, modernize the accreditation process, maximize efficiency, and ensure no imposition of divisive ideological content on institutions;

WHEREAS, CPHE will establish accreditation standards, policies, and procedures prior to pursuing recognition as a Title IV gatekeeper by the U.S. Department of Education, and intends to accredit public institutions nationwide;

WHEREAS, Louisiana's public institutions are currently accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC);

WHEREAS, currently, 55% of states with public university systems accredited by SACSCOC are represented on the CPHE Board of Directors;

WHEREAS, Louisiana stands to benefit from early engagement with CPHE, both by diversifying accreditation options and by shaping the standards and procedures that align with the public mission of its institutions;

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: The Governor's Task Force on Public Higher Education Reform is hereby established within the Executive Department, Office of the Governor to lead statewide engagement on accreditation reform aligned with institutional autonomy, academic excellence, and federal requirements.

Section 2: The duties of the Task Force shall include, but are not limited to, the following:

A. Identify all items necessary to leverage accreditation to improve student success, accountability, and drive strong outcomes.

B. Engage with the Commission for Public Higher Education (CPHE) to assess the potential benefits of membership for Louisiana's public university systems and provide formal recommendations to the Office of the Governor on pursuing membership.

C. Identify any legislative or administrative actions necessary to authorize and support Louisiana institutions in pursuing recognition from CPHE, if such action is recommended by the Task Force.

D. Develop a plan to pilot dual accreditation for public post-secondary institutions in Louisiana.

E. Coordinate with other states participating in CPHE to identify opportunities for regional collaboration.

Section 3: The Task Force shall report its findings and recommendations no later than January 30, 2026, including those for the 2026 Regular Legislative Session.

Section 4: The Task Force shall be comprised of thirteen (13) members who, unless otherwise specified, shall be designated by and serve at the pleasure of the Governor. The membership shall be composed of the following:

A. The Commissioner of Higher Education;

B. The Chair of the Board of Regents;

C. The Chair of the Board of Supervisors for the University of Louisiana System;

D. The Chair of the Board of Supervisors for the Louisiana State University System;

E. The Chair of the Board of Supervisors of the Southern University System;

F. The Chair of the Board of Supervisors of the Community and Technical Colleges System;

G. The Chair of the Senate Education Committee;

H. The Chair of the House of Representatives Education Committee;

I. The Executive Counsel for the Governor, or her designee;

J. The Commissioner of Administration, or his designee;

K. Three (3) additional members appointed by the Governor.

Section 5: The Governor shall appoint the chair of the Task Force from its members. All other officers, if any, shall be elected by the members of the Task Force.

Section 6: The Task Force shall convene its initial meeting no later than August 31, 2025, and shall meet at least once every two months thereafter until it has completed its assigned duties.

Section 7: Task Force members shall not receive additional compensation or a per diem from the Office of the Governor for serving on the Task Force. A Task Force member who is an employee or an elected public official of the State of Louisiana or a political subdivision thereof may seek reimbursement of travel expenses, in accordance with PPM 49, from his or her employing and/or elected department, agency and/or office.

A Task Force member who is also a member of the Louisiana Legislature may seek a per diem from the Louisiana State Senate or House of Representatives, as appropriate, for his or her attendance.

Section 8: Support staff, facilities, and resources for the Task Force shall be provided by the Office of the Governor and the Louisiana Board of Regents.

Section 9: All departments, commissions, boards, offices, entities, agencies, and officers of the State of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the Task Force in implementing the provisions of this Order.

Section 10: This order is effective upon signature of the Governor, and it shall remain in effect until the Task Force has completed the tasks identified in Sections 2 and 3 of this Order, or until amended, modified, terminated or rescinded by the Governor, or until terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 22nd day of July, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2508#070

EXECUTIVE ORDER JML 25-84

State of Emergency—Maximum Security Camp J Repairs
Louisiana State Penitentiary

WHEREAS, the Governor is responsible for meeting the dangers to the state and people presented by emergencies and disasters;

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to address disasters resulting from natural or man-made events that cause or threaten loss of life, injury, or property damage, as well as emergencies, which include actual or potential conditions created by such disasters, in order to ensure that preparations of this State will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, La. R.S. 29:724(B)(1) empowers him to declare a state of emergency or disaster by executive order, which has the force and effect of law;

WHEREAS, La. R.S. 29:724 authorizes the Governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, a declaration of emergency or disaster activates the state's emergency response and recovery program under the command of the director of the Governor's Office of Homeland Security and Emergency Preparedness ("GOHSEP");

WHEREAS, La. R.S. 29:274(D)(2) permits the Governor during a declared state of emergency the capacity to utilize all available resources of the state government and of each political subdivision of the state as reasonably necessary to cope with the disaster or emergency;

WHEREAS, La. R.S. 29:274(D)(3) authorizes the Governor during a declared state of emergency the capability to transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

WHEREAS, La. R.S. 29:274(D)(4) permits the Governor during a declared state of emergency the ability to make provisions for the availability and use of temporary emergency housing;

WHEREAS, the Louisiana State Penitentiary lacks adequate bed capacity to accommodate violent offenders who require the highest degree of security and will be transferred to its facilities;

WHEREAS, Camp J, within the Louisiana State Penitentiary, was designed to provide that maximum security, but Camp J has deteriorated into a condition that creates a significant threat of injury to individuals and property who enter or are in and around its premises;

WHEREAS, in the first seven months of 2017, dozens of weapons were found at Camp J due to security malfunctions;

WHEREAS, within just one year, approximately 85 corrections officers assigned to Camp J had resigned, retired, or were terminated due to the complex challenges presented there;

WHEREAS, locks for the cells in Camp J malfunctioned, allowing offenders to jam cell doors and

circumvent security checks, which resulted in a decision to close Camp J in 2018;

WHEREAS, the security conditions of Camp J present a threat of injury and a threat to the lives of offenders housed or working within Camp J as well as employees, contractors, or members of the public who may be within Camp J at any time;

WHEREAS, Camp J and the surrounding infrastructure requires facility improvements to adequately hold any violent offenders and to protect the lives of any employees, contractors, or members of the public who may be within Camp J at any time;

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, order and direct as follows:

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to exist that currently threatens the lives, safety, and property of the citizens in Louisiana.

Section 2: Pursuant to R.S. 29:724(A)(3), the designated emergency area, which is or may be affected, shall include Camp J and surrounding infrastructure, within the Louisiana State Penitentiary.

Section 3: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) and the Secretary of the Department of Public Safety and Corrections are hereby authorized to undertake any activity authorized by law that they deem appropriate in response to this declaration.

Section 4: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, any other emergency amendments to existing contracts, or any public work necessary to respond to this emergency.

Section 5: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this event.

Section 6: This Order is effective upon signature and shall remain in effect from Friday, July 25, 2025 until Saturday, August 23, 2025, unless amended, modified, terminated, or rescinded earlier by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 25th day of July 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2508#071

EXECUTIVE ORDER JML 25-85

Renewal of State of Emergency—Hurricane Ida

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake, or other natural or manmade causes, in order to ensure that preparations of this state will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, Governor John Bel Edwards declared a state of emergency in response to the imminent threat posed by Hurricane Ida on August 26, 2021, in Proclamation Number 165 JBE 2021;

WHEREAS, Proclamation Number 165 JBE 2021 has been renewed and extended every thirty (30) days through JML 25-076, which is in effect through Saturday, August 2, 2025;

WHEREAS, Hurricane Ida made landfall on the Louisiana coast as a major hurricane on Sunday, August 29, 2021, bringing devastating winds, widespread power-outages, and severe damage to Louisiana and its citizens.

WHEREAS, on August 27, 2021, President Joseph R. Biden approved an Emergency Declaration for the State of Louisiana, authorizing appropriate assistance under Title V of the Stafford Act, to be coordinated by the United States Department of Homeland Security and the Federal Emergency Management Agency;

WHEREAS, on August 29, 2021, President Biden approved a Major Disaster Declaration for the State of Louisiana, authorizing individual and public assistance for all impacted parishes;

WHEREAS, R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, damage from this storm continues to pose a threat to citizens and communities across the Gulf Coast and create conditions that place lives and property in the state in jeopardy;

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to continue to exist statewide in the State of Louisiana as a result of the threat of emergency conditions that threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to continue to undertake

any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations continue to be suspended for the purpose of the procurement of any goods or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: Pursuant to R.S. 29:724(D)(1), the provisions of R.S. 39:126 regarding prior approval of change orders continue to be suspended.

Section 6: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this severe weather event.

Section 7: This Order is effective upon signature and shall continue in effect from Friday, August 1, 2025 to Sunday, August 31, 2025, unless amended, modified, or terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 1 day of August, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2508#072

EXECUTIVE ORDER JML 25-86

Renewal of State of Emergency—Threat of Subsidence, Subsurface Instability, and Presence of Hydrocarbons in Sulphur Mines Salt Dome Area

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency was declared through Proclamation Number 160 JBE 2023;

WHEREAS, Proclamation Number 160 JBE 2023 has been renewed and extended every thirty (30) days through JML 25-077 which is in effect through Saturday, August 2, 2025;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(1) empowers the Governor to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, local, state, and federal agencies began monitoring subsurface seismic activity occurring in the vicinity of the Sulphur Mines salt dome in Calcasieu Parish in December of 2021, with a true seismic monitoring array being ordered by the Office of Conservation, which came online in January of 2023;

WHEREAS, the Office of Conservation began investigating unexplained hydrocarbon bubbling within the area of concern in January of 2023, as well as monitoring seismicity, and the rate of subsidence in the area of concern;

WHEREAS, on Wednesday September 20, 2023, in response to this subsidence and seepage, Commissioner of Conservation, Monique M. Edwards made a declaration of emergency under the authority of Louisiana Revised Statutes 30:1 *et seq.*, ordering the operator of the salt cavern underneath the area of subsidence to undertake all necessary activities to evaluate and abate any deterioration of the cavern's integrity;

WHEREAS, the State anticipates that further assistance may be needed to assist Calcasieu Parish in their response to this continuing threat; and

WHEREAS, it is necessary to continue the measures provided in Proclamation Number 160 JBE 2023 to further protect the health and safety of the citizens of Louisiana;

NOW THEREFORE I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721 *et seq.*, a state of emergency is hereby declared to exist in the Parish of Calcasieu, as a result of seismic activity, lost cavern integrity, increased hydrocarbon bubbling, and accelerated subsidence, that collectively indicate a potential for structural failure that could potentially threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness is hereby authorized to undertake any activity authorized by law which he deems appropriate in response to this declaration.

Section 3: All departments, commissions, boards, agencies, and officers of the State or any political subdivision thereof, are authorized and directed to cooperate in actions, the State may take in response to this incident.

Section 4: This Order is effective upon signature and shall continue in effect from Friday, August 1, 2025, through Sunday, August 31, 2025, to, unless amended, modified, or terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 1st day of August, 2025.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2508#073

Emergency Rules

DECLARATION OF EMERGENCY

Department of Revenue Tax and Policy Planning Division

Louisiana Fortified Roof Tax Credit Program (LAC 61:I.1935)

In accordance with the emergency provisions of the Administrative Procedures Act R.S. 49:962(A)(1), which allows the Department of Revenue, Tax Policy and Planning Division to use emergency procedures to establish rules, and R.S. 47:1511, which allows the department to make reasonable rules and regulations, the secretary hereby adopts LAC 61:I.1935 to effectively administer R.S. 47:6044 relative to the Louisiana fortified roof tax credit program.

Revised Statute 47:6044 establishes a nonrefundable income tax credit for Louisiana resident taxpayers who install a fortified roof, as certified by the Insurance Institute for Business and Home Safety, on their primary residence. The credit is equal to the amount of qualified expenses, up to \$10,000 per residence, and applies only to certain owner-occupied homes with a homestead exemption. The program is capped at \$10 million in credits per fiscal year, allocated on a first-come, first-served basis, with proration required if the amount of requests received exceed available credit cap space. Credits may be carried forward for up to three years but cannot be claimed in combination with other state tax benefits or fortified roof grant funds received pursuant to R.S. 22:1483.1.

Act 404 of the 2025 Regular Session requires the Department of Revenue to promulgate rules to establish policies relative to the administration of the eligibility criteria and any other matters deemed necessary to implement the Louisiana fortified roof tax credit provided by R.S. 47:6044. The credit applies to qualifying expenses incurred on or after July 1, 2025, and may not be earned after December 31, 2031. This Emergency Rule is necessary to effectively administer the program due to time constraints related to the legislative passage of Act 404. It shall be effective July 17, 2025, and shall remain in effect for 180 days, unless renewed or revoked, or until adoption of the final Rule, whichever occurs first.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 19. Miscellaneous Tax Exemptions, Credits and Deductions

§1935. Louisiana Fortified Roof Tax Credit Program

A. General

1. Revised Statute 47:6044 authorizes a nonrefundable income tax credit for Louisiana residents who install a fortified roof, as certified by the Insurance Institute for Business and Home Safety, on qualifying property owned by the taxpayer on which the resident taxpayer has a homestead exemption.

B. Definitions

1. Terms not otherwise defined in this Section shall have the meaning given to them in R.S. 47:6044, unless the context clearly indicates otherwise.

2. For purposes of this Section, the following words have the meanings provided herein, unless the context clearly indicates otherwise.

Department—the Louisiana Department of Revenue.

FORTIFIED—a program of the IBHS.

FORTIFIED Designation—a written certificate issued by the IBHS confirming that a qualifying property meets or exceeds the IBHS fortified roof standards.

FORTIFIED Home Evaluator—an independent, third party who has completed the FORTIFIED training requirements and is certified by the IBHS as a home evaluator who can certify that a home meets the FORTIFIED roof standards. A list of certified home evaluators can be found at www.fortifiedproviders.com

Insurance Institute for Business and Home Safety (IBHS)—a non-profit research and communications organization of the property and casualty insurance industry that defines the fortified roof standards for homes, information for which can be found at www.fortifiedhome.org.

Louisiana Fortified Roof Tax Credit Program (LFRTCP)—a program enacted by Act 404 of the 2025 Regular Session, administered by the department, to provide an individual income tax credit to incentivize homeowners to retrofit roofs of insured property, as defined in R.S. 22:1483(C)(9), with a homestead exemption utilizing construction techniques demonstrated to reduce losses caused by a hurricane, tornado, or other catastrophic windstorm event and that meet or exceed the IBHS FORTIFIED roof standard, information for which can be found at www.ibhs.org.

LFRTCP-Approved Contractor—a contractor listed in the IBHS Directory at www.fortifiedproviders.com who meets the program requirements of this Section.

C. Credit Eligibility Requirements. All of the following requirements shall be met to earn the credit:

1. The home shall be a qualifying property in good repair unless damaged by a hurricane, non-hurricane wind, or hail.

2. The fortification work shall comply with the requirements of Subsection D.

3. The taxpayer shall be responsible for paying a certified home evaluator of the homeowner's choice to provide an IBHS home evaluation as well as all other costs and fees necessary to satisfy the requirements of this Section, including, but not limited to, legally required permits or inspections. These expenses shall not constitute qualifying expenses for purposes of the credit.

D. Fortified Roof Installation Requirements

1. Prior to installation, a FORTIFIED home evaluator of the homeowner's choice must provide the homeowner with an IBHS home review evaluation of the home seeking to be FORTIFIED.

2. The FORTIFIED home evaluator shall determine whether the home meets a minimum structural standard on a pass-fail basis before identifying all improvements required to meet or exceed the FORTIFIED roof standard. Thereafter, the FORTIFIED home evaluator shall summarize his findings in a report and provide a copy to the homeowner.

3. After meeting the requirements of Paragraph 1 and 2 of this Subsection, the taxpayer must contract with an LFRTCP-approved contractor to fortify the home. Once the LFRTCP-approved contractor completes the fortification work on the home, the contractor must provide the taxpayer with a copy of the signed contract, a final invoice, and a completed Form R-90157-B, LFRTCP Qualifying Expenses.

4. After meeting the requirements of Paragraphs 1, 2, and 3 of this Subsection, a certified home evaluator will perform all required evaluations to confirm that the LFRTCP-approved contractor completed the fortification work according to the IBHS FORTIFIED roof standard. Thereafter, the IBHS shall review the evaluation and determine whether to issue a FORTIFIED designation.

E. Documentation Requirements

1. To apply for the Louisiana fortified roof tax credit, a resident taxpayer shall complete and submit Form R-90157, Application for Louisiana Fortified Roof Tax Credit together with Form R-90157-B, LFRTCP Qualifying Expenses which has been completed by the LFRTCP-approved contractor who performed the fortification work. Completed applications must be submitted electronically through the Louisiana Taxpayer Access Point (LaTAP) and shall include all of the following supporting documents:

a. A copy of the report prepared by a FORTIFIED home evaluator which identifies all improvements required to meet or exceed the FORTIFIED roof standard.

b. A copy of the signed contract with an LFRTCP-approved contractor.

c. A copy of the final invoice issued by the LFRTCP-approved contractor.

d. A copy of the FORTIFIED designation which lists the date of certification.

2. The Department shall notify each taxpayer that submitted a timely and complete application as to whether the application has been approved or denied. If approved, the notice shall indicate the amount of credit earned and the taxable periods against which the nonrefundable credit(s) may be used. If denied, the notice shall provide the reasons for denial.

3. An application shall not be considered complete until all documentation requested by the department has been received. Failure to respond within 60 days of a request for documentation from the department will result in denial of the application and require the submission of a new application with an updated application date.

F. Contractor Eligibility Requirements

1. To be eligible to work as an LFRTCP-approved contractor, the contractor must meet all of the following program requirements:

a. Holds a valid residential license or home improvement registration issued by the Louisiana State Licensing Board for Contractors (LSLBC) and be in good standing with the LSLBC.

b. Holds any other valid state or jurisdictional business licenses or work permits required by law in Louisiana.

c. Maintains a general liability policy with \$1,000,000 in liability coverage.

d. Maintains a workers' compensation policy in compliance with Louisiana law.

e. Holds a FORTIFIED certification issued by the IBHS or its successor.

f. Is listed on the IBHS Directory as an approved contractor at www.fortifiedproviders.com.

g. Complies with all regulatory and tax laws regulating businesses in the state of Louisiana.

G. Conflicts of Interest

1. LFRTCP-approved contractors

a. LFRTCP-approved contractors cannot possess a financial interest in any projects for which they perform work toward a FORTIFIED designation other than for payment by the homeowner for services rendered.

b. LFRTCP-approved contractors cannot be the FORTIFIED home evaluator for a FORTIFIED designation on any project eligible for the LFRTCP.

2. FORTIFIED home evaluators

a. FORTIFIED home evaluators cannot possess a financial interest in any projects for which they perform work toward a FORTIFIED designation other than for payment by the homeowner for services rendered.

b. FORTIFIED home evaluators cannot be the LFRTCP-approved contractor or supplier of any material, products, or systems installed in any home they inspect for FORTIFIED designation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 47:6044.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Policy and Planning Division, LR 51:

Richard Nelson
Secretary

2508#001

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2025 Fall Inshore Shrimp Season Opening Dates

The Wildlife and Fisheries Commission has been notified that recent biological samples taken by LDWF Office of Fisheries' biologists indicate white shrimp will reach marketable sizes before the scheduled August 7, 2025 Wildlife and Fisheries Commission meeting. After considering biological information and public input, the Commission took action to set the fall shrimp season within state inshore waters. Notice of any opening, delaying or closing of a season by the Wildlife and Fisheries Commission will be made by public notice at least 72 hours prior to such action.

In accordance with the emergency provisions of R.S. 49:962 of the Administrative Procedure Act, which allows the Wildlife and Fisheries Commission to use emergency

procedures to set shrimp seasons, and R.S. 56:497, which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or part of inside waters and shall have the authority to open or close outside waters and to increase the minimum mesh size provided in R.S. 56:499 for any trawl, skimmer net, or butterfly net for the duration of any special shrimp season or regular shrimp season extension, the Wildlife and Fisheries Commission does hereby set the 2025 Fall Shrimp Season in Louisiana state waters to open as follows:

That portion of state inside waters from the Mississippi/Louisiana state line westward to the eastern shore of South Pass of the Mississippi River to open at 6 a.m., August 11, 2025;

That portion of state inside waters from the eastern shore of South Pass of the Mississippi River westward to the Atchafalaya River Ship Channel at Eugene Island as delineated by the red Channel Buoy Line to open at 6 p.m., August 11, 2025; and,

That portion of state inside waters from the Atchafalaya River Ship Channel at Eugene Island as delineated by the red Channel Buoy Line westward to the Louisiana/Texas state line to open at 6 a.m., August 11, 2025.

The commission also hereby grants authority to the secretary to delay or advance these opening dates if biological and/or technical data indicate the need to do so, and, to close any portion of Louisiana's inside or outside waters to protect small juvenile white shrimp if biological and technical data indicate the need to do so, or enforcement problems develop.

The secretary is further granted the authority to open any area, or re-open any previously closed area, and to open and close special shrimp seasons in any portion of state waters.

Notice of any opening, delaying or closing of a season by the secretary will be made by public notice at least 72 hours prior to such action.

Kevin Sagrera
Chairman

2508#015

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2025 Recreational Gag Grouper Season Modification

The regional administrator of NOAA Fisheries has informed the secretary that the 2025 recreational season for the harvest of gag grouper in the federal waters of the Gulf of America has been modified to open on September 1, 2025 and close on September 15, 2025. The most recent gag grouper population assessment indicated the stock is overfished and undergoing overfishing. Compatible season regulations in state waters are preferable to provide effective rules and efficient enforcement for the fishery, and to prevent overfishing of the species in the long term.

In accordance with the emergency provisions of R.S. 49:962, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency rules to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the secretary by the commission in LAC 76:VII.335.G.5 to modify opening and closing dates of any commercial or recreational reef fish seasons in Louisiana state waters as deemed necessary in order to maintain consistency with modifications in adjacent federal waters, the secretary hereby declares:

The season for the recreational harvest of gag grouper in Louisiana state waters shall open at 12:01 a.m. on September 1, 2025 and remain open until 11:59 p.m. on September 14, 2025, or until otherwise modified. The season for the recreational harvest of gag grouper will then remain closed until the regularly scheduled opening of the 2026 season, currently September 1, 2026. During the closure periods above, no person shall recreationally harvest or possess gag grouper whether within or without Louisiana waters.

Tyler M. Bosworth
Secretary

2508#010

Rules

RULE

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards and Practices—Cell Phone Use During Testing
(LAC 28:X1.5316)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) has amended LAC 28:X1 in *Bulletin 118—Statewide Assessment Standards and Practices*. The revisions require that the test of any student found to have a cell phone or other device with imaging or text-messaging capability, during a test session, be voided. Additionally, the revisions establish an exception for students with a documented medical condition that requires use of a cell phone. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part XI. Accountability/Testing

Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices

Chapter 53. Test Security

§5316. Cell Phones and Other Electronic Devices [Formerly LAC 28:CXL316]

A. If district and school policy allows for students and personnel to carry cell phones or other similar technological devices with imaging or text-messaging capability, test administrators must collect all devices prior to student access to secure test materials. If a student is in possession of and/or uses a cell phone or electronic device in any manner during the administration of a statewide test, the phone or electronic device will be confiscated until there is confirmation that all traces of information related to the test, whether in print, image, or verbal form, have been removed from all local and cloud storage and that no such traces remain on the device.

1. Test administrators may have devices, but they must be in the off position while around secure test materials, unless requesting technical assistance during online assessments.

2. The test of any student found to have a cell phone or other device with imaging or text messaging capability during a test session in violation of this policy will be voided.

3. ...

4. Students who have a documented medical condition requiring the need to have an electronic device on or near them during testing should keep the device in its normal location but the device must be carefully monitored. If the device is used for any non-medical purpose, the test of the student will be voided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24, et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 32:391 (March 2006), amended LR 40:2512 (December 2014), LR 43:635 (April 2017), LR 51:1128 (August 2025).

Tavares A. Walker
Executive Director

2508#062

RULE

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Freedom Seal
(LAC 28:CXV.2317)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) has amended LAC 28:CXV in *Bulletin 741—Louisiana Handbook for School Administrators*. The revisions establish the Freedom Framework diploma endorsement to recognize students scoring mastery and above on the LEAP civics assessment. The revisions also provide that, along with the seal, students are eligible to receive red, white, and blue honor cords. This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 23. Curriculum and Instruction

Subchapter A. Standards and Curricula

§2317. High Schools

A. - K.2.b. ...

L. Freedom Framework Diploma Endorsement

1. Beginning with the 2025-2026 school year, high school students scoring mastery or above on the LEAP 2025 civics assessment shall be eligible for the Freedom Framework diploma endorsement.

2. The Freedom Framework diploma endorsement is indicated with a diploma seal and a red, white, and blue honor cord.

3. Each LEA must:

a. provide information regarding the requirements to attain a Freedom Framework diploma endorsement to students and their parents or legal custodians as part of the individual graduation plan developed beginning in the eighth grade and updated annually; and

b. maintain records needed to verify the eligibility of students who have attained a Freedom Framework diploma endorsement, denote such attainment on the student transcript, and affix the applicable diploma seal to the high school diploma.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:154, 17:264, 17:1944, 17:1945, and 17:4073.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 36:1485 (July 2010), LR 37:1137 (April 2011), LR 38:754 (March 2012), LR 39:1038 (April 2013), LR 39:2216 (August 2013), LR 40:1328 (July 2014), repromulgated LR 40:1528 (August 2014), amended LR 40:2530 (December 2014), LR 45:37 (January 2019), LR 45:227 (February 2019), LR 46:1671 (December 2020), amended LR 48:33 (January 2022), LR 50:178 (February 2024), LR 51:1128 (August 2025).

Tavares A. Walker
Executive Director

2508#064

RULE

Board of Elementary and Secondary Education

Bulletin 1929—Louisiana Accounting and Uniform
Governmental Handbook
Business Administrator Credentials
(LAC 28:XLI.1301)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) has amended LAC 28:XLI in *Bulletin 1929—Louisiana Accounting and Uniform Governmental Handbook*. The revisions update regarding charter school business administrator credential requirements to align with those in *Bulletin 126—Charter Schools*. Additionally, the revisions amend the city and parish school business administrator credential to allow four years for earning the mandatory certification. This Rule is hereby adopted on the day of promulgation.

Title 28 EDUCATION

Part XLI. Bulletin 1929—Louisiana Accounting and Uniform Governmental Handbook

Chapter 13. Personnel Requirements

§1301. Minimum Requirements for Lead School Business Administrator/Chief Financial Officer/Business Manager (Local School Districts and Charter Schools)

A. - B. ...

C. Continuing Education. All lead school business administrators must acquire a certification.

1. City or parish school district business administrators must acquire a Certified Louisiana School Business Administrator (CLSBA) certification by the Louisiana Association of School Business Officials (LASBO) within four years of the date of hire as an administrator/chief financial officer/business manager.

a. All city or parish school district business administrators must maintain certification while employed as a lead school business administrator/chief financial officer/business manager.

b. A valid Louisiana CPA license may be substituted for the CLSBA certification, and the status must remain active while employed as a lead school business administrator/chief financial officer/business manager.

2. Within four years of the date of hire as an administrator/chief financial officer/business manager, all

lead charter school administrators must acquire either a CLSBA certification by the LASBO or a certification issued by LAPCS under a plan approved by LDOE.

a. All charter school business administrators must maintain certification while employed as a lead school business administrator/chief financial officer/business manager.

b. A valid Louisiana CPA license may be substituted for the certification required in Paragraph 2 of this Section, and the status must remain active while employed as a lead school business administrator/chief financial officer/business manager.

D. Repealed.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:434 (March 2007), amended LR 36:1533 (July 2010), LR 37:1386 (May 2011), LR 51:1129 (August 2025).

Tavares A. Walker
Executive Director

2508#065

RULE

Board of Elementary and Secondary Education

Educator Preparation, Evaluation, and Credentials (LAC
28:XLV.743 and 745; CXXXI.507 and 1315; and
CXLVII.307 and 701)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education (BESE) has amended LAC 28:XLV in *Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs*; LAC 28:CXXXI in *Bulletin 746—Louisiana Standards for State Certification of School Personnel*; and LAC 28:CXLVII in *Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel*. The revisions include the following: align policy with current data collection protocols, reporting capabilities, and practices; implement computer science requirements for traditional and alternative certification programs; add beginning date of English learner requirements for educator preparation programs; update certification policy regarding computer science and strategies to support English learners; and technical edits. This Rule is hereby adopted on the day of promulgation.

Title 28 EDUCATION

Part XLV. Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs

Chapter 7. Louisiana State Standards for Educator Preparation Programs

Subchapter A. Teacher Preparation Programs

§743. Minimum Requirements for Traditional Teacher Preparation Programs

A. - A.6. ...

7. Beginning with the 2026-2027 school year, for all certification areas, the program shall include instruction on teaching students computer science, which may be incorporated into an existing course of study. The coursework shall include but need not be limited to the following:

a. an introduction to the Louisiana Computer Science Content Standards;

b. an overview of computational thinking and computer science content, including broad knowledge of computing systems, internet safety, and data analysis to enhance student learning; and

c. an overview of standards-based instruction based on the core concepts and practices found within the Louisiana Computer Science Framework.

8. Beginning with the 2027-2028 school year, for all certification areas, the program shall include instruction on teaching language acquisition strategies to support English learners, which may be incorporated into an existing course of study.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411, and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1330 (July 2017), amended LR 43:2492 (December 2017), LR 45:229 (February 2019), LR 48:1274 (May 2022), LR 48:1758 (July 2022), LR 49:41 (January 2023), LR 49:246 (February 2023), repromulgated LR 49:851 (May 2023), LR 50:20 (January 2024), amended LR 50:678 (May 2024), LR 51:273 (February 2025), LR 51:1129 (August 2025).

§745. Minimum Requirements for Alternate Teacher Preparation Programs

A. - B.6. ...

7. Beginning with the 2026-2027 school year, for all certification areas, the program shall include instruction on teaching students computer science, which may be incorporated into an existing course of study. The coursework shall include but need not be limited to the following:

a. an introduction to the Louisiana Computer Science Content Standards;

b. an overview of computational thinking and computer science content, including broad knowledge of computing systems, internet safety, and data analysis to enhance student learning; and

c. an overview of standards-based instruction based on the core concepts and practices found within the Louisiana Computer Science Framework.

8. Beginning with the 2027-2028 school year, for all certification areas, the program shall include instruction on teaching language acquisition strategies to support English learners, which may be incorporated into an existing course of study.

C. - F.4.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411; and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1331 (July 2017), amended LR 43:2492 (December 2017), LR 45:1751

(December 2019), LR 46:324 (March 2020), LR: 48:1274 (May 2022), LR 48:1759 (July 2022), LR 49:41 (January 2023), LR 49:246 (February 2023), LR 49:256 (February 2023), repromulgated LR 49:852 (May 2023), LR 50:20 (January 2024), amended LR 50:678 (May 2024), LR 51:273 (February 2025), LR 51:1130 (August 2025).

Title 28

EDUCATION

Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel **Chapter 5. Teaching Credentials, Licenses and Certifications**

Subchapter A. Standard Teaching Certificates

§507. Professional Level Certificates

A. - B.12. ...

13. Beginning with the 2030-2031 school year, for all certification areas, an applicant for initial certification must have earned coursework or equivalent contact hours that include instruction on teaching students computer science, which may be incorporated into an existing course of study.

14. Beginning with the 2031-2032 school year, for all certification areas, an applicant for initial certification must have earned coursework or equivalent contact hours that include instruction on teaching language acquisition strategies to support English learners, which may be incorporated into an existing course of study.

C. - G.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1813 (October 2006), amended LR 35:2752 (December 2009), LR 36:2843 (December 2010), LR 38:2366 (September 2012), LR 40:1331 (July 2014), LR 46:1381 (October 2020), amended, LR 48:430 (March 2022), LR 48:1273 (May 2022), LR 48:2554 (October 2022), LR 49:37 (January 2023), LR 50:24 (January 2024), LR 50:488 (April 2024), amended LR 50:660 (May 2024), LR 51:276 (February 2025), LR 51:1130 (August 2025).

Chapter 13. Endorsements to Existing Certificates **Subchapter A. Regular Education Level and Area Endorsements**

§1315. Requirements to Add a Secondary (Grades 6-12) Specialty Content Area (Agriculture, Business, Computer Science, Family and Consumer Sciences, Journalism, Marketing, Speech, Technology Education)

A. - A.1.a. ...

2. earn a passing Praxis score for principles of learning and teaching 7-12 exam.

3. Repealed.

B. - B.2. ...

3. For Computer Science Grades 6-12 only, candidates also have the option of successful completion of a BESE-approved micro-credential Computer Science Grades 6-12 training program.

4. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7(6), R.S. 17:8.1-8.3, and R.S. 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 48:456 (March 2022), repromulgated LR 48:1065 (April 2022), amended LR 50:668 (May 2024), LR 51:277 (February 2025), LR 51:1130 (August 2025).

**Title 28
EDUCATION**

**Part CXLVII. Bulletin 130—Regulations for the
Evaluation and Assessment of School Personnel
Chapter 3. Personnel Evaluation
§307. Observation Tools**

A. - B. ...

1. The tool for teacher evaluation shall align to the *Louisiana Components of Effective Teaching*. The tool for administrator evaluation shall align to the *Performance Expectations and Indicators for Educational Leaders*, contained within *Bulletin 146—Louisiana Competencies and Standards for Teachers and Educational Leaders*.

B.1.a. - D.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:10.1, 17:391.10, 17:3881-3886, 17:3901-3904, and 17:3997.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:1216 (May 2012), amended LR 38:2360 (September 2012), LR 45:233 (February 2019), LR 50:951 (July 2024), LR 51:1131 (August 2025).

**Chapter 7. Reporting and Monitoring
§701. Annual Summary Reporting Format**

A. Each LEA will submit information regarding annual educator evaluations according to the timelines and procedures established by the LDOE. Information shall include the following:

1. individual-level evaluation results, by teacher, leader, and counselor; and
2. - 5. Repealed.
6. evaluatees who received intensive assistance.

B. The department shall annually report on the performance of teachers, leaders and counselors. Such reporting and monitoring shall include, but not be limited to, the following:

1. the percentage and number, where available, of teachers, leaders, and counselors rated as exemplary, highly effective, proficient, emerging, and ineffective, including final rating scores.

2. - 3. Repealed.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:391.10, R.S. 17:3881-3886, and R.S. 17:3901-3904, R.S. 17:3997, and R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:2253 (October 2010), amended LR 38:1220 (May 2012), LR 38:2361 (September 2012), LR 39:1274 (May 2013), LR 41:1268 (July 2015), LR 50:953 (July 2024), LR 51:1131 (August 2025).

Tavares A. Walker
Executive Director

2508#063

RULE

**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division**

Advanced Recycling
(LAC 33:VII.115, 301, 401, and 10303) (SW070)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Solid Waste regulations, LAC 33:VII.115, 301, 401, and 10303 (SW070).

This Rule provides updates to the solid waste regulations incorporating amendments resulting from Act 460 of the 2021 Regular Legislative Session and Act 43 of the 2023 Regular Legislative Session. These Acts defined advanced recycling and provided exclusions for advanced recycling processes, facilities, and products from solid waste. This Rule promotes the planning and application of recycling and resource recovery systems. The basis and rationale for this Rule are to revise and update advanced recycling definitions and processes as authorized in Act 460 of the 2021 Regular Legislative Session and Act 43 of the 2023 Regular Legislative Session. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule is hereby adopted on the day of promulgation.

TITLE 33

ENVIRONMENTAL QUALITY

Part VII. Solid Waste

**Subpart 1. Solid Waste
Regulations**

Chapter 1. General Provisions and Definitions

§115. Definitions

A. ...

* * *

Advanced Recycling—a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic raw materials, feedstocks, chemicals, and other products through processes that include pyrolysis, gasification, depolymerization, catalytic cracking, reforming, hydrogenation, solvolysis, chemolysis and other similar technologies. The recycled products produced at advanced recycling facilities include but are not limited to monomers, oligomers, plastics, plastic and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, coatings, and adhesives. *Advanced recycling* does not include incineration of plastics or waste-to-energy processes. Products sold as fuel are not recycling products. *Advanced recycling* shall be considered *recycling* as defined in LAC 33:VII.10303. *Advanced recycling* shall not be considered solid waste management, solid waste processing, solid waste recovery, incineration, treatment, or waste-to-energy.

Advanced Recycling Facility—a manufacturing facility that receives, stores, and converts post-use polymers and recovered feedstocks it receives using advanced recycling. An *advanced recycling facility* is a manufacturing facility subject to applicable department manufacturing regulations for air, water, waste, and land use. *Advanced recycling facilities* shall not be considered solid waste disposal facilities, final disposal facilities, solid waste management facilities, solid waste processing facilities, solid waste recovery facilities, incinerators, or waste-to-energy facilities.

Depolymerization—a manufacturing process through which post-use polymers are broken down into smaller molecules such as monomers and oligomers or raw, intermediate, or final products, plastics, plastic and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, and coatings.

Gasification—a manufacturing process through which post-use polymers or recovered feedstocks are heated in an oxygen-controlled atmosphere and converted into syngas, which is a mixture of carbon monoxide and hydrogen, followed by conversion into valuable raw, intermediate, and final products, including but not limited to plastic monomers, chemicals, waxes, lubricants, chemical feedstocks, that are returned to economic utility in the form of raw materials or products.

Mass Balance Attribution—a chain of custody accounting methodology with rules defined by a third party certification system that enables the attribution of the mass of advanced recycling feedstocks to one or more advanced recycling products.

Post-Use Polymer—a plastic to which all of the following apply:

- a. the plastic is derived from any industrial, commercial, agricultural, or domestic activities, and includes pre-consumer recovered materials and post-consumer materials;
- b. the plastic is not mixed with solid waste or hazardous waste onsite or during processing at the advanced recycling facility;
- c. the plastics' use or intended use is as a feedstock for the manufacturing of feedstocks, raw materials, or other intermediate products or final products using advanced recycling;
- d. the plastic has been sorted from solid waste and other regulated waste but may contain residual amounts of waste such as organic material and incidental contaminants or impurities such as paper labels or metal rings; and
- e. the plastic is processed at an advanced recycling facility or held at such facility prior to processing.

Pyrolysis—a manufacturing process through which post-use polymers or recovered feedstocks are heated in the absence of oxygen until melted and thermally decomposed, non-catalytically or catalytically, and are then cooled, condensed, and converted into valuable raw materials and intermediate and final products, including but not limited to plastic monomers, chemicals, naphtha, waxes, and plastic and

chemical feedstocks that are returned to economic utility in the form of raw materials or products.

Recovered Feedstock—one or more of the following materials that have been processed so that it may be used as feedstock in an advanced recycling facility: (1) post-use polymers; or (2) materials for which the United States Environmental Protection Agency or the department has made a nonwaste determination or has otherwise determined are feedstocks and not solid waste. The term *recovered feedstock* shall not include the following:

- a. unprocessed municipal solid waste;
- b. commonly recycled paper that is segregated from solid waste;
- c. commonly recycled paper that is collected as part of a collection system that commingles the paper with other solid waste at any point from the time of collection through the materials recovery; or
- d. material that is mixed with solid waste or hazardous waste onsite or during processing at an advanced recycling facility.

Recycled Plastics or Recycled Plastic—products that are produced from the following:

- a. mechanical recycling of pre-consumer recovered feedstocks or plastics, and post-consumer plastics; or
- b. advanced recycling of pre-consumer recovered feedstocks or plastics, and post-consumer plastics via mass balance attribution under a third party certification system.

Resource Management—the process by which solid waste is collected, transported, stored, separated, processed, or disposed of in any other way, according to an orderly, purposeful, and planned program. Resource management shall not include the storage of post-use polymers or recovered feedstocks or the conversion of post-use polymers or recovered feedstocks through advanced recycling.

Resource Recovery—the process by which materials, excluding those under control of the Nuclear Regulatory Commission, which still have useful physical or chemical properties after serving a specific purpose are reused or recycled for the same or other purposes, including uses as an energy source. The term *resource recovery* shall not include the conversion of post-use polymers or recovered feedstocks through advanced recycling.

Resource Recovery and Management Facility—any solid waste disposal area or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste, excluding any *processing, treatment, or disposal facility* as defined in R.S. 30:2173. *Resource recovery and management facility* shall not include a facility that stores post-use polymers or recovered feedstocks or converts post-use polymers or recovered feedstocks through advanced recycling.

Solvolysis—a manufacturing process through which post-use polymers are purified with the aid of solvents while heated at low temperatures or heated at low temperatures and pressurized to make useful products, while allowing additives and contaminants to be removed. The products of *solvolysis* include monomers, intermediates, valuable

chemicals, plastic and chemical feedstocks, and raw materials. The process includes but is not limited to hydrolysis, aminolysis, ammonolysis, methanolysis, and glycolysis.

* * *

Third-Party Certification System—an international and multi-national third-party certification system which consists of a set of rules for the implementation of mass balance attribution approaches for advanced recycling of materials. *Third-party certification systems* include but are not limited to International Sustainability and Carbon Certification, Underwriters Laboratories, SCS Recycled Content Certification, Roundtable on Sustainable Biomaterials, Ecoloop, and REDcert.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2514, 2609 (November 2000), amended by the Office of Environmental Assessment, LR 31:1576 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1019 (June 2007), LR 34:1023 (June 2008), LR 34:1399 (July 2008), LR 37:1563 (June 2011), LR 37:3233 (November 2011), LR 38:46 (January 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:234 (February 2019), amended by the Office of the Secretary, Legal Affairs Division, LR 51:1131 (August 2025).

Chapter 3. Scope and Mandatory Provisions of the Program

§301. Exempted Waste

A. - A.2.f. ...

g. uncontaminated scrap metal materials that are purchased for resale to be recycled or reused and are not destined for disposal;

h. automotive fluff that results from the shredding of automobiles by a scrap metal recycling facility authorized under the laws of the state of Louisiana and from which metals have been recovered to the maximum extent practicable by the scrap metal recycling facility; and

i. post-use polymers or recovered feedstocks that are either converted through advanced recycling, or are stored, for the purpose of conversion, at an advanced recycling facility prior to conversion and are managed at an advanced recycling facility that stores or converts post-use polymers or recovered feedstocks, provided all of the following requirements are met:

i. the storage of the post-use polymers or recovered feedstocks prior to conversion shall not exceed reasonable time frames;

ii. where there is an analogue ingredient, the post-use polymers or recovered feedstocks shall be managed in a manner consistent with the analogous ingredient or otherwise be adequately contained to prevent releases to the environment;

iii. if there is no analogous ingredient, the post-use polymers or recovered feedstocks shall be adequately contained to prevent releases to the environment;

iv. the post-use polymers or recovered feedstocks shall provide a useful contribution to the production or manufacturing process or be used to produce a valuable product or intermediate. A contribution is useful if it contributes a valuable ingredient to the product or intermediate or is an effective substitute for a commercial product. The product or intermediate is valuable if either:

(a). post-use polymers or recovered feedstocks are sold to a third party; or

(b). post-use polymers or recovered feedstocks are used as an effective substitute for a commercial product or as an ingredient or intermediate in an industrial process;

v. the use of post-use polymers or recovered feedstocks shall result in products that contain contaminants at levels that are comparable in concentration to or lower than those found in traditional products that are manufactured with post-use polymer products;

vi. prior to conducting any advanced recycling activities, the person conducting such activities shall submit written notification to the department in accordance with LAC 33:V.401.D.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2515 (November 2000), LR 28:780 (April 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2485 (October 2005), LR 33:1027 (June 2007), LR 33:2140 (October 2007), LR 33:2364 (November 2007), LR 34:612 (April 2008), amended by the Office of the Secretary, Legal Affairs Division, LR 51:1133 (August 2025).

Chapter 4. Administration, Classifications, and Inspection Procedures for Solid Waste Management Systems

§401. Notification

A. - C. ...

D. Persons who operate advanced recycling facilities, including storing post-use polymers or recovered feedstocks, or converting post-use polymers and recovered feedstocks through advanced recycling are required to submit written notification to the department prior to operation. A form to be used for notification shall be obtained from the Office of Environmental Services or through the department's website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2517 (November 2000), amended by the Office of Environmental Assessment, LR 30:2024 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2487 (October 2005), LR 33:1031 (June 2007), LR 33:2141 (October 2007), amended by the Office of the Secretary, Legal Affairs Division, LR 51:1133 (August 2025).

Subpart 2. Recycling

Chapter 103. Recycling and Waste Reduction Rules **§10303. Definitions**

A. ...

* * *

Solid Waste—any garbage, refuse, sludge, and other discarded material, including those in a solid, liquid, or semisolid state resulting from residential, community, or commercial activities. As used in this Chapter, the term *solid waste* shall not include mining, agricultural, special and industrial wastes, or hazardous and infectious wastes. It also does not include or mean solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under R.S.30:2074, or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), as amended, or hazardous waste subject to permits under R.S. 30:2171 et seq. The definition of *solid waste* shall not include recovered materials or uncontaminated scrap metal materials which are not destined for resale to be recycled or reused and are not purchased for disposal. It also shall not include *post-use polymers* or *recovered feedstocks* as defined in R.S. 30:2153 that are converted through *advanced recycling* as defined in R.S. 30:2153 or are held at an *advanced recycling facility* as defined in R.S. 30:2153 prior to conversion.

Solid Waste Management Facility—any solid waste disposal area, volume reduction plant, transfer station, or other facility the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste and which is owned or operated by or receives solid waste from a parish or municipality. This does not include advanced recycling facilities as defined in R.S. 30:2153 or those facilities which collect, process, remanufacture, or ship recovered materials unless such facilities are engaged in the management of solid waste.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:35 (January 1992), amended by the Office of the Secretary, Legal Affairs Division, LR 37:3259 (November 2011), amended by the Office of the Secretary, Legal Affairs Division, LR 51:1134 (August 2025).

Jill C. Clark
General Counsel

2508#035

RULE

Department of Environmental Quality Office of the Secretary Legal Affairs Division

One-Time Exclusion of Wastes for
Chevron Oronite Co. LLC—Oak Point Plant
(LAC 33:V.4999) (HW138)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Hazardous Waste regulations, LAC 33:V.4999, Appendix E, Table 2 (HW138).

The Rule seeks to exclude (delist) incinerator ash and scrubber mud generated by Chevron Oronite Co. LLC and disposed of in Landfills A, B, and C at its Oak Point Plant in Belle Chasse, Louisiana, from the hazardous waste

regulations. Chevron Oronite Co. LLC has submitted a petition to delist approximately 200,500 cubic yards of incinerator ash and scrubber mud, which are currently classified as listed hazardous waste (F005). The request seeks to reclassify these materials as nonhazardous industrial solid waste based on analytical data and risk assessment results, demonstrating that they do not pose a significant risk to human health or the environment. This reclassification will improve waste management efficiency while ensuring environmental protection. It will allow management by either disposal at a permitted off-site facility appropriate for nonhazardous industrial waste or through in-place management using alternate methods approved by LDEQ.

The delisting program is regulated under LAC 33:V.105.M and follows a formal rulemaking process. Applicants must submit a petition and meet all regulatory requirements to qualify for exclusion from hazardous waste regulations. This one-time delisting applies exclusively to the specified 200,500 cubic yards of waste materials located in Landfills A, B, and C at the Chevron Oronite Co LLC - Oak Point Plant site in Belle Chasse, Louisiana. The basis and rationale for this Rule are based on an evaluation of the information provided by the petitioner, including the analytical data, and the department's analysis of the information, including results of the Delisting Risk Assessment Software assessment. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule is hereby adopted on the day of promulgation.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—

Hazardous Waste

Chapter 49. Lists of Hazardous Wastes

[Editor's Note: Chapter 49 is divided into two Sections: category I hazardous wastes, which consist of hazardous wastes from nonspecific and specific sources (F and K wastes), acute hazardous wastes (P wastes), and toxic wastes (U wastes) (LAC 33:V.4901); and category II hazardous wastes, which consist of wastes that are ignitable, corrosive, reactive, or toxic (LAC 33:V.4903).]

§4999. Appendices—Appendix A, B, C, D, and E

* * *

Appendix E. Wastes Excluded under LAC 33:V.105.M

A. - B.3.b. ...

Table 1—Wastes Excluded
BFI Waste Systems of Louisiana LLC, Colonial Landfill, Sorrento, LA
* * *

Table 1—Wastes Excluded
Denka Performance Elastomer LLC, LaPlace, LA
* * *

Table 1—Wastes Excluded
Lyondell Chemical Company, Lake Charles, LA
* * *

Table 1—Wastes Excluded
Marathon Oil Co., Garyville, LA
* * *

RULE

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Regulatory Permit for Storage Vessels (LAC 33:III.321) (AQ401)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.321 (AQ401).

This Rule will add 40 CFR 60 Subpart Kc to the list of federal regulations to which a storage vessel may be subject. It will also clarify that a storage vessel can store either organic or inorganic materials. LAC 33:III.321.A.2.d specifies that the regulatory permit for storage vessels can only be used to authorize storage vessels that are subject to the federal regulations listed in LAC 33:III.321.D.

On October 15, 2024, the U.S. Environmental Protection Agency promulgated new regulations for storage vessels (i.e., 40 CFR 60 Subpart Kc – Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After October 4, 2023).

This Rule will add 40 CFR 60 Subpart Kc to the federal regulations listed in LAC 33:III.321.D so that new storage vessels can be authorized under the regulatory permit, where appropriate. The Rule will also clarify that a *storage vessel* as defined in LAC 33:III.321.B can store either organic or inorganic materials. The basis and rationale for this Rule are to allow storage vessels subject to 40 CFR 60 Subpart Kc to be eligible for the regulatory permit for storage vessels. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule is hereby adopted on the day of promulgation.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 3. Regulatory Permits

§321. Regulatory Permit for Storage Vessels

A. - B. ...

Storage Vessel—any tank, reservoir, or container used for the storage of organic or inorganic compounds. Storage vessels do not include:

- a. process tanks as defined in 40 CFR 60.111b; and
- b. vessels permanently attached to motor vehicles such as trucks, railcars, barges, or ships.

C. - D.1. ...

2. 40 CFR 60, subparts Kb and Kc;

D.3. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

Table 1—Wastes Excluded
Motiva Enterprises LLC, Norco, LA
* * *

Table 1—Wastes Excluded
Syngenta Crop Protection, Inc., St. Gabriel, LA
* * *

Table 2—One-Time Wastes Excluded
Murphy Exploration and Production Company, Amelia, LA
* * *

Table 2—One-Time Wastes Excluded
Conrad Industries, Inc. (Conrad), Morgan City, LA
* * *

Table 2—One-Time Wastes Excluded
Marine Shale Processors, Inc., Amelia, LA
* * *

Table 2—One-Time Wastes Excluded
Chevron Oronite Company LLC – Oak Point Plant, Belle Chasse, LA
Hazardous waste scrubber mud was generated by scrubbing flue gas resulting from the incineration of a listed liquid hazardous waste previously generated at the Chevron Oronite Company LLC – Oak Point Plant (Chevron) in Belle Chasse, Louisiana. Chevron stabilized the scrubber mud with nonhazardous incinerator ash, nonhazardous sludges, and contaminated soil (collectively referred to as "ash"), all of which were generated at Chevron prior to disposal in Landfills A, B, and C. For the purpose of this one-time exclusion, the ash disposed of in Landfills A, B, and C includes hazardous waste code F005 and hazard codes "I" and "T" as listed in LAC 33:V.4901. This one-time exclusion allows for the management of approximately 200,500 cubic yards of ash for the purpose of excavation, transportation, and off-site disposal as nonhazardous industrial solid waste or management in-place pursuant to alternative methods approved by the administrative authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, LR 20:1000 (September 1994), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:944 (September 1995), LR 22:830 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2397 (December 1999), LR 26:2509 (November 2000), LR 29:1084 (July 2003), promulgated LR 29:1475 (August 2003), amended by the Office of Environmental Assessment, LR 30:2464 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:445 (March 2007), LR 33:825 (May 2007), LR 33:1016 (June 2007), LR 34:73 (January 2008), LR 34:1021 (June 2008), LR 34:1613 (August 2008), amended by the Office of the Secretary, Legal Division, LR 38:2757 (November 2012), LR 40:1692 (September 2014), LR 42:2179 (December 2016), LR 43:1149 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2139 (November 2017), amended by the Office of the Secretary, Legal Affairs Division, LR 49:59 (January 2023), LR 51:1134 (August 2025).

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General Counsel

2508#039

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:42 (January 2018), amended by the Office of the Secretary, Legal Affairs Division, LR 51:1135 (August 2025).

Jill C. Clark
General Counsel

2508#038

RULE

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Standards for the Use or Disposal of Sewage Sludge and Biosolids (LAC 33:IX.Chapter 73) (WQ113)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Water Quality regulations, LAC 33:IX.Chapter 73 (WQ113).

The Rule updates Chapter 73 of the Water Quality regulations. These updates provide needed clarification regarding ponds used for the treatment of sewage sludge, provide additional oxidation pond closure options, and make the regulations easier to read and navigate by the public and intra-agency personnel. In addition, financial assurance requirements are being removed as they are not required by the Environmental Protection Agency or by the Louisiana Revised Statutes. The basis and rationale for this Rule are to clarify, change/edit, and reformat the Chapter 73 regulations. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule is hereby adopted on the day of promulgation.

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality

Subpart 3. Louisiana Sewage Sludge and Biosolids Program

Chapter 73. Standards for the Use or Disposal of Sewage Sludge and Biosolids [Formerly Chapter 69]

Subchapter A. Program Requirements

§7301. General Provisions

A. - A.1.b.ii. ...

iii. the siting, and operation requirements for commercial preparers of sewage sludge or land applicers of biosolids; and

iv. - A.2.b.iii. ...

B. General Definitions

1. The following terms used in this Chapter shall have the meanings listed below, unless the context clearly indicates otherwise, or the term is specifically redefined in a particular Section.

Biosolids—sewage sludge, or material derived from sewage sludge, that is nonhazardous, has a PCB concentration of less than 50 mg/kg of total solids (dry

weight), and is prepared to meet one of the pollutant requirements of LAC 33:IX.7303.C.2.a or E.1.c, one of the pathogen requirements in LAC 33:IX.7309.C, and one of the vector attraction reduction requirements in LAC 33:IX.7309.E.

Class B Biosolids—biosolids that do not meet one or more of the following requirements:

i. the pollutant concentrations in Table 3 of LAC 33:IX.7303.F;

ii. the pathogen requirements in LAC 33:IX.7309.C.1;

iii. one of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-e; and/or

iv. a PCB concentration of less than 10 mg/kg of total solids (dry weight basis).

Exceptional Quality Biosolids—biosolids that are nonhazardous and meet the ceiling concentrations in Table 1 of LAC 33:IX.7303.F, the pollutant concentrations in Table 3 of LAC 33:IX.7303.F, the pathogen requirements in LAC 33:IX.7309.C.1, and one of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-e, and that have a PCB concentration of less than 10 mg/kg of total solids (dry weight).

Person—any individual, municipality, public or private corporation, partnership, firm, the United States Government, and any agent or subdivision thereof, or any other juridical person, which shall include, but not be limited to, trusts, joint stock companies, associations, the state of Louisiana, political subdivisions of the state of Louisiana, commissions, and interstate bodies.

Sewage Sludge Generator—any person whose act or process produces sewage sludge (as defined in this Section).

Sewage Sludge Receiving Facility—any facility, public or private, that receives hauled sewage sludge from an authorized sewage sludge transporter.

Sewage Sludge Transporter—a person who pumps or moves sewage sludge off-site by means of land-based vehicles, barges, ships, rails, pipelines, or other modes of transportation. For oxidation ponds/lagoons/surface impoundments, this includes the removal of the sewage sludge from the oxidation ponds/lagoons/surface impoundments to the levees surrounding the oxidation ponds/lagoons/surface impoundments.

Transporter of Sewage Sludge—Repealed.

C. - C.1. ...

2. Frequency of Monitoring, Recordkeeping, and Reporting. The requirements for frequency of monitoring, recordkeeping, and reporting in this Chapter for total hydrocarbons in the exit gas from a sewage sludge incinerator are effective February 19, 1994, or if compliance with the operational standard for total hydrocarbons in this Chapter requires the construction of new pollution control facilities, February 19, 1995. All other requirements for frequency of monitoring recordkeeping, and reporting in this Chapter are effective on July 20, 1993.

3. - 3.a. ...

b. Compliance with the requirements in Paragraphs I.2-4 of this Section shall be achieved as follows.

i. A facility presently meeting all of the requirements for surface disposal in 40 CFR 503, Subpart C, shall comply with the requirements in Paragraph I.2 of this Section as expeditiously as practicable, but in no case later than September 1, 2007.

ii. A facility that does not meet all of the requirements for surface disposal in 40 CFR 503, Subpart C, shall comply with the requirements in Paragraph I.2 of this Section by December 30, 2005.

iii. All facilities shall comply with the requirements in Paragraphs I.3 and 4 of this Section as expeditiously as practicable, but in no case later than September 1, 2007.

D. - D.1.b.iii. ...

c. At least 180 days prior to the expiration of a permit issued under these regulations, the owner/operator of the facility or the land applier shall submit an application for permit issuance under this Chapter if the owner/operator or land applier intends to continue operations after that date. Upon written request, permission for a later date may be granted by the administrative authority. The administrative authority shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

d. - e. ...

2. Obtaining a Sewage Sludge or Biosolids Use or Disposal Permit and Pond Closure Approval

a. - c. ...

d. A person that generates a sewage sludge, and does not treat the sewage sludge to be disposed at a landfill or other approved sewage sludge treatment facility, does not incinerate sewage sludge, or does not treat sewage sludge for land application, who complies with the specific requirements of Subsection E of this Section is exempted from obtaining a permit.

e. A person that generates sewage sludge, and treats the sewage sludge to be disposed in a landfill or other approved sewage sludge treatment facility, who complies with the specific requirements of Subsection G of this Section is exempted from obtaining a permit.

3. Closure of oxidation ponds, lagoons, and/or surface impoundments utilized for sewage sludge disposal, preparation of sewage sludge, or treatment of sanitary wastewater shall comply with the following.

a. The liquid portion shall be removed in a manner that meets the requirements of LAC 33:IX.Chapters 23-71.

b. After removal of the liquid, the sewage sludge shall be used or disposed through one of the options in Clause D.3.b.i-v of this Section as follows:

i. implementation of a closure plan approved by the administrative authority for the total removal of the sewage sludge and subsequent disposal of the sewage sludge in a permitted landfill. Approval or disapproval of the closure plan shall be rendered by the administrative authority after review of the proposed closure plan submitted by the applicant. The closure plan shall include the following:

(a). the name, mailing address, physical address, and contact person of the facility that is proposed for closure;

(b). an aerial photograph showing the location of the facility that is proposed for closure;

(c). the approximate amount of sewage sludge that will be removed and disposed at a permitted landfill;

(d). sampling and analysis for the following parameters:

(i). toxicity characteristics leaching procedure (TCLP) and the presence of PCBs;

(ii). paint filter liquids test; and

(iii). any other parameter required by the chosen permitted landfill;

(e). either a schematic drawing or an aerial photograph that indicates where the samples for the parameters in Subclause D.3b.i.(d) of this Section were taken in the facility;

(f). the laboratory methods utilized for the sampling and analysis of the parameters in Subclause D.43.b.i.(d) of this Section;

(g). the name of the laboratory and LELAP accreditation number where the samples for the parameters in Subclause D.43.b.i.(d) of this Section were analyzed;

(h). the name, location, and contact person of the site where the sewage sludge will be disposed; and

(i). any other information the department may require.

ii. implementation of a closure plan approved by the administrative authority for the total removal of the sewage sludge by an approved sewage sludge transporter. Approval or disapproval of the closure plan shall be rendered by the administrative authority after review of the proposed closure plan submitted by the applicant. The closure plan shall include the following:

(a). the name, mailing address, physical address, and contact person of the facility that is proposed for closure;

(b). an aerial photograph showing the location of the facility that is proposed for closure;

(c). the approximate amount of sewage sludge that will be removed and disposed;

(d). the name of the approved sewage sludge hauler and hauler registration number;

(e). name, location, and contact person of the site where the sewage sludge will be disposed;

(f). any other information the department may require.

iii. the implementation of a closure plan form specified by, and approved by, the administrative authority for the total removal and processing of the sewage sludge into a Class B or Exceptional Quality Biosolids for land application. Approval or disapproval of the pond closure shall be rendered by the administrative authority after review of the closure plan form; or

iv. the implementation of a closure plan approved by the administrative authority for the closure of an oxidation pond, lagoon, and/or surface impoundment without the removal of sewage sludge. Approval or

disapproval of the closure plan shall be rendered by the administrative authority after review of the proposed closure plan submitted by the applicant. The closure plan shall include the following:

(a). the name, mailing address, physical address, and contact person of the facility that is proposed for closure;

(b). a detailed description of the treatment process of the sewage sludge within the oxidation pond, lagoon, and/or surface impoundment;

(c). a detailed description of the expected future use of the property;

(d). a demonstration to the department to substantiate that the closure of the oxidation pond, lagoon, and/or surface impoundment without the removal of sewage sludge will not adversely affect human health and the environment;

(e). any other information the department may require;

(f). additional information and or requirements include, but are not limited to:

(i). the oxidation pond shall be filled with a material strong enough to withstand machinery used to prepare the site;

(ii). the site shall be managed in a manner that ensures that there are no adverse impacts to human health or the environment; and

(iii). parish mortgage and conveyance records for the property shall be updated to include the specific location of the facility and any oxidation ponds, and to specify that an oxidation pond located on the property was closed without the removal of sewage sludge. The document shall identify the name and address of the person with the knowledge of the facility and oxidation pond. A true copy of the document filed and certified by the parish clerk of court shall be submitted to the administrative authority;

v. if the oxidation pond, lagoon, and/or surface impoundment is already permitted under an existing Sewage Sludge and Biosolids Use or Disposal permit, that permit may be used for the disposal of the sewage sludge for the pond closure.

c. Upon completion of the use or disposal option selected in either Clause D.3.b.i-v of this Section, the levees shall be broken and leveled and the oxidation pond/lagoon/surface impoundment shall be filled with soil that includes a minimum of at least 6 inches of topsoil to support vegetative growth.

d. The administrative authority may, on a case-by-case basis, approve an alternative from the requirement in Clause D.3.c.

4. Environmental Assessment Statement. In addition to the requirements of this Chapter, all sewage sludge and biosolids use or disposal permit application forms for a new permit for a commercial preparer of sewage sludge or a major modification to a permit for a commercial preparer of sewage sludge shall include a response to each of the following:

a. a detailed discussion demonstrating that the potential and real adverse environmental effects of the proposed facility have been avoided to the maximum extent possible;

b. a cost-benefit analysis that balances the environmental impact costs against the social and economic benefits of the facility and demonstrates that the latter outweigh the former;

c. a discussion and description of possible alternative projects that would offer more protection to the environment than the proposed facility without unduly curtailing nonenvironmental benefits;

d. a detailed discussion of possible alternative sites that would offer more protection to the environment than the proposed facility site without unduly curtailing nonenvironmental benefits; and

e. a discussion and description of mitigating measures that would offer more protection to the environment than the facility as proposed without unduly curtailing non-environmental benefits.

E. Sewage Sludge Generators. This Section applies to a person that generates sewage sludge, and does not treat sewage sludge to be disposed at a landfill or other approved sewage sludge treatment facility, does not incinerate sewage sludge, or does not treat sewage sludge for land application.

1. The sewage sludge generator shall prepare an annual report listing the amount of sewage sludge that is pumped out or removed from the sewage treatment system and the name and address of the sewage sludge transporter that pumped out and removed the sewage sludge. The reporting period shall be for a calendar year (January 1 – December 31). The annual report shall be completed and on file by January 28 of each year. The form to be used shall be obtained from the department or department's website. If no sewage sludge was pumped out or removed from the sewage treatment system during the reporting period, the annual report shall indicate that no sewage sludge was removed.

2. The sewage sludge generator shall ensure that the sewage sludge transporter possesses a valid sewage sludge transporter registration with LDEQ.

3. Provisions shall be made for the clean-up of the facility, including equipment and sewage sludge handling areas where sewage sludge is pumped out and removed from the treatment system.

4. The sewage sludge generator shall maintain all records regarding the pump out and removal of sewage sludge from the treatment system and the name and address of the sewage sludge transporter(s) for five years. The annual reports shall remain on file at the facility and shall be submitted to the administrative authority upon request.

F. Sewage Sludge Receiving Facilities and the Acceptance of Hauled Sewage Sludge. This Section applies to any facility, public or private, that receives hauled biosolids, sewage sludge, and/or sewage sludge mixed with grease waste from an authorized sewage sludge transporter.

1. The sewage sludge receiving facility shall be approved by the administrative authority to accept outside hauled biosolids, sewage sludge and/or sewage sludge mixed with grease from food service establishments.

2. Biosolids, sewage sludge and sewage sludge mixed with grease shall be received only at a point designated by the facility. The designated point shall be at the headworks or in the collection system.

3. Municipal treatment works treating domestic sewage that receive hauled sewage sludge and/or sewage sludge mixed with grease may not accept greater than three

percent of the facility's expected daily flow in hauled biosolids, sewage sludge, and sewage sludge mixed with grease.

4. The sewage sludge receiving facility shall ensure that any truck disposing of hauled biosolids, sewage sludge and/or sewage sludge mixed with grease into the facility is properly authorized by the administrative authority to transport sewage sludge. The receipt of hauled sewage sludge from an unauthorized sewage sludge transporter shall constitute a violation of the sewage sludge receiving facility's permit and/or these regulations.

5. Sanitary landfills that accept hauled sewage sludge shall dispose of the sewage sludge in the active cells of the landfill. The acceptance of hauled sewage sludge into an on-site oxidation pond is prohibited. The acceptance of hauled sewage sludge into a treatment facility at the landfill is prohibited, unless otherwise authorized by the administrative authority. Authorization by the administrative authority may require a modification of an existing permit and/or coverage under a Louisiana Sewage Sludge or Biosolids Use or Disposal Permit.

6. Reporting and Recordkeeping Requirements for Sewage Sludge Receiving Facilities

a. Manifest System

i. The permittee shall develop and implement a sewage sludge transporter manifest system. The manifest system shall be the primary mechanism by which the facility will identify the quantity and quality of wastes being discharged into the facility. The manifest system also provides a means to ensure only authorized wastes are being introduced into the facility. The manifest system shall require an entry for each load disposed. The manifest form shall include at a minimum the following information:

(a). name, address and phone number of the sewage sludge transporter;

(b). license plate number of vehicle/trailer and/or container (if present);

(c). LDEQ sewage sludge transporter registration number;

(d). sewage sludge generator information (where biosolids, sewage sludge, and/or sewage sludge mixed with grease was generated);

(e). date sewage sludge and/or sewage sludge mixed with grease was disposed; and

(f). volume of sewage sludge and/or sewage sludge mixed with grease disposed;

ii. location of disposal of the sewage sludge at the receiving facility (e.g. manhole, headworks, etc.); and

iii. a copy of the completed, signed, and dated manifest form shall be supplied to the sewage sludge transporter upon discharge of the wastes into the facility. Duplicate forms are permissible.

b. Annually, the receiving facility shall submit the amount of sewage sludge received by each sewage sludge transporter and a total amount of sewage sludge received by all sewage sludge transporters in that calendar year, on a form approved by the administrative authority. This report shall be submitted no later than February 19 of each calendar year.

G. Sewage Sludge Disposed in a Landfill

1. A landfill where sewage sludge is disposed shall possess all required legal and effective permit(s).

2. A person who disposes of sewage sludge in a landfill shall provide the necessary information to the owner/operator of the landfill where the sewage sludge is to be disposed to assure that the landfill will be in compliance with its permit requirements.

3. The person who prepares sewage sludge that is disposed in a landfill shall provide the following to the administrative authority on a form specified by the administrative authority on or before February 19 of each year:

a. proof that the sewage sludge is being disposed at an approved landfill, by furnishing the name, address, and permit number of the landfill;

b. results of sampling (minimum of once/year) and laboratory analyses of the sewage sludge for hazardous characteristics or the presence of PCBs, of the results of the Paint Filter Liquids Test (if required in the permit), and of any other analysis required by the owner/operator of the landfill; and

c. persons who dispose sewage sludge in a landfill shall maintain all records regarding the landfilling of sewage sludge, including, but not limited to the treatment, laboratory analyses, name and address of the sewage sludge transporter(s), and name and address of the approved receiving landfill for five years.

H. Registration Requirements and Standards for Sewage Sludge Transporters and Standards for Vehicles and/or Containers Used in the Transport of Sewage Sludge. A sewage sludge transporter includes a person who pumps or moves sewage sludge off-site by means of land-based vehicles.

1. Registration Requirements

a. The person responsible for the operations of sewage sludge transport activities shall obtain the sewage sludge transporter registration. Transport activities are not authorized without a current sewage sludge transporter registration issued by the administrative authority. The administrative authority may revoke or deny a sewage sludge transporter registration.

b. The person responsible the operations of sewage sludge transport activities shall register all vehicles (vehicles and/or movable containers that contain a state issued license plate) under one sewage sludge transporter registration. Vehicles that transport containers with no license plates (i.e. roll off containers) are not required to be included in the sewage sludge transporter registration.

c. A transporter of sewage sludge and/or grease mixed with sewage sludge shall not transport any sewage sludge and/or grease mixed with sewage sludge without first registering such activity with the administrative authority in writing and paying all associated fees. The transporting of grease that is not mixed with sewage sludge is not an activity covered under this Subsection.

d. The person responsible for the operations of sewage sludge transport activities shall apply for registration through a form obtained from the department or

department's website. All information required by the form, or requested by the department, shall be provided. The method of payment of fees shall be in accordance with LAC 33:IX.1309.

e. The registration period shall be for one state fiscal year period of July 1 to June 30. All registrations shall expire on June 30 of each year. If a person wishes to continue the operation of transporting sewage sludge, the person responsible for the operations of sewage sludge transport activities shall apply for re-registration to the administrative authority on or before May 1 of each year. Initial applications received between July 1 and March 30 will receive a registration for that fiscal year (July 1 through June 30); those initial applications received after March 30 will receive a registration for the remainder of that fiscal year in addition to the next fiscal year.

f. The fee for registration shall be an annual fee of \$110.

g. The administrative authority shall be notified prior to any modification to the information submitted for registration, including, but not limited to, the following:

- i. the removal and/or addition of a vehicle that will be utilized for the transporting of biosolids, sewage sludge, and or sewage sludge mixed with grease waste;
- ii. change in vehicle information (license plate number(s) and/or registered owner(s));
- iii. change of company name; and
- iv. transfer of ownership of a company.

2. Subcontracting of Sewage Sludge Transporting Activities

a. Pick-up, hauling, and disposal of sewage sludge may be subcontracted to another company by the registered sewage sludge transporter, provided the following are met.

i. All vehicles used while subcontracting work shall be included on the approved sewage sludge transporter registration issued by the department.

ii. All pick-up, hauling, and disposal of biosolids, sewage sludge, and/or sewage sludge mixed with grease waste shall be reported under the registered sewage sludge transporter that hired a subcontractor.

iii. The registered sewage sludge transporter shall be responsible for ensuring that all sewage sludge transport activities are conducted in a manner that meets all registration requirements and applicable regulations.

3. Standards for All Transporters of Sewage Sludge

a. All transporters of sewage sludge and/or grease mixed with sewage sludge shall transport the sewage sludge and/or grease mixed with sewage sludge only to a facility permitted to receive sewage sludge or mixtures thereof, and shall maintain a daily log or record of activities containing the following information regarding the sewage sludge and/or grease mixed with sewage sludge:

- i. the date the transported material was obtained, pumped, or removed;
- ii. the origin or source of the material;
- iii. the volume of material generated at each site;
- iv. the transfer and/or disposal site; and
- v. the total amount of material that was transported or disposed.

b. Transporters of sewage sludge and/or grease mixed with sewage sludge shall provide a summary of the information required in Subparagraph H.3.a. of this Section

to the administrative authority on or before February 19 of each year on a form specified by the administrative authority. The summary of information, to be submitted to the department, shall be for the previous calendar year of January 1 through December 31.

c. The registered transporter that hired the subcontractor shall include the summary of information required in Subparagraph H.2.a on their annual report for all subcontracted work. A separate report for subcontractors is not required.

d. All transporters of biosolids, sewage sludge, and or sewage sludge mixed with grease waste shall maintain records for a period of no less than five years.

e. Stationary Containers Used for Storage of Hauled Sewage Sludge

i. Stationary containers may be used to store hauled sewage sludge provided they meet the standards listed in Subparagraph H.3.f of this Subsection.

ii. Underground containers are prohibited for storage of hauled sewage sludge.

iii. Hauled sewage sludge shall not be stored in containers for more than six consecutive months at a time.

f. Standards Applicable to Vehicles and/or Containers Used to Transport Sewage Sludge

i. The bodies of vehicles and/or containers transporting sewage sludge shall be covered at all times, except during loading and unloading, in a manner that prevents rain from reaching the sewage sludge, inhibits access by disease vectors, prevents the sewage sludge from falling or blowing from the vehicle and/or container, minimizes escape of odors, and does not create a nuisance.

ii. The bodies of vehicles and/or containers that are utilized to transport liquefied sewage sludge or a sewage sludge that is capable of producing a leachate shall be constructed and/or enclosed with an appropriate material that will completely prevent the leakage or spillage of the liquid.

iii. The exterior and interior of the body of a vehicle and/or container that is transporting sewage sludge shall be washed, at a designated washdown area, as often as needed to ensure against accumulation of sewage sludge and/or biosolids, and for the prevention of odors and disease vector attraction.

iv. The vehicle and/or container washdown area shall be designed, constructed, and operated to prevent groundwater contamination and stormwater run-on and runoff.

v. All water and leachate generated at the designated washdown area shall be contained and discharged in accordance with all applicable state and federal regulations or hauled off-site for proper treatment and/or disposal.

g. Standards for Sewage Sludge Pipelines and Containment Areas

i. Transfer points, pumping stations, and other facilities with a potential for spillage shall be located above grade, or in watertight compartments, and shall be in containment areas constructed to hold the maximum potential spill.

ii. Containment areas shall consist of a base and dikes constructed of concrete, compacted clay, or other impervious materials. All joints shall be sealed.

h. Other Standards. The administrative authority may provide appropriate standards for transporters of sewage sludge that utilize modes of transportation not covered by Subparagraph H.3.e and f of this Section.

i. These regulations do not relieve the transporter from the responsibility of complying with other applicable regulations and licensing requirements, including, but not limited to, those of the Louisiana Department of Transportation and Development, and with applicable ordinances governing types, sizes, and weights of vehicles used to transport sewage sludge on roads and streets that shall be traveled during the transporting of the sewage sludge and with any other applicable requirements.

I. Prohibitions, Restrictions, and Additional or More Stringent Requirements

1. Use or Disposal of Sewage Sludge

a. No person shall use or dispose of sewage sludge or biosolids through any practice for which requirements have not been established in this Chapter.

b. No person shall use or dispose of sewage sludge or biosolids except in accordance with the requirements in this Chapter.

2. Surface Disposal Prohibited. Except as allowed in Clause D.3.b.iv, *surface disposal*, as defined in Subsection B of this Section, is prohibited as a use or disposal method of sewage sludge or biosolids.

3. Storage of Sewage Sludge or Biosolids

a. An extension for storage for greater than six months may be granted by the administrative authority if storage for the extended period will have no adverse effect on human health or the environment.

b. A request for an extension for storage for greater than six months shall be submitted in writing to the administrative authority at least 60 days prior to the expiration of the first six-month storage period and shall include, but not be limited to, the following information:

i. the name and address of the person who prepared the sewage sludge or biosolids;

ii. the name and address of the person who either owns or leases the land where the sewage sludge or biosolids are to be stored, if different from the person who prepared the sewage sludge;

iii. the location, by either street address (physical address) or latitude and longitude, where the sewage sludge or biosolids will be stored;

iv. an explanation of why the sewage sludge or biosolids need to be stored for longer than a six month period;

v. an explanation of why human health and the environment will not be affected;

vi. the approximate date and length of time the sewage sludge or biosolids will be stored; and

vii. the final use and disposal method after the storage period has expired.

c. The administrative authority shall make a determination as to whether or not the information submitted is complete and shall issue the determination within 30 days of having received the request.

i. If the information is deemed incomplete, the administrative authority shall issue a notice of deficiency. The preparer or land applier of sewage sludge shall have 45 days, thereafter, to respond to the notice of deficiency.

ii. If the information is deemed complete, the administrative authority shall make and issue a determination to grant or deny the request for the storage of sewage sludge within 30 days after deeming the information complete.

4. Use of Ponds or Lagoons to Treat Sewage Sludge

a. The use of a pond or lagoon is allowed for the *treatment of sewage sludge*, as defined in Subsection B of this Section, only after a permit has been granted under these regulations and the applicable air and water discharge permits have been applied for and granted by the administrative authority. The pond or lagoon shall be an intermediate step in the treatment process and not the final disposal method.

b. The person who makes use of a pond or lagoon for the treatment of sewage sludge shall:

i. provide documentation to the administrative authority that indicates the final use or disposal method for the sewage sludge;

ii. apply for the appropriate permit for the chosen final use or disposal in accordance with this Chapter; and

iii. provide documentation by a qualified professional engineer or geologist to the administrative authority that indicates the area where the pond or lagoon is located and if it will adequately protect against potential groundwater contamination either by natural soil conditions or by a constructed soil or synthetic liner that has a hydraulic conductivity of 1×10^{-7} centimeters per second or less, and adequately protect from the potential to *contaminate an aquifer*, as defined in Subsection B of this Section; and

iv. the sewage sludge in the treatment pond or lagoon shall be disposed using the final disposal method at least once per five years.

5. Solid wastes other than those listed below are prohibited from being prepared with sewage sludge and shall be disposed of in the manner provided in LAC 33:VII.Subpart 1:

a. residential and commercial food waste;

b. twigs, branches, leaves, crushed or chipped wood, logs, or trees;

c. wood chips or sawdust;

d. ground or crushed cardboard boxes;

e. paper;

f. fly ash, kiln dust, or other solid waste material that has been approved by the Environmental Protection Agency for the alkaline treatment/stabilization of sewage sludge; and

g. industrial sludges that are shown to contain only the pollutants that are listed in Table 1 of LAC 33:IX.7303.F and are demonstrated to be of benefit to the soil and/or crops through soil conditioning and/or crop fertilization, or are utilized as a form of alkaline treatment/stabilization of the sewage sludge.

6. Materials prohibited from being prepared with sewage sludge are as follows:

a. hazardous waste;

b. materials listed in Table 1 of LAC 33:IX.7301.I; and

c. other material whose use has a potential to adversely affect human health or the environment, as determined by the administrative authority.

Table 1 of LAC 33:IX.7301.I
Materials Prohibited from Preparation with Sewage Sludge
Antifreeze
Automotive batteries
Brake fluid
Cleaners (drain, oven, toilet)
Gasoline and gasoline cans
Herbicides
Household (dry cell) batteries
Oil-based paint
Pesticides
Photographic supplies
Propane cylinders
Treated wood containing the preservatives CCA and/or PCP
Tubes and buckets of adhesives, caulking, etc.
Swimming pool chemicals
Unmarked containers
Used motor oil

7. A material prepared with sewage sludge shall be sampled and analyzed on an annual basis to determine if the material is nonhazardous by a hazardous waste determination in accordance with LAC 33:Part V. Results of the sampling and analysis shall be submitted to the administrative authority on an annual basis.

8. Sewage sludge composting operations shall not be located on airport property unless an exemption or approval is granted by the U.S. Department of Transportation's Federal Aviation Administration. If an exemption or approval is granted by the U.S. Department of Transportation's Federal Aviation Administration to allow a sewage sludge composting operation to be located on airport property, the location restrictions in LAC 33:IX.7305.B.1.h and i for off-airport property operations shall apply.

9. Except as exempted in LAC 33:IX.7303.E.7 sewage sludge mixed with grease shall be disposed of in a permitted landfill and shall not be:

- a. introduced into any part of a treatment works, including its collection system; or
- b. applied to the land.

10. On a case-by-case basis, the administrative authority may impose requirements in addition to or more stringent than the requirements in this Chapter when necessary to protect human health and the environment from any adverse effect of a pollutant in the sewage sludge.

J. Exclusions

1. Co-Firing of Sewage Sludge

a. Except for the co-firing of sewage sludge with *auxiliary fuel*, as defined in LAC 33:IX.7311.B, this Chapter does not establish requirements for sewage sludge co-fired in an incinerator with other wastes or for the incinerator in which sewage sludge and other wastes are co-fired.

b. This Chapter does not establish requirements for sewage sludge co-fired with auxiliary fuel if the auxiliary fuel exceeds 30 percent of the dry weight of the sewage sludge and auxiliary fuel mixture.

2. Sludge Generated at an Industrial Facility. This Chapter does not establish requirements for the use or disposal of sludge generated at an industrial facility during the treatment of industrial wastewater, including sewage sludge generated during the treatment of industrial wastewater combined with domestic sewage.

3. Hazardous Sewage Sludge. This Chapter does not establish requirements for the use or disposal of sewage sludge or a material derived from sewage sludge that is hazardous in accordance with LAC 33:Part V.

4. Sewage Sludge Containing PCBs. This Chapter does not establish requirements for the use or disposal of sewage sludge containing polychlorinated biphenyls (PCBs) that are regulated by the Toxic Substances Control Act (TSCA).

5. Incinerator Ash. This Chapter does not establish requirements for the use or disposal of ash generated during the firing of sewage sludge in a sewage sludge incinerator.

6. Grit and Screenings. This Chapter does not establish requirements for the use or disposal of grit (e.g., sand, gravel, cinders, or other materials with a high specific gravity) or screenings (e.g., relatively large materials such as rags) generated during preliminary treatment of domestic sewage in a treatment works.

7. Drinking Water Treatment Sludge. This Chapter does not establish requirements for the use or disposal of sludge generated during the treatment of either surface water or groundwater used for drinking water.

8. Treatment Processes. This Chapter does not establish requirements for processes used to treat *domestic sewage*, as defined in Subsection B of this Section, or for processes used to treat sewage sludge prior to final use or disposal, except as provided in LAC 33:IX.7309.

9. Selection of a Use or Disposal Practice. This Chapter does not require the selection of a sewage sludge use or disposal practice. The determination of the manner in which sewage sludge is used or disposed is to be made by the person or entity who prepares sewage sludge.

K. Sampling and Analysis

1. Sampling

a. The permittee shall collect and analyze representative samples of sewage sludge or biosolids that are applied to the land and sewage sludge fired in a sewage sludge incinerator at the frequency specified in the permit.

b. The permittee shall create and maintain records of sampling and monitoring information for the period specified in the permit. The sampling and monitoring records shall include:

- i. the date, exact place, and time of sampling or measurements;
- ii. the individual(s) who performed the sampling or measurements;
- iii. the date(s) analyses were performed;
- iv. the individual(s) who performed the analysis;
- v. the analytical techniques or methods used; and
- vi. the results of such analysis.

2. Methods

a. The materials listed below are incorporated by reference in this Chapter. The materials are incorporated as they exist on the date of approval, and notice of any change in these materials will be published in the *Louisiana Register*. They are available for inspection at the Office of the Federal Register, and at the Office of Water Docket. Copies may be obtained from the standard producer or publisher listed in the regulation. Information regarding other sources of these documents is available from the

Louisiana Department of Environmental Quality. Methods in the materials listed below (or in 40 CFR Part 136) shall be used to analyze samples of sewage sludge.

i. Enteric Viruses

(a). ASTM Designation: D 4994-89, "Standard Practice for Recovery of Viruses From Wastewater Sludges," (Most Recent Edition), Annual Book of ASTM Standards: Section 11—Water and Environmental Technology, ASTM.

ii. Fecal Coliform

(a). Part 9221 E, "Standard Methods for the Examination of Water and Wastewater," (Most Recent Edition), American Public Health Association; or EPA Method 1680 for *Exceptional Quality biosolids* and Part 9221 E or Part 9222 D "Standard Methods for the Examination of Water and Wastewater," (Most Recent Edition), American Public Health Association; or EPA Method 1680 or 1681 for *Class B Biosolids*.

iii. Helminth Ova

(a). Yanko, W.A., "Occurrence of Pathogens in Distribution and Marketing Municipal Sludges," EPA 600/1-87-014, 1987. National Technical Information Service (PB 88-154273/AS).

iv. Inorganic Pollutants

(a). *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, EPA Publication SW-846 (Most Recent Edition). Other Editions are available from the National Technical Information Service. and the Superintendent of Documents, Government Printing Office (Document Number 955-001-00000-1).

v. *Salmonella* sp. Bacteria

(a). Part 9260 D, "Standard Methods for the Examination of Water and Wastewater," (Most Recent Edition), American Public Health Association, or EPA Method 1682 (available on EPA's website at epa.gov; or Kenner, B.A. and H.P. Clark, "Detection and Enumeration of *Salmonella* and *Pseudomonas Aeruginosa*," Journal of the Water Pollution Control Federation, Vol. 46, No. 9, September 1974, pp. 2163-2171. Water Environment Federation.

vi. Specific Oxygen Uptake Rate

(a). Part 2710, B. Standard Methods for the Examination of Water and Wastewater, (Most Recent Edition), American Public Health Association.

vii. Total, Fixed, and Volatile Solids

(a). Part 2540, G. Standard Methods for the Examination of Water and Wastewater (Most Recent Edition), American Public Health Association.

viii. Incineration of Sewage Sludge—Standards of Performance and Particulate Matter

(a). Materials and Methods at 40 CFR Part 60 as incorporated by reference at LAC 33:III.3003.

ix. Incineration of Sewage Sludge—National Emission Standards for Beryllium and for Mercury.

(a). Materials, Methods, and Standards at 40 CFR Part 61 as incorporated by reference at LAC 33:III.5116.

x. Composting of Sewage Sludge

(a). *Test Methods for the Examination of Composting and Compost*, The US Composting Council Research and Education Foundation and USDA, available on the TMECC Website.

xi. Nutrients

(a). *Methods of Soil Analysis*, Soil Science Society of America Series (Most Recent Editions).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

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§7303. Land Application

[Formerly §6903]

A. - A.1.d. ...

B. Special Definitions

C. Preparation of Class B Biosolids

1. Requirements for Preparation of Class B Biosolids

a. Any person who receives sewage sludge for the purpose of preparing Class B Biosolids shall obtain the following information:

- i. the name, mailing address, and location of the facility or facilities providing the sewage sludge;
- ii. the total dry metric tons being provided; and
- iii. a description of any treatment processes occurring at the providing facility or facilities, including blending, composting, or mixing activities and the treatment to reduce pathogens and/or vector attraction reduction.

2. Pollutant Limits

a. Class B Biosolids

i. Shall not be applied to the land if the concentration of any pollutant in the biosolids exceeds the ceiling concentration for the pollutant in Table 1 of LAC 33:IX.7303.F.

ii. Class B Biosolids, which are to be applied to agricultural land, forest, a public contact site, or a reclamation site shall meet the following:

(a). the cumulative loading rate for each pollutant in the biosolids shall not exceed the cumulative pollutant loading rate for the pollutant in Table 2 of LAC 33:IX.7303.F; or

(b). the concentration of each pollutant in the biosolids shall not exceed the concentration for the pollutant in Table 3 of LAC 33:IX.7303.F.

iii. The administrative authority may require that the Class B biosolids meet more stringent pollutant limits, or limits for additional pollutants, than those listed in Tables 1-3 of LAC 33:IX.7303.F on a case-by-case basis after determining that the more stringent pollutant limits or limits for additional pollutants are needed to protect human health and the environment from any reasonably anticipated adverse effect that may occur from the application of the biosolids to the land.

3. Other Requirements for Class B Biosolids

a. The person who prepares Class B biosolids to be applied to agricultural land, forest, a public contact site, or a reclamation site shall provide the person who applies the Class B biosolids with written notification of the

concentration, on a dry weight basis, of total nitrogen, ammonia (as N), nitrates, potassium, and phosphorus in the Class B biosolids.

b. The Class B biosolids preparer shall provide the Class B biosolids land applicator with notice and necessary information to comply with the requirements in this Chapter.

4. Operational Standards—Pathogens and Vector Attraction Reduction

a. Pathogens

i. The Class B biosolids pathogen requirements and site restrictions in LAC 33:IX.7309.C.2 shall be met when bulk biosolids are applied to agricultural land, forest, a public contact site, or a reclamation site.

b. Vector Attraction Reduction

i. One of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g shall be met when bulk biosolids are applied to agricultural land, forest, a public contact site, or a reclamation site.

ii. One of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-e shall be met when biosolids are sold or given away in a bag or other container for application to the land.

5. Frequency of Monitoring

a. The frequency of monitoring for the pollutants listed in Tables 1-3 of LAC 33:IX.7303.F; the frequency of monitoring for pathogen density requirements in LAC 33:IX.7309.C.2; and the frequency of monitoring for vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-e shall be at the frequency specified in Table 5 of LAC 33:IX.7303.F.

b. After the biosolids have been monitored for two years at the frequency in Table 5 of LAC 33:IX.7303.F the administrative authority may reduce the frequency of monitoring for pollutant concentrations. This reduction in monitoring frequency may be requested after two years of continuous permit compliance.

6. Recordkeeping

a. All *Class I sludge management facilities*, as defined in LAC 33:IX.7301.B, that prepare Class B biosolids shall keep a record of the following for a period of five years:

i. annual production of Class B biosolids (i.e., dry tons or dry metric tons);

ii. the sewage sludge/biosolids management practice used;

iii. sampling results for hazardous characteristics; and

iv. sampling results for PCBs.

b. Additional recordkeeping requirements for the person who prepares the Class B biosolids.

i. For Class B biosolids that are prepared for use on agricultural land, forest, a public contact site, or a reclamation site and that meet the pollutant concentrations in Table 3 of LAC 33:IX.7303.F, the Class B pathogen requirements in LAC 33:IX.7309.C.2, and the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g:

(a). the person who prepares the Class B biosolids shall develop and retain the following information for five years:

(i). the concentration of each pollutant listed in Table 3 of LAC 33:IX.7303.F;

(ii). a description of how the Class B pathogen requirements in LAC 33:IX.7309.C.2 are met; and

(iii). a description of how one of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g is met.

ii. For Class B biosolids prepared for use on land that is agricultural land, forest, a public contact site, or a reclamation site whose cumulative loading rate for each pollutant does not exceed the cumulative pollutant loading rate for each pollutant in Table 2 of LAC 33:IX.7303.F and that meet the Class B pathogen requirements in LAC 33:IX.7309.C.2, and the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g:

(a). the person who prepares the Class B biosolids shall develop and retain the following information for five years:

(i). the concentration of each pollutant listed in Table 3 of LAC 33:IX.7303.F in the Class B biosolids;

(ii). a description of how the Class B pathogen requirements in LAC 33:IX.7309.C.2 are met;

(iii). a description of how one of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g is met; and

iii. Any person signing a document under the provisions of either Clause 7303.C.6.b.i or ii above shall make the following certification:

"I certify, under penalty of law, that the information that will be used to determine compliance with the Class B pathogen requirements in LAC 33:IX.7309.C.2 and the vector attraction reduction requirement in [insert one of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g] was prepared under my direction and supervision in accordance with the system as described in the permit application, designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

7. Reporting

a. All *Class I sludge management facilities*, as defined in LAC 33:IX.7301.B, that prepare Class B Biosolids shall submit the information in Subparagraph 6.a of this Section to the administrative authority on or before February 19 of each year.

b. Additional Reporting Requirements

i. All other *Class I sludge management facilities*, as defined in LAC 33:IX.7301.B, that prepare Class B biosolids for use on land and are required to obtain a permit under LAC 33:IX.7301.D, shall submit the information in Paragraph 6 of this Section, for the appropriate requirements, to the administrative authority as follows.

(a). For facilities having a frequency of monitoring in Table 5 of LAC 33:IX.7303.F of once per year, the reporting period and the report due date shall be as specified in Table 7 of LAC 33:IX.7303.F.

(b). For facilities having a frequency of monitoring in Table 5 of LAC 33:IX.7303.F of once per quarter (four times per year), the reporting period and the report due date shall be as specified in Table 8 of LAC 33:IX.7303.F.

(c). For facilities having a frequency of monitoring in Table 5 of LAC 33:IX.7303.F of once per 60 days (six times per year), the reporting period and the report due date shall be as specified in Table 9 of LAC 33:IX.7303.F.

(d). For facilities having a frequency of monitoring in Table 5 of LAC 33:IX.7303.F of once per month (12 times per year), the reporting period and the report due date shall be as specified in Table 10 of LAC 33:IX.7303.F.

D. Land Application of Class B Biosolids

1. General Requirements

a. No person shall apply Class B Biosolids to the land except in accordance with the requirements in this Chapter.

b. Biosolids shall not be applied to the land until the site has been approved by the administrative authority with a finding that the land application site is a legitimate beneficial use site.

2. General Management Practices

a. Land Application Restrictions

i. Class B biosolids applied to agricultural land, forest, a public contact site, or a reclamation site shall only be applied at a whole biosolids application rate that is equal to or less than the agronomic rate for the biosolids, unless, in the case of a reclamation site, otherwise specified by the permitting authority.

ii. Class B biosolids shall be applied to the land in accordance with the slope requirements in Table 11 of LAC 33:IX.7303.F.

iii. Class B biosolids having a concentration of PCBs greater than 10 mg/kg of total solids (dry wt.) shall be incorporated into the soil regardless of slope.

b. Buffer Zones

i. When biosolids are applied to agricultural land, forest, or a reclamation site, buffer zones shall be established as follows for each application area, unless otherwise specified by the administrative authority.

ii. For all sites, the following buffer zone requirements apply:

(a). a private potable water supply well—300 feet, unless special permission is granted by the private potable water supply owner;

(b). a public potable water supply well, surface water intake, treatment plant, or public potable water supply elevated or ground storage tank—300 feet, unless special permission is granted by the Louisiana Department of Health; and

(c). a property boundary—100 feet, unless special permission is granted by the property owner(s).

iii. For new or first-time-permitted sites, the following buffer zone requirements apply:

(a). an established *institution*, as defined in LAC 33:IX.7301.B—1,000 feet, unless special permission is granted by the responsible official of the established institution. The permission shall be in the form of a notarized affidavit executed by the owner waiving the 1,000-foot buffer zone. However, in no case shall the application area be located less than 200 feet from an institution; and

(b). a residential home or structure—500 feet, unless special permission is granted by the owner, and any lessee, of the residential home or structure. The permission shall be in the form of a notarized affidavit executed by the owner, and any lessee, waiving the 500-foot buffer zone. However, in no case shall land application of sewage sludge be conducted less than 200 feet from the residential home or structure.

c. Water Table Levels

i. Biosolids shall not be applied to agricultural land, forest, or a reclamation site during the months when the water table is less than or at 2 feet below the soil surface as indicated in the Parish Soil Surveys or the Water Features Data published by the Natural Resources Conservation Service (NRCS); or some form of monitoring device shall be provided to ensure that the annual high water table is greater than 2 feet below the soil surface.

d. Nutrient Management Plan and Soil Sampling

i. The person who applies biosolids to agricultural or forest land shall:

(a). provide proof to the administrative authority that a full nutrient management plan has been developed for the agricultural or forest land where the biosolids are applied. The full nutrient management plan shall be developed by:

(i). the Natural Resources Conservation Service (NRCS);

(ii). a certified soil scientist;

(iii). a certified crop advisor; or

(iv). a local Louisiana State University (LSU) Agricultural Center Cooperative Extension Service agent; or

(b). sample the soil at the site or sites where biosolids are land-applied on an annual basis, or, if double cropping is practiced, prior to the planting of each crop, for the following parameters:

(i). total Kjeldahl nitrogen;

(ii). total nitrates;

(iii). total nitrites;

(iv). total phosphorus;

(v). total potassium; and

(vi). pH.

3. Pollutant Limits

a. Class B biosolids applied to the land shall meet the pollutant limit requirements in LAC 33:IX.7303.C.2.

4. Other Requirements for Class B Biosolids

a. The person who applies Class B biosolids to the land shall provide the owner or leaseholder of the land on which the Class B biosolids are applied with notice and necessary information to comply with the requirements in this Chapter.

b. No person shall apply Class B biosolids subject to the cumulative pollutant loading rates in Table 2 of LAC 33:IX.7303.F to the land without first contacting the administrative authority to determine if Class B biosolids subject to the cumulative pollutant loading rates in Table 2 of LAC 33:IX.7303.F have been applied to the land since July 20, 1993.

c. No person shall apply Class B biosolids subject to the cumulative pollutant loading rates in Table 2 of LAC 33:IX.7303.F to agricultural land, forest, a public contact site, or a reclamation site if any of the cumulative pollutant loading rates in Table 2 of LAC 33:IX.7303.F has been reached.

d. If Class B biosolids have not been applied to a site since July 20, 1993, the cumulative amount for each pollutant listed in Table 2 of LAC 33:IX.7303.F may be applied to the site in accordance with Subclause C.2.a.ii.(a).

e. If Class B biosolids have been applied to the site since July 20, 1993, and the cumulative amount of each pollutant applied to the site in the bulk biosolids since that date is known, the cumulative amount of each pollutant applied to the site shall be used to determine the additional amount of each pollutant that can be applied to the site in accordance with Subclause C.2.a.ii.(a).

f. If Class B biosolids have been applied to the site since July 20, 1993, and the cumulative amount of each pollutant applied to the site in the Class B biosolids since that date is not known, an additional amount of each pollutant shall not be applied to the site in accordance with Subclause C.2.a.ii.(a).

5. Other Management Practices for Class B Biosolids

a. Class B biosolids shall not be applied to the land if it is likely to adversely affect a threatened or endangered species listed under Section 4 of the Endangered Species Act or its designated critical habitat.

b. Class B biosolids shall not be applied to agricultural land, forest, a public contact site, or a reclamation site that is flooded, frozen, or snow-covered so that the Class B biosolids enter a *wetland* or other *waters of the state*, as defined in LAC 33:IX.2313, except as provided in a permit issued in accordance with Section 402 or 404 of the Clean Water Act or LAC 33:IX.Chapters 23-71.

c. Class B biosolids shall not be applied to agricultural land, forest, or a reclamation site that is 33 feet (10 meters) or less from any *waters of the state*, as defined in LAC 33:IX.2313, unless otherwise specified by the permitting authority.

d. Class B biosolids shall not be applied to the land if it would affect a property that either is listed on, or is eligible for listing on, the National Register of Historic Places.

6. Operational Standards—Pathogens and Vector Attraction Reduction

a. Pathogens

i. The Class B pathogen requirements and site restrictions in LAC 33:IX.7309.C.2 shall be met when bulk biosolids are applied to agricultural land, forest, a public contact site, or a reclamation site.

b. Vector Attraction Reduction

i. One of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g shall be met when Class B biosolids are applied to agricultural land, forest, a public contact site, or a reclamation site.

7. Recordkeeping

a. For Class B biosolids that are applied to agricultural land, forest, a public contact site, or a reclamation site and that meet the pollutant concentrations in Table 3 of LAC 33:IX.7303.F, the Class B pathogen requirements in LAC 33:IX.7309.C.2, and the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g:

i. the person who applies the Class B biosolids to the land shall develop and retain the following information for five years:

(a). a description of how the general management practices in Subparagraphs D.2.a-d of this Section and the other management practices for Class B biosolids in Paragraph 5 of this Subsection are met for each land site on which Class B biosolids are applied;

(b). a description of how the site restrictions in LAC 33:IX.7309.C.2.e are met for each land application site on which Class B biosolids are applied;

(c). when the vector attraction reduction requirement in either LAC 33:IX.7309.E.2.f or g is met, a description of how the requirement is met;

(d). the date Class B biosolids are applied to each site; and

(e). the following certification statement:

"I certify, under penalty of law, that the information that will be used to determine compliance with the general management practices in LAC 33:IX.7303.D.2.a-d, the other management practices for bulk biosolids in LAC 33:IX.7303.D.5, the site restrictions in LAC 33:IX.7309.C.2.e, and the vector attraction reduction requirement in [insert either LAC 33:IX.7309.E.2.f or g] was prepared for each site on which bulk biosolids are applied under my direction and supervision in accordance with the system as described in the permit application, designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

b. For Class B biosolids applied to the land that is agricultural land, forest, a public contact site, or a reclamation site whose cumulative loading rate for each pollutant does not exceed the cumulative pollutant loading rate for each pollutant in Table 2 of LAC 33:IX.7303.F and that meet the Class B pathogen requirements in LAC 33:IX.7309.C.2, and the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g:

i. the person who applies the Class B biosolids to the land shall develop and retain the following information in Subclauses D.7.b.i.(a)-(g) of this Subsection indefinitely, and retain the information in Subclauses D.7.b.i.(h)-(j) of this Subsection for five years:

(a). the location of each land site on which Class B biosolids are applied by either street address or latitude and longitude;

(b). the number of hectares or acres in each site on which Class B biosolids are applied;

(c). the date Class B biosolids are applied to each land site;

(d). the cumulative amount of each pollutant (i.e., kilograms) listed in Table 2 of LAC 33:IX.7303.F in the Class B biosolids applied to each land site, including the amount in Subparagraph D.4.e of this Subsection;

(e). the amount of Class B biosolids (i.e., tons or metric tons) applied to each land site;

(f). a description of how the information was obtained in order to comply with Subparagraph D.4 of this Section;

(g). a description of how the general management practices in Subparagraphs D.2.a-d of this Subsection and the other management practices in Subparagraph D.5 of this Subsection are met for each land site on which Class B biosolids are applied;

(h). a description of how the site restrictions in LAC 33:IX.7309.C.2.e are met for each land site on which Class B biosolids are applied;

(i). if the vector attraction reduction requirements in either LAC 33:IX.7309.E.2.f or g are met, a description of how the requirements are met;

(j). the following certification statement:

"I certify under penalty of law, that the information that will be used to determine compliance with LAC 33:IX.7303.D.2, D.4, D.5, LAC 33:IX.7309.C.2, and LAC 33:IX.7309.E.2.f or g was prepared under my direction and supervision in accordance with the system as described in the permit application, designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

8. Frequency of Monitoring. The frequency of monitoring for the pollutants listed in Tables 1-3 of LAC 33:IX.7303.F; the frequency of monitoring for pathogen density requirements in LAC 33:IX.7309.C.2; and the frequency of monitoring for vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-e shall be at the frequency specified in Table 5 of LAC 33:IX.7303.F.

9. Reporting

a. All *Class I sludge management facilities*, as defined in LAC 33:IX.7301.B, that apply Class B biosolids to the land and are required to obtain a permit under LAC 33:IX.7301.D, shall submit the information in Subparagraph 7.a of this Section, for the appropriate requirements, to the administrative authority as follows.

(i). For facilities having a frequency of monitoring in Table 5 of LAC 33:IX.7303.F of once per year, the reporting period and the report due date shall be as specified in Table 7 of LAC 33:IX.7303.F.

(ii). For facilities having a frequency of monitoring in Table 5 of LAC 33:IX.7303.F of once per quarter (four times per year), the reporting period and the report due date shall be as specified in Table 8 of LAC 33:IX.7303.F.

(iii). For facilities having a frequency of monitoring in Table 5 of LAC 33:IX.7303.F of once per 60 days (six times per year), the reporting period and the report due date shall be as specified in Table 9 of LAC 33:IX.7303.F.

(iv). For facilities having a frequency of monitoring in Table 5 of LAC 33:IX.7303.F of once per month (12 times per year), the reporting period and the report due date shall be as specified in Table 10 of LAC 33:IX.7303.F.

10. Procedure for the Addition of Land Application Sites

a. If a person who possesses a sewage sludge and biosolids use or disposal permit for Class B biosolids wishes to add a land application site(s) to the permit, the person shall submit a request package to the administrative authority at least 180 days prior to the anticipated date by which authorization is needed containing the following information:

i. evidence of notification of the landowners bordering the proposed land application site(s). The notification may be in the form of a public notice placed in the local newspaper being circulated in the area of the proposed site(s), certified letters of notification that were either hand delivered or mailed to the landowners bordering the proposed site(s), or signed agreements of the landowners bordering the proposed site(s) to application of Class B biosolids to the site(s);

ii. signed agreement(s) to the application of Class B biosolids from the landowner(s) of the proposed site(s); and

iii. a completed Permit Application for the Use or Disposal of Sewage Sludge (Biosolids) in Louisiana.

b. After receipt and review of the request package required in Paragraph 10.a of this Section for the addition of a land application site(s), a decision shall be rendered by the administrative authority regarding the request.

E. Preparation of Exceptional Quality Biosolids

1. Requirements for the Preparation of Exceptional Quality Biosolids

a. General Requirements

i. Biosolids shall not be applied to the land as Exceptional Quality biosolids until the sample analyses have shown that the biosolids meet the criteria for *Exceptional Quality biosolids*, as defined in LAC 33:IX.7301.B.

ii. If results of the sampling indicate that the biosolids are no longer *Exceptional Quality biosolids*, as defined in LAC 33:IX.7301.B, then the preparer shall cease any land application of the biosolids as Exceptional Quality biosolids.

iii. If biosolids that are no longer Exceptional Quality are used or disposed, then the exemption for Exceptional Quality biosolids no longer applies, and the biosolids shall meet all the requirements and restrictions of this Chapter that apply to biosolids that are not Exceptional Quality biosolids.

b. Application and Permitting Requirements for Persons Who Prepare Sewage Sludge as Exceptional Quality Biosolids

i. A person who prepares sewage sludge as Exceptional Quality biosolids shall prepare the sewage sludge in a manner that will assure that the sewage sludge meets all of the requirements of *Exceptional Quality biosolids*, as defined in LAC 33:IX.7301.B, and shall forward to the administrative authority a permit application for the Use or Disposal of Sewage Sludge (Biosolids) form having the following information:

(a). the laboratory analysis of the metals in Tables 1 and 3 of LAC 33:IX.7303.F;

(b). the laboratory analysis for percent dry solids, percent ammonia nitrogen, percent nitrate, percent nitrite, percent nitrogen, percent phosphorus, percent potassium, and percent organic matter and, if the sewage sludge or biosolids underwent or were subjected to any type of alkaline stabilization and/or alkaline treatment, the pH of the sewage sludge or biosolids;

(c). the laboratory results for polychlorinated biphenyls (PCBs);

(d). the Exceptional Quality biosolids pathogen requirement in LAC 33:IX.7309.C.1 that will be utilized;

(e). the vector attraction reduction requirement in LAC 33:IX.7309.E.2.a-e that will be utilized;

(f). the label or information sheet that shall accompany Exceptional Quality biosolids that are sold or given away either in bulk or in a bag, are required to contain the following information:

(i). the name and address of the preparer;

(ii). the concentration (by volume) of each metal in Table 3 of LAC 33:IX.7303.F;

(iii). percent nitrogen;

(iv). percent ammonia nitrogen;

(v). percent phosphorus;

- (vi). percent potassium;
- (vii). pH;
- (viii). the concentration of PCBs in mg/kg of total solids (dry wt.); and

(g). application instructions and a statement that application of the Exceptional Quality biosolids to the land is prohibited except in accordance with the instructions on the label or information sheet; and

(h). in addition to the label requirements in Subclauses 1.b.i.(a)-(h) of this Subsection, the label or information sheet that shall accompany all compost sold or given away either in bulk or in a bag or other container, are required to contain the following information:

- (i). soluble salt content;
- (ii). water holding capacity;
- (iii). bulk density (lbs/yd³);
- (iv). particle size;
- (v). moisture content; and
- (vi). percent organic matter content.

(i). samples required to be collected in accordance with Subclauses 1.b.i.(a)-(c) of this Subsection shall be from at least four representative samplings of the biosolids taken at least 60 days apart within the 12 months prior to the date of the submittal of the sewage sludge and biosolids use or disposal permit application form;

(j). for the term of the permit, the preparer of the Exceptional Quality biosolids shall conduct continued sampling at a frequency of monitoring indicated in Table 6 of LAC 33:IX.7303.F. The samples shall be analyzed for the parameters specified in Subclauses 1.b.i.(a)-(c) of this Subsection, and for the pathogen and vector attraction reduction requirements in Subclauses 1.b.i.(d) and (e) of this Subsection, as required by LAC 33:IX.7309.

c. Pollutant Limits—Exceptional Quality Biosolids

i. Exceptional Quality biosolids sold or given away in a bag or other container shall not be applied to the land if the concentration of any pollutant in the biosolids exceeds the ceiling concentration for the pollutant in Table 1 of LAC 33:IX.7303.F.

ii. If Exceptional Quality biosolids are applied to agricultural land, forest, a public contact site, or a reclamation site, either:

(a). the cumulative loading rate for each pollutant in the Exceptional Quality biosolids shall not exceed the cumulative pollutant loading rate for the pollutant in Table 2 of LAC 33:IX.7303.F; or

(b). the concentration of each pollutant in the Exceptional Quality biosolids shall not exceed the concentration for the pollutant in Table 3 of LAC 33:IX.7303.F.

iii. If Exceptional Quality biosolids are applied to a lawn or a home garden, the concentration of each pollutant in the biosolids shall not exceed the ceiling concentrations in Table 1 of LAC 33:IX.7303.F and the pollutant concentrations for each pollutant listed in Table 3 of LAC 33:IX.7303.F, and the concentration of PCBs must be less than 10 mg/kg of total solids (dry wt.).

iv. If Exceptional Quality biosolids are sold or given away in a bag or other container for application to the land, either:

(a). the concentration of each pollutant in the Exceptional Quality biosolids shall not exceed the ceiling concentration for the pollutant in Table 1 of LAC 33:IX.7303.F and the concentration for the pollutant in Table 3 of LAC 33:IX.7303.F, and the concentration of PCBs must be less than 10 mg/kg of total solids (dry wt.); or

(b). the product of the concentration of each pollutant in the Exceptional Quality biosolids and the annual whole biosolids application rate for the biosolids shall not cause the annual pollutant loading rate for the pollutant in Table 4 of LAC 33:IX.7303.F to be exceeded, and the concentration of PCBs must be less than 10 mg/kg of total solids (dry wt.). The procedure used to determine the annual whole biosolids application rate is presented in LAC 33:IX.7397.Appendix A.

2. Pollutant Concentrations and Loading Rates—Exceptional Quality Biosolids

a. The administrative authority may require that the Exceptional Quality biosolids meet more stringent pollutant limits or limits for additional pollutants than those listed in the Tables 1-4 of LAC 33:IX.7303.F on a case-by-case basis after determining that the more stringent pollutant limits or limits for additional pollutants are needed to protect human health and the environment from any reasonably anticipated adverse effect that may occur from the application of the biosolids to the land.

3. Operational Standards for Exceptional Quality Biosolids—Pathogens and Vector Attraction Reduction

a. Pathogens

i. The Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1 shall be met when biosolids are applied to agricultural land, forest, a public contact site, or a reclamation site.

ii. The Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1 shall be met when biosolids are applied to a lawn or a home garden.

iii. The Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1 shall be met when biosolids are sold or given away in a bag or other container for application to the land.

b. Vector Attraction Reduction

i. One of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g shall be met when Exceptional Quality biosolids are applied to agricultural land, forest, a public contact site, or a reclamation site.

ii. One of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-e shall be met when Exceptional Quality biosolids are applied to a lawn or a home garden.

iii. One of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-e shall be met when Exceptional Quality biosolids are sold or given away in a bag or other container for application to the land.

4. Frequency of Monitoring. The frequency of monitoring for the pollutants listed in Tables 1-4 of LAC 33:IX.7303.F; the frequency of monitoring for pathogen density requirements in LAC 33:IX.7309.C.1; and the frequency of monitoring for vector attraction reduction requirements in LAC 33:IX.7309.E.a-e shall be the frequency specified in Table 6 of LAC 33:IX.7303.F.

5. Recordkeeping

a. All *Class I sludge management facilities*, as defined in LAC 33:IX.7301.B, that prepare Exceptional Quality biosolids shall keep a record of the following for a period of five years:

- i. annual production of Exceptional Quality biosolids (i.e., dry tons or dry metric tons); and
 - ii. the sewage sludge/biosolids management practice used;
 - iii. sampling results for hazardous characteristics; and
 - iv. sampling results for PCBs.
- b. Additional Recordkeeping

i. The person who prepares the Exceptional Quality biosolids shall develop and retain the following information for five years:

(a). the results of the sample analysis required in Subclause 1.b.i.(j) of this Subsection;

ii. For Exceptional Quality biosolids that are applied to agricultural land, forest, a public contact site, or a reclamation site and that meet the pollutant concentrations in Table 3 of LAC 33:IX.7303.F, the Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1, and the vector attraction reduction requirements in either LAC 33:IX.7309.E.2.f or g:

(a). the person who prepares the Exceptional Quality biosolids shall develop and retain the following information for five years:

(i). the concentration of each pollutant listed in Table 3 of LAC 33:IX.7303.F;

(ii). a description of how the Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1 are met;

iii. For Exceptional Quality biosolids applied to the land that is agricultural land, forest, a public contact site, or a reclamation site whose cumulative loading rate for each pollutant does not exceed the cumulative pollutant loading rate for each pollutant in Table 2 of LAC 33:IX.7303.F and that meet the Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1, and the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g:

(a). the person who prepares the Exceptional Quality biosolids shall develop and retain the following information for five years:

(i). the concentration of each pollutant listed in Table 1 of LAC 33:IX.7303.F in the Exceptional Quality biosolids;

(ii). a description of how the Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1 are met;

(iii). a description of how one of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g is met; and

iv. For Exceptional Quality biosolids sold or given away in a bag or other container for application to the land meeting the requirement at Subclause E.1.c.iv.(b) of this Subsection, the Exceptional Quality biosolids pathogen requirements at LAC 33:IX.7309.C.1, and the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g:

(a). the person who prepares the Exceptional Quality biosolids that are sold or given away in a bag or other container shall develop and retain the following information for five years:

(i). the annual whole biosolids application rate for the Exceptional Quality biosolids that does not cause the annual pollutant loading rates in Table 4 of LAC 33:IX.7303.F to be exceeded;

(ii). the concentration of each pollutant listed in Table 3 of LAC 33:IX.7303.F in the biosolids;

(iii). a description of how the Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1 are met;

(iv). a description of how one of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g is met;

(v). the permittee shall either affix a label to the bag or other container holding Exceptional Quality biosolids that are sold or given away for application to the land, or provide an information sheet to the person who receives Exceptional Quality biosolids sold or given away in a bag or other container for application to the land. The label or information sheet shall contain the following information:

(a). the information required in Subclauses 6E.1.b.i.(a)-(f) of this Subsection and if the Exceptional Quality biosolids are compost, the information in Subclauses E.1.b.i.(a)-(h) of this Subsection; and

(b). the annual whole biosolids application rate that does not cause any of the annual pollutant loading rates in Table 4 of LAC 33:IX.7303.F to be exceeded.

v. the following certification statement:

"I certify, under penalty of law, that the information that will be used to determine compliance with the requirements in Subclauses E.1.b.i.(f)-(g) of this Subsection, the Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1, and the vector attraction reduction requirement in [insert one of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g] was prepared under my direction and supervision in accordance with the system as described in the permit application, designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and/or imprisonment."

6. Reporting

a. All *Class I sludge management facilities*, as defined in LAC 33:IX.7301.B, that prepare Exceptional Quality biosolids shall submit the information in Subparagraph 5.a of this Subsection to the administrative authority on or before February 19 of each year.

b. Additional Reporting Requirements

i. The person who prepares the biosolids shall develop and retain the following information for five years:

(a). the results of the sample analysis required in Subclause E.1.b.i.(a)-(c) of this Section; and

(b). the following certification statement:

"I certify, under penalty of law, that the information that will be used to determine compliance with the Exceptional Quality biosolids pathogen requirements in LAC 33:IX.7309.C.1 and the vector attraction reduction requirement in [insert one of the vector attraction reduction requirements in LAC 33:IX.7309.E.2.a-g] was prepared under my direction and supervision in accordance with the system as described in the permit application, designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

ii. The person who prepares Exceptional Quality biosolids shall forward the information required in Clause 6.b.i of this Subsection to the administrative authority as follows.

(a). For facilities having a frequency of monitoring in Table 6 of LAC 33:IX.7303.F of once per quarter (four times per year), the reporting periods and the report due dates shall be as specified in Table 8 of LAC 33:IX.7303.F.

(b). For facilities having a frequency of monitoring in Table 6 of LAC 33:IX.7303.F of once per month (12 times per year), the reporting periods and the report due dates shall be as specified in Table 10 of LAC 33:IX.7303.F.

7. Any person subject to these regulations who prepares Exceptional Quality biosolids may petition the administrative authority to allow the land application of Exceptional Quality biosolids that is mixed with grease that was pumped or removed from a food service facility.

a. The administrative authority may grant conditional approval for the land application of Exceptional Quality biosolids that are mixed with grease that was pumped or removed from a food service facility, along with the appropriate monitoring, sampling and analysis, recordkeeping, and reporting requirements, when petitions for such are deemed appropriate after consideration of the factors enumerated in Subparagraph 1.b of this Subsection as well as any other pertinent factors.

b. Each petition for the allowance of land application of Exceptional Quality biosolids that are mixed with grease that was pumped or removed from a food service facility shall:

i. be submitted in writing to the administrative authority; and

ii. be accompanied by evidence of public notice in the state and local journal containing the following information:

(a). documentation to prove that the preparation or treatment process will be a composting process to further reduce pathogens described in LAC 33:IX.7309.D.2;

(b). documentation to satisfy the requirements in Subparagraph 1.b of this Subsection and LAC 33:IX.7305.

c. If the owner/operator wishes to continue operation of the compost facility, he or she shall submit to the administrative authority a completed permit application for use or disposal of sewage sludge and biosolids at least 180 days prior to the expiration date of the approval. The decision to grant or deny a permit for continuation of the compost operation shall be based on:

i. the information provided in the permit application;

ii. the monitoring and sampling and analysis results submitted during the conditional approval period; and

iii. any comments or other information received during the one-year approval period or during the standard permit public notice period.

F. Reference Tables for Preparation and Land Application of Biosolids

1. Table 1—Ceiling Concentrations

Table 1 of LAC 33:IX.7303.F Ceiling Concentrations	
Pollutant	Ceiling Concentration (milligrams per kilogram) ¹
Arsenic	75
Cadmium	85
Copper	4300
Lead	840
Mercury	57
Molybdenum	75
Nickel	420
Selenium	100
Zinc	7500
¹ Dry weight basis	

2. Table 2—Cumulative Pollutant Loading Rates

Table 2 of LAC 33:IX.7303.F Cumulative Pollutant Loading Rates	
Pollutant	Cumulative Pollutant Loading Rate (kilograms per hectare)
Arsenic	41
Cadmium	39
Copper	1500
Lead	300
Mercury	17
Nickel	420
Selenium	100
Zinc	2800

3. Table 3—Pollutant Concentrations

Table 3 of LAC 33:IX.7303.F Pollutant Concentrations	
Pollutant	Monthly Average Concentration (milligrams per kilogram) ¹
Arsenic	41
Cadmium	39
Copper	1500
Lead	300
Mercury	17
Nickel	420
Selenium	100
Zinc	2800
¹ Dry weight basis	

4. Table 4—Annual Pollutant Loading Rates

Table 4 of LAC 33:IX.7303.F Annual Pollutant Loading Rates	
Pollutant	Annual Pollutant Loading Rate (kilograms per hectare per 365-day period)
Arsenic	2.0
Cadmium	1.9
Copper	75
Lead	15
Mercury	0.85
Nickel	21
Selenium	5.0
Zinc	140

5. Table 5—Monitoring Frequency (Class B Biosolids)

Table 5 of LAC 33:IX.7303.F Frequency of Monitoring—Land Application (Class B Biosolids)	
Amount of Biosolids ¹ (metric tons per 365-day period)	Frequency
Greater than zero but less than 290	Once per year
Equal to or greater than 290 but less than 1,500	Once per quarter (four times per year)
Equal to or greater than 1,500 but less than 15,000	Once per 60 days (six times per year)
Equal to or greater than 15,000	Once per month (12 times per year)
¹ Either the amount of bulk biosolids applied to the land (on a dry weight basis) or the amount of biosolids that are bagged and sold or given away for application to the land (on a dry weight basis).	

6. Table 6—Monitoring Frequency (Exceptional Quality Biosolids)

Table 6 of LAC 33:IX.7303.F Frequency of Monitoring—Exceptional Quality Biosolids	
Amount of Biosolids ¹ (metric tons per 365-day period)	Frequency
Greater than zero but less than 15,000	Once per quarter (four times per year)
Equal to or greater than 15,000	Once per month (12 times per year)
¹ The amount of biosolids sold or given away either in bulk or in a bag or other container.	

7. Table 7—Once Per Year Reporting Period

Table 7 of LAC 33:IX.7303.F Reporting—Land Application (Class B Biosolids)	
Monitoring Period (Once per Year)	Report Due Date
January – December	February 19

8. Table 8—Once Per Quarter Reporting Period

Table 8 of LAC 33:IX.7303.F	
Reporting—Land Application (Exceptional Quality and Class B Biosolids)	
Monitoring Period ¹ (Once per Quarter)	Report Due Date
January, February, March	August 19
April, May, June	
July, August, September	February 19
October, November, December	
¹ Separate reports must be submitted for each monitoring period.	

9. Table 9—Once per 60 Days (6 Times per Year) Reporting Period

Table 9 of LAC 33:IX.7303.F	
Reporting—Land Application (Class B Biosolids)	
Monitoring Period ¹ (Once per 60 Days)	Report Due Date
January, February	June 19
March, April	
May, June	October 19
July, August	
September, October	February 19
November, December	
¹ Separate reports must be submitted for each monitoring period.	

10. Table 10—Once per Month (12 Times per Year) Reporting Period

Table 10 of LAC 33:IX.7303.F	
Reporting—Land Application (Exceptional Quality and Class B Biosolids)	
Monitoring Period ¹ (Once per Month)	Report Due Date
January	May 19
February	
March	
April	August 19
May	
June	
July	November 19
August	
September	
October	February 19
November	
December	
¹ Separate reports must be submitted for each monitoring period.	

11. Table 11—Slope Limitations

Table 11 of LAC 33:IX.7303.F Slope Limitations for Land Application of Biosolids	
Slope Percent	Application Restriction
0-3	None, except drainage to prevent standing water shall be provided.
3-6	A 100-foot vegetated runoff area should be provided at the down slope end of the application area if a liquid is applied. Measures should be taken to prevent erosion.
6-12	Liquid material shall be injected into the soil. Solid material shall be incorporated into the soil if the site is not covered with vegetation. A 100-foot vegetated runoff area is required at the down slope end of the application area for all applications. Measures shall be taken to prevent erosion. Terracing may be required if deemed a necessity by the administrative authority to prevent runoff from the land application site and erosion.
>12	Unsuitable for application unless terraces are constructed and a 200-foot vegetated buffer area with a slope of less than three percent is provided at the down slope edge of the application area and the material is incorporated (solid material) and injected (liquid material) into the soil. Measures shall be taken to prevent runoff from the land application site and to prevent erosion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:785 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2374 (November 2007), LR 35:929 (May 2009), LR 37:2994 (October 2011), amended by the Office of the Secretary, Legal Affairs Division, LR 51:1143 (August 2025).

§7305. Siting and Operation Requirements for Commercial Preparers of Sewage Sludge [Formerly §6905]

A. - A.2. ...

B. Siting—Class B Biosolids

1. - 1.m. ...
2. Facility Characteristic—Class B and Exceptional Quality Biosolids
 - a. - b. ...
3. Facility Surface Hydrology—Class B and Exceptional Quality Biosolids
 - a. - d. ...
4. Facility Geology—Class B and Exceptional Quality Biosolids
 - a. - c. ...
5. Facility Plans and Specifications—Class B and Exceptional Quality Biosolids. Facility plans and specifications represented and described in the permit applications or permit modifications for all facilities must be prepared under the supervision of, and certified by, a professional engineer, licensed in the state of Louisiana.
6. Notification of Completion—Class B and Exceptional Quality Biosolids. Within 10 days of completion of the facility or completion of a facility modification, the owner of the facility shall submit a notification of completion to the administrative authority. The notification of completion shall include a certification statement by a professional engineer, licensed in the state of Louisiana, that the facility meets the plans and specifications as described in the Sewage Sludge and Biosolids Use or Disposal permit application.
7. Initial Start-Up Inspection—Class B and Exceptional Quality Biosolids
 - a. - d. ...
- C. Operations—Class B and Exceptional Quality Biosolids
 1. - 2.e....
 - f. The final composted product shall be stable and mature. In addition to meeting the applicable time and temperature for pathogen and vector attraction reduction requirements, proof of the stability and maturity of the final composted product shall be provided by utilizing the applicable methods in the source referenced in LAC 33:IX.7301.K.2.a.x.
3. Facility Closure Requirements
 - a. Notification of Intent to Close a Facility
 - i. All permit holders shall notify the administrative authority in writing at least 90 days before closure or intent to close, seal, or abandon any individual units within a facility and shall provide the following information:
 - (a). the date of planned closure;
 - (b). changes, if any, requested in the approved closure plan; and
 - (c). the closure schedule.
 - b. - b.iii. ...
 - c. Additional Closure Requirements
 - i. Additional closure requirements for commercial preparers of sewage sludge who utilize composting as the process to prepare the sewage sludge and for all other commercial preparers of sewage sludge who prepare an amount of sewage sludge equal to or greater than 15,000 metric tons per year are as follows.
 - (a). The permit holder shall verify that the soils within the facility boundary have not been contaminated in the operation of the facility.

(b). If contamination exists, in order to satisfy the closure requirements of this Section the permit holder must utilize the Risk Evaluation/Corrective Action Program (RECAP) standards in accordance with LAC 33:IX. Chapter 13 to the fullest extent possible. Any residual contamination must meet the RECAP standards approved by the administrative authority, including any residual contamination in the underlying and surrounding soils and/or groundwater. Otherwise, the permit holder shall enter into a cooperative agreement with the administrative authority to perform corrective action (i.e., additional closure activities including site investigation, remedial investigation, a corrective action study, and/or remedial action).

d. Closure Inspection. After the closure requirements have been met, the permit holder shall file a request for a closure inspection with the administrative authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:794 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2516 (October 2005), LR 33:2382 (November 2007), LR 35:930 (May 2009), LR 37:2995 (October 2011), amended by the Office of the Secretary, Legal Affairs Division, LR 51:1151 (August 2025).

§7307. Financial Assurance Requirements for Commercial Preparers of Sewage Sludge and Commercial Land Appliers of Biosolids [Formerly §6907]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:796 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2516 (October 2005), LR 33:2386 (November 2007), LR 35:931 (May 2009), LR 37:2995 (October 2011), repealed by the Office of the Secretary, Legal Affairs Division, LR 51:1152 (August 2025).

§7309. Pathogens and Vector Attraction Reduction

A. - B. ...

C. Pathogens

1. Exceptional Quality Biosolids

a. The requirements in Subparagraph C.1.b-h of this Section shall be met for biosolids classified as Exceptional Quality biosolids with respect to pathogens.

b. The Exceptional Quality biosolids pathogen requirements in Subparagraphs C.1.c-h of this Section shall be met either prior to meeting or at the same time that the vector attraction reduction requirements in Subsection E of this Section, except the vector attraction reduction requirements in Subparagraphs E.2.d-e.ii of this Section, are met.

c. Exceptional Quality Biosolids—Alternative 1

i. Either the density of fecal coliform in the biosolids shall be less than 1000 Most Probable Number (MPN) per gram of total solids (dry weight basis), or the density of *Salmonella sp.* bacteria in the biosolids shall be less than 3 Most Probable Number (MPN) per 4 grams of

total solids (dry weight basis) at the time the biosolids are used or disposed, at the time the biosolids are prepared for sale or to be given away in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of *Exceptional Quality biosolids*, as defined in LAC 33:IX.7301.B.

ii. - ii.(d). ...

* * *

d. Exceptional Quality Biosolids—Alternative 2

i. Either the density of fecal coliform in the biosolids shall be less than 1000 Most Probable Number (MPN) per gram of total solids (dry weight basis), or the density of *Salmonella sp.* bacteria in the biosolids shall be less than 3 Most Probable Number (MPN) per 4 grams of total solids (dry weight basis) at the time the biosolids are used or disposed, at the time the biosolids are prepared for sale or to be given away in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of *Exceptional Quality biosolids*, as defined in LAC 33:IX.7301.B.

ii. - ii.(c). ...

e. Exceptional Quality Biosolids—Alternative 3

i. Either the density of fecal coliform in the biosolids shall be less than 1000 Most Probable Number (MPN) per gram of total solids (dry weight basis), or the density of *Salmonella sp.* bacteria in the biosolids shall be less than 3 Most Probable Number (MPN) per 4 grams of total solids (dry weight basis) at the time the biosolids are used or disposed, at the time the biosolids are prepared for sale or to be given away in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of *Exceptional Quality biosolids*, as defined in LAC 33:IX.7301.B.

ii. ...

(a). When the density of enteric viruses in the sewage sludge prior to pathogen treatment is less than 1 Plaque-forming Unit (PFU) per 4 grams of total solids (dry weight basis), the sewage sludge is Exceptional Quality biosolids with respect to enteric viruses until the next monitoring episode for the sewage sludge.

(b). When the density of enteric viruses in the sewage sludge prior to pathogen treatment is equal to or greater than 1 Plaque-forming Unit (PFU) per 4 grams of total solids (dry weight basis), the sewage sludge is Exceptional Quality biosolids with respect to enteric viruses when the density of enteric viruses in the sewage sludge after pathogen treatment is less than 1 Plaque-forming Unit (PFU) per 4 grams of total solids (dry weight basis) and when the values or ranges of values for the operating parameters for the pathogen treatment process that produces the sewage sludge that meets the enteric virus density requirement are documented.

ii.(c). - iii.(c). ...

f. Exceptional Quality Biosolids—Alternative 4

i. Either the density of fecal coliform in the biosolids shall be less than 1000 Most Probable Number (MPN) per gram of total solids (dry weight basis), or the density of *Salmonella sp.* bacteria in the biosolids shall be

less than 3 Most Probable Number (MPN) per 4 grams of total solids (dry weight basis) at the time the biosolids are used or disposed, at the time the biosolids are prepared for sale or to be given away in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of *Exceptional Quality biosolids*, as defined in LAC 33:IX.7301.B.

ii. - iii. ...

g. Exceptional Quality Biosolids—Alternative 5

i. Either the density of fecal coliform in the biosolids shall be less than 1000 Most Probable Number (MPN) per gram of total solids (dry weight basis), or the density of *Salmonella sp.* bacteria in the biosolids shall be less than 3 Most Probable Number (MPN) per 4 grams of total solids (dry weight basis) at the time the biosolids are used or disposed, at the time the biosolids are prepared for sale or to be given away in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of *Exceptional Quality biosolids*, as defined in LAC 33:IX.7301.B.

ii. Sewage sludge that is used or disposed shall be treated in one of the Processes to Further Reduce Pathogens described in LAC 33:IX.7309.D.2.

h. Exceptional Quality Biosolids—Alternative 6

i. Either the density of fecal coliform in the biosolids shall be less than 1000 Most Probable Number (MPN) per gram of total solids (dry weight basis), or the density of *Salmonella sp.* bacteria in the biosolids shall be less than 3 Most Probable Number (MPN) per 4 grams of total solids (dry weight basis) at the time the biosolids are used or disposed, at the time the biosolids are prepared for sale or to be given away in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of *Exceptional Quality biosolids*, as defined in LAC 33:IX.7301.B.

ii. - iii. ...

2. Class B Biosolids

a. The requirements in Subparagraph C.2.b-d of this Section shall be met for biosolids classified as Class B biosolids with respect to pathogens. The site restrictions in Subparagraph C.2.e of this Section must be met when biosolids that meet the Class B biosolids pathogen requirements in Subparagraph C.2.b-d of this Section are applied to the land.

b. Class B Biosolids—Alternative 1

i. Seven representative samples of the biosolids that are used or disposed shall be collected.

ii. The geometric mean of the density of fecal coliform in the samples required by Clause C.2.b.i of this Section shall be less than either 2,000,000 Most Probable Number (MPN) per gram of total solids (dry weight basis) or 2,000,000 Colony Forming Units (CFU) per gram of total solids (dry weight basis).

c. - e.vi. ...

vii. Public access to land with a high potential for public exposure shall be restricted for one year after application of biosolids, by mean approved by the administrative authority. Examples of land with high

potential for public access includes, but is not limited to, public parks, ball fields, cemeteries, plant nurseries, turf farms, and golf courses.

viii. Public access to land with a low potential for public exposure shall be restricted for 30 days after application of biosolids, by means approved by the administrative authority. Examples of land with low potential for public access includes, but it not limited to, agricultural land, forest, and a reclamation site located in an unpopulated area (e.g., a strip mine located in a rural area).

ix. - ix.(c). ...

D. Pathogen Treatment Processes—Exceptional Quality and Class B Biosolids

1. Processes to Significantly Reduce Pathogens (PSRP)

a. **Aerobic Digestion.** Sewage sludge is agitated with air or oxygen to maintain aerobic conditions for a specific mean cell residence time at a specific temperature. Values for the mean cell residence time and temperature shall be between 40 days at 20°C and 60 days at 15°C.

b. **Air Drying.** Sewage sludge is dried on sand beds or on paved or unpaved basins. The sewage sludge dries for a minimum of three months. During two of the three months, the ambient average daily temperature is above 0°C.

c. **Anaerobic Digestion.** Sewage sludge is treated in the absence of air for a specific mean cell residence time at a specific temperature. Values for the mean cell residence time and temperature shall be between 15 days at 35° to 55°C and 60 days at 20°C.

d. **Composting.** Using either the within-vessel, static aerated pile, or windrow composting methods, the temperature of the sewage sludge is raised to 40°C or higher and remains at 40°C or higher for five days. For four hours during the five days, the temperature in the compost pile exceeds 55°C.

e. **Lime Stabilization.** Sufficient lime is added to the sewage sludge to raise the pH of the sewage sludge to 12 after two hours of contact.

2. Processes to Further Reduce Pathogens (PFRP)

a. **Composting.** Using either the within-vessel composting method or the static aerated pile composting method, the temperature of the sewage sludge is maintained at 55°C or higher for three days. Using the windrow composting method, the temperature of the sewage sludge is maintained at 55°C or higher for 15 days or longer. During the period when the compost is maintained at 55°C or higher, there shall be a minimum of five turnings of the windrow.

b. **Heat Drying.** Sewage sludge is dried by direct or indirect contact with hot gases to reduce the moisture content of the sewage sludge to 10 percent or lower. Either the temperature of the sewage sludge particles exceeds 80°C or the wet bulb temperature of the gas in contact with the sewage sludge as the sewage sludge leaves the dryer exceeds 80°C.

c. **Heat Treatment.** Liquid sewage sludge is heated to a temperature of 180°C or higher for 30 minutes.

d. **Thermophilic Aerobic Digestion.** Liquid sewage sludge is agitated with air or oxygen to maintain aerobic conditions and the mean cell residence time of the sewage sludge is 10 days at 55° to 60°C.

e. **Beta Ray Irradiation.** Sewage sludge is irradiated with beta rays from an accelerator at dosages of at least 1.0 megarad at room temperature (approximately 20°C).

f. **Gamma Ray Irradiation.** Sewage sludge is irradiated with gamma rays from certain isotopes, such as 60Cobalt and 137Cesium, at dosages of at least 1.0 megarad at room temperature (approximately 20°C).

g. **Pasteurization.** The temperature of the sewage sludge is maintained at 70°C or higher for 30 minutes or longer.

E. Vector Attraction Reduction – Class B and Exceptional Quality Biosolids

1. Land Application Requirements

a. One of the vector attraction reduction requirements in Subparagraphs E.2.a-g of this Section shall be met when bulk biosolids are applied to agricultural land, forest, a public contact site, or a reclamation site.

b. One of the vector attraction reduction requirements in Subparagraphs E.2.a-h of this Section shall be met when bulk biosolids are applied to a lawn or a home garden.

c. One of the vector attraction reduction requirements in Subparagraphs E.2.a-g of this Section shall be met when biosolids are sold or given away in a bag or other container for application to the land.

2. Procedures to Attain Vector Attraction Reduction for Land Application

a. Volatile Solids Reduction

i. The mass of volatile solids in the biosolids shall be reduced by a minimum of 38 percent (see calculation procedures in *Environmental Regulations and Technology—Control of Pathogens and Vector Attraction in Sewage Sludge*, EPA-625/R-92/013, (most recent edition) U.S. Environmental Protection Agency).

ii. When the 38 percent volatile solids reduction requirement in Clause E.2.a.i of this Section cannot be met for an anaerobically digested sewage sludge, vector attraction reduction can be demonstrated by digesting a portion of the previously digested sewage sludge anaerobically in the laboratory in a bench-scale unit for 40 additional days at a temperature between 30° and 37°C. When, at the end of the 40 days, the volatile solids in the sewage sludge at the beginning of that period is reduced by less than 17 percent, vector attraction reduction is achieved.

iii. When the 38 percent volatile solids reduction requirement in Clause E.2.a.i of this Section cannot be met for an aerobically digested sewage sludge, vector attraction reduction can be demonstrated by digesting a portion of the previously digested sewage sludge that has a percent solids of 2 percent or less aerobically in the laboratory in a bench-scale unit for 30 additional days at 20°C. When at the end of the 30 days, the volatile solids in the sewage sludge at the beginning of that period is reduced by less than 15 percent, vector attraction reduction is achieved.

b. **Specific Oxygen Uptake Rate (SOUR).** The specific oxygen uptake rate (SOUR) for sewage sludge treated in an aerobic process shall be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20°C.

c. Aerobic Treatment. Sewage sludge shall be treated in an aerobic process for 14 days or longer. During that time, the temperature of the sewage sludge shall be higher than 40°C and the average temperature of the sewage sludge shall be higher than 45°C.

d. Alkaline Treatment. The pH of sewage sludge shall be raised to 12 or higher by alkali addition and, without the addition of more alkali, shall remain at 12 or higher for two hours and then at 11.5 or higher for an additional 22 hours.

e. Percent Solids. In order to attain vector attraction reduction through percent solids, either of the following must be met:

i. the percent solids of sewage sludge that does not contain unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 75 percent based on the moisture content and total solids prior to mixing with other materials; or

ii. the percent solids of sewage sludge that does contain unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 90 percent based on the moisture content and total solids prior to mixing with other materials.

f. Injection of Biosolids

i. Biosolids shall be injected below the surface of the land.

ii. No significant amount of biosolids shall be present on the land surface within one hour after the biosolids are injected.

iii. When the biosolids that are injected below the surface of the land are Exceptional Quality biosolids with respect to pathogens, the biosolids shall be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

g. Incorporation of Biosolids

i. Biosolids applied to the land surface shall be incorporated into the soil within six hours after application to the land, unless otherwise specified by the permitting authority.

ii. When biosolids that are incorporated into the soil are Exceptional Quality biosolids with respect to pathogens, the biosolids shall be applied to the land within eight hours after being discharged from the pathogen treatment process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:806 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2395 (November 2007), LR 35:941 (May 2009), amended by the Office of the Secretary, Legal Affairs Division, LR 51:1152 (August 2025).

§7311. Incineration

A. - C.2.f. ...

3. In conducting the performance tests required in Paragraph C.2 of this Section, the owner or operator shall use as reference methods and procedures the test methods referenced in LAC 33:IX.7301.K or other methods and procedures as specified in this Section, except as provided for in Subparagraph C.2.b of this Section.

C.4. - D.6.b.iv. ...

* * *

v. samples of the sewage sludge charged to the incinerator shall be collected in nonporous jars at the beginning of each run and at approximately 1-hour intervals thereafter until the test ends, and Part 2540, G. Total Fixed, and Volatile Solids in Solid and Semisolid Samples (the test method indicated in LAC 33:IX.7301.K.2.a.vii) shall be used to determine dry sewage sludge content of each sample (total solids residue), except that:

D.6.v.(a). - I.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:809 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2399 (November 2007), amended by the Office of the Secretary, Legal Affairs Division, LR 51:1155 (August 2025).

§7313. Standard Conditions Applicable to All Sewage Sludge and Biosolids Use or Disposal Permits

A. - A.4.b. ...

5. Duty to Reapply for an Individual Permit. If the permittee wishes to continue an activity regulated by an existing permit after the expiration date of that permit, the permittee must apply for and obtain a new permit. The new application shall be submitted at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the administrative authority. The administrative authority shall not grant permission for applications to be submitted later than the expiration date of the existing permit. A permit that was issued in accordance with these regulations and that has expired shall be administratively continued until such time as a decision on an application to continue an activity under the permit has been issued by the administrative authority, if the application was received by the department at least 180 days prior to the permit expiration.

6. Permit Action

a. Termination of Permit. The conditions set forth in LAC 33:IX.2907, 3105, and 6509 as causes for termination of a permit shall apply to permits issued in accordance with these regulations.

b. Modification, Revocation and Reissuance

i. Any permittee shall report to the administrative authority any facility changes in the specific use or disposal practices, the storage, the treatment, or the appropriate transportation of sewage sludge and/or biosolids. Any such changes that are expected to last in excess of 180 days shall be reported by submission of a modified permit application or by submission of notice to the administrative authority of the nature of such facility changes. The permittee shall not commence any facility changes in disposal practices, storage, treatment, or transportation of sewage sludge and/or biosolids without receiving a modified Sewage Sludge and Biosolids Use or Disposal permit or written authorization from the administrative authority. The provisions of this Subsection shall not apply to facility changes that were considered and approved during the permitting process.

ii. When the administrative authority receives any new information or receives a request for modification or revocation, such permit may, after an opportunity for hearing, be modified, or alternatively revoked and reissued,

in whole or in part, for cause, including but not limited to the conditions in LAC 33:IX.2903, 2905, 3105, and 7313.

iii. Only those permit conditions that are subject to modification are reopened for comment in a public hearing. When a permit is revoked and reissued, the administrative authority may either allow only those portions modified to be reopened, or may decide that the entire permit is reopened just as if the permit has expired and is being reissued.

iv. If a permit modification satisfies the following minor modification requirements, the permit may be modified without issuance of a draft permit or public review. Any permit modification not processed as a minor modification shall be made in accordance with a fact sheet and public notice requirements as described in LAC 33:IX.7313. Minor modifications may only:

(a). correct typographical errors;

(b). require a change in the frequency of monitoring or reporting by the permittee;

(c). allow for a change in ownership or operational control of a facility where the administrative authority determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between new permittees has been submitted to the department;

(d). make changes in other minor provisions within the permit on a case-by-case basis.

v. Modification cannot extend a permit beyond its original five-year duration.

vi. Requests for modification or revocation, and reissuance do not suspend any permit condition during the processing of the request.

7. - 12.i. ...

13. Public Notice of Permit Actions and Public Comment Period

a. The conditions set forth in LAC 33:IX.3113 and 6521 for public notices and the public comment period shall apply to all permits issued in accordance with these regulations.

b. For sewage sludge/biosolids individual permits and master general permits, in lieu of the requirement for publication of a notice in a daily or weekly newspaper, as described in LAC 33:IX.3113.2, the administrative authority may publish all notices of activities as described in LAC 33:IX.3113.A.1 to the department's website. If the administrative authority selects this option for the *draft permit*, as defined in LAC 33:IX.3101, the administrative authority shall post the draft permit and the fact sheet on the website for the duration of the public comment period.

NOTE: The administrative authority is encouraged to ensure that all method(s) of public notice effectively informs all interested communities and allows access to the permitting process for those seeking to participate.

14. Public Comments and Requests for Public Hearings

a. The conditions set forth in LAC 33:I.1505 and IX.3115 for public comments and requests for public hearings shall apply to all permits issued in accordance with these regulations.

b. The conditions set forth in LAC 33:IX.7313.A.13.b shall apply to all permits issued in accordance with these regulations.

A.15. - D. ...

1. Facility Changes. The permittee shall give notice to the administrative authority as soon as possible of any planned physical alterations or additions to the permitted facility.

2. Anticipated Noncompliance. The permittee shall give advance notice to the administrative authority of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

3. Transfers. A permit is not transferable to any person except after notice to the administrative authority. The administrative authority may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Louisiana Environmental Quality Act. Except as provided in LAC 33:IX.2901.A, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made to identify the new permittee and incorporate such other requirements as may be necessary under the Louisiana Environmental Quality Act.

4. - 6. ...

7. Availability of Reports. All recorded information concerning permits and permit applications under this Chapter (completed permit application forms, fact sheets, draft permits or any public document) not classified as confidential information under R.S. 30:2030(A) and 2074(D) and designated as such in accordance with LAC 33:IX.2323.A and C and LAC 33:IX.6503 shall be made available to the public for inspection and copying during normal working hours in accordance with the Public Records Act, R.S. 44:1 et seq. Claims of confidentiality for the following will be denied:

a. the name and address of any permit applicant or permittee;

b. permit applications, permits, and effluent data; and

c. information required by the sewage sludge and biosolids use or disposal permit application forms provided by the administrative authority. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:2406 (November 2007), amended LR 35:941 (May 2009), amended by the Office of the Secretary, Legal Division, LR 38:2760 (November 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2143 (November 2017), amended by the Office of the Secretary, Legal Affairs Division, LR 51:1155 (August 2025).

§7315. Fee Schedule

A. - B.2. ...

C. Due Date. Fees shall be received by the department by the due date indicated on the invoice.

D. Late Payment Fee

1. Payments not received within 15 days of the due date will be charged a late payment fee.

2. Any late payment fee shall be calculated from the due date indicated on the invoice.

3. Payments not received by the department by the:

a. fifteenth day from the due date will be assessed a 5 percent late payment fee on the original assessed fee;

b. thirtieth day from the due date will be assessed an additional 5 percent late payment fee on the original assessed fee; and

c. sixtieth day from the due date will be assessed an additional 5 percent late payment fee on the original assessed fee.

E. Failure to Pay. Failure to pay the prescribed application fee or annual fee as provided herein, within 90 days after the due date, will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Louisiana Environmental Quality Act including, but not limited to, revocation or suspension of the applicable permit, license, registration, or variance.

F. Refunds. The fees in this Section are nontransferable and nonrefundable.

G. Methods of Payment

1. All payments made by check, draft, or money order shall be made payable to the Louisiana Department of Environmental Quality, and mailed to the department at the address provided on the invoice.

2. Electronic Methods of Payment

a. Persons wishing to make payments using the electronic pay method should access the department's website and follow the instructions provided on the website.

b. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.

3. Cash is not an acceptable form of payment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 43:949 (May 2017), amended by the Office of the Secretary, Legal Affairs Division, LR 51:1156 (August 2025).

§7317. Signatory Requirements

A. All applications, reports, or information prepared in accordance with this Chapter shall be signed and certified.

1. All applications, reports, or information shall be signed as follows.

a. For a Corporation—by a Responsible Corporate Officer

i. For the purposes of this Section, a responsible corporate officer shall mean:

(a). a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation (These responsible corporate officers are presumed to have the authority to sign permit applications unless the corporation has notified the administrative authority to the contrary); or

(b). the manager of one or more manufacturing, production, or operating facilities, provided that the manager is authorized to make management decisions that govern the operation of the regulated facility including:

(i). having the explicit or implicit duty of making major capital investment recommendations; and

(ii). initiating and directing other comprehensive measures to ensure long term compliance with environmental laws and regulations; and

(c). the manager has the authority to ensure that the necessary systems are established or actions are taken to gather complete and accurate information for permit application requirements; and

(d). the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. (Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals);

b. for a partnership or sole proprietorship—by a general partner or the proprietor, respectively; or

c. for a municipality or a state, federal, or other public agency—by either a principal executive officer or ranking elected official;

i. for purposes of this Paragraph, a principal executive officer of a federal agency includes:

(a). the chief executive officer of the agency; or

(b). a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a regional administrator of EPA).

2. All reports required by permits, and submission of other information requested by the administrative authority, shall be signed by a person described in Paragraph 1 of this Section, or by a duly authorized representative of that person. For the purposes of this Subparagraph, a person is a duly authorized representative only if:

a. his or her authorization has been made in writing by a person described in Subparagraph 1 of this Section;

b. the authorization specifies either an individual or a position now having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or a position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may be either a named individual or an individual occupying a named position); and

c. the written authorization is submitted to the administrative authority.

C. Changes to Authorization. If an authorization under Subparagraph 2 of this Section is no longer accurate because a different individual or position now has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Subparagraph 2 of this Section shall be submitted to the administrative authority prior to, or together with, any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under the provisions of Subparagraphs 1 or 2 of this Section shall make the following certification.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 51:1157 (August 2025).

Subchapter B. Appendices

§7395. Financial Assurances Documents—Appendices

A, B, C, D, E, F, G, H, I, and J

[Formerly §7135]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(1)(c), (B)(3), and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:818 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of Environmental Assessment, LR 30:2028 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2519 (October 2005), LR 33:2409 (November 2007), LR 35:941 (May 2009), repealed by the Office of the Secretary, Legal Affairs Division, LR 51:1158 (August 2025).

§7397. Procedure to Determine the Annual Whole

Biosolids Application Rate

(AWBAR)—Appendix A

[Formerly §7131]

A. LAC 33:IX.7303.E.1.c.iv.(b) requires that the product of the concentration for each pollutant listed in Table 3 of LAC 33:IX.7303.F in biosolids sold or given away in a bag or other container for application to the land and the annual whole biosolids application rate (AWBAR) not cause the annual pollutant loading rate for the pollutant in Table 4 of LAC 33:IX.7303.F to be exceeded. This Appendix contains the procedure used to determine the AWBAR for a sewage sludge that does not cause the annual pollutant loading rates in Table 4 of LAC 33:IX.7303.F to be exceeded.

B. - C. ...

* * *

D. The procedure used to determine the AWBAR is presented below.

1. Analyze a sample of the biosolids to determine the concentration for each of the pollutants listed in Table 3 of LAC 33:IX.7303.F in the biosolids.

2. Using the pollutant concentrations from Step 1 and the APLRs from Table 4 of LAC 33:IX.7303.F, calculate an AWBAR for each pollutant using Equation (2) above.

3. The AWBAR for the biosolids is the lowest AWBAR calculated in Step 2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(1)(c), (B)(3), and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:817 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2417 (November 2007), amended by the Office of the Secretary, Legal Affairs Division, LR 51:1158 (August 2025).

§7399. Pathogen Treatment Processes—Appendix L [Formerly §7133]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(1)(c), (B)(3), and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:817 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2417 (November 2007), repealed by the Office of the Secretary, Legal Affairs Division, LR 51:1158 (August 2025).

Jill C. Clark
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2508#037

RULE

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Storage of Volatile Organic Compounds (LAC 33:III.2103) (AQ402)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.2103.G (AQ402).

This Rule clarifies that storage vessels subject to recordkeeping requirements of New Source Performance Standards (NSPS) can meet the criteria for exemption from LAC 33:III.2103 under LAC 33:III.2103.G. On March 8, 2024, the U.S. Environmental Protection Agency promulgated new regulations for sources in the oil and natural gas sector (i.e., 40 CFR 60 Subpart OOOOb – Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After December 6, 2022). 40 CFR 60.5365b(e) requires owners/operators of certain storage vessels that are not subject to the control requirements of Subpart OOOOb to keep “records of the potential for emissions calculation for the life of the storage vessel.”

Currently, storage vessels cannot be exempt from LAC 33:III.2103 if they are subject to NSPS. Because all new storage vessels storing crude oil or condensate and located at facilities in the crude oil and natural gas source category will now be subject to NSPS, the Rule clarifies that storage vessels cannot be exempt from LAC 33:III.2103 if they are subject to the control requirements of NSPS. The basis and rationale for this Rule are to clarify that storage vessels subject to recordkeeping requirements of NSPS such as 40 CFR 60 Subpart OOOOb can be exempt from LAC 33:III.2103. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule is hereby adopted on the day of promulgation.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air
Chapter 21. Control of Emission of Organic Compounds

Subchapter A. General

§2103. Storage of Volatile Organic Compounds

A. - F. ...

G. Exemptions. The provisions of this Section do not apply to:

1. existing and new storage tanks, located in any parish other than the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge, used for crude oil or condensate and having a nominal storage capacity of less than 420,000 gallons (1,589,900 liters) unless such new tanks are subject to the control requirements of New Source Performance Standards;

2. tanks 420,000 gallons (1,589,900 liters) or greater, located in any parish other than the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge, used to store produced crude oil or condensate prior to lease custody transfer unless such tanks are subject to the control requirements of New Source Performance Standards;

3. existing and new storage tanks in the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge that are used for crude oil or condensate prior to lease custody transfer and that have a nominal storage capacity of less than 420,000 gallons (1,589,900 liters) unless such new tanks are subject to the control requirements of New Source Performance Standards;

G.4. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 15:1065 (December 1989), repromulgated LR 16:27 (January 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:360 (April 1991), LR 18:1121 (October 1992), LR 20:1376 (December 1994), LR 21:1223 (November 1995), repromulgated LR 21:1333 (December 1995), amended LR 22:453 (June 1996), LR 22:1212 (December 1996), LR 24:20 (January 1998), LR 24:2242 (December 1998), LR 25:657 (April 1999), LR 25:852 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2452 (November 2000), LR 28:1763 (August 2002), LR 30:1671 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2439 (October 2005), LR 33:447 (March 2007), LR 33:2085 (October 2007), LR 36:2271 (October 2010), amended by the Office of the Secretary, Legal Division, LR 38:2751 (November 2012), amended by the Office of the Secretary, Legal Affairs Division, LR 51:1159 (August 2025).

Jill C. Clark
General Counsel

2508#036

RULE
Office of the Governor
Board of Home Inspectors

General Rules (LAC 46:XL.309 and 313)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., and through the authority granted in R.S. 37:1475(4), notice is hereby given that the Board of Home Inspectors amends LAC 46:XL.309.C.6 and 313.C.4. The amendment to Section 309.C.6 makes the Section consistent with R.S. 37:1478(B) and provides for the extension of the prohibition against repairing homes inspected to one year after the inspection. The amendment to Section 313.C.4 requires the home inspector to inspect a remote-control transmitter if it is the only other control device. This Rule is hereby adopted on the day of promulgation.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part XL: Home Inspectors

Chapter 3. Standards of Practice

§309. General Exclusions

A. - C.5. ...

6. advertise or solicit to repair, replace, or upgrade, or repair, replace or upgrade for compensation, any system or component of the home which the inspector noted in the inspection report as deficient, in need of repair or replacement, or unsafe for a period of one year following the date of the home inspection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475 and R.S. 37:1478.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2746 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1690 (August 2004), LR 36:2862 (December 2010), LR 38:2532 (October 2012), LR 41:922 (May 2015), repromulgated LR 41:2339 (November 2015), amended LR 43:314 (February 2017), LR 43:1913 (October 2017), LR 51:1159 (August 2025).

§313. Exterior System

A. - C.3. ...

4. garage door operator remote control transmitters, unless the device is the only control device;

5 - 12. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2747 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1691 (August 2004), LR 36:2862 (December 2010), LR 38:2532 (October 2012), LR 41:923 (May 2015), LR 51:1159 (August 2025).

Morgan Spinosa
Chief Operating Officer

2508#047

RULE

Office of the Governor Division of Administration Office of State Procurement

Procurement (LAC 34:V.Chapter 36)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Office of the Governor, Division of Administration, Office of State Procurement, creates Chapter 36 of LAC 34:V. Procurement. The rules are revised to implement Act 734 of the 2024 Regular Legislative Session, effective August 1, 2024. The Act creates a new Invitation to Negotiate procurement method, for which this rulemaking will provide procedures. This Rule is hereby adopted on the day of promulgation.

Title 34

GOVERNMENT CONTRACTS, PROCUREMENT, AND PROPERTY CONTROL

Part V. Procurement

Chapter 36. Contracts Let Via an Invitation to Negotiate (ITN) Process

§3601. Application, Determination, and Competitive Sealed Replies

A. This Chapter shall be applicable to the utilization of the Invitation to Negotiate (ITN) method of source selection authorized by R.S. 39:1600.2.

B. To assist the chief procurement officer in making any determinations required under 39:1600.2, the Office of State Procurement (OSP) may require the using agency to provide additional information to justify any required determination.

C. Competitive Sealed Replies

1. For purposes of this Chapter, *competitive sealed replies* means replies submitted in response to an Invitation to Negotiate and which are protected from inspection prior to the deadline for submission.

2. Competitive sealed replies shall be advertised through a centralized electronic interactive environment administered by the Division of Administration (DOA) and on the electronic website accepting the electronic replies as provided in this Section at least 14 days before the last day that replies will be accepted. The advertisement or written notice required by this Section shall contain the name and address of the using agency and shall establish the specific date, time, and place by which the competitive sealed replies must be received.

3. Replies may be received in any manner specified in the Invitation to Negotiate including receipt by mail, by direct delivery, or through any secure electronic interactive environment permitted by rule or regulation.

4. Any competitive sealed reply withdrawn by the vendor prior to the deadline for submission of replies, or determined to be late relative to the deadline for submission of replies, shall not be opened and shall instead be subject to the provisions of §319.D of this Part.

5. Except as provided in Paragraph 4 of this Subsection, competitive sealed replies shall be secured until the replies submission deadline.

6. Competitive sealed replies shall not be inspected prior to the replies' submission deadline unless the chief procurement officer determines that doing so is necessary for

the sole purpose of identifying the name of the vendor and/or the Invitation to Negotiate to which the replies/reply is addressed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1600.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 51:1160 (August 2025).

§3603. Content in Invitation to Negotiate

A. In addition to the mandatory requirements stated in R.S. 39:1600.2, all Invitation to Negotiate solicitations should:

1. allow for flexibility in the potential vendor's approach and methodology;
2. generally define the problem statement, desired results and timeframe of the project;
3. identify agency personnel and resources available to the vendor;
4. inform the potential vendors of the evaluation criteria and the selection methodology to be used in each step in evaluating the replies.
5. request a description of the firm's qualifications, including a specific list of personnel to be used in the services and their qualifications. At a minimum, a list of the number and the qualifications of each position should be provided, however, a résumé should be required on each of the key personnel;

6. request a list of the entities, whether public or private, with names and contact persons, for whom similar work has been done;

7. request the length of time needed for the services, broken down by phases, if phasing is necessary;

8. request the proposed methodology for accomplishing the services with a precise statement of what the state will receive as an end product of the services;

9. request the cost of the proposed solution.

B. All Invitation to Negotiate solicitations shall:

1. provide for a blackout period in accordance with §341 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1600.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 51:1160 (August 2025).

§3605. Procedures

A. Selection of a vendor shall be made in accordance with the selection criteria established in the Invitation to Negotiate. When a final selection has been made, but prior to notice of award, the contract file containing the following shall be sent to the Office of State Procurement for review and approval. Submittal shall include:

1. the Invitation to Negotiate;
2. a short, plain statement that explains the basis for the selection of the vendor and that sets forth the vendor's deliverables and price, pursuant to the contract, along with an explanation of how the deliverables and price provide the best value to the state;
3. any clarifications or changes resulting from negotiations documented in writing; and,
4. the contract.

B. No contract may be enforced against the state until approval of the contract has been granted by the Office of State Procurement.

C. Upon approval of the contract by the chief procurement officer, all vendors who replied to the Invitation to Negotiate shall be notified by the Office of State Procurement regarding the awarded contract.

D. Right to Protest. Any person who is aggrieved in connection with the Invitation to Negotiate or award may protest and appeal pursuant to the provisions of R.S. 39:1671, 1681, 1683, 1691, and 1692.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1600.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 51:1160 (August 2025).

§3607. Contract Clauses

A. The contract shall, at a minimum, contain those provisions from the list below that the chief procurement officer determines to be appropriate or applicable:

1. the unilateral right of the state to order in writing changes in the work within the general scope of the contract in any one or more of the following:

a. drawings, designs, or specifications, if the supplies to be furnished are to be specially manufactured for the state in accordance therewith;

b. method of shipment or packing;

c. place of delivery;

d. security for contract performance;

e. insurance requirements including as appropriate but not limited to general liability, automobile coverage, workers' compensation, and errors and omissions;

f. beginning and ending dates of the contract; and

g. maximum compensation to be paid the contractor including due date of the payment(s).

2. the unilateral right of the state to order in writing temporary stopping of the work or delaying of performance;

3. variations between estimated quantities of work in a contract and actual quantities;

4. the submission of manufacturers' design drawings in duplicate for all state buildings, to the appropriate state agency at the conclusion of the contract;

5. liquidated damages;

6. specified excuses for delay or nonperformance;

7. an annual appropriation dependency clause;

8. the acceptability of original or electronic signatures. Unless otherwise stated, when a contract requires an original signature, as provided by R.S. 9:2601-2621 and LAC 4:I.Chapter 7, Implementation of Electronic Signatures in Global and National Commerce Act—P.L., 106-229, an electronic signature is considered an original signature;

9. description of the work to be performed or objectives to be met;

10. description of reports or other deliverables to be received;

11. date of reports or other deliverables to be received;

12. responsibility for payment of taxes;

13. circumstances under which the contract can be terminated either with or without cause;

14. remedies for default;

15. a statement giving the legislative auditor the authority to audit records of the individual firm;

16. performance measurement;

17. monitoring plan;

18. the requirement that any term or condition in any contract entered into by the state that requires the state to defend, indemnify, or hold harmless another person, shall be null and void, unless such term and condition is expressly authorized by law;

19. the requirement that all contracts must be governed by Louisiana law, including the Louisiana Procurement Code (R.S. 39:1551-1755);

20. the requirement that a contract related to information technology is also governed by R.S. 39:196-200 and its corresponding rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1600.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 51:1161 (August 2025).

Tom Ketterer
Director

2508#017

RULE

Department of Health Board of Dentistry

General Provisions (LAC 46:XXXIII.136)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Dental Practice Act, R.S. 37:751, et seq., and particularly R.S. 37:760 (8), notice is hereby given that the Department of Health, Board of Dentistry adopts LAC 46:XXXIII.136. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXXIII. Dental Health Profession

Chapter 1. General Provisions

§136. Dental Records

A. Dental patients have the right to receive copies of their dental records and/or radiographs when requested in writing by the patient or his authorized representative. Patients or their authorized representative requesting copies of patient records and/or radiographs may be charged amounts set forth in R.S. 40:1165.1. The dental records and/or radiographs may be withheld pending payment of the amount set forth in R.S. 40:1165.1 if a payment request has been made by the dentist or custodian of the records within fifteen days of the request for dental records and/or radiographs.

B. Dental patients have the right to have copies of their dental records and/or radiographs sent to subsequent and/or concurrent treating health care providers when the request is made in writing by the patient, his authorized representative, or the subsequent/concurrent treating health care provider.

C. The Louisiana State Board of Dentistry (Board) has the right to receive copies of dental records and/or radiographs when requested by the Board in writing.

D. When Dental records and/or radiographs, of a patient are requested in writing by a patient, his authorized representative, a subsequent or concurrent treating health

care provider or the board, the records must be made available within thirty days of the request, or within twenty days of a payment request as set forth in Subsection A of this Section.

E. Dental records produced pursuant to this Section must be legible. If there is handwriting that is illegible in the original records, the records produced must include a typed transcript of the illegible handwriting.

F. Radiographs produced pursuant to this Section must be diagnostic and must be able to be read without the use of proprietary software.

G. The treating dentist whose treatment is reflected in the records and/or radiographs requested pursuant to this Section is responsible for complying with this Section and may be sanctioned by the board if any part of this Section is violated. The treating dentist is responsible for assuring that the requirements of this Section are followed even if he has left the practice where the treatment was rendered and may be sanctioned by the board if any part of this Section is violated.

H. If the treating dentist whose treatment is reflected in the records and/or radiographs requested pursuant to this Section has left the practice where the treatment occurred, the dentist owner(s) of the practice in possession of the records and/or radiographs is responsible, along with the treating dentist, for complying with the requirements of this Section and may be sanctioned by the board if any part of this Section is violated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(6) and (8) and R.S. 49:953(B).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 51:1161 (August 2025).

Arthur Hickham, Jr.
Executive Director

2508#018

RULE

Department of Health Board of Medical Examiners

Adjudication; Recusal (LAC 46:XLV.9920)

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, the board amends its rules governing recusal in administrative hearings and/or proceedings to clarify that in addition to the board, the director of investigations (DOI) and/or the Independent Counsel may also be recused, and to provide for a pro tem DOI, when needed, and the qualifications of the pro tem DOI. The proposed amendments are set forth below. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL

Part XLV. Medical Professions

Subpart 5. Rules of Procedure

Chapter 99. Adjudication

§9920. Recusal

A. Any board member, director of investigations, and/or independent counsel who, because of bias or interest, is unable to assure a fair and impartial hearing and/or administrative proceeding shall be recused from that particular proceeding. The reasons for the recusal shall be made part of the record. Should the majority of the board members be recused for a particular proceeding, the governor shall be requested to appoint a sufficient number of pro tem members to obtain a quorum for the proceeding. Should the director of investigations be recused from a particular hearing and/or administrative proceeding, the board will contract for or specify a pro tem director of investigations who meets the criteria outlined in R.S. 37:1270(A)(9) to the satisfaction of the board, for that particular proceeding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and 37:1270(A)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 41:2630 (December 2015), amended by Department of Health, Board of Medical Examiners LR 51:1162 (August 2025).

Vincent A. Culotta, Jr., M.D.
Executive Director

2508#008

RULE

Department of Health Board of Medical Examiners

Physicians; Bridge Year Program (LAC 46:XLV.303 and 398)

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270, R.S. 37:1275, the board amends LAC 46:XLV.303 by adding the definitions of "Bridge Year Graduate Physician" and "Training Physician" and to add a new provision, LAC 46:XLV.398, to create a new Bridge Year Graduate Physician Certificate, and to set forth requirements and provisions relative to the Certificate. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL

STANDARDS

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 3. Physicians

Subchapter A. General Provisions

§303. Definitions

A. As used in this Chapter, the following terms shall have the meanings specified:

* * *

Bridge Year Graduate Physician—a person possessing a doctor of medicine (allopathic/M.D.), doctor of osteopathy or doctor of osteopathic medicine degree (osteopathic/D.O.) or an equivalent degree duly awarded by a medical or osteopathic educational institution approved by the board pursuant to §§333 to 341 of this Chapter who meets the requirements and qualifications provided in §§311 et seq., and who holds a certificate to practice under the direct supervision of a board-certified physician as provided in these rules.

* * *

Training Physician—a board-certified physician who meets and maintains the requirements to serve as a preceptor for physicians practicing under a bridge year graduate physician certificate.

* * *

B. Masculine terms wheresoever used in this Chapter shall also be deemed to include the feminine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1271 and 37:1274.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:908 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:513 (June 1990), LR 27:835 (June 2001), LR 31:1582 (July 2005), LR 38:3173 (December 2012), amended by the Department of Health, Board of Medical Examiners, LR 51:797 (June 2025), amended by the Department of Health, Board of Medical Examiners, LR 51:1162 (August 2025).

Subchapter H. Restricted Licensure, Permits

§398. Bridge Year Graduate Physician Program

A. A graduate of an accredited school of medicine or osteopathy who applied to, but was not accepted into, an accredited medical residency training program for the first year following medical school graduation, may apply for a bridge year graduate physician certificate.

1. A physician practicing under a bridge year graduate physician certificate shall practice in training for one post-graduate year under the direct supervision of a board-certified physician who has completed training required by the board to be a training physician and who maintains such training at intervals required by the board.

2. The training physician shall practice in the same or an adjacent facility and shall formally review and co-sign the work of the bridge year physician.

3. A physician practicing under a bridge year graduate physician certificate shall have prescriptive authority in accordance with state and federal law and board rules, as authorized and supervised by the training physician.

4. The training physician shall issue a report at the end of the bridge year indicating the scope and breadth of the practice of the participating bridge year graduate physician and the instruction and training given to the bridge year graduate physician. The training physician's report shall contain a statement as to whether or not the bridge year graduate physician would be recommended for a residency position upon reapplication.

5. A bridge year graduate physician certificate shall be valid for one year and may be renewed for no more than two additional one-year periods upon application to, and discretion of, the board.

B. The board shall select the participants for the bridge year graduate physician program and has the authority to

accept or reject any applicant. If the number of applicants exceeds the available number of training physicians or training locations, preference may be given to applicants desiring to practice in underserved areas, in primary care or internal medicine, to Louisiana residents, or to graduates of Louisiana medical schools.

C. The board may suspend, terminate, or revoke a bridge year graduate physician certificate prior to the expiration of one year for any reason provided by law or board rule for the termination of licenses, permits, registrations, or certificates issued by the board.

D. A bridge year graduate physician certificate shall not confer any future right to full, unrestricted licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1275, 37:1310.11 and 1310.12.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 51:1163 (August 2025).

Vincent A. Culotta, Jr., M.D.
Executive Director

2508#011

RULE

Department of Health Board of Medical Examiners

Physicians; Retired Physician License
(LAC 46:XLV.417, 418, 435, and 447)

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Board of Medical Examiners (the board) by the Louisiana Medical Practice Act., R.S. 37:1270 et seq., the board amends its rules on licensure and certification to add a new §417(D) to provide for a retired physician license and to establish criteria therefor; amends §418C relative to reduced fee licenses and to add a new D creating a reduced fee license for retired physicians; amends §435 to require 10 hours of continuing medical education (CME) for physicians holding a retired physician license under §417(D); and amends §447 relative to exceptions to CME requirements, amends relative to active military service outside the state of Louisiana; amends to specify full CME after initial exemption year for those initially licensed on basis of examination; and amends to change wording from “retired physician” to one holding a “reduced fee license” under §418. This Rule is hereby adopted on the day of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 3. Physicians

Subchapter I. License Issuance, Termination, Renewal, Reinstatement and Exemptions

§417. Renewal of License; Prerequisite Condition

A. Every license issued by the board under this Chapter shall be renewed annually on or before the first day of the month in which the licensee was born, by submitting to the board a properly completed application for renewal, upon forms supplied by the board, together with the renewal fees

prescribed in these rules and the Medical Practice Act, and documentation of satisfaction of the continuing medical education requirements prescribed by Subchapter K of these rules.

B. A courtesy renewal notice shall be mailed or electronically transmitted by the board to each person holding a license issued under this Chapter at least 30 days prior to the expiration of the license each year. Such form shall be transmitted to the most recent address of the licensee reflected in the official records of the board.

C. Initial application for renewal of a license, issued on the basis of a commitment for year two of postgraduate clinical training under §311.A.6.b shall, as a prerequisite to renewal consideration, be accompanied by documentation satisfactory to the board of the completion of year two of such training.

D. Retired Physician License

1. A physician may opt for a “Retired Physician License” at the time of renewal if the physician holds an unrestricted license to practice medicine issued by the board and who has, prior to the first day of the year for which such renewal will be effective:

- a. attained the age of 70 years;
- b. attests that he or she will limit his or her practice to volunteer services without payment, pecuniary gain, compensation, or remuneration of any kind;
- c. attests that he or she will limit his or her practice to:

- i. providing services to family or personal acquaintances;
- ii. for no more than 20 hours per week, providing services at volunteer or charity clinics; or
- iii. providing services through a foreign volunteer or charity medical mission program;
- d. made application to the board for a retired physician license renewal pursuant to this Section, including the required attestations, and consenting to the revocation of any license renewed pursuant to this Section upon a finding by the board that the licensee, following issuance of licensure renewal pursuant to this Section, failed to confine his or her practice to the parameters stated herein.

2. A physician whose medical license is renewed pursuant to this Section shall not engage or seek to engage in the full time, unrestricted practice of medicine, whether compensated or not, without having made application for an unrestricted standard medical license and having met all of the requirements for such license.

3. A physician whose medical license is renewed pursuant to this Section is subject to all state and federal laws and rules governing the practice of medicine in this state, and all of the licensing, regulatory, and disciplinary rules and requirements of the board as applicable to a full, unrestricted license, unless specifically noted in these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8), 37:1271, 37:1272, 37:1274, 37:1275.1, 37:1280 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:914 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:523 (June 1990), LR 24:1500 (August 1998), LR 26:695 (April 2000), LR

27:848 (June 2001), amended by the Department of Health, Board of Medical Examiners, LR 44:587 (March 2018), LR 47:728 (June 2021), LR 51:1163 (August 2025).

§418. Reduced Renewal Fees for Certain Physicians

A. The fee otherwise required for annual renewal of licensure will be reduced by one-half in favor of a physician who holds an unrestricted license to practice medicine issued by the board and who has, prior to the first day of the year for which such renewal will be effective:

1. attained the age of 70 years;
2. voluntarily surrendered to the issuing authorities his or her state license and federal registration to prescribe, dispense, or administer controlled substances; and
3. made application to the board for such reduced licensure renewal fee, upon a form supplied by the board, verifying the conditions requisite to such reduced fee and consenting to revocation of any license renewed pursuant to this Section upon a finding by the board that the licensee, following issuance of licensure renewal pursuant to this Section, continued to hold, obtained, or sought to obtain state licensure or federal registration to prescribe, dispense, or administer controlled substances.

B. The fee otherwise required for annual renewal of licensure will be reduced by one-half in favor of a physician who holds an unrestricted license to practice medicine issued by the board and who has, prior to the first day of the year for which such renewal will be effective:

1. ceased to engage in the practice of medicine in any form in this state as a consequence of physical or mental disability;
2. voluntarily surrendered to the issuing authorities his or her state license and federal registration to prescribe, dispense, or administer controlled substances; and
3. made application to the board for such reduced licensure renewal fee, upon a form supplied by the board, verifying the conditions requisite to such reduced fee, including independent physician verification of the applicant's physical or mental disability, and consenting to revocation of any license renewed pursuant to this Section upon a finding by the board that the licensee, following issuance of licensure renewal pursuant to this Section, engaged or sought to engage in any manner in the practice of medicine in this state or continued to hold, obtained, or sought to obtain state licensure or federal registration to prescribe, dispense, or administer controlled substances.

C. A physician whose medical license is renewed pursuant to Sub-Sections A. and B. above shall not thereafter engage or seek to engage in the active practice of medicine in this state or to prescribe, dispense, or administer controlled substances or other prescription medications except upon prior application to and approval by the board, which, in its discretion, as a condition to reinstatement of full licensure, may require that:

1. the physician take and successfully pass all or a designated portion of the USMLE, COMLEX-USA, SPEX, or COMVEX-USA examination; and/or
2. the physician provide medical documentation satisfactory to the board that the physician is then physically and mentally capable of practicing medicine with reasonable skill and safety to patients.

D. The fee otherwise required for annual renewal of licensure will be reduced by one-half in favor of a physician who holds a retired physician license to practice medicine issued by the board pursuant to §§418D.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1280 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:523 (June 1990), amended LR 27:848 (June 2001), LR 31:1584 (July 2005), LR 51:1164 (August 2025).

Subchapter K. Continuing Medical Education

§435. Continuing Medical Educational Requirement

A. Subject to the waiver of and exceptions to CME prescribed by §§445 and 447 and the special requirements attendant to initial renewal of licensure specified in §449, every physician seeking the renewal or reinstatement of licensure, except for a physician seeking a retired physician license renewal pursuant to §417.D, shall annually evidence and document, in a manner specified by the board, the successful completion of not less than 20 hours of board approved CME. A physician seeking a retired physician license renewal pursuant to §417.D shall annually evidence and document, in a manner specified by the board, the successful completion of not less than 10 hours of board approved CME.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:695 (April 2000), amended by the Department of Health, Board of Medical Examiners LR 47:731 (June 2021), LR 51:1165 (August 2025).

§447. Exceptions to the Continuing Medical Education Requirements

A. Except as provided in §449, the CME requirements prescribed by this Subchapter prerequisite to renewal or reinstatement of licensure shall not be applicable to a physician:

1. engaged in active military service longer than one year's duration outside of Louisiana;
2. who has held an initial Louisiana license on the basis of examination for less than one year; full compliance is required beginning with the first renewal after the initial exemption renewal year;
3. who has within the past year been certified or recertified by a member board of the American Board of Medical Specialties or a specialty board recognized by the AOA;
4. who is in a residency training program approved by the board; or
5. who holds a reduced fee license in accordance with §418 of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:697 (April 2000), amended LR 31:1585 (July 2005), amended by the Department of Health, Board of Medical Examiners LR 47:732 (June 2021), LR 51:1165 (August 2025).

Vincent A. Culotta, Jr., M.D.
Executive Director

2508#002

RULE

Department of Health Health Standards Section

Nursing Facilities—Licensing Standards (LAC 48:I.9701 and 9759)

The Department of Health, Health Standards Section (the department) has amended LAC 48:I.9701 and §9759 as authorized by R.S. 36:254 and R.S. 40:2009.1-2116.2. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The department has amended the provisions governing the licensing of a nursing facilities (NF) in order to require NFs to access the certified nurse aide (CNA) registry and the Louisiana adverse actions list, prior to hire and then monthly thereafter to ensure that a prospective hire or currently employed or contracted CNA does not have a finding. This Rule is hereby adopted on the day of promulgation.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 97. Nursing Facilities

Subchapter A. General Provisions

§9701. Definitions

* * *

Direct Service Worker Registry—the Louisiana adverse actions list maintained by the department, or its designee, of unlicensed persons who have a finding placed against them of abuse, neglect, misappropriation, exploitation, or extortion while employed, or contracted as a direct service worker (DSW) at a licensed healthcare facility or entity, who is ineligible to be employed, contracted, or continue to be employed or contracted as a DSW.

* * *

Louisiana Adverse Actions List—the adverse actions database, or its successor, maintained by the department or its designee, containing all individuals or providers who are sanctioned, which may include exclusions or for-cause terminations through LDH.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2009.1-2009.44.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 42:1891 (November 2016), amended LR 46:1393 (October 2020), LR 49:1075 (June 2023), amended by the Department of Health, Health Standards Section, LR 51:402 (March 2025), amended by the Department of Health, Health Standards Section, LR 51:1165 (August 2025).

Subchapter B. Organization and General Services

§9759 Criminal History Provisions and Screening

A. ...

B. Prior to hire and then monthly thereafter, the nursing facility (NF) shall access the Louisiana certified nurse aide registry (LCNAR), the Louisiana adverse actions list, and the Office of Inspector General's (OIG) list of excluded individuals and entities (LEIE) to determine if there is a finding that a prospective hire or currently employed or

contracted CNA has been determined to have committed exploitation, extortion, abuse or neglect of an individual in the care of the CNA, or there has been a misappropriation of the individual's property or funds. If there is such a finding on either database, the prospective employee shall not be hired as a CNA nor shall a current or contracted CNA have continued employment with the NF.

C. All personnel requiring licensure to provide care shall be currently licensed to practice in the state of Louisiana. Credentials of all licensed full-time, part-time, and consultant personnel shall be verified prior to hire or contract, and at least annually thereafter.

D. All personnel, including routine unpaid workers, involved in direct resident care, shall adhere to the *Title 51, Public Health Sanitary Code*, Chapter 5 requirements for health examinations and tuberculosis (TB) testing for employees and volunteers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 42:1903 (November 2016), amended by the Department of Health, Health Standards Section, LR 51:402 (March 2025), amended by the Department of Health, Health Standards Section, LR 51:1165 (August 2025).

Bruce D. Greenstein
Secretary

2508#041

RULE

Department of Insurance Office of the Commissioner

Regulation 120—Administrative and Agency Proceedings Instituted against a License (LAC 37:XIII.Chapter 181)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950, et seq., hereby amends Regulation 120—Administrative and Agency Proceedings Instituted Against a License.

The purpose of Regulation 120 is to establish procedures for governing the institution of administrative and agency proceedings resulting in administrative action with respect to a license. The statute has been amended by Acts 135 and 487 of the 2024 Regular Legislative Session, which provides for notices of intent and for regulatory actions to be sent to the licensee via electronic means. Therefore, Regulation 120 is being amended to provide for electronic delivery. This Rule is hereby adopted on the day of promulgation.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 181. Regulation 120—Administrative and Agency Proceedings Instituted against a License

§18109. Definitions

A. ...

* * *

Electronic Delivery—a method of providing electronic notice to a licensee including but not limited to email, web portal or other electronic mechanism established for communication from the Department of Insurance.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:18, 22:2191, et seq., and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1105 (April 2022), amended LR 51:1166 (August 2025).

§18111. Actions against License; Notice of Wrongful Conduct; Opportunity to Show Compliance

A. Prior to the institution of an agency proceeding regarding the revocation, suspension, annulment, or withdrawal of a license, the commissioner shall give the licensee notice of the wrongful conduct alleged and an opportunity to show compliance with all lawful requirements for the retention of the license in accordance with R.S. 49:950 et seq. The notice of wrongful conduct shall be in writing and mailed, electronically delivered or delivered personally to the licensee at the last known address or principal place of business identified in the department's database for the licensee, and it must include the particulars set forth under Subpart B herein.

B. ...

C. The licensee shall have 20 calendar days from the mailing, electronic delivery, or personal delivery of the notice of wrongful conduct by the commissioner to demonstrate compliance with all lawful requirements for retention of the license as specified in the notice of wrongful conduct, unless the commissioner determines that an extension of time is warranted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:18, 22:2191, et seq., and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1105 (April 2022), amended LR 51:1166 (August 2025).

§18113. Notice of Regulatory Action

A. If the licensee fails to demonstrate compliance with all lawful requirements of Title 22 for retention of the license to the satisfaction of the commissioner within 20 calendar days of the mailing, electronic delivery, or personal service of the notice of wrongful conduct, or within any extension of time approved by the commissioner, a notice of regulatory action may be issued. The notice shall be in writing and issued via mail, electronic delivery or by personal delivery to the last known address or principal place of business identified in the department's database for the licensee. The revocation, suspension, annulment, or withdrawal of a license shall take effect 10 calendar days from the date of issuance of the notice of regulatory action, unless otherwise provided in Title 22. The licensee shall have the right to timely demand an administrative hearing to contest the notice of regulatory action in accordance with R.S. 22:2191, et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:18, 22:2191, et seq., and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1105 (April 2022), amended LR 51:1166 (August 2025).

§18115. Notice of Summary Suspension or Order

A. Notwithstanding any other provision of this regulation, if the commissioner finds that the public health, safety, or welfare of Louisiana citizens imperatively requires emergency action, the commissioner may issue a notice of summary suspension or order to the licensee, setting forth the basis for such a finding. The notice of summary suspension or order shall be in writing and mailed, electronically delivered or delivered personally to the licensee at the last known address or principal place of business identified in the department's database for the licensee, and it may be issued while agency proceedings for license revocation or other adverse actions authorized by R.S. 49:961© are pending, unless otherwise provided in Title 22. The licensee shall have the right to timely demand an administrative hearing to contest the notice of summary suspension or order in accordance with R.S. 22:2191, et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:18, 22:2191, et seq., and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1106 (April 2022), amended LR 51:1167 (August 2025).

Timothy J. Temple
Commissioner

2508#026

RULE

Department of Insurance Office of the Commissioner

Regulation 135—Advisory Board or Commission (LAC 37:XIII.Chapter 207)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950, et seq., hereby promulgates Regulation 135—Advisory Board or Commission.

The Department of Insurance promulgates Regulation 135 to comply with Act 339 of the 2024 Regular Session of the Louisiana Legislature which amended R.S. 22:2161. Regulation 135 provides the commissioner with the authority to create and operate advisory boards or commissions. This Rule is hereby adopted on the day of promulgation.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 207. Regulation 135—Advisory Board or Commission

§20701. Authority

A. The commissioner issues Regulation 135 pursuant to the provisions of Act 339 of the 2024 Regular Session of the Louisiana Legislature and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. R.S. 22:11.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, R.S. 22:11, Act 339, 2024 Regular Session of the Louisiana Legislature, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:1167 (August 2025).

§20703. Purpose

A. The purpose of Regulation 135 is to implement the provisions of Act 339 of the 2024 Regular Session of the Louisiana Legislature, which allows the commissioner to create advisory boards or commissions to advise with respect to the availability and affordability of insurance and other insurance matters the commissioner may submit for consideration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, R.S. 22:11, Act 339, 2024 Regular Session of the Louisiana Legislature, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:1167 (August 2025).

§20705. Definitions

Commissioner—Commissioner of Insurance

Conflicts of Interest—when a member's immediate family member, or legal entity in which they have a substantial economic interest bids on or enters into or has a substantial economic interest in any contract, subcontract, or other transaction which is under the supervision or jurisdiction of the agency of such appointed member.

Department—Louisiana Department of Insurance.

Open Meetings Law—provisions of law regarding public meetings pursuant to R.S. 42:11 et seq.

Public Records Law—provisions of law regarding public records pursuant to R.S. 44:1 et seq.

Quorum—means a simple majority of the total membership of an advisory board or commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, R.S. 22:11, Act 339, 2024 Regular Session of the Louisiana Legislature, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:1167 (August 2025).

§20707. Creation

A. The commissioner may create an advisory board or commission. For any advisory board or commission so created, the commissioner may appoint members to the advisory board or commission, appoint the Chair, Vice Chair, and other officers and staff, and designate the number of members. The commissioner may charge the advisory board or commission to study and report on any subject matter relative to the availability and affordability of insurance and other insurance matters.

B. Subject to approval of the commissioner, the Chair and Vice Chair may create, appoint members, and charge a subcommittee on any issue within the charge of the advisory board or commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, R.S. 22:11, Act 339, 2024 Regular Session of the Louisiana Legislature, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:1167 (August 2025).

§20709. Duty

A. An advisory board or commission is responsible for providing guidance and recommendations regarding the availability and affordability of insurance products for the residents of Louisiana and other matters relative to the insurance industry of this state that the commissioner may

submit to the advisory board or commission. In doing so, an advisory board or commission shall submit substantive conclusions and recommendations in their reports as requested by the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, R.S. 22:11, Act 339, 2024 Regular Session of the Louisiana Legislature, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:1167 (August 2025).

§20711. Governance

A. A majority of the members of the advisory board or commission shall constitute a quorum for the transaction of official business. All official actions of the advisory board or commission shall require the affirmative vote of the majority of the members voting.

B. The advisory board or commission shall meet at least once each quarter, unless the commissioner prescribes a different schedule. The commissioner may remove members who fail to regularly attend meetings and/or provide effective advice regarding the availability and affordability of insurance products for the residents of Louisiana and other matters relative to the insurance industry of Louisiana that the commissioner may submit to the advisory board or commission.

C. No appointed member of any board or commission, immediate family member, or legal entity in which they have a substantial economic interest shall bid on or enter into or have a substantial economic interest in any contract, subcontract, or other transaction which is under the supervision or jurisdiction of the Department of such appointed member. Moreover, no member, immediate family member, or legal entity in which said member has a controlling interest shall bid on or enter into or have a substantial economic interest in any contract, subcontract, or other transaction involving the Department. Members must disclose their conflicts of interest prior to any transaction, contract, subcontract, or meeting.

D. All material or information presented at the meeting shall be subject to the Louisiana Public Records Law and the Secretary shall publish the minutes of meetings.

E. All meetings shall adhere to Louisiana's Open Meetings Law. La. R.S. 42:11.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, R.S. 22:11, Act 339, 2024 Regular Session of the Louisiana Legislature, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:1168 (August 2025).

§20713. Termination

A. All advisory boards or commissions shall terminate at the conclusion of the commissioner's four-year term. However, the commissioner may otherwise provide for conditions for the termination of the advisory board or commission. The commissioner may terminate an advisory board or commission at any time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, R.S. 22:11, Act 339, 2024 Regular Session of the Louisiana Legislature, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:1168 (August 2025).

§20715. Severability

A. If any section or provision of Regulation 135 or the application to any person or circumstance is held invalid, such invalidity or determination shall not affect other sections or provisions or the application of Regulation 135 to any persons or circumstances that can be given effect without the invalid Section or provision or application, and for these purposes the Sections and provisions of Regulation 135 and the application to any persons or circumstances are severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, R.S. 22:11, Act 339, 2024 Regular Session of the Louisiana Legislature, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:1168 (August 2025).

§20717. Effective Date

A. Regulation 135 shall become effective upon final publication in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, R.S. 22:11, Act 339, 2024 Regular Session of the Louisiana Legislature, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:1168 (August 2025).

Timothy J. Temple
Commissioner

2508#025

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Black Bass Regulations on Bussey Brake Wildlife Management Area (LAC 76:XIX.111)

The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission do amend a Rule (LAC 76:XIX.111) by modifying the Black Bass Regulations on Bussey Brake Wildlife Management Area. The new maximum length limit is increased from 16 to 18 inches and removes the daily take allowance of one bass over 16 inches. This Rule is hereby adopted on the day of promulgation.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§111. General and Wildlife Management Area

Hunting Rules and Regulations

A. - G.17.1.iii. ...

m. Bussey Brake. Area closed to all hunting and trapping activity. Area closed to all activities between two hours after sunset until 4 a.m. with the exception of rod and reel or cane pole fishing. Fishing may take place between these hours at the north fishing pier or by boat. Access to all other areas are prohibited between these hours. Recreational

fishing and all other allowed non-consumptive uses only. No personal watercraft or water skiing. No camping. No ATVs/UTVs or electric bicycles allowed. No motorized vehicles of any type allowed on reservoir levee except at boat launch for purpose of launching boat or to access fishing pier. Pulling boats over levees or any other activities that cause detriment to the levees is prohibited. Horseback riding and non-motorized bicycles are allowed only on the designated trail named Levee Trail (see map at boat launch kiosk). Access is granted at two marked locations, adjacent to the boat launch and just beyond the boat launch parking area. No tying boats to channel marker poles. A No-Wake Zone is in effect in the harbor inside the wave break. No boats allowed within 30 feet of fishing piers.

i. Fishing: fish may be taken only by rod and reel or cane pole for recreational purposes. Tournament fishing allowed by Special Use Permit only. All types of nets, including but not limited to gill nets, trammel nets, hoop nets, wire nets, fyke nets and fish seines are prohibited. Trotlines, yo-yos, limb lines, stump lines, slat traps, jugs, cans, and pipes are prohibited. Shoreline (non-boat) fishing only allowed at designated locations. No fishing or lake access from rocks along interior of reservoir levee.

(a). Black Bass (*Micropterus spp.*)

(i). Daily limit: recreational daily creel limit shall be five fish, in the aggregate;

(ii). Possession limit: possession limit shall be five fish while on water and ten fish while off water, in the aggregate;

(iii). Length: the maximum total length limit shall be 18 inches, with the exception that one bass over 22 inches may be temporarily retained in an aerated livewell immediately prior to weighing on a personal scale or LDWF provided certified scale. The bass must be immediately released into Bussey Brake Reservoir following weighing, and all anglers in the boat (if caught from boat) must cease fishing until the retained bass over 22 inches has been released.

G.17.m.i.(b). - G.21.c.vi. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116, R.S. 56:6(25)(a), R.S. 56:325 (C) and R.S. 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:1494 (July 2000), LR 27:1049 (July 2001), LR 28:1603 (July 2002), LR 29:1124 (July 2003), repromulgated LR 29:1522 (August 2003), amended LR 30:1495 (July 2004), LR 31:1611 (July 2005), LR 32:1251 (July 2006), LR 33:1382 (July 2007), LR 34:1429 (July 2008), LR 35:1264 (July 2009), LR 36:1566 (July 2010), LR 37:2190 (July 2011), LR 38:1732 (July 2012), LR 39:2292 (August 2013), LR 40:1540 (August 2014), LR 41:963 (May 2015), LR 42:1112 (July 2016), LR 43:1423 (July 2017), LR 44:1277 (July 2018), LR 45:938 (July 2019), LR 46:961 (July 2020), LR 47:904 (July 2021), LR 48:511 (March 2022), LR 48:1867 (July 2022), LR 49:1235 (July 2023), LR 50:794 (June 2024), LR 51:829 (June 2025), LR 51:1168 (August 2025).

Tyler Bosworth
Secretary

2508#022

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences Advisory Commission on Pesticides

Advisory Commission on Pesticides
(LAC 7:XXIII.711)

The Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides proposes to amend LAC 7:XXIII.711. The proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. The proposed Rule change is made in accordance with R.S. 3:3203, which gives the commissioner the authority to adopt rules and regulations. This proposed Rule is written in plain language in an effort to increase transparency. The agency evaluated the proposed Rule and determined it was necessary, consistent with the law, and aligned with the agency's mission. The benefits of the Rule outweigh the burdens and costs.

The proposed Rule changes are being made to update the rules and regulations to reflect the federal standards established by the United States Environmental Protection Agency (EPA) for pesticide use and applications by private and commercial applicators. Pursuant to the federal standards established in 40 CFR §171 and 7 U.S.C. 136 et seq., there are requirements for pesticide applicator certification plans administered by the state. As a certifying authority, the Louisiana Department of Agriculture and Forestry (LDAF) is required to have an EPA-approved certification plan to certify applicators of Restricted Use Pesticides (RUPs). The proposed Rule changes reflect the current EPA-approved certification plan.

Title 7

Agriculture and Animals Part XXIII. Pesticides

Subchapter B. Certification

§711. Certification of Commercial Applicators

A. - B.2.j. ...

k. Aerial Applicator (category 11). This category includes FAA licensed pilots involved in or supervising the mixing, loading, spraying and dispensing of pesticides and fertilizers from low flying manned or unmanned aircraft.

l. Agricultural Fumigation (category 12). This category is for the use of fumigants on areas not covered by the Structural Pest Control Commission. This category is divided into two subcategories;

i. Soil Fumigation (subcategory 12a). This subcategory applies to commercial applicators who use or supervise the use of restricted use pesticides to fumigate soil.

ii. Non-Soil Fumigation (subcategory 12b). This subcategory applies to commercial applicators who use or supervise the use of restricted use pesticides to fumigate

agricultural products. This does not include fumigations regulated by the Structural Pest Control Commission.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203, R.S. 3:3242 and R.S. 3:324.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 9:179 (April 1983), amended LR 10:193 (March 1984), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 18:953 (September 1992), LR 19:735 (June 1993), LR 20:641 (June 1994), LR 21:928 (September 1995), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, Advisory Commission on Pesticides, LR 23:193 (February 1997), LR 24:280 (February 1998), LR 28:39 (January 2002), LR 32:794 (May 2006), repromulgated LR 32:1011 (June 2006), amended LR 35:627 (April 2009), amended by Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 37:3471 (December 2011), LR 44:2126 (December 2018), LR 46:169 (February 2020), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 51:773 (June 2025), LR 51:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual, or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable impact on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule via U.S. Mail or hand delivery. Written submissions must be directed to Lyndon Leonards, Director, Pesticide and Environmental Programs, Louisiana Department of Agriculture and Forestry, 5825 Florida Blvd., Suite 3000, LA 70806, and must be received no later than 4 p.m. on Wednesday, September 10, 2025. All written comments must be signed and dated.

Mike Strain, DVM
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Advisory Commission on Pesticides

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes are expected to increase expenditures for the Louisiana Department of Agriculture and Forestry (LDAF) by \$6,600 in FY 26 to update the USA Plants licensing database by adding and updating commercial applicator certification categories as required.

The proposed rule changes define and clarify certain terms and update the rules/regulations to reflect changes required by the United States Environmental Protection Agency (EPA) to regulate pesticide use and applications by private and commercial applicators. The proposed rule changes are under the EPA's Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). As a certifying authority, the Louisiana Department of Agriculture and Forestry (LDAF) is required to have an EPA-approved certification plan to certify applicators of Restricted Use Pesticides (RUPs).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

LDAF anticipates a small increase in revenue of \$1,000 annually starting FY 26. This revenue will be collected from the newly required fumigation categories. These commercial fumigation categories will affect approximately 20 commercial applicators per year with a cost of \$50 per applicator.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes are estimated to cost affected entities \$50 per applicator. The directly affected entities are businesses that use restricted pesticide applicators. LDAF anticipates approximately 20 applicators per year will be affected.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Dane Morgan
Assistant Director
2508#027

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Animal Health and Food Safety

Chronic Wasting Disease
(LAC 7:XXI.1705 and 1730)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 3:3101, notice is hereby given that the Department of Agriculture and Forestry ("Department"), through the Office of Animal Health and Food Safety, intends to amend LAC 7:XXI.1705 and promulgate LAC 7:XXI.1730, relative to Chronic Wasting Disease ("CWD") in farm-raised white-tailed deer. The proposed Rule change is being promulgated to prevent the spread of CWD into alternative livestock facilities in the state of Louisiana. Section 1730 prohibits the transport of intact deer heads from within a facility that has been designated as quarantined under LDAF CWD laws and regulations to areas outside that facility, subject to certain exceptions. Deer heads may be transported from such facilities only if they are being transported to taxidermists within Louisiana for taxidermy purposes; a permit is first obtained, authorizing such transport; and the intact deer head must be delivered to the taxidermist within 72 hours of the issuance of the permit. The amendment to Section 1705 merely adds a definition of "quarantined facility." These proposed Rule is consistent with the applicable law and aligned with the mission of the department. The benefits of the proposed Rule outweighs any burden and cost on those regulated by them. The proposed Rule is written in plain language in an effort to increase transparency.

Title 7

AGRICULTURE AND ANIMALS

Part XXI. Animals and Animal Health

Chapter 17. Alternative Livestock—White-Tailed Deer and other Captive Cervids [Formerly Chapter 15]

§1705. Definitions

(Formerly §1503)

A. ...

* * *

Quarantined Facility—any farm or deer pen that has been placed under quarantine by order of the state veterinarian.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:282 (February 1998), amended LR 24:1671 (September 1998), amended by the Department of Agriculture and Forestry, Board of Animal Health, LR 38:961 (April 2012), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:971 (May 2014), amended LR 42:1864 (November 2016), amended LR 49:234 (February 2023); amended LR 51:

§1730. Chronic Wasting Disease; Transport of Deer Heads from Quarantined Facility within Louisiana for Taxidermy Purposes.

A. Except as otherwise indicated herein, the transport of intact deer heads from within a LDAF-designated CWD Quarantined Facility to areas outside of the CWD Quarantined Facility is prohibited and shall be subject to enforcement action as set forth in this Chapter, including but not limited to seizure of deer parts.

B. Intact deer heads from within a LDAF-designated CWD Quarantined Facility may be transported to taxidermists within Louisiana for taxidermy purposes outside of the CWD Quarantined Facility only if:

1. a permit is first obtained from LDAF, specifically authorizing the transport of that particular intact deer head from the Quarantined Facility to a specified Louisiana taxidermist or taxidermy business;

2. the permit is obtained prior to transport of the intact deer head; and

3. the intact deer head must be delivered to the taxidermist or taxidermy business within 72 hours of the issuance of the permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety LR 51:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rules via U.S. Mail or hand delivery. Written submissions must be directed to Amy L. McInnis, Department of Agriculture & Forestry, 5825 Florida Blvd., Suite 3000, Baton Rouge, LA 70806 and must be received no later than 4 p.m. on September 10, 2025. All written comments must be signed and dated.

Public Hearing

No public hearing on this proposed Rule has been scheduled. If a public hearing is needed, all interested parties will be afforded an opportunity to submit data, views, or arguments either orally or in writing. Interested parties may submit a written request to conduct a public hearing to Amy L. McInnis, General Counsel, Department of Agriculture & Forestry, 5825 Florida Blvd., Suite 2000, Baton Rouge, LA 70806 or via email to legal@ldaf.state.la.us and must be received no later than 4 p.m. on September 10, 2025.

Mike Strain, DVM
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Chronic Wasting Disease**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to have any costs or savings to the Louisiana Department of Agriculture and Forestry (LDAF), other than the cost of promulgation, which is normally included in the agency's operating budget. There is no anticipated impact on local governmental units.

The proposed rule change amends Section 1730, which prohibits the transport of intact deer heads from a facility designated as quarantined under LDAF Chronic Wasting Disease (CWD) laws to areas outside that facility, subject to certain exceptions. Deer heads would be permitted to be transported from these facilities if they are being transported to taxidermists within Louisiana for taxidermy purposes; a permit is first obtained, authorizing such transport; and the intact deer head must be delivered to the taxidermist within 72 hours of the issuance of the permit. The proposed amendment to Section 1705 merely adds a definition of "quarantined facility," which is currently not defined in the regulations for alternative livestock.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule is not anticipated to increase or decrease revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will primarily impact owners, operators, and patrons of quarantined captive cervid hunting facilities.

Persons wishing to mount a deer head killed at such a facility must obtain a free permit from LDAF by contacting staff via phone. LDAF will issue a fillable PDF permit form for each request. This regulation applies only to deer heads removed from quarantined facilities for taxidermy purposes, and does not apply to movements from non-quarantined facilities.

There may be a minimal increase in cost to owners, operators, or patrons of quarantined captive cervid hunting facilities due to higher labor costs associated with processing the deer in the quarantined facility, rather than allowing for the removal of the whole deer carcass and processing it at their preferred location. The cost would be approximately one man-hour of time to process the deer in the quarantined facility.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to influence competition or employment. Under the proposed rule, quarantined cervid facilities will bear the burden of this regulation, which requires deer heads that are being transported to file paperwork with LDAF. These facilities may incur additional labor costs and coordination expenses compared to non-quarantined facilities. These minor adjustments are not expected to have a significant effect on a quarantined facility's business.

Dane Morgan
Assistant Commissioner
2508#030

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Animal Health and Food Safety

Louisiana Egg Commission Revisions
(LAC 7:V.Chapter 17)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 3:839 et seq., notice is hereby given that the Department of Agriculture and Forestry ("Department"), through the Office of Animal Health and Food Safety intends to amend LAC 7:V.Chapter 17 (Sections 1701 through 1719), relative to the Louisiana Egg Commission. These rules were originally promulgated in 1972 and have never been amended, despite the statutory authority for the original having been long-since repealed and/or redesignated. The proposed amendments are being made to bring these rules into compliance with the current statutory authority. The agency evaluated the proposed Rule and determined it was necessary, consistent with law, and aligned with the agency's mission. The benefits of the Rule outweigh the burdens and costs. The proposed Rule is written in plain language in an effort to increase transparency.

Title 7

AGRICULTURE AND ANIMALS

Part V. Advertising, Marketing, And Processing

Chapter 17. Louisiana Egg Commission

§1701. Definitions

A. The following words and terms, when used in this Subchapter, shall have the following meanings, unless the context expressly indicates otherwise:

* * *

Commissioner—Commissioner of Agriculture and Forestry.

Department—Louisiana Department of Agriculture and Forestry

Eggs—pullet and hen eggs only.

Handler and/or Dealer—any person engaged within the state as a distributor in the business of distributing eggs produced in Louisiana, or distributing in Louisiana eggs which are produced elsewhere.

LDAF—Department of Agriculture and Forestry.

* * *

Producer—every person engaged in producing eggs in the state.

Ship or Shipping—to move or cause to be moved, eggs in intrastate, interstate, or foreign commerce by rail, truck, boat, airplane, or any other means.

Shipper—any person engaged in shipping or causing to be shipped, eggs in intrastate, interstate, or foreign commerce, whether owner, agent or otherwise.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:839.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Egg Commission, November 1972, amended by the Department of Agriculture and Forestry, Office of Animal Health, LR 51:

§1703. The Commission

A. No member of the commission shall receive a salary, but each member shall receive a per diem of \$15 per day.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:837 and 839.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Egg Commission, November 1972, amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 51:

§1705. Powers and Duties of the Commission

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:837, 839, and 844.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Egg Commission, November 1972, repealed by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 51:

§1707. Officers

A. The commission shall elect a chairman, vice-chairman, and a secretary/treasurer, and other officers as it deems appropriate, who shall have the following authority and duties:

1. The commission shall elect a chairman, who shall be one of its members, and who shall be elected annually. The chairman shall be the chief executive officer of the commission and shall preside at all meetings thereof. The chairman shall have general and active management of the business of the commission, and shall see that all orders and resolutions of the commission are carried into effect. The chairman shall execute all contracts and other documents on behalf of the commission.

2. The vice-chairman shall serve in the absence of the chairman, and shall be elected annually.

3. The secretary/treasurer of the commission shall be elected by the commission annually, but he or she need not be a member of the commission. The secretary/treasurer shall attend all meetings of the commission and shall record all votes and the minutes of all proceedings, which recordings shall be permanently preserved. The

secretary/treasurer shall give or cause to be given notice of all meetings, and shall perform such other duties ordinarily attendant to a secretary and treasurer of a corporation. The secretary/treasurer shall keep a record of all monies received and disbursed and shall submit a report of all transactions to the commission at each meeting or upon the request of any member.

4. The commission may elect such other officers which may be necessary to carry out the duties of the commission in accordance with the applicable law and this Chapter.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:838 and 839.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Egg Commission, November 1972, amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 51:

§1709. Adoption of Rules and Regulations

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:551.3 and R.S. 3:551.4.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Egg Commission, November 1972, repealed by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 51:

§1711. Collection and Disbursement of Assessments

A. The \$0.02 per case assessment on all eggs produced or distributed in Louisiana, as provided for in R.S. 3:841, shall be collected by the commissioner in such manner and method as shall be prescribed herein.

B. Assessments are to be collected and paid in accordance with R.S. 3:841, on or before the fifteenth day of each month for the collections made during the previous month. Assessments may be paid online on the department's website or by check or money, made payable to the Louisiana Egg Commission and mailed to 5825 Florida Blvd, Suite 1003, Baton Rouge, LA 70806.

C. Funds derived from assessments described in Subsection A shall be deposited into a special account in the state treasury which shall be designated a Louisiana Egg Commission account. These funds shall be used by the commission in payment of all costs, expenses and obligations incurred in carrying out the business of the commission.

D. Withdrawals from the special Louisiana Egg Commission account shall be made by check, signed by the chairman, or by the state-approved credit card, by the director of the Egg Commission.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:839, 841, and 844.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Egg Commission, November 1972, amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 51:

§1713. Books and Records

A. All producers, handlers and dealers shall maintain books and records reflecting their operations, and shall produce to the commissioner, or a duly authorized and designated representative of the commissioner, such information as may be requested, relating to their operations. They shall permit the inspection during normal business hours, by the commissioner or a duly authorized and designated representative of the commissioner, such portions of their books and records as related to operations hereunder.

B. Records maintained by the producers, handlers and dealers shall include the number of eggs produced and/or distributed each month.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:839 and 842.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Egg Commission, November 1972, amended by the Department of Agriculture and Forestry, Office of Animal Health, LR 51:

§1715. Licenses

A. Every person who produces, processes, distributes, or sells eggs or egg products in Louisiana shall obtain a license to do so from the department.

B. Applications for licenses shall be on forms provided by the department and shall be submitted together with the necessary application fee. The commission shall review license applications and make a recommendation for approval or denial to the commissioner, who shall make the final determination to approve or deny the application.

C. All licenses shall be valid from September 1 until August 31 and must be renewed annually. Failure to obtain or renew a license, when required, shall be a violation of this Part.

D. Every application for a new license and for renewal of an existing license shall be accompanied by a fee of \$100 payable to the commission.

E. Proceeds from the license fees collected hereunder shall be transferred to the state treasurer, and credited to the special Louisiana Egg Commission Fund.

F. The commissioner shall have authority to suspend or revoke a license issued pursuant hereto for violations of applicable law and this Chapter, and violations of the Louisiana Egg Grading and Marketing Law and Regulations.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:839 and 842.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Egg Commission, November 1972, amended by the Department of Agriculture and Forestry, Office of Animal Health, LR 51:

§1717. Adjudication of Violations

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:551.7 and R.S. 3:551.3.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Egg Commission, November 1972, repealed by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 51:

§1719. Separability

Repealed.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:551.3.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Egg Commission, November 1972, repealed by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, LR 51:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;

5. the behavior and personal responsibility of children;

6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;

2. the effect on early childhood development and preschool through postsecondary education development;

3. the effect on employment and workforce development;

4. the effect on taxes and tax credits;

5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rules via U.S. Mail or hand delivery. Written submissions must be directed to Amy L. McInnis, Department of Agriculture & Forestry, 5825 Florida Blvd., Suite 3000, Baton Rouge, LA 70806 and must be received no later than 4 p.m. on September 10, 2025. All written comments must be signed and dated.

Public Hearing

No public hearing on this proposed Rule has been scheduled. If a public hearing is needed, all interested parties will be afforded an opportunity to submit data, views, or arguments either orally or in writing. Interested parties may submit a written request to conduct a public hearing to Amy L. McInnis, General Counsel, Department of Agriculture and Forestry, 5825 Florida Blvd., Suite 2000, Baton Rouge, LA 70806 or via email to legal@ldaf.state.la.us and must be received no later than 4 p.m. on September 10, 2025.

Mike Strain, DVM
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Louisiana Egg Commission Revisions

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes are not anticipated to have any costs or savings to the Louisiana Department of Agriculture and Forestry (LDAF), other than the cost of promulgation, which is normally included in the agency's operating budget.

The proposed rule changes include extensive amendments and, where needed, repeal of existing sections in order to bring the Egg Commission rules and regulations into compliance with current law. The proposed rule changes include updated definitions. Amendments to Sections 1703 and 1705 delete language regarding the composition and duties of the Louisiana Egg Commission that are either no longer supported by statute or merely a restatement of current law. Amendments to Section 1707 streamline the duties of commission officers. Section 1709 is being repealed as rulemaking authority is no longer statutorily vested in the commission, but by the Commissioner of Agriculture and Forestry. Amendments to Section 1711 merely clarify and update the assessment-collection process, without changing the amount of assessments. Amendments to Section 1713 delete provisions regarding reports that are no longer in use and regarding confidentiality of records that conflict with other laws. Amendments to Section 1715 bring licensure language into compliance with current law and reflect the license fee that is already outlined in statute and that has been charged since 2003. Sections 1717 and 1719 are being repealed as they are in conflict with the Administrative Procedure Act or are otherwise unnecessary.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule is not anticipated to increase or decrease revenue collections of state or local governmental units.

Although the proposed rule changes include a fee increase for licenses issued to egg producers, processors, distributors, and sellers, from \$10 to \$100, the license fee was statutorily changed over 20 years ago. The proposed rule changes merely bring the language of this rule into compliance with current law. Act 523 of 2003 statutorily increased the license fee from \$10 to \$100. The license fee has been \$100 since 2003, and the proposed rule does not seek to increase the license above what is statutorily authorized or above what has been collected since 2003. The proposed rule merely seeks to align the license fee language with the statutory language and will not result in an actual increase in license fees.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or benefits to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule changes. Licensees have been paying the increased fee amount of \$100 per license/renewal since that fee was statutorily increased in 2003. Licensees will not be charged any increase in license fees as a result of the proposed rule changes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are not anticipated to influence competition or employment.

Dane Morgan
Assistant Commissioner
2508#028

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Animal Health and Food Safety

Trichomoniasis (LAC 7:XXI.751 and 752)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 3:3101, notice is hereby given that the Department of Agriculture and Forestry (“Department”), through the Office of Animal Health and Food Safety, and the Board of Animal Health, intends to amend LAC 7:XXI.751 and 752, relative to trichomoniasis. The proposed amendment to Section 752 would to remove the 30 day requirement for testing of bulls being sold. Currently, bulls must be either be tested for trichomoniasis or resold to slaughter within 30 days of purchase. Without removing or altering the requirement to either test for trichomoniasis or resell to slaughter, the proposed rule merely removes 30 day requirement to do so. Additionally, the proposed amendment to Section 751 further cleans up language and citation to the authority source. These proposed rules are consistent with the applicable law and aligned with the mission of the Department. The benefits of the proposed rules outweigh any burden and cost on those regulated by them. The proposed rules are written in plain language in an effort to increase transparency.

Title 7

AGRICULTURE AND ANIMALS

Part XXI. Animals and Animal Health

Chapter 7. Cattle, Bison, and other Bovines [Formerly Chapter 3]

Subchapter E. Trichomoniasis

§751. Trichomoniasis Testing and Movement Requirements for Cattle [Formerly §339]

A. - K.3....

L. The state veterinarian may grant a written exception or variance to the provisions of this Subchapter, with such conditions as the state veterinarian deems appropriate, if such action is necessary to provide for unforeseen situations or circumstances. Any exception or variance shall balance the need to protect cattle from trichomoniasis with the need to allow cattle to move in commerce.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093, 3:2095, and 3:2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Board of Animal Health, LR 35:1466 (August 2009), amended LR 36:2518 (November 2010), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:958 (May 2014), LR 49:237 (February 2023), amended LR 51:

§752. Trichomoniasis Quarantine Facility

A. - D. ...

E. Bulls in a facility shall be tested for Trichomoniasis in accordance with this Subchapter or resold to slaughter at a USDA-approved livestock market or recognized slaughter establishment.

F. - G.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093 and 3:2133.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 49:239 (February 2023); amended LR 51:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rules via U.S. Mail or hand delivery. Written submissions must be

directed to Amy L. McInnis, Department of Agriculture & Forestry, 5825 Florida Blvd., Suite 3000, Baton Rouge, LA 70806 and must be received no later than 4 p.m. on September 10, 2025. All written comments must be signed and dated.

Public Hearing

No public hearing on this proposed Rule has been scheduled. If a public hearing is needed, all interested parties will be afforded an opportunity to submit data, views, or arguments either orally or in writing. Interested parties may submit a written request to conduct a public hearing to Amy L. McInnis, General Counsel, Department of Agriculture & Forestry, 5825 Florida Blvd., Suite 2000, Baton Rouge, LA 70806 or via email to legal@ldaf.state.la.us and must be received no later than 4 p.m. on September 10, 2025.

Mike Strain, DVM
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Trichomoniasis

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to have any costs or savings to the Louisiana Department of Agriculture and Forestry (LDAF), other than the cost of promulgation, which is normally included in the agency's operating budget. There is no anticipated impact on local governmental units.

The current rule requires that, within 30 days of purchase, bulls sent to a Trichomoniasis quarantine facility be tested for Trichomoniasis or be resold to slaughter. The proposed rule change eliminates the 30-day requirement for testing or resale.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is not anticipated to increase or decrease revenue collections of state or local governmental units. The proposed rule change is intended to eliminate the 30-day requirement for testing or resale of bulls in trichomoniasis quarantine facilities, which would not result in any impact on revenue to LDAF or any other state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change could provide direct savings to cattle farmers by decreasing the testing interval for Trichomoniasis in bulls sent to a Trichomoniasis Quarantine Facility, while incurring no added risk of disease spread to other Louisiana cattle farmers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to influence competition or employment. The proposed rule change does not result in a competitive advantage to any group, as it merely removes the 30-day testing/resale requirement for all bulls in trichomoniasis quarantine facilities.

Dane Morgan
Assistant Commissioner
2508#029

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Louisiana Economic Development Office of Economic Development

High Impact Jobs Program (LAC 13:I.Chapter 53)

Louisiana Economic Development (LED), as authorized by and pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., R.S. 36:104 and Act 372 of the 2025 Regular Legislative Session, hereby provide notice of their intent to promulgate rules to be used by LED in administration of the High Impact Jobs Program.

Title 13

ECONOMIC DEVELOPMENT

Part I. Financial Incentive Programs

Chapter 53. High Impact Jobs Program

§5301. Purpose

A. The purpose of this Chapter is to implement the High Impact Jobs Program as established by R.S. 51:2771.

B. This Chapter shall be administered to achieve the following purposes:

1. to encourage companies to create jobs that pay above the parish average wage and offer a basic health plan; and

2. to encourage companies to retain highly skilled workers with advanced degrees.

C. Effective date of Act 372 of the 2025 Regular Legislative Session

1. The provisions of Act 372 of the 2025 Regular Legislative Session shall become effective July 1, 2025, however, Louisiana Economic Development shall not issue the first grant until on or after July 1, 2026.

D. Effective date of the program rules

1. Notwithstanding any provision of the Administrative Procedure Act to the contrary, rules promulgated are subject to the approval of the Joint Legislative Committee on the Budget.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 51:2771

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of Economic Development, LR 51:

§5303. Definitions

A. Terms not otherwise defined in this Chapter shall have the same meaning given to them in R.S. 51:2771, unless the context clearly requires otherwise.

B. In this Chapter, the following terms shall have the meanings provided herein, unless the context clearly indicates otherwise.

Advanced Degree—any academic or professional degree earned after a bachelor's degree, such as a master's or doctorate. This term shall not include certifications that demonstrate a professional's proficiency in specific areas such as IT, unless otherwise approved by the secretary.

Applicant—a person requesting a grant award from LED under this program.

Baseline Jobs—the median statewide number of employees of company, including any named subsidiary in the contract, during the payroll periods including the twelfth day of the month, in the last twelve months completed prior

to the application date, or if a later contract effective date is elected and approved, the higher median number of jobs existing either during the payroll periods including the twelfth day of the month, in the last twelve months completed prior to the application date or the contract effective date, as verified on the applicable ES-4 form or equivalent filing form or other documentation as approved by LED. Baseline Jobs must be maintained in any year for which New Job creation benefits are requested.

Baseline Job Payroll—shall mean straight wages excluding overtime, bonus or relocation payments. Partial year employees' wages may be annualized.

Basic Health Benefits Plan—individual coverage for basic hospital care, physician care, and health care, effective no later than the first day of the month 90 days after hiring, that provides the same coverage as that provided to executive, administrative, and professional employees who are exempt from the minimum wage and maximum hour requirements of the federal Fair Labor Standards Act, 29 U.S.C. 2 201 et seq., and which LED determines to be in compliance with federally mandated healthcare requirements, or if no federally mandated healthcare requirements exist, as otherwise approved by LED. For the purposes of this Paragraph, the term "value" shall mean the cost to the company or the cost of equivalent coverage.

Company—an entity authorized to do business in Louisiana pursuant to state law.

Completion—the date on which all required steps for issuance of grant payments have been completed including but not limited to submission of an expenditure verification report and all necessary support documentation, and payment in full of any CPA fees.

Contract Effective Date—may be no earlier than the date that LED received the application and fee, but no later than 180 days after the application date.

Distressed Area—an area that is economically distressed or underdeveloped, which is defined as:

- a. lowest 25 percent of parishes by average annual wage according to the Bureau of Labor Statistics (BLS), or
- b. areas considered *Deeply Distressed* within the New Market Tax Credit program administered by the U.S. Department of the Treasury's (Treasury) Community Development Financial Institutions Fund (CDFI) in accordance with Internal Revenue Code 26 U.S.C. 45D, and applicable Treasury regulations 26 CFR 1.45D-1, as may be amended, or
- c. projects that have a significant community impact, as demonstrated by the associated Regional Economic Development Organization (REDO), or
- d. as approved by the secretary.

Expenditure Verification Report—a report of expenses prepared by an independent certified public accountant, selected by LED, paid for by the company, in accordance with R.S. 36:104.1.

Headquarters—the corporate domicile of the company, together with all executive and administrative jobs normally constituting a corporate headquarters, or the regional headquarters support services of the company, together with all executive and administrative jobs normally constituting a regional corporate headquarters.

Jobs—positions of employment that meet all of the following criteria:

- a. did not exist in the state for that employer prior to the effective date of the incentive contract entered into pursuant to the provisions of this Chapter.
- b. are for full-time, at-will employees. Does not include seasonal or temporary positions.
- c. are directly employed by the company or a named subsidiary in the contract.
- d. are filled onsite or remotely by Louisiana employees of the company or a named subsidiary in the contract.
- e. include a basic health benefits plan.
- f. is approved by the secretary.
- g. as a general rule, jobs from an acquired Louisiana company shall not be considered a new job for the purposes of this program.
- h. jobs shall not mean baseline jobs.

LED—Louisiana Economic Development

Louisiana Employee—a person who qualifies as a resident individual pursuant to R.S. 47:31(1)

New Job Totals—the total number of jobs minus Baseline Jobs

Parish Average Wage—the average wage in a parish as determined annually by the United States Department of Labor, Bureau of Labor Statistics, or its successor agency.

Person—any natural person or legal entity including an individual, corporation, partnership, or limited liability company

Project Site—a physical facility in Louisiana, operating with posted business hours and employing at least one full-time equivalent employee, as identified for a project on the program application

Qualifying Company—a company that is certified by LED as meeting the eligibility requirements of this Section and that has executed a contract with LED providing the terms and conditions for its participation in the program provided for in this Section.

Regional Average Wage—the average wage within the geographic boundaries of the regional economic development organization in which the project is located, as calculated by LED and posted on its website.

Regional Economic Development Organization—any of the following eight state organizations: the Baton Rouge Area Chamber; the Central Louisiana Economic Development Alliance; Greater New Orleans, Inc.; the Northeast Louisiana Economic Alliance; the North Louisiana Economic Partnership; One Acadiana; the South Louisiana Economic Council; the Southwest Louisiana Economic Development Alliance, or any of their successors. Abbreviated and also known as "REDO".

Retain—to keep employees within an organization

Secretary—Secretary of Louisiana Economic Development

Wages—compensation of an employee based on time worked or output of production but does not include overtime compensation, bonuses or relocation payments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 51:2771

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of Economic Development, LR 51:

§5305. General Principles

A. The following general principles will direct the administration of the program.

1. Grant awards are not to be considered as an entitlement for companies, and the secretary has the final authority to determine whether or not each particular applicant is eligible and meets the criteria of the grant award, and in all such circumstances, the exercise of that discretion shall be deemed to be a final determination of the applicant's award status.

2. Applications shall be accepted on a year round basis, subject to availability of funding in any given year, or as otherwise determined by LED.

3. As a general rule applicants may apply for more than one statutory benefit program administered by LED, provided that:

a. separate applications are submitted per program; and

b. program applicants do not receive a double benefit on the same expenditure or job.

4. Except that notwithstanding any other provision of law to the contrary, a company seeking the benefits of this High Impact Jobs Program shall not also receive rebates provided for under the Quality Jobs Program as provided for in R.S. 51:2451 through 2461.

B. Program funding.

1. Funding for this program is provided by any money transferred, donated, or appropriated to the High Impact Job Fund ("Fund").

2. LED may not authorize issuance of grant payments exceeding the available monies in the Fund.

3. The issuance of grant payments shall be subject to funding availability in any given fiscal year, and administered based upon a first come, first served basis, as determined by the completion date.

a. Any applicants with completions on the same business day shall be treated as received at the same time, and if the aggregate amount of requests received on a single business day exceed the amount of funding available, payments shall be made on a pro rata basis.

b. In the event the aggregate amount of requests exceed the annual program cap, the excess requests shall be treated as having been applied for on the first day of the subsequent year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 51:2771

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of Economic Development, LR 51:

§5307. General Program Description

A. Companies primarily engaged in the following sectors are ineligible for participation in the program:

1. gaming;
2. retail sales;
3. professional sports teams;
4. state and political subdivision enterprises;
5. automotive rental and leasing;
6. local solid waste disposal;
7. local sewage systems;
8. local water systems;
9. professional service organizations primarily engaged in providing legal services;
10. professional service organizations primarily engaged in providing accounting services;
11. telemarketing and other call centers;
12. solar farms

13. motion picture and video industries, primarily engaged in producing, or producing and distributing, motion pictures, videos, televisions programs or commercials, broadly defined by NAICS Code 5121.

14. live entertainment and performing arts companies, primarily engaged in producing live presentations involving the performance of actors, singers, dancers and other performing artists, broadly defined by NAICS Code 7111.

15. LED may utilize economic impact methodology when evaluating submissions. Using this methodology, industries with a multiplier effect at or below 1.85 may be considered ineligible for program participation. LED shall maintain a listing by NAICS codes of such industries on its website, which may be updated annually.

16. non-profit organizations;

17. organizations primarily involved in political activities;

18. organizations primarily involved in advocacy activities;

19. organizations primarily involved in religious activities;

20. social organizations.

B. To ensure fair and transparent use of funds allocated for this program, sole proprietorships shall be considered ineligible for program participation, and small companies seeking to hire individuals closely connected to the business owner may be subject to heightened scrutiny or restrictions on related party transactions.

C. Companies primarily engaged in the following sectors are eligible for participation in the program:

1. industry sectors identified in LED's strategic plan, as may be amended from time to time;

2. energy and process industries, including but not limited to liquefied natural gas services, nuclear components and carbon ecosystem management;

3. logistics, including but not limited to ports and maritime freight, warehousing and transportation equipment;

4. aerospace and defense, including but not limited to ship building, instrument and propulsion unit manufacturing;

5. agribusiness, including but not limited to fertilizer and food manufacturing, precision and digital agriculture;

6. professional services, including but not limited to data centers and general management operations;

7. life sciences; including but not limited to medical device manufacturing, pharma manufacturing and biotech research and development;

8. technology services, including but not limited to robotics and industrial controls, IoT software and cybersecurity;

9. manufacturing;

10. biomedical or biotechnology industries;

11. corporate headquarters or regional headquarters of a multi-state business;

D. NAICS codes are one factor to be considered by LED in determining program eligibility, however, they shall not be considered dispositive for eligibility purposes.

E. For applications received on or after July 1, 2025, qualifying companies may be eligible for the following incentives:

1. A reimbursable grant based upon the annualized wages paid for qualifying new jobs, not to exceed two hundred thousand dollars per year, per job, based upon the

parish average wage paid where the project is located at the time the incentive contract is executed, subject to the following conditions;

a. eight percent for a project located in a distressed area with wages equal to or greater than one hundred and ten percent but less than one hundred and twenty five percent of the lesser of the parish average wage or the regional average wage;

b. eighteen percent for a project located in a parish with wages equal to or greater than one hundred and twenty five percent but less than one hundred and fifty percent of the parish average wage;

c. twenty-two percent for a project located in a parish with wages equal to or greater than one hundred and fifty percent of the parish average wage.

2. A reimbursable grant to retain highly skilled workers with advanced degrees, at the invitation of, and as approved by the secretary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 51:2771

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of Economic Development, LR 51:

§5309. Application Procedure

A. LED will provide a standard application form which applicants will be required to use to apply for assistance under this program. Applications may be filed through LED's online Fastlane portal, or as otherwise directed by LED.

B. The application shall include, but not be limited to, the following information:

1. business name;
2. contact person and their title;
3. business physical address;
4. business phone number and email address;
5. brief description of the nature of the business;
6. number of existing employees;
7. number of proposed new jobs;
8. Secretary of State registration;
9. any additional information requested by LED;

10. In addition, applicants for projects located in a distressed region shall also provide the following:

a. evidence of the geographic boundaries of the distressed area;

b. letter of project support from the applicable regional economic development organization.

C. A non-refundable application fee shall be submitted with the application in accordance with R.S. 36:104.

D. A refundable expenditure verification report deposit shall also be submitted with the application, in accordance with R.S. 36:104.1. As a general rule, the deposit fee shall be \$7,500.00.

1. The expenditure verification report deposit fee may be waived or reduced at the discretion of the secretary for good cause shown. In which case, the applicant will remain liable for payment in full of the actual cost of accounting services, with payment to be made in full at a later date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 51:2771

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of Economic Development, LR 51:

§5311. Selection Criteria

A. LED may consider various discretionary factors when determining which applications will be funded. Among the

factors which may be taken into consideration are the following;

1. industry sectors identified in LED's strategic plan, as may be amended from time to time;

2. letters of project support from the applicable regional economic development organization;

3. disbursing of funding statewide;

4. availability of funding; and

5. best interests of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 51:2771

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of Economic Development, LR 51:

§5313. LED Action—Grant Approval or Denial Provisions

A. In the event LED determines that an applicant is eligible, funding is available and a grant would be appropriate, a contract will be issued, specifying the amount, the terms and conditions of the grant. Companies with project sites located in distressed areas may be subject to in-office work requirements.

1. The initial term of the contract shall be for three years;

2. The contract may be renewed for a single two-year period, if the grant recipient has complied with all terms and conditions of the contract and has not failed to perform any act which would have made the applicant default on any terms of the contract.

a. Applications for renewal shall be filed with LED in the same manner as the original request, not more than six months before, and not later than the expiration of the initial contract, and shall include an application fee and expenditure verification report deposit fee, in accordance with R.S. 36:104 and R.S. 36:104.1.

b. Applications for renewal after the expiration of the initial contract shall be considered late, and may be subject to an additional late filing fee, in accordance with R.S. 36:104.

B. A qualifying company with an executed contract shall make a request for reimbursement as follows:

1. Company shall notify LED that they are ready to proceed and make a cost report of expenses available for inspection by the independent certified accountant assigned by LED, including evidence of basic health plans provided if applicable, and any additional information as may be requested.

2. Requests may be submitted either annually or at the end of the initial or contract renewal periods, as applicable.

3. Upon completion, independent CPA shall submit the expenditure verification report to LED and the applicant, and a final invoice for accounting services rendered.

4. Company shall be refunded any amount in excess of its advance deposit or notified of any final amount due for accounting services.

5. After company payment of any outstanding fees, LED shall review the expenditure verification report and any other applicable support documentation, and upon a determination of qualification, LED shall make payment to the applicant.

C. In the event an application is denied, or if a reimbursement request is denied in whole or part, LED shall issue a written denial, specifying the basis for denial.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 51:2771

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of Economic Development, LR 51:

§5315. Return of Benefits

A. If a company receives a grant award pursuant to this High Impact Jobs Program and it is subsequently determined that the company did not qualify for the benefit then:

1. Future payments to the company shall be reduced by the amount wrongfully received by the company; or,

2. If there are no future payments due the company from which to deduct the amount owed, LED may recover any monies wrongfully obtained.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and R.S. 51:2771

HISTORICAL NOTE: Promulgated by Louisiana Economic Development, Office of Economic Development, LR 51:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule is not anticipated to have an impact on poverty as described in R.S. 49:973.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services as described in HCR 170 of the 2014 Regular Legislative Session.

Small Business Analysis

The proposed Rule is not anticipated to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting the proposed Rule to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

Public Comments

Interested persons should submit written comments on the proposed Rules to Stephanie Le Grange through the close of business on Tuesday, September 30, 2025 at the Louisiana Economic Development, 617 North 3rd Street, 11th Floor, Baton Rouge, LA 70802 or via email to Stephanie.LeGrange@la.gov.

Public Hearing

A meeting for the purpose of receiving the presentation of oral comments will be held at 10 a.m. on Wednesday, October 1, 2025 at the La Salle Building, 617 North Third Street, La Belle Room, Baton Rouge, LA 70802.

Anne G. Villa
Deputy Secretary/CFO

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: High Impact Jobs Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule is anticipated to increase statutory dedication expenditures out of the High Impact Jobs Fund by an indeterminable amount beginning in FY 27. The total

amount of expenditures within the program will depend upon the applications received, subsequent contracts entered into and fulfilled by participating companies in the program, and a legislative appropriation. No annual limit on the program's expenditures exists. LED estimates programmatic spending will be limited to \$125 M annually beginning in FY 27. Existing staff in LED will be able to administer the program. LED is anticipated to increase SGF spending by \$100,000 in FY 26 on one-time expenses for software used for applications and tracking.

The proposed rule establishes program guidelines for the High Impact Jobs Program authorized by Act 372 (Act) of the 2025 Regular Session. The Act creates a ten-year High Impact Jobs Program within Louisiana Economic Development (LED), allowing LED to issue program grants beginning in FY 27 to certain businesses for salaries paid above the parish wage (or regional average wage for Distressed Areas) for newly created jobs or the retention of labor with advanced degrees. The rate for grants to reimburse companies that create new jobs is specified in the rules. However, the grant reimbursement rate for labor with advanced degrees retained is unspecified and therefore subjective. No limit exists on the number of new jobs or quantity of labor retained for which a company may be reimbursed.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Act 372 of the 2025 RS creates the High Impact Jobs Fund but does not provide an initial or recurring source of deposits. LED anticipates funding of up to \$125 million annually beginning in FY 27. LFO assumes any funds deposited into the new statutory dedication will be appropriated by the Legislature, presumably from a SGF equivalent source.

Beginning July 1, 2025, LED will accept and consider program applications. Application fees received for the program are anticipated to increase self-generated revenue by an indeterminable amount, depending on the number of applications received. However, program rules must first be approved by the Joint Legislative Committee on the Budget (JLCB), and a legislative appropriation will be required prior to issuance of any grant payments, which can be no earlier than July 1, 2026.

The proposed rule will not affect local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The program will directly benefit businesses that receive awards by providing them with additional grant funding from the state. Applying businesses will be subject to an application fee and compliance requirements, but these requirements should not be significant and should be outweighed by the benefits should a grant award be received.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Companies receiving benefits under this program will gain a competitive advantage over companies that do not receive the program's benefits. Employment may increase in participating businesses that receive grants for new jobs. For businesses that receive grants for retaining labor with advanced degrees, employment is anticipated to remain stable.

Anne G. Villa
Deputy Secretary/CFO
2508#051

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Louisiana Economic Development Office of Economic Development

Small and Emerging Business Development Program (LAC 19:II.Chapters 1 and 3)

Louisiana Economic Development, Office of Economic Development, authorized by and pursuant to the provision of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 36:104, hereby gives notice of their intent to amend and propose the rules for the administration of the Small and Emerging Business Development Program.

The purpose of this regulation is to implement the Administrative Rules and Regulations of the Office of Governor Executive Order No. JML 25-038 to align regulations with the agency's mission and as required by R.S. 51:942, et seq.

Title 19

CORPORATIONS AND BUSINESS

Part II. Small and Emerging Business Development Program

Chapter 1. General Provisions

§101. Statement of Policy

A. In accordance with the provisions of R.S. 51:941-945 and the provisions of the Administrative Procedure Act, R.S. 49:950-970 as amended, Louisiana Economic Development's Small and Emerging Business Development Program administers these regulations which are intended to prescribe the procedures for qualifying and certifying small and emerging businesses; to provide for bonding and other financial assistance; to provide for technical and managerial assistance; to provide for a business mentor-protégé program; to recognize achievements for small and emerging businesses; and to facilitate access to state agency procurement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:942.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Division of Economically Disadvantaged Business Development, LR 23:49 (January 1997), amended by the Department of Economic Development, Office of Business Development, LR 29:542 (April 2003), LR 30:753 (April 2004), amended by Louisiana Economic Development, Office of Economic Development, LR 51:

§105. Definitions

A. When used in these regulations, the following terms shall have meanings as set forth below.

Assistant Secretary—Repealed.

Designee—Repealed.

Deputy Secretary—the deputy secretary of Louisiana Economic Development.

Deputy Undersecretary—the deputy undersecretary of Louisiana Economic Development.

Director—Repealed.

Louisiana Economic Development (LED)—formerly Department of Economic Development.

Secretary—the Secretary of Louisiana Economic Development.

Undersecretary—Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:942.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Division of Economically Disadvantaged Business Development, LR 23:50 (January 1997), amended LR 24:430 (March 1998), amended by the Department of Economic Development, Office of Business Development, LR 29:542 (April 2003), LR 30:753 (April 2004), LR 33:2030 (October 2007), LR 36:51 (January 2010), amended by Louisiana Economic Development, Office of Economic Development, LR 51:

§107. Eligibility Requirements for Certification

A. - C.6. ...

D. Requirement for Certification. Must have an e-mail address and appropriately complete the on-line application located on a website designated by LED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:942.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Division of Economically Disadvantaged Business Development, LR 23:50 (January 1997), amended LR 24:430 (March 1998), LR 25:1084 (June 1999), LR 26:1572 (August 2000), amended by the Department of Economic Development, Office of Business Development, LR 29:542 (April 2003), LR 30:754 (April 2004), LR 33:2030 (October 2007), LR 36:52 (January 2010), amended by Louisiana Economic Development, Office of Economic Development, LR 51:

§111. Eligibility Requirements for Certification

A. ...

B. Certification in the SEBD Program is accomplished on-line on a website designated by LED. Applicants must have an e-mail address to become certified in the SEBD Program.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:942.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Division of Economically Disadvantaged Business Development, LR 23:52 (January 1997), amended by the Department of Economic Development, Office of Business Development, LR 29:543 (April 2003), LR 30:755 (April 2004), LR 33:2030 (October 2007), amended by Louisiana Economic Development, Office of Economic Development, LR 51:

§113. Certification Application Procedure

A. - B. ...

C. SEBD Program staff, notifies the applicant by e-mail of the decision whether or not to grant certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:942.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Division of Economically Disadvantaged Business Development, LR 23:52 (January 1997), amended by the Department of Economic Development, Office of Business Development, LR 29:544 (April 2003), LR 30:755 (April 2004), LR 33:2031 (October 2007), amended by Louisiana Economic Development, Office of Economic Development, LR 51:

§115. Duration of Certification; Graduation through Growth

A. The maximum amount of time that a firm may be granted certification by the SEBD Program is unlimited until the firm graduates, by growing to exceed the eligibility requirements for certification, as provided in §107, or is terminated from the program by LED.

B. Retention of the firm in the program depends upon time, the firm's progress toward attainment of its business goals, willingness or ability to cooperate, and follow through on recommendations of the SEBD Program staff.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:942.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Division of Economically Disadvantaged Business Development, LR 23:52 (January 1997), amended LR 26:1572 (August 2000), amended by the Department of Economic Development, Office of Business Development, LR 29:544 (April 2003), LR 30:755 (April 2004), amended by the House Concurrent Resolution Number 8 of the 2006 Regular Legislative Session, LR 32:1536 (August 2006), amended by the Department of Economic Development, Office of Business Development, LR 33:2031 (October 2007), amended by Louisiana Economic Development, Office of Economic Development, LR 51:

§117. Reports by Certified Small and Emerging Businesses

A. Mandatory Reporting. By letter, or on forms which may be identified or prescribed by the SEBD Program, certified businesses shall continue to report every five years and at times specified by the SEBD Program their financial position and attainment of the business' performance goals. Failure to report or failure to report on a timely basis, as required every five years or as otherwise requested by the SEBD Program staff, shall result in the business' termination of its SEBD certification and from the program.

B. Verification of Eligibility. SEBD Program staff, may take any reasonable means at any time to confirm a certified firm's eligibility, such as by letter, telephone, contact with other governmental agencies, persons, companies, suppliers, or by either announced or unannounced site inspection.

C. Notification of Changes. To continue participation, a certified firm shall provide the SEBD Program, with a written statement of any changes in an address, telephone number, ownership, control, financial status, or major changes in the nature of the operation. Failure to do so may be grounds for termination of eligibility.

D. Evaluation. The SEBD Program staff, as necessary, shall evaluate the information to determine progress, areas for further improvement, resources needed by the firm, and eligibility for continued participation in the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:942.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Division of Economically Disadvantaged Business Development, LR 23:52 (January 1997), LR 26:1572 (August 2000), amended by the Department of Economic Development, Office of Business Development, LR 29:544 (April 2003), LR 30:755 (April 2004), amended by Louisiana Economic Development, Office of Economic Development, LR 51:

Chapter 3. Developmental Assistance Program

§301. Small Business Bonding Assistance

A - B.1. ...

2. Determination of Additional Assistance. In consultation with the business owner, the SEBD Program staff will determine areas in which the business owner needs additional assistance.

3. Referral to Additional Resources. The SEBD Program will assist the firm obtain technical and/or managerial assistance from other resources, such as small business development centers, procurement centers, consultants, business networks, professional business associations, educational institutions, and other public agencies.

4. Ongoing Evaluation. In conjunction with the small and emerging business firm and appropriate external resources, the SEBD Program will periodically assess the SEB firm's progress toward attainment of its business goals. The SEBD Program, in conjunction with the SEB firm, will determine the effectiveness of assistance being administered. If assistance is ineffective, the SEBD Program staff will investigate and take appropriate action.

5. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:942.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Division of Economically Disadvantaged Business Development, LR 23:53 (January 1997), LR 26:1573 (August 2000), amended by the Department of Economic Development, Office of Business Development, LR 29:544 (April 2003), LR 30:755 (April 2004), amended by the House Concurrent Resolution Number 8 of the 2006 Regular Legislative Session, LR 32:1536 (August 2006), repealed by Louisiana Economic Development, Office of Economic Development, LR 51:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Statement

The proposed Rule is not anticipated to have an impact on poverty as described in R.S. 49:973.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services as described in HCR 170 of the 2014 Regular Legislative Session.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses.

Public Comments

Interested persons should submit written comments on the proposed Rules to Stephanie Hartman, Louisiana Economic Development, 617 North 3rd Street, 11th Floor, Baton Rouge, LA 70802 or via email to Stephanie.Hartman@LA.GOV. All comments must be received no later than close of business day, September 26, 2025.

Public Hearing

A meeting for the purpose of receiving the presentation of oral comments on the Notice of Intent will be held at 10 a.m. on September 29, 2025 in the La Belle Conference Room at the LaSalle Building, 617 North 3rd Street, Baton Rouge, LA 70802. All interested persons will be afforded an

opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact Dawn Thibodeaux at least two working days in advance of the hearing. For assistance, call 225.342.3740 (voice and TDD) or email dawn.thibodeaux@la.gov.

Anne G. Villa:
Deputy Secretary/CFO

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Small and Emerging Business
Development Program**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule changes are not anticipated to result in any direct material effect on governmental expenditures or savings to state or local governmental units. Any administrative duties brought about by the proposed rule changes will be carried out utilizing existing staff and resources at the LA Economic Development (LED).

The proposed amendment to the rule provides the unlimited certification for businesses certified as small and emerging (Firms), instead of a 10-year certification, until the Firm graduates by exceeding the eligibility requirements of certification or is terminated from the program by LED. The proposed rule better aligns the program guidelines to statutory provisions and administrative practices as required by LA. R.S. 51:942, et seq., and the Office of the Governor Executive Order No. 25-038.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change is not anticipated to affect revenue collections for state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR
NONGOVERNMENTAL GROUPS (Summary)**

There are no anticipated costs to directly affected persons, small businesses, or non-governmental groups. The proposed rule allows for an unlimited certification for businesses certified as small and emerging (Firms), instead of a 10-year certification, until the Firm graduates or is terminated from the program by LED; thereby providing the Firm with the benefits of access to technical and managerial assistance to allow for growth and attainment of business goals.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

Companies receiving benefits under this program will gain a competitive advantage over small and emerging businesses that do not receive the program's benefits. The proposed rule changes are anticipated to allow participating companies to access technical and managerial assistance over a longer time horizon, which is anticipated to further allow for growth in the businesses and potentially increase employment within the small and emerging businesses.

Anne G. Villa
Deputy Secretary/CFO
2508#043

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Energy and Natural Resources
Office of Conservation**

Pipeline Safety
(LAC 33:V.Chapter 301 and LAC 43:XIII.Chapter 3)

The Department Energy and Natural Resources, Office of Conservation proposes to amend LAC 33:V. and LAC 43:XIII. in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana.

The proposed Rule changes are required as a part of the Department Energy and Natural Resources certification agreement with the US Department of Transportation and are intended to adopt existing federal regulations as state regulations. In addition there are state specific changes to LAC 33:V.30146 and LAC 43:VIII.322 to correct a date for the operator registration each year.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 3. Natural Resources

**Chapter 301. Transportation of Hazardous Liquids by
Pipeline**

[49 CFR Part 195]

**Subchapter A. General [49 CFR Part 195 Subpart A]
§30103. Which Pipelines are Covered by this Subpart?**

[49 CFR 195.1]

A. - A.4.b. ...

a. a pipeline located in an inlet of the Gulf of America as provided in §30413. [49 CFR 195.1(a)(4)(iii)]

A.5. - B.3.b. ...

4. except for the reporting requirements of Subchapter B of this Subpart, see §30121, transportation of petroleum through an onshore rural gathering line that does not meet the definition of a *regulated rural gathering line* as provided in §30117. This exception does not apply to gathering lines in the inlets of the Gulf of America subject to §30413. [49 CFR 195.1(b)(4)]

B.5. - B.10.b. ...

C. Breakout tanks. Breakout tanks that are subject to this Subpart must comply with requirements that apply specifically to breakout tanks and, to the extent applicable, with requirements that apply to pipeline systems and pipeline facilities. If a conflict exists between a requirement that applies specifically to breakout tanks and a requirement that applies to pipeline systems or pipeline facilities, the requirement that applies specifically to breakout tanks prevails. Anhydrous ammonia breakout tanks need not comply with §§30189.B, 30205.B, 30264.B and E, 30307, 30428.C and D, and 30432.B and C. [49 CFR 195.1(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:861 (August 1992), LR

20:439 (1994), LR 21:814 (August 1995), LR 27:1523 (September 2001), LR 29:2804 (December 2003), LR 33:466 (March 2007), LR 35:2791 (December 2009), LR 38:99 (January 2012), LR 46:1604 (November 2020), LR 50:1243 (September 2024), LR 51: §30105. Definitions [49 CFR 195.2]

A. As used in this Subpart:

* * *

Gulf of America and Its Inlets—the waters from the mean high water mark of the coast of the Gulf of America and its inlets open to the sea (excluding rivers, tidal marshes, lakes and canals) seaward to include the territorial sea and Outer Continental Shelf to a depth of 15 feet (4.6 meters), as measured from the mean low water.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:861 (August 1992), LR 21:815 (August 1995), LR 27:1523 (September 2001), LR 28:83 (January 2002), LR 29:2805 (December 2003), LR 31:675 (March 2005), LR 33:467 (March 2007), LR 38:99 (January 2012), LR 44:1021 (June 2018), LR 46:1604 (November 2020), LR 49:1090 (June 2023), LR 50:1243 (September 2024), LR 51:

§30107. Matter Incorporated by Reference in Whole or in Part [49 CFR 195.3]

A. Certain material is incorporated by reference into this part with the approval of the Director of the *Federal Register* in 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference (IBR) material is available for inspection at the Pipeline and Hazardous Materials Safety Administration (PHMSA) and at the National Archives and Records Administration (NARA). Contact PHMSA at: Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; (202) 366-4046; www.phmsa.dot.gov/pipeline/regs. For information on inspecting this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations.html or email fr.inspection@nara.gov. It is also available from the sources in the following paragraphs of this Section.

Source and Name of Referenced Material	Approved for Title 33 Reference
14. API Specification Spec 6D, "Specification for Pipeline and Piping Valves," 24rd edition, effective August 2014, including Errata 1 through 10(October 2014 through July 2021), Addendum 1 (March 2015), Addendum 2 (June 2016), (API Spec 6D).	§30173.D
B.15. - B.16. ...	
17. API Standard 620, "Design and Construction of Large, Welded, Low-Pressure Storage Tanks," 12th edition effective October 2013, including Addendum 1 (November 2014), (API Std 620).	§§30189.B; 30205.B; 30264.B; 30264.E; 30307.B; 30565; 30579.D
18. API Standard 650, "Welded Steel Tanks for Oil Storage," 13th edition, March 2020, including Errata 1 (January 2021), (API Std 650).	§§30189.B; 30205.B; 30264.B; 30264.E; 30307.C; 30307.D; 30565; 30579.D
B.19. ...	
20. API Standard 1104, "Welding of Pipelines and Related Facilities," 21st edition, September 2013, including Errata 1 through 5 (April 2014 through September 2018), Addendum 1 (July 2014), and Addendum 2 (May 2016), (API Std 1104)).	§§30446.C; 30446.F
21. ANSI/API Standard 2000, "Venting Atmospheric and Low-pressure Storage Tanks," 7th Edition, March 2014, Reaffirmed April 2020, (API Std 2000).	§30264.E
B.22. - B.23. ...	
C. The American Society of Mechanical Engineers (ASME), Two Park Avenue, New York, NY 10016, 800-843-2763 (U.S/Canada), Web site: http://www.asme.org/ .	
C.1. - C.2....	
3. ASME B31.4-2006, "Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids" October 20, 2006, (ASME B31.4).	§§30165.A; 30452.H
4. ASMEB31.8-2018, "Gas Transmission and Distribution Piping Systems," Issued November 20, 2018, (ASME B31.8).	§§30111.A; 30406.A
C.5. - D.2....	
E. American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 119428, phone: 610-832-9585; email: service@astm.org ;; Web site: http://www.astm.org/ .	
1. ASTM A53/A53M-20, "Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless," approved July 2020, (ASTM A53/A53M).	§30161.E
2. ASTM A106/A106M-19A, "Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service," approved November 1, 2019, (ASTM A106/A106M).	§30161.E
3. ASTM A333/A333M-18, "Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service and Other Applications with Required Notch Toughness," approved November 1, 2018, (ASTM A333/A333M	§30161.E
4. ASTM A381-96-/ A381M-18 "Standard Specification for Metal-Arc Welded Steel Pipe for Use with High-Pressure Transmission Systems," approved November 1, 2018, (ASTM A381).	§30161.E
5. ASTM A671/A671M-20, "Standard Specification for Electric-Fusion-Welded Steel Pipe for Atmospheric and Lower Temperatures," approved March 1, 2020, (ASTM A671/A671M	§30161.E
E.6. ...	

Source and Name of Referenced Material	Approved for Title 33 Reference
B. American Petroleum Institute (API), 200 Massachusetts Avenue NW, Suite 1100., Washington, DC 20001-5571, phone: 202-682-8000, http://api.org/ .	
1. API Publication 2026, "Safe Access/Egress Involving Floating Roofs of Storage Tanks in Petroleum Service," 3rd edition, June 2017 (API Pub 2026).	§30405
B.2. - B.4....	
5. ANSI/API Recommended Practice 651, "Cathodic Protection of Aboveground Petroleum Storage Tanks," 4th edition, September 2014, (API RP 651).	§§30565.A; 30573.D
B.6. - B.11. ...	
12. API Recommended Practice 2350, "Overfill Protection for Storage Tanks in Petroleum Facilities," 5th edition, September 2020, (API Std 2350).	§30428.C
13. API Specification 5L, "Specification for Line Pipe," 46th edition, April 2018, including Errata 1 (May 2018), (API Spec 5L).	§§30161.B; 30161.E

Source and Name of Referenced Material	Approved for Title 33 Reference
7. ASTM A691/A691M-19, "Standard Specification for Carbon and Alloy Steel Pipe, Electric-Fusion-Welded for High-Pressure Service at High Temperatures," approved November 1, 2019, (ASTM A691).	§30161.E
F. ...	
1. MSS SP-75-2019 Standard Practice, High-Strength, Wrought, Butt-Welding Fittings," published December 2019, (MSS SP 75), IBR approved for §195.118(a).	§30175.A
F.2. ...	
G. Association for Materials Protection and Performance (AMPP), 15835 Park Ten Place, Houston, TX 77084; phone: (800) 797-6223; website: https://ampp.org/standards .	
G.1. – G.3. ...	
4. NACE SP0204-2015, Stress Corrosion Cracking (SSC) Direct Assessment Methodology, Revised March 14, 2015, (NACE SP0204)	§30588.C
H. – I.2....	

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 20:439 (1994), LR 21:815 (August 1995), LR 24:1313 (1998), LR 27:1523 (September 2001), LR 29:2806 (December 2003), LR 31:676 (March 2005), LR 33:467 (March 2007), LR 35:2792 (December 2009), LR 38:100 (January 2012), LR 44:1021 (June 2018), LR 46:1604 (November 2020), LR 51:

§30111. Conversion to Service Subject to This Subpart [49 CFR 195.5]

A. - A.1. ...

a. testing the pipeline in accordance with ASME B31.8 (incorporated by reference, see §507), Appendix N, to produce a stress equal to the yield strength; and [49 CFR 195.5(a)(1)(i)]

A.1.b. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 21:816 (August 1995), LR 29:2808 (December 2003), LR 44:1023 (June 2018), LR 51:

Subchapter B. Reporting Accidents and Safety-Related Conditions [Subpart B]

§30140. Report Submission Requirements [49 CFR 195.58]

A. General. Except as provided in Subsection B and E of this Section, an operator must submit each report required by this part electronically to PHMSA at <https://portal.phmsa.dot.gov> unless an alternative reporting method is authorized in accordance with Subsection D of this Section. [49 CFR 195.58(a)]

A.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2812 (December 2003), amended LR 33:469 (March 2007), LR 35:2795 (December 2009), LR 38:104 (January 2012), LR 44:1024 (June 2018), LR 51:

§30141. Abandonment or Deactivation of Facilities. [49 CFR 195.59]

A. ...

1. The preferred method to submit data on pipeline facilities abandoned after October 10, 2000 is to the National Pipeline Mapping System (NPMS) in accordance with the NPMS "Standards for Pipeline and Liquefied Natural Gas Operator Submissions". To obtain a copy of the NPMS standards, please refer to the NPMS homepage at <http://www.npms.PHMSA.dot.gov>. A digital data format is preferred, but hard copy submissions are acceptable if they comply with the NPMS Standards. In addition to the NPMS-required attributes, operators must submit the date of abandonment, diameter, method of abandonment, and certification that, to the best of the operator's knowledge, all of the reasonably available information requested was provided and, to the best of the operator's knowledge, the abandonment was completed in accordance with applicable laws. Refer to the NPMS Standards for details in preparing your data for submission. The NPMS Standards also include details of how to submit data. Alternatively, operators may submit reports by mail, fax, or e-mail to the Office of Pipeline Safety, Pipeline Hazardous Materials Safety Administration, Department of Transportation, Information Resources Manager, PHP-10, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001; fax (202) 366-4566; e-mail, InformationResourcesManager@PHMSA.dot.gov. The information in the report must contain all reasonably available information related to the facility, including information in the possession of a third party. The report must contain the location, size, date, method of abandonment, and a certification that the facility has been abandoned in accordance with all applicable laws [49 CFR 195.59(a)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2813 (December 2003), amended LR 33:469 (March 2007), LR 35:2796 (December 2009), LR 51:

30146. National Registry of Pipeline and LNG Operators [49 CFR 195.64]

A. OPID Request. Effective January 1, 2012, each operator of a hazardous liquid pipeline or pipeline facility must obtain from PHMSA an operator identification number (OPID). An OPID is assigned to an operator for the pipeline or pipeline system for which the operator has primary responsibility. To obtain an OPID or a change to an OPID, an operator must complete an OPID Assignment Request DOT Form PHMSA F 1000.1 through the National Registry of Pipeline and LNG Operators in accordance with §30140. For intrastate facilities subject to the jurisdiction of the Office of Conservation, the operator must concurrently file an online OR-1 Submission (Operator Registration) for Pipeline Safety with the same name as the OPID request at <http://www.sonris.com>. Each operator must validate the OR-1 annually by January 15 each year. [49 CFR 195.64(a)]

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 38:104 (January 2012), amended LR 44:1024 (June 2018), LR 46:1605 (November 2020), LR 51:

Subchapter C. Design Requirements

[49 CFR Part 195 Subpart C]

§30161. Internal Design Pressure [49 CFR 195.106]

A. - B. ...

1. the yield strength determined by performing all of the tensile tests of API Spec 5L on randomly selected specimens with the following number of tests: [49 CFR 195.106(b)(1)(i)]

Pipeline Size	Number of Tests
Less than 6-5/8 in. (168.3 mm) nominal outside diameter	One test for each 200 lengths
6-5/8 through 12-3/4 in. (168 through 323 mm.) nominal outside diameter	One test for each 100 lengths
Larger than 12-3/4 in. (324 mm.) nominal outside diameter	One test for each 50 lengths

B.2. - D. ...

E. The seam joint factor used in §30161.A is determined in accordance with the following standards incorporated by reference (see §30107). [49 CFR 195.106(e)(1)]

Specification	Pipe Class	Seam Joint Factor
ASTM A53	Seamless	1.00
	Electric resistance welded	1.00
	Furnace lap welded	0.80
	Furnace butt welded	0.60
ASTM A106/	Seamless	1.00
ASTM A333/A333M	Seamless	1.00
	Welded	1.00
ASTM A381	Double submerged arc welded	1.00
ASTM A671/A671M	Electric fusion welded	1.00
ASTM A672/A672M	Electric fusion welded	1.00
ASTM A691/A691M	Electric fusion welded	1.00
API Spec 5L	Seamless	1.00
	Electric resistance welded	1.00
	Electric flash welded	1.00
	Submerged arc welded	1.00
	Furnace lap welded	0.80
	Furnace butt welded	0.60

E.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 20:441 (April 1994), LR 21:817 (August 1995), LR 27:1525 (September 2001), LR 29:2814 (December 2003), repromulgated LR 30:259 (February 2004), amended LR 44:1024 (June 2018), LR 51:

§30165. External Loads [49 CFR 195.110]

A. Anticipated external loads (e.g., earthquakes, vibration, thermal expansion, and contraction) must be provided for in designing a pipeline system. In providing for expansion and flexibility, Section 419 of ASME must be followed. [49 CFR 195.110(a)]

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 20:441 (April 1994), LR 29:2815 (December 2003), LR 51:

§30173. Valves [49 CFR 195.116]

A. - A.3. ...

4. Each valve must be both hydrostatically shell tested and hydrostatically seat tested without leakage to at least the requirements set forth in Section 11 of API Spec 6D (incorporated by reference, see §30107). [49 CFR 195.116(d)]

A.5. - 6.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:864 (August 1992), LR 29:2816 (December 2003), LR 33:469 (March 2007), LR 35:2796 (December 2009), LR 38:105 (January 2012), LR 44:1024 (June 2018), LR 51:

Chapter 302. Transportation of Hazardous Liquids by Pipeline—Construction [49 CFR Part 195 Subpart D]

§30214. Welding Procedures [49 CFR 195.214]

A. Welding must be performed by a qualified welder or welding operator in accordance with welding procedures qualified under section 5(except for Note 2 in section 5.4.2.2), section 12, Appendix A or Appendix B of API Std 1104 (incorporated by reference, see §30107), or Section IX of the ASME Boiler and Pressure Vessel Code (ASME BPVC) (incorporated by reference, see §30107). The quality of the test welds used to qualify the welding procedures must be determined by destructive testing. [49 CFR 195.214(a)].

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2818 (December 2003), amended LR 31:677 (March 2005), LR 33:469 (March 2007), LR 44:1026 (June 2018), LR 46:1606 (November 2020), LR 51:

§30246. Installation of Pipe in a Ditch [49 CFR 195.246]

A. ...

B. Except for pipe in the Gulf of America and its inlets in waters less than 15 feet deep, all offshore pipe in water at least 12 feet deep (3.7 meters) but not more than 200 feet deep (61 meters) deep as measured from the mean low water must be installed so that the top of the pipe is below the underwater natural bottom (as determined by recognized and generally accepted practices) unless the pipe is supported by stanchions held in place by anchors or heavy concrete coating or protected by an equivalent means. [49 CFR 195.246(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2819 (December 2003), amended LR 31:677 (March 2005), LR 35:2796 (December 2009), LR 51:

§30248. Cover over Buried Pipeline [49 CFR 195.248]

A. Unless specifically exempted in this Chapter, all pipe must be buried so that it is below the level of cultivation. Except as provided in §30248.B of this Section, the pipe must be installed so that the cover between the top of the pipe and the ground level, road bed, river bottom, or underwater natural bottom (as determined by recognized and

generally accepted practices), as applicable, complies with the following table [49 CFR 195.248(a)].

Location	Cover (Inches)(Millimeters)	
	For Normal Excavation	For Rock Excavation ¹
Industrial, commercial and residential area	36 (914)	30 (762)
Crossings of inland bodies of water with a width of at least 100 ft. (30 meters) from high water mark to high water mark	48 (1219)	18 (457)
Drainage ditches at public roads and railroads	36 (914)	36 (914)
Deepwater port safety zone	48 (1219)	24 (610)
Gulf of America and its inlets in waters less than 15 feet (4.6 meters) deep as measured from mean low water	36 (914)	18 (457)
Other offshore areas under water less than 12 ft (3.7 meters) deep as measured from mean low water	36 (914)	18 (457)
Any other area	30 (762)	18 (457)

¹Rock excavation is any excavation that requires blasting or removal by equivalent means.

B. Except for the Gulf of America and its inlets in waters less than 15 feet (4.6 meters) deep, less cover than the minimum required by Subsection A of this Section and §30210 may be used if [49 CFR 195.248(b)]:

B.1. - B.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2820 (December 2003), amended LR 31:678 (March 2005), LR 33:470 (March 2007), LR 51:

Chapter 303. Transportation of Hazardous Liquids by Pipeline—Pressure Testing [49 CFR Part 195 Subpart E]

§30307. Pressure Testing Aboveground Breakout Tanks [49 CFR 195.307]

A. - C. ...

D. For aboveground atmospheric pressure breakout tanks constructed of carbon and low alloy steel, welded or riveted, and non-refrigerated; and tanks that are returned to service after October 2, 2000, and are built to API Std 650 or its predecessor Standard 12C; the necessity for the hydrostatic testing of repair, alteration, and reconstruction is covered in section 12.3 of API Std 653. [49 CFR 195.307(d)]

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2823 (December 2003), amended LR 33:470 (March 2007), LR 38:105 (January 2012), LR 44:1027 (June 2018), LR 51:

Chapter 304. Transportation of Hazardous Liquids by Pipeline—Operation and Maintenance [49 CFR Part 195 Subpart F]

§30405. Protection against Ignitions and Safe Access/Egress Involving Floating Roofs [49 CFR 195.405]

A. After October 2, 2000, protection provided against ignitions arising out of static electricity, lightning, and stray currents during operation and maintenance activities involving aboveground breakout tanks must be in accordance with API RP 2026 (incorporated by reference,

see §30107), unless the operator notes in the procedural manual [§30402.C] why compliance with all or certain provisions of API RP 2003 is not necessary for the safety of a particular breakout tank. [49 CFR 195.405(a)]

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2826 (December 2003), amended LR 44:1027 (June 2018), LR 51:

§30406. Maximum Operating Pressure [49 CFR 195.406]

A. - A.1. ...

a. 80 percent of the first test pressure that produces yield under section N 5.0 of appendix N of ASME B31.8 (incorporated by reference, see §507), reduced by the appropriate factors in §30161.A and E; or [49 CFR 195.406(a)(1)(i)]

A.1.b. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2826 (December 2003), amended LR 44:1027 (June 2018), LR 51:

§30413. Underwater Inspection and Reburial of Pipelines in the Gulf of America and Its Inlet [49 CFR 195.413]

A. Except for gathering lines of 4 1/2 inches (114 mm) nominal outside diameter or smaller, each operator shall prepare and follow a procedure to identify its pipelines in the Gulf of America and its inlets in waters less than 15 feet (4.6 meters) deep as measured from mean low water that are at risk of being an exposed underwater pipeline or a hazard to navigation. The procedures must be in effect August 10, 2005. [49 CFR 195.413(a)]

B. Each operator shall conduct appropriate periodic underwater inspections of its pipelines in the Gulf of America and its inlets in waters less than 15 feet (4.6 meters) deep as measured from mean low water based on the identified risk. [49 CFR 195.413(b)]

C. - C.3.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2827 (December 2003), amended LR 31:678 (March 2005), LR 51:

§30428. Overpressure Safety Devices and Overfill Protection Systems [49 CFR 195.428]

A. - B. ...

C. Aboveground breakout tanks that are constructed or significantly altered according to API Standard 2510 after October 2, 2000, must have an overfill protection system installed according to Section 7.1.2 of API Standard 2510. Other aboveground breakout tanks with 600 gallons (2271 liters) or more of storage capacity that are constructed or significantly altered after October 2, 2000, must have an overfill protection system installed according to API Std 2350 (incorporated by reference, see §30107). However, operators need not comply with any part of API Recommended Practice 2350 for a particular breakout tank

if the operator notes in the manual required by §30402 why compliance with that part is not necessary for safety of the tank. [49 CFR 195.428(c)]

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2828 (December 2003), amended LR 44:1028 (June 2018), LR 51:

Chapter 305. Transportation of Hazardous Liquids by Pipeline—Qualification of Pipeline Personnel [49 CFR Part 195 Subpart G] and Corrosion Control [49 CFR Part 195 Subpart H]

Subchapter B. Corrosion Control [49 CFR Part 195 Subpart H]

§30565. How do I install cathodic protection on breakout tanks? [49 CFR 195.565]

A. After October 2, 2000, when you install cathodic protection under §30563.A to protect the bottom of an aboveground breakout tank of more than 500 barrels (79.5 m³) capacity built to API Spec 12F (incorporated by reference, see §30107), API Std 620 (incorporated by reference, see §30107), or API Std 650 (incorporated by reference, see §30107) or API Std 650's predecessor, Standard 12C, you must install the system in accordance with API RP 651 (incorporated by reference, see §30107). However, you don't need to comply with API RP 651 when installing any tank for which you note in the corrosion control procedures established under §30402.C.3 why compliance with all or certain provisions of API RP 651 is not necessary for the safety of the tank. [49 CFR 195.565]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2837 (December 2003), amended LR 44:1030 (June 2018), LR 51:

§30588. What standards apply to direct assessment? [49 CFR 195.588]

A. - B.5.b. ...

C. If you use direct assessment on an onshore pipeline to evaluate the effects of stress corrosion cracking, you must develop and follow a Stress Corrosion Cracking Direct Assessment plan that meets all requirements and recommendations of NACE SP0204 (incorporated by reference, see § 30107) and that implements all four steps of the Stress Corrosion Cracking Direct Assessment process including pre- assessment, indirect inspection, detailed examination and post- assessment. As specified in NACE SP0204, Section 1.1.7, Stress Corrosion Cracking Direct Assessment is complementary with other inspection methods such as in-line inspection or hydrostatic testing and is not necessarily an alternative or replacement for these methods in all instances. In addition, the plan must provide for: [49 CFR 195.588(c)]

C.1. - C.5.i. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 33:472 (March 2007), amended LR 35:2799

(December 2009), LR 38:108 (January 2012), LR 44:1030 (June 2018), LR 51

Title 43

NATURAL RESOURCES

**Part XIII. Office of Conservation—Pipeline Safety
Subpart 2. Transportation of Natural Gas and Other Gas by Pipeline [49 CFR Part 191]**

Chapter 3. Annual Reports, Incident Reports and Safety Related Condition Reports [49 CFR Part 191]

§301. Scope [49 CFR 191.1]

A. - C.2. ...

3. within inlets of the Gulf of America, except for the requirements in §2712 of this Part. [49 CFR 191.1(c)(3)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:218 (April 1983), amended LR 10:510 (July 1984), LR 11:255 (March 1985), LR 18:854 (August 1992), LR 27:1536 (September 2001), LR 30:1220 (June 2004), LR 33:473 (March 2007), LR 38:110 (January 2012), LR 45:66 (January 2019), LR 49:1098 (June 2023), LR 51:

§322. National Registry of Operators [49 CFR 191.22]

A. OPID Request. Effective January 1, 2012, each operator of a gas pipeline, gas pipeline facility, UNGSF, LNG plant, or LNG facility must obtain from PHMSA an Operator Identification Number (OPID). An OPID is assigned to an operator for the pipeline, pipeline facility, or pipeline system for which the operator has primary responsibility. To obtain an OPID, an operator must submit an OPID Assignment Request DOT Form PHMSA F 1000.1 through the National Registry of Operators in accordance with §307. For intrastate facilities subject to the jurisdiction of the Office of Conservation, the operator must concurrently file an online OR-1 Submission (Operator Registration) for Pipeline Safety with the same name as the OPID request at <http://www.sonris.com>. Each operator must validate the OR-1 annually by January 15 each year.

1. Each operator of a Special Class System must file an online OR-1 Submission (Operator Registration) for Pipeline Safety at <http://www.sonris.com>. Each Special Class System operator must validate the OR-1 annually by January 15 each year.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 38:112 (January 2012), amended LR 44:1032 (June 2018), LR 45:67 (January 2019), LR 46:1575 (November 2020), LR 47:1140 (August 2021), LR 51:

Subpart 3. Transportation of Natural Gas or Other Gas by Pipeline: Minimum Safety Standards [49 CFR Part 192]

Chapter 5. General [49 CFR Part 192 Subpart A]

§501. What is the Scope of this Subpart? [49 CFR 192.1]

A. - B.4.b. ...

c. within inlets of the Gulf of America, except for the requirements in §2712; or [CFR 49 192. 1(b)(4)(iii)]

B.5. - B.5.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 30:1224 (June 2004), amended LR 33:474 (March 2007), LR 35:2800 (December 2009), LR 51:

§503. Definitions

[49 CFR 192.3]

A. As used in this Part:

* * *

Gulf of America and its Inlets—the waters from the mean high water mark of the coast of the Gulf of America and its inlets open to the sea (excluding rivers, tidal marshes, lakes, and canals) seaward to include the territorial sea and Outer Continental Shelf to a depth of 15 feet (4.6 meters), as measured from the mean low water.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 30:1224 (June 2004), amended LR 31:679 (March 2005), LR 33:474 (March 2007), LR 35:2800 (December 2009), LR 38:112 (January 2012), LR 44:1033 (June 2018), LR 45:68 (January 2019), LR 46:1577 (November 2020), LR 49:1099 (June 2023), LR 50:1246 (September 2024), LR 51:

§507. What Documents are Incorporated by Reference Partly or Wholly in this Part?

[49 CFR 192.7]

A. Certain material is incorporated by reference into this Subpart with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved incorporation by reference (IBR) material is available for inspection at Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue S.E., Washington, D.C. 20590, 202-366-4046 <https://www.phmsa.dot.gov/pipeline/regs>, and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit www.archives.gov/federal-register/cfr/ibr-locations.html or email fr.inspection@nara.gov. It is also available from the sources in the following paragraphs of this section. [49 CFR 192.7(a)]

Source and Name of Referenced Material	Approved for Title 43 Reference
2. ASME/ANSI B16.5 - 2003, "Pipe Flanges and Flanged Fittings," October 2004, (ASME/ANSI B16.5).	§§ 1107.A; ; 2707.F
C.3. – C.4. ...	
5. ASME B31.8-2018, Gas Transmission and Distribution Piping Systems, Issued November 20, 2018, (ASME B31.8); IBR approved for §§ 192.112(b); 192.619(a).	§§ 912, 2719.A
6. ASME/ANSI B31.8S-2004, "Supplement to B31.8 on Managing System Integrity of Gas Pipelines," approved January 14, 2005, (ASME/ANSI B31.8S	§§ 2914.C; 3333. D
7. ASME B31.8S-2018, Managing System Integrity of Gas Pipelines, Issued November 28, 2018, (ASME B31.8S)	§§ 513.D; 2914.C; 3303 note to potential impact radius; 3307.A - B; 3311.A, A.9 and A.11 - A.13; 3313.A - C; 3317.A - E; 3321.A; 3323.B; 3325.B; 3333.C; 3335.B; 3337.C; 3339.A; 3345.A
8. ASME B36.10M-2018, Welded and Seamless Wrought Steel Pipe, Issued October 12, 2018, (ASME B36.10M)	§§1113.A., B & D; 1125.B
C.9. – D.2....	
E. ASTM International (formerly American Society for Testing and Materials), 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428, phone: (610) 832-9585;email: service@astm.org ; Web site: http://astm.org	
1. ASTM A53/A53M-210, "Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless," approved July 1, 2020, (ASTM A53/A53M)	§§913; 5103 Item I
2. ASTM A106/A106M-19A, "Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service," approved November 1, 2019, (ASTM A106/A106M)	§§913; 5103 Item I
3. ASTM A333/A333M-18, "Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service," approved November 1, 2018, (ASTM A333/A333M)	§§913; 5103 Item I
4. ...	
5. ASTM A381/A381M-18, Standard Specification for Metal-Arc-Welded Carbon or High-Strength Low-Alloy Steel Pipe for Use with High-Pressure Transmission Systems, approved November 1, 2018, (ASTM A381)	§§ 913; 5103 Item I
6. ...	
7. ASTM A671/A671M-10, "Standard Specification for Electric-Fusion-Welded Steel Pipe for Atmospheric and Lower Temperatures," approved March 1, 2020 (ASTM A671/A671M)	§§913; 5103 Item I
8. ...	
9. ASTM A691/A691M-19, "Standard Specification for Carbon and Alloy Steel Pipe, Electric-Fusion-Welded for High-Pressure Service at High Temperatures," approved November 1, 2019, (ASTM A691/A691M)	§§ 913; 5103 Item I
E.10. – G. ...	

Source and Name of Referenced Material	Approved for Title 43 Reference
B. American Petroleum Institute (API), 200 Massachusetts Ave N.W., Suite 1100, Washington, D.C. 20001-5571, and phone: 202-682-8000, Web site: https://www.api.org/ .	
B.1. – B.6. ...	
7. API Specification 5L, "Specification for Line Pipe," 46th edition, April 2018, including Errata 1 (May 2018), (API Spec 5L)	§§705.E ; 912.A-E; 913; Item I of 5103
8. ANSI/API Specification 6D, "Specification for Pipeline Valves," 24rd edition,, August 2014, including Errata 1 through 10 (October 2014 through July 2021), Addendum 1 (March 2015), and Addendum 2 (June 2016), (API Spec 6D)	§1105.A
9. API Standard 1104, "Welding of Pipelines and Related Facilities," 21 st edition September 2013, including Errata 1 through 5 (April 2014 through September 2018), Addendum 1 (2014), and Addendum 2 (2016), (API Std 1104)	§§1305.A; 1307.A; 1309.C; 1321.C; Item II, 5103.
B.10. – C.1. ...	

Source and Name of Referenced Material	Approved for Title 43 Reference
1. (MSS SP-44). ANSI/MSS SP-44-2019, Steel Pipeline Flanges, published April 2020, (MSS SP-44)	§ 1107.A
G.2. – I.1. ...	
2. NFPA 58, Liquefied Petroleum Gas Code, 2020 edition, effective August 25, 2019, (NFPA 58)	§§ 511.A; 511.B; 511.C
3. NFPA 59, Utility LP-Gas Plant Code, 2018 edition, effective September 6, 2017, (NFPA 59)	§§ 511.A; 511.B; 511.C
4. NFPA 70, National Electrical Code (NEC), 2017 edition, effective August 24, 2016, (NFPA 70); IBR approved for §§ 192.163(e); 192.189(c).	§§ 1123.E; 1149.C
J. – K.2. ...	

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 30:1226 (June 2004), amended LR 31:680 (March 2005), LR 33:474 (March 2007), LR 35:2801 (December 2009), LR 38:113 (January 2012), LR 44:1033 (June 2018), LR 45:68 (January 2019), LR 46:1578 (November 2020), LR 47:1141 (August 2021), LR 50:1247 (September 2024), LR 51:

§509. What Requirements Apply to Gathering Lines? [49 CFR 192.9]

A. ...

B. Offshore Lines. An operator of an offshore gathering line must comply with requirements of this part applicable to transmission lines, except the requirements in §§513.D, 1110, 1515.E, 1719.D - G, 2113.F - I, 2115.D - F, , 2125.C, 2137.C, 2145, 2306, 2707, 2713.C, 2719.E, 2724, 2910, 2912, 2914 and Chapter 33 of this Part. Further, operators of offshore gathering lines are exempt from the requirements of §2717.B - D and 2735. Lastly, operators of offshore gathering lines are exempt from the requirements of §2715 (but an operator of an offshore gathering line must comply with the requirements LAC 43.XIII.2715, effective as of October 4, 2022). [49 CFR 192.9(b)].

C. Type A Lines. An operator of a Type A regulated onshore gathering line must comply with the requirements of this part applicable to transmission lines, except the requirements in §§513.D, 1110, 1515.E, 1719.D - G, 2113.F - I, 2117.D and F, 2125.C, 2137.C, 2145, 2306, 2707, 2713.C, 2719.E, 2724, 2910, 2912, 2914 and in Chapter 33 of this Part. However, operators of Type A regulated onshore gathering lines in a Class 2 location may demonstrate compliance with Chapter 31 by describing the processes it uses to determine the qualification of persons performing operations and maintenance tasks. Further, operators of Type A regulated onshore gathering lines are exempt from the requirements of §§1139.E - G, 2710, 2717.B - D, 2734, 2735, 2736, and 2945.C - F. Lastly, operators of Type A regulated onshore gathering lines are exempt from the requirements of §2715.B (but an operator of a Type A regulated onshore gathering line must comply with the requirements of LAC 43.XIII.2717.B effective as of October 4, 2022). [49 CFR 192.9(c)].

D. - D.1....

2. if the pipeline is metallic, control corrosion according to requirements of Chapter 21 of this Part applicable to transmission lines except the requirements in

§§2113.F - I, 2117.D and F, 2125.C, 2137.C and 2145; [49 CFR 192.9(d)(2)];

D.3. - E.1.a. ...

b. if the pipeline is metallic, control corrosion according to requirements of Chapter 21 of this Subpart applicable to transmission lines except for §§2113.F - I, 2117.D and F, 2125.C, 2137.C, and 2145; [192.9(e)(1)(ii)]

E.1.c. - H.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:220 (April 1983), amended LR 10:511 (July 1984), LR 20:443 (April 1994), LR 21:821 (August 1995), LR 24:1307 (July 1998), LR 30:1227 (June 2004), LR 31:681 (March 2005), LR 33:477 (March 2007), LR 44:1035 (June 2018), LR 46:1579 (November 2020), LR 49:1101 (June 2023), LR 50:1248 (September 2024), LR 51:

§511. Petroleum Gas Systems [49 CFR 192.11]

A. Each plant that supplies petroleum gas by pipeline to a natural gas distribution system must meet the requirements of this Subpart and NFPA 58 and NFPA 59 (both incorporated by reference, see §507), based on the scope and applicability statements in those standards. [49 CFR 192.11(a)]

B. Each pipeline system subject to this Subpart that transports only petroleum gas or petroleum gas/air mixtures must meet the requirements of this Subpart and of NFPA 58 and NFPA59 (both incorporated by reference, see §507), based on the scope and applicability statements in those standards. [49 CFR 192.11(b)]

C. In the event of a conflict between this Subpart and NFPA 58 or NFPA 59, NFPA 58 or NFPA 59 shall prevail if applicable based on the scope and applicability statements in those standards. [49 CFR 192.11(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:220 (April 1983), amended LR 10:511 (July 1984), LR 20:443 (April 1994), LR 24:1307 (July 1998), LR 30:1227 (June 2004), LR 44:1035 (June 2018), LR 51:

§513. What General Requirements Apply to Pipelines Regulated Under this Subpart? [49 CFR 192.13]

A. - C. ...

D. Each operator of an onshore gas transmission pipeline must evaluate and mitigate, as necessary, significant changes that pose a risk to safety or the environment through a management of change process. Each operator of an onshore gas transmission pipeline must develop and follow a management of change process, as outlined in ASME B31.8S, section 11 (incorporated by reference, see §507), that addresses technical, design, physical, environmental, procedural, operational, maintenance, and organizational changes to the pipeline or processes, whether permanent or temporary. A management of change process must include the following: reason for change, authority for approving changes, analysis of implications, acquisition of required work permits, documentation, communication of change to affected parties, time limitations, and qualification of staff. For pipeline segments other than those covered in Chapter 33 of this Part, this management of change process must be implemented by February 26, 2024. The requirements of this Paragraph D do not apply to gas gathering pipelines.

Operators may request an extension of up to 1 year by submitting a notification to PHMSA at least 90 days before February 26, 2024, in accordance with § 518. The notification must include a reasonable and technically justified basis, an up-to-date plan for completing all actions required by this section, the reason for the requested extension, current safety or mitigation status of the pipeline segment, the proposed completion date, and any needed temporary safety measures to mitigate the impact on safety. [49 CFR 192.13(d)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:220 (April 1983), amended LR 10:511 (July 1984), LR 30:1227 (June 2004), LR 33:477 (March 2007), LR 49:1102 (June 2023), LR 50:1248 (September 2024), LR 51:

Chapter 9. Pipe Design

[49 CFR Part 192 Subpart C]

§912. Additional Design Requirements for Steel Pipe Using Alternative Maximum Allowable Operating Pressure. [49 CFR 192.112]

A. - A.1.b.i.(a). ...

(b). ASME B31.8 (incorporated by reference, see §507); and [49 CFR 192.112(b)(1)(ii)]

A.1.b.i.(c). - A.1.c.i. ...

ii. A mill inspection program or internal quality management program must include subclause A.1.v.ii(a) of this section and either subclause A.1.c.ii.(b) or A.1.c.ii.(c) of this section: [49 CFR 192.112(c)(2)]

A.1.c.ii.(a). - A.1.c.ii.(c). ...

(i). all steelmaking and casting facilities, [49 CFR 192.112(c)(2)(iii)(A)]

(ii). quality control plans and manufacturing procedure specifications, [49 CFR 192.112(c)(2)(iii)(B)]

(iii). equipment maintenance and records of conformance, [49 CFR 192.112(c)(2)(iii)(C)]

(iv). applicable casting superheat and speeds, and [49 CFR 192.112(c)(2)(iii)(D)]

(v). centerline segregation monitoring records to ensure mitigation of centerline segregation during the continuous casting process. [49 CFR 192.112(c)(2)(iii)(E)]

A.1.d. - A.1.h.iii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 35:2802 (December 2009), amended LR 38:115 (January 2012), LR 44:1036 (June 2018), LR 51:

§913. Longitudinal Joint Factor (E) for Steel Pipe [49 CFR 192.113]

A. The longitudinal joint factor to be used in the design formula in §905 is determined in accordance with the following table.

Specification	Pipe Class	Longitudinal Joint Factor (E)
ASTM A53/A53M (incorporated by reference, see § 507)	Seamless	1.00
	Electric resistance welded	1.00
	Furnace butt welded	.60

Specification	Pipe Class	Longitudinal Joint Factor (E)
ASTM A106/A106M (incorporated by reference, see § 507)	Seamless	1.00
ASTM A333/A333M (incorporated by reference, see § 507)	Seamless	1.00
	Electric resistance welded	1.00
ASTM A381 (incorporated by reference, see § 507)	Double submerged arc welded	1.00
ASTM A671/A671M (incorporated by reference, see § 507)	Electric fusion welded	1.00
ASTM A672 (incorporated by reference, see § 507)	Electric fusion welded	1.00
ASTM A691 (incorporated by reference, see § 507)	Electric fusion welded	1.00
API Spec 5L (incorporated by reference, see § 507)	Seamless	1.00
	Electric resistance welded	1.00
	Electric flash welded	1.00
	Submerged arc welded	1.00
	Furnace butt welded	.60
Other	Pipe over 4 inches (102 millimeters)	.80
Other	Pipe 4 inches (102 millimeters) or less	.60

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:222 (April 1983), amended LR 10:514 (July 1984), LR 18:855 (August 1992), LR 20:444 (April 1994), LR 27:1538 (September 2001), LR 30:1231 (June 2004), LR 31:681 (March 2005), LR 44:1036 (June 2018), LR 51:

§921. Design of Plastic Pipe [49 CFR 192.121]

A. - C.2.d. ...

Table 1 to Subparagraph C.2.d PE Pipe: Minimum Wall Thickness and SDR Values		
Pipe Size (inches)	Minimum Wall Thickness	Corresponding SDR (values)
1/2" CTS	0.090	7
1/2" IPS	0.090	9.3
3/4" CTS	0.090	9.7
3/4" IPS	0.095	11
1" CTS	.099	11
1" IPS	0.119	11
1 1/4" CTS	0.121	11
1 1/4" IPS	0.151	11
1 1/2" IPS	0.173	11
2"	0.216	11
3"	0.259	13.5
4"	0.265	17
6"	0.315	21
8"	0.411	21
10"	0.512	21
12"	0.607	21
16	.762	21
18	.857	21
20	.952	21
22	1.048	21
24	1.143	21

D. - F.2. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:222 (April 1983), amended LR 10:515 (July 1984), LR 24:1308 (July 1998), LR 27:1538 (September 2001), LR 30:1231 (June 2004), LR 31:682 (March 2005), LR 33:478 (March 2007), LR 35:2804 (December 2009), LR 38:115 (January 2012), repromulgated LR 38:828 (March 2012), amended LR 44:1037 (June 2018), LR 46:1582 (November 2020), LR 47:1141 (August 2021), LR 49:1103 (June 2023), LR 51:

Chapter 11. Design of Pipeline Components [49 CFR Part 192 Subpart D]

§1105. Valves [49 CFR 192.145]

A. Except for cast iron and plastic valves, each valve must meet the minimum requirements of API Spec 6D (incorporated by reference, see §507), or to a national or international standard that provides an equivalent performance level. A valve may not be used under operating conditions that exceed the applicable pressure-temperature ratings contained in those requirements [49 CFR 192.145(a)].

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:223 (April 1983), amended LR 10:515 (July 1984), LR 18:855 (August 1992), LR 27:1539 (September 2001), LR 30:1232 (June 2004), LR 31:682 (March 2005), LR 33:479 (March 2007), LR 38:115 (January 2012), LR 44:1037 (June 2018), LR 46:1584 (November 2020), LR 51:

§1107. Flanges and Flange Accessories [49 CFR 192.147]

A. Each flange or flange accessory (other than cast iron) must meet the minimum requirements of ASME/ANSI B16.5 (incorporated by reference, see §507) and MSS SP 44. (incorporated by reference, see §507), or the equivalent. [49 CFR 192.147(a)]

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:223 (April 1983), amended LR 10:515 (July 1984), LR 18:856 (August 1992), LR 20:444 (April 1994), LR 30:1233 (June 2004), LR 44:1037 (June 2018), LR 51:

§1113. Components Fabricated by Welding [49 CFR 192.153]

A. - C. ...

D. Except for flat closures designed in accordance with the ASME BPVC Section VIII, Division 1 or 2, (both incorporated by reference, see §507), flat closures and fish tails may not be used on pipe that either operates at 100 psi (689 kPa) gage, or more, or is more than 3 inches (76 millimeters) nominal diameter. [49 CFR 192.153(d)]

E. - E.6.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:223 (April 1983), amended LR 10:516 (July 1984), LR 20:444 (April 1994), LR 27:1539 (September 2001), LR 30:1234 (June 2004), LR 44:1037

(June 2018), LR 47:1142 (August 2021) repromulgated LR 47:1331 (September 2021), LR 49:1103 (June 2023), amended LR 51:

§1123. Compressor Stations: Design and Construction [49 CFR 192.163]

A. - D. ...

E. Electrical Facilities. Electrical equipment and wiring installed in compressor stations must conform to the NFPA-70 (incorporated by reference, see §507), so far as that code is applicable. [49 CFR 192.163(e)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:224 (April 1983), amended LR 10:516 (July 1984), LR 20:445 (April 1994), LR 27:1539 (September 2001), LR 30:1235 (June 2004), LR 44:1037 (June 2018), LR 51:

Chapter 13. Welding of Steel in Pipelines [49 CFR Part 192 Subpart E]

§1305. Welding Procedures [49 CFR 192.225]

A. Welding must be performed by a qualified welder or welding operator in accordance with welding procedures qualified under section 5 (except for Note 2 in section 5.4.2.2), section 12, or Appendix A or Appendix B of API Std 1104 (incorporated by reference, see §507) or Section IX of the ASME Boiler and Pressure Vessel Code (ASME BPVC) (incorporated by reference, see §507) to produce welds meeting the requirements of this Chapter. The quality of the test welds used to qualify welding procedures shall be determined by destructive testing in accordance with the applicable welding standard(s) [49 CFR 192.225(a)].

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:228 (April 1983), amended LR 10:521 (July 1984), LR 30:1241 (June 2004), LR 31:683 (March 2005), LR 33:479 (March 2007), LR 44:1038 (June 2018), LR 51:

Chapter 15. Joining of Materials Other Than by Welding [49 CFR Part 192 Subpart F]

§1509. Copper Pipe [49 CFR 192.279]

A. Copper pipe may not be threaded except that copper pipe used for joining screw fittings or valves may be threaded if the wall thickness is equivalent to the comparable size of Schedule 40 or heavier wall pipe listed in Table C1 of ASME/ANSI B16.5 (incorporated by reference, see §507). [49 CFR 192.279]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:231 (April 1983), amended LR 10:523 (July 1984), LR 18:856 (August 1992), LR 20:445 (April 1994), LR 30:1243 (June 2004), LR 51:

§1511. Plastic Pipe [49 CFR 192.281]

A. - B.1. ...

2. The solvent cement must conform to ASTM D 2564-12 for PVC (incorporated by reference, see §507) [49 CFR 192.281(b)(2)]

B.3. - E.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:231 (April 1983), amended LR 10:523 (July 1984), LR 20:445 (April 1994), LR

24:1309 (July 1998), LR 30:1243 (June 2004), LR 38:116 (January 2012), LR 44:1039 (June 2018), LR 46:1585 (November 2020), LR 47:1144 (August 2021), LR 49:1104 (June 2023), LR 51:

**Chapter 17. General Construction Requirements for
Transmission Lines and Mains
[49 CFR Part 192 Subpart G]**

**§1719. Installation of Pipe in a Ditch
[49 CFR 192.319]**

A. - B.2. ...

C. All offshore pipe in water at least 12 feet (3.7 meters) deep but not more than 200 feet (61 meters) deep, as measured from the mean low tide, except pipe in the Gulf of America and its inlets under 15 feet (4.6 meters) of water, must be installed so that the top of the pipe is below the natural bottom unless the pipe is supported by stanchions, held in place by anchors or heavy concrete coating, or protected by an equivalent means. Pipe in the Gulf of Mexico and its inlets under 15 feet (4.6 meters) of water must be installed so that the top of the pipe is 36 inches (914 millimeters) below the seabed for normal excavation or 18 inches (457 millimeters) for rock excavation. [49 CFR 192.319(c)]

D. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:233 (April 1983), amended LR 10:525 (July 1984), LR 20:446 (April 1994), LR 24:1310 (July 1998), LR 27:1542 (September 2001), LR 30:1246 (June 2004), LR 50:1250 (September 2024), LR 51:

§1727. Cover [49 CFR 192.327]

A. - E. ...

F. All pipe installed offshore, except in the Gulf of America and its inlets, under water not more than 200 feet (60 meters) deep, as measured from the mean low tide, must be installed as follows. [49 CFR 192.327(f)]

F.1. - F.2. ...

G. All pipelines installed under water in the Gulf of America and its inlets, as defined in §503, must be installed in accordance with §2712.C.3. [49 CFR 192.327(g)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:233 (April 1983), amended LR 10:525 (July 1984), LR 20:446 (April 1994), LR 24:1310 (July 1998), LR 27:1542 (September 2001), LR 30:1247 (June 2004), LR 31:684 (March 2005), LR 35:2805 (December 2009), LR 51:

**Chapter 21. Requirements for Corrosion Control
[49 CFR Part 192 Subpart I]**

**§2117. External Corrosion Control: Monitoring
[49 CFR 192.465]**

A. - C. ...

D. Each operator must promptly correct any deficiencies indicated by the inspection and testing required by Subsections A - C of this Section. Remedial action must be completed promptly, but no later than the earliest of the following: prior to the next inspection or test interval or within 90 days from the date the deficiency was discovered. The Commissioner may approve an alternative time period depending on the nature of the deficiency. [49 CFR 192.465(d)]

E. - F.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:236 (April 1983), amended LR 10:528 (July 1984), LR 27:1545 (September 2001), LR 30:1253 (June 2004), LR 38:116 (January 2012), LR 47:1144 (August 2021), LR 50:1250 (September 2024), LR 51:

**§2130. Internal Corrosion Control: Onshore
Transmission Monitoring and Mitigation
[49 CFR 192.478]**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 50:1251 (September 2024), repealed by the Department of Energy and Natural Resources, Office of Conservation, LR 51:

**Chapter 27. Operations [49 CFR Part 192 Subpart L]
§2712. Underwater Inspection and Reburial of
Pipelines in the Gulf of America and Its Inlets
[49 CFR 192.612]**

A. Each operator shall prepare and follow a procedure to identify its pipelines in the Gulf of America and its inlets in waters less than 15 feet (4.6 meters) deep as measured from mean low water that are at risk of being an exposed underwater pipeline or a hazard to navigation. The procedures must be in effect August 10, 2005. [49 CFR 192.612(a)]

B. Each operator shall conduct appropriate periodic underwater inspections of its pipelines in the Gulf of America and its inlets in waters less than 15 feet (4.6 meters) deep as measured from mean low water based on the identified risk. [49 CFR 192.612(b)]

C. - C.3.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 18:858 (August 1992), LR 27:1546 (September 2001), LR 30:1262 (June 2004), LR 31:684 (March 2005), LR 51:

**§2717. Investigation of Failures
[49 CFR 192.617]**

A. ...

B. Post-failure and incident lessons learned. Each operator of a transmission or distribution pipeline must develop, implement, and incorporate lessons learned from a post-failure or incident review into its written procedures, including personnel training and qualification programs, and design, construction, testing, maintenance, operations, and emergency procedure manuals and specifications. [49 CFR 192.617(b)]

C. Analysis of rupture and valve shutoffs. If an incident on an onshore gas transmission pipeline involves the closure of a rupture-mitigation valve (RMV), as defined in §503, or the closure of alternative equivalent technology, the operator of the pipeline must also conduct a post-incident analysis of all of the factors that may have impacted the release volume and the consequences of the incident and identify and implement operations and maintenance measures to prevent or minimize the consequences of a future incident. The requirements of this Subsection B are not applicable to gas distribution pipelines or gas gathering pipelines. The

analysis must include all relevant factors impacting the release volume and consequences, including, but not limited to, the following: [49 CFR 192.617(c)]

1. - 5. ...

D. Rupture Post-Failure and Incident Summary. If a failure or incident on an onshore gas transmission pipeline or a Type A gathering pipeline involves the identification of a rupture following a notification of potential rupture, or the closure of an RMV (as those terms are defined in §503), or the closure of an alternative equivalent technology, the operator of the pipeline must complete a summary of the post-failure or incident review required by Subsection C of this section within 90 days of the incident, and while the investigation is pending, conduct quarterly status reviews until the investigation is complete and a final post-incident summary is prepared. The final post-failure or incident summary, and all other reviews and analyses produced under the requirements of this section, must be reviewed, dated, and signed by the operator's appropriate senior executive officer. The final post-failure or incident summary, all investigation and analysis documents used to prepare it, and records of lessons learned must be kept for the useful life of the pipeline. The requirements of this Subsection D are not applicable to distribution pipelines or gas gathering pipelines. [49 CFR 192.617(d)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:242 (April 1983), amended LR 10:534 (July 1984), LR 30:1264 (June 2004), LR 49:1106 (June 2023), LR 51:

Chapter 29. Maintenance

[49 CFR Part 192 Subpart M]

§2914. Transmission lines: Repair criteria for Onshore Transmission Pipelines. [49 CFR 192.714]

A. - B. ...

C. Schedule for evaluation and remediation. An operator must remediate conditions according to a schedule that prioritizes the conditions for evaluation and remediation. Unless Subsection D of this Section provides a special requirement for remediating certain conditions, an operator must calculate the predicted failure pressure of anomalies or defects and follow the schedule in ASME B31.8S (incorporated by reference, see §507), section 7, Figure 7.2.1-1. If an operator cannot meet the schedule for any condition, the operator must document the reasons why it cannot meet the schedule and how the changed schedule will not jeopardize public safety. Each condition that meets any of the repair criteria in Subsection D of this Section in an onshore steel transmission pipeline must be: [49 CFR 192.714(c)]

C.1. - D. ...

1. immediate repair conditions. An operator's evaluation and remediation schedule for immediate repair conditions must follow section 7 of ASME B31.8S-2004 (incorporated by reference, see §507). An operator must repair the following conditions immediately upon discovery: [49 CFR 192.714(d)(1)]

D.1.a. - D.1.c. ...

d. metal loss preferentially affecting a detected longitudinal seam, if that seam was formed by direct current, low-frequency, electric flash welding, or has a longitudinal

joint factor less than 1.0, and the predicted failure pressure determined in accordance with § 2912.D is less than 1.25 times the MAOP. [49 CFR 192.714(d)(1)(iv)]

D.1.e. ...

i. crack depth plus any metal loss is greater than 50 percent of pipe wall thickness; or [49 CFR 192.714(d)(1)(v)(A)]

D.1.e.ii. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 50:1254 (September 2024), LR 51:

§2927. Abandonment or Deactivation of Facilities [49 CFR 192.727]

A. - G. ...

1. The preferred method to submit data on pipeline facilities abandoned after October 10, 2000 is to the National Pipeline Mapping System (NPMS) in accordance with the NPMS "Standards for Pipeline and Liquefied Natural Gas Operator Submissions." To obtain a copy of the NPMS Standards, please refer to the NPMS homepage at <http://www.npms.phmsa.dot.gov>. A digital data format is preferred, but hard copy submissions are acceptable if they comply with the NPMS Standards. In addition to the NPMS-required attributes, operators must submit the date of abandonment, diameter, method of abandonment, and certification that, to the best of the operator's knowledge, all of the reasonably available information requested was provided and, to the best of the operator's knowledge, the abandonment was completed in accordance with applicable laws. Refer to the NPMS Standards for details in preparing your data for submission. The NPMS Standards also include details of how to submit data. Alternatively, operators may submit reports by mail, fax or e-mail to the Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Information Resources Manager, PHP-10, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001; fax (202) 366-4566; e-mail:

InformationResourcesManager@PHMSA.dot.gov. The information in the report must contain all reasonably available information related to the facility, including information in the possession of a third party. The report must contain the location, size, date, method of abandonment, and a certification that the facility has been abandoned in accordance with all applicable laws.

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:245 (April 1983), amended LR 10:538 (July 1984), LR 21:824 (August 1995), LR 27:1549 (September 2001), LR 30:1269 (June 2004), LR 33:481 (March 2007), LR 35:2811 (December 2009), LR 51:

Chapter 33. Gas Transmission Pipeline Integrity Management

[49 CFR Part 192 Subpart O]

§3303. What Definitions Apply to this Chapter?

[49 CFR 192.903]

A. The following definitions apply to this Chapter.

* * *

Potential Impact Radius (PIR)—the radius of a circle within which the potential failure of a pipeline could have significant impact on people or property. PIR is determined by the formula $r = 0.69 * [\text{square root of } (p * d^2)]$, where 'r' is the radius of a circular area in feet surrounding the point of failure, 'p' is the maximum allowable operating pressure (MAOP) in the pipeline segment in pounds per square inch and 'd' is the nominal diameter of the pipeline in inches.

NOTE: 0.69 is the factor for natural gas. This number will vary for other gases depending upon their heat of combustion. An operator transporting gas other than natural gas must use Section 3.2 of ASME B31.8S incorporated by reference, see §507) to calculate the impact radius formula.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1273 (June 2004), amended LR 31:685 (March 2005), LR 33:483 (March 2007), LR 35:2811 (December 2009), LR 44:1042 (June 2018), LR 51:

§3307. What Must an Operator Do to Implement this Chapter? [49 CFR 192.907]

A. ...

B. Implementation Standards. In carrying out this Chapter, an operator must follow the requirements of this Chapter and of ASME B31.8S (incorporated by reference, see §507) and its appendices, where specified. An operator may follow an equivalent standard or practice only when the operator demonstrates the alternative standard or practice provides an equivalent level of safety to the public and property. In the event of a conflict between this Chapter and ASME/ANSI B31.8S, the requirements in this Chapter control [49 CFR 192.907(b)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1274 (June 2004), LR 33:483 (March 2007), LR 51:

§3311. What are the Elements of an Integrity Management Program? [49 CFR 192.911]

A. - A.8. ...

9. a performance plan as outlined in ASME B31.8S, Section 9 that includes performance measures meeting the requirements of §3345; [49 CFR 192.911(i)]

10. - 11. ...

12. a quality assurance process as outlined in ASME B31.8S, Section 12; [49 CFR 192.911(l)]

13. a communication plan that includes the elements of ASME B31.8S, Paragraph 850.9 (incorporated by reference, see §507), and that includes procedures for addressing safety concerns raised by: [49 CFR 192.911(m)]

a. OPS; and [49 CFR 192.911(m)(1)]

b. a State or local pipeline safety authority when a covered segment is located in a State where OPS has an interstate agent agreement; [49 CFR 192.911(m)(2)]

13.c. - 16. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1275 (June 2004), amended LR 31:686 (March 2005), LR 46:1598 (November 2020), LR 50:1256 (September 2024), LR 51:

§3317. How Does an Operator Identify Potential Threats to Pipeline Integrity and Use the Threat Identification in Its Integrity Program? [49 CFR 192.917]

A. Threat Identification. An operator must identify and evaluate all potential threats to each covered pipeline segment. Potential threats that an operator must consider include, but are not limited to, the threats listed in ASME B31.8S (incorporated by reference, see §507), Section 2, which are grouped under the following four threat categories [49 CFR 192.917(a)]:

1. - 4. ...

B. Data Gathering and Integration. To identify and evaluate the potential threats to a covered pipeline segment, an operator must gather and integrate existing data and information on the entire pipeline that could be relevant to the covered segment. In performing this data gathering and integration, an operator must follow the requirements in ASME B31.8S, Section 4. Operators must begin to integrate all pertinent data elements specified in this section starting on May 24, 2023, with all available attributes integrated by February 26, 2024. An operator may request an extension of up to 1 year by submitting a notification to PHMSA at least 90 days before February 26, 2024, in accordance with § 518. The notification must include a reasonable and technically justified basis, an up-to-date plan for completing all actions required by this Subsection B, the reason for the requested extension, current safety or mitigation status of the pipeline segment, the proposed completion date, and any needed temporary safety measures to mitigate the impact on safety. An operator must gather and evaluate the set of data listed in Paragraph B.1 of this Section. The evaluation must analyze both the covered segment and similar non-covered segments, and it must: [49 CFR 192.917(b)].

1. - 4. ...

C. Risk Assessment. An operator must conduct a risk assessment that follows ASME B31.8S, Section 5, and that analyzes the identified threats and potential consequences of an incident for each covered segment. An operator must ensure the validity of the methods used to conduct the risk assessment considering the incident, leak, and failure history of the pipeline segments and other historical information. Such a validation must ensure the risk assessment methods produce a risk characterization that is consistent with the operator's and industry experience, including evaluations of the cause of past incidents, as determined by root cause analysis or other equivalent means, and include sensitivity analysis of the factors used to characterize both the likelihood of loss of pipeline integrity and consequences of the postulated loss of pipeline integrity. An operator must use the risk assessment to determine additional preventive and mitigative measures needed for each covered segment in accordance with § 3335 and periodically evaluate the integrity of each covered pipeline segment in accordance with § 3337. Beginning February 26, 2024, the risk assessment must: [49 CFR 192.917(c)]

C.1. - E. ...

1. Third Party Damage. An operator must utilize the data integration required in Subsection B of this Section and ASME B31.8S, Appendix A-8 to determine the susceptibility

of each covered segment to the threat of third party damage. If an operator identifies the threat of third party damage, the operator must implement comprehensive additional preventive measures in accordance with §3335 and monitor the effectiveness of the preventive measures. If, in conducting a baseline assessment under §3321, or a reassessment under §3337, an operator uses an internal inspection tool or external corrosion direct assessment, the operator must integrate data from these assessments with data related to any encroachment or foreign line crossing on the covered segment, to define where potential indications of third party damage may exist in the covered segment. An operator must also have procedures in its integrity management program addressing actions it will take to respond to findings from this data integration. [49 CFR 192.917(e)(1)]

E.2. - E.3.c. ...

4. Electric Resistance Welded (ERW) Pipe. If a covered pipeline segment contains low frequency ERW pipe, lap welded pipe, pipe with longitudinal joint factor less than 1.0 as defined in §913, or other pipe that satisfies the conditions specified in ASME/B31.8S, Appendices A5.3 and A.4, and any covered or non-covered segment in the pipeline system with such pipe has experienced seam failure (including seam cracking and selective seam weld corrosion), or operating pressure on the covered segment has increased over the maximum operating pressure experienced during the preceding five years (including abnormal operation as defined in §2705.C, or MAOP has been increased, an operator must select an assessment technology or technologies with a proven application capable of assessing seam integrity and seam corrosion anomalies. The operator must prioritize the covered segment as a high-risk segment for the baseline assessment or a subsequent reassessment. Pipe with seam cracks must be evaluated using fracture mechanics modeling for failure stress pressures and cyclic fatigue crack growth analysis to estimate the remaining life of the pipe in accordance with § 2912. [49 CFR 192.917(e)(4)]

5. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1276 (June 2004), amended LR 31:686 (March 2005), LR 33:483 (March 2007), LR 46:1598 (November 2020), LR 50:1256 (September 2024), LR 51:

§3321. How Is the Baseline Assessment to be Conducted [49 CFR 192.921]

A. - A.1. ...

2. pressure test conducted in accordance with Chapter 23 of this Subpart. The use of Chapter 23 pressure testing is appropriate for threats such as internal corrosion; external corrosion and other environmentally assisted corrosion mechanisms; manufacturing and related defects threats, including defective pipe and pipe seams; stress corrosion cracking; selective seam weld corrosion; dents; and other forms of mechanical damage. An operator must use the test pressures specified in Table 5.6.1-1 of section 5 of ASME B31.8S (incorporated by reference, see §507) to justify an extended reassessment interval in accordance with §3339. [49 CFR 192.921(a)(2)].

A.3. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1277 (June 2004), amended LR 31:686 (March 2005), LR 33:484 (March 2007), LR 46:1599 (November 2020), LR 51:

§3323. How Is Direct Assessment Used and for What Threats? [49 CFR 192.923]

A. - B. ...

1. §3325 and ASME B31.8S (incorporated by reference, see §507), Section 6.4, and NACE SP0502 (incorporated by reference, see §507) if addressing external corrosion (EC). [49 CFR 192.923(b)(1)]

2. §3327 and NACE SO0206 (incorporated by reference, see §507), if addressing internal corrosion (IC). [49 CFR 192.923(b)(2)]

3. §3329 and NACE SP0204 (incorporated by reference, see §507 if addressing stress corrosion cracking (SCC)). [49 CFR 192.923(b)(3)]

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1278 (June 2004), amended LR 38:121 (January 2012), LR 44:1043 (June 2018), LR 46:1599 (November 2020), LR 50:1258 (September 2024), LR 51:

§3325. What Are the Requirements for Using External Corrosion Direct Assessment (ECDA)? [49 CFR 192.925]

A. ...

B. General Requirements. An operator that uses direct assessment to assess the threat of external corrosion must follow the requirements in this Section, in ASME B31.8S (incorporated by reference, see §507), section 6.4, and in NACE SP0502 (incorporated by reference, see §507). An operator must develop and implement a direct assessment plan that has procedures addressing pre-assessment, indirect examination, direct examination, and post-assessment. If the ECDA detects pipeline coating damage, the operator must also integrate the data from the ECDA with other information from the data integration (§3317.B) to evaluate the covered segment for the threat of third party damage, and to address the threat as required by §3317.E.1 [49 CFR 192.925(b)].

1. Pre-assessment. In addition to the requirements in ASME B31.8S section 6.4 and NACE SP0502, section 3, the plan's procedures for pre-assessment must include: [49 CFR 192.925(b)(1)]

a. - b. ...

2. Indirect Inspection. In addition to the requirements in ASME B31.8S section 6.4 and NACE SP0502, section 4, the plan's procedures for indirect inspection of the ECDA regions must include: [49 CFR 192.925(b)(2)]

a. - d. ...

3. Direct Examination. In addition to the requirements in ASME B31.8S section 6.4 and NACE SP0502, section 5, the plan's procedures for direct examination of indications from the indirect examination must include: [49 CFR 192.925(b)(3)]

B.3.a. - B.4.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1278 (June 2004), amended LR 31:687 (March 2005), LR 33:484 (March 2007), amended by the Department of Natural Resources, Office of Conservation, LR 38:121 (January 2012), LR 44:1043 (June 2018), LR 51:

§3327. What Are the Requirements for Using Internal Corrosion Direct Assessment (ICDA)?
[49 CFR 192.927]

A. - C.4.c. ...

i. conduct excavations of, and detailed examinations at, locations downstream from where the electrolytes might have entered the pipe to investigate and accurately characterize the nature, extent, and root cause of the corrosion; or [49 CFR 192.927(c)(4)(iii)(A)]

C.4.c.ii. - 5.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1279 (June 2004), amended LR 31:687 (March 2005), LR 33:484 (March 2007), LR 35:2812 (December 2009), LR 50:1258 (September 2024), LR 51:

§3333. What Actions Must Be Taken to Address Integrity Issues? [49 CFR 192.933]

A. - B. ...

C. Schedule for Evaluation and Remediation. An operator must complete remediation of a condition according to a schedule prioritizing the conditions for evaluation and remediation. Unless a special requirement for remediating certain conditions applies, as provided in Subsection D of this Section, an operator must follow the schedule in ASME B31.8S (incorporated by reference, see §507), Section 7, Figure 7.2.1-1. If an operator cannot meet the schedule for any condition, the operator must explain the reasons why it cannot meet the schedule and how the changed schedule will not jeopardize public safety. [49 CFR 192.933(c)]

D. ...

1. Immediate Repair Conditions. An operator's evaluation and remediation schedule must follow ASME B31.8S, Section 7 in providing for immediate repair conditions. To maintain safety, an operator must temporarily reduce operating pressure in accordance with Subsection A of this Section or shut down the pipeline until the operator completes the repair of these conditions. An operator must treat the following conditions as immediate repair conditions: [49 CFR 192.933(d)(1)]

a. - c. ...

d. metal loss preferentially affecting a detected longitudinal seam, if that seam was formed by direct current, low-frequency electric resistance welding, electric flash welding, or has a longitudinal joint factor less than 1.0, and the predicted failure pressure determined in accordance with § 2912.D is less than 1.25 times the MAOP. [49 CFR 192.933(d)(1)(iv)]

e. A crack or crack-like anomaly meeting any of the following criteria: [49 CFR 192.933(d)(1)(v)]

i. Crack depth plus any metal loss is greater than 50 percent of pipe wall thickness; or, or [49 CFR 192.933(d)(1)(v)(A)]

ii. Crack depth plus any metal loss is greater than the inspection tool's maximum measurable depth. [49 CFR 192.933(d)(1)(v)(B)]

D.1.e.iii - D.2.c. ...

d. metal loss anomalies where a calculation of the remaining strength of the pipe at the location of the anomaly shows a predicted failure pressure, determined in accordance with § 2912.B, less than 1.39 times the MAOP for Class 2 locations, and less than 1.50 times the MAOP for Class 3 and 4 locations. For metal loss anomalies in Class 1 locations with a predicted failure pressure greater than 1.1 times MAOP, an operator must follow the remediation schedule specified in ASME B31.8S (incorporated by reference, see §507), section 7, Figure 4, in accordance with Subsection C of this Section. [49 CFR 192.933(d)(2)(iv)]

D.2.e. - D.3.f. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1282 (June 2004), amended LR 31:688 (March 2005), LR 33:485 (March 2007), LR 35:2812 (December 2009), amended by the Department of Natural Resources, Office of Conservation, LR 38:122 (January 2012), LR 44:1044 (June 2018), LR 46:1600 (November 2020), LR 49:1110 (June 2023), LR 50:1261 (September 2024), LR 51:

§3335. What Additional Preventive and Mitigative Measures Must an Operator Take?
[49 CFR 192.935]

A. General Requirements. An operator must take additional measures beyond those already required by this Subpart to prevent a pipeline failure and to mitigate the consequences of a pipeline failure in a high consequence area. An operator must base the additional measures on the threats the operator has identified to each pipeline segment (see §3317). An operator must conduct, in accordance with one of the risk assessment approaches in ASME B31.8S (incorporated by reference, see §507), Section 5, a risk analysis of its pipeline to identify additional measures to protect the high consequence area and enhance public safety. Such additional measures include, but are not limited to, installing automatic shut-off valves or remote control valves, installing computerized monitoring and leak detection systems, replacing pipe segments with pipe of heavier wall thickness, providing additional training to personnel on response procedures, conducting drills with local emergency responders and implementing additional inspection and maintenance programs [49 CFR 192.935(a)].

A.1. - B.1.c. ...

d. monitoring of excavations conducted on covered pipeline segments by pipeline personnel. If an operator finds physical evidence of encroachment involving excavation that the operator did not monitor near a covered segment, an operator must either excavate the area near the encroachment or conduct an above ground survey using methods defined in NACE SP0502 (incorporated by reference, see §507). An operator must excavate, and remediate, in accordance with ANSI B31.8S and §3333 any indication of coating holidays or discontinuity warranting direct examination [49 CFR 192.935(b)(1)(iv)].

B.2. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1282 (June 2004), amended LR 31:688 (March 2005), LR

33:485 (March 2007), amended by the Department of Natural Resources, Office of Conservation, LR 38:122 (January 2012), LR 44:1044 (June 2018), LR 46:1600 (November 2020), LR 49:1110 (June 2023), LR 50:1263 (September 2024), LR 51:

§3337. What Is a Continual Process of Evaluation and Assessment to Maintain a Pipeline's Integrity?
[49 CFR 192.937]

A. - C.1.c. ...

2. pressure test conducted in accordance with Chapter 23 of this Subpart. The use of pressure testing is appropriate for threats such as: Internal corrosion; external corrosion and other environmentally assisted corrosion mechanisms; manufacturing and related defects threats, including defective pipe and pipe seams; stress corrosion cracking; selective seam weld corrosion; dents; and other forms of mechanical damage. An operator must use the test pressures specified in table 3 of section 5 of ASME B31.8S (incorporated by reference, see §507) to justify an extended reassessment interval in accordance with § 3339; [49 CFR 192.937(c)(2)]

C.3. - D....

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1283 (June 2004), amended LR 31:688 (March 2005), LR 33:486 (March 2007), LR 47:1600 (November 2020), LR 51:

Chapter 51. Appendices

§5103. Appendix B—Qualification of Pipe

I. Listed Pipe Specifications

A. Listed Pipe Specifications

1. API Spec 5L—Steel pipe, “Line Pipe”
(incorporated by reference, see § 507).

I.A.2. - III.C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 10:541 (July 1984), amended LR 18:859 (August 1992), LR 27:1551, 1552 (September 2001), LR 30:1287 (June 2004), LR 31:689 (March 2005), LR 33:487 (March 2007), LR 35:2813 (December 2009), amended by the Department of Natural Resources, Office of Conservation, LR 38:125 (January 2012), LR 44:1045 (June 2018), LR 46:1601 (November 2020), repromulgated LR 47:1148 (August 2021), amended LR 51:

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Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This Rule has no known impact on small businesses as described in R.S. 49:965.6.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested parties will be afforded the opportunity to submit data, views, or arguments, in writing. Written comments will be accepted by hand delivery, USPS or Fed Ex, until 4 p.m., September 21, 2025, at Office of Conservation, Pipeline Division, P.O. Box 94275, Baton Rouge, LA 70804-9275; or Office of Conservation, Pipeline Division, 617 North Third Street, Room 931, Baton Rouge, LA 70802. All inquiries should be directed to Michael Peikert at the above addresses or by phone to (225) 219-3799.

Steven M. Giambrone
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Pipeline Safety**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes are not anticipated to result in any implementation costs to state or local governmental units. The proposed rule change is required as part of the Department of Energy and Natural Resources' (DENR) certification agreement with the U.S. Department of Transportation (USDOT). The proposed rule changes codify existing federal regulations for the safety of gas transmission and hazardous liquid pipelines, including provisions on repair criteria, integrity management improvements, cathodic protection, management of change, editorial revisions, and other related technical amendments. The proposed rule changes also include a state-specific revision to LAC 43.VIII.322 and to LAC 33:V.30146 to correct the annual January 1 validation deadline to January 15 for Louisiana's OR-1 Operator Registration submission through SONRIS, which applies to operators of intrastate pipelines, including Special Class Systems, regulated by the Office of Conservation.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes are not anticipated to have an effect on revenue collections of state and local government units. The proposed rule changes do not impose any new fees or modify the existing fee structure.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes directly affect pipeline operators and underground natural gas storage operators. Because the proposed rule changes codify federal regulations that these operators are already required to comply with, no additional economic impact to the regulated community is anticipated.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition and employment.

Steven M. Giambrone
Commissioner
2508#006

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Energy and Natural Resources Office of Conservation

Pipeline Safety—Liquid Chlorine (LAC 33:V.30105)

The Department Energy and Natural Resources, Office of Conservation proposes to amend LAC 33:V in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana.

The proposed Rule changes are to eliminate a safety gap in the pipeline safety rules with chlorine. Chlorine is regulated as a gas by US Department of Transportation and Louisiana but not currently as a liquid. This Rule change adds chlorine to the hazardous liquid definition and would be regulated by state of Louisiana.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Wastes and Hazardous Materials

Subpart 3. Natural Resources

Chapter 301. Transportation of Hazardous Liquids by Pipeline [49 CFR Part 195]

Subchapter A. General [49 CFR Part 195 Subpart A]

§30105. Definitions [49 CFR 195.2]

A. ...

* * *

Hazardous Liquid—petroleum, petroleum products, anhydrous ammonia, chlorine and ethanol or other non-petroleum fuel, including biofuel, which is flammable, toxic, or would be harmful to the environment if released in significant quantities.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:861 (August 1992), LR 21:815 (August 1995), LR 27:1523 (September 2001), LR 28:83 (January 2002), LR 29:2805 (December 2003), LR 31:675 (March 2005), LR 33:467 (March 2007), LR 38:99 (January 2012), LR 44:1021 (June 2018), LR 46:1604 (November 2020), LR 49:1090 (June 2023), LR 50:1243 (September 2024), LR 51:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This Rule has no known impact on small businesses as described in R.S. 49:965.6.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested parties will be afforded the opportunity to submit data, views, or arguments, in writing. Written comments will be accepted by hand delivery, USPS or FedEx, until 4 p.m., October 21, 2025, at Office of Conservation, Pipeline Division, P.O. Box 94275, Baton Rouge, LA 70804-9275; or Office of Conservation - Pipeline Division, 617 North Third Street, Baton Rouge, LA 70802. All inquiries should be directed to Michael Peikert at the above addresses or by phone to (225) 219-3799.

Steven M. Giambrone
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Pipeline Safety—Liquid Chlorine

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will have no implementation costs, as regulations will be enforced using existing staff. The proposed rule change does not establish any new fees or modify any existing fees, but applies the current fee structure to any liquid chlorine pipeline operators that fall under the state's jurisdiction pursuant to the expanded definition of hazardous liquid under the pipeline safety regulations.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is anticipated to have a negligible effect on state revenue collections and no effect on local government units. According to a 2015 study by the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) on nonpetroleum hazardous liquids transported by pipeline, Louisiana had 6 operators managing 9 chlorine plants. Currently, the Department of Energy and Natural Resources is aware of only one plant actively constructing a pipeline that would be subject to these regulations. The study indicates that liquid chlorine is typically used on-site or transferred by rail tank car, tank truck, or tank barge, rather than by pipeline. All hazardous liquid pipeline operators are subject to a fee of \$44.80 per mile or a minimum of \$800, therefore the increase in revenue from the addition of a limited number of operators will be minimal.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will directly affect liquid chlorine pipeline operators. Operators may experience increased workload due to compliance with testing, operations and maintenance requirements, operator qualification standards and corrosion control measures as outlined in the rule. It is estimated that operators not currently subject to these requirements may incur additional compliance costs of approximately \$200,000 per year.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition and employment.

Steven M. Giambrone
Commissioner
2508#005

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Energy and Natural Resources Office of Conservation

Unconventional Reservoir Development (LAC 43:XIX.Chapter 43)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950, et seq) and Title 30 of the Louisiana Revised Statutes of 1950 (R.S. 30:4 et seq.), the Department of Energy and Natural Resources, Office of Conservation hereby gives notice of its intent to amend LAC 43:XIX Subpart 18 (Statewide Order No. 29-S) Chapter 43 to include provisions for uniform development of the Haynesville Shale. Benefits of these amendments include maximizing production by sanctioning longer laterals and allowing more efficient surface and subsurface well placement while ensuring protection of correlative rights. The amendment also simplifies the application process for surface commingling required by cross-unit and unit line well development.

Title 43

NATURAL RESOURCES

Part XIX. Office of Conservation—General Operations

Subpart 18. Statewide Order No. 29-S

Chapter 43. Unconventional Reservoir Development

§4301. Scope

A. This Statewide Order provides rules and regulations governing the drilling of horizontal wells in unconventional reservoirs in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 24:102 (January 1998), amended by the Department of Energy and Natural Resources, Office of Conservation, LR 51:

§4303. Definitions

A. Unless the context otherwise requires, the words defined in §4303 shall have the following meaning when found in this Statewide Order.

Completed Interval—perforated or open hole section(s) within a well that will permit the flow of fluids from the reservoir.

Cross-Unit Well—a well with a completed interval in adjacent units.

First Take Point—the perforation within the defined reservoir that is closest to the vertical section of a cased and cemented wellbore or the penetration point of the defined reservoir in an open-hole wellbore.

Horizontal Well—a well with the wellbore drilled laterally at an angle of at least 80 degrees to the vertical and with a horizontal displacement of at least 50 feet in the target formation measured from the initial point of penetration into the target formation.

Last Take Point—the perforation within the defined reservoir that is closest to the end of a cased and cemented wellbore or the exit point of the defined reservoir or terminus within the defined reservoir in an open-hole wellbore.

Unit Line Well—a well with at least 500 feet of completed interval, exclusive of the first take point and last take point, that is located within 330 feet of a unit boundary

measured along a line perpendicular to the completed interval or to the tangent thereof.

Unit Line Units—adjacent units that are developed by a unit line well.

Unconventional Reservoir—oil and gas accumulations with very low permeability typically requiring development using horizontal wells and/or high-volume hydraulic fracturing methods for extraction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 24:102 (January 1998), amended by the Department of Energy and Natural Resources, Office of Conservation, LR 51:

§4305. Austin Chalk

A. - A.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1 et seq.

HISTORICAL NOTE: Promulgated by Department of Natural Resources, Office of Conservation, LR 24:102 (January 1998), amended by the Department of Energy and Natural Resources, Office of Conservation, LR 51:

§4307. Haynesville Shale

A. From and after the effective date hereof, the following special rules shall apply to development of the Haynesville Shale Formation in the State of Louisiana employing the use of horizontal wells. The setback provisions contained herein shall supersede those contained in any Field Orders adopted prior to the effective date hereof, other than provisions which authorized exceptional well locations. Nothing herein shall prevent operators from obtaining exceptions to these rules for due cause after notice and hearing.

1. Setbacks

a. The distance from any point in the completed interval to any outer boundary of the unit, measured along a line perpendicular to the completed interval or to the tangent thereof, shall be a minimum of 330 feet.

b. The first and last take point of a horizontal well shall be no closer than 100 feet to any unit boundary unless the well is an authorized Cross-Unit Well.

2. Cross-Unit Wells

a. The party who owns or controls the majority working interest in the drilling units proposed for cross-unit development may obtain approval to drill cross-unit wells only after a 30-day notice public hearing. Such ownership or control shall be based on sworn testimony at the public hearing which authorizes the cross-unit wells.

b. Setback provisions of LAC 43:XIX.4307.1 do not apply to the common unit boundaries that are crossed by a cross-unit well.

c. A proposed cross-unit well that has less than 500 feet of perforated lateral in a unit may only be authorized if:

i. The pre-application notice and hearing application expressly set forth the right to object to the application; and

ii. There is no timely objection filed by an interested owner, interested party, or represented party as defined in LAC 43:XIX.3903, other than a mineral lessee, which owns an interest in the unit(s) with less than 500 feet of perforated lateral and, on the date of the application hearing, the short unit either is not producing or is producing only from one or more horizontal laterals with a combined length of perforated lateral less than five hundred feet.

d. Production from a cross-unit well shall be allocated to each unit in the same proportion as length of the completed interval located in each unit determined by an as-drilled survey.

e. Surface commingling of gas produced from cross-unit wells is authorized without further notice or application in exception to the requirements of LAC 43:XIX Chapter 15, provided that operators adhere to the following requirements:

i. All individual well production shall be metered for allocation purposes in accordance with the American Petroleum Institute (API) Manual of Petroleum Measurement Standards, Chapter 20, Allocation Measurement; and

ii. Allocation meters shall be calibrated on at least a quarterly basis;

iii. Within 90 days of initiating commingled production, a diagrammatic sketch of the mechanical installation along with a detailed explanation of gas flow, the procedures and frequency for calibration/proving of metering devices and the complete allocation formula to be utilized must be filed.

f. Supplemental production reports for each cross-unit well must be filed on a monthly basis.

3. Unit Line Wells

a. The party who owns or controls the majority working interest in the drilling units proposed for unit line well development may obtain approval to drill unit line wells only after a 30-day notice public hearing. Such ownership or control shall be based on sworn testimony at the public hearing which authorizes the unit line wells.

b. Setback provisions of LAC 43:XIX.4307.1 do not apply to the nearest unit boundary that is parallel to the completed interval of the unit line well.

c. Production from a unit line well should be allocated equally to each unit line unit in the same proportion as the length of the completed interval located within 330 feet of the common unit boundary determined by an as-drilled survey.

d. Surface commingling of gas produced from unit line wells is authorized without further notice or application in exception to the requirements of LAC 43:XIX Chapter 15, provided that operators adhere to the requirements of LAC 43:XIX.4307.2.e.i-iii.

e. Supplemental production reports for each unit line well must be filed on a monthly basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1 et seq.

HISTORICAL NOTE: Promulgated by Department of Energy and Natural Resources, Office of Conservation, LR 51:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

Small Business Analysis

The proposed Rule is not anticipated to have an adverse impact on small businesses as described in R.S. 49:974.4 & 49:975.5; therefore, a Small Business Economic Impact Statement or a Regulatory Flexibility Analysis has not been prepared.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference "Unconventional Reservoir Development". Such comments must be received no later than Tuesday, September 30, 2025, at 4:30 p.m., and should be sent to Chris Sandoz, Office of Conservation, Engineering Regulatory Division, P. O. Box 94275, Baton Rouge, LA 70804-9275; hand delivered to 617 North Third Street, 9th Floor, Baton Rouge, LA 70802; by email to christopher.sandoz@la.gov; or by fax to (225) 342-2584.

Public Hearing

If requested, a public hearing will be held on Tuesday, September 30, 2025 at 9 a.m. in the LaSalle Building, LaBelle Hearing Room, 617 N. Third Street, Baton Rouge, LA 70802. If accommodations are required under the Americans with Disabilities Act, please advise the Office of Conservation, Engineering Division at P.O. Box 94275, Baton Rouge, LA 70804-9275 in writing within 10 working days of the hearing date.

Steven M. Giambrone
Interim Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Unconventional Reservoir Development

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units as a result of the proposed rule change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is estimated to reduce agency self-generated revenue dedicated to the Oil and Gas Regulatory Dedicated Fund Account in the amount of \$7,855 for FY 26, \$7,121 for FY 27 and \$7,488 for FY 28. The reduction in revenue is associated with the elimination of requirements for a comingling application and associated application fee for cross-unit wells.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The oil and gas industry will be directly affected by the proposed rule change, however the proposed rule change is not anticipated to result in any increased costs or workload. The oil and gas industry will benefit from the proposed rule change through increased revenue from gas production associated with 10% longer single-unit horizontal laterals and reduced costs associated with more efficient surface and subsurface well placement. The proposed rule change also simplifies the application process for surface commingling required by cross-unit and unit line development and eliminates a duplicative filing fee if the comingling involves cross-unit or unit line wells.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment.

NOTICE OF INTENT

Department of Energy and Natural Resources Office of the Secretary

Regulation of Solar Power Generation Facilities (LAC 43:I.Chapter 51)

The Department of Energy and Natural Resources, Office of the Secretary, in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and under the authority of R.S. 30:1154 and Act 555 of the 2022 Regular Legislative Session, proposes to adopt LAC 43:I.5101-5121 to require permits to construct and operate solar power generation facilities and regulations governing the decommissioning and required financial security of such facilities.

Title 43

NATURAL RESOURCES

Part I. Office of the Secretary

Subpart 5. Renewable Energy

Chapter 51. Solar Power Generation Facilities

§5101. Definitions

A. The definitions provided in this Section shall have the following meanings within this Chapter.

Abandoned—a solar power generation facility that has not generated power for 12 consecutive months, except for good cause as determined by the department.

Construction—the installation of solar devices, equipment, and other materials or structures necessary for the operation of a solar power generation facility. Construction does not include the performance of preliminary activities to prepare the site, such as clearing, grading, testing, and surveying. This definition is adopted solely for the purpose of implementing the requirements for permits in this Chapter and is not intended to be interpreted as, align with, or affect the meaning of “construction” under any other federal or state law or regulation.

Decommission—the minimum requirements for the removal and recycling or disposal of all solar devices, integrated equipment and materials of a solar power generation facility, and transmission and distribution infrastructure traversing from the facility to the point of interconnection.

Decommissioning Activities—is the collective performance of removal activities and restoration activities.

Department—the Department of Energy and Natural Resources, or its successors.

Designated Operator—any person with control or management of activities of a solar power generation facility and who, on behalf of all responsible parties, is primarily responsible for complying with all registration, permit, and financial security requirements set forth in this Chapter.

Effective Date—the date of final promulgation of these rules and regulations.

Facility Footprint—the area within the perimeter of a solar power generation facility utilized by solar devices and integrated equipment up to, but not including, any fencing, setback, buffer, greenspace or similar requirements under

state law or regulation, local ordinance, or contractual agreement(s).

Force Majeure Event—a fortuitous event beyond the control of the designated operator, responsible party, landowner, or any combination thereof, that, based on the specific circumstances involved, ceases or unreasonably delays decommissioning activities. A force majeure event may include, without limitation: a major storm, flood, or similar natural disaster; federal or state order; significant supply chain disruptions; or other similar unforeseen events where timely and reasonable measures would not have avoided or mitigated the resulting impact.

Material Change—any change to the information provided in a permit application, or upon which an active permit is based, that may reasonably affect the department’s evaluation of a facility’s compliance with this Chapter or any conditions of the permit to be issued. Material changes include, but are not limited to, a change in the designated operator or any responsible party; a change in the ownership or leasing structure of the facility site; a change to the facility’s capacity, acreage, or other configuration that increases or decreases the footprint by more than 10 percent; a change to the location of solar devices or the point of interconnection; a change in the form, provider, or amount of financial security; change to the decommissioning plan; or a change of the decommissioning cost estimate by 10 percent or more.

Person—any natural person or legal entity capable of owning property, entering into legally binding agreements, or taking on legal obligations under contract or law.

Removal Activities—the removal, recycling, and disposal of all solar devices, integrated equipment and materials making up the solar power generation facility, and any transmission and distribution infrastructure traversing from the facility to the point of interconnection.

Responsible Party—any person or legal entity that owns, in whole or in part, a solar power generation facility, is the lessee of the land on which the facility is located, or both.

Restoration—returning the site on which a solar power generation facility was situated to its reasonable pre-construction condition or an alternative condition as agreed upon between the landowner and responsible party or designated operator in compliance with all applicable governmental regulations, procedures, and standards.

Restoration Activities—reconditioning the land where a solar power generation facility was sited such that the land, to the extent practicable, resembles its condition prior to construction and operation of the facility, or the alternative condition agreed upon between the landowner and responsible party or designated operator. The secretary may consult with the department and other state or federal agencies to determine the type of restoration activities needed to reasonably restore the land, which may include, but are not limited to, grading, filling, planting native vegetation, and reforestation.

Salvage Value—the actual or estimated scrap value of the intact and raw materials and components once removed from the solar power generation facility and made available for sale at market value.

Secretary—the secretary of the department.

Solar Device—any photovoltaic, thermal, or other technology associated with the collection of solar energy to generate electricity, including but not limited to panels, arrays, and integrated wiring.

Solar Power Generation Facility (or “Facility”)—all solar devices and the integrated equipment and other materials necessary for or incidental to the operation of solar devices located within the facility footprint to distribute, transfer, or store electricity, including but not limited to concrete or metal foundations and structures; electrical transformers, inverters, and controllers; above- and underground wires and conduit; energy storage mediums; telecommunications equipment; roads; meteorological stations; switchyards; maintenance yards; and security fencing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1154.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of the Secretary, LR 51:

§5103. Applicability

A. These rules apply to all ground-mounted solar power generation facilities, or parts thereof, with a facility footprint of 10 acres or more located in Louisiana. The facility footprint may be comprised of a single contiguous tract or multiple non-contiguous tracts.

B. Nothing in this Chapter shall be construed as:

1. limiting the authority of the local government or the parties to a lease or other contractual agreement to establish and implement requirements and obligations not specified in this Chapter;

2. authorizing local government to adopt and enforce rules for facilities that are more restrictive than or inconsistent with the rules set forth in this Chapter;

3. limiting the extent to which responsible parties and designated operators of facilities must comply with all other relevant federal, state, and local laws, rules, ordinances, and permit conditions; and

4. requiring the department to enforce and monitor compliance with laws, regulations, and standards of other federal or state agencies.

C. These rules are effective on and after the effective date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1154.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of the Secretary, LR 51:

§5105. General Requirements for Solar Power Generation Facilities

A. A solar power generation facility shall at all times have a designated operator, who shall be authorized by all responsible parties as the person responsible for compliance with all requirements of this Chapter and who acts on behalf of all responsible parties.

B. The designated operator of a facility shall register with the department as set forth in Section 5107.

C. No person shall begin construction or operate a facility without obtaining a permit issued by the department pursuant to Section 5109, unless the facility is exempt as set forth in Section 5119. A permit issued pursuant to this Chapter shall pertain to the implementation of a decommissioning plan and the financial security required by

Sections 5113 and 5115. The permit applies to all stages of a facility’s construction and operations; separate permits for each stage are not required. When feasible and upon request, the department may combine the permit application and requirements under this Chapter with other permit requirements under this Subpart into a singular permit to streamline regulatory compliance under this Subpart.

D. Permits issued under this Chapter may be transferred during the development and operation of the facility. The designated operator shall notify the department in writing within 60 days after transferring the permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1154.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of the Secretary, LR 51:

§5107. Registration

A. The designated operator of a solar power generation facility shall register with the department before submitting a permit application to begin construction or commence operation of the facility. For facilities under construction or in operation before the effective date of these rules, the responsible parties shall appoint a designated operator, who shall register with the department within 180 days of the effective date.

B. The designated operator shall submit to the department a completed registration form that includes:

1. the designated operator’s name and contact information, and, if applicable, its federal employer identification number and a copy of its detailed business record from the Secretary of State’s website; and

2. the name, location, footprint, capacity, and status of the facility to the extent practicable at the time of registration.

C. The designated operator shall renew its registration and verify the information required therein by January 31 of each year until decommissioning activities are complete. The designated operator shall notify the department in writing within 60 days after any sale, transfer, or assignment of any responsible party’s interest in a facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1154.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of the Secretary, LR 51:

§5109. Permit Requirement

A. As a prerequisite to the permit application, the designated operator of a proposed solar power generation facility shall provide written notice to all adjacent landowners and the police jury or council of each parish where the proposed facility will be located. The notice shall include a general description of the proposed facility, including its location, the projected facility footprint and capacity, and the location of all electric transmission and distribution infrastructure related to interconnection of the facility to the electrical grid.

B. The designated operator of a facility shall submit an administratively complete permit application to the department in advance of construction. The designated operator of a facility that has commenced construction or is in operation before the effective date of these rules shall have one year from the effective date to submit an administratively complete permit application. An administratively complete permit application shall include:

1. a copy of the designated operator's completed registration form;

2. a completed permit application form adopted by the secretary that includes:

a. the name, mailing address, email address, and phone number of each responsible party and, if applicable, the federal employer identification number and a copy of the detailed business record of each party from the Secretary of State's website; and

b. the facility's projected capacity, total number of acres within the facility footprint and of the entire project, and expected lifespan;

3. a detailed and labeled map of the facility that includes, to the extent practicable, the location of all solar devices, the dimensions of the facility footprint, and any setback, barrier, or buffer;

4. a decommissioning plan prepared in accordance with all requirements of this Chapter;

5. a description of the financial security to be provided prior to construction of the facility, payable to the department in an amount and form acceptable to the secretary, and due to the department before the permit is issued;

6. if the immovable property where the facility is to be constructed and operated is subject to a lease or other contractual agreement conveying the right to construct and operate the facility:

a. the name, mailing address, email address, and phone number of each lessor or grantor; and

b. a copy of all agreements or notices of lease conveying rights to construct or operate the facility recorded in the public records;

7. a sworn affidavit signed by the designated operator certifying complete compliance with Subsection (A), and a copy of each notice issued in accordance therewith;

8. payment to the department of the application fee and application processing fee required in Section 5121; and

9. any other information required by the department for issuing permits under this Subpart or that is relevant and reasonable to implement this Chapter.

C. Within 60 days of receipt, the department shall review each permit application and issue written notice of its findings to the designated operator as set forth below.

1. If the department finds that the application meets all requirements of this Chapter, the department shall issue a written notice to the designated operator certifying that the application is administratively complete.

2. If the department finds that the application is not administratively complete, the department shall issue a written notice to the designated operator identifying all missing or deficient information required for approval. The designated operator shall address and remedy each such deficiency within 60 days after receipt of the notice. Upon request and a showing of good cause by the designated operator, the department may extend the 60-day submission deadline. Failure to correct or provide the information identified in the notice within the applicable deadline shall constitute abandonment of the application process. Abandonment shall not prejudice the right of a designated operator to reapply for a permit under this Chapter or Subpart.

D. Within 30 days of issuing written notice of completion to the designated operator, the department shall publish the notice of completion on the department's website, in the state journal, and in the journal of each parish where the proposed facility will be located with instructions on submitting comments or a request for a public hearing regarding the decommissioning plan and financial security proposed in the permit application. The department will provide a copy of such publication to the police jury or council of all parishes in which the facility is located, the Department of Agriculture and Forestry, and the Department of Wildlife and Fisheries, with instructions on how to view the application. The publication shall specify a reasonable deadline by which all public comment(s) and request(s) for public hearing must be submitted.

E. The department, in its discretion, may hold a public hearing concerning the decommissioning plan and financial security proposed in an administratively complete permit application. Each hearing shall be conducted solely to acquire information and afford the opportunity for public input on the information submitted in the permit application.

1. If the secretary elects to hold a public hearing, the department shall notify the designated operator, the affected parish(es), and all persons who requested a hearing. The department shall advertise notice of the hearing on its website, in the state journal, and in the journal of each affected parish at least 30 days before the hearing date.

2. If the secretary determines that no hearing will be held, the department shall notify the requesting party of the decision.

F. The designated operator shall update the permit application with the department within 14 days after any material change of the information therein. The department may suspend or revoke an active permit upon a finding that a material change occurred, but was not reported to the department, before permit issuance.

G. The department shall issue a final permit decision to the designated operator no later than 30 days after the public comment deadline or date of the public hearing, whichever occurs later. The department shall publish notice of its decision on its website and to any person that submitted a comment or requested notice.

H. A permit issued by the department pursuant to this Chapter shall expire within five years of the date of issuance, unless construction of the facility has commenced. The designated operator may request an extension of the expiration date by providing the department with written notice that explains the circumstances for the delay and shows good cause for granting the request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1154.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of the Secretary, LR 51:

§5111. Generation Reporting Requirements

A. If the designated operator has elected to post the required financial security in the form of cash payments in accordance with Section 5115(C)(3), the designated operator shall submit quarterly production reports to the department with records itemizing the amount of electricity in megawatt-hours (MWh) generated by the solar power generation facility, both since the prior reporting period, if applicable, and on aggregate since commencement of operations.

B. Each production report required by Subsection (A) shall be submitted by the designated operator no later than 30 days after the end of each calendar quarter.

C. The quarterly production reporting schedule for the calendar year is: for the period from January 1 through March 31, due by April 30; for the period from April 1 through June 30, due by July 31; for the period July 1 through September 30, due by October 31; and for the period October 1 through December 31, due by January 31.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1154.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of the Secretary, LR 51:

§5113. Decommissioning Requirements

A. All solar power generation facilities shall be decommissioned in accordance with this Chapter, except those exempt pursuant to Section 5119. Decommissioning shall include all removal activities and restoration activities unless otherwise provided herein.

B. Each facility shall be decommissioned within 18 months after its final day of power generation. The designated operator shall notify the department in writing within 30 days after the facility's final day of power generation.

1. A facility shall be presumed to have reached its final day of power generation and considered abandoned if the facility has not generated power for 12 consecutive months. A responsible party, designated operator, or landowner may rebut the presumption by providing written notice to the department showing good cause therefor and, if applicable, providing a proposed timeline for recommencement of power generation.

a. If the department determines that good cause was shown, it shall issue a written finding regarding the status of the facility and, if applicable, establish a deadline to comply with the rules of this Chapter.

b. If the department determines that good cause was not shown, it may order the responsible party or designated operator to recommence power generation or proceed with decommissioning. If no action is taken within 30 days of the order, the department may commence decommissioning in accordance with the rules of this Chapter.

2. If a force majeure event unreasonably hinders or prevents decommissioning within 18 months of the facility's final day of power generation, the designated operator shall notify the department in writing within 30 days after the event. The notice shall provide a detailed description of the nature of the event, the anticipated duration of the delay, an estimated timeline for resuming decommissioning activities, and any documentation supporting the inability to comply with the applicable deadline. If the department determines that the circumstances warrant an extension, it shall specify a reasonable deadline for compliance to the designated operator in writing. The department may order the designated operator to submit one or more written reports illustrating good faith efforts to resume decommissioning in accordance with the deadline.

C. Decommissioning Plan. A facility's decommissioning plan shall comply with the following requirements:

1. Preparation. The plan must be prepared, signed, and sealed by a professional engineer who is licensed to do business in Louisiana.

2. Facility Description. The plan shall include the following information and any other information reasonably required by the department regarding the subject facility:

a. the location of the facility, the total number of acres within the facility footprint, the expected life of the facility, and the facility's megawatt (MW) capacity for generation and battery storage; and

b. an itemized inventory of all solar devices, equipment, and component parts used or planned to be used in the facility's operations;

c. a detailed map of the facility footprint that illustrates the anticipated or actual location of all solar devices, equipment, and component parts used or planned to be used in the facility's operations; all routes of ingress and egress to a public road; and all applicable setback plans; and

d. a description of the historical and pre-development use(s) of the land and all site work performed or planned to be performed thereon.

3. Decommissioning Schedule. The plan shall include a statement of the anticipated sequence of removal activities and restoration activities and the anticipated period of time needed to complete them.

4. Decommissioning Activities. The plan shall include a detailed statement regarding the anticipated labor and equipment needed to complete the required removal activities and restoration activities.

5. Waste Management. The plan shall identify all solar devices, equipment, component parts, and other materials making up the facility that may be considered hazardous wastes and provide a summary of how they will be properly disposed of or recycled in accordance with applicable laws and regulations.

6. Landowner's Preferences. If applicable, the plan shall include the information required in Subsection (E) to request a full or partial exemption from the decommissioning activities required herein.

7. Decommissioning Cost Estimate. The plan shall provide an itemized schedule estimating, to the extent practicable, all costs necessary for or related to decommissioning as required by this Chapter. The estimate may be adjusted as provided in Subsection (D) throughout the facility's operational life and should include, if applicable, the landowner's preferences in accordance with Subsection (E). The decommissioning cost estimate shall include the following in an itemized format:

a. the gross cost of all decommissioning activities, including all related labor, materials, and equipment;

b. the salvage value of the solar devices, integrated equipment, and other materials associated with the facility; and

c. the net decommissioning cost, calculated as the difference between the gross cost and the salvage value.

d. If the financial security instrument is a performance bond, an irrevocable letter of credit, or both, a contingency rate, which is an increase of the gross cost by a percentage determined by the department, shall be added to the net decommissioning cost. The contingency rate accounts for:

i. estimated future inflation until the cost estimate is revised in accordance with Subsection (D), not to exceed two percent per annum; and

ii. the margin of error inherent in estimations and allows for flexibility in responding to unexpected decommissioning costs.

8. Financial Security. A statement identifying the financial security option chosen by the designated operator to secure the cost of all decommissioning activities.

9. Emergency Plans. A statement of committed assurance that the designated operator will establish an emergency plan in conjunction with local authorities.

D. The decommissioning plan and cost estimate shall be revised and submitted to the department every five years on or before the anniversary date of the permit's issuance and within six months following any modification to the facility that is estimated to increase or decrease the cost of decommissioning by 10 percent or more. The revised decommissioning plan shall be prepared in accordance with Paragraph (C)(1) and include all relevant adjustments to the cost estimate and the salvage value estimate.

E. A facility that is under construction or operating prior to the effective date and has either provided a decommissioning plan or entered into a decommissioning agreement with the landowner, local police jury or council, or both may use the existing plan or agreement in its permit application. However, the designated operator must submit revised plans in accordance with Subsection (D) that complies with the requirements set forth in Subsection (C).

F. The secretary may grant an exemption from the decommissioning activities required in Subsection (A) upon a showing that the owner(s) of the land where the facility is situated have formally authorized decommissioning activities less than, or alternative to, those required in Subsection (A).

1. To qualify for the decommissioning exemption, the designated operator shall submit a request to the secretary that includes the following information:

a. a detailed written description of the alternate decommissioning plan;

b. a written document, signed by all affected landowner(s) and two witnesses, evidencing unequivocal consent by the landowner(s) to the alternate decommissioning plan;

c. written justification for the exemption, including but not limited to any potential economic, environmental, or personal benefits to the landowner and neighboring tracts of land;

d. a detailed written description and illustrative map(s) evidencing the condition of the land after the alternative decommissioning activities; and

e. any other relevant information requested by the secretary to make a determination.

2. The department shall review the request to determine whether the proposal would result in any adverse impacts that would impede compliance with this Section. The secretary shall issue a written notice approving, rejecting, or modifying the alternate decommissioning proposal within 45 days of receipt. If public comments are requested, notice of the secretary's decision shall be issued within 30 days following the close of the public comment period. The designated operator may modify the facility's decommissioning plan and financial security instrument to reflect the approved or modified decommissioning plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1154.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of the Secretary, LR 51:

§5115. Financial Security Requirements

A. Prior to construction, the designated operator of a solar power generation facility shall establish and submit financial security to the department in an amount that will ensure sufficient funds are available for all decommissioning activities in compliance with this Chapter and R.S. 30:1154(A). The financial security required under this Section shall secure the cost of decommissioning and shall be callable in accordance with R.S. 30:1154(A).

B. Acceptable forms of financial security are limited to one or a combination of the following instruments:

1. performance bond;
2. irrevocable letter(s) of credit; and/or
3. cash payments to the department.

C. The designated operator shall meet the financial security requirement of this Section according to the following requirements:

1. Performance Bond. Submitting to the department a performance bond in an amount equal to 100 percent of the gross decommissioning cost estimate as set forth in Section 5113(C)(7). The performance bond must name the department as the beneficiary. The department will not release the bond until it receives proof that the facility was fully decommissioned as required by this Chapter or received a replacement bond as provided herein. To ensure that the performance bond is properly maintained, the designated operator shall provide the department with written notice at least 120 days before the expiration of the existing bond. The designated operator must submit a replacement performance bond consistent with the requirements of this Chapter no later than 30 days before the expiration of the existing bond. Failure to provide a replacement performance bond before this 30-day period shall be deemed a violation of these rules and subject the designated operator to revocation of the facility's permit, the calling of the performance bond, and any other remedy authorized by law.

2. Irrevocable Letter(s) of Credit. Submitting to the department an irrevocable letter(s) of credit that equal to 100 percent of the gross decommissioning cost estimate as set forth in Section 5113(C)(7). The letter(s) of credit must name the department as the beneficiary. The department will not release the letter(s) until it receives proof that the facility was fully decommissioned as required by this Chapter or received a replacement letter(s) of credit as provided herein. To ensure that the letter(s) of credit is properly maintained, the designated operator shall provide the department with written notice at least 120 days before the expiration of the existing letter(s). The designated operator must submit a replacement letter(s) of credit consistent with the requirements of this Chapter no later than 30 days before the expiration of the existing letter(s). Failure to provide a replacement letter(s) of credit before this 30-day period shall be deemed a violation of these rules and subject the designated operator to revocation of the facility's permit, the calling of the letter(s) of credit, and any other remedy authorized by law.

3. Cash Payments. Making cash payments to the department each calendar quarter, as referenced in Section 5111, based on the amount of MWhs generated by a facility.

The contribution rate, or fixed dollar amount, of cash payments per MWh shall be determined by the Natural Resources Trust Authority. Upon receipt of proof that the facility was fully decommissioned as required by this Chapter, a certain percentage of the amount paid, as determined by the Natural Resources Trust Authority, shall be returned to the designated operator and the remainder shall be used by the department to decommission facilities that are abandoned or have not been decommissioned in accordance with this Chapter.

D. During a facility's operational life, the amount of financial security required by this Chapter shall be adjusted by the department to conform to the facility's revised decommissioning plan in accordance with Section 5113(D).

E. The salvage value of solar devices, integrated equipment, and other materials associated with a facility may be deducted from the gross decommissioning cost estimate during the bankruptcy of the designated operator if the designated operator provides the department with a lien of first priority in an amount equal to the salvage value as itemized in the decommissioning plan, and the department determines the salvageable materials are available during decommissioning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1154.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of the Secretary, LR 51:

§5117. Enforcement

A. The submission of an administratively complete permit application shall serve as an acknowledgment and agreement by the designated operator, responsible parties, and landowners that the department, upon proper notice and identification, may enter the immovable property where the solar power generation facility is located at reasonable times for purposes of site inspection and decommissioning activities.

B. Failure of the designated operator to comply with all requirements set forth in this Chapter, after notice and opportunity to cure, may result in the department taking appropriate enforcement actions, including but not limited to the non-issuance or revocation of a facility's permit and, pursuant to R.S. 30:1154(F), the secretary may enjoin the designated operator or a responsible party for violating any regulation set forth in this Chapter.

1. The department shall send notice of noncompliance to the designated operator or all responsible parties by certified mail, return receipt requested, that sets forth the nature of the violations, the actions necessary to correct the violations, the date by which corrective actions should be taken and completed, and the department's intended actions upon failure to correct the violation.

2. The designated operator and all responsible parties agree that a violation may be enforced, restrained, corrected, or abated, without limitation, by any such judicial remedy, without the necessity of the department proving irreparable harm or furnishing bond or other security and with the department, should it prevail in whole or in part, being entitled to recover reasonable attorney's fees and costs.

C. If the department determines a facility has not been decommissioned in accordance with this Chapter, the department shall call upon the financial security instrument to decommission the facility.

1. Where the financial security instrument(s) is a performance bond, an irrevocable letter(s) of credit, or a combination thereof, and the instrument(s) is insufficient to fund the decommissioning activities fully, the department may seek reimbursement from the designated operator or any responsible party for funds expended by the department to complete decommissioning activities.

2. Where the financial security instrument are cash payments, and the payments allocated by the Natural Resource Trust Authority for decommissioning the facility are insufficient to fully fund the decommissioning activities, the department may seek reimbursement from the designated operator for any funds expended by the department to complete decommissioning activities.

3. Where the department holds a lien of first priority for the salvage value of the solar devices, integrated equipment, and other materials associated with a facility, the landowner shall permit the department to enter the immovable property; upon proper notice, identification, and at a reasonable time; to access and retrieve the items to be salvaged as permissible by right.

D. The department may seek to recover any additional costs incurred by the department and any other relief from the current and any prior designated operator, responsible party, or both pursuant to any applicable laws, regulations, or orders by a court of competent jurisdiction.

E. At the time of decommissioning, the designated operator and responsible parties are jointly and severally liable for compliance with all obligations and provisions of the decommissioning plan.

F. The landowner will be considered a responsible party and subject to Subsections (C) and (D) only in the event that the landowner, who entered into a lease or other contractual agreement(s), calls upon the financial security instrument that names the landowner as the beneficiary and does not decommission the facility in accordance with the requirements of Chapter. A landowner's liability under this Section shall be limited to the amount of funds received by the landowner from the surety providing the financial security.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1154.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of the Secretary, LR 51:

§5119. Exemptions

A. Solar power generation facilities owned by an electric utility provider and regulated by the Public Service Commission or the Council of the city of New Orleans are exempt from the requirements of Sections 5109–5115 of this Chapter when either of the following conditions are met:

1. the facility is located on land owned by the electric utility provider, and the provider is capable of demonstrating a decommissioning plan to the applicable regulator; or

2. the facility is located on land leased by the electric utility provider, as long as:

a. the provider guarantees to the landowner, in a form and manner acceptable to the secretary, that it will pay for all decommissioning costs consistent with the requirements of Section 5113; and

b. the lease includes a provision(s) providing for site decommissioning at the end of the facility's life, at the termination of the lease, as determined by a court of

competent jurisdiction, or upon any other circumstances requiring closure of the facility.

B. To qualify for this exemption, all electric utility providers shall register with the department as set forth in Section 5107 and provide documentation proving ownership of the facility and that it is regulated by the Public Service Commission or the Council of the city of New Orleans, as well as evidence that the elements of Subsection (A) above are met.

1. Evidence meeting the elements of Paragraph (A)(1) includes:

a. a copy of any purchase agreement or other document demonstrating the provider has complete ownership of the land where the facility is or will be located; and

b. proof that the provider is capable of demonstrating a decommissioning plan to the applicable regulator.

2. Evidence meeting the elements of Paragraph (A)(2) includes:

a. a copy of the lease that:

i. grants the provider the authority to construct and operate a facility on the leased acreage; and

ii. contains a provision(s) providing for site decommissioning at the end of the facility's life, at the termination of the lease, as determined by a court of competent jurisdiction, or upon any other circumstances that require closure of the facility; and

b. a written guarantee to the landowner that the provider will pay for all decommissioning costs described in Section 5113.

C. In the event a facility is no longer exempt pursuant to this Section, due to a transfer in ownership or any other reason, the designated operator or a responsible party shall have 60 days from the date from the event causing said status change to comply with the requirements of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1154.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of the Secretary, LR 51:

§5121. Fees

A. Pursuant to Section 5109(B), the designated operator of a solar power generation facility shall pay to the department the following fees:

1. an application fee of \$15 per acre for the total number of acres within the facility footprint as identified in the engineer's drawing required by Section 5113(C); and

2. an application processing fee of \$500.

B. Beginning the year after a permit is issued, all designated operators shall pay the department an annual monitoring and maintenance fee each year until the facility is decommissioned in accordance with this Chapter. This fee is due by January 31 of each year and shall not exceed the amount of \$15 per acre for the total number of acres within the facility footprint as depicted in the engineer's drawing required by Section 5113(C) and within each revised decommissioning plan required by Section 5113(C).

C. All fees paid to the department shall be made payable via certified funds, bank money order, cashier's check, bank wire, or Automated Clearing House (ACH) transfer.

D. Each fiscal year, the department shall calculate the total budgeted cost of administering the permitting process

for solar power generation facilities. In any fiscal year, the monitoring and maintenance fee charged to designated operators shall not exceed their pro-rata share of the department's budgeted costs for implementing and administering these provisions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1154.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of the Secretary, LR 51:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. The department anticipates that this proposed Rule will have no impact on family functioning, stability, and autonomy as described in R.S. 49:972(B). In particular, the proposed Rule has no known or foreseeable impact on:

1. The effect on the stability of the family.

2. The effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect on the functioning of the family.

4. The effect on family earnings and family budget.

5. The effect on the behavior and personal responsibility of children.

6. The ability of the family or a local government to perform the function as contained in the proposed rule.

Poverty Impact Statement

The department anticipates that this proposed Rule should not have any known or foreseeable impact on any child, individual, or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. The effect on household income, assets, and financial security.

2. The effect on early childhood development and preschool through postsecondary education development.

3. The effect on employment and workforce development.

4. The effect on taxes and tax credits.

5. The effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:974.5, the Regulatory Flexibility Act, have been considered by the department. The proposed Rule is not expected to have a significant adverse impact on the health, safety, environmental or economic welfare of small businesses; therefore, a Small Business Economic Impact Statement as required by R.S. 49:974.4 has not been prepared.

Provider Impact Statement

The department anticipates that the proposed Rule should not have any known or foreseeable impact on providers as defined by House Concurrent Resolution No. 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service.

2. The total direct and indirect effect on the cost to the provider to provide the same level of service.

3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on the proposed rule no later than Tuesday, September 9, 2025, at 4:30 p.m. Written comments should be addressed to Elizabeth Ferrier, Attorney, Office of Mineral Resources, Department of Energy and Natural Resources, 617 North Third Street, 8th Floor, Baton Rouge, LA 70802 or via email to dnrsolarreg@la.gov. Please reference “Solar Power Generation Facility Decommissioning and Financial Security Regulations” in your comments and include your name and whom you represent, if someone other than yourself.

Public Hearing

Interested persons may submit a written request for a public hearing no later than Tuesday, September 9, 2025, at 4:30 p.m. Requests may be submitted either by mail, addressed to Elizabeth Ferrier, Attorney, Office of Mineral Resources, Department of Energy and Natural Resources, 617 North Third Street, 8th Floor, Baton Rouge, LA 70802, or via email to dnrsolarreg@la.gov. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, a public hearing will be held on Friday, September 26, 2025, at 9 a.m. in the Griffon Room, located on the first floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802, for all interested persons to attend and submit oral or written comments. To confirm whether or not the public hearing will be held, please visit the department’s website at <https://www.dnr.louisiana.gov/page/solar-facility-rulemaking> or email dnrsolarreg@la.gov. In accordance with the Americans with Disabilities Act, please contact DENR’s ADA Coordinator, Maranda Rispono, at (225) 342-9088 or by email at Maranda.Rispono@la.gov within 10 working days of the hearing if you need assistance or accommodation.

Tyler Gray
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Regulation of Solar Power Generation Facilities

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule is estimated to cost an average of \$316,856 per year over the next three years, with expenditures covering personnel, travel, supplies, and public notice requirements. The solar program is expected to be fully operational by the fourth quarter of FY 25. The Department of Energy and Natural Resources (DENR) has hired one (1) attorney and anticipates hiring one (1) Statewide Program Manager with technical expertise in solar facilities. These positions will manage registration, permitting, and compliance activities. Program costs will be funded through permit fees and revenues will be deposited into the statutorily dedicated Mineral and Energy Operation Fund.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

State revenue collections from permit application fees and monitoring fees will begin in FY 26 and increase over time as more solar facilities become operational. These revenues will be deposited into the Mineral and Energy Operation Fund to support program implementation and oversight. There is no anticipated effect on local governmental units as a result of the proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule will affect persons, small businesses, and non-governmental groups associated with ownership or operational control of utility-scale solar facilities. The cost of obtaining the required decommissioning plan and financial security that is imposed on owners/operators of these facilities is difficult to quantify, as the size and complexity of each facility varies. The decommissioning plan will also provide economic benefits to the local community where a facility is sited.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule is estimated to have positive effects on competition and employment within local communities, particularly by generating demand for local engineers to develop decommissioning plans and creating construction and demolition jobs related to decommissioning activities.

Mark Normand, Jr.
Undersecretary
2508#044

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

2025 Annual Incorporation by Reference of Certain Federal
Air Quality Regulations
(LAC 33:III.505, 507, 2160, 3003, 5116, 5122,
5311, and 5901) (AQ405ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.505, 507, 2160, 3003, 5116, 5122, 5311, and 5901 (Log #AQ405ft).

The proposed Rule is identical to federal regulations found in 40 CFR Parts 60, 61, 63, 68, and 72 as well as 40 CFR 70.6(a) and 40 CFR 51, Appendix M, which are applicable in Louisiana. For more information regarding the federal requirement, contact William Little at (225) 219-3985. No fiscal or economic impact will result from the proposed Rule. The proposed Rule will be promulgated in accordance with the procedures in R.S. 49:963(B)(3) and (4).

The proposed Rule incorporates by reference 40 CFR Parts 60, 61, 63, 68, and 72 as well as 40 CFR 70.6(a) and 40 CFR 51, Appendix M in order to remain equivalent to federal air quality regulations. The proposed Rule is necessary to maintain LDEQ’s authority to implement, administer, and enforce standards delegated to Louisiana by the Environmental Protection Agency. The basis and rationale for the proposed Rule are to mirror federal regulations as they apply to affected sources in Louisiana. The proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33
ENVIRONMENTAL QUALITY

Part III. Air

Chapter 5. Permit Procedures

§505. Acid Rain Program Permitting Requirements

A. The Acid Rain Program regulations, published in the *Code of Federal Regulations* at 40 CFR part 72, July 1, 2025, are hereby incorporated by reference.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), LR 21:678 (July 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2446 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2429, 2436 (October 2005), LR 32:1598 (September 2006), LR 33:2083 (October 2007), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:746 (April 2018), LR 46:893 (July 2020), LR 47:355 (March 2021), LR 48:488 (March 2022), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§507. Part 70 Operating Permits Program

A. - B.1....

2. No part 70 source may operate after the time that the owner or operator of such source is required to submit a permit application under Subsection C of this Section, unless an application has been submitted by the submittal deadline and such application provides information addressing all applicable sections of the application form and has been certified as complete in accordance with LAC 33:III.517.B.1. No part 70 source may operate after the deadline provided for supplying additional information requested by the permitting authority under LAC 33:III.519, unless such additional information has been submitted within the time specified by the permitting authority. Permits issued to the part 70 source under this Section shall include the elements required by 40 CFR 70.6. The department hereby adopts and incorporates by reference the provisions of 40 CFR 70.6(a), July 1, 2025. Upon issuance of the permit, the part 70 source shall be operated in compliance with all terms and conditions of the permit. Noncompliance with any federally applicable term or condition of the permit shall constitute a violation of the Clean Air Act and shall be grounds for enforcement action; for permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application.

C. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011, 2023, 2024, and 2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), LR 20:1375 (December 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2447 (November 2000), LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 29:698 (May 2003), LR 30:1008 (May 2004), amended by the Office of Environmental Assessment, LR 31:1061 (May 2005), LR 31:1568 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2437 (October 2005), LR 32:808 (May 2006), LR

33:1619 (August 2007), LR 33:2083 (October 2007), LR 33:2630 (December 2007), LR 34:1391 (July 2008), LR 35:1107 (June 2009), LR 36:2272 (October 2010), LR 37:2990 (October 2011), LR 38:1229 (May 2012), amended by the Office of the Secretary, Legal Division, LR 39:1276 (May 2013), LR 40:1334 (July 2014), LR 41:1274 (July 2015), LR 42:1085 (July 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:746 (April 2018), LR 46:893 (July 2020), LR 47:355 (March 2021), LR 48:488 (March 2022), amended by the Office of the Secretary, Legal Affairs Division, LR 51:69 (January 2025), LR 51:

Chapter 21. Control of Emission of Organic Compounds

Subchapter N. Method 43—Capture Efficiency Test Procedures

§2160. Procedures

A. Except as provided in Subsection C of this Section, the regulations at 40 CFR 51, appendix M, July 1, 2025, are hereby incorporated by reference.

B. - C.2.b.iv. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:653 (July 1991), amended LR 22:1212 (December 1996), LR 23:1680 (December 1997), LR 24:1286 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1224 (August 2001), LR 29:698 (May 2003), LR 30:1009 (May 2004), amended by the Office of Environmental Assessment, LR 31:1568 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:809 (May 2006), LR 33:1620 (August 2007), LR 34:1391 (July 2008), LR 35:1107 (June 2009), LR 36:2272 (October 2010), LR 37:2990 (October 2011), LR 38:1230 (May 2012), amended by the Office of the Secretary, Legal Division, LR 39:1277 (May 2013), LR 40:1334 (July 2014), LR 41:1274 (July 2015), LR 42:1085 (July 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:747 (April 2018), LR 46:893 (July 2020), LR 47:356 (March 2021), LR 48:488 (March 2022), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Chapter 30. Standards of Performance for New Stationary Sources (NSPS)

Subchapter A. Incorporation by Reference

§3003. Incorporation by Reference of 40 Code of Federal Regulations (CFR) Part 60

A. Except for 40 CFR 60, subpart AAA, and as modified in this Section, standards of performance for new stationary sources, published in the *Code of Federal Regulations* at 40 CFR 60, July 1, 2025, are hereby incorporated by reference as they apply to the state of Louisiana.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 22:1212 (December 1996), amended LR 23:1681 (December 1997), LR 24:1287 (July 1998), LR 24:2238 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1239 (July 1999), LR 25:1797 (October 1999), LR 26:1607 (August 2000), LR 26:2460, 2608 (November 2000), LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 28:2179 (October 2002), LR 29:316 (March 2003), LR 29:698 (May 2003), LR 30:1009 (May 2004), amended by the Office of Environmental Assessment, LR 31:1568 (July 2005), amended by the Office of the

Secretary, Legal Affairs Division, LR 31:2446 (October 2005), LR 32:809 (May 2006), LR 32:1596 (September 2006), LR 33:1620 (August 2007), LR 33:2092 (October 2007), LR 33:2626 (December 2007), LR 34:1391 (July 2008), LR 35:1107 (June 2009), LR 36:2273 (October 2010), LR 37:2990 (October 2011), LR 38:1230 (May 2012), amended by the Office of the Secretary, Legal Division, LR 38:2754 (November 2012), LR 39:1039 (April 2013), LR 39:1277 (May 2013), LR 40:1335 (July 2014), LR 40:2540 (December 2014), LR 41:1274 (July 2015), LR 42:1086 (July 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:747 (April 2018), LR 46:894 (July 2020), LR 47:356 (March 2021), LR 48:489 (March 2022), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program

Subchapter B. Incorporation by Reference of 40 CFR

Part 61 (National Emission Standards for Hazardous Air Pollutants)

§5116. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)

A. Except as modified in this Section and specified below, national emission standards for hazardous air pollutants, published in the *Code of Federal Regulations* at 40 CFR 61, July 1, 2025, and specifically listed in the following table, are hereby incorporated by reference as they apply to sources in the state of Louisiana.

* * *

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR 23:1658 (December 1997), LR 24:1278 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 25:1797 (October 1999), LR 26:2271 (October 2000), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2179 (October 2002), LR 29:699 (May 2003), LR 30:1009 (May 2004), amended by the Office of Environmental Assessment, LR 31:1569 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2448 (October 2005), LR 32:809 (May 2006), LR 33:1620 (August 2007), LR 33:2094 (October 2007), LR 34:1391 (July 2008), LR 35:1108 (June 2009), LR 36:2273 (October 2010), LR 37:2990 (October 2011), LR 38:1230 (May 2012), amended by the Office of the Secretary, Legal Division, LR 39:1277 (May 2013), LR 40:1335 (July 2014), LR 41:1274 (July 2015), LR 42:1086 (July 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:747 (April 2018), LR 46:894 (July 2020), LR 47:356 (March 2021), LR 48:489 (March 2022), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Subchapter C. Incorporation by Reference of 40 CFR

Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Major Sources

§5122. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Major Sources

A. Except as modified in this Section and specified below, national emission standards for hazardous air pollutants for source categories, published in the *Code of Federal Regulations* at 40 CFR 63, July 1, 2025, are hereby

incorporated by reference as they apply to major sources in the state of Louisiana.

B. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR 23:1659 (December 1997), LR 24:1278 (July 1998), LR 24:2240 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 25:1798 (October 1999), LR 26:690 (April 2000), LR 26:2271 (October 2000), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2180 (October 2002), LR 29:699 (May 2003), LR 29:1474 (August 2003), LR 30:1010 (May 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2449 (October 2005), LR 31:3115 (December 2005), LR 32:810 (May 2006), LR 33:1620 (August 2007), LR 33:2095 (October 2007), LR 33:2627 (December 2007), LR 34:1392 (July 2008), LR 35:1108 (June 2009), LR 36:2273 (October 2010), LR 37:2991 (October 2011), LR 38:1231 (May 2012), amended by the Office of the Secretary, Legal Division, LR 39:1278 (May 2013), LR 40:1335 (July 2014), LR 41:1275 (July 2015), LR 42:1086 (July 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:748 (April 2018), LR 46:894 (July 2020), LR 47:357 (March 2021), LR 48:489 (March 2022), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Chapter 53. Area Sources of Toxic Air Pollutants

Subchapter B. Incorporation by Reference of 40 CFR

Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Area Sources

§5311. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Area Sources

A. Except as modified in this Section and specified below, national emission standards for hazardous air pollutants for source categories, published in the *Code of Federal Regulations* at 40 CFR 63, July 1, 2025, are hereby incorporated by reference as they apply to area sources in the state of Louisiana.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:63 (January 1997), amended LR 23:1660 (December 1997), LR 24:1279 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2180 (October 2002), LR 29:699 (May 2003), LR 30:1010 (May 2004), amended by the Office of Environmental Assessment, LR 31:1569 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2451 (October 2005), LR 32:810 (May 2006), LR 33:1620 (August 2007), LR 33:2096 (October 2007), LR 34:1392 (July 2008), LR 35:1108 (June 2009), LR 36:2274 (October 2010), LR 37:2991 (October 2011), LR 38:1231 (May 2012), amended by the Office of the Secretary, Legal Division, LR 38:2756 (November 2012), LR 39:1278 (May 2013), LR 40:1336 (July 2014), LR 41:1275 (July 2015), LR 42:1086 (July 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:748 (April 2018), LR 46:894 (July 2020), LR 47:357 (March 2021), LR 48:489 (March 2022), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Chapter 59. Chemical Accident Prevention and Minimization of Consequences

Subchapter A. General Provisions

§5901. Incorporation by Reference of Federal Regulations

A. Except as provided in Subsection C of this Section, the department incorporates by reference 40 CFR 68, July 1, 2025.

B. - C.6. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 30:2063.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:421 (April 1994), amended LR 22:1124 (November 1996), repromulgated LR 22:1212 (December 1996), amended LR 24:652 (April 1998), LR 25:425 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:70 (January 2000), LR 26:2272 (October 2000), LR 28:463 (March 2002), LR 29:699 (May 2003), LR 30:1010 (May 2004), amended by the Office of Environmental Assessment, LR 30:2463 (November 2004), LR 31:1570 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:810 (May 2006), LR 33:1621 (August 2007), LR 34:1392 (July 2008), LR 35:1109 (June 2009), LR 36:2274 (October 2010), LR 37:2991 (October 2011), LR 38:1231 (May 2012), amended by the Office of the Secretary, Legal Division, LR 39:1278 (May 2013), LR 40:1336 (July 2014), LR 41:1275 (July 2015), LR 42:1087 (July 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:748 (April 2018), LR 46:894 (July 2020), LR 47:357 (March 2021), LR 48:490 (March 2022), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This Rule has no known impact on small business as described in R.S. 49:978.1 - 978.8.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Hearing

A public hearing will be held on September 25, 2025, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or online via Zoom at <https://deqlouisiana.zoom.us/j/6836133613?omn=93452818861> or by phone at (646) 255-1997 Meeting ID: 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

Public Comments

All interested persons are invited to submit written comments on the proposed Rule. Persons commenting should reference this proposed Rule by AQ405ft. Such comments must be received no later than September 25, 2025, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs and Criminal Investigations Division, P.O. Box 4302, Baton

Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. The comment period for this rule ends on the same date as the public hearing. Copies of this proposed Rule can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ405ft. This regulation is available on the Internet at <https://deq.louisiana.gov/page/monthly-regulation-changes-2025%20>.

The proposed Rule is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Jill C. Clark
General Counsel

2508#033

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Integrating e-Manifest with Hazardous Waste Exports and Other Manifest-Related Reports
(LAC 33:V.109, 309, 1023, 1107, 1108, 1127, 1307, 1516, 1531, 4105, and 4911)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste regulations, LAC 33:V.109, 309, 1023, 1107, 1108, 1127, 1307, 1516, 1531, 4105, and 4911. (HW137ft)

The proposed Rule is identical to federal regulations found in FR Vol. 89, No. 144, pages 60692-60740, which are applicable in Louisiana. For more information regarding the federal requirement, contact William Little at (225) 219-3985. No fiscal or economic impact will result from the proposed Rule. The proposed Rule will be promulgated in accordance with the procedures in R.S. 49:963(B)(3) and (4).

The proposed Rule adopts the federal Rule published by the U.S. Environmental Protection Agency on July 26, 2024. The proposed Rule revises the regulations for hazardous waste management under the Resource Conservation and Recovery Act for manifest requirements for shipments of hazardous waste that are exported for treatment, storage, and disposal. Additionally, the proposed Rule finalizes regulatory changes to the hazardous waste export and import shipment international movement document-related requirements to more closely link the manifest data with the international movement document data. The proposed Rule also amends three manifest-related reports and makes technical corrections. The basis and rationale for this Rule

are to mirror federal regulations. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963(B)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality— Hazardous Waste

Chapter 1. General Provisions and Definitions

§109. Definitions

For all purposes of these rules and regulations, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

* * *

User of the Electronic Manifest System—a hazardous waste generator; a hazardous waste transporter; an owner or operator of a hazardous waste treatment, storage, recycling, or disposal facility; or any other person that:

1. - 2. ...

3. elects to use the paper manifest form and submits to the system for data processing purposes a paper copy of the manifest (or data from such a paper copy), in accordance with LAC 33:V.1516.B.1.d.

[NOTE: These paper copies are submitted for data exchange purposes only and are not the official copies of record for legal purposes.]

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790, 791 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:218, 220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), amended LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR 25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000), LR 26:2465 (November 2000), LR 27:291 (March 2001), LR 27:708 (May 2001), LR 28:999 (May 2002), LR 28:1191 (June 2002), LR 29:318 (March 2003); amended by the Office of the Secretary, Legal Affairs Division, LR 31:2452 (October 2005), LR 31:3116 (December 2005), LR 32:606 (April 2006), LR 32:822 (May 2006), LR 33:1625 (August 2007), LR 33:2098 (October 2007), LR 34:71 (January 2008), LR 34:615 (April 2008), LR 34:1009 (June 2008), LR 34:1894 (September 2008), LR 34:2396 (November 2008), LR 36:1235 (June 2010), repromulgated LR 36:1535 (July 2010), amended LR 36:2554 (November 2010), LR 38:774, 781 (March 2012), repromulgated LR 38:1009 (April 2012), amended by the Office of the Secretary, Legal Division, LR 40:1338 (July 2014), LR 41:2600 (December 2015), LR 42:565 (April 2016), LR 42:2178 (December 2016), LR 43:1138 (June 2017), repromulgated by the Office of the Secretary, Legal Affairs and Criminal

Investigation Division, LR 43:1531 (August 2017), LR 46:898 (July 2020), LR 47:1852 (December 2021), amended by the Office of the Secretary, Legal Affairs Division, LR 50:1457 (October 2024), LR 51:

Chapter 3. General Conditions for Treatment, Storage, and Disposal Facility Permits

§309. Conditions Applicable to All Permits

Each permit shall include permit conditions necessary to achieve compliance with the Act and these regulations, including each of the applicable requirements specified in LAC 33:V.Subpart 1. In satisfying this provision, the administrative authority may incorporate applicable requirements of LAC 33:V.Subpart 1 directly into the permit or establish other permit conditions that are based on LAC 33:V.Subpart 1. The following conditions apply to all hazardous waste permits. All conditions applicable to permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations shall be given in the permit.

A. - L.7.d. ...

8. Manifest Discrepancy Report

a. If a significant discrepancy in a manifest is discovered, the permittee shall attempt to reconcile the discrepancy. If it is not resolved within 20 days, the permittee shall submit a letter report, including a copy of the manifest, to the EPA (see LAC 33:V.1516.C).

b. Beginning on December 1, 2025, if a significant discrepancy in a manifest is discovered, the permittee shall attempt to reconcile the discrepancy. If it is not resolved within 20 days, the permittee shall immediately submit a discrepancy report along with a copy of the manifest or shipping paper at issue to the EPA e-Manifest System describing the discrepancy and attempts to reconcile it (see LAC 33:V.1516.C).

9. Unmanifested Waste Report

a. A permittee shall submit the unmanifested waste report to the EPA within 15 days of receipt of unmanifested waste (see LAC 33:V.1516.D).

b. Beginning on December 1, 2025, a permittee shall submit an electronic unmanifested waste report in the EPA e-Manifest system for submission to the EPA within 15 days of receipt of unmanifested waste (see LAC 33:V.1516.D).

L.10. - M. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:944 (September 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:657 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2466 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2453 (October 2005), LR 33:2099 (October 2007), amended by the Office of the Secretary, Legal Division, LR 43:1139 (June 2017), LR 51:

Chapter 10. Generators of Hazardous Waste

[Editor's Note: Chapter 10 consolidates and reorganizes the requirements for generators formerly contained in LAC:V.108 and Chapter 11.]

Subchapter B. Recordkeeping and Reporting for Small Quantity Generators and Large Quantity Generators

§1023. Exception Reporting

A. A large quantity generator who does not receive a copy of the manifest with the signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter shall contact the transporter and/or the owner/operator of the designated facility to determine the status of the hazardous waste.

B. A large quantity generator shall submit an exception report to the EPA regional administrator where the generator is located if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter. The exception report shall include:

1. - 2. ...

C. A small quantity generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter shall submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA regional administrator where the generator is located. The submission to the EPA need only be a handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the returned manifest was not received. Beginning on December 1, 2025, the EPA will no longer accept mailed paper exception reports from small quantity generators. Beginning on December 1, 2025, a small quantity generator shall submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA e-Manifest system. Generators that are normally very small quantity generators (VSQGs) but are subject to the small quantity generators (SQG) provisions of this Subsection because of an episodic generation event pursuant LAC 33:V.1033.A.5, shall submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA regional administrator where the generator is located.

D. - D.1....

2. The 45/60-day time frames shall begin the date the waste was accepted by the initial transporter forwarding the hazardous waste shipment from the designated facility to the alternate facility.

E. Beginning on December 1, 2025, the EPA will no longer accept mailed paper exception reports from large quantity generators. Beginning on December 1, 2025, a large quantity generator shall submit an exception report to the EPA e-Manifest system if the generator has not received a copy of the manifest with the signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter. The exception report shall include:

1. a legible copy of the manifest for which the generator does not have confirmation of delivery; and

2. an explanation of the efforts taken to locate the hazardous waste and the results of those efforts.

F. Beginning on December 1, 2025, any requirement in these regulations for a generator to keep or retain a copy of

an exception report is satisfied by retention of a signed electronic exception report in the generator's account on the EPA e-Manifest system, provided that the exception report is readily available if requested by the EPA.

G. Beginning on December 1, 2025, no generator may be held liable for the inability to produce an electronic exception report for inspection under this Section if the generator can demonstrate that the inability to produce the electronic exception report is due exclusively to a technical difficulty with the e-Manifest system where the generator bears no responsibility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:919 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Chapter 11. Manifest, Import and Export Requirements

[Editor's Note: The generator requirements in Chapter 10 et al. were consolidated and reorganized in LAC 33:V.Chapter 10.]

Subchapter A. General

§1107. Manifest Requirements

A. ...

1. A generator that transports, or offers for transport a hazardous waste for off-site treatment, storage, or disposal, or a treatment, storage, or disposal facility that offers for transport a rejected hazardous waste load, shall prepare a Manifest (OMB Control number 2050-0039) on EPA Form 8700-22 and, if necessary, EPA Form 8700-22A. Large and small quantity generators shall register with the EPA's e-Manifest system to obtain signed and dated copies of completed manifests from the EPA e-Manifest system and comply with Paragraph 10 of this Subsection.

2. - 9.b....

10. Post-receipt Manifest Data Corrections. After facilities have certified that the manifest is complete, by signing it at the time of submission to the EPA e-Manifest system, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. If corrections are requested by the EPA for portions of the manifest that a generator is required to complete, the generator shall address the data correction within 30 days from the date of the request. Data correction submissions shall be made electronically via the post-receipt data corrections process as described in LAC 33:V.1516.L, which applies to corrections made to either paper or electronic manifests.

B. - F.6. ...

7. - 8. Repealed.

G. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 12:319 (May 1986), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:1256 (November 1992), LR 20:1109 (October 1994), LR 21:266, 267 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2470 (November 2000), LR 27:42 (January 2001), LR 27:709 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:823 (May

2006), LR 33:89 (January 2007), repromulgated LR 33:281 (February 2007), amended LR 33:2101 (October 2007), LR 34:622 (April 2008), LR 38:775 (March 2012), amended by the Office of the Secretary, Legal Division, LR 42:566 (April 2016), LR 43:1140 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:928 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 50:1458 (October 2024), LR 51:

§1108. Manifest Tracking Numbers, Manifest Printing, and Obtaining Manifests

A. 40 CFR 262.21, up to date as of July 1, 2024, is hereby incorporated by reference. 40 CFR 262.21 establishes standards and procedures for registrants who apply early to, and obtain approval from, Office of Solid Waste, US EPA, to print and distribute hazardous waste manifest forms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1256 (November 1992), amended by the Office of the Secretary, Legal Affairs Division, LR 32:823 (May 2006), LR 36:2274 (October 2010), 50:1459 (October 2024), LR 51:

Subchapter B. Transboundary Shipments of Hazardous Waste

§1127. Transboundary Shipments of Hazardous Waste for Recovery and Disposal

A. - A.2....

B. Definitions, General Conditions, and Exports and Imports of Hazardous Wastes. Any transboundary movement of hazardous waste shall meet the requirements of the *Code of Federal Regulations* at 40 CFR Part 262, Subpart H (Transboundary Movements of Hazardous Waste for Recovery or Disposal), up to date as of July 1, 2024, which are hereby incorporated by reference.

C. Confidentiality Determinations for Hazardous Waste Export and Import Documents. No claim of business confidentiality may be asserted by any person with respect to information contained in hazardous secondary material export documents. The provisions of the *Code of Federal Regulations* at 40 CFR 260.2(d), July 1, 2024, are hereby incorporated by reference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:661 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2471 (November 2000), LR 27:293 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2103 (October 2007), LR 34:72 (January 2008), LR 34:1012 (June 2008), LR 38:783 (March 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:930 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 50:1460 (October 2024), LR 51:

Chapter 13. Transporters

§1307. The Manifest System

A. For exports of hazardous waste subject to the requirements of LAC 33:V.Chapter 11.Subchapter B, a transporter may not accept hazardous waste without a manifest signed by the generator in accordance with this Section, as appropriate, and a movement document that includes all information required by 40 CFR 262.83.

B. ...

C. The transporter shall ensure that the manifest accompanies the hazardous waste. For exports, the transporter shall ensure that a movement document that includes all information required by 40 CFR 262.83(d) also accompanies the hazardous waste. For imports, the transporter shall ensure that a movement document that includes all information required by 40 CFR 262.84(d) also accompanies the hazardous waste.

D. - G. ...

1. sign and date the manifest in the International Shipments block on the Continuation Sheet (EPA Form 8700-22A) to indicate the date that the shipment left the United States or has been delivered to a seaport of exit for loading onto an international carrier;

2. - 4. ...

a. beginning on January 22, 2025 and ending November 30, 2025, return signed, top copies of the manifest and continuation sheet to the generator; and

b. beginning on December 1, 2025, return signed, top copies of the manifest and continuation sheet to the exporter.

H. - N. ...

O. Post-Receipt Manifest Data Corrections. After facilities have certified that the manifest is complete, by signing it at the time of submission to the EPA e-Manifest system, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. If corrections are requested by the EPA for portions of the manifest that a transporter is required to complete, the transporter shall address the data correction within 30 days from the date of the request. Data correction submissions shall be made electronically via the post-receipt data corrections process, as described in LAC 33:V.1516.L, which applies to corrections made to paper or electronic manifests.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:220 (March 1990), LR 18:1256 (November 1992), LR 20:1109 (October 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:666 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:710 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:824 (May 2006), amended by the Office of the Secretary, Legal Division, LR 42:567 (April 2016), amended by the Office of the Secretary, Legal Affairs Division, LR 50:1460 (October 2024), LR 51:

Chapter 15. Treatment, Storage, and Disposal Facilities

§1516. Manifest System for Treatment, Storage, and Disposal (TSD) Facilities

A. - B.1....

a. sign and date each copy of the manifest by hand;

b. - c. ...

d. retain at the facility a copy of each manifest for at least three years from the date of delivery;

e. within 30 days of the date of delivery, send to the EPA e-Manifest system an image file corresponding to page 1 of the manifest and/or a data file and any continuation sheet; and

B.2. - B.2.c. ...

d. within 30 days after the delivery, send a copy (page 1) of the signed and dated manifest to the EPA e-Manifest system; and

COMMENT: LAC 33:V.1107.D.3 requires the generator to send three copies of the manifest to the facility when hazardous waste is sent in bulk shipment by water.

2.e. - 3....

4. Within three working days of the receipt of a shipment subject to LAC 33:V.Chapter 11.Subchapter B, the owner or operator of the facility shall provide a copy of the movement document bearing all required signatures to the foreign exporter and to the competent authorities of the countries of export and transit that control the shipment as an export and transit of hazardous waste respectively. For shipments received on or after the electronic import-export reporting compliance date, the receiving facility shall close out the movement document to confirm receipt within three working days of shipment delivery using EPA's Waste Import Export Tracking System (WIETS), or its successor system. For shipments sent from a country that EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS, or its successor system, to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export. The original signed copy of the movement document shall be maintained at the facility for at least three years from the date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on WIETS, or its successor system, provided that copies are readily available for viewing and production if requested by any EPA or authorized state inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this Section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with WIETS, or its successor system, for which the owner or operator of a facility bears no responsibility.

a. Post-receipt Manifest Data Corrections. After facilities have certified that the manifest is complete, by signing it at the time of submission to the EPA e-Manifest system, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. If corrections are requested by the EPA for portions of the manifest that a designated facility is required to complete, the facility shall make the data correction within 30 days from the date of the request.

5. The owner or operator of a facility receiving hazardous waste subject to LAC 33:V.Chapter 11.Subchapter B from a foreign source shall:

a. list the relevant waste stream consent number from consent documentation supplied by EPA to the facility for each waste listed on the manifest in the International Shipment block on the Continuation Sheet (EPA Form 8700-22A), matched to the relevant list number for the waste from Block 9b. If additional space is needed, the owner or operator should use an additional continuation sheet(s) (EPA Form 8700-22A); and

b. send a copy of the manifest within 30 days of delivery to EPA e-Manifest system per Paragraph B.7 of this Section.

B.6. - C.2. ...

3. Upon discovering a significant difference in quantity or type, the owner or operator shall attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations).

a. If the discrepancy is not resolved within 20 days after receiving the waste, the owner or operator shall immediately submit to the EPA regional administrator a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

b. Beginning on December 1, 2025, if the discrepancy is not resolved within 20 days after receiving the waste, the owner or operator shall immediately submit a discrepancy report to the EPA e-Manifest system describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue. Beginning on December 1, 2025, the EPA will no longer accept mailed paper discrepancy reports from facilities.

4. - 6.c....

7. If a facility rejects a waste or identifies a container residue that exceeds the quantity limits for *empty containers*, as defined in LAC 33:V.109, after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility shall amend its copy of the manifest to indicate the rejected wastes or residues in the Discrepancy space of the amended manifest. The facility shall also copy the manifest tracking number from Item 4 of the new manifest to the Discrepancy space of the amended manifest and shall re-sign and date the manifest to certify to the information as amended. The facility shall retain the amended manifest for at least three years from the date of amendment, and shall send a copy of the amended manifest to the transporter that received copies prior to their being amended within 30 days. Facilities are not required to send the amended manifest to any transporter who is registered in the EPA's e-Manifest system. Registered transporters may obtain the signed and dated copy of a completed manifest from the EPA e-Manifest system in lieu of receiving the manifest through U.S. Postal Service.

D. Unmanifested Waste Report. Beginning on December 1, 2025, if a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in LAC 33:V.1307.E.2, and if the waste is not excluded from the manifest requirements by LAC 33:V.1009, then the owner or operator shall prepare an electronic unmanifested waste report in the EPA e-Manifest system for submission to the EPA within 15 days after receiving the waste. The unmanifested waste report shall include the following information:

D.1. - K....

L. Post-Receipt Manifest Data Corrections. After facilities have certified to the receipt of hazardous wastes by signing Item 20 of the manifest, any post-receipt data corrections may be submitted at any time by any interested person (e.g., waste handler) named on the manifest. Interested persons shall meet the requirements of the *Code of Federal Regulations* at 40 CFR 264.71(l), up to date as of July 1, 2024, which are hereby incorporated by reference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:825 (May 2006), amended LR 33:2104 (October

2007), LR 34:623 (April 2008), LR 34:1012 (June 2008), LR 38:777, 789 (March 2012), amended by the Office of the Secretary, Legal Division, LR 42:568 (April 2016), LR 43:1141 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:932 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 50:1462 (October 2024), LR 51:

§1531. Required Notices

A. The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source shall submit the notices required by the *Code of Federal Regulations* at 40 CFR 264.12, July 1, 2024, which are hereby incorporated by reference.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 15:378 (May 1989), LR 16:220 (March 1990), LR 16:399 (May 1990), LR 18:1256 (November 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:666 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2473 (November 2000), LR 27:294 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2105 (October 2007), LR 38:789 (March 2012), LR 50:1462 (October 2024), LR 51:

Chapter 41. Recyclable Materials

§4105. Requirements for Recyclable Material

A. - A.1.a. ...

i. the person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, shall comply with the requirements applicable to an exporter in LAC 33:V.Chapter 11.Subchapter B with the exception of 40 CFR 262.83(c);

ii. a transporter transporting a shipment for export or import shall comply with the movement document requirements listed in LAC 33:V.1307.A and C;

A.1.b. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 16:219 (March 1990), LR 17:362 (April 1991), repromulgated LR 18:1256 (November 1992), amended LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 22:837 (September 1996), LR 23:579 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:685 (April 1998), LR 24:1108 (June 1998), LR 24:1742 (September 1998), LR 25:482 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:713 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:608 (April 2006), LR 38:779 (March 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:42 (January 2018), LR 46:945 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 50:1464 (October 2024), LR 51:

Chapter 49. Lists of Hazardous Wastes

[Editor's Note: Chapter 49 is divided into two Sections: category I hazardous wastes, which consist of hazardous wastes from nonspecific and specific sources (F and K wastes), acute hazardous wastes (P wastes), and toxic wastes (U wastes) (LAC 33:V.4901); and category II hazardous wastes, which consist of wastes that are ignitable, corrosive, reactive, or toxic (LAC 33:V.4903).]

§4911. Conditional Exclusion for Used, Broken Cathode Ray Tubes (CRTs) Undergoing Recycling

A. - A.5. ...

a. In addition to the applicable conditions specified in Paragraphs A.1-4 of this Section, exports of used, broken CRTs shall comply with the requirements of the *Code of Federal Regulations* at 40 CFR 261.39 (conditional exclusions for used, broken CRTs, and processed CRT glass undergoing recycling), up to date as of July 1, 2024, which is hereby incorporated by reference.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:3122 (December 2005), amended LR 34:645 (April 2008), amended by the Office of the Secretary, Legal Division, LR 41:2601 (December 2015), amended by the Office of the Secretary, Legal Affairs Division, LR 50:1465 (October 2024), LR 51:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This Rule has no known impact on small business as described in R.S. 49:978.1 - 978.8.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Hearing

A public hearing will be held on September 25, 2025, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or online via [Zoom](https://deqlouisiana.zoom.us/j/6836133613?omn=93452818861) at <https://deqlouisiana.zoom.us/j/6836133613?omn=93452818861> or by phone at (646) 255-1997 Meeting ID: 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

Public Comments

All interested persons are invited to submit written comments on the proposed Rule. Persons commenting should reference this proposed Rule by HW137ft. Such comments must be received no later than September 25, 2025, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. The comment period for this Rule ends on the same date as the public hearing. Copies of the proposed Rule can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of HW137ft. The proposed Rule is available on the Internet at <https://deq.louisiana.gov/page/monthly-regulation-changes-2025%20>.

The proposed Rule is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508

Downing Pines Road, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Jill C. Clark
General Counsel

2508#034

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Safe Management of Recalled Airbags (LAC 33:V.105 and 1009)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste regulations, LAC 33:V.105 and 1009. (HW136)

The proposed Rule adopts the federal Rule published by the U.S. Environmental Protection Agency on November 30, 2018. The proposed Rule, regarding the exemption of the collection of airbag waste from hazardous waste requirements, will facilitate the expedited removal of defective airbag inflators from vehicles. As long as certain conditions are met, the efforts made by dealerships, salvage yards, and other locations will help provide safe and environmentally sound disposal for the airbag waste. The basis and rationale for this Rule are to mirror federal regulations for the removal of defective airbags with exception to a more stringent records management requirement for collection and designated facilities. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality— Hazardous Waste

Chapter 1. General Provisions and Definitions

§105. Program Scope

These rules and regulations apply to owners and operators of all facilities that generate, transport, treat, store, or dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also apply to the denial of a permit for the active life of a hazardous waste management facility or individual unit at a treatment, storage, and disposal (TSD) facility under LAC 33:V.706. Definitions appropriate to these rules and regulations, including solid waste and hazardous waste, appear in LAC 33:V.109. Wastes that are excluded from regulation are found in this Section.

A. - D.10.d.iii. ...

11. Airbag Waste

a. The following definitions apply for this Paragraph.

i. *Airbag Waste*—any hazardous waste airbag modules or hazardous waste airbag inflators.

ii. *Airbag Waste Collection Facility*—any facility that receives airbag waste from airbag handlers subject to regulation under this Subsection, and accumulates the waste for more than 10 days.

iii. *Airbag Waste Handler*—any person who generates airbag waste by site that is subject to regulation under this Chapter.

b. Airbag waste at the airbag waste handler or during transport to an airbag waste collection facility or designated facility is not subject to any requirements of LAC 33:V.Subpart 1, or to the notification requirements of Subsection A of this Section provided that the airbag waste is:

i. accumulated in a quantity of no more than 250 airbag modules or airbag inflators, for no longer than 180 days;

ii. packaged in a container designed to address the risk posed by the airbag waste and labeled “Airbag Waste – Do Not Reuse;”

iii. sent directly to either:

(a). an airbag waste collection facility in the United States of America under the control of:

(i). a vehicle manufacturer;

(ii). their authorized representative;

(iii). under the control of an authorized party administering a remedy program in response to a recall under the National Highway Traffic Safety Administration (NHTSA); or

(b). a *designated facility*, as defined in LAC 33:V.109;

iv. the transport of the airbag waste complies with all applicable U.S. Department of Transportation (DOT) regulations in 49 CFR part 171-180 during transit; and

v. the airbag waste handler maintains at the handler facility records of all off-site shipments of airbag waste and all confirmations of receipt from the receiving facility for no less than three years.

(a). For each shipment, these records shall, at a minimum, contain:

(i). the name of the transporter and date of the shipment;

(ii). name and address of receiving facility; and

(iii). the type and quantity of airbag waste (i.e., airbag modules or airbag inflators) in the shipment.

(b). Confirmations of receipt shall include the:

(i). name and address of the receiving facility;

(ii). type and quantity of the airbag waste (i.e., airbag modules and airbag inflators) received; and

(iii). date which it was received.

(c). Shipping records and confirmations of receipt shall be made available for inspection. They may be satisfied by routine business records (e.g., electronic or paper financial records, bills of lading, copies of DOT shipping papers, or electronic confirmations of receipt).

c. Once the airbag waste arrives at an airbag waste collection facility or designated facility, it becomes subject to all applicable hazardous waste regulations. The facility receiving airbag waste is considered the hazardous waste generator for the purposes of the hazardous waste regulations and shall comply with the requirements of LAC 33:V.Subpart 1.

d. Reuse in vehicles of defective airbag modules or defective airbag inflators, subject to a recall under the NHTSA is considered sham recycling and prohibited in accordance with LAC 33:V.105.R.

e. An airbag waste collection facility and the designated facility shall maintain at their respective facility records of all off-site shipments of airbag waste and all confirmations of receipt from the receiving facility for no less than three years.

i. For each shipment, these records shall, at a minimum, contain the:

(a). name of the transporter and date of the shipment;

(b). name and address of the handler;

(c). name and address of receiving facility; and

(d). type and quantity of airbag waste (i.e., airbag modules or airbag inflators) in the shipment.

ii. Confirmations of receipt shall include the: (a). name and address of the receiving facility;

(b). type and quantity of the airbag waste (i.e., airbag modules and airbag inflators) received; and

(c). date which it was received.

iii. Shipping records and confirmations of receipt shall be made available for inspection and may be satisfied by routine business records (e.g., electronic or paper financial records, bills of lading, copies of DOT shipping papers, or electronic confirmations of receipt).

E. - R.8.h. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq., and in particular, 2186(A)(2).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217, LR 16:220 (March 1990), LR 16:398 (May 1990), LR 16:614 (July 1990), LR 17:362, 368 (April 1991), LR 17:478 (May 1991), LR 17:883 (September 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), amended by the Office of the Secretary, LR 19:1022 (August 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:813, 831 (September 1996), amended by the Office of the Secretary, LR 23:298 (March 1997), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:564, 567 (May 1997), LR 23:721 (June 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), LR 23:1511 (November 1997), LR 24:298 (February 1998), LR 24:655 (April 1998), LR 24:1093 (June 1998), LR 24:1687, 1759 (September 1998), LR 25:431 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:268 (February 2000), LR 26:2464 (November 2000), LR 27:291 (March 2001), LR 27:706 (May 2001), LR 29:317 (March 2003), LR 30:1680 (August 2004), amended by the Office of Environmental Assessment, LR 30:2463 (November 2004),

amended by the Office of the Secretary, Legal Affairs Division, LR 31:2451 (October 2005), LR 32:605 (April 2006), LR 32:821 (May 2006), LR 33:450 (March 2007), LR 33:2097 (October 2007), LR 34:614 (April 2008), LR 34:1008 (June 2008), LR 34:1893 (September 2008), LR 34:2395 (November 2008), LR 35:1878 (September 2009), LR 36:2553 (November 2010), LR 38:791 (March 2012), amended by the Office of the Secretary, Legal Affairs Division, LR 40:1336 (July 2014), LR 42:2178, 2181 (December 2016), LR 43:1151 (June 2017), repromulgated by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1523 (August 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:896 (July 2020), LR 47:1851 (December 2021), LR 50:1456 (October 2024), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Chapter 10. Generators of Hazardous Waste

[Editor's Note: Chapter 10 consolidates and reorganizes the requirements for generators formerly contained in LAC:V.108 and Chapter 11.]

Subchapter A. General

§1009. Conditions for Exemption for Very Small Quantity Generators

A. - A.5.h.ii.(b). ...

i. for airbag waste, an airbag waste collection facility or a designated facility shall be subject to the requirements of LAC 33:V.105.D.11.

A.6. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:904 (July 2020), LR 50:1456 (October 2024), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments on the proposed Rule. Persons commenting should reference the proposed Rule by HW136. Such comments must be received no later than October 2, 2025, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed Rule can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of HW136. The proposed Rule is available on the Internet at <https://deq.louisiana.gov/page/monthly-regulation-changes-2025%20>.

Public Hearing

A public hearing will be held on September 25, 2025, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802.

Interested persons are invited to attend in person or online via Zoom at <https://deqlouisiana.zoom.us/j/6836133613?omn=93452818861> or by phone at (646) 255-1997 Meeting ID: 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

The proposed Rule is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Jill C. Clark
General Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Safe Management of Recalled Airbags

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated costs or savings to state or local governmental units as a result of the proposed rule change.

The proposed rule change adds airbag waste to the rules and regulations of Hazardous Waste and Hazardous Materials. More specifically, the proposed rule change exempts the collection of airbag waste from hazardous waste requirements as long as certain conditions are met.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated or estimated effect on revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will allow dealerships, salvage yards, and other facilities to expedite the removal of defective airbag inflators from vehicles. Currently, airbag waste is subject to the hazardous waste regulations. The proposed rule change will remove some of the stringent waste management, shipping, and record-keeping requirements for airbag waste.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact on competition or employment in the public and private sectors.

Jill C. Clark
General Counsel
2508#058

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Universal Waste Regulations: Addition of Aerosol Cans (LAC 33:V.105, 305, 1501, 2201, 3801, 3805, 3812, 3813, 3821, 3823, 3841, 3843, 3845, and 4301)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste regulations, LAC 33:V.105, 305, 1501, 2201, 3801, 3805, 3812, 3813, 3821, 3823, 3841, 3843, 3845, and 4301. (HW134ft)

The proposed Rule is identical to federal regulations found in FR Vol. 84 No. 236 pages 67202-67220, which are applicable in Louisiana. For more information regarding the federal requirement, contact William Little at (225) 219-3985. No fiscal or economic impact will result from the proposed Rule. The proposed Rule will be promulgated in accordance with the procedures in R.S. 49:963(B)(3) and (4).

The proposed Rule adopts the federal Rule published by the U.S. Environmental Protection Agency on February 7, 2020. The proposed Rule amends the universal waste program to include hazardous waste aerosol cans under the Resource Conservation and Recovery Act regulations. This modification provides regulatory relief and environmental benefits to a broad range of aerosol can generators and handlers, including the retail sector. Specifically, it offers a streamlined, environmentally protective system for managing discarded aerosol cans, alleviates regulatory burdens, promotes collection and recycling efforts, and supports the development of municipal and commercial programs aimed at reducing the disposal of these materials in municipal solid waste landfills or combustors. The basis and rationale for this Rule are to mirror federal regulations and promote recycling of aerosol cans. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963(B)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality— Hazardous Waste

Chapter 1. General Provisions and Definitions §105. Program Scope

These rules and regulations apply to owners and operators of all facilities that generate, transport, treat, store, or dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also

apply to the denial of a permit for the active life of a hazardous waste management facility or individual unit at a treatment, storage, and disposal (TSD) facility under LAC 33:V.706. Definitions appropriate to these rules and regulations, including *solid waste* and *hazardous waste*, appear in LAC 33:V.109. Wastes that are excluded from regulation are found in this Section.

A. - D.7.c. ...

- d. lamps as described in LAC 33:V.3809;
- e. electronics as described in LAC 33:V.3810;
- f. antifreeze as described in LAC 33:V.3811; and
- g. aerosol cans as described in LAC 33:V.3812.

D.8. - R.8.h. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq., and in particular, 2186(A)(2).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217, LR 16:220 (March 1990), LR 16:398 (May 1990), LR 16:614 (July 1990), LR 17:362, 368 (April 1991), LR 17:478 (May 1991), LR 17:883 (September 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), amended by the Office of the Secretary, LR 19:1022 (August 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:813, 831 (September 1996), amended by the Office of the Secretary, LR 23:298 (March 1997), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:564, 567 (May 1997), LR 23:721 (June 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), LR 23:1511 (November 1997), LR 24:298 (February 1998), LR 24:655 (April 1998), LR 24:1093 (June 1998), LR 24:1687, 1759 (September 1998), LR 25:431 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:268 (February 2000), LR 26:2464 (November 2000), LR 27:291 (March 2001), LR 27:706 (May 2001), LR 29:317 (March 2003), LR 30:1680 (August 2004), amended by the Office of Environmental Assessment, LR 30:2463 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2451 (October 2005), LR 32:605 (April 2006), LR 32:821 (May 2006), LR 33:450 (March 2007), LR 33:2097 (October 2007), LR 34:614 (April 2008), LR 34:1008 (June 2008), LR 34:1893 (September 2008), LR 34:2395 (November 2008), LR 35:1878 (September 2009), LR 36:2553 (November 2010), LR 38:791 (March 2012), amended by the Office of the Secretary, Legal Division, LR 40:1336 (July 2014), LR 42:2178, 2181 (December 2016), amended by the Office of Secretary, Legal Division, LR 43:1151 (June 2017), repromulgated by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1523 (August 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:896 (July 2020), LR 47:1851 (December 2021), amended by the Office of the Secretary, Legal Affairs Division, LR 50:1456 (October 2024), LR 51:

Chapter 3. General Conditions for Treatment, Storage, and Disposal Facility Permits

§305. Scope of the Permit

A. - C.11.d. ...

- e. electronics as described in LAC 33:V.3810;
- f. antifreeze as described in LAC 33:V.3811; and
- g. aerosol cans as described in LAC 33:V.3812;

C.12. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 17:658 (July 1991), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:944 (September 1995), LR 23:567 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1105 (June 1998), LR 24:1690, 1759 (September 1998), LR 25:435 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:708 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3116 (December 2005), LR 33:1625 (August 2007), LR 34:619 (April 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:900 (July 2020), amended by the Office of the Secretary, Legal Affairs LR 51:

Chapter 15. Treatment, Storage, and Disposal Facilities

§1501. Applicability

A. - C.11.d. ...

- e. electronics as described in LAC 33:V.3810;
- f. antifreeze as described in LAC 33:V.3811; and
- g. aerosol cans as described in LAC 33:V.3812; or

C.12. - H.13. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 18:1256 (November 1992), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 23:565, 568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1106 (June 1998), LR 24:1694, 1759 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:277 (February 2000), LR 27:711 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3117 (December 2005), LR 32:606 (April 2006), LR 34:623 (April 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:931 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

Chapter 22. Prohibitions on Land Disposal

Subchapter A. Land Disposal Restrictions

§2201. Purpose, Scope, and Applicability

A. - I.5.d. ...

- e. electronics as described in LAC 33:V.3810;
- f. antifreeze as described in LAC 33:V.3811; and
- g. aerosol cans as described in LAC 33:V.3812.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:398 (May 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 18:723 (July 1992), LR 21:266 (March 1995), LR 22:22 (January 1996), LR 23:568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:300 (February 1998), LR 24:666 (April 1998), LR 24:1107 (June 1998), LR 24:1724 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1799 (October 1999), LR 27:711 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3117 (December 2005), amended by the Office of the Secretary, Legal Division, LR 43:1142 (June 2017), amended by the Office of the

Secretary, Legal Affairs and Criminal Investigations Division, LR 46:936 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

Chapter 38. Universal Wastes

Subchapter A. General

§3801. Scope and Applicability

A. This Chapter establishes requirements for managing batteries as described in LAC 33:V.3803, pesticides as described in LAC 33:V.3805, mercury-containing equipment as described in LAC 33:V.3807, lamps as described in LAC 33:V.3809, electronics as described in LAC 33:V.3810, antifreeze as described in LAC 33:V.3811, and aerosol cans as described in LAC 33:V.3812. This Chapter provides an alternative set of management standards in lieu of regulations under LAC 33:V.Subpart 1.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1108 (June 1998), LR 24:1496 (August 1998), LR 24:1759 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:712 (May 2001), repromulgated LR 27:1518 (September 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3117 (December 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:940 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

§3805. Applicability—Pesticides

A. - B.1....

2. pesticides not meeting the conditions set forth in Subsection A of this Section. These pesticides shall be managed in compliance with the hazardous waste regulations in LAC 33:V.Subpart 1, except that *aerosol cans*, as defined in LAC 33:V.3813, that contain pesticides may be managed as aerosol can universal waste under LAC 33:V.3821.G or LAC 33:V.3843.G;

B.3. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:569 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1108 (June 1998), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:940 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§3812. Applicability—Aerosol Cans

A. Aerosol Cans Covered under This Chapter. The requirements for this Chapter apply to persons managing aerosol cans, as described in LAC 33:V.3813, except those listed in Subsection B of this Section.

B. Aerosol Cans Not Covered Under This Chapter

1. The requirements of this Chapter do not apply to persons managing aerosol cans as described in LAC 33:V.3813, that are not yet a waste under LAC 33:V.4901, including those that do not meet the criteria for waste generation in Subsection C of this Section;

2. The requirements of this Chapter do not apply to persons managing aerosol cans as described in this Chapter, that are not yet a hazardous waste. An aerosol can is a

hazardous waste if it is listed in LAC 33:V.4901 or if it exhibits one or more of the characteristics identified in LAC 33:V.4903; and

3. The requirements of this Chapter do not apply to persons managing aerosol cans that meet the standard for empty container under LAC 33:V.109.

C. Generation of Waste Aerosol Cans

1. A used aerosol can shall become a waste on the date it is discarded.

2. An unused aerosol can shall become a waste on the date the handler decides to discard it.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 51:

§3813. Definitions

Aerosol Can—a nonrefillable receptacle containing a gas compressed, liquefied, or dissolved under pressure, with the sole purpose to expel a liquid, paste, or powder fitted with a self-closing release device allowing the contents to be ejected by the gas.

Large Quantity Handler of Universal Waste—a universal waste handler (as defined in this Section) who accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, lamps, electronics, antifreeze, or aerosol cans calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which the 5,000 kilogram-limit is met or exceeded.

Small Quantity Handler of Universal Waste—a universal waste handler (as defined in this Section) who does not accumulate 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, lamps, electronics, antifreeze, or aerosol cans calculated collectively) at any time.

Universal Waste—any of the following hazardous wastes that are subject to the universal waste requirements of this Chapter:

1. batteries as described in LAC 33:V.3803;
2. pesticides as described in LAC 33:V.3805;
3. mercury-containing equipment as described in LAC 33:V.3807;
4. lamps as described in LAC 33:V.3809;
5. electronics as described in LAC 33:V.3810;
6. antifreeze as described in LAC 33:V.3811; and
7. aerosol cans as described in LAC 33:V.3812.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:570 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1760 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:287 (February 2000), LR 27:302 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3118 (December 2005), LR 51:

Subchapter B. Standards for Small Quantity Handlers of Universal Waste

§3821. Waste Management

A. - C.2.b. ...

c. ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that is subject to all applicable requirements of LAC 33:V.Subpart 1;

d. immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that is subject to all applicable requirements of LAC 33:V.Subpart 1;

C.2.e. - F.4. ...

G. Aerosol Cans

1. A small quantity handler of universal waste shall manage universal waste aerosol cans in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows.

a. Universal waste aerosol cans shall be accumulated in a container that:

- i. is structurally sound;
- ii. is compatible with the contents of the aerosol cans;
- iii. lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and
- iv. protected from a source of heat.

b. Universal waste aerosol cans that show evidence of leakage shall be:

- i. packaged in a separate closed container;
- ii. overpacked with absorbents; or
- iii. immediately punctured and drained in accordance with the requirements of Paragraph 4 of this Subsection.

c. A small quantity handler of universal waste may conduct the following activities, as long as each individual aerosol can is not breached and remains intact:

- i. sorting aerosol cans by type;
- ii. mixing intact cans in one container; and
- iii. removing actuators to reduce the risk of accidental release.

d. A small quantity handler of universal waste who punctures and drains their aerosol cans shall recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans.

i. Conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans.

ii. Effectively contain the residual contents and any emissions thereof.

iii. Establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol can including proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases.

iv. Maintain a copy of the manufacturer's specification and instruction on site.

v. Ensure employees operating the device are trained in the proper procedures.

vi. Ensure the puncture of the can is done in a manner designed to prevent fire and the release of any component of universal waste to the environment, including but is not limited to, locating the equipment on a flat solid surface in a well-ventilated area.

vii. Immediately transfer the contents from the waste aerosol can or puncture device, if applicable, to a container or tank that meets the applicable requirements of LAC 33:V.1009, 1011, 1013, or 1015.

viii. Conduct a hazardous waste determination on the contents of the emptied aerosol can per LAC 33:V.1005.

(a). Any hazardous waste generated as a result of the puncture and draining of the aerosol can is subject to all applicable requirements of LAC 33:V.Subpart 1.

(b). The handler is considered the generator of the hazardous waste and is subject to LAC 33:V.Chapters 10 and 11.

ix. The handler may manage the waste in any way that is in compliance with applicable federal, state, or local solid waste regulations if the contents are determined to be nonhazardous.

x. A written procedure shall be in place in the event of a spill or leak and a spill clean-up kit shall be provided. All spills or leaks of the contents of the aerosol cans shall be cleaned up promptly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:571 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1760 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR27:302 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3118 (December 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:940 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

§3823. Labeling/Marking

A. A small quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as specified below.

1. - 8. ...

9. Universal waste aerosol cans (i.e., each aerosol can), or a container where the aerosol cans are contained, shall be labeled or marked clearly with any of the following phrases: "Universal Waste—Aerosol Can(s)," "Waste Aerosol Can(s)," or "Used Aerosol Can(s)."

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:572 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1761 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR27:303 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3119 (December 2005), LR 34:1017 (June 2008), LR 51:

Subchapter C. Standards for Large Quantity Handlers of Universal Waste

§3841. Notification

A. - A.2. ...

B. This notification shall include:

1. - 3. ...

4. a list of all of the types of universal waste managed by the handler (e.g., batteries, pesticides, mercury-containing equipment, lamps, electronics, antifreeze, aerosol cans); and

5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:574 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1761 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2496 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2473 (October 2005), LR 31:3120 (December 2005), LR 33:2124 (October 2007), LR 51:

§3843. Waste Management

A. - C.2.b. ...

c. ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that is subject to all applicable requirements of LAC 33:V.Subpart 1;

d. immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that is subject to all applicable requirements of LAC 33:V.Subpart 1;

C.2.e. - F.4. ...

G. Aerosol Cans

1. A large quantity handler of universal waste shall manage universal waste aerosol cans in a way that prevents a release of universal waste or a component of a universal waste to the environment, as follows.

a. Universal waste aerosol cans shall be accumulated in a container that:

i. is structurally sound;

ii. is compatible with the contents of the aerosol cans;

iii. lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and

iv. is protected from a source of heat.

b. Universal waste aerosol cans that show evidence of leakage shall be:

i. packaged in a separate closed container;

ii. overpacked with absorbents; or

iii. immediately punctured and drained in accordance with the requirements of Subparagraph d of this Subsection.

c. A large quantity handler of universal waste may conduct the following activities, as long as each individual aerosol can is not breached and remains intact:

i. sorting aerosol cans by type;

ii. mixing intact cans in one container; and

iii. removing actuators to reduce the risk of accidental release.

d. A large quantity handler of universal waste who punctures and drains their aerosol cans shall recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans.

i. Conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans.

ii. Effectively contain the residual contents and any emissions thereof.

iii. Establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol can including proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases.

iv. Maintain a copy of the manufacturer's specification and instruction on site.

v. Ensure employees operating the device are trained in the proper procedures.

vi. Ensure the puncture of the can is done in a manner designed to prevent fire and the release of any component of universal waste to the environment, including but is not limited to, locating the equipment on a solid, flat surface in a well ventilated area.

vii. Immediately transfer the contents from the waste aerosol can or puncture device, if applicable, to a container or tank that meets the applicable requirements of LAC 33:V.1009, 1011, 1013, or 1015.

viii. Conduct a hazardous waste determination on the contents of the emptied aerosol can per LAC 33:V.1005.

(a). Any hazardous waste generated as a result of puncture and draining of the aerosol can is subject to all applicable requirements of LAC 33:V.Subpart 1.

(b). The handler is considered the generator of the hazardous waste and is subject to LAC 33:V.Chapters 10 and 11.

ix. The handler may manage the waste in any way that is in compliance with applicable federal, state, or local solid waste regulations if the contents are determined to be nonhazardous.

x. A written procedure shall be in place in the event of a spill or leak and a spill clean-up kit shall be provided. All spills or leaks of the contents of the aerosol cans shall be cleaned up promptly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:574 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1761 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:303 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3120 (December 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:941 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

§3845. Labeling/Marking

A. A large quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as specified below.

1. - 8. ...

9. Universal waste aerosol cans (i.e., each aerosol can), or a container in which the aerosol cans are contained, shall be labeled or marked clearly with any of the following phrases: "Universal Waste—Aerosol Can(s)," "Waste Aerosol Can(s)," or "Used Aerosol Can(s)."

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:575 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1761 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:303 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3121 (December 2005), LR 34:1017, (June 2008), LR 51:

Chapter 43. Interim Status

§4301. Purpose and Applicability

A. - D.13.d. ...

- e. electronics as described in LAC 33:V.3810;
- f. antifreeze as described in LAC 33:V.3811; and
- g. aerosol cans as described in LAC 33:V.3812.

E. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et. seq., and specifically R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:84 (February 1987), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1743 (September 1998), LR 25:482 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 26:2498 (November 2000), LR 27:713 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2474 (October 2005), LR 31:3121 (December 2005), LR 32:612 (April 2006), LR 33:2126 (October 2007), LR 34:632 (April 2008), amended by the Office of the Secretary, Legal Division, LR 43:1146 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:42 (January 2018), LR 46:947 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This Rule has no known impact on small business as described in R.S. 49:978.1 - 978.8.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Hearing

A public hearing will be held on September 25, 2025, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or online via <https://deqlouisiana.zoom.us/j/6836133613?omn=93452818861> or by phone at (646) 255-1997 Meeting ID: 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

Public Comments

All interested persons are invited to submit written comments on the proposed Rule. Persons commenting

should reference this proposed Rule by HW134ft. Such comments must be received no later than September 25, 2025, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. The comment period for this Rule ends on the same date as the public hearing. Copies of the proposed Rule can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of HW134ft. The proposed rule is available on the Internet at <https://deq.louisiana.gov/page/monthly-regulation-changes-2025%20>.

The proposed Rule is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Jill C. Clark
General Counsel

2508#032

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Voluntary Environmental Self-Audit Regulations (LAC 33:I.7005, 7007, 7009, 7011, and 7013)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Office of the Secretary regulations, LAC 33:I.Chapter 70 (OS104).

The proposed Rule will amend and clarify sections of LAC 33:I.Chapter 70 -Voluntary Environmental Self-Audit Regulations. The Voluntary Environmental Self-Audit Program was established to enhance protection of human health and the environment and increase environmental compliance at regulated entities. The Voluntary Self-Audit Regulations were promulgated on December 20, 2023. Based on implementation of the program and feedback from participants, the department has determined that revisions are necessary to aid in further implementation of the program. The proposed Rule also addresses comments received during the rulemaking process, public hearing, and comment period, for the original Rule. The basis and rationale for this Rule are to aid the department in continued implementation of the self-audit program. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33
ENVIRONMENTAL QUALITY
Part I. Office of the Secretary
Subpart 5. Voluntary Environmental Self-Audit
Program

Chapter 70. Voluntary Environmental Self-Audit
Regulations

§7005. Definitions

A. The following terms used in this Chapter shall have the meanings listed below, unless the context otherwise requires, or unless specifically redefined in a particular Section.

* * *

Date of Discovery or Discovery—when the owner or operator of a facility has an objectively reasonable basis for believing a violation has, or may have occurred.

* * *

Disclosure of Violation or Disclosure—written notification via the department's approved form by the owner or operator related to violations discovered during the course of an audit.

* * *

Pattern—a series of violations that are due to separate and distinct events within a three year period at the same facility or unit/process.

* * *

Regulated Entity—Repealed.

Same or Closely Related Violation—a violation that is part of a pattern of noncompliance.

* * *

Systematic Discovery—the detection of a potential violation through an environmental audit.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2044(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:2100 (December 2023), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§7007. Exclusions

A. Violations that are not eligible for relief under this program shall include, but not be limited to violations:

1. that result in serious actual harm to the environment including those reported in accordance with LAC 33:I.Chapter 39;

2. that may present an imminent or substantial endangerment to the environment or public health including those reported in accordance with LAC 33:I.Chapter 39;

A.3. - B. ...

C. The department reserves the right to take enforcement action with respect to a violation that:

1. is excluded under LAC 33:I.7007.A;

2. is not properly or adequately disclosed and/or corrected in accordance with this Chapter; or

3. is determined to not be eligible for penalty mitigation.

D. Participation in the environmental voluntary self-audit program shall not prohibit the department from conducting any inspections and/or investigations authorized by environmental statutes, regulations, or other obligations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2044(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:2100 (December 2023), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§7009. Program Scope

A. - A.1.c. ...

d. The department shall acknowledge receipt of the notice of audit in writing. The owner or operator may initiate an audit prior to receiving the acknowledgement in writing.

e. The department may request additional information to satisfy any incomplete notice of audit forms.

f. The owner or operator shall notify the department in writing if an approved audit will not be conducted or completed.

A.2....

a. The disclosure of violation(s) shall be submitted by the owner or operator no later than 30 calendar days after the end of the audit period. The violation(s) shall be properly disclosed and reported to the department by certified mail, or other means approved by the department, in order to qualify for penalty mitigation.

b. - c. ...

d. The department shall acknowledge receipt of the disclosure of violation in writing.

3. An environmental audit shall be completed within a reasonable time, not to exceed six months from the audit commencement date reported in the notice of audit form, unless the department grants an extension of time.

4. The department shall document the official end of audit period in writing to the owner or operator.

B. Requests for Extension of Time

1. Requirements for Request for Extension of Time

a. If an audit cannot be completed within six months after the audit commencement date, a request for extension of time shall be submitted in writing at least 30 calendar days prior to the expiration of the audit period with sufficient information to justify an extension. The department shall review the request for extension and grant or deny the request in writing. An approved extension shall only apply to the time/duration of the audit.

b. The department may grant an extension up to 180 calendar days. The owner or operator shall include the amount of additional time being requested in the written request. Extensions shall not be utilized as uninterrupted or continuous environmental audits.

C. Corrective Actions

1. Corrective actions shall be completed within 90 calendar days from the date of discovery of the violation unless a specific period is required by statute, regulation, permit requirement or as provided in 7009.C.1.b.

a. Corrective actions shall include detailed actions implemented, or to be implemented, to prevent recurrence of the violation and a scheduled date of completion. All completed corrective actions shall be evaluated by the department. The owner or operator shall submit a revised disclosure of violation if the proposed corrective actions change.

b. Monthly progress reports documenting implementation of corrective actions that will take longer than 90 calendar days to complete shall be submitted to the department until completion of the corrective actions. The

progress report shall be postmarked by the 15 day following the completion of the preceding calendar quarter.

c. A final written report shall be submitted to the department within 30 calendar days after completion of the audit or completion of all corrective actions, whichever is later. The final written report shall include, but not be limited, to:

- i. notice of audit;
- ii. disclosure of violation(s); and
- iii. certification of completion of all corrective

actions, which shall also include any actions implemented to prevent recurrence of the violation.

d. Failure to notify, implement, and/or complete all corrective actions shall be considered a violation and may be subject to the appropriate enforcement action.

D. Retention of Environmental Audit Report

1. The complete environmental audit report should not be submitted to the department unless specifically requested by the department in writing.

2. The complete environmental audit report shall be maintained on-site or in an accessible location for a period of five years after completion of the audit.

E. Penalty Mitigation

1. The owner or operator shall receive a 100 percent reduction in civil penalties for each disclosed violation that meets the following nine conditions:

a. ...

b. The violation was voluntarily discovered. The violation was not discovered through a federal, state, or local requirement prescribed by statute, regulation, permit, judicial or administrative order, or a consent agreement.

c. The violation was disclosed to the department in writing no later than 30 calendar days after the end of the audit period, unless an existing law or regulation requires disclosure sooner or as provided in 7009.E.1.d.

d. The violation was independently discovered. Discovery of a violation will be presumed to be independent if such discovery occurs prior to, and is disclosed to the department within 72 hours following any of the circumstances below.

i. notice to the owner or operator of an inspection by the department.

ii. notice to the owner or operator of a threatened citizen suit, third party complaint, or whistleblower complaint filed with the department and relating to the alleged violation.

iii. receipt by the owner or operator of a written information request by the department relating to the subject matter of the violation.

e. The violation was corrected as expeditiously as possible, but no later than 90 calendar days from the date of discovery, or as allowed under 7009.C.1.b.

f. - i. ...

2. The owner or operator shall receive a 75 percent reduction in civil penalties for any disclosed violation if all of the conditions in LAC 33:I.7009.E.1 are met except systematic discovery.

3. Failure to meet the required conditions in LAC 33:I.7009.E shall result in ineligibility for penalty reduction and may be subject to the appropriate enforcement action.

4. LAC 33:7009.E.1.d shall not prohibit the department from conducting any inspections and/or investigations as provided in LAC 33:I.7007.D.

5. The department reserves the right to collect any monetary benefits realized through noncompliance.

6. The department shall issue a written determination for penalty mitigation.

F. - F.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2044(C)

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:21000 (December 2023), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§7011. New Owner

A. Definitions

1. The following terms used in this Chapter shall have the meanings listed below, unless the context otherwise requires, or unless specifically redefined in a particular Section.

New Owner—any person not responsible for the environmental compliance at the time the violation(s) occurred at the facility that is the subject of the environmental audit, did not cause the violation being disclosed, and could not have prevented the occurrence.

B. - B.1. ...

2. An audit shall be completed within six months after the acquisition closing date, if the new owner continues an audit that was initiated by the previous owner.

3. An audit initiated by a new owner shall be completed within a reasonable time, not to exceed nine months from the audit commencement date reported in the Notice of Audit form, unless the department grants an extension of time.

4. Failure to request and receive written approval from the department for an extension of time to complete an audit may forfeit any penalty mitigation.

5. The new owner making the disclosure must certify in the disclosure that all of the following conditions were true before the acquisition closing date of the facility that is the subject of the audit.

a. The new owner was not responsible for the environmental compliance at the time the violation(s) occurred at the facility or the operation that is the subject of the audit.

b. The new owner did not have the largest ownership share of the seller.

c. The seller did not have the largest ownership share of the new owner.

d. The new owner and seller did not have a common corporate parent or a common majority interest owner.

6. A new owner is eligible for penalty mitigation if the following are met.

a. Prompt disclosure of the violations to the department.

b. The conditions outlined in LAC 33:I.7011.B.5.

7. The new owner shall receive a 100 percent reduction in civil penalties for each disclosed violation that meets the following nine conditions.

a. The violation was systematically discovered through an environmental audit.

b. The violation was voluntarily discovered. The violation was not discovered through a federal, state, or local requirement prescribed by statute, regulation, permit, judicial or administrative order, or a consent agreement.

c. The violation was disclosed to the department in writing no later than 30 calendar days after the end of the audit period, unless an existing law or regulation requires disclosure sooner, or as provided in 7009.E.1.d.

d. The violation was independently discovered. Discovery of a violation will be presumed to be independent if such discovery occurs prior to, and is disclosed to the department within 72 hours following any of the circumstances below.

i. Notice to the owner or operator of an inspection by the department.

ii. Notice to the owner or operator of a third party complaint or whistleblower complaint filed with the department and related to the alleged violation.

iii. Receipt by the owner or operator of a written information request by the department relating to the subject matter of the violation.

e. The violation was corrected as expeditiously as possible, but no later than 90 calendar days from the date of discovery or as allowed under 7009.C.1.b.

f. The appropriate measures to prevent a recurrence of the violation were implemented after the violation was disclosed to the department.

g. The same or closely related violation has not occurred at the same facility within the past three years.

h. The violation is not excluded as listed in LAC 33:I.7007.A.

i. The owner or operator has cooperated by providing information as necessary and required by the department to determine eligibility.

8. Penalty mitigation will not apply if any of the following are met.

a. The new owner who made the disclosure willingly or knowingly committed the violation or was responsible for the commission of the violation.

b. The new owner who made the disclosure recklessly committed the violation or was responsible for the commission of the disclosed violation and the violation resulted in substantial injury or harm to one or more persons, property, or the environment on-site or off-site.

c. The violation was committed willfully or knowingly by a member of the new owner's management, or an agent of the new owner, and the new owner's policies or lack of prevention systems contributed materially to the occurrence of the violation.

d. The violation was recklessly committed by a member of the new owner's management, by an agent of the new owner, or if the new owner's policies or lack of prevention systems contributed materially to the occurrence of the violation resulting in substantial injury or harm to one or more persons, property, or the environment on-site or off-site.

e. The violation has resulted in substantial economic benefit that gives the new owner a clear advantage over its business competitors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2044(C).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:2101 (December 2023), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§7013. Fees

A. - B.1. ...

C. Failure to pay the initial fee or the additional fee by the due date specified on the invoice will constitute a violation of these regulations and shall subject the person requesting the review to appropriate enforcement action under the subtitle.

D. - E.3.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2044(C).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:2102 (December 2023), amended by the Office of the Secretary, Division, LR 51:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments on the proposed Rule. Persons commenting should reference this proposed Rule by OS104. Such comments must be received no later than October 2, 2025, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed Rule can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of OS104. The proposed regulation is available on the Internet at <https://deq.louisiana.gov/page/monthly-regulation-changes-2025%20>.

Public Hearing

A public hearing will be held on September 25, 2025, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or online via Zoom at <https://deqlouisiana.zoom.us/j/6836133613?omn=93452818861> or by phone at (646) 255-1997 Meeting ID: 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

The proposed Rule is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101;

1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Jill C. Clark
General Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Voluntary Environmental Self-Audit Regulations

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to have any implementation costs or savings, as the tasks necessary to accomplish this rulemaking can be undertaken within the Department of Environmental Quality (DEQ) employees' normal scope of work and during regular working hours.

The proposed rule will amend or clarify sections of LAC 33:I.Chapter 70-Voluntary Environmental Self-Audit Regulations. The changes include, but are not limited to the following: 1) addition of new program definitions; 2) revisions to the Program Scope section related to the Notice of Audit, the Disclosure of Violations, extension requests, corrective actions, and penalty mitigation; and 3) clarification of the audit period for a new owner initiating an audit or a new owner continuing a previously initiated audit. The changes will aid in further implementation of the audit program.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

An entity will be eligible for penalty mitigation if the required conditions are met. Penalty mitigation could result in a decrease in revenue. If the disclosed violation is not eligible for relief under the audit program or an entity fails to meet the required penalty mitigation conditions, the department can take enforcement action. The enforcement action may result in a civil penalty, which could increase revenue. The department is unable to quantify any increases or decreases associated with the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Participation in the environmental self-audit program is voluntary. If a disclosed violation is not eligible for relief under the audit program or an entity fails to meet the conditions for penalty mitigation, the department can take enforcement action. The enforcement action may result in a civil penalty.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact on competition and employment as a result of the proposed rule change.

Jill C. Clark
General Counsel
2508#059

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Auctioneers Licensing Board

Auctioneers (LAC 46:III.Chapters 1-29)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:3101 that the Auctioneers Licensing Board proposes to amend its existing rules and regulations to comply with Act 786 of the 2024 Regular Session regarding auction business licensing and the requirement for a qualified party; bond requirements. Rules and regulations for electronic meetings and the Welcome Home Act are also included. The board is repealing the original Chapter 5 which included Board Meeting; Order of Business and Rules of Order because that information is covered in other state statutes.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part III. Auctioneers

Chapter 1. Description of Organization

§101. Organization of the Board

A. The Louisiana Auctioneers Licensing Board (hereafter referred to as board) is created by virtue of R.S. 37:3111. No member of the board shall be held liable as an individual in any suit against the board. Statutes relating thereto are found in R.S. 37:3111 et seq., of the Louisiana Statutes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3111 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:335 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:781 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 51:

Chapter 3. General Course and Method of Operations

§307. Special Meetings

A. ...

B. Notice of any special meeting shall be given by electronic mail posted at least five days prior to such a meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3111 and R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:336 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:782 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 51:

Chapter 5. Open Meetings via Electronic Means Policy

§501. Agency Eligibility

A. The board meets the below criteria pursuant to Act 393 to be eligible to conduct open public meetings via electronic means:

1. is a state agency as defined by R.S. 49:951;
2. has powers, duties, or functions that are not limited in scope to a particular political subdivision or region;
3. conducts at least six regularly scheduled meetings in a calendar year; and
4. is not one of the agencies identified by R.S. 42:17.2(I) to which open meetings via electronic means shall not apply.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature and in accordance with R.S. 37:3111 and R.S. 37:3112

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 51:

§503. Postings Prior to Meeting via Electronic Means

A. At least 24 hours prior to the meeting, the board shall post the following on the agency's website at www.LALB.org

1. meeting notice and agenda; and
2. detailed information regarding how members of the public may:
 - a. participate in the meeting via electronic means, including the applicable videoconference link and/or teleconference phone number; and
 - b. submit written comments regarding matters on the agenda prior to the meeting.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature and in accordance with R.S. 37:3111 and R.S. 37:3112

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 51:

§505. Electronic Meeting Requirements and Limitations

A. For any meeting conducted via electronic means, the board shall ensure compliance with all requirements outlined in R.S. 42:17.2(C).

B. The board shall not conduct any more than one-third of its open meetings via electronic means, and will only conduct successive meetings via electronic meetings as needed.

C. A schedule of meetings identifying which will be conducted via electronic means and which will be conducted as in-person meetings shall be posted on the agency's website on an annual basis.

D. All members of the board, whether participating from the anchor location or via electronic means, shall be counted for the purpose of establishing a quorum and may vote.

E. An online archive of any open meetings conducted via electronic means shall be maintained and available for two years on the agency's website.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature and in accordance with R.S. 37:3111 and R.S. 37:3112

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 51:

§507. Disability Accommodations

A. Although an open meeting may be scheduled as in-person, the board is obligated to provide for participation via

electronic means on an individualized basis by people with disabilities.

B. People with disabilities are defined as any of the following:

1. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
2. a designated caregiver of such a person; or
3. a participant member of the agency with an ADA-qualifying disability.

C. The board shall ensure that the written public notice for an open meeting, as required by R.S. 42:19, includes the name, telephone number and email address of the designated agency representative to whom a disability accommodation may be submitted.

D. Upon receipt of an accommodation request, the designated agency representative is only permitted to ask if the requestor has an ADA-qualifying disability or is a caregiver of such a person (yes or no). The requestor shall not be required to complete a medical inquiry form or disclose the actual impairment or medical condition to support a disability accommodation request.

E. The designated agency representative shall provide the requestor with the accommodation, including the teleconference and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

F. Participation via electronic means shall count for purposes of establishing quorum and voting.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature and in accordance with R.S. 37:3111 and R.S. 37:3112

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 51:

Chapter 10. General Provisions

§1001. Definitions

A. Auction Businesses which conduct business solely through internet-based platforms are not required to employ a licensed auctioneer to call the auction. Any live or simulcast auctions are required to employ a licensed auctioneer to call the live or real-time auction.

B. Auction Businesses which conduct any auction through an internet-based platform are responsible for the actions of the platform.

C. Definitions

Auctioneer—any person who, for another, with or without receiving or collecting a fee, commission, or other valuable consideration, sells or offers to sell property at an auction.

Board—the Louisiana Auctioneers Licensing Board created as created in R.S. 37:3111.

Department—the Office of the Governor.

Internet-Based Platform—a company that provides a forum through the internet for a person to sell the person's or movable property via the submission of silent bids using a computer or other electronic device.

Licensee—any person or business holding a license under this Chapter.

Person—an individual, partnership, company, corporation, association, or group however organized.

Property—any property, tangible and intangible, movable or immovable, real, personal, or mixed.

Secured Party—a person holding a security interest in a property, whether movable or immovable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3103 and R.S. 37:3105.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 48:490 (March 2022), amended LR 51:

Chapter 11. License of Auctioneer

§1113. Fees

A. - A.6 ...

7. delinquent renewal fee—\$75;
8. apprentice fee—\$100
9. initial license fee for an auction business—\$300;
10. annual license renewal fee for an auction business—\$300

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3116.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:337 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:785 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 31:1326 (June 2005), amended LR 37:2147 (July 2011), LR 48:492 (March 2022), amended LR 51:

§1115. Reciprocity and Licensure without Examination

A. - B. ...

C. Any applicant for licensing in this state who meets the requirements of LSA-R.S. 37:51 et seq. (The Welcome Home Act) will be required to take the Louisiana examination to be licensed in this state.

D. - E. ...

F. Any applicant who receives a license solely under the requirements of LSA-R.S. 37:51 et seq. (The Welcome Home Act) cannot use that license to obtain a license in a reciprocal state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3117.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:337 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:785 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 51:

§1118. Qualifications to be Supervising Auctioneer for Apprentice

A. - A2. ...

3. The auctioneer cannot have any other apprentice being supervised at the time of application. A supervising auctioneer may have only one apprentice working under his supervision at any time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3118.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 40:2541 (December 2014), amended LR 51:

§1119. Apprentice Auctioneer Licensing

A. The license of an apprentice auctioneer shall be automatically suspended upon the revocation or suspension of the license of the Louisiana auctioneer who is his sponsoring supervisor or in the event the supervising auctioneer becomes incapacitated; however, the apprentice auctioneer may retain his license by transferring to the supervision of another Louisiana licensed auctioneer within 21 days of the effective date of such revocation or suspension. If the apprentice auctioneer does not transfer to

another Louisiana licensed auctioneer within the 21 days, he must start his one-year apprentice program over.

B. When an apprentice auctioneer's employment with the supervising auctioneer is terminated for any reason, the supervising auctioneer shall immediately contact the board office.

C. ...

D. The length of time that an applicant shall work as an apprentice auctioneer shall be 12 months. During that period of time the apprentice auctioneer shall work and be directly involved in at least 80 hours over a minimum period of 12 days.

E. The apprentice auctioneer shall receive training in the following areas:

1. the establishment and use of escrow accounts;
2. bid calling;
3. pre-auction activities which will include: handling consignments, and all related matters, including but not limited to consignment contracts, the assignment of lot numbers, the establishment of conditions and reserves for consignments, and advertising;
4. auction day activities which will include: clerking at the auction, including writing sale tickets, keeping track of all sales, and any related paper work or using appropriate auction software, ringman/spotter;
5. post auction activities which will include: closing out the auction and maintaining and balancing auction account records, collecting and remitting sales taxes to the proper government entities, settlements, closeouts and payments to consignors.

F. Any person acting as an apprentice auctioneer within the meaning of these rules and regulations without a license and any person who violates these rules and regulations shall be subject to revocation of his license. The Louisiana auctioneer serving as sponsoring supervisor is also subject to discipline of his license should his apprentice auctioneer violate these rules and regulations.

G. This Subsection of the rules and regulations specifically prohibits the apprentice auctioneer from calling an auction unless the supervising licensed auctioneer is directly supervising the sale sight at all times. If he does call an auction outside of the presence of his supervising auctioneer, his license will be suspended.

H. Upon completion of the one-year apprentice program, the apprentice auctioneer may apply to take the Louisiana auctioneer's examination and become licensed in the state of Louisiana. He must submit the following in order to be considered for administration of the test:

1. a completed application for license as an auctioneer;
2. posting of a \$10,000 surety bond, made payable to the Louisiana Auctioneers Licensing Board (see §1201);
3. a certified copy of voter registration or other appropriate proof of residency;
4. application fee in the sum of \$300 (this includes the \$150 license fee, the \$75 application fee, and \$75 examination fee);
5. a form signed by the supervising Louisiana licensed auctioneer stating that the apprentice did serve under him for the term of twelve months and during which he worked at least 80 hours over a minimum period of 12 days. Evidence of the number of days/ auctions, along with the place, date

and time and the type of work done by the apprentice shall be established by completion of a form to be provided by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:338 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:786 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 31:1326 (June 2005), LR 40:2541 (December 2014), LR 48:492 (March 2022), amended LR 51:

§1120. Auction Business Licensing.

A. ...

B. The board shall base determination of satisfactory minimum qualifications for licensure of an entity as an auction business on the following requirements:

1. The applicant for an auction business, excluding those who conduct wholesale motor vehicle auctions in compliance with R.S. 32:794, shall designate a qualifying party who shall be the legal representative for the auction business relative to the provisions of this Chapter. The board may deny approval of the qualifying party for good cause, which may include the ability of the proposed principal owner or owners, principal shareholder or shareholders, or qualifying party to engage in the auction business as demonstrated by his prior auction business experience. Evidence which may be considered by the board shall be limited to any legal proceedings against the qualifying party or businesses where the qualifying party was in a position of control at the time a problem arose and the ultimate disposition of such proceedings, any financial history of bankruptcies, unpaid judgments, insolvencies, or any similar evidence. When the qualifying party terminates employment with the licensee, the board shall be notified in writing within thirty days of the disassociation, and another qualifying party shall qualify within 60 days. Should the qualifying party cancel or not renew his or her license, the license of the auction business shall be canceled at that time. The qualifying party or parties are any individual licensed as an auctioneer pursuant to the requirements in this Chapter and are one or more of the following:

a. An applicant sole proprietor or spouse of an applicant sole proprietor.

b. Any employee of an applicant who has been in full-time employment for one hundred twenty consecutive days immediately preceding the application. The employee may be allowed to be the qualifying party for the licensed company and related entities.

i. If the qualifying party is an employee who has recently been hired to replace a party who has already been qualified, then the board may waive the one hundred twenty-day requirement upon good cause shown.

ii. No auction business may go for more than 60 days without designating a qualifying party.

iii. If an auction business is a first-time applicant to the state of Louisiana, an authorized party must be assigned but the 120 day requirement is waived.

iv. However, the authorized party must receive final approval as the qualifying party no more than 180 days after formation of the auction business.

c. Any stockholder, officer, or director of an applicant corporation, which stockholder, officer or director has been in the office for at least 30 days prior to the application for licensing.

d. Any partner of an applicant partnership which partner has been in the office for at least 30 days prior to the application for licensing.

e. Any member or manager of an applicant limited liability company which member or manager has been in the office for at least 30 days prior to the application for licensing.

2. If the entity intends to conduct auctions wherein vehicles will be auctioned as defined by R.S. 32:1, the entity shall hold a valid dealer license pursuant to R.S. 32:1254 unless a valid dealer license is not required by the regulating agency.

C. Auction houses which conduct business solely through internet-based platforms are not required to employ a licensed auctioneer to call the auction. Any live or simulcast auctions are required to employ a licensed auctioneer to call the live or real-time auction. Auction businesses are required to have a qualifying party.

D. Auction Businesses which conduct any auction through an internet-based platform are responsible for the actions of the platform.

E. Licensing Fee. Each application for licensing shall be accompanied by a license fee in the amount of \$300. Renewal of each auction business license shall be on an annual basis, no later than February 1 of each calendar year. An auction business license renewal fee shall be \$300.

F. Application Information. Each applicant shall submit the following information on the designated application form:

1. the name of each owner of the entity and the length of time each such person has been an owner;

2. each business address of the entity;

3. each auctioneer licensed by the date of application who has been employed by the business for more than one auction in the previous calendar year;

4. the nature of the business and the product to be sold;

5. two references who shall be auctioneers currently licensed in this state in good standing with the board;

6. a good and sufficient surety bond executed by the applicant as principal and by a surety company qualified to do business in the state of Louisiana as surety in the amount of \$25,000.00.

7. a copy of the current auctioneer license of the qualifying party.

8. a copy of the current dealer license for those entities conducting auctions of vehicles if such license is required.

9. Any information required by Subsection B of this Section.

G. If, in the opinion of the board, the applicant provided inadequate information to allow the board to ascertain whether the applicant satisfies the qualifications for licensing, the applicant shall be required to provide additional information for purposes of the application or may be required to present himself for an interview for this purpose.

H. The qualifications of an applicant applying for an auction business license shall be the same as those articulated at R.S. 37:3113(a)1 through 37:3113 pertaining to the licensing of auctioneers.

I. An auction business licensee with a physical location within this State shall be able to operate the licensed auction business in any parish of the state of Louisiana. Should the licensee desire to operate the business at more than one location or change the location, the licensee shall give the Louisiana Auctioneers Licensing Board written notice of the change at least five days prior to the change of address or establishment of new location, as well as provide a physical and mailing address of the new or additional location of the business. Failure by licensee to give notice to the Louisiana Auctioneers Licensing Board after such change of location (or establishment of an additional location) shall be grounds for revocation of the auction business license by the board.

J. A licensee's auction business license shall automatically be suspended if no licensed auctioneer is engaged in conducting the auctions for the licensee if the auction house conducts live or simulcast auctions. Such license may be reinstated by the board for the unexpired term upon proof that a duly licensed auctioneer has been affiliated with the auction business. This subsection will not apply to auction houses which conduct business solely through internet-based platforms which are not required to employ a licensed auctioneer to call the auction.

K. The provision of R.S. 37:3115 relative to renewal of license, certificate and penalties for failure to renew the license of auctioneers, shall also apply to an auction business license.

L. No auction business license shall be issued or renewed unless the applicant presents a bond in the amount of \$25,000.00 in a form approved by the board.

M. A resident Louisiana licensed auctioneer may operate an auction business without a fee, and without posting of an additional surety bond if a surety bond guaranteeing his performance as an auctioneer has previously been posted.

N. An auction business must display in its office or offices, its current license to do business as an auction business at all times. An auction business must display its Louisiana license number on its website and in all advertising in a prominent location with the license number preceded by "LA" to indicate the issuing state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3103 and R.S. 37:3113

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 48:492 (March 2022), amended LR 51:

Chapter 12. Bonds; Funds

§1201. Bonds

A. Each applicant for licensure as a resident auctioneer, apprentice auctioneer, or auction business shall deliver to and deposit with the board at the time of application either cash or a surety bond in the amounts described below. Such bond shall:

1. For individual auctioneers, the amount of \$10,000.
2. For auction businesses, the amount of \$25,000.
3. - 6. ...

7. be executed by the applicant as principal and by a surety company qualified to do business in the state as a surety;

8. be in a form approved by the board;

B. - F. ...

G. An auction business which is owned by a nonresident auctioneer shall, prior to being licensed by the board, post a surety bond in the amount of \$25,000.

H. Such bond shall name the board as beneficiary.

I. In the case of a cash deposit, the auctioneer or auction business making the cash deposit shall deposit funds in a recognized state depository with the account or certificate pledged to the Louisiana Auctioneer Licensing Board under the same requirements as a surety bond. The funds shall be maintained in this depository for a period of one calendar year past the expiration date of the license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112 and R.S. 37:3118

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 31:1326 (June 2005), amended LR 51:

Chapter 15. Violations and Penalties

§1503. Fines for Advertising Violations

A. Violations of Chapter 17 requiring that the licensee place his name and license number in all advertising will result in a money fine to be levied against him after first being issued a warning letter. The amount of the fine will be \$50 for the first offense and \$100 for the second offense. A third or subsequent offense may result in a fine or other disciplinary action within the discretion of the board. Signs and business cards shall be exempt from this requirement of displaying the licensee number so long as the contact information is present since these are not considered ads.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3119.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Auctioneers Licensing Board, LR 20:1367 (December 1994), amended by the Office of the Governor, Auctioneers Licensing Board, LR 37:2148 (July 2011), amended LR 51:

Chapter 29. Miscellaneous

§2901. Costs for Rosters of Licensees

A. The board may charge any individual, board or other party the sum of \$25 for the preparation and mailing of a roster of licensees or for preparation of electronic media or labels containing that information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 31:1329 (June 2005), amended LR 51:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule will have no adverse impact on small businesses as described in R.S. 49:965.6

Provider Impact Statement

The proposed Rule has no known impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Interested persons may submit written comments until 5 p.m., September 22, 2025, to Sandy Edmonds, Auctioneers Licensing Board, 11736 Newcastle Avenue, Bldg. 2, Suite C, Baton Rouge, LA 70816.

Sandy Edmonds
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Auctioneers

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to have any costs or savings to state or local government units.

The proposed rule change makes various changes to the regulations of the Louisiana Auctioneers Licensing Board:

1. Simplifies existing rules and eliminates unnecessary rules,
2. Provides for definitions relating to auctions,
3. Provides for qualifications of applicants for licensure,
4. Provides for bond requirements,
5. Provides for regulations pertaining to electronic meetings, and
6. Provides for the provisions of the Welcome Home Act.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will have no impact on state or local governmental unit revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Electronic meetings could reduce expenses for individuals participating in meetings by negating the need for travel to a commission meeting.

The proposed rule change also codifies an alternative path to licensure for certain individuals as authorized in La. R.S. 37:51 et seq. (The Welcome Home Act), which may result in an economic benefit for those applicants.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

To the extent the Welcome Home Act leads to an increase in the number of applicants, there may be an increase in competition and employment. The magnitude of such impact is indeterminable but is expected to be minimal.

Sandy Edmonds
Executive Director
2508#019

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Division of Administration

Office of Broadband Development and Connectivity

Granting Unserved Municipalities Broadband Opportunities (GUMBO) (LAC 4:XXI.705)

The Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity has adopted an amendment to LAC 4:XXI.705 as authorized by R.S. 51:2370-2370.16, relative to the administration of the

Granting Unserved Municipalities Broadband Opportunities (GUMBO) grant program by the Office of Broadband Development and Connectivity.

ConnectLA has made considerable progress toward the GUMBO program objective of funding eligible broadband infrastructure projects. These projects will deploy broadband internet service to unserved and underserved areas, improving Louisiana residents' health, educational opportunities and economic competitiveness in the digital world.

Currently, the final disbursement of funds to some broadband services providers is being delayed or denied until ConnectLA identifies locations within approved project areas that are ineligible to receive funding, because they were not or could not have been reasonably identified when applications for the GUMBO program were accepted.

This proposed Rule authorizes ConnectLA to grant or deny the removal of locations from the approved project area included in a grant recipient's application if those locations are later determined to be ineligible for the GUBMO grant program and determine whether the amount of the grant is to be modified. This proposed Rule is promulgated in accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and is hereby adopted on the day of promulgation.

Title 4

ADMINISTRATION

Part XXI. Granting Unserved Municipalities Broadband Opportunities (GUMBO)

Chapter 7. Compliance

§705. Disbursement and Reimbursement

A. - D. ...

E. The office may allow a grant recipient to request the removal of locations from the approved project area included in its application if those locations are later determined to be ineligible for the GUBMO grant program. The office may at its discretion approve or deny the removal of the requested locations and determine whether the amount of the grant needs to be modified.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370-2370.16

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1515 (June 2022), LR 51:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has the potential to produce a positive impact on family stability, functioning, and earnings and a family's budget as described in R.S. 49:972 through broadband access offering enhanced employment opportunities, higher wages, business development, improved access to healthcare, and educational opportunities.

Poverty Impact Statement

The proposed Rule should produce a foreseeable, positive impact on the state's children, individuals, and families as defined by R.S. 49:973.B. In particular, the positive impact on factors influencing poverty will be evident through enhanced employment opportunities, higher wages, business development, improved access to healthcare, and educational opportunities.

Small Business Analysis

Pursuant to R.S. 49:978.5, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered and cared for when creating this proposed Rule.

Should a small business not have the financial reporting capabilities and documents required within the Rule for the purposes of applying for the grant program, the office is granted the ability to accept other equivalent documents, at its discretion. Otherwise, this proposed Rule is not anticipated to have an adverse impact on small businesses within the state that apply for or are ultimately grant recipients of the program; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

It is likely that a private provider of broadband service provides such service to individuals with developmental disabilities. The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session, as the proposed Rule implements a grant program that will fund, through federal appropriations at a minimum of 80 percent of total costs, broadband infrastructure projects in previously unserved areas of the state. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Veneeth Iyengar, Executive Director, Office of Broadband Development and Connectivity, P.O. Box 94095, Baton Rouge, LA 70804-9095. Interested persons may also submit written comments by email to connect@la.gov. The deadline for receipt of all written comments is on September 20, 2025, at 4:30 p.m. Mr. Iyengar is responsible for responding to inquiries regarding this proposed Rule.

Veneeth Iyengar
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Granting Unserved Municipalities Broadband Opportunities (GUMBO)

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is not anticipated to have any costs or savings to state or local governmental units.

The proposed rule change authorizes ConnectLA to grant or deny the removal of locations from the approved project area included in a grant recipient's application if those locations are later determined to be ineligible for the Granting Unserved Municipalities Broadband Opportunities (GUMBO) grant program, and to determine whether the amount of the grant is to be modified. The proposed rule change is anticipated to improve the Office of Broadband Development and Connectivity's ability to reimburse subgrantees more quickly.

The proposed rule change does not allocate additional funding.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is not anticipated to result in any additional revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is not anticipated to result in any costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to result in any effect on competition and employment.

Veneeth Iyengar
Executive Director
2508#003

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Division of Administration Office of Broadband Development and Connectivity

Granting Unserved Municipalities Broadband Opportunities 2.0 (GUMBO 2.0) (LAC 4:XXI.1801)

The Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity has adopted LAC 4:XXI.1801 as authorized by R.S. 51:2370.21-2370.35, relative to the administration of the Granting Unserved Municipalities Broadband Opportunities 2.0 (GUMBO 2.0) grant program by the Office of Broadband Development and Connectivity.

The Infrastructure Investment and Jobs Act (IIJA) provides funding for robust investment in American infrastructure projects. IIJA established the Broadband Equity, Access, and Deployment (BEAD) Program, which provides \$42.45 billion of funding to achieve high-speed broadband access throughout the United States. See Infrastructure Investment and Jobs Act of 2021, Division F, Title I, Section 60101, Public Law 117-58, 135 Stat. 429 (November 15, 2021) (codified at 47 U.S.C. § 1701 et seq.).

On June 6, 2025, the National Telecommunications and Information Administration (NTIA), as the agency responsible for administering the BEAD Program, published a policy notice (Policy Notice) for Eligible Entities (States, Territories, and the District of Columbia). The Policy Notice modifies and replaces certain requirements outlined in the BEAD Notice of Funding Opportunity (NOFO). Each Eligible Entity must comply with this Policy Notice to gain approval of its Final Proposal from the Assistant Secretary of Commerce for Communications and Information.

The state of Louisiana must now complete all new actions and redo the entirety of the bidding process within a 90-day timeframe from the release of the Policy Notice, with results due by September 4, 2025. This proposed Rule allows ConnectLA to develop a policy related to the GUMBO 2.0 Benefit of the Bargain grant round in accordance with the National Telecommunications and Information

Administration's (NTIA) BEAD Restructuring Policy Notice published on June 6, 2025. It also requires applicants to comply with the requirements outlined in ConnectLA's policy.

Title 4 ADMINISTRATION

Part XXI. Granting Unserved Municipalities Broadband Opportunities

Subpart B. Granting Unserved Municipalities Broadband Opportunities (GUMBO)

Chapter 18. Benefit of the Bargain Round

§1801. Policy

A. GUMBO 2.0 Benefit of the Bargain round will be conducted in accordance with the National Telecommunications and Information Administration's (NTIA) BEAD Restructuring Policy Notice, published on June 6, 2025. Pursuant to this policy notice, the office may issue restructuring notices to applicants.

B. Applicants shall comply with the requirements outlined in the policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370.21-2370.33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 51:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has the potential to produce a positive impact on family stability, functioning, and earnings and a family's budget as described in R.S. 49:972 through broadband access offering enhanced employment opportunities, higher wages, business development, improved access to healthcare, and educational opportunities.

Poverty Impact Statement

The proposed Rule should produce a foreseeable, positive impact on the state's children, individuals, and families as defined by R.S. 49:973.B. In particular, the positive impact on factors influencing poverty will be evident through enhanced employment opportunities, higher wages, business development, improved access to healthcare, and educational opportunities.

Small Business Analysis

Pursuant to R.S. 49:978.5, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered and cared for when creating this proposed Rule. Should a small business not have the financial reporting capabilities and documents required within the Rule for the purposes of applying for the grant program, the office is granted the ability to accept other equivalent documents, at its discretion. Otherwise, this proposed Rule is not anticipated to have an adverse impact on small businesses within the state that apply for or are ultimately grant recipients of the program; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

It is likely that a private provider of broadband service provides such service to individuals with developmental disabilities. The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session, as the proposed Rule implements a grant program that will fund, through federal

appropriations at a minimum of 80 percent of total costs, broadband infrastructure projects in previously unserved areas of the state. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Veneeth Iyengar, Executive Director, Office of Broadband Development and Connectivity, P.O. Box 94095, Baton Rouge, LA 70804-9095. Interested persons may also submit written comments by email to connect@la.gov. The deadline for receipt of all written comments is on September 10, 2025, at 4:30 p.m. Mr. Iyengar is responsible for responding to inquiries regarding this proposed Rule. For additional information, please reference the following sources:

To view the National Telecommunications and Information Administration's (NTIA) BEAD Restructuring Policy Notice, please visit <https://www.ntia.gov/sites/default/files/2025-06/bead-restructuring-policy-notice.pdf>.

To view the Governor Jeff Landry's Executive Order, please visit:

<https://gov.louisiana.gov/index.cfm/newsroom/category/11>. For more detail on ConnectLA's Benefit of the Bargain Round, please visit: <https://connect.la.gov/>.

Veneeth Iyengar
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Granting Unserved Municipalities Broadband Opportunities 2.0 (GUMBO 2.0)

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to have any costs or savings to state or local governmental units. The proposed rule change grants the Office of Broadband Development and Connectivity the ability to develop a policy related to the GUMBO 2.0 Benefit of the Bargain round in accordance with the National Telecommunications and Information Administration's (NTIA) Broadband Equity, Access, and Deployment (BEAD) Restructuring Policy Notice published on June 6, 2025.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is not anticipated to result in any additional revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is not anticipated to result in any costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to result in any effect on competition and employment.

NOTICE OF INTENT

Office of the Governor Division of Administration Office of Group Benefits

Participation in the Office of Group Benefits
(LAC 32:I.307)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., as authorized pursuant to R.S. 42:801 and 42:802, the Office of the Governor, Division of Administration, Office of Group Benefits (OGB), proposes to amend Chapter 3 of LAC 32:I, Uniform Provisions—Participation in the Office of Group Benefits. The amendment modifies the current Rule to provide clarity. The final Rule is intended to be effective on January 1, 2026.

Title 32

EMPLOYEE BENEFITS

Part I. General Provisions

Chapter 3. Uniform Provisions—Participation in the Office of Group Benefits

§307. Persons to be Covered

A. - E. ...

F. Medicare Advantage Option for Retirees

1. Any retiree who enrolls in an OGB-sponsored Medicare Advantage plan may enroll in another OGB-sponsored plan of benefits during OGB's annual open enrollment period unless an OGB-recognized Qualified Life Event applies. Any retiree enrolled in an OGB-sponsored Medicare Advantage plan may enroll in another OGB-sponsored Medicare Advantage plan during OGB's annual open enrollment period or Medicare's annual enrollment period.

2. Any retiree who elects to participate in a Medicare Advantage plan (MA plan) not sponsored by OGB will be allowed to re-enroll in a plan offered by OGB only if re-enrollment is requested within six months of the retiree's enrollment in the MA plan not sponsored by OGB. Such a retiree who is permitted to re-enroll in OGB coverage will be enrolled retroactively into OGB's Primary Plan of Benefits upon OGB's receipt of payment of all premiums due for the months the retiree was not enrolled in OGB coverage, the month payment is received by OGB, and the month following OGB's receipt of payment. The retiree will remain in OGB's Primary Plan of Benefits until the retiree makes a different selection during an OGB annual open enrollment period unless the retiree experiences a qualifying life event that permits a plan change.

G. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:339 (February 2015), effective March 1, 2015, amended LR 41:2350 (November 2015), effective January 1, 2016, amended LR 51:

Family Impact Statement

The proposed amendments are not anticipated to have an impact on family formation, functioning, stability, or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed amendments are not anticipated to have an impact on poverty, as described in R.S. 49:973.

Small Business Analysis

The proposed amendments are not anticipated to have an adverse effect or economic impact on small businesses in accordance with the Regulatory Flexibility Act.

Provider Impact Statement

The proposed amendments are not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Interested persons may submit written comments about the proposed Rules to the Office of Group Benefits, Attn.: Margaret A. Collier, P.O. Box 44036, Baton Rouge, LA 70804 or via fax (225) 342-9917. The deadline for receipt of written comments is Wednesday, September 10, 2025 by 4:30 p.m.

Public Hearing

A public hearing on the proposed amendments may be held on Monday, September 29, 2025, beginning at 9 a.m., in the Iowa Room (Room 1-153) on the first floor of the Claiborne Building, located at 1201 North Third Street, Baton Rouge, LA 70802, if such a hearing is requested by Wednesday, September 10, 2025 by 4:30 p.m.. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at the hearing. For assistance in determining if a hearing will be held, please call OGB Customer Service at 225-925-6625, or at 1-800-272-8451.

Heath Williams
Chief Executive Officer

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Participation in the Office of Group Benefits

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is not anticipated that this proposed rule change will financially impact OGB.

The current rule prohibits OGB plan members who enroll in a non-OGB sponsored Medicare Advantage plan from re-enrolling in an OGB-sponsored plan. The proposed rule edits this provision to allow re-enrollment within a limited timeframe and with payment of applicable premiums.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This proposed rule change is not anticipated to have a material effect on revenue collections of state or local governmental units. Members reentering OGB health plans will resume premium payments. OGB is funded by premiums which are paid partially by participating employers and partially by the plan participants themselves.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule change will permit persons who mistakenly enroll in a non-OGB sponsored Medicare Advantage plan the opportunity to return to OGB-sponsored coverage within a limited timeframe if they reimburse past premiums due instead of not being permitted to enroll in OGB-sponsored coverage. This may provide an economic benefit to some of OGB's plan members as they are eligible to receive a contribution to their premium payments as a result of their participation in OGB coverage during their years as an employee. Once they leave OGB-sponsored health coverage, they are no longer eligible for this contribution.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The effect of the proposed changes on competition and employment is unknown but estimated to be minimal to none. The individuals who are eligible to enroll in Medicare Advantage plans are those who have Medicare paying primary which means they are no longer actively employed.

Heath Williams
Chief Executive Officer
2508#042

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Officer

NOTICE OF INTENT
Department of Health
Behavior Analyst Board

Application Procedures and Board Fees
(LAC 46:VIII.301)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq, the Behavior Analyst Board intends to amend §301 Application Procedures for Licensure/State Certification/Registration, to clarify applications for licensees, certificants and registrants must be submitted pursuant to statutory requirements.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part VIII. Behavior Analysts

Chapter 3. Application Procedures and Board Fees

§301. Application Procedures for Licensure/State Certification/Registration

A. Application and/or Registration

1. Applications are to be submitted pursuant to the requirements listed in R.S. 37:3706-R.S.37:3708.

A.2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3706-R.S. 37:3708.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Behavior Analysts Board, LR 40:1930 (October 2014), amended by the Department of Health, Behavior Analyst Board LR 51:

Family Impact Statement

The Behavior Analyst Board hereby issues this Family Impact Statement as set forth in R.S. 49:972. The proposed Rule related to application submissions is being implemented to guarantee the licensing authority can safeguard the public welfare of this state and will have no known foreseeable impact on the stability of the family; authority and rights of parents regarding the education and

supervision of their children; functioning of the family; family earnings and family budget; behavior and personality responsibility of children; or the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule is not anticipated to have an impact on any child, individual or family as defined by R.S. 49:973.

Small Business Analysis

The impact of the proposed Rule on small businesses has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. Specifically, there is no known or foreseeable effect on: the staffing level requirements or qualifications required to provide the same level of service; the total direct or indirect cost to the providers to provide the same level of service; or the overall ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Rhonda Boe, Executive Director, 4334 S. Sherwood Forest Blvd., Suite C-150, Baton Rouge, LA 70816. All comments must be submitted by 12 p.m. on September 2, 2025.

Rhonda Boe
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Application Procedures and Board Fees

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the cost of rulemaking, there are no estimated implementation costs or savings for state or local government units resulting from the promulgation of the proposed rule change. The cost for the Louisiana Behavior Analyst Board is approximately \$350 in FY 26 for the notice and rule publication in the *Louisiana Register*.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is not anticipated to impact the revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Proposed rule change will clarify applications for licensees, certificants and registrants must be submitted pursuant to statute requirements. There are no anticipated costs and/or benefits to directly affected persons, small businesses, or non-governmental groups as a direct result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition and employment.

Rhonda Boe
Executive Director
2508#023

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Eligibility—Family Opportunity Act Medicaid Program (LAC 50:III.2303)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:III.2303 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing eligibility for the Family Opportunity Act Medicaid Program to establish continuous eligibility requirements, and to prevent termination of Medicaid or CHIP eligibility due to non-payment of premiums for children under the age of 19 during a continuous eligibility period. This action is being taken to comply with the federal Consolidated Appropriations Act of 2023.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part III. Eligibility

Subpart 3. Eligibility Group and Factors

Chapter 23. Eligibility Groups and Medicaid Programs

§2303. Family Opportunity Act Medicaid Program

A. - B.2.b. ...

3. The child may be uninsured or underinsured.

a. Parents are required to enroll in available employer-sponsored health plans when the employer contributes at least 50 percent of the annual premium costs. Participation in such employer-sponsored health plans is a condition of Medicaid coverage pursuant to the Family Opportunity Act Medicaid Program.

C. - D.2.b.iii. ...

3. The first premium is due the month following the month that eligibility is established. Prepayment of premiums is not required. A child's eligibility for medical assistance will not terminate on the basis of failure to pay a premium during the 12-month continuous eligibility period. A child's eligibility for medical assistance will terminate at the end of the 12-month continuous eligibility period if a failure to pay has continued for at least 60 days from the date on which the premium was past due.

4. - 4.d. ...

5. - 5.b. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:1628 (August 2008), amended LR 35:69 (January 2009), amended by the Department of Health, Bureau of Health Services Financing, LR:51:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972, since it will allow children to stay on Medicaid and CHIP during continuous enrollment despite non-payment of premiums.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973, since it will allow children to stay on Medicaid and CHIP during continuous enrollment despite non-payment of premiums.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is September 19, 2025.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on September 9, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on September 25, 2025 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after September 9, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Bruce D. Greenstein
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Eligibility—Family Opportunity Act
Medicaid Program**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 25-26. In FY 25-26, \$540 (\$270 SGF and \$270 FED) will be expended for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule amends the provisions governing eligibility for the Family Opportunity Act Medicaid Program to establish continuous eligibility requirements, and to prevent termination of Medicaid or CHIP eligibility due to non-payment of premiums for children under the age of 19 during a continuous eligibility period. This action is being taken to comply with the federal Consolidated Appropriations Act of 2023.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 25-26. In FY 25-26, \$270 will be collected for the federal share of the expense for promulgation of this proposed rule and the final rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR
NONGOVERNMENTAL GROUPS (Summary)**

This proposed rule amends the provisions governing eligibility for the Family Opportunity Act Medicaid Program to establish continuous eligibility requirements, and to prevent termination of Medicaid or CHIP eligibility due to non-payment of premiums for children under the age of 19 during a continuous eligibility period. This will benefit beneficiaries by keeping children on Medicaid or CHIP despite non-payment of premiums. It is anticipated that implementation of this proposed rule will not result in costs to providers and will have no impact on small businesses in FY 25-26, FY 26-27, and FY 27-28.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

This proposed rule has no known effect on competition and employment.

Kimberly Sullivan, JD
Medicaid Executive Director
2508#054

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Bureau of Health Services Financing**

Medical Transportation Program
Non-Emergency Medical Transportation
(LAC 50:XXVII.501, 503, 505, 517, 519, and 523)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:XXVII.Chapter 5 and adopt LAC 50:XXVII.519 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing non-emergency medical transportation to allow an additional category of transportation services. Act 677 of the 2024 Regular Session of the Louisiana Legislature authorized the department to establish provisions for transportation network companies (TNC) to provide non-emergency medical transportation through the Medicaid program. The proposed Rule adds TNC into the brokered transportation networks used in managed care, fee-for-service, and existing programs. This will be a positive addition for beneficiaries, as these providers can be utilized to complete trips that traditional providers are unable to fulfill.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXVII. Medical Transportation Program

Chapter 5. Non-Emergency Medical Transportation

Subchapter A. General Provisions

§501. Overview

A. ...

1. *Traditional Providers*—non-profit and for-profit providers who are not Transportation Network Companies.

2. *Non-Profit Providers*—those providers who are operated by or affiliated with a public organization such as state, federal, parish or city entities, community action agencies, or parish Councils on Aging. If a provider qualifies as a non-profit entity according to Internal Revenue Service regulations, they may only enroll as non-profit providers.

3. *For-Profit Providers*—corporations, limited liability companies, partnerships, or sole proprietors. For-profit providers must comply with all state laws and the regulations of any governing state agency, commission, or local entity to which they are subject as a condition of enrollment and continued participation in the Medicaid program.

B. Medicaid covered transportation is available to Medicaid beneficiaries when:

1. - 2. ...

3. the beneficiary may utilize the elevated level of care (ELOC) transportation services, often referred to as door through door transportation, which provides assistance beyond the capacity of the beneficiary. ELOC is a higher level of care for beneficiaries with mobility limitations requiring assistance when using a wheelchair.

C. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1638 (November 2021), amended LR 50:1471 (October 2024), amended LR 51:

§503. Prior Approval and Scheduling

A. - A.2. ...

B. Elevated level of care wheelchair services require verification of medical necessity through an additional prior approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1639 (November 2021), amended LR 50:1471 (October 2024), amended LR 51:

§505. Requirements for Coverage

A. Payment shall only be authorized for the least costly means of transportation available. The least costly means of transportation shall be determined by the department or its designee and considered the beneficiary's choice of transportation, the level of service required to safely transport the beneficiary (e.g., ambulatory, wheelchair, transfer), and the following hierarchy:

1. public transit;
 2. ...
 3. traditional providers (for-profit and non-profit) who are enrolled in the Medicaid Program; and
 4. transportation network companies (TNCs) who are enrolled in the Medicaid Program.
- B. Beneficiaries shall be allowed a choice of transportation services, with the exception of TNCs, as long as it remains the least costly means of transportation.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1639 (November 2021), amended LR 49:877 (May 2023), LR 50:1471 (October 2024), amended LR 51:

Subchapter C. Provider Responsibilities

§517. Traditional Provider Requirements

A. All traditional providers must comply with all applicable federal, state, and local laws and regulations, including, but not limited to, those pertaining to enrollment and participation in the Medicaid Program.

B. NEMT traditional providers shall have a minimum automobile split limit liability insurance coverage of \$25,000 per person, \$50,000 per accident and \$25,000 property damage policy or a combined single limit automobile coverage at a minimum of \$300,000.

1. The liability policy shall cover:
 - a. any autos—owned, non-owned (rented, leased, borrowed) and hired.
 - b. any autos—owned, hired autos, and non-owned autos; or
 - c. scheduled autos, hired autos, and non-owned autos.

2. - 3. ...

C. As a condition of reimbursement for transporting Medicaid beneficiaries to and/or from healthcare services, gas reimbursement providers must maintain a current valid vehicle registration, the state minimum automobile liability insurance coverage, and a current valid driver's license. Proof of compliance with these requirements must be submitted to the department or its designee during the enrollment process. Gas reimbursement providers are allowed to transport up to five specified Medicaid beneficiaries or all members of one household across all contracted managed care organizations. The provider may not reside at the same physical address as the beneficiary being transported. Individuals transporting more than five Medicaid beneficiaries or all members of one household shall be considered traditional providers and shall be enrolled as such and comply with all for-profit provider requirements.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1639 (November 2021), amended LR 49:877 (May 2023), LR 50:1472 (October 2024), amended LR 51:

§519. Transportation Network Company Requirements

A. All TNCs must comply with applicable federal requirements.

B. No driver shall provide NEMT services to a beneficiary through a TNC prior to the completion of a criminal background check that comports with the requirement for such background checks provided R.S.40:1203.1 et seq. or 48:2199.

C. Prior to facilitating NEMT services for Medicaid beneficiaries, a TNC shall be under contract with either:

1. an MCO as defined in 42 CFR 438.2, or its subcontracted transportation broker;
2. the department, or its subcontracted transportation broker.

D. TNCs, drivers, and vehicles are subject to the provisions of R.S. 45:201.1 - 45:201.13.

E. Aside from city and parish non-emergency medical transportation program rules, the provisions of R.S. 48:2205 shall apply to the regulation of companies, drivers, and vehicles facilitating or providing NEMT services as authorized in R.S. 40:1257.5.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 51:

Subchapter D. Reimbursement

§523. General Provisions

A. - C. ...

D. Reimbursement for NEMT services provided by traditional providers, gas reimbursement providers, public transit, or TNCs shall only be reimbursed if scheduled by a contracted transportation broker.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1639 (November 2021), amended LR 50:1472 (October 2024), amended LR 51:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this

proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Impact Statement

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have an impact on small businesses, since this proposed Rule allows transportation network companies to provide non-emergency medical transportation.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have a positive impact on the staffing level requirements or qualifications required to provide the same level of service since it allows transportation network companies to provide non-emergency medical transportation, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is September 19, 2025.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on September 9, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on September 25, 2025 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after September 19, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Bruce D. Greenstein
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Medical Transportation Program Non-Emergency Medical Transportation

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 25-26. In FY 25-26 \$1,080 (\$540 SGF and \$540 FED) will be expended for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule adds the category of Transportation Network Companies into the brokered transportation networks used in managed care, fee-for-service, and existing programs as an additional category of non-emergency medical transportation. The number of trips required by Medicaid recipients is expected to remain the same, but they will have more options for receiving transportation services.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections other than the federal share of the promulgation costs for FY 25-26. In FY 25-26, \$540 will be collected for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule adds the category of Transportation Network Companies into the brokered transportation networks used in managed care, fee-for-service, and existing programs as an additional category of non-emergency medical transportation. The number of trips required by Medicaid recipients is expected to remain the same, but they will have more options for receiving transportation services. This is expected to have a positive impact on beneficiaries, as these providers can be utilized to complete trips that traditional providers are unable to fulfill in the case of vehicle malfunctions or other unforeseen emergencies. It is anticipated this proposed rule will have no fiscal impact in FY 25-26, FY 26-27, and FY 27-28 since the number of services provided and the fees for those services are not changing.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule has no known effect on competition and employment.

Kimberly Sullivan, JD
Medicaid Executive Director
2508#057

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Professional Services—Reimbursement Methodology
(LAC 50:IX.8305, 8505, 15113,
15133, 15135, and XIX.4334)

The Department of Health, Bureau of Health Services Financing proposes to adopt LAC 50:IX.8305, 8505, 15113, 15133, 15135, and XIX.4334 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Effective July 1, 2025, the Department of Health, Bureau of Health Services Financing adopted a new methodology for Medicaid managed care organization reimbursement and fee-for-service reimbursement rates. This proposed Rule continues the provisions of the July 1, 2025 Emergency Rule (*Louisiana Register*, Volume 51, Number 7). These higher reimbursement rates may incentivize more providers to participate in Medicaid. Medicaid physician payment rates have historically been significantly lower than those of

Medicare, often averaging around two-thirds of the Medicare rate. This disparity can lead to access issues, as some providers may be reluctant to accept Medicaid patients due to the lower reimbursement rates. This proposed Rule better aligns Medicaid rates to Medicare rates, which will encourage providers to enroll in Medicaid. This rulemaking action will improve the quality of health care offered to Medicaid beneficiaries, thus improving the health outcomes of Medicaid beneficiaries throughout Louisiana.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part IX. Professional Services Program

Subpart 7. Immunizations

Chapter 83. Children's Immunizations

§8305. Reimbursement Methodology

A. - B. ...

C. Effective for dates of service on or after July 1, 2025, reimbursement for the administration of childhood and adolescent vaccines shall be set at 85 percent of the 2024 Louisiana Region 99 Medicare allowable fee, or billed charges, whichever is the lesser amount.

C.1. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:71 (January 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health, LR 39:96 (January 2013), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1289 (July 2015), amended by the Department of Health, Bureau of Health Services Financing LR 47:49 (January 2021), LR 47:887 (July 2021), LR 51:

Chapter 85. Adult Immunizations

§8505. Reimbursement Methodology

A. - D. ...

E. Effective for dates of service on or after July 1, 2025, the reimbursement for adult vaccine administration (beneficiaries age 19 and older) shall be set at 85 percent of the 2024 Louisiana Region 99 Medicare allowable fee or billed charges, whichever is the lesser amount.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health, LR 39:97 (January 2013), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1290 (July 2015), amended by the Department of Health, Bureau of Health Services Financing LR 47:50 (January 2021), LR 47:887 (July 2021), LR 51:

Subpart 15. Reimbursement

Chapter 151. Reimbursement Methodology

Subchapter B. Physician Services

§15113. Reimbursement Methodology

A. - N.1.b.ii. ...

O. Effective for dates of service on or after July 1, 2025, the Medicaid fee shall be set at 85 percent of the 2024 Louisiana Region 99 Medicare allowable fee for both current and newly added procedure codes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1252 (June 2010), amended LR 36:2282 (October 2010), LR 37:904 (March 2011), LR 39:3300, 3301 (December 2013), LR 41:541 (March 2015), LR 41:1119 (June 2015), LR 41:1291 (July 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:62 (January 2018), amended by the Department of Health, Bureau of Health Services Financing, LR 44:62 (January 2018), LR 47:477 (April 2021), LR 47:887 (July 2021), LR 48:1100 (April 2022), LR 51:71 (January 2025), LR 51:

Subchapter D. Anesthesia Services

§15133. Formula-Based Reimbursement

A. - F. ...

G. Effective for dates of service on or after July 1, 2025, the Medicaid fee for formula-based anesthesia services rendered by a physician shall be 85 percent of the 2024 Louisiana Medicare Region 99 allowable for services rendered to Medicaid recipients.

H. Effective for dates of service on or after July 1, 2025, the reimbursement for formula-based anesthesia services rendered by a certified registered nurse anesthetist (CRNA) shall be 85 percent of the 2024 Louisiana Medicare Region 99 allowable for services rendered to Medicaid recipients.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1251 (June 2010), amended LR 36:2282 (October 2010), LR 39:1781 (July 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 51:

§15135. Flat Fee Reimbursement

A. - G. ...

H. Effective for dates of service on or after July 1, 2025, the flat fee for reimbursement of maternity related anesthesia services shall be 85 percent of the 2024 Louisiana Medicare Region 99 allowable for services rendered to Medicaid recipients. If there is no equivalent Medicare fee, an alternate methodology may be used.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1251 (June 2010), amended LR 36:1251 (June 2010), LR 39:1781 (July 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 51:

Part XIX. Other Services

Subpart 3. Laboratory and Radiology Services

Chapter 43. Reimbursement

§4334. Radiology Services Reimbursement Methodology

A. - B. ...

C. Effective for dates of service on or after July 1, 2025, the Medicaid fee for radiology services shall be set at 85 percent of the 2024 Louisiana Region 99 Medicare allowable fee. This applies to both current and newly added procedure codes.

1. Repealed.

D. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1897 (September 2009), amended LR 36:1248 (June 2010), LR

36:2563 (November 2010), LR 37:3029 (October 2011), LR 39:1284 (May 2013), LR 41:539 (March 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:283 (February 2018), amended by the Department of Health, Bureau of Health Services Financing, LR 47:252 (February 2021), LR 47:1638 (November 2021), LR 51:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Impact Statement

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule may have a positive impact on small businesses, as described the Act, because it will increase the rates provided to physicians for specified services.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, but may decrease the total direct and indirect cost to the provider to provide the same level of service, and may enhance the provider's ability to provide the same level of service as described in HCR 170 because this will increase the reimbursement rates for specified services.

Public Comments

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is September 19, 2025.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on September 9, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on September 25, 2025 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call

Allen Enger at (225) 342-1342 after September 9, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Bruce D. Greenstein
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Professional Services Reimbursement Methodology

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will result in increased costs to the state of \$57,882,086 (\$22,310,297 SGF; \$28,465,789 Statutory Dedications out of the Hospital Stabilization Fund; and \$7,106,000 Premium Tax Statutory Dedications out of the Medical Assistance Trust Fund (MATF)) for FY 25-26. For FY 26-27 and subsequent fiscal years, implementation of this proposed rule is anticipated to result in increased costs to the state of \$116,144,794 (\$66,306,005 SGF; \$28,465,789 Statutory Dedications out of the Hospital Stabilization Fund; and \$21,373,000 Premium Tax Statutory Dedications out of MATF). It is anticipated that \$972 (\$486 SGF and \$486 FED) will be expended in FY 25-26 for the state's administrative expense for promulgation of the proposed rule and the final rule.

This proposed rule continues the provisions of the July 1, 2025 Emergency Rule, which increased the reimbursement rates for physicians in order to align them with 100% of Medicare rates over a two year period. The Medicaid reimbursement rate will increase to 85 percent of the Medicare rate in FY 25-26, and 100 percent in FY 26-27. This was done as a result of compliance with Act 306 of the 2024 Regular Legislative Session.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will result in an impact on Statutory Dedications out of the Hospital Stabilization Fund of \$28,465,789, Premium Tax Statutory Dedications out of MATF of \$7,106,000, and federal revenue collections of \$200,518,886 for FY 25-26. In FY 26-27 and subsequent fiscal years, implementation of this proposed rule is anticipated to result in an impact on Statutory Dedications out of the Hospital Stabilization Fund of \$28,465,789, Premium Tax Statutory Dedications out of MATF of \$21,373,000, and federal revenue collections of \$402,655,206. It is anticipated the \$486 will be collected in FY 25-26 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule continues the provisions of the July 1, 2025 Emergency Rule, which increased the reimbursement rates for physicians in order to align them with the Medicare rates. This was done as a result of compliance with Act 306 of the 2024 Regular Legislative Session. This proposed rule is expected to have a positive impact on providers and beneficiaries, since increased reimbursements may encourage higher provider participation in Medicaid and improve coverage for beneficiaries. It is estimated that this proposed rule will result in increased payments to providers by \$258,400,000 for FY 26, \$518,800,000 for FY 27, and \$518,800,000 for FY 28.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule has no known effect on competition and employment.

Kimberly Sullivan, JD
Medicaid Executive Director
2508#055

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Refugee Medical Assistance
(LAC 50:XXXI.101, 103, 107, and 108)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:XXXI.101, 103, and 107 and adopt LAC 50:XXXI.108 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

In order to continue the provisions of the July 1, 2025 Emergency Rule (*Louisiana Register*; Volume 51, Number 7) the Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing refugee medical assistance (RMA) to shorten the period that assistance is granted through the RMA program from one year to four months, and to outline the termination conditions for RMA services. This action is being taken to comply with a notice from the Department of Health and Human Services, Office of Refugee Resettlement. Office of Refugee Resettlement has determined that it must shorten the RMA eligibility period to four months to avoid a significant budget shortfall.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXXI. Refugee Medical Assistance

Chapter 1. Refugee Medical Assistance Program

§101. General Provisions

A. Repealed.

B. The Refugee Medical Assistance Program (RMA) provides medical assistance to individuals who meet the eligibility requirements and conditions set forth in 45 CFR part 400 subpart G.

C. Refugee medical assistance is available to all individuals with the immigration status of refugee or asylee.

D. All recipients who receive refugee cash assistance through the Office of Refugee Resettlement, and who are not eligible for Medicaid or SCHIP program, shall be certified for RMA.

1. Receipt or application for refugee cash assistance is not a requirement of the RMA program.

E. A refugee who has been certified in a regular Medicaid program and loses that coverage because of increased earnings from employment, and is within the eligibility time period, shall be transferred to RMA.

F. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Public Law 82-414, 8 U.S. Code 1522(e)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR

35:1112 (June 2009), amended by the Department of Health, Bureau of Health Services Financing, LR 51:

§103. Eligibility Requirements

A. Individuals may qualify for the RMA program if they meet the following requirements:

1. has an immigration status recognized by the Office of Refugee Resettlement (ORR) through policy or federal notice that qualifies for resettlement assistance;

2. has income and resources that do not exceed the guidelines set forth in 42 CFR 435.831, as reflected in the State-approved Title XIX Medicaid plan;

3. is not otherwise eligible for Medicaid or SCHIP;

4. provides the name of the resettlement agency that resettled them, if applicable;

a. Repealed.

5. not enrolled as a full-time student in a higher education program, except where such enrollment is approved by the State or its designee.

B. An individual does not need to apply for or receive refugee cash assistance (RCA) in order to qualify for the RMA.

1. Repealed.

C. All recipients of RCA who are not otherwise eligible for Medicaid or SCHIP are eligible for RMA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Public Law 82-414, 8 U.S. Code 1522(e)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1112 (June 2009), amended by the Department of Health, Bureau of Health Services Financing, LR 51:

§107. Eligibility Period

A. Repealed.

B. The RMA eligibility period shall be determined in accordance with 45 CFR 400.211.

1. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Public Law 82-414, 8 U.S. Code 1522(e)(5).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1113 (June 2009), amended by the Department of Health, Bureau of Health Services Financing, LR 51:

§108. Termination of Services

A. RMA benefits shall terminate upon the earliest of the following:

1. the individual's eligibility period expires;

2. the individual enrolls in Medicaid or SCHIP;

3. termination of ORR eligible immigration status; or

4. relocation from the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Public Law 82-414, 8 U.S. Code 1522(e)(5).

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 51:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a negative impact on family functioning, stability and autonomy as described in R.S.

49:972 since it reduces the amount of time beneficiaries will receive assistance.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have a negative impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973, since it reduces the amount of time beneficiaries will receive assistance.

Small Business Impact Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is September 19, 2025.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on September 9, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on September 25, 2025 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after September 9, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Bruce D. Greenstein
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Refugee Medical Assistance

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 25-26 since the Refugee

Medical Assistance (RMA) Program is 100 percent federally funded. In FY 25-26, \$540 (\$270 SGF and \$270 FED) will be expended for the state's administrative expense for promulgation of this proposed rule and the final rule.

The proposed rule continues the provisions of the July 1, 2025, Emergency Rule, which shortens the period that assistance is granted through the RMA Program from one year to four months and outlines the conditions for the termination of RMA services.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will lead to an indeterminable decrease to federal revenue collections, as a result of shortening the eligibility period for RMA services from one year to four months. In FY 25-26, \$270 will be collected for the federal share of the administrative expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule continues the provisions of the July 1, 2025 Emergency Rule, which shortens the period that assistance is granted through the RMA Program from one year to four months and outlines the conditions for the termination of RMA services. Proposed rule is anticipated to have an indeterminable impact on access to essential healthcare and support services for refugees during the shortened period of the RMA Program. To the extent that refugees require medical attention during the time period between 5 and 12 months of initial resettlement, costs will be passed on to refugees, providers, and Medicaid through Uncompensated Care Costs (UCC). It is anticipated that implementation of this proposed rule will result in indeterminable costs to providers but will have no impact on small businesses in FY 25-26, FY 26-27, and FY 27-28.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule has no known effect on competition and employment.

Kimberly Sullivan, JD
Medicaid Executive Director
2508#056

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Corrections Services

Special Agents (LAC 22:I.323)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its intent to amend the contents of §323, Special Agents.

The Department of Public Safety and Corrections, Corrections Services proposes to delete sections regarding private prisons, as Louisiana no longer houses DOC inmates at private facilities, and add a section regarding employees transferring between facilities. Change employee termination to employment status change, change unit and/or institution to facility, as well as, other technical and/or minor changes.

Title 22
CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT
Part I. Corrections

Chapter 3. Adult Services

Subchapter A. General

§323. Special Agents

A. Purpose—to state the procedures governing special agent appointments and the duties of special agents.

B. Applicability—deputy secretary, assistant secretary, chief of operations, regional wardens, wardens, director of probation and parole, director of prison enterprises and those employees authorized as special agents. Each unit head shall ensure that appropriate facility written policy and procedures are in place to comply with the provisions of this regulation.

C. Policy. It is the secretary's policy that special agents may be appointed at the secretary's discretion and these special agents shall be appointed from employees who have attained the rank of sergeant or probation and parole officer I and these special agents may carry weapons exposed or concealed while in the performance of their duties in the same manner as a law enforcement officer.

D. Definition

Employee—any person employed full-time, part-time, or on temporary appointment by the department.

E. Procedures

1. Criteria

a. Special agents shall be appointed from employees who have attained the rank of sergeant or probation and parole officer I, pursuant to R.S. 15:825.2.

2. Authority to Appoint

a. The secretary shall be authorized at his discretion to appoint special agents, pursuant to R.S. 15:825.2.

3. Applications

a. Employees at State Prisons, Headquarters, and Prison Enterprises

i. The warden, undersecretary, or director of prison enterprises wishing to have an employee (at a state prison, headquarters, or prison enterprises, respectively) appointed as a special agent shall submit an application to the chief of operations. The application shall include the following:

(a). the applicant's name and social security number;

(b). a current rap sheet for the applicant;

(c). a domestic violence questionnaire completed by the applicant;

(d). a precise statement regarding the applicant's need to carry a weapon and the circumstances in which the applicant will be authorized to carry a weapon; and

(e). certification by the warden, undersecretary, or director of prison enterprises certifying the applicant has been trained to use the weapon he will carry and has achieved the necessary qualifying score on the firing range.

b. Employees at Probation and Parole

i. Probation and parole district managers wishing to have an employee (at a probation and parole district office) appointed as a special agent or probation and parole employees at headquarters wishing to be appointed as a special agent shall submit an application to the director of probation and parole. The application shall include the following:

(a). the applicant's name and social security number;

(b). a current rap sheet for the applicant;

(c). a domestic violence questionnaire completed by the applicant; and

(d). certification by the district manager (for employees at a probation and parole district office) or the director of probation and parole (for an employee at HQ P and P) that the applicant has successfully completed all training as required by probation and parole's firearm training policy.

c. The chief of operations or the director of probation and parole shall review every application received and either:

i. recommend the applicant be appointed as a special agent and submit to the secretary for review, or

ii. decline to recommend the applicant to be appointed as a special agent and send notification of declination to the individual who submitted the application.

d. The appointment of a special agent shall be at the discretion of the secretary.

4. Appointment as a Special Agent

a. Upon approval of an application and appointment of an applicant as a special agent, the secretary shall issue:

i. for employees at state prisons, headquarters, and prison enterprises, a commission card which serves as authority to carry a firearm and/or perform duties in accordance with R.S. 15:825.2; or

ii. for employees at probation and parole, a memorandum to the director of probation and parole certifying the employee is commissioned as a "special agent" as well as a commission card.

iii. employees issued a commission card shall be required to carry the card at all times during the performance of his duties. The undersecretary, director of prison enterprises, or warden shall ensure that commission cards for employees appointed as special agents are kept current.

5. Duties of Special Agents

a. The duties of a special agent are to provide assistance to other law enforcement agencies to improve public safety. These duties include, but are not limited to:

i. execution of warrants;

ii. emergency aid and other assistance as requested;

iii. patrol duties; and

iv. detention and transportation of arrestees.

6. Carrying of Weapons

a. Special agents may carry weapons exposed or concealed while in the performance of their duties in the same manner as law enforcement officers, pursuant to R.S. 15:825.2.

7. Equipping Special Agents

a. The unit head or designee shall be responsible for properly equipping special agents with adequate equipment for law enforcement duties as appropriate to the assignment, (i.e. bullet proof vests, service weapons, flash lights, etc.).

8. Employment Status Change of a Special Agent

a. Upon an employee's termination, resignation, transfer or retirement, the commission card shall no longer be valid and shall be surrendered to the appropriate facility personnel.

9. Employees Transferring Between Facilities

a. If an employee who holds a special agent card is transferring without a break in service to another facility, it is at the discretion of the new warden if the employee shall be issued a new special agent card. If the new warden wishes to have the employee appointed as a special agent, the new warden shall submit an application to the chief of operations in accordance with the application procedures set forth in section E.3.

10. Training

a. Special agents must be in compliance with the provisions of the department's firearms training policies as applicable.

b. Special agents who participate in community policing activities must successfully complete training appropriate to their assignments as defined by facility or division of probation and parole policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950.

HISTORICAL NOTE: Promulgated by the Department of Corrections, Office of Adult Services, LR 4:487 (December 1978), amended by the Department of Public Safety and Corrections, Corrections Services, LR 37:2184 (July 2011), LR 45:580 (April 2019), LR 51:

Family Impact Statement

Amendment to the current Rule should not have any known or foreseeable impact on family formation, stability or autonomy, as described in R. S. 49:972.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule should not have any known or foreseeable costs and/or benefits to directly affected persons, small business, or non-governmental groups.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Written comments may be addressed to Shirley Bonnett, Policy Division, Department of Public Safety and Corrections, Corrections Services, P.O. Box 94304, Baton Rouge, LA 70804 until 4:30 p.m. September 9, 2025.

Gary E. Westcott
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Special Agents

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated costs or savings to state or local governmental units as a result of the proposed rule change.

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, proposes to amend LAC Title 22: Corrections, Criminal Justice and Law Enforcement, Part I: Corrections, Chapter 3: Adult Services, Section 323 – Special Agents.

The proposed rule change removes sections regarding private prisons, adds a section regarding employees transferring between facilities (with a warden's discretion to issue a new special agent card), changes the term "employee termination" to "employment status change," changes the term "unit" and/or institution to facility, as well as, other technical and/or minor changes.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated impact on revenue collections of state or local governmental units as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There is no anticipated cost and/or economic benefits to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule change.

Gary E. Westcott
Secretary
2508#024

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Office of Motor Vehicles

Administrative Procedures (LAC 55:III.201)

The Office of Motor Vehicles proposes to repeal section 201 of Part III, Chapter 2, Administrative Procedures, of the Louisiana Administrative Code. This Section is no longer in use as administrative hearings were transferred to the Division of Administrative Law by Act 739 of 1995. This is the first step in the process the Office of Motor Vehicles intends to take to recodify the rules on driving schools from Chapter 1 to Chapter 2 of Title 55, Part III.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 2. Administrative Procedure

§201. Suspension, Revocation or Cancellation of License, Administrative Hearings

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:408 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, LR 15:1095 (December 1989), amended LR 17:971 (October 1991); repealed LR 51:

Family Impact Statement

The proposed Rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule.

This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons may submit written comments through September 12, 2025, to Stephen A. Quidd, Executive Management Officer, Office of Motor Vehicles, Louisiana Department of Public Safety and Corrections, at P. O. Box 64886, Baton Rouge, LA 70896, delivered to 7979 Independence Blvd., Suite 301, Baton Rouge, LA 70806, or e-mailed to stephen.quidd2@la.gov.

Public Hearing

A public hearing on the proposed Rule will be held on September 25, 2025, at the Louisiana Department of Public Safety and Corrections, Office of Motor Vehicles Headquarters, 7979 Independence Blvd., Suite 301, Baton Rouge, La. 70806, (225) 925-6281, beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the above number at least seven working days in advance of the hearing. For assistance, call (225) 925-6281 (voice and TDD). Any interested person should call before coming to the public hearing as the hearing will be cancelled if the requisite number of comments, as provided in R.S.49:961(B), are not received.

Keith E. Neal
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Administrative Procedures

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule is not anticipated to result in any costs or savings for the Office of Motor Vehicles (OMV).

In compliance with Act 739 of the 1995 RS, the OMV proposed to repeal Section 201 of Part III, Chapter 2 (Administrative Procedure), Title 55 (Public Safety) of the Louisiana Administrative Code. The proposed rule removes language to align with current practice. Specifically, this proposed rule eliminates references that imply OMV conducts administrative hearings, as that authority was transferred to the Division of Administration Law through the enactment of Act 739 of the 1995 RS.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or economic benefits to directly affected persons, small businesses, or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this proposed rule is not anticipated to have an effect on competition and employment.

Keith E. Neal
Commissioner
2508#021

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Office of State Police

Required Equipment (LAC 55:III.813)

The Department of Public Safety and Corrections, Office of State Police, in accordance with R.S. 32:361.1 and the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., hereby gives notice that it intends to amend LAC 55:III.813(S)—Required Equipment. This amendment changes the required light transmission for front windows from 40 percent to 25 percent based on Act 143 of the 2025 Regular Session.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 8. Motor Vehicle Inspection

Subchapter B. Safety Inspections

§813. Required Equipment

A. - R.3. ...

S. Windows and Glass Sun screening and Glass Coating

1. Windshields are allowed to have sunscreen extend down from the topmost portion of the windshield no more than 5 inches. The sunscreen shall be transparent and not red or amber in color. The windshield limitation for a vehicle that has a sunscreen certificate is 6 inches from the topmost portion of the windshield.

2. Vehicles being presented for inspection that do not have a valid window tint medical exemption affidavit or a security exemption form issued by the department shall be inspected as follows.

a. Windshield. As stated above, sunscreen may not extend more than 5 inches from the top of the windshield and may not be red or amber in color.

b. Front side windows must have at least 25 percent light transmission.

c. Side windows behind driver must have at least 25 percent light transmission.

d. Rearmost glass must have at least 12 percent light transmission.

e. Label. There must be a label affixed to the lower right corner of the driver's side window. It must not exceed 1 1/2 inches square in size. It must be installed between the glass and the sunscreen material and must contain the name and city of the installer.

S.3 - KK.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2428 (December 1999), amended LR 28:345 (February 2002), amended by the Department of Public Safety and Corrections, Office of State Police, LR 36:1789 (August 2010), LR 38:2553 (October 2012), LR 42:435 (March 2016), LR 44:1634 (September 2018), LR 51:

Family Impact Statement

Pursuant to the provisions of R.S. 49:972 the proposed Rule has no known impact on the following:

1. the effect on stability of the family.
2. the effect on the authority and rights of parents regarding the education and supervision of their children.
3. the effect on the functioning of the family.
4. the effect on family earnings and family budget.
5. the effect on the behavior and personal responsibility of children.
6. the ability of the family or a local government to perform the function as contained in the proposed rule.

Poverty Impact Statement

Pursuant to the provisions of R.S. 49:973, the proposed Rule has no known impact on the following:

1. the effect on household income, assets, and financial security.
2. the effect on early childhood development and preschool through postsecondary education development.
3. the effect on employment and workforce development.
4. the effect on taxes and tax credits.
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to the provisions of R.S. 49:965.2-965.8, the Regulatory Flexibility Act, the proposed Rule is not anticipated to have an adverse impact on small business; therefore, a Small Business Impact Statement has not been prepared.

Provider Impact Statement

Pursuant to the provisions of HCR170 of 2014, the proposed Rule has no known impact on impact on the following:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service.
2. the total direct and indirect effect on the costs to the provider to provide the same level of service.
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Jason Hessick, General Counsel - Louisiana Department of Public Safety and Corrections, Office of State Police, 7979 Independence Blvd., Baton Rouge, LA 70806. All comments must be submitted no later than the end of business day, central time zone, September 10, 2025.

Bert Dabadie
Captain

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Required Equipment

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule is not anticipated to result in any costs or savings for the Office of Motor Vehicles (OMV).

In compliance with Act 143 of the 2025 RS, the OMV proposed to amend Section 813 of Part III, Subchapter B (Safety Inspections) of Chapter 8 (Motor Vehicle Inspection), Title 55 (Public Safety) of the Louisiana Administrative Code.

Specifically, the proposed rule changes the required light transmission for front side windows from 40 percent to 25 percent for vehicles presented for inspection that do not have a valid window tint medical exemption affidavit or a security exemption form issued by the department.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or economic benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this proposed rule is not anticipated to have an effect on competition and employment.

Captain Bertrand L. Dabadie
Captain
2508#048

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue Tax Policy and Planning Division

Alcoholic Beverage Sales by Out-of-State
Sellers to Louisiana Wholesalers
Registration and Electronic Reporting Procedures
(LAC 61:I.203)

Under the authority of R.S. 47:1511 and 26:364(D), and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Tax Policy and Planning Division, gives notice that rulemaking procedures have been initiated to propose adoption of LAC 61:I.203.

Louisiana Revised Statutes 26:364 requires the Department to obtain information on imported high and low alcoholic content beverages from out-of-state sellers to Louisiana wholesalers. Previously conveyed through U.S. Mail, the proposed Rule requires out-of-state manufacturers and wholesale sellers to submit reports on sales and shipments by electronic means through the Louisiana Taxpayer Access Point (LaTAP). This proposed Rule is written in plain language to increase transparency.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 2. Alcoholic Beverages

§203. Alcoholic Beverage Sales by Out-of-State Sellers to Louisiana Wholesalers – Registration and Electronic Reporting Procedures

A. Definitions. The following definitions are contained in R.S. 26:241 and correlate those contained in R.S.26:364(B).

Alcoholic Beverages—shall have the same meaning as ascribed in R.S. 26:241(1)

High Alcoholic Content Beverages—shall have the same meaning as ascribed in R.S. 26:241(3)

Low Alcoholic Content Beverages—shall have the same meaning as ascribed in R.S. 26:241(4)

Out-of-State Manufacturers and Wholesalers—the distiller, the producer, the owner of the commodity at the time it becomes a marketable product, the bottler, or the exclusive agent of any such distiller, producer, bottler or owner, located outside the jurisdictional territory of Louisiana, as described in R.S. 26:364(B).

B. Application.

1. All out-of-state manufacturers and wholesalers of high and low alcoholic content beverages must have registered and obtained authority for shipment of the alcoholic beverages into Louisiana for purchase by Louisiana licensed wholesale dealers through a permit issued by the Louisiana Office of Alcohol and Tobacco Control (ATC). Registration to ship must be filed with the Louisiana Department of Revenue (LDR) on revenue.louisiana.gov/TaxForms, Form R-5626, *Application for Authority to Ship Alcoholic Beverages into Louisiana*. Application forms must be sent electronically to atsapplications@la.gov.

2. Excepting Chapter 2 § 201 for direct shipments of sparkling or still wines to consumers, the rule applies to all distilled spirits, liquors, wines, beer, cider, mead, malt, and mixed or compounded products that contain more than one-half of one percent alcohol by volume (unless expressly excepted in R.S. 26:3) imported into Louisiana.

C. Reporting of shipments of alcoholic beverages into Louisiana

1. Out-of-state manufacturers and wholesalers of alcoholic beverages shall electronically submit a “notice of shipment” for sales of alcoholic beverages through the Louisiana Taxpayer Access Point (LaTAP), the Department’s online portal for administrative reporting.

2. Reporting Requirements: The reporting of sales and shipments to Louisiana licensed wholesale dealers shall be made on a monthly basis by the 20th day of each month following the reporting period, if sales activity has occurred, and shall include the following information:

- a. Invoice date and number;
- b. Date of shipment;
- c. The name of the purchasing Louisiana licensed wholesale dealer, and address for delivery of shipment;
- d. For shipments of high content alcoholic beverages, the brand and type (with recognition of alcohol by volume), packaging (number of containers per case), size of the container (volume) as per R.S. 26:351, and number of cases, packages, or other units;
- e. For shipments of low content alcoholic beverages, the brand and type (with recognition of alcohol by volume), packaging (number of containers per unit, package, or case), size of container (volume), and number of cases, barrels, packages, or other units;
- f. Method of transportation of the alcoholic beverages, i.e., United Parcel Service, Federal Express, U.S. Mailing, private carrier under a permit, *inter alia*.

3. The effective date of this Rule commences on January 1, 2026, and applies to all reportable sales by out-of-state manufacturers and wholesalers for shipments into Louisiana of high and low alcoholic content beverages during that month and thereafter.

4. If the out-of-state manufacturer or wholesaler can prove electronic filing of a report, or application for certification would create an undue hardship, the secretary may exempt the out-of-state manufacturer or wholesaler from filing the return, report, or application electronically.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and R.S. 26:364(D).

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Policy and Planning Division, LR 51

Family Impact Statement

The proposed Rule will not have a measurable impact on family as defined by R.S. 49:972(D) or on family formation, stability and autonomy, as the regulation only changes the method by which out-of-state sellers are currently reporting sales made to Louisiana licensed wholesalers of high and low content alcoholic beverages from mailing to electronic means. The Rule should have no other known or foreseeable impact on:

1. the stability of the family.
2. the authority and rights of parents regarding the education and supervision of their children.
3. the functioning of the family.
4. family earnings and family budget.
5. the behavior and personal responsibility of children.
6. the ability of the family or a local government to perform this function.

Poverty Impact Statement

The proposed Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule has no known or foreseeable measurable impact on small businesses as described in R.S. 49:974.4.

Provider Impact Statement

The proposed Rule has no known or foreseeable effect on:

1. the staffing levels requirements or qualifications required to provide the same level of service.
2. the total direct and indirect effect on the cost to the provider to provide the same level of service.
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

All interested persons may submit written data, views, or comments regarding this proposed rule to Johnette L. Martin, Attorney, Tax Policy and Planning Division, Office of Legal Affairs, P.O. Box 44098, Baton Rouge, LA 70804-4098. Written comments will be accepted until 4:30 p.m., Wednesday, September 24, 2025.

Public Hearing

A public hearing will be held on October 1, 2025, at 2 o’clock p.m. in the LaBelle Room located on the 1st floor of the LaSalle Building, 617 North Third Street, Baton Rouge, Louisiana. An individual with a disability wishing to participate in the public hearing and in need of assistance should notify Johnette L. Martin, 225-219-4920, johnette.martin@la.gov, seven days in advance of the public hearing for accommodation to be arranged.

Richard Nelson
Secretary

NOTICE OF INTENT

Department of Transportation and Development Office of General Counsel

Personnel (LAC 70:XXI.Chapter 1)

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Alcoholic Beverage Sales by Out-of-State Sellers to Louisiana Wholesalers—Registration and Electronic Reporting Procedures

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Implementation of the proposed regulation is anticipated to increase one-time expenditures in the Department of Revenue (LDR) by \$25,200 SGR in FY 26. The proposed regulation requires the development of a portal on the Louisiana Taxpayer Access Point (LaTAP) to receive monthly notices of shipping from out-of-state manufacturers and wholesalers for electronic submission of records of high and low alcoholic content beverages shipped to Louisiana licensed wholesale dealers. Act 498 of the 2025 Regular Session of the Louisiana Legislature allows the Secretary of LDR to prescribe how records are submitted, instead of the currently used written documentation and mail procedures. The creation of the portal will cost approximately \$25,200. This sum is currently within the budgeted amount of departmental funds dedicated by contract to the upgrading of electronic transmission and storage facilities of LDR's reporting system. The cost is limited to the impact upon the state and will not affect local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no anticipated effects on revenue collections of state or local governments. The proposed regulation changes only the method of data collection by LDR.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

Persons, small businesses, or non-governmental groups will directly benefit from the proposed regulation. Currently, out-of-state manufacturers and wholesalers selling alcoholic content beverages to Louisiana licensed wholesale dealers must prepare and mail paper reports immediately upon shipment of all sales with descriptive content information and shipping details. Under the proposed rule, out-of-state manufacturers and wholesalers will be able to input information into an electronic template provided by LDR on its website, which is anticipated to simplify their workload, reduce paperwork, and avoid the cost of postage. Submission will only be required on a monthly basis documenting sales and shipments of the reporting period, if activity has occurred.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated or foreseen impact on competition or employment.

Richard Nelson
Secretary
2508#045

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

Notice is hereby given in accordance with the provisions of the Administrative e Procedure Act, R.S. 49:950, et seq., and through the authority granted in R.S. 36:504 that the Department of Transportation and Development proposes to repeal LAC 70:XXI, which sets out the Department's Substance Abuse and Drug-Free Workplace Policy. LAC 70:XXI regulates only the internal management of the agency (i.e., Department of Transportation and Development employees), and therefore does not fit the statutory definition of Rule found in R.S. 49:951. Furthermore, the Department of Transportation and Development's Policy and Procedure Manual Number 21 contains similar directives to govern employees. Therefore, LAC 70:XXI should not be a Rule.

Title 70

TRANSPORTATION AND DEVELOPMENT

Part XXI. Personnel

Chapter 1. Substance Abuse and Drug-Free Workplace Policy

§101. Philosophy

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1015.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of General Counsel, LR 25:536 (March 1999), repealed by the Department of Transportation and Development, Office of General Counsel, LR 51:

§103. Employment Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1015.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of General Counsel, LR 25:536 (March 1999), repealed by the Department of Transportation and Development, Office of General Counsel, LR 51:

§105. Drug/Alcohol Testing

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1015.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of General Counsel, LR 25:536 (March 1999), repealed by the Department of Transportation and Development, Office of General Counsel, LR 51:

§107. Drug Testing Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1015.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of General Counsel, LR 25:536 (March 1999), repealed by the Department of Transportation and Development, Office of General Counsel, LR 51:

§109. Alcohol Testing Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1015.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of General Counsel, LR 25:536 (March 1999), repealed by the Department of Transportation and Development, Office of General Counsel, LR 51:

§111. Confidentiality

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1015.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of General Counsel, LR 25:536 (March 1999), repealed by the Department of Transportation and Development, Office of General Counsel, LR 51:

§113. Enforcement

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1015.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of General Counsel, LR 25:536 (March 1999), repealed by the Department of Transportation and Development, Office of General Counsel, LR 51:

§115. Employee Assistance Program (EAP)

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1015.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of General Counsel, LR 25:536 (March 1999), repealed by the Department of Transportation and Development, Office of General Counsel, LR 51:

§117. General Provisions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1015.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of General Counsel, LR 25:536 (March 1999), repealed by the Department of Transportation and Development, Office of General Counsel, LR 51:

§119. Appendix A

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1015.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of General Counsel, LR 25:536 (March 1999), repealed by the Department of Transportation and Development, Office of General Counsel, LR 51:

§121. Appendix B

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1015.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of General Counsel, LR 25:542 (March 1999), repealed by the Department of Transportation and Development, Office of General Counsel, LR 51:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Specifically:

1. The adoption of the proposed amendments will have no known or foreseeable effect on the stability of the family.
2. The adoption of the proposed amendments will have no known or foreseeable effect on the authority and rights of parents regarding the education and supervision of their children.
3. The adoption of the proposed amendments will have no known or foreseeable effect on the functioning of the family.
4. The adoption of the proposed amendments will have no known or foreseeable adverse effect on the family earnings and family budget.
5. The adoption of the proposed amendments will have no known or foreseeable effect on the behavior and personal responsibility of children.
6. The adoption of the proposed amendments will have no known or foreseeable effect on the ability of the family or local government to perform this function.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Specifically,

1. The adoption of the proposed amendments will have no known or foreseeable adverse effect on household income, assets, and financial security.
2. The adoption of the proposed amendments will have no known or foreseeable adverse effect on early childhood development and preschool through postsecondary education development.
3. The adoption of the proposed amendments will have no known or foreseeable adverse effect on employment and workforce development.
4. The adoption of the proposed amendments will have no known or foreseeable effect on taxes and tax credits.
5. The adoption of the proposed amendments will have no known or foreseeable effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The impact of the adoption of the proposed amendments on small businesses, as defined in the Regulatory Flexibility Act, has been considered. The proposed amendments are not expected to have a significant adverse impact on small businesses. The department, consistent with health, safety,

environmental, and economic welfare factors, has considered and, where possible, utilized regulatory methods in the drafting of the proposed amendments that will accomplish the objectives of the proposed statutes while minimizing the adverse impact of the Rule on small businesses.

Provider Impact Statement

The adoption of the proposed amendments does not have any known or foreseeable impact on a provider as defined by House Concurrent Resolution No. 170 of the 2014 Regular Session of the Louisiana State Legislature.

Specifically:

1. The adoption of the proposed amendments does not have any known or foreseeable impact on the staffing level requirements or qualifications required to provide the same level of service.

2. The adoption of the proposed amendments does not have any known or foreseeable impact on the total direct and indirect effect on the cost to a provider to provide the same levels of service.

3. The adoption of the proposed amendments does not have any known or foreseeable impact on the overall effect on the ability of a provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Andrew Barry, General Counsel, Department of Transportation and Development, Office of General Counsel, P.O. Box 94245, Baton Rouge, Louisiana 70804-9245. Mr. Barry is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on September 12, 2025.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of General Counsel, ATTN: Andrew Barry, General Counsel, P.O. Box 94245, Baton Rouge, Louisiana 70804-9245; however, such request must be received no later than 4:30 p.m. on September 12, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, the Department of Transportation and Development will conduct a public hearing at 10:30 a.m. on September 15, 2025 in the auditorium of the Department of Transportation and Development Headquarters, which is located at 1201 Capitol Access Road, Baton Rouge, LA. To confirm whether a public hearing will be held, interested persons should first call Andrew Barry at (225) 242-4665 after September 12, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Glenn Ledet, Jr.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Personnel

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to have any costs or savings to state or local government units.

The proposed rule change repeals the Department of Transportation and Development's (DOTD) Substance Abuse and Drug-Free Workplace Policy, which will still be contained within the department's police and procedure manual.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is not anticipated to have any effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is not anticipated to impact individuals, small businesses, or non-governmental groups. It repeals provisions that regulate only the DOTD's internal management.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to have an effect on competition or employment.

Glenn Ledet, Jr.
Secretary
2508#009

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Transportation and Development Office of General Counsel

Pipe Bursting/Crushing (LAC 70:II.Chapter 19)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., and through the authority granted in R.S. 36:504, that the Department of Transportation and Development proposes to amend LAC 70:II.Chapter 19, entitled "Pipe Busting/Crushing", which regulates the trenchless replacement of permitted water or sewer pipes situated within the department's rights-of-way. These proposed amendments are intended to clarify and simplify these Rules.

Title 70

TRANSPORTATION AND DEVELOPMENT

Part II. Utilities

Chapter 19. Pipe Bursting

§1901. Definitions

ASTM—American Society for Testing and Materials International—is a standards organization that develops and publishes voluntary consensus technical international standards for a wide range of materials, products, systems and services.

High Density Polyethylene Pipe (HDPE)—is a type of flexible plastic pipe used to transfer fluids and gases. It is often employed for replacing aging concrete or steel main pipelines.

Hydraulic Moling Device—a pneumatically-driven machine that forces through soil along the path of the pipe for trenchless replacement of small-diameter pipes.

Louisiana One Call—a toll free number that allows a caller to simultaneously notify many underground utility operators or facilities of the caller's intent to dig in a certain area.

Moling—a trenchless construction technique that uses a specialized tool called a "mole" to create a borehole under the ground, typically for installing pipes, cables, or other utilities.

Pipe Bursting—a trenchless pipe replacement method where an existing pipe is broken by brittle fracture or by splitting, using an internal, mechanically applied force by a bursting tool.

Pneumatic Hammer—a hand tool used to carve in stone, and to break or cut metal objects.

Sag Elimination Pit—is a specialized excavation used to fix sagging pipes, typically in sewer systems.

Standard Dimension Ratio (SDR)—a measure used in the pipe industry to indicate the relationship between a pipe's outer diameter and its wall thickness.

1. The permittee may use one of the following methods for pipe bursting:

- a. a hydraulic moling device or pneumatic hammer
 - i. The pneumatic hammer shall be the smallest diameter necessary to break out the old pipe;
 - ii. The use of oversized hammers is prohibited.
 - iii. A hydraulic winch may be used to aid the forward progress of the moling device.
- b. a modified boring knife with a flared plug that implodes and breaks the existing sewer pipe;
 - i. A hydraulic winch may be used to aid the forward progress of the boring knife.

c. Replacement pipe may be pulled or pushed into place using hydraulic force when the replacement pipe is the same size as, or up to two sizes larger than, the existing pipe.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:105 (January 2005), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:

§1903. Applicability and Liability

A. Pipe bursting shall be used to replace water or sewer pipes only, and only with the department's approval.

B. The fragments of the old pipe remaining in the soil shall not be considered abandoned until the replacement pipe is abandoned.

C. The permittee is responsible for the replacement pipe and the fragments of the old pipe. The replacement pipe and the fragments of the old pipe can only be abandoned as provided for in §515.B.8 of Chapter 5 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:105 (January 2005), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:

§1905. Responsibility for Overflows and Spill

A. The permittee shall be responsible for scheduling and performing the work so that the permittee does not cause or contribute to overflows or spills from a sewer system.

B. If the permittee's activities cause or contribute to overflows or spills, the permittee shall take appropriate action immediately, as follows:

1. contain and stop the overflow;
 2. clean the spillage;
 3. disinfect the area affected by the overflow or spill;
- and
4. notify the owner in a timely manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:105 (January 2005), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:

§1907. Indemnification

A. The permittee shall indemnify and hold harmless the department against any fines or third-party claims for personal injury or property damage arising out of a spill or overflow that partially the responsibility of the permittee contributes to or causes. This indemnification shall include all legal expenses including attorneys' fees, engineering expenses, and administrative expenses incurred by the department in defending such fines and claims.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:106 (January 2005), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:

§1909. Materials

A. The permittee shall use replacement pipe that meets the following minimum requirements:

1. The replacement pipe shall be High Density Polyethylene (HDPE) Pipe manufactured from a high density, high molecular weight polyethylene resin which conforms to ASTM D-1248 and meets the requirements for Type III, Class A, Grade P34, Category 5, and has a PPI rating of PE 3408, when compounded.

a. The pipe produced from this resin shall have a minimum cell classification of 345434D or E (inner wall shall be light in color) under ASTM D3350.

2. The pipe shall be made from virgin material. No reworked material shall be used except that obtained from the manufacturer's production of the same formulation.

B. Before commencement of work, the permittee shall submit to the department for approval, the vendor's technical data, which shall include details about the physical properties of the pipe and pipe dimensions.

C. The Standard Dimension Ratio (SDR) classification for various depths shall be as follows.

1. The permittee shall specify the SDR for the various depths listed in Table I.

2. The depth shall be measured from the upstream and downstream manhole rim to the invert (the lowest point inside the pipe, where fluid begins to flow) of the existing sewer in the pipe segment to be replaced.

3. The SDR shall be selected for the deeper of the two manholes for a given pipe segment.

Table I	
Polyethylene Pipe SDR	
(Applicable SDR for Depth Range)	
HDPE Pipe SDR	Maximum Depth (Feet)
21	10
17	20

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:106 (January 2005), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:

§1911. Backfill

A. The permittee shall backfill and tamp all excavations within the limits of the right-of-way. The permittee shall backfill and tamp dirt-in layers to the density of the adjacent undisturbed soil.

B. Where the permittee removes or destroys sod, the permittee shall replace the sod.

C. Where it is necessary to make excavations on the shoulder of the roadway, the permittee shall backfill the top six inches with material that has the same composition as the shoulder material.

D. The permittee shall dispose of existing soil materials that the department deems unsuitable for backfill. The permittee shall use approved disposal methods and replace the unsuitable soil materials with department-approved materials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:106 (January 2005), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:

§1913. Pre-Installation Preparation

A. The permittee shall submit a work plan with the permit application to the department for review and approval. The work plan shall address the following minimum preparation steps.

1. The permittee shall ~~to~~ examine the proposed line segment and notify the department if conditions exist that could cause problems with the pipe bursting method, such as nearby services that could be damaged, existing slabs that could be damaged, or depth of cover that is less than five feet below the surface of the roadway.

2. Prior to performing any excavations, the permittee shall call Louisiana One-Call. If the permittee will be installing any underground facilities (i.e., cable or conduits), the permittee shall be a member of Louisiana One-Call.

3. When pipe bursting under a roadway, the pipe being replaced shall be a minimum depth of five feet below the roadway. The permittee shall locate all adjacent underground utilities. Pipe bursting is prohibited within the greater of three feet or three times the diameter of the replacement pipe, from existing underground utilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:106 (January 2005), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:

§1915. Pre-Installation CCTV Inspection

A. The permittee shall use closed-circuit television (CCTV) to televise the sewer pipe immediately before the pipe bursting to assure that the existing pipe conditions are acceptable for pipe bursting.

B. If the pre-installation CCTV inspection reveals a sag in the existing sewer that is greater than one-half the diameter of the existing pipe, the permittee shall install the replacement pipe so that the result is an acceptable grade without the sag. The permittee shall eliminate sags using one of the following measures:

1. pipe replacement

2. digging a sag elimination pit and bringing the bottom of the pipe trench to a uniform grade in line with the existing pipe invert, or

3. by other industry-accepted measures approved by the department.

C. Eliminating sags under the roadway is prohibited if it necessitates open cutting the roadway.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:106 (January 2005), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:

§1917. Bypassing Sewage

A. When required for acceptable completion of the pipe bursting process, the permittee shall provide for continuous sewage flow around the section(s) of pipe designated for the installation of replacement pipe.

B. The pump bypass lines shall be of adequate capacity and size to handle the flow.

C. Bypass pumping shall be considered incidental to the installation of the replacement pipe.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:107 (January 2005), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:

§1919. Access to Worksite and Traffic Control

A. The permittee shall access the work area from the roadway or ramps or from adjacent property, as safety dictates.

B. The permittee shall conduct his operations in accordance with, and shall utilize appropriate traffic control devices as detailed in, the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), published by the Federal Highway Administration under 23 C.F.R. Part 655, Subpart F.

C. The permittee shall restore any disturbed access areas to their original condition upon completion of the work.

D. The permittee shall perform work only during regular daylight hours, Monday through Friday excluding legal holidays, during the department's business hours.

E. When a lane closure on a state highway is necessary, the permittee shall ensure, whenever feasible, that work is not performed between the hours of 7 a.m. and 9 a.m. or between the hours of 3 p.m. and 6 p.m.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:107 (January 2005), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:

§1921. Installation Process

A. The permittee shall submit information detailing the procedures and steps for the installation of the pipe bursting method selected, even if the process is named in the specification.

B. The permittee shall follow all procedures.

C. The permittee shall submit for the department's approval any proposed.

D. If the permittee damages the roadway, the permittee shall be responsible for repairs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:107 (January 2005), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:

§1923. Insertion Pits

A. The permittee shall plan the location and number of insertion pits and submit the plans in writing for the department's approval prior to excavation.

B. The insertion pits shall be located so that their total number is minimized and the length of replacement pipe installed in a single pull is maximized.

C. Repairs under the roadway are prohibited if they necessitates open cutting the roadway. If the permittee experiences difficulty with the crossing, the permittee shall install a new pipe crossing at his sole expense.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381, et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:107 (January 2005), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature the impact of this proposed Rule on the family has been considered. The proposed amendments are not anticipated to have any foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of the proposed amendments will have no known or foreseeable effect on:

1. the stability of the family.
2. the authority and rights of parents regarding the education and supervision of their children.
3. the functioning of the family.
4. family earnings and family budget.
5. the behavior and personal responsibility of children.
6. the ability of the family or local government to perform his function.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule changes will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Specifically:

1. The amendment of these Rules will have no known or foreseeable adverse effect on household income, assets, and financial security.
2. The amendment of these Rules will have no known or foreseeable adverse effect on early childhood development and preschool through postsecondary education development.
3. The amendment of these Rules will have no known or foreseeable adverse effect on employment and workforce development.

4. The amendment of these Rules will have no known or foreseeable effect on taxes and tax credits.

5. The amendment of these Rules will have no known or foreseeable effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The impact of the amendment of these Rules on small businesses, as defined in the Regulatory Flexibility Act, has been considered. The proposed amendments of these Rules is not expected to have a significant adverse impact on small businesses. The department, consistent with health, safety, environmental, and economic welfare factors, has considered and, where possible, utilized regulatory methods in repealing these Rules that will accomplish the objectives of the proposed statutes while minimizing the adverse impact of the Rules on small businesses.

Provider Impact Statement

The amendment of these Rules is not anticipated to have any known or foreseeable impact on a provider as defined by House Concurrent Resolution No. 170 of the 2014 Regular Session of the Louisiana State Legislature.

Specifically:

1. the amendment of these Rules does not have any known or foreseeable impact on the staffing level requirements or qualifications required to provide the same level of service.
2. the amendment of these Rules does not have any known or foreseeable impact on the total direct and indirect effect on the cost to a provider to provide the same levels of service.
3. the amendment of these Rules does not have any known or foreseeable impact on the overall effect on the ability of a provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Andrew Barry, General Counsel, Department of Transportation and Development, Office of General Counsel, P.O. Box 94245, Baton Rouge, Louisiana 70804-9245. Mr. Barry is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on September 11, 2025.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of General Counsel, ATTN: Andrew Barry, General Counsel, P.O. Box 94245, Baton Rouge, Louisiana 70804-9245; however, such request must be received no later than 4:30 p.m. on September 11, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, the Department of Transportation and Development will conduct a public hearing at 9:30 a.m. on September 22, 2025 in the auditorium of the Department of Transportation and Development Headquarters, which is located at 1201 Capitol Access Road, Baton Rouge, LA. To confirm whether a public hearing will be held, interested persons should first call Andrew Barry at (225) 242-4665 after September 11, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Glenn Ledet, Jr.
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Pipe Bursting/Crushing**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The proposed rule change is not anticipated to have any costs or savings to state or local government units.
The proposed rule change clarifies and simplifies the rules regulating the simultaneous destruction and replacement of permitted water and sewer pipes situated within the Department of Transportation and Development's (DOTD) rights-of-way.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule change is not anticipated to have any effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)
The proposed rule change is not anticipated to impact individuals, small businesses, or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed rule change is not anticipated to have any effect on competition or employment.

Glenn Ledet, Jr.
Secretary
2508#016

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Transportation and Development
Office of General Counsel**

**Recycling of Highway Construction and
Maintenance Material (LAC 70:I.501, 503, and 505)**

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., and through the authority granted in R.S. 36:504, that the Department of Transportation and Development proposes to amend LAC 70:I.Chapter 5, Recycling of Highway Construction and Maintenance Material, which regulates the department's use of recycled materials for highway construction and maintenance. The proposed amendments simplify these Rules and add the United States Environmental Protection Agency's Comprehensive Procurement Guideline for Products Containing Recovered Materials, 40 C.F.R. Part 247, as required by R.S. 30:2415.

Title 70

TRANSPORTATION AND DEVELOPMENT

Part I. Highway Construction

**Chapter 5. Recycling of Highway Construction and
Maintenance Material**

§501. Purpose

A. All items the Department of Transportation and Development (the department) purchases, except road and bridge materials, are subject to the recycling content rules the Office of the Governor, Division of Administration, Office of State Procurement has promulgated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2415.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 18:973 (September 1992), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:

§503. Construction

A. Recycling and Use of Materials Containing Recycled Content for Construction Projects

1. Reclaimed asphalt pavement may be:
 - a. used in new mix,
 - b. blended into base course,
 - c. used as aggregate surface course on shoulders and ramps,
 - d. delivered to a department maintenance yard for reuse, or
 - e. reused as specified in a department contract.
2. Salvaged concrete pavement may be used in base course, asphaltic concrete, or as riprap.
3. Recycled calcium sulfate may be used as an alternate for base course, embankment, and shoulder materials.

B. Recycled Content of Construction Materials

1. To the extent possible, materials purchased for use in department projects, including construction of roads and bridges, shall consider the United States Environmental Protection Agency's Comprehensive Procurement Guideline for Products Containing Recovered Materials, 40 C.F.R. Part 247.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2415.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 17:973 (September 1992), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:

§505. Maintenance

A. Recycling and Use of Materials Containing Recycled Content for Maintenance

1. To the extent possible, materials should be salvaged from construction projects for reuse.
2. Old signs may be made into temporary signs for use until permanent signs are installed, or they may be sold to a salvage company for recycling.
3. Scrap aluminum and steel, and copper wire may be sold to a salvage company for recycling.
4. Signal parts having any value shall be refurbished for reuse, or they may be sold to a salvage company for recycling.
5. Unusable tires and battery cores shall be returned to vendor for credit during the purchase of new tires or batteries.

B. Recycled Content of Maintenance Materials

1. To the extent possible, materials purchased for use in department projects, including maintenance of roads and bridges, shall consider the United States Environmental Protection Agency's Comprehensive Procurement Guideline for Products Containing Recovered Materials, 40 C.F.R. Part 247.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2415.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 18:974 (September 1992), amended by the Department of Transportation and Development, Office of General Counsel, LR 51:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature the impact of this proposed amendment on the family has been considered. The proposed amendments are not anticipated to have any foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability, and autonomy. Specifically, the implementation of the proposed amendments will have no known or foreseeable effect on:

1. the stability of the family.
2. the authority and rights of parents regarding the education and supervision of their children.
3. the functioning of the family.
4. family earnings and family budget.
5. the behavior and personal responsibility of children.
6. the ability of the family or local government to perform his function.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that these proposed rule changes will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Specifically,

1. The amendment of these rules will have no known or foreseeable adverse effect on household income, assets, and financial security.
2. The amendment of these rules will have no known or foreseeable adverse effect on early childhood development and preschool through postsecondary education development.
3. The amendment of these rules will have no known or foreseeable adverse effect on employment and workforce development.
4. The amendment of these rules will have no known or foreseeable effect on taxes and tax credits.
5. The amendment of these rules will have no known or foreseeable effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The impact of the amendment of these rules on small businesses, as defined in the Regulatory Flexibility Act, has been considered. The proposed amendment of these rules is not expected to have a significant adverse impact on small businesses. The department, consistent with health, safety, environmental, and economic welfare factors, has considered and, where possible, utilized regulatory methods in amending these rules that will accomplish the objectives of the proposed statutes while minimizing the adverse impact of the rules on small businesses.

Provider Impact Statement

The amendment of these rules is not anticipated to have any known or foreseeable impact on a provider as defined by House Concurrent Resolution No. 170 of the 2014 Regular Session of the Louisiana State Legislature.

Specifically:

1. The amendment of these rules does not have any known or foreseeable impact on the staffing level requirements or qualifications required to provide the same level of service.

2. The amendment of these rules does not have any known or foreseeable impact on the total direct and indirect effect on the cost to a provider to provide the same levels of service.

3. The amendment of these rules does not have any known or foreseeable impact on the overall effect on the ability of a provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Andrew Barry, General Counsel, Department of Transportation and Development, Office of General Counsel, P.O. Box 94245, Baton Rouge, Louisiana 70804-9245. Mr. Barry is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on October 13, 2025.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of General Counsel, ATTN: Andrew Barry, General Counsel, P.O. Box 94245, Baton Rouge, Louisiana 70804-9245; however, such request must be received no later than 4:30 p.m. on October 13, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, the Department of Transportation and Development will conduct a public hearing at 11:30 a.m. on October 20, 2025 in the Auditorium of the Department of Transportation and Development Headquarters, which is located at 1201 Capitol Access Road, Baton Rouge, LA. To confirm whether a public hearing will be held, interested persons should first call Andrew Barry at (225) 242-4665 after October 13, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Glenn Ledet, Jr.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Recycling of Highway Construction and Maintenance Material

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to have any costs or savings to state or local government units.

The proposed rule change does the following:

a) Repeals provisions that regulate only the internal management of the agency and, thus, do not fit the statutory definition of "rule";

b) Simplifies the Department of Transportation and Development's highway construction and maintenance materials recycling rules; and

c) Adds the United States Environmental Protection Agency's Comprehensive Procurement Guideline for Products Containing Recovered Materials, 40 C.F.R. Part 247, as required by R.S. 30:2415.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is not anticipated to have any effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is not anticipated to impact individuals, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to have any effect on competition or employment.

Glenn Ledet, Jr.
Secretary
2508#012

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Transportation and Development Office of General Counsel

System Management (LAC 70:V.101, 103, and 105)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., and through the authority granted in R.S. 36:504 that the Department of Transportation and Development proposes to repeal LAC 70:V, which purports to regulate Department of Transportation and Development officers' and employees' use of state-owned aircraft. Pursuant to R.S. 39:231, the commissioner of administration, with the governor's approval, is authorized to prescribe the conditions under which state officers and employees may use state-owned aircraft in the discharge of their duties. There is no provision of law that exempts the Department of Transportation and Development's officers or employees from the rules promulgated by the commissioner of administration. There exists no legal authority for the existence of this Part of the *Louisiana Administrative Code*. Therefore, LAC 70:V should be repealed.

Title 70

TRANSPORTATION AND DEVELOPMENT

Part V. System Management

Chapter 1. Flight Operation Manual Revision

Number 1

Subchapter A. Provisions

§101. General

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509F (3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 12:116 (February 1986), repealed by the Department of Transportation and Development, Office of General Counsel, LR 51:

Subchapter B. Scheduling Procedures

§103. Authorized Use of Aircraft

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509F (3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 12:117 (February 1986), repealed by the Department of Transportation and Development, Office of General Counsel, LR 51:

§105. Appointment of the Agency Schedulers

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 2:6 and 36:509F (3).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 12:117 (February 1986), repealed by the Department of Transportation and Development, Office of General Counsel, LR 51:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Specifically:

1. The adoption of the proposed amendments will have no known or foreseeable effect on the stability of the family.

2. The adoption of the proposed amendments will have no known or foreseeable effect on the authority and rights of parents regarding the education and supervision of their children.

3. The adoption of the proposed amendments will have no known or foreseeable effect on the functioning of the family.

4. The adoption of the proposed amendments will have no known or foreseeable adverse effect on the family earnings and family budget.

5. The adoption of the proposed amendments will have no known or foreseeable effect on the behavior and personal responsibility of children.

6. The adoption of the proposed amendments will have no known or foreseeable effect on the ability of the family or local government to perform this function.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Specifically,

1. The adoption of the proposed amendments will have no known or foreseeable adverse effect on household income, assets, and financial security.

2. The adoption of the proposed amendments will have no known or foreseeable adverse effect on early childhood development and preschool through postsecondary education development.

3. The adoption of the proposed amendments will have no known or foreseeable adverse effect on employment and workforce development.

4. The adoption of the proposed amendments will have no known or foreseeable effect on taxes and tax credits.

5. The adoption of the proposed amendments will have no known or foreseeable effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The impact of the adoption of the proposed amendments on small businesses, as defined in the Regulatory Flexibility Act, has been considered. The proposed amendments are not expected to have a significant adverse impact on small businesses. The department, consistent with health, safety, environmental, and economic welfare factors, has considered and, where possible, utilized regulatory methods in the drafting of the proposed amendments that will

accomplish the objectives of the proposed statutes while minimizing the adverse impact of the Rule on small businesses.

Provider Impact Statement

The adoption of the proposed amendments does not have any known or foreseeable impact on a provider as defined by House Concurrent Resolution No. 170 of the 2014 Regular Session of the Louisiana State Legislature.

Specifically:

1. The adoption of the proposed amendments does not have any known or foreseeable impact on the staffing level requirements or qualifications required to provide the same level of service.

2. The adoption of the proposed amendments does not have any known or foreseeable impact on the total direct and indirect effect on the cost to a provider to provide the same levels of service.

3. The adoption of the proposed amendments does not have any known or foreseeable impact on the overall effect on the ability of a provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Andrew Barry, General Counsel, Department of Transportation and Development, Office of General Counsel, P.O. Box 94245, Baton Rouge, Louisiana 70804-9245. Mr. Barry is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on October 13, 2025.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of General Counsel, ATTN: Andrew Barry, General Counsel, P.O. Box 94245, Baton Rouge, Louisiana 70804-9245; however, such request must be received no later than 4:30 p.m. on October 13, 2025. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, the Department of Transportation and Development will conduct a public hearing at 9:30 a.m. on October 20, 2025 in the auditorium of the Department of Transportation and Development Headquarters, which is located at 1201 Capitol Access Road, Baton Rouge, LA. To confirm whether a public hearing will be held, interested persons should first call Andrew Barry at (225) 242-4665 after October 13, 2025. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Glenn Ledet, Jr.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: System Management

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to have any costs or savings to state or local government units.

The proposed rule change repeals provisions that purport to regulate the agency's officers' and employees' use of state-owned aircraft. Authority to regulate this subject rests with the

commissioner of administration, rather than the Department of Transportation and Development. There exists no legal authority for the Department of Transportation and Development to promulgate these rules. Therefore, LAC 70.V should be repealed.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is not anticipated to have any effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is not anticipated to impact individuals, small businesses, or non-governmental groups. It repeals provisions that regulate only DOTD's internal management.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to have an effect on competition or employment.

Glenn Ledet, Jr.
Secretary
2508#013

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Transportation and Development Office of Operations

Combination or Double Tandem Load Permit (LAC 73:I.Chapter 21)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Department of Transportation and Development (DOTD) proposes to amend LAC 73.I.Chapter 21, Weights and Standards, Chapter 21, Combination or Double Tandem Load Permit.

The proposed amendments revise: a) Section 2101.A, clarifying Chapter 21's applicability; b) Section 2101.B, clarifying the definition of *Non-divisible Container Import/Export*; c) Section 2103.D.(1), clarifying the requirement for route approval; d) Section 2103.E, updating the amount of the permit fee; e) Section 2105.C, clarifying the intent of the Rule to exclude any responsibility of the permittee to retain a copy of a bill of lading for carriage or transport of an empty container; f) Section 2105D, clarifying the intent of the rule to require transfer of regulated containers *intended* for international travel; and g) Section 2107.B, clarifying the responsibility of the permittee to comply with local government regulation of roads owned and maintained by parishes and municipalities.

Title 73

WEIGHTS, MEASURES AND STANDARDS

Part I. Weights and Standards

Chapter 21. Combination or Double Tandem Load Permit

§2101. General Information

A. Authority. DOTD has statutory authority to issue a special biannual permit for the operation of a combination of vehicles or tandem loads hauling divisible or non-divisible container imports or exports to and from any port facility in the state.

B. Definitions. Terms as defined in R.S. 32:1 shall retain their definitions, unless the term is specifically defined in this Subsection. As used in this Section, unless the context clearly indicates otherwise, the following terms shall have the following meanings.

Axle Group—a combination of two or more consecutive axles considered together in determining their combined load effect on a highway (as tandem, tridem, or quadrum axle groups).

Department—refers to the Louisiana Department of Transportation and Development (DOTD).

Destination Point—the location where the packer's seal is broken.

Divisible Container Import/Export—a load consisting of two non-divisible containers, hauled in tandem, rendering the load divisible.

Gross Weight—the weight of a vehicle and/or combination of vehicles plus the weight of any load thereon.

Hazardous Material—per CFR 49:385.402(b), a substance or material that the U.S. Secretary of Transportation has determined is capable of posing an unreasonable risk to health, safety, and property when transported in commerce that has been designated as hazardous in 49 U.S.C. §5103 (Revised October 2015). The term includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous in the Hazardous Materials Table detailed in 49 CFR §172.101 (Revised December 2022) and materials that meet the criteria for hazard classes and divisions detailed in 49 CFR §173.1 (Revised September 2005).

Individual Axle—any of the two, three, or four axles which make up the tandem, tridem, or quadrum axle groups.

Interstate Highway—a fully controlled access highway which is a part of the National System of Interstate and Defense Highways.

Length—the total longitudinal dimension of a single vehicle, a trailer, or a semi-trailer. Length of a trailer or semi-trailer is measured from the front of the cargo-carrying unit to its rear and includes load-holding devices thereon.

Non-divisible Container Import/Export—a freight container, as defined by 49 U.S.C. §5901(4), that retains the original unbroken official seal throughout transit from the point of origin until reaching the destination point. This definition shall not apply to empty containers, which may be transported without a seal and in accordance with an existing valid permit. This definition shall not apply to empty containers, which may be transported without a seal and in accordance with an existing valid permit.

Point of Origin—the location where the packer's seal is affixed.

Quadrum Axle—any four consecutive axles whose centers are more than 40 inches but not more than 96 inches apart. A quadrum axle shall be designed to equalize the load between axles.

Sealed Containerized Load—sealed containers being used in international transport in conjunction with a maritime shipment. Pursuant to 49 U.S.C. §5901(4), containers used in providing transportation in interstate commerce.

Tandem Axle—any two consecutive axles whose centers are 40 or more inches but not more than 96 inches apart. A tandem axle shall be designed to equalize the load between the axles.

Trailer—an unpowered vehicle towed by a powered vehicle, commonly used for the transport of goods and materials.

Tridem Axle—any three consecutive axles whose centers are 40 or more inches but not more than 96 inches apart. A tridem axle shall be designed to equalize the load between axles.

Truck Tractor—a non-cargo carrying power unit used in combination with a semitrailer.

Vehicle—any device by which a person or things may be transported upon a public highway or bridge. A trailer or semi-trailer shall be a separate vehicle.

Width—the total outside transverse dimension of a vehicle including any load or load holding devices thereon, but, excluding approved safety devices and tire bulge due to load.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1, R.S. 32:2, R.S. 32:387 and R.S. 32:387.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Operations, Weights and Enforcement Section, LR 49:1445 (August 2023), amended by the Department of Transportation and Development, Office of Operations, LR 51:

§2103. Obtaining the Combination or Double Tandem Load Permit

A. General. The permit shall be obtained prior to the movement of the vehicle within Louisiana.

B. Location. The permit shall be issued by the truck permit office at DOTD in Baton Rouge.

C. Application Procedure

1. The permit may be obtained by appearing in person at the permit office in Baton Rouge, by calling the permit office and providing the requisite information, or by completing the form electronically through the online permitting system.

2. All information required on a permit form shall be furnished at the time the permit is requested.

3. The applicant shall have the exact amount for payment.

4. The permit will be issued to the truck tractor, either physically or electronically. It shall be available for inspection at all times by the proper authorities.

D. Routes

1. All routes shall require approval by DOTD.

2. Only one route will be approved per application, and the permit is only valid for the approved route.

3. Each additional route requires an additional permit application, subsequent approval, and payment of the permit fee.

E. Fees. The permit fee is \$2,300 biannually.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2, R.S. 32:387 and R.S. 32:387.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Operations, Weights and Enforcement Section, LR 49:1446 (August 2023), amended by the Department of Transportation and Development, Office of Operations, LR 51:

§2105. Regulations

A. The permit authorizes a driver to operate on state maintained roads only (excluding the interstate) provided the vehicle has the required number of axles and does not exceed the maximum gross weight or axle limit (See §107 for Limitations).

B. Either the truck tractor or one of the trailers shall contain a tridem axle.

C. At all times during which there is cargo present in the container(s), the permittee shall have a copy of the international bill of lading present in the vehicle and available for inspection. A bill of lading shall not be required for an empty container.

D. Containers shall be transferred to or from a ship, vessel, or a rail system intended for international travel.

E. Containers shall remain sealed from the point of origin to the point of destination.

F. Routes. The routes shall be completed via state and federal roadways, excluding the interstate system. Routes shall originate or terminate at one of the following port facilities which are recognized by the Ports Association of Louisiana.

1. Central Louisiana Regional Port (CLRP);
2. Avoyelles;
3. Port of Greater Baton Rouge;
4. The Port of Caddo—Bossier;
5. Columbia;
6. Port Fourchon;
7. Grand Isle Port;
8. Greater Ouachita Port;
9. Port of Iberia;
10. Port of Krotz Springs;
11. Port of Lake Charles;
12. Lake Providence Port;
13. Louisiana International Deep Water Gulf Transfer Terminal Authority (LIGTT);
14. Madison Parish Port;
15. Manchac;
16. Mermentau;
17. Port of Morgan City;
18. Natchitoches Parish Port;
19. Port of New Orleans;
20. Plaquemines Port;
21. Port of Pointe Coupee;
22. Red River;
23. Port of South Louisiana;
24. St. Bernard Port;
25. The Port of Terrebonne;
26. Port of Delcambre (Twin Parish Port District);
27. Port of Vermillion;
28. Port of Vidalia;
29. Port of Vinton;
30. West Calcasieu Port;
31. Cameron Parish Port; and
32. Port of West St. Mary.

G. Safety.

1. The primary concern of the department is the safety of the motoring public and protecting the state's highway infrastructure system.

2. The registration certificate issued to a vehicle shall be carried at all times in the vehicle and be available for inspection.

3. All traffic and safety laws and regulations shall be obeyed.

4. It shall be the responsibility of each permittee to review the DOTD online route planner to determine if there are any limitations to their approved route(s), prior to traveling.

5. Permittee shall adhere to any and all signage limitations posted in construction zones.

6. The vehicles are not allowed to operate on a load posted bridge.

7. The permit does not authorize the transport of hazardous material or any substances or materials that may pose an unreasonable risk to health, safety, and property when transported in commerce.

a. DOTD reserves the right to decline to issue a permit that would result in the transportation of materials deemed hazardous or that would impose an unreasonable risk to health, safety, and property when transported.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2, R.S. 32:387 and R.S. 32:387.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Operations, Weights and Enforcement Section, LR 49:1446 (August 2023), amended by the Department of Transportation and Development, Office of Operations, LR 51:

§2107. Limitations

A. All combination vehicles or tandem loads shall meet each of the following requirements.

1. It cannot exceed 140,000 pounds (gross weight).
2. It cannot exceed 40,000 pounds per tandem axle spread and 60,000 pounds per tridem axle spread.
3. It cannot exceed 83 feet in length.
4. It shall be equipped with a dual-axle dolly and a dolly safety system with tilt sensors attached to the dolly that provide feedback on tilt information to the driver of the vehicle to ensure safe operations.
5. The truck tractor shall be licensed for 88,000 pounds.

B. The permit issued does not authorize the use of roads owned by a parish or municipality. Nor does the permit relieve the permittee of any obligation that may exist to secure a parish's and/or municipality's permission to traverse its roads.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2, R.S. 32:387 and R.S. 32:387.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Operations, Weights and Enforcement Section, LR 49:1447 (August 2023), amended by the Department of Transportation and Development, Office of Operations, LR 51:

§2109. Liability for Damages

A. Every special permit is issued on the condition that the permittee accepts and uses it at their own risk, even though all instructions, directions, and requirements of the department have been followed. Neither the state of Louisiana nor the Department of Transportation and Development or its employees shall incur any liability of any nature from the use of the permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2, R.S. 32:387, and R.S. 32:387.2.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Operations, Weights and Enforcement Section, LR 49:1447 (August 2023), amended by the Department of Transportation and Development, Office of Operations, LR 51:

§2111. Permit Restrictions

A. Permits are issued on the condition that all requirements and restrictions will be complied with by the permittee. Any additional cost(s) necessitated to comply with these restrictions is to be borne by the permittee.

B. Penalties for any violation of the permit will be assessed in accordance with R.S. 32:388 and R.S. 32:388.1, as well as any other applicable federal or state regulations.

C. If a permittee travels outside of their approved route, DOTD reserves the right to revoke and/or rescind their permit, resulting in the permit being null and void.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2, R.S. 32:387, R.S. 32:387.2, R.S. 32:388, and R.S. 32:388.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Operations, Weights and Enforcement Section, LR 49:1447 (August 2023), amended by the Department of Transportation and Development, Office of Operations, LR 51:

Family Impact Statement

Adoption of this proposed amendment should not have any known or foreseeable adverse impact on any family as defined by R.S. 49:972(D) or on family formation, stability, and autonomy.

Specifically:

1. The adoption of the proposed amendments will have no known or foreseeable effect on the stability of the family.

2. The adoption of the proposed amendments will have no known or foreseeable effect on the authority and rights of parents regarding the education and supervision of their children.

3. The adoption of the proposed amendments will have no known or foreseeable effect on the functioning of the family.

4. The adoption of the proposed amendments will have no known or foreseeable adverse effect on the family earnings and family budget.

5. The adoption of the proposed amendments will have no known or foreseeable effect on the behavior and personal responsibility of children.

6. The adoption of the proposed amendments will have no known or foreseeable effect on the ability of the family or local government to perform this function.

Poverty Impact Statement

The adoption of the proposed amendments should not have any known or foreseeable adverse impact on child, individual, or family poverty in relation to individual or community asset development as defined by R.S. 49:973.

Specifically,

1. The adoption of the proposed amendments will have no known or foreseeable adverse effect on household income, assets, and financial security.

2. The adoption of the proposed amendments will have no known or foreseeable adverse effect on early childhood development and preschool through postsecondary education development.

3. The adoption of the proposed amendments will have no known or foreseeable adverse effect on employment and workforce development.

4. The adoption of the proposed amendments will have no known or foreseeable effect on taxes and tax credits.

5. The adoption of the proposed amendments will have no known or foreseeable effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The impact of the adoption of the proposed amendments on small businesses, as defined in the Regulatory Flexibility Act, has been considered. The proposed amendments are not expected to have a significant adverse impact on small businesses. The department, consistent with health, safety, environmental, and economic welfare factors, has considered and, where possible, utilized regulatory methods in the drafting of the proposed amendments that will accomplish the objectives of the proposed statutes while minimizing the adverse impact of the Rule on small businesses.

Provider Impact Statement

The adoption of the proposed amendments does not have any known or foreseeable impact on a provider as defined by House Concurrent Resolution No. 170 of the 2014 Regular Session of the Louisiana State Legislature. Specifically:

1. The adoption of the proposed amendments does not have any known or foreseeable impact on the staffing level requirements or qualifications required to provide the same level of service.

2. The adoption of the proposed amendments does not have any known or foreseeable impact on the total direct and indirect effect on the cost to a provider to provide the same levels of service.

3. The adoption of the proposed amendments does not have any known or foreseeable impact on the overall effect on the ability of a provider to provide the same level of service.

Public Comments

All interested persons so desiring shall submit oral or written data, views, comments, or arguments no later than 20 days from the date of publication of this notice of intent to Nicholas A. Fagerburg, Weights and Enforcement Engineer Administrator, Department of Transportation and Development, P.O. Box 94245, Baton Rouge, LA 70804-9245. Telephone (225) 379-1795.

Glenn Ledet, Jr.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Combination or Double Tandem Load Permit

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There is no anticipated costs or savings to state or local governmental units as a result of the proposed rule change.

The proposed rule change clarifies the responsibilities of, and authority extended to, Combination or Double Tandem Load permittees. The amount of the fee charged has been

reduced to mirror the intent of the legislature. Because none of these permits have been issued, no increased cost is anticipated.

The proposed rule change does the following:

- a) Revises Section 2101A, clarifying Chapter 21's applicability;
- b) Revises Section 2101B, clarifying the definition of Non-divisible Container Import/Export;
- c) Revises Section 2103D(1), clarifying the requirement for route approval;
- d) Revises Section 2103E, updating the amount of the permit fee;
- e) Revises Section 2105C, clarifying the intent of the rule to exclude any responsibility of the permittee to retain a copy of a bill of lading for carriage or transport of an empty container;
- f) Revises Section 2105D, clarifying the intent of the rule to require transfer of regulated containers intended for international travel; and

g) Revises Section 2107B, clarifying the responsibility of the permittee to comply with local government regulations of roads owned and maintained by parishes and municipalities.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change should not impact the number of biannual Combination or Double Tandem Load permits issued by the Department of Transportation and Development (DOTD), pursuant to the statutory authority granted by the legislature as implemented by these regulations and, therefore, should not impact the revenue generated by the biannual permit's \$2,300 application fees collected by DOTD.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change neither increases nor decreases the cost to or the value of the economic benefits to directly affected persons, including truck drivers, small freight carriers, small businesses, and non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change should not affect competition or employment within the economic sector regulated by the amended rules and regulations: ports, major importers and exporters, and freight carriers.

Glenn Ledet, Jr.
Secretary
2508#014

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Treasury Municipal Employees' Retirement System

Municipal Employees' Retirement System
(LAC 58:XXV.Chapters 2, 3, 8, and 10)

The Municipal Employees' Retirement System gives notice of its intent to amend the Rules it adopted in 2022, pursuant to the authority of R.S. 11:1823, in the areas of elections, community property, and documents required for applications for disability retirement and the Deferred Retirement Option Program. The amendments are to comport with Act 28 of 2024, the requirements of an election services vendor, a policy of the board of trustees, and current practices.

Title 58 RETIREMENT

Part XXV. Municipal Employees' Retirement System Chapter 2. Elections

§201. Active Eligible Candidates

A. An active member candidate for a non-elected position on the board of trustees must be an active member of the system with at least six years of creditable service.

B. - C. ...

D. An active member candidate for an elected official position must be holding an office elected through the state election code and must have four years of service credit.

E. - G. ...

H. Only active members, as described for candidates, may vote for an active member candidate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2367 (September 2022), LR 51:

§203. Retiree Eligible Candidates

A. - B. ...

C. Only retirees may vote for a retiree member candidate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2367 (September 2022), LR 51:

§207. Specific Schedule of Elections

A. The schedule for elections shall be as follows.

- 1. nominations open on the first business day of April;
- 2. nominations close by noon of the last business day of April;

3. ballots will be mailed by the last business day of May;

4. - 7. ...

8. run-off ballots will be mailed no later than 14 business days after the last business day of June;

9. run-off ballots are due no later than 30 calendar days after the run-off ballots are required to be mailed. If this day falls on a weekend or holiday, then ballots are due by the next business day;

10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2367 (September 2022), LR 51:

§215. Election Process

A. Approximately five months before the expiration of a trustee's term, the director will issue a notice of the upcoming vacancy on the MERS' website and send a notice to participating employers.

B. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2368 (September 2022), LR 51:

Chapter 3. Employer Agreements

§301. Employer Agreements

A. - D. ...

E. The board of trustees must approve an agreement for coverage by a majority vote at a public meeting before coverage is extended. An agreement should not be approved in the six months preceding an election which could result in a change of leadership for the employer.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1733.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2368 (September 2022), LR 51:

Chapter 4. Community Property

§401. Spousal Rights

A. ...

B. A divorced member of MERS should provide a certified copy of a judgment of divorce and/or community property settlement document indicating that their ex-spouse relinquishes their interest in the member's benefit paid by MERS. Alternatively, the member should provide a certified copy of a Domestic Relations Order (DRO) signed by a judge and indicating how their retirement benefit must be shared with their former spouse. A certified copy of a signed court order other than a DRO dividing retirement benefits must be approved by the Executive Director prior to implementation.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:291 and 1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2368 (September 2022), LR 51:

Chapter 8. Disability Retirement

§801. Application Process

A. ...

B. Disability applications will be processed upon receipt of the following:

1. disability application by the member;
2. disability report by supervisor;
3. member statement of disabling condition;
4. copies of all medical records pertaining to the disability;
5. authorization to request income information from the member;
6. authorization for direct deposit;
7. copy of member's birth certificate and Social Security card;
8. copy of beneficiary's birth certificate and Social Security card, if applicable;
9. spousal consent form if legally married and maximum option is chosen;
10. copy of certificate of elected service if the member is an elected official in Tier 1;
11. copy of death certificate of spouse if member's spouse is deceased; and
12. certified copy of divorce decree if member is divorced.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2370 (September 2022), LR 51:

Chapter 10. Deferred Retirement Option Plan (DROP)

§1001. Application Process

A. ...

B. The DROP application shall include:

1. a written acknowledgement by the member of the number of months in which they will participate in DROP;
2. a copy of the member's birth certificate and Social Security card;
3. a copy of the beneficiary's birth certificate and Social Security card;
4. a designation of a beneficiary to receive the DROP fund balance if the member dies while participating in DROP;
5. a spousal consent form as to the retirement benefit if the member is legally married and not selecting a benefit which provides at least 50 percent to the spouse;
6. a spousal consent form as to the DROP funds if the member is legally married and not leaving at least 50 percent of their DROP fund balance to their spouse;
7. a copy of the spouse's death certificate if the member is widowed;
8. a certified copy of the divorce judgment if the member is divorced; and
9. for elected officials, a certificate of elected service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:1823.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Municipal Employees' Retirement System, LR 48:2370 (September 2022), LR 51:

Family Impact Statement

The proposed amendments have no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed amendments have no known impact on poverty, as described in R.S. 49:973.

Small Business Analysis

The proposed amendments have no known or adverse impact on small business, as described in R.S. 49:974.4.

Provider Impact Statement

The proposed amendments have no known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Interested persons may direct their comments by 4 p.m. on September 10, 2025 to Maris E. LeBlanc, Municipal Employees' Retirement System, 7937 Office Park Blvd., Baton Rouge, LA 70809, telephone (225) 925-4810 or (800) 820-1137.

Public Hearing

A public hearing will be conducted on the proposed amendments if requested in the form required by R.S. 49:961.

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Municipal Employees' Retirement
System**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule is intended to prevent the Municipal Employees' Retirement System (MERS) from incurring an estimated \$1,200 expedited setup fee in the event of a runoff election, by eliminating the need to adjust ballot and voting deadlines through the election services vendor.

MERS proposed to amend Title 58, Part XXV, as follows: Chapter 2, Sections 201-Active Eligible Candidates, 203-Retiree Eligible Candidates, 207-Specific Schedule of Elections, 215-Election Process; Chapter 3, Section 301-Employer Agreements; Chapter 4, Section 401- Spousal Rights; Chapter 8, Section 801- Application Process; Chapter 10, and Section 1001- Application Process of the Louisiana Administrative Code. The proposed rule accomplishes several updates and clarifications to streamline processes, improve election administration, and reduce documentation burdens. Specifically, the proposed rule clarifies board eligibility and voting rules, adjusts election timelines to meet vendor requirements, and extends the trustee vacancy notice period. The proposed rule also limits employer coverage changes near elections, requires executive approval for certain court orders, and reduces documentation requirements for disability and DROP applications.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no anticipated effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR
NONGOVERNMENTAL GROUPS (Summary)**

There are no anticipated costs or economic benefits to directly affected person, small businesses, or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

Implementation of this proposed rule is not anticipated to have an effect on competition and employment.

Maris E. LeBlanc
Executive Director
2508#050

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

Administration of the Natural and Scenic Rivers and
Historic and Scenic Rivers
(LAC 76:IX.103, 109, 111, 117, and 118)

Notice is hereby given that the Wildlife and Fisheries Commission proposes to make changes to the Administration of the Natural and Scenic Rivers Program by clarifying allowable timber harvest activities, reducing the

evaluation period and the number of publications required by permit applicants, extending the term for which permits are valid, and adopting new rules for expedited permitting.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the proposed rule, the secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part IX. Natural and Scenic River Systems

**Chapter 1. Administration of the Natural and Scenic
Rivers and Historic and Scenic Rivers**

§103. Definitions

Act—the Louisiana Scenic Rivers Act, Acts 1988, No. 947, Section 1, effective July 27, 1988, or R.S. 56:1840 et seq.

Administrator—the Secretary of the Department of Wildlife and Fisheries.

Channel Realignment—the practice by which dredging, ditching, or other means are used to shorten or reroute the natural stream course.

Channelization—the practice of changing a natural stream, or segment thereof, into a man-made ditch or canal with channels of a relatively uniform width and depth usually necessitating the removal of trees and other woody vegetation adjacent to the stream and constructed for the purpose of accelerating water runoff.

Clearing and Snagging—the practice of removing most obstructions, trees, snags and other impediments that retard the natural stream flow.

Historic and Scenic River—a river, stream, or bayou or segment thereof that has been designated by the legislature as part of the Louisiana Historic and Scenic River System.

Natural and Scenic River—a river, stream, or bayou or segment thereof that has been designated by the legislature as part of the Louisiana Natural and Scenic Rivers System.

Normal Activities—those activities on lands that do not directly and significantly degrade the ecological integrity of a natural and scenic river.

Person—an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, receiver, tutor, curator, executor, administrator, fiduciary, organization or representative of any kind, the United States Government, Federal agency, the State of Louisiana, state agency, municipality, commission, political subdivision, local governing authority or special subdivision of the State of Louisiana.

Pollutant—any substance in concentrations which tend to degrade the chemical, physical, biological, or radiological integrity or quality of the water in a river.

Reservoir Construction—any permanent dam or impoundment which alters the shoreline of a river in the system.

River—includes rivers, streams, bayous and segments thereof and their waters, and generally those bodies of water having the characteristics of being confined within a distinct, longitudinal channel which is defined by continuous or interrupted banks and which exhibits a width to length ratio of less than one ($W/L < 1$).

Scenic Servitude—a contract between the adjacent riparian landowner and the administrator that shall be in the nature of a development agreement for the purpose of preserving the natural state of the landscape through mutual agreement on the activities which might affect the natural landscape.

Selective Harvesting—the removal of trees either as single scattered individuals or in small groups, whereby the remaining average basal area is no less than 50 square feet per acre.

Surface Servitude—a contract between the stream owner and the administrator that shall relieve the landowner of liabilities and assure the public of access and use of the stream surface.

System—all natural and scenic rivers and all historic and scenic rivers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1842.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 2:456 (December 1976), amended by the Department of Wildlife and Fisheries, Office of the Secretary, LR 17:680 (July 1991), amended by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 51:

§109. Study and Recommendation of Natural and Scenic Rivers

A. Study and Report to the Legislature. Upon nomination for inclusion or declassification of a river by the legislature through passage of a concurrent resolution, the administrator shall study, file a report, and issue a recommendation, to the natural resource committees of the legislature regarding any river nominated for inclusion in or declassification from the system. The administrator's recommendation shall be made no sooner than eight months and no later than 12 months from the date of nomination for inclusion and no later than 120 days from the date of nomination for declassification. All recommendations shall use evaluation procedures provided for in these regulations.

B. Criteria for Study and Recommendation. In undertaking the study and making the recommendation, the administrator shall consider, but will not be limited to, the following criteria:

1. whether the river is free flowing;
2. whether the river has been channelized, cleared or snagged, realigned, inundated, or otherwise altered, within the past 25 years;
3. whether the river has a shoreline covered by native vegetation;
4. whether the river has no or few man-made structures along its banks;
5. whether the scene as viewed from the river is pleasing (i.e., primitive or rural-pastoral) or these conditions are restorable;
6. whether the river and its setting possess natural and recreational values of outstanding quality;
7. whether the river and its setting are large enough to sustain substantial recreational use and to accommodate

existing uses without undue impairment of the natural values of the resource or quality of the recreational experience;

8. whether the river will provide present and future benefits to Louisiana citizens through preserving, protecting, and enhancing its wilderness qualities, scenic beauties, and ecological regimes and its aesthetic, scenic, recreational, fish, wildlife, ecological, geological, botanical, and other natural and physical features and resources found along the river and adjacent lands;

9. whether the river receives any point source discharges that would tend to cause pollution;

10. existing uses of adjacent lands within 100 feet of the ordinary low water line of the river, and the economic impact of such usages;

11. state ownership of the bed of the river; and

12. appropriate longitudinal boundaries for the river segment to be included within the system.

C. Consultation. Prior to submission of the report and recommendation to the legislature, the administrator shall consult with the Office of State Lands, the Department of Environmental Quality, the Louisiana Department of Culture, Recreation and Tourism, the Department of Agriculture and Forestry and other agencies that the administrator determines may have an interest in the evaluation.

D. Form of Report and Recommendation. The report and recommendation to the legislature shall:

1. be in the form of a written report;
2. include the evaluation of the criteria and the recommendation of the administrator;
3. include the written comments of other agencies; and
4. become part of the record of the decision regarding the proposed recommendation.

E. Copies of Report. The administrator shall provide copies of the report to the Office of State Lands, the Department of Environmental Quality, the Department of Culture, Recreation and Tourism, the Department of Agriculture and Forestry, the governing authorities of those parishes through which the river flows, and all readily identifiable adjacent landowners. Upon payment to the department for reproduction costs, the administrator shall provide copies of the report to all other interested parties who have made a written request for the report.

F. Written Comments and Public Hearing. As part of the evaluation process and prior to any recommendation to the legislature, the administrator shall:

1. provide all interested parties and the public with the opportunity to submit written comment on the nomination, allowing a 30-day comment period;
2. pursuant to the Louisiana Administrative Procedure Act, hold not less than one public hearing in the vicinity of the river nominated for inclusion in or declassification from the system to receive comments and recommendations from all interested parties and the public. The administrator shall give its first notice at least 30 days prior to the hearing;
3. notices referred to in this Section will be published once in the official journal of each parish in which the river is located and in the official state journal; however, the comment period shall begin with publication of the notice in the official state journal. The administrator shall notify each

parish governing authority of the hearing by letter to its chief executive officer. The administrator shall also give special notice of the public hearing to all readily identifiable landowners with property adjacent to the nominated stream and to other interested parties who have requested such notifications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1845.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 2:456 (December 1976), amended by the Department of Wildlife and Fisheries, Office of the Secretary, LR 17:680 (July 1991), amended by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 51:

§111. Management Plan

A. Period for Plan Development. Within one year from the time a river is designated as a Natural and Scenic River or a Historic and Scenic River by the legislature the administrator shall adopt and commence development of a management plan for each river or designated segment. For rivers designated prior to January 1, 1989 development of management plans will commence no later than January 1, 1990.

B. Consultation. The plans shall be developed by the administrator in consultation with the:

1. Office of State Lands;
2. Department of Environmental Quality;
3. Department of Culture, Recreation and Tourism;
4. Department of Agriculture and Forestry; and
5. any other agency that the administrator determines may have an interest in the plan.

C. Plan Contents. Each management plan shall be in the form of a written document, and shall:

1. be consistent with the purposes, policies, and provisions of the Scenic Rivers Act;
2. contain a clear description and delineation in narrative and graphic form (maps or photographs) of:
 - a. natural, cultural and aesthetic resources and features of the river area;
 - b. existing land and water uses;
 - c. land ownership; and
 - d. existing land and water use controls, management devices and programs;
3. set forth a detailed program to address existing features which have been identified as being important to be protected and preserved, and potential issues, problems and needs that impact, or may impact, resources and features of the river. The plan may include recommendations to federal, state, local and private entities on enhancement and reclamation of resources and features on a system river and may specify the mechanism through which the recommendations can be implemented;
4. set forth management goals, objectives, policies, standards and management guidelines for the preservation of the system river;
5. be reviewed every five years; and
6. provide for the continuing involvement of the public in the development, implementation and administration of the plan.

D. Copies. The administrator shall provide copies of the plan to:

1. Office of State Lands;

2. Department of Environmental Quality;
3. Department of Culture, Recreation and Tourism;
4. governing authorities of those parishes through which the river flows;
5. Department of Agriculture and Forestry;
6. all readily identifiable adjacent landowners; and
7. interested parties who have made a written request.

E. Written Comments and Public Hearing. Prior to adoption of the final management plan, the administrator shall:

1. provide all interested parties and the public, the opportunity to submit written comment on the draft management plan, allowing a 30-day comment period;
2. pursuant to the Louisiana Administrative Procedure Act, hold not less than one public hearing in the vicinity of the river included in the management plan to receive comments and recommendations from all interested parties and the public. The administrator shall give the first notice at least 30 days prior to the hearing;
3. notices referred to in this Section will be published once in the official journal of each parish in which the river is located and in the official state journal; however, the comment period shall begin with publication of the notice in the official state journal. The administrator shall notify each parish governing authority of the hearing by letter to its chief executive officer. The administrator shall also give special notice of the public hearing to all readily identifiable landowners with property adjacent to the nominated stream and to other interested parties who have requested such notifications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1845.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 2:456 (December 1976), amended by the Department of Wildlife and Fisheries, Office of the Secretary, LR 17:681 (July 1991), amended by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 51:

§117. Permitted Activities

A. All activities that may detrimentally affect or significantly degrade the wilderness quality, aesthetic values, or the ecological integrity of a system river shall be subject to a permit except:

1. those prohibited uses set forth in §115 of these regulations;
2. normal activities of private landowners within the boundaries of their property as provided by R.S. 56:1852(B); and
3. select harvesting of trees adjacent to or within the 100' buffer of a Scenic River in accordance with R.S. 56:1854, provided that the harvest methodology is compliant with the definition of selective harvesting under §103 of these regulations and that written notification of selective harvesting is given to the Louisiana Office of Forestry and LDWF Scenic Rivers prior to commencement.

B. Activities requiring permits shall include, but not be limited to, the following activities:

1. crossings by roads, bridges, railroads, pipelines or utilities;
2. sharing of land and airspace by such roads, railroads, pipelines and utilities;
3. point source discharge of any pollutant (prior to any person applying to the Department of Environmental Quality

for a permit to discharge any pollutant into a system river, the person shall give written notice to the administrator);

4. prospecting, drilling and mining for nonrenewable natural resources;

5. structures and buildings of any kind or size;

6. piers, boat slips, bulkheads and landings;

7. commercial uses, activities and access;

8. commercial signs or other forms of outdoor advertising that are visible from the waters within a natural and scenic river;

9. water withdrawals, except for withdrawals made by an individual, adjacent property owner solely for residential purposes;

10. mooring of houseboats or floating camps on system streams except:

a. when the houseboat or floating camp is moored to a legally permitted piling, pier or bulkhead or moored to trees using connections that do not damage the trees and with the written permission of the owner of the trees. Written permission must be physically on the houseboat or floating camp and include the owner's contact information; and

b. houseboats moored on a System Stream shall have a permit or letter of certification from the Health Unit (Department of Health and Hospitals) of the parish within which the system stream is located verifying that it has an approved sewerage disposal system on board. Furthermore, all occupants of houseboats and floating camps when on a system stream must utilize an approved sewerage disposal system.

11. Timber harvest within the 100' buffer of a Scenic River that deviates from the definition of selective harvest as outlined in §103 of these regulations.

C. Application. The administrator shall provide an application to any person wishing to apply for a permit. Any person who proposes to make any permitted use of a system river, shall submit one complete original application to the administrator. Any documents larger than 8 1/2" x 14" must be submitted digitally in a department approved digital format. The application shall contain:

1. name, address and telephone numbers of the applicant;

2. names and addresses of adjoining property owners whose property also adjoins the waterway;

3. background information on the proposed use;

4. a detailed description of the proposed use;

5. full description of any portion of the project which is under development or is completed;

6. photographs and maps of the area where the uses would be made;

7. full and thorough evaluation of the use's effect on the criteria listed in Subsection F below;

8. any alternatives to the proposed action;

9. description of steps taken to minimize detrimental effects to the system river, and measures taken to ensure preservation of the system;

10. identification of all authorizing local, state, and federal agencies and all permits applied for or obtained from such agency; and

11. description of any noncompliance by applicant, adjudicated within Louisiana, regarding the Louisiana Scenic Rivers Act, the United States Wild and Scenic River

Act, and all regulations and ordinances pertaining to these acts.

D. Insufficient and Incomplete Application. Upon receipt of an application, the administrator shall determine whether the application is sufficient and complete in light of the requirements enumerated in Subsection C, above. If the application is not sufficient and complete, the administrator shall return the application to the applicant with a description of how and why the petition is insufficient or incomplete. The applicant shall be entitled to resubmit the petition after making the necessary changes or amendments.

E. Application Fees. An administrative fee of \$100 shall accompany each application. The administrative fee shall be deposited immediately upon receipt into the state treasury to be credited to the Scenic River Fund.

F. Project Evaluation. In determining whether or not a permit should be issued, the administrator's evaluation shall consider the purposes for which the system is established and shall be made with a view toward maintaining the fundamental character and unique natural values associated with the system river. Any evaluation required to be made by this Section, shall fully and thoroughly consider, but not be limited to, the following criteria:

1. wilderness qualities;

2. scenic values;

3. ecological regimes;

4. recreation;

5. aesthetic values;

6. fish and other aquatic life;

7. wildlife;

8. historical and archaeological resources;

9. geological resources;

10. botanical resources;

11. water quality;

12. cultural resources;

13. economics;

14. compliance history as required in §117.C.11;

15. any reasonable alternatives to the proposed use; and

16.a. whether reasonable steps have been taken by the applicant to minimize and/or offset any detrimental effects on natural and physical features and resources;

b. a field evaluation of the project site by the administrator's staff may be required. If such a field evaluation is necessary, the applicant shall pay a service charge of \$135 for each day required to complete the actual, on-site field evaluation.

G. Consultation. Prior to any final decision on any application for a permit, the administrator shall prepare a written evaluation of the application and shall consult with the Office of State Lands, the Department of Environmental Quality, the Department of Culture, Recreation and Tourism, the Department of Agriculture and Forestry and any other agency the administrator determines may have an interest in the permit. The consultation shall be conducted within 30 days of receipt of a sufficient and complete application. By the end of this time period, the reviewing agencies shall forward any written comments and supporting documents to the administrator. However, the administrator can grant additional time for a consultation for good cause.

H. Written Comments and Public Hearing. Prior to making the final decision on a permit application, the administrator shall:

1. provide all interested parties and the public, the opportunity to submit written comment on the permit application, allowing a 30-day comment period;

2. in response to a showing of substantial interest by the public for a hearing as demonstrated by written requests from no less than 25 persons or from a group representing not less than 25 members, or upon request by the applicant, or at the administrator's own discretion, hold a public hearing. The hearing will be held whenever such a hearing might clarify one or more issues concerning the application, and to receive comments and recommendations from all interested parties and the public. If a hearing is held it shall be in the vicinity of the river. The administrator shall give its first notice at least 30 days prior to the hearing;

3. notices referred to in this Section will be published once in the official journal of each parish in which the river is located and in the official state journal; however, the comment period shall begin with publication of the notice in the official state journal. The administrator shall notify each parish governing authority of the hearing by letter to its chief executive officer. The administrator shall also give special notice of the public hearing to all readily identifiable landowners with property adjacent to the nominated stream and to other interested parties who have requested such notifications.

I. Time Period for Review of the Application. The administrator shall make a decision whether to grant or deny the permit within 30 days after the adjournment of the hearing or the end of the written comment period, whichever is latest.

J. Waiver of Evaluation Time Period. Upon the specific authorization of the administrator, or the state legislature, the evaluation required by §117.F-I, and/or the procedural delays provided for in Subsections L and M may be waived; provided, however, that the administrator may only authorize a waiver in emergency circumstances clearly appearing from the face of the applicant's application and only after concurrence in the waiver is given by personnel of the Department of Wildlife and Fisheries, the Department of Culture, Recreation and Tourism, the Office of State Lands, the Department of Agriculture and Forestry, and the Department of Environmental Quality.

K. Reports of Permitted Uses. To the extent that it is feasible, it shall be the policy of the administrator to inform users and potential users of system rivers as to what types of uses will be permitted. In carrying out this policy, the administrator shall, from time to time, publish reports describing what types of uses have been permitted and what types of uses have not been permitted after the evaluations required by §117 have been undertaken.

L. Denial of Permits. The administrator shall deny a permit for use of a system river if, after a full and thorough evaluation, the administrator finds that the proposed or alternative use would be unreasonable in light of the objective of maintaining the fundamental character and unique natural values associated with the system river.

M. Permit Conditions

1. In issuing any permit, the administrator may:

a. require conditions in the use and may require that appropriate steps be taken to minimize and/or offset the detrimental effects on the natural and physical features and

resources enumerated by Subsection F, above, as a condition to the granting of the permit; and

b. require assurance, including security, during the construction phase of the project, to assure compliance with permit requirements.

2. In setting the required assurance and security, the administrator shall consider any noncompliance by applicant, adjudicated within Louisiana, regarding the Louisiana Scenic Rivers Act, the United States Wild and Scenic Rivers Act, and all regulations and ordinances pertaining to these acts.

N. Final Decision. The final decision by the administrator on any application for a permit shall:

1. be in the form of a written report;

2. be part of the record of the decision;

3. include an evaluation of the impacts on the criteria provided for in Subsection F, above; and

4. give full and meaningful consideration and appropriate weight to the comments from other reviewing agencies.

O. Copies. The administrator shall provide copies of the final decision to:

1. Office of State Lands;

2. Department of Environmental Quality;

3. Department of Culture, Recreation and Tourism;

4. Department of Agriculture and Forestry; and

5. other interested parties who provide a written request.

P. Modification and Revocation. The administrator may modify or revoke a permit, for good cause, after notice and an adjudicatory hearing, unless waived by permittee. Good cause includes, but is not limited to:

1. any adjudicated violation of the permit conditions, the act or these regulations;

2. new and material evidence regarding the evaluation criteria listed in §117.F; and

3. intentional misrepresentation of a material fact on the permit application.

Q. Failure to Begin Activity—Extensions. The permit shall expire if the activity has not begun within two years of permit issuance, except that the administrator may grant a maximum of two extensions of one year each upon a finding that there has been no significant change in circumstances.

R. Appeals of Final Decision. Any person who is denied a permit by the department may institute legal proceedings against the department in the Nineteenth Judicial District Court.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1844, 56:1849, 56:1852 and 56:1854.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 2:456 (December 1976), amended by the Department of Wildlife and Fisheries, Office of the Secretary, LR 17:682 (July 1991), amended by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 40:547 (March 2014), LR 51:

§118. Activities that Qualify for Expedited Permitting

A. General Permits. Activities that LDWF has determined to have no significant deleterious impact on the System may qualify for a General Permit, which, if granted, could afford a more expeditious review process and would not require a public comment period. Such activities would require the evaluation set forth in §117.C-G above, and are limited to the following categories:

1. General maintenance of existing structures, to include in-kind replacements. Specifically when the original project was unpermitted. Bridges are not included.

2. New residential construction of non-inhabitable structures over water including, but not limited to, pilings, boat sheds, docks, walkways, and piers. Such structures shall be designed in compliance with all applicable regulations and law. Under this category, the structure size shall be no greater than 800 square feet.

3. New bankline stabilization projects. Under this category, bankline stabilization shall be limited to 200 linear feet with minimal backfill. Concrete mats and other similar structures will not qualify.

4. New boring or horizontal directional drilling (HDD) installation of sewer lines, water lines, and transmission cables. Overhead transmission lines and right-of-ways will not qualify.

5. Rebuilding or renovations of single residence or camp. Shall not include commercial operations or activities. Must have sanitary treatment plan and Department of Health approval prior to issuance of this general permit.

6. Maintenance dredging of existing boat slips and boat ramps.

7. Habitat improvements to riparian ecological functions within 100' buffer when exceeding the selective harvest definition as outlined in §103.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1843

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 51:

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

This proposed Rule will have no impact on poverty as described in R.S. 49:973.

Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

Public Comments

Interested persons may submit written comments relative to the proposed Rule until October 1, 2025, to Amelia Wolfe, Office of Wildlife, Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000 or via e-mail to awolfe@wlf.la.gov.

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Administration of the Natural and Scenic Rivers and Historic and Scenic Rivers

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There is no anticipated impact on the Louisiana Department of Wildlife and Fisheries (LDWF) expenditures resulting from the proposed rule changes.

The proposed rule change makes the following changes:

1. Clarifies the definition of selective harvesting of trees along scenic rivers,

2. Changes references of Louisiana State Planning Office to Office of State Lands throughout the rule,

3. Shortens the comment period for proposed projects from 45 days to 30 days,

4. Reduces the number of times that proposed projects must be published in a local journal from three times to once,

5. Extends the expiration period for scenic river projects that have not yet begun from 18 months to two years following the date of permit issuance,

6. Increases the length of possible extensions of scenic river permits from six months each to one year each,

7. Allows the removal of trees in excess of selective harvesting with the submission of a permit application to the LDWF and subsequent approval, and

8. Identifies activities that qualify for expedited permitting, including general maintenance; bank-line stabilization projects; cable, sewer, and water lines; camp renovations; routine boat slip and ramp maintenance; habitat improvements; and construction of uninhabitable structures over water.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is anticipated to have no effect on the revenue collections of LDWF or other state or local governmental units.

Applicants submitting permits for projects involving any of the activities that qualify for expedited permitting must continue to pay the same application fees that they must pay under the current rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes are intended to reduce costs and streamline processes for landowners and small businesses along Louisiana's scenic rivers. LDWF receives approximately 60 applications a year for projects along these rivers. The proposed changes will simplify tree removal procedures, reduce public notice requirements, shorten comment periods, and allow more flexibility for delayed projects and permit extensions.

The proposed rule change, which reduces the number of times proposed projects must be published in a local journal, is anticipated to lower the costs associated with announcing projects and soliciting public comments. The expense of posting legal notices in local journals depends upon the length of the notice and varies from journal to journal.

The proposed list of activities that qualify for expedited permitting is anticipated to benefit many project applicants by expediting the approval process. The proposed changes are anticipated to reduce the time for project approval from three months to three weeks.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule changes.

Bryan McClinton
Undersecretary
2508#052

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

**Derelict Crab Trap Removal Program
(LAC 76:VII.367)**

Notice is hereby given in accordance with the Administrative Procedure Act, R.S. 49:961 et seq., and through the authority granted in R.S. 56:332(N), that the Wildlife and Fisheries Commission proposes to amend LAC 76:VII.367 to temporarily close a portion of state inside waters to the use of crab traps in order to facilitate the removal of abandoned crab traps in these waters.

These abandoned crab traps can cause navigational hazards, user-group conflicts, and stress on the state blue crab stock by continuing to fish after being abandoned or displaced. Traps are often displaced or abandoned due to storm and tidal movements, theft, from having the floats cut by propellers, or are captured in another fisherman's gear. The removal of these traps is necessary to keep Louisiana's coast pristine, reduce litter, and to facilitate improvement of the blue crab stock.

The Wildlife and Fisheries Commission amended the provisions in LAC 76:VII.367 governing the locations of temporary crab trap closures to address problems in portions of state waters resulting from a large number of abandoned and derelict crab traps since 2004. The Wildlife and Fisheries Commission took action on August 7, 2025 to describe a new portion of state waters to be temporarily closed to the use of crab traps for the purpose of conducting a crab trap cleanup.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the proposed Rule, the secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§367. Derelict Crab Trap Removal Program

A. The use of crab traps shall be prohibited for a 14-day period from 12 a.m. February 2, 2026 through 11:59 p.m. February 15, 2026 within portions of Jefferson, Orleans, and St. Tammany Parishes as described below:

1. from a point originating from the intersection of the southbound lane of the Lake Pontchartrain Causeway Bridge and the southern shoreline of Lake Pontchartrain (30 degrees 01 minutes 18.48 seconds north latitude, 90 degrees 09 minutes 15.15 seconds west longitude); thence easterly along the southern shoreline of Lake Pontchartrain to its intersection with the western shoreline of Chef Menteur Pass (30 degrees 05 minutes 52.14 seconds north latitude, 89 degrees 49 minutes 12.28 seconds west longitude); thence southerly along the western shoreline of Chef Menteur Pass to its intersection with the northern shoreline of Lake Borgne; thence easterly and northerly along the northern shoreline of Lake Borgne to Catfish Point (30 degrees 08 minutes 58.17 seconds north latitude, 89 degrees 37 minutes 42.65 seconds west longitude); thence northerly to a point on the northern shoreline of Rigolets Pass (30 degrees 09 minutes 39.46 seconds north latitude, 89 degrees 37 minutes 49.85 seconds west longitude); thence westerly along the northern shoreline of Rigolets Pass to its intersection with the westbound lane of U.S. Highway 90; thence northerly along the westbound lane of U.S. Highway 90 to its intersection with the eastbound lane of U.S. Highway 190; thence westerly along the eastbound lane of U.S. Highway 190 to its intersection with the southbound lane of Military Road (30 degrees 15 minutes 40.87 seconds north latitude, 89 degrees 43 minutes 17.30 seconds west longitude); thence northerly on the southbound lane of Military Road to its intersection with the eastbound lane of U.S. Highway 190 (30 degrees 17 minutes 28.98 seconds north latitude, 89 degrees 43 minutes 11.48 seconds west longitude); thence westerly on the eastbound lane of U.S. Highway 190 to its intersection with the southbound lane of Causeway Boulevard (30 degrees 23 minutes 37.52 seconds north latitude, 90 degrees 05 minutes 19.80 seconds west longitude); thence southerly along Causeway Boulevard and then the Lake Pontchartrain Causeway Bridge and terminating at the origin.

B. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. February 2, 2026 through 11:59 p.m. February 15, 2026 within portions of Iberia and St. Mary Parishes as described below:

1. from a point originating at Point Chevreuil (29 degrees 31 minutes 37.85 seconds north latitude, 91 degrees 32 minutes 21.91 seconds west longitude); thence southwesterly to South Point on Marsh Island (29 degrees 29 minutes 25.55 seconds north latitude, 91 degrees 46 minutes 07.56 seconds west longitude); thence northeasterly along the eastern shoreline of Marsh Island to East Point on Marsh Island (29 degrees 34 minutes 06.65 seconds north latitude, 91 degrees 42 minutes 33.00 seconds west longitude); thence due north along 91 degrees 42 minutes 33.00 seconds west longitude to the northern shoreline of West Cote Blanche Bay (29 degrees 44 minutes 23.52 seconds north latitude, 91

degrees 42 minutes 33.00 seconds west longitude); thence easterly along the northern shoreline of West Cote Blanche Bay to its intersection with western shoreline of Jaws Bay (29 degrees 44 minutes 48.45 seconds north latitude, 91 degrees 37 minutes 27.21 seconds west longitude); thence easterly to the eastern shoreline of Jaws Bay and West Cote Blanche Bay (29 degrees 44 minutes 48.45 seconds north latitude, 91 degrees 36 minutes 52.53 seconds west longitude); thence southerly along the eastern shoreline of West Cote Blanche Bay to Point Marone (29 degrees 38 minutes 06.35 seconds north latitude, 91 degrees 38 minutes 42.86 seconds west longitude), thence easterly and southerly along the northern and eastern shorelines of East Cote Blanche Bay and terminating at the origin.

C. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. February 2, 2026 through 11:59 p.m. February 15, 2026 within portions of Calcasieu and Cameron Parishes as described below:

1. from a point originating at the intersection of the western shoreline of the Alkali Ditch and the southern shoreline of the Gulf Intracoastal Waterway (30 degrees 03 minutes 30.75 seconds north latitude, 93 degrees 22 minutes 31.89 seconds west longitude); thence southerly along the western shoreline of the Alkali Ditch to its intersection with the southern shoreline of Black Lake (30 degrees 00 minutes 04.88 seconds north latitude, 93 degrees 23 minutes 49.16 seconds west longitude); thence due south along 93 degrees 23 minutes 49.16 seconds west longitude to Clarpha Road; thence southerly on Clarpha Road to its intersection with West Main Street; thence easterly on West Main Street to its intersection with the northbound lane of U.S. Highway 27; thence northerly on U.S. Highway 27 to its intersection with the southern shoreline of the Gulf Intracoastal Waterway (30 degrees 03 minutes 54.16 seconds north latitude, 93 degrees 20 minutes 50.69 seconds west longitude); thence westerly along the southern shoreline of the Gulf Intracoastal Waterway and terminating at the origin.

D. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. February 9, 2026 through 11:59 p.m. February 22, 2026 within portions of Plaquemines Parish as described below:

1. from a point originating on the southbound lane of U.S. Highway 23 at 29 degrees 38 minutes 10.68 seconds north latitude, 89 degrees 57 minutes 01.21 seconds west longitude; thence southerly along 89 degrees 57 minutes 01.21 seconds west longitude to the origin of Wilkinson Canal (29 degrees 38 minutes 01.19 seconds north latitude, 89 degrees 57 minutes 01.21 seconds west longitude); thence southerly along the eastern shoreline of Wilkinson Canal to its termination at 29 degrees 27 minutes 30.74 seconds north latitude, 89 degrees 57 minutes 00.00 seconds west longitude; thence due south along 89 degrees 57 minutes 00.00 seconds west longitude to a point at 29 degrees 26 minutes 06.00 seconds north latitude, 89 degrees 57 minutes 00.00 seconds west longitude; thence due east along 29 degrees 26 minutes 06.00 seconds north latitude to a point at 29 degrees 26 minutes 06.00 seconds north latitude, 89 degrees 50 minutes 42.00 seconds west longitude; thence due south along 89 degrees 50 minutes 42.00 seconds west longitude to a point at 29 degrees 24 minutes 18.00 seconds north latitude, 89 degrees 50 minutes 42.00 seconds west longitude; thence due east along 29 degrees 24 minutes

18.00 seconds north latitude to its intersection with the northern shoreline of the Freeport Sulphur Canal (29 degrees 24 minutes 18.00 seconds north latitude, 89 degrees 46 minutes 25.68 seconds west longitude); thence northeasterly along the northern shoreline of the Freeport Sulphur Canal to its termination, thence northeasterly to the southbound lane of Highway 23 (29 degrees 28 minutes 35.89 seconds north latitude, 89 degrees 41 minutes 25.88 seconds west longitude); thence northwesterly along the southbound lane of U.S. Highway 23 and terminating at the origin.

E. The use of crab traps shall be prohibited for 14 days from 12:00 a.m. February 16, 2026, through 11:59 p.m. March 1, 2026, within portions of Terrebonne Parish as described below:

1. from a point originating along the western shore of Bayou Pointe Aux Chenes (29 degrees 25 minutes 59.26 seconds north latitude, 90 degrees 27 minutes 31.39 seconds west longitude) near the intersection of Lower U.S. Highway 665 and Island Road; thence westerly to the southbound lane of Island Road; thence southerly along the southbound lane of Island Road to its intersection with the western boundary of the Pointe Aux Chenes Unit of the Pointe Aux Chenes Wildlife Management Area (29 degrees 24 minutes 25.77 seconds north latitude, 90 degrees 29 minutes 28.43 seconds west longitude); thence northerly along the western boundary of the Pointe Aux Chenes Unit of the Pointe Aux Chenes Wildlife Management Area to its intersection with the southern boundary of the Montegut Unit of the Pointe Aux Chenes Wildlife Management Area (29 degrees 25 minutes 20.38 seconds north latitude, 90 degrees 29 minutes 58.29 seconds west longitude); thence westerly along the southern boundary of the Montegut Unit of the Pointe Aux Chenes Wildlife Management Area to its southwestern most point located on the eastern shore of the Humble Canal (29 degrees 25 minutes 51.12 seconds north latitude, 90 degrees 33 minutes 31.88 seconds west longitude); thence northerly along the eastern shore of the Humble Canal to its intersection with Bayou Terrebonne (29 degrees 26 minutes 17.70 seconds north latitude, 90 degrees 34 minutes 00.19 seconds west longitude); thence westerly to a point located on the western shore of Bayou Terrebonne at 29 degrees 26 minutes 17.66 seconds north latitude, 90 degrees 34 minutes 02.75 seconds west longitude; thence southerly along the western shore of Bayou Terrebonne to its intersection with Bush Canal (29 degrees 22 minutes 07.16 seconds north latitude, 90 degrees 36 minutes 05.44 seconds west longitude); thence westerly along the northern shore of Bush Canal to its intersection with Bayou Little Caillou (29 degrees 22 minutes 52.50 seconds north latitude, 90 degrees 37 minutes 14.93 seconds west longitude); thence southerly along the western shore of Bayou Little Caillou to 29 degrees 17 minutes 00.00 seconds north latitude, 90 degrees 38 minutes 41.40 seconds west longitude; thence east along 29 degrees 17 minutes 00 seconds north latitude to the western shore of Bayou Pointe Aux Chenes (29 degrees 17 minutes 00.00 seconds north latitude, 90 degrees 23 minutes 00.51 seconds west longitude); thence northerly along the western shore of Bayou Pointe Aux Chenes to the origin.

F. All crab traps remaining in the closed area during the specified period shall be considered abandoned. Crab trap removal regulations do not provide authorization for access to private property; authorization to access private property

can only be provided by individual landowners. Crab traps may be removed only between one-half hour before sunrise to one-half hour after sunset. Department of Wildlife and Fisheries personnel or its designees are authorized to remove these abandoned crab traps within the closed area. All traps removed during a closed area are to be brought to the designated disposal area. The Wildlife and Fisheries Commission authorizes the secretary of the Department of Wildlife and Fisheries to designate disposal sites and determine the final disposition of crab traps removed from the closure areas, including but not limited to disposal, buy-back, recycling, surplus in conformity with R.S. 39:330.1, or returned to industry members participating in the retrieval of crab traps from within a closure area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:332(N).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 30:101 (January 2004), amended LR 31:108 (January 2005), LR 32:266 (February 2006), LR 33:113 (January 2007), LR 34:97 (January 2008), LR 36:77 (January 2010), LR 38:146 (January 2012), LR 38:3250 (December 2012), LR 40:96 (January 2014), LR 41:155 (January 2015), LR 42:70 (January 2016), amended by the Department of Wildlife and Fisheries, Office of Fisheries and the Wildlife and Fisheries Commission LR 42:2196 (December 2016), LR 44:100 (January 2018), LR 45:78 (January 2019), repromulgated LR 45:282 (February 2019), amended LR 45:1815 (December 2019), LR 46:1613 (November 2020), LR 47:1649 (November 2021), LR 48:2767 (November 2022), LR 50:38 (January 2024), LR 50:1860 (December 2024), LR 51:

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

The proposed rulemaking will have no impact on poverty as described in R.S.49:973.

Small Business Analysis

The proposed Rule change may have a minor, short-term negative effect on revenues for certain commercial crab harvesters who catch crab in the affected areas and for the seafood dealers who purchase crabs from them. Most of the commercial crab harvesters and many of the seafood dealers meet the qualifications of small businesses.

Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments relative to the proposed Rule to Mr. Peyton Cagle, Marine Fisheries Biologist, Marine Fisheries Section, 1025 Tom Watson Road, Lake Charles, LA 70611, or via email to pcagle@wlf.la.gov prior to October 1, 2025.

Kevin Sagrera
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Derelict Crab Trap Removal Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to impact expenditures for the Louisiana Department of Wildlife and Fisheries (LDWF).

The proposed rule change would prohibit the use of crab traps in portions of nine parishes at different periods between February and March 2026. The proposed rule would ban the local use of crab traps in parts of Jefferson, Orleans, and St. Tammany parishes (February 2 to February 15, 2026); portions of Iberia and Saint Mary parishes (February 2 to February 15, 2026); parts of Calcasieu and Cameron parishes (February 2 to February 15, 2026), a section of Plaquemines Parish (February 9 to February 22, 2026), and a section of Terrebonne Parish (February 16 to March 1, 2026).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is not anticipated to have any impact on the revenues of the state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The overall impact of the proposed rule change, which proposes area closures, is anticipated to be minimal because the closures would occur during the time of the year with the lowest harvests, and adjacent waters will remain open for crab fishers to continue to fish.

Crab fishers who utilize the areas proposed for closure will experience lost fishing time during the designated period and incur additional costs to remove their traps temporarily. These crab fishers must either move their traps to open fishing areas or remove their traps from the water for the duration of the closure. Traps that are not removed from waters in the closed areas within the allotted time may be destroyed, potentially creating an additional cost to replace the traps for noncompliant fishers.

Local seafood dealers, processors, and consumers may experience a slight decrease in the availability of fresh crabs during the closures, resulting in a slightly higher price for fresh crabs in the short term. However, the crab resource will not be lost or harmed in any way and will be available for harvest when the closed area is reopened.

The removal of abandoned crab traps should provide improved fishing and reduced fishing costs for recreational saltwater fishers, commercial fishers, and individuals who operate vessels within the designated areas by reducing encounters with abandoned traps that often result in lost fishing time and damage to the vessel's lower unit or fishing gear. The removal of abandoned crab traps will reduce the mortality and injuries to crabs and bycatch that become ensnared and die in these traps, benefiting crab harvesters.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be a negligible effect on competition and employment as a result of the rule change. Waters adjacent to the closure areas will remain open for crab harvest, and fishers who fish during this period are expected to relocate their traps to these areas.

Bryan McClinton
Undersecretary
2508#049

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Wildlife Rehabilitation Program (LAC 76:V.131)

Notice is hereby given that the Wildlife and Fisheries Commission proposes to adopt changes to the rules and regulations that govern the permitting and operations of Wildlife Rehabilitators. Wildlife rehabilitation is defined as the activity that provides housing treatment and temporary care of injured and/or orphaned indigenous animals with the goal of subsequent release of those healthy animals to appropriate habitats in the wild.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the proposed Rule, the secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§131. Wildlife Rehabilitation Program

A. Purpose

1. The purpose of this Section is to establish rules for the permitting and operation of wildlife rehabilitators.

B. Definitions

Media—means of communication using platforms such as broadcasting, publishing, and the internet, including, but not limited to, images, videos, and social media

Rabies Vector Species (RVS)—mammalian species defined by Louisiana Department of Wildlife and Fisheries (LDWF) as potential carriers of the rabies virus including, but not limited to the following:

- a. raccoons;
- b. foxes;
- c. coyotes;
- d. skunks; and
- e. bats.

Standard Wildlife Rehabilitation Practices—practices that are accepted as appropriate methods, procedures, animal care, and rehabilitator behaviors by the National Wildlife Rehabilitators Association and/or the International Wildlife Rehabilitation Council.

Subpermittee—person authorized to conduct rehabilitation activities under the supervisory responsibility of a wildlife rehabilitator.

Supervisory Responsibility—to direct actions and accept responsibility for the actions of a named individual engaged in wildlife rehabilitation activities.

Wildlife Rehabilitation—activity that provides housing, treatment and temporary care of injured and/or orphaned indigenous animals with the goal of subsequent release of those healthy animals to appropriate habitats in the wild.

Wildlife Rehabilitator—a person who is permitted by the LDWF to engage in the practice of wildlife rehabilitation.

Wildlife Rescuer—a person who is allowed to possess certain wildlife in accordance with the exemption requirements of Paragraph D.3 of this Section.

C. Permits

1. It shall be unlawful for any person to keep, hold or possess in captivity any sick, injured or orphaned wildlife (except fish) or otherwise engage in wildlife rehabilitation without first obtaining at no charge, a LDWF Wildlife Rehabilitation Permit (WRP), unless otherwise exempted by Subsection D of this Section. In addition to the WRP, a United States Fish and Wildlife Service (USFWS) rehabilitation permit must be in possession to rehabilitate species covered by the Migratory Bird Treaty Act or Endangered Species Act.

2. A WRP authorizes the permittee to transport; temporarily possess; rehabilitate; transfer to a practicing veterinarian or another wildlife rehabilitator for treatment or euthanasia; release; or euthanize an injured, diseased, disabled, orphaned or otherwise debilitated live wildlife specified on their permit. Animals held under a WRP shall not be displayed for the purposes of exploitation, including for any promotional or commercial purpose, or educational purposes or otherwise displayed or exposed to the public (including on social media platforms) unless that individual animal has been permitted by LDWF or USFWS for that purpose. Except, the use of media depicting rehabilitation animals shall be allowed for educational and fundraising activities provided that:

a. Animals are involved in rehabilitation activities such as intake/initial assessment, feeding, enrichment, care, and release that are considered standard wildlife rehabilitation practices.

b. Only licensed WRP holders or licensed subpermittees engaged in standard wildlife rehabilitation activities are allowed in media with rehabilitation wildlife.

c. Proper personal protective equipment (PPEs) are utilized.

d. Rehabilitation animals shall not be assigned or referred to by "pet" names.

e. Animals shall not be shown in a common space with domestic animals.

f. All media produced with rehabilitation wildlife shall include a description of the wildlife rehabilitation occurring and the necessity for this activity.

g. All media produced with images or videos of rehabilitation animals shall state, either verbally or in writing, "this animal is temporarily possessed under a wildlife rehabilitation permit issued by the Louisiana Department of Wildlife & Fisheries."

D. Exemptions

1. Employees of the LDWF are exempt from all state wildlife rehabilitation permit requirements while they are on duty.

2. Licensed veterinarians are exempted, provided they are treating an animal under the authorization of a wildlife rehabilitator or LDWF employee, or are treating an animal taken in from the public, provided the animal is released into an appropriate habitat or accepted by a wildlife rehabilitator.

3. Wildlife Rescuer

a. Individuals may possess in captivity certain sick, injured, or orphaned wildlife while providing care for such wildlife for a period of up to 90 days as provided for in this Paragraph.

i. Wildlife included under this Paragraph shall be limited to the following species: squirrel, opossum, rabbit, or chipmunk, with such possession limited to one animal or litter of animals per individual.

ii. A raccoon or skunk that is sick, injured, or orphaned may also be possessed pursuant to the provisions of this Paragraph upon notification to the Department of Wildlife and Fisheries of possession of the wildlife and upon receipt of information regarding rabies vector species and a list of available wildlife rehabilitators.

iii. Individuals in possession of any of these animals shall be held strictly liable for any damages for injuries to persons or property caused by the animal.

b. To continue to possess the wildlife beyond ninety days from finding the sick, injured, or orphaned wildlife all of the following shall occur.

i. The individual has satisfied wildlife rescuer training requirements. The curriculum shall be offered online and shall cover at a minimum safety considerations, wildlife husbandry requirements, transfer of diseases, and that a person possessing an animal pursuant to this Paragraph is held strictly liable for any damage or injury the animal causes.

ii. The individual applied for a Special Purpose and Possession permit.

iii. A Louisiana licensed veterinarian has determined that the animal is medically non-releasable or exhibits signs of adjusted life in captivity.

c.i. If the conditions of Subparagraph b of this Paragraph have been met, the Department of Wildlife and Fisheries shall issue a special purpose and possession permit and the individual shall be able to continue to possess the animal for the duration of its natural life.

ii. Any animal possessed pursuant to the provisions of this Paragraph shall be spayed or neutered. Rabies vector species shall also be microchipped by a Louisiana licensed veterinarian.

d. A Louisiana licensed veterinarian shall not be liable to any person for any injury, illness, death, loss, civil penalty, or damage as a result of any act or omission in

determining that the animal is medically non-releasable or exhibits signs of adjusted life in captivity as required by the provisions of this Paragraph. However, this limitation of liability shall not be applicable if the damage, injury, or loss was caused by the gross negligence or willful or wanton misconduct of the licensed Louisiana veterinarian.

e. It shall be unlawful for an individual exempted under the provisions of this Paragraph to use the wildlife in any manner for the purposes of exploitation, including for any promotional or commercial purpose, or for the purposes of pet trade. Any such act shall be grounds for seizure of the wildlife by the department and revocation of any issued permit.

E. Permit Requirements

1. All applicants must be 18 years of age or older.

2. Anyone who has been convicted of a Class 3 or greater wildlife violation in Louisiana, or the equivalent in another state within the past five years, or has been convicted of a felony in Louisiana or another state, shall not be eligible for a WRP.

3. All applicants must complete a WRP application, liability release, and financial responsibility statement.

4. Prior to licensure or renewal, all applicants must show proof of completion of a LDWF-approved wildlife rehabilitation course and must be currently certified under the approved organization's guidelines. Veterinarians licensed in the State of Louisiana are exempt from the training requirement to obtain a WRP. There shall be at least one approved course readily available online, which may require successful completion of an interactive test. The department shall post approved courses on its website. Failure to provide proof of successful completion of the course will result in non-licensure or revocation of the WRP.

5. All applicants must provide verification of having access to veterinary services by submitting a Statement of Veterinary Support Form provided by LDWF.

6. All applicants shall have a suitable enclosure for any animals housed and shall report the specifications on the department-approved application form. Permitted facilities may be subject to inspection by LDWF upon 24-hour notice to the WRP applicant.

F. General Rules

1. The WRP will not exempt the holder from regulations of other state, federal, parish or municipal governments or agencies.

2. Sale of any animal held under a WRP is prohibited.

3. No animal held under a WRP may be used for human consumption, unless specifically approved.

4. No Louisiana S1-ranked species may be held under a WRP, without written authorization from the LDWF Wildlife Division.

5. No animal intended for wildlife rehabilitation may be imported into or exported out of the state of Louisiana without written authorization by LDWF Wildlife Division.

6. The WRP does not authorize the possession of white-tail deer, bears, wild turkeys, outlaw quadrupeds, nutria, or alligators unless specifically stated on the permit.

7. Request for an Extension

a. WRP holders shall not possess a non-migratory bird for more than 90 days, other injured wildlife longer than 45 days, or other orphaned wildlife no longer than required to prepare the animal for release, but not to exceed 120 days,

except that a permit holder may submit a written request for extension of possession if:

- i. the specified animal will likely be releasable after the time frame listed above but is currently non-releasable because of biological reasons; or
- ii. a licensed veterinarian determines, due to medical reasons, the animal requires additional rehabilitation time.

b. All extension requests should include a proposed release date and be submitted in writing to LDWF Wildlife Division. The permit holder may continue to house the specified animal while LDWF is reviewing the request. LDWF will provide a written response and include specific dates and instructions regarding disposition of the animal.

8. WRP holders must ensure that animals are exposed to minimal handling and other human contact, except as necessary to maintain sanitary conditions, provide food and water, provide medical care, and prepare the animal for release.

9. Animals that are determined medically non-releasable by a licensed veterinarian, exhibit signs of adjusted life in captivity and pose minimum zoonotic disease potential may be considered for educational animal designation. A LDWF Special Purpose and Possession permit application must be submitted to LDWF Wildlife Division by the end of the 90 day rehabilitation period to be considered for educational animal status.

10. All WRPs shall expire on December 31 of the year of issue unless otherwise noted.

11. Permits are non-transferable but may include up to five listed subpermittees. Subpermittees are authorized to transport, house, and provide care for animals away from the wildlife rehabilitation facility. A person caring for animals at the wildlife rehabilitation facility is not required to be a subpermittee. WRP holders desiring to add subpermittees, must submit a subpermittee application form. Individuals may be removed as subpermittees at any time of the year. A subpermittee removal form must be submitted. All subpermittees:

- a. must be 18 years of age or older;
- b. are exempt from the testing requirement but are subject to all other rules governing WRP holders including animal housing and care requirements;
- c. must work under the direction and supervision of the WRP holder;
- d. may be removed at any time by the supervising WRP holder or LDWF and in such cases must surrender any animals to the WRP holder or LDWF; and
- e. must have a valid subpermittee permit on the premises where animals are housed if animals are housed away from the supervising WRP holder's facility.

12. WRP holders are subject to non-renewal or revocation of their WRP if LDWF determines that any of their listed subpermittees are not properly supervised or fail to abide by applicable WRP rules.

13. LDWF provides no financial or material assistance to wildlife rehabilitators.

14. Euthanasia of any animal held under a WRP is to be performed under the guidelines adopted by the American Veterinary Medical Association (AVMA).

15. Animals held under a WRP shall not be released on private land without written permission of the landowner or landowner designee. Licensed rehabilitators shall keep on file for a minimum of three years, an original document signed by the landowner, permitting the licensed rehabilitator to release animals upon their property. This document should include the name, address and phone number of the landowner, the physical location of the property, the size of the property (in acres), and the duration of the permission to release rehabilitated animals there. This document shall be presented upon request for review by LDWF personnel. A copy of all landowner permission documents shall be submitted to LDWF with the annual WRP report.

16. Animals held under a WRP shall not be released on public land without first obtaining written permission from the governmental entity owning or administering the property.

17. All permitted animals and facilities in which they are housed shall be maintained within the minimum standards as provided by the National Wildlife Rehabilitators Association (NWRA) and International Wildlife Rehabilitation Council (IWRC) publication of Minimum Standards for Wildlife Rehabilitation.

18. It is strongly recommended that any wildlife rehabilitator working with rabies vector species receive pre-exposure rabies immunization.

G. Reporting and Renewal Requirements

1. All animals held under a WRP must be fully documented on Wildlife Rehabilitation Report Form provided by LDWF.

2. A record of each animal admitted by a permitted rehabilitator must be maintained. This record should include the name, address, phone number and email address of the person finding the animal, species, age, sex, date of admission, treatment performed, method of euthanasia if performed or date and location of release. These records must be maintained for a minimum of three years and must be available for inspection by LDWF personnel.

3. Wildlife Rehabilitation Report Forms for the permit period must be submitted to the LDWF no later than 30 days following the expiration of the permit and the WRP will not be renewed until these forms are received. Reports will cover the period from December 1 of the prior license year to November 30 of the current license year. Any wildlife rehabilitator who does not submit his/her report by the thirtieth day after the expiration date of the WRP, or who submits a false or materially incomplete report intentionally may be issued a citation for violation of Louisiana Wildlife and Fisheries Commission rules and regulations. If the citation does not result in a conviction, plea of guilty, or plea of no contest, the wildlife rehabilitator may be considered for reapplication upon receipt of the late wildlife rehabilitation form(s).

4. Report forms must be current and shall be available for inspection at all times by Wildlife Enforcement Agents or any other authorized representatives of the department.

5. Upon expiration of a WRP and if the WRP has not been renewed, all animals held under the permit must be disposed of by transferring to a currently licensed WRP, released into the wild, or euthanized.

H. Penalties

1. Violations of this Rule constitute a Class 2 offense.
2. Violation of these Rules may result in citation and/or revocation of the WRP.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution, Article IX, Section 7, R.S. 56:3, R.S. 56:5, R.S. 56:6 (10), and (15), R.S. 56:115 and R.S. 56:126.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 36:852 (April 2010), amended LR 37:602 (February 2011), amended by House Concurrent Resolution No. 6 of the 2024 Regular Session, LR 50:1079 (July 2024), amended by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 51:

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

This proposed Rule will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments relative to the proposed Rule until October 1, 2025, to Bradley Breland, Office of Wildlife, Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000 or via e-mail to bbreland@wlf.la.gov.

Kevin Sagrera
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Wildlife Rehabilitation Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes are not anticipated to impact the Louisiana Department of Wildlife and Fisheries (LDWF) expenditures.

The proposed rule change makes the following changes:

1. Defines "media" for the purposes of this rule and establishes conditions for exemptions to the prohibition on the use of media by wildlife rehabilitators;
2. Clarifies rules prohibiting the keeping, holding, or possession of sick, injured, or orphaned wildlife;
3. Changes Class II to Class III or greater wildlife violations for permit requirements;
4. Removes the prohibition on felons from holding Wildlife Rehabilitation Permits (WRP);
5. Exempts veterinarians from training requirements for WRP;

6. Prohibits WRP-holders and sub-permittees from possessing nutria and outlaw quadrupeds;

7. Allows the possession or transportation of Rabies Vector Species (RVS) by sub-permittees from supervising WRP-holders' facilities; and

8. Reduces record-keeping requirement for WRP-holders from perpetuity to three years.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes are not anticipated to impact the revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes may reduce recording-keeping costs, training costs, and other regulatory compliance expenditures for wildlife rehabilitators.

The LDWF recorded an average of 147 nuisance wildlife control operators and 51 resident-nonresident wildlife rehabilitators between License Year (LY) 2022 and LY 2024.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of the proposed rule changes.

Bryan McClinton
Undersecretary
2508#053

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Workforce Commission Plumbing Board

Plumbers—Introductory Information; Officers; and
Meetings (LAC 46:LV.101, 503, and 507)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:953, the Louisiana State Plumbing Board (board), hereby determines that the implementation of amendments to LAC 46:LV.101, 503, and 507 are necessary to be in compliance with recent legislative changes designated as Act No. 438 of the 2025 Legislative Session. The proposed Rule change to §101 will define a Responsible Master Plumber; §503 amends the name of a contractors' association as well as the time period for the election of board members, and §507 designates the criteria for holding the position of the Chairman and Vice Chairman of the board and designates the voting rights of the Chairman. These adjustments will be effective upon final publication in the *Louisiana Register*.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LV. Plumbers

Chapter 1. Introductory Information

§101. Definitions

* * *

Responsible Master Plumber—as that term is used in R.S. 37:1362(B)(1), shall be a master plumber who assumes full legal and professional responsibility for all plumbing operations conducted under a company's license. This individual ensures compliance with all applicable plumbing

codes, state laws, and board regulations. A responsible master plumber serves as the point of accountability for permits, inspections, and supervision of licensed and unlicensed personnel working under the company's scope of work.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1366(D).

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated by the Department of Employment and Training, Plumbing Board, LR 17:49 (January 1991), amended by the Department of Labor, Plumbing Board, LR 21:1348 (December 1995), LR 26:329 (February 2000), amended by the Workforce Commission, Plumbing Board, LR 42:575 (April 2016), LR 43:541 (March 2017), LR 43:972 (May 2017), LR 44:633 (March 2018), amended by the Workforce Commission, Plumbing Board, LR 44:1915 (October 2018), amended by the Workforce Commission, Plumbing Board, LR 47:274 (February 2021), LR 49:914 (May 2023), amended by the Workforce Commission, Plumbing Board, LR 50:41 (January 2024), amended by the Workforce Commission, Plumbing Board, LR 50:1675 (November 2024), repromulgated, LR 51:407 (March 2025), amended by the Workforce Commission, Plumbing Board, LR 51:

Chapter 5. The Board

§503. Officers

A. Officers of the board shall be representative of the trade, so that all board members will be eligible for office, but the three officers cannot all be from the same organization. The chairman and vice chairman shall each be an active master plumber listed as the responsible master plumber for his company. The chairman shall only vote in case of a tie.

1. - 3.l. ...

m. as soon as possible after March 1 each year, compile a list of all certificates issued by the board, and make list available without cost to board members, advisory committee members, Pipe Trades Association, Plumbing-Heating-Cooling Contractors of Louisiana and to such state officials, state boards, or committees as normally require such a list;

n. - p. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1377 and R.S. 37:1366.

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated by the Department of Employment and Training, Plumbing Board, LR 17:53 (January 1991), amended by the Workforce Commission, Plumbing Board, LR 49:920 (May 2023), amended by the Workforce Commission, Plumbing Board, LR 51:

§507. Meetings

A. ...

B. The board shall elect from its members a chairman, a vice chairman, and a secretary-treasurer for two year terms; the election to be held within thirty days of August 1 in each odd-numbered year. Special meetings may be called by the chairman or by five members of the board. No special meetings shall be called without notifying each board member and each member of the advisory committee in writing 10 days in advance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1377 and R.S. 37:1366.

HISTORICAL NOTE: Adopted by the Department of Labor, Plumbing Board, 1968, amended and promulgated by the Department of Employment and Training, Plumbing Board, LR

17:54 (January 1991), amended by the Workforce Commission, Plumbing Board, LR 51:

Family Impact Statement

The proposed amendment to LAC 46:508 and the adoption of LAC rule should have no known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of this proposed Rule has no known or foreseeable effect on:

1. the stability of the family.
2. the authority and rights of parents regarding the education and supervision of their children.
3. the functioning of the family.
4. family earnings and family budget.
5. the behavior and personal responsibility of children.
6. the ability of the family or local government to perform this function.

Poverty Impact Statement

The proposed amendment to LAC 46:508 should have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed amended Rules should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed amended Rules are not anticipated to have any impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

Any interested person may submit written comments regarding the content of this proposed Rule change to Ashley Jones Tullier, Executive Director of the Board, 11304 Cloverdale Avenue, Baton Rouge, LA, no later than 5 p.m., September 10, 2025.

Ashley Jones Tullier
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Plumbers—Introductory Information; Officers; and Meetings

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule is not anticipated to result in any costs or savings for the Louisiana State Plumbing Board.

In compliance with Act 438 of the 2025 RS, the Louisiana State Plumbing Board proposes to amend Sections 101 (Definitions), 503 (Officers), and 505 (Duties of Board Members) of Part LV, Chapters 1 and 5 of Title 46.LV (Professional and Occupational Standards: Plumbers) of the *Louisiana Administrative Code*. Specifically, this rule:

- Establishes a definition for a Responsible Master Plumber
- Provides that the chairman and vice chairman must each be an active master plumber listed as the responsible master plumber for their company.
- Clarifies that the chairman only votes in case of a tie.
- Updates the terms of elected officers from annual elections to elections every two years in odd-numbered years, held within thirty days of August 1, with officers serving two-years terms.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or economic benefits to directly affected person, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this proposed rule is not anticipated to have an effect on competition and employment.

Julie Richard Spencer
Attorney/Designee
2508#061

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

Potpourri

POTPOURRI

Department of Energy and Natural Resources Office of Conservation

Orphaned Oilfield Sites

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
Goldking Capital Management, LLC	Cheniere Perdue	L	Miami Corp J	001	57715
Goldking Capital Management, LLC	Cheniere Perdue	L	Miami Corp J	001D	60332
Goldking Capital Management, LLC	Cheniere Perdue	L	Miami Corp O	003	176523
Goldking Capital Management, LLC	Cheniere Perdue	L	Miami Corporation O SWD	003-D	192672
Goldking Capital Management, LLC	Cheniere Perdue	L	A RA SUA; Miami Corp J	005-ALT	198659
Goldking Capital Management, LLC	Cheniere Perdue	L	Miami Corporation O	006	199201
Goldking Capital Management, LLC	Cheniere Perdue	L	Miami Corp O	006-D	201782
Goldking Capital Management, LLC	Cheniere Perdue	L	Miami Corp J	005-D	202077

Operator	Field	District	Well Name	Well Number	Serial Number
Goldking Capital Management, LLC	Cheniere Perdue	L	A RA SUA; Miami Corp J	006	240928
Great Southern Oil & Gas Co Inc.	Abbeville	L	J N Sellers	002	107896 (30) tubing and pipe
Kalk Bay Production LLC	Caddo Pine Island	S	Winters et al	027	37872
Kalk Bay Production LLC	Caddo Pine Island	S	DVI A	003	81518
Kalk Bay Production LLC	Caddo Pine Island	S	DVI A	004	81519
Kalk Bay Production LLC	Caddo Pine Island	S	CLB E	001	146158
Kalk Bay Production LLC	Caddo Pine Island	S	Hart A	001	155365
Kalk Bay Production LLC	Caddo Pine Island	S	Leroy Kirby	001	221405
Kalk Bay Production LLC	Caddo Pine Island	S	Leroy Kirby	002	221406
Kalk Bay Production LLC	Caddo Pine Island	S	Leroy Kirby	007	221411
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys	001	221497
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys	002	221498
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys	003	221499
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys	004	221500
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys	005	221501
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys	006	221588
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys	008	221590
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys	009	221591
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys	012	221687
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	002	221689

Operator	Field	District	Well Name	Well Number	Serial Number
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	001	221690
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	002	221691
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	003	221761
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	004	221762
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	005	221763
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	006	221764
Kalk Bay Production LLC	Caddo Pine Island	S	Kelly	003	221785
Kalk Bay Production LLC	Caddo Pine Island	S	Kelly	004	221786
Kalk Bay Production LLC	Caddo Pine Island	S	Kelly	007	221789
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	007	221800
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	009	221802
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	010	221803
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	011	221804
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	012	221805
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	013	221937
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	014	221938
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	015	221939
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	016	221940
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	017	221941
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	018	221942
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	019	221943
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	020	221944
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	003	221945
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	010	222062

Operator	Field	District	Well Name	Well Number	Serial Number
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	004	222072
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	005	222073
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	006	222074
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	007	222075
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	008	222076
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	009	222077
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	011	222078
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	012	222079
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	013	222080
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	021	222148
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	022	222149
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	023	222150
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	014	222154
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	015	222155
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	016	222156
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	017	222157
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	018	222158
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	019	222159
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	020	222160
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	021	222161
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	022	222162
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	023	222163
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	024	222164
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	025	222165

Operator	Field	District	Well Name	Well Number	Serial Number
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	026	222166
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	027	222167
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	028	222168
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	030	222170
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 24	001	222424
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 19	001	222425
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 19	002	222426
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 24	002	222467
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 19	004	222528
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 19	005	222529
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 24	003	222530
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 24	004	222531
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 24	005	223832
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 24	007	223834
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 19	6	223872
Kalk Bay Production LLC	Caddo Pine Island	S	Nance	1	223876
Kalk Bay Production LLC	Caddo Pine Island	S	Nance	2	223877
Kalk Bay Production LLC	Caddo Pine Island	S	Nance	3	223878
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	24	224448
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	25	224449
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 19	7	224450
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 19	8	224451
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	26	224539
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	27	224540

Operator	Field	District	Well Name	Well Number	Serial Number
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	28	224566
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys	013	226122
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys	014	226123
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys	015	226124
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	031	226125
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 26	031	226127
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	033	226257
Kalk Bay Production LLC	Caddo Pine Island	S	Comegys 25	034	226258
Nolan Eubanks	Monroe	M	Shirley E Parker et al	001	94247
O'Brien Operating Company	Cadeville	M	CV RA SUA; Verlee R German	001	174336 (30) production equipment
T & M Production	Caddo Pine Island	S	Rives SWD	006	11084
T & M Production	Caddo Pine Island	S	Pardue	040	25409
T & M Production	Caddo Pine Island	S	Pardue	041	25481
T & M Production	Caddo Pine Island	S	Pardue	042	25482
T & M Production	Caddo Pine Island	S	Pardue	043	25541
T & M Production	Caddo Pine Island	S	Pardue	044	25649
T & M Production	Caddo Pine Island	S	Pardue	045	25650
T & M Production	Caddo Pine Island	S	Pardue	046	25651
T & M Production	Caddo Pine Island	S	Pardue	047	25879
T & M Production	Caddo Pine Island	S	Pardue	048	25978
T & M Production	Caddo Pine Island	S	Pardue	049	26030
T & M Production	Caddo Pine Island	S	Pardue	050	26125
T & M Production	Caddo Pine Island	S	Pardue	051	26158

Operator	Field	District	Well Name	Well Number	Serial Number
T & M Production	Caddo Pine Island	S	Noel Estate	001	33467
T & M Production	Caddo Pine Island	S	Noel Estate	002	33583
T & M Production	Caddo Pine Island	S	Noel Estate	003	33640
T & M Production	Caddo Pine Island	S	Noel Estate	004	33733
T & M Production	Caddo Pine Island	S	Noel Estate	005	33783
T & M Production	Caddo Pine Island	S	Pardue	089	35927
T & M Production	Caddo Pine Island	S	Pardue	090	36173
T & M Production	Caddo Pine Island	S	Pardue	091	36356
T & M Production	Caddo Pine Island	S	Pardue	092	36357
T & M Production	Caddo Pine Island	S	Pardue	093	36358
T & M Production	Caddo Pine Island	S	Pardue	094	36359
T & M Production	Caddo Pine Island	S	Pardue	095	36360
T & M Production	Caddo Pine Island	S	Pardue	096	36362
T & M Production	Caddo Pine Island	S	Pardue	097	36363
T & M Production	Caddo Pine Island	S	Pardue	098	36364
T & M Production	Caddo Pine Island	S	Pardue	099	36874
T & M Production	Caddo Pine Island	S	Pardue	052	36930
T & M Production	Caddo Pine Island	S	Pardue	100	37383
T & M Production	Caddo Pine Island	S	Pardue	101	37386
T & M Production	Caddo Pine Island	S	Pardue	102	37387
T & M Production	Caddo Pine Island	S	Pardue	053	37564
T & M Production	Caddo Pine Island	S	Pardue	103	37744
T & M Production	Caddo Pine Island	S	Pardue Weaver SWD	034	37994
T & M Production	Caddo Pine Island	S	Pardue	104	38082

Operator	Field	District	Well Name	Well Number	Serial Number
T & M Production	Caddo Pine Island	S	Pardue	105	38120
T & M Production	Caddo Pine Island	S	Crawford	003	39092
T & M Production	Caddo Pine Island	S	Pardue	054	39485
T & M Production	Caddo Pine Island	S	Pardue	055	39684
T & M Production	Caddo Pine Island	S	Pardue	002	40028
T & M Production	Caddo Pine Island	S	Pardue	003	40029
T & M Production	Caddo Pine Island	S	Pardue	056	40089
T & M Production	Caddo Pine Island	S	Pardue	057	40103
T & M Production	Caddo Pine Island	S	Pardue	004	40149
T & M Production	Caddo Pine Island	S	Pardue	006	40150
T & M Production	Caddo Pine Island	S	Pardue	005	40151
T & M Production	Caddo Pine Island	S	Pardue	007	40178
T & M Production	Caddo Pine Island	S	Pardue	008	40324
T & M Production	Caddo Pine Island	S	Pardue	009	40509
T & M Production	Caddo Pine Island	S	Pardue	010	40510
T & M Production	Caddo Pine Island	S	Pardue	011	40511
T & M Production	Caddo Pine Island	S	Pardue	012	40512
T & M Production	Caddo Pine Island	S	Pardue	013	40513
T & M Production	Caddo Pine Island	S	Pardue	014	40514
T & M Production	Caddo Pine Island	S	Pardue	015	40740
T & M Production	Caddo Pine Island	S	Pardue	016	40741
T & M Production	Caddo Pine Island	S	Pardue	017	40742
T & M Production	Caddo Pine Island	S	Crawford	006	40751
T & M Production	Caddo Pine Island	S	Pardue	058	40778

Operator	Field	District	Well Name	Well Number	Serial Number
T & M Production	Caddo Pine Island	S	Pardue	059	40779
T & M Production	Caddo Pine Island	S	Pardue	106	41040
T & M Production	Caddo Pine Island	S	Pardue	107	41415
T & M Production	Caddo Pine Island	S	Pardue	018	42838
T & M Production	Caddo Pine Island	S	Pardue	060	42864
T & M Production	Caddo Pine Island	S	Pardue	108	42915
T & M Production	Caddo Pine Island	S	Pardue	109	43296
T & M Production	Caddo Pine Island	S	Gamm SWD	002	43994
T & M Production	Caddo Pine Island	S	Gamm	003	43995
T & M Production	Caddo Pine Island	S	Gamm	004	44071
T & M Production	Caddo Pine Island	S	Gamm	005	44103
T & M Production	Caddo Pine Island	S	Gamm	007	44248
T & M Production	Caddo Pine Island	S	Gamm	008	44341
T & M Production	Caddo Pine Island	S	Pardue	110	45807
T & M Production	Caddo Pine Island	S	Pardue	061	46212
T & M Production	Caddo Pine Island	S	Stiles E	003	47070
T & M Production	Caddo Pine Island	S	Stiles E	004	47256
T & M Production	Caddo Pine Island	S	Pardue Christian	001	49799
T & M Production	Caddo Pine Island	S	Pardue Christian	002	49800
T & M Production	Caddo Pine Island	S	Pardue Christian	003	49801
T & M Production	Caddo Pine Island	S	Pardue	019	50644
T & M Production	Caddo Pine Island	S	Crawford	001	51664
T & M Production	Caddo Pine Island	S	Noel Estate	007	52197
T & M Production	Caddo Pine Island	S	Noel Estate	006	52198

Operator	Field	District	Well Name	Well Number	Serial Number
T & M Production	Caddo Pine Island	S	Pardue Christian	005	52608
T & M Production	Caddo Pine Island	S	Pardue	062	52724
T & M Production	Caddo Pine Island	S	Pardue	063	53049
T & M Production	Caddo Pine Island	S	Pardue	064	53444
T & M Production	Caddo Pine Island	S	Noel Estate	008	53596
T & M Production	Caddo Pine Island	S	Noel Estate	010	53597
T & M Production	Caddo Pine Island	S	Pardue	022	53750
T & M Production	Caddo Pine Island	S	Pardue	020	53751
T & M Production	Caddo Pine Island	S	Pardue	065	53754
T & M Production	Caddo Pine Island	S	Pardue	024	53851
T & M Production	Caddo Pine Island	S	Pardue Christian	007	54056
T & M Production	Caddo Pine Island	S	Pardue	066	54059
T & M Production	Caddo Pine Island	S	Pardue Christian	009	54199
T & M Production	Caddo Pine Island	S	Pardue	067	54246
T & M Production	Caddo Pine Island	S	Pardue Christian	011	54321
T & M Production	Caddo Pine Island	S	Gamm	009	54331
T & M Production	Caddo Pine Island	S	Pardue	068	54428
T & M Production	Caddo Pine Island	S	Crawford	002	54435
T & M Production	Caddo Pine Island	S	Pardue	032	54444
T & M Production	Caddo Pine Island	S	Pardue	069	54453
T & M Production	Caddo Pine Island	S	Pardue	034	54540
T & M Production	Caddo Pine Island	S	Pardue	030	54722
T & M Production	Caddo Pine Island	S	Pardue	026	54812
T & M Production	Caddo Pine Island	S	Pardue	028	54894

Operator	Field	District	Well Name	Well Number	Serial Number
T & M Production	Caddo Pine Island	S	Pardue Christian	006	55105
T & M Production	Caddo Pine Island	S	Crawford	004	55163
T & M Production	Caddo Pine Island	S	Pardue Christian	004	55213
T & M Production	Caddo Pine Island	S	Noel Estate	009	55217
T & M Production	Caddo Pine Island	S	Noel Estate	011	55218
T & M Production	Caddo Pine Island	S	Noel Estate	012	55219
T & M Production	Caddo Pine Island	S	Pardue	023	55225
T & M Production	Caddo Pine Island	S	Pardue	031	55226
T & M Production	Caddo Pine Island	S	Pardue Christian	013	55227
T & M Production	Caddo Pine Island	S	Pardue Christian	016	55419
T & M Production	Caddo Pine Island	S	Pardue	033	55424
T & M Production	Caddo Pine Island	S	Pardue	029	55425
T & M Production	Caddo Pine Island	S	Pardue Christian	015	55426
T & M Production	Caddo Pine Island	S	Pardue	027	55610
T & M Production	Caddo Pine Island	S	Pardue	035	55660
T & M Production	Caddo Pine Island	S	Pardue	036	55661
T & M Production	Caddo Pine Island	S	Pardue	070	57507
T & M Production	Caddo Pine Island	S	Noel Estate	014	58660
T & M Production	Caddo Pine Island	S	Noel Estate	015	58749
T & M Production	Caddo Pine Island	S	Pardue	071	58809
T & M Production	Caddo Pine Island	S	Pardue	072	59178
T & M Production	Caddo Pine Island	S	Pardue	073	59531
T & M Production	Caddo Pine Island	S	Pardue	074	59784
T & M Production	Caddo Pine Island	S	Pardue	075	61001

Operator	Field	District	Well Name	Well Number	Serial Number
T & M Production	Caddo Pine Island	S	Pardue	076	61002
T & M Production	Caddo Pine Island	S	Pardue	111	61838
T & M Production	Caddo Pine Island	S	Pardue	077	61936
T & M Production	Caddo Pine Island	S	Pardue	078	62403
T & M Production	Caddo Pine Island	S	Pardue	079	62404
T & M Production	Caddo Pine Island	S	Pardue	112	62711
T & M Production	Caddo Pine Island	S	Pardue	113	62712
T & M Production	Caddo Pine Island	S	Pardue	080	63527
T & M Production	Caddo Pine Island	S	Pardue	081	64268
T & M Production	Caddo Pine Island	S	Pardue	082	64441
T & M Production	Caddo Pine Island	S	Pardue	083	65211
T & M Production	Caddo Pine Island	S	Noel Estate	013	65358
T & M Production	Caddo Pine Island	S	Pardue	084	65432
T & M Production	Caddo Pine Island	S	Pardue	085	65465
T & M Production	Caddo Pine Island	S	Pardue	086	66669
T & M Production	Caddo Pine Island	S	Gamm	010	67585
T & M Production	Caddo Pine Island	S	Pardue	087	70625
T & M Production	Caddo Pine Island	S	Noel Estate	016	76660
T & M Production	Caddo Pine Island	S	Gamm	011	103239
T & M Production	Caddo Pine Island	S	Gamm	012	104243
T & M Production	Caddo Pine Island	S	Gamm	013	104331
T & M Production	Caddo Pine Island	S	Pardue	122	108792
T & M Production	Caddo Pine Island	S	Pardue	088	111077
T & M Production	Caddo Pine Island	S	Gamm	014	111742

Operator	Field	District	Well Name	Well Number	Serial Number
T & M Production	Caddo Pine Island	S	Gamm	015	111789
T & M Production	Caddo Pine Island	S	Gamm	016	112186
T & M Production	Caddo Pine Island	S	Gamm	017	112187
T & M Production	Caddo Pine Island	S	Gamm	018	112188
T & M Production	Caddo Pine Island	S	Pardue	037	117875
T & M Production	Caddo Pine Island	S	Pardue Christian	017	117957
T & M Production	Caddo Pine Island	S	Pardue Christian	018	117958
T & M Production	Caddo Pine Island	S	Pardue Christian	019	117959
T & M Production	Caddo Pine Island	S	Gamm	019	118414
T & M Production	Caddo Pine Island	S	Stiles 2C	004	136912
T & M Production	Caddo Pine Island	S	Stiles 2C	005	136913
T & M Production	Caddo Pine Island	S	Stiles 2C	006	136914
T & M Production	Caddo Pine Island	S	Stiles 2C	007	137384
T & M Production	Caddo Pine Island	S	Stiles 2C	008	137385
T & M Production	Caddo Pine Island	S	Stiles 2C	009	137386
T & M Production	Caddo Pine Island	S	Stiles 2C	001	138110
T & M Production	Caddo Pine Island	S	Stiles 2C	002	138111
T & M Production	Caddo Pine Island	S	Stiles 2C	003	138112
T & M Production	Caddo Pine Island	S	Stiles U	002	139072
T & M Production	Caddo Pine Island	S	Stiles U	003	139073
T & M Production	Caddo Pine Island	S	Stiles U	004	139074
T & M Production	Caddo Pine Island	S	Stiles Z	002	139113
T & M Production	Caddo Pine Island	S	Stiles F	001	139565
T & M Production	Caddo Pine Island	S	Stiles F	002	139566

Operator	Field	District	Well Name	Well Number	Serial Number
T & M Production	Caddo Pine Island	S	Stiles Z	004	140259
T & M Production	Caddo Pine Island	S	Stiles	001	141517
T & M Production	Caddo Pine Island	S	Stiles	002	141663
T & M Production	Caddo Pine Island	S	Stiles	003	141779
T & M Production	Caddo Pine Island	S	Stiles C	006	141780
T & M Production	Caddo Pine Island	S	Stiles C	007	141781
T & M Production	Caddo Pine Island	S	Stiles C	008	141782
T & M Production	Caddo Pine Island	S	Stiles C	009	141783
T & M Production	Caddo Pine Island	S	Stiles C	010	141784
T & M Production	Caddo Pine Island	S	Stiles G	001	141869
T & M Production	Caddo Pine Island	S	Stiles G	002	141870
T & M Production	Caddo Pine Island	S	Stiles G	003	141871
T & M Production	Caddo Pine Island	S	Stiles H	004	141896
T & M Production	Caddo Pine Island	S	Stiles H	005	141897
T & M Production	Caddo Pine Island	S	Stiles H	006	141898
T & M Production	Caddo Pine Island	S	Stiles C	011	142245
T & M Production	Caddo Pine Island	S	Stiles C	012	142246
T & M Production	Caddo Pine Island	S	Stiles C	013	142247
T & M Production	Caddo Pine Island	S	Stiles C	014	142248
T & M Production	Caddo Pine Island	S	Stiles C	015	142249
T & M Production	Caddo Pine Island	S	Stiles C	001	142565
T & M Production	Caddo Pine Island	S	Stiles C	002	142566
T & M Production	Caddo Pine Island	S	Stiles C	003	142567
T & M Production	Caddo Pine Island	S	Stiles C	004	142568

Operator	Field	District	Well Name	Well Number	Serial Number
T & M Production	Caddo Pine Island	S	Stiles C	005	142569
T & M Production	Caddo Pine Island	S	Stiles	004	142710
T & M Production	Caddo Pine Island	S	Stiles H	001	142938
T & M Production	Caddo Pine Island	S	Stiles H	002	142939
T & M Production	Caddo Pine Island	S	Stiles H	003	142940
T & M Production	Caddo Pine Island	S	Stiles E	001	143366
T & M Production	Caddo Pine Island	S	Stiles E	002	143367
T & M Production	Caddo Pine Island	S	Stiles K	001	143401
T & M Production	Caddo Pine Island	S	Stiles K	002	143808
T & M Production	Caddo Pine Island	S	Stiles SWD	001	144209
T & M Production	Caddo Pine Island	S	Stiles U	005	144452
T & M Production	Caddo Pine Island	S	Stiles U	001	144845
T & M Production	Caddo Pine Island	S	Stiles U	006	144872
T & M Production	Caddo Pine Island	S	Stiles U	007	144873
T & M Production	Caddo Pine Island	S	Stiles F	004	144874
T & M Production	Caddo Pine Island	S	Stiles F	003	144875
T & M Production	Caddo Pine Island	S	Stiles Z	001	147034
T & M Production	Caddo Pine Island	S	Pardue-Christian A	001	170918
T & M Production	Caddo Pine Island	S	Pardue-Christian A	004	172697
T & M Production	Caddo Pine Island	S	Pardue-Christian A	002	178284
T & M Production	Caddo Pine Island	S	Pardue-Christian A	003	178285
T & M Production	Caddo Pine Island	S	Gamm	022	179003
T & M Production	Caddo Pine Island	S	Gamm	023	179997
T & M Production	Caddo Pine Island	S	Pardue-Christian A	005	184121

Operator	Field	District	Well Name	Well Number	Serial Number
T & M Production	Caddo Pine Island	S	PET RE SUA;Clancy	001	191519
T & M Production	Caddo Pine Island	S	Pardue	114	194512
T & M Production	Caddo Pine Island	S	Pardue	115	194513
T & M Production	Caddo Pine Island	S	Pardue	116	194514
T & M Production	Caddo Pine Island	S	Pardue	117	194515
T & M Production	Caddo Pine Island	S	Pardue	118	194516
T & M Production	Caddo Pine Island	S	Pardue	119	194517
T & M Production	Caddo Pine Island	S	Pardue	120	194518
T & M Production	Caddo Pine Island	S	Dixon-Stiles SWD	001	194894
T & M Production	Caddo Pine Island	S	Dixon-Stiles	005	194895
T & M Production	Caddo Pine Island	S	Dixon-Stiles	006	194896
T & M Production	Caddo Pine Island	S	Dixon-Stiles	007	194897
T & M Production	Caddo Pine Island	S	Dixon-Stiles	008	194898
T & M Production	Caddo Pine Island	S	Dixon-Stiles	009	194899
T & M Production	Caddo Pine Island	S	Dixon-Stiles	010	194900
T & M Production	Caddo Pine Island	S	Dixon-Stiles	011	194955
T & M Production	Caddo Pine Island	S	Dixon-Stiles	012	194956
T & M Production	Caddo Pine Island	S	Dixon-Stiles	013	194957
T & M Production	Caddo Pine Island	S	Dixon-Stiles	014	194958
T & M Production	Caddo Pine Island	S	Dixon-Stiles	015	194959
T & M Production	Caddo Pine Island	S	Dixon-Stiles	016	194960
T & M Production	Caddo Pine Island	S	Dixon-Stiles	017	194961
T & M Production	Caddo Pine Island	S	Dixon-Stiles	018	194962
T & M Production	Caddo Pine Island	S	Dixon-Stiles	019	194963

Operator	Field	District	Well Name	Well Number	Serial Number
T & M Production	Caddo Pine Island	S	Dixon-Stiles RVS	002	195255
T & M Production	Caddo Pine Island	S	Dixon-Stiles RVS	003	195256
T & M Production	Caddo Pine Island	S	Dixon-Stiles RVS	004	195257
T & M Production	Caddo Pine Island	S	Dixon-Stiles RVS	005	195258
T & M Production	Caddo Pine Island	S	Dixon-Stiles RVS	006	195259
T & M Production	Caddo Pine Island	S	Dixon-Stiles RVS	007	195260
T & M Production	Caddo Pine Island	S	Dixon-Stiles RVS	013	195266
T & M Production	Caddo Pine Island	S	Dixon-Stiles RVS	014	195267
T & M Production	Caddo Pine Island	S	Dixon-Stiles RVS	015	195268
T & M Production	Caddo Pine Island	S	Pardue-Christian A	006	196598
T & M Production	Caddo Pine Island	S	Pardue-Christian A	007	196599
T & M Production	Caddo Pine Island	S	Woodall-Stringfell ow	001	199633
T & M Production	Caddo Pine Island	S	Woodall-Stringfell ow	002	199674
T & M Production	Caddo Pine Island	S	Woodall-Stringfell ow	003	199675
T & M Production	Caddo Pine Island	S	Woodall-Stringfell ow	004	199676
T & M Production	Caddo Pine Island	S	Woodall-Stringfell ow	005	199677
T & M Production	Caddo Pine Island	S	Woodall-Stringfell ow	006	199678
T & M Production	Caddo Pine Island	S	Woodall-Stringfell ow	007	199679
T & M Production	Caddo Pine Island	S	Woodall-Stringfell ow	008	199680
T & M Production	Caddo Pine Island	S	Woodall-Stringfell ow	009	199681
T & M Production	Caddo Pine Island	S	Woodall-Stringfell ow	010	200091
T & M Production	Caddo Pine Island	S	Woodall-Stringfell ow	011	200092
T & M Production	Caddo Pine Island	S	Woodall-Stringfell ow	012	200093
T & M Production	Caddo Pine Island	S	Pardue	121	200466

Operator	Field	District	Well Name	Well Number	Serial Number
T & M Production	Caddo Pine Island	S	Pardue	123	200467
T & M Production	Caddo Pine Island	S	Woodall-Stringfell ow	013	201512
T & M Production	Caddo Pine Island	S	Woodall-Stringfell ow	014	201513
T & M Production	Caddo Pine Island	S	Woodall-Stringfell ow	015	201514
T & M Production	Caddo Pine Island	S	Woodall-Stringfell ow	016	201515
T & M Production	Caddo Pine Island	S	Woodall-Stringfell ow	017	201516
T & M Production	Caddo Pine Island	S	Pardue	124	201613
T & M Production	Caddo Pine Island	S	Pardue	125	201614
T & M Production	Caddo Pine Island	S	Woodall-Stringfell ow	018	201685
T & M Production	Caddo Pine Island	S	Woodall-Stringfell ow	019	201686
T & M Production	Caddo Pine Island	S	Woodall-Stringfell ow	020	201687
T & M Production	Caddo Pine Island	S	Woodall-Stringfell ow SWD	021	201769
T & M Production	Caddo Pine Island	S	Crawford	007	201999
T & M Production	Caddo Pine Island	S	Crawford	008	202000
T & M Production	Caddo Pine Island	S	Woodall-Stringfell ow	022	202073
T & M Production	Caddo Pine Island	S	Pardue-Christian A SWD	008	202922
T & M Production	Caddo Pine Island	S	Pardue-Christian N A	009	202923
T & M Production	Caddo Pine Island	S	Pardue-Christian A	010	202924
T & M Production	Caddo Pine Island	S	Crawford	009	215509
T & M Production	Caddo Pine Island	S	Crawford	010	215510
T & M Production	Caddo Pine Island	S	Pardue	038	215511
T & M Production	Caddo Pine Island	S	Pardue	039	215512
T & M Production	Caddo Pine Island	S	Pardue-Christian	020	215513

Operator	Field	District	Well Name	Well Number	Serial Number
T & M Production	Caddo Pine Island	S	Pardue-Christian	021	215514
T & M Production	Caddo Pine Island	S	Pardue	126	221015
T & M Production	Caddo Pine Island	S	Dixon-Stiles SWD	021	234622
T & M Production	Caddo Pine Island	S	Stiles SWD	002	970312
T & M Production	Caddo Pine Island	S	Stiles C SWD	002	974024
T & M Production	Caddo Pine Island	S	Stiles SWD	003	974091
TBR Operating Company Inc.	Monroe	M	J N Harrell	001	149997
TBR Operating Company Inc.	Monroe	M	W T Miller	001	150054
TBR Operating Company Inc.	Monroe	M	A L Cole	001	150086
TBR Operating Company Inc.	Monroe	M	Joe C Miller	001	151054
TBR Operating Company Inc.	Monroe	M	T J Miller	001	151055
TBR Operating Company Inc.	Monroe	M	Era Will	001	151056
TBR Operating Company Inc.	Monroe	M	VUA;Cora C Smith et al	001	153692
TBR Operating Company Inc.	Monroe	M	E I Reppond	001	153811
TBR Operating Company Inc.	Monroe	M	JOE C Miller	002	153812
TBR Operating Company Inc.	Monroe	M	J M Muckleroy	004	153963
TBR Operating Company Inc.	Monroe	M	R S Allen	001	154244
TBR Operating Company Inc.	Monroe	M	H D Green	001	154245
TBR Operating Company Inc.	Monroe	M	VUB;Little	001	154246
TBR Operating Company Inc.	Monroe	M	W L Allen	001	154829
TBR Operating Company Inc.	Monroe	M	C L Allen	001	154830
TBR Operating Company Inc.	Monroe	M	C & D Allen	001	155084
TBR Operating Company Inc.	Monroe	M	W A Edwards et al	001	155085
TBR Operating Company Inc.	Monroe	M	H D Green	002	155086

Operator	Field	District	Well Name	Well Number	Serial Number
TBR Operating Company Inc.	Monroe	M	C H Allen	001	155518
TBR Operating Company Inc.	Monroe	M	P T Crow	001	155519
TBR Operating Company Inc.	Monroe	M	R L Edwards\	001	155520
TBR Operating Company Inc.	Monroe	M	Cora C Smith	002	155521
TBR Operating Company Inc.	Monroe	M	VUC;R S Allen	002	155843
TBR Operating Company Inc.	Monroe	M	Mary Phillips	001	155845
TBR Operating Company Inc.	Monroe	M	Iris Russell	001	155846
TBR Operating Company Inc.	Monroe	M	W T Miller	003	156199
TBR Operating Company Inc.	Monroe	M	VUD;Roy Oliver	001	156200
TBR Operating Company Inc.	Monroe	M	L B Woffard	001	156201
TBR Operating Company Inc.	Monroe	M	Milas Medlin	002	156223
TBR Operating Company Inc.	Monroe	M	T H Allen	001	156289
TBR Operating Company Inc.	Monroe	M	C & D Allen	002	156321
TBR Operating Company Inc.	Monroe	M	R S Allen	003	156322
TBR Operating Company Inc.	Monroe	M	Olinkraft	037	156444
TBR Operating Company Inc.	Monroe	M	Olinkraft	038	156445
TBR Operating Company Inc.	Monroe	M	Olinkraft	039	156494
TBR Operating Company Inc.	Monroe	M	Olinkraft	005	156495
TBR Operating Company Inc.	Monroe	M	Olinkraft	045	157157
TBR Operating Company Inc.	Monroe	M	Olinkraft	007	157187
TBR Operating Company Inc.	Monroe	M	Mary Phillips	003	157252
TBR Operating Company Inc.	Monroe	M	Wilks Savage	001	157253
TBR Operating Company Inc.	Monroe	M	P N Edwards	001	157353
TBR Operating Company Inc.	Monroe	M	J O Wisecarver	001	157355

Operator	Field	District	Well Name	Well Number	Serial Number
TBR Operating Company Inc.	Monroe	M	SL Reeves	001	157479
TBR Operating Company Inc.	Monroe	M	Jarmon Estate	001	157530
TBR Operating Company Inc.	Monroe	M	H L Evans	001	157860
TBR Operating Company Inc.	Monroe	M	Joe C Miller	003	158227
TBR Operating Company Inc.	Monroe	M	John Greene	001	158524
TBR Operating Company Inc.	Monroe	M	Olinkraft	040	158666
TBR Operating Company Inc.	Monroe	M	Olinkraft	041	158669
TBR Operating Company Inc.	Monroe	M	Olinkraft	042	158670
TBR Operating Company Inc.	Monroe	M	Olinkraft	043	158671
TBR Operating Company Inc.	Monroe	M	Olinkraft	014	158672
TBR Operating Company Inc.	Monroe	M	Olinkraft	044	158675
TBR Operating Company Inc.	Monroe	M	Post	001	158722
TBR Operating Company Inc.	Monroe	M	Olinkraft	018	158883
TBR Operating Company Inc.	Monroe	M	Olinkraft	019	158884
TBR Operating Company Inc.	Monroe	M	Olinkraft	020	158885
TBR Operating Company Inc.	Monroe	M	Olinkraft	047	158886
TBR Operating Company Inc.	Monroe	M	Olinkraft	048	158887
TBR Operating Company Inc.	Monroe	M	Olinkraft	024	158888
TBR Operating Company Inc.	Monroe	M	Olinkraft	025	158889
TBR Operating Company Inc.	Monroe	M	Olinkraft	046	159052
TBR Operating Company Inc.	Monroe	M	E L Medlin	001	159256
TBR Operating Company Inc.	Monroe	M	R L Edwards	002	159257
TBR Operating Company Inc.	Monroe	M	Daniels Estate	001	159286
TBR Operating Company Inc.	Monroe	M	Post	003	159287

Operator	Field	District	Well Name	Well Number	Serial Number
TBR Operating Company Inc.	Monroe	M	Exxon A	001	159774
TBR Operating Company Inc.	Monroe	M	Exxon A	002	159775
TBR Operating Company Inc.	Monroe	M	Exxon A	003	159776
TBR Operating Company Inc.	Monroe	M	Exxon A	004	159777
TBR Operating Company Inc.	Monroe	M	Exxon B	001	159778
TBR Operating Company Inc.	Monroe	M	Exxon B	002	159779
TBR Operating Company Inc.	Monroe	M	Exxon B	003	159780
TBR Operating Company Inc.	Monroe	M	Exxon B	004	159781
TBR Operating Company Inc.	Monroe	M	VUF;Eul a Lankford	001	159837
TBR Operating Company Inc.	Monroe	M	VUG;Ett a Baker	001	160183
TBR Operating Company Inc.	Monroe	M	Olinkraft	028	161484
TBR Operating Company Inc.	Monroe	M	Olinkraft	029	161485
TBR Operating Company Inc.	Monroe	M	Olinkraft	033	161489
TBR Operating Company Inc.	Monroe	M	Shackelford	012	161621
TBR Operating Company Inc.	Monroe	M	Barron	004	161626
TBR Operating Company Inc.	Monroe	M	L I Doher	001	161849
TBR Operating Company Inc.	Monroe	M	Mike Estate	001	161850
TBR Operating Company Inc.	Monroe	M	Mina S Parker	001	161978
TBR Operating Company Inc.	Monroe	M	H G Parker et al	002	162271
TBR Operating Company Inc.	Monroe	M	H D Green	004	162657
TBR Operating Company Inc.	Monroe	M	T L Kennedy	002	162658
TBR Operating Company Inc.	Monroe	M	Oliver Civic Center	001	162659
TBR Operating Company Inc.	Monroe	M	H D Green	006	162980
TBR Operating Company Inc.	Monroe	M	R L Edwards	005	162981

Operator	Field	District	Well Name	Well Number	Serial Number
TBR Operating Company Inc.	Monroe	M	Exxon E	001	163001
TBR Operating Company Inc.	Monroe	M	VUH;Jim my Brantley	001	163002
TBR Operating Company Inc.	Monroe	M	VUI;Farri s Ratzlaff	001	163003
TBR Operating Company Inc.	Monroe	M	H D Green	009	163026
TBR Operating Company Inc.	Monroe	M	R L Edwards	006	163080
TBR Operating Company Inc.	Monroe	M	John Greene	002	163081
TBR Operating Company Inc.	Monroe	M	H D Green	008	163129
TBR Operating Company Inc.	Monroe	M	R L Edwards	008	163132
TBR Operating Company Inc.	Monroe	M	Exxon C	001	163404
TBR Operating Company Inc.	Monroe	M	Exxon D	001	163405
TBR Operating Company Inc.	Monroe	M	Milas Medlin	003	163762
TBR Operating Company Inc.	Monroe	M	Exxon C	002	163820
TBR Operating Company Inc.	Monroe	M	Exxon D	002	163821
TBR Operating Company Inc.	Monroe	M	Exxon E	002	163822
TBR Operating Company Inc.	Monroe	M	Harding College	001	164365
TBR Operating Company Inc.	Monroe	M	Esther Miller	001	164366
TBR Operating Company Inc.	Monroe	M	Matthew W Taylor et al	002	164367
TBR Operating Company Inc.	Monroe	M	Exxon C	003	164598
TBR Operating Company Inc.	Monroe	M	Matthew W Taylor et al	001	164599
TBR Operating Company Inc.	Monroe	M	Exxon D	003	164735
TBR Operating Company Inc.	Monroe	M	Exxon E	003	164736
TBR Operating Company Inc.	Monroe	M	Exxon C	004	164737
TBR Operating Company Inc.	Monroe	M	Exxon E	004	164738
TBR Operating Company Inc.	Monroe	M	Exxon D	004	164739

Operator	Field	District	Well Name	Well Number	Serial Number
TBR Operating Company Inc.	Monroe	M	T W Green	001	165000
TBR Operating Company Inc.	Monroe	M	W D Platt A	001	165001
TBR Operating Company Inc.	Monroe	M	VUK;Joe E Brown Jr	001	165076
TBR Operating Company Inc.	Monroe	M	Harry L Parker	001	165346
TBR Operating Company Inc.	Monroe	M	H L Breard	001	165347
TBR Operating Company Inc.	Monroe	M	Matthew W Taylor et al	004	165348
TBR Operating Company Inc.	Monroe	M	Matthew W Taylor et al	003	165349
TBR Operating Company Inc.	Monroe	M	Olinkraft	035	166240
TBR Operating Company Inc.	Monroe	M	Alton G Andrews	001	166537
TBR Operating Company Inc.	Monroe	M	Bobby Andrews	001	166538
TBR Operating Company Inc.	Monroe	M	D Miller	002	166540
TBR Operating Company Inc.	Monroe	M	Riker-Andrews	001	166541
TBR Operating Company Inc.	Monroe	M	Ben Post	001	166619
TBR Operating Company Inc.	Monroe	M	H D Green	015	166620
TBR Operating Company Inc.	Monroe	M	Olinkraft	004	166689
TBR Operating Company Inc.	Monroe	M	Olinkraft	001	166753
TBR Operating Company Inc.	Monroe	M	Olinkraft	002	166754
TBR Operating Company Inc.	Monroe	M	Hopkins Estate	001	166781
TBR Operating Company Inc.	Monroe	M	Olinkraft	008	166783
TBR Operating Company Inc.	Monroe	M	Wilks Savage	002	166922
TBR Operating Company Inc.	Monroe	M	Mary Phillips	004	166923
TBR Operating Company Inc.	Monroe	M	H L Evans	002	166924
TBR Operating Company Inc.	Monroe	M	Hopkins Estate	003	166976
TBR Operating Company Inc.	Monroe	M	G Ward Est	001	166995

Operator	Field	District	Well Name	Well Number	Serial Number
TBR Operating Company Inc.	Monroe	M	P N Edwards	002	167028
TBR Operating Company Inc.	Monroe	M	Olinkraft	011	167109
TBR Operating Company Inc.	Monroe	M	Olinkraft	012	167110
TBR Operating Company Inc.	Monroe	M	Olinkraft	013	167111
TBR Operating Company Inc.	Monroe	M	Fowler Estate	001	167251
TBR Operating Company Inc.	Monroe	M	T Baker	002	167252
TBR Operating Company Inc.	Monroe	M	H J Johnson	001	167253
TBR Operating Company Inc.	Monroe	M	H J Johnson	002	167254
TBR Operating Company Inc.	Monroe	M	VUM;C W Wheeler	002	167272
TBR Operating Company Inc.	Monroe	M	C K Smith et al	001	167274
TBR Operating Company Inc.	Monroe	M	James E King	001	167276
TBR Operating Company Inc.	Monroe	M	H D Green	017	167345
TBR Operating Company Inc.	Monroe	M	J T Diffey Estate	001	167482
TBR Operating Company Inc.	Monroe	M	Kenneth Gray Estate	001	167483
TBR Operating Company Inc.	Monroe	M	Emmett Johnson	001	167659
TBR Operating Company Inc.	Monroe	M	Olinkraft	015	167665
TBR Operating Company Inc.	Monroe	M	Olinkraft	016	167666
TBR Operating Company Inc.	Monroe	M	E Johnson	004	167686
TBR Operating Company Inc.	Monroe	M	L B King	001	167699
TBR Operating Company Inc.	Monroe	M	Tim Green	003	167756
TBR Operating Company Inc.	Monroe	M	Coy Smith	001	167757
TBR Operating Company Inc.	Monroe	M	McDermott Estate	001	167869
TBR Operating Company Inc.	Monroe	M	Joe C Miller	004	167870
TBR Operating Company Inc.	Monroe	M	Louise Fowler	002	167871

Operator	Field	District	Well Name	Well Number	Serial Number
TBR Operating Company Inc.	Monroe	M	VUN;Ethel Allen	001	167872
TBR Operating Company Inc.	Monroe	M	J W Read Estate	001	168186
TBR Operating Company Inc.	Monroe	M	W T Miller	004	168684
TBR Operating Company Inc.	Monroe	M	R L Long	003	168923
TBR Operating Company Inc.	Monroe	M	W C Adcock Estate	001	169156
TBR Operating Company Inc.	Monroe	M	Hopkins Estate	004	169280
TBR Operating Company Inc.	Monroe	M	T L James	002	169300
TBR Operating Company Inc.	Monroe	M	James K Aulds	001	169415
TBR Operating Company Inc.	Monroe	M	J C Bright	001	169536
TBR Operating Company Inc.	Monroe	M	Olinkraft	006	169677
TBR Operating Company Inc.	Monroe	M	W Wayne Estate	001	169678
TBR Operating Company Inc.	Monroe	M	Olinkraft	036	169679
TBR Operating Company Inc.	Monroe	M	Hattie Matthews et al	001	169741
TBR Operating Company Inc.	Monroe	M	E Johnson	003	169802
TBR Operating Company Inc.	Monroe	M	T Baker	001	169840
TBR Operating Company Inc.	Monroe	M	J E Taunton	001	169978
TBR Operating Company Inc.	Monroe	M	W L Allen	002	170075
TBR Operating Company Inc.	Monroe	M	VUQ;To by Medlin	001	170240
TBR Operating Company Inc.	Monroe	M	VUT;E I Reppond	002	170490
TBR Operating Company Inc.	Monroe	M	D H McVicker	001	171346
TBR Operating Company Inc.	Monroe	M	Olinkraft	021	171473
TBR Operating Company Inc.	Monroe	M	T L James	001	171561
TBR Operating Company Inc.	Monroe	M	Hopkins Estate	007	171562
TBR Operating Company Inc.	Monroe	M	Shackleford	002	171620

Operator	Field	District	Well Name	Well Number	Serial Number
TBR Operating Company Inc.	Monroe	M	J H Caskey	002	171832
TBR Operating Company Inc.	Monroe	M	T E Webb	001	171900
TBR Operating Company Inc.	Monroe	M	T E Webb	002	171901
TBR Operating Company Inc.	Monroe	M	C O Brown	001	172255
TBR Operating Company Inc.	Monroe	M	Jesse Taylor	001	172256
TBR Operating Company Inc.	Monroe	M	Barron	003	172396
TBR Operating Company Inc.	Monroe	M	H D Green	016	172419
TBR Operating Company Inc.	Monroe	M	Olinkraft	022	172420
TBR Operating Company Inc.	Monroe	M	Olinkraft	023	172421
TBR Operating Company Inc.	Monroe	M	W Wayne Estate	004	172424
TBR Operating Company Inc.	Monroe	M	VUR;Jesse Taylor	002	172427
TBR Operating Company Inc.	Monroe	M	O E Bardin	001	172565
TBR Operating Company Inc.	Monroe	M	VUX;G L Stringer	001	172566
TBR Operating Company Inc.	Monroe	M	VUU;H D Green	012	172567
TBR Operating Company Inc.	Monroe	M	D H McVicker	002	172641
TBR Operating Company Inc.	Monroe	M	D H McVicker	003	172642
TBR Operating Company Inc.	Monroe	M	D H McVicker	004	172643
TBR Operating Company Inc.	Monroe	M	VUV;H K Evans	001	172816
TBR Operating Company Inc.	Monroe	M	VUW;H G Humphrey	001	172817
TBR Operating Company Inc.	Monroe	M	Louise McDermott	001	172881
TBR Operating Company Inc.	Monroe	M	J M Edwards	001	172907
TBR Operating Company Inc.	Monroe	M	Clara E Savage	001	172909
TBR Operating Company Inc.	Monroe	M	Mamie Dell Edwards	001	172910

Operator	Field	District	Well Name	Well Number	Serial Number
TBR Operating Company Inc.	Monroe	M	VUY;T D Kinnison	001	173168
TBR Operating Company Inc.	Monroe	M	H D Green	018	173219
TBR Operating Company Inc.	Monroe	M	H D Green	019	173220
TBR Operating Company Inc.	Monroe	M	W Wayne Estate	005	173222
TBR Operating Company Inc.	Monroe	M	W Wayne Estate	006	173223
TBR Operating Company Inc.	Monroe	M	Calloway Estate	001	173304
TBR Operating Company Inc.	Monroe	M	R L Brantley	001	173305
TBR Operating Company Inc.	Monroe	M	H D Green	021	173418
TBR Operating Company Inc.	Monroe	M	Kirby Morris	001	173427
TBR Operating Company Inc.	Monroe	M	H D Green	020	173428
TBR Operating Company Inc.	Monroe	M	Wheeler	004	173430
TBR Operating Company Inc.	Monroe	M	Wheeler	005	173431
TBR Operating Company Inc.	Monroe	M	John J Aulds	001	173460
TBR Operating Company Inc.	Monroe	M	R S Allen	004	173491
TBR Operating Company Inc.	Monroe	M	H L Evans	003	173492
TBR Operating Company Inc.	Monroe	M	H L Evans	004	173493
TBR Operating Company Inc.	Monroe	M	VUBB;Canfield Estate	001	173831
TBR Operating Company Inc.	Monroe	M	Johnston Estate	001	173833
TBR Operating Company Inc.	Monroe	M	Asa Talton	001	173834
TBR Operating Company Inc.	Monroe	M	Z P Zachary	001	173835
TBR Operating Company Inc.	Monroe	M	R D Platt	001	173873
TBR Operating Company Inc.	Monroe	M	Vera K Taylor	002	174042
TBR Operating Company Inc.	Monroe	M	Sue Crow	001	174122
TBR Operating Company Inc.	Monroe	M	Tim Green	004	174279

Operator	Field	District	Well Name	Well Number	Serial Number
TBR Operating Company Inc.	Monroe	M	F V Wall et al	001	174397
TBR Operating Company Inc.	Monroe	M	Cleo Pratt	001	174398
TBR Operating Company Inc.	Monroe	M	VUDD;A dele C Littleton	001	174399
TBR Operating Company Inc.	Monroe	M	VUCC;J L Cole Jr	001	174400
TBR Operating Company Inc.	Monroe	M	Matthew W Taylor et al	007	174750
TBR Operating Company Inc.	Monroe	M	Maurene Barron	001	174751
TBR Operating Company Inc.	Monroe	M	P S Smith	001	174752
TBR Operating Company Inc.	Monroe	M	C L Allen	002	174945
TBR Operating Company Inc.	Monroe	M	Miles Green	001	174946
TBR Operating Company Inc.	Monroe	M	R F Cox	001	174952
TBR Operating Company Inc.	Monroe	M	J K Walker	001	174954
TBR Operating Company Inc.	Monroe	M	VUE;F D Platt	001	174955
TBR Operating Company Inc.	Monroe	M	VUEE;G ene Allen	001	175192
TBR Operating Company Inc.	Monroe	M	Manville	025	175566
TBR Operating Company Inc.	Monroe	M	C W Wheeler	003	175571
TBR Operating Company Inc.	Monroe	M	John M Waldrop	001	175891
TBR Operating Company Inc.	Monroe	M	J W Read Estate	002	176312
TBR Operating Company Inc.	Monroe	M	Clara E Savage	002	176313
TBR Operating Company Inc.	Monroe	M	J C Bright	002	176353
TBR Operating Company Inc.	Monroe	M	John Greene	004	176510
TBR Operating Company Inc.	Monroe	M	T L James	004	176576
TBR Operating Company Inc.	Monroe	M	Manville	004	176578
TBR Operating Company Inc.	Monroe	M	Manville	027	176579
TBR Operating Company Inc.	Monroe	M	Manville	026	176580

Operator	Field	District	Well Name	Well Number	Serial Number
TBR Operating Company Inc.	Monroe	M	Manville	028	176581
TBR Operating Company Inc.	Monroe	M	Shackleford	003	176582
TBR Operating Company Inc.	Monroe	M	Shackleford	004	176583
TBR Operating Company Inc.	Monroe	M	Shackleford	005	176584
TBR Operating Company Inc.	Monroe	M	Shackleford	006	176585
TBR Operating Company Inc.	Monroe	M	Shackleford	001	176591
TBR Operating Company Inc.	Monroe	M	L B King	002	176592
TBR Operating Company Inc.	Monroe	M	Edwin Ramsey	001	176700
TBR Operating Company Inc.	Monroe	M	C W Edwards	001	176701
TBR Operating Company Inc.	Monroe	M	W A Edwards et al	002	176702
TBR Operating Company Inc.	Monroe	M	VUY;J L Rea	001	177079
TBR Operating Company Inc.	Monroe	M	J K Parks	001	177100
TBR Operating Company Inc.	Monroe	M	W C Crow	001	177490
TBR Operating Company Inc.	Monroe	M	VUQ; Toby Medlin	002	177491
TBR Operating Company Inc.	Monroe	M	Genie Maroney et al	001	177755
TBR Operating Company Inc.	Monroe	M	J M Muckleroy	002	177756
TBR Operating Company Inc.	Monroe	M	Martha Free	001	177794
TBR Operating Company Inc.	Monroe	M	C W Edwards	002	177943
TBR Operating Company Inc.	Monroe	M	Otis McVicker	001	178004
TBR Operating Company Inc.	Monroe	M	T BAKER	003	178020
TBR Operating Company Inc.	Monroe	M	Manville	001	178021
TBR Operating Company Inc.	Monroe	M	Manville	002	178022
TBR Operating Company Inc.	Monroe	M	Manville	003	178023
TBR Operating Company Inc.	Monroe	M	Jack P Dean	001	178065

Operator	Field	District	Well Name	Well Number	Serial Number
TBR Operating Company Inc.	Monroe	M	Hopkins Estate	013	178223
TBR Operating Company Inc.	Monroe	M	Mckinnie	001	178224
TBR Operating Company Inc.	Monroe	M	W Wayne Estate	007	178225
TBR Operating Company Inc.	Monroe	M	Herbert Beasley	001	178298
TBR Operating Company Inc.	Monroe	M	J D Miller	003	178299
TBR Operating Company Inc.	Monroe	M	Mary Miller	001	178300
TBR Operating Company Inc.	Monroe	M	Mary Miller	002	178301
TBR Operating Company Inc.	Monroe	M	Shackleford	008	178373
TBR Operating Company Inc.	Monroe	M	R S Allen	005	178524
TBR Operating Company Inc.	Monroe	M	Mauree Barron	002	178525
TBR Operating Company Inc.	Monroe	M	Jerd Savage	001	178527
TBR Operating Company Inc.	Monroe	M	Manville	29	178528
TBR Operating Company Inc.	Monroe	M	Manville	009	178530
TBR Operating Company Inc.	Monroe	M	Shackleford	007	178553
TBR Operating Company Inc.	Monroe	M	Shackleford	009	178554
TBR Operating Company Inc.	Monroe	M	Shackleford	010	178555
TBR Operating Company Inc.	Monroe	M	Manville	010	178591
TBR Operating Company Inc.	Monroe	M	Manville	011	178592
TBR Operating Company Inc.	Monroe	M	Wheeler	006	178809
TBR Operating Company Inc.	Monroe	M	Lillian Edwards	001	178812
TBR Operating Company Inc.	Monroe	M	Manville	012	179232
TBR Operating Company Inc.	Monroe	M	Manville	013	179233
TBR Operating Company Inc.	Monroe	M	Manville	014	179234
TBR Operating Company Inc.	Monroe	M	Joe C Miller	005	179878

Operator	Field	District	Well Name	Well Number	Serial Number
TBR Operating Company Inc.	Monroe	M	VUGG;Joe C Miller	006	179879
TBR Operating Company Inc.	Monroe	M	Stein Baughman et al	001	179924
TBR Operating Company Inc.	Monroe	M	Murphy Albritton	001	179925
TBR Operating Company Inc.	Monroe	M	Louise McGlothlin	001	179926
TBR Operating Company Inc.	Monroe	M	R L Robinson	003	179927
TBR Operating Company Inc.	Monroe	M	Velle Gene Coleman	001	179928
TBR Operating Company Inc.	Monroe	M	Smeltzer Estate	001	179929
TBR Operating Company Inc.	Monroe	M	I D Reeves	001	179931
TBR Operating Company Inc.	Monroe	M	Clara L Turnage	001	180218
TBR Operating Company Inc.	Monroe	M	J E Haye	001	180309
TBR Operating Company Inc.	Monroe	M	G E Dean	001	180409
TBR Operating Company Inc.	Monroe	M	R P Tucker	001	180410
TBR Operating Company Inc.	Monroe	M	VUFF;Richard Est	001	180411
TBR Operating Company Inc.	Monroe	M	VUII;A McMoy	001	180526
TBR Operating Company Inc.	Monroe	M	VUJJ;Francis Reeves	001	180527
TBR Operating Company Inc.	Monroe	M	E E Kelly	001	180558
TBR Operating Company Inc.	Monroe	M	J O Wisecarver	002	180626
TBR Operating Company Inc.	Monroe	M	G C Allums	001	180672
TBR Operating Company Inc.	Monroe	M	Z S Cole	001	180674
TBR Operating Company Inc.	Monroe	M	E H Meacher	001	180677
TBR Operating Company Inc.	Monroe	M	D T Akin	003	180699
TBR Operating Company Inc.	Monroe	M	VUHH;B rashier Est	001	180701
TBR Operating Company Inc.	Monroe	M	VUKK;D iffey	001	180702
TBR Operating Company Inc.	Monroe	M	Bessie W Taylor	002	180908

Operator	Field	District	Well Name	Well Number	Serial Number
TBR Operating Company Inc.	Monroe	M	L C Johnson	001	180989
TBR Operating Company Inc.	Monroe	M	J E Taunton	002	181010
TBR Operating Company Inc.	Monroe	M	McDermott Estate	002	181012
TBR Operating Company Inc.	Monroe	M	Mary E Hayes et al	001	181072
TBR Operating Company Inc.	Monroe	M	N C Reeves	001	181178
TBR Operating Company Inc.	Monroe	M	W E Cole	002	181248
TBR Operating Company Inc.	Monroe	M	W A Patterson Est	001	181298
TBR Operating Company Inc.	Monroe	M	VUOO; Edwards	001	181299
TBR Operating Company Inc.	Monroe	M	L M Hayes	002	182133
TBR Operating Company Inc.	Monroe	M	VUNN;Jack Coleman	001	182193
TBR Operating Company Inc.	Monroe	M	James K Aulds	002	182320
TBR Operating Company Inc.	Monroe	M	Velle Gene Coleman	002	182322
TBR Operating Company Inc.	Monroe	M	Lindall Ferguson	001	182426
TBR Operating Company Inc.	Monroe	M	Manville	031	183053
TBR Operating Company Inc.	Monroe	M	Curtis Mike	001	183120
TBR Operating Company Inc.	Monroe	M	Manville	30	183165
TBR Operating Company Inc.	Monroe	M	Manville	032	183166
TBR Operating Company Inc.	Monroe	M	Manville	033	183167
TBR Operating Company Inc.	Monroe	M	Manville	005	183168
TBR Operating Company Inc.	Monroe	M	Manville	034	183169
TBR Operating Company Inc.	Monroe	M	Wheeler	007	183223
TBR Operating Company Inc.	Monroe	M	B J Albritton	001	183848
TBR Operating Company Inc.	Monroe	M	D T Ajin	005	184844
TBR Operating Company Inc.	Monroe	M	D T Ajin	006	184845

Operator	Field	District	Well Name	Well Number	Serial Number
TBR Operating Company Inc.	Monroe	M	Ira Medlin	001	184847
TBR Operating Company Inc.	Monroe	M	Ida Wayne Rivers Est	001	184848
TBR Operating Company Inc.	Monroe	M	VUMM;J E Taunton	003	184869
TBR Operating Company Inc.	Monroe	M	Tim Loid Estate	001	185066
TBR Operating Company Inc.	Monroe	M	Jerry Ramsey	001	185235
TBR Operating Company Inc.	Monroe	M	O G Hicks Estate	001	185643
TBR Operating Company Inc.	Monroe	M	James K Aulds	003	186353
TBR Operating Company Inc.	Monroe	M	Jesse Brantley	001	186354
TBR Operating Company Inc.	Monroe	M	VUQQ;J Savage	001	186355
TBR Operating Company Inc.	Monroe	M	George Taylor	001	186357
TBR Operating Company Inc.	Monroe	M	VUTT;David Reppond	001	186358
TBR Operating Company Inc.	Monroe	M	Bobby Miller	001	186970
TBR Operating Company Inc.	Monroe	M	Ronnie Williams	001	186976
TBR Operating Company Inc.	Monroe	M	VUZZ;Stowe et al	001	187169
TBR Operating Company Inc.	Monroe	M	H L Breard	002	187731
TBR Operating Company Inc.	Monroe	M	Stein Baughman et al	002	187732
TBR Operating Company Inc.	Monroe	M	T W Green	002	187858
TBR Operating Company Inc.	Monroe	M	J B Albritton	001	187912
TBR Operating Company Inc.	Monroe	M	Maxine D Kenley	001	187913
TBR Operating Company Inc.	Monroe	M	Bobby Miller	003	187915
TBR Operating Company Inc.	Monroe	M	John Greene	005	188093
TBR Operating Company Inc.	Monroe	M	B J Albritton	002	189467
TBR Operating Company Inc.	Monroe	M	C W Wheeler	008	190014

Operator	Field	District	Well Name	Well Number	Serial Number
TBR Operating Company Inc.	Monroe	M	Jimmy Albritton	001	190413
TBR Operating Company Inc.	Monroe	M	Fowler Estate	003	190676
TBR Operating Company Inc.	Monroe	M	C W Edwards	003	191427
TBR Operating Company Inc.	Monroe	M	C W Edwards	004	191470
TBR Operating Company Inc.	Monroe	M	J M Edwards	003	191496
TBR Operating Company Inc.	Monroe	M	J M Edwards	002	191535
TBR Operating Company Inc.	Monroe	M	Manville 7	001	192415
TBR Operating Company Inc.	Monroe	M	Manville 7	002	192416
TBR Operating Company Inc.	Monroe	M	R V Hayes	001	192423
TBR Operating Company Inc.	Monroe	M	Manville 7	003	193355
TBR Operating Company Inc.	Monroe	M	Manville 7	004	193356
TBR Operating Company Inc.	Monroe	M	Liberty Hill Church	001	193946
TBR Operating Company Inc.	Monroe	M	Elmer E Newson	001	193947
TBR Operating Company Inc.	Monroe	M	Shackleford	011	194769
TBR Operating Company Inc.	Monroe	M	VUVV;C laudis Reeves	001	198956
TBR Operating Company Inc.	Monroe	M	Alton McVicker	001	202009
TBR Operating Company Inc.	Monroe	M	J D Vestal Jr	001	202010
TBR Operating Company Inc.	Monroe	M	Manville	015	205191
TBR Operating Company Inc.	Monroe	M	Manville	016	205192
TBR Operating Company Inc.	Monroe	M	Manville	017	205193
TBR Operating Company Inc.	Monroe	M	Manville	018	205194
TBR Operating Company Inc.	Monroe	M	Manville	019	205195
TBR Operating Company Inc.	Monroe	M	J P McVicker Est	001	205408
TBR Operating Company Inc.	Monroe	M	R S Allen	006	205934

Operator	Field	District	Well Name	Well Number	Serial Number
TBR Operating Company Inc.	Monroe	M	H D Green	013	205935
TBR Operating Company Inc.	Monroe	M	Harry L Parker	002	205936
TBR Operating Company Inc.	Monroe	M	P N Edwards	003	205980
TBR Operating Company Inc.	Monroe	M	Peggy McVicker	001	206455
TBR Operating Company Inc.	Monroe	M	Daniels Estate	002	206732
TBR Operating Company Inc.	Monroe	M	Mamie Dell Edwards	002	206733
TBR Operating Company Inc.	Monroe	M	Coy Smith	002	206735
TBR Operating Company Inc.	Monroe	M	Manville	020	206854
TBR Operating Company Inc.	Monroe	M	Manville	021	206855
TBR Operating Company Inc.	Monroe	M	Manville	023	206856
TBR Operating Company Inc.	Monroe	M	Manville	024	206857
TBR Operating Company Inc.	Monroe	M	Manville	006	206878
TBR Operating Company Inc.	Monroe	M	Manville	007	207025
TBR Operating Company Inc.	Monroe	M	Louise McGlothlin	002	207096
TBR Operating Company Inc.	Monroe	M	Fuller Estate	001	208027
TBR Operating Company Inc.	Monroe	M	H D Green	014	208028
TBR Operating Company Inc.	Monroe	M	C L Allen	003	208055
TBR Operating Company Inc.	Monroe	M	Fuller Estate	002	210162
TBR Operating Company Inc.	Monroe	M	Wilks Savage	003	210303
TBR Operating Company Inc.	Monroe	M	P N Edwards	004	211913
TBR Operating Company Inc.	Monroe	M	McDermott Estate	003	211914
TBR Operating Company Inc.	Monroe	M	Louise McGlothlin	003	211915
TBR Operating Company Inc.	Monroe	M	Clara E Savage	003	211916
TBR Operating Company Inc.	Monroe	M	J O Wisecarver	003	211917

Operator	Field	District	Well Name	Well Number	Serial Number
TBR Operating Company Inc.	Monroe	M	C L Allen	004	212178
TBR Operating Company Inc.	Monroe	M	Alton G Andrews	002	212179
TBR Operating Company Inc.	Monroe	M	E I Reppond	003	212184
TBR Operating Company Inc.	Monroe	M	J E Taunton	004	212186
TBR Operating Company Inc.	Monroe	M	W T Miller	005	212193
TBR Operating Company Inc.	Monroe	M	Mary Phillips	006	212242
TBR Operating Company Inc.	Monroe	M	Harry L Parker	003	212270
TBR Operating Company Inc.	Monroe	M	R S Allen	007	212348
TBR Operating Company Inc.	Monroe	M	R L Brantley	002	212349
TBR Operating Company Inc.	Monroe	M	Harding College	003	212350
TBR Operating Company Inc.	Monroe	M	T E Webb	003	212351
TBR Operating Company Inc.	Monroe	M	Exxon C	005	213370
TBR Operating Company Inc.	Monroe	M	Tim Green	005	213371
TBR Operating Company Inc.	Monroe	M	Cynthia Hargiss	001	213372
TBR Operating Company Inc.	Monroe	M	Jarmon Estate	002	213373
TBR Operating Company Inc.	Monroe	M	R D Platt	002	213374
TBR Operating Company Inc.	Monroe	M	John Greene	007	213431
TBR Operating Company Inc.	Monroe	M	R F Cox	002	213504
TBR Operating Company Inc.	Monroe	M	J M Edwards	005	213505
TBR Operating Company Inc.	Monroe	M	T W Green	003	213506
TBR Operating Company Inc.	Monroe	M	L B King	003	213507
TBR Operating Company Inc.	Monroe	M	Danny Cain	001	213545
TBR Operating Company Inc.	Monroe	M	J K Parks	002	213546
TBR Operating Company Inc.	Monroe	M	E E Kelly	002	213548

Operator	Field	District	Well Name	Well Number	Serial Number
TBR Operating Company Inc.	Monroe	M	Cora C Smith	004	213553
TBR Operating Company Inc.	Monroe	M	Daniels Estate	003	213560
TBR Operating Company Inc.	Monroe	M	Fowler Estate	002	213561
TBR Operating Company Inc.	Monroe	M	W D Platt A	002	213562
TBR Operating Company Inc.	Monroe	M	J T Diffey Estate	002	213564
TBR Operating Company Inc.	Monroe	M	Maurene Barron	003	214791
TBR Operating Company Inc.	Monroe	M	J L Cole Jr	001	214792
TBR Operating Company Inc.	Monroe	M	P S Smith	002	214793
TBR Operating Company Inc.	Monroe	M	P N Edwards	005	214794
TBR Operating Company Inc.	Monroe	M	Wilks Savage	004	214796
TBR Operating Company Inc.	Monroe	M	Stein Baughman et al	003	214798
TBR Operating Company Inc.	Monroe	M	Danny Cain	002	214799
TBR Operating Company Inc.	Monroe	M	Daniels Estate	004	214800
TBR Operating Company Inc.	Monroe	M	R Shackelford	004	214802
TBR Operating Company Inc.	Monroe	M	H D Green	025	214829
TBR Operating Company Inc.	Monroe	M	H D Green	026	214830
TBR Operating Company Inc.	Monroe	M	John Greene	008	214831
TBR Operating Company Inc.	Monroe	M	Emmett Johnson	003	214832
TBR Operating Company Inc.	Monroe	M	Joe C Miller	007	214833
TBR Operating Company Inc.	Monroe	M	Edwin Ramsey	002	214835
TBR Operating Company Inc.	Monroe	M	W E Woods	001	214837
TBR Operating Company Inc.	Monroe	M	W E Woods	002	214838
TBR Operating Company Inc.	Monroe	M	C W Edwards	005	214845
TBR Operating Company Inc.	Monroe	M	R S Allen	008	215921

Operator	Field	District	Well Name	Well Number	Serial Number
TBR Operating Company Inc.	Monroe	M	L I Doher	003	215923
TBR Operating Company Inc.	Monroe	M	Lillian Edwards	002	215924
TBR Operating Company Inc.	Monroe	M	H D Green	027	215926
TBR Operating Company Inc.	Monroe	M	H D Green	028	215927
TBR Operating Company Inc.	Monroe	M	Louise McGlothlin	004	215929
TBR Operating Company Inc.	Monroe	M	Cleo Pratt	002	215931
TBR Operating Company Inc.	Monroe	M	Wilks Savage	005	215932
TBR Operating Company Inc.	Monroe	M	W E Woods	003	215933
TBR Operating Company Inc.	Monroe	M	W E Woods	004	215934
TBR Operating Company Inc.	Monroe	M	Danny Cain	003	216057
TBR Operating Company Inc.	Monroe	M	W A Edwards et al	003	216059
TBR Operating Company Inc.	Monroe	M	Exxon C	006	216060
TBR Operating Company Inc.	Monroe	M	Exxon E	005	216061
TBR Operating Company Inc.	Monroe	M	H P Guynes	001	216062
TBR Operating Company Inc.	Monroe	M	Hopkins Estate	014	216063
TBR Operating Company Inc.	Monroe	M	McDermott Estate	004	216064
TBR Operating Company Inc.	Monroe	M	Mary Phillips	008	216065
TBR Operating Company Inc.	Monroe	M	T E Webb	004	216066
TBR Operating Company Inc.	Monroe	M	R S Allen	009	220993
TBR Operating Company Inc.	Monroe	M	W L Allen	003	220994
TBR Operating Company Inc.	Monroe	M	W L Allen	004	220995
TBR Operating Company Inc.	Monroe	M	Lillian Edwards	003	220996
TBR Operating Company Inc.	Monroe	M	Harry L Parker	004	220999
TBR Operating Company Inc.	Monroe	M	Hopkins Estate	015	233739

TBR Operating Company Inc.	Monroe	M	McDermott Estate	005	233740
TBR Operating Company Inc.	Monroe	M	Daniel B Green	001	233741
TBR Operating Company Inc.	Monroe	M	Jerry Lynn Woffard	001	233742
TBR Operating Company Inc.	Monroe	M	Mary Phillips	005	245082
TBR Operating Company Inc.	Monroe	M	R S Allen H	001	250689
TBR Operating Company Inc.	Monroe	M	VUAA;Allen 22 H	001	251175
TBR Operating Company Inc.	Monroe	M	Ergon SWD	001	971500
Texas Crude Oil Co.	Wildcat-SO LA New Orleans Dist	L	Anne C Herrick et al	001	112845 - casing stub
W. H. Lown	Caddo Pine Island	S	Ober	001	25485
W. H. Lown	Caddo Pine Island	S	Mary Fee	001	55301 (30) casing stub & debris

Steven M. Giambrone
Interim Director

2508#020

POTPOURRI

Department of Environmental Quality Legal Affairs Division

Notice of Public Hearing—Request for Comments on Rulemaking

Pursuant to Act No. 454 of the 2018 Regular Session of the Louisiana Legislature, codified as R.S. 49:953(C)(2), and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Department of Environmental Quality gives notice of a public hearing. The purpose of the hearing is to allow any interested person the opportunity to comment on any regulation contained in Title 33, Environmental Quality, which the person believes to be contrary to law, outdated, unnecessary, overly complex, or burdensome. (2508Pot1)

This hearing will be held on September 25, 2025, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. All interested persons are invited to attend in person or online via Zoom at <https://deqlouisiana.zoom.us/j/6836133613?omn=93452818861> or by phone at (646) 255-1997 Meeting ID: 683 613 3613.

All interested persons will be afforded an opportunity to submit data, views, or arguments either orally or in writing on these rules only. The department will consider fully all written and oral comments; however, all oral comments must be followed up in writing to be submitted to the legislative oversight committees. Written comments may be submitted in advance of the hearing to William E. Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Comments must be received by September 25, 2025, at 4:30 p.m.

Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

Jill C. Clark
General Counsel

2508#040

POTPOURRI

Office of the Governor Division of Administration

Notice of Public Hearings

In accordance with Louisiana Revised Statutes 49:964(B), the Division of Administration and its offices specifically named below will hold hearings in the Thomas Jefferson Room, 1-136C, First Floor of the Claiborne Building, 1201 N. Third Street, Baton Rouge, Louisiana 70802, according to the following schedule:

Date	Office Name
September 24, 2025 9:00 a.m.	Office of the Commissioner
September 24, 2025 10:00 a.m.	Office of Broadband Development and Connectivity
September 24, 2025 11:00 a.m.	Office of Community Development
September 24, 2025 12:00 p.m.	Office of Facility Planning and Control
September 24, 2025 1:00 p.m.	Office of General Services (Louisiana Property Assistance Agency and Louisiana Federal Property Assistance Agency)
September 24, 2025 2:00 p.m.	Office of Planning and Budget
September 24, 2025 3:00 p.m.	Office of Risk Management
September 24, 2025 4:00 p.m.	Office of State Uniform Payroll
September 25, 2025 10:00 a.m.	Office of State Procurement
September 25, 2025 11:00 a.m.	Office of State Register
September 25, 2025 12:00 p.m.	Office of Statewide Reporting and Accounting Policy
September 25, 2025 1:00 p.m.	Office of Technology Services
September 25, 2025 2:00 p.m.	Office of State Travel
September 25, 2025 3:00 p.m.	Office of State Lands
September 25, 2025 4:00 p.m.	Office of State Buildings

As stated in law, these hearings provide an opportunity to receive public comments as to whether any of these offices' rules are contrary to law, outdated, unnecessary, overly complex, or burdensome. All interested persons will be afforded an opportunity to submit data, views, or arguments either orally or in writing regarding these rules only. Each agency will consider fully all written and oral comments.

Comments are required to be received in writing for submission to the legislative oversight committees. Written comments may be submitted at the hearing or to Bridget Denicola, General Counsel, Division of Administration, P. O. Box 94095, Baton Rouge, Louisiana 70804 or by fax (225) 219-7572. The deadline for receipt of written comments is Friday, September 26, 2025.

If you have a disability and require an accommodation to participate in the hearings, please contact Christina Cardona by email at Christina.Cardona@la.gov or by telephone at (225) 342-6060 to discuss your accessibility needs.

Parking is available to the public in the Claiborne Parking lot, which is located at 1201 N. Third Street, Baton Rouge, LA 70802.

Taylor F. Barras
Commissioner

2508#031

POTPOURRI

Department of Health Office of Public Health

Notice of Public Hearing—Substantive Changes to Proposed Rule—Regulation of Medical Marijuana (LAC 51:XXIX.505, 2501, 2505, and 2511)

A Notice of Intent concerning the above-referenced proposed Rule was originally published by the Louisiana Department of Health on May 20, 2025 in the *Louisiana Register* (see LR 51:717-724). Written comments were invited, received, and considered. Certain of those comments suggested substantive changes. In consideration of such comments, the department proposes to amend several provisions of the proposed Rule by deleting §505(C)(5) because there no longer exists within the marijuana regulatory space a licensee-permittee relationship, rendering this language moot; by deleting the term “home” in §2505.A; by deleting the term “home” in §2507.B to allow for deliveries to patients at sites other than their home addresses; by adding Subsection D to §2501 to address the display of permits in the facilities; and by adding Subsections I and J to §2511 to address the cleanliness and freedom from infestation of the facilities and the proper use and storage of toxic chemicals at the facilities. Accordingly, the department proposes to amend the proposed Rule as follows.

Title 51

PUBLIC HEALTH—SANITARY CODE

Part XXIX. Medical Marijuana

Subpart 1. Marijuana Manufacturers

§505. Application Process

A. - B.7. ...

C. As a condition of renewal of a license, the licensee shall supply the following additional information in writing to the department by January 10 of the renewal year:

1. - 3. ...

4. the total quantity of medical marijuana generated as a finished product within that year and the quantity distributed to each licensed marijuana retailer; and

5. Repealed.

6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:2976 (December 2022), amended LR 51:

Chapter 25. Inspections and Operational Requirements

§2501. Inspections

A. - C. ...

D. Permits are required to be displayed on the premises in a prominent location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§2505. Inventory Control and Required POS (Point-of-Sale) System

A. Permitted facilities shall be required to maintain a point-of-sale software system that will interface with the Louisiana Medical Marijuana Tracking System to allow for seed-to-sale tracking of all medical marijuana transactions (including deliveries and waste disposal) conducted at the facility.

B. - E.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§2507. Deliveries, Fulfillment and Labeling/Packaging Requirements

A. ...

B. Marijuana products may be issued by appropriate retailer staff to a patient or the patient's caregiver on the premises or by delivery to the patient's or caregiver's address.

B.1. - H.9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

§2511. Basic Facility Requirements

A. - H.4. ...

I. Facilities must be maintained in a clean and sanitary condition, free of the presence of insects, rodents, and other vermin.

J. Toxic chemicals used in cleaning and maintenance operations must be properly labelled, used in accordance with the manufacturer's directions, and stored securely in such a manner as to prevent them from becoming a source of contamination to marijuana products. Toxic chemicals not used in the firm's routine operations may not be stored on the premises.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 51:

Public Hearing

As such changes may be considered substantive by parties affected by the proposed Rule, notice is hereby given in accordance with the Administrative Procedure Act, specifically R.S. 49:968(H)(2), that a public hearing on the substantive changes will be held by the department on September 30, 2025 at 10 a.m. in Room 173 of the Bienville Building at 628 N. Fourth Street, Baton Rouge, LA 70802. All interested persons are invited to submit written comments concerning the proposed substantive changes to Tiffany Meche, Director, Bureau of Sanitarian Services, P.O. Box 4489, Baton Rouge, LA 70821-4489. Written comments will be accepted until 4:30 p.m., September 30, 2025.

Bruce D. Greenstein
Secretary
and
Ralph L. Abraham, MD
Surgeon General

2508#060

POTPOURRI

Department of Transportation and Development

Bundled Bridge Progressive Design-Build (PDB) Projects

North Louisiana Bundle Project

State Project No. H.016494 Dist

04/05 Bridge Bundle SFY25-26

Bienville, Caddo, Claiborne, DeSoto, East Carroll, Jackson, Lincoln, Madison, Ouachita, Union, and Webster Parishes

and

Central Louisiana Bundle Project

State Project No. H.016495

Dist 03/07/08/58 Bridge Bundle SFY25-26

Allen, Calcasieu, Caldwell, Catahoula, LaSalle, Natchitoches, Vermilion, Vernon, and Winn Parishes

and

Southeast Louisiana Bundle Project

State Project No. H.016496

Dist 02/61/62 Bridge Bundle SFY25-26

Iberville, Livingston, St. Bernard, St. Helena, St. Tammany, Tangipahoa, Terrebonne, Washington, and West Baton Rouge Parishes

The Department of Transportation and Development (DOTD) is announcing its intent to enter into three Progressive Design-Build (PDB) contracts pursuant to La. R.S. 48:250.3.1 with Progressive Design-Builders for the above captioned projects. Selection of the Progressive Design-Builder for each project will be made pursuant to the process described in a single Request for Qualifications (RFQ).

Issuance of the RFQ is anticipated to occur on or before September 3, 2025. Recipients of the RFQ will have the opportunity to submit a Statement of Qualifications (SOQ) for one or multiple bundles. The RFQ will provide details on how to participate in these opportunities including all elements required by R.S. 48:250.3.1.

Execution of the PDB contract for each bridge bundle, which will authorize preconstruction services, is anticipated to occur no later than February 2026.

The Project costs are anticipated not to exceed the following:

- \$33,210,000 for the North Louisiana Bundle Project
- \$29,120,000 for the Central Louisiana Bundle Project
- \$37,770,000 for the Southeast Louisiana Bundle Project

The maps included below identify the location of bridges in each bundle. All bridges are listed in Act 2 of the 2025 Regular Legislative Session.

Major elements of the projects include, but are not limited to the following:

- Preliminary and final engineering services;
- Topographic survey;
- Geotechnical investigations;
- Permitting activities;
- Utility coordination and relocations (as necessary);
- Right-of-way coordination;
- Risk management activities;
- Cost estimation activities using open-book methods;
- Removal of existing bridges and construction of new replacement bridges;
- Construction related to rehabilitation of existing bridges; and
- Maintenance of traffic activities related to construction/rehabilitation of bridges.

Entities that are interested in receiving the RFQ should submit a Letter of Interest (LOI) by Friday, August 29, 2025 to the following email address: BundledBridgePDB@la.gov.

The LOI, at a minimum, should include the following:

- Firm names for the proposed primary team members known at the time of LOI submittal (if a team is submitting the LOI).
- Contact information (name, telephone number, physical address, and email address) for the official point of contact for the firm/team.
- Indication of the anticipated role of the firm/team:
 - potential Proposer team (lead entity and primary team members);
 - potential lead entity for a Proposer team (teaming is in progress);
 - potential subcontractor; or
 - other interested party.

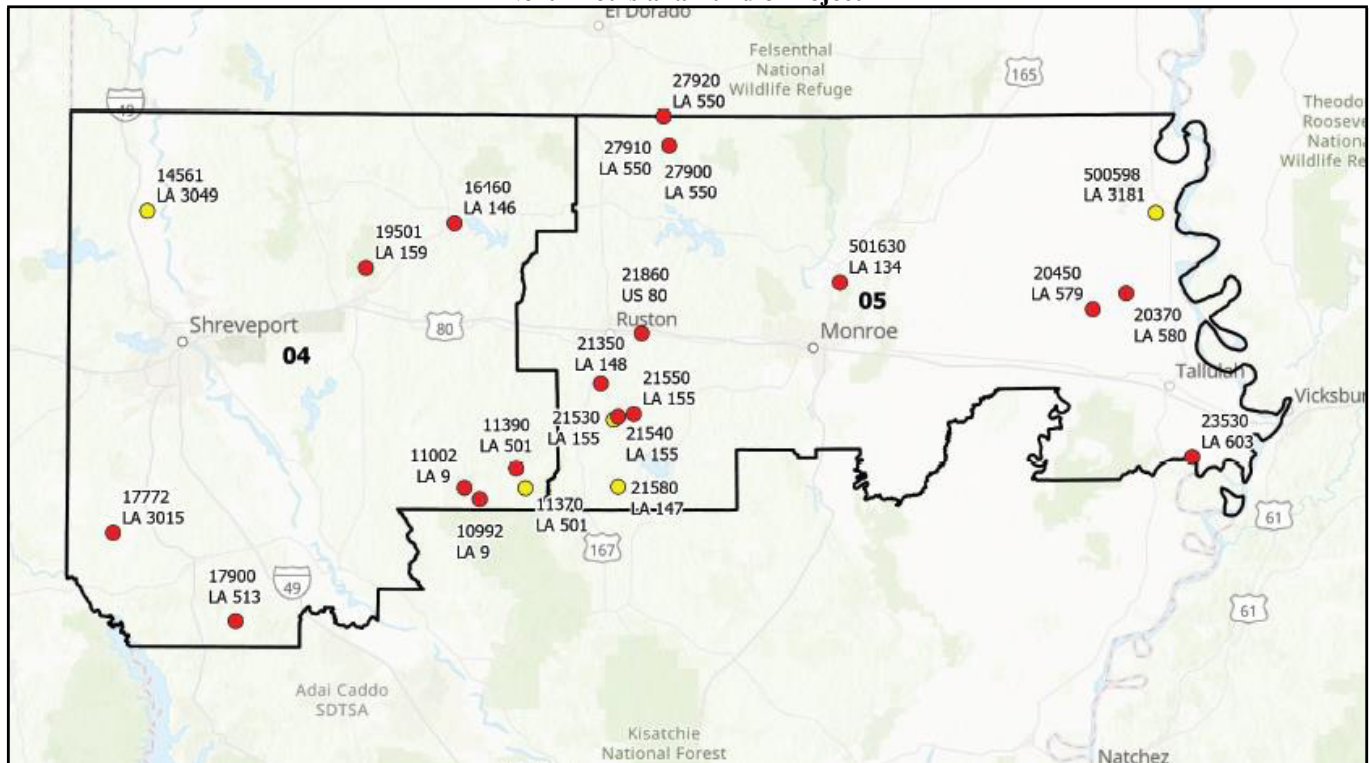
Entities that respond to this NOI prior to the deadline will be issued the RFQ and placed on a list of interested firms.

Future procurement updates will be published on the website of the DOTD Innovative Procurement Section, (<http://dotd.la.gov/about/office-of-the-secretary/innovative-procurement/ip-projects/progressive-design-build-projects/bundled-bridge-program/>).

Public Comments

All correspondence with the DOTD on matters concerning this Potpourri and the subsequent RFQ for the Projects should be made in writing to BundledBridgePDB@la.gov.

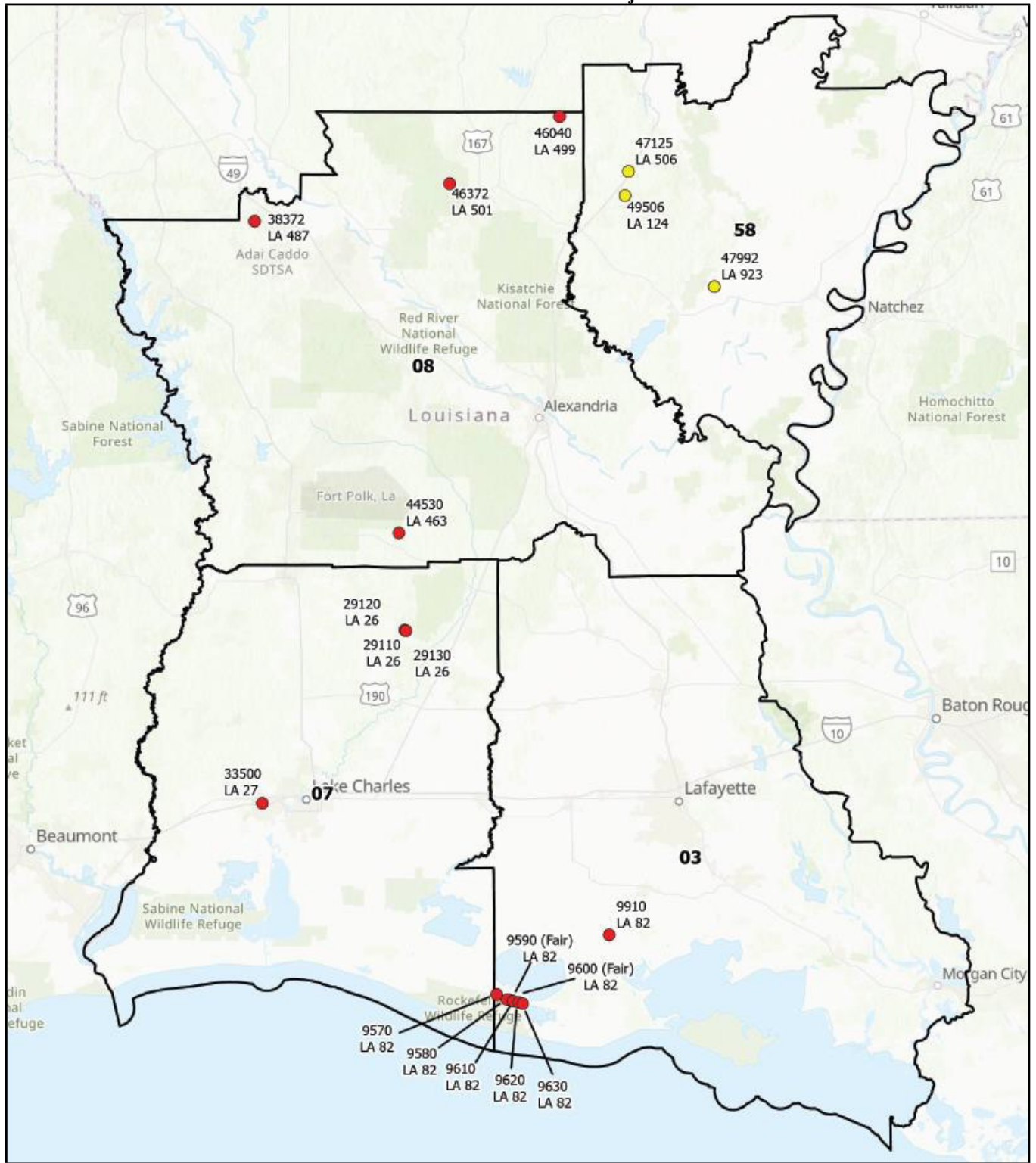
North Louisiana Bundle Project



Symbol Key

- Fair Condition Bridge
- Poor Condition Bridge
- 17900 - Bridge Recall No.
- LA 513 - State Route No.

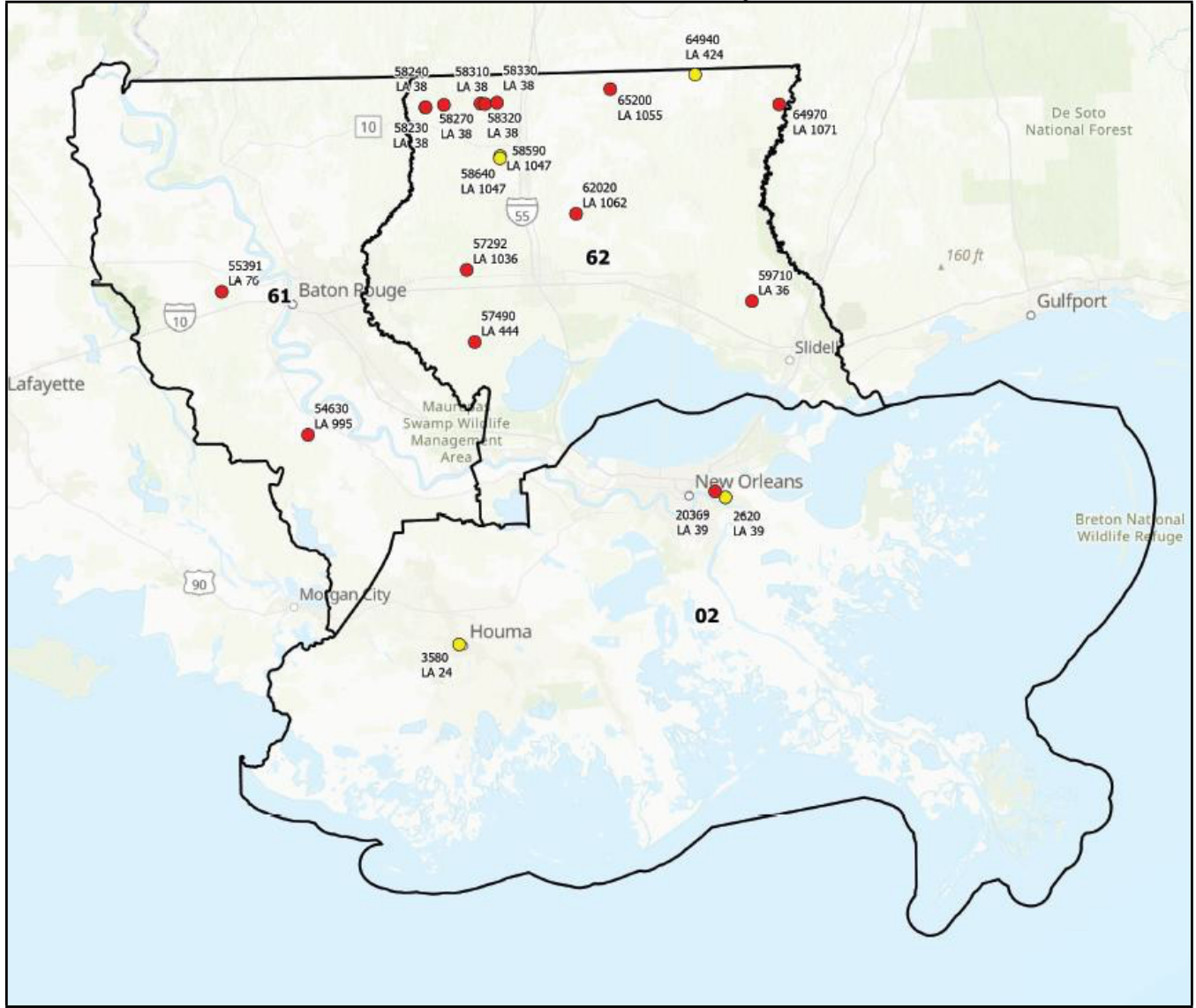
Central Louisiana Bundle Project



Symbol Key

- Fair Condition Bridge
- Poor Condition Bridge
- 33500 - Bridge Recall No.
- LA 27 - State Route No.

Southeast Louisiana Bundle Project



Symbol Key	
●	Fair Condition Bridge
●	Poor Condition Bridge
3580	Bridge Recall No.
LA 24	State Route No.

Glenn P. Ledet, Jr.
Secretary

2508#046

CUMULATIVE INDEX (Volume 51, Number 8)

2025	
Pages	Issue
1-234.....	January
235-340.....	February
341-481.....	March
482-629.....	April
630-742.....	May
743-921.....	June
922-1116.....	July
1117-1315.....	August
EO—Executive Order	
PPM—Policy and Procedure Memoranda	
ER—Emergency Rule	
R—Rule	
N—Notice of Intent	
CR—Committee Report	
GR—Governor's Report	
L—Legislation	
P—Potpourri	
QU—Administrative Code Quarterly Update	

ADMINISTRATIVE CODE UPDATE

Cumulative

January 2024-December 2024, 220QU
January 2025-March 2025, 619QU
January 2025-June 2025, 1104QU

AGRICULTURE AND FORESTRY

Agricultural and Environmental Sciences, Office of

2025 Annual Quarantine List, 620P

Advisory Commission on Pesticides

Advisory Commission on pesticides, 409N, 771R, 1170N

Agricultural Chemistry and Seed Commission

Commercial feed, 87N, 647R, 769R
Seeds, 971N

Horticulture Commission

Retail and wholesale florists, 26R

Structural Pest Control Commission

Approved termiticides and manufactures, 329P
Public hearing
Substantive amendments to proposed Rule
Structural Pest Control Commission, 330P, 776R

Agro-Consumer Services, Office of

Weights and Measures, Division of

Seafood consumer protection, 29R

Animal Health and Food Safety, Office of

Alternative livestock
Chronic Wasting Disease, 1171N
Transport of deer heads from quarantined facility within Louisiana for taxidermy purposes, 767ER

Commercial feed, 87N, 647R, 769R

Hunting season variances for farm-raised white-tailed deer, 330P

Louisiana Egg Commission revisions, 1173N

Trichomoniasis, 1176N

Voluntary inspection services for slaughter and processing of exotic animals, 414N, 777R

Animal Health Services, Office of

Hunting season variances for farm-raised white-tailed deer, 735P

Commissioner, Office of the

Agritourism, 30R

Opening meetings via electronic means, 304N, 781R

Petitions for adoption, amendment, or repeal of rules

Form and procedure, 420N, 782R

Petitions for declaratory orders, 419N, 783R

Forestry, Office of

Forest landowner assistance, 980N

Indian Creek Reservation area, 30R

Timber harvesting, 32R

Management and Finance, Office of

Central registry, 422N, 783R

Veterinary Medicine, Board of

Licensing procedures, 769R

Rules of professional conduct, 950R

Veterinary practice, 249R

CIVIL SERVICE

Ethics, Board of

Campaign finance

Complaints, 91N, 522R

Reporting for a tie vote, 251R

Contributions

Receiving, 251R

Reattribution, 251R

Redesignation, 251R

Food and drink limit, 556N, 951R

Political committees

Filing fees, 252R

CHILDREN AND FAMILY SERVICES

Child Welfare, Division of

Louisiana's 2025 Annual Progress and Services Report, 470P

Social Services Block Grant Intended Use Report, 470P

CONCURRENT RESOLUTIONS

House of Representatives

House Concurrent Resolution No. 1—Voting System Certification Standards and Procedures, 752CR

CULTURE, RECREATION AND TOURISM

State Parks, Office of

Cultural resources, 360R

ECONOMIC DEVELOPMENT

Economic Development, Office of

High Impact Jobs Program, 941ER, 1177N

Motion Picture Production Tax Credit Program, 945ER

Small and Emerging Business Development Program, 1182N

Secretary, Office of the

Administrative and miscellaneous provisions, 33R

Industrial Ad Valorem Tax Exemption Program, 366R

Louisiana Economic Development Procurement Code, 252R

EDUCATION

Elementary and Secondary Education, Board of

Advisory groups and remote participation, 34R

Bulletin 104—Louisiana Computer Science Content Standards

Computer science content standards, 259R

Bulletin 118—Statewide Assessment Standards and Practices

Cell phone use during testing, 689N, 1128R

Field testing, 264R

Bulletin 126—Charter Schools

Charter schools, 37R

Student enrollment, 265R

Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel

Performance and professional development, 44R

Bulletin 132—Louisiana Course Choice Program, 265R

Bulletin 133—Scholarship Programs

LA GATOR Scholarship Program phases, 268R

Bulletin 135—Health and Safety

Medication and student health, 45R

Bulletin 741—Louisiana Handbook for School Administrators

Freedom seal, 690N, 1128R

Remote school registration for military families, 982N

School administration, 47R

Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators

Bullying prevention, 556N, 951N

Mandatory reporters, 556N, 951N

Nonpublic pre-kindergarten programs, 556N, 951N

Nonpublic schools legislative response, 50R

Bulletin 1508—Pupil Appraisal Handbook
Screenings and Evaluations of Students for Special Education and Related Services
Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities, 692N

Alternate assessment eligibility criteria, 560N

Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities

Alternate assessment eligibility criteria, 1560N, 954R

Bulletin 1566—Pupil Progression Policies and Procedures

Numeracy and high dosage tutoring, 52R

Bulletin 1964—Louisiana Content Standards, Benchmarks, and Grade Level Expectations for Social Studies

Gulf of America, 866N

Bulletin 1903—Louisiana Handbook for Students with Dyslexia

Dyslexia screening and assessment, 269R

Bulletin 1929—Louisiana Accounting and Uniform Governmental Handbook

Assignment of chief operating officer, 54R

Business administrator, 704N, 1129R

Civics assessment, 983N

Communication pathways, 270R

Early childhood centers and providers, 93N, 523R

Educator credentials, 271R

Educator preparation, evaluation, and credentials, 705N, 1129R

Establish committee, 292R

Immunizations, 306N, 650R

Kindergarten screeners, 561N, 954R

Let Teachers Teach

Legislation and updates, 54R

Special education, 59R

Regents, Board of

Student Financial Assistance, Office of

Scholarship/Grant Programs

2024 COVID-19 exceptions, 102N, 530R

2024 legislation and Louisiana GO Grant, 63R

2024 M.J. Foster legislation, 65R

2024-2025 Chafee ETV award amount, 101N, 784R

Exceptions, 531R

Special School District Board of Directors

Open meetings accessibility; ADA, 459N, 819R

Tuition Trust Authority

Student Financial Assistance, Office of

START Saving Program, 67R, 985N

ENERGY AND NATURAL RESOURCES

Conservation, Office of

Orphaned Oilfield Sites, 223P, 331P, 471P, 622P, 913P, 1106P, 1283P

Pipeline safety, 1184N

Liquid chlorine, 1200N

Unconventional reservoir development, 1201N

Environmental Division

Public Hearing

Brickyard Trucking, L.L.C.

Commercial Class II Injection Well disposal facility, 913P

Injection and Mining Division

Class VI injection wells, 375R

Supplemental rules

Fee schedule, 374R

Secretary, Office of the

Regulation of solar power generation facilities, 1203N

ENVIRONMENTAL QUALITY

Secretary, Office of the Legal Affairs Division

2024 annual incorporation by reference of certain water quality regulations, 379R
2025 annual incorporation by reference of certain air quality regulations, 1210N
Advanced recycling, 103N, 1131R
Aligning UST regulations with statute changes, 424N, 785R
Bark beetles, 513ER
Emissions inventory, 68R
Integrating e-manifest with hazardous waste exports and other Manifest-Related Reports, 1213N
LPDES small MS4 urbanized area clarification, 563N, 955R
Notice of public hearing
Request for comments on rulemaking, 1302P
One-time exclusion of wastes for Chevron Oronite Co. LLC—Oak Point Plant, 564N, 1134R
Regional haze second planning period
State Implementation Plan (SIP) revision, 331P
Regulatory permit for storage vessels, 566N, 1135R
Repeal of affirmative defense provisions, 69R
Safe management of recalled airbags, 1219N
Standards for the use or disposal of sewage sludge and biosolids, 568N, 1136R
Storage of volatile organic compounds, 591N, 1158R
Universal waste regulations
Addition of aerosol cans, 1221N
Voluntary environmental self-audit regulations, 1226N

EXECUTIVE ORDERS

JML 24-176 Fiscal Responsibility Program, 1EO
JML 24-177 State of Emergency—Hurricane Francine—September 9, 2024, 2EO
JML 24-178 Renewal of State of Emergency—Severe Storms and Tornadoes—December 13, 2022, 3EO
JML 24-179 Renewal of State of Emergency—Hurricane Ida, 4EO
JML 24-180 Renewal of State of Emergency—Threat of Subsidence, Subsurface Instability, and Presence of Hydrocarbons in Sulphur Mines Salt Dome Area, 5EO
JML 24-181 Renewal of State of Emergency—Cybersecurity Incidents, 5EO
JML 25-01 State of Emergency—New Orleans, Super Bowl, and Mardi Gras Season, 6EO
JML 25-02 Flags at Half-Staff in Remembrance of Victims of the Bourbon Street Attack, 8EO
JML 25-03 Renewal of State of Emergency—Department of Transportation and Development, 8EO
JML 25-04 Period of Mourning—State of Louisiana Bourbon Street Attack, 9EO
JML 25-05 Amended Period of Mourning—State of Louisiana—Bourbon Street Attack, 9EO
JML 25-06 Flags at Half-Staff—Judge Salvadore T. Mulé, 10EO
JML 25-07 Renewal of State of Emergency—Severe Storms and Tornadoes—December 13, 2022, 235EO
JML 25-08 Review of Occupational Licensing Boards, 235EO

JML 25-09 Renewal of State of Emergency—Hurricane Ida, 237EO
JML 25-010 Renewal of State of Emergency—Threat of Subsidence, Subsurface Instability, and Presence of Hydrocarbons in Sulphur Mines Salt Dome Area, 238EO
JML 25-011 Amended Period of Mourning—State of Louisiana Bourbon Street Attack, 238EO
JML 25-012 State of Emergency—Winter Weather Preparation—January 18, 2025, 239EO
JML 25-013 Renewal of State of Emergency—Cybersecurity Incidents, 240EO
JML 25-014 Bond Allocation 2025 Ceiling and Carry-Forward Bond Allocation 2024, 241EO
JML 25-015 Renewal of State of Emergency—New Orleans, Super Bowl, and Mardi Gras Season, 242EO
JML 25-016 Renewal of State of Emergency—Department of Transportation and Development, 244EO
JML 25-017 Renewal of State of Emergency—Severe Storms and Tornadoes—December 13, 2022, 245EO
JML 25-018 State of Emergency—City of Tallulah Water System, 341EO
JML 25-019 Renewal of State of Emergency—Hurricane Ida, 341EO
JML 25-020 Renewal of State of Emergency—Threat of Subsidence, Subsurface Instability, and Presence of Hydrocarbons in Sulphur Mines Salt Dome Area, 342EO
JML 25-021 Renewal of State of Emergency—Winter Weather—January 18, 2025, 343EO
JML 25-022 Renewal of State of Emergency—Cybersecurity Incidents, 344EO
JML 25-023 Renewal of State of Emergency—New Orleans and Mardi Gras Season, 345EO
JML 25-024 Renewal of State of Emergency—Department of Transportation and Development, 482EO
JML 25-025 Review of State Leased Buildings, 482EO
JML 25-026 Flags at Half-Staff—Former First Lady Alice C. Foster, 483EO
JML 25-027 The Gulf of America, 484EO
JML 25-028 State of Emergency—City of Tallulah Water System, 485EO
JML 25-029 Renewal of State of Emergency—Threat of Subsidence, Subsurface Instability, and Presence of Hydrocarbons in Sulphur Mines Salt Dome Area, 486EO
JML 25-030 Renewal of State of Emergency—Hurricane Ida, 486EO
JML 25-031 Renewal of State of Emergency—Winter Weather—January 18, 2025, 487EO
JML 25-032 State of Emergency—Office of Motor Vehicles, 488EO
JML 25-033 Amended and Restated Conditions for Participation in the Industrial Tax Exemption Program, 489EO
JML 25-034 Renewal of State of Emergency—Cybersecurity Incidents, 491EO
JML 25-035 Renewal of State of Emergency—Department of Transportation and Development, 492EO
JML 25-036 Flags at Half-Staff—Former Senator J. Bennett Johnston, 492EO
JML 25-037 Flags at Half-Staff—Sergeant Grant James Candies, 493EO
JML 25-038 Administrative Rules and Regulations, 494EO
JML 25-039 Hiring Freeze—Executive Branch, 510EO

EXECUTIVE ORDERS (continued)

JML 25-040 State of Emergency—City of Tallulah Water System, 630EO

JML 25-041 Renewal of State of Emergency—Threat of Subsidence, Subsurface Instability, and Presence of Hydrocarbons in Sulphur Mines Salt Dome Area, 631EO

JML 25-042 Renewal of State of Emergency—Hurricane Ida, 631EO

JML 25-043 Amended State of Emergency—Office of Motor Vehicles, 632EO

JML 25-044 Flags at Half-Staff—Representative Billy Wayne “Coach” Montgomery, 633EO

JML 25-045 Renewal of State of Emergency—Cybersecurity Incidents, 634EO

JML 25-046 Period of Mourning—Flags at Half-Staff in Remembrance of Pope Francis, 635EO

JML 25-047 French Quarter Terrorism Attack Memorial Commission, 635EO

JML 25-048 Return To In-Office Work, 636EO

JML 25-049 Renewal of State of Emergency—Department of Transportation and Development, 637EO

JML 25-050 Flags at Half-Staff—Speaker of the House Edgerton Lewis “Bubba” Henry, 637EO

JML 25-051 Flags at Half-Staff—Justice Harry Thomas Lemmon, 638EO

JML 25-052 Make Louisiana Healthy Again—Enhancing Nutrition in the Supplemental Nutrition Assistance Program, 639EO

JML 25-053 Flags at Half-Staff—Bond Allocation 2025 Ceiling, 640EO

JML 25-054 State of Emergency—City of Tallulah Water System, 743EO

JML 25-055 Renewal of State of Emergency—Threat of Subsidence, Subsurface Instability, and Presence of Hydrocarbons in Sulphur Mines Salt Dome Area, 744EO

JML 25-056 Renewal of State of Emergency—Hurricane Ida, 744EO

JML 25-057 Flags at Half-Staff—Lt. Allen “Noochie” Credeur, 745EO

JML 25-058 Flags at Half-Staff—Peace Officers Memorial Day and Police Week, 746EO

JML 25-059 Fairness to Louisiana’s Student-Athletes in Compensation for Their Name, Image, and Likeness, 746EO

JML 25-060 Operation Geaux, 747EO

JML 25-061 Amended State of Emergency—Office of Motor Vehicles, 748EO

JML 25-062 Renewal of State of Emergency—Cybersecurity Incidents, 749EO

JML 25-063 Orleans Jailbreak Investigation, 750EO

JML 25-064 Flags at Half-Staff—Mayor-President Melvin L. “Kip” Holden, 751EO

JML 25-065 Bond Allocation 2025 Ceiling Amendment, 922EO

JML 25-066 Renewal of State of Emergency—Threat of Subsidence, Subsurface Instability, and Presence of Hydrocarbons in Sulphur Mines Salt Dome Area, 922EO

JML 25-067 Renewal of State of Emergency—Hurricane Ida, 923EO

JML 25-068 State of Emergency—City of Tallulah Water System, 924EO

JML 25-069 Amended State of Emergency—Office of Motor Vehicles, 925EO

JML 25-070 Renewal of State of Emergency—Cybersecurity Incidents, 926EO

JML 25-071 State of Emergency—Office of Broadband Development and Connectivity, 926EO

JML 25-072 Unleashing Louisiana’s Energy Production, 928EO

JML 25-073 Bond Allocation 2025 Ceiling, 929EO

JML 25-074 Amended Modernization and Efficiency for Environmental Permitting, 929EO

JML 25-075 Bond Allocation 2025 Ceiling, 930EO

JML 25-076 Renewal of State of Emergency—Hurricane Ida, 931EO

JML 25-077 Renewal of State of Emergency—Threat of Subsidence, Subsurface Instability, and Presence of Hydrocarbons in Sulphur Mines Salt Dome Area, 932EO

JML 25-078 State of Emergency—City of Tallulah Water System, 933EO

JML 25-079 Amended State of Emergency—Office of Motor Vehicles, 1117EO

JML 25-080 Renewal of State of Emergency—Cybersecurity Incidents, 1118EO

JML 25-081 Veto of LAC 46:LXVI.1217—Radiologic Technologists—Fees and Expenses, 1118EO

JML 25-082 Renewal of State of Emergency—Office of Broadband Development and Connectivity, 1119EO

JML 25-083 Public Higher Education Reform Task Force, 1120EO

JML 25-084 State of Emergency—Maximum Security Camp J Repairs—Louisiana State Penitentiary, 1121EO

JML 25-085 Renewal of State of Emergency—Hurricane Ida, 1123EO

JML 25-086 Renewal of State of Emergency—Threat of Subsidence, Subsurface Instability, and Presence of Hydrocarbons in Sulphur Mines Salt Dome Area, 1123EO

GOVERNOR

Administration, Division of

Louisiana State Police video public records requests, 108N, 956R

Notice of public hearings, 1303P

Web Accessibility Compliance—PPM Number 74, 327 PPM

Broadband Development and Connectivity, Office of

Granting Unserved Municipalities Broadband Opportunities (GUMBO), 348ER, 934ER, 1235N
GUMBO 2.0, 1236N

Commissioner, Office of the

Louisiana State Police video public records requests, 12ER, 108N

Group Benefits, Office of

Notice of public hearing

Request for comments on rulemaking, 227P

Participation in the Office of Group Benefits, 1238N

Racing Commission

Jockey fee schedule, 651R

Notice of public hearing

Request for comments on rulemaking, 1108P

Voided and voidable claims, 867N

State Procurement, Office of

Procurement, 708N, 1160R

GOVERNOR (continued)

State Uniform Payroll, Office of

State uniform payroll, 295R

Tax Commission

Ad valorem taxation, 380R

Auctioneers Licensing Board

Auctioneers, 1230N

Capital Area Groundwater Conservation Commission

Public hearing

Substantive changes to proposed Rule;

Measuring Well Yield, Records, 331P

Coastal Protection and Restoration Authority

Notice of Availability of Deepwater Horizon Oil Spill

Louisiana and Open Ocean Trustee Implementation

Groups Draft Joint Restoration Plan and

Environmental Assessment #1: Wetlands, Coastal, and

Nearshore Habitats, Federally Managed Lands, Fish

and Water Column Invertebrates, Sea Turtles,

Submerged Aquatic Vegetation, and Birds Restoration

of the Chandeleur Islands, 913P

Commission on Law Enforcement and Administration of Criminal Justice

Peace officer training, 107N

Examiners of Interior Designers, Board of

Continuing education, 986N

Inactive status, 986N

Officer duties, 986N

Reinstatement, 986N

Firefighters' Pension and Relief Fund for the City of New Orleans, Board of Trustees of the

Open meetings via electronic means, 70R

Interior Designers, Board of Examiners of

Interior designers, 986N

Motor Vehicle Commission

License by endorsement, 990N

Teleconference or video conference participation at
open meetings by person with disability, 710N

Home Inspectors, Board of

General rules, 593N, 1159R

Pardons, Board of

Clemency, 292R

Veterans Affairs, Department of

Cemeteries, 989N

HEALTH

Aging and Adult Services, Office of

Home and community-based services waivers

Adult day health care providers

Cost reporting, 310N, 399R, 879N

Community Choices Waiver, 297R

Traumatic brain and spinal cord injury, 537R

Behavior Analyst Board

Application procedures and board fees, 1229N

Dentistry, Board of

Continuing education requirements, 109N, 787R

General provisions, 711N, 1161R

Emergency Response Network

Louisiana Stroke Center recognition, 881N

Examiners of Psychologists, Board of

Applications for licensed specialist in school
psychology, 111N, 531R

Licensed psychological associate, 868N

LSSP Committee composition, 111N, 531R

Health Services Financing, Bureau of

Eligibility

Family Opportunity Act Medicaid Program, 1240N

Federally qualified health centers

Alternative payment methodology, 309N, 666R

Home and community-based services waivers

Adult day health care providers

Cost reporting, 310N, 399R, 879N

Community Choices Waiver, 297R

Hospital services

Coverage of gene therapies for Sickle Cell Disease,
934ER, 993N

Inpatient hospital services

Other rural hospitals, 299R

Outpatient hospital services

Other rural hospitals, 300R

Hospitals

Licensing standards, 958R

Intermediate care facilities for persons with intellectual
disabilities

Rate determination, 12ER, 312N, 667R

Reimbursement methodology, 313N, 667R

Temporary reimbursement for private facilities,
247ER, 315N, 668R

Medicaid Purchase Plan

Recipient eligibility, 316N, 668R

Medical Transportation Program

Non-emergency medical transportation, 1241N

Nursing facilities

Reimbursement methodology 935ER, 995N

Professional Services Program

Reimbursement methodology, 70R, 939ER, 1243N

Refugee medical assistance, 940ER, 1246N

Health Standards Section

Ambulatory surgical center

Licensing standards, 71R

Behavioral health service providers

Licensing standards, 140N, 143N, 534R, 534R

Case management

Licensing standards, 599N, 957R

Direct service worker registry, 882N

Facility need review, 400R

Free-standing birth centers

Licensing standards, 71R

Healthcare facility sanctions, 72R

Hospitals

Licensing standards, 601N, 958R

Nurse Aide Training and Competency Evaluation
Program

Licensing standards, 884N, 886N

Medication attendant certified, 400R

Nurse staffing agencies

Licensing standards, 888N

Nursing facilities

Licensing standards, 318N, 402R, 1165R

Public Hearing

Substantive changes to proposed Rule Nursing

Facilities Licensing Standards, 735P

HEALTH (continued)

Licensed Professional Counselors Board of Examiners

Appraisal, 999N
Certificate of Completion for LPC-S renewal, 435N
Notice of public hearing
Request for comments on rulemaking, 472P
PLPC Billing technical revision, 713N Social and cultural foundations
Continuing education requirement, 403R
Teaching continuing education for LPCs, 436N
Teletherapy registration, 714N
Fee, 319N, 961R

Medical Examiners, Board of

Adjudication
Recusal, 427N, 1162R
Fully-trained foreign physicians, 992N
Licensure and certification, 788R
Marijuana for therapeutic use by patients suffering from a debilitating medical condition, 791R
Occupational therapists, 652R
Occupational therapy assistants, 652R
Office-based surgery, 792R
Physicians
Bridge Year Program, 428N, 1162R
Good standing definition, 430N, 797R
Retired physician license, 431N, 1163R
Polysomnographic technologists and technicians, 398R
Rules of procedure
Complaints and investigations, 433N

Nursing, Board of

Faculty and faculty organization of undergraduate and graduate nursing education degree programs, 877N
Peripherally Inserted Central Catheter (PICC)
Insertion and removal, 878N

Pharmacy, Board of

Emergency drug kit permit, 307N, 798R
Marijuana pharmacy, 115N, 665R
Nonresident pharmacy, 594N
Notice of public hearing
Request for comments on rulemaking, 735P
Pharmacist-in-Charge (PIC) requirements, 117N, 798R
Pharmacy Technician Certificate qualifications, 596N
Practitioner CDS license, 597N

Public Health, Office of

Administration and treatment of HIV, 145N, 668R
Blood lead reference value and reporting, 894N
Commercial body art, 73R
Commission for the deaf, 715N
Emergency Medical Services professionals, 150N, 673R
Emergency medical transportation services
Licensing standards, 676R
Imported crawfish and shrimp
Notice to patrons of food service establishments, 301R
Marine and fresh water animal food products, 301R
Public hearing
Substantive changes to proposed Rule
Regulation of Medical Marijuana, 228P, 1303P
Registration of foods, drugs, cosmetics, and prophylactic devices, 641ER
Regulation of medical marijuana, 514ER, 717N

Reportable diseases and conditions, 896N
Sign language interpreters, 724N
State sign language interpreter
Certification standards, 732N

Radiologic Technology Board of Examiners

Notice of public hearing
Request for comments on rulemaking, 736P
Radiologic technologists, 154N, 437N, 799R
Fees and expenses, 441N, 802R

Social Work Examiners, Board of

Credentials of social work examiners, 119N
Public hearing
Substantive changes to proposed Rule
Credentials of Social Work Examiners, 622P

INSURANCE

Commissioner, Office of the

Public Hearing
Substantive change hearing
Regulation 90—Payment of Pharmacy and Pharmacist Claims Notice of Intent, 332P
Regulation 131—Plan for Nonrenewal or Cancellation of Homeowners Policies in Effect and Renewed for More Than Three Years, 230P, 803R
Regulation 21—Special Policies and Provisions: Prohibitions, Regulations, and Disclosure Requirements, 159N, 679R
Regulation 48—Standardized Claim Form, 538R
Regulation 90—Payment of Pharmacy and Pharmacist Claims, 962R
Regulation 112—Adoption of NAIC Handbooks, Guidelines, Forms, and Instructions, 73R
Regulation 120—Administrative and Agency Proceedings Instituted against a License, 897N, 1166R
Regulation 131—Plan for Nonrenewal or Cancellation of Homeowners Policies in Effect and Renewed for More Than Three Years, 803R
Regulation 132—Louisiana Churches and Nonprofit Religious Organizations Self-Insured Fund, 74R
Regulation 133—Adequate Payment of Pharmacy and Pharmacist Claims, 605N
Regulation 134—Insurance Regulatory Sandbox Program, 608N, 965R
Regulation 135—Advisory Board or Commission, 899N, 1167R
Rule 7—Legal Expense Insurers, 538R
Rule 13—Special Assessment; Creation of Dedicated Fund Account, 613N, 968R

Health, Life, and Annuity, Office of

Annual HIPAA assessment rate, 914P

JUSTICE

Occupational Licensing Review Program

Accepting participants for FY 2025-2026
Period of July 1, 2025-June 30, 2026, 473P, 623P, 736P

LOUISIANA LOTTERY CORPORATION
Open Meetings Accessibility; ADA, 404R

POLICY AND PROCEDURE MEMORANDA

Governor, Office of the

Administration, Division of

PPM 49—General Travel Regulations, 753PPM

PPM 74—Web Accessibility Compliance, 765PPM

PUBLIC SAFETY AND CORRECTIONS

Corrections Services

Disciplinary rules and procedures for adult inmates, 1001N

Emergency plan for sex offenders on probation and parole supervision in the event of an emergency/disaster, 301R

Searches of visitors, 1016N

Special agents, 1247N

Gaming Control Board

Weapons in the designated gaming area, 303R

Juvenile Justice, Office of

Juvenile detention facilities, 539R

Motor Vehicles, Office of

Administrative procedures, 1249N

Driving schools, 443N, 805R

Ignition interlock devices, 445N, 547R, 806R

Public tag agents, 548R

Reciprocity agreements with foreign countries, 947ER, 1019N

Seizure disorder designation, 1020N

Public Safety Services

Louisiana State Police video public records requests, 12ER, 108N, 956R

State Police, Office of

Accident reports, 320N, 680R

Blood alcohol analysis

Approval of instruments to conduct by breath samplings, 160N, 680R

Breath and blood alcohol analysis methods and techniques, 322N, 681R

General administrative requirements, 162N, 682R

Maintenance inspection for the Intoxilyzer 9000, 163N, 683R

Permits, 165N, 684R

Qualifications

Individuals for instrument maintenance and inspection, 166N, 685R

Operator, 164N, 683R

Release and incident reporting, 168N, 686R

Required equipment, 1250N

REVENUE

Tax Policy and Planning Division

Alcoholic beverage sales by out-of-state sellers to Louisiana wholesalers registration and electronic reporting procedures, 1251N

Electronic filing and payment requirement

Dealers providing

Cable television, 13ER, 948ER, 1021N

Direct-to-home satellite, 13ER, 948ER, 1021N

Satellite digital audio radio services, 13ER, 948ER, 1021N

Telecommunications, 13ER, 948ER, 1021N

Video programming, 13ER, 948ER, 1021N

Income tax withholding tables, 14ER, 448N, 809R

Installment agreement for payment of tax, 616N, 970R

Louisiana Fortified Roof Tax Credit Program, 1125ER

STATE

Elections Division

Procurement and certification of voting equipment, 405R

**Secretary of State, Office of the
Archives, Division of**

Records management policies and practices, 1022N

TRANSPORTATION AND DEVELOPMENT

Bundled Bridge Progressive Design-Build (PDB) Projects, 1304P

General Counsel, Office of

Personnel, 1253N

Pipe bursting, 1255N

Recycling of highway construction and maintenance material, 1259N

System management, 1261N

Multimodal Commerce, Office of

State safety oversight for rail fixed guideway public transportation systems, 348ER

Operations, Office of

Combination or double tandem load permit, 1262N

Professional Engineering and Land Surveying Board

Bylaws, 1036N

Engineering and land surveying, 169N, 550R, 686R

TREASURY

Deferred Compensation Commission

Deferred Compensation Plan, 1038N

Louisiana State Employees' Retirement System, Board of Trustees of the

Disability accommodations for open meetings, 461N, 820R

Election of both active and retired member trustees, 462N, 821R

Louisiana State Police Retirement System, Board of Trustees of the

Disability accommodations for open meetings, 324N

Municipal Employees' Retirement System

Municipal Employees' Retirement System, 1266N

Teachers' Retirement System of Louisiana, Board of Trustees of the

Open meetings via electronic means 617N

WILDLIFE AND FISHERIES

Wildlife and Fisheries Commission

Alligators, 464N, 822R
Administration of the natural and scenic rivers and historic and scenic rivers, 1268N
Bear
Bag limits, 465N, 822R
Hunting areas, 465N, 822R
Rules, 465N, 822R
Seasons, 465N, 822R
Black bass
Regulations on Bussey Brake Wildlife Management Area, 732N, 1168R
Chronic wasting disease control areas, 520ER, 902N
Crab
Derelict Crab Trap Removal Program, 1274N
Fish and wildlife values, 904N
Gag grouper
2025 recreational season modification, 768ER, 1127ER
Hunting regulations
2025-2027 seasons, 177N, 824R
Oyster
Close of a portion of public seed grounds
East of the Mississippi River
Drum Bay, St. Bernard Parish, 24ER
Public Hearing
Substantive change to Notice of Intent
2025-2027 Hunting Regulations and Seasons, 473P
Recreational and commercial harvests
Prohibitions, 75R
Red snapper
2025 private recreational and state charter season, 359ER
Resident game hunting seasons extensions
2024-2025 seasons, 247ER

Resident Quadrupeds and Nuisance Wildlife Control Operator Program, 1041N
Sharks and sawfishes
Harvest regulations, 84R
Shrimp
Season closure
Portions of state inside waters, 24ER, 248ER
Season opening
2025 fall inshore season, 1126ER
2025 spring inshore season, 646ER
Special bait dealer's permit, 1048N
Wahoo
Harvest regulations, 468N, 865R
Wildlife Rehabilitation Program, 1277N

WORKFORCE COMMISSION

Plumbing Board

Plumbers
Introductory information, 1280N
Licenses and continuing professional education programs, 407R
Meetings, 1280N
Officers, 1280N

Rehabilitation Services

Disability accommodations for public meetings, 910N

Unemployment Insurance Administration, Office of

Benefits for domestic violence victims, 907N
Computation of time, 908N
Overpayment recovery, 909N

Workers' Compensation Administration, Office of

Hearing rules, 1052N
Authority, 1102N
Medical treatment guidelines
Disputed claim for medical treatment, 85R
Mileage reimbursement limits, 231P
Weekly compensation benefits limits, 1108P