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Emergency Rules

DECLARATION OF EMERGENCY

Department of Children and Family Services Licensing Section

Suspension of License Renewal Fees—Child Residential Care Class B, Residential Homes (Type IV), Child Placing Agencies—General Provisions, and Juvenile Detention (LAC 67:V.6953, 7103, 7303, and 7503)

The Department of Children and Family Services (DCFS) has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953 (B) to amend LAC 67, Part V, Subpart 8, Chapter 69, Child Residential Care, Class B, Section 6953; Chapter 71, Residential Homes-Type IV, Section 7103; Chapter 73, Child Placing Agencies, Section 7303; and Chapter 75, Juvenile Detention Facilities, Section 7503.

In accordance with HCR 71 of the 2020 Legislative Session, it is necessary to promulgate an Emergency Rule to implement a temporary suspension of license renewal fees for a limited period of time. During their 2020 Regular Session, the Louisiana Legislature adopted House Concurrent Resolution 71 which directs state agencies to adopt emergency rules to suspend the collection of license renewal fees for existing businesses based in Louisiana for renewals due from July 1, 2020 through June 30, 2021 as part of Louisiana's response to and as a way to help businesses reopen and recover from COVID-19. This emergency rule is necessary to comply with the legislative mandate in House Concurrent Resolution 71 of the 2020 Regular Session of the Louisiana Legislature. This Emergency Rule shall become effective July 1, 2020 and shall remain in effect for 120 days unless rescinded or renewed.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 8. Residential Licensing

Chapter 69. Child Residential Care, Class B

§6953. Authority

A. ...

1. In accordance with HCR 71 of the 2020 Legislative Session, license renewal fees due from July 1, 2020 through June 30, 2021 are hereby suspended for existing residential homes located in Louisiana as part of Louisiana's response to and as a way to help businesses reopen and recover from COVID-19.

B. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 27:1565 (September 2001), repromulgated by the Department of Social Services, Office of the Secretary, Bureau of Residential Licensing, LR 33:2740 (December 2007), repromulgated by the Department of Social Services, Office of Community Services, LR

35:1617 (August 2009), amended LR 36:331 (February 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 39:66 (January 2013), amended by the Department of Children and Family Services, Licensing Section, LR 46:

Chapter 71. Residential Homes—Type IV

§7103. Authority

A. Legislative Provisions

1. 1.a. ...

2. In accordance with HCR 71 of the 2020 Legislative Session, license renewal fees due from July 1, 2020 through June 30, 2021 are hereby suspended for existing residential homes located in Louisiana as part of Louisiana's response to and as a way to help businesses reopen and recover from COVID-19.

B. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Service, LR 36:805 (April 2010), amended by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 39:67 (January 2013), amended by the Department of Children and Family Services, Licensing Section, LR 43:246 (February 2017), LR 46:

Chapter 73. Child Placing Agencies—General Provisions

§7303. Authority - Foster Care, Adoption, Transitional Placing

A - A.6 ...

7. In accordance with HCR 71 of the 2020 Legislative Session, license renewal fees due from July 1, 2020 through June 30, 2021 are hereby suspended for existing child placing agencies located in Louisiana as part of Louisiana's response to and as a way to help businesses reopen and recover from COVID-19.

B. - E.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:352 (March 2019), effective April 1, 2019, amended LR 46:

Chapter 75. Juvenile Detention Facilities

§7503. Authority

A. Legislative Provisions

1. ...

2. In accordance with HCR 71 of the 2020 Legislative Session, license renewal fees due from July 1, 2020 through June 30, 2021 are hereby suspended for existing juvenile detention facilities located in Louisiana as part of Louisiana's response to and as a way to help businesses reopen and recover from COVID-19.

B. - C.1.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1110.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Programs, Licensing Section, LR 38:1559 (July 2012), amended LR 39:1006 (April

2013), effective July 1, 2013, repromulgated LR 39:1264 (May 2013), amended by the Department of Children and Family Services, Licensing Section, LR 46:

Marketa Garner Walters
Secretary

2006#011

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards and Practices (LAC 28:XI.6829)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement to revise *Bulletin 118—Statewide Assessment Standards and Practices*. The proposed revisions removes the requirement that Louisiana public and/or scholarship school students, who earned a high school assessment-eligible course credit in the spring of the 2019-2020 school year, take the LEAP 2025 high school assessment that corresponds to course credits earned in the spring of 2020, when no assessment was available to students in spring 2020. Use of the emergency provision will allow students to avoid a scenario whereby they would be expected to take and pass a subject test in a subsequent year when they have moved on to their next courses of study. This Declaration of Emergency, effective June 17, 2020, is for a period of 120 days from adoption, or until finally adopted as Rule.

Title 28 EDUCATION

Part XI. Accountability/Testing

Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices

Chapter 68. LEAP 2025 Assessments for High School

Subchapter C. LEAP 2025 for High School

Administrative Rules

§6829. LEAP 2025 Transfer Rules [Formerly LAC 28:CXI.1829]

A. The following applies to a transfer student who is a Louisiana resident transferring into a Louisiana public school district from an out-of-state school, nonpublic school, or approved home study program.

1. - 3. ...

B. Exception. A student who earned a high school assessment-eligible course credit in the spring of the 2019-2020 school year in a Louisiana public or scholarship school, and has never taken the corresponding LEAP 2025 test for the course, does not need to take or pass the LEAP 2025 subject test for the course in order to meet graduation requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:978 (May 2010),

amended LR 37:820 (March 2011), LR 44:471 (March 2018), LR 46:

Sandy Holloway
President

2007#003

DECLARATION OF EMERGENCY

Office of the Governor

Board of Examiners of Certified Shorthand Reporters

Certified Shorthand Reporter Fees (LAC 46:XXI.901)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), Act 5 of the First Extraordinary Session of 2020, and pursuant to the authority set forth in R.S. 3:1733 and R.S. 3:1734, the Board of Examiners of Certified Shorthand Reporters declares an emergency to exist and adopts by emergency process the attached Rule relative to the fees for the issuance of a reciprocal certificate of registration without board examination, the issuance and renewal of a certificate of registration, and reinstatement of a suspended or revoked certificate.

This Rule shall have the force and effect of law on July 1, 2020, and will remain in effect 120 days, unless renewed by the Board of Examiners of Certified Shorthand Reporters, or until permanent rules are promulgated in accordance with the law.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXI. Certified Shorthand Reporters

Chapter 9. Fees

§901. Fees

A. The following fees shall be paid to the board.

1. The fee to be paid for the issuance of a reciprocal certificate of registration without board examination is \$175 plus seal fee(s).

2. The fee to be paid upon the issuance and renewal of a certificate of registration is \$175 plus seal fee(s).

3. - 4. ...

5. The fee to be paid for reinstatement of a suspended or revoked certificate is the payment of all delinquent fees, plus \$50 for a certificate delinquent for a period of up to one year, \$175 for a certificate delinquent for a period of up to two years, \$250 for a certificate delinquent for a period of two or more years.

6. - 8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2554 and 2558.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Examiners of Certified Shorthand Reporters, LR 9:680 (October 1983), amended LR 10:279 (April 1984), amended by the Department of Economic Development, Board of Examiners of Certified Shorthand Reporters, LR 14:531 (August 1988), LR 17:34 (January 1991), LR 17:578 (June 1991), LR 19:1541 (December 1993), amended by the Office of the Governor, Board of Examiners of Shorthand Reporters, LR 34:434 (March

Nhung Nguyen
Administrator

2007#054

DECLARATION OF EMERGENCY

**Office of the Governor
Board of Examiners of Certified Shorthand Reporters**

**Continuing Education Credits
(LAC 46:XXI.661)**

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to the authority set forth in R.S. 3:1733 and R.S. 3:1734, the Board of Examiners of Certified Shorthand Reporters declares an emergency to exist and adopts by emergency process the attached Rule relative to accepting live webinars for continuing education credits.

This Rule shall have the force and effect of law on June 26, 2020, and will remain in effect 120 days, unless renewed by the Board of Examiners of Certified Shorthand Reporters, or until permanent rules are promulgated in accordance with the law.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXI. Certified Shorthand Reporters

Chapter 6. Continuing Education

**§611. Activities Not Acceptable for Continuing
Education Credits**

A. Completion of any certified pulmonary respiratory course will not be accepted for continuing education credits.

B. Attendance at or participation in tours, exhibits, entertainment, recreation, committee service, association business, home study, or on-line courses or seminars will not be accepted for continuing education credits, except that live webinars will be accepted for continuing education credits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2554.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Examiners of Certified Shorthand Reporters, LR 21:931 (September 1995), amended by the Office of the Governor, Board of Examiners of Certified Shorthand Reporters, LR 33:2420 (November 2007), LR 46:

Nhung Nguyen
Administrator

2007#053

DECLARATION OF EMERGENCY

**Office of the Governor
Motor Vehicle Commission**

**License Renewal Fees Suspension for Louisiana-Based
Business Licensees (LAC 46:V.Chapters 21 and 81)**

On January 31, 2020, the United States Department of Health and Human Services Secretary Alex A. Azar declared a public health emergency (PHE) for the United States to aid the nation’s healthcare community in responding to the

coronavirus disease (COVID-19). The United State Centers for Disease Control and Prevention (CDC) declared COVID-19 a worldwide pandemic due to its global effect. Furthermore, on March 13, 2020, the President of the United States invoked the Stafford Act and declared a national emergency regarding the COVID-19 outbreak. On March 11, 2020 Louisiana Governor John Bel Edwards issued Proclamation No. JBE 2020-25, declaring a Public Health Emergency in the state of Louisiana due to COVID-19. Reference is also made to Proclamation No. JBE 2020-33 (dated March 22, 2020) and Proclamation No. JBE 2020-41 (dated April 2, 2020).

This Emergency Rule is enacted pursuant to the authorization and direction of the House Representatives and the Senate expressed in House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature, passed on June 1, 2020. This Emergency Rule addresses the impact of the COVID-10 disruption to the normalcy previously enjoyed by citizens of Louisiana and the detrimental impacts upon various licensees of the Louisiana Motor Vehicle Commission.

The disruption caused by COVID-19 to the normalcy previously enjoyed by Louisianans is an immediate threat to the public health, safety, and welfare of the Louisiana citizens and businesses. In order to respond to the emergency and to protect and safeguard the public, health, safety and welfare of the citizens of this state, and to comply with the Legislature’s will as expressed in House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature and its established time limitations, it is necessary to issue this Emergency Rule.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part V. Automotive Industry

Subpart 1. Motor Vehicle Commission

**Chapter 21. Suspension of License Renewal Fees for
Louisiana Manufacturers; Motor Vehicle
Dealers; Factory Branches; Distributors
or Wholesalers; Distributor Branches;
Used Motor Vehicle Dealers; Satellite
Warranty and Repair Centers; Brokers;
Motor Vehicle Lessor Franchisors; Motor
Vehicle Lessors; Lease Facilitators;
Converters or Secondary Manufacturers;
Specialty Vehicle Dealers; Promoters; and
Vehicle Protection Product Warrantors
whose business is based in Louisiana**

§2101. Purpose

A. This Emergency Rule provides for the suspension of license renewal fees for Louisiana Motor Vehicle Commission licensees whose business is located in Louisiana and defined as being manufacturers; motor vehicle dealers; factory branches; distributors or wholesalers; distributor branches; used motor vehicle dealers; satellite warranty and repair; brokers; motor vehicle lessor franchisors; motor vehicle lessors; lease facilitators; converters or secondary manufacturers; specialty vehicle dealers; promoters; and vehicle protection product warrantors who have been negatively impacted by the related commercial and economic impacts of COVID-19, in accordance with Proclamation No. JBE 2020-33, issued on

March 22, 2020, by Governor John Bel Edwards declaring a stay at home order and closure of nonessential businesses until April 13, 2020 and Proclamation No. JBE 2020-41 issued on April 2, 2020, declaring a stay at home order and closure of nonessential businesses until April 30, 2020 and House Concurrent Resolution 71 of the 2020 Regular Session of the Louisiana Legislature, enrolled June 1, 2020.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, and House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Motor Vehicle Commission LR 46:

§2103. Applicability and Scope

A. License renewal fees for licensees of the Louisiana Motor Vehicle Commission whose business is based in Louisiana and who are defined as manufacturers; motor vehicle dealers; factory branches; distributors or wholesalers; distributor branches; used motor vehicle dealers; satellite warranty and repair; brokers; motor vehicle lessor franchisors; motor vehicle lessors; lease facilitators; converters or secondary manufacturers; specialty vehicle dealers; promoters; and/or vehicle protection product warrantors having a current license having an expiration date falling in the time period from July 1, 2020 through June 30, 2021, shall be suspended until July 1, 2021.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, and House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Motor Vehicle Commission LR 46:

§2105. Definitions

A. For the purposes of this Emergency Rule, suspension of license renewal fees for licensees of the Louisiana Motor Vehicle Commission whose business is based in Louisiana, the following terms are defined as follows.

Broker—as defined in R.S. 32:1252(5).

Converters or Secondary Manufacturer—as defined in R.S. 32:1252(8).

Distributor Branch—as defined in R.S. 32:1252 (13).

Distributor or Wholesaler—as defined in R.S. 32:1252(12).

Factory Branch—as defined in R.S. 32:1252(16).

Lease Facilitator—as defined in R.S. 32:1252(21).

Manufacturer—as defined in R.S. 32:1252 (24).

Motor Vehicle Dealer—as defined in R.S. 32:1252(35).

Motor Vehicle Lessor Franchisor—as defined in R.S. 32:1252(38).

Motor Vehicle Lessor—as defined in R.S. 32:1252(36).

Promoters—pursuant to LAC 46:V.1503.

Used Motor Vehicle Dealer—as defined in R.S. 32:1252(65).

Satellite Warranty and Repair Center—as defined in R.S. 32:1252(51).

Specialty Vehicle Dealer—as defined in R.S. 32:1252(54).

Vehicle Protection Product Warrantor—as defined in R.S. 32:1272(7).

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37,

Proclamation No. JBE 2020-41, and House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Motor Vehicle Commission LR 46:

§2107. Suspension of Time to Renew and licenses to remain valid

A. The time to renew licenses for all Louisiana manufacturers; motor vehicle dealers; factory branches; distributors or wholesalers; distributor branches; used motor vehicle dealers; satellite warranty and repair; brokers; motor vehicle lessor franchisors; motor vehicle lessors; lease facilitators; converters or secondary manufacturers; specialty vehicle dealers; promoters; and vehicle protection product warrantors having its business based in Louisiana and having an expiration date falling in the time period from July 1, 2020 through June 30, 2021 shall be suspended until July 1, 2021.

B. During the suspended renewal period pursuant to this Emergency Rule, the current license of Louisiana manufacturers; motor vehicle dealers; factory branches; distributors or wholesalers; distributor branches; used motor vehicle dealers; satellite warranty and repair; brokers; motor vehicle lessor franchisors; motor vehicle lessors; lease facilitators; converters or secondary manufacturers; specialty vehicle dealers; promoters; and vehicle protection product warrantors having its business based in Louisiana shall remain valid unless surrendered, suspended or revoked.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, and House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Motor Vehicle Commission LR 46:

§2109. Effective Date

A. Emergency Rule, suspension of renewal fees for licensees of the Louisiana Motor Vehicle Commission whose business is based in Louisiana, shall become effective at 12:01 a.m. on June 15, 2020 and shall continue in full force and effect until expiration on June 30, 2021, 11:59 p.m.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, and House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Motor Vehicle Commission LR 46:

§2111. Severability

A. If any section or provision of this Emergency Rule, suspension of license renewal fees for licensees of the Louisiana Motor Vehicle Commission whose business is based in Louisiana, or its application to any person or circumstance is held invalid, such invalidity or determination shall not affect other sections or provisions or the application of this Emergency Rule, suspension of license renewal fees for licensees of the Louisiana Motor Vehicle Commission whose business is based in Louisiana, 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 this Emergency Rule, suspension of license renewal fees for licensees whose business is based in Louisiana, and the application to any persons or circumstances are severable.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, and House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Motor Vehicle Commission LR 46:

Subpart 3. Motor Vehicle Sales Finance

Chapter 81. Suspension of the Renewal Fee for Louisiana based businesses to finance motor vehicles pursuant to R.S. 6:969.1 et seq. and Administrators

§8101. Purpose

A. This Emergency Rule provides for the suspension of license renewal fees for businesses based in Louisiana to finance motor vehicles pursuant to R.S. 6:969.1 et seq. and Administrators who have been negatively impacted by the related commercial and economic impacts of COVID-19, in accordance with Proclamation No. JBE 2020-33, issued on March 22, 2020, by Governor John Bel Edwards declaring a stay at home order and closure of nonessential businesses until April 13, 2020 and Proclamation No. JBE 2020-41 issued on April 2, 2020, declaring a stay at home order and closure of nonessential businesses until April 30, 2020 and House Concurrent Resolution 71 of the 2020 Regular Session of the Louisiana Legislature, enrolled June 1, 2020.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, and House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Motor Vehicle Commission LR 46:

§8103. Applicability and Scope

A. License renewal fees are applicable to extenders of credit to finance motor vehicles and for Administrators pursuant to R.S. 6:969.1 et seq. whose business is based in Louisiana with an expiration date falling in the time period from July 1, 2020 through June 30, 2021, are suspended until July 1, 2021.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, and House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Motor Vehicle Commission LR 46:

§8105. Definitions

A. For the purposes of this Emergency Rule, suspension of renewal fees for licensees of the Louisiana Motor Vehicle Commission whose business is based in Louisiana, the following terms are defined as follows.

Administrator—as defined in R.S. 6:969.6(1).

Extender of Credit—as defined in R.S. 6:969.6(17)

AUTHORITY NOTE: Promulgated in accordance with Proclamation N. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, and House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission LR 46:

§8107. Suspension of Time to Renew and Licenses to Remain Valid

A. The time for renewal of licenses for extenders of credit to finance motor vehicles and for Administrators pursuant to R.S. 6:969.1 et seq. whose business is based in Louisiana and having an expiration date falling in the time period from July 1, 2020 through June 30, 2021 is suspended until July 1, 2021.

B. During the suspended renewal period pursuant to this Emergency Rule, the current license of an extender of credit whose business is based in Louisiana to finance motor vehicles pursuant to R.S. 6:969.1 et seq. and the current license of Administrators whose business is based in Louisiana shall remain valid unless surrendered, suspended or revoked.

AUTHORITY NOTE: Promulgated in accordance with Proclamation N. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, and House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of Governor, Motor Vehicle Commission LR 46:

§8109. Effective Date

A. This Emergency Rule, suspension of license renewal fees for Louisiana Motor Vehicle Commission licensees whose business is based in Louisiana, shall become effective at 12:01 a.m. on June 15, 2020 and shall continue in full force and effect until expiration on June 30, 2021, 11:59p.m.

AUTHORITY NOTE: Promulgated in accordance with Proclamation N. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, and House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of Governor, Louisiana Motor Vehicle Commission LR 46:

§8111. Severability

A. If any section or provision of this Emergency Rule, suspension of license renewal fees for licensees of the Louisiana Motor Vehicle Commission whose business is based in Louisiana or its application to any person or circumstance is held invalid, such invalidity or determination shall not affect other sections or provisions or the application of this Emergency Rule, suspension of license renewal fees for licensees of the Louisiana Motor Vehicle Commission whose business is based in Louisiana, 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 this Emergency Rule, suspension of license renewal fees for licensees of the Louisiana Motor Vehicle Commission whose business is based in Louisiana, and the application to any persons or circumstances are severable.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, and House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission LR 46:

Lessie A. House
Executive Director

2006#006

DECLARATION OF EMERGENCY

Department of Health Board of Pharmacy

Temporary Suspension of License Renewal Fees (LAC 46:LIII.1150)

The Louisiana Board of Pharmacy is exercising the emergency provisions of the Administrative Procedure Act, specifically at R.S. 49:953(B), to promulgate an Emergency Rule to implement a temporary suspension of license renewal fees for a limited period of time.

During their 2020 Regular Session, the Louisiana Legislature adopted House Concurrent Resolution 71 which directs professional licensing boards to adopt emergency rules to suspend the collection of license renewal fees for existing businesses located in Louisiana for licenses, certificates, permits and registrations scheduled to expire from July 1, 2020 through June 30, 2021.

The board has determined this Emergency Rule is necessary to comply with the legislative mandate in House Concurrent Resolution 71 of the 2020 Regular Session of the Louisiana Legislature. This Emergency Rule shall become effective June 30, 2020 and shall remain in effect for 120 days unless rescinded or renewed.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 11. Pharmacies

§1150. Temporary Suspension of License Renewal Fees

A. During their 2020 Regular Session, the Louisiana Legislature adopted House Concurrent Resolution 71, which requires professional licensing boards to adopt emergency rules to suspend the collection of license renewal fees for existing businesses located in Louisiana for licenses, certificates, permits and registrations scheduled to expire from July 1, 2020 through June 30, 2021.

B. Notwithstanding any other provision of this Part to the contrary, the board shall waive the collection of the renewal fee and any associated late renewal fee for any of the following credentials scheduled to expire at any time from July 1, 2020 through June 30, 2021, excluding any credentials issued to nonresident pharmacies, facilities, or other businesses located outside Louisiana:

1. pharmacy permits;
2. durable medical equipment permits;
3. emergency drug kit permits;
4. automated medication system registrations;
5. controlled dangerous substance licenses issued to the following business categories:
 - a. automated medication systems;
 - b. drug and device distributors;
 - c. hospitals;
 - d. laboratories;
 - e. manufacturers;
 - f. pharmacies;
 - g. registered outsourcing facilities;
 - h. substance abuse clinics; and
 - i. third party logistics providers.

C. All other types of fees associated with the issuance and renewal of various licenses, certificates, permits and registrations issued to existing businesses located in Louisiana, including reinstatement fees, prescription monitoring program assessments, pharmacy education support fees, administrative hearing fees, and other fees itemized in R.S. 37:1184 are excluded from this temporary suspension of license renewal fees.

D. All fees associated with the issuance and renewal of various licenses, certificates, permits and registrations issued to new and existing businesses located outside Louisiana are excluded from this temporary suspension of license renewal fees.

E. All fees associated with the issuance and renewal of various licenses, certificates, permits and registration issued to individual persons located within or outside Louisiana are excluded from this temporary suspension of license renewal fees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 46:

Malcolm J Broussard
Executive Director

2007#009

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

Abortion Facilities—Licensing Standards (LAC 48:I.4431)

The Department of Health, Bureau of Health Services Financing amends LAC 48:I.4431 in the Medical Assistance Program as authorized by R.S. 36:254 and R.S. 40:2175.1 et seq. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing repealed and replaced the provisions governing the licensing standards for abortion facilities in order to incorporate the changes imposed by legislation, and further revise and clarify those provisions (*Louisiana Register*, Volume 41, Number 4).

Act 97 of the 2016 Regular Session of the Louisiana Legislature increased the time period required for certain pre-operative services. Act 563 of the 2016 Regular Session of the Louisiana Legislature provides that at least 72 hours before the abortion, the pregnant woman seeking an abortion shall be given a copy of certain printed information, including resources, programs and services for pregnant women who have a diagnosis of fetal genetic abnormality, and given printed information about resources, programs and services for infants and children born with disabilities, as well as other related matters. Act 593 of the 2016 Regular Session of the Louisiana Legislature provides for the disposal, by interment or cremation, of fetal remains and

designates procedures for giving patients options for arrangements. The department promulgated an Emergency Rule which amended the provisions governing outpatient abortion clinics in order to comply with the provisions of Acts 97, 563 and 593 (*Louisiana Register*, Volume 42, Number 12).

This Emergency Rule is being promulgated in order to continue the provisions of the December 3, 2016 Emergency Rule. This action is being taken to protect the health and welfare of Louisiana citizens by assuring the health and safety of women seeking health care services at licensed abortion facilities.

Effective July 26, 2020, the Department of Health, Bureau of Health Services Financing amends the provisions governing the licensing standards for abortion facilities.

Title 48

PUBLIC HEALTH GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 44. Abortion Facilities

Subchapter C. Pre-operative, Intra-operative, and Post-Operative Procedures

§4431. Screening and Pre-Operative Services

A. - E.1. ...

2. Requirements

a. Except as provided in Subparagraph b below, at least 72 hours prior to the pregnant woman having any part of an abortion performed or induced, and prior to the administration of any anesthesia or medication in preparation for the abortion on the pregnant woman, the physician who is to perform the abortion or a qualified person who is the physician's agent shall comply with all of the following requirements:

i. perform an obstetric ultrasound on the pregnant woman, offer to simultaneously display the screen which depicts the active ultrasound images so that the pregnant woman may view them and make audible the fetal heartbeat, if present, in a quality consistent with current medical practice. Nothing in this Section shall be construed to prevent the pregnant woman from not listening to the sounds detected by the fetal heart monitor, or from not viewing the images displayed on the ultrasound screen;

ii. provide a simultaneous and objectively accurate oral explanation of what the ultrasound is depicting, in a manner understandable to a layperson, which shall include the presence and location of the unborn child within the uterus and the number of unborn children depicted, the dimensions of the unborn child, and the presence of cardiac activity if present and viewable, along with the opportunity for the pregnant woman to ask questions;

iii. offer the pregnant woman the option of requesting an ultrasound photograph or print of her unborn child of a quality consistent with current standard medical practice that accurately portrays, to the extent feasible, the body of the unborn child including limbs, if present and viewable;

iv. from a form that shall be produced and made available by the department, staff will orally read the statement on the form to the pregnant woman in the ultrasound examination room prior to beginning the ultrasound examination, and obtain from the pregnant woman a copy of a completed, signed, and dated form; and

v. retain copies of the election form and certification prescribed above. The certification shall be placed in the medical file of the woman and shall be kept by the outpatient abortion facility for a period of not less than seven years. If the woman is a minor, the certification shall be placed in the medical file of the minor and kept for at least ten years from the time the minor reaches the age of majority. The woman's medical files shall be kept confidential as provided by law.

b. If the pregnant woman certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, then the physician who is to perform the abortion or a qualified person who is the physician's agent shall comply with all of the requirements of §4431.E.2.a at least 24 hours prior to the woman having any part of an abortion performed or induced.

c. - e. Repealed.

E.3. - G.1. ...

a. Except as provided in Subparagraph b below, at least 72 hours before the abortion the physician who is to perform the abortion or the referring physician shall provide informed consent to the pregnant woman seeking an abortion, pursuant to all laws, rules and regulations regarding informed consent. The informed consent shall be communicated both orally and in-person, and in writing, and shall be provided in a private room. Documentation of all such informed consent provided shall be maintained in the patient's medical record.

b. If the woman certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, then the physician who is to perform the abortion or the referring physician shall comply with all of the requirements of §4431.G.1 at least 24 hours prior to the abortion.

I.c. - 3. ...

a. Except as provided in Subparagraph b below, at least 72 hours before a scheduled abortion the physician who is to perform the abortion, the referring physician, or a qualified person shall inform the pregnant woman seeking an abortion, orally and in-person that:

i. - iv. ...

b. If the woman certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, then the physician who is to perform the abortion the referring physician, or a qualified person shall comply with all of the requirements of §4431.G.3 at least 24 hours prior to the abortion.

4. ...

a. At least 72 hours before the abortion, the pregnant woman seeking an abortion shall be given a copy of the printed materials, pursuant to any applicable state laws, rules, and regulations, by the physician who is to perform the abortion, the referring physician, or a qualified person. These printed materials shall include any printed materials necessary for a voluntary and informed consent, pursuant to R.S. 40:1061.17. However, if the pregnant

woman certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, she shall be given a copy of the printed materials at least 24 hours prior to an elective abortion procedure by the physician who is to perform the abortion or a qualified person as defined in R.S. 40:1061.17(B)(4)(c).

i. - NOTE. Repealed.

b. At least 72 hours before the abortion, the pregnant woman or minor female considering an abortion shall be given a copy of the department's *Point of Rescue* pamphlet and any other materials described in R.S. 40:1061.16 by the physician who is to perform the abortion or a qualified person as defined in R.S. 40:1061.17(B)(4)(c), except in the case of medical emergency defined by applicable state laws. However, if the pregnant woman or minor female considering an abortion certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, she shall be given a copy of these printed materials at least 72 hours prior to an elective abortion procedure by the physician who is to perform the abortion or a qualified person as defined in R.S. 40:1061.17(B)(4)(c), except in the case of medical emergency defined by applicable state laws.

i. The physician or qualified person shall provide to the woman, or minor female seeking an abortion, such printed materials individually and in a private room for the purpose of ensuring that she has an adequate opportunity to ask questions and discuss her individual circumstances.

ii. The physician or qualified person shall obtain the signature of the woman or minor female seeking an abortion on a form certifying that the printed materials were given to the woman or minor female.

iii. In the case of a minor female considering an abortion, if a parent accompanies the minor female to the appointment, the physician or qualified person shall provide to the parent copies of the same materials given to the female.

iv. The signed certification form shall be kept within the medical record of the woman or minor female for a period of at least seven years.

c. At least 72 hours before the abortion, the pregnant woman seeking an abortion shall be given a copy of a printed informational document including resources, programs and services for pregnant women who have a diagnosis of fetal genetic abnormality and resources, programs and services for infants and children born with disabilities. However, if the pregnant woman certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, she shall be given a copy of these printed materials at least 24 hours prior to an elective abortion procedure by the physician who is to perform the abortion or a qualified person as defined in R.S. 40:1061.17(B)(4)(c).

d. If the pregnant woman seeking an abortion is unable to read the materials, the materials shall be read to her. If the pregnant woman seeking an abortion asks

questions concerning any of the information or materials, answers shall be provided to her in her own language.

NOTE: The provisions of this Section requiring a physician or qualified person to provide required printed materials to a woman considering an abortion shall become effective 30 days after the department publishes a notice of the availability of such materials.

5. ...

a. Prior to the abortion, the outpatient abortion facility shall ensure the pregnant woman seeking an abortion has certified, in writing on a form provided by the department that the information and materials required were provided at least 72 hours prior to the abortion, or at least 24 hours prior to the abortion in the case of a woman who has given prior certification in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy. This form shall be maintained in the woman's medical record.

b. ...

c. The pregnant woman seeking an abortion is not required to pay any amount for the abortion procedures until the 72-hour period has expired, or until expiration of the 24-hour period applicable in the case of a woman who has given prior certification in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy.

6. - 7.b. ...

8. Disposition of Fetal Remains

a. Each physician who performs or induces an abortion which does not result in a live birth shall ensure that the remains of the fetus are disposed of by interment or cremation, in accordance with the provisions of R.S. 8:651 et seq., and the provisions of LAC 51:XXVI.102 of the *Sanitary Code*.

b. Prior to an abortion, the physician shall orally and in writing inform the pregnant woman seeking an abortion in the licensed abortion facility that the pregnant woman has the following options:

i. the option to make arrangements for the disposition and/or disposal of fetal remains by interment or cremation, in accordance with the provisions of R.S. 8:651 et seq.; or

ii. the option to have the outpatient abortion facility/physician make the arrangements for the disposition and/or disposal of fetal remains by interment or cremation, in accordance with the provisions of R.S. 8:651 et seq.

c. The pregnant woman shall sign a consent form attesting that she has been informed of these options, and shall indicate on the form whether she wants to make arrangements for the disposition of fetal remains or whether she wants the facility to make arrangements for the disposition and/or disposal of fetal remains.

d. the requirements of §4431.G.8 regarding dispositions of fetal remains, shall not apply to abortions induced by the administration of medications when the evacuation of any human remains occurs at a later time and not in the presence of the inducing physician or at the facility in which the physician administered the inducing medications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2175.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:700 (April 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 46:

Interested persons may submit written comments to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821 or by email to MedicaidPolicy@la.gov. Ms. Castello is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Dr. Courtney N. Phillips
Secretary

2007#044

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

Programs and Services Amendments Due to the Coronavirus Disease 2019 (COVID-19) Public Health Emergency

On January 30, 2020, the World Health Organization declared a public health emergency of international concern and on January 31, 2020, U.S. Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States, effective as of January 27, 2020, in response to the recent coronavirus disease 2019 (hereafter referred to as COVID-19) outbreak. On March 11, 2020, Governor John Bel Edwards declared a statewide public health emergency to exist in the State of Louisiana as a result of the imminent threat posed to Louisiana citizens by COVID-19. Likewise, the presidential declaration of a national emergency due to COVID-19 has an effective date of March 1, 2020.

In response to these public health emergency declarations and the rapid advancement of COVID-19 throughout Louisiana, the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services (OAAS), the Office of Behavioral Health (OBH), and the Office for Citizens with Developmental Disabilities (OCDD) promulgated Emergency Rules which amended the provisions of Title 50 of the Louisiana Administrative Code in order to adopt temporary measures to provide for the continuation of essential programs and services to ensure the health and welfare of the citizens of Louisiana in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq. (*Louisiana Register*, Volume 46, Number 4). The department has now determined that additional amendments to Title 50 of the Louisiana Administrative Code are necessary due to the COVID-19 public health emergency. This Emergency Rule shall be in effect for the maximum period allowed under the Act or the duration of the COVID-19 public health emergency declaration, whichever comes first.

The Department of Health, Bureau of Health Services Financing hereby amends Title 50 of the Louisiana Administrative Code to enact the following provisions

throughout the duration of the COVID-19 public health emergency declaration:

Medicaid Eligibility (LAC 50:III.Subpart 1)

For the duration of the COVID-19 public health emergency declaration, the following requirements for coverage under the Medical Assistance Program (Medicaid) will be relaxed:

§101.C. General Provisions—Fair Hearings

The 30 day requirement for the applicant and enrollee to request a fair hearing shall be waived.

Applicants and enrollees must request a fair hearing within 120 days of the date of the adequate and/or timely decision notice issued by the Medicaid Program or its designee.

§301. Asset Verification Program—General Provisions

Asset verification for aged, blind, and disabled applicants will be performed through a post-eligibility review following the certification.

Chapter 23. Eligibility Groups and Medicaid Programs

The department shall provide coverage under the Medical Assistance Program for uninsured individuals described at section 1902(a)(10)(A)(ii)(XXIII) and 1902(ss) of the Social Security Act as follows:

In accordance with section 1902(a)(10)(XVIII) of the Social Security Act, the medical assistance made available to uninsured individuals (as defined in subsection 1902(ss)) eligible for medical assistance only because of subparagraph (A)(ii)(XXIII) is limited to medical assistance for any in vitro diagnostic product described in section 1905(a)(3)(B) administered during the COVID-19 public health emergency declaration (and the administration of such product) and any visit described in section 1916(a)(2)(G) furnished during the emergency period.

Services for Special Populations—Hospice Recipient Eligibility—Waiver of Payment for Other Services (LAC 50:XV.3503)

During the COVID-19 public health emergency declaration, the department waives the provisions requiring daily visits by the hospice provider to all clients under the age of 21 in order to facilitate continued care while maintaining the safety of staff and beneficiaries. Visits will still be completed based on clinical need of the beneficiary and family, and availability of staff as requested by the family. The use of telemedicine visits as an alternative is allowed.

Medical Transportation Program—Emergency Medical Transportation—Ground Transportation Reimbursement (LAC 50:XXVII.325)

For the duration of the COVID-19 public health emergency declaration, reimbursement will be allowed for ambulance providers for allowable services on site without transport. Services provided by the ambulance provider shall be within established treatment protocols, under the direct supervision of a licensed physician.

Pharmacy—Copayment and Maximum Quantity (LAC 50:XXIX.111 and 119)

During the period of state or federal declared emergency, member co-pays may be waived and select pharmacy edits

may be revised to encourage recipients to get all necessary maintenance medications during one pharmacy visit.

Members are able to start receiving up to a 90-day supply, as appropriate, of maintenance medications that are not controlled substances. These include cardiovascular drugs (hypertension, coronary artery disease, thrombosis), diabetes drugs, respiratory drugs (inhaled and oral), contraceptives, antiretrovirals, direct-acting antivirals for hepatitis C, immunosuppressives, antipsychotics, and antidepressants, among others.

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.

Interested persons may submit written comments to Ruth Johnson, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Johnson is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Dr. Courtney N. Phillips
Secretary

2007#007

DECLARATION OF EMERGENCY

**Department of Health
Bureau of Health Services Financing
and
Office of Aging and Adult Services
and
Office for Citizens with Developmental Disabilities**

Programs and Services Amendments Due to the Coronavirus Disease 2019 (COVID-19) Public Health Emergency

On January 30, 2020, the World Health Organization declared a public health emergency of international concern and on January 31, 2020, U.S. Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States, effective as of January 27, 2020, in response to the recent coronavirus disease 2019 (hereafter referred to as COVID-19) outbreak. On March 11, 2020, Governor John Bel Edwards declared a statewide public health emergency to exist in the State of Louisiana as a result of the imminent threat posed to Louisiana citizens by COVID-19. Likewise, the presidential declaration of a national emergency due to COVID-19 has an effective date of March 1, 2020.

In response to these public health emergency declarations and the rapid advancement of COVID-19 throughout Louisiana, the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services (OAAS), and the Office of Behavioral Health (OBH) amended the provisions of Title 50 of the *Louisiana Administrative Code* in order to adopt temporary measures to provide for the continuation of essential programs and services to ensure the health and welfare of the citizens of Louisiana in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq.

(*Louisiana Register*, Volume 46, Number 4). This Emergency Rule, adopted on March 19, 2020, also amended the provisions governing the reimbursement methodology for nursing facilities to include an add-on rate to the per diem. The department subsequently promulgated an Emergency Rule, adopted on April 8, 2020, which further amended Title 50 to temporarily adopt additional provisions to ensure the continuation of essential programs and services, and rescinded and replaced the nursing facility add-on provisions of the previous Emergency Rule in order to clarify the eligible nursing facility providers (*Louisiana Register*, Volume 46, Number 4). This Emergency Rule is being promulgated to continue the provisions of the Emergency Rule adopted on April 8, 2020. This Emergency Rule shall be in effect for the maximum period allowed under the Act or the duration of the COVID-19 public health emergency declaration, whichever comes first.

The Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services, and the Office for Citizens with Developmental Disabilities hereby amend Title 50 of the *Louisiana Administrative Code* to enact the following provisions throughout the duration of the COVID-19 public health emergency declaration:

Nursing Facilities—Reimbursement Methodology— Reimbursement Adjustment (LAC 50:II.20006)

The per diem rate paid to privately owned or operated nursing facilities shall include an add-on of \$12 for the duration of the COVID-19 public health emergency declaration or to end at the discretion of the state.

Nursing Facilities—Reimbursement Methodology—Non-State, Government Owned or Operated Facilities and State-Owned or Operated Facilities (LAC 50:II.20009)

Non-state, government-owned or operated nursing facilities will be paid a case-mix reimbursement rate in accordance with §20005 with the following exception.

State-owned or operated and non-state, government-owned or operated nursing facilities are not eligible for, and will not receive, the State and/or Federal declared emergency add-on rate.

Nursing Facilities—Reimbursement Methodology— Leave of Absence Days (LAC 50:II.20021)

State-owned or operated, and non-state government-owned or operated, facilities are not eligible for, and will not receive, the State and/or Federal declared emergency modification to leave of absence day payments.

Medicaid Eligibility (LAC 50:III)

Throughout the duration of the COVID-19 public health emergency declaration, eligibility application and renewal time periods will be relaxed and self-attestation will be accepted for all eligibility criteria, excluding verification of citizenship and immigration status, and post-enrollment verification will be conducted for coverage under the Medical Assistance Program (Medicaid).

Home Health Program—Home Health Services (LAC 50:XIII.Subpart 1)

For the duration of the COVID-19 public health emergency declaration, non-physician practitioners (nurse practitioners and physician assistants) will be able to order and review home health services, including the completion of associated documentation, in order to meet the demand for services due to access issues and a shortfall in physician availability.

Services for Special Populations—Applied Behavior Analysis-Based Therapy Services—Covered Services and Limitations (LAC 50:XV.301.D)

Prior authorizations for persons currently approved to receive applied behavior analysis-based (ABA) therapy services will be extended for the duration of the COVID-19 public health emergency declaration.

Services for Special Populations—Early and Periodic Screening, Diagnosis and Treatment Personal Care Services—Provider Qualifications (LAC 50:XV.Subpart 5)

For the duration of the COVID-19 public health emergency declaration, the qualifications for providers of personal care services (PCS) to recipients receiving early and periodic screening, diagnostic and treatment (EPSDT) services will be relaxed to allow:

Recipients and workers to live in the same setting so that the recipients may receive EPSDT PCS.

Legally responsible relatives/caregivers to be a temporary direct service worker (DSW) in the absence of DSW care.

The following individuals may provide services to the recipient of EPSDT PCS: the recipient's spouse; the recipient's curator; the recipient's tutor; the recipient's legal guardian; the recipient's responsible representative; or the person to whom the recipient has given representative and mandate authority (also known as power of attorney).

Payment to the legally responsible relatives/caregivers designated as the temporary DSW for EPSDT PCS, if necessary, during the absence of availability of agency DSW care.

LDH approval for these services will be required. Requests will be reviewed on a case-by-case basis. If approval is granted:

Providers will pay the temporary DSW directly for services rendered; and

Providers will follow hiring procedures that include background checks and training.

At a minimum, training must include abuse and neglect reporting and infection control prior to the temporary DSW providing services.

Family members, who live with the recipient and are being temporarily approved to provide services, are exempted from background check requirements.

Services for Special Populations—Targeted Case Management (LAC 50:XV.Subpart 7)

For the duration of the COVID-19 public health emergency declaration, the state makes the following allowances for early and periodic screening, diagnostic and treatment targeted case management services:

case managers may utilize telephone contacts (i.e., video or voice calls) in place of any required face-to-face contacts; and

case managers may complete initial assessments, quarterly reassessments, and annual reassessments without signatures from recipients.

Services for Special Populations—Pediatric Day Health Care Program—Pediatric Day Health Care Services (LAC 50:XV.27501.B)

For the duration of the COVID-19 public health emergency declaration, Pediatric Day Health Care (PDHC) program requirements will be temporarily changed as follows to permit skilled staff of PDHC centers that are not

exhibiting any signs or symptoms of the COVID-19 infection to render PDHC services to those children who require skilled nursing, when families are not able to provide such care.

The PDHC program will allow for services to be provided in the recipient's home;

The PDHC program will allow for billing and payment of procedure code T1026 (hourly PDHC services – six hours or less per day) when billed at place of service 12 (home); and

Providers must obtain LDH approval to implement the temporary PDHC provisions. Requests for approval will be reviewed on a case-by-case basis.

Home and Community-Based Services Waivers—Adult Day Health Care Waiver (LAC 50:XXI.Subpart 3)

Due to the Department of Health (LDH) directed closures during the state of emergency, the state may make retainer payments to adult day health care (ADHC) providers. The purpose of such payments is to allow ADHC providers to retain staff and cover fixed expenses so that ADHC centers may reopen when allowed to by LDH.

LDH retains the right to recoup all or a portion of retainer payments from ADHC providers who furlough or lay off staff or fail to reopen.

LDH may review cost reports and other documentation of expenses in making this determination.

Home and Community-Based Services Waivers—Supports Waiver (LAC 50:XXI.Subpart 5)

With approval from the Centers for Medicare and Medicaid Services (CMS) as applicable, the following provisions of the Supports Waiver are relaxed for the duration of the COVID-19 public health emergency declaration to:

Allow up to a total of 20 hours a week of respite services and or habilitation services in lieu of day habilitation or vocational services for these programs that have been closed;

Allow participants and direct support workers (DSWs) to live in the same setting so that the recipient may receive necessary respite and habilitation services;

Allow legally responsible relatives to be temporary respite or habilitation direct support, if necessary, in the absence of DSW care;

Background checks for legally responsible relatives who live in the same home with the participant prior to the declared emergency will be waived;

Documentation of services rendered is required and will be verified by the support coordination agency;

For initial waiver participants, allow the current statement of approval (SOA) of intellectual disabilities/developmental disabilities (ID/DD) services to suffice for the level of care (LOC) until the declared emergency is resolved so as not to delay waiver services for those who are waiting for services;

Re-evaluation requires a visit to a doctor's office (well visit) to obtain medical eligibility determination (Form 90-L) for waiver services initially and annually. To reduce potential exposure to participants, allow the current evaluation to remain in effect until resolution of emergency if needed;

Add hazard premium increase for service of respite or habilitation for direct support workers who go into the homes of persons who are either positive, presumptive positive, or quarantined for the coronavirus;

Extend the 10-day requirement for the initial in-home visit for initial plans;

Extend the 30-day time frame for the assessment;

Allow plans of care to be extended beyond the one year (annual) requirement;

Allow quarterly visits to be conducted via phone contact, FaceTime, or skype;

Monthly phone contacts will still occur;

Allow support coordinators to substitute phone contact, FaceTime on computers, or Skype, in lieu of home visits for individuals at risk of exposure who are medically fragile, elderly, both or who have medically fragile caregivers;

Allow assessments to be conducted via FaceTime, Skype, or phone call to avoid delay in services;

Allow the comprehensive plan of care by the support coordinator to be conducted via FaceTime, Skype, or by phone to avoid a delay in services;

Allow the home certification visit by the Office for Citizens with Developmental Disabilities (OCDD) or its designee to be conducted via FaceTime, Skype, or phone call to avoid a delay in services; and

Allow the state to make retainer payments to adult day habilitation centers when these providers are ordered to close by local, state, or federal officials. The purpose of such payments is to allow adult day center providers to retain staff and cover fixed expenses so they may reopen.

Retainer payments will be a paid at 75 percent of the normal rate paid for the service provided.

LDH retains the right to recoup all or a portion of retainer payments from providers who furlough or lay off staff or fail to reopen.

LDH may review cost reports and other documentation of expenses in making this determination.

Home and Community-Based Services Waivers— Children’s Choice Waiver (LAC 50:XXI.Subpart 9)

With approval from the Centers for Medicare and Medicaid Services (CMS) as applicable, the following provisions of the Children’s Choice Waiver are relaxed for the duration of the COVID-19 public health emergency declaration to:

Allow expansion of the current Children’s Choice Waiver cap to allow for an additional 20 hours per week of family support services as needed for health and safety due to school closures;

Allow participants and family support (FS) direct support workers (DSWs) to live in the same setting so that the participant may continue to receive services;

Allow legally responsible relatives to be temporary FS DSWs during the declared emergency, if necessary, in the absence of DSW care;

Documentation of services rendered is required and will be verified by the support coordination agency;

Reduce the minimum age of DSWs to 16 years of age, if necessary, in an emergency. Emergency being defined as no other staff or supports available;

Remove the requirement for DSWs to have a high school diploma or equivalent;

Temporarily suspend background checks for immediate family hired as DSWs who live in the same home as the recipient;

Re-evaluation requires a visit to a doctor’s office (well visit) to obtain medical eligibility determination (Form 90-L)

for waiver services initially and annually. To reduce potential exposure to participants, allow the current evaluation to remain in effect until resolution of emergency, if needed;

For initial waiver participants, allow the current statement of approval of intellectual disabilities/developmental disabilities (ID/DD) services to suffice for the level of care requirement to avoid a delay in services;

Add hazard premium increase for family support services for DSWs who go into the homes of persons who are either positive, presumptive positive, or quarantined for the coronavirus;

Extend the 10-day requirement for the initial in-home visit for initial plans;

Extend the 30-day time frame for the assessment;

Allow plans of care to be extended beyond the one year (annual) requirement;

Allow quarterly visits to be conducted via phone contact versus face-to-face contact;

Monthly phone contacts will still occur;

Allow support coordinators to substitute phone contact, FaceTime on computers, or Skype in lieu of home visits for individuals at risk of exposure who are medically fragile, elderly, both, or who have medically fragile caregivers;

Allow assessments to be conducted via FaceTime, Skype, or phone call to avoid delay in services;

Allow the comprehensive plan of care by the support coordinator to be conducted via FaceTime, Skype, or phone to avoid a delay in services; and

Allow the home certification visit by the Office for Citizens with Developmental Disabilities (OCDD) or its designee to be conducted via FaceTime, Skype, or phone to avoid a delay in services.

Home and Community-Based Services Waivers—New Opportunities Waiver (LAC 50:XXI.Subpart 11)

With approval from the Centers for Medicare and Medicaid Services (CMS) as applicable, the following provisions of the New Opportunities Waiver are relaxed for the duration of the COVID-19 public health emergency declaration to:

Allow conversion of day habilitation and vocational service program hours to individual and family support (IFS) for participants whose day habilitation and/or vocational programs have closed;

Allow sharing of direct support staff when necessary;

Add monitored in-home caregiving (MIHC) as a service;

Allow participants and individual and family support (IFS) direct support workers (DSWs) to live in the same setting so that the participant may continue to receive services;

Allow legally responsible relatives to be temporary IFS DSWs during the declared emergency, if necessary, in the absence of DSW care;

Documentation of services rendered is required and will be verified by the support coordination agency;

Temporarily suspend background checks for immediate family hired as DSWs who live in the same home as the recipient;

Reduce the minimum age of DSWs to 16 years of age, if necessary, in an emergency. Emergency being defined as no other staff or supports available;

Remove the requirement for DSWs to have a high school diploma or equivalent;

For initial waiver participants, allow the current statement of approval (SOA) of intellectual disability/developmental disability (ID/DD) services to suffice for the level of care (LOC) until the declared emergency is resolved so as not to delay waiver services for those who are waiting for services;

Re-evaluation requires a visit to a doctor's office (well visit) to obtain medical eligibility determination (Form 90-L) for annual waiver services. To reduce potential exposure to participants, allow the current evaluation to remain in effect until resolution of emergency if needed;

Add hazard premium increase for service of individual and family supports, community living supports, family support, respite, and habilitation for DSWs who go into the homes of persons who are either positive, presumptive positive, or quarantined for the coronavirus;

Extend the 10-day requirement for the initial in-home visit for initial plans;

Extend the 30-day time frame for the assessment;

Allow plans of care to be extended beyond the one year (annual) requirement;

Allow quarterly visits to be conducted via phone contact versus face-to-face contact;

Monthly phone contacts will still occur;

Allow support coordinators and supported living coordinators to substitute phone contact, FaceTime, or Skype in lieu of home visits for individuals at risk of exposure who are medically fragile, elderly, both or who have medically fragile caregivers;

Allow assessments to be conducted via FaceTime, Skype, or phone call to avoid a delay in services;

Allow the comprehensive plan of care by the support coordinator to be conducted via FaceTime, Skype or phone to avoid a delay in services;

Allow the home certification visit by the Office for Citizens with Developmental Disabilities (OCDD) or its designee to be conducted via FaceTime, Skype, or phone to avoid a delay in services; and

Allow the state to make retainer payments to adult day centers when these providers are ordered to close by local, state, or federal officials. The purpose of such payments is to allow adult day center providers to retain staff and cover fixed expenses so they may reopen.

Retainer payments will be a paid at 75 percent of the normal rate paid for the service provided.

LDH retains the right to recoup all or a portion of retainer payments from providers who furlough or lay off staff or fail to reopen.

LDH may review cost reports and other documentation of expenses in making this determination.

Home and Community-Based Services Waivers—

Residential Options Waiver (LAC 50:XXI.Subpart 13)

With approval from the Centers for Medicare and Medicaid Services (CMS) as applicable, the following provisions of the Residential Options Waiver are relaxed for the duration of the COVID-19 public health emergency declaration to:

Allow sharing of direct support staff when necessary;

Allow conversion of day habilitation and vocational services to community living supports (CLS) for participants whose day habilitation and or vocational program have been closed;

Add monitored in-home caregiving (MIHC) as a service;

Allow participants and community living support (CLS) direct support workers (DSWs) to live in the same setting so that the participant may continue to receive services;

Documentation of services rendered is required and will be verified by the support coordination agency;

Allow legally responsible relatives to be temporary community living support (CLS) DSWs during the declared emergency if necessary in the absence of DSW care;

Temporarily suspend background checks for immediate family hired as DSWs who live in the same home as the recipient;

Reduce the minimum age of DSWs to 16 years of age, if necessary, in an emergency. Emergency being defined as no other staff or supports available;

Remove the requirement for DSWs to have a high school diploma or equivalent;

For initial waiver participants, allow the current statement of approval (SOA) of intellectual disabilities/developmental disabilities (ID/DD) services to suffice for the level of care (LOC) until the declared emergency is resolved so as not to delay waiver services for those who are waiting for services;

Re-evaluation requires a visit to a doctor's office (well visit) to obtain medical eligibility determination (Form 90-L) for annual waiver services. To reduce potential exposure to participants, allow the current evaluation to remain in effect until resolution of emergency if needed;

Add hazard premium increase for service of individual and family supports, community living supports, family support, respite, and habilitation for DSWs who go into the homes of persons who are either positive, presumptive positive, or quarantined for the coronavirus;

Extend the 10-day requirement for the initial in-home visit for initial plans;

Extend the 30-day time frame for the assessment;

Allow plans of care to be extended beyond the one year (annual) requirement;

Allow quarterly visits to be conducted via phone contact versus face-to-face contact;

Monthly phone contacts will still occur;

Allow support coordinators to substitute phone contact, FaceTime on computers, or Skype in lieu of home visits for individuals at risk of exposure who are medically fragile, elderly, or both or who have medically fragile caregivers;

Allow assessments to be conducted via FaceTime, Skype, or phone call to avoid a delay in services;

Allow the comprehensive plan of care by the support coordinator to be conducted via FaceTime, Skype, or by phone to avoid a delay in services;

Allow the home certification visit by the Office for Citizens with Developmental Disabilities (OCDD) or its designee to be conducted via FaceTime, Skype, or phone to avoid delay in services; and

Allow the state to make retainer payments to adult day centers and adult day health care centers when these providers are ordered to close by local, state, or federal officials. The purpose of such payments is to allow adult day center providers to retain staff and cover fixed expenses so they may reopen.

Retainer payments will be a paid at 75 percent of the normal rate paid for the service provided.

LDH retains the right to recoup all or a portion of retainer payments from providers who furlough or lay off staff or fail to reopen.

LDH may review cost reports and other documentation of expenses in making this determination.

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.

Interested persons may submit written comments to Ruth Johnson, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Johnson is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Dr. Courtney N. Phillips
Secretary

2007#045

DECLARATION OF EMERGENCY

Department of Revenue Office of Alcohol and Tobacco Control

Vapor Products Public Safety Regulations (LAC 55:VII.3201-3215)

The Louisiana Department of Revenue, Office of Alcohol and Tobacco Control, pursuant to the emergency rulemaking authority granted by R.S. 49:953(B) of the Administrative Procedure Act (R.S. 49:950, et seq.) and the specific rule making authority granted by R.S. 26:922, hereby adopts the following Emergency Rule for the protection of public health. The effective date of this Rule is upon signature.

These revised Vapor Product Public Safety Regulations replace the prior Declaration of Emergency, Vapor Products Public Safety Regulations that were promulgated on April 24, 2020. These revisions simply update the definition of a wholesale dealer making the Emergency Rule reflect the same definition in R.S. 26:901(35).

The Louisiana Department of Revenue, Office of Alcohol and Tobacco Control, finds it necessary to make immediate changes to the Louisiana Administrative Code in response to the well-publicized illnesses and deaths related to vapor products, including vaping lung disease, especially affecting minors and given the need for regulation of alternative nicotine and vapor products under the provisions of Act. 424 of the 2019 Louisiana Legislature. The following regulations will give the ATC the ability to properly permit, authorize, and regulate the retail sale and distribution of alternative nicotine and vapor products, which will affect the health of Louisiana citizens and give the commissioner of the Office of Alcohol and Tobacco Control the ability to make critical

decisions that protect human health. This rule creates §3201 through §3215 to address retail sale and distribution of alternative nicotine and vapor products and related matters since this is not addressed otherwise by existing law or regulation.

This Rule shall have the force and effect of law upon signature and will remain in effect 120 days, unless renewed by the commissioner of alcohol and tobacco control or until permanent rules are promulgated in accordance with law.

Title 55

PUBLIC SAFETY

Part VII. Alcohol and Tobacco Control

Subpart 2. Tobacco

Chapter 32. Alternative Nicotine and Vapor Products Public Safety Regulations

§3201. Definitions

A. As used in this Chapter, the following terms have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise:

E-Liquid—a substance that does not include cannabis or CBD as defined under the laws of this state and the laws of the United States and which meet all of the following criteria:

- a. may or may not contain nicotine;
- b. is intended to be vaporized and inhaled using a vaporized and inhaled using a vapor product;
- c. is a legal substance under the laws of this state and the laws of the United States.

Manufacturer—anyone engaged in the manufacture, production, or foreign importation of tobacco products, vapor products, and alternative nicotine who sells to wholesalers.

Retail Dealer—includes every dealer other than a wholesale dealer, or manufacturer who sells or offers for sale, cigars, cigarettes, other tobacco products, alternative nicotine products, irrespective of quantity or the number of sales. If any person is engaged in the business of making sales both at retail and wholesale, *retailer* shall apply only to the retail portion of the business.

Tamper Evident Package—a package having at least one indicator or barrier to entry that, if breached or missing, can reasonably be expected to provide visible evidence to consumer that tampering has occurred.

Wholesale Dealer—a dealer whose principal business is that of a wholesaler, who sells cigarettes, cigars or other tobacco products, vapor products, or alternative nicotine products to retail dealers for purpose of resale, who is a bona fide wholesaler, and 50 percent of whose total tobacco, vapor, and alternative nicotine sales are to retail stores other than its own or those of its subsidiaries or parent companies within Louisiana. Wholesaler dealer shall include any person in the state who acquires cigarettes solely for the purpose of resale in vending machines, provided such person services 50 or more cigarette vending machines in Louisiana other than his own, and a Louisiana dealer who was affixing cigarette and tobacco stamps as of January 1, 1974. If any person is engaged in the business of making sales at both wholesale and retail, wholesaler shall apply only to the wholesale portion of the business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:922.

HISTORICAL NOTE; Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 46:

§3203. General Requirements

A. Every person who sells or is about to engage in the business of selling at retail, at wholesale, or by vending machine, or is about to engage in the business of receiving unstamped and/or non-tax paid tobacco products, vapor products, or alternative nicotine products or who is engaged in the business of receiving stamped cigarettes at wholesale or any or all of the articles taxed in accordance with Title 47 of Louisiana Revised Statutes of 1950, shall first apply to and obtain from the office a permit for each place of business and each vending machine.

AUTHORITY NOTE; Promulgated in accordance with R.S. 26:922.

HISTORICAL NOTE; Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 46:

§3205. Acts Prohibited

A.1. No retail dealer shall purchase tobacco products or resale except from a wholesaler dealer operating with a valid unsuspended wholesale dealer permit, except as provided for in this Chapter.

2. No vapor retail dealer shall purchase alternative nicotine products or vapor products for resale except from a manufacturer of those products or a wholesale dealer operating with a valid unsuspended Louisiana wholesale dealer permit, except as provided for in this Chapter.

B. No wholesale dealer shall sell tobacco products, alternative nicotine products, or vapor products for resale except to a retail dealer operating with either a valid registration certificate or a valid unsuspended permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:922.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 46:

§3207. Inspection and Examination

A. The commissioner or her agent may inspect any place of business where alternative nicotine or vapor products are stored, offered for retail sale, or offered for wholesale. She or her agent may examine, at all reasonable hours, the books records, and other documents of all retail deal permit holders.

B. No person shall refuse to allow, on demand, the commissioner or her agent to make a full inspection of a place of business where alternative nicotine or vapor products are offered for wholesale and/or sale to the public, nor shall any person refuse to allow, on demand, the commissioner or her agent to examine and audit the book and records of any business where alternative nicotine or vapor products are offered for wholesale and/or sale to the public, nor shall any person in any way hinder or prevent such a inspection or audit.

C. Any refusal by a retail permit dealer to allow the commissioner or her agent to inspect the permitted place of business or to examine and audit the books and records of the permitted business as provided within this section is grounds for the suspension of a permit, in addition to other penalties provided in this chapter.

AUTHORITY NOTE; Promulgated in accordance with R.S. 26:922.

HISTORICAL NOTE; Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 46:

§3209. Manufacturer Authorization

A. Manufacturers of vapor products shall not sell vapor products in this state without authorization from the office of alcohol and tobacco control. The request for authorization shall include:

1. the name, telephone number of the applicant;
2. the name, telephone number, and address of the manufacturing facility;
3. the name, telephone number, title, and address of the person responsible for the manufacturing facility;
4. verification that the facility will comply with applicable tobacco products good manufacturing practices pursuant to 21 U.S.C. 387f(e) of the Federal Food, Drug, and Cosmetic Act;
5. verification that the manufacturer will comply with the applicable ingredient listing required by 21 U.S.C. 387d(A)(1) of the Federal Food, Drug, and Cosmetic Act.

B. Authorization forms shall be mailed or delivered to the commissioner in Baton Rouge, Louisiana, unless other additional methods are made available by the commissioner.

C. Authorization forms will be processed at the office of alcohol and tobacco control at no cost to the applicant.

D. Authorization forms will be valid for a period of one year.

E. Manufacturer authorizations shall be considered a privilege and is not transferrable, assignable, or hereditary.

AUTHORITY NOTE; Promulgated in accordance with R.S. 26:922.

HISTORICAL NOTE; Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 46:

§3211. Safety Requirements

A. All manufacturers and wholesalers shall comply with the following.

1. Any alternative nicotine or vapor product must use a child proof cap that has a child resistant effectiveness set forth in the federal poison prevention packaging standards, 16 CFR 1700.1(b)(1).

2. Any alternative nicotine or vapor product must use tamper evident packaging. The tamper evident packaging feature must be designed to and remain intact when handled in a reasonable manner.

B. Any manufacturer or wholesaler who violates the safety requirement provisions of this chapter shall be subject to having their permit suspended or revoked.

AUTHORITY NOTE; Promulgated in accordance with R.S. 26:922.

HISTORICAL NOTE; Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 46:

§3213. Age Verification

A. For all online sales manufacturers and wholesalers must perform an age verification process through an independent, third party age verification service that compares information from public records to the personal information entered by the purchaser during the ordering process that establishes the person is of legal age or older.

B. Persons accepting purchase orders for delivery sales may request that prospective consumers provide their email addresses.

C. No retailer may sell or deliver alternative nicotine or vapor products of any kind in a retail establishment to any person through any unattended or self-service checkout counter or mechanical device unless the customer submits to a clerk a valid driver's license, selective service card, or other lawful identification that on its face establishes the age of the person as 18 years or older and there is no reason to doubt the authenticity and correctness of the identification prior to approaching the self-checkout counter.

AUTHORITY NOTE; Promulgated in accordance with R.S. 26:922.

HISTORICAL NOTE; Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 46:

§3215. Prohibition Sales to Minors

A. No person holding a retail dealer permit and no servant, agent, or employee of the permittee shall sell any alternative nicotine or vapor products to any person under the age of eighteen years of age.

B. To ensure that no alternative nicotine or vapor products are sold to a person under the age of eighteen years of age, a retail dealer permit holder and their servants, agents, and employees may require all person attempting to purchase alternative nicotine or vapor products at retail to product for inspection either:

1. a valid, current, Louisiana driver's license which contains a photograph of the person presenting the driver's license;

2. a valid, current, driver's license of another state which contains a photograph of the person and birth date of the person submitting the driver's license;

3. a valid, current, special identification card issued by the state of Louisiana pursuant to R.S. 40:1321 containing a photograph of the person submitting the identification card;

4. a valid, current, passport, visa issued by the federal government or another county or nation, that contain a permanently attached photograph of the person and the date of birth of the person submitting the passport or visa;

5. a valid, current, military or federal identification issued by the federal government containing a photograph of the person and date of birth of the person submitting the identification card;

6. a valid, current, special identification card of another state which contains a photograph of the person and birth date of the person submitting the identification card;

7. any digitized identification approved by the commissioner may be accepted by a retail dealer. Retail dealers may choose to accept digitized identification or they may still require a physical identification when checking identification. Retail dealers whom the Agency has required to utilized scanners shall still be required to request and scan a physical identification and may not accept digitized identification. Digitized identification may be accepted by establishments provided that all employees have been properly trained prior to acceptance in accordance with the requirements of LAC 55:VII.401.D.

C. Each form of identification listed above must on its face establish the age of the person as eighteen years or older, and there must be no reason to doubt the authenticity or correctness of the identification. No form of identification mentioned above shall be accepted as proof of age if its expired, defaced, mutilated, or altered. If the state identification card or lawful identification submitted is a

duplicate, the person shall submit additional information which contains the name, date of birth, and picture of the person. A duplicate driver's license shall be considered lawful identification for the purposes of this Paragraph, and a person shall not be required to submit additional information containing the name, date of birth, and picture of the person. In addition, an educational institution identification card, check cashing identification card, or employee identification card shall not be considered as lawful identification for the purpose of this Paragraph.

AUTHORITY NOTE; Promulgated in accordance with R.S. 26:922.

HISTORICAL NOTE; Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 46:

Juana Marine-Lombard
Commissioner

2006#010

DECLARATION OF EMERGENCY

Department of State Elections Division

Opportunity to Cure Deficiencies in Absentee by Mail Ballots (LAC 31:I.Chapter 3)

The Louisiana Department of State has exercised the emergency provisions of the Administrative Procedure Act, specifically R.S. 49:953(B), and through the authority granted in R.S. 18:18(A)(3) and R.S. 36:742, the Louisiana Department of State, Elections Division, is requesting Emergency Rules, which will add language to Part I, Chapter 3. The added chapter will allow a procedure for absentee by mail ballot envelope flaps with deficiencies to be cured. An emergency rule is necessary so that a procedure may be provided for curing absentee by mail ballot envelope flaps with deficiencies prior to the July 11, 2020, August 15, 2020, November 3, 2020 and December 5, 2020 elections. The absence of such a procedure creates an imminent peril to the welfare of the citizens of Louisiana and their right to vote, thereby making this emergency rule necessary. This emergency rule shall have the force and effect of law on June 15, 2020, and will remain in effect 120 days, unless renewed by the Department of State, or until permanent rules are promulgated in accordance with law.

Title 31

ELECTIONS

Part I. Election Process

Chapter 3. Opportunity to Cure Deficiencies in Absentee by Mail Ballots

§301. Absentee by Mail Ballot Deficiencies that May Be Cured

A. Each registrar of voters shall review the absentee by mail ballot envelope flap for the following deficiencies:

1. missing voter signature;
2. missing witness signature;
3. incomplete affidavit information, including but not limited to missing election date and voter information; and
4. for the July 11, 2020 and August 15, 2020 elections, signature mismatch.

B. This review shall be conducted immediately upon receipt of the absentee by mail ballot.

C. Absentee by mail ballots received for the July 11, 2020 election prior to the effective date of this rule shall be immediately reviewed for deficiencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18(A)(3) and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 46:

§303. Absentee Ballot Deficiency Notification

A. Upon receipt of an absentee by mail ballot envelope flap with one or more of the above identified deficiencies, the registrar of voters shall segregate the ballot envelope and promptly notify the voter of the ballot envelope flap deficiency and of the opportunity to cure the deficiency.

B. The registrar of voters shall identify the ballot in the voter's absentee record and notate it as "deficient with opportunity to cure."

C. The registrar shall contact the voter using the telephone number and email address available in the voter's registration record. The registrar shall also mail a written notice of the ballot envelope flap deficiency and the opportunity to cure the deficiency.

D. All deficiency notifications shall inform the voter of the type of deficiency, the process for curing the deficiency, and the deadline and method to cure the deficiency. The registrar shall make a log of the date and methods of contact for each voter.

E. Voters are required to appear in person at their registrar of voters' office during normal business hours until 4:30 p.m. the day before the election to cure the ballot envelope flap deficiency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18(A)(3) and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 46:

§305. Curing Absentee by Mail Ballot Deficiencies

A. To cure a missing voter signature, the voter shall appear at the office of the registrar and sign the ballot envelope flap in the presence of an employee of the registrar of voters. The employee of the registrar who observes the signature shall also sign the ballot envelope flap as witness.

B. To cure a missing witness signature, the voter shall appear at the office of the registrar and resign the ballot envelope flap in the presence of an employee of the registrar of voters. The employee of the registrar who observes the signature shall sign the ballot envelope flap as witness.

C. To cure a signature mismatch for the July 11, 2020 and August 15, 2020 elections, the voter shall appear at the office of the registrar and complete and sign an affidavit attesting that the voter signed the ballot envelope flap.

D. To cure an incomplete affidavit, the voter shall appear at the office of the registrar and complete the affidavit on the ballot envelope flap.

E. If the voter appears at the office of the registrar to cure the deficiency, the notation in the voter's absentee record shall be updated to so reflect.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:18(A)(3) and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 46:

Interested persons may submit written comments to Lani Durio, Deputy Commissioner of Elections, 8585 Archives Ave., Baton Rouge, LA 70809, or emailed to lani.durio@sos.la.gov.

R. Kyle Ardoin
Secretary of State

2007#002

DECLARATION OF EMERGENCY

Department of Treasury Teachers' Retirement System

Deferred Retirement Option Plan (DROP) (LAC 58:III.Chapter 5)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and under the authority granted in R.S. 11:826, the Board of Trustees of the Teachers' Retirement System of Louisiana (TRSL) declares an emergency to exist and adopts by emergency process, the following rule, LAC 58:III:523, to allow coronavirus-related distributions (CRDs) to be made from the Deferred Retirement Option Plan (DROP) accounts of certain participants in conformity with the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act).

The federal CARES Act, was enacted on March 27, 2020, to provide emergency assistance and health care response for individuals, families, and businesses affected by the 2020 coronavirus pandemic. Among other things, the CARES Act authorized a new category of distributions, known as coronavirus-related distributions (CRDs) to be made from eligible retirement plans, including governmental 401(a) defined benefit plans like TRSL. Such distributions may be made on or after January 1, 2020, and before December 31, 2020, to qualified individuals meeting certain criteria in an amount not to exceed \$100,000.

The Emergency Rule is necessary to conform TRSL's DROP distribution provisions to the distribution provisions of the CARES Act to help in providing emergency assistance as contemplated by the CARES Act. As the CRDs permitted under the CARES Act can only be made within a certain period of time ending December 31, 2020, a delay in promulgating such rule could have an adverse impact on the financial welfare of DROP retirees by denying them access to certain benefits available under the CARES Act.

This Declaration of Emergency is effective August 3, 2020, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act.

Title 58

RETIREMENT

Part III. Teachers' Retirement System of Louisiana Chapter 5. Deferred Retirement Option Plan (DROP)

§523. DROP Distributions Provided for by Coronavirus Aid, Relief, and Economic Security Act (CARES Act) of 2020

A. For purposes of this Section, *coronavirus-related distribution* shall mean a distribution from a participant's

Deferred Retirement Option Plan (DROP) account on or after August 3, 2020 and before December 1, 2020, to a participant:

1. who is diagnosed with the virus SARS-CoV-2 or with the coronavirus disease 2019 (COVID-19) by a test approved by the Centers for Disease Control and Prevention;
2. whose spouse or dependent is diagnosed with such virus or disease by such a test;
3. who experiences adverse financial consequences as a result of being quarantined, being furloughed or laid off or having work hours reduced due to such virus or disease;
4. who experiences adverse financial consequences as a result of being unable to work due to lack of child care due to such virus or disease;
5. who experiences adverse financial consequences as a result of closing or reducing hours of a business owned or operated by the individual due to such virus or disease; or
6. who meets any other factors as determined by the Secretary of the Treasury of the United States.

B. Notwithstanding any other provision of law to the contrary, in addition to any distribution normally allowed under §509, a DROP participant shall be allowed to take a coronavirus-related distribution of all or part of the funds in his DROP account under the provisions of this Section. The aggregate amount of any distributions received by a participant which may be treated as coronavirus-related distributions for the applicable period shall not exceed \$100,000.

C.1. Any participant applying for a coronavirus-related distribution shall be required to self-certify to the system the participant's eligibility to receive such distribution along with the factors making the participant eligible for such distribution. The system may rely on such self-certification as evidence of eligibility for any coronavirus-related distribution.

2. Notwithstanding the above, applicable federal law shall govern a participant's eligibility to receive such coronavirus-related distribution as well as any tax consequences associated with such distribution.

3. No distribution is allowable greater than the participants account balance.

D. Notwithstanding §509, any DROP participant who has begun receiving regular retirement benefits may receive a coronavirus-related distribution regardless of whether the participant's regular DROP distributions have begun. If a participant is not otherwise required to begin receiving regular DROP distributions, the receipt of a coronavirus-related distribution shall not require a participant to begin receiving regular DROP distributions.

E. Notwithstanding §509, a DROP participant may receive a coronavirus-related distribution as a partial account balance withdrawal, regardless of whether or not the participant has already received a one-time partial account balance withdrawal under §509.A.6.

F. If the participant is married, consent of the participant's spouse is required to receive a coronavirus-related distribution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:826.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Teachers' Retirement System of Louisiana, LR 46:

Dana L. Vicknair
Director

2007#012

DECLARATION OF EMERGENCY

Department of Treasury Deferred Compensation Commission

Administration and Distributions
(LAC 32:VII.101, 701, 1103, 1105)

The Louisiana Deferred Compensation Commission has exercised the emergency provision in accordance with the Administrative Procedure Act, R.S. 49:953(B) and pursuant to the authority set forth in R.S. 42:1303, to amend LAC 32:VII.101, 701, 1103, and 1105 regarding qualified birth and adoption distributions, the age at which participants may make in-service distributions, coronavirus-related distributions, and repayment of certain loans to qualified participants. This Emergency Rule is necessary to allow plan participants who qualify for the relief provided by the Setting Every Community Up for Retirement Enhancement ("SECURE") Act (effective December 20, 2019) and the Coronavirus Aid, Relief, and Economic Security ("CARES") Act (effective March 27, 2020).

The Louisiana Deferred Compensation Commission hereby finds that the following circumstances constitute an immediate danger to the public health, safety, or welfare: Due to public health threat created by COVID-19, on March 11, 2020, Governor John Bel Edwards declared a public health emergency in the State of Louisiana (Proclamation No. JBE 2020-25). In addition, on March 13, 2020, President Donald J. Trump declared a national emergency. In Louisiana, Governor Edwards ordered all gatherings larger than ten (10) people be postponed until May 15, 2020 (Proclamation Nos. JBE 2020-30, 33, 41, and 52). Governor Edwards additionally ordered the closing of many businesses, including malls, bars, restaurants, casinos, etc. As of June 16, 2020, 47,706 cases of COVID-19 have been confirmed in Louisiana, resulting in 2,930 deaths. The economic impact to individuals in Louisiana, including plan participants has also been devastating. Many businesses and governmental entities have been forced to furlough or lay off employees, resulting in even greater financial hardship. The COVID-19 pandemic has caused an immediate threat to the public health, safety, and welfare of many participants in the Louisiana Deferred Compensation Plan.

In order to provide relief to those plan participants who have been adversely affected by the COVID-19 pandemic, the following emergency rule is necessary so that qualifying plan participants may take advantage of the relief provided in the SECURE Act and CARES Act.

This Emergency Rule was adopted on June 16, 2020, and shall be effective on June 16, 2020. This Emergency Rule

shall remain in effect 120 days, unless renewed by the Louisiana Deferred Compensation Commission, or until permanent rules are promulgated in accordance with the law.

Title 32

EMPLOYEE BENEFITS

Part VII. Public Employee Deferred Compensation

Subpart 1. Deferred Compensation Plan

Chapter 1. Administration

§101. Definitions

* * *

Coronavirus-Related Distribution—shall have the same meaning as provided in Sec. 2202(a) of the Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”). The CARES Act defines a coronavirus-related distribution as a distribution made on or after January 1, 2020, and before December 31, 2020, to a participant who meets one of the following criteria:

1. the participant is diagnosed with the virus SARS-CoV-2 or with coronavirus disease 2019 (COVID-19) by a test approved by the Centers for Disease Control and Prevention;

2. the participant’s *spouse* or *dependent* (as defined in section 152 of the Internal Revenue Code of 1986) is diagnosed with such virus or disease by such a test; or

3. the participant experiences adverse financial consequences as a result of being quarantined, being furloughed or laid off or having work hours reduced due to such virus or disease, being unable to work due to lack of child care due to such virus or disease, closing or reducing hours of a business owned or operated by the individual due to such virus or disease, or other factors as determined by the Secretary of the U.S. Treasury.

* * *

AUTHORITY NOTE: Promulgated in accordance with IRC §457 and R.S. 42:1301-1308.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1962 (October 1998), amended LR 28:1494 (June 2002), LR 32:118 (January 2006), LR 37:1617 (June 2011), LR 40:2281 (November 2014), LR 46:

Chapter 7. Distributions

§701. Conditions for Distributions

A. Payments from the participants §457 Deferred Compensation Plan account to the participant or beneficiary shall not be made, or made available, earlier than:

1. - 4. ...

5. the participant makes a qualified birth or adoption distribution pursuant to Section 113 of the Setting Every Community Up for Retirement Act of 2019. Any such qualified birth or adoption distribution shall not exceed \$5,000 per birth or adoption. The commission or plan administrator may rely upon a participant’s birth or adoption certificate for purposes of determining eligibility; or

6. the participant makes a *coronavirus-related distribution*, as defined in LAC 32:VII.101. The aggregate amount of any participant’s coronavirus-related distributions shall not exceed \$100,000. The commission or plan administrator may rely upon a participant’s certification that the distribution is an eligible coronavirus-related distribution.

7. the calendar year in which an in-service participant attains age 59 1/2, but only if such participant revokes all

deferrals of compensation into the plan prior to beginning distributions.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1301-1308 and IRC §457.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 24:1967 (October 1998), amended LR 28:1497 (June 2002), LR 32:121 (January 2006), LR 46:

Chapter 11. Participant Loans

§1103. Maximum Loan Amount

A. In no event shall any loan made to a participant, other than a loan made pursuant to LAC 32:VII.1103.B, be in an amount which shall cause the outstanding aggregate balance of all loans made to such participant under this plan exceed the lesser of:

1. - 2. ...

B. For a period of 180 days, commencing March 27, 2020, no loan made to a participant shall be in an amount which shall cause the outstanding aggregate balance of all loans made to such participant under this plan exceed the lesser of:

1. \$100,000, reduced by the excess (if any) of:

a. the highest outstanding balance of loans from the plan to the participant during the one-year period ending on the day before the date on which the loan is made;

b. over the outstanding balance of loans from the plan to the participant or the beneficiary on the date on which the loan is made; or

2. The participant's account balance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1301-1308 and IRC §457.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 28:1500 (June 2002), amended LR 32:123 (January 2006), LR 46:

§1105. Repayment of Loan

A. Each loan shall mature and be payable, in full and with interest, within five years from the date such loan is made, unless:

1. the loan is used to acquire any dwelling unit that within a reasonable time (determined at the time the loan is made) will be used as the principal residence of the participant; or

2. loan repayments are, at the employer's election, suspended as permitted by IRC §414(u)(4) (with respect to qualified military service); or

3. the loan is made to a qualified participant, is outstanding on or after March 27, 2020, and is due during the period beginning March 27, 2020, and ending December 31, 2020. The due date for any such loan shall be delayed for a period of one year, and any subsequent repayments pursuant to that loan shall be appropriately adjusted to reflect the delayed due date.

a. For purposes of LAC 32:VII.1105.A.3, the term *qualified participant* shall mean the same as *qualified individual* under Sec. 2202(a) of the CARES Act, which defines a qualified individual as an individual:

i. who is diagnosed with the virus SARS-CoV-2 or with coronavirus disease 2019 (COVID-19) by a test approved by the Centers for Disease Control and Prevention;

ii. whose *spouse* or *dependent* (as defined in section 152 of the Internal Revenue Code of 1986) is diagnosed with such virus or disease by such a test; or

iii. who experiences adverse financial consequences as a result of being quarantined, being furloughed or laid off or having work hours reduced due to such virus or disease, being unable to work due to lack of child care due to such virus or disease, closing or reducing hours of a business owned or operated by the individual due to such virus or disease, or other factors as determined by the Secretary of the U.S. Treasury.

AUTHORITY NOTE: Promulgated in accordance with R.S. §42:1301-1308 and IRC §457.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Deferred Compensation Commission, LR 28:1500 (June 2002), amended LR 46:

Whit Kling
Chairman

2007#004

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Spring Inshore Shrimp Season Closure in State Inside Waters

The secretary of the Department of Wildlife and Fisheries has been notified that the occurrence of small juvenile white shrimp collected in biological samples within inside state waters has rapidly increased. Closing these waters is necessary to protect developing white shrimp.

In accordance with the emergency provisions of R.S. 49:953 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 a Declaration of Emergency adopted by the Wildlife and Fisheries Commission on May 7, 2020 which authorized the secretary of the Department of Wildlife and Fisheries to close the 2020 spring inshore shrimp season in any portion of Louisiana's inside waters to protect small white shrimp if biological and technical data indicate the need to do so or if enforcement problems develop, the secretary hereby declares:

The 2020 spring inshore shrimp season will close on Wednesday, July 1, 2020 at 6:00 p.m. in state inside waters from the Mississippi/Louisiana state line westward to the eastern shore of South Pass of the Mississippi River except for the following waters:

The open waters of the Louisiana portion of Mississippi Sound and the open waters of Breton and Chandeleur Sounds as bounded by the double-rig line described in R.S. 56:495.1(A)2. The open waters of the Louisiana portion of Mississippi Sound are defined as beginning at a point on the Mississippi/Louisiana state line at 30 degrees 10 minutes 21.95 seconds north latitude, 89 degrees 26 minutes 12.99 seconds west longitude; thence southerly to a point at 30 degrees 08 minutes 03.07 seconds north latitude, 89 degrees 26 minutes 27.05 seconds west longitude; thence southwesterly to a point at 30 degrees 04 minutes 40.57 seconds north latitude, 89 degrees 28 minutes 46.59 seconds west longitude; thence southeasterly to a point on the western shore of Three-Mile Pass (30 degrees 03 minutes

00.00 seconds north latitude, 89 degrees 22 minutes 23.00 seconds west longitude); thence northeasterly to a point on Isle Au Pitre (30 degrees 09 minutes 20.50 seconds north latitude, 89 degrees 11 minutes 15.50 seconds west longitude), which is a point on the double-rig line as described in R.S. 56:495.1(A)2.

All state outside waters seaward of the Inside/Outside Shrimp Line, as described in LAC 76:VII.370 will remain open to shrimping until further notice.

Jack Montoucet
Secretary

2007#008

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Spring Inshore Shrimp Season Closure in State Inside Waters

The secretary of the Department of Wildlife and Fisheries has been notified that the occurrence of small juvenile white shrimp collected in biological samples within inside state waters has rapidly increased. Closing these waters is necessary to protect developing white shrimp.

In accordance with the emergency provisions of R.S. 49:953 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 a Declaration of Emergency adopted by the Wildlife and Fisheries Commission on May 7, 2020 which authorized the secretary of the Department of Wildlife and Fisheries to close the 2020 spring inshore shrimp season in any portion of Louisiana's inside waters to protect small white shrimp if biological and technical data indicate the need to do so or if enforcement problems develop, the secretary hereby declares:

The 2020 spring inshore shrimp season will close on Monday, July 6, 2020 at 6:00 p.m. in the Louisiana portion of Mississippi Sound as described below:

The open waters of the Louisiana portion of Mississippi Sound are defined as beginning at a point on the Mississippi/Louisiana state line at 30 degrees 10 minutes 21.95 seconds north latitude, 89 degrees 26 minutes 12.99 seconds west longitude; thence southerly to a point at 30 degrees 08 minutes 03.07 seconds north latitude, 89 degrees 26 minutes 27.05 seconds west longitude; thence southwesterly to a point at 30 degrees 04 minutes 40.57 seconds north latitude, 89 degrees 28 minutes 46.59 seconds west longitude; thence southeasterly to a point on the western shore of Three-Mile Pass (30 degrees 03 minutes 00.00 seconds north latitude, 89 degrees 22 minutes 23.00 seconds west longitude); thence northeasterly to a point on Isle Au Pitre (30 degrees 09 minutes 20.50 seconds north latitude, 89 degrees 11 minutes 15.50 seconds west longitude), which is a point on the double-rig line as described in R.S. 56:495.1(A)2.

The 2020 spring inshore shrimp season will close on Monday, July 6, 2020 at 6:00 p.m. in Shrimp Management

Zone 2, state inside waters from the eastern shore of South Pass of the Mississippi River westward to the western shore of Freshwater Bayou Canal.

The 2020 spring inshore shrimp season will close on Monday, July 6, 2020 at 6:00 p.m. in Shrimp Management Zone 3, state inside waters from the western shore of Freshwater Bayou Canal westward to the Louisiana/Texas state line.

The open waters of Breton and Chandeleur Sounds as bounded by the double-rig line described in R.S. 56:495.1(A)2 and all state outside waters seaward of the Inside/Outside Shrimp Line, as described in LAC 76:VII.370 will remain open to shrimping until further notice.

Jack Montoucet
Secretary

2007#013

DECLARATION OF EMERGENCY

Workforce Commission Rehabilitation Services

Financial Needs and Budgetary Analysis Tests (LAC 67:VII.115)

On January 31, 2020, the United States Department of Health and Human Services Secretary Alex A. Azar declared a public health emergency (PHE) for the United States to aid the nation's healthcare community in responding to the coronavirus disease (COVID-19). The United States Centers for Disease Control and Prevention (CDC) has declared COVID-19 a worldwide pandemic due to its global effect. COVID-19 has resulted in widespread unemployment, economic hardship, and financial uncertainty, which has adversely affected the public health, safety, and welfare of Louisiana citizens, including Louisiana citizens with disabilities. Louisiana citizens with disabilities are even more vulnerable to the financial uncertainties, widespread unemployment, and economic hardships resulting from COVID-19. The LWC/LRS expressly finds that imminent peril to the public health, safety, or welfare requires adoption of this rule on an emergency basis.

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953 (B)(1) et seq., the Louisiana Workforce Commission, Louisiana Rehabilitation Services (LWC/LRS), amends LAC 67:VII.115 in the Vocational Rehabilitation Program, as authorized by R.S. 23:3022. The LWC/LRS finds it necessary to amend the provisions of the Louisiana Administrative Code related to the income scale that will be used for financial needs and budgetary analysis tests. This proposed rule amendment will add greater flexibility to the budgetary analysis and financial needs test by revising language, which requires a financial need analysis to determine the ability of an individual to financially contribute to the cost of "vocational and other training services, such as college/university, vocational and proprietary school training". The current rule limits the number of Louisiana citizens with disabilities who are eligible to receive vocational and other training services, such as college/university, vocational and proprietary school training. The proposed rule alleviates this burden and will allow more of Louisiana's citizens with disabilities to take

advantage of training and educational opportunities that are designed to help succeed in the labor market by equipping them with the additional skill(s) to compete in the post-COVID economy for in-demand jobs. Failure to adopt the proposed rule amendment on an emergency basis will result in continued financial restrictions thereby limiting the number of Louisiana disabled citizens who can take advantage of financial assistance for vocational and other available training services offered through the LRS programs. This Emergency Rule shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Title 67

SOCIAL SERVICES

Part VII. Rehabilitation Services

Chapter 1. General Provisions

§115. Financial

A. Comparable Services and Similar Benefits

1. Determination of Availability

a. Prior to providing any vocational rehabilitation service to an eligible individual, except those services specified below in Subclauses c.i.(a)-(f), LRS will determine whether comparable services and benefits are available under any other program (other than a program carried out under Title IV, Rehabilitation Act Amendments of 2014) unless such a determination would interrupt or delay:

i. the progress of the individual toward achieving the employment outcome identified in the IPE of the individual;

ii. an immediate job placement; or

iii. the provision of such service to any individual at extreme medical risk.

b. Awards and Scholarships. For purposes of the determination of availability in Paragraph A.1 above, comparable benefits do not include awards and scholarships based on merit.

c. Exceptions to Use of Comparable Services and Benefits

i. The following vocational rehabilitation services can be provided without making a determination of the availability of comparable services and benefits:

(a). services provided through LRS's information and referral system;

(b). assessment for determining eligibility and vocational rehabilitation needs, including if appropriate, assessment by personnel skilled in rehabilitation technology;

(c). counseling and guidance, including information and support services to assist an individual in exercising informed choice;

(d). referral and other services needed to secure necessary services from other agencies through cooperative agreements, if such services are not available from LRS;

(e). job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;

(f). rehabilitation technology, including telecommunications, sensory, and other technological aids and devices.

B. Individual's Participation in the Cost of Vocational Rehabilitation Services

1. Neither a financial needs test nor a budgetary analysis of assets, income, and disability-related expenses

shall be applied as a condition for furnishing any vocational rehabilitation service if the individual in need of the service has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act.

2. LRS will consider, through budgetary analysis of assets, income, disability-related expenses and comparable services and benefits, the financial need of eligible individuals; and individuals who are participating in trial work periods—for purposes of determining the extent of the individual's participation in the costs of certain vocational rehabilitation services.

a. Neither a financial needs test, nor a budgetary analysis, is applied and no financial participation is required as a condition for furnishing the following vocational rehabilitation services:

i. assessment for determining eligibility and priority for services, except those non-assessment services that are provided during an evaluation to explore the individual's abilities, capabilities, and capacity to perform in work situations (trial work periods);

ii. assessment for determining vocational rehabilitation needs;

iii. counseling, guidance, including information and support services to assist an individual in exercising informed choice;

iv. referral and other services to secure needed services from other agencies through cooperative agreements, if such services are not available from LRS;

v. job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;

vi. rehabilitation technology assessments;

vii. supported employment;

viii. on-the-job training;

ix. assistive technology devices and services (except hearing aids);

x. personal assistance services provided simultaneously with any of the above-listed vocational rehabilitation services; (Examples include attendant, reader, scribe, interpreter, ASL, braille, notetaker, and adjustment/orientation and mobility training services.)

b. A financial need analysis will be applied to determine the ability of the individual to financially contribute to the cost of the following vocational rehabilitation services:

i. physical restoration and/or mental restoration;

ii. hearing aids;

iii. maintenance;

iv. transportation;

v. books and supplies;

vi. occupational tools and equipment;

vii. cost services to other family members;

viii. occupational licenses;

ix. discretionary training fees such as car registration fees, student health service fees, etc. not included in tuition;

x. vocational and other training services, such as college/university, vocational and proprietary school training;

xi. other goods and services, not specifically identified in Subparagraph d below;

xii. post employment services consisting of the services listed above.

c. The only exception to Clause x above is as follows.

i. To preserve LRS' Continuity of Services provision in the Order of Selection, LRS exempted those eligible individuals who had an IWRP/IPE in effect prior to July 20, 1999, which is the date of the adoption of this rule change; therefore, Clause x in Subparagraph b above will only apply to those individuals who had an IWRP/IPE developed after July 20, 1999.

d. The following services are exempt from the application of a budget surplus, if the counselor determines that a surplus exists:

i. adjustment/orientation and mobility services;

ii. attendant services;

iii. reader services;

iv. scribe, notetaker/Braille services;

v. interpreter services;

vi. assistive technology services.

e. When it is determined by a counselor and an eligible client that self-employment, through establishment of a small business enterprise, is the best option for the client, the client must provide a minimum cash capital contribution of 20 percent of the total transaction. (Refer to LRS Policy on Small Business Enterprise.)

f. Individuals who do not provide LRS with necessary financial information to perform the budget analysis will be eligible only for those vocational rehabilitation services that are not conditioned upon an analysis to determine the extent of the individual's participation in the costs of such services.

g. Individuals who have defaulted on a student loan must make good faith efforts with the lender to clear the default or to defer payment before LRS will participate in the cost of the client's vocational rehabilitation program.

h. Simultaneously with the comprehensive assessment, at the annual review of the IPE, and at any time there is a change in the financial situation of either the client or the family, the counselor will perform a budget analysis for each client requiring vocational rehabilitation services as listed above in §115.B.2.b.i-xii. The amount of client participation in the cost of their vocational rehabilitation program will be based upon the most recent budget analysis at the time the relevant IPE or amendment is developed.

3. State and Departmental Purchasing Procedures. All applicable state, departmental and agency purchasing policies and procedures must be followed.

a. LRS does not purchase vehicles or real estate.

b. Fee Schedule. Services and rates of payment must be authorized in accordance with LRS's Medical Fee Schedule and LRS's Technical Assistance and Guidance Manual, Section 500 which lists approved service providers.

c. Approval of Service Providers

i. Any service provider approved by the agency must agree not to make any additional charge to or accept any additional payment from the client or client's family for services authorized by the agency.

ii. Relatives of vocational rehabilitation clients will not be approved as a paid service provider unless such individuals are professionally and occupationally engaged in

the delivery of such services by offering their services to the general public on a regular and consistent basis.

d. Prior Written Authorization and Encumbrance

i. Either before or at the same time as the initiation or delivery of goods or services, the agency must be in possession of the proper authorizing document. The only exception is in an emergency situation.

ii. If oral authorization of approved services is made in an emergency situation, there must be prompt documentation, and the authorization must be confirmed in writing and forwarded to the provider of the services.

C. LRS shall determine an individual's financial need for certain vocational rehabilitation services, as listed in Subparagraph B.2.b above, is based on the individual's disability related expenses, available assets, and a multiple

of 250-500 percent of the current U.S. Department of Health and Human Services' poverty guidelines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:3022.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 17:891 (September 1991), amended LR 20:317 (March 1994), LR 21:837 (August 1995), LR 24:959 (May 1998), LR 25:1273 (July 1999), LR 27:212 (February 2001), LR 27:1561 (September 2001), LR 29:47 (January 2003), LR 30:1488 (July 2004), LR 34:1038 (June 2008), amended by the Workforce Commission, Office of Rehabilitation Services, LR 41:1775 (September 2015), repromulgated LR 41:2180 (October 2015), amended LR 46:

Ava Dejoie
Secretary

2007#030

Rules

RULE

Department of Civil Service Board of Ethics

Food and Drink Limit (LAC 52:I.1703)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Civil Service, Louisiana Board of Ethics, has amended the Rules for the Board of Ethics to bring the rules into compliance with current statutory provisions and section 1115.1C of the Code of Governmental Ethics. This Rule is hereby promulgated on the day of promulgation

Title 52 ETHICS

Part I. Board of Ethics

Chapter 17. Code of Governmental Ethics

§1703. Food and Drink Limit

A. In accordance with R.S. 42:1115.1(C), beginning on July 1, 2020, the limit for food, drink or refreshments provided in R.S. 42:1115.1(A) and (B) is \$63.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1115.1.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 36:304 (February 2010), amended LR 36:1466 (July 2010), LR 38:1951 (August 2012), LR 39:3062 (November 2013) LR 40:1678 (September 2014), LR 41:1262 (July 2015), LR 44:1237 (July 2018), LR 45:868 (July 2019), LR 46:892 (July 2020).

Kathleen M. Allen
Ethics Administrator

2007#020

RULE

Board of Elementary and Secondary Education

Bulletin 996—Standards for Approval of Teacher and/or
Educational Leader Preparation Programs
Early Childhood Ancillary Programs
(LAC 28:XLV.303)

Editor's Note: Section 303 is being repromulgated to correct a manifest submission error. The original Rule may be viewed in its entirety on pages 902-904 of the July 20, 2019 *Louisiana Register*.

Under the authority granted in R.S. 17:6 and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs*. The amendments provide for early childhood ancillary programs to mirror the existing program approval process for teacher preparation programs. 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 3. Initial State Approval for Teacher or Educational Leader Preparation Programs

§303. Initial Approval [Formerly §203]

A. - D. ...

E. Upon receipt, teacher, early childhood ancillary certificate program, and/or educational leader proposals will undergo a preliminary review by the LDE for completeness. Proposals that are determined to be complete and meet all initial submission requirements will undergo an evaluation process conducted by a panel of reviewers. Proposals that do not meet all initial submission requirements will receive a notice of pending denial. Providers must provide the required material within seven days. If providers do not provide the required material, the proposal will be denied. Proposals may be resubmitted no sooner than one calendar year following the date of initial submission to the LDE.

F. Teacher, early childhood ancillary certificate program, and/or educational leader proposals that meet all initial submission requirements will be evaluated by a panel of reviewers. The panel will include at least one external reviewer. An external reviewer may serve as a preparation program administrator, a preparation program faculty member, or a current or former K-12 educator or leader. The panel will evaluate each proposal using an evaluation tool that was reviewed by representatives from LDE and BOR and will evaluate the proposal to ensure the proposal meets professional, state, and, when applicable, national standards for quality and state certification policy. The panel's evaluation will include an interview with the provider and at least one partner LEA. The panel may interview additional representatives of the provider and LEA partner organizations.

G. The result of the evaluation will be sent by the LDE to the teacher, early childhood ancillary certificate program, and/or educational leader provider. A proposal that fully meets all structural and policy requirements according to the program proposal guidelines will be recommended for BESE approval at the next scheduled BESE meeting. A proposal that is not recommended by the LDE for approval because it does not meet the policy or structural requirements according to the program proposal guidelines may be resubmitted to the LDE for reconsideration no sooner than one calendar year following the date of initial submission to the LDE. Proposals that are not recommended for approval a second time, or are recommended for approval by the LDE but not approved by BESE, may be resubmitted to the LDE for reconsideration no sooner than two calendar years following the date of resubmission to the LDE.

H. BESE will notify the point of contact listed in the proposal submitted by the teacher, early childhood ancillary certificate program, and/or educational leader providers of the decision. Notification will be sent in writing via U.S. mail.

1. ...

2. If BESE does not grant initial approval of the proposed program, the teacher, early childhood ancillary certificate program, or educational leader provider is eligible to resubmit the proposal. Proposals that are not recommended by BESE for approval may be resubmitted to the LDE for reconsideration no sooner than one calendar year following the date of initial submission to the LDE. Proposals that are not recommended by BESE for approval a second time may be resubmitted to the LDE for reconsideration no sooner than two calendar years following the date of resubmission to the LDE.

I. Teacher, early childhood ancillary certificate program, and/or educational leader proposals for initial approval will be accepted and considered by BESE twice per year. Application timelines will be established and published annually one year in advance of the notice of intent deadline for the first application cycle.

J. Approved teacher, early childhood ancillary certificate program, and/or educational leader preparation providers seeking approval to pilot innovative approaches to training teacher and/or educational leader candidates must request BESE approval to pilot such approaches and recommend certification of candidates upon completion of the program.

K. BESE may rescind program approval if the teacher, early childhood ancillary certificate program, and/or educational leader preparation program has been found to be or has been operating outside of the teacher preparation program requirements outlined in this Chapter and in LAC 28:CXXXI, *Bulletin 746—Louisiana Standards for State Certification of School Personnel*.

L. - O. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), 17:7(6), and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:2453 (November 2004), amended LR 35:2327 (November 2009), LR 37:561 (February 2011), LR 43:2486 (December 2017), LR 45:902 (July 2019), repromulgated LR 46:891 (July 2020).

Shan N. Davis
Executive Director

2007#016

RULE

Department of Environmental Quality Office of the Secretary Legal Affairs and Criminal Investigations Division

2019 Annual Incorporation by Reference of Certain Federal Air Quality Regulations (LAC 33:III.505, 507, 2160, 3003, 5116, 5122, 5311, and 5901)(AQ381ft)

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.505,

507, 2160, 3003, 5116, 5122, 5311, and 5901 (Log # AQ381ft).

This Rule is identical to federal regulations found in 40 CFR Parts 51, Appendix M, 60, 61, 63, 68, 70.6, and 96, which are applicable in Louisiana. For more information regarding the federal requirement, contact Deidra Johnson at (225) 219-3985. No fiscal or economic impact will result from the Rule. This Rule will be promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

This Rule incorporates by reference (IBR) into the Louisiana Administrative Code (LAC), Title 33, Part, Air, the following federal regulations included in the July 1, 2019, edition of the Code of Federal Regulations (CFR): 40 CFR Parts 51, Appendix M, 60, 61, 63, 68, 70.6(a) and 96. Any exception to the IBR is explicitly listed in the Rule.

The Rule updates the references to July 1, 2019, for Standard of Performance for New Stationary Sources, 40 CFR Part 60. It also updates the references to July 1, 2019, for the National Emission Standards for Hazardous Air Pollutants (NESHAP) and for NESHAP for Source Categories, 40 CFR Part 61 and 63. In order for Louisiana to maintain equivalency with federal regulations, certain regulations in the most current Code of Federal Regulations, July 1, 2019, must be adopted into the Louisiana Administrative Code (LAC). This rulemaking is also necessary to maintain delegation authority granted to Louisiana by the Environmental Protection Agency. The basis and rationale for this Rule are to mirror the federal regulations as they apply to Louisiana's affected sources. This 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. This Rule is hereby adopted on the day of promulgation.

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, 2019 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).

§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, 2019. 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.5. ...

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).

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, 2019, 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).

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, 2019, 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).

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, 2019, 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).

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, 2019, 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).

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, 2019, 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 44:749 (April 2018), LR 46:894 (July 2020).

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, 2019.

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 42:1086 (July 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:749 (April 2018), LR 46:894 (July 2020).

Herman Robinson
General Counsel

2007#027

RULE

**Department of Environmental Quality
Office of the Secretary
Legal Affairs and Criminal Investigations Division**

**Definition of Treatment
(LAC 33:V.2203)(HW128)**

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.2203 (HW128).

This Rule has repealed the definition of treatment in §2203 of the Hazardous Waste Regulations. The U.S. EPA conducts periodic reviews of the Louisiana Hazardous Waste Regulations in order to verify that they are as stringent, or more stringent, than the equivalent federal regulations. This equivalency is a requirement of LDEQ maintaining an authorized hazardous waste regulatory program under the oversight of EPA. In response to a recent review, LDEQ was notified that the definition of treatment needed to be removed to maintain this equivalency with federal regulations. The basis and rationale for this Rule are to align with federal regulations as they apply to Louisiana hazardous waste. This 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. 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 22. Prohibitions on Land Disposal

Subchapter A. Land Disposal Restrictions

§2203. Definitions Applicable to This Chapter

A. When used in this Chapter the following terms have the meanings given below.

* * *

Treatment—Repealed.

* * *

B. ...

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 16:221 (March 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:667 (April 1998), LR 25:442 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:280 (February 2000), 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 46:896 (July 2020).

Herman Robinson
General Counsel

2007#028

RULE

**Department of Environmental Quality
Office of the Secretary
Legal Affairs and Criminal Investigations Division**

**Hazardous Waste Generator Improvements
(LAC 33:V.Chapters 1, 3, 5, 10, 11, 13, 15, 17, 18,
19, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 35, 38,
40, 41, 42, 43, 45, 49, 51, and 53)(HW124)**

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. (HW124)

The Rule adopts the federal Generator Improvements Rule which amends the hazardous waste program as relating to generators. A summary of the revisions are as follows: reorganizes the regulations to make them more user-friendly, provides a better understanding of the program, addresses regulatory gaps to strengthen environmental protection, provides greater flexibility for generators to manage hazardous waste, and makes corrections to address inadvertent errors and remove obsolete references. The Rule will also provide additional clarification and updates specific to the hazardous waste program in Louisiana.

Louisiana is authorized by the U.S. Environmental Protection Agency (EPA) to administer the hazardous waste program under Subtitle C of the Resource Conservation and Recovery Act. One requirement for retaining authorization is to maintain state hazardous waste regulations so that they are equivalent to or more stringent than corresponding federal regulations. This includes adoption of the Generator Improvements Rule published on November 28, 2016. Since inception of the regulatory hazardous waste program in 1980, EPA and states have become increasingly aware of the need for more clarity, consistency, and flexibility. The majority of these issues were identified in several program evaluations conducted by EPA that included feedback from the regulated community and other stakeholders. The purpose of this rulemaking is to adopt the federal Generator Improvements Rule which contains many of the recommendations noted in these evaluations. Additionally, Louisiana will be seeking additional changes to go along with EPA improvements to the program to increase both environmental protection and business flexibility. This 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. 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 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. EPA Identification Numbers and Notification of Hazardous Waste Activity

1. Within 90 days after the promulgation or revision of these regulations anyone subject to these regulations who has not previously notified the department on the Notification of Hazardous Waste Activity Form (HW-1), or whose notification on the HW-1 form is not approved, must notify the Office of Environmental Services, using the HW-1 form.

2. Within 90 days after changes in waste characteristics or changes in these regulations that result in changes in the notification, interim status facilities must revise their notification form by resubmitting a corrected copy of the HW-1 form.

3. All notifications of hazardous waste activity received must be in accordance with the department's notification procedures and must receive an active EPA identification number issued through the state of Louisiana.

4. All facilities with an active EPA identification number shall be subject to requirements in LAC 33:V.Subpart 1.

5. Approved Forms for Notification of Hazardous Waste Activity

a. Notification of Hazardous Waste Activity Form (HW-1). All notifications of hazardous waste activity shall be made on the most current HW-1 form approved by the department and found on the department's website. The department may provide the HW-1 form in either a hardcopy or web-based format or both.

b. Other forms approved by the department. At the discretion of the department, other forms may be approved for use. In these instances, the official notification of approval forms will be found on the department's website.

6. Out-of-date forms and forms not approved by the department. Notification of hazardous waste activity submitted on forms not approved by the department, or on forms that are not current, will be rejected.

a. If rejected, the applicant shall resubmit the notification using the appropriate, approved form.

b. Resubmittals shall be submitted timely to the Office of Environmental Services. Original due dates will not be extended for resubmittals due to an unapproved or out-of-date form.

7. See LAC 33:V.1017 for additional notification requirements for generators of hazardous waste.

8. Facilities who cease hazardous waste activities shall notify the Office of Environmental Services within 30 days using the department's Notification of Hazardous Waste Activity Form (HW-1) or other forms approved by the department in accordance with Subparagraph 105.A.5.b of this Section.

9. Failure to submit a timely and complete Notification of Hazardous Waste Activity Form (HW-1), obtain an active EPA identification number or notify the

department of changes to the notification shall constitute a violation of these regulations and subject the applicant to enforcement action up to and including the assessment of civil penalties.

B. - D.1.f. ...

g. spent sulfuric acid used to produce virgin sulfuric acid provided it is not *accumulated speculatively* as defined in LAC 33:V.109.*Solid Waste*;

h. - t.iii.(d). ...

iv. nothing in this Section preempts, overrides, or otherwise negates the provision in LAC 33:V.1005 that requires any person who generates a solid waste to determine if that waste is a hazardous waste; and

v. interim status and permitted storage units that have been used to store only zinc-bearing hazardous wastes prior to the submission of the one-time notice described in Subclause D.1.t.iii.(b) of this Section, and that afterward will be used only to store hazardous secondary materials excluded under this Subparagraph, are not subject to the closure requirements of LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37 and 43;

u. - x.viii. ...

ix. persons operating under this exclusion must meet the requirements of the *Code of Federal Regulations* at 40 CFR 261, subpart M (emergency preparedness and response for management of excluded hazardous secondary materials), July 1, 2017, which are hereby incorporated by reference;

y. - y.v.(d). ...

(e). the hazardous secondary material generator must comply with the emergency preparedness and response conditions in 40 CFR 261, subpart M (emergency preparedness and response for management of excluded hazardous secondary materials), July 1, 2017; these requirements are hereby incorporated by reference for this exclusion;

1.y.vi. - 4.c. ...

5. Treatability Study Samples

a. Except as provided in Subparagraph D.5.b of this Section, persons who generate or collect samples for the purpose of conducting *treatability studies* as defined in LAC 33:V.109 are not subject to any requirement of LAC 33:V.Chapters 10, 11, 13, 15, or 49, or to the notification requirements of Subsection A of this Section, nor are such samples included in the quantity determinations of LAC 33:V.1009 and 1013.C when:

a.i. - c.iii.(e). ...

6. Samples Undergoing Treatability Studies at Laboratories and Testing Facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to LAC 33:V.Subpart 1 requirements) are not subject to any requirement of LAC 33:V.Chapters 3, 5, 10, 11, 13, 15, 22, 41, and 43 or to the notification requirements of Subsection A of this Section, provided that the following conditions are met. A mobile treatment unit may qualify as a testing facility subject to Subparagraphs D.6.a-k of this Section. Where a group of mobile treatment units is located at the same site, the limitations specified in Subparagraphs D.6.a-k of this Section apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit:

a. - i.vii. ...
j. the facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under LAC 33:V.109. *Hazardous Waste* and, if so, are subject to LAC 33:V.Chapters 3, 5, 10, 11, 13, 15, 22, 41, 43, and 49, unless the residue and unused samples are returned to the sample originator under the Paragraph D.5 of this Section exemption; and

D.6.k. - L.2. ...

a. if a generator is accumulating the waste, the administrative authority will issue a notice setting forth the factual basis for the decision and stating that the person must comply with the applicable requirements of LAC 33:V.Chapters 10 and 11. The notice will become final within 30 days, unless the person served requests a public hearing to challenge the decision. Upon receiving such a request, the administrative authority will hold a public hearing. The administrative authority will provide notice of the hearing to the public and allow public participation at the hearing. The administrative authority will issue a final order after the hearing stating whether or not compliance with LAC 33:V.Chapters 10 and 11 is required. The order becomes effective 30 days after service of the decision unless the administrative authority specifies a later date or unless review by the administrative authority is requested. The order may be appealed to the administrative authority by any person who participated in the public hearing. The administrative authority may choose to grant or to deny the appeal. Final department action occurs when a final order is issued and department review procedures are exhausted; and

L.2.b. - O.2.d.iii. ...

iv. the intermediate or reclamation facility shall have the equipment and trained personnel needed to safely manage the hazardous secondary material and shall meet emergency preparedness and response requirements under 40 CFR part 261, subpart M, July 1, 2017, which is hereby incorporated by reference;

O.2.d.v. - 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 Investigations Division, LR 43:1523 (August 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:896 (July 2020).

§108. Special Requirements for Hazardous Waste Generated by Conditionally Exempt Small Quantity Generators

Editor's Note: The requirements in §108 were repromulgated as independent requirements for very small quantity generators under LAC 33:V.1003.A.1.a and conditions for exemption for very small quantity generators under LAC 33:V.1009.

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:706, 716 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2540 (October 2005), LR 32:606 (April 2006), LR 36:2554 (November 2010), LR 38:774 (March 2012), amended by the Office of the Secretary, Legal Affairs Division, LR 43:1138 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:40 (January 2018), repealed by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:898 (July 2020).

§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.

* * *

Act—the Louisiana Environmental Quality Act, R.S. 30:2001, et seq.

* * *

Acute Hazardous Waste—hazardous wastes that meet the listing criteria in LAC 33:4907.A.2 and therefore are either listed in LAC 33:4901.B with the assigned hazard code of (H) or are listed in LAC 33:4901.E.

* * *

Central Accumulation Area—any on-site hazardous waste accumulation area with hazardous waste accumulating in units subject to either LAC 33:V.1013 (for small quantity generators) or LAC 33:V.1015 (for large quantity generators).

* * *

EPA Identification Number—the number assigned by EPA to each generator, transporter, and treatment, storage, or disposal facility. An EPA identification number is site-specific. If a facility moves to another location, the owner/operator must obtain a new EPA identification number for the facility.

* * *

Final Closure—the closure of all hazardous waste management units at the facility in accordance with all

applicable closure requirements so that hazardous waste management activities under LAC 33:V.Chapters 15, 19, 21, 23, 25, 27, 29, 31, 33, 35 and 43 are no longer conducted unless subject to provisions of LAC 33:V.1011, 1013, and 1015.

Large Quantity Generator—a generator who generates any of the following amounts in a calendar month:

1. greater than or equal to 1,000 kilograms (2200 lbs) of nonacute hazardous waste; or
2. greater than 1 kilogram (2.2 lbs) of acute hazardous waste listed in LAC 33:V.4901.B with the assigned hazard code of (H) or LAC 33:V.4901.E; or
3. greater than 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in LAC 33:V.4901. with the assigned hazard code of (H) or LAC 33:V.4901.E.

Nonacute Hazardous Waste—all hazardous wastes that are not acute hazardous waste, as defined in this Section.

Partial Closure—the closure of a hazardous waste management unit in accordance with the applicable closure requirements of LAC 33:V.Chapters 10, 11, 13, 15, 17, 18, 19, 23, and 43 at a facility that contains other active hazardous waste management units. For example, a partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile, or other hazardous waste management unit, while other units of the same facility continue to operate.

Personnel or Facility Personnel—all persons who work at or oversee the operations of a hazardous waste facility, and whose actions or failure to act may result in noncompliance with the requirements of LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37, and 43.

Small Quantity Generator—a generator who generates the following amounts in a calendar month:

1. greater than 100 kilograms (220 lbs) but less than 1,000 kilograms (2200 lbs) of nonacute hazardous waste; and
2. less than or equal to 1 kilogram (2.2 lbs) of acute hazardous waste listed in LAC 33:V.4901.B with the assigned hazard code of (H) or LAC 33:V.4901.E; and
3. less than or equal to 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in LAC 33:V.4901. with the assigned hazard code of (H) or LAC 33:V.4901.E.

Very Small Quantity Generator—a generator who generates less than or equal to the following amounts in a calendar month:

1. 100 kilograms (220 lbs) of nonacute hazardous waste; and

2. 1 kilogram (2.2 lbs) of acute hazardous waste listed in in LAC 33:V.4901.B with the assigned hazard code of (H) or LAC 33:V.4901.E; and

3. 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in in LAC 33:V.4901.B with the assigned hazard code of (H) or LAC 33:V.4901.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 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).

§110. Incorporation by Reference

A. - D. ...

1. "Flammable and Combustible Liquids Code" (NFPA 30) (1977 or 1981), approved for LAC 33:V.1013.C, 1917.B, and 4443;

D.2. - G.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 22:814 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:656 (April 1998), LR 24:1690 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:270 (February 2000), LR 27:291 (March 2001),

amended by the Office of the Secretary, Legal Affairs Division, LR 34:1010 (June 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:899 (July 2020).

Chapter 3. General Conditions for Treatment, Storage, and Disposal Facility Permits

§301. Authority

A. ...

B. This Chapter establishes general conditions for permit standards applicable to treatment, storage, and disposal (TSD) facilities. LAC 33:V.Chapter 5 establishes the contents of the permit application and LAC 33:V.Chapter 7 establishes the administrative procedures for receipt, evaluation, and issuance of TSD permits. LAC 33:V.Chapters 10 and 11 establishes standards applicable to generators of hazardous waste. LAC 33:V.Chapter 13 establishes standards applicable to transporters of hazardous waste. LAC 33:V.Chapter 15 establishes general standards for TSD facilities. LAC 33:V.Chapters 19-32 establish specific technical requirements for various disposal facility components.

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), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:900 (July 2020).

§305. Scope of the Permit

A. - B.4. ...

C. Specific Exclusions and Exemptions. The following persons are not required to obtain a hazardous waste permit:

1. ...

2. generators who accumulate hazardous waste on-site in compliance with all of the conditions for exemption provided in LAC 33:V.1009, 1011, 1013, and 1015;

3. farmers who dispose of hazardous waste pesticides from their own use as provided in LAC 33:V.1003.C;

4. persons who own or operate facilities solely for the treatment, storage, or disposal of hazardous waste excluded from regulation under LAC 33:V.105.D or 1009 (very small quantity generator exemption);

C.5. - F.1. ...

2. If the owner/operator has not submitted a Part II application for a post-closure permit, the owner/operator may petition the administrative authority for a determination that a post-closure permit is not required because the closure met the applicable LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, and 37 closure standards.

F.2.a. - 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).

§311. Establishing Permit Conditions

A. - D. ...

E. Each RCRA permit shall include permit conditions necessary to achieve compliance with Subtitle II of Title 30 of the Louisiana Revised Statutes and LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 22, 23, 25, 27, 28, 29, 30, 31, 32, 33, 35, 37, and 41. In satisfying this provision the administrative authority may incorporate applicable requirements of LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 22, 23, 25, 27, 28, 29, 30, 31, 32, 33, 35, 37, and 41 directly by reference into the permit or establish other permit conditions that are based on these regulations. Each permit issued under Subtitle II of Title 30 of the Louisiana Revised Statutes shall contain terms and conditions as the administrative authority determines necessary to protect human health and the environment.

F. RCRA Permits for Hazardous Waste Combustion Units. If, as the result of an assessment or other information, the administrative authority determines that conditions are necessary in addition to those required under 40 CFR Part 63, Subpart EEE, as incorporated by reference at LAC 33:III.5122, or LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 22, 23, 25, 27, 28, 29, 30, 31, 32, 33, 35, 37, and 41, to ensure protection of human health and the environment, the administrative authority shall include those conditions in a RCRA permit for a hazardous waste combustion unit.

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 10:280 (April 1984), LR 16:220 (March 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), amended by the Office of the Secretary, Legal Affairs Division, LR 34:619 (April 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:900 (July 2020).

§321. Modification of Permits

A. - C.2.n.i. ...

ii. the requested modification does not comply with the appropriate requirements of LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, and 37 or other applicable requirements;

2.n.iii. - 5.c.ii. ...

iii. sufficient information to ensure compliance with LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, and 37 standards; and

5.c.iv. - 5.d. ...

i. the authorized activities are in compliance with the standards of LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, and 37; and

5.d.ii. - 11.c. ...

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 13:433 (August 1987), LR 15:378 (May 1989), LR 16:614 (July 1990), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1691 (September 1998), LR 25:435 (March 1999),

amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2466 (November 2000), LR 28:1000 (May 2002), LR 29:319 (March 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2430, 2454 (October 2005), LR 33:2100 (October 2007), LR 34:619 (April 2008), LR 35:1879 (September 2009), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:900 (July 2020).

§329. Research, Development, and Demonstration Permits

A. The administrative authority may issue a research, development, and demonstration permit for any hazardous waste treatment facility which proposes to utilize an innovative and experimental hazardous waste treatment technology or process for which permit standards for such experimental activity have not been promulgated under LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 30, 31, 32, 33, 35, 37, or 41. Any such permit shall include such terms and conditions as will assure protection of human health and the environment. Such permits:

A.1. - 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 16:220 (March 1990), amended LR 20:1000 (September 1994), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46: 46:901 (July 2020).

Chapter 5. Permit Application Contents

Subchapter A. General Requirements for Permit Applications

§501. Permit Application

A. - C.1. ...

a. six months after the date of publication of regulations which first require them to comply with LAC 33:V.Chapters 10, 11, 15, 25, 30, 41 or 43; or

b. thirty days after the date they first become subject to the standards set forth in LAC 33:V.Chapters 10, 11, 15, 25, 30, 41, or 43, whichever first occurs.

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 16:220 (March 1990), LR 20:1000 (September 1994), LR 20:1109 (October 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:300 (February 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2467 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2454 (October 2005), LR 33:2100 (October 2007), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:901 (July 2020).

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

§1001. Definitions Used in Chapter

A. The following definitions apply to this Chapter.

Condition for Exemption—any requirement in LAC 33:V.1003.C, 1009, 1011, 1013, 1015, or Subchapter C of this Chapter that states an event, action, or standard that

shall occur or be met in order to obtain an exemption from any applicable requirement in LAC 33:V.Subpart 1.

Independent Requirement—a requirement of Chapter 10 that states an event, action, or standard that shall occur or be met; and that applies without relation to, or irrespective of, the purpose of obtaining a conditional exemption from storage facility permit, interim status and operating requirements under LAC 33:V.1009, 1011, 1013, 1015, or Subchapter C of this Chapter.

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 46:901 (July 2020).

§1003. Purpose, Scope and Applicability

A. The regulations of this Chapter establish standards for a generator of hazardous waste as defined in LAC 33:V.109.

1. A person who generates a hazardous waste as defined in LAC 33:V.109 is subject to all the applicable independent requirements in the regulations below.

a. Independent requirements of a very small quantity generator include:

i. LAC 33:V.1005.A-E (Hazardous Waste Determination and Recordkeeping);

ii. LAC 33:V.1007 (Generator Category Determination);

iii. LAC 33:V.1017 (EPA Identification Numbers and Notification of Hazardous Waste Activities for Generators); and

iv. LAC 33:V.5121.C.2 (Annual Fees).

b. Independent requirements for a small quantity generator include:

i. LAC 33:V.1005 (Hazardous Waste Determination and Recordkeeping);

ii. LAC 33:V.1007 (Generator Category Determination);

iii. LAC 33:V.1017 (EPA Identification Numbers and Notification of Hazardous Waste Activities for Generators);

iv. LAC 33:V.1019 (Recordkeeping);

v. LAC 33:V.1027 (Recordkeeping and Reporting for Small Quantity Generators);

vi. LAC 33:V.1107 (The Manifest System);

vii. LAC 33:V.Chapter 10.Subchapter E (Pre-transport Requirements);

viii. LAC 33:V.Chapter 11.Subchapter B (Transboundary Shipments of Hazardous Waste); and

ix. LAC 33:V.5121.C.1 (Annual Fees).

c. Independent requirements of a large quantity generator include:

i. LAC 33:V.1005 (Hazardous Waste Determination and Recordkeeping);

ii. LAC 33:V.1007 (Generator Category Determination);

iii. LAC 33:V.1017 (EPA Identification Numbers and Notification of Hazardous Waste Activities for Generators);

iv. LAC 33:V.Chapter 10.Subchapter B (Recordkeeping and Reporting for Small Quantity Generators and Large Quantity Generators), except LAC 33:V.1027;

v. LAC 33:V.1107 (Manifest Requirements);

- vi. LAC 33:V.Chapter 10.Subchapter E (Pretransport Requirements);
- vii. LAC 33:V.Chapter 11.Subchapter B (Transboundary Shipments of Hazardous Waste); and
- viii. LAC 33:V.5121.C.1 (Annual Fees).

2. A generator that accumulates hazardous waste on-site is a person that stores hazardous waste and is subject to the applicable requirements of LAC 33:V.Subpart 1, unless it is one of the following:

- a. a very small quantity generator that meets the conditions for exemption in LAC 33:V.1009;
- b. a small quantity generator that meets the conditions for exemption in LAC 33:V.1011 and 1013; or
- c. a large quantity generator that meets the conditions for exemption in LAC 33:V.1011 and 1015.

3. If a generator is a small quantity generator or a large quantity generator, it shall not transport, offer its hazardous waste for transport, or otherwise cause its hazardous waste to be sent to a facility that is not a designated facility, as defined in LAC 33:V.109, or not otherwise authorized to receive the generator's hazardous waste. A very small quantity generator shall comply with the requirements of Section 1009 of this Chapter regarding management of hazardous waste.

B. Determining Generator Category. A generator shall use LAC 33:V.1007 to determine which provisions of this Chapter are applicable to the generator based on the quantity of hazardous waste generated per calendar month.

C. A farmer disposing of waste pesticides from his own use which are hazardous wastes is not required to comply with the standards of this Chapter or other standards in LAC 33:V.Chapters 3, 5, 7, 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37, and 43 for those wastes, provided he triple rinses each emptied pesticide container in accordance with the provisions of LAC 33:V.109.Empty Container.2.c and disposes of the pesticide residues in a manner consistent with the disposal instructions on the pesticide label.

D. Failure to Comply

1. A person who generates a hazardous waste as defined in LAC 33:V.109 and further specified in LAC 33:V.Chapter 49 is subject to the requirements of this Chapter and penalties prescribed in the Louisiana Environmental Act, R.S. 30:2001, et seq., for noncompliance.

2. A generator's noncompliance with a condition for exemption in this Chapter is not subject to penalty or injunctive relief under the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., as a violation of a condition for exemption in this Chapter. Noncompliance by a generator with an applicable condition for exemption for storage permit and operations requirements means that a facility is a storage facility operating without an exemption from the permit, interim status, and operations requirements in LAC 33:V.Subpart 1. Without an exemption, any violations of such storage requirements are subject to penalty and injunctive relief under the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq.

E. An owner or operator who initiates a shipment of hazardous waste from a treatment, storage, or disposal facility shall comply with the generator standards established in this Chapter. The provisions of this Chapter are applicable to the on-site accumulation of hazardous waste by

generators. Therefore, the provisions of this Chapter only apply to owners or operators who are shipping hazardous waste, which they generated at that facility. A generator who treats, stores, or disposes of hazardous waste on-site shall comply with the applicable standards and requirements set forth in LAC 33:V.Subpart 1.

F. Persons responding to an explosives or munitions emergency in accordance with LAC 33:V.1501.C.7.a.iv or d or 4307, and 305.C.12 or 13 are not required to comply with the standards of this Chapter.

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 46:901 (July 2020).

§1005. Hazardous Waste Determination and Recordkeeping

A. A person who generates a solid waste, as defined in LAC 33:V.109, shall determine if that waste is a hazardous waste in order to ensure the wastes are properly managed according to applicable RCRA regulations. A hazardous waste determination is made using the steps in Subsections B-G of this Section.

B. The hazardous waste determination for each solid waste shall be made at the point of waste generation, before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of its management that it has, or may have, changed its properties as a result of exposure to the environment or other factors that may change the properties of the waste such that the RCRA classification of the waste may change.

C. The generator shall determine if the waste is exempted or excluded from regulation under LAC 33:V.105.D.

D. If the waste is not exempted or excluded under LAC 33:V.105.D, the person shall then use knowledge of the waste to determine whether the waste meets any of the listing descriptions under LAC 33:V.Chapter 49. Acceptable knowledge that may be used in making an accurate determination as to whether the waste is listed may include waste origin, composition, process producing the waste, feedstock, and other reliable and relevant information. If the waste is listed, the person may file a delisting petition under LAC 33:V.105.M to demonstrate to the Office of Environmental Services that the waste from this particular site or operation is not a hazardous waste.

E. The person then shall also determine whether the waste exhibits one or more hazardous characteristics as identified in LAC 33:V.4903 by following the procedures in Paragraph E.1 or 2 of this Section, or a combination of both.

1. The person shall apply knowledge of the hazard characteristic of the waste in light of the materials or the processes used to generate the waste. Acceptable knowledge may include process knowledge (e.g., information about the chemical feedstocks and other inputs to the production process); knowledge of products, byproducts, and intermediates produced by the manufacturing process; chemical or physical characterization of wastes; information on the chemical and physical properties of the chemicals used or produced by the process or otherwise contained in the waste; testing that illustrates the properties of the waste; or other reliable and relevant information about the

properties of the waste or its constituents. A test other than a test method set forth in LAC 33:V.4903, or an equivalent test method approved by the administrative authority under LAC 33:V.105.I, may be used as part of a person's knowledge to determine whether a solid waste exhibits a characteristic of hazardous waste. However, such tests do not, by themselves, provide definitive results. Persons testing their waste shall obtain a representative sample of the waste for testing, as defined at LAC 33:V.109.

2. When available knowledge is inadequate to make an accurate determination, the person shall test the waste according to the methods set forth in LAC 33:V.4903, or according to an equivalent method approved by the administrative authority under LAC 33:V.105.I and in accordance with Subparagraphs a and b below.

a. Persons testing their waste shall obtain a representative sample of the waste for testing as defined at LAC 33:V.109.

b. Where a test method is specified in LAC 33:V.4903, the results of the regulatory test, when properly performed, shall be definitive for determining the regulatory status of the waste.

F. If the waste is determined to be hazardous, the generator shall refer to LAC 33:V. Subpart 1 for other possible exclusions or restrictions pertaining to management of the specific waste.

G. Recordkeeping for Small Quantity Generators and Large Quantity Generators. A small or large quantity generator shall maintain records supporting its hazardous waste determinations, including records that identify whether a *solid waste* is a *hazardous waste*, as defined by LAC 33:V.109. Records shall be maintained for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal. These records shall comprise the generator's knowledge of the waste and support the generator's determination, as described in Subsections D and E of this Section. The records shall include, but are not limited to the following types of information: the results of any tests, sampling, waste analyses, or other determinations made in accordance with this section; records documenting the tests, sampling, and analytical methods used to demonstrate the validity and relevance of such tests; records consulted in order to determine the process by which the waste was generated, the composition of the waste, and the properties of the waste; and records which explain the knowledge basis for the generator's determination, as described in Paragraph E.1 of this Section. The periods of record retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the administrative authority.

H. Identifying Hazardous Waste Numbers for Small Quantity Generators and Large Quantity Generators. If the waste is determined to be hazardous, small quantity generators and large quantity generators shall identify all applicable EPA hazardous waste numbers (EPA hazardous waste codes) in LAC 33:V.4901 and 4903. Prior to shipping the waste off-site, the generator shall mark its containers with all applicable EPA hazardous waste numbers (EPA hazardous waste codes) according to LAC 33:V.1063.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 46:902 (July 2020).

§1007. Generator Category Determination

A. A Generator Shall Determine its Generator Category. A generator's category is based on the amount of hazardous waste generated each month and may change from month to month. This Section sets forth procedures to determine whether a generator is a very small quantity generator, small quantity generator, or large quantity generator for a particular month, as defined in LAC 33:V.109.

B. Generators of Either Acute Hazardous Waste or Nonacute Hazardous Waste. A generator who generates either acute hazardous waste or nonacute hazardous waste in a calendar month shall determine its generator category for that month by doing the following:

1. counting the total amount of hazardous waste generated in a calendar month;
2. subtracting the total of any amounts of waste exempt from counting as described in Subsections D and E of this Section; and
3. determining the resulting generator category for the hazardous waste generated using Table 1 of this Section.

C. Generators of Both Acute Hazardous Waste and Nonacute Hazardous Waste. A generator who generates both acute hazardous waste and nonacute hazardous waste in the same calendar month shall determine its generator category for that month by doing the following:

1. counting separately the total amount of acute hazardous waste and the total amount of nonacute hazardous waste generated in a calendar month;
2. subtracting from each total any amounts of waste exempt from counting as described in Subsections D and E of this Section;
3. determining separately the resulting categories for the quantities of acute and nonacute hazardous waste generated using Table 1 of this Section; and
4. comparing the resulting generator categories from Paragraph C.3 of this Section and applying the more stringent generator category to the accumulation and management of both nonacute and acute hazardous waste generated for that month.

Quantity of Acute Hazardous Waste Generated in a Calendar Month	Quantity of Nonacute Hazardous Waste Generated in a Calendar Month	Quantity of Residues from a Clean-up of Acute Hazardous Waste in a Calendar Month	Generator Category
Greater than 1 kg (2.2 lbs) (> 1 kg)	Any Amount	Any Amount	Large Quantity Generator
Any Amount	Greater than or equal to 1,000 kg (2,000 lbs) (≥ 1,000 kg)	Any Amount	Large Quantity Generator
Any Amount	Any Amount	Greater than 1,000 kg (220 lbs) (>100 kg)	Large Quantity Generator

Quantity of Acute Hazardous Waste Generated in a Calendar Month	Quantity of Nonacute Hazardous Waste Generated in a Calendar Month	Quantity of Residues from a Clean-up of Acute Hazardous Waste in a Calendar Month	Generator Category
Less than or equal to 1 kg (2.2 lbs) (≤ 1 kg)	Greater than 100 kg (220 lbs.) and less than 1,000 kg (2,200 lbs) (>100 kg and <1,000 kg)	Less than or equal to 100 kg (220 lbs) (≤ 100 kg)	Small Quantity Generator
Less than or equal to 1 kg (2.2 lbs) (≤ 1 kg)	Less than or equal to 100 kg (220 lbs) (≤ 1 kg)	Less than or equal to 100 kg (220 lbs) (≤ 100 kg)	Very Small Quantity Generator

D. When making the monthly quantity-based determination required by this Chapter, the generator shall include all hazardous waste that it generates, except hazardous waste that is:

1. exempt from regulation under LAC 33:V.105.D.3-6 and 8, 109.Empty Container.1.a, and 4105.A.1;
2. managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities as defined in LAC 33:V.109;
3. recycled, without prior storage or accumulation, only in an on-site process subject to regulation under LAC 33:V.4105.D;
4. used oil managed under the requirements of LAC 33:V.4105.A.3 and Chapter 40;
5. spent lead-acid batteries managed under the requirements of LAC 33:V.4145;
6. universal waste managed under LAC 33:V.105.D.7 and Chapter 38; or
7. managed as part of an episodic event in compliance with LAC 33:V.Chapter 10.Subchapter C.

E. In determining the quantity of hazardous waste generated in a calendar month, a generator need not include:

1. hazardous waste when it is removed from on-site accumulation, as long as the hazardous waste has been previously counted once;
2. hazardous waste generated by on-site treatment (including reclamation) of the generator's hazardous waste, so long as the hazardous waste that is treated was previously counted once; or
3. hazardous waste spent materials that are generated, reclaimed, and subsequently reused on-site, so long as such spent materials have been previously counted once.

F. Based on the generator category as determined under this Section, the generator shall meet the applicable independent requirements listed in LAC 33:V.1003. A generator's category also determines which of the provisions of LAC 33:V.1009, 1011, 1013, or 1015 shall be met to obtain an exemption from the storage facility permit, interim status, and operating requirements when accumulating hazardous waste.

G. Mixing Hazardous Waste with Solid Waste

1. Very Small Quantity Generator Waste
 - a. Hazardous waste generated by a very small quantity generator may be mixed with solid waste. Very

small quantity generators may mix a portion or all of its hazardous waste with solid waste and remain subject to LAC 33:V.1009 even though the resultant mixture exceeds the quantity limits identified in the definition of *very small quantity generator* at LAC 33:V.109, unless the mixture exhibits one or more of the characteristics of hazardous waste identified in LAC 33:V.4903.

b. If the resulting mixture exhibits a characteristic of hazardous waste, this resultant mixture is a newly generated hazardous waste. The very small quantity generator shall count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the calendar month quantity limits for the very small quantity generator identified in the definition of generator categories found in LAC 33:V.109. If so, to remain exempt from permitting, interim status, and operating standards, the very small quantity generator shall meet the conditions for exemption applicable to either a small quantity generator or a large quantity generator. The very small quantity generator shall also comply with the applicable independent requirements for either a small quantity generator or a large quantity generator.

c. If a very small quantity generator's waste is mixed with used oil, the mixture is subject to LAC 33:V.Chapter 40. Any material produced from such a mixture by processing, blending, or other treatment is also regulated under LAC 33:V.Chapter 40.

2. Small Quantity Generator and Large Quantity Generator Hazardous Waste

a. Hazardous waste generated by a small quantity generator or a large quantity generator may be mixed with a solid waste. These mixtures are subject to the following: the mixture rule in LAC 33:V.109.Hazardous Waste.2.c, 3.b, 3.c, and 4.e; the prohibition of dilution rule at LAC 33:V.2207.A; the land disposal restriction requirements of LAC 33:V.2223 if a characteristic hazardous waste is mixed with a solid waste so that it no longer exhibits the hazardous characteristic; and the hazardous waste determination requirement at LAC 33:V.1005.

b. If the resulting mixture is found to be a hazardous waste, this resultant mixture is a newly generated hazardous waste. A small quantity generator shall count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the small quantity generator calendar monthly quantity limits identified in the definition of generator categories found in LAC 33:V.109. If so, to remain exempt from the permitting, interim status, and operating standards, the small quantity generator shall meet the conditions for exemption applicable to the large quantity generator. The small quantity generator shall also comply with the independent requirements for a large quantity generator.

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 46:903 (July 2020).

§1009. Conditions for Exemption for Very Small Quantity Generators

A. Provided that the very small quantity generator meets all the conditions for exemption listed in this Section,

hazardous waste generated by the very small quantity generator is not subject to the requirements of LAC 33:V.Subpart 1 (except LAC 33:V.1003-1009) and the very small quantity generator may accumulate hazardous waste on-site without complying with such requirements. The conditions for exemption are included in Paragraphs 1-7 below.

1. In a calendar month, the very small quantity generator shall generate less than or equal to the amounts specified in the definition of very small quantity generator in LAC 33:V.109.

2. The very small quantity generator shall comply with LAC 33:V.1005.A-E.

3. If the very small quantity generator accumulated at any time greater than 1 kilogram (2.2 lbs.) of acute hazardous waste or 100 kilograms (220 lbs.) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill into or on any land or water of any acute hazardous waste listed in LAC 33:V.4901.B or E, all quantities of that acute hazardous waste are subject to the following additional conditions for exemption:

a. such waste is held on-site for no more than 90 days beginning on the date when the accumulated wastes exceed the amounts provided above; and

b. the conditions for exemption in LAC 33:V.1015.

4. If the very small quantity generator accumulates at any time 1,000 kilograms (2,200 lbs.) or greater of nonacute hazardous waste, all quantities of that hazardous waste are subject to the following additional conditions for exemption:

a. such waste is held on-site for no more than 180 days, or 270 days, if applicable, beginning on the date when the accumulated waste exceed the amounts provided above;

b. the quantity of waste accumulated on-site never exceeds 6,000 kilograms (13,200 lbs.); and

c. the conditions for exemption in LAC 33:V.1013.C.2-G.

5. A very small quantity generator that accumulates hazardous waste in amounts less than or equal to the limits in Paragraphs A.3 and 4 of this Section shall either treat or dispose of its hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, either of which, if located in the U.S., is:

a. permitted under 40 CFR 270, LAC 33:V.Subpart 1, or a RCRA approved hazardous waste program of any other state;

b. in interim status under 40 CFR 265 and 270, LAC 33:V.Subpart 1, or a RCRA approved hazardous waste program of any other state;

c. authorized to manage hazardous waste by a state with a hazardous waste management program approved under 40 CFR 271;

d. permitted, licensed, or registered by a state to manage municipal solid waste and, if managed in a municipal solid waste landfill is subject to 40 CFR 258, LAC 33:VII.Subpart 1;

e. permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal

unit, is subject to the requirements in 40 CFR 257.5-30, LAC 33:VII.Subpart 1; or

f. a facility which:

i. beneficially uses or reuses, or legitimately recycles or reclaims its waste; or

ii. treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation;

g. for universal waste managed under LAC 33:V.Chapter 38, a universal waste handler or destination facility subject to the requirements of 40 CFR 273 or LAC 33:V.Chapter 38;

h. a large quantity generator under the control of the same person as the very small quantity generator, provided the following conditions are met:

i. the very small quantity generator and the large quantity generator are under the control of the same *person* as defined in LAC 33:V.109. Control for the purpose of this Section, means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate generator facilities on behalf of a different person as defined in LAC 33:V.109 shall not be deemed to control such generators;

ii. the very small quantity generator marks its container(s) of hazardous waste with:

(a). the words "Hazardous Waste"; and

(b). an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the U.S. Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the U.S. Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704).

6. A container holding hazardous waste shall be closed at all times during accumulation, except when:

a. adding, removing, or consolidating the hazardous waste; or

b. temporary venting of a container is necessary:

i. for the proper operation of equipment; or

ii. to prevent a dangerous situation, such as build-up of extreme pressure.

7. A very small quantity generator shall label or mark each container accumulating hazardous waste with the words "Hazardous Waste" or with other words that identify the contents of the container.

B. The placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited.

C. A very small quantity generator experiencing an episodic event may generate and accumulate hazardous waste in accordance with LAC 33:V.Chapter 10.Subchapter C in lieu of LAC 33:V.1011, 1013, and 1015.

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).

§1011. Satellite Accumulation Area Regulations for Small Quantity Generators and Large Quantity Generators

A. A generator may accumulate as much as 55 gallons of nonacute hazardous waste and/or either one quart of liquid acute hazardous waste listed in LAC 33:V.4901.B or E, or 1 kg (2.2 lbs.) of solid acute hazardous waste listed in LAC 33:V.4901.B or E in containers at or near any point of generation where waste initially accumulate which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with the requirements of LAC 33:V.Subpart 1, provided that all of the conditions for exemption in this Section are met. A generator may comply with the conditions for exemption in this Section instead of complying with the conditions for exemption in LAC 33:V.1013.C. or 1015.B, except as required in Paragraphs A.7 and 8 of this Section. The conditions for exemption for satellite accumulation are included in Paragraphs 1-8 below.

1. If a container holding hazardous waste is not in good condition, or if it begins to leak, the generator shall immediately transfer the hazardous waste from this container to a container that is in good condition and does not leak, or immediately transfer and manage the waste in a central accumulation area operated in compliance with LAC 33:V.1013.C or 1015.B.

2. The generator shall use a container made of or lined with materials that will not react with, and are otherwise compatible with, the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired.

3. Special Standards for Incompatible Wastes

a. Incompatible wastes, or incompatible wastes and materials (see LAC 33:V.199.Appendix B for examples), shall not be placed in the same container, unless the generator complies with LAC 33:V.1517.B.

b. Hazardous waste shall not be placed in an unwashed container that previously held an incompatible waste or material, unless the generator complies with LAC 33:V.1517.B.

c. A container holding a hazardous waste that is incompatible with any waste or other material accumulated nearby in other containers shall be separated from the other materials or protected from them by any practical means.

4. A container holding hazardous waste shall be closed at all times during accumulation, except:

a. when adding, removing, or consolidating waste; or

b. when temporary venting of a container is necessary:

- i. for the proper operation of equipment; or
- ii. to prevent dangerous situations, such as build-up of extreme pressure.

5. A generator shall mark or label its container with:

- a. the words "Hazardous Waste"; and
- b. an indication of the hazards of the contents

(examples include, but are not limited to, the applicable

hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the U.S. Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the U.S. Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704).

6. A generator who accumulates either acute hazardous waste listed in LAC 33:V.4901.B or E or nonacute hazardous waste in excess of the amounts listed in Subsection A of this Section at or near any point of generation shall do the following:

a. comply within three consecutive calendar days with the applicable central accumulation area regulations in LAC 33:V.1013.C or 1015.B, or

b. remove the excess from the satellite accumulation area within three consecutive calendar days to either:

i. a central accumulation area operated in accordance with the applicable regulations in LAC 33:V.1013.C or 1015.B;

ii. an on-site interim status or permitted treatment, storage, or disposal facility, or

iii. an off-site designated facility; and

c. during the three consecutive calendar day period the generator shall continue to comply with Paragraphs A.1-5 of this Section. (The generator shall mark or label the container(s) holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.)

7. All satellite accumulation areas operated by a small quantity generator shall meet the preparedness and prevention regulations of LAC 33:V.1013.C.8 and emergency procedures regulations of LAC 33:V.1013.C.9.

8. All satellite accumulation areas operated by a large quantity generator shall meet the preparedness, prevention and emergency procedures in LAC 33:V.Chapter 10.Subchapter D.

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HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:906 (July 2020).

§1013. Conditions for Exemption for Small Quantity Generators

A. A small quantity generator may accumulate hazardous waste on-site without a permit or interim status, and without complying with the requirements of LAC 33:V.Subpart 1, provided that all the conditions for exemption listed in this Section are met.

B. Generation. The generator generates in a calendar month no more than the amounts specified in the definition of small quantity generator in LAC 33:V.109.

C. Accumulation. The generator accumulates hazardous waste on-site for no more than 180 days, unless in compliance with the conditions for exemption for longer accumulation in Subsections E and F of this Section. The following accumulation conditions also apply:

1. Accumulation Limit. The quantity of hazardous waste accumulated on-site never exceeds 6,000 kilograms (13,200 lbs.).

2. Accumulation of Hazardous Waste in Containers

a. Condition of Containers. If a container holding hazardous waste is not in good condition, or if it begins to leak, the small quantity generator shall immediately transfer the hazardous waste from this container to a container that is in good condition, or immediately manage the waste in some other way that complies with the conditions for exemption of this Section.

b. Compatibility of Waste with Container. The small quantity generator shall use a container made of or lined with materials that will not react with, and are otherwise compatible with, the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired.

c. Management of Containers

i. A container holding hazardous waste shall always be closed during accumulation, except when it is necessary to add or remove waste.

ii. A container holding hazardous waste shall not be opened, handled, or accumulated in a manner that may rupture the container or cause it to leak.

d. Inspections. At least weekly, the small quantity generator shall inspect central accumulation areas. The small quantity generator shall look for leaking containers and for deterioration of containers caused by corrosion or other factors. See Subparagraph C.2.a of this Section for remedial action required if deterioration or leaks are detected.

e. Special Conditions for Accumulation of Incompatible Wastes

i. Incompatible wastes, or incompatible wastes and materials (see LAC 33:V.199.Appendix B for examples), shall not be placed in the same container, unless the generator complies with LAC 33:V.1517.B.

ii. Hazardous waste shall not be placed in an unwashed container that previously held an incompatible waste or material (see LAC 33:V.199.Appendix B for examples), unless the generator complies with LAC 33:V.1517.B.

iii. A container accumulating hazardous waste that is incompatible with any waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments shall be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

3. Accumulation of Hazardous Waste in Tanks

a. A small quantity generator of hazardous waste shall comply with the following operating conditions.

i. Treatment or accumulation of hazardous waste in tanks shall comply with LAC 33:V.1517.B.

ii. Hazardous waste or treatment reagents shall not be placed in a tank if they could cause the tank or its inner liner to rupture, leak, corrode, or otherwise fail before the end of its intended life.

iii. Uncovered tanks shall be operated to ensure at least 60 centimeters (2 feet) of freeboard, unless the tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank.

iv. Where hazardous waste is continuously fed into a tank, the tank shall be equipped with a means to stop

this inflow (e.g., waste feed cutoff system or by-pass system to a standby tank).

b. Except as noted in Subparagraph C.3.c of this Section, a small quantity generator that accumulates hazardous waste in tanks shall inspect, where present:

i. discharge control equipment (e.g., waste feed cutoff systems, bypass systems, and drainage systems) at least once each operating day, to ensure that it is in good working order;

ii. data gathered from the monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day to ensure that the tank is being operated according to its design;

iii. the level of waste in the tank at least once each operating day to ensure compliance with Clause C.3.a.iii of this Section;

iv. the construction materials of the tank at least weekly to detect corrosion or leaking of fixtures or seams; and

v. the construction materials of, and the area immediately surrounding, discharge confinement (e.g., dikes) at least weekly to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation). The generator shall remedy any deterioration or malfunction of equipment or structures, which the inspection reveals on a schedule, which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action shall be taken immediately.

c. A small quantity generator accumulating hazardous waste in tanks or tank systems that have full secondary containment and that either use leak detection equipment to alert personnel to leaks, or implement established workplace practices to ensure leaks are properly identified, shall inspect at least weekly, where applicable, the areas identified in Clauses C.3.b.i-v of this Section. Use of the alternate inspection schedule shall be documented in the generator's operating record. This documentation shall include a description of the established workplace practices at the generator.

d. A small quantity generator accumulating hazardous waste in tanks shall, upon closure of the facility, remove all hazardous waste from tanks, discharge control equipment, and discharge confinement structures. At closure, as throughout the operating period, unless the small quantity generator can demonstrate, in accordance with LAC 33:V.109.Hazardous Waste.4 or 5, that any solid waste removed from its tank is not a hazardous waste, then it shall manage such waste in accordance with all applicable provisions of LAC 33:V.Chapters 10, 11, 13, 22, and 43.

e. A small quantity generator shall comply with the following special conditions for accumulation of ignitable or reactive waste.

i. Ignitable or reactive waste shall not be placed in a tank, unless:

(a) the waste is treated, rendered, or mixed before or immediately after placement in a tank so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under LAC 33:V.4903.B or D and LAC 33:V.1517.B is complied with;

(b). the waste is accumulated or treated in such a way that it is protected from any material or conditions that may cause the waste to ignite or react; or

(c). the tank is used solely for emergencies.

ii. A small quantity generator which treats or accumulates ignitable or reactive waste in covered tanks shall comply with the buffer zone requirements for tanks contained in Tables 2-1 through 2-6 of the 1977 or 1981 National Fire Protection Association's "Flammable and Combustible Liquids Code" (incorporated by reference in LAC 33:V.110).

iii. A small quantity generator shall comply with the following special conditions for incompatible wastes.

(a). Incompatible wastes, or incompatible wastes and materials (see LAC 33:V.199.Appendix B for examples), shall not be placed in the same tank, unless the generator complies with LAC 33:V.1517.B.

(b). Hazardous waste shall not be placed in an unwashed tank that previously held an incompatible waste or material, unless the generator complies with LAC 33:V.1517.B.

f. A small quantity generator accumulating hazardous waste in tanks shall use inventory logs, monitoring equipment or other records in accordance with LAC 33:V.1909.D or E to demonstrate that hazardous waste has been emptied within 180 days of first entering the tank if using a batch process, or in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 180 days of first entering.

g. A small quantity generator accumulating hazardous waste in tanks shall keep inventory logs or records documenting the generator's compliance with LAC 33:V.1909.D or E on-site and readily available for inspection.

4. Accumulation of Hazardous Waste on Drip Pads. If the waste is placed on drip pads, the small quantity generator shall:

a. comply with LAC 33:V.2801, 2803, 2804, 2805, 2807, and 2809;

b. remove all wastes from the drip pad at least once every 90 days (Any hazardous wastes that are removed from the drip pad at least once every 90 days are then subject to the 180-day accumulation limit in Subsection C of this Section and LAC 33:V.1011 if hazardous waste is being managed in satellite accumulation areas prior to being moved to the central accumulation area.); and

c. maintain on-site at the facility the following records readily available for inspection:

i. a written description of procedures that are followed to ensure that all wastes are removed from the drip pad and associated collection system at least every 90 days; and

ii. documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system, and the date and time of the removal.

5. Accumulation of Hazardous Waste in Containment Buildings. If the wastes is placed in containment buildings, the small quantity generator shall:

a. comply with LAC 33:V.Chapter 43.Subchapter T;

b. label its containment building with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on-site;

c. provide an indication of the hazards of the contents in a conspicuous place (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazardous communication consistent with the U.S. Department of Transportation requirements in 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the U.S. Occupational Safety and Health Administration Hazard Communication Standard in 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704);

d. maintain the following records on-site and made readily available for inspection:

i. the professional engineer certification that the building complies with the design standards specified in LAC 33:V.4703 (This certification shall be in the generator's files prior to operation of the unit.); and

ii. inventory logs or other records (i.e., monitoring equipment or any other effective means) with the following information:

(a). a written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that the generator is consistent with maintaining the 90-day limit, and documentation that the procedures are complied with; or

(b). documentation that the unit is emptied at least once every 90 days.

6. Labeling and Marking of Containers and Tanks

a. A small quantity generator shall mark or label its containers and tanks accumulating hazardous waste with:

i. the words "Hazardous Waste"; and

ii. an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the U.S. Department of Transportation requirements in 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the U.S. Occupational Safety and Health Administration Hazard Communication Standard in 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704).

b. In addition to Clauses 6.a.i and ii above, each container shall be marked or labelled with the date upon which each period of accumulation begins. The date shall be clearly visible for inspection on each container.

7. Land Disposal Restrictions. A small quantity generator shall comply with all the applicable requirements in LAC 33:V.Chapter 22.

8. Preparedness and Prevention

a. Maintenance and Operation of Facility. A small quantity generator shall maintain and operate its facility to minimize the possibility of a fire, explosion, or any

unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water, which could threaten human health or the environment.

b. Required Equipment. All areas where hazardous waste is either generated or accumulated shall be equipped with the items in Clauses 1013.C.b.i-iv of this Section, unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below or the actual waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified below. A small quantity generator may determine the most appropriate locations to locate equipment necessary to prepare for and respond to emergencies. The required equipment consists of:

i. an internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

ii. a device (i.e., a telephone) immediately available at the scene of operations, or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams;

iii. portable fire extinguishers, fire control equipment, including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals, spill control equipment, and decontamination equipment; and

iv. water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

c. Testing and Maintenance of Equipment. All communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, shall be tested and maintained as necessary to ensure its proper operation in time of emergency.

d. Access to Communications or Alarm System

i. Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation shall have immediate access (e.g., direct or unimpeded access) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under Subparagraph C.8.b of this Section.

ii. In the event there is just one employee on the premises while the facility is operating, the employee shall have immediate access (e.g., direct or unimpeded access) to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required under Subparagraph C.8.b of this Section.

e. Required Aisle Space. The small quantity generator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

f. Arrangements with Local Authorities

i. The small quantity generator shall attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers and local

hospitals, taking into account the types and quantities of hazardous waste handled at the facility. Arrangements may be made with the local emergency planning committee, if it is determined to be the appropriate organization with which to make arrangements.

(a). A small quantity generator attempting to make arrangements with its local fire department shall determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers and local hospitals.

(b). As part of this coordination, the small quantity generator shall attempt to make arrangements, as necessary, to familiarize the above organizations with the layout of the facility, the properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes as well as the types of injuries or illnesses that could result from fires, explosions, or releases at the facility.

(c). Where more than one police or fire department might respond to an emergency, the small quantity generator shall attempt to make arrangements designating primary emergency authority to a specific fire or police department, and arrangements with any others to provide support to the primary emergency authority.

ii. A small quantity generator shall maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation shall include documentation in the operating record that either confirms such arrangements actively exist or in cases where no arrangements exist, confirms that attempts to make such arrangements were made.

iii. A facility possessing 24-hour response capabilities may seek a waiver from the authority having jurisdiction (AHJ) over the fire code at the facility's location (i.e., state fire marshal or district fire chief) as far as needing to make arrangements with the local fire department as well as any other organization necessary to respond to an emergency, provided the waiver is documented in the operating record.

9. Emergency Procedures. The small quantity generator shall comply with the following conditions for those areas of the generator facility where hazardous waste is generated and accumulated.

a. At all times there shall be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in Subparagraph C.9.d of this Section. This employee is the emergency coordinator.

b. The small quantity generator shall post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste:

i. the name and emergency telephone number of the emergency coordinator;

ii. location of fire extinguishers and spill control material, and if present, fire alarm; and

iii. the telephone number of the fire department, unless the facility has a direct alarm.

c. The small quantity generator shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

d. The emergency coordinator or his designee shall respond to any emergencies that arise. The applicable responses are as follows.

i. In the event of a fire, the small quantity generator shall call the fire department or attempt to extinguish it using a fire extinguisher.

ii. In the event of a spill, the small quantity generator is responsible for containing the flow of hazardous waste to the extent possible, and as soon as is practicable, cleaning up the hazardous waste and any contaminated materials or soil. Such containment and cleanup can be conducted either by the small quantity generator or by a contractor on behalf of the small quantity generator.

iii. Immediate Emergency Notification

(a). Notification to the Louisiana State Police, Department of Public Safety

(i). In the event of a fire, explosion, or other release that could threaten human health outside the facility or when the small quantity generator has knowledge that a spill has reached surface water, the small quantity generator shall immediately, but in no case later than one hour, notify the 24-hour Louisiana Emergency Hazardous Materials Hotline by calling 1-877-922-6595 or 225-925-6595. This notification to the Louisiana State Police, Department of Public Safety shall be in accordance with LAC 33:I.Chapter 39 and shall include the following information:

[a]. the name and telephone number, and employer of the contact person;

[b]. the company or responsible party's name;

[c]. where the incident occurred (mailing address and physical location);

[d]. date and time the incident began and ended;

[e]. the identity of the hazardous material released or involved (this would include proper chemical name if available, an indication of whether it is an extremely hazardous substance and whether it is a solid, liquid or gas);

[f]. the actual amount or an estimate of the amount released; or in the absence of quantity data for the hazardous materials released, one of the following incident classifications: unusual event, site emergency, or general emergency;

[g]. whether the material released escaped or could reasonably be expected to escape, beyond the site of the facility;

[h]. if available, the substance's hazard class and any other identifier (e.g., U.N. number, CHRIS code, etc.);

[i]. medium into which the hazardous materials was released (e.g., air, water, land);

[j]. whether the release resulted in a fire or explosion;

[k]. injury to personnel, or a fatality resulting from the release or incident;

[l]. details regarding wind direction, wind speed, temperature, and precipitation;

[m]. any need or a recommendation for, an offsite protective action (road closure, shelter-in-place, evacuation, or none);

[n]. details of the release or incident; and

[o]. whether other responsible state and local agencies such as the local emergency planning committee have been notified.

(ii). Updates During the Incident. The hotline must be immediately notified of any adverse change in the nature or rate of the discharge. Additional notifications must be made for discharges of multiple constituents when they originate from different causes or sources or they are substantially different in nature from the discharges in the initial notification.

(iii). Written Follow-Up Reports. Written follow-up reports for any unauthorized discharge that requires notification shall be submitted by the small quantity generator to SPOC in accordance with LAC 33:I.3925 and the Louisiana State Police, Department of Public Safety in accordance with LAC 33.V.Subpart 2.10111.

(b). Emergency Notifications to Other Regulatory Agencies. The small quantity generator should be aware that other federal, state and local agencies may require immediate and/or follow-up notification of an emergency situation under other regulatory authorities, including, but not limited to, the following:

(i). the National Response Center by calling their 24-hour toll free number 1-800-424-8802, to the extent that immediate notification is required under 40 CFR 302.6 (exceedance of reportable quantities) or 40 CFR 110.6 (oil spills); and/or

(ii). the appropriate local emergency planning committee having jurisdiction over the facility to the extent that immediate notification is required under 40 CFR part 355, Subpart C or LAC 33:V.Subpart 2.Chapter 101. (Contact information for each local emergency planning committee is available on the Louisiana State Police, Department of Public Safety's website.)

D. Transporting Over 200 Miles. A small quantity generator who transports its waste, or offers its waste for transportation, over a distance of 200 miles or more for off-site treatment, storage or disposal may accumulate hazardous waste on-site for 270 days or less without a permit or without having interim status provided that the generator complies with the conditions of Subsection C of this Section.

E. Accumulation Time Limit Extension. A small quantity generator who accumulates hazardous waste for more than 180 days (or for more than 270 days if it transports its waste, or offers its waste for transportation, over a distance of 200 miles or more) is subject to the requirements of LAC 33:V.Subpart 1 unless it has been granted an extension to the 180-day (or 270-day if applicable) period. Such extension may be granted by the Office of Environmental Services if hazardous waste shall remain on-site for longer than 180-days, or 270 days if applicable, due to temporary,

unforeseen, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the Office of Environmental Services on a case-by-case basis.

F. Rejected Load. A small quantity generator who sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of LAC 33:V.1516.C may accumulate the returned waste on-site in accordance with Subsections B-E of this Section. Upon receipt of the returned shipment, the generator shall:

1. sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or
2. sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

G. A small quantity generator experiencing an episodic event may accumulate hazardous waste in accordance with Subchapter C of this Chapter in lieu of Section 1015 of this Chapter.

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 46:906 (July 2020).

§1015. Conditions for Exemption for Large Quantity Generators

A. A large quantity generator may accumulate hazardous waste on-site without a permit or interim status, and without complying with the requirements of LAC 33:V.Subpart 1, provided that all of the following conditions for exemption are met.

B. Accumulation. A large quantity generator accumulates hazardous waste on-site for no more than 90 days, unless in compliance with the accumulation time limit extension or F006 waste accumulation conditions for exemption in Subsections C-F of this Section. The following accumulation conditions also apply.

1. Accumulation of Hazardous Waste in Containers. If the hazardous waste is placed in containers, the large quantity generator shall comply with the following:

a. Air Emission Standards. The applicable requirements of LAC 33:V.Chapter 43.Q, R, and V;

b. Condition of Containers. If a container holding hazardous waste is not in good condition, or if it begins to leak, the large quantity generator shall immediately transfer the hazardous waste from this container to a container that is in good condition, or immediately manage the waste in some other way that complies with the conditions for exemption of this Section;

c. Compatibility of Waste with Container. The large quantity generator shall use a container made of or lined with materials that will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.

d. Management of Containers

i. A container holding hazardous waste shall always be closed during accumulation, except when it is necessary to add or remove waste.

ii. A container holding hazardous waste shall not be opened, handled, or stored in a manner that may rupture the container or cause it to leak.

e. Inspections. At least weekly, the large quantity generator shall inspect central accumulation areas. The large quantity generator shall look for leaking containers and deterioration of containers caused by corrosion and other factors. See Subparagraph B.1.b of this Section for remedial action required if deterioration or leaks are detected.

f. Special Conditions for Accumulation of Ignitable and Reactive Wastes

i. A container holding ignitable or reactive waste shall be located at least 15 meters (50 feet) from the facility's property line unless a written approval is obtained from the authority having jurisdiction (AHJ) over the fire code at the facility's location (i.e., state fire marshal or district fire chief) allowing hazardous waste accumulation to occur within this restricted area. A record of the written approval shall be maintained as long as ignitable or reactive hazardous waste is accumulated in this area.

ii. The large quantity generator shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste shall be separated and protected from sources of ignition or reaction including but not limited to the following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the large quantity generator shall confine smoking and open flame to specially designated locations. Signs stating "No Smoking" shall be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

g. Special Conditions for Accumulation of Incompatible Wastes

i. Incompatible wastes, or incompatible wastes and materials (see LAC 33:V.199.Appendix B for examples), shall not be placed in the same container, unless the generator complies with LAC 33:V.4321.B.

ii. Hazardous waste shall not be placed in an unwashed container that previously held an incompatible waste or material (see LAC 33:V.199.Appendix B for examples), unless the generator complies with LAC 33:V.4321.B.

iii. A container holding a hazardous waste that is incompatible with any waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments shall be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

2. Accumulation of Hazardous Waste in Tanks

a. If waste is placed in tanks, the large quantity generator shall comply with the applicable requirements of LAC 33:V.1903.A, 1905.B-H, 1907, 1909, 1911, 1913, 1915 (except 1915.C), 1917, 1919, and 1921.

b. A large quantity generator accumulating hazardous waste in tanks shall use inventory logs, monitoring equipment or other records in accordance with LAC 33:V.1909.D or E to demonstrate that hazardous waste has been emptied within 90 days of first entering the tank if

using a batch process, or in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 90 days of first entering.

c. A large quantity generator accumulating hazardous waste in tanks shall keep inventory logs or records documenting the generator's compliance with LAC 33:V.1909.D or E on-site and readily available for inspection.

3. Accumulation of Hazardous Waste on Drip Pads. If the hazardous waste is placed on drip pads, the large quantity generator shall comply with the following.

a. The large quantity generator shall comply with LAC 33:V.2801, 2803, 2804, 2805, 2807, and 2809.

b. The large quantity generator shall remove all wastes from the drip pad at least once every 90 days. Any hazardous wastes that are removed from the drip pad are then subject to the 90-day accumulation limit in Subsection B of this Section and LAC 33:V.1011, if the hazardous wastes are being managed in satellite accumulation areas prior to being moved to a central accumulation area.

c. The large quantity generator shall maintain on-site at the facility the following records readily available for inspection:

i. a written description of procedures that are followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and

ii. documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal.

4. Accumulation of Hazardous Waste in Containment Buildings. If the waste is placed in containment buildings, the large quantity generator shall:

a. comply with LAC 33:V.Chapter 43.Subchapter T;

b. label its containment building with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on-site;

c. provide an indication of the hazards of the contents in a conspicuous place (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the U.S. Department of Transportation requirements in 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the U.S. Occupational Safety and Health Administration Hazard Communication Standard in 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704);

d. maintain the following records on-site and made readily available for inspection:

i. the professional engineer certification that the building complies with the design standards specified in LAC 33:V.4703 (This certification shall be in the generator's files prior to operation of the unit.); and

ii. inventory logs or other records (i.e., monitoring equipment or any other effective means) with the following information:

(a). a written description of procedures to ensure that each waste volume remains in the unit for no more than

90 days, a written description of the waste generation and management practices for the facility showing that the generator is consistent with respecting the 90-day limit, and documentation that the procedures are complied with; or

(b). documentation that the unit is emptied at least once every 90-days.

5. Labeling and Marking of Containers and Tanks

a. A large quantity generator shall mark or label its containers and tanks accumulating hazardous waste with:

i. the words "Hazardous Waste"; and

ii. an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the U.S. Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the U.S. Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704).

b. In addition to Clauses 5.a.i and ii above, each container shall be marked or labelled with the date upon which each period of accumulation begins. The date shall be clearly visible for inspection on each container.

6. Emergency Procedures. The large quantity generator complies with the standards in Subchapter D of this Chapter, Preparedness, Prevention, and Emergency Procedures for Large Quantity Generators.

7. Personnel Training

a. The Required Training Elements

i. Facility personnel shall successfully complete a program of classroom instruction, online training (e.g., computer-based or electronic), or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this Chapter. The large quantity generator shall ensure that this program includes all the elements described in the document required under Clause B.7.d of this Section.

ii. This program shall be directed by a person trained in hazardous waste management procedures, and shall include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.

iii. At a minimum, the training program shall be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including where applicable:

(a). procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;

(b). key parameters for automatic waste feed cut-off systems;

(c). communications or alarm systems;

(d). responses to fires or explosions;

(e). responses to groundwater contamination incidents; and

(f). shutdown of operations.

iv. For facility employees that receive emergency response training in accordance with U.S. Occupational Safety and Health Administration regulations 29 CFR

1910.120(p)(8) and 120(q), the large quantity generator is not required to provide separate emergency response training in accordance with this Section, provided that the overall facility training meets all the conditions of exemption in this Section.

b. Facility personnel shall successfully complete the program required in Subparagraph B.7.a of this Section within six months after the date of their employment or assignment to the facility, or to a new position at the facility, whichever is later. Employees shall not work in unsupervised positions until they have completed the training standards of Subparagraph B.7.a of this Section.

c. Facility personnel shall take part in an annual review of the initial training required in Subparagraph B.7.a of this Section.

d. The large quantity generator shall maintain documents and records at the facility including:

i. the job title of each position at the facility related to hazardous waste management, and the name of the employee filling each job;

ii. a written job description of each position listed under Clause B.7.d.i of this Section (This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but shall include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position);

iii. a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under Clause B.7.d.i of this Section; and

iv. records that document that the training or job experience, required under Subparagraphs B.7.a-c of this Section, has been given to, and completed by, facility personnel.

e. Training records on current personnel shall be kept until closure of the facility. Training records on former employees shall be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

8. Closure. These regulations regarding closure are applicable to large quantity generators accumulating hazardous waste in a central accumulation area (i.e., container storage [e.g., drums, roll-off boxes, etc.], tank systems, drip pads, or containment buildings) at a facility. The closure requirements of this Paragraph do not apply to satellite accumulation areas. Except as allowed for by Subparagraph B.8.k of this Paragraph (i.e., Notification requirements for closures initiated prior to July 20, 2020, prior to closing a central accumulation area, or prior to closing the facility, the large quantity generator shall meet the following conditions.

a. Notification of Closure of a Central Accumulation Area. A large quantity generator shall perform one of the following when closing a central accumulation area.

i. The large quantity generator shall notify the Office of Environmental Services following the procedures in Subparagraph B.8.b of this Paragraph in order to meet the closure performance standards of Clause B.8.c.i of this Paragraph for container storage, tank systems, and

containment buildings or Clause B.8.c.ii for drip pads. If the central accumulation area is subsequently reopened, the large quantity generator shall update the notice in the operating record.

ii. The large quantity generator shall place a notice in the operating record to document the closure of the central accumulation area within 30 days after closure of the unit. If the central accumulation area is subsequently reopened, the large quantity generator shall update the notice in the operating record. Information required as part of the notice in the operating record shall include:

(a). reason for closure;

(b). name and/or other unit designation;

(c). description of the type of waste accumulation (e.g., single roll-off box accumulating solids, tank system with secondary containment, etc.);

(d). basic design and construction information for any unit that is a tank system, containment building, or drip pad;

(e). basic design and construction information for secondary containment (e.g., long-term [i.e., fixed, immovable] or temporary, materials of construction, coating, etc.) (The information shall include whether there are any sumps or engineered swales serving as a receptacle for drainage in the secondary containment.);

(f). location within the facility (at a minimum, a general location relative to a fixed building or unit along with cardinal direction and distance; a map may be included; geographic coordinates are required for long-term [i.e., fixed, immovable] units);

(g). period of time of use;

(h). description of the hazardous waste and waste codes (waste profiles may be included);

(i). documentation showing how the last stored hazardous waste was managed (e.g., copies of final manifests or written/signed notation if sent off-site for treatment or disposal; written/signed notation if transferred elsewhere on-site for treatment, storage, or disposal as may be authorized by LAC 33:V.Subpart 1);

(j). for a central accumulation area consisting of container storage, the following information to support a presumptive demonstration of closure in accordance with Clause B.8.d.i of this Paragraph:

(i). weekly inspection logs, summary, or other information (e.g., photographs, written documentation of spill clean ups, etc.) to demonstrate during the entirety of the accumulation period that:

[a]. there were no spills, leaks, or releases of hazardous waste or hazardous constituents onto the secondary containment or soil immediately surrounding and beneath the unit, or they were properly cleaned up and managed in order to meet the closure performance standards; and

[b]. for container storage with long-term (i.e., fixed, immovable) secondary containment, there were no visible signs of significant cracks, gaps, or deterioration of the secondary containment, or they were properly repaired in a timely manner. Any sumps or engineered swales serving as a receptacle for drainage in the secondary containment should be clearly mentioned;

(ii). for container storage with long-term (i.e., fixed, immovable) secondary containment, after

removal of all waste a final inspection log/report and other information (e.g., photographs, etc.) to demonstrate that:

[a]. there was no significant staining or other signs of contamination from hazardous waste on the secondary containment, including sumps or engineered swales serving as a receptacle for drainage in the secondary containment; and

[b]. there were no visible signs of significant cracks, gaps, or deterioration for sumps or engineered swales serving as a receptacle for drainage;

(k). any information that might be needed in support of a sufficiency demonstration (see Subparagraph B.8.e of this Paragraph); and

(l). any other information that might be deemed relevant by the large quantity generator (e.g., documentation regarding additional activities necessary to meet the closure performance standards, photographs, manifests, etc.).

b. Notification of Closure of a Facility, or Optional Notification of Closure of a Central Accumulation Area. A large quantity generator shall provide the following notification for closure of the facility:

i. notify the Office of Environmental Services using the department's Notification of Hazardous Waste Activity Form (HW-1) no later than 30 days prior to closing the facility, and include the following supplemental information in a cover letter:

(a). contact information for person responsible for closure;

(b). reason for closure;

(c). list of units being closed including names and/or other unit designations;

(d). for each unit, description of the type of waste accumulation (e.g., single roll-off box accumulating solids, tank system with secondary containment, etc.);

(e). basic design and construction information for any unit that is a tank system, containment building, or drip pad;

(f). for each unit, basic design and construction information for secondary containment (e.g., long-term [i.e., fixed, immovable] or temporary, materials of construction, coating, etc.) (The information shall include whether there are any sumps or engineered swales serving as a receptacle for drainage in the secondary containment.);

(g). for each unit, location within the facility (at a minimum, a general location relative to a fixed building or unit along with cardinal direction and distance; a map may be included; geographic coordinates are required for long-term [i.e., fixed, immovable] units);

(h). period of time of use for each unit;

(i). for each unit, description of the hazardous waste and waste codes (waste profiles may be included);

(j). for any unit being closed that is container storage, provide either:

(i). a statement that the unit will be closed in accordance with Clause B.8.d.i of this Paragraph (presumptive demonstration of closure); or

(ii). supplemental information required by Subclause B.8.b.i(k) of this Paragraph below; and

(k). for any units being closed that are tank systems, containment buildings, drip pads, or container storage requiring additional demonstration efforts of closure

under Clause B.8.d.ii of this Paragraph, provide the following:

(i). decontamination method(s) of aboveground components;

(ii). protocol/methods and list of constituents for confirmatory sampling and analysis of rinsate;

(iii). protocol/methods, list of constituents, and locations and depths for confirmatory sampling and analysis of soil (and groundwater, if deemed necessary) immediately surrounding and beneath the unit considering the following:

[a]. soil sampling shall consider random locations and specific locations under the containment including sumps, or engineered swales serving as a receptacle for drainage, and areas where there may have been visible signs of significant staining, cracks, gaps or other deterioration;

[b]. if there is confirmed soil contamination resulting from a release of hazardous waste or hazardous constituents from the central accumulation area, or if there is reason to believe that the groundwater may have been impacted by a release of hazardous waste or hazardous constituents from the central accumulation area, the large quantity generator shall conduct confirmatory groundwater sampling and analysis. The extent of any confirmatory groundwater sampling and analysis shall be based upon site-specific conditions, including but not limited to: depth to the water table; information regarding any suspected or known contamination in the environmental media; potential mobility of the constituents; site-specific conditions that may encourage constituent mobility; and the extent and effectiveness of any previous response actions; and

[c]. in lieu of confirmatory sampling and analysis of soil (and groundwater, if deemed necessary), the large quantity generator may state its intent to demonstrate that the closure performance standards for soil and groundwater have been met through the Risk Evaluation/Corrective Action Program (RECAP) and remedial activities (See Clause B.8.f.ii of this Paragraph for container storage, tank systems, and containment buildings and LAC 33:V.2809.B.2 for drip pads); and

ii. notify the Office of Environmental Services using the department's Notification of Hazardous Waste Activity Form (HW-1) within 90 days after closing the facility that it has complied with the closure performance standards of Subparagraph B.8.c of this Paragraph. If the facility cannot meet the closure performance standards of Subparagraph B.8.c of this Paragraph, the facility shall notify the Office of Environmental Services using the department's Notification of Hazardous Waste Activity Form (HW-1) that it will close as a landfill (i.e., close with waste in place) under 4501.B and D in the case of container storage, tank system or containment building unit(s). A facility with drip pads shall notify using the department's Notification of Hazardous Waste Activity Form (HW-1) that it will close under the standards of LAC 33:V.2809.B. The following supplemental information shall be included in a cover letter with any notification submitted under this Clause:

(a). information included in the prior notification of closure as delineated in Subclauses B.8.b.i.(a)-(i) of this Paragraph;

(b). for any container storage being closed in accordance with Clause B.8.d.i of this Paragraph (presumptive demonstration of closure):

(i). a signed statement from the responsible official stating that the closure performance standards have been met through the presumptive demonstration of closure requirements of Clause B.8.d.i of this Paragraph; and

(ii). documentation for any sufficiency demonstrations approved under Subparagraph B.8.e of this Paragraph; and

(c). for any units being closed that are tank systems, containment buildings, or drip pads (or container storage requiring additional demonstration efforts of closure under Subclause B.8.d.ii of this Paragraph), a closure report submitted for approval including:

(i). brief overview of closure activities;

(ii). details of the closure activities including:

[a]. removal of final waste, contaminated debris, and contaminated soil;

[b]. decontamination procedures;

[c]. analytical results of the rinsate compared to potable water standards (i.e., the numerical closure performance standards, available on the department's website); and

[d]. analytical results of the soil (and groundwater, if deemed necessary) compared to the numerical closure performance standards available in guidance on the department's website as delineated below:

[i]. the numerical closure performance standards are the applicable limiting screening option standards as defined by the Risk Evaluation/Corrective Action Program (RECAP) in LAC 33:I.Chapter 13;

[ii]. for soil, the residential screening standard and industrial screening standard with conveyance notice may be used; and

[iii]. in lieu of conducting confirmatory soil sampling (and groundwater sampling, if deemed necessary) during closure, the large quantity generator may state that the closure performance standards for soil and groundwater will be met through RECAP and remedial activities (See Clause B.8.f.ii of this Paragraph for container storage, tank systems, and containment buildings and LAC 33:V.2809.B.2 for drip pads.);

(iii). supporting documentation including:

[a]. sampling and analysis protocol/methods, locations and depths, and borehole logs, as applicable;

[b]. analytical lab data reports; and

[c]. supporting documentation deemed relevant by the large quantity generator (e.g., photographs, manifests, description of any other actions relevant to the closure not otherwise mentioned, etc.);

(iv). documentation for any sufficiency demonstrations approved under Subparagraph B.8.e of this Paragraph; and

(v). a written statement signed by the responsible official stating that the closure performance standards have been met. (The Office of Environmental Services shall review and approve the closure report and notification to ensure that the closure performance standards have been met.)

iii. A large quantity generator may request additional time to close and meet the closure performance standards. The large quantity generator shall notify the Office of Environmental Services using the department's Notification of Hazardous Waste Activity Form (HW-1) within 75 days after the date provided in Clause B.8.b.i of this Paragraph to request an extension and provide an explanation as to why the additional time is required.

c. Closure Performance Standards

i. Closure Performance Standards for Central Accumulation Areas that are Container Storage, Tank Systems, or Containment Buildings

(a). At closure, the large quantity generator shall close the central accumulation area or facility in a manner that:

(i). minimizes the need for further maintenance by controlling, minimizing, or eliminating, to the extent necessary to protect human health and the environment, the post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground or surface waters or to the atmosphere; and

(ii). removes or decontaminates all contaminated equipment, structures and soil and any remaining hazardous waste residues from the central accumulation area including containment system components (e.g., pads, liners, etc.), contaminated soils and subsoils, bases, and structures and equipment contaminated with waste, unless LAC 33:V.109.Hazardous Waste.5 applies.

(b). Any hazardous waste generated in the process of closing either the large quantity generator's facility or unit(s) accumulating hazardous waste shall be managed in accordance with all applicable standards of LAC 33:V.Subpart 1, including removing any hazardous wastes contained in these units within 90 days of generating it and managing these wastes in a RCRA subtitle C hazardous waste permitted treatment, storage, and disposal facility, or interim status facility.

(c). If the large quantity generator demonstrates that either any contaminated soils and wastes cannot be practicably removed or decontaminated as required in Division B.8.c.i.(a).(ii) of this Paragraph, or that the remaining contaminant levels are not protective of human health and the environment as demonstrated by the confirmatory sampling and analytical results specified in Subdivision B.8.b.ii.(c).(ii).[d] of this Paragraph, or through the use of RECAP and remedial activities under Subparagraph B.8.f of this Paragraph or LAC 33:V.2809.B.2, then the central accumulation area is considered to be a landfill. The large quantity generator shall then close the central accumulation area and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (LAC 33:V.4501.B and D). In addition, for the purposes of closure, post-closure,

and financial responsibility, such a central accumulation area is then considered to be a landfill, and the large quantity generator shall meet all of the requirements for landfills specified in LAC 33:V.Chapter 43.Subchapters F and G.

ii. Closure Performance Standards for Central Accumulation Areas that are Drip Pads. At closure, the large quantity generator shall comply with the closure requirements of Subparagraph B.8.b, Division B.8.c.i.(a).(i), and Subclause B.8.c.i.(b) of this Paragraph, and LAC 33:V.2809.A and B.

d. Special Provisions for Closing a Central Accumulation Area Consisting of Container Storage. This Subparagraph is applicable to closure for a central accumulation area consisting of container storage. The container storage may have temporary or long-term (i.e., fixed, immovable) secondary containment.

i. Presumptive Demonstration of Closure. A large quantity generator shall be considered to have performed due diligence in closing container storage (i.e., no additional closure efforts or verification shall be required) and met the closure performance standards of Clause B.8.c.i of this Paragraph provided the following conditions are met.

(a). All information has been placed in the operating record as required by Clause B.8.a.ii of this Paragraph.

(b). All containers were removed from the central accumulation area and were either sent off-site for treatment or disposal or were transferred elsewhere on-site for treatment, storage, or disposal authorized by LAC 33:V.Subpart 1.

(c). Weekly inspection logs, summary, or other information (e.g., photographs, written documentation of spill clean ups, etc.) in the operating record demonstrate during the entirety of the accumulation period that:

(i). there were no spills, leaks, or releases of hazardous waste or hazardous constituents onto the secondary containment or soil immediately surrounding and beneath the unit, or they were properly cleaned up and managed in order to meet the closure performance standards; and

(ii). for container storage with long-term (i.e., fixed, immovable) secondary containment, there were no visible signs of significant cracks, gaps, or deterioration of the secondary containment, or they were properly repaired in a timely manner. (Any sumps or engineered swales serving as a receptacle for drainage in the secondary containment should be clearly mentioned.)

(d). For container storage with long-term (i.e., fixed, immovable) secondary containment, after removal of all waste a final inspection log/report and other information (i.e., photographs, etc.) in the operating record demonstrate that:

(i). there was no significant staining or other signs of contamination from hazardous waste on the secondary containment, including sumps or engineered swales serving as a receptacle for drainage in the secondary containment; and

(ii). there were no visible signs of significant cracks, gaps or deterioration for sumps or engineered swales serving as a receptacle for drainage;

(e). additional demonstration efforts of closure as specified in Clause B.8.d.ii of this Paragraph below are not necessary; and

(f). a signed statement from the responsible official is submitted with the subsequent notification as required by Division B.8.b.ii.(b).(i) of this Paragraph stating the closure performance standards have been met through the presumptive demonstration of closure requirements of this Clause.

ii. Additional Demonstration Efforts of Closure for Container Storage

(a). It is the responsibility of the large quantity generator to be aware of the closure performance standards and to make a good faith effort to demonstrate that the closure performance standards have been met. Additional decontamination procedures and confirmatory sampling of the final rinsate and/or soil (and groundwater, if deemed necessary) shall be required if either:

(i). any of the conditions of Clause B.8.d.i of this Paragraph are not met; or

(ii). the potential future use of the area requires additional efforts to demonstrate that sufficient decontamination has been achieved (e.g., if a secondary containment area has a potential future use for storing food grade products, then decontamination procedures and confirmatory sampling of the final rinsate may be required to verify that it has been adequately decontaminated);

(b). Container storage requiring additional closure efforts shall meet the notification requirements of Subclause B.8.b.i.(k) of this Paragraph (i.e., prior notification) and Subclause B.8.b.ii.(c) of this Paragraph (i.e., closure report for subsequent notification), unless a sufficiency demonstration is approved by the Office of Environmental Services in accordance with Subparagraph B.8.e of this Paragraph. The Office of Environmental Services shall review and approve the closure report and notification to ensure that the closure performance standards have been met.

e. Sufficiency Demonstration of Closure

i. Prior to, or during closure, the large quantity generator may petition the Office of Environmental Services to meet the closure performance standards through alternate, reduced, or eliminated requirements for closure notifications in Subparagraphs B.8.a and b of this Paragraph. These requirements may include, but are not limited to, documentation, submittal information, decontamination procedures, confirmatory sampling and analysis on the rinsate, and confirmatory sampling and analysis on the soil (and groundwater, if deemed necessary) immediately surrounding and beneath the unit.

ii. A sufficiency demonstration shall not alleviate the large quantity generator's requirement to meet the closure performance standards in Subparagraph B.8.c of this Paragraph, but rather the demonstration of how the closure performance standards have been met.

iii. A sufficiency demonstration will only be approved by the Office of Environmental Services if merited by the supporting information and site-specific conditions.

(a). The following is a partial list of factors the Office of Environmental Services may consider in approving

the sufficiency demonstration: accumulation time period; quantity and nature of the hazardous waste; containment design and condition; proper operations and maintenance; any additional protections (e.g., leak detection, etc.); soil and groundwater classification; overall compliance history; existing or future corrective action measures include the central accumulation area and/or the facility (e.g., site-wide corrective action being implemented through an enforceable agreement with the large quantity generator, or an order of the department specifically includes the central accumulation area and/or the facility); and any other relevant information requested by the Office of Environmental Services.

(b). A few example scenarios for a sufficiency demonstration include, but are not limited to: decontamination might not be necessary for a tank system that accumulated diluted wastewater; confirmatory rinsate sampling might not be necessary for a tank system that will receive a hazardous waste permit to manage the same waste; and confirmatory soil (and groundwater, if deemed necessary) sampling might not be required for a tank system that was used for a one-time event.

iv. The Office of Environmental Services' approval of a sufficiency demonstration may require additional or alternate closure efforts or verification from the large quantity generator depending on site-specific conditions.

v. Upon approval by the Office of Environmental Services, the petitioner shall incorporate the relevant information of the sufficiency demonstration into the closure notification requirements of Subparagraphs B.8.a and b of this Paragraph, as applicable. The large quantity generator shall maintain all documentation in support of the sufficiency demonstration.

f. The use of Risk Evaluation/Corrective Action Program (RECAP) and remedial activities for the closure of container storage, tank systems, and containment buildings.

i. If there is suspected or confirmed contamination in the environmental media (i.e., soil or groundwater) immediately surrounding and beneath the unit as demonstrated by the confirmatory sampling and analytical results specified in Subdivision B.8.b.ii.(c).(ii).[d] of this Paragraph or by other evidence, risk evaluation and/or remedial activities may be conducted by the large quantity generator in order to demonstrate that the closure performance standards have been met.

ii. The risk evaluation and/or remedial activities may be conducted, either in addition to, or instead of, the confirmatory sampling and analysis required by Subdivision B.8.b.ii.(c).(ii).[d] of this Paragraph.

iii. The risk evaluation and/or remedial activities shall be:

(a). in accordance with RECAP as referenced in LAC 33:I.Chapter 13 (Risk Evaluation/Corrective Action Program);

(b). under the direction of the Office of Environmental Assessment; and

(c). subject to all cost recovery provisions of the department.

iv. A site investigation work plan shall be submitted to the Office of Environmental Assessment in accordance with Appendix B of RECAP.

v. The risk evaluation must demonstrate that the closure is protective of human health and the environment and that post-closure care is not necessary in order for Subclause B.8.c.i.(c) of this Paragraph (i.e., closure as a landfill) not to apply.

g. Contamination from Other Sources. The Office of Environmental Services may conditionally approve the closure of a central accumulation area whereby the large quantity generator agrees to address contamination remaining in the environmental media (i.e., soil or groundwater) through additional remedial activities under the direction of the Office of Environmental Assessment. The large quantity generator must successfully demonstrate that either:

i. the contamination is from a source other than hazardous waste managed in the unit; or

ii. the contamination caused by the hazardous waste managed in the unit is comingled with contamination caused by another source.

h. Notification of Newly-Identified Release. Any newly identified release of hazardous waste to the environment must be reported either to the Louisiana State Police, Department of Public Safety in accordance with LAC 33:V.105.J.1 (Emergency Conditions) or SPOC in accordance with LAC 33:V.105.J.2 (Nonemergency Conditions).

i. Closure Inspections. The department may inspect the central accumulation area before, during, or after the closure activities have been completed.

j. Closure Guidance. The large quantity generator should review all guidance that may be issued by the department and posted on its website including, but not limited to, guidance on confirmatory sampling for aboveground structures and environmental media. The purpose of such guidance is to ensure best management practices, promote consistency, and produce technically defensible closures. Any such guidance issued by the department is not regulation and shall not substitute for the requirements of Subparagraph B.8 of this Paragraph. Thus, any guidance does not impose any new requirements. The department shall retain discretion to use approaches on a case-by-case basis that differ from such guidance where appropriate. The department will base decisions regarding closure activities required by Subparagraph B.8 of this Paragraph in accordance with the Act and regulations as applied to the specific facts of the closure. Whether or not the recommendations in any guidance are appropriate in a given situation will depend on site-specific circumstances.

k. Notification Requirements for Closures Initiated Prior to July 20, 2020.

i. For purposes of this Subparagraph, initiation of closure shall consist of removing the final volume of hazardous waste from the central accumulation area(s) with the intent of no longer using the unit(s) for accumulation of hazardous waste.

ii. A large quantity generator shall meet the closure performance standards of Subparagraph B.8.c of this Paragraph regardless of when closure was initiated.

iii. A large quantity generator that initiated closure prior to July 20, 2020 shall either:

(a). comply with the notification requirements of Subparagraphs B.8.a and b of this Paragraph; or

(b). perform the following:

(i). complete all closure activities and meet the closure performance standards within 180 days of July 20, 2020, unless such deadline is extended in writing by the Office of Environmental Services upon proper showing by the large quantity generator that such extension is warranted; and

(ii). submit a Certification of No Hazardous Waste Activity form, available on the department's website, to the Office of Environmental Services no later than 30 days after completion of all closure activities. (The department may conduct an inspection of the central accumulation area(s) in order to verify that the closure performance standards were met.)

9. Land Disposal Restrictions. The large quantity generator complies with all applicable requirements under LAC 33:V.Chapter 22.

C. Accumulation Time Limit Extension. A large quantity generator who accumulates hazardous waste for more than 90 days is subject to the applicable requirements of LAC 33:V.Subpart 1, unless granted an extension to the 90-day period. Such extension may be granted by the Office of Environmental Services if hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the Office of Environmental Services on a case-by-case basis.

D. Accumulation of F006 Waste. A large quantity generator who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the EPA hazardous waste number F006, may accumulate F006 waste on-site for more than 90 days, but not more than 180 days without being subject to LAC 33:V.Subpart 1, provided that it complies with all of the following additional conditions for exemption.

1. The large quantity generator shall implement pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants entering F006 waste or otherwise released to the environment prior to its recycling.

2. The F006 waste shall be legitimately recycled through metals recovery.

3. No more than 20,000 kilograms of F006 waste shall be accumulated on-site at any one time.

4. The F006 waste shall be managed in accordance with the following.

a. F006 waste shall accumulate in containers, tanks or containment buildings.

i. If the F006 waste is placed in containers, the large quantity generator shall comply with the applicable conditions for exemption in Paragraph B.1 of this Section.

ii. If the F006 waste is placed in tanks, the large quantity generator shall comply with the applicable conditions for exemption of Paragraph B.2 of this Section.

iii. If the F006 waste is placed in containment buildings, the large quantity generator shall comply with LAC 33:V.Chapter 43.Subchapter T. Additionally, the large quantity generator shall place its professional engineer certification that the building complies with the design standards specified in LAC 33:V.4703 in the facility's files prior to operation of the unit. The large quantity generator shall maintain:

(a). a written description of procedures to ensure that the F006 waste remains in the unit for no more than 180 days, a written description of the waste generation and management practices for the facility showing that they are consistent with the 180-day limit, and documentation that the large quantity generator is complying with the procedures; or

(b). documentation that the unit is emptied at least once every 180 days.

b. The large quantity generator is exempt from all the requirements in LAC 33:V.Chapter 43.Subchapters F (Closure and Post-Closure) and G (Financial Requirements), except for those referenced in Paragraph B.8 of this Section.

c. The date upon which each period of accumulation begins shall be clearly marked and shall be clearly visible for inspection on each container.

d. While being accumulated on-site, each container and tank shall be labeled or clearly marked with:

i. the words "Hazardous Waste"; and

ii. an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the U.S. Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the U.S. Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704).

e. The large quantity generator shall comply with the requirements in Paragraphs B.6 and 7 of this Section.

E. F006 Waste Transported Over 200 Miles. A large quantity generator who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the EPA hazardous waste number F006, and who transports this waste, or offers this waste for transportation, over a distance of 200 miles or more for off-site metals recovery, may accumulate F006 waste on-site for more than 90 days, but not more than 270 days without being subject to LAC 33:V.Subpart 1 if the large quantity generator complies with all of the conditions for exemption in Paragraphs D.1-4 of this Section.

F. F006 Waste Accumulation Time Extension. A large quantity generator who accumulates F006 waste on-site for more than 180 days, or for more than 270 days if the generator transports the waste, or offers this waste for transportation, over a distance of 200 miles or more, or who accumulates more than 20,000 kilograms of F006 waste on-site, is an operator of a storage facility and is subject to the requirements of LAC 33:V.Subpart 1 unless the generator has been granted an extension to the 180-day, or 270-day if applicable, period or an exception to the 20,000 kilogram accumulation limit. Such extensions and exceptions may be granted by the Office Environmental Services if F006 waste must remain on-site for longer than 180 days, or 270 days if applicable, or if more than the 20,000 kilograms of F006 waste must remain on-site due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days or an exception to the accumulation limit may be granted at the discretion of the Office of Environmental Services on a case-by-case basis.

G. Consolidation of Hazardous Waste Received from Very Small Quantity Generators. Consolidation of hazardous waste received from very small quantity generators shall be in accordance with this Subsection. Large quantity generators may accumulate on-site hazardous waste received from very small quantity generators under control of the same person (as defined in LAC 33:V.109), without a storage permit or interim status and without complying with the requirements of LAC 33:V.Subpart 1 provided that they comply with the following conditions. Control, for the purposes of this Section, means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate generator facilities on behalf of a different person shall not be deemed to control such generators.

1. The large quantity generator shall notify the Office of Environmental Services at least 30 days prior to receiving the first shipment from a very small quantity generator(s) using the department's Notification of Hazardous Waste Activity Form (HW-1) that:

a. identifies on the form the name(s) and site address(es) for the very small quantity generator(s) as well as the name and business telephone number for a contact person for the very small quantity generator(s); and

b. submits an update of the department's Notification of Hazardous Waste Activity Form (HW-1) within 30 days after a change in the name or site address for the very small quantity generator.

2. The large quantity generator shall maintain records of shipments for three years from the date the hazardous waste was received from the very small quantity generator. These records shall identify the name, site address, and contact information for the very small quantity generator and include a description of the hazardous waste received, including the quantity and the date the waste was received.

3. The large quantity generator shall comply with the independent requirements identified in Subparagraph 1003.A.1.c and the conditions for exemption in this Section for all hazardous waste received from a very small quantity generator. For the purposes of the labeling and marking regulations in Paragraph B.5 of this Section, the large quantity generator shall label the container or unit with the date accumulation started (i.e., the date the hazardous waste was received from the very small quantity generator). If the large quantity generator is consolidating incoming hazardous waste from a very small quantity generator with either its own hazardous waste or with hazardous waste from other very small quantity generators, the large quantity generator shall label each container or unit with the earliest date any hazardous waste in the container was accumulated on-site.

H. Rejected Load. A large quantity generator who sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that waste back as a rejected load or residue in accordance with the manifest discrepancy provisions of LAC 33:V.1516.C or LAC 33:V.4355 may accumulate the returned waste on-site in accordance with Subsections B and C of this Section. Upon receipt of the returned shipment, the generator shall sign:

1. Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

2. Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

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 46:911 (July 2020).

§1017. EPA Identification Numbers and Notification of Hazardous Waste Activities for Generators

A. All generators (i.e., very small quantity generators, small quantity generators and large quantity generators) shall obtain an active EPA identification number by notifying the Office of Environmental Services using the Notification of Hazardous Waste Activity Form (HW-1) within 14 days after first generating any hazardous waste at the location specified in the notification. The assignment of an active EPA identification number shall serve as proof of this notification to the department by the generator. However, as EPA identification numbers are site-specific, if a generator moves to another location, the generator shall obtain a new EPA identification number for the facility. A generator shall notify the Office of Environmental Services within seven days if any information submitted in the notification of hazardous waste activity changes. As stated in LAC 33:V.105.A.9, failure to submit a timely and complete Notification of Hazardous Waste Activity Form (HW-1), obtain an active EPA identification number or notify the department of changes to the notification shall constitute a violation of these regulations and subject the applicant to enforcement action up to and including the assessment of civil penalties.

B. A generator shall not treat, store, dispose of, transport, or offer for transportation hazardous waste without having received an active EPA identification number.

C. A generator shall not offer its hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received an active EPA identification number and the required authorization necessary to receive and manage the generator's waste.

D. Renotification by Small Quantity Generators and Large Quantity Generators

1. A small quantity generator shall renotify the Office of Environmental Services starting in the year 2021 and every four years thereafter using the department's Notification of Hazardous Waste Activity Form (HW-1). Small quantity generators with EPA identification numbers ending in:

a. an even number shall submit notification by April 15, 2021, and every four years thereafter; or

b. an odd number shall submit notification by September 1, 2021, and every four years thereafter.

2. A large quantity generator shall renotify the Office of Environmental Services by March 1 of each even-numbered year thereafter using the department's Notification of Hazardous Waste Activity Form (HW-1). A large quantity generator may submit this renotification as part of its annual report required under LAC 33:V.1021.

E. Other significant hazardous waste activities described in this Chapter (i.e., closures for large quantity generators in accordance with Subparagraph 1015.B.8.b, episodic events in accordance with Subchapter C, and large quantity generators consolidating hazardous waste from very small

quantity generators in accordance with Paragraph 1015.G.1) shall also require submittal of a Notification of Hazardous Waste Activity to the Office of Environmental Services.

F. Generators shall comply with the general requirements in LAC 33:V.105.A regarding the Notification of Hazardous Waste Activity and for obtaining an EPA identification number.

G. Generators who cease hazardous waste activities or move to another location shall notify the Office of Environmental Services within 30 days using the department's Notification of Hazardous Waste Activity Form (HW-1) or other forms approved by the department in accordance with LAC 33:V.105.A.5.b.

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).

Subchapter B. Recordkeeping and Reporting for Small Quantity Generators and Large Quantity Generators

§1019. Recordkeeping

A. A generator shall keep a copy of each manifest signed in accordance with LAC 33:V.1107.D.1 for three years or until he receives a signed copy from the designated facility which received the waste. The signed copy shall be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

B. A generator shall keep a copy of each annual report and exception report for a period of at least three years from the due date of the report.

C. See LAC 33:V.1005.G for recordkeeping requirements for documenting hazardous waste determinations.

D. The periods of retention referred to in this Subchapter are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the administrative authority.

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 46:920 (July 2020).

§1021. Annual Report for Large Quantity Generators

A. A generator who is a large quantity generator for at least one month of the calendar year (reporting year) who ships any hazardous waste off-site to a treatment, storage, or disposal facility within the United States shall complete and submit an annual report to the Office of Environmental Services by March 1 of the following year. The annual report shall be submitted on the form provided by the Office of Environmental Services and it shall cover generator activities during the reporting year. This requirement also applies to large quantity generators that receive hazardous waste from very small quantity generators according to LAC 33:V.1015.G.

B. Any generator who is a large quantity generator for at least one month of the calendar year (reporting year) who disposes, treats, or stores hazardous waste on-site shall complete and submit an annual report to the Office of Environmental Services by March 1 of the following year. Reporting shall be in accordance with the provisions of LAC

33:V.Chapters 3, 5, 7, 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 30, 31, 32, 33, 35, 37, and 43, and shall include total quantity by type of waste handled, and how that waste was disposed, treated, or stored. The annual report shall be on the form provided by the Office of Environmental Services. Generators shall maintain on-site a copy of each report submitted to the department for a period of at least three years from the date of the report. This requirement also applies to large quantity generators that receive hazardous waste from very small quantity generators according to LAC 33:V.1015.G.

C. Exports of hazardous waste to foreign countries are not required to be reported on the annual report. A separate annual report requirement is set forth in LAC 33:V.1113.G for hazardous waste exporters.

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 46:920 (July 2020).

§1023. Exception Reporting

A. A large 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 35 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 Office of Environmental Services if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 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. a cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

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 Office of Environmental Services. The submission to the Office of Environmental Services 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.

D. For rejected shipments of hazardous waste or container residues contained in nonempty containers that are forwarded to an alternate facility by a designated facility using a new manifest, following the procedures of LAC 33:V.1516.C.5.a.i-vi, the generator shall comply with the requirements of Subsections A or C of this Section, as applicable, for the shipment forwarding the material from the designated facility to the alternate facility instead of for the shipment from the generator to the designated facility. For purposes of Subsections A-C of this Section for a shipment forwarding such waste to an alternate facility by a designated facility, the following conditions shall apply.

1. The copy of the manifest received by the generator shall have the handwritten signature of the owner or operator of the alternate facility in place of the signature of the owner or operator of the designated facility.

2. The 35/45/60-day time frames shall begin the date the waste was accepted by the initial transporter forwarding the hazardous waste from the designated facility to the alternate facility.

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).

§1025. Additional Reporting

A. The administrative authority, as it deems necessary under the Act, may require generators to furnish additional reports concerning the quantities and disposition of waste identified or listed in LAC 33:V.Chapter 49.

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 46:921 (July 2020).

§1027. Recordkeeping and Reporting for Small Quantity Generators

A. A small quantity generator is subject only to the following independent requirements in this Subchapter, which include:

1. recordkeeping in §1019.A, 1019.C, and 1019.D of this Part;
2. exception reporting in §1023.C of this Subchapter; and
3. additional reporting in §1025.A of this Subchapter.

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 46:921 (July 2020).

Subchapter C. Alternative Standards for Episodic Generation

§1029. Applicability

A. This Subchapter is applicable to very small quantity generators and small quantity generators as defined in LAC 33:V.109.

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 46:921 (July 2020).

§1031. Definitions for this Subchapter

A. The following definitions apply to this Subchapter:

Episodic Event—an activity or activities, either planned or unplanned, that does not normally occur during generator operations, resulting in an increase in the generation of hazardous wastes that exceeds the calendar month quantity limits for the generator’s usual category.

Planned Episodic Event—an episodic event that the generator planned and prepared for, including: regular maintenance, tank cleanouts, short-term projects, and removal of excess chemical inventory.

Unplanned Episodic Event—an episodic event that the generator did not plan or reasonably did not expect to occur, including production process upsets, product recalls,

accidental spills, or acts of nature such as tornado, hurricane, or flood.

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 46:921 (July 2020).

§1033. Conditions for Generators Managing Hazardous Waste from an Episodic Event

A. Very Small Quantity Generator. A very small quantity generator may maintain its existing generator category for hazardous waste generated during an episodic event provided that the generator complies with the following conditions.

1. The very small quantity generator is limited to one episodic event per calendar year, unless a petition is granted under Section 1035 of this Subchapter. Before submittal of a HW-1 notification to the Office of Environmental Services for a second episodic event in a calendar year, the very small quantity generator shall obtain approval of the petition for a second episodic event as required by Section 1035 of this Subchapter.

2. Notification. The very small quantity generator shall notify the Office of Environmental Services no later than 30 calendar days prior to initiating a planned episodic event using the department’s Notification of Hazardous Waste Activity Form (HW-1). In the event of an unplanned episodic event, the generator shall notify the Office of Environmental Services within 72 hours of the unplanned event via phone, email, or fax and subsequently submit the department’s Notification of Hazardous Waste Activity Form (HW-1). The generator shall include the start date and end date of the episodic event, the reason(s) for the event, types and estimated quantities of hazardous waste expected to be generated as a result of the episodic event, and shall identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to an emergency in compliance with LAC 33:V.1013.C.9.a.

3. EPA ID Number. The very small quantity generator shall have an EPA identification number or obtain an EPA identification number using the department’s Notification of Hazardous Waste Activity Form (HW-1).

4. Accumulation. A very small quantity generator is prohibited from accumulating hazardous waste generated from an episodic event on drip pads and in containment buildings. When accumulating hazardous waste in containers and tanks the following conditions apply.

a. Containers. A very small quantity generator accumulating in containers shall mark or label its containers with the following:

- i. the words “Episodic Hazardous Waste”;
- ii. an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the U.S. Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the U.S. Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a

chemical hazard label consistent with the National Fire Protection Association Code 704); and

iii. the date upon which the episodic event began; clearly visible for inspection on each container.

b. Tanks. A very small quantity generator accumulating episodic hazardous waste in tanks shall do the following:

i. mark or label the tank with the words “Episodic Hazardous Waste”;

ii. mark or label the tank with an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the U.S. Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the U.S. Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704);

iii. use inventory logs, monitoring equipment or other records to identify the date upon which each episodic event begins; and

iv. keep inventory logs or records with the above information on-site and readily available for inspection.

c. Hazardous waste shall be managed in a manner that minimizes the possibility of a fire, explosion, or release of hazardous waste or hazardous waste constituents to the air, soil, or water.

i. Containers shall be in good condition and compatible with the hazardous waste being accumulated therein. Containers shall be kept closed except to add or remove waste.

ii. Tanks shall be in good condition and compatible with the hazardous waste accumulated therein. Tanks shall have procedures in place to prevent the overflow (e.g., be equipped with means to stop inflow with systems such as waste feed cutoff systems or bypass systems to a standby tank when hazardous waste is continuously fed into the tank). Tanks shall be inspected at least once each operating day to ensure all applicable discharge control equipment, such as waste feed cutoff systems, bypass systems, and drainage systems are in good working order and to ensure the tank is operated according to its design by reviewing the data gathered from monitoring equipment such as pressure and temperature gauges from the inspection.

5. The very small quantity generator shall comply with the hazardous waste manifest provisions of LAC 33:V.1107 when it sends its episodic event hazardous waste off-site to a *designated facility*, as defined in LAC 33:V.109.

6. The very small quantity generator has up to 60 calendar days from the start of the episodic event to manifest and send its hazardous waste generated from the episodic event to a *designated facility*, as defined in LAC 33:V.109.

7. Very small quantity generators shall maintain the following records for three years from the end date of the episodic event:

- a. beginning and ending dates of the episodic event;
- b. a description of the episodic event;
- c. a description of the types and quantities of hazardous wastes generated during the event;

d. a description of how the hazardous waste was managed as well as the name of the RCRA-designated facility that received the hazardous waste;

e. name(s) of hazardous waste transporters; and

f. an approval letter from the administrative authority if the generator petitioned to conduct one additional episodic event per calendar year.

B. Small Quantity Generator. A small quantity generator may maintain its existing generator category during an episodic event provided that the generator complies with the following conditions.

1. The small quantity generator is limited to one episodic event per calendar year unless a petition is granted under Section 1035 of this Subchapter. Before submittal of a HW-1 notification to the Office of Environmental Services for a second episodic event in a calendar year, the small quantity generator shall obtain approval of the petition for a second episodic event as required by Section 1035 of this Subchapter.

2. Notification. The small quantity generator shall notify the Office of Environmental Services no later than 30 calendar days prior to initiating a planned episodic event using the department’s Notification of Hazardous Waste Activity Form (HW-1). In the event of an unplanned episodic event, the small quantity generator shall notify the Office of Environmental Services within 72 hours of the unplanned event via phone, email, or fax, and subsequently submit the department’s Notification of Hazardous Waste Activity Form (HW-1). The small quantity generator shall include the start date and end date of the episodic event and the reason(s) for the event, types and estimated quantities of hazardous waste expected to be generated as a result of the episodic event, and identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to emergency.

3. EPA ID Number. The small quantity generator shall have an EPA identification number or obtain an EPA identification number using the department’s Notification of Hazardous Waste Activity Form (HW-1).

4. Accumulation by Small Quantity Generators. A small quantity generator is prohibited from accumulating hazardous waste generated from an episodic event on drip pads and in containment buildings. When accumulating hazardous waste generated from an episodic event in containers and tanks, the following conditions shall apply.

a. Containers. A small quantity generator accumulating episodic hazardous waste in containers shall meet the standards of LAC 33:V.1013.C.2 and shall mark or label its containers with the following:

i. the words “Episodic Hazardous Waste”;

ii. an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the U.S. Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the U.S. Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704); and

iii. the date upon which the episodic event began, clearly visible for inspection on each container.

b. Tanks. A small quantity generator accumulating episodic hazardous waste in tanks shall meet the standards of LAC 33:V.1013.C.3 and shall:

i. mark or label the tank with the words “Episodic Hazardous Waste”;

ii. mark or label the tank with an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the U.S. Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the U.S. Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704);

iii. use inventory logs, monitoring equipment or other records to identify the date upon which each period of accumulation begins and ends; and

iv. keep inventory logs or records with the above information on-site and available for inspection.

5. The small quantity generator shall treat hazardous waste generated from an episodic event on-site or manifest and ship such hazardous waste off-site to a designated facility, as defined by LAC 33:V.109, within 60 calendar days from the start of the episodic event.

6. The small quantity generator shall maintain the following records for three years from the end date of the episodic event including:

a. the beginning and end dates of the episodic event;

b. a description of the episodic event;

c. a description of the types and quantities of hazardous waste generated during the event;

d. a description of how the hazardous waste was managed as well as the name of the designated facility (as defined by LAC 33:V.109) that received the hazardous waste;

e. name(s) of hazardous waste transporters; and

f. an approval letter from the administrative authority if the generator petitioned to conduct one additional episodic event per calendar year.

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 46:921 (July 2020).

§1035. Petition to Manage One Additional Episodic Event per Calendar Year

A. A generator may petition the administrative authority for a second episodic event in a calendar year without impacting its generator category under the following conditions. If a very small quantity generator or small quantity generator has already held:

1. a planned episodic event in calendar year, the generator may petition the administrative authority for an additional unplanned episodic event in that calendar year within 72 hours of the unplanned event; or

2. an unplanned episodic event in a calendar year, the generator may petition the administrative authority for an additional planned episodic event in that calendar year.

B. The petition shall include the following:

1. the reason(s) why an additional episodic event is needed and the nature of the episodic event;

2. the estimated amount of hazardous waste to be managed from the event;

3. how the hazardous waste is to be managed;

4. the estimated length of time needed to complete the management of the hazardous waste generated from the episodic event—not to exceed 60 days; and

5. information regarding the previous episodic event managed by the generator, including the nature of the event, whether it was a planned or unplanned event, and how the generator complied with the conditions.

C. The petition shall be made to the administrative authority in writing, either on paper or electronically.

D. If the petition is approved by the administrative authority, the generator shall comply with Section 1033 of this Subchapter when managing the hazardous waste from the second approved episodic event including notifying the Office of Environmental Services using the department’s Notification of Hazardous Waste Activity Form (HW-1). A copy of the written approval of the petition shall accompany the HW-1 notification.

E. The generator shall retain written approval in its records for three years from the date the episodic event ended.

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 46:923 (July 2020).

Subchapter D. Preparedness, Prevention and Emergency Procedures for Large Quantity Generators

§1037. Applicability

A. The regulations of this Subchapter apply to those areas of a large quantity generator where hazardous waste is generated or accumulated on-site.

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 46:923 (July 2020).

§1039. Maintenance and Operation of Facility

A. A large quantity generator shall maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

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 46:923 (July 2020).

§1041. Required Equipment

A. All areas deemed applicable by Section 1037 of this Subchapter shall be equipped with the items in Paragraphs A.1-4 of this Section, unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below or the actual hazardous waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified below. A large quantity generator may determine

the most appropriate locations within its facility to locate the following equipment necessary to prepare for and respond to emergencies including:

1. an internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

2. a device, such as a telephone, immediately available at the scene of operations, or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams;

3. portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

4. water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

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 46:923 (July 2020).

§1043. Testing and Maintenance of Equipment

A. All communication or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, shall be tested and maintained as necessary to ensure its proper operation in time of emergency.

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 46:924 (July 2020).

§1045. Access to Communication or Alarm Systems

A. Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation shall have immediate access (e.g., direct or unimpeded access) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless a device is not required under Section 1041 of this Subchapter.

B. In the event there is just one employee on the premises while the facility is operating, the employee shall have immediate access (e.g., direct or unimpeded access) to a device, such as a telephone, immediately available at the scene of operation, or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required under Section 1041 of this Subchapter.

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 46:924 (July 2020).

§1047. Required Aisle Space

A. The large quantity generator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of the facility operation in an emergency, unless aisle space is not needed for any of these purposes.

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 46:924 (July 2020).

§1049. Arrangements with Local Authorities

A. The large quantity generator shall attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. Arrangements may be made with the local emergency planning committee, if it is determined to be the appropriate organization with which to make arrangements.

1. A large quantity generator attempting to make arrangements with its local fire department shall determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers and local hospitals.

2. As part of this coordination, the large quantity generator shall attempt to make arrangements, as necessary, to familiarize the above organizations with the layout of the facility, the properties of the hazardous waste handled at the facility and associated hazards, places where personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes as well as the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

3. Where more than one police or fire department might respond to an emergency, the large quantity generator shall attempt to make arrangements designating primary emergency authority to a specific fire or police department, and arrangements with any others to provide support to the primary emergency authority.

B. The large quantity generator shall maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation shall include documentation in the operating record that either confirms such arrangements actively exist or in cases where no arrangements exist, confirms that attempts to make such arrangements were made.

C. A facility possessing 24-hour response capabilities may seek a waiver from the authority having jurisdiction (AHJ) over the fire code at the facility's location (i.e., state fire marshal or district fire chief) as far as needing to make arrangements with the local fire department as well as any other organization necessary to respond to an emergency, provided that the waiver is documented in the operating record.

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 46:924 (July 2020).

§1051. Purpose and Implementation of Contingency Plan

A. A large quantity generator shall have a contingency plan for the facility. The contingency plan shall be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or

nonsudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

B. The provisions of the plan shall be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

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 46:924 (July 2020).

§1053. Content of Contingency Plan

A. The contingency plan shall describe the actions facility personnel shall take to comply with Sections 1051 and 1061 of this Subchapter in response to fires, explosions, or any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

B. If the generator has already prepared a spill, prevention, control, and countermeasures (SPCC) plan in accordance with 40 CFR part 112, or some other emergency or contingency plan, it need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the standards of this Chapter. The generator may develop one contingency plan that meets all regulatory standards. EPA recommends that the plan be based on the National Response Team's Integrated Contingency Plan Guidance (i.e., one plan).

C. The plan shall describe arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals or, if applicable, the local emergency planning committee, in accordance with Section 1049 of this Subchapter.

D. The plan shall list names and telephone numbers of all persons qualified to act as emergency coordinator (see Section 1059 of this Subchapter), and this list shall be kept up to date. Where more than one person is listed, one shall be named as primary emergency coordinator and others shall be listed in the order in which they assume responsibility as alternates. In situations where the generator facility has an emergency coordinator continuously on duty because it operates 24 hours per day, every day of the year, the plan may list the staff position (e.g., operations manager, shift coordinator, shift operations supervisor) as well as an emergency telephone number that can be guaranteed to be answered at all times.

E. The plan shall include a list of all emergency equipment at the facility (e.g., fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list shall be kept up to date. In addition, the plan shall include the location and physical description of each item on the list, and a brief outline of its capabilities.

F. The plan shall include an evacuation plan for generator personnel where there is a possibility that evacuation could be necessary. This plan shall describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

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 46:925 (July 2020).

§1055. Copies of Contingency Plan

A. A copy of the contingency plan and all revisions to the plan shall be maintained at the large quantity generator's facility.

B. The large quantity generator shall submit a copy of the contingency plan and all revisions to all local emergency responders (i.e., police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services). This document may also be submitted to the local emergency planning committee, as appropriate.

C. A large quantity generator that first becomes subject to these provisions after July 20, 2020, or a large quantity generator that is otherwise amending its contingency plan shall at that time submit a quick reference guide of the contingency plan to the local emergency responders identified at Subsection B of this Section or, as appropriate, the local emergency planning committee. The quick reference guide shall include:

1. the types/names of hazardous wastes in layman's terms and the hazard associated with each hazardous waste present at any one time (e.g., toxic paint waste, spent ignitable solvent, corrosive acid);

2. the estimated maximum amount of each hazardous waste that may be present at any one time;

3. the identification of any hazardous waste where exposure would require unique or special treatment by medical or hospital staff;

4. a map of the facility showing areas where hazardous wastes are generated, accumulated and treated and routes for accessing these wastes;

a. in the case of satellite accumulation areas that are designed for managing small quantities of waste at multiple locations throughout a facility, identification of the general waste-generation locations is acceptable;

b. short-term (i.e., temporary) central accumulation units used for no more than 90 days (unless in compliance with the accumulation time limit extension or F006 waste accumulation conditions for exemption in Subsections C through F of LAC 33:V.1015) that are primarily event related (e.g., maintenance events, spill cleanups, etc.) need not be identified in the quick reference guide or contingency plan;

5. a street map of the facility in relation to surrounding businesses, schools, and residential areas to understand how best to get to the facility and also evacuate citizens and workers;

6. the locations of water supply (e.g., fire hydrant and its flow rate);

7. the identification of on-site notification systems (e.g., fire alarm that rings off-site, smoke alarms); and

8. the name of the emergency coordinator(s) and 7/24-hour emergency telephone number(s) or, in the case of a facility where an emergency coordinator is continuously on duty, the emergency telephone number for the emergency coordinator.

D. Generators shall update, if necessary, their quick reference guides, whenever the contingency plan is amended and submit these documents to the local emergency responders identified in Subsection B of this Section or, as appropriate the local emergency planning committee.

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 46:925 (July 2020).

§1057. Amendment of Contingency Plan

A. The contingency plan shall be reviewed, and immediately amended, if necessary whenever:

1. applicable regulations are revised;
2. the plan fails in an emergency;
3. the generator facility changes—in its design, construction, operation, maintenance, or other circumstances—in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;
4. the list of emergency coordinators changes; or
5. the list of emergency equipment changes.

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 46:926 (July 2020).

§1059. Emergency Coordinator

A. At all times, there shall be at least one employee either on the generator's premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures and implementing the necessary emergency procedures outlined in LAC 33:V.1061. Although responsibilities may vary depending on factors such as type and variety of hazardous waste(s) handled by the facility, as well as type and complexity of the facility, this emergency coordinator shall be thoroughly familiar with all aspects of the generator's contingency plan, all operations and activities at the facility, the location and characteristics of hazardous waste handled, the location of all records within the facility, and the facility's layout. In addition, this person shall have the authority to commit the resources needed to carry out the contingency plan.

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 46:926 (July 2020).

§1061. Emergency Procedures

A. Whenever there is an imminent or actual emergency situation, the emergency coordinator or his designee shall immediately:

1. activate internal facility alarm or communication systems, where applicable, to notify all facility personnel; and
2. notify appropriate state or local agencies with designated response roles if their help is needed.

B. Whenever there is a release, fire, or explosion, the emergency coordinator shall immediately identify the character, exact source, amount, and areal extent of any

released materials. The emergency coordinator may do this by observation or review of the facility records or manifests and, if necessary, by chemical analysis.

C. Concurrently, the emergency coordinator shall assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment shall consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions).

D. If the emergency coordinator determines that the facility has had a release, fire, or explosion, which could threaten human health or the environment, outside the facility, the emergency coordinator shall report the findings as follows.

1. If the assessment indicates that evacuation of local areas may be advisable, the emergency coordinator shall immediately notify appropriate local authorities. The emergency coordinator shall be available to help appropriate officials decide whether local areas should be evacuated.

2. Immediate Emergency Notifications

a. Notification to the Louisiana State Police, Department of Public Safety.

i. The emergency coordinator shall immediately, but in no case later than one hour, notify the 24-hour Louisiana Emergency Hazardous Materials Hotline by calling 1-877-922-6595 or 225-925-6595. This notification to the Louisiana State Police, Department of Public Safety shall be in accordance with LAC 33:I.Chapter 39 and shall include the following information:

(a) the name and telephone number, and employer of the contact person;

(b) the company or responsible party's name;

(c) where the incident occurred (mailing address and physical location);

(d) date and time the incident began and ended;

(e) the identity of the hazardous material released or involved (this would include proper chemical name if available, an indication of whether it is an extremely hazardous substance, and whether it is a solid, liquid, or gas);

(f) the actual amount or an estimate of the amount released; or in the absence of quantity data for the hazardous materials released, one of the following incident classifications: unusual event, site emergency, or general emergency;

(g) whether the material released escaped or could reasonably be expected to escape, beyond the site of the facility;

(h) if available, the substance's hazard class and any other identifier (e.g., U.N. number, CHRIS code, etc.);

(i) medium into which the hazardous materials was released (e.g. air, water, land);

(j) whether the release resulted in a fire or explosion;

(k) injury to personnel, or a fatality resulting from the release or incident;

(l) details regarding wind direction, wind speed, temperature, and precipitation;

(m). any need or a recommendation for, an off-site protective action (e.g., road closure, shelter-in-place, evacuation, or none);

(n). details of the release or incident; and

(o). whether other responsible state and local agencies such as the local emergency planning committee have been notified.

ii. Updates During the Incident. The hotline must be immediately notified of any adverse change in the nature or rate of the discharge. Additional notifications must be made for discharges of multiple constituents when they originate from different causes or sources or they are substantially different in nature from the discharges in the initial notification.

b. Emergency Notifications to Other Regulatory Agencies. The large quantity generator should be aware that other federal, state and local agencies may require immediate and/or follow-up notification of an emergency situation under other regulatory authorities, including, but not limited to the:

i. National Response Center by calling their 24-hour toll free number 1-800-424-8802, to the extent that immediate notification is required under 40 CFR 302.6 (exceedance of reportable quantities) or 40 CFR 110.6 (oil spills); and/or

ii. appropriate local emergency planning committee having jurisdiction over the facility to the extent that immediate notification is required under 40 CFR part 355, subpart C or LAC 33:V.Subpart 2.Chapter 101. Contact information for each local emergency planning committee is available on the Louisiana State Police, Department of Public Safety’s website.

E. During an emergency, the emergency coordinator shall take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur or spread to other hazardous waste at the generator’s facility. These measures shall include, where applicable, stopping processes and operations, collecting and containing released hazardous waste, and removing or isolating containers.

F. If the generator stops operations in response to a fire, explosion or release, the emergency coordinator shall monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

G. Immediately after an emergency, the emergency coordinator shall provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility. Unless the generator can demonstrate, in accordance with LAC 33:V.109.Hazardous Waste.4 or 5, that the recovered material is not a hazardous waste, then it is a newly generated hazardous waste that shall be managed in accordance with all applicable requirements and conditions for exemption in LAC 33:V.Chapters 10, 11, 13, and 43.

H. The emergency coordinator shall ensure the following in the affected area(s) of the facility.

1. No hazardous waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed.

2. All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

I. The generator shall note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Written follow-up reports for any unauthorized discharge that requires notification shall be submitted by the large quantity generator to SPOC within seven calendar days of the initial notification in accordance with LAC 33:I.3925 and the Louisiana State Police, Department of Public Safety within five business days of the incident in accordance with LAC 33.V.Subpart 2.10111.

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 46:926 (July 2020).

Subchapter E. Pre-transportation Requirements for Small Quantity Generators and Large Quantity Generators

§1063. Packaging, Labeling, Marking, and Placarding

A. Packaging. Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator shall package the waste in accordance with the applicable Department of Public Safety regulations and packaging under LAC 33:V.Subpart 2. Chapter 103.

B. Labeling. Before transporting or offering hazardous waste for transportation off-site, a generator shall label each package in accordance with the applicable transportation regulations on hazardous materials of the Louisiana Department of Public Safety or its successor agency under LAC 33:V.Subpart 2.Chapter 105.

C. Marking

1. Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator shall mark each container of 119 gallons or less used in such transportation with the following words and information in accordance with the Department of Public Safety regulations (see Department of Public Safety regulation LAC 33:V.Subpart 2.Chapter 105).

Hazardous Waste: Federal and state law prohibits improper disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.

Generator’s Name and Address _____
Generator’s EPA ID Number _____
Manifest Tracking Number _____
EPA Hazardous Waste Number(s) _____

2. A generator may use a nationally recognized electronic system, such as bar coding, to identify the EPA Hazardous Waste Number(s), as required by Paragraph 1 or 3 of this Subsection.

3. Lab packs that will be incinerated in compliance with LAC 33:V.2227.C are not required to be marked with EPA Hazardous Waste Number(s), except D004, D005, D006, D007, D008, D010, and D011, where applicable.

D. Placarding. Before transporting hazardous waste or offering hazardous waste for transportation off-site, a

generator shall placard, or offer the initial transporter the appropriate placards for, the shipment according to Department of Public Safety regulations for hazardous materials under LAC 33:V.Subpart 2.Chapter 105.

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 46:927 (July 2020).

§1065. Liquids in Landfills Prohibition

A. The placement of bulk or noncontainerized liquid hazardous waste or hazardous waste containing free liquids, whether or not sorbents have been added, in any landfill is prohibited. Prior to disposal in a hazardous waste landfill, liquids shall meet additional requirements as specified in LAC 33:V.2515.

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 46:928 (July 2020).

§1067. Spills

A. Any spilled material or material trapped in sumps that is a hazardous waste or that will be disposed of as a hazardous waste shall be cleaned up in a timely manner.

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 46:928 (July 2020).

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

§1101. Applicability

Editor's Note: Parts of 1101 were either revised or moved to LAC 33:V.1003 as part of the consolidation and reorganization of the generator requirements in LAC 33:V.Chapter 10.

A. Generators, transporters and treatment, storage, and disposal facilities are subject to the applicable manifesting requirements of Sections 1107 and 1108 of this Chapter when transporting hazardous waste off-site.

B. Any person who exports or imports hazardous waste subject to the manifesting requirements of this Chapter, the export requirements for spent lead-acid battery management standards in LAC 33:V.4145, or subject to the universal waste management standards of LAC 33:V.Chapter 38, to or from the OECD member countries listed in LAC 33:V.1113.I.1.a for recovery shall comply with the applicable requirements of Sections 1113, 1125, and 1127 of this Chapter.

C. Any person who imports hazardous waste from a foreign country into the state of Louisiana must comply with the standards applicable to generators established in LAC 33:V.Chapter 10.

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 16:398 (May 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 22:20 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:660 (April 1998), LR 24:1106 (June 1998), LR 24:1693 (September

1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:709 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:822 (May 2006), LR 38:782 (March 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:40 (January 2018), LR 46:928 (July 2020).

§1103. Hazardous Waste Determination

Editor's Note: The requirements for hazardous waste determinations in Section 1103 were repromulgated in LAC 33:V.1005.

Repealed.

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 17:658 (July 1991), LR 22:818 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), amended by the Office of the Secretary, Legal Division, LR 43:1140 (June 2017), repealed by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:928 (July 2020).

§1105. EPA Identification Numbers

Editor's Note: The requirements for EPA identification numbers in Section 1105 were repromulgated in LAC 33:V.1017.

Repealed.

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 17:362 (April 1991), LR 18:1256 (November 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2470 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2455 (October 2005), LR 33:2101 (October 2007), repealed by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:928 (July 2020).

§1107. Manifest Requirements

A. - A.6. ...

7. Generators must get written confirmation of acceptability of the hazardous waste from the operator of the hazardous waste facility before shipping the hazardous waste. The confirmation must be maintained as part of the facility manifest records (see LAC 33:V.1019).

8. The requirements of this Chapter and LAC 33:V.1063.C do not apply to the transport of hazardous wastes on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way. Notwithstanding LAC 33:V.1301.A, the generator or transporter must comply with the requirements for transporters set forth in LAC 33:V.1315 and 1317 in the event of a discharge of hazardous waste on a public or private right-of-way.

A.9. - D.1.b. ...

c. retain one copy, in accordance with LAC 33:V.1019.A.

D.2. - E.1. ...

2. Reporting and Recordkeeping. Both the generator and disposer shall maintain copies of the manifests and other records as required elsewhere in LAC 33:V.Subpart 1. The generator and disposer shall include all such wastes in the annual report as provided in LAC 33:V.1021.

F. - G.1.b. ...

H. Waste Minimization Certification. A generator who initiates a shipment of hazardous waste must certify to one of the following statements in Item 15 of the Uniform Hazardous Waste Manifest.

1. "I am a large quantity generator. I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me that minimizes the present and future threat to human health and the environment."

2. "I am a small quantity generator. I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford."

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).

§1109. Pre-Transport Requirements

Editor's Note: The pretransportation requirements in Section 1109 were repromulgated in LAC 33:V.1063 and 1107.H.

Repealed.

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 13:433 (August 1987), LR 16:47 (January 1990), LR 16:220 (March 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), LR 25:437 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 26:277 (February 2000), LR 26:2470 (November 2000), LR 27:293 (March 2001), LR 27:709, 716 (May 2001), LR 27:1014 (July 2001), LR 30:1673 (August 2004), amended by the Office of Environmental Assessment, LR 31:1571 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:823 (May 2006), LR 33:2102 (October 2007), LR 34:622 (April 2008), LR 36:1235 (June 2010), repromulgated LR 36:1536 (July 2010), amended LR 38:776 (March 2012), amended by the Office of the Secretary, Legal Division, LR 43:1140 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:40 (January 2018), repealed by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:928 (July 2020).

§1111. Recordkeeping and Reporting

Editor's Note: The recordkeeping and reporting requirements in Section 1111 were repromulgated in LAC 33:V.Chapter 10.

Repealed.

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 17:365 (April 1991), LR 20:1000 (September 1994), LR 20:1109 (October 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2470 (November 2000), LR 27:42 (January 2001), LR 27:710 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2102 (October 2007), LR 38:776 (March 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:40 (January 2018), repealed by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:929 (July 2020).

§1113. Exports of Hazardous Waste

A. - E.9. ...

F. Exception Reports. In lieu of the requirements of LAC 33:V.1023, a primary exporter must file an exception report with the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460, if any of the following occurs:

F.1. - G.1.d. ...

e. except for hazardous waste produced by exporters of greater than 100 kg, but less than 1000 kg, in a calendar month, unless provided in accordance with LAC 33:V.1021 in even numbered years:

G.1.e.i. - I.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 16:220 (March 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:944 (September 1995), LR 22:20 (January 1996), amended by the Office of the Secretary, LR 22:344 (May 1996), amended by the 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 27:710 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:824 (May 2006), LR 33:2102 (October 2007), LR 34:72 (January 2008), LR 34:622 (April 2008), LR 38:782 (March 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:40 (January 2018), LR 46:929 (July 2020).

§1121. Spills

Editor's Note: The spill requirements in Section 1121 were repromulgated in LAC 33:V.1067.

Repealed.

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), repealed by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:929 (July 2020).

Subchapter B. Transboundary Shipments of Hazardous Waste

§1127. Transboundary Shipments of Hazardous Waste for Recovery within the OECD

A. - F.2. ...

3. A recognized trader shall not arrange for import or export of hazardous waste without having received an EPA identification number.

G. - G.1.d. ...

e. in even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100 kg but less than 1,000 kg in a calendar month and except for hazardous waste for which information was already provided pursuant to LAC 33:V.1021:

e.i. - f. ...

* * *

2. Exception Reports. Any person who meets the definition of primary exporter in LAC 33:V.109 or who initiates the movement document under Subsection D of this Section must file an exception report, in lieu of the requirements of LAC 33:V.1023 (if applicable), with the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, DC 20560, if any of the following occurs:

G.2.a. - I.4....

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).

§1199. Appendix A—Uniform Hazardous Waste Manifest and Instructions (DEQ Form HW-3 and its Instructions)

Editor's Note: Uniform hazardous waste manifest and instructions in Section 1199, Appendix A were removed from the regulations. See LAC 33:V.1107.A for USEPA uniform manifest requirements.

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:42 (January 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2103 (October 2007), repealed by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:9230 (July 2020).

Chapter 13. Transporters

§1301. Applicability

A. ...

B. The regulations set forth in LAC 33:V.Chapters 10, 11 and 13 establish the responsibilities of generators and transporters in the handling, transportation and management of hazardous waste. In these regulations, Louisiana has expressly adopted certain regulations of the Department of

Public Safety (DPS). These regulations concern, among other things, labeling, marking, placarding, using proper containers and reporting discharges. The department has adopted these regulations in order to satisfy its statutory obligation to promulgate regulations which are necessary to protect human health and the environment in the transportation of hazardous waste. The department adoption of these DPS regulations ensures consistency with the requirements of DPS and thus avoids the establishment of duplicative or conflicting requirements with respect to these matters.

C. - D.2. ...

E. A transporter of hazardous waste must also comply with LAC 33:V.Chapters 10 and 11 if he transports hazardous waste into Louisiana from abroad or mixes hazardous wastes of different United States Department of Transportation shipping descriptions by placing them into a single container.

F. - 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 by the Office of Waste Services, Hazardous Waste Division, LR 24:666 (April 1998), LR 24:1694 (September 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 32:824 (May 2006), LR 38:789 (March 2012), amended by the Office of the Secretary, Legal Division, LR 42:567 (April 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:930 (July 2020).

§1305. Transfer Facility Requirements

A. - B. ...

C. A transporter who stores manifested shipments of hazardous waste in containers meeting the independent requirements applicable to the DPS regulations on packaging under LAC 33:V.Subpart 2.Chapter 101 at a transfer facility for a period of 10 days or less is not subject to regulation under LAC 33:V.Chapters 1-7, 15-29, 31-38, and 43 with respect to the storage of those wastes. The transporter shall notify the Office of Environmental Services using the department's Notification of Hazardous Waste Activity Form (HW-1) and obtain written approval by the administrative authority prior to storing waste under Subparagraph C of this Section.

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), repromulgated LR 18:1256 (November 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1511 (November 1997), LR 24:1694 (September 1998), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:930 (July 2020).

§1309. Compliance with the Manifest

A. - B.2. ...

C. A transporter shall not transport a shipment of hazardous waste in containers unless each hazardous waste container is marked and labeled as required in LAC 33:V.1063.B and C. If the label is lost or detached, the transporter shall replace it based on the information taken from the manifest for the shipment.

D. - 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 by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2472 (November 2000), LR 27:44 (January 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:825 (May 2006), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:930 (July 2020).

§1319. Use of Containers

A. - B.4. ...

C. When consolidating the contents of two or more containers with the same hazardous waste into a new container, or when combining and consolidating two different hazardous wastes that are compatible with each other, the transporter shall mark its containers of 119 gallons or less with the:

1. words "Hazardous Waste"; and
2. applicable EPA hazardous waste number(s) (EPA hazardous waste codes) in LAC 33:V.4901 and 4903, or in compliance with LAC 33:V.1063.C.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 by the Office of the Secretary, Legal Affairs Division, LR 34:73 (January 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:931 (July 2020).

Chapter 15. Treatment, Storage, and Disposal Facilities

§1501. Applicability

A. - B. ...

C. The requirements of this Chapter do not apply to:

1. the owner or operator of a facility permitted, licensed, or registered to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation by LAC 33:V.1009;

2. - 3. ...

4. a farmer disposing of waste pesticides from his own use as provided in LAC 33:V.1003.C;

5. - 9. ...

10. a generator accumulating waste on-site in compliance with LAC 33:V.Chapter 10;

C.11. - G. ...

H. The requirements of LAC 33:V.1017, 1503, 1504, 1507, 1509, 1511, 1513, 1515, 1517, 1519, and 3322 do not apply to remediation waste management sites. (However, some remediation waste management sites may be a part of a facility that is subject to a traditional RCRA permit because the facility is also treating, storing, or disposing of hazardous wastes that are not remediation wastes. In these cases, LAC 33:V.1509, 1511, 1513, and 3322 do apply to the facility subject to the traditional RCRA permit.) Instead of the requirements of LAC 33:V.1509, 1511, and 1513, owners or operators of remediation waste management sites must:

1. ...
2. obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes to be managed at the site. At a minimum, the analysis must

contain all of the information which must be known to treat, store, or dispose of the waste according to LAC 33:V.Chapters 10, 11, 15-29, and 31-37, and must be kept accurate and up to date;

3. - 4. ...

5. provide personnel with classroom or on-the-job training on how to perform their duties in a way that ensures the remediation waste management site complies with the requirements of LAC 33:V.Chapters 10, 11, 15-29, and 31-37, and on how to respond effectively to emergencies;

6. - 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).

§1509. General Inspection Requirements

A.1. - B.3. ...

4. The frequency of inspection may vary for the items on the schedule. However, the frequency should be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, a malfunction, or operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies called for in LAC 33:V.1709, 1719, 1721, 1731, 1753, 1755, 1757, 1759, 1761, 1763, 1765, 1907, 1911, 2109, 2309, 2507, 2711, 2907, 3119, and 3205, where applicable. LAC 33:V.517.G requires the inspection schedule to be submitted with Part II of the permit application. The department will evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment. As part of this review, the department may modify or amend the schedule as may be necessary.

C. - 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 10:200 (March 1984), amended LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1695 (September 1998), LR 25:437 (March 1999), amended by the Office of the Secretary, Legal Affairs Division, LR 34:993 (June 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:931 (July 2020).

§1513. Contingency Plan and Emergency Procedures

A. - F.4.a. ...

b. conduct immediate emergency notifications as stated below.

i. Notification to the Louisiana State Police, Department of Public Safety

(a). The emergency coordinator shall immediately, but in no case later than one hour, notify the 24-hour Louisiana Emergency Hazardous Materials Hotline by calling 1-877-922-6595 or 225-925-6595. This notification to the Louisiana State Police, Department of Public Safety shall be in accordance with LAC 33:I.Chapter 39 and shall include the following information:

- (i). the name and telephone number, and employer of the contact person;
- (ii). the company or responsible party's name;
- (iii). where the incident occurred (mailing address and physical location);
- (iv). date and time the incident began and ended;
- (v). the identity of the hazardous material released or involved (this would include proper chemical name if available, an indication of whether it is an extremely hazardous substance and whether it is a solid, liquid or gas);
- (vi). the actual amount or an estimate of the amount released; or in the absence of quantity data for the hazardous materials released, one of the following incident classifications: unusual event; site emergency; or general emergency;
- (vii). whether the material released, escaped, or could reasonably be expected to escape beyond the site of the facility;
- (viii). if available, the substance's hazard class and any other identifier (e.g., U.N. number, CHRIS code, etc.);
- (ix). medium into which the hazardous materials was released (e.g. air, water, land);
- (x). whether the release resulted in a fire or explosion;
- (xi). injury to personnel, or a fatality resulting from the release or incident;
- (xii). details regarding wind direction, wind speed, temperature, and precipitation;
- (xiii). any need or a recommendation for, an off-site protective action (road closure, shelter-in-place, evacuation, or none);
- (xiv). details of the release or incident; and
- (xv). whether other responsible state and local agencies such as the local emergency planning committee have been notified.

(b). Updates During the Incident. The hotline must be immediately notified of any adverse change in the nature or rate of the discharge. Additional notifications must be made for discharges of multiple constituents when they originate from different causes or sources or they are substantially different in nature from the discharges in the initial notification.

ii. Emergency Notifications to Other Regulatory Agencies. The owner or operator should be aware that other federal, state and local agencies may require immediate and/or follow-up notification of an emergency situation under other regulatory authorities, including, but not limited to, the following:

(a). the National Response Center by calling their 24-hour toll free number 1-800-424-8802, to the extent that immediate notification is required under 40 CFR 302.6

(exceedance of reportable quantities) or 40 CFR 110.6 (oil spills); and/or

(b). the appropriate local emergency planning committee having jurisdiction over the facility to the extent that immediate notification is required under 40 CFR part 355, subpart C or LAC 33:V.Subpart 2.Chapter 101. Contact information for each local emergency planning committee is available on the Louisiana State Police, Department of Public Safety's website.

5. - 8.b....

9. The owner or operator shall note in the operating record the time, date, and details of any incident that requires implementation of the contingency plan. Written follow-up reports for any unauthorized discharge that requires notification shall be submitted by the owner or operator to SPOC in accordance with LAC 33:I.3925 and the Louisiana State Police, Department of Public Safety in accordance with LAC 33.V.Subpart 2.10111.

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 16:614 (July 1990), LR 18:1256 (November 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2472 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2456 (October 2005), LR 33:2104 (October 2007), LR 34:993 (June 2008), LR 35:1879 (September 2009), LR 38:777 (March 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:931 (July 2020).

§1516. Manifest System for Treatment, Storage, and Disposal (TSD) Facilities

A. - B.2.e. ...

3. Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of LAC 33:V.Chapters 10 and 11. The provisions of LAC 33:V.1013, 1015, and 1017 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of LAC 33:V.1013, 1015, and 1017 only apply to owners or operators who are shipping hazardous waste which they generated at that facility or operating as a large quantity generator consolidating hazardous waste from very small quantity generators under LAC 33:V.1015.G.

B.4. - C.6.b. ...

c. For full or partial load rejections and container residues contained in non-empty containers that are returned to the generator, the facility must also comply with the exception reporting requirements in LAC 33:V.1023.

7. ...

D. Unmanifested Waste Report. 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 must prepare and submit a single copy of a report to the administrative authority within 15 days after receiving the waste. The unmanifested waste report must be submitted to the Office of Environmental Services. The

report must be designated "Unmanifested Waste Report" and include the following information:

D.1. - K. ...

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).

§1529. Operating Record and Reporting Requirements

A. - C.3. ...

D. Annual Report. The owner or operator shall complete and submit an annual report to the Office of Environmental Services by March 1 of each year. The annual report shall be submitted on the form provided by the administrative authority and it shall cover activities during the previous calendar (reporting) year. Information submitted on a more frequent basis may be included by reference or in synopsis form where it is not pertinent to reporting under LAC 33:V.1516 or monitoring reporting under LAC 33:V.3317. It shall include monitoring data where required.

E. - E.3. ...

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 17:658 (July 1991), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 22:832 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1695 (September 1998), LR 25:437 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1799 (October 1999), LR 26:278 (February 2000), LR 26:2473 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 32:827 (May 2006), LR 33:2104 (October 2007), LR 34:623 (April 2008), LR 34:993 (June 2008), LR 34:1895 (September 2008), LR 35:1879 (September 2009), amended by the Office of the Secretary, Legal Division, LR 43:1141 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:933 (July 2020).

Chapter 17. Air Emission Standards

Subchapter A. Process Vents

§1705. Applicability

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

b. a unit (including a hazardous waste recycling unit) that is not exempt from the permitting requirements under LAC 33:V.1015 (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located on a hazardous waste management facility otherwise subject to the permitting requirements of LAC 33:V.Chapter 3, 5, 7, or 43; or

c. a unit that is exempt from permitting under the provisions of LAC 33:V.1015 (i.e., a 90-day tank or container) and is not a recycling unit under the provisions of LAC 33:V.4105.

2. - 3. ...

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 17:658 (July 1991), amended LR 18:723 (July 1992), LR 20:1000 (September 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1698 (September 1998), LR 25:437 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:294 (March 2001), amended by the Office of Environmental Assessment, LR 31:1572 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:606 (April 2006), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:933 (July 2020).

§1709. Standards: Closed-Vent Systems and Control Devices

A. - I. ...

J. Alternative Control Device: Documentation. An owner or operator of an affected facility seeking to comply with the provisions of LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37 by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system is required to develop documentation including sufficient information to describe the control device operation and identify the process parameter or parameters that indicate proper operation and maintenance of the control device.

K. - O.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 17:658 (July 1991), amended LR 20:1000 (September 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1698 (September 1998), LR 25:438 (March 1999), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1895 (September 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:933 (July 2020).

§1713. Recordkeeping Requirements

A. - B.4.f. ...

C. Design: Documentation, Monitoring, Operating, and Inspection. Design documentation and monitoring, operating, and inspection information for each closed-vent system and control device required to comply with the provisions of LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, and 37 shall be recorded and kept up-to-date in the facility operating record. The information shall include:

C.1. - F. ...

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 17:658 (July 1991), amended LR 18:723 (July 1992), LR 20:1000 (September 1994), LR 22:818 (September 1996), amended by the Office Of Waste Services, Hazardous Waste Division, LR 24:1700 (September 1998), LR 25:438 (March 1999), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:933 (July 2020).

Subchapter B. Equipment Leaks

§1717. Applicability

A. - B.1. ...

2. a unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of LAC 33:V.1015 (i.e., a hazardous waste recycling unit that is

not a 90-day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of LAC 33:V.Chapter 3, 5, 7, or 43; or

3. a unit that is exempt from permitting under the provisions of LAC 33:V.1015 (i.e., a 90-day tank or container) and is not a recycling unit under the provisions of LAC 33:V.4105.

C. - G. ...

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 17:658 (July 1991), amended LR 20:1000 (September 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1700 (September 1998), LR 25:438 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:294 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2540 (October 2005), LR 32:607 (April 2006), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:933 (July 2020).

Chapter 18. Containment Buildings

§1802. Design and Operating Standards

A. - C.3.c. ...

4. inspect and record in the facility operating record, at least once every seven days, data gathered from monitoring and leak detection equipment as well as the containment building and the area immediately surrounding the containment building to detect signs of releases of hazardous waste.

D. - 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 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2475 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2106 (October 2007), LR 34:624 (April 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:934 (July 2020).

Chapter 19. Tanks

§1901. Applicability

A. - D. ...

E. See LAC 33:V.1013.C.3 for applicable requirements for small quantity generators accumulating hazardous waste in tanks. See LAC 33:V.1015.B.2 for applicable requirements for large quantity generators accumulating hazardous waste in tanks.

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 13:651 (November 1987), LR 16:614 (July 1990), LR 18:1375 (December 1992), LR 22:819 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1107 (June 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1013 (June 2008), LR 36:1235 (June 2010), repromulgated LR 36:1536 (July 2010), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:41 (January 2018), LR 46:933 (July 2020).

§1903. Assessment of Existing Tank System's Integrity

A. For each existing tank system that does not have secondary containment meeting the requirements of LAC 33:V.1907.B-I, the owner or operator shall determine that the tank system is not leaking or is fit for use. Except as provided in Subsection C of this Section, the owner or operator shall obtain and keep on file at the facility a written assessment reviewed and certified by an independent, qualified professional engineer, in accordance with LAC 33:V.513, that attests to the tank system's integrity by November 20, 1988. Tanks excluded from permitting requirements under LAC 33:V.1015.B.2 must have an assessment as described in this Section by November 20, 1990.

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 10:200 (March 1984), amended LR 13:651 (November 1987), LR 16:614 (July 1990), LR 18:1256 (November 1992), amended by the Office of the Secretary, Legal Affairs Division, LR 34:994 (June 2008), 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 46:934 (July 2020).

§1905. Design and Installation of New Tank Systems or Components

A. - G. ...

H. Owners or operators of new tanks systems or components subject to the accumulation time exclusion of LAC 33:V.1015.B must obtain and submit to the Office of Environmental Services, prior to placing the tank system in service, a written assessment, reviewed and certified by an independent registered professional engineer, in accordance with LAC 33:V.513, attesting that the tank system has sufficient structural integrity and is acceptable for storing or treating hazardous waste. The assessment must show that the foundation, structural support, seams, connections, and pressure controls (if applicable) are adequately designed, and that the tank system has sufficient structural strength, compatibility with the waste(s) to be stored or treated, and corrosion protection to ensure that it will not collapse, rupture, or fail. The assessment, which will be used by the administrative authority to review the acceptability of the tank system design, must include at a minimum the requirements specified in LAC 33:V.1905.A.1-5.

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 10:200 (March 1984), amended LR 13:651 (November 1987), LR 16:614 (July 1990), LR 16:683 (August 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2475 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2107 (October 2007), LR 34:995 (June 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:934 (July 2020).

§1907. Containment and Detection of Releases

A. - C.4. ...

NOTE: If the collected material is a *hazardous waste* as defined in LAC 33:V.109, it is subject to management as a hazardous waste in accordance with all applicable

requirements of LAC 33:V.Chapters 10, 11, 13, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 33, 35, 37, and 43. If the collected material is discharged through a point source to waters of the United States, it is subject to the requirements of Sections 301, 304, and 402 of the Clean Water Act, as amended. If discharged to a Publicly Owned Treatment Works (POTW), it is subject to the requirements of Section 307 of the Clean Water Act, as amended. If the collected material is released to the environment, it may be subject to the reporting requirements of 40 CFR Part 302.

D. - K.1. ...

a. one year from June 20, 2010, for tanks meeting the requirements for the accumulation time exclusion of LAC 33:V.305.C.2 and 1015.B; and

1.b. - 2. ...

a. within one year from June 20, 2010, for tanks existing prior to this date and that meet the requirements for the accumulation time exclusion of LAC 33:V.305.C.2 and 1015.B;

b. ...

c. prior to tank installation, for tanks and/or tank systems installed after June 20, 2010, that meet the requirements for the accumulation time exclusion of LAC 33:V.305.C.2 and 1015.B;

d. - 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 13:651 (November 1987), LR 14:790 (November 1988), LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2475 (November 2000), amended by the Office of Environmental Assessment, LR 31:1572 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2107 (October 2007), LR 34:624 (April 2008), LR 34:995 (June 2008), LR 34:1896 (September 2008), LR 36:1235 (June 2010), repromulgated LR 36:1536 (July 2010), amended by the Office of the Secretary, Legal Division, LR 38:2756 (November 2012), LR 43:1142 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2138 (November 2017), LR 46:934 (July 2020).

§1909. General Operating Requirements

A. - C. ...

D. Owners or operators must provide documentation, maintained on-site, that batch tanks subject to the accumulation time exclusions of LAC 33:V.1013.C and 1015.B have been emptied and cleaned of all residues and/or sludges at least once in each 90-day period for large quantity generators and at least once in each 180-day period for small quantity generators.

1. - 1.b. ...

2. Notwithstanding the provisions of Paragraph D.1 of this Section, except to the extent otherwise approved by the administrative authority, batch tanks subject to the accumulation time exclusions of LAC 33:V.1013.C and 1015.B must be completely emptied and cleaned once per year to a level sufficient to allow visual inspection of all tank interior surfaces.

E. Owners or operators must provide documentation, maintained on-site, that continuous-flow tanks subject to the accumulation time exclusions of LAC 33:V.1013.C and 1015.B have been emptied at least once in each 90-day period for large quantity generators and once in each 180-day period for small quantity generators.

1. A continuous-flow tank is deemed emptied if the owner or operator can demonstrate, via a mass balance approach and appropriate documentation or methodology, that hazardous waste has not been stored therein for more than the accumulation time limits. The key parameters in the mass balance approach are the volume of the tank, the daily throughput of the hazardous waste, and the time period the hazardous waste “resides” in the tank. As an example, in the case of a large quantity generator with a 6,000 gallon tank and daily throughput of 300 gallons per day, the hazardous waste would have a residence time of 20 days (i.e., 6,000 gallons/300 gallons per day) and would meet the requirements of LAC 33:V.1015.B since the hazardous waste has been in the tank for less than 90 days.

2. ...

3. A continuous-flow tank in which a significant amount of residue or sludge is accumulated may not qualify for the accumulation time exclusions of LAC 33:V.1013.C and 1015.B. Therefore, the owner or operator of a continuous-flow tank for which that exclusion is claimed must ensure that significant accumulation of residue or sludge does not occur in the tank by satisfying the requirements either of Subsection D of this Section (in which case the words “continuous-flow tank” shall be substituted for the words “batch tank” in each instance where “batch tank” appears in that Subsection), or of Paragraph E.4 of this Section.

4. The owner or operator must provide documentation, maintained on-site, establishing that significant accumulations of residue or sludge do not occur within the tank; i.e., almost all residues or sludges in the tank at the beginning of the 90-day or 180-day accumulation period have been removed (or displaced by incoming waste or newly-formed residues or sludges) by the end of the 90-day or 180-day accumulation period. The determination of what constitutes “significant accumulation of residue or sludge” shall be made on a case-by-case basis. However, no significant accumulation of residues or sludges shall be deemed to have occurred if the residues or sludges that accumulate in the tank constitute less than 5 percent by volume of the total tank capacity. To the extent that there is no significant accumulation of residue or sludge in the tank, the one-year storage prohibition under LAC 33:V.2205 shall not apply to any residue or sludge contained therein.

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 13:651 (November 1987), LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1804 (October 1999), amended by the Office of the Secretary, Legal Affairs Division, LR 36:1237 (June 2010), repromulgated LR 36:1538 (July 2010), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:935 (July 2020).

§1915. Closure and Post-Closure Care

A. - C.5. ...

D. Owners or operators of tanks subject to the accumulation exclusion of LAC 33:V.1015.B are exempt from the requirements of LAC 33:V.Chapters 35 and 37, except for LAC 33:V.3507.

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 13:651 (November 1987), amended LR 16:614 (July 1990), LR 18:1256 (November 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1511 (November 1997), amended by the Office of the Secretary, LR 24:2245 (December 1998), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:935 (July 2020).

Chapter 21. Containers

§2101. Applicability

A. The regulations in this Chapter apply to owners and operators of all hazardous waste facilities that store hazardous waste in containers, except as otherwise provided in LAC 33:V.1501. Under the definition of *empty container* in LAC 33:V.109 and 4901.D.3, if a hazardous waste is emptied from a container the residue remaining in the container is not considered a hazardous waste if the container meets the definition of *empty container* as defined in LAC 33:V.109. In that event, management of the container is exempt from the requirements of this Chapter.

B. Containers not exempted from these regulations shall be considered hazardous and shall be disposed of or treated by an acceptable waste disposal or treatment method.

C. If a hazardous waste is emptied from a container, the residue remaining in the container is not considered a hazardous waste if the container is empty as defined in LAC 33:V.109. In that event, management of the container is exempt from the requirements of this Chapter.

D. Empty containers sent to a reclaimer are considered product, and thus are not subject to these rules and regulations. Residue from the reclaimer's operations must be disposed of in a permitted facility.

E. The storage of hazardous waste prohibited from land disposal must also be in accordance with the requirements of LAC 33:V.2205.

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), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1107 (June 1998), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:936 (July 2020).

§2109. Inspections

A. At least weekly, the owner or operator must inspect areas where containers are stored. The owner or operator must look for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors. Remedial action as described in LAC 33:V.1509.C and 2103 shall be taken if deterioration or leaks are detected.

B. - C. ...

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), repromulgated LR 18:1256 (November 1992), amended by the Office of the Secretary, Legal Affairs Division, LR 34:996 (June 2008), amended by the Office of the Secretary, Legal

Affairs and Criminal Investigations Division, LR 46:936 (July 2020).

§2117. Closure

A. At closure, all hazardous waste and hazardous waste residues must be removed from the containment system. Remaining containers, liners, bases, and soil containing or contaminated with hazardous waste or hazardous waste residues must be decontaminated or removed. At closure, as throughout the operating period, unless the owner or operator can demonstrate in accordance with LAC 33:V.109.Hazardous Waste.6 that the solid waste removed from the containment system is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of LAC 33:V.Chapters 10-43.

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), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:936 (July 2020).

Chapter 22. Prohibitions on Land Disposal **Subchapter A. Land Disposal Restrictions**

§2201. Purpose, Scope, and Applicability

A. - I. ...

1. waste pesticides that a farmer disposes of in accordance with LAC 33:V.1003.C;

2. - 3. ...

4. waste generated by *very small quantity generators*, as defined in LAC 33:V.1009;

5. - 5.f. ...

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).

§2205. Storage of Prohibited Wastes

A. ...

1. A generator may store such wastes in tanks, containers, or containment buildings on-site solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal and the generator complies with the requirements of LAC 33:V.1013, 1015, Chapters 10, 11, 15, 17, 18, 19, 21, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 35, 37, 43, and 51.

2. An owner/operator of a hazardous waste treatment, storage, or disposal facility may store such wastes in tanks, containers, or containment buildings solely for the purpose of accumulating such quantities of hazardous waste as are

necessary to facilitate proper recovery, treatment, or disposal provided that:

a. each container is clearly marked to identify its contents and with:

i. the words "Hazardous Waste";
ii. the applicable EPA hazardous waste number(s) (EPA hazardous waste codes) in LAC 33:V.4901 and 4903; or use a nationally recognized electronic system, such as bar coding, to identify the EPA hazardous waste number(s);

iii. an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the U.S. Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the U.S. Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704); and

iv. the date each period of accumulation begins; and

b. each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or such information for each tank is recorded and maintained in the operating record at that facility. Regardless of whether the tank itself is marked, an owner/operator must comply with the operating record requirements specified in LAC 33:V.1529 or 4357.

A.3. - 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 15:378 (May 1989), amended LR 16:220 (March 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1724 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1799 (October 1999), LR 26:280 (February 2000), LR 27:711 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:827 (May 2006), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:936 (July 2020).

§2245. Generators' Waste Analysis, Recordkeeping, and Notice Requirements

A. Requirements for Generators. A generator of hazardous waste must determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards in LAC 33:V.2223, 2230, or 2236. This determination can be made concurrently with the hazardous waste determination required in LAC 33:V.1005 in either of two ways: testing the waste or using knowledge of the waste. If the generator tests the waste, testing would normally determine the total concentration of hazardous constituents, or the concentration of hazardous constituents in an extract of the waste obtained using Test Method 1311 in *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, EPA Publication SW-846, as incorporated by reference in LAC 33:V.110, depending on whether the treatment standard for the waste is expressed as a total

concentration or concentration of hazardous constituent in the waste's extract. Alternatively, the generator must send the waste to a RCRA-permitted hazardous waste treatment facility, where the waste treatment facility must comply with the requirements of LAC 33:V.1519 and 2247.A. In addition, some hazardous wastes must be treated by particular treatment methods before they can be land disposed, and some soils are contaminated by such hazardous wastes. These treatment standards are also found in LAC 33:V.2223, and are described in detail in LAC 33:V.2299.Appendix, Table 3. These wastes, and soils contaminated with such wastes, do not need to be tested (however, if they are in a waste mixture, other wastes with concentration level treatment standards would have to be tested). If a generator determines they are managing a waste, or soil contaminated with a waste, that displays a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity, they must comply with the special requirements of LAC 33:V.2246 in addition to any applicable requirements in this Section.

B. - D. ...

E. If a generator is managing and treating a prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under LAC 33:V.1011, 1013, or 1015 to meet applicable LDR treatment standards found in LAC 33:V.2223, the generator must develop and follow a written waste analysis plan that describes the procedures the generator will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of LAC 33:V.2299.Appendix, Table 8, however, are not subject to these waste analysis requirements.) The plan must be kept on-site in the generator's records, and the following requirements must be met.

E.1. - L. ...

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 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266, 267 (March 1995), LR 21:1334 (December 1995), LR 22:22 (January 1996), LR 22:820 (September 1996), LR 22:1130 (November 1996), LR 23:565 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:669 (April 1998), LR 24:1728 (September 1998), LR 25:447 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:281 (February 2000), LR 26:2478 (November 2000), LR 27:295 (March 2001), LR 27:711 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2459 (October 2005), LR 33:2109 (October 2007), LR 34:996 (June 2008), amended by the Office of the Secretary, Legal Division, LR 43:1144 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:41 (January 2018), LR 46:937 (July 2020).

§2246. Special Rules Regarding Wastes That Exhibit a Characteristic

A. The initial generator of a solid waste must determine each EPA Hazardous Waste Number (waste code) applicable to the waste in order to determine the applicable treatment standards under this Chapter. This determination may be made concurrently with the hazardous waste determination required in LAC 33:V.1005. For purposes of this Chapter, the waste will carry the waste code for any applicable listing

under LAC 33:V.4901. In addition, where the waste exhibits a characteristic, the waste will carry one or more of the characteristic waste codes (LAC 33:V.4903), except when the treatment standard for the listed waste operates in lieu of the treatment standard for the characteristic waste, as specified in Subsection B of this Section. If the generator determines that his waste displays a hazardous characteristic (and is not D001 nonwastewaters treated by CMBST, RORGS, or POLYM of LAC 33:V.2299.Appendix, Table 3), the generator must determine the *underlying hazardous constituents* (as defined in LAC 33:V.2203.A), in the characteristic waste.

B. - F.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 16:1057 (December 1990), amended LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:669 (April 1998), LR 24:1730 (September 1998), LR 25:449 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:281 (February 2000), LR 26:2478 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2459 (October 2005), LR 33:2109 (October 2007), LR 34:997 (June 2008), LR 34:1897 (September 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:937 (July 2020).

Subchapter B. Hazardous Waste Injection Restrictions

§2249. Purpose, Scope, and Applicability

A. - C.2. ...

3. if the waste is generated by a very small quantity generator, as defined in LAC 33:V.1009.

D. - 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 22:22 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1800 (October 1999), LR 27:712 (May 2001), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:938 (July 2020).

Chapter 23. Waste Piles

§2317. Special Requirements for Hazardous Wastes

F020, F021, F022, F023, F026, and F027

A. Hazardous wastes F020, F021, F022, F023, F026, and F027 must not be placed in waste piles that are not enclosed (as defined in LAC 33:V.2301.C) unless the owner or operator operates the waste pile in accordance with a management plan for these wastes that is approved by the administrative authority pursuant to the standards set out in this Subsection, and in accord with all other applicable requirements of LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, and 37. The factors to be considered are:

A.1. - B. ...

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 16:220 (March 1990), amended LR 20:1000 (September 1994), amended by the Office of the Secretary,

Legal Affairs and Criminal Investigations Division, LR 46:938 (July 2020).

Chapter 25. Landfills

§2523. Special Requirements for Hazardous Wastes

F020, F021, F022, F023, F026, and F027

A. Hazardous Wastes F020, F021, F022, F023, F026, and F027 must not be placed in a landfill unless the owner or operator operates the landfill in accordance with a management plan for these wastes which is approved by the administrative authority pursuant to the standards set out in this Subsection, and in accordance with all other applicable requirements of LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, and 37. The factors to be considered are:

A.1. - B. ...

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 16:220 (March 1990), amended LR 20:1000 (September 1994), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:938 (July 2020).

Chapter 26. Corrective Action Management Units and Special Provisions for Cleanup

§2604. Temporary Units (TU)

A. For temporary tanks and container storage areas used to treat or store hazardous remediation wastes during remedial activities required under LAC 33:V.3322 or RCRA Section 3008(h), or at a permitted facility that is not subject to LAC 33:V.3322, the administrative authority may designate a unit at the facility as a temporary unit. A temporary unit must be located within the contiguous property under the control of the owner/operator where the wastes to be managed in the temporary unit originated. For temporary units, the administrative authority may replace the design, operating, or closure standard applicable to these units under LAC 33:V.Chapters 10, 11, 15-21, 23-29, 31-37, and 43 with alternative requirements which protect human health and the environment.

B. - G. ...

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 21:266 (March 1995), amended LR 21:944 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:285 (February 2000), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:938 (July 2020).

Chapter 27. Land Treatment

§2723. Special Requirements for Hazardous Wastes

F020, F021, F022, F023, F026 and F027

A. Hazardous Wastes F020, F021, F022, F023, F026, and F027 must not be placed in a land treatment unit unless the owner or operator operates the facility in accordance with a management plan for these wastes that is approved by the administrative authority pursuant to the standards set out in this Subsection, and in accordance with all other applicable requirements of the LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, and 37. The factors to be considered are:

A.1. - B. ...

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 16:220 (March 1990), amended LR 20:1000 (September 1994), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:938 (July 2020).

Chapter 28. Drip Pads

§2805. Design and Operating Requirements

Owners and operators of drip pads must ensure that the pads are designed, installed, and operated in accordance with Subsection A or C of this Section.

A. - I. ...

J. The drip pad surface must be cleaned thoroughly at least once every seven days such that accumulated residues of hazardous waste or other materials are removed, using an appropriate and effective cleaning technique, including but not limited to, rinsing, washing with detergents or other appropriate solvents, or steam cleaning. The owner or operator must document the date and time of each cleaning and the cleaning procedure used in the facility's operating log. The owner/operator must determine if the residues are hazardous in accordance with LAC 33:V.1005 and if so must manage them in accordance with LAC 33:V.Subpart 1.

K. - P. ...

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 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 21:944 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2482 (November 2000), LR 30:1674 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2462 (October 2005), LR 33:2113 (October 2007), LR 34:627 (April 2008), LR 34:999 (June 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:939 (July 2020).

Chapter 29. Surface Impoundments

§2917. Special Requirements for Hazardous Wastes

F020, F021, F022, F023, F026, and F027

A. Hazardous wastes F020, F021, F022, F023, F026, and F027 must not be placed in a surface impoundment unless the owner or operator operates the surface impoundment in accordance with a management plan for these wastes that is approved by the administrative authority pursuant to the standards set out in this Subsection, and in accordance with all other applicable requirements of LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, and 37. The factors to be considered are:

A.1. - B. ...

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 16:220 (March 1990), amended LR 20:1000 (September 1994), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:939 (July 2020).

Chapter 30. Hazardous Waste Burned in Boilers and Industrial Furnaces

§3001. Applicability

A. - C.2. ...

3. hazardous wastes that are exempt from regulation under LAC 33:V.105.D and 4105.A.1.c-d.iii, and hazardous wastes that are subject to the special requirements for very small quantity generators under LAC 33:V.1007 and 1009; and

C.4. - 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 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:821, 835 (September 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 27:297 (March 2001), LR 27:712 (May 2001), LR 29:323 (March 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 32:607 (April 2006), LR 34:628 (April 2008), LR 34:1014 (June 2008), amended by the Office of the Secretary, Legal Division, LR 43:1145 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:939 (July 2020).

§3003. Management Prior to Burning

A. Standards for Generators. Generators of hazardous waste burned in a boiler or industrial furnace are subject to LAC 33:V.Chapters 10 and 11.

B. - C. ...

1. Owners and operators of facilities that store or treat hazardous waste that is burned in a boiler or industrial furnace are subject to the applicable provision of LAC 33:V.Chapters 1, 3, 5, 10, 11, 15, 19, 21, 23, 25, 29, 33, 35, 37 and 43, except as provided by LAC 33:V.3003.C.2. These standards apply to storage and treatment by the burner as well as to storage and treatment facilities operated by intermediaries (processors, blenders, distributors, etc.) between the generator and the burner.

2. Owners or operators of facilities that burn, in an on-site boiler or industrial furnace exempt from regulation under the small quantity burner provisions of LAC 33:V.3017, hazardous waste that they generate are exempt from regulation under LAC 33:V.Chapters 1, 3, 5, 10, 11, 15, 19, 21, 23, 25, 29, 33, 35, 37, and 43 with respect to the storage of mixtures of hazardous waste and the primary fuel to the boiler or industrial furnace in tanks that feed the fuel mixture directly to the burner. Storage of hazardous waste prior to mixing with the primary fuel is subject to regulation as prescribed in LAC 33:V.3003.C.1.

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 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 21:944 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:299 (March 2001), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:939 (July 2020).

§3017. Small Quantity On-Site Burner Exemption

A. - C. ...

NOTE: Hazardous wastes that are subject to the special requirements for very small quantity generators under LAC 33:V.1009 may be burned in an off-site device under the exemption provided by LAC 33:V.3017, but must be included in the quantity determination for the exemption.

D. - 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 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 21:944 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:712 (May 2001), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:939 (July 2020).

Chapter 31. Incinerators

§3121. Closure

A. At closure the owner or operator must remove all hazardous waste and hazardous waste residues (including, but not limited to, ash, scrubber waters, and scrubber sludges) from the incinerator site. At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with LAC 33:V.109.Hazardous Waste.6, that the residue removed from the incinerator is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with applicable requirements of LAC 33:V.Chapters 10-43.

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), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:940 (July 2020).

Chapter 35. Closure and Post-Closure

Subchapter A. Closure Requirements

§3513. Closure; Time Allowed for Closure

A. - D.1.b. ...

c. the nonhazardous wastes will not be incompatible with any remaining wastes in the unit, or with the facility design and operating requirements of the unit or facility under LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, and 37;

D.1.d. - E.7.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 13:433 (August 1987), LR 17:478 (May 1991), LR 20:1000 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2486 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2466 (October 2005), LR 33:2117 (October 2007), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:939 (July 2020).

§3515. Disposal or Decontamination of Equipment, Structures and Soils

A. During the partial and final closure periods, all contaminated equipment, structures, and soils must be properly disposed of or decontaminated, unless otherwise specified in LAC 33:V.1803, 1915, 2315, 2521, 2719, 2809, and 2911, or under the authority of LAC 33:V.3203 and 3207. By removing any hazardous waste or hazardous constituents during partial and final closure, the owner or operator may become a generator of hazardous waste and

must handle that waste in accordance with all applicable requirements of LAC 33:V.Chapters 10 and 11.

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 13:433 (August 1987), LR 16:399 (May 1990), LR 16:614 (July 1990), amended by the Office of the Secretary, LR 24:2248 (December 1998), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:940 (July 2020).

Chapter 38. Universal Wastes

Subchapter A. General

§3801. Scope and Applicability

A. - B. ...

C. Very small quantity generator wastes that are regulated under LAC 33:V.1009 and are also of the same type as the universal wastes defined in LAC 33:V.3813 may, at the generator's option, manage these wastes under the requirements of this Chapter.

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).

§3805. Applicability—Pesticides

A. - B. ...

1. recalled pesticides described in Paragraph A.1 of this Section, and unused pesticide products described in Paragraph A.2 of this Section, that are managed by farmers in compliance with LAC 33:V.1003.C (LAC 33:V.1003.C addresses pesticides disposed of on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label, providing the container is triple rinsed in accordance with the definition of *empty container* under LAC 33:V.109);

B.2. - 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).

Subchapter B. Standards for Small Quantity Handlers of Universal Waste

§3821. Waste Management

A. - A.3. ...

a. if the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste, it is subject to all applicable requirements of these regulations. The handler is

considered the generator of the hazardous electrolyte and/or other waste and is subject to LAC 33:V.Chapters 10 and 11;

A.3.b. - 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 meets the requirements of LAC 33:V.1013.C.2.a or 1015.B.1.b;

d. immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of LAC 33:V.1013.C.2.a or 1015.B.1.b;

2.e. - 3. ...

a. If the mercury, residues, and/or other solid waste exhibit a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of these regulations. The handler is considered the generator of the mercury, residues, and/or other waste and shall manage it subject to LAC 33:V.Chapters 10 and 11.

C.3.b. - F.4. ...

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, LR 27:302 (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).

§3829. Response to Releases

A. ...

B. A small quantity handler of universal waste must determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with all applicable requirements of these regulations. The handler is considered the generator of the material resulting from the release, and must manage it in compliance with LAC 33:V.Chapters 10 and 11.

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 23:573 (May 1997), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:941 (July 2020).

Subchapter C. Standards for Large Quantity Handlers of Universal Waste

§3843. Waste Management

A. - A.3. ...

a. if the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of these regulations. The handler is considered the generator of the hazardous electrolyte and/or other waste and is subject to LAC 33:V.Chapters 10 and 11;

A.3.b. - 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 meets the requirements of LAC 33:V.1013.C.2.a or 1015.B.1.b;

d. immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of LAC 33:V.1013.C.2.a or 1015.B.1.b;

2.e. - 3. ...

a. If the mercury, residues, and/or other solid waste exhibit a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of these regulations. The handler is considered the generator of the mercury, residues, and/or other waste and is subject to LAC 33:V.Chapters 10 and 11.

C.3.b. - F.4. ...

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).

§3851. Response to Releases

A. ...

B. A large quantity handler of universal waste must determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with all applicable requirements of these regulations. The handler is considered the generator of the material resulting from the release, and is subject to LAC 33:V.Chapters 10 and 11.

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 23:576 (May 1997), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:941 (July 2020).

Subchapter D. Standards for Universal Waste Transporters

§3867. Response to Releases

A. ...

B. A universal waste transporter must determine whether any material resulting from the release is hazardous waste, and if so, it is subject to all applicable requirements of these regulations. If the waste is determined to be a hazardous waste, the transporter is subject to LAC 33:V.Chapters 10 and 11.

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 23:577 (May 1997), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:941 (July 2020).

Subchapter E. Standards for Destination Facilities

§3873. Applicability

A. The owner or operator of a *destination facility* (as defined in LAC 33:V.3813) is subject to all applicable requirements of LAC 33:V.Chapters 3, 5, 10, 11, 15, 17, 19, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 37, 41, and 43, and the notification requirement under LAC 33:V.105.A.

B. ...

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 23:578 (May 1997), amended by the Office of the Secretary, Legal Affairs Division, LR 32:607 (April 2006), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:941 (July 2020).

Subchapter G. Petition to Include Other Wastes under This Chapter

§3883. Factors for Petitions to Include Other Wastes under This Chapter

A. - A.1. ...

2. the waste or category of waste is not exclusive to a specific industry or group of industries and is commonly generated by a wide variety of types of establishments including, for example, households, retail and commercial businesses, office complexes, very small quantity generators, small businesses, and government organizations, as well as large industrial facilities;

3. - 8. ...

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 24:320 (February 1998), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:942 (July 2020).

Chapter 40. Used Oil

Subchapter A. Materials Regulated as Used Oil

§4003. Applicability

This Section identifies those materials that are subject to regulation as used oil under this Chapter. This Section also identifies some materials that are not subject to regulation as used oil under this Chapter and indicates whether these materials may be subject to regulation as hazardous waste under this Subpart.

A. - B.2.c. ...

3. Very Small Quantity Generator Hazardous Waste. Mixtures of used oil and very small quantity generator hazardous waste regulated under LAC 33:V.1009 are subject to regulation as used oil under this Chapter.

C. - I. ...

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 21:266 (March 1995), amended LR 22:828, 836 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1108 (June 1998), LR 25:481 (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 31:2540 (October 2005), LR 34:631 (April 2008), LR 34:1017 (June 2008), LR 34:1899 (September 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:942 (July 2020).

§4007. Prohibitions

A. Surface Impoundment Prohibition. Used oil shall not be managed in surface impoundments or waste piles unless the units are subject to regulation under LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37, and 43.

B. - C.3. ...

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 21:266 (March 1995), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:942 (July 2020).

Subchapter B. Standards for Use Oil Generators

§4013. Used Oil Storage

A. ...

B. Storage Units. Used oil generators shall not store used oil in units other than tanks, containers, or units subject to regulation under LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37, and 43.

C. - E.4. ...

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 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:481 (March 1999), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:942 (July 2020).

Subchapter D. Standards for Used Oil Transporter and Transfer Facilities

§4035. Used Oil Storage at Transfer Facilities

A. Used oil transporters are subject to all applicable spill prevention, control, and countermeasures (40 CFR Part 112) in addition to the requirements of this Subchapter. Used oil transporters are also subject to the Underground Storage Tanks (LAC 33:XI) standards for used oil stored in underground tanks, whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subchapter. Used oil transfer facility status is contingent upon approval of the administrative authority.

B. Applicability. This Section applies to used oil transfer facilities. Used oil transfer facilities are transportation-related facilities, including loading docks, parking areas, storage areas, and other areas, where shipments of used oil are held for more than 24 hours during the normal course of transportation and not longer than 35 days. Transfer facilities that store used oil for more than 35 days are subject to regulation under LAC 33:V.Chapter 40.Subchapter E.

C. Storage Units. Owners or operators of used oil transfer facilities may not store used oil in units other than tanks, containers, or units subject to regulation under LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37, and 43.

D. Condition of Units. Containers and aboveground tanks used to store used oil at transfer facilities must:

1. be in good condition (no severe rusting, apparent structural defects or deterioration); and
2. not be leaking (no visible leaks).

E. Secondary Containment for Containers. Containers used to store used oil at transfer facilities must be equipped with a secondary containment system.

1. The secondary containment system must consist of, at a minimum:

- a. dikes, berms, or retaining walls; and
- b. a floor. The floor must cover the entire area within the dikes, berms, or retaining walls; or

c. an equivalent secondary containment system.

2. The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil which is released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

F. Secondary Containment for Existing Aboveground Tanks. Existing aboveground tanks used to store used oil at transfer facilities must be equipped with a secondary containment system.

1. The secondary containment system must consist of, at a minimum:

a. dikes, berms, or retaining walls; and

b. a floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or

c. an equivalent secondary containment system.

2. The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil which is released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

G. Secondary Containment for New Aboveground Tanks. New aboveground tanks used to store used oil at transfer facilities must be equipped with a secondary containment system.

1. The secondary containment system must consist of, at a minimum:

a. dikes, berms, or retaining walls; and

b. a floor. The floor must cover the entire area within the dike, berm, or retaining wall; or

c. an equivalent secondary containment system.

2. The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil which is released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

H. Labels

1. Containers and aboveground tanks used to store used oil at transfer facilities must be labeled or marked clearly with the words "Used Oil."

2. Fill pipes used to transfer used oil into underground storage tanks at transfer facilities must be labeled or marked clearly with the words "Used Oil."

I. Response to Releases. Upon detection of a release of used oil to the environment which is not subject to the requirements of LAC 33:XI.715 and which occurred after the effective date of the recycled used oil management program in effect in the state in which the release is located, the owner/operator of a transfer facility must perform the following cleanup steps:

1. stop the release;

2. contain the released used oil;

3. clean up and manage properly the released used oil and other materials; and

4. if necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

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 21:266, 267 (March 1995), amended by the Office of Waste Services, Hazardous Waste

Division, LR 25:481 (March 1999), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:942 (July 2020).

Subchapter E. Standards for Used Oil Processors and Re-Refiners

§4049. Used Oil Management

A. Used oil processors/re-refiners are subject to all applicable Spill Prevention, Control, and Countermeasures (40 CFR Part 112) in addition to the requirements of this Subchapter. Used oil processors/re-refiners are also subject to the Underground Storage Tanks (LAC 33:XI) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subchapter.

B. Management Units. Used oil processors/re-refiners may not store used oil in units other than tanks, containers, or units subject to regulation under LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37, and 43.

C. Condition of Units. Containers and aboveground tanks used to store or process used oil at processing and re-refining facilities must:

1. be in good condition (no severe rusting, apparent structural defects or deterioration); and

2. not be leaking (no visible leaks).

D. Secondary Containment for Containers. Containers used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.

1. The secondary containment system must consist of, at a minimum:

a. dikes, berms, or retaining walls; and

b. a floor. The floor must cover the entire area within the dike, berm, or retaining wall; or

c. an equivalent secondary containment system.

2. The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

E. Secondary Containment for Existing Aboveground Tanks. Existing aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.

1. The secondary containment system must consist of, at a minimum:

a. dikes, berms, or retaining walls; and

b. a floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or

c. an equivalent secondary containment system.

2. The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

F. Secondary Containment for New Aboveground Tanks. New aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.

1. The secondary containment system must consist of, at a minimum:

a. dikes, berms, or retaining walls; and

b. a floor. The floor must cover the entire area within the dike, berm, or retaining wall; or

c. an equivalent secondary containment system.

2. The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

G. Labels

1. Containers and aboveground tanks used to store or process used oil at processing and re-refining facilities must be labeled or marked clearly with the words "Used Oil."

2. Fill pipes used to transfer used oil into underground storage tanks at processing and re-refining facilities must be labeled or marked clearly with the words "Used Oil."

H. Response to Releases. Upon detection of a release of used oil to the environment not subject to the requirements of LAC 33:XI.715 which has occurred after the effective date of the recycled used oil management program in effect in the state in which the release is located, an owner/operator must perform the following cleanup steps:

1. stop the release;

2. contain the released used oil;

3. clean up and manage properly the released used oil and other materials; and

4. if necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

I. Closure

1. Aboveground Tanks. Owners and operators who store or process used oil in aboveground tanks must comply with the following requirements:

a. at closure of a tank system, the owner or operator must remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste under LAC 33:V.Subpart 1; and

b. if the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in LAC 33:V.4049.I.1.a, then the owner or operator must close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to hazardous waste landfills (LAC 33:V.4501).

2. Containers. Owners and operators who store used oil in containers must comply with the following requirements:

a. at closure, containers holding used oils or residues of used oil must be removed from the site; and

b. the owner or operator must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil and manage them as hazardous waste, unless the materials are not hazardous waste under LAC 33:V.Chapters 1, 31, 41, and 49.

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 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:482 (March 1999), amended by the Office of the Secretary,

Legal Affairs and Criminal Investigations Division, LR 46:943 (July 2020).

Subchapter F. Standards for Used Oil Burners that Burn Off-Specification Used Oil for Energy Recovery

§4069. Used Oil Storage

A. Used oil burners are subject to all applicable Spill Prevention, Control, and Countermeasures (40 CFR Part 112) in addition to the requirements of this Subchapter. Used oil burners are also subject to the Underground Storage Tank (LAC 33:XI) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subchapter.

B. Storage Units. Used oil burners may not store used oil in units other than tanks, containers, or units subject to regulation under LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37, and 43.

C. Condition of Units. Containers and aboveground tanks used to store oil at burner facilities must:

1. be in good condition (no severe rusting, apparent structural defects or deterioration); and

2. not be leaking (no visible leaks).

D. Secondary Containment for Containers. Containers used to store used oil at burner facilities must be equipped with a secondary containment system.

1. The secondary containment system must consist of, at a minimum:

a. dikes, berms, or retaining walls; and

b. a floor. The floor must cover the entire area within the dike, berm, or retaining wall.

2. The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

E. Secondary Containment for Existing Aboveground Tanks. Existing aboveground tanks used to store used oil at burner facilities must be equipped with a secondary containment system.

1. The secondary containment system must consist of, at a minimum:

a. dikes, berms, or retaining walls; and

b. a floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or

c. an equivalent secondary containment system.

2. The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

F. Secondary Containment for New Aboveground Tanks. New aboveground tanks used to store used oil at burner facilities must be equipped with a secondary containment system.

1. The secondary containment system must consist of, at a minimum:

a. dikes, berms, or retaining walls; and

b. a floor. The floor must cover the entire area within the dike, berm, or retaining wall; or

c. an equivalent secondary containment system.

2. The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

G. Labels

1. Containers and aboveground tanks used to store used oil at burner facilities must be labeled or marked clearly with the words "Used Oil."

2. Fill pipes used to transfer used oil into underground storage tanks at burner facilities must be labeled or marked clearly with the words "Used Oil."

H. Response to Releases. Upon detection of a release of used oil to the environment not subject to the requirements of LAC 33:XI.715 which has occurred after the effective date of the recycled used oil management program in effect for the state in which the release is located, a burner must perform the following cleanup steps:

1. stop the release;
2. contain the released used oil;
3. clean up and manage properly the released used oil and other materials; and
4. if necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

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 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:482 (March 1999), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:944 (July 2020).

Chapter 41. Recyclable Materials

§4105. Requirements for Recyclable Material

A. - A.4. ...

B. Generators and transporters of recyclable materials are subject to the applicable requirements of LAC 33:V.Chapters 10, 11 and 13 and the notification requirements of LAC 33:V.105, except as provided in Paragraph A.1 of this Section.

C. Owners and operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of LAC 33:V.Chapters 3, 5, 10, 11, 15, 19, 21, 22, 23, 29, 33, 35, and 37, and Chapter 43.Subchapters A-K; and the notification requirements of LAC 33:V.105.A, except as provided in Subsection A of this Section. The recycling process itself is exempt from regulation, except as provided in Subsection E of this Section.

D. - D.1. ...

2. LAC 33:V.1516.B and C, dealing with the use of manifest and manifest discrepancies;

3. Subsection E of this Section; and

4. LAC 33:V.1529.D (Annual Report).

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).

§4141. General Requirements for Recyclable Materials Used in a Manner Constituting Disposal

A. Generators and transporters of materials that are used in a manner that constitutes disposal are subject to all the requirements of LAC 33:V.Chapters 10, 11 and 13, and the notification requirements under Section 3010 of RCRA and LAC 33:V.1017.

B. Owners and operators of facilities that store recyclable materials that are to be used in a manner that constitutes disposal, but who are not the ultimate users of the materials, are regulated under all applicable provisions of LAC 33:V.Chapters 3, 5, 7, 10, 11, 15, 19, 21, 23, 29, 33, 35, and 37, and the notification requirements of Section 3010 of RCRA and LAC 33:V.1017.

C. Owners and operators of facilities that use recyclable materials in a manner that constitutes disposal are regulated under all applicable provisions of LAC 33:V.Chapters 3, 5, 7, 10, 11, 15, 19, 21, 22, 23, 25, 27, 29, 31, 33, 35, and 37, and the notification requirements of Section 3010 of RCRA and LAC 33:V.1017. These requirements do not apply to products that contain these recyclable materials under the provisions of LAC 33:V.4139.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 the Secretary, Legal Affairs Division, LR 32:610 (April 2006), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:944 (July 2020).

§4143. Recyclable Materials Utilized for Precious Metal Recovery

A. - B.1. ...

2. generators shall operate in accordance with LAC 33:V.1107 and 1108;

B.3. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and specifically 2180.

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), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:685 (April 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 32:611 (April 2006), LR 36:2554 (November 2010), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:945 (July 2020).

§4145. Spent Lead-Acid Batteries Being Reclaimed

A. ...

If Your Batteries:	And If You:	Then You:	And You:
1. will be reclaimed through regeneration (such as by electrolyte replacement);		are exempt from LAC 33:V. Subpart 1 except for LAC 33:V. Chapters 1 and 49, and LAC 33:V.1005 and 3105, Table 1, and the notification requirements at Section 3010 of RCRA and LAC 33:V.105;	are subject to LAC 33:V. Chapters 1 and 49 and LAC 33:V.1005 and 3105, Table 1.
2. will be reclaimed other than through regeneration;	generate, collect, and/or transport these batteries;	are exempt from LAC 33:V. Subpart 1 except for LAC 33:V. Chapters 1 and 49, and LAC 33:V.1005 and 3105, Table 1, and the notification requirements at Section 3010 of RCRA and LAC 33:V.105;	are subject to LAC 33:V. Chapters 1 and 49 and LAC 33:V.1005 and 3105, Table 1, and applicable provisions under LAC 33:V. Chapter 22.
3. will be reclaimed other than through regeneration;	store these batteries, but you aren't the reclaimer;	are exempt from LAC 33:V. Subpart 1 except for LAC 33:V. Chapters 1 and 49, and LAC 33:V.1005 and 3105, Table 1, and the notification requirements at Section 3010 of RCRA and LAC 33:V.105;	are subject to LAC 33:V. Chapters 1 and 49 and LAC 33:V.1005 and 3105, Table 1, and applicable provisions under LAC 33:V. Chapter 22.
4. will be reclaimed other than through regeneration;	store these batteries before you reclaim them;	must comply with LAC 33:V.4145.B and, as appropriate, other regulatory provisions described in LAC 33:V.4145.B;	are subject to LAC 33:V. Chapter 49 and LAC 33:V.1005 and 3105, Table 1, and applicable provisions under LAC 33:V. Chapter 22.
5. will be reclaimed other than through regeneration;	don't store these batteries before you reclaim them;	are exempt from LAC 33:V. Subpart 1 except for LAC 33:V. Chapters 1 and 49 and LAC 33:V.1005 and 3105, Table 1, and the notification requirements at Section 3010 of RCRA and LAC 33:V.105;	are subject to LAC 33:V. Chapter 49 and LAC 33:V.1005 and 3105, Table 1, and applicable provisions under LAC 33:V. Chapter 22.
6. will be reclaimed through regeneration or any other means.	export these batteries for reclamation in a foreign country.	are exempt from LAC 33:V. Chapters 3, 5, 7, 13, 15, 17, 19, 21, 22, 23, 25, 27, 28, 29, 30, 32, 33, 35, 37, and 43, and the notification requirements at section 3010 of RCRA. You are also exempt from LAC 33:V. Chapters 10 and 11, except for LAC 33:V.1005, and except for the applicable requirements in either: (a) LAC 33:V.1125; or (b) LAC 33:V.1113.D "Notification of Intent to Export", LAC 33:V.1113.G.1.a-d, f and G.2 "Annual Reports", and LAC 33:V.1113.H "Recordkeeping".	are subject to LAC 33:V. Chapters 1, 31, 39, 41, and 49 as applicable and LAC 33:V.1005, and either must comply with LAC 33:V.1125.A (if shipping to one of the OECD countries specified in LAC 33:V.1113.I.1.a), or shall: (a) comply with the requirements applicable to a primary exporter in LAC 33:V.1113.D, G.1.a-d, G.2, and H. (b) export these batteries only upon consent of the receiving country and in conformance with the EPA Acknowledgement of Consent as defined in LAC 33:V.1113.A- I.2; and (c) provide a copy of the EPA Acknowledgement of Consent for the shipment to the transporter transporting the shipment for export.
7. will be reclaimed through regeneration or any other means.	transport these batteries in the U. S. to export them for reclamation in a foreign country.	are exempt from LAC 33:V. Chapters 3, 5, 7, 13, 15, 17, 19, 21, 22, 23, 25, 27, 28, 29, 30, 31, 32, 33, 35, 37, 41, and 43, and the notification requirements at section 3010 of RCRA.	must comply with applicable requirements in LAC 33:V.1125 (if shipping to one of the OECD countries specified in LAC 33:V.1113.I.1.a), or must comply with the following: (a) you may not accept a shipment if you know the shipment does not conform to the EPA Acknowledgement of Consent; (b) you must ensure that a copy of the EPA Acknowledgement of Consent accompanies the shipment; and (c) you must ensure that the shipment is delivered to the facility designated by the person initiating the shipment.

B. - B.2.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 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 13:237 (April 1987), LR 23:579 (May 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:287 (February 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 32:611 (April 2006), LR 32:830 (May 2006), LR 38:790 (March 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:945 (July 2020).

Chapter 42. Conditional Exemption for Low-Level Mixed Waste Storage, Treatment, Transportation, and Disposal

§4217. When is your LLMW no longer eligible for the storage and treatment conditional exemption?

A. When your LLMW has met the requirements of your department, NRC, or NRC agreement state license for decay-in-storage and can be disposed of as nonradioactive waste, then the conditional exemption for storage no longer applies. On that date your waste is subject to hazardous waste regulation under the relevant sections, and the time period for accumulation of a hazardous waste, as specified in LAC 33:V.1013 or 1015, begins.

B. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1006 (May 2002), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:947 (July 2020).

Chapter 43. Interim Status

§4301. Purpose and Applicability

A. - D.2. ...

COMMENT: The owner or operator of a facility under Paragraphs D.1 and 2 of this Section is subject to the requirements of LAC 33:V.Chapters 10, 11, 15, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 35, and-37 to the extent they are included in a permit by rule granted to such a person under 40 CFR 122 and by 144.14.

3. - 3.b....

4. the owner or operator of a facility permitted, licensed, or registered by the state to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation by LAC 33:V.1009;

5. ...

6. a generator accumulating waste on-site in compliance with LAC 33:V.Chapter 10, except to the extent the requirements are included in LAC 33:V.Chapter 10;

7. a farmer disposing of waste pesticides from his own use in compliance with LAC 33:V.1003.C;

8. - 10.d. ...

11. a transporter storing manifested shipments of hazardous waste in containers meeting the requirements of LAC 33:V.1063.A at a transfer facility for a period of 10 days or less;

D.12. - 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).

Subchapter A. General Facility Standards

§4317. General Inspection Requirements

A. - B.2. ...

3. The frequency of inspection may vary for the items on the schedule. However, the frequency should be based on the rate of deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction, or operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, shall be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies called for in LAC 33:V.4425, 4437, 4440, 4455, 4470, 4485, 4502, 4519, 4529, 4541, 4555, 4565, 4567, 4577, and 4727-4739, where applicable.

C. - 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 10:200 (March 1984), amended LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1744 (September 1998), LR 25:484 (March 1999), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:947 (July 2020).

Subchapter F. Closure and Post-Closure

§4385. Disposal or Decontamination of Equipment, Structures and Soils

A. During the partial and final closure periods, all contaminated equipment, structures, and soil must be properly disposed of, or decontaminated unless specified otherwise in LAC 33:V.4442, 4457, 4475, 4489, 4501, 4601, or 4705. By removing all hazardous wastes or hazardous constituents during partial and final closure, the owner or operator may become a generator of hazardous waste and must handle that hazardous waste in accordance with all applicable requirements of LAC 33:V.Chapters 10 and 11.

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 13:433 (August 1987), LR 16:614 (July 1990), amended by the Office of the Secretary, LR 24:2248 (December 1998), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:947 (July 2020).

Subchapter I. Tanks

§4438. Special Requirements for Generators of between 100 and 1,000 kg/month That Accumulate Hazardous Waste in Tanks

Editor's Note: The special requirements for small quantity generators accumulating hazardous waste in tanks in Section 4438 were repromulgated in LAC 33:V.1013.C.3 et al.

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:714 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1005 (June 2008), repealed by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:948 (July 2020).

Subchapter M. Landfills

§4501. Closure and Post-Closure

A. - D.1. ...

2. maintain and monitor the leachate collection, removal, and treatment system (if there is one present in the landfill) to prevent excess accumulation of leachate in the system. If the collected leachate is a hazardous waste under LAC 33:V.Chapter 49, it must be managed as a hazardous waste in accordance with all applicable requirements of LAC 33:V.Chapters 10, 11, 13 and 43. If the collected leachate is discharged through a point source to waters of the United States, it is subject to the requirements of Section 402 of the Clean Water Act, as amended;

3. - 8. ...

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 21:266 (March 1995), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1627 (August 2007), amended by the Office of the Secretary, Legal Division, LR 43:1149 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:948 (July 2020).

Subchapter Q. Air Emission Standards for Process Vents

§4549. Applicability

A. - B.1. ...

2. a unit (including a hazardous waste recycling unit) that is not exempt from permitting under LAC 33:V.1015 (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of LAC 33:V.Chapters 3, 5, 7, 27, 31, and 43; or

3. a unit that is exempt from permitting under the provisions of LAC 33:V.1015 (i.e., a 90-day tank or container) and is not a recycling unit under the requirements of LAC 33:V.4105.

C. ...

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 17:658 (July 1991), amended LR 18:723 (July 1992), LR 20:1000 (September 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1745 (September 1998), LR 25:486 (March 1999), amended by the

Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:948 (July 2020).

Subchapter R. Air Emission Standards for Equipment Leaks

§4561. Applicability

A. - B.1. ...

2. a unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of LAC 33:V.1015 (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of LAC 33:V.Chapters 3, 5, 7, 27, 31, and 43; or

3. a unit that is exempt from permitting under the provisions of LAC 33:V.1015 (i.e., a 90-day tank or container) and is not a recycling unit under the provisions of LAC 33:V.4105.

C. - F. ...

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 17:658 (July 1991), amended LR 20:1000 (September 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1745 (September 1998), LR 25:486 (March 1999), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2541 (October 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:948 (July 2020).

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).

§4901. Category I Hazardous Wastes

A. - A.1. ...

2. The following hazardous wastes listed in LAC 33:V.4901.B are subject to the exclusion limits for acutely hazardous wastes established in LAC 33:V.1007: EPA Hazardous Wastes Numbers F020, F021, F022, F023, F026, and F027.

B. - D.4. ...

E. The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products or manufacturing chemical intermediates referred to in Paragraphs D.1-4 of this Section are identified as acute hazardous wastes (H).

F. The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products referred to in Paragraphs D.1-4 of this Section are identified as toxic wastes (T) unless otherwise designated.

G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and specifically 2180.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, 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 14:426 (July 1988), LR 14:791 (November 1988), LR 15:182 (March 1989), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 16:1057 (December 1990), LR 17:369 (April 1991), LR 17:478 (May 1991), LR 17:658 (July 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:829, 840 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1522 (November 1997), LR 24:321 (February 1998), LR 24:686 (April 1998), LR 24:1754 (September 1998), LR 25:487 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:304 (March 2001), LR 27:715 (May 2001), LR 28:1009 (May 2002), LR 29:324 (March 2003), amended by the Office of Environmental Assessment, LR 31:1573 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:831 (May 2006), LR 33:1627 (August 2007), LR 34:635 (April 2008), LR 34:1020 (June 2008), LR 34:2392 (November 2008), LR 36:2555 (November 2010), LR 38:780 (March 2012), amended by the Office of the Secretary, Legal Division, LR 39:2492 (September 2013), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:948 (July 2020).

§4907. Criteria for Listing Hazardous Waste

A. - B. ...

C. The administrative authority shall use the criteria for listing specified in this Chapter to establish the exclusion limits referred to in LAC 33:V.1007.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 17:478 (May 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:715 (May 2001), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:949 (July 2020).

Chapter 51. Fee Schedules

§5101. Applicability

A. The regulations in this Chapter apply to generators of hazardous waste as well as treaters, storers, and disposers of hazardous waste except as provided in LAC 33:V.1003 and LAC 33:V.1501.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 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 11:533 (May 1985), LR 12:676 (October 1986), LR 18:724 (July 1992), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:949 (July 2020).

§5121. Generators and Transporters of Hazardous Waste

A. - B.1.b. ...

2. 90-day Storage Extension. Application for 30-day Extension of Accumulation Time Limit in LAC 33:V.1013.E and LAC 33:V.1015.C. All requests for extension of accumulation time limit shall be accompanied by a \$500 application fee.

C. - C.1.b. ...

2. Very Small Quantity Generators (VSQG). Very small quantity generators (see LAC 33:V.1009) shall pay a fee of \$83 per year to the department.

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 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 11:533 (May 1985), LR 12:676 (October 1986), LR 14:621 (September 1988), amended by the Office of the Secretary, Legal Division, LR 43:944 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:949 (July 2020).

Chapter 53. Military Munitions

§5307. Standards Applicable to Emergency Responses

A. Explosives and munitions emergencies involving military munitions or explosives are subject to LAC 33:V.1003.F, 1301.G, 1501.7.a, and 4307, or alternatively to LAC 33:V.701.

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 24:1757 (September 1998), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:949 (July 2020).

Herman Robinson
General Counsel

2007#031

RULE

Department of Environmental Quality Office of the Secretary Legal Affairs and Criminal Investigations Division

Written Notification Procedures (LAC 33:I.3925)

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 Office of the Secretary regulations, LAC 33:I.3925. (OS098)

The Rule adds an additional method of submittal of written reports for any unauthorized discharge that requires notification under LAC 33: I.3915.A, 3917, 3919, or 3923. LAC 33:I.3925.A.1 and 2 currently allow written notifications to be delivered via U.S. Mail, courier service, or other means. This Rule adds e-mail as an additional submittal method for written notifications to the department. The basis and rationale for this Rule are to allow the public an additional method for notification to the department. This 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. This Rule is hereby adopted on the day of promulgation.

Title 33
ENVIRONMENTAL QUALITY
Part I. Office of the Secretary
Subpart 2. Notification

Chapter 39. Notification Regulations and Procedures for Unauthorized Discharges
Subchapter D. Procedures for Notifying the Department
§3925. Written Notification Procedures

A. - B.1. ...

2. the time and date of prompt notification, the state official contacted when reporting, the name of the person making that notification, identification of the site or facility, vessel, transport vehicle, or storage area from which the unauthorized discharge occurred, and the location where the incident occurred;

3. - 16. ...

C. Written notification reports shall be submitted to SPOC by mail or email. The transmittal envelope and report or email subject line and report should be clearly marked "UNAUTHORIZED DISCHARGE NOTIFICATION REPORT." The email address can be found on the LDEQ webpage at the Single Point of Contact page under Written Notification Procedures: (LAC 33:I.3926) section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C) and 2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:182 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2443 (November 2000), LR 30:1669 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2434 (October 2005), LR 33:2080 (October 2007), LR 33:2628 (December 2007), LR 36:1240 (June 2010), LR 36:2553 (November 2010), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:950 (July 2020).

Herman Robinson
General Counsel

2007#029

RULE

Department of Health
Board of Dentistry

General Provisions (LAC 46:XXXIII.105)

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), the Department of Health, Board of Dentistry has amended LAC 46:XXXIII.105.

The Louisiana State Board of Dentistry is amending LAC 46:XXXIII.105 to allow residents in accredited non-LSU post-doctoral programs to obtain a restricted dental license rather than a full license. There are currently no post-doctoral dental programs in Louisiana other than LSU, but the board has been informed that there are plans to open one. This rule change will benefit residents in prospective residency programs who wish only to train in Louisiana and do not wish to have a full license in that it will save those residents some fees.

The rule change also does away with the requirement that LSU faculty members must switch from a restricted license to a full license within two years of being employed at LSU if the faculty member is eligible for a full license. This Rule is hereby adopted upon the day of promulgation.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part XXXIII. Dental Health Profession

Chapter 1. General Provisions

§105. Restricted Licensees

A. All applicants for a restricted license must successfully complete the Louisiana State Board of Dentistry examination in jurisprudence within 60 days of receiving said license, except those licenses issued for less than one year.

B. All applicants for restricted licenses who are part of the faculty of the LSU system must submit with the restricted license application:

1. a certification from the LSU system showing that the applicant is or is expected to be a member of its faculty and verifying the competency of the applicant. The LSU system is responsible to notify the board as to any termination of employment of any faculty member or graduate student holding a restricted license; and

2. proof of completion of dental education;

a. if the applicant graduated from a dental school accredited by an accreditation agency that is recognized by the United States Department of Education, an original transcript showing such completion; or

b. if the applicant graduated from a dental school not accredited by an accredited agency that is recognized by the US Department of Education, an original or certified true copy of proof of completion of dental education in the form of a transcript or education evaluation report.

C. Restricted licenses may be issued to residents and/or graduate students in the LSU system or in other post-doctoral dental education programs in Louisiana that are accredited by an accredited agency that is recognized by the United States Department of Education, but those licenses are only valid during the time the applicant is a resident and/or graduate student in the LSU system or in the post-doctoral dental education program in which the resident/graduate student was enrolled when the restricted license was granted.

D. All applicants for restricted licenses who are enrolled in post-doctoral dental education programs must submit with the restricted license application:

1. a certification from the post-doctoral program showing that the applicant is or is expected to be enrolled in its program and verifying the competency of the applicant. The post-doctoral program is responsible to notify the board as to any termination of employment of any graduate student holding a restricted license; and

2. proof of completion of dental education;

a. if the applicant graduated from a dental school accredited by an accreditation agency that is recognized by the United States Department of Education, an original transcript showing such completion; or

b. if the applicant graduated from a dental school not accredited by an accredited agency that is recognized by

the US Department of Education, an original or certified true copy of proof of completion of dental education in the form of a transcript or education evaluation report.

E. Oral surgery residents who attend medical school as a requirement of their residency training may keep their restricted license active during medical school, but may only work in the hospital, or its affiliates sponsoring the residency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 21:571 (June 1995), amended LR 22:23 (January 1996), LR 23:1529 (November 1997), LR 26:1612 (August 2000), repromulgated LR 27:1893 (November 2001), amended LR 38:2770 (November 2012), LR 46:950 (July 2020).

Arthur Hickham, Jr.
Executive Director

2007#022

RULE

Department of Health Bureau of Health Services Financing and Office of Behavioral Health

Children and Adult Mental Health Services
(LAC 50:XXXIII.2501, 2701, 6103,
6303, 6305, 6307, 6501, and 6701)

Editor's Note: This Rule is being repromulgated to correct a citation error. The original Rule may be viewed in its entirety on pages 794-795 of the June 20, 2020 *Louisiana Register*.

The Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health has adopted LAC 50:XXXIII.2501, 2701, 6103, 6303, 6305, 6307, 6501, and 6701 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the date of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXXIII. Behavioral Health Services

Subpart 3. Children's Mental Health Services

Chapter 25. Provider Participation

§2501. Provider Responsibilities

A. Each provider of specialized behavioral health services shall enter into a contract with one or more of the managed care organizations (MCOs) and with the coordinated system of care (CSoC) contractor for youth enrolled in the Coordinated System of Care program in order to receive reimbursement for Medicaid covered services.

B. Providers shall deliver all services in accordance with their license and scope of practice, federal and state laws and regulations, the provisions of this Rule, the provider manual, and other notices or directives issued by the department. The provider shall create and maintain documents to substantiate that all requirements are met.

C. - D.6. 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, Bureau of Health Services Financing, LR 38:364 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:2359 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1893 (October 2018), LR 46:794 (June 2020), repromulgated LR 46:951 (July 2020).

Chapter 27. Reimbursement

§2701. General Provisions

A. For recipients enrolled with one of the managed care organizations (MCOs) or coordinated system of care (CSoC) contractor, the department or its fiscal intermediary shall make monthly capitation payments to the MCOs or the CSoC contractor.

1. - 2.a. ...

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 38:365 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 39:317 (February 2013), LR 41:2359 (November 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1893 (October 2018), LR 46:794 (June 2020), repromulgated LR 46:951 (July 2020).

Subpart 7. Adult Mental Health Services

Chapter 61. General Provisions

§6103. Recipient Qualifications

A. Individuals, 21 years of age and older, who meet Medicaid eligibility, shall qualify to receive adult mental health services referenced in LAC 50:XXXIII.6307 if medically necessary in accordance with LAC 50:I.1101, if the recipient presents with mental health symptoms that are consistent with a diagnosable mental disorder, and the services are therapeutically appropriate and most beneficial to the recipient.

B. Additional Recipient Eligibility Criteria for Community Psychiatric Support and Treatment (CPST) and Psychosocial Rehabilitation (PSR)

1. Members must meet the Substance Abuse and Mental Health Services Administration (SAMHSA) definition of, serious mental illness (SMI). In addition to having a diagnosable mental disorder, the condition must substantially interfere with, or limit, one or more major life activities, such as:

a. ...

b. instrumental living (for example, taking prescribed medications or getting around the community); or
1.c. - 2. ...

3. Recipients receiving CPST and/or PSR shall have at least a level of care score of three on the LOCUS.

4. An adult with longstanding deficits who does not experience any acute changes in their status and has previously met the criteria stated in LAC 50:XXXIII.6103.B.2.-3, but who now meets a level of care score of two or lower, and needs subsequent medically necessary services for stabilization and maintenance at a lower intensity, may continue to receive CPST services and/or PSR, if deemed medically necessary.

C. ...

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 38:358 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:378 (February 2015), LR 42:60 (January 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1014 (June 2018), LR 46:794 (June 2020), repromulgated LR 46:951 (July 2020).

Chapter 63. Services

§6303. Assessments

A. Assessments shall be performed by a licensed mental health practitioner (LMHP).

B. Assessments for community psychiatric support and treatment (CPST) and psychosocial rehabilitation (PSR) must be performed at least once every 365 days or any time there is significant change to the enrollee's circumstances.

C. 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, Bureau of Health Services Financing, LR 38:359 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:378 (February 2015), LR 42:60 (January 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1014 (June 2018), amended LR 46:795 (June 2020), repromulgated LR 46:952 (July 2020).

§6305. Treatment Plan

A. Each enrollee who receives community psychiatric support and treatment (CPST) and psychosocial rehabilitation (PSR) services shall have a treatment plan developed based upon the assessment.

B. ...

1. The treatment plan shall be reviewed at least once every 180 days or when there is a significant change in the individual's circumstances.

C. The treatment plan shall be developed by the licensed mental health practitioner (LMHP) or physician in collaboration with direct care staff, the recipient, family and natural supports.

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 38:359 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 42:60 (January 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1014 (June 2018), LR 46:795 (June 2020), repromulgated LR 46:951 (July 2020).

§6307. Covered Services

A. The following mental health services shall be reimbursed under the Medicaid Program:

1. therapeutic services, including diagnosis and treatment delivered by licensed mental health practitioners (LMHPs) and physicians;

2. rehabilitation services, including community psychiatric support and treatment (CPST) and psychosocial rehabilitation (PSR); and

3. crisis intervention.

B. - B.3. ...

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 38:359 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 42:61 (January 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1015 (June 2018), LR 46:795 (June 2020), repromulgated LR 46:952 (July 2020).

Chapter 65. Provider Participation

§6501. Provider Responsibilities

A. Each provider of adult mental health services shall enter into a contract with one or more of the managed care organizations (MCOs) in order to receive reimbursement for Medicaid covered services.

B. Providers shall deliver all services in accordance their license and scope of practice, with federal and state laws and regulations, the provisions of this Rule, the provider manual and other notices or directives issued by the department. The provider shall create and maintain documents to substantiate that all requirements are met.

C. - D.9. 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, Bureau of Health Services Financing, LR 38:360 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 41:378 (February 2015), LR 42:61 (January 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Behavioral Health, LR 44:1015 (June 2018), LR 46:795 (June 2020), repromulgated LR 46:952 (July 2020).

Chapter 67. Reimbursement

§6701. Reimbursement Methodology

A. Effective for dates of service on or after December 1, 2015, the department, or its fiscal intermediary, shall make monthly capitation payments to the managed care organizations (MCOs).

B. ...

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 38:360 (February 2012), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Behavioral Health, LR 42:61 (January 2016), LR 46:795 (June 2020), repromulgated LR 46:952 (July 2020).

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.

Dr. Courtney N. Phillips
Secretary

2007#015

RULE

**Department of Health
Bureau of Health Services Financing**

Dental Benefits Prepaid Ambulatory Health Plan
Network Provider Reimbursement
(LAC 50:1.2111)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:I.2111 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part 1. Administration

Subpart 3. Managed Care for Physical and Behavioral Health

Chapter 21. Dental Benefits Prepaid Ambulatory Health Plan

§2111. Payment Methodology

A. - G. ...

H. Network Provider Reimbursement

1. The DBPM shall provide reimbursement for defined core dental benefits and services provided by an in-network provider pursuant to the terms of its contract with the department.

H.2. - 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 40:788 (April 2014), amended LR 46:953 (July 2020).

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.

Stephen R. Russo, JD
Interim Secretary

2007#050

RULE

**Department of Health
Bureau of Health Services Financing**

Facility Need Review
Relocation of Nursing Facility Beds
(LAC 48:I.12529)

The Department of Health, Bureau of Health Services Financing has amended LAC 48:I.12529 as authorized by R.S. 36:254 and 40:2116. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 5. Health Planning

Chapter 125. Facility Need Review

Subchapter D. Relocation of Nursing Facility Beds

§12529. General Provisions

A. A nursing facility's approved beds (Medicaid facility need review approvals) cannot be relocated to a different service area, subject to the exception in Section 12529.C below.

B. - B.6.g. ...

C. In addition to Subsection B, approved beds may be relocated in the same service district or same parish under the following conditions.

1. The department may approve a one-time partial relocation/transfer of a nursing facility's Medicaid facility need review (FNR) approvals to another licensed, certified, operational nursing facility in the same parish, provided that all of the following provisions are met:

a. The transferring nursing facility shall send a written request to the department's licensing section at least 30 days before the proposed transfer, for the department's review and approval.

b. The transferring nursing facility may relocate/transfer Medicaid FNR approvals to another nursing facility pursuant to Section 12529.C only once.

c. The transferring nursing facility and the receiving nursing facility shall be related companies which are under "common ownership."

i. For purposes of this Subsection, "common ownership" is defined as the same persons or entities owning at least 80 percent of both companies.

ii. For purposes of this Subsection, ownership includes, but is not limited to, shares in a corporation, membership in a limited liability company, or partnership interest in a partnership or limited liability partnership.

d. The transferring nursing facility may not relocate/transfer less than 10 Medicaid FNR approvals to another nursing facility.

e. A transferring nursing facility may not relocate/transfer more than 25 percent of its Medicaid FNR approvals to another facility.

f. The Medicaid FNR approvals relocated/transferred become Medicaid FNR approvals of the receiving nursing facility, and the transferring nursing facility relinquishes all rights in those Medicaid FNR approvals, but may retain licensure of the licensed nursing facility beds.

g. At the time of the relocation/transfer of the Medicaid FNR approvals, the receiving facility shall have more licensed nursing facility beds than it has Medicaid FNR approvals. The number of Medicaid FNR approvals transferred shall not exceed the number of licensed-only beds (licensed nursing facility beds not having Medicaid FNR approval) at the receiving nursing facility; the receiving nursing facility is prohibited from receiving more Medicaid FNR approvals than can be utilized for the receiving nursing facility's current licensed bed capacity.

Under no circumstances shall a receiving facility license additional beds in order to accommodate the relocated Medicaid FNR approvals. After the relocation, the receiving nursing facility shall have the same number of licensed beds as prior to the relocation.

h. All relocated Medicaid FNR approvals are subject to state and federal bed change guidelines and procedures.

i. The provisions of Section 12529.C pertaining to the transfer of Medicaid FNR approvals shall sunset in 24 months from the date of the promulgation of the final Rule implementing Section 12529.C and shall have no effect henceforth.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:806 (August 1995), amended LR 25:1250 (July 1999), LR 28:2190 (October 2002), LR 30:1023 (May 2004), LR 32:845 (May 2006), LR 34:2619 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1009 (May 2010), amended by the Department of Health, Bureau of Health Services Financing LR 46:953 (July 2020).

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.

Stephen R. Russo, JD
Interim Secretary

2007#051

RULE

Department of Health Bureau of Health Services Financing

Pregnant Women Extended Services
Tobacco Cessation Counseling
(LAC 50:XV.16303 and 16305)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:16303 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50

PUBLIC HEALTH-MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 13. Pregnant Women Extended Services

Chapter 163. Substance Use Screening and Intervention Services

§16303. Scope of Services

A. - B. ...

C. Service Limits. Substance use screening and intervention services shall be limited to one occurrence per pregnancy, or once every 270 days. Pregnant women may also receive up to eight tobacco cessation counseling sessions per year. Limits may be exceeded, based on medical necessity.

C.1. - D....

1. Pregnant women may receive four counseling sessions per quit attempt, up to two quit attempts per calendar year. Limits may be exceeded, based on medical necessity. The period of coverage for these services shall include the prenatal period through 60 days postpartum. Services shall be provided:

a. - b.ii. ...

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 40:794 (April 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 46:184 (February 2020), LR 46:954 (July 2020).

§16305. Reimbursement Methodology

A. Reimbursement for substance use screening and intervention services provided to pregnant women shall be a flat fee based on the appropriate current procedural terminology (CPT) code.

1. 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, Bureau of Health Services Financing, LR 40:795 (April 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 46:184 (February 2020), LR 46:954 (July 2020).

Stephen R. Russo, JD
Interim Secretary

2007#052

RULE

Department of Natural Resources Office of Conservation

Damage Prevention
(LAC 43:XI.Chapter 27)

The Department of Natural Resources, Office of Conservation has amended LAC 43:XI 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 regulations are a result of Act No. 218 of the 2017 Regular Session. This Rule is hereby adopted on the day of promulgation.

Title 43

NATURAL RESOURCES

Part XI. Office of Conservation—Pipeline Division

Subpart 6. Damage Prevention

Chapter 27. Damage Prevention

§2701. Scope

A. This Chapter applies to the prevention of damage of underground pipelines.

B. It is the public policy of this state to promote the protection of property, workmen, and citizens in the immediate vicinity of an underground pipeline from damage, death, or injury and to promote the health and well-being of the community by preventing the interruption of essential services which may result from the destruction of, or damage to, underground pipelines.

AUTHORITY NOTE: Promulgated in accordance with 40:1749.27.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:954 (July 2020).

§2703. Definitions

A. The following words and terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise.

Agricultural Excavator—a person who owns or operates a farm and is directly involved in the cultivation of land or crops or who raises livestock.

Commissioner—the commissioner of conservation.

Damage—any defacing, scraping, gouging, breaking, cutting, or displacement of, impact upon or removal of an underground pipeline or its means of primary support.

Demolisher—any person engaged in the act of demolishing as defined in this Section.

Demolition—the total or partial wrecking, razing, rendering, moving, or removing of any building or structure, movable or immovable.

Emergency—any crisis situation which poses an imminent threat or danger to life, health, or property requires immediate action, and immediate action is taken.

Excavation or *Excavate*—any operation causing movement or removal of earth, rock, or other materials in or on the ground or submerged in a marine environment that could reasonably result in damage to underground or submerged pipelines by the use of powered or mechanical or manual means, including but not limited to pile driving, digging, blasting, augering, boring, back filling, dredging, compaction, plowing-in, trenching, ditching, tunneling, land-leveling, grading, and mechanical probing. *Excavation* or *excavate* shall not include manual probing or any force majeure, act of God, or act of nature.

Excavator—any person who engages in excavation operations.

Inclement Weather—weather that prohibits or impedes a worker's use of his locating equipment or causes undue risk to himself or his equipment such as lightning, heavy rain, tornadoes, hurricanes, floods, sleet, snow, or flooding conditions.

Mark by Time—the date and time provided by the regional notification center by which the pipeline operator is required to mark the location or provide information to enable an excavator or demolisher, using reasonable and prudent means, to determine the specific location of the pipeline as provided for in §2707. The mark by time may be extended if mutually agreed upon and documented between the excavator and operator.

Operator—any person who owns or operates a pipeline as defined by this Chapter.

Person—an individual, firm, partnership, association, limited liability company, corporation, joint venture, municipality, governmental agency, political subdivision, or agent of the state or any legal representative thereof.

Pipeline—all intrastate and interstate pipeline facilities defined by 49 CFR 192.3 and 49 CFR 195.2.

Regional Notification Center—any one of the following:

a. an entity designated as nonprofit by the Internal Revenue Service under Section 501(c) of the Internal Revenue Code and which is organized to protect its members from damage and is certified by the Department of

Public Safety and Corrections in accordance with R.S. 40:1749.18;

b. an organization of operators, consisting of two or more separate operators who jointly have underground utilities or facilities in three or more parishes in Louisiana, which is organized to protect its own installation from damage and has been certified by the Department of Public Safety and Corrections in accordance with R.S. 40:1749.18;

c. an operator who has underground utilities or facilities in a majority of parishes in Louisiana and is organized to protect its own installation from damage, and has been certified by the Department of Public Safety and Corrections in accordance with this Part.

Underground Pipeline—any pipeline as defined by this Chapter which is buried, placed below ground or submerged

Wildfire—an uncontrolled combustion of natural vegetation.

AUTHORITY NOTE: Promulgated in accordance with 40:1749.27.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:955 (July 2020).

§2705. Excavation and Demolition; Prohibitions

A. Except as provided in this Section, no person shall excavate or demolish in any street, highway, public place, or servitude of any operator, or near the location of an underground pipeline, or on the premises of a customer served by an underground pipeline without having first ascertained, in the manner prescribed in Subsection B of this Section, the specific location as provided in §2707 of all underground pipelines in the area which would be affected by the proposed excavation or demolition.

B. Except as provided in §2709, prior to any excavation or demolition, each excavator or demolisher shall serve telephonic or electronic notice of the intent to excavate or demolish to the regional notification center or centers serving the area in which the proposed excavation or demolition is to take place and shall include the specific location where the excavation or demolition is to be performed. Such notice shall be given to the notification center at least 48 hours, but not more than 120 hours, excluding weekends and holidays, in advance of the commencement of any excavation or demolition activity. Holidays shall consist of the following: New Year's Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Eve; and Christmas Day, or the days on which those holidays are observed by the state. The marking of an operator's pipeline shall be provided for excavation or demolition purposes only.

1. This notice shall contain the name, address, and telephone number of the person filing the notice of intent, and, if different, the person responsible for the excavation or demolition, the starting date, anticipated duration, and description of the specific type of excavation or demolition operation to be conducted, the specific location of the proposed excavation or demolition and a statement as to whether directional boring or explosives are to be used. If the excavation or demolition is part of a larger project, the notice shall be confined to the actual area of proposed excavation or demolition that will occur during the 20-day time period under §2707.

2. The excavator or demolisher shall wait at least 48 hours, beginning at 7 a.m. on the next working day, following notification, unless mutually agreed upon and

documented by the excavator and operator to extend such time, before commencing any excavation or demolition activity, except in the case of an emergency as defined in the provisions of this Chapter or if informed by the regional notification center that no operators are to be notified.

3. Concerning pipelines located on or in water, when an extension of time to mark a pipeline cannot be agreed upon and the operator has determined said pipeline(s) cannot be adequately marked by the mark by time listed on the Regional Notification Center ticket, the operator may appeal to the commissioner for an extension to the mark by time. Said request shall be made via e-mail to PipelineInspectors@la.gov and the contact e-mail listed on the regional notification center ticket shall be copied on the request. The request shall contain the ticket no., location of the pipe and a summary explaining why the line cannot be located by the mark by time. The request shall be made on a form as provided by the commissioner.

C. This Chapter shall not apply to activities by operators or landowners excavating their own underground pipelines on their own property or operators' exclusive right-of-way provided there is no encroachment on the rights-of-way of any operator and the operator controls access to the location.

D. Excavators may use white paint as marking under American Public Works Association guidelines.

AUTHORITY NOTE: Promulgated in accordance with 40:1749.27.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:955 (July 2020).

§2707 Regional Notification Center

A. Each operator of an underground pipeline, after having received the notification request from the regional notification center of an intent to excavate, shall supply, prior to the proposed excavation, the following information to the person responsible for the excavation:

1. The specific location and type of all of its underground pipelines which may be damaged as a result of the excavation or demolition. If the surface over the buried or submerged pipeline is to be removed, supplemental offset markings may be used. Offset markings shall be on a uniform alignment and shall clearly indicate that the actual facility is a specific distance away.

2. Unless otherwise required by federal or state statutes, the specific location and type of underground pipeline may, at the operator's option, be marked to locate the pipelines. If the pipelines are visibly marked by the operator, they shall be marked by the operator by color coded paint, flags, or stakes or similar means using the American Public Works Association color code.

a. When the operator has marked the location of underground pipelines, the marking shall be deemed good as long as visible but not longer than 20 calendar days, including weekends and holidays, from the mark by time. An additional notice to the regional notification center shall be given by the excavator or demolisher in accordance with the provisions of this Chapter when the marks are no longer visible or if the excavation or demolition cannot be completed within 20 calendar days from the mark by time, whichever occurs first.

b.i. Concerning locations of excavation in or on water, an excavator may request an extension to the expiration date of a regional notification center ticket under the following circumstances:

(a). no utilities other than pipelines are listed on the regional notification center ticket; and

(b). the pipeline markings are still visible.

ii. Requests for an extension shall be made via e-mail to PipelineInspectors@la.gov on a form as provided by the commissioner. The operator(s) listed on the regional notification center ticket shall be copied on the extension request.

c. The excavator shall use all reasonable and prudent means, within common industry practice, to protect and preserve all marks of the underground pipeline.

3. If the pipeline(s) cannot be physically located, the operator shall provide information to enable an excavator using reasonable and prudent means to determine the approximate location of the pipeline. The information provided by the operator shall include a contact person and a specific telephone number for the excavators to call. After the operator has received the notification request, the information on location, size, and type of underground pipeline must be provided by the operator to the excavator prior to excavation.

4. In the event of inclement weather as defined in this Chapter, the mark by time shall be extended by a duration equal to the duration of the inclement weather. The owner or operator shall notify the excavator or demolisher before the expiration of the mark by time of the need for such extension.

5. Should an operator determine that their pipeline(s) is not in conflict with the location of the request or should the pipeline(s) not be fully marked for locating purposes, a notification shall be sent to the excavator prior to the mark by time. A response to the Regional Notification Center that generated the locate request shall suffice for compliance with this section.

B. For the purpose of this Section, the specific location of the underground pipeline(s) is defined as an area not wider than the width of the underground pipeline as marked plus eighteen inches on either side.

AUTHORITY NOTE: Promulgated in accordance with 40:1749.27.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:956 (July 2020).

§2709. Emergency Excavation; Notice Required; Penalty

A. The notice required pursuant to §2705 shall not apply to any person conducting an emergency excavation. Oral notice of the emergency excavation shall be given as soon as practicable to the regional notification center or each operator having underground pipelines located in the area and, if necessary, emergency assistance shall be requested from each operator in locating and providing immediate protection to its underground pipelines.

B. The excavator shall orally certify in the notice required in Subsection A of this Section that the situation poses an imminent threat or danger to life, health, or property and requires immediate action and that the excavator has a crew on site.

C. There is a rebuttable presumption that the excavator failed to give notice as required pursuant to this Section if the excavator failed to give any notice to the regional notification center within the following time periods:

1. within four hours of the beginning of the emergency excavation;

2. in the case of a gubernatorially declared state of emergency due to a tropical storm or hurricane event, within 12 hours of the beginning of the emergency excavation within the parishes to which the emergency declaration applies;

3. in the case of a wildfire, within 24 hours after control of the emergency.

AUTHORITY NOTE: Promulgated in accordance with 40:1749.27.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:956 (July 2020).

§2711. Precautions to Avoid Damage

A. In addition to the notification requirements in §2705 and §2707 and the emergency notification requirements in §2709, each person responsible for an excavation or demolition operation shall do the following.

1. Plan the excavation or demolition to avoid damage to or minimize interference with underground pipelines in and near the construction area.

2. Maintain a safe clearance between the underground pipelines and the cutting edge or point of any power or mechanized equipment, taking into account the known limit of control of the cutting edge or point to avoid damage to pipelines.

3. Provide support for underground pipelines in and near the construction area, during excavation and back filling operations, as may be reasonably necessary to protect any pipelines.

4. Dig test pits to determine the actual location of pipelines if said lines are to be exposed.

AUTHORITY NOTE: Promulgated in accordance with 40:1749.27.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:957 (July 2020).

§2713. Excavation or Demolition; Repair of Damage

A. Each person responsible for any excavation or demolition operations which result in any damage to an underground pipeline shall, immediately upon discovery of that damage, notify the owner or operator of the pipeline of the location and nature of the damage and shall allow the owner or operator reasonable time to accomplish necessary repairs before continuing the excavation, demolition, or back filling in the immediate area of damage.

B. Each person responsible for an excavation or demolition operation which results in damage to an underground pipeline permitting the escape of any flammable, toxic, or corrosive fluids/gases shall, immediately upon discovery of that damage.

1. Notify the owner or operator of the pipeline as provided in Subsection A, and all other appropriate emergency response personnel, including 911 and the local law enforcement and fire departments and allow the owner or operator reasonable time to accomplish necessary repairs before continuing the excavation, demolition, or back filling in the immediate area of damage.

2. Take any other action as may be reasonably necessary to protect persons and property and to minimize hazards until arrival of the owner or operator's personnel and police or fire department.

3. Comply with any other notification process required by law or regulation.

C. For the purposes of this Chapter, failure to comply with the provisions of Subsection B shall constitute a single violation, except as provided below by Subsection D.

D. After discovery of the damage, each day that an excavator or demolisher fails to comply with the provisions of Subsection B shall be considered a separate violation.

AUTHORITY NOTE: Promulgated in accordance with 40:1749.27.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 46:957 (July 2020).

Richard P. Ieyoub
Commissioner

2007#032

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2020-2022 General and Wildlife Management Hunting Seasons and Regulations (LAC 76:XIX.Chapter 1)

The Wildlife and Fisheries Commission has amended the general and wildlife management area rules and regulations for the 2020-2021 season, the resident game hunting season for the 2020-2022 hunting seasons, the general and wildlife management area rules and regulations for the turkey season, the turkey hunting areas, and seasons, and bag limits for the 2021 turkey season, and the migratory bird seasons, regulations, and bag limits for the 2020-2022 hunting season. 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

§101. General

A. The resident game hunting season regulations have been adopted by the Wildlife and Fisheries Commission. A complete copy of the regulations pamphlet may be obtained from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), LR 30:1493 (July 2004), LR 31:1627 (July 2005), LR 32:1253 (July 2006), LR 33:1399 (July 2007), LR 34:1447 (July 2008), LR 35:1278 (July 2009), LR 36:1580 (July 2010), LR 37:2206 (July 2011), LR 38:1747 (July 2012), LR 39:2307 (August 2013), LR 40:1534 (August 2014), LR 41:958 (May 2015), LR 42:1107 (July 2016), LR 44:1273 (July 2018), LR 45:933 (July 2019), LR 46:957 (July 2020).

§103. Resident Game Birds and Animals

A. Shooting Hours—one-half hour before sunrise to one-half hour after sunset.

B. Consult Regulation Pamphlet for Seasons or Specific Regulations on Wildlife Management Areas or Specific Localities

Species	Season Dates	Daily Bag Limit	Possession Limit
Quail	OPENS: 3rd Saturday of November CLOSES: Last Day of February	10	30
Rabbit and Squirrel	OPENS: 1st Saturday of October CLOSES: Last Day of February	8	24
Squirrel*	OPENS: 1st Saturday of May for 23 days	3	9

Species	Season Dates	Daily Bag Limit	Possession Limit
Deer 2020-2021	See Schedule	1 antlered and 1 antlerless (when legal)	Deer Areas 1,2,3,5,6,7,8, and 9 6/season (not to exceed 3 antlered deer or 4 antlerless deer). Deer Areas 4 and 10 limit 3/season (not to exceed 2 antlered or 2 antlerless deer).

*NOTE: Spring squirrel season is closed on the Kisatchie National Forest, National Wildlife Refuges, U.S. Army Corps of Engineers property. Some state wildlife management areas will be open, check WMA season schedule.

C. Deer Hunting Schedule 2020-2021

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
1	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
2	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: Next to last Sat. of Oct. CLOSES: Fri. before last Sat. of Oct. OPENS: Mon. after the last day of Modern Firearm Season in Jan. CLOSES: After 7 days.	OPENS: Last Sat. of Oct. CLOSES: Tues. before 2nd Sat. of Dec. in odd numbered years and on Wed. during even numbered years EXCEPT when there are 5 Sats. in Nov. and then it will close on the Tues. in odd numbered years or Wed. during even numbered years before the 1st Sat. of Dec.	OPENS: Wed. before the 2nd Sat. of Dec. in odd numbered years and on Thurs. during even numbered years EXCEPT when there are 5 Sats. in Nov., then it will open on the Wed. before the 1st Sat. of Dec. on odd years and Thurs. during even numbered years CLOSES: 40 days after opening in odd numbered years or 39 days after opening in even numbered years
3	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
4	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
5	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	(All Either Sex except as noted.) OPENS: 2 nd Sat. of Nov. CLOSES: Fri. before 3 rd Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. Bucks Only CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3 rd Sat. of Nov. CLOSES: Fri. before 2 nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1 st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3 rd Sat. of Nov. CLOSES: Sun. of the same weekend. (EITHER SEX) OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2 nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1 st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2 nd Sat. of Dec. CLOSES: Sun. after 2 nd Sat. of Dec. (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. before Christmas (EITHER SEX).
6	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2 nd Sat. of Nov. CLOSES: Fri. before 3 rd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3 rd Sat. of Nov. CLOSES: Fri. before 2 nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1 st Sat. of Dec.	OPENS: 2 nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1 st Sat. of Dec. CLOSES: Next to last Sun. of Jan.
7	OPENS: 3 rd Sat. of Sept. CLOSES: Jan. 15.	OPENS: 2 nd Sat. of Oct. CLOSES: Fri. before 3 rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3 rd Sat. of Oct. CLOSES: Sun. after Thanksgiving	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
8	OPENS: 3 rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2 nd Sat. of Oct. CLOSES: Fri. before 3 rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3 rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day.	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
9	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2 nd Sat. of Nov. CLOSES: Fri. before 3 rd Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. Bucks Only CLOSES: Last day of Jan. Bucks Only	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3 rd Sat. of Nov. CLOSES: Fri. before 2 nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1 st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3 rd Sat. of Nov. CLOSES: Sunday of the same weekend. (EITHER SEX) OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2 nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1 st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2 nd Sat. of Dec. CLOSES: Sun. after 2 nd Sat. of Dec. (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. before Christmas.
10	OPENS: 3 rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2 nd Sat. of Oct. CLOSES: Fri. before 3 rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearms CLOSES: after 7 days	OPENS: 3 rd Sat. of Oct. CLOSES: 38 days after Thanksgiving Day	

D. Deer Hunting Schedule 2021-2022

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
1	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
2	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: Next to last Sat. of Oct. CLOSES: Fri. before last Sat. of Oct. OPENS: Mon. after the last day of Modern Firearm Season in Jan. CLOSES: After 7 days.	OPENS: Last Sat. of Oct. CLOSES: Tues. before 2nd Sat. of Dec. in odd numbered years and on Wed. during even numbered years EXCEPT when there are 5 Sats. in Nov. and then it will close on the Tues. in odd numbered years or Wed. during even numbered years before the 1st Sat. of Dec.	OPENS: Wed. before the 2nd Sat. of Dec. in odd numbered years and on Thurs. during even numbered years EXCEPT when there are 5 Sats. in Nov., then it will open on the Wed. before the 1st Sat. of Dec. on odd years and Thurs. during even numbered years CLOSES: 40 days after opening in odd numbered years or 39 days after opening in even numbered years
3	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
4	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
5	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	(All Either Sex except as noted.) OPENS: 2 nd Sat. of Nov. CLOSES: Fri. before 3 rd Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. Bucks Only CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3 rd Sat. of Nov. CLOSES: Sun. of the same weekend. (EITHER SEX) OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. before Christmas.
6	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan.

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
7	OPENS: 3 rd Sat. of Sept. CLOSES: Jan. 15.	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
8	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day.	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
9	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2 nd Sat. of Nov. CLOSES: Fri. before 3 rd Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. CLOSES: Last day of Jan. Bucks Only	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3 rd Sat. of Nov. CLOSES: Sunday of the same weekend. (EITHER SEX) OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. before Christmas
10	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearms CLOSES: After 7 days		

E. Farm-raised white-tailed deer on supplemented shooting preserves:

1. archery, firearm, primitive firearms—October 1-January 31 (either-sex).

F. Exotics on supplemented shooting preserves:

1. either sex—no closed season.

G. Spring squirrel hunting:

1. season dates—opens 1st Saturday of May for 23 days;

2. closed areas:

a. Kisatchie National Forest, national wildlife refuges, and U.S. Army Corps of Engineers property and all WMAs except as provided in Paragraph 3 below;

3. wildlife management area schedule—opens first Saturday of May for nine days on all WMAs except Fort Polk, Peason Ridge, Camp Beauregard, Pass-a-Loutre and Salvador. Dogs are allowed during this season for squirrel hunting;

4. limits—daily bag limit is three and possession limit is nine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:109(B) and R.S. 56:141(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), repromulgated LR 25:1526 (August 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), repromulgated LR 29:1521 (August 2003), amended LR 30:1494 (July 2004), LR 31:1627 (July 2005), LR

32:1254 (July 2006), LR 33:115 (January 2007), LR 33:1399 (July 2007), LR 34:1447 (July 2008), LR 35:1278 (July 2009), LR 35:2856 (December 2009), LR 36:1580 (July 2010), LR 37:2207 (July 2011), LR 38:1747 (July 2012), LR 39:2307 (August 2013), LR 40:1535 (August 2014), LR 41:958 (May 2015), LR 42:1108 (July 2016), LR 43:1420 (July 2017), LR 44:1273 (July 2018), LR 45:934 (July 2019), LR 46:957 (July 2020).

§111. General and Wildlife Management Area Hunting Rules and Regulations

A. Hunting Seasons and Wildlife Management Area (WMA) Regulations

1. The rules and regulations contained within this digest have been officially approved and adopted by the Wildlife and Fisheries Commission under authority vested by sections 115 and 116 of title 56 of the *Louisiana Revised Statutes* of 1950 and are in full force and effect in conjunction with all applicable statutory laws. The secretary of the Department of Wildlife and Fisheries (LDWF) has the authority to close or alter seasons in emergency situations in order to protect fish and wildlife resources.

2. Pursuant to section 40.1 of title 56 of the *Louisiana Revised Statutes* of 1950, the Wildlife and Fisheries Commission has adopted monetary values which are assigned to all illegally taken, possessed, injured or destroyed fish, wild birds, wild quadrupeds and other wildlife and aquatic life. Anyone taking, possessing, injuring or destroying fish, wild birds, wild quadrupeds and other wildlife and aquatic life shall be required to reimburse the LDWF a sum of money equal to the value of the wildlife illegally taken, possessed, injured or destroyed. This

monetary reimbursement shall be in addition to any and all criminal penalties imposed for the illegal act.

B. Resident Game Birds and Animals

1. Shooting hours: one-half hour before sunrise to one-half hour after sunset.

C. Other Season Dates

1. Turkey. Please refer to turkey regulations.

2. Raccoon and Opossum. No closed season. Raccoon and opossum can be taken at night by one or more licensed hunters with one or more dogs and one .22 caliber or smaller rimfire firearm. A licensed hunter may take raccoon or opossum with .22 caliber or smaller rimfire firearm, .36 caliber or smaller muzzleloader rifle or shotgun during daylight hours. Hunting from boats or motor vehicles is prohibited. No bag limit for nighttime or daytime raccoon or opossum hunting during the open trapping season except on certain WMAs as listed. The remainder of the year, the raccoon and opossum bag limit for daytime or nighttime is two per person per day or night. No one who hunts raccoons or opossums as prescribed above shall pelt during the closed trapping season nor sell skins or carcasses of raccoons and opossums taken during the open trapping season unless he is the holder of a valid trapping license which shall be required in addition to his basic hunting license. Pelting or selling carcasses is illegal during closed trapping season.

3. Nutria. On WMAs and private property nutria may be taken recreationally by licensed hunters from September 1 through the last day of February, during legal shooting hours by any legal hunting method with a daily limit of five. Except nutria may be taken on Atchafalaya Delta, Salvador/Timken, Pointe-Aux-Chenes and Pass-a-Loutre WMAs from September 1 to March 31. When taken with a shotgun, non-toxic shot must be used. On WMAs during waterfowl seasons, nutria may be taken only with the use of shotguns with shot no larger than F steel, and during gun deer seasons, anyone taking nutria must display 400 square inches of "hunter orange" and wear a "hunter orange" cap or hat. Recreational nutria hunters must remove each nutria carcass in whole condition from the hunting area, except that nutria may be gutted. Possession of detached nutria parts, including nutria tails, by recreational hunters is illegal. Nutria harvested recreationally may not be pelted nor may such nutria or any nutria parts from recreationally taken nutria be sold, including the tail. Trespassing upon private property for the purpose of taking nutria or other furbearing animals is punishable by fines and possible jail time (R.S. 56:265). The Coastwide Nutria Control Program is a separate program and is in no way related to the nutria recreational season. For questions on the Coastwide Nutria Control Program, call the Lafayette Field Office, (337) 735-8672.

4. Blackbirds and Crows. The season for crows shall be September 1 through January 1 with no limit; however crows, blackbirds, cowbirds and grackles may be taken year round during legal shooting hours if they are depredate or about to depredate upon ornamentals or shade trees, agricultural crops, livestock, wildlife, or when concentrated in such numbers as to cause a health hazard. Louisiana has determined that the birds listed above are crop depredate and that crows have been implicated in the spread of the West Nile virus in humans. As described in 50 CFR Part 21, non-toxic shot must be used for the take of crows,

blackbirds, cowbirds and grackles under the special depredate order. In addition an annual report has to be submitted to the U.S. Fish and Wildlife Service for those that participate in the take of these species.

5. Pheasant. Open concurrently with the quail season; no limit.

6. Falconry. Special permit required. Resident and migratory game species may be taken except turkeys. Seasons and bag limits are the same as for statewide and WMA regulations. Refer to LAC 76:V.301 for specific falconry rules.

7. Licensed Hunting Preserve, October 1-April 30, Pen-Raised Birds Only. No limit entire season. Refer to LAC 76:V.305 for specific hunting preserve rules.

8. Deer Management Assistance Program (DMAP). Refer to LAC 76:V.111 for specific DMAP rules. Deer management assistance tags must be in the possession of the hunter in order to harvest an antlerless deer. The tag shall be attached through the hock in such a manner that it cannot be removed before the deer is transported (including those taken on either-sex days and those taken with approved archery equipment or primitive firearms). Failure to do so is a violation of R.S. 56:115. Deer harvested on property enrolled in DMAP do not count in the season or daily bag limit for hunters when legally tagged with DMAP tags. Failing to follow DMAP rules and regulations may result in suspension and cancellation of the program on those lands involved.

9. Farm Raised White-tailed Deer and Exotics on Licensed Supplemented Shooting Preserves

a. Definitions

Exotics—for purposes of this Section means any animal of the family *Bovidae* (except the *Tribe Bovini* [cattle]) or *Cervidae* which is not indigenous to Louisiana and which is confined on a supplemented hunting preserve. *Exotics* shall include, but are not limited to, fallow deer, red deer, elk, sika deer, axis deer, and black buck antelope.

Hunting—in its different tenses and for purposes of this Section means to take or attempt to take, in accordance with R.S. 56:8.

Same as Outside—for purposes of this Section means hunting on a supplemented hunting preserve must conform to applicable statutes and rules governing hunting and deer hunting, as provided for in title 56 of the *Louisiana Revised Statutes* and as established annually by the Wildlife and Fisheries Commission.

Supplemented Hunting Preserve—for purposes of this Section means any enclosure for which a current farm-raising license has been issued by the Department of Agriculture and Forestry (LDAF) with concurrence of the LDWF and is authorized in writing by the LDAF and LDWF to permit hunting.

White-Tailed Deer—for purposes of this Rule means any animal of the species *Odocoileus virginianus* which is confined on a supplemented hunting preserve.

b. Seasons:

i. farm-raised white-tailed deer: consult the regulations pamphlet;

ii. exotics: year round.

c. Methods of take:

i. white-tailed deer: same as outside;

ii. exotics: exotics may be taken with traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; handguns and rifles no smaller than .22 caliber centerfire; or muzzleloading rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including sabot bullets only and other approved primitive firearms.

d. Shooting hours:

i. white-tailed deer: same as outside;

ii. exotics: one-half hour before sunrise to one-half hour after sunset.

e. Bag limit:

i. farm-raised white-tailed deer: same as outside;

ii. exotics: no limit.

f. Hunting licenses:

i. white-tailed deer: same as outside;

ii. exotics: no person shall hunt any exotic without possessing a valid basic and big game hunting license.

g. Tagging. White-tailed deer and exotics: each animal shall be tagged in the left ear or left antler immediately upon being killed and before being moved from the site of the kill with a tag provided by the LDAF. The tag shall remain with the carcass at all times.

10. Bobcat. No person other than the holder of a valid big game license may take or possess bobcat, except licensed trappers who may take or possess bobcat during the open trapping season. A big game licensee shall only take bobcat during the time period from one-half hour before sunrise to one-half hour after sunset with approved archery equipment, shotgun, muzzleloader or centerfire firearm. A big game licensee shall not take more than one bobcat per calendar year. This regulation applies only to property that is privately owned, state WMAs, Kisatchie National Forest, and the Bayou des Ourses, Bodcau, Bonnet Carre, and Indian Bayou tracts owned by the Corps of Engineers, but does not apply to state wildlife refuges, or other federally owned refuges and lands. On state WMAs and Kisatchie National Forest, the take of bobcat is restricted to those open seasons on the WMAs which require the respective legal weapons noted above.

D. Hunting—General Provisions

1. A basic resident or non-resident hunting license is required of all persons to hunt, take, possess or cause to be transported by any other person any wild bird or quadruped. See information below for exceptions.

2. No person born on or after September 1, 1969, shall hunt unless that person has first been issued a certificate of satisfactory completion of a firearm and hunter education course approved by the department, except any active or veteran member of the United States armed services or any POST-certified law enforcement officer. Application for the exemption shall be filed in person at the LDWF main office building in the city of Baton Rouge. A person under 16 years of age may hunt without such certificate if he/she is accompanied by and is under the direct supervision of a person who was born before September 1, 1969, and has a valid hunting license or who is 18 years of age or older and

has proof of successful completion of a firearm and hunter education course approved by the department.

3. A big game license is required in addition to the basic hunting license to hunt, take, possess or cause to be transported any deer. A separate wild turkey license is required in addition to the basic hunting license and the big game license to hunt, take, possess or cause to be transported any turkey.

4. Taking game quadrupeds or birds from aircraft or participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

5. Methods of Taking Resident Game Birds and Quadrupeds

a. It is illegal to intentionally feed, deposit, place, distribute, expose, scatter, or cause to be fed, deposited, placed, distributed, exposed, or scattered raw sweet potatoes to wild game quadrupeds.

b. Use of a traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means or a shotgun not larger than a 10 gauge fired from the shoulder shall be legal for taking all resident game birds and quadrupeds. Also, the use of a handgun, rifle and falconry (special permit required) shall be legal for taking all game species except turkey. It shall be illegal to hunt or take squirrels or rabbits at any time with a breech-loaded rifle or handgun larger than .22 caliber, any centerfire firearm, or a muzzleloading firearm larger than .36 caliber. It shall be legal to hunt or take squirrels, rabbits, and outlaw quadrupeds with air rifles.

c. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs is prohibited when or where a still hunting season or area is designated, and will be strictly enforced. Shotguns larger than 10 gauge or capable of holding more than three shells shall be prohibited. Plugs used in shotguns must be incapable of being removed without disassembly. Refer to game schedules contained within these regulations for specific restrictions on the use of firearms and other devices.

d. No person shall take or kill any game bird or wild quadruped with a firearm fitted with an infrared sight, laser sight, or except as provided in R.S. 56:116(A)(8) any sighting device which projects a beam of light to the target or otherwise electronically illuminates the target, or device specifically designed to enhance vision at night [R.S. 56:116.1(B)(3)].

6. Nuisance Animals. Landowners or their designees may remove beaver and nutria causing damage to their property without a special permit. Water set traps and firearms may be used to remove beaver; nutria may be removed by any means except that nutria cannot be taken by the use of headlight and gun between the hours of sunset and sunrise. With a special permit issued by the LDWF, beavers may be taken between one-half hour after official sunset to one-half hour before official sunrise for a period of three consecutive calendar evenings from the effective date of the permit. Any nuisance beaver or nutria trapped or shot outside open trapping season cannot be pelted or sold. A trapping license is required to sell or pelt nuisance beavers or nutria taken during open trapping season. Squirrels found depredating commercial crops of pecans may be taken year-

round by permit issued by the LDWF. This permit shall be valid for 30 days from the date of issuance. Contact the local region office for details.

7. Threatened and endangered species. Taking or harassment of any of these species is a violation of state and federal laws. (LAC 76:1.317)

1. Invertebrates		
Pink Mucket	<i>Lampsilis abrupta</i>	E
Louisiana Pearlshell	<i>Margaritifera hembeli</i>	T
Fat Pocketbook	<i>Potamilus capax</i>	E
Inflated Heelsplitter	<i>Potamilus inflatus</i>	T
Rabbitsfoot	<i>Quadrula cylindrica</i>	T
2. Fish		
Gulf Sturgeon	<i>Acipenser oxyrinchus desotoi</i>	T
Pallid Sturgeon	<i>Scaphirhynchus albus</i>	E
Smalltooth Sawfish	<i>Pristis pectinata</i>	E
3. Amphibians		
Dusky Gopher Frog	<i>Lithobates sevosus</i>	E
4. Reptiles (including eggs)		
Loggerhead Sea Turtle	<i>Caretta caretta</i>	T
Green Sea Turtle	<i>Chelonia mydas</i>	T
Hawksbill Sea Turtle	<i>Eretmochelys imbricata</i>	E
Kemp's Ridley Sea Turtle	<i>Lepidochelys kempii</i>	E
Leatherback Sea Turtle	<i>Dermochelys coriacea</i>	E
Ringed Map Turtle	<i>Graptemys oculifera</i>	T
Gopher Tortoise	<i>Gopherus polyphemus</i>	T
Black Pinesnake	<i>Pituophis melanoleucus lodingi</i>	T
Louisiana Pinesnake	<i>Pituophis ruthveni</i>	T
5. Birds (including eggs)		
Whooping Crane	<i>Grus americana</i>	E
Piping Plover	<i>Charadrius melodus</i>	T
Red Knot	<i>Calidris canutus rufa</i>	T
Interior Least Tern	<i>Sternula antillarum athalassos</i>	E
Red-cockaded Woodpecker	<i>Picoides borealis</i>	E
6. Mammals		
West Indian Manatee	<i>Trichechus manatus</i>	T
Northern Long-eared Bat	<i>Myotis septentrionalis</i>	T
Sperm Whale	<i>Physeter macrocephalus</i>	E
Florida Panther	<i>Felis concolor coryi</i>	E
7. Plants		
American Chaffseed	<i>Schwalbea americana</i>	E
Earth-fruit	<i>Geocarpon minimum</i>	T
Louisiana Quillwort	<i>Isoetes louisianensis</i>	E
Pondberry	<i>Lindera melissifolia</i>	E
E = Endangered; T = Threatened		

8. Outlaw Quadrupeds. Holders of a legal hunting license may take coyotes, feral hogs, and armadillos year round during legal daylight shooting hours. The running of coyotes with dogs is prohibited in all turkey hunting areas during the open turkey season. Coyote hunting is restricted to chase only when using dogs during still hunting segments of the firearm and archery only seasons for deer. Foxes are protected quadrupeds and may be taken only with traps by licensed trappers during the trapping season. Remainder of the year "chase only" allowed by licensed hunters.

9. Nighttime Take of Nuisance Animals and Outlaw Quadrupeds. On private property, the landowner, or his lessee or agent with written permission from the landowner and the landowner's contact information in his possession, may take outlaw quadrupeds (coyotes, armadillos and feral hogs), nutria, or beaver during the nighttime hours from one-half hour after official sunset on the last day of February to

one-half hour after official sunset the last day of August of that same year or as provided for by LAC 76:V.126. Such taking may be with or without the aid of artificial light, infrared or laser sighting devices, or night vision devices. In addition, pursuant to R.S. 56:116(D)(3) any person who is authorized to possess a firearm suppressor may use a firearm fitted with a sound suppressor when taking outlaw quadrupeds, nutria, or beaver. Any person attempting to take outlaw quadrupeds under the provisions of the paragraph, within 24 hours prior to the attempted taking, shall notify the sheriff of the parish in which the property is located and the LDWF Enforcement Division by calling (800) 442-2511 of their intention to attempt to take outlaw quadrupeds under the provision of this Paragraph.

10. Hunting and/or Discharging Firearms on Public Roads. Hunting, standing, loitering or shooting game quadrupeds or game birds while on a public road or public road right-of-way is prohibited. Hunting or the discharge of firearms on roads or highways located on public levees or within 100 feet from the centerline of such levee roads or highways is prohibited. Spot lighting or shining from public roads is prohibited by state law. Hunting from all public roads and public road rights-of-way is prohibited.

11. Tags. Any part of the deer or wild turkey divided shall have affixed thereto the name, date, address and big game license number of the person killing the deer or wild turkey and the sex of that animal. This information shall be legibly written in pen or pencil, on any piece of paper or cardboard or any material, which is attached or secured to or enclosing the part or parts. On lands enrolled in DMAP, deer management assistance tags must be attached and locked through the hock of antlerless deer, (including those taken with approved archery and primitive firearms, and those antlerless deer taken on either-sex days) in a manner that it cannot be removed, before the deer is moved from the site of the kill.

12. Sex Identification. Positive evidence of sex identification, including the head or sex organs, shall remain on any deer taken or killed within the state of Louisiana, or on all turkeys taken or killed so long as such deer or turkey is kept in camp or field, or is in route to the domicile of its possessor, or until such deer or turkey has been stored at the domicile of its possessor or divided at a cold storage facility and has become identifiable as food rather than as wild game.

E. General Deer Hunting Regulations

1. Prior to hunting deer, all deer hunters, regardless of age or license status, must obtain deer tags and have in possession when hunting deer. Immediately upon harvesting a deer, the hunter must tag the deer with the appropriate carcass tag and document the kill on the deer tag license. Within 72 hours of the kill, the hunter must validate the kill. Hunters harvesting deer on DMAP lands can validate deer per instructions by LDWF using the DMAP harvest data sheets. Hunters on WMAS can validate deer during mandatory deer check hunts, when deer check stations are in operation. Hunters may validate deer by calling the validation toll free number or using the validation website.

2. 2020-2021 Season. One antlered and one antlerless deer per day (when legal) except on Kisatchie National Forest, Indian Bayou Area owned by the US Army Corps of Engineers, and some federal refuges (check refuge

regulations) where the daily limit shall be one deer per day. Antlerless deer may be harvested during entire deer season on private lands (all seasons included) except as specified in deer hunting schedule. This does not apply to public lands (WMAs, national forest lands, and federal refuges) which will have specified either-sex days.

3. 2021-2022 Season. One antlered and one antlerless deer per day (when legal) except on Kisatchie National Forest, Indian Bayou area owned by the US Army Corps of Engineers, and some federal refuges (check refuge regulations) where the daily limit shall be one deer per day. Antlerless deer may be harvested during entire deer season on private lands (all seasons included) except as specified in deer hunting schedule. This does not apply to public lands (WMAs, national forest lands, and federal refuges) which will have specified either-sex days.

4. A legal antlered deer is a deer with at least one visible antler of hardened bony material, broken naturally through the skin. Killing antlerless deer is prohibited except where specifically allowed.

5. *Either-sex deer* is defined as male or female deer. Taking or possessing spotted fawns is prohibited.

6. It is illegal to hunt or shoot deer with firearms smaller than .22 caliber centerfire or a shotgun loaded with anything other than buckshot or slug. Handguns may be used for hunting.

7. Taking game quadrupeds or birds from aircraft, participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

8. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs or moving vehicles, including ATVs, when or where a still hunting season or area is designated, is prohibited and will be strictly enforced. The training of deer dogs is prohibited in all still hunting areas during the gun still hunting and archery only season. Deer hunting with dogs is allowed in all other areas having open deer seasons that are not specifically designated as still hunting only. A leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address, and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours.

9. It is illegal to take deer while deer are swimming or while the hunter is in a boat with motor attached in operating position; however the restriction in this Paragraph shall not apply to any person who has lost one or more limbs.

10. Areas not specifically designated as open are closed.

11. It is unlawful to import, sell, use or possess scents or lures that contain natural deer urine or other bodily fluids, except natural deer urine products produced by manufacturers or entities that are actively enrolled and participating in the Archery Trade Association Deer Protection Program, which has been tested using real-time quaking induced conversion (RT-QuIC) and certified that no detectable levels of Chronic Wasting Disease (CWD) are present and is clearly labeled as such.

12. Primitive Firearms Season: Still Hunt Only. Specific WMAs will also be open, check WMA schedule for

specific details. Primitive firearms license is required for resident hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all deer hunting areas except as otherwise specified.

a. Legal Firearms for Primitive Firearms Season

i. Rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle, use black powder or approved substitute only, take ball, shot, or bullet projectile only, including sabot bullets, and may be fitted with magnified scopes.

ii. Single shot, breech loading rifles or single shot, breech loading pistols, .35 caliber or larger, having an exposed hammer, that use metallic cartridges loaded either with black powder or modern smokeless powder, and may be fitted with magnified scopes.

iii. Single shot, breech loading shotguns, 10 gauge or smaller, having an exposed hammer, loaded with buckshot or slug.

iv. Youths 17 or younger may hunt deer with any legal weapon during the primitive firearms season in each deer hunting area.

13. Archery Season. Archery license required for resident bow hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all areas open for deer hunting except when a bucks only season is in progress for gun hunting, and except in areas 6 and 9 from October 1-15. Archers must conform to the bucks only regulations. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMA. Also, archery season restricted on Atchafalaya Delta, Salvador, Lake Boeuf, and Pointe-aux-Chenes WMAs (see schedule).

a. Bow and Arrow Regulations. Traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means will be a legal means of take for all properly licensed hunters. Hunting arrows for deer must have well-sharpened broadhead points. Bow and arrow fishermen must have a sport fishing license and may not carry any arrows with broadhead points unless a big game season is in progress.

i. It is unlawful:

(a). to have in possession or use any poisoned or drugged arrow or arrows with explosive tips;

(b). to hunt deer with a bow having a pull less than 30 pounds;

(c). to hunt with a bow or crossbow fitted with an infrared, laser sight, electrically-operated sight or device specifically designed to enhance vision at night (does not include non-projecting red dot sights) [R.S. 56:116.1.B.(4)].

14. Hunter Orange or Blaze Pink. Any person hunting any wildlife during the open gun deer hunting season and possessing buckshot, slugs, a primitive firearm, or a centerfire rifle shall display on his head, chest and/or back a total of not less than 400 square inches of "hunter orange" or "blaze pink". Persons hunting on privately owned land may wear a "hunter orange" or "blaze pink" cap or hat in lieu of the 400 square inches. These provisions shall not apply to persons hunting deer from elevated stands on property that is privately owned or to archery deer hunters hunting on lands

where firearm hunting is not allowed by agreement of the landowner or lessee. However, anyone hunting deer on such lands where hunting with firearms is allowed shall be required to display the 400 square inches or a "hunter orange" or "blaze pink" cap or hat while walking to and from elevated stands. While a person is hunting from an elevated stand, the 400 square inches or cap or hat may be concealed. Warning: deer hunters are cautioned to watch for persons hunting other game or engaged in activities not requiring "hunter orange" or "blaze pink".

15. Physically Challenged Season on Private Lands (Either-Sex): first Saturday of October for two days. Restricted to individuals with physically challenged hunter permit.

16. Youth and Honorably Discharged Veterans Season on Private Lands (Either-Sex). Areas 1, 4, 5, 6 and 9: last Saturday of October for seven days; area 2: second Saturday of October for seven days; and areas 3, 7, 8 and 10: fourth Saturday of September for seven days. Youths 17 or younger only. Youths must be accompanied by an adult 18 years of age or older. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. Except properly licensed youths 16-17 years old and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. One of the following must be carried by veterans while hunting:

a. Louisiana OMV issued U.S. Veterans Driver's License; or

b. U.S. Department of Defense Form 214 or one of the following DD_214 equivalents:

i. pre DD 214 era documents (1941_1950):

(a). WE AGO (war department adjutant general) forms, to include WD AGO 53, WD AGO 55, WD AGO 53_55;

(b). JAVPERS (naval personnel) discharge documents, to include NAVPERS 553, NAVMC78PD, NAVCG 553;

ii. National Personnel Records Center NPRC "statement of service," issued as a result of a destroyed discharge record during the 1973 National Archives fire;

iii. National Guard/Air National Guard must have NGB_22 with 6 or more years of service.

F. Description of Areas, 2020-2022

1. Area 1

a. All of the following parishes are open: Concordia, East Carroll, Franklin, Madison, Richland, Tensas, West Carroll.

b. Portions of the following parishes are also open:

i. Catahoula—east of Boeuf River to Ouachita River, east of Ouachita River from its confluence with Boeuf River to LA 8, south and east of LA 8 southwesterly to parish line;

ii. Grant—east of US 165 and south of LA 8;

iii. LaSalle—south of a line beginning where Little River enters Catahoula Lake following the center of the lake eastward to Old River then to US 84, east of US 84 northward to LA 8, south of LA 8 eastward to parish line;

iv. Ouachita—south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse line at Wham Bake;

v. Rapides—east of US 165 and north of Red River.

c. Still hunting only in all or portions of the following parishes:

i. Catahoula—south of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to LA 8 at Harrisonburg, west of LA 8 to LA 913, west of LA 913 and LA 15 to Deer Creek;

ii. East Carroll—all;

iii. Franklin—all;

iv. Morehouse—east of US 165 (from Arkansas state line) to Bonita, south and east of LA 140 to junction of LA 830-4 (Cooper Lake Road), east of LA 830-4 to Bastrop, east of LA 139 at Bastrop to junction of LA 593, east and north of LA 593 to Collinston, east of LA 138 to junction of LA 134 and south of LA 134 to Ouachita line at Wham Brake;

v. Ouachita—south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse line at Wham Bake;

vi. Richland—all;

vii. West Carroll.

2. Area 2

a. All of the following parishes are open:

i. Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Jackson, Lincoln, Natchitoches, Red River, Sabine, Union, Webster, Winn;

ii. except: Kisatchie National Forest which has special regulations. Caney, Corney, Middlefork tracts of Kisatchie have the same regulations as area 2, except still hunting only for deer.

b. Portions of the following parishes are also open:

i. Allen—north of US 190 from parish line westward to Kinder, east of US 165 from Kinder northward to LA 10 at Oakdale, north of LA 10 from Oakdale westward to the parish line;

ii. Avoyelles—that portion west of I-49;

iii. Catahoula—west of Boeuf River to Ouachita River, west of Ouachita River from its confluence with Boeuf River to LA 8, north and west of LA 8 southwesterly to parish line;

iv. Evangeline—all except the following portions: east of I-49 to junction of LA 29, east of LA 29 south of I-49 to Ville Platte, and north of US 167 east of Ville Platte;

v. Grant—all except that portion south of LA 8 and east of US 165;

vi. Jefferson Davis—north of US 190;

vii. LaSalle—north of a line beginning where Little River enters Catahoula Lake, following the center of the lake eastward to Old River then to US 84, west of US 84 northward to LA 8, north of LA 8 eastward to parish line;

viii. Morehouse—west of US 165 (from Arkansas state line) to Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to

Bastrop, west of LA 139 to junction of LA 593, west and south of LA 593 to Collinston, west of LA 138 to junction of LA 134 and north of LA 134 to Ouachita Parish line at Wham Brake;

ix. Ouachita—all except south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse Parish line at Wham Brake;

x. Rapides—all except north of Red River and east of US 165, south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill, and north of LA 113 from Union Hill to Vernon Parish line, and that portion south of Alexandria between Red River and US 167 to junction of US 167 with I-49 at Turkey Creek exit, east of I-49 southward to parish line;

xi. Vernon—north of LA 10 from the parish line westward to LA 113, south of LA 113 eastward to parish line. Also the portion north of LA 465 west of LA 117 from Kurthwood to Leesville and north of LA 8 from Leesville to Texas state line.

c. Still hunting only in all or portions of the following parishes:

i. Claiborne and Webster—Caney, Corney and Middlefork tracts of Kisatchie National Forest (see Kisatchie National Forest regulations);

ii. Ouachita—east of Ouachita River;

iii. Rapides—west of US 167 from Alexandria southward to I-49 at Turkey Creek exit, west of I-49 southward to parish line, north of parish line westward to US 165, east of US 165 northward to US 167 at Alexandria. North of LA 465 from Vernon Parish line to LA 121, west of LA 121 to I-49, west of I-49 to LA 8, south and east of LA 8 to LA 118 (Mora Road), south and west of LA 118 to Natchitoches Parish line;

iv. Vernon—east of Mora-Hutton Road from Natchitoches Parish line to Hillman Loop Road, south and east of Hillman Loop Road to Comrade Road, south of Comrade Road to LA 465, east and north of LA 465 to Rapides Parish line.

3. Area 3

a. Portions of the following parishes are open:

i. Acadia—north of I-10;

ii. Allen—west of US 165 and south of LA 10;

iii. Beauregard—east of LA 27 from the parish line northward to DeRidder and north of US 190 westward from DeRidder to Texas state line;

iv. Calcasieu—east of LA 27 from Sulphur northward to the parish line, and north of I-10;

v. Jefferson Davis—north of I-10 and south of US 190;

vi. Lafayette—west of I-49 and north of I-10;

vii. Rapides—south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill and north of LA 113 from Union Hill to Vernon Parish line;

viii. St. Landry—west of US 167;

ix. Vernon—east of LA 113 to Pitkin, south of LA 10 to Allen Parish line, west and north of LA 113, south of LA 465, east of LA 117 from Kurthwood to Leesville, and south of LA 8 from Leesville to Texas state line.

b. Still hunting only for portions of the following parishes:

i. Acadia—north of I-10;

ii. Allen—south of US 190 and west of LA 113;

iii. Beauregard—west of LA 113 and east of LA 27 from the parish line northward to DeRidder and north of US 190 westward from DeRidder to Texas state line;

iv. Calcasieu—east of LA 27 from Sulphur northward to the parish line, and north of I-10;

v. Jefferson Davis—north of I-10 and south of US 190;

vi. Lafayette—west of I-49 and north of I-10;

vii. Rapides—south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill and north of LA 113 from Union Hill to Vernon Parish line;

viii. St. Landry—west of US 167;

ix. Vernon—west and north of LA 113, south of LA 465, east of LA 117 from Kurthwood to Leesville, and south of LA 8 from Leesville to Texas state line.

4. Area 4

a. All of St. Helena and Washington Parishes are open.

b. Portions of the following parishes are also open:

i. East Baton Rouge—all except that portion west of I-110 and west of US 61;

ii. East Feliciana—east of US 61;

iii. Livingston—north of I-12;

iv. Tangipahoa—north of I-12;

v. St. Tammany—all except that portion south of I-12, west of LA 1077 to LA 22, south of LA 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

c. Still hunting only in all or portions of the following parishes:

i. East Feliciana and East Baton Rouge—east of Thompson Creek from the Mississippi state line to LA 10, north of LA 10 from Thompson Creek to LA 67 at Clinton, west of LA 67 from Clinton to Mississippi state line, south of Mississippi state line from LA 67 to Thompson Creek. Also that portion of East Baton Rouge Parish east of LA 67 from LA 64 north to Parish Line, south of Parish Line from LA 64 eastward to Amite River, west of Amite River southward to LA 64, north of LA 64 to LA 37 at Magnolia, east of LA 37 northward to LA 64 at Indian Mound, north of LA 64 from Indian Mound to LA 67. Also, that portion of East Feliciana Parish east of LA 67 from parish line north to LA 959, south of LA 959 east to LA 63, west of LA 63 to Amite River, west of Amite River southward to parish line, north of parish line westward to LA 67;

ii. St. Helena—north of LA 16 from Tickfaw River at Montpelier westward to LA 449, east and south of LA 449 from LA 16 at Pine Grove northward to Rohner Road, south of Rohner Road to LA 1045, south of LA 1045 to the Tickfaw River, west of the Tickfaw River from LA 1045 southward to LA 16 at Montpelier;

iii. Tangipahoa—that portion of Tangipahoa Parish north of LA 10 from the Tchefuncte River to LA 1061 at Wilmer, east of LA 1061 to LA 440 at Bolivar, south of LA 440 to the Tchefuncte River, west of the Tchefuncte River from LA 440 southward to LA 10;

iv. Washington and St. Tammany—east of LA 21 from the Mississippi state line southward to the Bogue

Chitto River, north of the Bogue Chitto River from LA 21 eastward to the Pearl River Navigation Canal, east of the Pearl River Navigation Canal southward to the West Pearl River, north of the West Pearl River from the Pearl River Navigation Canal to Holmes Bayou, west of Holmes Bayou from the West Pearl River northward to the Pearl River, west of the Pearl River from Holmes Bayou northward to the Mississippi state line, south of the Mississippi state line from the Pearl River westward to LA 21. Also, that portion of Washington Parish west of LA 25 from the Mississippi state line southward to the Bogue Chitto River, then west of the Bogue Chitto River to its junction with the St. Tammany Parish line, north of the St. Tammany Parish line to the Tangipahoa Parish line, east of the Tangipahoa Parish line to the Mississippi state line, south of the Mississippi state line to its junction with LA 25.

5. Area 5

a. Portions of the following parishes are open:

i. St. Martin—south of I-10 and east of the West Atchafalaya Basin Protection Levee and west of the East Atchafalaya Basin Protection Levee;

ii. Iberville—south of I-10 and west of the East Atchafalaya Basin Protection Levee;

iii. Iberia—east of the West Atchafalaya Basin Protection Levee and west of the East Atchafalaya Basin Protection Levee;

iv. St. Mary—east of the West Atchafalaya Basin Protection Levee;

v. high water benchmark closure. Deer hunting in those portions of Iberville and St. Martin parishes south of I-10, west of the East Atchafalaya Basin Protection Levee, east of the West Atchafalaya Basin Protection Levee, and north of Alligator Bayou and Bayou Sorrel will be closed when the river stage of the Atchafalaya River reaches 18 feet msl at Butte LaRose, and will reopen when the river stage recedes to 17 feet msl at Butte LaRose. Deer hunting in those portions of Iberville, St. Martin, St. Mary and Iberia parishes west of the East Atchafalaya Basin Protection Levee, east of the West Atchafalaya Basin Protection Levee and south of Alligator Bayou and Bayou Sorrel will be closed when the river stage of the Atchafalaya River reaches 15 feet msl at Butte LaRose, and will reopen when the river stage recedes to 14 feet msl at Butte LaRose.

6. Area 6

a. All of West Feliciana and Pointe Coupee Parish is open.

b. Portions of the following parishes are also open:

i. Avoyelles—all except that portion west of I-49;

ii. East Baton Rouge—that portion west of I-110 and west of US 61;

iii. East Feliciana—west of US 61;

iv. Evangeline—that portion east of I-49 to junction of LA 29, east of LA 29 south of I-49 to Ville Platte and north of US 167 east of Ville Platte;

v. Iberville—all north of I-10, and that portion south of I-10 at the Atchafalaya Basin protection levee south to Upper Grand River, then north of Upper Grand River to the Intracoastal Canal at Jack Miller, then west of the Intracoastal Canal northward to Bayou Plaquemine, then north of Bayou Plaquemine to the Mississippi River;

vi. Lafayette—north of I-10 and east of I-49;

vii. Rapides—south of Alexandria between Red River and US 167 to the junction of US 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line;

viii. St. Landry—east of US 167;

ix. St. Martin—north of I-10;

x. West Baton Rouge—north I-10.

c. Still hunting only in all or portions of the following parishes:

i. Avoyelles—north of LA 1 from Simmesport westward to LA 115 at Marksville, east of LA 115 from Marksville northward to the Red River near Moncla, south and west of the Red River to LA 1 at Simmesport;

ii. Rapides—south of Alexandria between Red River and US 167 to the junction of US 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line;

iii. West Feliciana—west of Thompson Creek to Illinois-Central Railroad, north of Illinois-Central Railroad to Parish Road #7, east of Parish Road #7 to the junction of US 61 and LA 966, east of LA 966 from US 61 to Chaney Creek, south of Chaney Creek to Thompson Creek.

7. Area 7

a. Portions of the following parishes are open:

i. Iberia—south of LA 14 and west of US 90;

ii. St. Mary—all except that portion north of US 90 from Iberia Parish line eastward to Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River.

8. Area 8

a. Portions of the following parishes are open:

i. Beaugard—that portion west of LA 27 from parish line northward to DeRidder, south of US 190 from DeRidder to Texas state line;

ii. Calcasieu—that portion west of LA 27 from the parish line southward to Sulphur and north of I-10 from Sulphur to the Texas state line.

9. Area 9

a. All of the following parishes are open: Ascension, Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John, Terrebonne.

b. Portions of the following parishes are open:

i. Iberia—east of US 90 and west of the West Atchafalaya Basin Protection Levee and east of the East Atchafalaya Basin Protection Levee;

ii. Iberville—east of the East Atchafalaya Basin Protection Levee and south of Upper Grand River to the Intracoastal Canal to Bayou Plaquemines, then south of Bayou Plaquemines to the Mississippi River;

iii. Lafayette—south of I-10 and east of US 90;

iv. Livingston—south of I-12;

v. St. Martin—west of the Atchafalaya Basin Protection Levee and south of I-10. East of the East Atchafalaya Basin Protection Levee and south of I-10;

vi. St. Mary—east of US 90 from Iberia Parish line to the Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River except for portion within the East and West Atchafalaya Basin Protection Levees;

vii. St. Tammany—that portion south of I-12, west of LA 1077 to LA 22, south of LA 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain;

viii. Tangipahoa—south of I-12.

c. Still hunting only in all or portions of the following parishes:

i. Iberville—east of the Mississippi River;

ii. Plaquemines—east of the Mississippi River;

iii. St. Bernard—all of the parish shall be still hunting only except that portion of St. Bernard known as the spoil area between the MRGO on the east and Access Canal on the west, south of Bayou Bienvenue and north of Bayou la Loutre;

iv. St. John—south of Pass Manchac from Lake Pontchartrain to US 51, east of US 51 from Pass Manchac to LA 638 (Frenier Beach Road). North of LA 638 from US 51 to Lake Pontchartrain, west of Lake Pontchartrain from LA 638 to Pass Manchac.

10. Area 10

a. All of Cameron and Vermillion Parishes are open.

b. Portions of the following parishes are open:

i. Acadia—south of I-10;

ii. Calcasieu—south of I-10;

iii. Iberia—west of US 90 and north of LA 14;

iv. Jefferson Davis—south of I-10;

v. Lafayette—south of I-10 and west of Hwy 90.

G. WMA Regulations

1. General

a. The following rules and regulations concerning the management, protection and harvest of wildlife have been officially approved and adopted by the Wildlife and Fisheries Commission in accordance with the authority provided in *Louisiana Revised Statutes* of 1950, section 109 of title 56. Failure to comply with these regulations will subject individual to citation and/or expulsion from the management area.

b. Citizens are cautioned that by entering a WMA managed by the LDWF they may be subjecting themselves and/or their vehicles to game and/or license checks, inspections and searches.

c. WMA seasons may be altered or closed anytime by the LDWF secretary in emergency situations (floods, fire or other critical circumstances).

d. Hunters may enter the WMA no earlier than 4 a.m. unless otherwise specified. Hunters must check out and exit the WMA no later than two hours after sunset, or as otherwise specified.

e. Private lands, regardless of number of parcels or size, completely within WMA boundaries (including those that are bordered by a public road or waterway) will have the same deer season dates and regulations pertaining to baiting and use of dogs as the WMA within which the lands are enclosed; except private lands enclosed within a WMA and enrolled in DMAP may elect to hunt according to regular deer season dates and baiting regulations applicable to the Deer Area in which the lands are located. Interested parties should contact the nearest LDWF region office for additional information.

f. Dumping garbage or trash on WMAs is prohibited. Garbage and trash may be properly disposed of in designated locations if provided.

g. Disorderly conduct or hunting under influence of alcoholic beverages, chemicals and other similar substances is prohibited.

h. Damage to or removal of trees, shrubs, hard mast (including but not limited to acorns and pecans), wild plants, non-game wildlife (including reptiles and amphibians) or any species of butterflies, skippers or moths is prohibited without a permit from the LDWF. Gathering and/or removal of American lotus (*grande volée*, *Nelumbo lutea*) seeds and pods, soft fruits, mushrooms and berries shall be limited to five gallons per person per day.

i. Burning of marshes is prohibited. Hunting actively burning marsh is prohibited.

j. Nature Trails. Trails shall be limited to pedestrians only. No vehicles, ATVs, horses, mules, bicycles, etc. allowed. Removal of vegetation (standing or down) or other natural material prohibited.

k. Deer seasons are for legal antlered deer unless otherwise specified.

l. Small game, when listed under the WMA regulations may include both resident game animals and game birds as well as migratory species of birds.

m. Oysters may not be harvested from any WMA, except that oysters may be harvested from private oyster leases and state seed grounds located within a WMA, when authorized by the Wildlife and Fisheries Commission and upon approval by the Department of Health and Hospitals.

n. Free ranging livestock prohibited.

o. Operation of drones or unmanned aerial vehicles (UAV) on WMAs is prohibited.

p. Operating, modifying, tampering with or altering any water control structures on WMAs is prohibited.

q. Limited Access Areas (LAA): Operation of internal combustion powered vessels prohibited September through January. Vehicles prohibited November through January. Limited access areas are on Atchafalaya Delta, Boeuf, Dewey W. Wills, Joyce, Manchac, Pass-a-Loutre, Pointe-aux-Chenes and Russell Sage WMAs. See WMA maps for specific locations.

2. Permits

a. A WMA hunting permit is required for persons ages 18 through 59 to hunt on WMAs.

b. Self-Clearing Permits. A self-clearing permit is required for all activities (hunting, fishing, hiking, bird watching, sightseeing, etc.) on WMAs. The self-clearing permit will consist of two portions: check in, check out. All persons must either check in/check out electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal or obtain a WMA self-clearing permit from an information station. Users may check in one day in advance of use. Users that check in by electronic means are required to possess proof of check in and must check out within 24 hours. If utilizing paper Self-Clearing Permit from an information station, check in portion must be completed and put in a permit box before each day's activity. The check out portion must be carried by each person while on the WMA and must be completed and put in a permit box immediately upon exiting the WMA. No permit is required of fishers and boaters who do not travel on a WMA road and/or launch on the WMA as long as they do not get out of the boat and onto the WMA. When mandatory deer checks are specified on WMAs, hunters must check deer at a check station. When

mandatory check in for deer seasons is specified on WMAs, hunters must check in at designated locations, and obtain a daily hunt permit. Self-clearing permits are not required for persons only traveling through the WMA provided that the most direct route is taken and no activities or stops take place.

c. Persons using WMAs or other LDWF administered lands for any purpose must possess one of the following: a valid wild Louisiana stamp, a valid Louisiana fishing license, or a valid Louisiana hunting license. Persons younger than 16 or older than 60 years of age are exempt from this requirement. Additionally, a self-clearing WMA permit, detailed above, is required (available at most entrances to each WMA and electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal).

3. Special Seasons

a. Youth Deer Hunt. Youths 17 or younger only. Youths must be accompanied by an adult 18 years of age or older. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Contact the appropriate region office for maps of specific hunting areas. Either-sex deer may be taken on WMAs with youth hunts. Consult the regulations pamphlet for WMAs offering youth hunts.

NOTE: Some hunts may be by pre-application lottery.

b. Youth Squirrel Hunt (on selected WMAs only). Only youths 17 or younger may hunt. Squirrel, rabbit, raccoon, hogs and opossum may be taken. No dogs allowed. All other seasons will remain open to other hunters. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Self-clearing permits are required. Consult the regulations pamphlet for WMAs offering youth squirrel hunts.

c. Youth Mourning Dove Hunt. A youth mourning dove hunt will be conducted on specific WMAs and will follow the same regulations provided for youth deer hunts on the first or second weekend of the mourning dove season (Saturday and/or Sunday only). Consult the regulations pamphlet for WMAs offering youth mourning dove hunts.

d. Physically Challenged Season. An either-sex deer season will be held for hunters possessing a physically challenged hunter permit on WMAs during the dates

specified under the individual WMA. Participants must possess a physically challenged hunter permit. Contact region office for permit application and map of specific hunting area. Consult the regulations pamphlet for WMAs offering physically challenged seasons.

e. Turkey Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadlines. Contact region offices for more details.

f. Waterfowl Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadline. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division office for more details.

g. Mourning Dove Lottery Hunts. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division office for more details.

h. Trapping. Consult annual trapping regulations for specific dates. All traps must be run daily. Traps with teeth are illegal. Hunter orange required when a deer gun season is in progress.

i. Raccoon Hunting. A licensed hunter may take raccoon or opossum, two per person per day, during daylight hours only, during the open hunting season in progress on WMAs.

Nighttime Experimental—all nighttime raccoon hunting where allowed is with dogs only. There is no bag limit. Self-clearing permit required.

j. Sport Fishing. Sport fishing, crawfishing and frogging are allowed on WMAs when in compliance with current laws and regulations except as otherwise specified under individual WMA listings.

k. Small Game Emphasis Areas. Specially designated areas on certain WMAs will allow small game hunting with dogs, confined to that specific area when the remainder of the WMA is restricted to still hunt only. Additionally, off season training of rabbit and bird dogs may be allowed on some of the small game emphasis areas. Small game emphasis areas are offered on Big Colewa Bayou, Bayou Macon, Bayou Pierre, Boeuf, Dewey W. Wills, Marsh Bayou, Pomme de Terre, Richard K. Yancey, Russell Sage, Sandy Hollow, Sherburne, Tunica Hills and Walnut Hill WMAs.

4. Firearms

a. Firearms having live ammunition in the chamber, magazine, cylinder or clip when attached to firearms and crossbows cocked in the ready position are not allowed in or on vehicles, boats under power, motorcycles, ATVs, UTVs, ATCs or in camping areas on WMAs. Firearms may not be carried on any area before or after permitted hours except in authorized camping areas and except as may be permitted for authorized trappers.

b. Firearms and bows and arrows are not allowed on WMAs during closed seasons except on designated shooting ranges or as permitted for trapping and except as allowed pursuant to R.S. 56:109(C) and R.S. 56:1691. Bows and broadhead arrows are not allowed on WMAs except during deer archery season, turkey season or as permitted for bowfishing. Active and retired law enforcement officers in compliance with POST requirements, federal law enforcement officers and holders of Louisiana concealed handgun permits or permit holders from a reciprocal state who are in compliance with all other state and federal

firearms regulations may possess firearms on WMAs provided these firearms are not used for any hunting purpose.

c. Encased or broken down firearms and any game harvested may be transported through the areas by the most direct route provided that no other route exists except as specified under WMA listing.

d. Loaded firearms are not allowed near WMA check stations.

e. The following cannot be carried onto any WMA except during modern and primitive firearm deer seasons and during special shotgun season for feral hogs on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador WMAs (consult regulations pamphlet for specific WMA regulations):

i. centerfire rifles;

ii. centerfire break-action and centerfire bolt-action handguns;

iii. centerfire scoped handguns;

iv. shotgun slugs or shot larger than BB lead or F steel.

f. Target shooting and other forms of practice shooting are prohibited on WMAs except as otherwise specified.

g. Discharging of firearms on or across, or hunting from designated roads, ATV/UTV trails, nature trails, hiking trails, and their rights-of-way is prohibited during the modern firearms and primitive firearms deer seasons.

5. Methods of Taking Game

a. Moving deer or hogs on a WMA with organized drives and standers, drivers or making use of noises or noise-making devices is prohibited.

b. On WMAs the daily limit shall be one antlered deer and one antlerless deer (when legal) per day, not to exceed the Deer Area limit for the Deer Area that a WMA is contained within (all segments included) by all methods of take.

c. Baiting, hunting over bait, or possession of bait is prohibited on all WMAs, except bait may be kept in a vehicle traversing a WMA road or parked on a WMA road. Bait is defined as any substance used to attract game via ingestion.

d. During mandatory deer check hunts, deer may not be skinned nor have any external body parts removed including but not limited to feet, legs, tail, head or ears before being checked out.

e. Deer hunting on WMAs is restricted to still hunting only.

f. Construction of and/or hunting from permanent tree stands or permanent blinds on WMAs is prohibited. Any permanent stand or permanent blind will be removed and destroyed. A permanent blind is any blind using non-natural materials or having a frame which is not dismantled within two hours after the end of legal shooting time each day. Blinds with frames of wood, plastic, metal poles, wire, mesh, webbing or other materials may be used but must be removed from the WMA within two hours after the end of legal shooting time each day. Blinds made solely of natural vegetation and not held together by nails or other metallic fasteners may be left in place but cannot be used to reserve hunting locations. Natural vegetation (including any material used as corner posts) is defined as natural branches that are 2

inches or less in diameter. All decoys must be removed from the WMA daily. Permanent tree stands are any stands that use nails, screws, spikes, etc., to attach to trees and are strictly prohibited. Deer stands may not be left on WMAs unless the stands are removed from trees, placed flat on the ground, and left in a non-hunting position (a non-hunting position is one in which a hunter could not hunt from the stand in its present position). Also, all stands left must be legibly tagged with the user's name, address, phone number and LDWF ID number. No stand may be left on any WMA prior to the day before deer season opens on that WMA and all stands must be removed from the WMA within one day after the close of deer hunting on that WMA. Free standing blinds must be disassembled when not in use. Stands left will not reserve hunting sites for the owner or user. All portable stands, blinds, tripods, etc., found unattended in a hunting position, not placed flat on the ground, or untagged will be confiscated and disposed of by the LDWF. LDWF is not responsible for unattended stands left on an area.

g. Physically Challenged Wheelchair Confined Deer and Waterfowl Hunting Areas: special deer and waterfowl hunting areas, blinds and stands identified with LDWF logos, have been established for physically challenged hunter permit (PCHP) wheelchair confined hunters on WMAs. Hunters must obtain a PCHP permit and are required to make reservations to use blinds and stands. PCHP wheelchair hunting areas are available on Alexander State Forest, Bayou Pierre, Big Colewa Bayou, Buckhorn, Clear Creek, Floy McElroy, Fort Polk-Vernon, Maurepas Swamp, Russell Sage, Sandy Hollow, and Sherburne WMAs. Check WMA hunting schedules or call the LDWF field offices in Pineville, Lafayette, Lake Charles, Minden, Monroe or Hammond for information.

h. Hunting from utility poles and structures, and oil and gas exploration facilities or platforms is prohibited.

i. It is illegal to save or reserve hunting locations using permanent stands or blinds. Stands or blinds attached to trees with screws, nails, spikes, etc. are illegal.

j. Tree climbing spurs, spikes or screw-in steps are prohibited.

k. Unattended decoys will be confiscated and forfeited to the LDWF and disposed of by the LDWF. This action is necessary to prevent preemption of hunting space.

l. Spot lighting (shining) from vehicles is prohibited on all WMAs.

m. Horses and mules may be ridden on WMAs except where prohibited and except during gun seasons for deer and turkey. Riding is restricted to designated roads and trails depicted on WMA map, self-clearing permit is required. Organized trail rides prohibited except allowed by permit only on Camp Beauregard. Hunting and trapping from horses and mules is prohibited except for quail hunting or as otherwise specified. Horse-drawn conveyances are prohibited.

n. All hunters (including archers and small game hunters) except waterfowl hunters and mourning dove hunters on WMAs must display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during open gun season for deer. Quail and woodcock hunters and hunters participating in special dog seasons for rabbit, squirrel and feral hogs are required to wear a minimum of a "hunter orange" or "blaze pink" cap.

All other hunters and archers (while on the ground) except waterfowl hunters also must wear a minimum of a "hunter orange" or "blaze pink" cap during special dog seasons for rabbit and squirrel and feral hogs. Also all persons afield during hunting seasons are encouraged to display "hunter orange" or "blaze pink". Hunters participating in special shotgun season for feral hogs on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador WMAs must display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap.

o. Deer hunters hunting from concealed ground blinds must display a minimum of 400 square inches of "hunter orange" or "blaze pink" above or around their blinds which is visible from 360 degrees.

p. Archery Season for Deer. The archery season on WMAs is the same as outside and is open for either-sex deer except as otherwise specified on individual WMAs. Archery season restricted on Atchafalaya Delta and closed on certain WMAs when special seasons for youth or physically challenged hunts are in progress. Consult regulations pamphlet for specific seasons.

q. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMAs. Archers must abide by bucks only regulations and other restrictions when such seasons are in progress.

r. Primitive Firearms Season for Deer. Either-sex unless otherwise specified. See WMA deer schedule. Except youths 17 or younger may use any legal weapon during the primitive firearm season.

6. Camping

a. Camping on WMAs, including trailers, houseboats, vessels, recreational vehicles and tents, is allowed only in designated areas and for a period not to exceed 16 consecutive days, regardless if the camp is attended or unattended. At the end of the 16-day period, camps must be removed from the area for at least 48 hours. Camping area use limited exclusively to outdoor recreational activities. Camping is available on a first-come, first-serve basis unless otherwise specified.

b. Houseboats and vessels utilized for recreational activities are prohibited from overnight mooring within WMAs except on stream banks adjacent to designated camping areas. Overnight mooring of vessels that provide lodging for hire are prohibited on WMAs. Houseboats and vessels shall not impede navigation. On Atchafalaya Delta WMA houseboats may be moored by permit only in designated areas during hunting season. Permits are available by lottery annually or by five year lease through a bid program.

c. Discharge of human waste onto lands or waters of any WMA is strictly prohibited by state and federal law. In the event public restroom facilities are not available at a WMA, the following is required. Anyone camping on a WMA in a camper, trailer, or other unit (other than a houseboat or tent) shall have and shall utilize an operational disposal system attached to the unit. Tent campers shall have and shall utilize portable waste disposal units and shall remove all human waste from the WMA upon leaving. Houseboats moored on a WMA shall have a permit or letter of certification from the Health Unit (Department of Health and Hospitals) of the parish within which the WMA occurs

verifying that it has an approved sewerage disposal system on board. Further, that system shall be utilized by occupants of the houseboats when on the WMA.

d. No refuse or garbage may be dumped from these boats.

e. Firearms may not be kept loaded or discharged in a camping area unless otherwise specified.

f. Campsites must be cleaned by occupants prior to leaving and all refuse placed in designated locations when provided or carried off by campers.

g. Trash must be contained at all times while camping.

h. Burning of trash is prohibited.

i. Glass containers prohibited on campgrounds.

j. Non-compliance with camping regulations will subject occupant to immediate expulsion and/or citation, including restitution for damages.

k. Swimming is prohibited within 100 yards of boat launching ramps.

7. Restricted Areas

a. For your safety, all oil and gas production facilities (wells, pumping stations and storage facilities) are off limits.

b. No unauthorized entry or unauthorized hunting in restricted areas, refuges, or limited use areas unless otherwise specified.

8. Dogs. All use of dogs on WMAs, except for bird hunting and duck hunting, is experimental as required by law. Having or using dogs on any WMA is prohibited except for nighttime experimental raccoon hunting, squirrel hunting, rabbit hunting, bird hunting, duck hunting, hog hunting and bird dog training when allowed; see individual WMA season listings for WMAs that allow dogs. Dogs running at large are prohibited on WMAs. The owner or handler of said dogs shall be liable. Only recognizable breeds of bird dogs and retrievers are allowed for quail and migratory bird hunting. Only beagle hounds which do not exceed 15 inches at the front shoulders and which have recognizable characteristics of the breed may be used on WMAs having experimental rabbit seasons. A leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours; however, no person accompanying a dog after legal hunting hours may carry a firearm of any sort.

9. Vehicles

a. An all-terrain vehicle is an off-road vehicle (not legal for highway use) with factory specifications not to exceed the following: weight-750 pounds, length-85", and width-48". ATV tires are restricted to those no larger than 26 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 12 psi. as indicated on the tire by the manufacturer. Use of all other ATVs or ATV tires are prohibited on a WMA.

b. *Utility Type Vehicle (UTV, also Utility Terrain Vehicle)*—any recreational motor vehicle other than an ATV, not legal for highway use, designed for and capable of travel over designated unpaved roads, traveling on four or more low-pressure tires, with factory specifications not to exceed

the following: weight-1900 pounds, length-128" and width-68". UTV tires are restricted to those no larger than 27 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 12 psi. UTV's are commonly referred to as side by sides and may include golf carts.

c. Vehicles having wheels with a wheel-tire combination radius of 17 inches or more measured from the center of the hub and horizontal to ground are prohibited.

d. The testing, racing, speeding or unusual maneuvering of any type of vehicle is prohibited within WMAs due to property damages resulting in high maintenance costs, disturbance of wildlife and destruction of forest reproduction.

e. Tractor or implement tires with farm tread designs R1, R2 and R4 known commonly as spade or lug grip types are prohibited on all vehicles.

f. Airboats, aircraft, personal water craft, "mud crawling vessels" (commonly referred to as crawfish combines which use paddle wheels for locomotion) and hover craft are prohibited on all WMAs and refuges, except type A personal water craft, model year 2003 and beyond, which are eight feet in length and greater, may be operated within WMAs except Bussey Brake WMA from April 1 until the Monday of Labor Day weekend, from sunrise to sunset only, and except personal water craft allowed on designated portions of Alexander State Forest WMA year-round. Personal water craft are defined as a vessel which uses an inboard motor powering a water jet pump as its primary source of propulsion and is designed to be operated by a person sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel. No person shall operate such water craft at a speed greater than slow/no wake within 100 feet of an anchored or moored vessel, shoreline, dock, pier, or persons engaged in angling or any other manually powered vessel.

g. Driving or parking vehicles on food or cover plots and strips is prohibited.

h. Blocking the entrance to roads and trails is prohibited.

i. Licensed motorized vehicles (LMVs) legal for highway use, including motorcycles, are restricted entirely to designated roads as indicated on WMA maps. UTVs are restricted to marked UTV trails only, except that those UTVs in which the manufacturer's specifications do not exceed the weight, length, width, and tire restrictions for ATVs are allowed on ATV trails. ATVs are restricted to marked ATV trails only. When WMA roads are closed to LMVs, ATVs and UTVs may then use those roads when allowed. This restriction does not apply to bicycles.

NOTE: Only ATV and UTV trails marked with signs and/or paint, and depicted on WMA maps are open for use.

j. Use of special ATV/UTV trails for physically challenged persons is restricted to ATV/UTV physically challenged permittees. Physically challenged ATV/UTV permittees are restricted to physically challenged ATV/UTV trails or other ATV/UTV trails only as indicated on WMA maps or as marked by sign and/or paint. Persons 60 years of age and older, with proof of age, are also allowed to use special physically challenged trails and need not obtain a permit. However, these persons must abide by all rules in place for these trails. Physically challenged persons under the age of 60 must apply for and obtain a physically challenged hunter program permit from the LDWF.

k. Entrances to ATV trails will be marked with peach colored paint. Entrances to physically challenged-only ATV/UTV trails will be marked with blue colored paint. Entrances to ATV/UTV trails that are open year round will be marked with purple paint. The end of all ATV/UTV trails will be marked by red paint. WMA maps serve only as a general guide to the route of most ATV/UTV trails, therefore all signage and paint marking as previously described will be used to determine compliance.

l. Roads and trails may be closed due to poor condition, construction or wet weather.

m. ATVs, and motorcycles cannot be left overnight on WMAs except on designated camping areas. ATVs are prohibited from two hours after sunset to 4 a.m., except raccoon hunters may use ATVs during nighttime raccoon take seasons only. ATVs are prohibited from March 1 through August 31 except squirrel hunters are allowed to use ATV trails during the spring squirrel season on the WMA and except certain trails may be open during this time period to provide access for fishing or other purposes and some ATV trails will be open all year long on certain WMAs.

n. Caution. Many LDWF-maintained roadways on WMAs are unimproved and substandard. A maximum 20 mph speed limit is recommended for all land vehicles using these roads, unless specific signage otherwise allows or restricts.

o. Hunters are allowed to retrieve their own downed deer and hogs with the aid of an ATV or electric bicycle except on Thistlethwaite, Sherburne, Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes, Salvador, Timken, Lake Boeuf, Biloxi, and the Crusel Tract of Maurepas Swamp WMAs under the following conditions:

i. no firearms or archery equipment is in possession of the retrieval party or on the ATV;

ii. the retrieval party may consist of no more than one ATV and one helper;

iii. ATVs may not be used to locate or search for wounded game or for any other purpose than retrieval of deer and hogs once they have been legally harvested and located;

iv. UTV's may not be used to retrieve downed deer or hogs.

p. No wake zones. Operation of vessels beyond bare steerage speed (the slowest speed a vessel can travel while allowing the operator to maintain directional control of the vessel) in posted no wake zones is prohibited.

q. Electric bicycles are restricted to designated roads and ATV/UTV trails.

10. Commercial Activities

a. Hunting Guides/Outfitters. No person or group may act as a hunting guide, outfitter or in any other capacity for which they are paid or promised to be paid directly or indirectly by any other individual or individuals for services rendered to any other person or persons hunting on any WMA, regardless of whether such payment is for guiding, outfitting, lodging or club memberships.

b. Except for licensed activities otherwise allowed by law, commercial activities are prohibited without a permit issued by the secretary of the LDWF.

c. Commercial Fishing. Permits are required of all commercial fishermen using Grassy Lake, Pomme de Terre and Spring Bayou WMAs. Drag seines (except minnow and

bait seines) are prohibited except experimental bait seines allowed on Dewey Wills WMA north of LA 28 in Diversion Canal. Commercial fishing is prohibited during regular waterfowl seasons on Grand Bay, Silver Lake and Lower Sunk Lake on Richard K. Yancey WMA. Commercial fishing is prohibited on Salvador/Timken, Pointe-aux-Chenes, and Russell Sage WMAs except commercial fishing on Pointe-aux-Chenes is allowed in Cut Off Canal. No commercial fishing activity shall impede navigation and no unattended vessels or barges will be allowed. Non-compliance with permit regulations will result in revocation of commercial fishing privileges for the period the license is issued and one year thereafter. Commercial fishing is allowed on Pass-a-Loutre and Atchafalaya Delta WMAs. See Pass-a-Loutre for additional commercial fishing regulations on mullet.

11. WMAs Basic Season Structure. For season dates, bag limits, shooting hours, special seasons and other information consult the annual regulations pamphlet for specific details.

12. Resident Small Game (squirrel, rabbit, quail, mourning dove, woodcock, snipe, rail and gallinule). Same as outside except closed during modern firearm either-sex deer seasons on certain WMAs (see WMA schedule) and except non-toxic shot, size 6 or smaller must be used for dove, rail, snipe, and gallinule. Unless otherwise specified under a specific WMA hunting schedule, the use of dogs for rabbit and squirrel hunting is prohibited. Spring squirrel season with or without dogs: first Saturday of May for nine days. Consult regulations pamphlet for specific WMAs.

13. Waterfowl (ducks, geese and coots). Consult regulations pamphlet. Hunting after 2 p.m. prohibited on all WMAs except for Atchafalaya Delta, Biloxi, Pass-a-Loutre, and Salvador/Timken WMAs. Consult specific WMA regulations for shooting hours on these WMAs.

14. Archery. Consult regulations pamphlet.

15. Hogs. Feral hogs may be taken during any open hunting season on WMAs by properly licensed and/or permitted hunters using only guns or bow and arrow legal for specified seasons in progress, except take of hogs is prohibited during nighttime raccoon seasons. Hogs may not be taken with the aid of dogs, except feral hogs may be taken with the aid of dogs during the month of February on Attakapas, Bodcau, Clear Creek, Little River, Pearl River, Sabine, Sabine Island, and West Bay and that portion of Dewey W. Wills north of the Catahoula Lake Diversion Canal by self-clearing permit. All hogs must be killed immediately and may not be transported live under any conditions. During the February dog season hunters may use centerfire handguns in addition to using guns allowed for season in progress. Additionally, feral hogs may be taken on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador/Timken WMAs from February 16 through March 31 with archery equipment, shotguns loaded with buckshot or slugs or rimfire rifles no larger than .22 caliber. Additional requirements may be specified under individual WMAs, see regulation pamphlet.

16. Outlaw Quadrupeds and Birds. Consult regulations pamphlet. During hunting seasons specified on WMAs, except the turkey and spring squirrel seasons, take of outlaw quadrupeds and birds, with or without the use of electronic calls, is allowed by properly licensed hunters and only with

guns or bows and arrows legal for season in progress on WMA. However, crows, blackbirds, grackles and cowbirds may not be taken before September 1 or after January 1. As described in 50 CFR Part 21, non-toxic shot must be used for the take of crows, blackbirds, cowbirds and grackles under the special depredation order. In addition an annual report has to be submitted to the U.S. Fish and Wildlife Service for those that participate in the take of these species.

17. WMAs Hunting Schedule and Regulations

a. Acadiana Conservation Corridor. Self-Clearing Permit required for all activities.

i. Archery only: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

ii. All other seasons closed. No motorized vehicles allowed and no access via I-49 right-of-way.

b. Alexander State Forest. From December through February all hunters must check daily with the Office of Forestry for scheduled burning activity. No hunting or other activity will be permitted in burn units the day of the burning. Call 318-487-5172 or 318-487-5058 for information on burning schedules. Attaching stands to Red Cockaded Woodpecker cavity trees is prohibited. Cavity trees are marked with painted, double white bands. Self-Clearing Permits required for hunters only. Vehicles restricted to paved and graveled roads. No parking on or fishing or swimming from bridges. No open fires except in recreational areas. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Pineville or Baton Rouge Offices for details and applications. PCHP blind hunting by reservation for Class I, III and IV PCHP permittees only.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex. PCHP blinds: Oct. 1-Oct. 7, either sex.

(b). Firearms: First Sat. of Nov. for 2 days, either sex. Mandatory Deer Check; Fri. after Thanksgiving Day for 3 days, bucks only. PCHP blinds: Fri. after Thanksgiving Day for 3 days, bucks only; 4th Sat. of Oct. for 2 days, 1st Sat. of Nov. for 2 days, Mandatory Deer Check; 2nd Sat. in Dec. for 2 days, 3rd Sat. in Dec. for 2 days, either sex.

(c). Primitive Firearms: 2nd Sat. of Oct. for 2 days. Mandatory Deer Check.

ii. Small Game: Same as outside except closed during primitive firearms season and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.

iii. Waterfowl: Same as outside. (Certain areas may be closed as posted).

c. Atchafalaya Delta. Self-Clearing Permit required for all activities. All persons must either check in/check out electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal or obtain a WMA Self-Clearing Permit from an information station located at Main Delta campground, Wax Delta Campground, Cul-de-sac on Big Island, and Berwick Public Boat Launch (Jesse Fontenot Boat Launch). Camping and houseboat mooring allowed ONLY in designated campgrounds. Houseboat mooring allowed by permit only (see Subparagraph G. 6. Camping b. for details). Vessels/Vehicles: Mudboats or air-cooled propulsion vessels powered by more than 36 total horsepower are prohibited on the WMA. All ATVs/UTVs,

motorcycles, horses and mules prohibited except as permitted for authorized WMA trappers. Big Island: closed to all activities during the month of October, except LDWF Lottery Hunts.

i. Deer Archery (either-sex): Oct. 1 - Jan. 31 on Main Delta only (Big Island closed during October); no deer hunting on Wax Lake Delta. All harvested deer must be checked in at Atchafalaya Delta Headquarters.

ii. Deer Youth Lottery (either-sex): 2nd Sat. of Oct. for 2 days; 3rd Sat. of Oct. for 2 days, daily youth hunt permit required. Call the Lafayette Field Office, Coastal WMAs at 337-735-8667 for details.

iii. Small Game: Same as outside except Rabbit Only:

(a). Wax Lake Delta: 1st Sat. of Oct. through last day of Feb. Beagles prohibited November through January.

(b). Main Delta: 1st day of Feb. through last day of Feb. with or without beagles. Closed October through January.

iv. Waterfowl: Same as outside, except shooting hours shall be 1/2 hour before sunrise to 2 p.m. during opening weekends of teal and duck season and 1/2 hour before sunrise to sunset the remainder of the season, and except shooting hours are the same as outside for the Youth Hunt weekend.

v. Feral Hogs: May be taken by properly licensed hunters Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs. All harvested hogs must be checked in at the Atchafalaya Delta WMA headquarters.

d. Attakapas. Area closed to all except Youth Deer Hunters when the Youth deer season is open.

i. Deer:

(a). Deer hunting will be closed when the river stage of the Atchafalaya River reaches 15 feet msl at Butte LaRose and will reopen when the river stage recedes to 14 feet msl at Butte LaRose.

(b). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

(c). Youth: Last Sat. of Oct. for 2 days, either-sex.

(d). Firearms Either-Sex: Fri. after Thanksgiving Day for 2 days.

(e). Firearms Bucks Only: 4th Sat. of Dec. for 9 days.

(f). Primitive Firearms (Bucks only): 3rd Saturday of January for 2 days.

ii. Turkey: Closed.

iii. Small Game & Waterfowl: Same as outside except small game hunting closed during either-sex modern firearms seasons closed during youth deer seasons and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iv. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

e. Bayou Macon. Area Closed: To all except Youth Deer Hunters last Sat. of Oct. for 2 days. All night activities prohibited except as otherwise provided.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms: Either sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Primitive Firearms: 3rd Sat. of Dec. for 9 days.

ii. Turkey: General Lottery: Last Sat. of Area B season for 2 days.

iii. Small Game & Waterfowl: Same as outside except closed during either-sex modern firearms season and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3rd Sat. of Oct.-Sun. prior to firearms either-sex deer, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon: (Nighttime): Sept. 1st for 16 days and 1st Sat. of Jan. to the last day of Feb.

f. Bayou Pierre. Waterfowl Refuge is closed to all hunting, trapping and fishing except for archery hunting for deer, which is allowed on the entire area. Refuge is marked with "Waterfowl Refuge" signs. Contact Minden Office for details for lottery hunts listed below at 318-371-3050.

i. Deer:

(a). Archery only: Oct. 1-Jan. 31, either-sex. Archery hunting is allowed in the waterfowl refuge.

ii. Dove: Same as outside.

iii. Waterfowl Lottery Only: (Designated Portion)

(a). Lottery Youth Hunt: Same as outside youth waterfowl hunt.

(b). General Lottery Hunt: 2nd weekend of 1st split and 1st and 4th weekends of 2nd split of the West Zone season.

iv. Other Small Game: Same as outside and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to last day of Feb. On that portion designated as Small Game Emphasis Area, training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

v. Raccoon (Nighttime): Sat. before Christmas to last day of Feb.

g. Big Colewa Bayou. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Monroe or Baton Rouge Offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Fri. after Thanksgiving for 3 days, either-sex and 2nd Sat. of Dec. for 16 days, bucks only.

- i. Deer:
 - (a). Archery only: Oct. 1-Jan. 31, either-sex.
 - ii. Small Game and Waterfowl: Same as outside and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbit hunting Jan. 1st to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3rd Sat. of Oct.-Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1-August 31.
 - iii. All nighttime activities prohibited.
 - h. Big Lake. Area closed to all south of Big Lake and Crystal Roads when youth deer season is open. North of Big Lake and Crystal Roads open to all activities.
 - i. Deer:
 - (a). Archery: Oct. 1-Jan. 31, either-sex.
 - (b). Youth: Last Sat. of Oct. for 2 days, either-sex. Youth hunt on designated portion. See WMA map for specific location.
 - (c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.
 - (d). Firearms Bucks Only: 2nd Sat. of Dec. for 14 days.
 - (e). Primitive Firearms: Day after firearms bucks only season closes for 14 days.
 - ii. Turkey: Opening day of statewide season for 9 days, except season will open for 10 days when statewide season opens on Good Friday.
 - (a). Youth: Sat. before opening day of statewide season for 2 days, except when that Sat. falls on Easter weekend then season will open on Good Friday for 3 days.
 - iii. Small Game: Same as outside except closed during either-sex firearms seasons and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.
 - iv. Waterfowl: Same as outside except closed during either-sex modern firearms seasons.
 - v. Raccoon (Nighttime): the day after primitive firearms season ends to the last day of Feb.
 - vi. Sport Fishing: yoyos, limblines and trotlines prohibited on Big and Chain Lakes.
 - vii. Commercial fishing: commercial fishing is prohibited.
 - i. Biloxi. Self-Clearing Permits required for all activities. Vessels/Vehicles: All ATVs/UTVs, motorcycles, horses, and mules are prohibited. Mud boats or air cooled propulsion vessels can only be powered by straight shaft "long-tail" air-cooled mud motors that are 25 total horsepower or less. All other types of mud boats or air cooled propulsion vessels, including "surface-drive" boats, are prohibited. Overnight mooring of all vessels 50 feet in length or more is prohibited.
 - i. Deer
 - (a). Archery (bucks only): Oct. 1-15
 - (b). Deer Archery (either-sex): Oct. 16 - Jan. 31
- ii. Small Game and Waterfowl: Same as outside except beagles allowed for rabbits when duck season is closed and except closed to squirrel hunting during the spring season.
 - j. Bodcau. Area closed to all except Youth deer hunters during the Youth Deer Hunt on designated portion.
 - i. Deer
 - (a). Archery: Oct. 1-Jan. 31, either-sex.
 - (b). Youth: Sat. after 2nd Fri. of Oct. for 2 days, either-sex on designated portion.
 - (c). Firearms either-sex: Last Sat. of Oct. to the Sun. after Thanksgiving Day. Last Sat. of Oct. and Sun. after last Sat. of Oct., Mandatory Deer Check.
 - (d). Primitive Firearms: Mon. after Thanksgiving Day for 7 days.
 - ii. Turkey
 - (a). Opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.
 - (b). Youth: Sat. before opening day of statewide season for 2 days except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days. 4th Sat. of April for 2 days.
 - iii. Small Game and Waterfowl: Same as outside except closed during the youth deer hunt on designated portion and entire area 1st 2 days of modern firearms deer season except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Day after firearms deer season ends to the last day of Feb.
 - (a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.
 - iv. Raccoon: (Nighttime) Day after firearms deer season ends to the last day of Feb.
 - v. Bird Dog Training Area: Permit required. Open all year except closed during WMA Turkey Season. Contact Minden Office for permits and information.
 - vi. Fishing: Nets and traps prohibited on Ivan Lake.
 - k. Boeuf. Area Closed to all south of LA 4 except Youth Deer Hunters when youth deer season is open. North of LA 4 open to all activities. Internal combustion engines and craft limited to 10 hp rating or less in the Greentree Reservoir.
 - i. Deer
 - (a). Archery: Oct. 1-Jan. 31, either-sex.
 - (b). Youth: 2nd Sat. of Oct. for 2 days, either-sex.
 - (c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. - Mandatory Deer Check, Sun. - Self-Clearing Permit.
 - (d). Firearms Bucks Only: 1st Sat. of Dec. for 14 days.
 - (e). Primitive Firearms: Day after the close of Firearms Bucks Only for 14 days. 2nd Sat. of Nov. for 7 days.
 - ii. Turkey: Opening day of statewide season for 9 days, except season will open for 10 days when statewide season opens Good Friday.
 - iii. Small Game and Waterfowl: Same as outside except closed during Deer Either-sex modern firearms

season, and except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb. Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3rd Sat. of Oct.-Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

1. Buckhorn. Area Closed: Last Sat. of Oct. for 2 days to all except Youth and Physically Challenged Deer hunters.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit; and 2nd Sat. of Dec. for 2 days.

(d). Firearms Bucks Only: 3rd Sat. of Dec. for 14 days.

(e). Primitive Firearms: Day after firearms bucks only season ends for 14 days.

(f). Youth and Physically Challenged Wheelchair Confined Deer Hunting Area: check map for location. Access restricted. Call Monroe or Baton Rouge Offices for further details.

(g). Youth Lottery: 2nd weekend and last consecutive Sat. and Sun. of Dec. and 1st consecutive Sat. and Sun. in Jan. Either-sex. Hunting by pre-application lottery only.

(h). Physically Challenged Wheelchair Confined: 2nd weekend and last consecutive Sat. and Sun. of Dec. and 1st consecutive Sat. and Sun. in Jan. Either-sex. Hunting by reservation for wheelchair confined. PCHP permittees only.

ii. Small Game and Waterfowl: Same as outside except closed during either-sex modern firearm season and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iii. Raccoon (Nighttime): Day after primitive firearms season ends to the last day of Feb.

m. Bussey Brake. Area closed to all hunting and trapping activity. 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. 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 fish (5) fish, in the aggregate;

(ii). Possession limit: possession limit shall be five (5) fish while on water and ten (10) fish while off water, in the aggregate;

(iii). Length: the maximum total length limit shall be 16 inches, with the exception that one fish over 16 inches may be kept.

(b). Crappie (*Pomoxis spp.*)

(i). Daily limit: recreational daily limit shall be 25 fish in the aggregate;

(ii). Possession limit: possession limit shall be 25 fish while on water and 50 fish while off water, in the aggregate;

(iii). Length: the minimum total length shall be 10 inches.

(c). Bream (*Lepomis spp.*)

(i). Daily limit: recreational daily creel limit shall be 50 fish, in the aggregate;

(ii). Possession limit: possession limit shall be 50 fish while on the water and 100 while off the water in the aggregate;

(iii). Length: no minimum length.

n. Camp Beauregard. All or portions of the area may be closed daily due to military activities. All game harvested must be reported on self-clearing checkout permit. No hunting in Restricted Areas. Swimming in Twin Lakes prohibited. Retriever training allowed on selected portions of the WMA. Area Closed: To all except Youth Deer Hunters and Permitted Disabled Veterans Hunters Sat. and Sun. preceding Veterans Day.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth Deer Hunt: Sat. and Sun. preceding Veterans Day, either-sex on designated portion of the WMA.

(c). Disabled Veterans Deer Hunt: Sat. and Sun. preceding Veterans Day, by lottery only, either-sex on designated portion of the WMA. Call Pineville office for details and application.

(d). Firearms Bucks Only: Dec. 26-Jan. 1.

(e). Primitive Firearms: Fri. after Thanksgiving Day for 2 days, Mandatory Deer Check. All deer harvested must be brought to Rifle Range Road Weigh Station. 2nd Sat. of Dec. for 2 days Self-Clearing Permit.

ii. Turkey: Opening day of statewide season for 9 days, except season will open for 10 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: Same as outside, except closed during either-sex gun hunts for deer and except closed to squirrel hunting during the spring season. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. after Jan. 1 to the last day of Feb.

iv. Raccoon (Nighttime): Last consecutive Sat. and Sun. in Jan. to last day of Feb.

v. Fishing: Special regulations to be posted at Twin Lakes.

o. Clear Creek. Area Closed to all except Youth Deer Hunters when the Youth Deer Season is open. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Lake Charles or Baton Rouge Offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer

(a). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex.

(b). Youth Deer Hunt: Next to last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Last Sat. of Oct. for 2 days, Mandatory Deer Check and Fri. after Thanksgiving for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: Mon. after close of Primitive Season to Thanksgiving Day, and 2nd Sat. of Dec. to Jan. 1.

(e). Primitive Firearms: Mon. after 1st either-sex firearms weekend for 7 days.

ii. Turkey

(a). Mon. after 2nd Sat. of April for 21 days.

(b). General Lottery: Opening day of statewide season for 2 days, 2nd Sat. of April for 2 days.

(c). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex gun hunts and except spring squirrel season will be open 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after firearms bucks only season closes to the last day of Feb. Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): Day after firearms bucks only season closes to the last day of Feb.

p. Dewey Wills. Area Closed: to all except Youth and Physically Challenged Deer Hunters during the Physically Challenged and Youth Deer Hunt only on that portion of the area north of the Diversion Canal. High Water Benchmark Road Closures: Hunt Road (South of the Catahoula Lake Diversion Canal) and Muddy Bayou Road east of Nolan Bayou Road will be closed when water levels at the Larto Lake gauge reaches 45.0 ft. msl, and will reopen when water levels recede to 43.0 ft. msl, and Muddy Bayou Road west of the intersection of Nolan Bayou Road and Sandy Bayou Road will be closed when water levels at the Larto Lake gauge reaches 42.0 ft. msl and will reopen when water levels recede to 40.0 ft. msl.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Physically Challenged and Youth: Last Sat. of Oct. for 2 days, either-sex. Only that portion of the area north of the Diversion Canal shall be open only to Physically

Challenged and youth deer hunters. The remainder of the area is open to all.

(c). Youth Lottery: 1st Sat. of Dec. for 2 days, 1st Sat. of Jan. for 2 days, 2nd Sat. of Jan. for 2 days, and 3rd Sat. of Jan. for 2 days, either-sex. Contact Pineville Office (318-487-5885) for details and applications.

(d). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit. No hunting allowed in the greentree impoundment or within 100 feet of the greentree levee if duck season is in progress.

(e). Firearms Bucks Only: 4th Sat. of Dec. for 16 days.

(f). Primitive Firearms: 2nd Sat of Dec. for 2 days.

ii. Turkey: Closed.

iii. Small Game and Waterfowl: Same as outside except closed during Physically Challenged and Youth Deer Season north of the Diversion Canal and the entire area during the either-sex firearm hunt except waterfowl hunting will be allowed in the greentree impoundment during the firearm either-sex season and open to squirrel hunting during the spring season 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after Firearms Bucks-Only season ends to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct. to the 3rd Sun. of Nov., and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon

(a). Nighttime: day after primitive firearms season ends to the last day of Feb.

(b). Nighttime Chase only: May 1-Sept. 25, Tuesdays and Thursdays only. Raccoon hunters may use ATVs on designated trails during take season only.

v. Crawfish: Limited to 100 pounds per person per day.

vi. LARTO TRACTS: All season dates on Larto Tracts (see WMA map) same as outside, except deer hunting restricted to ARCHERY ONLY. All vehicles, including ATVs, are prohibited.

q. Elbow Slough

i. Mourning Dove: Saturdays, Sundays and Wednesdays only during Sept. and Oct. of the outside season, except by lottery only opening weekend of 1st split. Applications available at Pineville office and online. Contact Pineville office for details.

ii. Rabbit: Feb. 1 to the last day of Feb. Beagles allowed.

iii. Crawfish: March-July. Limit: 100 lbs. per person per day. Recreational crawfishing only. No traps or nets left overnight.

iv. All other seasons closed. Non-toxic (minimum size #6) shot only for all hunting. All motorized vehicles prohibited.

r. Elm Hall. ATVs/UTVs prohibited.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

(b). Firearms Either-sex: Fri. after Thanksgiving Day for 2 days.

(c). Firearms Bucks Only: Sun. after Thanksgiving Day and the 4th Sat. of Dec. for 9 days.

(d). Primitive Firearms: Next to last Sat. in Jan. for 2 days.

ii. Small Game and Waterfowl: Same as outside except closed during either-sex firearm seasons for deer, beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the close of primitive firearms to the end of Feb. and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs.

s. Floy Ward McElroy. Access restricted. Contact Monroe Wildlife Field Office at 318-343-4045 for information.

i. Deer: limit 1 deer per participant per weekend for all hunts.

(a). Youth Lottery: 2nd weekend and last consecutive Sat. and Sun. of Dec., and 2nd consecutive Sat. and Sun. in Jan., either-sex. Restricted to those selected as a result of the pre-application lottery.

(b). Physically Challenged Wheelchair Confined Lottery: 1st Sat. of Nov. for 2 days, either-sex. Restricted to wheelchair confined PCHP permittees only selected as a result of the pre-application lottery.

(c). Beyond Becoming an Outdoors Woman (BOW) Lottery Deer Hunt: 1st weekend in Dec. Hunt restricted to those that have successfully completed the Becoming an Outdoors Woman Deer Management Course. Must be Hunter Education certified. Contact LDWF Education Section, 318-343-1241, for more information.

t. Fort Polk-Vernon. Self-clearing permit required daily for all activities. All or portions of the area may be closed daily due to military activities. Information on open areas and special ATV regulations can be accessed at the following website: <http://www.jrtc-polk.army.mil/hunt2/hunt/default.htm>. Hunters are cautioned not to pick up any foreign material or objects while hunting on the WMA. Also, it is mandatory for hunters to check the open area maps, located at check stations, daily for sudden closures. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Lake Charles Office for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer:

(a). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex. Special Archery regulations for Archery Only Area, check locally at Building 2396 on 22nd St., either-sex deer legal the entire season. Remainder of WMA restricted to bucks only when bucks only gun season is in progress.

(b). Primitive Firearms: 2nd Sat. of Oct. for 7 days, Self-Clearing Permit required.

(c). Firearms Either-sex: Last Sat. of Oct. for 2 days, and Fri. after Thanksgiving Day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit.

(d). Firearms Bucks Only: Mon. after last Sat. of Oct. to Thanksgiving Day, 2nd Sat. of Dec. to Jan. 1.

ii. Turkey: Same as outside.

(a). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms hunts for deer and except closed to squirrel hunting during the spring season.

“Hunter orange” or “blaze pink” must be worn when bucks only gun hunts for deer are in progress. Squirrel hunting with dogs allowed Mon. after Thanksgiving Day for 12 days and Jan. 2 to the last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from beginning of Archery Season to Jan. 1. Hunters may hunt feral hogs with shotguns loaded with buckshot or slugs from Jan. 2 to the end of Feb. Hunters must also display 400 square inches of “hunter orange” or “blaze pink” and wear a “hunter orange” or “blaze pink” cap during special shotgun season for hogs.

v. Fishing: Special regulations pertaining to fishing are posted at specific lakes.

vi. Experimental Hunting Area: Refer to Fort Polk WMA Hunting Map: Small game and squirrel hunting with dogs allowed Mon. after Thanksgiving Day to last day of Feb. in Mill Creek 2 Alpha (MC2A) and Mill Creek 2 Bravo (MC2B) Mill Creek Unit. This area will be closed to deer and hog hunting during this time.

u. Grassy Lake. Area Closed: To all except Youth Deer Hunters during Youth Deer Hunt.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.

(b). Youth: Last Sat. of Oct. for 2 days.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: 4th Sat. of Dec. for 9 days.

(e). Primitive Firearms (either-sex): 2nd Saturday of Dec. for 2 days.

ii. Turkey: Closed.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms hunts for deer and open to squirrel hunting during the spring season 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Sport Fishing: Same as outside except permitted only after 2 p.m. during waterfowl season on Smith Bay, Red River Bay and Grassy Lake proper.

v. Commercial Fishing: Permitted except on Smith Bay, Red River Bay and Grassy Lake proper on Saturday and Sunday and during waterfowl season. Permits available from area supervisor Spring Bayou Headquarters or Lafayette Field Office.

vi. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days, day after primitive firearms season ends for 12 days, and day after bucks only firearm season ends to the last day of Feb.

vii. Crawfish: March 15-July 31. Recreational only. 100 pounds per person daily. No nets or traps may be left overnight.

v. Hutchinson Creek

i. Deer: Same as outside, Archery Only, Either-sex.

ii. Turkey: Same as outside.

iii. Small Game and Waterfowl: Same as outside. Open to squirrel hunting during the spring season 1st Sat. of

May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting 1st Sat. of Jan to the last day of Feb.

iv. Raccoon: 2nd Sat. of Sept. for 16 days and 1st Sat. of Jan to the last day of Feb.

w. J. C. Sonny Gilbert. Area Closed: Last Sat. of Oct. for 2 days to all except Youth Deer Hunters.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, self-clearing permit.

(d). Firearms Bucks Only: 1st Sat. of Dec. for 14 days.

(e). Primitive Firearms: Day after close of Firearms Bucks Only for 14 days.

ii. Turkey

(a). General Lottery: Opening day of statewide season for 9 days, with 3 consecutive 3 day hunts.

(b). Youth Lottery: Sat. before opening day of statewide season for 2 days, except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex modern firearms seasons for deer and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

iv. Raccoon (Nighttime): the day after the last deer firearms season (bucks only or primitive) to last day of Feb.

v. Sport Fishing: Restricted to rod and reel, and pole fishing only. All other gear prohibited.

x. Joyce. Swamp Walk: Closed from 30 minutes after sunset to 30 minutes before sunrise. No loaded firearms or hunting allowed within 100 yards of walkways. Check hunting schedule and use walkway at your own risk.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.

(b). Youth: 1st Sat. of Nov. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: 3rd Sat. of Dec. for 16 days.

(e). Primitive Firearms (either-sex): 2nd Sat. of Jan. for 2 days and Mon. after the next to last Sun. of Jan for 7 days.

ii. Small Game and Waterfowl: Same as outside and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms ends to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iii. Raccoon (Nighttime): Day after primitive firearms ends to last day of Feb.

iv. Crawfish: Limited to 100 pounds per person per day.

y. Lake Boeuf. Self-Clearing Permit required for all activities. Self-Clearing Permit available at Theriot Canal boat landing off LA 308. All nighttime activities prohibited. ATVs/UTVs, motorcycles, horses and mules are prohibited.

i. Deer

(a). Archery (bucks only): Oct. 1-15

(b). Archery (either-sex): Oct. 16 - Jan. 31

ii. Waterfowl: Same as outside.

iii. Small Game: 1st day of Nov. to the last day of Feb. and open to squirrel hunting during the spring season from the 1st Sat. of May for 9 days, with or without dogs. Beagles prohibited November and December.

z. Lake Ramsey. All vehicles restricted to Parish Roads and designated parking areas.

i. Deer

(a). Archery only, Oct. 1-Jan. 31, either-sex.

ii. Turkey: Opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: Same as outside and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. after Jan. 1 to last day of Feb.

iv. Foot traffic only - All vehicles restricted to Parish Roads, except ATVs allowed for hunters retrieving downed deer or feral hogs.

v. Bird Dog Training Area: Open all year except closed during WMA Turkey Season. Contact Hammond Office (985-543-4777) for information.

aa. Little River

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Firearms Bucks Only: Last Sat. of Oct. for 16 days.

(c). Primitive Firearms: Fri. after Thanksgiving Day for 3 days, and 2nd Sat. of Dec. for 2 days.

ii. Turkey: Opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

iii. Raccoon

(a). Nighttime: Mon. after 2nd Sat. of Jan. to last day of Feb.

(b). Nighttime Chase Only: May 1-Sept. 25, Tuesdays and Thursdays only. Raccoon hunters may use ATVs on designated trails during take seasons only.

iv. Small Game and Waterfowl: Same as outside except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

v. Crawfish: March-July. Limit: 100 pounds per person per day. Recreational crawfishing only. No traps or nets left overnight.

bb. Loggy Bayou. Limited Use Area: Small game same as rest of WMA. Deer hunting archery only. See WMA map for specific location.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(c). Primitive Firearms: Mon. after Thanksgiving Day for 7 days.

ii. Small Game and Waterfowl: Same as outside except youth hunt only on opening Saturday of first split of dove season (following regulations for Youth Deer Hunt on WMAs), and except closed during either-sex firearms seasons for deer and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.

iii. Raccoon (Nighttime): Sat. before Christmas to the last day of Feb.

cc. Manchac.

i. Deer

(a). Archery: Oct. 1-15 bucks only; Oct. 16-Feb. 15 either-sex.

ii. Small Game & Waterfowl: Same as outside except steel shot required for rails, snipe and gallinules and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Feb. 1 to the last day of Feb.

iii. Raccoon (Nighttime): Feb. 1 to the last day of Feb.

iv. Crabs: No crab traps allowed. Attended lift nets are allowed.

dd. Marsh Bayou

i. Deer: Same as outside, Archery Only, Either-sex.

ii. Small Game: Same as outside. Open to squirrel hunting during the spring season 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting 1st Sat. of Jan to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Feb. 28, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iii. Raccoon: 2nd Sat. of Sept. for 16 days and 1st Sat. of Jan to the last day of Feb.

ee. Maurepas Swamp. Camping limited to tent camping in designated areas. See WMA map for locations. No loaded firearms or hunting allowed within 100 yards of Nature Trail. Benchmark Closure: Area Closed to all deer hunting when USGS water level gauge CRMS 5373, available at <http://waterdata.usgs.gov/la/nwis/rt> is at or above 3.0 ft. msl and reopens to deer hunting when water levels recede to 2.5 ft. msl following a closure. Motorized vehicles prohibited on Crusel Tract (see WMA map for Crusel Tract). Limited Use Area: Small game same as outside except shotgun only. Deer hunting archery only. See WMA map for specific location. Area Closed to all hunters except Youth Deer Hunters during Youth Deer Season. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Hammond Office for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer

(a). Archery: Oct. 1-15 bucks only; Oct. 16-Feb. 15 either sex.

(b). Youth: 1st Sat. of Nov. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, and Sun. Self-Clearing Permit

(d). Firearms Bucks Only: 3rd Sat. of Dec. for 16 days.

(e). Primitive Firearms: 2nd Sat. of Jan. for 2 days and Mon. after the next to last Sun. of Jan. for 7 days.

ii. Small Game & Waterfowl: Same as outside except closed Friday after Thanksgiving Day for 3 days during either-sex firearms hunts and closed during youth deer season and except spring squirrel season will be open the 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms ends to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iii. Raccoon (Nighttime): Day after primitive firearms ends to last day of Feb.

iv. Crawfish: Limited to 100 pounds per person per day.

ff. Pass-A-Loutre. Self-Clearing Permit required for all activities. Permits available at Pass-a-Loutre Headquarters, Camp Canal and all designated camping areas. Oyster harvesting is prohibited. Camping allowed ONLY in designated areas. See self-clearing permit station at headquarters and WMA map for designated camping areas. Vessels/Vehicles: All ATVs/UTVs, motorcycles, horses and mules are prohibited. Mud boats or air-cooled propulsion vessels powered by more than 36 total horsepower prohibited. Operation of mud boats and air-cooled propulsion engines prohibited after 2 p.m. Sept. 1 - Jan. 31, except allowed after 2 p.m. in South Pass, Pass-a-Loutre, Southeast Pass, Loomis Pass, Dennis Pass, and Cadro Pass.

i. Deer

(a). Archery (bucks only): Oct. 1- Feb.15.

(b). Youth Shotgun bucks only: second to last Sat in Oct. for 2 days.

(c). Deer Shotgun: Bucks only may be taken with shotguns with either slugs or buckshot from the day after the first split of the duck season closes for seven days.

ii. Small Game and Waterfowl: Same as outside. Beagles prohibited October through last day of waterfowl season.

iii. Feral Hogs: May be taken by properly licensed hunters from Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hogs may be taken with the aid of dogs Feb. 16 - March 15. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs.

iv. Commercial Fishing: Same as outside. Commercial mullet fishing open only in: South Pass, Pass-a-Loutre, North Pass, Southeast Pass, Northeast Pass, Dennis Pass, Johnson Pass, Loomis Pass, Cadro Pass, Wright Pass, Viveats Pass, Cognevich Pass, Blind Bay, Redfish Bay, Garden Island Bay, Northshore Bay, East Bay (west of

barrier islands) and oil and gas canals as described on the LDWF Pass-a-Loutre WMA map.

gg. Pearl River. Shooting range: Self-clearing permit not required but all range users must obtain a daily check in validation slip at the range upon sign-in at the range. For dates, time or more information call 985-643-3938 or www.honeyisland.org. No loaded firearms or hunting within 100 yards of boardwalk. All roads closed 8 p.m. - 4 a.m. to all vehicles. Old Hwy. 11 will be closed when river gauge at Pearl River, Louisiana, reaches 16.5 feet. All hunting except waterfowl hunting south of Hwy. 90 will be closed when the river stage at Pearl River reaches 16.5 feet. No hunting in the vicinity of the Nature Trail. Observe "No Hunting" signs. Area Closed to all hunters except Youth Hunters during Youth deer hunt.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth Deer Hunt: 1st Sat. of Nov. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: 1st Sat. of Dec. for 16 days.

(e). Primitive Firearms: 2 Sats. prior to Thanksgiving for 7 days and day after firearms bucks only season closes for 14 days.

ii. Turkey:

(a). General Lottery: Opening day of statewide season for 2 days.

(b). Youth Lottery: Sat. and Sun. before opening day of statewide season.

iii. Small Game: Same as outside except closed the Friday after Thanksgiving Day for 3 days during either-sex firearms hunts for deer, and closed during youth deer hunt, and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Waterfowl: Same as outside except no hunting in Waterfowl Refuge Area and except closed Fri. after Thanksgiving for 3 days, and during youth deer hunt north of U.S. Hwy. 90.

v. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

vi. Crawfish: Commercial crawfishing prohibited. Limited to 100 pounds per person per day.

hh. Peason Ridge. Self-clearing permit required daily for all activities. All or portions of the area may be closed daily due to military activities. Information on open areas and special ATV regulations can be accessed at the following website: <http://www.jrtc-polk.army.mil/hunt2/hunt/default.htm>. Hunters are cautioned not to pick up any foreign material or objects while hunting on the WMA. Also, it is mandatory for hunters to check the open area maps, located at check stations, daily for sudden closures.

i. Deer

(a). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex except restricted to bucks only when bucks only gun season is in progress.

(b). Primitive Firearms: 2nd Sat. of Oct. for 7 days. Self-Clearing Permit required.

(c). Firearms Either-sex: Last Sat. of Oct. for 2 days, and Fri. after Thanksgiving Day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit.

(d). Firearms Bucks Only: Mon. after last Sat. of Oct. to Thanksgiving Day, 2nd Sat. of Dec. to Jan. 1.

ii. Turkey: Same as outside.

(a). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms hunts for deer and except closed to squirrel hunting during the spring season. "Hunter orange" or "blaze pink" must be worn when bucks only gun hunts for deer are in progress. Squirrel hunting with dogs allowed Mon. after Thanksgiving Day for 12 days and Jan. 2 to last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from beginning of Archery Season to Jan. 1. Hunters may hunt feral hogs with shotguns loaded with buckshot or slugs from Jan. 2 to the end of Feb. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for hogs.

ii. Pointe-Aux-Chenes. All nighttime activities prohibited. Possession of more than one daily limit of fish/crab/shrimp while on the WMA is prohibited. Self-clearing permits available at Grand Bayou Boat Launch and at Point Farm gate behind Montegut Middle School. Parking of vehicles on levees prohibited. Vessels/Vehicles: All boats powered by internal combustion engines having total horsepower above 25 Hp are not allowed in the Grand Bayou, Montegut and Pointe-aux-Chenes water management units. Public is permitted to travel anytime through the WMA for access purposes only, in the waterways known as Grand Bayou, Humble Canal, Little Bayou Blue, Grand Bayou Blue, St. Louis Canal, and Bayou Pointe-aux-Chenes unless authorized by LDWF. All ATVs/UTVs, motorcycles, horses and mules are prohibited.

i. Feral Hogs: May be taken by properly licensed hunters from Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs. All Point-aux-Chenes Property except Point Farm Unit and Restricted Areas

ii. Deer

(a). Archery (bucks only): Oct. 1-15.

(b). Archery (either-sex): Oct. 16 - Feb. 15.

(c). Firearms (bucks only): Fri. after Thanksgiving Day for 3 days and 2nd Sat. of Dec. for 7 days.

iii. Waterfowl: Same as outside except closes at 2 pm.

iv. Small Game: Same as outside except closed during bucks only firearms season and open to squirrel hunting during the spring season from the 1st Sat. of May for 9 days, with or without dogs. Beagles prohibited October through December.

v. Recreational Fishing: The harvest of all fish, shrimp, crabs and crawfish is for recreational purposes only and any commercial use is prohibited. All castnet contents shall be contained and bycatch returned to the water immediately.

vi. Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 lbs. per boat or vehicle per day (heads on) maximum shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 lbs. per boat or vehicle per day (heads on) may be taken for bait.

vii. Oyster Harvesting Prohibited.

viii. Fish may be taken only by rod and reel or hand lines for recreational purposes only.

ix. Crabs may be taken only through the use of hand lines or nets; however, none are to remain set overnight. No drop net is allowed to be left unattended at any time. A maximum of 12 drop nets may be possessed/attended per boat or vehicle. Twelve dozen crabs maximum are allowed per boat or vehicle per day.

x. Crawfish: may be harvested in unrestricted portions of the WMA and shall be limited to 100 lbs. per person per day. Gear used to catch crawfish shall not remain set overnight.

xi. Point Farm Unit (Pointe-aux-Chenes). An approximately 1,000-acre area inside the Pointe-aux-Chenes WMA which is generally bounded on the west by the double gates behind the Montegut Middle School and the WMA boundary, and on the north by the WMA boundary and Point Farm ridge levee, and is bounded on the east and south by the Point Farm ridge levee. The boundary of Point Farm is more accurately marked with signs. Point Farm gate will be open all Saturdays during the month of February, weather permitting. Parking in designated areas required for mourning dove hunting. No motorized vessels allowed in the drainage ditches. Except for mourning dove hunting, (provided for below) all other hunting activities closed until after the last day of youth deer hunts.

(a). Deer

(i). Youth Lottery (either-sex): 1st Sat. of Oct. for 2 days, 2nd Sat. of Oct. for 2 days, daily youth hunt permit required. Call the Lafayette Field Office, Coastal WMAs, 337-735-8667 for details.

(ii). Archery (either-sex): Oct. 16 – Jan. 14

(b). Waterfowl: closed

(c). Small Game: Same as outside, except closed until the day after the last youth deer hunt day and open to squirrel hunting during the spring season from the 1st Sat. of May for 9 days, with or without dogs. Beagles prohibited October and November. Non-toxic shot only south of the dove field gate.

(d). Mourning Dove: Hunting will be permitted each day during the September split and each day of the second and third splits (AFTER the last youth deer hunt day). Shooting hours will be from 1/2 hour before sunrise until sunset, except opening day of the first split, which will be 12:00 pm (noon) until sunset. Gates will be opened on

Saturdays during the first and second segments, weather permitting, except during waterfowl season and Youth Deer Hunt weekends. Parking will be allowed in designated areas only. Non-toxic shot only south of the dove field gate.

jj. Pomme de Terre. Area Closed: To all except Youth Deer Hunters during Youth Deer Hunt.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: 4th Sat. of Dec. for 16 days.

(e). Primitive Firearms: Day after firearms bucks only season ends for 7 days.

ii. Turkey: 4th Sat. of April for 9 days.

(a). Youth Lottery: 3rd Sat. of April for 2 days.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms hunt for deer and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Oct. 31, and Mon. after Thanksgiving for 21 days, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

v. Commercial Fishing: Permitted Monday through Friday except closed during duck season. Commercial Fishing Permits available from area supervisor, Lafayette Wildlife Field Office or Spring Bayou Headquarters.

vi. Sport Fishing: Same as outside except allowed only after 2 p.m. only during waterfowl season.

vii. Crawfish: March 15-July 31. Recreational only. 100 lbs. per person daily. No nets or traps may be left overnight.

kk. Richard K. Yancey. Area closed on that portion of the area south of Black Hawk Acme Levee Road, west of LA Hwy. 15, southward to Old River Control Structure, thence south to Sugar Mill Chute, last Sat. of Oct. for 2 days to all except Youth and Physically Challenged Deer Hunters. The remainder of the WMA is open to all users.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth Lottery: 3rd & 4th Sat of Dec. except if the 4th Sat. is Christmas Day, then the hunt will be the 2nd & 3rd Sat. of Dec. and the 1st and 2nd Sat. in Jan. except when the 1st Sat. of Jan. is New Year's Day then the hunt will be the 2nd & 3rd Sat. of Jan., either-sex.

(c). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex.

(d). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(e). Firearms Bucks Only: Last Sat. of Dec. for 9 days.

(f). Primitive Firearms (Either-Sex): 2nd Saturday in December for 2 days.

ii. Turkey: Opening day of statewide season for 9 days except season will open for 10 days when statewide season opens on Good Friday.

(a). Youth Lottery: Sat. before opening day of statewide season for 2 days, except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days.

iii. Small Game and Waterfowl: Same as outside except closed during the either-sex firearms season and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after firearms bucks only season ends to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Oct. 31, and Mon. after Thanksgiving for 12 days, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Quail: Closed.

v. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and day after firearms bucks only season ends to last day of Feb.

vi. Crawfish: Recreational crawfishing allowed west of the Mississippi River Levee only Mar. 15 to July 31, recreational crawfishing only. Crawfish harvested limited to 100 pounds per person per day. No traps left overnight. No motorized watercraft allowed.

vii. Sport Fishing and Commercial Fishing: Same as Outside except closed from 30 minutes before sunrise until 2 p.m. on: Grand Bay, Silver Lake, Lower Sunk Lake, Lac A' Sostien, Moreau Lake, and Hog Pen Lake during open waterfowl seasons, except during early Teal Season, recreational fishing allowed after 10 a.m.

II. Russell Sage. AREA closed: Last Sat. of Oct. for 2 days South of I-20 only to all except Youth and Physically Challenged Deer Hunters. North of I-20 open to all other allowable activities. Wham Brake: September 1-Jan. 31 all motorized vessels prohibited 2 p.m.-4 a.m., and all nighttime activities prohibited during open waterfowl season. Waterfowl Refuge: North of LA Highway 15 closed to all hunting, fishing, trapping and ATV use during duck season including early teal season, except hunting allowed during Falconry Waterfowl Season. Transporting trash or garbage on WMA roads is prohibited. All nighttime activities prohibited except as otherwise provided. Chauvin Tract: All season dates on Chauvin Tract (US 165 North) same as outside, except still hunt only, except deer hunting restricted to archery only, and except small game shotgun only. All vehicles including ATVs prohibited. Wham Brake Area: Waterfowl hunting open during either-sex deer season.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex, south of I-20 only.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: 2nd Sat. of Dec. for 14 days.

(e) Primitive Firearms: Mon. after Firearms either-sex season for 7 days.

ii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms deer seasons, except Wham Brake area, South Bosco Tract and Pintail Alley area will remain open during either-sex firearms deer seasons, and except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3rd Sat. of Oct.-Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31. Snipe hunting after 2 p.m. prohibited during duck season.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iii. Raccoon (Nighttime): 1st Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to last day of Feb.

iv. Crawfish: 100 pounds per person per day limit.

mm. Sabine. Area Closed: That portion designated as the Physically Challenged Deer Hunting Area is closed to all activities the Fri. before 3rd Sat. of Oct. for 3 days to all but Physically Challenged Deer Hunters. Remainder of area closed to all activities 3rd Sat. of Oct. for 2 days to all but Youth Deer Hunters. Physically Challenged Deer Hunt limited to those chosen by lottery. Contact LDWF Pineville Field office for details.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth and Physically Challenged: 3rd Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: 4th Sat. of Oct. for 2 days, Fri. after Thanksgiving Day for 3 days, Self-clearing Permit.

(d). Firearms Bucks Only: day after primitive firearm season to day before Thanksgiving Day. First Sat. of December for 9 days.

(e). Primitive Firearms: Monday after the 4th Sat. in Oct. for 7 days.

ii. Turkey

(a). General Lottery: 2nd Fri. of April for 3 days, 4th Fri. of April for 3 days.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms hunts for deer and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to last day of Feb.

iv. Raccoon (Nighttime): Sat. before Christmas to last day of Feb.

nn. Sabine Island. Sabine Island boundaries are Sabine River on the west, Cut-Off Bayou on the north, and Old River and Big Bayou on the south and east. Self-clearing

permits required for hunters only. Area Closed: 4th Sat. of Sept. for 2 days to all except Youth Deer Hunters.

- i. Deer
 - (a). Same as Area 8 Deer Season except still hunt only.
 - (b). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex.

- (c). Youth: 4th Sat. of Sept. for 2 days, either-sex.
 - ii. Small Game and Waterfowl: Same as outside except closed 4th Sat. of Sept. for 2 days and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Squirrel hunting with dogs allowed day after Area 8 deer season ends to last day of Feb.

- iii. Raccoon (Nighttime): Day after Area 8 deer season ends to last day of Feb.

- iv. Feral Hogs: May be taken by properly licensed hunters from 3rd Sat. of Sept. to last day of Feb. Hogs may be taken with the aid of dogs Feb. 1 to last day of Feb.

- oo. Salvador/Timken. Self-Clearing Permit required for all activities. Permits available at Pier 90, Bayou Gauche, Bayou Segnette State Park landings, and at Airboat Adventures in Lafitte. Vessels/Vehicles: All ATVs/UTVs, motorcycles, horses and mules prohibited. Use of mud boats powered by internal combustion engines with more than four cylinders is prohibited. Pulling boats over levees, dams or water control structures or any other activities which cause detriment to the integrity of levees, dams and water control structures is prohibited. AREA closed: During the month of October to all activities except fishing, Youth Deer Hunters and Youth Waterfowl Hunters, if the latter is provided for.

- i. Deer
 - (a). Archery (either-sex): Nov. 1 - Jan. 31
 - (b). Youth (either-sex): Last 4 Sats. of Oct. for 2 days each except when the last Sat. is the 31st in which case the season will be the 1st four Sats. of Oct. for 2 days each, either sex.

- (c). Firearms (either-sex): Fri. before Thanksgiving Day for 3 days.

- (d). Firearms (bucks only): Mon. before Thanksgiving Day for 28 days.

- (e). Deer Primitive Firearms (either-sex): Day after Firearms Bucks Only for 7 days.

- ii. Waterfowl: Same as outside.

- iii. Small Game: Same as outside except closed October through December. Beagles allowed for rabbits Jan. through last day of Feb.

- iv. Feral Hogs: May be taken by properly licensed hunters from Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs.

- v. Recreational Fishing: The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited.

- vi. Shrimp: may be taken by the use of cast nets only. During the inside open shrimp season, 25 lbs. per boat per day (heads on) maximum shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 lbs. per boat per day (heads on) maximum

may be taken for bait. All castnet contents shall be contained and bycatch returned to the water immediately.

- vii. Fish: may be taken only by rod and reel or hand lines for recreational purposes.

- viii. Crabs: may be taken only through the use of hand lines or nets; however, none are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day.

- ix. Crawfish: may be harvested in unrestricted portions of the WMA and shall be limited to 100 lbs. per person per day. Fishing gear used to catch crawfish shall not remain set overnight.

- x. Experimental Nighttime Activity Season:

- (a). 12 a.m., June 1 through official sunrise Aug. 15. Nighttime activities LIMITED to the take of frogs and fishing with a rod and reel. All other nighttime activities prohibited. Daily limit of 50 frogs per vessel in aggregate (bull frogs/pig frogs). If engaged in frogging on or while traversing the WMA, all frogs in possession will be deemed to have been taken from the WMA. At no time may anyone possess more than one daily limit of frogs while on the water.

- (b). Size Limit: (Measured from the tip of the muzzle to the posterior end of the body between the hind legs). Bull frogs harvested must be 5 inches or larger. Pig frogs harvested must be 3 inches or larger.

- (c). Check out portion of self-clearing permit must include boat registration number under the comments section. Possession of firearms while participation in any experimental nighttime activity is prohibited.

- pp. Sandy Hollow. No hunting with any firearm south of Jackson Road, except school board tract, on days of scheduled field trials. Dates of field trials are listed on the check stations or can be obtained from the Hammond office (985-543-4777). Area Closed: North tract closed to all hunters 1st Sat. of Nov. for 2 days, except Youth and Physically Challenged Deer Hunters.

- i. Deer

- (a). Youth/Physically Challenged: 1st Sat. of Nov. For 2 days, either-sex.

- (b). Archery: Oct. 1-Jan. 31, either-sex.

- (c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, and 3rd Sat. of Dec. for 2 days.

- (d). Primitive Firearms: 2nd Sat. of Dec. for 7 days, 4th Sat. of Dec. for 7 days, and the 1st Sat. of Jan. for 2 days.

- ii. Turkey: Opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

- iii. Small Game and Waterfowl: Same as outside except closed Fri. after Thanksgiving for 3 days and Youth/Physically Challenged hunt, and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

- (a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days. On that portion designated as Small Game Emphasis Area, training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

- iv. Raccoon (Nighttime): Day after primitive firearms season ends to last day of Feb.

v. Mourning Dove: 1st day and 2nd Sat. through end of 1st split. Closed remainder of 1st split. Second and third splits are same as outside except Youth Hunt on Northern tract during the opening day of the first segment. Hunt restricted to youths younger than 18 years of age and supervising adult who must be 18 years of age or older. The supervising adult must maintain visual and voice contact with the youth at all times.

vi. Bird Dog Training: Mon. after opening day of Mourning Dove Season to the Sun. before opening of Quail Season and Feb. 1 to last day of Feb., except restricted to that portion south of LA Hwy. 10 only and except blank pistols only. Wild birds only (use of pen-raised birds prohibited).

vii. Bird Dog Training Area: An area has been designated to allow use of released birds for dog training purposes. Open all year except closed during either-sex modern firearm hunts for deer, WMA turkey season and opening weekend of the 1st segment of dove season. Contact Hammond Office (985-543-4777) for information.

viii. Bird Dog Field Trials: Permit required from Hammond Office.

ix. Horseback Riding: Self-clearing Permit required. Organized trail rides prohibited. Riding allowed only on designated roads and trails (see WMA map). Horses and mules are specifically prohibited during turkey and gun season for deer except as allowed for bird dog field trials. No horses and mules on green planted areas. Horse-drawn conveyances prohibited.

qq. Sherburne. The area known as the South Farm is located on the East Side of Sherburne WMA. No hunting will be allowed except specified lottery hunts, within the levee system of the farm from the Fri. before the 1st lottery youth deer hunt on the South Farm until the day after the last lottery duck hunt on the South Farm. Waterfowl hunting will be allowed by lottery only during the open regular duck hunting season. Hunting will be allowed in the wooded portions east of the waterfowl impoundments. Consult the WMA maps for exact locations. No hunting allowed within the levee system of the farm. Area Closed: Last Sat. of Oct. for 2 days except to Youth and Physically Challenged Deer Hunters and South Farm closed to all hunters except youth lottery deer hunters. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Lafayette or Baton Rouge Offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons as listed below. Physically Challenged Wheelchair Confined Waterfowl Hunting Area: Access restricted. Call Lafayette or Baton Rouge Offices for further details. Hunting by reservation for wheelchair confined PCHP permittees only.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either sex.

(b). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex, ALL OTHER SEASONS closed. Self-Clearing Permit.

(c). Youth Lottery: Last Sat. and Sun. of Oct., 4th Mon. of Dec., and 1st and 2nd Sun. of Jan. except no hunt on Christmas Day or Christmas Eve, either-sex. Contact Lafayette office, 337-262-2080 for details and applications.

(d). Firearms Either-sex: Fri. after Thanksgiving Day for 2 days Mandatory Deer Check and Sun. after Thanksgiving, Self-Clearing Permit, and 2nd Fri. after Thanksgiving for 10 days, Self-Clearing Permit.

(e). Firearms Bucks Only: 4th Sat. of Dec. for 16 days.

(f). Primitive Firearms: Mon. after close of Firearms Bucks only for 7 days.

ii. Turkey: Mon. after 3rd Sat. of April for 3 days.

(a). General Lottery: 3rd Sat. of April for 2 days.

(b). Youth Lottery: 2nd Sat. in April

iii. Small Game: Same as outside except closed during Firearms Either-Sex Deer and except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

(b). On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Oct. 31, and Mon. after close of 2nd firearms either-sex deer season for 9 days, except closed last Sat. of Oct. for 2 days, and training of beagles for rabbit and dogs for squirrel allowed June 1 – August 31.

iv. Waterfowl, Snipe, Rail, & Gallinules: Same as outside except closed during Firearms Either-Sex Deer and except hunting after 2 p.m. prohibited except no hunting in Waterfowl Refuge. That portion of Sherburne WMA known as the South Farm restricted to Lottery hunts only. South Farm waterfowl hunting limited to one hunt per calendar week per person. All other hunting closed on South Farm complex from the Friday before Youth Lottery Deer Hunt until the day after the last Waterfowl hunt on the South Farm. Contact the Wildlife Field Office for details and description of “South Farm.”

(a). Youth Waterfowl Lottery: Contact Lafayette Office for details and applications.

(b). Disabled Veterans Waterfowl Lottery: Contact Lafayette Office for details and applications.

v. Quail: closed

vi. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

vii. Crawfish: March 15-July 31, Recreational crawfishing only. Crawfish harvest limited to 100 pounds per person per day. No traps or nets left overnight. No motorized water craft allowed on farm complexes. Retriever training allowed on selected portions of the WMA. Contact the Wildlife Field office for specific details.

viii. Vehicular traffic prohibited on East Atchafalaya River levee within Sherburne WMA boundaries.

ix. Rifle and Pistol/Handgun Range open daily. Skeet ranges open by appointment only, contact Hunter Education Office, telephone 225-765-2931. No trespassing in restricted areas behind ranges.

NOTE: Atchafalaya National Wildlife Refuge and U.S. Army Corps of Engineers land holdings adjacent to the Sherburne Wildlife Management Area will have the same rules and regulations as Sherburne WMA. No hunting or trapping in restricted area.

x. Bird Dog Training Area: Open to bird dog training all year except closed during either-sex modern firearm hunts for deer, WMA turkey season, and opening weekend of 1st and 2nd segments of dove season.

rr. Soda Lake. Bicycles allowed. Vehicle parking allowed only in designated parking area on LA 173 at Twelve Mile Bayou and LA 169 adjacent to levee. All trapping and hunting prohibited except:

i. Deer

(a). Archery Only, Oct. 1-Jan. 31, either-sex.

ii. Small Game: Portion West of Twelve Mile Bayou same as outside, falconry only and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, Falconry only. Portion east of Twelve Mile Bayou open same as outside. Beagles allowed for rabbits and dogs allowed for squirrel Sat. before Christmas to end of Feb. Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs.

ss. Spring Bayou. Area Closed: Last Sat. of Oct. for 2 days to all except Youth Deer Hunters. No hunting allowed in Headquarters area. Only overnight campers allowed in the improved Boggy Bayou Camping area. Rules and Regulations posted at campsite. A fee is assessed for use of this campsite. Water skiing permitted only in Old River and Grand Lac.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: 4th Sat. of Dec. for 16 days.

(e). Primitive Firearms: Mon. after close of Firearms Bucks only for 7 days.

ii. Turkey

(a). Youth Lottery: 4th Sat. of April for 2 days.

iii. Small Game & Waterfowl: Same as outside except small game closed during either-sex firearms hunts for deer. Waterfowl to remain open during either-sex firearms hunts for deer. Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

v. Commercial Fishing: Gill nets and trammel nets 3.5 inches and greater permitted Monday through Friday except slat traps and hoop nets permitted any day. The take and possession of grass carp is prohibited. Permits available from area supervisor or Lafayette Wildlife Field Office. closed until after 2 p.m. during waterfowl season.

vi. Sport Fishing: Same as outside except only allowed after 2 p.m. during waterfowl season, except during early Teal Season, recreational fishing allowed after 10 a.m.

vii. Crawfish: March 15-July 31. Recreational only, 100 lbs. per person per day.

tt. Tangipahoa Parish School Board. Self-Clearing Permits required for all activities. No horseback riding during gun season for deer or turkey. ATVs are not allowed except as otherwise specified.

i. Deer: Same as outside.

ii. Turkey: Same as outside.

iii. Small Game & Waterfowl: Same as outside and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to the last day of Feb.

iv. Raccoon (Nighttime): Day after primitive firearms season ends to last day of Feb.

uu. Thistlethwaite. Restricted Area: Small game hunting allowed with shotgun only loaded with shot no larger than BB lead or F steel. Deer hunting allowed by archery only. Area Closed: Last Sat. of Oct. for 2 days, except to Youth Deer Hunters. All motorized vehicles restricted to improved roads only. All users must enter and leave through Main Gate only.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.

(b). Youth Deer Hunt: Last. Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-Sex: Fri. after Thanksgiving Day for 3 days, 1st Saturday of Dec. for 9 days, and 4th Saturday of Dec. for 2 days.

(d). Firearms Bucks Only: Monday after the last Either-Sex Firearm hunt in Dec. for 14 days.

(e). Primitive Firearms: 2nd Saturday in November for 2 days and Monday after close of Firearms Bucks Only for 7 days.

ii. Small Game & Waterfowl: Same as outside except closed during either-sex firearms hunts for deer and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting February 1-28.

vv. Tunica Hills. Area Closed Sat. before opening day of statewide turkey season except youth turkey hunters and all weekends in April except turkey hunters. Area Closed: 1st Sat. of Nov. for 2 days to all except Youth Deer Hunters. Camping limited to tents only in designated areas.

i. Deer

(a). Archery: Oct. 1-15, bucks only, Oct. 16-Jan. 31, either sex.

(b). Youth Hunt: 1st Sat. of Nov. for 2 days, either-sex.

(c). Primitive Firearms: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit, either-sex, 2nd Sat. of Dec. for 9 days, except when there are 5 Sats. in Dec. then it will open on the 3rd Sat. of Dec., the initial Sat. and Sun. either-sex and mandatory deer check, the remaining 7 days bucks only, self-clearing permit.

ii. Turkey: Mon. after 3rd Sat. of April for 7 days.

(a). General Lottery: Opening day of statewide season for 2 days, 2nd Sat. of April for 2 days, 3rd Sat. of April for 2 days.

(b). Youth Lottery: Sat. and Sun. before opening day of statewide season.

iii. Small Game and Waterfowl: Same as outside except closed during Youth Deer Hunt and Primitive Firearms Deer Hunt and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs, South Tract only. Beagles allowed for rabbits and dogs allowed for squirrel hunting 3rd Saturday of Oct. for 7 days and Feb. 1 to last day of Feb. on South Tract only. On that portion designated as Small Game Emphasis Area (South Tract Only), training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon (Nighttime): Feb. 1 to last day of Feb. on South Tract only.

ww. Walnut Hill.

i. Deer: Same as outside, Archery Only, Either-sex.

ii. Turkey: Same as outside.

iii. Small Game: Same as outside. Open to squirrel hunting during the spring season 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting 1st Sat. of Jan. to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Feb. 28, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon: 2nd Sat. of Sept. for 16 days and 1st Sat. of Jan. to the last day of Feb.

xx. West Bay. Area Closed: Next to last Sat. of Oct. for 2 days to all except Youth and Physically Challenged Deer Hunters. Limited USE Area: Small game same as outside except shotgun only and deer hunting - Archery only. See WMA map for specific location.

i. Deer

(a). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex.

(b). Youth & Physically Challenged: Next to last Sat. of Oct. for 2 days, either-sex, for physically challenged and youth hunters only.

(c). Firearms Either-sex: Last Sat. of Oct. for 2 days Mandatory Deer Check and Fri. after Thanksgiving Day for 3 days, Self-Clearing.

(d). Firearms Bucks Only: Mon. after close of Primitive Season to Thanksgiving Day, and 2nd Sat. of Dec. to Jan. 1.

(e). Primitive Firearms: Mon. after 1st either-sex firearms weekend for 7 days.

ii. Turkey:

(a). General Lottery: Opening day of statewide season for 2 days, 2nd Sat. of April for 2 days, 3rd Sat. of April for 2 days.

(b). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game & Waterfowl: Same as outside except closed during either-sex firearms hunts and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after firearms bucks only season closes to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): Day after firearms bucks only season closes to last day of Feb.

18. Other Areas

a. Camp Avondale Scout Reservation

i. Deer

(a). Firearms Either-sex: 2nd Sat. in November for 3 days. Restricted to scout program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

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).

§113. General and WMA Turkey Hunting Regulations

A. General Regulations. Only gobblers (male turkeys) may be taken. Taking of hen (female) turkeys, including bearded hens, is prohibited; still hunting only. Use of dogs, electronic calling devices, motorized decoys and live decoys is illegal. Turkeys may be hunted with shotguns, including muzzleloading shotguns, using shot not larger than #2 lead, #2 non-toxic, or BB steel shot, and approved archery equipment but by no other means. Shooting turkeys from a moving or stationary vehicle is prohibited. Shotguns capable of holding more than three shells prohibited. The running of coyote with dogs is prohibited in all turkey hunting areas during the open turkey season. No person shall hunt, trap or take turkeys by the aid of baiting or on or over any baited area. Baiting means placing, exposing, depositing or scattering of corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed so as to constitute a lure, attraction or enticement to, on or over any areas where hunters are attempting to take turkeys. A baited area is any area where corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed capable of luring, attracting or enticing turkeys is directly or indirectly placed, exposed, deposited, distributed or scattered. Such areas remain baited areas for 15 days following complete removal of all such corn, wheat or other grain, salt, or other feed. Wildlife agents are authorized to close such baited areas and to place signs in the immediate vicinity designating closed zones and dates of closures. No person hunting turkeys more than 200 yards from a baited area will be in violation of the turkey baiting regulation.

B. Tags

1. Prior to hunting turkeys, all turkey hunters, regardless of age or license status, must obtain turkey tags and have them in their possession while turkey hunting. Immediately upon killing a turkey, hunters must attach a carcass tag to the turkey before it is moved from the site of the kill and must document the kill on the turkey harvest report card. The date of kill and parish of kill must be recorded on the carcass tag. The tag must remain attached to the turkey while kept at camp or while it is transported to the domicile of the hunter or to a cold storage facility. Hunters who keep the carcass or meat at a camp must also comply with game possession tag regulations. Within 72 hours of the

kill, the hunter must report the kill. Hunters may report turkeys by calling the validation phone number or using the validation website.

2. Turkey hunters purchasing licenses by phone or internet will be given an authorization number and a LDWF identification number that will serve as their license and tags until the physical license and tags arrive by mail. Turkey hunters who have purchased a license with tags, but have not yet received their physical license and tags, must immediately tag their kill with a possession tag before moving it from the site of the kill. The authorization number and LDWF identification number must be recorded on the possession tag. Hunters must retain documentation of any turkeys killed and upon receiving their physical tags and harvest report card, validate their kill as required in these regulations. The tags for turkeys killed prior to receiving the physical tags must be removed from the turkey harvest report card and discarded.

3. Tags removed from the turkey harvest report card prior to killing a turkey are no longer valid and if lost will not be replaced. Duplicate tags and turkey harvest report cards are available to replace lost report cards and attached tags. Hunters will be charged a fee for duplicate turkey harvest report cards and tags. Hunters that have killed a turkey prior to losing their remaining tag and harvest report card must remove and discard the duplicate tag to account for the original tag that was used and validated. Hunters must record any previously validated turkey on the duplicate turkey harvest report card.

C. Possession of Live Wild Turkeys. No person shall take live wild turkeys or their eggs from the wild. No person shall possess captive live wild turkeys, (*Meleagris gallopavo silvestris*, *M.g. osceola*, *M.g. intermedia*, *M.g. merriami*, *M.g. mexicana*) or their eggs, regardless of origin, without a valid game breeder license. No pen-raised turkeys from within or without the state shall be liberated (released) within the state.

D. Statewide Youth and Physically Challenged Season Regulations. Only youths 17 years of age or younger or hunters possessing a physically challenged hunter permit with wheelchair classification may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for youth younger than 16 years of age. Adults accompanying youth may not possess a firearm or bow. Youths may possess only one firearm or bow while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times, except properly licensed youths 16-17 years old and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. Only one gobbler per day may be taken and any gobbler taken by the hunter during this special season counts towards their season bag limit of two.

E. Shooting Hours—one-half hour before sunrise to one-half hour after sunset.

F. Turkey Hunting Area Descriptions

1. Area A

a. All of the following parishes are open:

- i. Beauregard;
- ii. Bienville;
- iii. Bossier;
- iv. Claiborne;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

- v. East Baton Rouge;
- vi. East Feliciana;
- vii. Grant;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates;

- viii. Jackson;
- ix. LaSalle;
- x. Lincoln;
- xi. Livingston;
- xii. Natchitoches;

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates.

- xiii. Sabine;
- xiv. St. Helena;
- xv. Tangipahoa;
- xvi. Union;
- xvii. Vernon;

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates.

xviii. Webster

- xix. West Feliciana (including Raccourci Island);
- xx. Winn.

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates.

b. Portions of the following parishes are also open:

i. Allen—north of US 190 east of Kinder, west of US 165 south of Kinder;

ii. Calcasieu—north of I-10;

iii. Caldwell—west of Ouachita River southward to Catahoula Parish line;

iv. Catahoula—south and west of the Ouachita River from the Caldwell Parish line southward to LA 8 at Harrisonburg, north and west of LA 8 from Harrisonburg to the LaSalle Parish line, also that portion lying east of LA 15;

v. Evangeline—north and west of LA 115, north of LA 106 west of LA 115 to US 167, west of US 167 south to LA 10, north of LA 10 west of US 167 to LA 13, west of LA 13 south of LA 10 to Mamou and north of LA 104 west of Mamou;

vi. Franklin—that portion lying east of LA 17 and east of LA 15 from its juncture with LA 17 at Winnsboro;

vii. Jefferson Davis—north of US 190 from junction with LA 26 to Kinder, west of US 165 and north of I-10 west from junction of US 165;

viii. Madison—that portion lying east of US 65 from East Carroll Parish line to US 80 and south of US 80. Also, all lands east of the main channel of the Mississippi River;

ix. Morehouse—west of US 165 from the Arkansas line to the junction of LA 140 at Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to US 165 at Bastrop, south of US 165 to junction of LA 3051 (Grabault Road) south of LA 3051 to junction of LA 138, west of LA 138 to junction of LA 134, north of LA 134 to the Ouachita Parish line;

x. Ouachita—all west of the Ouachita River. That portion east of the Ouachita River lying north of US 80;

xi. Rapides—all west of Red River and north of LA 28 east from Pineville, LA east to LaSalle Parish line

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates.

xii. Richland—that portion south of US 80 and east of LA 17;

xiii. Tensas—that portion west of US 65 from the Concordia Parish line to its juncture with LA 128, north of LA 128 to St. Joseph; west and north of LA 605, 604 and 3078 northward to Port Gibson Ferry; also all lands east of the main channel of the Mississippi River.

2. Area B

a. All of the following parishes are open:

- i. DeSoto;
- ii. Red River;
- iii. St. Tammany;
- iv. Washington.

b. Portions of the following parishes are open:

i. Caddo—all except that portion north of I-20 from the Texas state line to I-220, west of I-220 to LA 1, west of LA 1 to Caddo Lake, south of Caddo Lake to the Texas state line;

ii. East Carroll—east of US 65 from Arkansas state line to Madison Parish line;

EXCEPTION: see federal lands hunting schedule for Kisatchie National Forest dates.

3. Area C

a. All of the following parishes are open:

- i. Ascension;
- ii. Concordia;
- iii. Iberville;
- iv. Pointe Coupee;

EXCEPTION: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries.

v. West Baton Rouge.

b. Portions of the following parishes are open:

i. Avoyelles—that portion bounded on the east by the Atchafalaya River, on the north by Red River to the Brouillette Community, on the west by LA 452 from Brouillette to LA 1, on the south by LA 1, eastward to Hamburg, thence by the west Atchafalaya Basin protection levee southward;

ii. Caldwell—all east of the Ouachita River;

iii. Catahoula—all of the parish except for that portion located in area A;

iv. Franklin—west of LA 17 from the Richland Parish line southward to Winnsboro, west of LA 15 southward to the Catahoula Parish line;

EXCEPTION: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries.

v. Iberia—east of the west Atchafalaya Basin protection levee;

vi. Richland—west of LA 17 from Franklin Parish line to Ringle Road, south of Ringle Road to Ferguson Road, south of Ferguson Road to Little Road, south of Little Road to Big Creek, east of Big Creek to Franklin Parish line;

vii. St. Landry—that portion bounded on the west by the west Atchafalaya Basin Protection Levee and on the east by the Atchafalaya River;

Exception: the Indian Bayou area; see federal lands hunting schedule for Indian Bayou area dates.

viii. Tensas—east and south of US 65 from Concordia Parish line to LA 128, south of LA 128 to St. Joseph, east and south of LA 605, 604 and 3078 northward to Port Gibson Ferry;

ix. Upper St. Martin—all within the Atchafalaya Basin; in addition, that area bounded on the North by LA 352; on the West by LA 349, to LA 3039, to LA 347, to the Catahoula Hwy. (LA 96), to LA 679, to LA 345; and on the south by LA 3242;

EXCEPTIONS: Sherburne WMA and Indian Bayou area, see WMA Turkey Hunting Schedule for special season dates on all state, federal and private lands within Sherburne WMA boundaries and see federal lands hunting schedule for Indian Bayou dates.

4. Turkey season dates on wildlife management areas, national wildlife refuges, Kisatchie National Forest and U.S. Army Corps of Engineers land located within areas A, B, and C may vary from the season set for the parish in which they are located. Seasons for these lands are specified in LAC 76:XIX.115.

G. WMA Turkey Hunting Regulations

1. WMAs with youth turkey hunts are closed to all activities except turkey hunting by authorized youth hunt participants, shooting range use, and fishing on the day(s) of the youth hunt.

2. Rules Specific to Certain WMAs

a. Sandy Hollow. No turkey hunting within 100 yards of food plots identified by two yellow paint rings around the nearest tree.

b. Sherburne. All turkeys taken must be checked at the WMA headquarters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2263 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2375 (November 2002), LR 29:2512 (November 2003), LR 30:2874 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2469 (November 2007), LR 35:91 (January 2009), LR 35:2478 (November 2009), LR 36:2581 (November 2010), LR 37:3535 (December 2011), LR 38:2941 (November 2012), LR 40:96 (January 2014), LR 40:1554 (August 2014), LR 41:977 (May 2015), LR 42:1127 (July 2016), LR 43:1426 (July 2017), LR 44:1303 (July 2018), LR 45:964 (July 2019), LR 46:988 (July 2020).

§115. Turkey Hunting Areas, Seasons, and Bag Limits

A. Daily limit is one gobbler. Season limit is two gobblers. Turkeys taken on WMAs are part of the season bag limit. Only one turkey may be taken during spring WMA lottery hunts.

B. Turkey season will open on the first Saturday in April. The area A turkey season will be 30 consecutive days in length, the area B turkey season will be 23 consecutive days in length, and the area C turkey season will be 16 consecutive days in length. Wildlife management areas, national forests, national wildlife refuges, and U.S. Army Corps of Engineers land may vary from this framework. On those years when the first Saturday in April falls the day before Easter, then the season will open the Friday before the first Saturday in April.

C. Statewide youth turkey and physically challenged season on private lands shall be the weekend prior to the start of the regular turkey season. On those years when the

weekend prior to the start of regular turkey seasons falls on Easter weekend, then the youth and physically challenged season will open on Good Friday.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:2264 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2376 (November

2002), LR 29:2512 (November 2003), LR 30:2875 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2470 (November 2007), LR 35:90 (January 2009), LR 35:2481 (November 2009), LR 36:2583 (November 2010), LR 37:3541 (December 2011), LR 38:2944 (November 2012), LR 40:99 (January 2014), LR 40:1556 (August 2014), LR 41:980 (May 2015), LR 42:1129 (July 2016), LR 43:1426 (July 2017), LR 44:1306 (July 2018), LR 45:966 (July 2019), LR 46:990 (July 2020).

§117. Migratory Bird Seasons, Regulations, and Bag Limits

A. Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit	Possession Limit
Mourning and White Winged Doves and fully-dressed Eurasian and Collared Doves	South Zone: Sept. 5-Sept. 16 Oct. 17-Nov. 29 Dec. 19-Jan. 21 North Zone: Sept. 5-Sept. 27 Oct. 10-Nov. 15 Dec. 26-Jan. 24	15 (in aggregate)	45 (in aggregate)
Woodcock	Dec. 18-Jan. 31	3	9
Teal (Blue-winged, Green-winged and Cinnamon)	Sept. 12-Sept. 27	6	18
King and Clapper Rails	Sept. 12-Sept. 27 Nov. 14-Jan. 6	15 (in aggregate)	45 (in aggregate)
Sora and Virginia Rails	Sept. 12-Sept. 27 Nov. 14-Jan. 6	25 (in aggregate)	75 (in aggregate)
Gallinules	Sept. 12-Sept. 27 Nov. 14-Jan. 6	15	45
Snipe	Coastal Zone: Nov. 2-Dec. 6 Dec. 19-Feb. 28 West Zone: Nov. 2-Dec. 6 Dec. 19-Feb. 28 East Zone: Nov. 2-Dec. 6 Dec. 19-Feb. 28	8	24
Ducks, Coots and Mergansers	Coastal Zone: Nov. 7-8 (youth only) Nov. 14-Dec. 6 Dec. 19-Jan. 24 Jan. 30-31 (veterans only) West Zone: Nov. 7 (youth only) Nov. 8 (veterans only) Nov. 14-Dec. 6 Dec. 19-Jan. 24 Jan. 30 (youth only) Jan. 31 (veterans only) East Zone: Nov. 14 (youth only) Nov. 15 (veterans only) Nov. 21-Dec. 6 Dec. 19-Jan. 31 Feb. 6 (youth only) Feb. 7 (veterans only)	Daily bag limit on ducks is 6 and may include no more than 4 mallards (no more than 2 females), 3 wood ducks, 2 canvasbacks, 2 redheads, 1 mottled duck, 1 black duck and 1 pintail. Only 1 scaup may be taken for the first 15 days of the season with 2 per day allowed for the remainder. Daily bag limit on coots is 15. Mergansers-The daily bag limit for mergansers is 5, only 2 of which may be hooded mergansers, in addition to the daily bag limit for ducks.	Three times the daily bag limit.

Species	Season Dates	Daily Bag Limit	Possession Limit
Light Geese (Snow, Blue, and Ross') and White-Fronted Geese	North Zone: Nov. 7-Dec. 6 Dec. 19-Jan. 31 South Zone: Nov. 14-Dec. 6 Dec. 19-Feb. 7	Daily bag limit on Light Geese (snow, blue, and ross') is 20. Daily bag limit on White-Fronted Geese is 3.	No possession limit on Light Geese (snow, blue, and ross') Possession limit on White-Fronted Geese is 9.
Canada Geese	North Zone: Nov. 7-Dec. 6 Dec. 19-Jan. 31 South Zone: Nov. 14-Dec. 6 Dec. 19-Feb. 7	1	3

B. Conservation Order for Light Geese Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit	Possession Limit
Light Geese (Snow, Blue, and Ross')	North Zone: Dec. 7-Dec. 18 Feb. 1-March 7 South Zone: Dec. 7-Dec. 18 Feb. 8-March 7	No daily bag limit.	No possession limit.

C. Extended Falconry Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit
Mourning and White Winged Doves and fully-dressed Eurasian and Collared Doves	Sept. 15-Oct. 1	Falconry daily bag and possession limit for all permitted migratory game birds must not exceed 3 and 9 birds, respectively, singly or in aggregate, during the extended falconry seasons and regular hunting seasons.
Woodcock	Nov. 2-Jan. 31	
Rails and Gallinule	Nov. 5-Jan. 31	
Ducks	Nov. 5-Jan. 31	

D. Dove Hunting Regulations

1. Shooting hours one-half hour before sunrise to sunset except on opening day of the first split on wildlife management areas and on fields leased through the LDWF experimental dove field leasing program, where hunting will be from 12 p.m. to sunset, except for Elbow Slough Wildlife Management Area which will be open one-half hour before sunrise to 12 p.m. (noon) on opening weekend of first split.

2. There is no bag limit on Eurasian collared-doves or Ringed Turtle-doves provided that a fully feathered wing and head remain attached to the carcass of the bird. Fully dressed Eurasian collared-doves and ringed turtle doves (those without a fully feathered wing and head naturally attached to the carcass) shall be included in the aggregate bag.

3. The following boundary divides the dove season zones: beginning at the Texas-Louisiana border on LA Hwy. 12; thence east along LA Hwy 12 to its intersection with U.S. Hwy 190; thence east along U.S. Hwy 190 to its intersection with I-12; thence east along I-12 to its intersection with I-10; then east along I-10 to the Mississippi state line.

E. Snipe Hunting Regulations. Shooting hours one-half hour before sunrise to sunset, except at the Spanish Lake recreation area in Iberia Parish where shooting hours, including the conservation end at 2 p.m.

F. Conservation Order for light geese. Only snow, blue, and Ross' geese may be taken under the terms of the conservation order. Electronic calls and unplugged shotguns allowed. No daily bag or possession limit. Shooting hours one-half hour before sunrise until one-half hour after sunset.

G. Canada Goose Season Closure. The Canada goose season will be open statewide except for a portion of southwest Louisiana described as follows: beginning at the Texas State Line, proceeding east along LA Hwy. 82 to the Calcasieu Ship Channel, then north along the Calcasieu Ship Channel to its junction with the Intracoastal Canal, then east along the Intracoastal Canal to its juncture with LA Hwy. 82, then south along LA Hwy. 82 to its juncture with Parish Road 3147, then south and east along Parish Road 3147 to Freshwater Bayou Canal, then south to the Gulf of Mexico, then west along the shoreline of the Gulf of Mexico to the Texas State Line, then north to the point of beginning at LA Hwy. 82. Open waters of Lake Arthur and the Mermentau River, from the Hwy 14 bridge southward, will also be closed.

H. Statewide Youth Waterfowl Season Regulations. Only youths 17 years of age or younger may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for youth younger than 16 years of age. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 42:1130 (July 2016), amended LR 43:1427 (July 2017), LR 44:1306 (July 2018), LR 45:966 (July 2019), LR 46:991 (July 2020).

Alfred R. Sunseri
Chairman

2007#014

RULE

**Department of Insurance
Office of the Commissioner**

**Regulation 112—Adoption of NAIC Handbooks,
Guidelines, Forms, and Instructions
(LAC 37:XIII.Chapter 161)**

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., has amended Regulation 112.

The purpose of the amendment to Regulation 112 is to identify and to incorporate by reference the current edition of handbooks, guidelines, forms, and instructions adopted by the National Association of Insurance Commissioners (NAIC) and referenced in the Louisiana Insurance Code.

Title 37

INSURANCE

Part XIII. Regulations

**Chapter 161. Regulation 112—Adoption of NAIC
Handbooks, Guidelines, Forms, and
Instructions**

**§16101. NAIC Handbooks, Guidelines, Forms, and
Instructions Incorporated by Reference**

A. ...

B. The following NAIC handbooks, guidelines, forms, and instructions are hereby adopted and incorporated by reference:

1. the *Financial Condition Examiner's Handbook*, 2019 edition;

2. the *Annual and Quarterly Statement Instructions, Property and Casualty*, 2019 edition;

3. the *Annual and Quarterly Statement Instructions, Life, Accident, and Health*, 2019 edition;

4. the *Annual and Quarterly Statement Instructions, Health*, 2019 edition;

5. the *Annual and Quarterly Statement Instructions, Title*, 2019 edition;

6. the *Annual and Quarterly Statement Instructions, Fraternal*, 2019 edition;

7. the *Annual and Quarterly Statement Blanks, Property and Casualty*, 2019 edition;

8. the *Annual and Quarterly Statement Blanks, Life, Accident, and Health*, 2019 edition;

9. the *Annual and Quarterly Statement Blanks, Health*, 2019 edition;

10. the *Annual and Quarterly Statement Blanks, Title*, 2019 edition;

11. the *Annual and Quarterly Statement Blanks, Fraternal*, 2019 edition;

12. the *Accounting Practices and Procedures Manual*, 2019 edition;

13. the *Financial Analysis Handbook*, 2019 edition;

14. the *Own Risk and Solvency Assessment Guidance Manual*, 2019 edition;

15. the *Purposes and Procedures Manual of the NAIC Investment Analysis Office*, 2019 edition;

16. the *Risk-Based Capital Forecasting and Instructions*, 2019 edition;

17. the *Market Regulation Handbook*, 2019 edition.

C. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 258, 586(G), 619(B), 640(B), 675, 661(A), 691.11, 691.54, and 1804.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 45:1208 (September 2019), amended LR 46:

James J. Donelon
Commissioner

2007#056

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Environmental Sciences Office of Agriculture and Environmental Sciences Advisory Commission on Pesticides

Certification of Agricultural Consultants (LAC 7:XXIII.715)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 3:3203, notice is hereby given that the Department of Agriculture and Forestry (department), through the Office of Agricultural and Environmental Sciences, intends to amend LAC 7:XXIII.715. Agricultural consultants are required to renew their certification every three years by attending a recertification meeting or training course. Agricultural technologies are rapidly evolving and these continuing education courses are crucial to offering current, sustainable, and profitable recommendations by agricultural consultants to their clients. The proposed amendment to LAC 7:XXIII.715 will require any agricultural consultant that fails to renew their certification within three years of the date of issuance to reapply to take the agricultural consultant examination or submit a request in writing to the ad hoc committee for approval to retest.

Title 7

AGRICULTURE AND ANIMALS

Part XXIII. Pesticides

Chapter 7. Examinations, Certification and Licensing

Subchapter B. Certification

§715. Certification of Agricultural Consultants

A. - E.2.d.iv. ...

F. Each person that has been certified in any category or subcategory as an agricultural consultant, and whose certification has not been revoked, or suspended, or expired, may renew that certification by attending a recertification meeting or training course for that category as approved by the commissioner.

1. Each person that fails to renew their certification prior to the expiration of the certification shall submit an application to the commission for approval to take the agricultural consultant's examination as set forth in this Section or submit a request in writing to the department and the ad hoc committee to retest.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203, R.S. 3:3246 and R.S. 3:3249.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 9:184 (April 1983), amended LR 11:943 (October 1985), amended by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 24:281 (February 1998), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides LR 28:39 (January 2002), LR 35:627 (April 2009), amended by Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 37:3474 (December 2011), LR 44:2126 (December 2018), LR 46:

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 Rule. Written submissions must be directed to Kevin Wofford, Director of the Advisory Commission on Pesticides, Department of Agriculture and Forestry, 5825 Florida Blvd., Baton Rouge, LA 70806 and must be received no later than 400 p.m. on the August 10, 2020.

Mike Strain, DVM
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Certification of Agricultural Consultants**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule will require any agricultural consultant that fails to renew their certification within three years of the date of issuance to reapply to take the agricultural consultant examination. The proposed rule will not result in any costs or savings to state or local government units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule is not anticipated to have any effect on revenue collections for state or local government entities.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Under the proposed rule, agricultural consultants that have allowed their certification to expire shall be precluded from attending a recertification meeting or training course to renew their certification and must reapply to take the agricultural consultant examination to obtain re-certification.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule is not anticipated to have an effect on competition and employment. The Department of Agriculture and Forestry does not anticipate any decreases in the number of agricultural consultants certified as a result of the proposed rule.

Dane Morgan
Commissioner
2007#021

Christopher Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Agro Consumer Services**

Truth in Labeling of Food Products
(LAC 7:XXXV.701-715)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 3:4741 et seq., notice is hereby given that the Department of Agriculture and Forestry (department) intends to adopt the rules set forth below by promulgating LAC 7:XXXV.701-715. These rules will set forth requirements for labeling food products that are edible by humans and prohibit misleading and false labeling of such products.

The proposed rules, authorized by R.S. 3:4741 through 4746, provide for the labeling of agricultural products, provide for the truth in labeling requirements, provide for definitions; prohibit misbranding or misrepresenting a food product through certain activities; provide for enforcement of violations of these rules and of the Truth in Labeling of Food Products Act; and provide for penalties for such violations.

Title 7

AGRICULTURE AND ANIMALS

Part XXXV. Agro-Consumer Services

Chapter 7. Truth in Labeling of Food Products

§701. Authority

A. The Department of Agriculture and Forestry adopts these regulations under the authority of R.S. 3:4741 et seq.

for the purposes of regulating and enforcing the truthfulness in labeling agricultural products and to prohibit the misbranding or misrepresentation of food products.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4741.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 46:

§703. Definitions

A. The provisions of R.S. 3:4741 through 4746, relating to definitions, words, and terms are hereby incorporated by reference and made a part hereof and will therefore apply and govern the interpretation of these rules, unless the context otherwise requires or unless specifically redefined in a particular Section. Any word or term not defined in these rules shall have the same meaning ascribed to it in R.S. 3:4741 through 4746. Any word or term not defined in R.S. 3:4741 through 4746 or these regulations shall be construed in accordance with its plain and ordinary meaning.

B. The following words and terms shall have the following meanings for purposes of this Chapter:

Act—Truth in Labeling of Food Products Act, or R.S. 3:4741 et seq.

Agricultural Product—any beef, pork, poultry, crawfish, shrimp, meat, sugar, or rice product intended for human consumption.

Beef—the flesh of a domesticated bovine that is suitable for human consumption.

Beef Products—agricultural products that are produced, in whole or in part, from beef and are suitable for human consumption. Beef products include, but are not limited to, beef jerky, beef patties, chopped steak, fabricated steak, hamburger, ground beef, ribs, and roast.

Cell Cultured Food Product—any cultured animal tissue produced from *in vitro* animal cell cultures outside of the organism from which it is derived.

Commissioner—the Commissioner of Agriculture and Forestry.

Deceptively Similar—misleading to a reasonable person.

Department—the Department of Agriculture and Forestry.

Food Product—any product sold at retail or offered for retail sale that is intended for human consumption.

Label—a display of written, printed, or graphic matter upon or affixed to the container or wrapper in which a food product is offered for direct retail sale.

Labeling—the act of identifying, describing, or advertising a food product by means of a label or through other means.

Meat—a portion of beef, pork, poultry, alligator, farm-raised deer, turtle, domestic rabbit, crawfish, or shrimp carcass that is suitable for human consumption, but does not include:

a. synthetic product derived from a plant, insect, or other source;

b. cell-cultured food product grown in a laboratory from animal cells.

Meat Product—a type of agricultural product that is edible by humans and made wholly or in part from meat or another portion of a beef, pork, poultry, alligator, farm-raised deer, turtle, domestic rabbit, crawfish, or shrimp carcass.

Misbrand—to identify or label a food product in a false or misleading way.

Misrepresent—to use any untrue, misleading, or deceptive oral or written statement, advertisement, label, display, picture, illustration, or sample.

Person—an individual, partnership, limited liability company, limited liability partnership, corporation, trust, firm, company, or other entity doing business in Louisiana.

Pork—the flesh of domesticated swine that is suitable for human consumption.

Pork Products—agricultural products that are produced, in whole or in part, from pork and are suitable for human consumption. Pork products include, but are not limited to, bacon, bratwurst, ground pork, ham, pork chops, ribs, roast, and sausage.

Poultry—the flesh of domesticated birds that is suitable for human consumption.

Principal Display Panel—the part(s) of a label that is so designed as to most likely be displayed, presented, shown, or examined under normal and customary conditions of display, sale, and purchase. Wherever a principal display panel appears more than once on a package, all requirements pertaining to principal display panels shall pertain to all such principal display panels.

Rice—the whole or broken kernels obtained from the species *Oryza sativa L.* or *Oryza glaberrima*, or wild rice, which is obtained from one of the four species of grasses from the genus *Zizania* or *Porteresia*.

Truth in Labeling Food Products Act—R.S. 3:4741 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4741.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 46:

§705. Application

A. The provisions of this Chapter shall apply only to persons who place a label on retail food products sold or offered for sale.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4741.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 46:

§707. Requirements for Food Labeling

A. All food products in package form shall bear a printed or stenciled label that clearly and accurately indicates the actual contents of the food product on the principal display panel.

B. If the label of a food product includes the name of a food product or agricultural product that is not contained in the package, the principal display panel must clearly state the actual contents of the package and/or description of the food product contained therein.

C. Nothing in these regulations shall be construed to conflict with any other laws, rules, or regulations regarding the labeling of food products.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4741.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 46:

§709. Prohibitions

A. Except as otherwise provided herein, no person shall:

1. misbrand or misrepresent any food product as a covered agricultural product;

2. affix a label to any food product that is false or misleading;

3. Represent a food product as meat or a meat product unless the food product is derived from beef, pork, poultry, alligator, farm-raised deer, turtle, domestic rabbit, crawfish, or shrimp. This shall include representing a cell-cultured food product as a meat product;

4. Represent a food product as rice unless the food product is rice or derived from rice;

a. This shall include using the term “rice” in the name of the food product when the food product is not rice or derived from rice.

5. Represent a food product as beef or a beef product unless the food product is derived from a domesticated bovine;

6. Represent a food product as pork or a pork product unless the food product is derived from a domesticated swine;

7. Represent a food product as poultry or a poultry product unless the food product is derived from poultry, as defined in this Chapter.

8. Represent a food product as sugar unless the food product is an unaltered plant-based simple sugar or sucrose;

9. Utilize a term that is the same or deceptively similar to a term that has been used or defined historically in reference to another agricultural product.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4741.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 46:

§711. Complaints and Investigations.

A. The department may receive complaints regarding violations of this Chapter. Complaints may be directed to the department’s Weights and Measures division.

B. Upon receipt of a complaint, the Department may investigate the alleged violation.

C. The department may also investigate possible violations that the department may notice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4741.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 46:

§713. Enforcement

A. Whenever the department has reason to believe that a violation of this Chapter or the Act has occurred, the department may present the alleged violations at an adjudicatory hearing before the Weights and Measures Commission.

B. The department shall notify the respondent of the alleged violation as well as an opportunity to respond thereto, by certified mail, prior to any hearing date in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4741.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 46:

§715. Penalties

A. A person who violates any provision of this Chapter or the Act shall be subject to a civil penalty of not more than \$500 for each violation.

B. Each day on which a violation occurs shall constitute a separate offense.

C. Penalties may be assessed only by a ruling of the commissioner based upon a recommendation by the Weights and Measures Commission adjudicatory hearing held pursuant to R.S. 3:4605 and the Administrative Procedures Act.

D. In addition to civil penalties, the commissioner may institute civil proceedings seeking injunctive relief to restrain and prevent violation of the provisions of this Chapter and the Act in any court of proper jurisdiction and venue.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4741.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 46:

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 Rule. Written submissions must be directed to Bobby Fletcher, Ph.D., Director of Weights and Measures Division, Department of Agriculture & Forestry, 5825 Florida Blvd., Baton Rouge, LA 70806 and must be received no later than 4 p.m. on August 10, 2020.

Mike Strain, DVM
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Truth in Labeling of Food Products

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The Department of Agriculture and Forestry ("Department") intends to adopt the proposed rules regarding the regulation and enforcement of truth in labeling of certain food products, as specified and authorized in R.S. 3:4741 et seq. The proposed regulations are being promulgated pursuant to Act 273 of the 2019 Regular Session.

The proposed rule is anticipated to cost \$13,440 of Statutory Dedication funds for the first year and \$6,720 of Statutory Dedications funds annually thereafter as a result of oversight of the truth in labeling of food products program. The annual cost includes \$6,720 of existing Weights and Measures employees' time, based on approximately 160 hours of work at \$42.00 per employee-hour to develop procedures for enforcement, to receive and respond to consumer complaints, perform routine inspections, investigate complaints, conduct enforcement actions, and hold adjudicatory hearings for violations. To perform these inspections, time and resources will be taken from other Weights and Measures programs. The additional cost for the first year consists of an additional \$6,720, which covers employees' time to develop internal operating procedures and training for this new program.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule is not anticipated to have any direct material effect on revenue collections for the Department or any other state or local governmental entities. There is no inspection or registration fee proposed for these inspections. The only revenue that the Department may realize from this program would be in the form of penalties assessed against violators of these regulations. However, that amount is anticipated to be de minimis, as it is the goal of the Department to ensure compliance with these regulations rather than to impose monetary penalties.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule is not anticipated to increase costs to the market. Producers of food products and agricultural products that are misbranded and/or misrepresented as beef, pork, poultry, alligator, farm-raised deer, turtle, domestic rabbit, crawfish, shrimp, sugar, and/or rice and do not meet the criteria set forth in these regulations may have a loss in receipts and/or income until such time that their labelling comes into compliance with these regulations.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

The proposed rule prohibits misbranding and misrepresenting some food products as a covered agricultural product. The only effect on competition and/or employment would be on products and companies that are misbranding or misrepresenting their products and violating R.S.3:4741 et seq. and this proposed rule. These products would need to be relabeled to be in compliance or face charges for violating these rules.

Dane Morgan
Assistant Commissioner
2007#034

Christopher Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Children and Family Services
Child Support Enforcement Section**

**Criminal History Records Checks for Access to
Federal Tax Information
(LAC 67:I.205)**

In accordance with the provisions of the Administrative Procedure Act R.S. 49:953 (A), the Department of Children and Family Services (DCFS) proposes to amend LAC 67:I. Chapter 2, Section 205, Criminal History Records Checks for Access to Federal Tax Information (FTI).

R.S. 46:51.3 grants the Department of Children and Family Services authority to perform criminal history records checks of current and prospective employees, contractors and subcontractors. The statute mandates that the department promulgate rules to implement the requirements specified in R.S. 15:587.5. DCFS proposes to amend Section 205 Criminal History Checks for Access to Federal Tax Information to align the process with other agencies subject to Internal Revenue Service oversight, including Department of Revenue and Department of Health. This amendment includes additional details of procedures the department will follow in performance of federally required criminal history checks.

**Title 67
Social Services**

Part I. General Administration

**Chapter 2. Criminal Background and State Central
Registry Checks**

**§205. Criminal History Records Checks for Access to
Federal Tax Information**

A. Purpose

1. As required by the IRS statute found at 26 USCS 6103(p)(4) and its supplemental publication 1075, the Department of Children and Family Services(DCFS) will conduct fingerprinting, along with national, state and local criminal history record checks on all individuals handling and those who may handle Federal Tax Information (FTI). The criminal history record checks will be used to determine the suitability of individuals to access FTI in performance of their job duties or services for the Department of Children and Family Services.

B. Applicability

1. Pursuant to R.S. 46:51.3, this regulation applies to all current and prospective employees, contractors, or subcontractors of the office of family support or child

support enforcement that have access to federal tax information (FTI). This provision shall also apply to employees of contractors or subcontractors of the office of family support or child support enforcement who require access to FTI.

C. Definitions

Criminal History Record Check—a review of an individual's criminal history using fingerprints sent to the Louisiana Bureau of Criminal Identification and Information for submission to the Federal Bureau of Investigation (FBI) and compilation of data from state and local law enforcement agencies.

Federal Tax Information (FTI)—consists of federal tax returns and return information (and information derived from it) that is in the department's possession or control which is covered by the confidentiality protections of the Internal Revenue Code and subject to its safeguarding requirements, including IRS oversight.

FTI Suitable (no reports)—an employee, contractor or subcontractor whose criminal history records check results in a report containing no information and who is permitted to access FTI in the performance of his duties, function or service to the department.

FTI Suitable (with reports)—an employee, contractor or subcontractor whose criminal history records check results in a report containing criminal cases, convictions, or arrests and access to FTI for the performance of his duties, functions or service of the department is permitted after determination.

FTI Unsuitable—an employee, contractor or subcontractor whose criminal history records check results in a report containing criminal cases, convictions or arrests who deemed not suitable to access federal tax information in the performance of his duties, function or service of the department after determination.

D. General Provisions

1. All current or prospective employees, contractors, or subcontractors within the office of family support and child support enforcement requiring access to FTI shall be required to submit to a criminal history records check by providing authorization, fingerprints and other identifying information to DCFS.

2. Fingerprints and other identifying information shall be submitted to the Louisiana Bureau of Criminal Identification and Information for performance of the criminal history records check.

3. The department may request local criminal history from any jurisdiction where the current or prospective employee, contractor, or subcontractor has lived, worked, or attended school.

3. Criminal history records checks shall be used by the department to determine the suitability of current or prospective employees, contractors, or subcontractors within the office of child support enforcement and family support sections to access FTI and records.

a. Prospective employees shall be subject to criminal history records checks only after a conditional offer of employment has been made.

b. Current employees, contractors and subcontractors shall be subject to fingerprinting and national, state, and local criminal history records checks, at a minimum of every 10 years.

c. Criminal history record checks on prospective contractors or prospective employees of contracts must be performed prior to obtaining access to FTI.

4. The costs of providing the criminal history records check for current employees, contractors, or subcontractors within the office of child support enforcement and family support shall be charged to the department by the Louisiana Bureau of Criminal Identification and Information for furnishing information contained in its criminal history and identification files, including any additional costs of providing the national and local criminal history records checks, which pertains to the current or prospective employee, contractor or subcontractor.

E. Suitability Standards

1. Any criminal history record check resulting in a report containing criminal cases, convictions, or arrests must receive a case by case assessment.

2. The case by case assessment must consider:

- a. the nature of the offense;
- b. the relation of the offense to the duties of the employee, contractor or subcontractor;
- c. any aggravating or mitigating circumstances, including the passage of time; and
- d. any evidence of rehabilitation of the subject or the lack thereof.

3. An individual is deemed to be FTI suitable or FTI unsuitable based on the following table.

Criminal History Record Check Result		FTI Access Determination
No Reports		
Report resulting from criminal history records check contains no information.		FTI Suitable
Reports		
A case-by-case assessment must be performed.		
	Reports of criminal cases, convictions, arrests or serious misconduct that includes but is not limited to: <ul style="list-style-type: none"> • Misappropriation Crimes (as designated in Louisiana Revised Statutes) • Computer Related Crimes (as designated in Louisiana Revised Statutes) • Offenses Affecting Organized Government, subparts B through F (as listed in Louisiana Revised Statutes) • Tax, Alcohol Beverage, Tobacco or Charitable Gaming offenses where the federal or state statute exposes the offender to a penalty of imprisonment with or without hard labor. Compelling mitigation documentation to show the offense irrelevant to duties of the position or FTI suitability may be provided during appeal.	FTI Unsuitable
	No reports of open criminal cases, convictions, or arrests with relevance to the duties of the position requiring access to FTI. Reports of open criminal cases, convictions, or arrests related to the duties of the position or access to FTI but compelling mitigation documentation has been provided during appeal.	FTI Suitable (with reports)

F. Impact of Suitability Determination

1. Individuals who have been deemed FTI suitable (no reports) or FTI suitable (with reports) will be able to exercise one of the options below that is applicable to their status:

- a. continue to or be allowed to access FTI in the performance of job duties;
- b. continue to or be allowed to access FTI in the performance of job duties with special restrictions or caveats; or
- c. be considered for a vacant position with FTI access.

2. If a current or prospective employee, contractor or subcontractor has been deemed FTI unsuitable, the department will exercise one of the options below:

- a. access or use of FTI will immediately be denied, suspended or prevented;
- b. the job offer may be rescinded;
- c. the contract may be terminated; or
- d. the contractor or subcontractor’s employee may be removed or prohibited from performing work on the contract.

3. A determination of FTI unsuitable may be appealed using the procedures outlined in Subsection G of this Section.

4. A successful appeal is the only mechanism in which the impact of a FTI unsuitable determination can be avoided.

G. Appeal Procedures

1. In the event the criminal history record check reveals information that leads to a determination of FTI unsuitable for a current or prospective department employee, contractor or subcontractor, the impacted person will be notified. This notification will also inform the impacted person of their right to challenge the accuracy of the criminal history record check.

2. The impacted person will have 30 days to present documentation to refute or mitigate the determination.

3. The department will review the documentation and notify the impacted person of its determination. The department may also use this information to request a new or updated criminal history record check, if allowed by the national, state and/or local law enforcement agencies.

AUTHORITY NOTE: Promulgated in accordance with Act 147 of the 2017 Regular Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Child Support Enforcement Section, LR 45:651 (May 2019), LR 46:

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 defined in the Regulatory Flexibility Act.

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 August 25, 2020, to Sammy Guillory, Deputy Assistant Secretary, Department of Children and Family Services, Post Office Box 94065, Baton Rouge, Louisiana, 70804-90656.

Public Hearing

A virtual public hearing on the proposed rule will be held at 10 a.m. on August 25, 2020, by the Department of Children and Family Services. All interested persons will be afforded an opportunity to submit data, views, or arguments via PC, Mac, Linux, iOS or Android at <https://stateoflafdcs.zoom.us/j/4011736853?pwd=VzRwWGJZbUFINUVhWmFwN2dWMU0rQT09> using password 445841; or via telephone by dialing (713)353-0212 and entering conference code 848054. To find local AT&T numbers visit <https://www.teleconference.att.com/servlet/glbAccess?process=1&accessNumber=7133530212&accessCode=848054>. Individuals with disabilities who require special services should contact the DCFS Appeals Unit at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (Voice and TDD).

Marketa Garner Walters
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Criminal History Records Checks for Access to Federal Tax Information

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rules will have no fiscal impact on state or local governmental units because there is no change in the estimated number of background checks that DCFS performs each year.

In June 2019, DCFS promulgated Title 67, Part I. General Administration, Chapter 2, Section 205 Criminal History Records Checks for Access to Federal Tax Information to comply with Act 147 of the 2017 RLS, which requires background checks every ten years of DCFS employees, contractors, and subcontractors who have access to federal tax information.

The rule amends Title 67, Part I. General Administration, Chapter 2, Section 205 Criminal History Records Checks for Access to Federal Tax Information to provide clarifying definitions for criminal history record check, federal tax information (FTI), FTI suitable, and FTI unsuitable. The rule also specifies which criminal reports are suitable for DCFS employees, contractors, and subcontractors to access federal tax information.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of the proposed change will have no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed change has no known effect on competition and employment.

Sammy Guillory
Deputy Assistant Secretary
2007#039

Christopher Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Civil Service Division of Administrative Law

Commencement of Adjudications (LAC 1:III.509)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority set forth in R.S. 49:996(7), the Division of Administrative Law gives notice that it proposes to amend LAC 1:III.509. The proposed Rule removes unnecessary language, updates the Rule to reflect current law and practice regarding the date a pleading or document that is electronically transmitted is deemed filed, and makes technical changes. The proposed Rule will be adopted on the day of promulgation.

Title 1

ADMINISTRATIVE LAW

Part III. Division of Administrative Law

Chapter 5. Commencement of Adjudications

§509. Filing of Pleadings and Documents (formerly §307)

A. Any pleading, document, or other item filed with the Administrative Hearings Clerk into the adjudicatory record shall be filed by hand delivery, postal mail, common carrier, or transmitted by facsimile or other electronic means. Documents sent by facsimile should not exceed 20 pages.

B. Unless otherwise provided by law, all pleadings, documents, or other items submitted by hand delivery, facsimile, or other electronic means shall be deemed filed on the date received by the Administrative Hearings Clerk. Pleadings, documents, or other items submitted by postal mail or common carrier shall be deemed timely if postmarked by the legal deadline.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:991 et seq.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Division of Administrative Law, LR 28:41 (January 2002), amended LR 38:2946 (November 2012), repromulgated LR 46:319 (March 2020), amended LR 46:

Family Impact Statement

The proposed adoption of this 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 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 Impact Analysis

The proposed rule has no known measurable impact on small businesses as described in R.S. 49:965.6.

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, arguments or comments regarding this proposed rule to: Lindsey Hunter, General Counsel, P.O. Box 44033, Baton Rouge, LA 70804. Written comments will be accepted until 4:30 p.m., September 3, 2020.

Emalie A. Boyce
Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Commencement of Adjudications**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule is not anticipated to have any additional costs or savings to state or local governmental units.

The proposed rule removes unnecessary language and updates the rule to reflect current law and practice regarding the date on which a pleading or document sent to the Division of Administrative Law will be deemed "filed."

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule is not anticipated to effect revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule is not anticipated to result in costs or economic benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule removes unnecessary language and updates the rule to reflect current law and practice. The proposed rule will not affect competition or employment in the public or private sector.

Emalie A. Boyce
Director
2007#025

Christopher Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State Accountability System (LAC 28:XI.301, 801 and 803)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education proposes to amend LAC 28:XI, *Accountability/Testing*, Subpart 1, *Bulletin 111—The Louisiana School, District, and State Accountability System*. Proposed amendments provide for a continuation of policy related to the Interests and Opportunities index for purposes of calculating School Performance Scores (SPS).

Title 28

EDUCATION

Part XI. Accountability/Testing

Subpart 1. Bulletin 111—The Louisiana School, District, and State Accountability System

Chapter 3. School Performance Score Component

§301. School Performance Score Goal

[Formerly LAC 28:LXXXIII.301]

A. - C.3. ...

* * *

4. For the 2020-2021 school year, when calculating the 2021 school performance scores (SPS), if the interests and opportunities measure results in a lower SPS than a school would earn using the 2018-2019 weights, then the SPS will be calculated without the interests and opportunities measure using the 2018-2019 weights.

5. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2737 (December 2003), amended LR 31:1512 (July 2005), LR 32:1017 (June 2006), LR 32:2034, 2035 (November 2006), LR 33:424 (March 2007), LR 33:2349 (November 2007), LR 33:2593 (December 2007), LR 34:430 (March 2008), LR 35:639 (April 2009), LR 36:1987 (September 2010), LR 38:3105 (December 2012), LR 39:305 (February 2013), LR 39:1421 (June 2013), LR 39:2441 (September 2013), LR 40:1313 (July 2014), LR 40:2507 (December 2014), LR 41:1481 (August 2015), LR 41:2578 (December 2015), LR 42:2171, 2172 (December 2016), LR 44:447 (March 2018), LR 45:1449 (October 2019), LR 46:

Chapter 8. Interests and Opportunities Index Calculations

§801. Interests and Opportunities Index Components

A. ...

B. For the 2019-2020 baseline school year and 2020-2021 school year, the interests and opportunities index for K-8 schools will be based in equal parts on survey completion and course enrollment.

* * *

C. For the 2019-2020 baseline school year and 2020-2021 school year, the interests and opportunities index for high schools will be based on survey completion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:1450 (October 2019), amended LR 46:

§803. Calculating a Survey Completion Score

A. The LDE will administer an online survey in 2019-2020 and 2020-2021 to be completed by the principal of every school in order to establish baseline data.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:1450 (October 2019), amended LR 46:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not

expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

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 staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), August 9, 2020, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Bulletin 111—The Louisiana School, District, and State Accountability System

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There is no impact to local school districts and the Department of Education (LDE) as a result of the proposed revisions which extend the current interest and opportunities component of School Performance Score (SPS) for the 2020-2021 school year. Current policy, which is effective for the 2019-2020 school year, calculates an interests and opportunities index (comprising 5% of SPS) based on completion of an LDE survey by school principals and percentage of K-8 students enrolled in physical education courses, visual arts courses, performing arts courses, and world language courses for grades 4-8. The LDE plans to conduct another survey of school principals in 2020-2021 to further assess the quality and variety of offerings at school sites, however it is not anticipated to result in any additional costs. The current policy includes a "hold harmless" clause, which prevents schools from being penalized if their results on the interests and opportunities index would result in a lower School Performance Score (SPS). The proposed revisions extend the current policy through the 2020-2021 school year. Because the LDE is gathering additional data during the 2020-2021 school year, the potential impact in future years on local school districts is indeterminable.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no estimated impacts on revenue collections as a result of the proposed policy revisions.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the proposed policy revisions.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no estimated effects on competition and employment as a result of the proposed revisions.

Beth Scioneaux
Deputy Superintendent
2007#040

Christopher Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards and Practices—LEAP 2025 Transfer Rules (LAC 28:XI.6829)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement to revise *Bulletin 118—Statewide Assessment Standards and Practices*. The proposed revisions removes the requirement that Louisiana public and/or scholarship school students, who earned a high school assessment-eligible course credit in the spring of the 2019-2020 school year, take the LEAP 2025 high school assessment that corresponds to course credits earned in the spring of 2020.

**Title 28
EDUCATION**

Part XI. Accountability/Testing

Subpart 3. Bulletin 118—Statewide Assessment Standards and Practices

**Chapter 68. LEAP 2025 Assessments for High School
Subchapter C. LEAP 2025 for High School
Administrative Rules**

**§6829. LEAP 2025 Transfer Rules
[Formerly LAC 28:CXI.1829]**

A. The following applies to a transfer student who is a Louisiana resident transferring into a Louisiana public school district from an out-of-state school, nonpublic school, or approved home study program.

1. - 3. ...

B. Exception. A student who earned a high school assessment-eligible course credit in the spring of the 2019-2020 school year in a Louisiana public or scholarship school, and has never taken the corresponding LEAP 2025 test for the course, does not need to take or pass the LEAP 2025 subject test for the course in order to meet graduation requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:978 (May 2010),

amended LR 37:820 (March 2011), LR 44:471 (March 2018), LR 46:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

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:

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 139—Louisiana Child Care and Development Fund Programs—CCAP Household Eligibility (LAC 28:CLXV.509)

- 1. the staffing level requirements or qualifications required to provide the same level of service;
- 2. the cost to the providers to provide the same level of service; or
- 3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), August 9, 2020, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 118—Statewide Assessment Standards and Practices—LEAP 2025 Transfer Rules

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed revision to exempt transfer students from spring 2020 LEAP tests will result in a one-time savings to the Department of Education. While an average of 143,000 high school students are administered LEAP tests annually, it is unknown how many students will transfer into a Louisiana public school in the 2020-21 school year, and will therefore be exempt from statewide assessments through the proposed rule. One-time savings have been incorporated into the FY 2020-21 budget as a result of repurposing test forms intended for spring 2020 assessments that were not administered in FY 2019-20 due to COVID-19 related school closures.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no estimated impacts on revenue collections as a result of the proposed policy revisions.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the proposed policy revisions.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no estimated effects on competition and employment as a result of the proposed revisions.

Beth Scioneaux
Deputy Superintendent
2007#041

Christopher Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

In accordance with R.S. 17:6 and R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education proposes to amend *Bulletin 139—Louisiana Child Care and Development Fund Programs*. The proposed amendments create a limited exception, allowing families to qualify for the Child Care Assistance Program (CCAP) while seeking employment or enrolling in school.

Title 28

EDUCATION

Part CLXV. Bulletin 139—Louisiana Child Care and Development Fund Programs

Chapter 5. CCAP Household Eligibility

§509. Certification Requirements for Non-Categorically Eligible Households

A. - A.5.d. ...

e. Exception. If the head of household is actively seeking employment and/or training, the employment and/or training requirements for household certification provided for in this Paragraph may be waived for 90 days.

i. To become certified as a CCAP household in accordance with this exception, the household must meet all certification requirements in this Section other than the employment and/or training activities required in this Paragraph, and must submit all documentation required for certification, as well as documentation establishing that the head of household is actively seeking employment and/or training.

ii. A household certified for CCAP in accordance with this exception will be certified for 90 days, beginning on the day the household is certified. At the end of 90 days from the date of certification, certification under this exception ends. However, during the 90-day certification period, if the head of household submits documentation establishing employment and/or training, meeting the requirements in Subparagraph a of this Paragraph, then the household may continue to be certified without interruption in accordance with the general certification requirements in this Section.

iii. An application for household certification under this exception will be denied if the household has previously been certified under this exception within the past 24 months.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.28 and 45 CFR parts 98 and 99.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:43 (January 2016), amended LR 42:2175 (December 2016), LR 44:261 (February 2018), effective March 1, 2018, LR 45:900 (July 2019), LR 46:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

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 staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), August 9, 2020, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Bulletin 139—Louisiana Child Care and Development Fund Programs CCAP Household Eligibility**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be indeterminable cost increases to the Department of Education (LDE) for FY 21 through FY 23 through federal Child Care Development Fund (CCDF) expenses as a result of the proposed revisions to expand eligibility to households actively seeking employment and/or training. Because families would be eligible for these services for up to 90 days under the proposed rule, costs may exceed \$2.7 million during that time period. Increased costs will continue to increase for the remainder of FY 21 and at an indeterminable rate into FY 22 and FY 23. It is unknown how many households will qualify for CCAP under this provision due to multiple factors, such as the number of new applicants per month, the number deemed eligible, the number of households that become certified for CCAP during the 90 day period, and future economic conditions of the state and the resulting unemployment rate.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no estimated impacts on revenue collections as a result of the proposed policy revisions.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Eligible CCAP households will realize economic benefits as a result of the proposed revisions. The current Louisiana unemployment rate is recorded at approximately 14 percent. As a result, many CCAP families are unable to meet the training and/or employment requirements contained in Bulletin 139. In response, these proposed revisions would create a limited 90 day exception, allowing families to qualify for the Child Care Assistance Program (CCAP) while seeking employment or enrolling in school.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed policy revisions will have no effect on competition, however employment may increase as a result of more families having access to child care services. More child

care centers may be able to re-open or remain open as a result of increased CCAP participation.

Beth Scioneaux
Deputy Superintendent
2007#042

Christopher Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel Deaf or Hard of Hearing; Certification; Accredited Institutions; Teaching Authorizations; and Montessori Training Providers (LAC 28:CXXXI.Chapters 2-7, 803, 805, 1103, 1105, 1203, 1205, and 1305)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education proposes to amend LAC 28:CXXXI (Bulletin 746). Proposed amendments will align state regulations with the *Code of Federal Regulations* and clarify requirements that are either outdated or inconsistent, by:

- aligning terminology with state guidelines by replacing references to “hearing impaired” with “deaf or hard of hearing;”
- updating eligibility requirements for the child nutrition program supervisor certification to align with federal regulations;
- aligning terminology with new federal regulations relative to national accreditation by replacing references to “regionally-accredited” institutions with “institutions accredited in accordance with 34 CFR 602”;
- removing teacher qualifications that were aligned with 20 CFR, known as the federal “No Child Left Behind Act,” due to these federal regulations being repealed;
- updating requirements to permit the status for educators with standard certificates, ancillary certificates, and CTTIE certificates;
- allowing educators applying for an out-of-state (OS) certificate or a resident certificate to waive Praxis with a master’s degree, consistent with current regulations that allow this waiver for the issuance of a practitioner’s license and temporary authority to teach (TAT) authorizations;

D. Special Education Areas

- allowing a letter of eligibility for educational leadership 1 certificates that is consistent with current regulations that allow this for the OS certificate only;
- updating advancement and renewal requirements for non-public certificates to align with advancement and renewal requirements for public certificates;
- aligning type C renewal requirements with renewal requirements for level 1 certificates; and
- adding the International Montessori Council as a Montessori training provider.

Title 28

EDUCATION

Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel

Chapter 2. Initial Teacher Certification

Subchapter A. Teacher Certification Areas and Required Competencies

§201. Overview

A. - C. ...

D. Certification Areas and Required Competencies

Certification Areas	Required Competencies

Special Education Certification Areas	
Early Interventionist Birth to Five Years	Subchapter H, Section 239.A
Hearing Impaired K-12—Repealed.	
	Subchapter D, Special Education Teacher Competencies
Deaf or Hard of Hearing K-12	Subchapter H, Section 239.B
Mild to Moderate Disabilities 1-5, 4-8, 6-12	Subchapter D, Special Education Teacher Competencies

	Subchapter D, Special Education Teacher Competencies
Visual Impairments/Blind K-12	Subchapter H, Section 239.C

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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1783 (October 2006), amended LR 43:1291 (July 2017), LR 46:

Subchapter B. Testing Required for Certification Areas

§203. Certification Exams and Scores (Formerly §243)

A. - C.2. ...

Area	Content Exam	Score	Pedagogy Requirement	Score
All Special Education Area(s)				
Early Interventionist	Prior to 9/1/15:	150	Effective 1/1/12:	145
	Elementary Content Knowledge (0014 or 5014)	163	Special Education: Core Knowledge and Applications (0354 or 5354) and	157
	Effective 9/1/15 to 8/31/17	157	Principles of Learning and Teaching: Early Childhood (0621 or 5621)	159
	Elementary Education: Content Knowledge (5018)	157	Effective 1/1/14:	157
	OR	155	Special Education: Early Childhood (0691)	
	Elementary Education: Multiple Subjects (5001)	159	AND	
	• Reading/Language Arts(5002)	157	Principles of Learning and Teaching: Early Childhood (0621 or 5621)	
	• Mathematics (5003)	157		
	• Social Studies (5004)	155		
	• Science (5005)	159		
	Mandatory 9/1/17: Elementary Education: Multiple Subjects (5001)			

Area	Content Exam	Score	Pedagogy Requirement	Score
	<ul style="list-style-type: none"> Reading/Language Arts(5002) Mathematics (5003) Social Studies (5004) Science (5005) 			
Hearing Impaired—Repealed.				
Deaf or Hard of Hearing	Prior to 9/1/15: Elementary Content Knowledge (0014 or 5014)	150	Effective 11/1/11: Special Education: Core Knowledge and Applications (0354 or 5354)	145
	Effective 9/1/15 to 8/31/17: Elementary Education: Content Knowledge (5018) OR Elementary Education: Multiple Subjects (5001)	163	AND Education of Deaf and Hard of Hearing Students (0271)	160 145 160
	<ul style="list-style-type: none"> Reading/Language Arts(5002) Mathematics (5003) Social Studies (5004) Science (5005) 	157 157 155 159	Effective 1/1/14: Special Education: Core Knowledge and Applications (0354 or 5354)	
	Mandatory 9/1/17: Elementary Education: Multiple Subjects (5001)		AND Special Education: Education of Deaf and Hard of Hearing Students (0272 or 5272)	
Mild to Moderate Disabilities	<ul style="list-style-type: none"> Reading/Language Arts(5002) Mathematics (5003) Social Studies (5004) Science (5005) 	157 157 155 159		
	ALL Candidates must pass a content area exam appropriate to certification level 1-5, 4-8, 6-12 (e.g., Elementary, or core subject-specific exams for middle or secondary grades)		Special Education: Core Knowledge and Mild to Moderate Applications (0543 or 5543)	153
			AND	
			PLT specific to grade level (K-6, 5-9, or 7-12)	

E. Administrative and Instructional Support Areas

Certification Area	Name of Test	Area Test Score
Mentor Teacher - Content Leader Repealed.		
Educational Leader—Level 1	School Leaders Licensure Assessment (1011 or 6011)	166 (Effective until 7/31/20)
	School Leaders Licensure Assessment (6990)	151 (Effective 9/1/19)

School Librarian	Library Media Specialist (0311 or 5311)	136

1. Praxis scores, for certification purposes, must be received by the LDE via one of the following ways:

- the electronic ETS Praxis score report forwarded directly from ETS; or
- the original Praxis score report issued by ETS submitted with the certification application.

F. Mentor Teacher and Content Leader. The mentor teacher certificate and the content leader certificate may be earned by passing the applicable Louisiana assessment series.

Certification Area	Name of Test	Number of Tests/Score
Mentor Teacher	Louisiana Mentor Teacher Assessment Series—Elementary	4
	Louisiana Mentor Teacher Assessment Series—Secondary ELA	
	Louisiana Mentor Teacher Assessment Series—Secondary Math	
	Louisiana Mentor Teacher Assessment Series—Universal	
Content Leader	Louisiana Content Leader Assessment Series	5

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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1833 (October 2006), amended LR 36:485 and 488 (March 2010), LR 36:2265 (October 2010), LR 37:551 (February 2011), repromulgated LR 37:556 (February 2011), amended LR 37:3210 (November 2011), LR 39:1461 (June 2013), LR 40:277 (February 2014), LR 40:1680 (September 2014), LR 41:645 (April 2015), LR 41:916 (May 2015), LR 42:233 (February 2016), LR 43:1292 (July 2017), LR 44:264 (February 2018), LR 44:1999 (November 2018), LR 45:228, 230 (February 2019), repromulgated LR 45:403 (March 2019), amended LR 45:1458 (October 2019), LR 46:325 (March 2020), LR 46:557 (April 2020), LR 46:

Subchapter H. Other Certification Area Competencies §239. Other Special Education Areas

- ...
- Deaf or Hard of Hearing K-12: CEC Initial Special Education Deaf and Hard of Hearing Specialty Set
- 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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1303 (July 2017), amended LR 46:

Chapter 3. Teaching Authorizations and Certifications

Subchapter A. Standard Teaching Authorizations

Editor's Note: The name of the Division of Student Standards and Assessments has been changed to The Division of Student Standards, Assessments, and Accountability.

§303. Introduction

A. The seven types of standard teaching authorizations issued by the state of Louisiana:

- 3. ...
- world language certificates (WLC);
- ...
- extended endorsement license (EEL); and

7. standard certificates for teachers in non-public schools.

8. Repealed.

B. ...

C. Non-Practicing Status or Operational Role Status for Standard Teaching Certificates

1. The LDE may grant:

a. non-practicing status to any teacher who applies after ceasing employment as a teacher or leader in a local education agency;

b. operational role status to any teacher who is serving in a role that cannot be evaluated per student growth measures.

2. Non-practicing status will take effect on the last day of employment in the local education agency evaluated role, as verified by the employing LEA.

3. Operational role status will take effect on the first day of employment in a role that cannot be evaluated per student growth measures, as verified by the employing LEA.

4. Operational role teachers returning to a role that can be evaluated per student growth measures must be evaluated with student growth measures upon return to that role.

5. Non-practicing teachers returning to practice and operational role teachers returning to a role that can be evaluated per student growth measures may apply through a local education agency for an extension of the certificate for the number of years remaining in the renewal period of the certificate.

6. Final effectiveness ratings earned while in active status will be retained during non-practicing status and operational role status and applied to any subsequent renewal or extension.

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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 37:558 (February 2011), LR 38:1951 (August 2012), LR 46:

§305. Professional Level Certificates

A. - A.1.a.(e). ...

b. Out-of-State Graduate

i. Eligibility requirements:

(a). possess a minimum of a baccalaureate degree from a college or university accredited in accordance with 34 CFR 602;

i.(b). - ii.(c). ...

c. Foreign Applicant—(OS) Certificate

i. Eligibility requirements:

(a). bachelor's or higher level degree verified by an institution in the United States accredited in accordance with 34 CFR 602. If the institution is located in Louisiana, the dean of the College of Education must recommend the applicant for certification based upon Louisiana requirements. If the institution is located in another state/country, the guidelines prescribed for out-of-state applicants must be followed; or

(b). ...

d. Foreign Applicant—Level 1 Certificate

i. Eligibility requirements:

(a). bachelor's or higher level degree verified by an institution in the United States accredited in accordance with 34 CFR 602. If the institution is located in Louisiana,

the dean of the College of Education must recommend the applicant for certification based upon Louisiana requirements. If the institution is located in another state/country, the guidelines prescribed for out-of-state applicants must be followed; or

A.1.d.i.(b). - C.1.a. ...

b. a master's degree from a college or university accredited in accordance with 34 CFR 602;

C.1.c. - D.2.b. ...

E. - E.6. Repealed.

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and 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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 33:433 (March 2007), LR 34:233 (February 2008), LR 34:1611 (August 2008), LR 35:222 (February 2009), LR 37:558 (February 2011), LR 38:1951 (August 2012), LR 40:279 (February 2014), LR 41:2128 (October 2015), LR 43:1304 (July 2017), LR 44:745 (April 2018), LR 45:525 (April 2019), LR 45:1458 (October 2019), LR 45:1748 (December 2019), LR 46:326 (March 2020), LR 46:

§307. Type C Certificates

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

2. Renewal Guidelines. The type C certificate may be renewed for an additional one-year period upon the request of the Louisiana employing authority, subject to the approval of the LDE. Type C certificates are limited to two such extensions.

C. - D.1.b. ...

c. a master's degree from an institution of higher education accredited in accordance with 34 CFR 602; and

D.1.d. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and 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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1798 (October 2006), amended LR 37:559 (February 2011), LR 38:3136 (December 2012), LR 43:1306 (July 2017), LR 45:1459 (October 2019), LR 46:

§309. Out-of-State (OS) Certificate

A. ...

B. Eligibility requirements:

1. baccalaureate degree from a college or university accredited in accordance with 34 CFR 602;

B.2. - C.1. ...

a. present appropriate scores on the NTE core battery (common exams) or the corresponding Praxis exams (core academic skills for educators in reading, writing, and mathematics); the principles of learning and teaching (PLT) or other pedagogy exam required for the area(s) of certification; and the specialty area exam in the certification area in which the teacher preparation program was completed or in which the initial certificate was issued:

i. applicants possessing a graduate degree in a major other than education from a college or university accredited in accordance with 34 CFR 602 will be exempted from the Praxis core academic skills for educators requirement;

b. - c.iii. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and 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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1799 (October 2006),

amended LR 33:433 (March 2007), LR 34:1611 (August 2008), LR 35:222 (February 2009), LR 35:894 (May 2009), LR 37:559 (February 2011), LR 37:882 (March 2011), LR 40:280 (February 2014), LR 43:1306 (July 2017), LR 45:1459 (October 2019), LR 46:

§313. Practitioner Licenses

A. - A.3. ...

B. Practitioner License 1—issued to a candidate who is admitted to and enrolled in a state-approved practitioner teacher program.

1. Eligibility requirements:

- a. baccalaureate degree from a college or university accredited in accordance with 34 CFR 602;
- b. ...
- c. passing scores on Praxis core academic skills for educators and current Praxis content area exam(s). If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 30 semester hours of coursework specific to the content area for admission to the program. Candidates possessing a graduate degree from a college or university accredited in accordance with 34 CFR 602 will be exempted from the core academic skills for educators requirement.

2. - 4.e. ...

C. Practitioner License 2—issued to a candidate who is admitted to and enrolled in a state-approved certification-only alternate certification program.

1. Eligibility requirements:

- a. baccalaureate degree from a college or university accredited in accordance with 34 CFR 602;
- b. ...
- c. passing scores on Praxis core academic skills for educators and current Praxis content area exam(s). If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 30 semester hours of coursework specific to the content area for admission to the program. Candidates possessing a graduate degree from a college or university accredited in accordance with 34 CFR 602 will be exempted from the core academic skills for educators requirement.

2. - 4.d....

D. Practitioner License 3—issued to a candidate who is admitted to and enrolled in a state-approved master's degree alternate certification program.

1. Eligibility requirements:

- a. baccalaureate degree from a college or university accredited in accordance with 34 CFR 602;
- b. ...
- c. passing scores on Praxis core academic skills for educators and current Praxis content area exam(s). If no examination has been adopted for Louisiana in the certification area, candidates must present a minimum of 30 semester hours of coursework specific to the content area for admission to the program. Candidates possessing a graduate degree from a college or university accredited in accordance with 34 CFR 602 will be exempted from the core academic skills for educators requirement.

2. - 4.d....

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and 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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1800 (October 2006), amended LR 35:221 (February 2009), LR 38:1952 (August 2012), LR 40:280 (February 2014), LR 43:1307 (July 2017), LR 45:1748 (December 2019), LR 46:326 (March 2020), LR 46:

§315. Standard Certificates for Teachers in Nonpublic Schools

A. A standard certificate with an asterisk (*) following the certificate type is issued to a teacher in a nonpublic school and is valid in a nonpublic school setting. Upon issuance of a level 2* or level 3* certificate, a teacher's standard certificate will be placed into non-practicing status. If the teacher enters a public school system in Louisiana, the educator will be required to meet the standards of effectiveness pursuant to state law and in accordance with LAC 28:CXLVII (Bulletin 130) for issuance of a level 2 or level 3 teaching certificate.

B. Level 2* (2-asterisk) Certificate—valid for five years.

1. - 1.b....

c. completed a teacher evaluation program for three years at a nonpublic school, with the principal as evaluator and the teacher performance rated as satisfactory in the areas of planning, management, instruction, and professional development.

2. ...

3. Repealed.

C. Level 3* (3-asterisk) Certificate—valid for five years.

1. - 1.c. ...

d. completed a teacher evaluation program for three years at a nonpublic school, with the principal as evaluator and the teacher performance rated as satisfactory in the areas of planning, management, instruction, and professional development.

2. ...

3. Renewal Guidelines for Level 2* and Level 3* Certificates

a. A teacher must earn effective ratings per local personnel evaluations for at least three years during the five-year initial or renewal period.

b. The Louisiana employing authority must request renewal of a level 2* or level 3* certificate.

4. - 4.d.Repealed.

D. - E.1.b. ...

c. master's degree from a college or university accredited in accordance with 34 CFR 602;

1.d. - 3....

F. Reinstating Lapsed Levels 2* or 3*, Types B* or A* Certificate

1. If the holder of a level 2*, level 3*, type B*, or type A* certificate allows a period of five consecutive calendar years to pass in which the educator is not a regularly employed teacher for at least one semester, or 90 consecutive days, the certificate will lapse for disuse.

2. To reinstate a lapsed certificate, the holder must present evidence that the educator earned six semester hours of credit in state-approved courses (see Chapter 13) during the five-year period immediately preceding the request for reinstatement.

3. If the holder did not earn six semester hours or equivalent, the lapsed certificate may be reactivated upon request (at the level that was attained prior to disuse) for a period of one year, during which time the holder must complete reinstatement requirements.

F.3.a. - G.3. Repealed.

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1801 (October 2006), amended LR 36:752 (April 2010), LR 37:559 (February 2011), LR 38:1952 (August 2012), LR 43:1309 (July 2017), LR 46:

Subchapter B. Nonstandard Teaching Authorizations

§325. Out-of-Field Authorization to Teach (OFAT)

A. - C.2. ...

a. applicants pursuing certification in academically gifted, significant disabilities, early interventionist, deaf or hard of hearing, and visual impairments/blind may be granted two additional years of renewal;

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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1804 (October 2006), amended LR 33:2355 (November 2007), LR 35:1487 (August 2009), LR 43:1311 (July 2017), LR 46:

§328. Resident Teacher Certificate (R)

A. - C.2.a. ...

3. passing scores on required core academic skills exams for initial issuance:

a. applicants possessing a graduate degree in a major other than education from a college or university accredited in accordance with 34 CFR 602 will be exempted from the Praxis core academic skills for educators requirement; and

C.4. - G. ...

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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1312 (July 2017), amended LR 46:

Subchapter C. Ancillary Teaching Certificates

§341. Introduction

A. - A.2.h. ...

3. Non-Practicing Status or Operational Role Status for Ancillary Teaching Certificates Renewal via the Standards for Effectiveness in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902

a. The LDE may grant:

i. non-practicing status to any teacher who applies after ceasing employment as a teacher or leader in a local education agency.

ii. operational role status to any teacher who is serving in a role that cannot be evaluated per student growth measures.

b. Non-practicing status will take effect on the last day of employment in the local education agency evaluated role, as verified by the employing LEA.

c. Operational role status will take effect on the first day of employment in a role that cannot be evaluated per student growth measures, as verified by the employing LEA.

d. Operational role teachers returning to a role that can be evaluated per student growth measures must be evaluated with student growth measures upon return to that role.

e. Non-practicing teachers returning to practice and operational role teachers returning to a role that can be evaluated per student growth measures may apply through a local education agency for an extension of the certificate for the number of years remaining in the renewal period of the certificate.

f. Final effectiveness ratings earned while in active status will be retained during non-practicing status and operational role status and applied to any subsequent renewal or extension.

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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1805 (October 2006), amended LR 41:917 (May 2015), LR 45:230 (February 2019), LR 46:

§344. Early Childhood Ancillary Certificate

A. - B.1.b.iii.(h). ...

c. an associate degree in an early childhood related field from a college or university accredited in accordance with 34 CFR 602;

1.d. - 2.b.ii. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:17:6(A)(10), (11), and (15), 17:7(6), and 17:407.81.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:917 (May 2015), amended LR 43:2135 (November 2017), LR 46:

§345. Nonpublic Montessori Teacher Certificate

A. - B. ...

C. Eligibility Guidelines

1. For a Type C Montessori Certificate—the teacher must have completed training from one of the approved providers listed in §669 of this Part.

a. - g. Repealed.

2. For a type B Montessori certificate:

a. - a.i. ...

b. completed training from one of the approved providers listed in §669 of this Part.

i. - vii. Repealed.

3. For type A, junior class A, and junior Montessori certificates:

a. a bachelor's degree from a college or university accredited in accordance with 34 CFR 602;

b. - b.i. ...

c. completed training from one of the approved providers listed in §669 of this Part.

i. - vii. Repealed.

D. This certificate is valid for five years initially and may be renewed thereafter for a period of five years at the request of a LEA. For renewal of the ancillary certificate, candidates must earn effective ratings per local personnel evaluations for at least three years during the five-year initial or renewal period pursuant to in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902.

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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1805 (October 2006), amended LR 38:3136 (December 2012), LR 45:1459 (October 2019), LR 46:

§346. Family and Consumer Sciences (Occupational Programs)

A. - B.1.c. ...

2. Renewal Guidelines—valid for three years initially and may be renewed thereafter for a period of five years at the request of an LEA. For renewal of the ancillary certificate, candidates must successfully meet the standards of effectiveness for at least three years during initial or renewal period in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902.

C. - C.3. ...

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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1806 (October 2006), amended LR 38:3137 (December 2012), LR 45:1459 (October 2019), LR 46:

§348. Math for Professionals Certificate

A. An ancillary math for professionals certificate is issued to an applicant who has an undergraduate degree from a university accredited in accordance with 34 CFR 602 and/or evidence of a math and/or science work-related background.

B. - B.1.c.

2. Renewal requirements:

- a. valid for three years initially and may be renewed thereafter for a period of five years at the request of an LEA;
- b. for renewal of the certificate, a candidate must successfully meet the standards of effectiveness for at least three years during the initial or renewal period in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902.

3. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and 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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:220 (February 2009), amended LR 39:1463 (June 2013), LR 40:281 (February 2014), LR 44:2000 (November 2018), LR 45:228 (February 2019), LR 46:

§350. Mentor Teacher Ancillary Certificate

A. - C.3. ...

4. On September 1, 2023, the mentor teacher ancillary certificate will replace the supervisor of student teaching certificate. Individuals who were issued the supervisor of student teaching certificate on or before December 31, 2020, may serve as a mentor until August 31, 2023.

D. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:230 (February 2019), amended LR 45:1460 (October 2019), LR 46:

Chapter 4. Ancillary School Service Certificates

Subchapter A. General Ancillary School Certificates

§403. Child Nutrition Program Supervisor

A. ...

B. For certificates issued July 1, 2020 and beyond, the minimum eligibility requirements are as follows:

1. for Child Nutrition Program supervisors in LEAs with a student enrollment of 2,499 or less:

a. at least 8 hours of food safety training is required either not more than five years prior to the date of employment or completed within 30 calendar days of the date of employment and:

i. a bachelor's degree, or equivalent educational experience, with an academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; or

ii. a bachelor's degree, or equivalent educational experience, with any academic major or area of concentration, and either a state-recognized certificate for school nutrition directors or at least one year of relevant food service experience; or

iii. an associate's degree, or equivalent educational experience, with an academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field, and at least one year of relevant school nutrition program experience; or

iv. a high school diploma or state-issued high school equivalency credential and three years of relevant food service experience;

2. for Child Nutrition Program supervisors in LEAs with a student enrollment of 2,500 - 9,999:

a. at least 8 hours of food safety training is required either not more than five years prior to the date of employment or completed within 30 calendar days of the date of employment and:

i. a bachelor's degree, or equivalent educational experience, with an academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; or

ii. a bachelor's degree, or equivalent educational experience, with any academic major or area of concentration, and a state-recognized certificate for school nutrition directors; or

iii. a bachelor's degree in any academic major and at least two years of relevant school nutrition program experience; or

iv. an associate's degree, or equivalent educational experience, with an academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field, and at least two years of relevant school nutrition program experience;

3. for Child Nutrition Program supervisors in LEAs with a student enrollment of 10,000 or more:

a. at least 8 hours of food safety training is required either not more than five years prior to the date of employment or completed within 30 calendar days of the date of employment and:

i. a bachelor's degree, or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; or

ii. a bachelor's degree, or equivalent educational experience, with any academic major or area of concentration, and a state-recognized certificate for school nutrition directors; or

iii. a bachelor's degree in any major and at least five years of experience in management of school nutrition programs.

C. Reinstatement of a Lapsed Certificate. If a certificate holder allows a period of five consecutive calendar years to pass in which he/she is not regularly employed as a child nutrition program supervisor for at least one semester, or 90 consecutive days, he/she must present evidence of having earned six semester hours of credit in state-approved courses (see Chapter 13). The six semester credit hours must be earned during the five-year period immediately preceding reinstatement.

1. - 2.b.iv.(e). Repealed.

D. A special provisional certificate, acting child nutrition program supervisor, may be issued to an individual employed in such capacity.

1. Eligibility Requirements. A baccalaureate or master's degree from an institution of higher education accredited in accordance with 34 CFR 602.

2. Renewal Guidelines. Valid for one year and renewable each year thereafter upon presentation of six semester hours of applicable credit toward completion of all requirements for permanent certification as a child nutrition program supervisor.

E. - E.2. Repealed.

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 201.30 and 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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1807 (October 2006), amended LR 33:280 (February 2007), LR 34:432 (March 2008), LR 46:

§409. School Librarian

A. School Librarian—valid for five years.

1. Eligibility requirements:

a. master's degree in library science from an institution accredited in accordance with 34 CFR 602; and

1.b. - 2.b. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6 (A)(10), (11), (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1808 (October 2006), repromulgated LR 33:1617 (August 2007), amended LR 36:489 (March 2010), LR 39:1463 (June 2013), LR 46:

§410. Orientation and Mobility

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

b. completion of an individual plan of study in orientation and mobility at a college or university accredited in accordance with 34 CFR 602; and

c. - d. ...

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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:894 (May 2009), amended LR 46:

§411. School Nurse

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

b. baccalaureate degree in nursing or a health-related field from a college or university accredited in accordance with 34 CFR 602; and

1.c. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6 (A)(10), (11), (15); 17:7(6); 17:10; 17:22(6); 17:391.1-391.10; and 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1808 (October 2006), amended LR 36:1998 (September 2010), LR 37:883 (March 2011), LR 38:44 (January 2012), LR 38:2366 (September 2012), LR 46:

§415. Special Education Examiners

A. - D.1.a.ii. ...

b. Levels

i. Level A—Applicants must meet requirements for the standard certificate and possess a doctoral degree (such as Ph.D., Ed. D., or Psy.D.) from an institution accredited in accordance with 34 CFR 602, in school psychology or in psychology with a program of study emphasizing child development and knowledge and skills in education and assessment.

ii. Level B—Applicants must meet requirements for the standard certificate and possess a master's or specialist degree from a school psychology training program in an institution accredited in accordance with 34 CFR 602.

D.1.c. - F.2. ...

3. Eligibility requirements:

a. an earned baccalaureate degree in speech/language pathology from an institution accredited in accordance with 34 CFR 602;

3.b. - 5....

G. Speech Pathologist

1. Provisional Certificate in Speech Pathology—valid for three years.

a. Eligibility requirements: master's degree in speech pathology from a college or university accredited in accordance with 34 CFR 602.

b. ...

2. Qualified Certificate in Speech Pathology—valid for life with continuous service, provided the holder maintains a current Louisiana license to serve as a speech pathologist. Eligibility requirements are:

a. master's degree in speech pathology, as specified under speech pathology guidelines, from a college or university accredited in accordance with 34 CFR 602; and

G.2.b. - H.4. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and 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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1809 (October 2006), amended LR 38:768 (March 2012), LR 46:

§417. Educational Leader in Special Education Ancillary Certificate

A. - D.2.a. ...

3. have completed a graduate degree program from an institution of postsecondary education accredited in accordance with 34 CFR 602;

4. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and 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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:1879 (November 2016), LR 43:1312 (July 2017), LR 45:1460 (October 2019), LR 46:

§421. Overview

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

i. bachelor's degree from a college or university accredited in accordance with 34 CFR 602;

1.a.ii. - 2.a. ...

i. master's degree from a college or university accredited in accordance with 34 CFR 602;

a.ii. - b. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and 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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1811 (October 2006), amended LR 34:433 (March 2008), LR 37:884 (March 2011), LR 37:2135 (July 2011), LR 46:

Chapter 5. Standards for Secondary Career and Technical Trade and Industrial Education Personnel

§501. Introduction

A. Career and technical trade and industrial education (CTTIE) certificates authorize full-time or part-time employment for instructors of CTTIE classes. The applicant being certified under the requirements found in this Part may teach CTTIE courses as listed on the LDE Teach Louisiana website (<http://www.teachlouisiana.net>).

B. Non-Practicing Status or Operational Role Status for CTTIE Certificates Renewable via the Standards for Effectiveness in accordance with LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902

1. The LDE may grant:

a. non-practicing status to any teacher who applies after ceasing employment as a teacher or leader in a local education agency.

b. operational role status to any teacher who is serving in a role that cannot be evaluated per student growth measures.

2. Non-practicing status will take effect on the last day of employment in the local education agency evaluated role, as verified by the employing LEA.

3. Operational role status will take effect on the first day of employment in a role that cannot be evaluated per student growth measures, as verified by the employing LEA.

4. Operational role teachers returning to a role that can be evaluated per student growth measures must be evaluated with student growth measures upon return to that role.

5. Non-practicing teachers returning to practice and operational role teachers returning to a role that can be evaluated per student growth measures may apply through a local education agency for an extension of the certificate for the number of years remaining in the renewal period of the certificate.

a. Final effectiveness ratings earned while in active status will be retained during non-practicing status and operational role status and applied to any subsequent renewal or extension.

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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1812 (October 2006),

amended LR 35:2752 (December 2009), LR 40:1329 (July 2014), LR 46:

§506. CTTIE-1 and CTTIE-2 Certificate Eligibility Requirements [Formerly §505]

A. - B.2.b. ...

c. graduates with a bachelor's degree from a college or university accredited in accordance with 34 CFR 602 will be given credit for two years or 3,840 hours of experience;

d. graduates with an advanced degree from a college or university accredited in accordance with 34 CFR 602 will be given credit for three years or 5,760 hours of occupational experience;

e. graduates with a technical degree in the selected field and a bachelor's degree from a college or university accredited in accordance with 34 CFR 602 will be given credit for three years or 5,760 hours of occupational experience;

f. graduates with a bachelor's degree from a college or university accredited in accordance with 34 CFR 602 and an industry based certification (IBC) in the selected field, or who pass the appropriate national occupational competency testing institute (NOCTI) exam if industry-based certification is not available, will be given credit for three years or 5,760 hours of occupational experience;

2.g. - 6....

C. CTTIE-2 Eligibility Requirements

1. Applicants must hold a current, appropriate, and recognized industry instructor certificate aligned with the Louisiana Workforce Investment Council IBC list, if applicable as determined by the LDE, or a bachelor's degree from a college or university accredited in accordance with 34 CFR 602.

2. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and 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.

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 40:1330 (July 2014), LR 45:1460 (October 2019), LR 46:

§507. CTTIE Areas of Specialization [Formerly §505]

A. - D.1. ...

2. Applicants pursuing a master's degree in athletic training who are working as an athletic trainer graduate assistant at a university accredited in accordance with 34 CFR 602 may count these work experience hours toward meeting the required work hours for the CTTIE application. CTTIE application must include a letter from the director of athletics at the university with the actual number of hours worked as well as assigned duties.

E. Jobs for America's Graduates (JAG) Louisiana Job Specialist eligibility requirements (one of the following):

1. a bachelor's degree from a state-approved college or university accredited in accordance with 34 CFR 602, plus two years of full-time work experience, or 3,840 hours of work experience within four years of date of application; or

2. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and 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.

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:

§509. CTTIE-1 Certificate Renewal Guidelines for Certificates Initially issued prior to September 1, 2014

[Formerly §507]

A. - B.18. ...

19. other education pedagogy courses, including online courses, from institutions accredited in accordance with 34 CFR 602 and must have prior approval from the employing LEA.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and 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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1814 (October 2006), amended LR 33:2356 (November 2007), LR 35:2753 (December 2009), LR 36:2000 (September 2010), LR 38:3137 (December 2012), LR 40:1331 (July 2014), LR 45:1460 (October 2019), LR 46:

Chapter 6. Endorsements to Existing Certificates

§601. Introduction

A. - A.4. ...

5. Semester hours earned from an institution accredited in accordance with 34 CFR 602 or equivalent contact hours from a non-university private provider of teacher and/or educational leader preparation program are acceptable for endorsement purposes. One semester hour is equivalent to 15 contact hours.

6. - 7. ...

B. A formal request for an additional authorization on a certificate must be directed to the LDE. An official transcript from an institution accredited in accordance with 34 CFR 602, verifying successful completion of endorsement requirements (semester hours) or documentation from the non-university private provider verifying successful completion of endorsement requirements (contact hours) must accompany the request. The final authority for approval of an additional authorization is the LDE.

C. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and 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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1814 (October 2006), amended LR 37:1381 (May 2011), LR 40:2242 (November 2014), LR 45:1460 (October 2019), LR 46:

Subchapter B. Special Education Level and Area Endorsements

§627. Requirements to add Deaf or Hard of Hearing K-12

A. ...

1. 21 semester credit hours that pertain to children who are deaf or hard of hearing, as follows:

2. - 8. ...

B. Three semester hours of internship of students who are deaf or hard of hearing or three years of successful teaching experience of students who are deaf or hard of hearing.

B.1. - D. ...

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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1817 (October 2006), amended LR 37:552 (February 2011), LR 40:281 (February 2014), LR 45:1460 (October 2019), LR 46:

§629. Requirements to add Mild/Moderate

Repealed.

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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1817 (October 2006), amended LR 35:221 (February 2009), LR 35:1485 (August 2009), LR 37:553 (February 2011), LR 39:1464 (June 2013), repealed LR 46:

§630. Requirements to add Mild/Moderate (1-5), (4-8) and (6-12)—Mandatory 7/1/2010

A. - A.2. ...

B. Mild/Moderate: 1-5. Individuals holding a valid upper elementary or middle school certificate (e.g., 4-8, 5-8, 6-8), secondary certificate (e.g., 6-12, 7-12, 9-12), all-level special education certificate (Significant Disabilities, Visually Impaired or Deaf or Hard of Hearing), or an all-level K-12 certificate (art, dance, foreign language, health, physical education, health and physical education, and music) must achieve the following:

B.1. - D.2.b. ...

E. Mild/Moderate: Middle Grades 4-8 and Secondary 6-12. Individuals holding a valid secondary certificate (e.g., 6-12, 7-12, 9-12), all-level special education certificate (Significant Disabilities, Visually Impaired or Deaf or Hard of Hearing), or an all-level K-12 certificate (art, dance, foreign language, health, physical education, health and physical education, and music) must achieve the following:

1. - 2.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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:1485 (August 2009), amended LR 37:553 (February 2011), LR 39:1464 (June 2013), LR 41:648 (April 2015), LR 41:1271 (July 2015), amended LR 46:

Subchapter C. All Other Teaching Endorsement Areas
§657. Cooperative Education

A. - A.3. ...

4. have a minimum of 1,500 hours of employment in program occupations approved by LDE, or a minimum of 120 hours in a supervised field practicum in the area of occupational certification, offered by a post-secondary institution accredited in accordance with 34 CFR 602, or other requirements as specified by the industry.

B. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and 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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1819 (October 2006), amended LR 34:869 (May 2008), LR 46:

§663. Educational Diagnostician (Special Education)

A. Eligibility requirements:

1. a minimum of a master's degree in education earned from an institution of higher education accredited in accordance with 34 CFR 602;

A.2. - B. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and 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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1820 (October 2006), amended LR 46:

§665. Educational Technology Areas

A. - A.1.b.i.(c)...

ii. - ii.(e). Repealed.

A.1.c. - C.1.c. ...

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 R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1820 (October 2006), amended LR 34:2033 (October 2008), LR 38:766 (March 2012), LR 46:

§669. Montessori Teacher Certification

A. - A.6. ...

7. International Montessori Council;

8. any other course jointly approved by the Board of Elementary and Secondary Education and the Louisiana Montessori Association.

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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1821 (October 2006), amended LR 46:

§671. Reading Specialist

A. - B.1. ...

2. advanced degree from an institution accredited in accordance with 34 CFR 602; and

3. - 3.c. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and 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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1822 (October 2006), amended LR 46:

Chapter 7. Administrative and Supervisory Credentials

Subchapter A. The Educational Leadership Certificate

§705. Educational Leader Certificate Level 1 (EDL 1)

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

b. complete a competency-based graduate degree preparation program in the area of educational leadership from an institution of higher education accredited in accordance with 34 CFR 602, which may be inclusive of BESE-approved mentor teacher or content leader training; and

1.c. - 2.a.i. ...

b. have previously completed a graduate degree program from an institution of higher education accredited in accordance with 34 CFR 602;

c. meet competency-based requirements, as demonstrated by completion of an individualized program of educational leadership from an institution of higher education accredited in accordance with 34 CFR 602. An individualized program will be developed based on a screening of candidate competencies upon entering into a graduate alternative certification program. Service as a mentor teacher, content leader, or BESE-approved mentor

teacher or content leader training may fulfill a maximum of 40 percent of an individualized program; and

2.d. - 3.a.ii. ...

b. have previously completed a graduate degree program in education from an institution of higher education accredited in accordance with 34 CFR 602;

c. - d. ...

4. Alternate Pathway 3. The alternate pathway 3 is for persons who already hold a baccalaureate degree from an institution of higher education accredited in accordance with 34 CFR 602 and are seeking to receive an EDL 1 through a competency-based educational leader practitioner (residency) program found in LAC 28:XLV (Bulletin 996, Chapter 7). The candidate must:

4.a.i. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and 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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1823 (October 2006), amended LR 33:819 (May 2007), LR 38:43 (January 2012), LR 38:3138 (December 2012), LR 39:1465 (June 2013), LR 43:1313 (July 2017), LR 45:231 (February 2019), LR 45:526 (April 2019), LR 45:1461 (October 2019), LR 46:

§725. Out-of-State Superintendent (OSS)

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

c. a master's degree from an institution of higher education accredited in accordance with 34 CFR 602;

1.d. - 2....

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and 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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1825 (October 2006), amended LR 38:3140 (December 2012), LR 45:527 (April 2019), LR 45:1462 (October 2019), LR 46:

Subchapter C. Teacher Preparation Programs

§743. Elementary School Principal

A. - A.1. ...

2. master's degree from an institution of higher education accredited in accordance with 34 CFR 602;

A.3. - E. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1825 (October 2006), amended LR 46:

§745. Secondary School Principal

A. - A.1. ...

2. master's degree from an institution of higher education accredited in accordance with 34 CFR 602;

A.3. - E. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and 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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1826 (October 2006), amended LR 46:

§747. Parish or City School Superintendent

A. - A.2.a. ...

3. master's degree from an institution of higher education accredited in accordance with 34 CFR 602;

A.4. - C.1. ...

2. master's degree in educational administration, business administration, public administration, or a related area of study including, but not limited to, accounting, finance, banking, insurance, and law, from an institution of higher education accredited in accordance with 34 CFR 602;

3. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and 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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:1333 (July 2017), amended LR 45:229 (February 2019), LR 46:

§749. Parish or City School Supervisor of Instruction

A. - A.1. ...

2. master's degree from an institution of higher education accredited in accordance with 34 CFR 602; and

A.3. - B. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and 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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1827 (October 2006), amended LR 46:

§751. Parish or City School Supervisor/Director of Special Education

A. - A.2. ...

3. master's degree from an institution of higher education accredited in accordance with 34 CFR 602;

A.4. - B. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and 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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1827 (October 2006), LR 46:

§755. Supervisor of Child Welfare and Attendance and/or Visiting Teacher

A. - A.1. ...

2. master's degree from an institution accredited in accordance with 34 CFR 602, including 15 semester hours of professional education at the graduate level to include three semester hours in each of the following areas:

A.2.a. - B. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and 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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1828 (October 2006), amended LR 46:

§761. Title Equivalencies

Repealed.

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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1828 (October 2006), amended LR 45:232 (February 2019), repealed LR 46:

Subchapter D. All Other Supervisory Endorsements

§783. Supervisor of School Libraries—Eligibility Requirements

A. - A.2.a. ...

3. master's degree in library science from an institution accredited in accordance with 34 CFR 602, including 12 semester hours of graduate training in library

science and a minimum of 21 semester hours of undergraduate credit in library science.

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and 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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1828 (October 2006), amended LR 45:1463 (October 2019), LR 46:

§785. Supervisor of Parish or City Materials and/or Media Centers

A. - A.1. ...

2. advanced degree from an institution accredited in accordance with 34 CFR 602;

3. - 3.d....

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and 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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1828 (October 2006), amended LR 46:

§787. Supervisor of Student Teaching

A. - B.3. ...

4. valid Type B or Level 2 Louisiana certificate in the field of the supervisory assignment and National Board Certification in Subsection C of this Section.

C. On September 1, 2023 the mentor teacher ancillary certificate will replace the supervisor of student teaching certificate. The supervisor of student teaching certificate will no longer be issued effective December 31, 2020. Educators who were issued a supervisor of student teaching certificate on or before December 31, 2020, may serve as a mentor teacher until August 31, 2023.

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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1829 (October 2006), amended LR 37:2136 (July 2011), LR 45:232 (February 2019), LR 46:

Chapter 8. Certification Appeal Process

§803. Appeal Process

A. - A.3.e. ...

f. lack a degree from a college or university accredited in accordance with 34 CFR 602; or

3.g. - 4....

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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1829 (October 2006), amended LR 36:487 (March 2010), LR 38:3140 (December 2012), LR 43:1314 (July 2017), LR 44:2002 (November 2018), LR 45:1750 (December 2019), LR46:

§805. Application Packet

Repealed.

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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1829 (October 2006), amended LR 36:2843 (December 2010), LR 46:

Chapter 10. Definitions

§1001. Terms

Accredited (formerly *regionally accredited*)—a term used to denote the status of public recognition that a regionally

recognized accrediting agency grants to an educational institution or program that meets the agency's standards and requirements in accordance with 34 CFR 602.

NOTE: When used in this Part, *regionally accredited* shall be replaced with *accredited* in accordance with 34 CFR 602.

Alternate Teacher Preparation Program—a pathway designed for candidates with a minimum of a baccalaureate degree earned at an institution accredited in accordance with 34 CFR 602. An alternate program combines professional knowledge with field experiences, including a one-year supervised internship in a school setting. For admission to an alternate program, applicants must demonstrate content mastery.

* * *

Non-Education Baccalaureate Degree—a baccalaureate degree earned through an institution of higher education accredited in accordance with 34 CFR 602 that does not result in eligibility for teacher certification in the state in which the program is approved to operate.

* * *

Regionally Accredited—see the definition for accredited in this Section.

NOTE: When used in this Part, regionally accredited shall be replaced with accredited in accordance with 34 CFR 602.

* * *

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and 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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1833 (October 2006), amended LR 37:560 (February 2011), LR 43:1314 (July 2017), LR 45:233 (February 2019), LR 46:

Chapter 11. State Guidelines Related to Qualifications for Paraprofessionals and Continuing Learning Units

§1103. Highly Qualified Policy for Teachers

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2053 (October 2007), amended LR 35:643 (April 2009), repealed LR 46:

§1105. Paraprofessional Qualifications

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

b. has 2 years of full-time study (48 semester credit hours) from the recommended list of state-approved institutions of higher education or from an institution of higher education accredited in accordance with 34 CFR 602. A total of 15 hours of general education course requirements include English composition (3), English/reading (6), and mathematics (6). For the remaining 33 hours of coursework, acceptance of credit for a course shown on a transcript from an approved higher education institution is left to school district discretion in addressing the needs of the specific job;

1.c. - 2.a. ...

b. has 2 years of full-time study (48 semester credit hours) from the recommended list of state-approved institutions of higher education or from an institution of higher education accredited in accordance with 34 CFR 602. A total of 15 hours of general education course requirements include English composition (3), English/reading (6), and mathematics (6). For the remaining 33 hours of coursework, acceptance of credit for a course shown on a transcript from

an approved higher education institution is left to school district discretion in addressing the needs of the specific job;

F.2.c. - G.3.b.iii.(b). ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and 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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2056 (October 2007), amended LR 43:1315 (July 2017), LR 46:

Chapter 12. Approved Courses to Reinstate Lapsed Certificates

§1203. Reinstatement of a Lapsed Certificate

A. Reinstatement of a lapsed certificate is made only on evidence that the holder has earned six semester hours of credit in approved courses from an institution of higher education accredited in accordance with 34 CFR 602. The credit must be earned within the five-year period immediately preceding reinstatement of the certificate.

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and 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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2058 (October 2007), amended LR 46:

§1205. Certificate Reinstatement Coursework

A. - A.1. ...

2. Coursework must be reflected on a transcript from an institution of higher education accredited in accordance with 34 CFR 602.

3. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with 34 CFR 602 and 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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2058 (October 2007), amended LR 46:

Chapter 13. Ancillary Certification

§1305. Ancillary School Service Certificates

A. - A.7.e. ...

f. Repealed.

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.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2060 (October 2007), amended LR 46:

Family Impact Statement

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

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 staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), August 9, 2020, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Bulletin 746—Louisiana Standards for State Certification of School Personnel Deaf or Hard of Hearing; Certification; Accredited Institutions; Teaching Authorizations; and Montessori Training Providers

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed technical revisions include updates to reflect current terminology; updates to align state policy with new federal law and regulations; removes outdated provisions; and codifies existing practices. Additionally provides for substantive changes with varying impacts, as identified below. There is no impact to the Department of Education (LDE) as a result of the proposed revisions.

Local school systems, in particular smaller districts, may experience savings as a result of greater hiring flexibility due to the proposed revision to repeal the requirement that Child Nutrition Program Supervisors hold a master’s degree in accordance with federal regulations, however this is indeterminable.

The proposed revision to reduce the number of assessments required for elementary mentor teachers from six to four will not affect the current cost of the assessment series of \$175. School systems have indicated that they plan to train 1,300 Mentor teachers in FY 21. The LDE plans to allocate \$49,000 in federal Teacher Incentive Fund (TIF) towards assessment fees, equivalent to 280 assessment series, and districts with schools in need of improvement may be able to request competitive federal funds through the LDE. It is unknown to what extent districts will pay for assessment fees through local funds or whether some portion of the costs will be passed along to teachers.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The LDE may experience a negligible reduction in fees from educators seeking re-certification. The proposed revisions extend non-practicing status to certain educators who were not previously eligible and limit renewals for educators with Type C Certificates.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed revisions will result in reduced costs for certain educators and individuals seeking employment as educators in public schools. Educators affected by the extension of non-practicing and operational role status include those with standard certificates other than professional Level 1, 2, and 3, ancillary certificates, and career and technical trade and industrial education (CTTIE) certificates. These individuals will avoid re-certification costs because they will no longer have their certificate lapse or expire during a break in service. In addition, educators who are applying for an Out-of-State (OS) certificate or Resident certificate will benefit from the revision which waives the Praxis Core Academic Skills for Educators assessment for such individuals to the extent they hold a Master’s degree. This will reduce the cost (between \$90 and \$150) for new educators seeking certification in Louisiana. Finally, nonpublic schools or teachers will experience savings due to the elimination of the requirement to complete continued learning units (CLUs) of professional development in order to request a renewal of a standard certificate, however such savings are unknown.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The addition of International Montessori Council as a Montessori authorized training provider will increase competition, potentially benefiting individuals seeking certification. By removing all references to "regionally accredited" institutions, state policy will refer to new federal regulations that considers accrediting agencies engaged at the state, regional and national levels, however it is unknown whether this change would increase the number of teachers eligible for employment in public schools. In addition, the proposed revisions may result in a greater number of individuals able to enter the Louisiana educator workforce. The proposal to extend non-practicing status to certain educators will allow those who leave the workforce temporarily to keep their credential current so that it will not impede their ability to reenter the workforce. The proposed revision to repeal the requirement that Child Nutrition Program Supervisors hold a master's degree and allow districts with fewer than 2,500 students to hire individuals with less than a bachelor's degree and relevant food service experience may result in a larger pool of candidates qualified to serve in such positions.

Beth Scioneaux
Deputy Superintendent
2007#043

Christopher Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT
Office of the Governor
Board of Pardons and Parole

Panel Action (LAC 22:XI.511)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Board of Pardons and Parole hereby gives notice of its intent to amend its rules of LAC 22:XI.511. The below changes expand the ability of the board to conduct single member interviews with offenders at parish jails or parish correctional centers and also to conduct hearings in absentia when the offender is unable to appear before the board due to a medical condition.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part XI. Committee on Parole

Chapter 5. Meetings and Hearings of the Committee on Parole

§511. Panel Action

A. - B.2.d. ...

C. Offenders incarcerated in a parish jail or parish correctional center may be interviewed by a single member of the Committee on Parole prior to a public parole hearing. The interviewing member will then present the case to the full parole panel for parole release consideration during the public parole hearing. Due to transport considerations, the offender will not be present during the public hearing. However, the public hearing will be conducted in a manner which allows for observation and input by members of the public.

D. Generally, public hearings shall be conducted via videoconferencing, with the committee members participating from the committee's headquarters in Baton Rouge, and offenders appearing before the committee via videoconferencing at the designated prison facility.

1. In the event the offender is unable to appear before the board due to a medical condition, a medical professional shall be made available to the parole panel to provide information about the offender's medical condition. The hearing will occur in absentia. (§511.B.2.a. if offender being considered for medical parole is housed in a medical treatment facility).

2. In the case of videoconferencing, the family, friends, and attorney of the offender shall be at the location of the offender.

3. In the case of videoconferencing, the victim(s) may be at the location of the committee or may participate by telephone through the local district attorney's victim advocacy representative.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:574.2 et seq., R.S. 15:535 et seq., and RS. 15:540 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Parole, LR 24:2299 (December 1998), amended LR 28:1597 (July 2002), amended by the Department of Public Safety and Corrections, Corrections Services, LR 36:2872 (December 2010), amended by the Office of the Governor, Board of Pardons, Committee on Parole, LR 39:2263 (August 2013), amended by the Office of the Governor, Board of Pardons, LR 40:57 (January 2014), amended by the Office of the Governor, Board of Pardons, Committee on Parole, LR 41:45 (January 2015), LR 46:

Family Impact Statement

Amendment to the rules has no known impact on family formation, stability or 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 relations to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

There is no estimated cost and/or economic benefit to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule changes.

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 Elizabeth Traylor, Executive Management Officer, Board of Pardons and Parole, P.O. Box 94304, Baton Rouge, LA 70804 until 4:30 p.m. on August 10, 2020.

Sheryl M. Ranatza
Board Chair

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Panel Action

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes will not have a fiscal impact on state or local governmental unit expenditures.

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Board of Pardons and Parole hereby gives notice of its intent to amend its rules of LAC 22: XI :511. The changes expand the ability of the Board to conduct single member interviews with offenders at parish jails or parish correctional centers and also to conduct hearings in absentia when the offender is unable to appear before the Board due to a medical condition.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units as a result of the proposed rule changes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There is no estimated cost and/or economic benefit to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule changes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule changes.

Thomas C. Bickham III
Undersecretary
2007#037

Christopher Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Office of Financial Institutions**

Applications and Notices (LAC 10:I.Chapter 5)

The Office of Financial Institutions (OFI) proposes to amend LAC 10.I.501 and 509, and adopt LAC 10.I.511 and 513 relative to Loan Production Offices, deposit production offices, and Combination Offices, respectively, of banks, savings banks, homestead associations, building and loan associations, and savings and loan associations, as authorized by L.R.S. 6:452 and 453. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

OFI proposes to amend the provisions governing the aforementioned offices of affected financial institutions to be consistent with Act 183 of the 2020 regular legislative session. The amendments allow state-chartered institutions to open loan production offices with notice to the Commissioner and provide a process by which an institution may request permission to engage in activities permissible for national banks through such offices. The adoption of §§511 and 513 provide similarly relative to deposit production offices and combination offices, respectively, without restriction on the placement of electronic financial terminals.

Title 10

**FINANCIAL INSTITUTIONS, CONSUMER CREDIT,
INVESTMENT SECURITIES AND UCC**

Part I. Financial Institutions

Chapter 5. Applications and Notices

**Subchapter A Certificate of Authority for New Financial
Institutions; Branches; or Relocation of
Main Office or Branch Office**

§501. Definitions

* * *

Deposit Production Office—a physically manned location, in the State of Louisiana, in another state, or the District of Columbia, other than the main office or branch office of a Financial Institution, from which the Financial Institution intends to provide information about deposit products offered by such Financial Institution, solicit deposits, and assist persons in completing application forms and related documents to open deposit accounts. A deposit production office may be a wholly-owned operating subsidiary of a Financial Institution. A deposit production office may also be referred to in this rule as a “DPO”.

* * *

Loan Production Office—a physically manned location, in the State of Louisiana, in another state or the District of Columbia, other than the main office, branch office of a Financial Institution from which the Financial Institution intends to provide information about, and solicit and/or originate applications for, loans, by such Financial Institution. A loan production office may be a wholly-owned operating subsidiary of a Financial Institution. A loan production office may also be referred to in this rule as an “LPO”.

* * *

**Subchapter B. Loan Production Offices, Deposit
Production Offices, and Electronic
Financial Terminals; Notice, Activities
and Requirements**

§509. Loan Production Office

A. Definitions

Applicant—repealed.

Application—repealed.

Commissioner—the commissioner of the Louisiana Office of Financial Institutions.

Federal Financial Institution—any national bank, federal savings association, or other depository institution chartered by the Office of the Comptroller of the Currency.

Financial Institution—any Federal Financial Institution, Louisiana Financial Institution, or Out-of-State Financial Institution.

Letter of Notification—written notice submitted to the commissioner by a Financial Institution indicating its intent to establish one or more loan production office(s). The Letter of Notification shall identify the financial institution and provide the municipal address of the proposed LPO location. If the ratio of premises and fixed assets to Tier 1 capital plus the allowance for loan and lease losses will, at any time, exceed 50 percent, or 45 percent for a new institution, the Financial Institution must also provide supporting documentation and a request to exceed this threshold pursuant to LAC X:I.1101.

Loan Production Office—a physically manned location, in the State of Louisiana, in another state or the District of Columbia, other than the main office or branch office of a Financial Institution from which the Financial Institution intends to provide information about, and solicit and/or originate applications for, loans, by such Financial Institution. A loan production office may be a wholly-owned operating subsidiary of a Financial Institution. A loan production office may also be referred to in this rule as an “LPO”.

Louisiana Financial Institution—any Louisiana state-chartered bank, savings bank, homestead association, building and loan association, or savings and loan association.

Out-of-State Financial Institution—any state-chartered bank, savings bank, homestead association, building and loan association, or savings and loan association, chartered in a state other than Louisiana or chartered in the District of Columbia.

B. Prior Notification

1. In accordance with R.S. 6:452, a Louisiana Financial Institution seeking to open a loan production office shall provide written prior notification to the commissioner of the planned loan production office. The notification shall be sent to the commissioner at least 45 days prior to the proposed opening date of the LPO.

2. Notification to the commissioner may be delivered by U.S. Mail, private commercial courier, hand-delivered, or by electronic mail.

3. If at the time of the notification to the commissioner, a Louisiana financial institution plans to share the location of an LPO with one or more other financial institutions, the name and domicile of each such other financial institution shall be included in the written prior notice to the commissioner.

C. Objection by Commissioner

1. In accordance with R.S. 6:452, after a Louisiana financial institution sends notification of its intent to open an LPO, the commissioner may object to the proposed loan production office based on any of the reasons set forth in Paragraph C.2. The commissioner may timely object by notifying the Louisiana Financial Institution within 45 days of receiving the Louisiana Financial Institution's notification of its intent to open an LPO. If the commissioner timely objects to the proposed LPO, the Louisiana financial institution shall refrain from opening the proposed LPO.

2. Reasons for Objection. The following six factors may form the basis for the commissioner's objection to a loan production office as well as any additional factors deemed necessary and appropriate:

- a. financial history and condition;
- b. adequacy of capital;
- c. future earnings prospects;
- d. management;
- e. convenience and needs of the community;
- f. concentration risk.

3. Written Reasons for Objection by Commissioner. Following an objection by the commissioner to a Louisiana financial institution's proposed loan production office, a Louisiana financial institution may request written reasons for the objection.

4. Out-of-State Financial Institutions. An out-of-state financial institution may establish one or more LPOs in Louisiana as allowed by, and in compliance with, the laws, regulations, rulings, and pronouncements of the state or district where such financial institution is chartered that apply to the establishment of an LPO by such out-of-state financial institution and may conduct at, or from, any of its LPOs in Louisiana such activities as are authorized by the laws, regulations, rulings, and pronouncements of the state or district where such out-of-state financial institution is chartered. Except for the requirements of this Paragraph,

out-of-state financial institutions are not subject to the requirements of this Section or §511 of this Chapter.

5. Federal Financial Institutions. A federal financial institution may establish one or more LPOs in Louisiana as allowed by, and in compliance with the federal laws, regulations, rulings, and pronouncements that apply to the establishment of an LPO by a federal financial institution. Except for the requirements of this Paragraph, federal financial institutions are not subject to the requirements of this Section or §511 of this Chapter.

D. Activities

1. Permissible Activities. A loan production office of a Louisiana financial institution is limited to the following activities:

- a. soliciting, and originating, loans on behalf of the Louisiana financial institution;
- b. providing information on loan rates and terms;
- c. interviewing and counseling loan applicants regarding loans and any provisions for disclosure required by various regulation;
- d. aiding customers in the loan application process, including the completing of loan applications, the obtaining of credit investigations, obtaining title insurance premiums, attorneys fees, title abstract fees, mortgage certificate fees, hazard insurance premiums, flood insurance premiums, survey costs, recording costs, and any other information needed to prepare a good faith estimate, to complete a loan application, or to prepare a loan for closing;
- e. making credit decisions and approving or declining loans, in accordance with the Louisiana financial institution's lending policies; and
- f. signing any and all loan documents and disclosures, including but not limited to promissory notes, line of credit agreements, mortgages, security agreements, guarantee agreements, any other agreement establishing collateral to secure the repayment of the loan, and other instruments obligating the loan customer to the Louisiana Financial Institution.

2. Activities Parity. In addition to the permissible activities set forth above, a Louisiana Financial Institution may conduct at, or from, any of its loan production offices any other activity that is a permissible for an LPO of a national bank or other federal financial institution by complying with R.S. 6:242(C).

3. Electronic Financial Terminals. In addition to the permissible activities set forth above, a Louisiana financial institution may operate an electronic financial terminal (EFT) facility within, adjacent to, or in close proximity to, any of its loan production offices, provided that it complies with the notice requirements contained in §511 of this Chapter. An EFT is defined in R.S. 6:2(7).

4. Prohibited Activities. The following activities may not be conducted at a loan production office of a Louisiana financial institution unless the Louisiana financial institution has established a combined loan production office and deposit production office in accordance with R.S. 6:454, and with §511 of this Chapter:

- a. providing forms which enable the customer to open deposit accounts directly or by mail;
- b. counseling customers regarding savings accounts, checking accounts or any other services except loan origination services;

c. advertising, stating or implying that the loan production office provides services other than loan origination services;

5. Loan Payments. A loan production office of a Louisiana financial institution shall not accept loan payments; however, the occasional acceptance of loan payments is permissible in the event borrowers fail to follow established loan payment procedures.

6. Loan proceeds shall not be physically disbursed in-person to the borrower at an LPO of a Louisiana financial institution. However, this does not restrict the disbursement of loan proceeds electronically.

E. Closure or Change of Location of Loan Production Office

1. Prior to closing or relocating a loan production office of a Louisiana financial institution, the Louisiana financial institution shall give prior written notice to the commissioner for approval at least 45 days prior to closing or relocating the LPO. The notification of a relocation shall contain the current physical address of the loan production office, the proposed new address and the anticipated date of relocation. The notification of a closure shall include the current location of the loan production office, the reason for the closure and the anticipated date of the closure. Approval will be deemed to have been granted if the commissioner does not respond to the notice within 45 days of receipt. This provision may be waived by the commissioner.

2. At least 30 days prior to the closure date or relocation date, the Louisiana financial institution shall post a notice in a conspicuous location in the loan production office to be closed or relocated, that the LPO will be closed or relocated. If the LPO is to be closed, the notice shall state the closing date and the nearest location where a customer may obtain access to services. If the LPO is to be relocated, the notice shall state the relocation date and the address of the new location.

3. The requirements contained in Paragraph E.2 of this Subsection may be waived by the commissioner to prevent or alleviate any condition which he or she may reasonably expect to create an emergency relative to that Louisiana financial institution, its employees, or its customers.

F. Other

1. Emergency Acquisition of a Louisiana Loan Production Office. In the case of the acquisition of a failed or failing Louisiana financial institution, the commissioner may waive any provision of this rule which is not required by statute for the purpose of allowing an acquiring Financial Institution to operate a loan production office of the failed or failing Financial Institution.

2. Name. Each loan production office of a Louisiana financial institution shall include the words "Loan Production Office" on one primary exterior sign at the loan production office and all other signage shall include the words "Loan Production Office" or the initials "LPO." The words "Loan Production Office" and the initials "LPO" must be reproduced in at least one-half as large a font size as the font size used for the name of the Louisiana financial institution on signage at the loan production office.

3. Sharing of Loan Production Office Locations

a. Loan production office locations may be shared by one or more financial institutions provided that each Louisiana financial institution complies with the provisions of this rule. In addition, any written agreement related to the sharing of a loan production office shall accompany, or be included in, the prior notice submitted to the commissioner as required by §509.B. Further, when engaging in the sharing of a loan production office location, the Louisiana financial institution shall ensure that:

i. each financial institution is conspicuously, accurately, and separately identified;

ii. each financial institution provides its own employee(s) and their affiliation with the financial institution by which they are employed is clearly and fully disclosed to customers so that customers will know the identity of the financial institution that is providing the product or service;

iii. the arrangement does not constitute a joint venture or partnership with the other financial institution under applicable state law;

iv. all aspects of the relationship between the financial institutions are conducted at arm's length;

vi. security issues arising from the activities of the other financial institution on the premises are addressed;

vi. the activities of the other financial institution do not adversely affect the safety and soundness of such financial institution; and

vii. the assets and records of the financial institutions are segregated.

b. An LPO location sharing agreement involving a Louisiana financial institution should outline the manner in which:

i. the operations of each of the financial institutions will be separately identified and maintained within the loan production office location;

ii. the assets and records of the financial institutions will be segregated;

iii. expenses will be shared;

iv. confidentiality of each of the financial institution's records will be maintained; and

v. any additional provisions deemed applicable.

4. Any an exception and/or waiver of any provision of this rule requires the written approval of the commissioner.

5. Effective Date. This rule shall become effective upon final publication.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:452.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 21:1217 (November 1995), amended by the Office of the Governor, Office of Financial Institutions, LR 46:

§511. Deposit Production Office

A. Definitions

Commissioner—the commissioner of the Louisiana Office of Financial Institutions.

Deposit Production Office—a physically manned location, in the State of Louisiana, in another state, or the District of Columbia, other than the main office or branch office of a financial institution, from which the financial institution intends to provide information about deposit

products offered by such Financial Institution, solicit deposits, and assist persons in completing application forms and related documents to open deposit accounts. A deposit production office may be a wholly-owned operating subsidiary of a financial institution. A deposit production office may also be referred to in this rule as a “DPO”.

Federal Financial Institution—any national bank or federal savings association, or other depository institution chartered by the Office of the comptroller of the currency.

Financial Institution—any Federal Financial Institution, Louisiana Financial Institution, or Out-of-State Financial Institution.

Letter of Notification—written notice submitted to the commissioner by a Louisiana financial institution indicating its intent to establish a deposit production office. The letter of notification shall identify the Louisiana financial institution and provide the municipal address of the proposed DPO location. If the ratio of premises and fixed assets to Tier 1 Capital plus the allowance for loan and lease losses will, at any time, exceed 50 percent, or 45 percent for a new institution, the financial institution must also provide supporting documentation with a request to exceed this threshold pursuant to LAC X:I.1101.

Louisiana Financial Institution—any Louisiana state-chartered bank, savings bank, homestead association, building and loan association, or savings and loan association.

Out-of-State Financial Institution—any state-chartered bank, savings bank, homestead association, building and loan association, or savings and loan association chartered in a state other than Louisiana or in the District of Columbia.

B. Prior Notification

1. In accordance with R.S. 6:453, a Louisiana financial institution seeking to open a deposit production office shall provide written prior notification to the commissioner of the planned deposit production office. The notification shall be sent to the commissioner at least 45 days prior to the proposed opening date of the DPO.

2. Notification to the commissioner may be delivered by U.S. Mail, private commercial courier, hand-delivered, or by electronic mail.

3. If at the time of the notification to the commissioner, the Louisiana financial institution plans to share the location of the DPO with another financial institution, the name and domicile of each such other financial institution shall be included in the written prior notice to the commissioner.

C. Objection by Commissioner

1. In accordance with R.S. 6:453, after a Louisiana financial institution sends notification of its intent to open an DPO, the commissioner may object to the proposed deposit production office based on any of the reasons set forth in Paragraph C.2. The commissioner may timely object by notifying the Louisiana Financial Institution within 45 days of receiving the Louisiana financial institution’s notification of its intent to open a DPO. If the commissioner timely objects to the proposed DPO, the Louisiana financial institution shall refrain from opening the proposed DPO.

2. Reasons for Objection. The following five factors may form the basis of the commissioner’s objection to a deposit production office as well as any additional factors deemed necessary and appropriate:

- a. financial history and condition;
- b. adequacy of capital;
- c. future earnings prospects;
- d. management;
- e. convenience and needs of the community;
- f. concentration risk.

3. Written Reasons for Objection By Commissioner. Following an objection by the commissioner to a Louisiana financial institution’s proposed deposit production office, a Louisiana financial institution may request written reasons for the objection.

4. Out-of-State Financial Institutions. An out-of-state financial institution may establish a one or more DPOs in Louisiana as allowed by, and in compliance with, the laws, regulations, rulings, and pronouncements of the state or district where the out-of-state financial institution is chartered that apply to the establishment of a DPO by such out-of-state financial institution and may conduct at, or from any of its DPOs in Louisiana such activities as are authorized by the laws, regulations, rulings, and pronouncements of the state or district where such out-of-state financial institution is chartered. Except for the requirements of this Paragraph, out-of-state financial institutions are not subject to the requirements of this Section or §511 of this Chapter.

5. Federal Financial Institutions. A federal financial institution may establish one or more DPOs in Louisiana as allowed by, and in compliance with, the federal laws, regulations, rulings, and pronouncements that apply to the establishment of a DPO by a Federal Financial Institution. Except for the requirements of this Paragraph, Federal Financial Institutions are not subject to the requirements of this Section or §511 of this Chapter.

D. Activities

1. Permissible Activities. A deposit production office of a Louisiana financial institution is limited to the following activities:

- a. providing information about deposit products;
- b. assisting persons in completing application forms and related documents to open deposit accounts;
- c. providing forms which enable the customer to open deposit accounts directly, online, or by mail;
- d. counseling customers regarding savings accounts, checking accounts or any other deposit products; and
- e. advertising or promoting deposit products.

2. Activities Parity. In addition to the permissible activities set forth above, a Louisiana financial institution may conduct at, or from, any of its deposit production offices any activity that is permissible for a DPO of a national bank or other Federal Financial Institution by complying with R.S. 6:242(C).

3. Electronic Financial Terminals. In addition to the permissible activities set forth above, a Louisiana financial institution may operate an electronic financial terminal (EFT) facility within, adjacent to, or in close proximity to, any of its deposit production offices, provided that it complies with the notice requirements contained in §511 of this Chapter. An EFT is defined in R.S. 6:2(7).

4. Prohibited Activities. The following activities may not be conducted at a deposit production office of a Louisiana financial institution unless the Louisiana financial

institution has established a combined loan production office and deposit production office in accordance with R.S. 6:454, and with §511 of this Chapter:

- a. soliciting loans on behalf of the Louisiana financial institution or one of its wholly-owned subsidiaries;
- b. providing information on loan rates and terms;
- c. interviewing and counseling loan applicants regarding loans and any provisions for disclosure required by various regulation; or
- d. aiding customers in the completion of loan applications, including the obtaining of credit investigations, obtaining title insurance premiums, attorneys fees, title abstract fees, mortgage certificates, hazard insurance premiums, flood insurance premiums, survey costs, recording costs, and any other information needed to prepare a good faith estimate, to complete a loan application, or to prepare a loan for closing.

E. Closure or Change of Location of Deposit Production Office

1. Prior to closing or relocating a deposit production office of a Louisiana financial institution, the Louisiana financial institution shall give prior written notice to the commissioner for approval at least 45 days prior to closing or relocating the DPO. The notification of a relocation shall contain the current physical address of the deposit production office, the proposed new address and the anticipated date of relocation. The notification of a closure shall include the current location of the deposit production office, the reason for the closure and the anticipated date of the closure. Approval will be deemed to have been granted if the commissioner does not respond to the notice within 45 days of receipt. This provision may be waived by the commissioner.

2. At least 30 days prior to the closure date or relocation date, the Louisiana financial institution shall post a notice in a conspicuous location in the deposit production office to be closed or relocated, that the DPO will be closed or relocated. If the DPO is to be closed, the notice shall state the closing date. If the DPO is to be relocated, the notice shall state the relocation date and the address of the new location.

3. The requirements contained in Paragraph E.2 of this Subsection may be waived by the commissioner to prevent or alleviate any condition which he or she may reasonably expect to create an emergency relative to that Louisiana financial institution, its employees, or its customers.

F. Other

1. Emergency Acquisition of a Deposit Production Office. In the case of the acquisition of a failed or failing Louisiana financial institution, the commissioner may waive any provision of this rule which is not required by statute for the purpose of allowing an acquiring Financial Institution to operate a deposit production office of the failed or failing Financial Institution.

2. Name. Deposit production offices of Louisiana financial institutions shall include the words "Deposit Production Office" on one primary exterior sign at the deposit production office and all other signage shall include the words "Deposit Production Office" or the initials "DPO." The words "Deposit Production Office" and the initials "DPO" must be reproduced in at least one-half as

large a font size as the font size used for the name of the Louisiana financial institution on signage at the deposit production office.

3. Sharing of Deposit Production Office Locations

a. Deposit production office locations may be shared by one or more Financial Institutions provided that each Louisiana financial institution complies with the provisions of this rule. In addition, any written agreement related to the sharing of a deposit production office shall accompany, or be included in, the Prior Notice submitted to the Commissioner as required by §510.B, a brief explanation of such written agreement, including the names of the financial institutions that will share the same location, shall accompany, or be included in, the prior notice submitted to the commissioner as required by §510.B. Further, when engaging in the sharing of a deposit production office, the Louisiana financial institution shall ensure that:

- i. each other Financial Institution is conspicuously, accurately, and separately identified;
- ii. each Financial Institution provides its own employee(s) and their affiliation with the other Financial Institution is clearly and fully disclosed to customers so that customers will know the identity of the Financial Institution that is providing the product or service;
- iii. the arrangement does not constitute a joint venture or partnership with the other financial institution under applicable state law;
- iv. all aspects of the relationship between the financial institutions are conducted at arm's length;
- v. security issues arising from the activities of the other Financial Institution on the premises are addressed;
- vi. the activities of the other financial institutions do not adversely affect the safety and soundness of the Louisiana financial institution; and
- vii. the assets and records of the financial institutions are segregated.

b. A DPO location sharing agreement involving a Louisiana financial institution should outline the manner in which:

- i. the operations of each financial institution will be separately identified and maintained within the deposit production office location;
- ii. the assets and records of the financial institutions will be segregated;
- iii. expenses will be shared;
- iv. confidentiality of each of the financial institution's records will be maintained; and
- v. any additional provisions deemed applicable.

4. Any exception and/or waiver of any provision of this rule requires the written approval of the commissioner.

5. Effective Date. This rule shall become effective upon final publication.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:453.

HISTORICAL NOTE: Promulgated by the Office of Governor, Office of Financial Institutions, LR 46:

§513. Combination of Loan Production Office, Deposit Production Office, and Electronic Financial Terminal

A. Definitions. For purposes of this Section, the definitions provided in §§509 and 510 are applicable.

B. Combined Prior Notification

1. Any Louisiana financial institution seeking to operate at the same location, a loan production office, a deposit production office, and an electronic financial terminal, or any combination of these facilities, shall provide written notice to the commissioner at least 45 days prior to the proposed opening date.

2. A Louisiana financial institution may satisfy the notice requirements of R.S. 6:452 and 453 by submitting one combined written notice to the commissioner pursuant to this Section.

C. Upon receiving the written notice, the commissioner has 45 days to object. If the commissioner does not raise a timely objection, the Louisiana financial institution may proceed with opening the combined facility. If the commissioner raises an objection, the commissioner shall, upon request, notify the Louisiana financial institution in writing as to the nature of the objection. The commissioner may consider the reasons for objection set forth in §§509.C and 510.C of this Chapter.

E. Effective Date. This rule shall become effective upon final publication.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:454.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 46:

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 no known impact on family formation, stability, or autonomy as described in R.S. 49:972.

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 will benefit small businesses, pursuant to R.S. 49:978.4, by increasing banking services in areas where there are limited branch and nonbranch offices today.

Poverty Impact Statement

The proposed Rule should have a positive impact on poverty, pursuant to R.S. 49:973, because it will make it easier for a bank to operate in an area, thus stimulating economic activity in the area.

Provider Impact Statement The proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments Interested persons may submit written comments through 5:00 p.m. on August 10, 2020, to Susan Rouprich, General Counsel, Office of Financial Institutions, 8660 United Plaza Boulevard, Second Floor, Baton Rouge, LA 70809.

John Ducrest
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Applications and Notices

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The Office of Financial Institutions (OFI) anticipates no related implementation costs or savings to state or local

governmental units resulting from the proposed rule change. The OFI is currently responsible for the regulatory oversight of Louisiana Financial Institutions (as defined). Implementation of this rule will simply modify an existing rule to redefine terms, activities, and other related supervisory matters applicable to the operation of loan production offices (LPOs) in this state by Louisiana Financial Institutions. The propose rule will also provide for the establishment of deposit production offices (DPOs), and establish notification requirements for the combination of LPOs, DPOs, and electronic financial terminals (EFTs).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not impact the OFI's source of funding, since it is expected to have no implementation costs. Furthermore, there is currently no filing fee to establish a loan production office in Louisiana.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

OFI anticipates no material cost to directly affected persons, small businesses, or non-governmental groups resulting from the proposed rule change. However, economic benefits may be realized through the expansion of financial products and services offered to these persons, businesses, and/or groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

OFI anticipates no material impact on competition and employment in the public or private sectors resulting from the proposed rule change. However, there could be a small, indirect positive impact if such Louisiana Financial Institutions operate or would operate in an area with otherwise limited financial services through an expansion of financial products and services offered to these underserved market areas.

John Ducrest
Commissioner
2007#055

Christopher Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

End Stage Renal Disease Facilities Reimbursement for Independent Laboratory Services (LAC 50:XI.6901)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:XI.6901 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.

Independent laboratories contracted with end stage renal disease (ESRD) facilities are currently reimbursed by the ESRD facility for covered non-routine laboratory services provided to Medicaid recipients. The Department of Health, Bureau of Health Services Financing now proposes to amend the provisions governing reimbursement for ESRD facilities in order to allow contracted independent laboratories to bill the Medicaid program directly for the provision of covered non-routine laboratory services instead of receiving reimbursement from the ESRD facility.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XI. Clinic Services

Subpart 9. End Stage Renal Disease Facilities

Chapter 69. Reimbursement

§6901. General Provisions

A. ...

B. Covered non-routine dialysis services, continuous ambulatory peritoneal dialysis (CAPD), continuous cycling peritoneal dialysis (CCPD), epogen (EPO) and injectable drugs are reimbursed separately from the composite rate.

1. Covered non-routine laboratory services may be billed by either the ESRD facility or the facility's contracted outside laboratory.

C. - G. ...

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 30:1022 (May 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1891 (September 2009), LR 36:2040 (September 2010), LR 37:1599 (June 2011), LR 39:1284 (May 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 46:

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 Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule may be beneficial to small businesses, as described in R.S. 49:965.2 et seq. since independent laboratories contracted with end stage renal disease facilities will have the ability to bill, and be reimbursed by the Medicaid program, for providing non-routine covered 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 reduce the direct or 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 since independent laboratories contracted with end stage renal disease facilities will have the ability to bill, and be reimbursed by, the Medicaid program for providing non-routine covered services.

Public Comments

Interested persons may submit written comments to Ruth Johnson, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Johnson is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on August 29, 2020.

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 August 10, 2020. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on August 27, 2020 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 August 10, 2020. 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. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: End Stage Renal Disease Facilities
Reimbursement for Independent Laboratory Services**

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 state costs of approximately \$37,588 for FY 20-21, \$37,318 for FY 21-22 and \$37,318 for FY 22-23 It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 20-21 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will increase federal revenue collections by approximately \$77,005 for FY 20-21, \$76,735 for FY 21-22, and \$76,735 for FY 22-23. It is anticipated that \$270 will be collected in FY 20-21 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 OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends the provisions governing reimbursement for end stage renal disease (ESRD) facilities in

order to allow contracted independent laboratories to bill the Medicaid program directly for the provision of covered non-routine laboratory services instead of receiving reimbursement from the ESRD facility. Providers will benefit from implementation of this proposed Rule since they will no longer have to seek reimbursement from the contracted ESRD facility for the provision of these services. While the ESRD facilities have the ability to bill for these non-routine laboratory services, they have not historically done so; therefore, implementation of this proposed Rule will result in increased costs. It is anticipated that implementation of this proposed Rule will increase expenditures for ESRD services by approximately \$114,053 for FY 20-21, \$114,053 for FY 21-22, and \$114,053 for FY 22-23 since independent laboratories contracted with ESRD facilities will have the ability to bill, and be reimbursed directly by, the Medicaid program for providing non-routine covered services.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Ruth Johnson
Medicaid Executive Director
2007#046

Christopher Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Medicaid Eligibility—Qualified Disabled
and Working Individual Program Resources
(LAC 50:III.10703 and 10705)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:III.10703 and §10705 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 the counting of resources in determining eligibility for the Qualified Disabled and Working Individual Program in order to align the administrative Rule with the current Medicaid State Plan and Centers for Medicare and Medicaid Services regulations.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part III. Eligibility

Subpart 5. Financial Eligibility

Chapter 107. Resources

§10703. General Provisions

A. - B ...

C. The following individual's resources shall be considered in determining eligibility for the Qualified Disabled and Working Individual (QDWI) Program:

1. the applicant/recipient; and
 - a. - b. Repealed.
2. the spouse living in the home with the applicant/recipient.

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

36:2867 (December 2010), amended by the Department of Health, Bureau of Health Services Financing, LR 45:1772 (December 2019), LR 46:

§10705. Resource Disregards

A. - B.1....

C. All resources shall be disregarded in eligibility determinations for the Qualified Medicare Beneficiaries (QMB), Specified Low Income Beneficiaries (SLMB) and Qualifying Individuals (QI) Programs.

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, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:1899 (September 2009), amended LR 36:2867 (December 2010), LR 41:949 (May 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 45:1772 (December 2019), LR 46:

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 Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, 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, as described in R.S. 49:965.2 et seq.

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 Ruth Johnson, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821—9030. Ms. Johnson is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on August 29, 2020.

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 August 10, 2020. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on August 27, 2020 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 August 10, 2020. 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. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: **Qualified Disabled and Working Individual Program Resources**

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 20-21. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 20-21 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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 20-21. It is anticipated that \$270 will be collected in FY 20-21 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 OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends the provisions governing the counting of resources in determining eligibility for the Qualified Disabled and Working Individual (QDWI) Program in order to align the administrative Rule with the current Medicaid State Plan and Centers for Medicare and Medicaid Services regulations. The current administrative Rule disregards all resources in eligibility determinations for all Medicare Savings Programs which contradicts the requirements of the CMS-approved State Plan. This proposed Rule is necessary in order to correctly reflect in the Louisiana Administrative Code that resources are not disregarded when determining eligibility for the QDWI program. Implementation of this proposed Rule will impact individuals seeking Medicaid coverage under the QDWI program since their resources are considered in the eligibility determination process. It is anticipated that implementation of this proposed Rule will not

result in any costs or benefits to Medicaid providers or small businesses in FY 20-21, FY 21-22, and FY 22-23.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Ruth Johnson
Medicaid Executive Director
2007#047

Christopher Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Nursing Facilities
Licensing Standards
(LAC 48:I.9701 and 9943)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.9701 and 9943 as authorized by R.S. 36:254 and 40:2109. 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 the licensing of nursing facilities in order to align reporting requirements for state licensed nursing facilities with national requirements and provide standardized information to assist with national surveillance on the status of Coronavirus Disease 2019 (COVID-19) in all nursing facilities.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 97. Nursing Facilities

Subchapter A. General Provisions

§9701. Definitions

Coronavirus disease 2019 (COVID-19)—a communicable, contagious, and infectious disease/virus (more specifically, a coronavirus) identified as the cause of an outbreak of respiratory illness first detected in Wuhan, China. COVID-19 is a new disease, caused by a novel (or new) coronavirus that has not previously been seen in humans. Persons with COVID-19 have had a wide range of symptoms reported-ranging from mild symptoms to severe illness.

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 42:1891 (November 2016), amended LR 46:

Chapter 99. Nursing Facilities

Subchapter C. Infection Control and Sanitation

§9943. Infection Control Program

A. - D. ...

E. Reportable diseases as expressed in the *LAC Title 51, Public Health—Sanitary Code* shall be reported to the local parish health unit of OPH and other agencies as required by state and/or federal laws, statutes, and ordinances.

F. Coronavirus Disease 2019 (COVID-19) Reporting. The facility, in addition to any state and/or local reporting, shall:

1. electronically report information about COVID-19 in the standardized format, and at the frequency, required by the Centers for Medicare and Medicaid Services (CMS) and the Centers for Disease Control and Prevention (CDC); and

2. inform residents, their representatives, and families of those residing in facilities, of the conditions of residents in the facility, within the timeframe and requirements as specified by CMS regulations and CDC reporting guidelines.

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 42:1930 (November 2016), amended LR 46:

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 Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, 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, as described in R.S. 49:965.2 et seq.

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 Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Castello is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on August 29, 2020.

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 August 10, 2020. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on August 27, 2020 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 August 10, 2020. 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. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Nursing Facilities—Licensing Standards

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 20-21. It is anticipated that \$540 will be expended in FY 20-21 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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 since the licensing fees, in the same amounts, will continue to be collected.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed Rule proposes to amend the provisions governing the licensing of nursing facilities in order to align reporting requirements for state licensed nursing facilities with national requirements and provide standardized information to assist with national surveillance on the status of Coronavirus Disease 2019 (COVID-19) in all nursing facilities. It is anticipated that implementation of this proposed rule will not result in costs to nursing facilities for FY 20-21, FY 21-22 and FY 22-23, but will provide an economic benefit by protecting the health and safety of nursing facility residents, personnel and the general public. There will be no impact on small businesses.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Cecile Castello, BSN, RN
Deputy Assistant Secretary
2007#048

Christopher Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Out-of-State Medical Services
(LAC 50:I.701)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:I.701 as authorized by R.S. 36:254 and 254.3, 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 out-of-state medical services in order to reflect current practices and to align the administrative Rule with Centers for Medicare and Medicaid Services regulations regarding out-of-state care.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

Subpart 1. General Provisions

Chapter 7. Out-of-State Services

§701. Out-of-State Medical Care

A. Medical claims for out-of-state services are honored when:

1. medical services are needed because of a medical emergency;

2. medical services are needed and the beneficiary's health would be in danger if the beneficiary were required to travel to the beneficiary's state of residence;

3. the state determines, on the basis of medical advice, that the needed medical services, or necessary supplementary resources, are more readily available in the other state; or

4. it is general practice for beneficiaries in a particular locality to use medical resources in another state.

B. Prior authorization is required for out-of-state non-emergency care.

1. - 4. 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 Human Resources, LR 5:24 (February 1979), amended LR 6:491 (August 1980), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:847 (May 2006), amended by the Department of Health, Bureau of Health Services Financing, LR 46:

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 Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, 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, as described in R.S. 49:965.2 et seq.

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 Ruth Johnson, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Johnson is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on August 29, 2020.

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 August 10, 2020. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on August 27, 2020 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 August 10, 2020. 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. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Out-of-State Medical Services

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 20-21. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 20-21 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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 20-21. It is anticipated that \$270 will be collected in FY 20-21 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 OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends the provisions governing out-of-state medical services in order to reflect current practices and to align the administrative Rule with Centers for Medicare and Medicaid Services regulations regarding out-of-state care. This proposed Rule makes technical language revisions to the current administrative Rule which will have no effect on recipients or small businesses. It is anticipated that implementation of this proposed Rule will not result in any increase or decrease in payments to Medicaid providers in FY 20-21, FY 21-22, and FY 22-23 but will be beneficial by ensuring that the provisions are accurately promulgated in the Louisiana Administrative Code.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Ruth Johnson
Medicaid Executive Director
2007#049

Christopher Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Corrections Services**

**Telephone Use and Policy on Monitoring of Calls
(LAC 22:I.315)**

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 §315 Telephone Use and Policy on Monitoring of Calls.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE
AND LAW ENFORCEMENT**

Part I. Corrections

Chapter 3. Adult Services

§315. Telephone Use and Policy on Monitoring of Calls

A. Purpose. To state the secretary's policy regarding the use of telephones by offenders and the monitoring of offender telephone calls at all adult institutions.

B. Applicability—deputy secretary, chief of operations, regional wardens and wardens. Each warden is responsible for ensuring that appropriate unit written policy and procedures are in place to comply with the provisions of this regulation and for implementing and notifying all affected persons of its contents.

C. Policy. It is the secretary's policy that uniform telephone procedures, including the ability to monitor and/or record offender telephone calls to preserve the security and orderly management of the institution and to protect public safety, shall be adhered to at all institutions. Each institution shall offer offenders (including the hearing and/or speech impaired) reasonable access to telephone communication without overtaxing the institution's ability to properly maintain security and to avoid abuse of this privilege on the part of any offender. Offenders with hearing and/or speech disabilities and offenders who wish to communicate with parties who have such disabilities shall be given access to appropriate auxiliary aids and services. It is further the secretary's policy to encourage offenders to maintain telephone communications while incarcerated in order to maintain family connections that will promote unification upon release.

D. Procedures

1. General

a. Each offender shall be assigned a personal identification number (PIN) which must be used when placing outgoing telephone calls; the PIN shall be the offender's DOC number.

b. Each offender will provide his assigned institution a master list of up to 20 frequently called telephone numbers inclusive of all family, personal and legal calls. Each offender's outgoing telephone calls shall be limited to those telephone numbers he has placed on his master list. Changes may be made to the master list at the discretion of the warden, but no less than once each quarter. These changes may be entered by the contractor or by appropriately trained institutional staff. No offender shall place the telephone number of the family of another offender on his master list "except for verified members of his own family."

c. For new offenders, PIN and master list numbers shall be entered into the telephone system upon intake at the reception and diagnostic centers.

d. All offender telephone calls made through use of the offender telephone system shall be recorded and are subject to monitoring, this includes calls made to attorneys using the offender telephone system. (See Clause D.6.a.iii for additional information.)

e. A visible sign by each offender telephone shall place offenders on notice that all calls shall be recorded and are subject to monitoring.

f. A recorded message shall notify all parties that all calls shall be recorded and are subject to monitoring and that the call originated from a correctional facility.

g. Use of the offender telephone system shall constitute consent by all parties to the recording and/or monitoring of the call.

h. Upon the request of a telephone subscriber, the institution shall block a telephone number and prevent the subscriber from receiving calls from an offender housed in the facility. To accomplish a block of a particular number for

all state facilities, the institution should contact the contractor to request that a universal block be put into place.

i. Offenders are allowed to make collect calls to cell phones. These calls must be set up as direct remit accounts with the department's phone service provider. This shall be done after approval is received from the department to add the cell number. Prepaid cell phones are not allowed to set up the direct bill accounts. Cell phones must have a provider from a major wireless company i.e., AT and T, Sprint, Verizon, T-Mobile, etc.

j. Disciplinary sanctions may include certain restrictions on phone privileges; however, all offenders shall be allowed two collect calls per month.

k. Any offender placed in segregation shall be allowed one phone call (either at the offender's expense or via a collect call) within 24 hours of placement into a segregation housing unit.

2. Dormitory Housing (Minimum or Medium Custody)

a. Personal or Family Calls (routine)—Collect telephone access should be available on a relatively non-restricted basis. The specific hours in the various living areas at the individual institutions shall be established by the warden of each institution. The warden shall communicate the telephone schedule to the offender population. A time limit should be established.

b. Personal or Family Calls (emergency)—Requests for access outside of normally scheduled hours may be made through the dormitory officer, shift supervisor or other appropriate staff who decides if the justification the offender presents warrants the request. That decision is then logged. No frequency for this type call is established as the severity and duration of the emergency may vary.

c. Legal Calls. The warden shall establish a schedule for legal calls. Offenders are generally able to place legal calls during the lunch period "non-working hours," or after the afternoon count (when "normal office hours" are in effect for attorneys.) The warden shall establish an alternate procedure if this is not adequate.

3. Cellblock Housing (Maximum Custody)

a. Personal or Family Calls (Routine). Collect telephone access is generally located in the cellblock lobby. (In those situations where the telephone is on the tier, the offender may be allowed access during the shower or exercise period.) Lobby placement may restrict offender access. Therefore, posted policy may limit routine personal calls for offenders assigned to cellblocks. Access may vary by offender classification status. A time limit should be established.

b. Personal or Family Calls (Emergency). In all subclasses of maximum custody, the offender is required to request consideration for this type call from the warden's designee (shift supervisor, unit major, or program staff) who decides if the justification the offender presents warrants the request. That decision is then logged. No frequency for this type call is established as the severity and duration of the emergency may vary.

c. Legal Calls. The warden shall establish a procedure for placing legal calls on a reasonable basis during "normal office hours." Each housing unit shall maintain a legal telephone log for the purpose of monitoring the number of legal calls made by offenders on a weekly basis. All legal

calls are to be logged with the attorney's full name, bar number, telephone number called, date, time and whether completed.

4. Incoming Calls

a. Personal or Family calls (Routine). Messages are not accepted or relayed on a routine basis for any offender.

b. Legal Calls. Offenders may be given notice that their attorney has requested contact. Complete verification is required prior to processing. If minimum or medium custody, the offender may call from the dormitory during lunch or after work. If maximum custody, the offender may be allowed to call during "normal office hours" at a time which does not interfere with the orderly operation of the unit.

5. Emergency Messages/Important Telephone Calls Based upon Faith-Based Programs and Services

a. Emergency messages concerning a serious illness, injury, death or other family crisis, etc. shall be delivered to an offender by the chaplain or other person designated by the warden. Exceptions to this paragraph shall only be granted by the warden or designee.

b. Notification to an offender's emergency contact (or other appropriate person as the situation warrants) of an offender's serious illness, injury or death shall be made in a timely manner by the chaplain or other person designated by the warden.

c. Chaplains are allowed discretion to make telephone calls for offenders for the purposes of dealing with emergency matters.

6. Monitoring

a. Offenders shall be put on notice of the following:

i. telephone calls in housing areas shall be recorded and are subject to monitoring and that "use" constitutes "consent";

ii. it is the offender's responsibility to advise all other parties that conversations are subject to being monitored and/or recorded;

iii. telephone calls to the offender's designated attorney(s) will not be routinely monitored. Any telephone calls placed on offender telephones to attorneys shall be recorded but not monitored unless the warden determines a security need exists. Prior to examination of the content of the conversation with the attorney, the party requesting examination must put in writing the factors supporting the good cause and submit to the warden for approval. Only after approval has been received, shall the conversation be examined. Only investigators approved by the chief of operations shall be allowed to monitor the calls.

b. The telephone system will normally terminate a call at the end of the authorized period (normally 15 minutes); however, the warden or designee may authorize calls of a longer duration as circumstances warrant. Persons using the TDD system shall be allowed one-hour telephone calls.

c. Offenders shall not be allowed access to home telephone numbers nor be allowed to call any staff member of the department (including volunteers, contract workers, etc.) by any means whether through call forwarding, texting, web based or similar communication platforms or systems.

d. Only authorized (i.e., those who have been assigned a login/password) personnel approved by the warden or designee may monitor offender telephone calls.

Information gained from monitoring calls which affects the security of the institution or threatens the protection of the public shall be communicated to the warden and other law enforcement agencies.

e. Offenders being processed into the system through the reception and diagnostic centers shall be required to give "consent" in writing, acknowledging that they are aware that their telephone calls shall be recorded and are subject to monitoring. A copy of this "consent" shall be placed in the offender's master record.

f. Each institution's orientation manual shall include the information contained in this regulation as a means to notify the offender population of its contents and verbal notification shall be given during the orientation program. A sign shall be posted at each offender telephone which states the following information:

ATTENTION

This telephone has been electronically programmed to monitor and/or record telephone calls. By using this telephone, you consent to the monitoring and/or recording of your conversation. Telephone calls to your designated attorney(s) will not be routinely monitored.

Department of Public Safety and Corrections
Department Regulation No. OP-C-8

7. Remote Call Forwarding

a. Remote Call Forwarding (RCF) is a mechanism by which offenders may employ a local telephone number that automatically forwards the telephone call to a pre-selected number generally located out of the local calling area code or long distance. RCF in essence is an automated 3-way call.

b. RCF is also known as automated call forwarding or PBX call forwarding. Use of this automated and remote mechanism represents significant security risks for several reasons. The telephone call terminated number (the end destination of the call) cannot be readily identified or verified. This number is not a traditional telephone number located at a residence, business or other such location but merely a number within the telephone switching equipment local to the facility where the offender is housed.

c. RCF initiated calls to an unidentified terminated number can and are being easily forwarded to unauthorized telephones. This forwarding is done through the normal 3-way call hook ups. This in fact negates the security mechanisms achieved by the requirement of approved telephone lists. Safeguards to prevent calls to victims, to blocked or restricted numbers or to prevent other unauthorized call activities are defeated by the use of an RCF number.

d. RCF usage creates an opportunity to conduct criminal or illegal or unauthorized activities since the end call location is not readily being identified, verified or its actual location known. This affords untold opportunity for offenders to engage in potential scams, to call victims, to facilitate escape attempts and to engage in other conduct representing significant security risks to the facility.

e. The offender population shall be put on notice that all third-party telephone calls, including RCF calls, are strictly prohibited and such activity shall result in appropriate disciplinary action.

f. Wardens shall develop a monitoring system to analyze the frequency of local calls. High frequency may

indicate RCF utilization. When RCF calls are discovered, a system-wide block of the number shall be initiated pursuant to Subparagraph D.1.i. of this regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:829.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 29:360 (March 2003), amended LR 29:2849 (December 2003), LR 35:87 (January 2009), LR 37:599 (February 2011), LR 46:

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

There is no estimated cost and/or economic benefit to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule changes.

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 Natalie LaBorde, Executive Counsel, Department of Public Safety and Corrections, P. O. Box 94304, Baton Rouge, LA 70804 until 4:30 p.m. on August 10, 2020.

James M. Le Blanc
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Telephone Use and
Policy on Monitoring of Calls**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes will not have a fiscal impact on state or local governmental unit expenditures.

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 Section 315 Telephone Use and Policy on Monitoring of Calls. Proposed rule adds, "disciplinary sanctions may include certain restrictions on phone privileges; however, all offenders shall be allowed two collect calls per month. Any offender placed in segregation shall be allowed one phone call (either at the offender's expense or via a collect call) within 24 hours of placement into a segregation housing unit."

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units as a result of the proposed rule changes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There is no estimated cost and/or economic benefit to directly affected persons, small businesses, or non-

governmental groups as a result of the proposed rule changes.
IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

There is no estimated effect on competition and employment as a result of the proposed rule changes.

Thomas C. Bickham III
Undersecretary
2007#023

Christopher Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Hunter Education Program Certification Policy (LAC 76:I.311 and 312)

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the Hunter Education Program Certification Policy (LAC 76:I.311 and 76:I.312). Proposed changes include removal of previous non-binding resolution language, provide minimum customer personal information requirements, condense and clarify hunter education certification policy, and provide an online only certification option to students taking the Louisiana hunter education course.

Title 76

WILDLIFE AND FISHERIES

Part I. Wildlife and Fisheries Commission and Agencies Thereunder

Chapter 3. Special Powers and Duties

Subchapter C. Hunter Safety Program

§311. Hunter Safety Education Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:109.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 8:102 (February 1982), repealed LR 46:

§312. Hunter Education Program Certification Policy

A. The Wildlife and Fisheries Commission shall be the sole authority for establishing minimum requirements for certification of student and volunteer instructors and for the overall administration of the Louisiana Hunter Education Program. The Louisiana Hunter Education Program shall meet the minimum performance guidelines for the basic hunter education course as set forth by the International Hunter Education Association-USA Hunter Education Standards.

B. The Department of Wildlife and Fisheries shall maintain an electronic database of all students and active instructors who have successfully met the requirements for certification.

C. Requirements for hunter education student certification shall be as follows:

1. Provide at least the following information:
 - a. legal name;
 - b. date of birth;
 - c. state of residency;
 - d. State-issued driver's license or identification number or last four digits of social security number;
 - e. physical and mailing address;

f. a valid email address for purposes of electronic document delivery.

2. Demonstrate sufficient knowledge and understanding of safe hunting practices, firearm safety, and conservation principles by successfully completing one of the following courses:

- a. For classroom based hunter education course:
 - i. attend the required classroom instruction as approved by the Louisiana Hunter Education Program;
 - ii. successfully complete a written exam prepared by the Louisiana Hunter Education Program;
 - iii. demonstrate the ability to safely handle hunting firearms
- b. For computer based hunter education course:
 - i. complete the required computer based hunter education instruction as approved by the Louisiana Hunter Education Program;
 - ii. successfully complete a computer based exam prepared by the Louisiana Hunter Education Program.
- c. For blended computer based and field day combination course:
 - i. complete the required computer based hunter education instruction as approved by the Louisiana Hunter Education Program;
 - ii. successfully complete a computer based exam prepared by the Louisiana Hunter Education Program;
 - iii. successfully complete the required field day instruction as approved by the Louisiana Hunter Education Program.

D. Requirements for bowhunter education certification shall be as follows:

1. successfully complete the required bowhunter education course as approved by the Louisiana Hunter Education Program in accordance with the National Bowhunter Education Foundation standards;

E. Upon successful completion of any of the approved courses, LDWF shall provide credentials documenting course completion.

F. Minimum age for certification in all courses within the Louisiana Hunter Education Program shall be as follows:

1. Classroom based hunter education course—age 10;
2. Computer based hunter education course—the minimum age requiring a basic hunting license.
3. Blended computer based and field day combination course—age 10.

G. All persons ages 10 and 11 who are hunter education certified, while hunting in the state of Louisiana, are to be accompanied by and under the direct supervision of a person who is 18 years of age or older and has a valid hunting license or proof of successful completion of a hunter education course approved by the department in order for that certification to be valid. Direct supervision means that the person being supervised shall be within normal audible voice proximity and in direct line of sight of the supervising adult at all times.

H. Requirements for volunteer instructor certification shall be as follows:

1. complete a minimum of 12 hours of classroom, field, and/or computer based instruction as approved by the Louisiana Hunter Education Program;
2. pass a written exam prepared by the Louisiana Hunter Education Program;

3. demonstrate the ability to lead students through exercises that exhibit the safe handling of hunting firearms; and

4. upon successful completion of instructor training, candidates shall be certified for an initial two-year period. Recertification shall be contingent on continued participation in the Louisiana Hunter Education Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:699.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 33:1396 (July 2007), amended LR 46:

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 and the final Rule, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

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 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 to Eric Shanks, 1213 N. Lakeshore Drive, Lake Charles LA, 70601, eshanks@wlf.la.gov, no later than 4:30 p.m., Thursday, September 3, 2020.

William Hogan
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Hunter Education Program Certification Policy

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There may be a decrease in expenditures to the Department of Wildlife and Fisheries (LDWF) Hunter Education Program by approximately \$12,000 per year. The proposed rule change allows persons to obtain an unrestricted hunting license after completing an on-line only hunter education course. Hunters completing the on-line course will no longer be obliged to complete an additional in-person field day educational session but will retain the option of attending field day sessions if so desired.

To the extent hunters choose not to attend field day sessions, LDWF could save as much as \$12,000 a year in supplies.

It defines eligibility requirements for enrollment and participation in on-line courses, classroom-based courses, and blended format courses.

It removes from Title 76 a resolution regarding hunter education passed by the Louisiana Wildlife and Fisheries Commission (Commission) in 1982.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no impact to the revenue collections of the state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is expected to benefit eligible persons who take the on-line hunter education course by reducing travel expenditures and time spent participating in field day educational sessions.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is anticipated to have no negative impact on receipts or income in Louisiana.

Brian McClinton
Undersecretary
2007#024

Christopher Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Workforce Commission Office of Workers' Compensation Administration

Medical Treatment Guidelines (LAC 40:I.5125 and 5157)

The Louisiana Workforce Commission does hereby give notice of its intent to amend certain portions of the Medical Guidelines contained in the Louisiana Administrative Code, Title 40, Labor and Employment, Part I, Workers' Compensation Administration, Subpart 2, Medical Guidelines, Chapter 51, §§5125 and 5157 regarding medical reimbursement. The amendment adds applicable billing codes that are pandemic related. It allows providers to use telemedicine/telehealth methods and deliver care that was established in response to COVID-19.

This Rule is promulgated by the authority vested in the director of the Office of Workers' Compensation Administration found in R.S. 23:1291 and R.S. 23:1310.1(C).

Title 40

LABOR AND EMPLOYMENT

Part I. Workers' Compensation Administration

Subpart 2. Medical Guidelines

Chapter 51. Medical Reimbursement Schedule

Editor's Note: The following Sections of this Chapter are applicable and shall be used for the Chapters in this Part governing reimbursement. These specific Chapters are: Chapter 25, Hospital Reimbursement; Chapter 29, Pharmacy; Chapter 31, Vision Care Services; Chapter 33, Hearing Aid Equipment and Services; Chapter 35, Nursing/Attendant Care and Home Health Services; Chapter 37, Home and Vehicle Modification; Chapter 39, Medical Transportation; Chapter 41, Durable Medical Equipment and Supplies; Chapter 43, Prosthetic and Orthopedic Equipment; Chapter 45, Respiratory Services; Chapter 47, Miscellaneous Claimant Expenses;

§5125. Special Instructions

A. Procedure Codes Not Listed in Rules

1. - 3. ...

B. Modifiers

1. Modifier codes must be used by providers to identify procedures or services that are modified due to specific circumstances.

2. Modifiers listed in the CPT must be added to the procedure code when the service or procedure has been altered from the basic procedure described by the descriptor.

3. When Modifier-22 is used to report an unusual service, a report explaining the medical necessity of the situation must be submitted with the claim to the carrier. It is not appropriate to use Modifier-22 for routine billing.

4. The use of modifiers does not imply or guarantee that a provider will receive reimbursement as billed. Reimbursement for modified services or procedures must be

based on documentation of medical necessity and must be determined on a case by case basis.

5. The modifier 95 appended to a code indicates it was performed by telemedicine/telehealth methods. Services should be reimbursed the same amount as the exact same codes without the modifier as long as the Emergency Rule exist. If carrier requires a Place of Service (POS) code for telemedicine/telehealth, code 02 may be used.

C. - F. 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1034.2.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation, LR 19:54 (January 1993), repromulgated LR 19:212 (February 1993), amended LR 20:1299 (November 1994), amended by the Louisiana Workforce Commission, Office of Workers' Compensation Administration, LR 46:

§5157. Maximum Reimbursement Allowances

A. Table 1

B. Table 2

Cpt Code	Mod	Description	Global Days	Maximum Allowance	Non-Facility Maximum	Facility Maximum

86328		IA Infectious Agt Antibody SARS-COV-2 COVID-19		\$90		

86769		Antb Severe Aqt Respir Synd SARS-COV-2 COVID19		\$84		

87635		IADNA SARS-COV-2 COVID-19 Amplified Probe TQ		\$103		

90791		Psychiatric Diagnostic Evaluation		BR		
90792		Psychiatric Diagnostic Eval W/Medical Services		BR		

90832		Psychotherapy W/Patient 30 Minutes		BR		
90833		Psychotherapy W/Patient W/E&M Srvc 30 Min		BR		
90834		Psychotherapy W/Patient 45 Minutes		BR		
90836		Psychotherapy W/Patient W/E&M Srvc 45 Min		BR		
90837		Psychotherapy W/Patient 60 Minutes		BR		
90838		Psychotherapy W/Patient W/E&M Srvc 60 Min		BR		

90863		Pharmacologic Management W/Psychotherapy		BR		

92521		Evaluation Of Speech Fluency (Stutter Clutter)		BR		
92522		Evaluation Of Speech Sound Production Articulate		BR		
92523		Eval Speech Sound Product Language Comprehension		BR		
92524		Behavioral & Qualit Analysis Voice And Resonance		BR		

96105		Assessment Aphasia W/Interp & Report Per Hour		BR		

96156		Health Behavior Assessment/Re-Assessment		BR		
96158		Health Behavior Ivntj Indiv F2f 1st 30 Min		BR		
96159		Health Behavior Ivntj Indiv F2f Ea Addl 15 Min		BR		

97129		Ther IVNTJ Cog Funcj CNTCT 1ST 15 Minutes		BR		
97130		Ther IVNTJ Cog Funcj CNTCT EA Addl 15 Minutes		BR		

97161		Physical Therapy Evaluation Low Complex 20 Mins		BR		
97162		Physical Therapy Evaluation Mod Complex 30 Mins		BR		
97163		Physical Therapy Evaluation High Complex 45 Mins		BR		
97164		Physical Therapy Re-Eval Est Plan Care 20 Mins		BR		
97165		Occupational Therapy Eval Low Complex 30 Mins		BR		
97166		Occupational Therapy Eval Mod Complex 45 Mins		BR		
97167		Occupational Therapy Eval High Complex 60 Mins		BR		
97168		Occupational Ther Re-Eval Est Plan Care 30 Mins		BR		

98970		QNHP OL Digital ASSMT&MGMT Est Pt <7 D 5-10 Min		\$25		
98971		QNHP OL Digital Assmt and Mgmt Est PT <7 D 11-20 MIN		\$65		

98972		QNHP OL Digital Assmt and Mgmt Est PT <7 D 21+ MIN		\$150		
* * *						
99421		Online Digital E/M SVC Est Pt <7 D 5-10 Minutes			\$31	\$27
99422		Online Digital E/M SVC Est Pt <7 D 11-20 Minutes			\$62	\$55
99423		Online Digital E/M SVC Est Pt <7 D 21+ Minutes			\$100	\$87
* * *						
99495		Transitional Care Manage Srvc 14 Day Discharge		BR		
99496		Transitional Care Manage Srvc 7 Day Discharge		BR		
* * *						

C. Table 3

Code	Mod	Description	Global Days	Maximum Allowance	Non-Facility Maximum	Facility Maximum
C9803		COVID-19 Specimen Collection HOPD		BR		
G2010		Remot Image Submit By PT		\$24		
G2012		Brief Check In By MD/QHP		\$27		
G2023		Specimen Collect COVID-19		\$47		
G2024		Spec Coll SNF/Lab COVID-19		\$51		
G2061		Qual NonMD Est PT 5-10M		\$25		
G2062		Qual NonMD Est PT 11-20M		\$43		
G2063		Qual NonMD Est PT 21>Min		\$68		
U0001		2019-NCOV Diagnostic P		\$72		
U0002		COVID-19 Lab Test Non-CDC		\$103		
U0003		SARS-COV-2 COVID-19 Amp Prb Htt		\$200		
U0004		COVID-19 Lab Test Non-CDC Htt		\$200		

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1034.2.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workers' Compensation, LR 19:54 (January 1993), repromulgated LR 19:212 (February 1993), amended LR 20:1299 (November 1994), LR 27:314 (March 2001), amended by the Workforce Commission, Office of Workers' Compensation, LR 39:1854 (July 2013), LR 40:379 (February 2014), amended by the Workforce Commission, Office of Workers' Compensation Administration, LR 42:1696 (October 2016), LR 46:

Family Impact Statement

This amendment to Title 40 should have no impact on families.

Poverty Impact Statement

This amendment to Title 40 should have no impact on poverty or family income.

Provider Impact Statement

1. This Rule should have no impact on the staffing level of the Office of Workers' Compensation as adequate staff already exists to handle the procedural changes.

2. This Rule should create no additional cost to providers or payers.

3. This Rule should have no impact on ability of the provider to provide the same level of service that it currently provides.

Small Business Analysis

This amendment to Title 40 should have no direct impact on small or local businesses.

Public Comments

All interested persons are invited to submit written comments or hearing request on the proposed Rule. Such comments or request should be sent to Sheral Kellar, OWC-Administration, 1001 North 23rd Street, Baton Rouge, LA 70802. Such comments should be received by 5:00 pm on August 10, 2020.

Ava Dejoie

Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Medical Treatment Guidelines**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rules will have no fiscal impact on state or local governmental units, other than the publication fees associated with the proposed rule change.

The proposed rule amends the medical reimbursement as contained in Title 40, Labor and Employment, Part I, Workers' Compensation Administration, Subpart 2, Medical Guidelines, Chapter 51. The purpose of this amendment is to align Worker's Compensation billing codes for pandemic related expenses to the billing codes that were established by the Centers for Medicare & Medicaid Services (CMS) and the American Medical Association (AMA).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of the proposed change will have no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed change has no known effect on competition and employment.

Sheral Kellar
Assistant Secretary
2007#057

Christopher Keaton
Legislative Fiscal Officer
Legislative Fiscal Office

Administrative Code Update

CUMULATIVE: January-June 2020

LAC Title	Part #.Section #	Action	Location:		LAC Title	Part #.Section #	Action	Location:		
			Month	LR 46 Page #				Month	LR 46 Page #	
1	I.111,113	Adopted	Mar.	334	43	L.2111,5701	Amended	June	797	
	III.101,103,105,301,303,305	Amended	Mar.	315		IV.377	Amended	Mar.	364	
	III.107,109,111,113,115,117,505,703,715	Adopted	Mar.	315		XIX.301	Adopted	Jan.	051	
	III.501,503,507,509,511,513,701,705,707,	Repromulgated	Mar.	315		I.2301,2303	Amended	Jan.	041	
	III.709,711,713,721,723,725,901,1101,1103,	Repromulgated	Mar.	315						XXVII.103,105
	III.1105,1107	Repromulgated	Mar.	315	XXIX.201,203	Adopted	May	703		
4	I.101,103	Adopted	Mar.	337	46	VIII.503,511	Amended	Apr.	567	
	III.1301,1303	Adopted	Mar.	335		XIX.505	Amended	Mar.	338	
	VII.2201,2203	Adopted	Mar.	331		XXV.503	Amended	June	791	
	VII.2301	Amended	Jan.	020		XLV.7701,7705,7709,7711	Amended	Mar.	342	
	VII.2401	Amended	Jan.	020		XLV.7801,7803,9902	Adopted	Mar.	339	
	XIII.301,303	Adopted	Mar.	335		XLV.9701,9703,9705,9709,9711,9713,	Amended	Mar.	339	
	XV.103,105	Adopted	Mar.	336		XLV.9905,9916	Amended	Mar.	339	
						XLVII.3303,3307	Amended	Jan.	021	
7	V.2901,2903,2905	Amended	Jan.	010	LI.301,501,503	Amended	Jan.	023		
	XIII.1301,1303,1305,1307,1309,1311,1313,	Adopted	Feb.	169	LI.303,505,611	Adopted	Jan.	023		
	XIII.1315,1317,1319,1321,1323,1325,1327,	Adopted	Feb.	169	LIII.113	Adopted	Apr.	586		
	XIII.1329,1331,1332,1333,1335,1337,1339,	Adopted	Feb.	169	LIII.503,903	Amended	Apr.	574		
	XIII.1341,1343	Adopted	Feb.	169	LIII.507	Amended	Apr.	569		
	XXIII.711	Amended	Feb.	169	LIII.521	Amended	Apr.	578		
	XXVII.103,141	Amended	Mar.	312	LIII.903,905	Amended	Apr.	576		
					LIII.1103,1105,1109,1113,1115,1119,1121,	Amended	Apr.	579		
					LIII.1123,1124	Amended	Apr.	579		
					LIII.1124	Amended	May	693		
22	III.4703	Amended	May	693	LIII.1145,1147	Adopted	Apr.	579		
	XI.504	Amended	Jan.	042	LIII.1501,1503,1505,1509,1525	Amended	Apr.	579		
25	III.301,303,305	Repealed	May	692	LIII.1503,1517	Amended	Apr.	587		
28	IV.703	Amended	Mar.	326	LIII.1503,1519,2503,2517,2701,2749	Amended	June	792		
	IV.1501,1503,1505,1507,1509,1511	Amended	Jan.	019	LIII.1507,1527	Repealed	Apr.	579		
	XI.409,4001,5701,7301,7311,8307,8505	Amended	Jan.	014	LIII.1529	Adopted	Apr.	575		
	XXXIX.503,705,707,901	Amended	Jan.	017	LIII.1701,1703,1705,1711,1713,1717,1705	Amended	Apr.	579		
	XLIII.101,153,450,508,904,1101,1153,	Amended	Feb.	180	LIII.1711,1713,1717,1719,1721,1725	Amended	Apr.	579		
	XLIII.1508,1511	Amended	Feb.	180	LIII.1801,1803,1805,1807,1809,1811,1813,	Amended	Apr.	571		
	XLV.745	Amended	Mar.	324	LIII.1815,1817,1819,2303	Amended	Apr.	571		
	CXV.351	Adopted	Jan.	014	LIII.2425	Amended	Apr.	586		
	CXV.507	Adopted	Mar.	324	LIII.2443	Amended	Apr.	568		
	CXV.2318,2319	Amended	Apr.	556	LIII.2447	Amended	Apr.	576		
	CXXXI.101	Amended	Jan.	017	LIII.2505	Amended	Apr.	575		
	CXXXI.203	Amended	Apr.	557	LIII.2507,2511,2513,2519,2521	Amended	Apr.	579		
	CXXXI.203,305,313	Amended	Mar.	324	LIII.2519	Amended	Apr.	575		
	CXXXI.304	Adopted	Mar.	324	LIII.2535,2747	Amended	Apr.	577		
	CXXXIX.1505	Amended	June	788	LIII.2701,2705,2707,2731,2733,2735,	Amended	Apr.	569		
	CXXXIX.3709	Adopted	June	788	LIII.2741,2751	Amended	Apr.	569		
	CLXVII.901,903,905,909	Adopted	Apr.	555	LV.312	Amended	Mar.	400		
32	I.1701,1703	Adopted	Mar.	332	48	I.601,603,605,607	Adopted	Mar.	356	
33	III.327	Adopted	Apr.	558		I.5603,5605	Amended	Apr.	587	
	IX.2501,2707,3113,3705	Amended	June	789		I.5606	Adopted	Apr.	587	
	IX.4901,4903	Amended	Mar.	330		I.6210	Adopted	Mar.	345	
34	III.1101,1103	Adopted	Mar.	331		I.8201,8235	Amended	Mar.	343	
	V.3501,3503	Adopted	Mar.	334		I.9781	Adopted	Mar.	344	
	VII.107,109	Adopted	Mar.	337		I.10080,10081,10082,10083,10084,10085,	Amended	Jan.	029	
	IX.107,109	Adopted	Mar.	337		I.10086,10087,10088,10089,10090	Amended	Jan.	029	
						IX.907	Amended	Apr.	589	
35	I.1506	Amended	Feb.	182		IX.1101,1103,1105,1107,1109,1111,1113,	Amended	Mar.	349	
					IX.1115,1117,1119,1121,1123,1125,1127,	Amended	Mar.	349		
37	I.1101,1103	Adopted	Mar.	333	49	I.501,503,509,515	Amended	Mar.	358	
	III.2101,2103	Adopted	Feb.	181		I.511	Repealed	Mar.	358	
	XIII.4503,4505,4507,4511,4513,4515	Amended	Mar.	360		I.517,519,521,523,525,529	Adopted	Mar.	358	
	XIII.12301,12303,12305,12307,12309,12311,	Repealed	May	696		VI.301	Amended	Mar.	358	
	XIII.12313,12315,12317,12319,12321,12323,	Repealed	May	696		50	I.305	Adopted	June	796
	XIII.12325,12327,12329,12331,12333,12335,	Repealed	May	696			I.501	Amended	June	796
	XIII.12337,12339	Repealed	May	696			II.10123,20001	Amended	May	695
	XIII.13705,13713,13727	Amended	Jan.	035			III.10307	Amended	Jan.	029
	XIII.13728	Adopted	Jan.	035			III.10905	Amended	Apr.	588
	XIII.16501,16503,16505,16507,16509,16511,	Adopted	Jan.	037			VII.32901	Amended	Jan.	028
	XIII.16513,16515,16517,16519,16521,16523,	Adopted	Jan.	037	VII.32917		Adopted	Jan.	028	
	XIII.16525,16527,16529,16531,16533,16535,	Adopted	Jan.	037	XI.10703		Amended	Feb.	182	
	XIII.16537	Adopted	Jan.	037	XI.16703		Amended	Feb.	184	
	XIII.16901,16903,16905,16907,16909,16911,	Adopted	May	698	XV.7103,7105,9531,9533,9535	Amended	Feb.	342		
	XIII.16913,16915,16917,16919,16921	Adopted	May	698	XV.9541	Adopted	Feb.	185		
	40	I.2101,2103,2105,2107,2109,2111,2113,	Amended	Feb.	194	XV.16301,16303,16305	Amended	Feb.	184	
		I.2115,2117,2119,2125,2127,2131,2133,	Amended	Feb.	194	XXVII.541	Amended	May	694	
		I.2135	Amended	Feb.	194	XXIX.107,111,115,119,501,949,1101	Amended	Jan.	033	
		I.2104	Adopted	Feb.	194	XXIX.123,991,993	Amended	Mar.	345	
I.2111,2113,2115		Repromulgated	Mar.	364						

LAC Title	Part #,Section #	Action	Location:		LAC Title	Part #,Section #	Action	Location:	
			Month	LR 46 Page #				Month	LR 46 Page #
50	XXIX.701,703,707,709,713,715	Repealed	Jan.	033	61	I.1001	Adopted	Jan.	042
	XXXIII.2501,2701,6103,6303,6305,6307,	Amended	June	794		I.6105,6107	Amended	Feb.	179
	XXXIII.6501,6701	Amended	June	794		III.1537,1538	Adopted	Jan.	044
	XXXIII.4101,4103,4301,4303,4305,4501	Amended	Feb.	185		III.2901,2903	Adopted	Jan.	045
	XXXIII.8101,8103	Amended	Feb.	183		V.101,121,213,303,703,907,1103,1307,1503,	Amended	Apr.	559
	XXXIII.15101,15103,15301,15303,15501,	Adopted	Jan.	027		V.2503,2711,2713,2717,3103	Amended	Apr.	559
	XXXIII.15701	Adopted	Jan.	027					
51	II.101,701	Amended	Apr.	589	67	V.1103	Amended	Jan.	013
	II.703	Adopted	Apr.	589		V.4901,4903,5101,5103,5105	Amended	Jan.	011
	VI.301	Amended	Mar.	358		V.6703,6705,6707,6708,6710,6712	Amended	May	666
	VII.2707	Amended	Mar.	356		V.6955,6957,6959,6961,6962	Amended	May	687
	XXI.101	Amended	Apr.	589		V.6966	Adopted	May	687
						V.7105,7107,7109,7111,7112,7117,	Amended	May	666
52	I.1002,1101,1102	Amended	Mar.	313		V.7124,7314	Adopted	May	666
	I.1611	Adopted	Mar.	313		V.7307,7309,7311,7313,7315,7323	Amended	May	666
	I.1701,1719	Repealed	Mar.	313	69	I.301,309,313,317,321,323,325,327,329	Amended	June	785
55	I.583	Amended	June	796		I.501,701,903,905,1101	Amended	June	785
	I.1503,1543	Amended	Apr.	591		I.707,909	Adopted	June	785
	I.3301,3303	Adopted	May	702	70	XXVII.101	Amended	May	703
	III.451,453,455,457	Adopted	Feb.	186					
	V.101	Amended	May	701	71	IX.101,103,105,107	Adopted	Feb.	192
	V.102	Adopted	May	701					
	V.555,557	Adopted	Feb.	190	76	I.317	Amended	Feb.	193
VI.901	Amended	Feb.	191	III.339		Adopted	May	705	
IX.105,107,109,113,133,177,181,205,1513	Amended	Feb.	187	V.111		Amended	May	704	
IX.501,503	Adopted	May	700	V.701		Amended	Jan.	049	
XI.501,503	Adopted	May	701	VII.335		Amended	May	705	
58	I.1301,1503	Amended	Jan.	048	VII.357	Amended	Jan.	050	
	I.1901,1903,1905,1907,1909,2501,2503	Repealed	Jan.	048	VII.501,505	Amended	Apr.	592	
					VII.502,503	Adopted	Apr.	592	
					VII.537	Amended	Mar.	363	

Potpourri

POTPOURRI

Department of Agriculture and Forestry Structural Pest Control Commission

Public Hearing—Substantive Changes to
Proposed Rule—Structural Pest Control
(LAC 7:XXV.101, 119, 121, and 141)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority set forth in R.S. 3:3366, the Department of Agriculture and Forestry (department) published a Notice of Intent to amend LAC 7:XXV.101, 111, 117, 119, 121, 141, 147 regarding structural pest control at LR 46:54-57 (January 20, 2020). As a result of public comments received on the proposed amendments, notice is hereby given that the department is seeking to incorporate substantive changes to LAC XXV.101, 109, 121, 141, and 147. The proposed changes clarify the definition of readily accessible area and certain terms pertaining to the types of pests for which treatment is rendered.

Title 7

AGRICULTURE AND ANIMALS

Part XXV. Structural Pest Control

Chapter 1. Structural Pest Control Commission

§101. Definitions

A. - B. ...

Readily Accessible Area—areas that are unobstructed and that are able to be reached and entered for visible examination at the time of inspection. Readily accessible areas do not include areas that are concealed by walls, ceilings, floor coverings, furniture, appliances, equipment, or stored articles; and crawl spaces and attics inaccessible due to openings too small to enter or without permanent ladders or staircases or due to undecked areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3362 and R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission LR 15:954 (November 1989), 17:251 (March 1991), LR 23:855 (July 1997), LR 30:1143 (June 2004), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 31:26 (January 2005), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 32:796 (May 2006), repromulgated LR 32:1015 (June 2006), amended LR 33:39 (January 2007), LR 35:204 (February 2009), LR 35:1468 (August 2009), LR 37:272 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:300 (February 2013), LR 41:333 (February 2015), LR 42:213 (February 2016); LR 44:1235 (July 2018), 46:

§119. Contracts for Termite Control Work

A. - A.5. ...

6. provide for the treatment of all subterranean termites, dry-wood termites, powder post beetles, or old house borers; and

B. - G.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and R.S. 3:3370.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:328 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:957 (November 1989), LR 26:2437 (November 2000), LR 27:1179 (August 2001), LR 27:2084 (December 2001), LR 28:1171 (June 2002), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 30:196 (February 2004), LR 30:1144 (June 2004), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 31:26 (January 2005), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 35:1468 (August 2009), LR 37:282 (January 2011), LR 46:

§121. Wood Destroying Insect Report

A. - A.2. ...

B. A wood destroying insect report shall be issued by a person who is licensed by the commission in termite control or a certified WDIR technician who is working under the supervision of a person who is licensed by the commission in termite control. The report shall carry a guarantee that the property will be treated without charge should live subterranean termites covered by the report be found in any readily accessible area within 90 days from the date of inspection.

C. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366 and 3:3670.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 12:285 (May 1986), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 23:856 (July 1997), LR 24:631 (April 1998), LR 25:235 (February 1999), LR 25:829 (May 1999), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 31:26 (January 2005), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 32:797 (May 2006), repromulgated LR 32:1017 (June 2006), amended LR 37:282 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:301 (February 2013), LR 39:3238 (December 2013), LR 46:

§141. Minimum Specifications for Termite Control Work

A. - G. ...

1. Whenever an active infestation of subterranean termites, dry-wood termites, powder post beetles, or old house borers is found at any property under a current

contract for that type of wood destroying insect, the pest control business that is responsible for the contract shall retreat within 30 days of discovery or notification.

H. - L.9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:330 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:958 (November 1989), LR 20:644 (June 1994), LR 21:931 (September 1995), LR 23:1285 (October 1997), LR 25:235 (February 1999), LR 25:1620 (September 1999), LR 26:2437 (November 2000), LR 27:1180 (August 2001), LR 29:1063 (July 2003), LR 30:1145 (June 2004), repromulgated LR 30:1614 (August 2004), amended LR 35:207 (February 2009), LR 35:1469 (August 2009), repromulgated LR 35:1872 (September 2009), amended, LR 37:286 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:301 (February 2013), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:1413 (June 2013), LR 41:333 (February 2015), LR 42:214 (February 2016), LR 46:

Public Hearing

In accordance with R.S. 49:968(H)(2), a public hearing on the proposed substantive changes will be held on August 21, 2020 at 9 a.m., at the Department of Agriculture and Forestry in the Veterans' Memorial Auditorium, 5825 Florida Boulevard, Baton Rouge, LA 70806. Interested persons may submit written comments, data, opinions and arguments regarding the proposed substantive changes. Written submissions must be directed Harry Schexnayder, Director of the Structural Pest Control Commission, Department of Agriculture and Forestry, 5825 Florida Blvd., Baton Rouge, LA 70806 and must be received no later than 4:30 p.m. on the 21 day of August, 2020.

Mike Strain, DVM
Commissioner

2008#036

POTPOURRI

**Office of the Governor
Division of Administration
Facility Planning and Control**

**Public Hearing—Substantive Changes to Proposed Rule;
Designer Contracts (LAC 34:III.Chapter 1)**

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950, et seq.) and the provisions of R.S. 39:121, the Division of Administration, Facility Planning and Control published a Notice of Intent to promulgate a rule change to LAC 34:III.Chapter 1, Capital Improvement Projects, Subchapter A. Designer Contracts in the December 20, 2019 edition of the Louisiana Register (LR 45:1858-1863). The notice solicited comments and testimony. Comments were received and a Public Hearing was held on January 29, 2020, where additional comments were submitted. The Division of Administration, Facility Planning and Control, proposes to amend the language of the proposed Rule.

No fiscal or economic impact will result from the amendments proposed in this notice.

Title 34

**GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY CONTROL**

Part III. Facility Planning and Control

Chapter 1. Capital Improvement Projects

Subchapter A. Designer Contracts

§103. Definitions

Available Funds for Construction (AFC)—the budgeted amount of funds, established by the owner prior to bidding, available for awarding the construction contract(s).

Consultants—individuals or organizations engaged by the owner or the designer to provide professional consultant services complementing or supplementing the designer's services. As applicable, consultants shall be licensed to practice in accordance with laws of the state of Louisiana. The owner shall engage or have the designer furnish as part of the designer's services the services of consultants, which are deemed necessary for the project. Typical consultants are architects, landscape architects, civil, structural, mechanical, and electrical engineers, and others required to provide the services required or implied by the scope of the project, compensation for which is included in designer's fee for basic services. Special consultants are those, other than the above, which the owner may approve to perform special services and for which compensation will be in accordance with §109.C.

Standard of Care—The designer and their professional consultants shall perform their services consistent with the skill and care ordinarily provided by similar professionals practicing in the same or similar locality under the same or similar circumstances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1410.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Facility Planning and Control, LR 8:473 (September 1982), amended LR 11:849 (September 1985), LR 31:1076 (May 2005), LR 46:

§107. Available Funds for Construction (AFC)

A. The AFC, as defined by §103, shall be stated in the contract between owner and designer.

B. The designer shall be responsible for designing the project so that the base bid does not exceed the AFC. The use of any alternate bids must be pre-approved by the owner. The owner will take into consideration abnormal escalation in construction costs that can be substantiated prior to bid.

C.1. At the completion of the program completion phase the designer shall make recommendations regarding whether the AFC is realistic for the project when compared with the completed program. At this point, or at any other submissions of the project's statement of probable cost (construction cost estimate) by the designer, if such statement of probable cost is in excess of the AFC, the owner shall have the option to:

a. instruct the user agency to collaborate with the designer to revise the program so that the anticipated base bid will be within the AFC; such program revisions shall be done without additional compensation to the designer,

except for extensive program revisions authorized in writing by the owner;

b. - c. ...

2. Any adjustment in the AFC, approved in writing by the owner during design shall include an appropriate adjustment in the fee. The fee shall not be modified at any time after advertising for bids, except as allowed per §109.A.1.d and §109.A.3.

D.1. - 2. ...

E. When the lowest bona fide base bid is less than 90 percent of the AFC and the designer has reduced the original program scope to reduce costs, the owner shall have the option to have the designer, without additional compensation, modify the construction documents to restore elements of the program that were eliminated to reduce cost.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1410.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Facility Planning and Control, LR 8:474 (September 1982), amended LR 11:850 (September 1985), LR 31:1076 (May 2005), LR 32:2047 (November 2006), LR 46:

§109. Compensation

A. The fee for basic services to be paid to the designer shall be as follows.

1. - 1.c. ...

d. Fee adjustments for alternates are as follows.

i. If an alternate, pre-approved by the owner, has a cost estimate within the AFC, the designer's compensation for said alternate is already included within the designer's base fee.

ii. If an alternate, pre-approved by the owner, has a cost estimate in excess of the AFC, the designer shall receive compensation for the value above the AFC for that portion of the phase completed as described in §111.A.1.a (by increasing the AFC for designer fee purposes). If an alternate is based on a substitute system requiring additional design effort, then the total estimated cost shall be used in determining the AFC for design fee purposes for phases completed. If the scope contained in that alternate is not awarded at bid, but later included as a change order and the designer compensated per §111.A.1.a, the compensation shall be adjusted such that the designer shall not be compensated twice for the same work.

iii. If the lowest bona fide base bid, is less than 90 percent of the AFC, refer to §107.E regarding any additional compensation for alternates and change orders.

2. - 2.d. ...

3. Change Orders. Preparation of documents required for change orders for any cause shall not be started without owner's written approval. Fee adjustments for change orders shall be as follows.

a. Routine change orders, which involve a small amount of effort, will not involve extra compensation. The designer shall notify and obtain the owner's prior written approval before preparing a change order for which he/she feels is due extra compensation for the extra effort involved. At the construction close-out phase, all such change orders will be reviewed by the owner and the designer's contract will be amended to reflect extra compensation for the change orders which the owner has determined merit additional fee. The fee will be computed by increasing the AFC (for

designer fee purposes) by the amount of change orders that qualify for additional fee as described above and recalculating the fee.

b. Designer shall prepare change orders caused by errors or omissions of the designer without additional compensation. The designer shall be financially responsible for costs that result from errors. The owner shall participate in the cost of omissions to the extent of the value received by the owner. The designer will be notified of any claims of error or omission designations made to a change order prior to execution by the owner.

B. Payment to the designer for additional services shall be made on the basis of a detailed scope of work, a proposal from the designer, and negotiations between the owner and designer. All additional services must be pre-approved in writing by the owner prior to start.

C. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1410.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Facility Planning and Control, LR 8:474 (September 1982), amended LR 11:850 (September 1985), LR 31:1077 (May 2005), LR 32:2047 (November 2006), LR 46.

§111. Payments to the Designer

A. - A.1.c.i. ...

2. A partial payment for the construction documents phase shall be made when the designer has completed 100 percent of the construction documents and has submitted these to the owner, the user agency, and the other required statutory agencies and the owner determines by inventory check and conformity that all required documents have been submitted, and are sufficiently complete, coordinated and ready to bid, then the designer shall be entitled to a payment of 80 percent of the fee for the construction documents phase. Should the owner's approval of the construction documents not be issued within 45 days of submittal due to no fault of the designer, then the designer shall be paid an additional payment of 10 percent of the fee for the construction documents phase. The balance of the fee for this phase will be due upon the completion of review by owner and user, when corrections have been made, and a complete set of bid documents are submitted to the owner. For projects with an AFC over \$10 million, interim payments up to 50 percent of the fee for the construction document phase may be made by agreement between the owner and the designer.

3. ...

4. The designer shall promptly pay consultants. By signing the professional design services invoice, the designer agrees that all consultants will be promptly paid those amounts due them out of the amount paid to the designer within 45 days. Upon receipt of reasonable evidence of the designer's failure to pay consultants' amounts due them, the owner may withhold all or part of the designer's payment until the owner is satisfied that any amounts owed have been paid or otherwise settled.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1410.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Facility Planning and Control, LR 8:474 (September 1982), amended LR 11:851 (September 1985), LR 13:656 (November 1987), LR 31:1078 (May 2005), LR 46:

§115. Designer's Accounting Records

A. Records of direct reimbursable expenses and expenses pertaining to additional services on the project, and for services performed on the basis of multiplier times direct personnel expense, shall be kept on the basis of generally accepted accounting principles and shall be furnished and/or made available to the owner or the owner's authorized representative on request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1410.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Facility Planning and Control, LR 8:477 (September 1982), amended LR 11:854 (September 1985), LR 46:

§119. Abandonment or Suspension

A. If any work designed or specified by the designer is abandoned or suspended in whole or part by the owner, the designer is to be paid for the services rendered up to receipt of written notice from the owner, as follows.

1. If the abandonment or suspension occurs at the completion of a phase, the designer shall submit to the owner all required deliverables and shall be paid the full amount due on completion of such phase as described in §111.A.1.

2. If the abandonment or suspension occurs during a phase, the designer shall submit to the owner all documents prepared by him/her up to receipt of written notice from the owner, and the owner shall compensate the designer up to the percentage completion of that phase.

B. Should the project be reactivated, the new fee will be computed on the basis of the revised AFC and §109.A.1.b if inactive for more than 24 months. The designer's fee for the phases of work required to complete the project shall be the percentages for such phases stated in §111.A.1 applied to the new fee. Any required code update or scope change may merit additional services per §109.B, as the anticipated project design effort warrants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1410.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Facility Planning and Control, LR 8:478 (September 1982), amended LR 11:854 (September 1985), LR 46:

Public Hearing

In accordance with the provisions of the Administrative Procedure Act, specifically at R.S. 49:968(H)(2), the Division of Administration, Facility Planning and Control gives notice of a public hearing to receive additional comments and testimony on these substantive amendments to the proposed Rule. The hearing will be held at 10 a.m. on August 26, 2020 at the Claiborne Conference Center, Iowa Room, 1-153, which is located at 1201 North Third St. in Baton Rouge, LA. At that time, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. In accordance with Covid-19 Guidelines, all attendees must wear masks and have their temperatures taken upon entry to the Claiborne Conference Center. Seating will be provided to comply with

recommended social distancing and masks must continue to be worn during the public hearing.

Mark A. Moses
Director

2007#018

POTPOURRI

**Department of Health
Board of Optometry Examiners**

Board Nominations

The Louisiana State Board of Optometry Examiners announces that nominations for the position of Board Member will be taken by the Louisiana State Board of Optometry Examiners (LSBOE) at the annual meeting to be held in late October 2020. Interested persons should submit the three names of nominees directly to the LSBOE by mail pursuant to instructions to be mailed to each optometrist licensed under the laws of the State of Louisiana at the address currently shown in his or her current registration as per R.S. 37:1042. It is not necessary to be a member of the Optometry Association of Louisiana to be nominated. The LSBOE may be contacted at (318) 335-2989.

Dr. James Sandefur, O.D.
Secretary

2008#017

POTPOURRI

**Department of Health
Board of Pharmacy**

**Notice of Public Hearing—Substantive Change to
Notice of Intent for Proposed Rule
Prescription Monitoring Program (LAC 46:LIII.29019)**

The Board of Pharmacy published a Notice of Intent to amend its rules relative to the prescription monitoring program in the April 20, 2020 edition of the Louisiana Register. Pursuant to the Board's consideration of comments and testimony received during the May 29, 2020 public hearing, the Board proposes to amend the definition of the term 'drug of concern.' The original proposed rule would have added nine new drugs to the two drugs listed in the current rule. The proposed amendment will remove seven of the nine drugs originally proposed for addition to that definition: (1) elbasvir / grazoprevir, (2) glecaprevir / pibrentasvir, (3) ledipasvir / sofosbuvir, (4) ombitasvir / paretaprevir / ritonavir / dasabuvir, (5) sofosbuvir, (6) sofosbuvir / velpatasvir, and (7) sofosbuvir / velpatasvir / voxilaprevir; and further, the proposed amendment will retain the two drugs (1) promethazine when present in oral liquid formulations and (2) gabapentin.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LIII. Pharmacists

Chapter 29. Prescription Monitoring Program

§2901. Definitions

A. As used in this Chapter, the following terms shall have the meaning ascribed to them unless the context clearly indicates otherwise.

* * *

Drugs of Concern—drugs other than controlled substances as defined by rule whose use requires tracking for public health purposes or which demonstrate a potential for abuse, including any material, compound, mixture, or preparation containing any quantity of the following substances, including its salts, esters, ethers, isomers, and salts of isomers [whenever the existence of such salts, esters, ethers, isomers, and salts of isomers is possible within the specific chemical designation]:

- a. butalbital when in combination with at least 325 milligrams of acetaminophen per dosage unit;
- b. naloxone;
- c. promethazine when present in oral liquid formulation;
- d. gabapentin.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1345 (July 2007), amended LR 36:755 (April 2010), effective September 1, 2010, amended by LR 39:314 (February 2013), amended LR 40:1096 (June 2014), amended LR 41:684 (April 2015), amended by the Department of Health, Board of Pharmacy, LR 45:42 (January 2019), amended LR 46:

Public Comments

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to Malcolm J Broussard, Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule amendment.

Public Hearing

A public hearing to solicit comments and testimony on the proposed Rule amendment is scheduled for 9 a.m. on Wednesday, August 26, 2020. During the hearing, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. The deadline for the receipt of all comments is 12 p.m. noon that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

Malcolm J Broussard
Executive Director

2008#026

POTPOURRI

**Department of 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
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	032	171568
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker E	025	156269
Bayou Drilling Fluids, Inc.	Monroe	M	Spears-Spyker	004	120857
Bayou Drilling Fluids, Inc.	Monroe	M	Kenyon-Spyker	011	119118
Bayou Drilling Fluids, Inc.	Monroe	M	Kenyon-Spyker	003D	118430
Bayou Drilling Fluids, Inc.	Monroe	M	Kenyon-Spyker	006	112335
Bayou Drilling Fluids, Inc.	Monroe	M	Kenyon-Spyker	001	106680
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	030	170073
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	014	168048
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	006	168047
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	019	168249
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	018	168213
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	020	169483
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker E	022	156291
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker E	002	155360
Bayou Drilling Fluids, Inc.	Monroe	M	Kenyon-Spyker	013	144490
Bayou Drilling Fluids, Inc.	Monroe	M	Spears-Spyker	003	120856
Bayou Drilling Fluids, Inc.	Monroe	M	Spears-Spyker	002	120792
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	033	171569
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	015	170187
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	021	169601
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	028	169881
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	009	168091

Operator	Field	District	Well Name	Well Number	Serial Number
Bayou Drilling Fluids, Inc.	Monroe	M	Kenyon-Spyker	010	117494
Bayou Drilling Fluids, Inc.	Monroe	M	Kenyon-Spyker	008	115910
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	024	169604
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	022	169602
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	029	169882
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	005	168046
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	001	167900
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker E	030	156645
Bayou Drilling Fluids, Inc.	Monroe	M	Kenyon-Spyker	016	149121
Bayou Drilling Fluids, Inc.	Monroe	M	Kenyon-Spyker	012	143390
Bayou Drilling Fluids, Inc.	Monroe	M	Kenyon-Spyker	002	108033
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	013	169482
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker E	037	156574
Bayou Drilling Fluids, Inc.	Monroe	M	Spears-Spyker	007	121296
Bayou Drilling Fluids, Inc.	Monroe	M	Kenyon-Spyker	003	110310
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	026	169788
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	025	169786
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	023	169603
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	003	167970
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker E	024	156261
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker	001	154489
Bayou Drilling Fluids, Inc.	Monroe	M	Spears-Spyker	015	124433
Bayou Drilling Fluids, Inc.	Monroe	M	Spears-Spyker	008	121422
Bayou Drilling Fluids, Inc.	Monroe	M	Spears-Spyker	006	121295

Operator	Field	District	Well Name	Well Number	Serial Number
Bayou Drilling Fluids, Inc.	Monroe	M	Spears-Spyker	005	121294
Bayou Drilling Fluids, Inc.	Monroe	M	Kenyon-Spyker	007	114274
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	017	168212
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	010	168092
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker E	035	156276
Bayou Drilling Fluids, Inc.	Monroe	M	Kenyon-Spyker	015	144968
Bayou Drilling Fluids, Inc.	Monroe	M	Kenyon-Spyker	014	144491
Bayou Drilling Fluids, Inc.	Monroe	M	Spears-Spyker	012	124267
Bayou Drilling Fluids, Inc.	Monroe	M	Spears-Spyker	001	120791
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	027	169789
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	031	170074
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	004	168045
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	002	167901
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	012	169481
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	011	168130
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	008	168090
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker 80	007	168089
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker E	034	156275
Bayou Drilling Fluids, Inc.	Monroe	M	Spyker E	036	156528
Bayou Drilling Fluids, Inc.	Monroe	M	Kenyon-Spyker	017	149582
Bayou Drilling Fluids, Inc.	Monroe	M	Kenyon-Spyker	004	144967
Laster Welding And Well Serv, Inc.	Monroe	M	Pogue	002	175480
Laster Welding And Well Serv, Inc.	Monroe	M	Powell	002	175751

Operator	Field	District	Well Name	Well Number	Serial Number
Laster Welding And Well Serv, Inc.	Monroe	M	R L Venable	003	160131
Laster Welding And Well Serv, Inc.	Monroe	M	R L Venable	001	158235
Laster Welding And Well Serv, Inc.	Monroe	M	Arveal B Smith	002	187391
Laster Welding And Well Serv, Inc.	Monroe	M	A R Crow	006	186724
Laster Welding And Well Serv, Inc.	Monroe	M	Exxon 11	001	153101
Laster Welding And Well Serv, Inc.	Monroe	M	Exxon 30	003	150725
Laster Welding And Well Serv, Inc.	Monroe	M	Exxon 19	001	152179
Laster Welding And Well Serv, Inc.	Monroe	M	F Kilcrease	001	87540
Laster Welding And Well Serv, Inc.	Monroe	M	Howard Turner	001	80612
Laster Welding And Well Serv, Inc.	Monroe	M	Arveal B Smith	003	187392
Laster Welding And Well Serv, Inc.	Monroe	M	Sturgis Nix	002	155745
Laster Welding And Well Serv, Inc.	Monroe	M	Exxon 11b	001	154170
Laster Welding And Well Serv, Inc.	Monroe	M	Exxon 11	002	153102
Laster Welding And Well Serv, Inc.	Monroe	M	W C Morgan	001	84207
Laster Welding And Well Serv, Inc.	Monroe	M	Williams	001	178817
Laster Welding And Well Serv, Inc.	Monroe	M	Cummings-Rabun	002	166177
Laster Welding And Well Serv, Inc.	Monroe	M	Grayling N	027	153243

Operator	Field	District	Well Name	Well Number	Serial Number
Laster Welding And Well Serv, Inc.	Monroe	M	Grayling N	022	152436
Laster Welding And Well Serv, Inc.	Monroe	M	Grayling N	020	152434
Laster Welding And Well Serv, Inc.	Monroe	M	Grayling N	030	153540
Laster Welding And Well Serv, Inc.	Monroe	M	Exxon 30-A	002	150940
Laster Welding And Well Serv, Inc.	Monroe	M	Holley	001	175752
Laster Welding And Well Serv, Inc.	Monroe	M	Powell	001	175750
Laster Welding And Well Serv, Inc.	Monroe	M	A R Crow	005	178955
Laster Welding And Well Serv, Inc.	Monroe	M	Exxon 30	004	150726
Laster Welding And Well Serv, Inc.	Monroe	M	Exxon 30	001	150723
Laster Welding And Well Serv, Inc.	Monroe	M	Grayling N	014	151899
Laster Welding And Well Serv, Inc.	Monroe	M	O O Cummings Fee	001	44996
Laster Welding And Well Serv, Inc.	Monroe	M	Thompson	001	175363
Laster Welding And Well Serv, Inc.	Monroe	M	Claudis Mckinnie	004	197845
Laster Welding And Well Serv, Inc.	Monroe	M	Exxon 32	001	152345
Laster Welding And Well Serv, Inc.	Monroe	M	Grayling N	026	152686
Laster Welding And Well Serv, Inc.	Monroe	M	Grayling N	038	153775
Laster Welding And Well Serv, Inc.	Monroe	M	Grayling N	010	151840

Operator	Field	District	Well Name	Well Number	Serial Number
Laster Welding And Well Serv, Inc.	Monroe	M	Exxon 30-A	001	150939
Laster Welding And Well Serv, Inc.	Monroe	M	Katie Crow Smith	002	101253
Laster Welding And Well Serv, Inc.	Monroe	M	A Love	001	84287
Laster Welding And Well Serv, Inc.	Monroe	M	Jones	001	177637
Laster Welding And Well Serv, Inc.	Monroe	M	Pogue	001	175479
Laster Welding And Well Serv, Inc.	Monroe	M	Claudis Mckinnie	001	197801
Laster Welding And Well Serv, Inc.	Monroe	M	Read	001	177867
Laster Welding And Well Serv, Inc.	Monroe	M	Exxon 11b	002	154171
Laster Welding And Well Serv, Inc.	Monroe	M	Grayling N	024	152438
Laster Welding And Well Serv, Inc.	Monroe	M	Grayling N	023	152437
Laster Welding And Well Serv, Inc.	Monroe	M	A R Crow	003	110058
Laster Welding And Well Serv, Inc.	Monroe	M	Jones	002	177638
Laster Welding And Well Serv, Inc.	Monroe	M	Haygood	001	177636
Laster Welding And Well Serv, Inc.	Monroe	M	Pogue	003	175481
Laster Welding And Well Serv, Inc.	Monroe	M	R L Venable	002	158236
Laster Welding And Well Serv, Inc.	Monroe	M	Mary Schwab	002	169163
Laster Welding And Well Serv, Inc.	Monroe	M	Grayling N	013	151861

Operator	Field	District	Well Name	Well Number	Serial Number
Laster Welding And Well Serv, Inc.	Monroe	M	Grayling N	012	151860
Laster Welding And Well Serv, Inc.	Monroe	M	Grayling N	011	151850
Laster Welding And Well Serv, Inc.	Monroe	M	Exxon 30	002	150724
Laster Welding And Well Serv, Inc.	Monroe	M	Mary Schwab	001	91096
Laster Welding And Well Serv, Inc.	Monroe	M	A R Crow	004	86230
Laster Welding And Well Serv, Inc.	Monroe	M	Grayling	009	195508
Laster Welding And Well Serv, Inc.	Monroe	M	Antley	004	157923
Laster Welding And Well Serv, Inc.	Monroe	M	Exxon 30-A	004	150942
Laster Welding And Well Serv, Inc.	Monroe	M	Exxon 30-A	003	150941
Laster Welding And Well Serv, Inc.	Monroe	M	Sturgis Nix	001	148616
Laster Welding And Well Serv, Inc.	Monroe	M	Percy Love	001	84775
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Whitton Company, Inc.	Coulee Hippolyte	L	Howard Corp Swd	001	140919
Whitton Company, Inc.	Coulee Hippolyte	L	12000 Ra Sua;Howard Corp	001	142303

Richard P. Ieyoub
Commissioner

2008#019

POTPOURRI

**Department of Revenue
Office of Alcohol and Tobacco Control**

Public Hearing—Change to Proposed Rule
Vapor Products Public Safety Regulations
(LAC 55:VII.3201-3215)

The Louisiana Department of Revenue, Office of Alcohol and Tobacco Control, published a Notice of Intent to enact LAC 55:VII.3201-3215, relative to the to the regulation of alternative nicotine and vapor products within the state of Louisiana, in the May 2020 edition of the *Louisiana Register*. At this time the Office of Alcohol and Tobacco Control would like amend the above mentioned notice.

Title 55

PUBLIC SAFETY

Part VII. Alcohol and Tobacco Control

Subpart 2. Tobacco

Chapter 32. Alternative Nicotine and Vapor Products

Public Safety Regulations

§3201. Definitions

A. As used in this Chapter, the following terms have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise:

Wholesale Dealer—dealer whose principal business is that of a wholesaler, who sells cigarettes, cigars, other tobacco products, vapor products, or alternative nicotine products to retail dealers for the purpose of resale, who is a bona fide wholesaler, and fifty percent of whose total tobacco, vapor, and alternative nicotine sales are to retail stores other than its own or those of its subsidiaries or parent companies within Louisiana. Wholesale dealer shall include any person in the state who acquires cigarettes solely for the purpose of resale in vending machines, provided such person services fifty or more cigarette vending machines in Louisiana other than his own, and a Louisiana dealer who was affixing cigarette and tobacco stamps as January 1, 1974. If any person is engaged in the business of making sales at both wholesale and retail, “wholesaler” shall apply only to the wholesale portion of the business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:922.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 46:

§3209. Manufacturer Authorization

A. - C. ...

D. Authorization forms will be valid for a period of one year. Applicants will have to apply for authorization annually, prior to December 31.

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:922.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 46:

§3213. Age Verification

A. For all online sales permit holders must perform an age verification process through an independent, third party age verification service that compares information from public records to the personal information entered by the purchaser during the ordering process that establishes the person is of legal age or older.

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:922.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 46:

Public Hearing

In accordance with R.S. 49:968(H)(2), a public hearing will be held on Monday, August 24, 2020 at 10:30 a.m. at the Office of Alcohol and Tobacco Control, 7979 Independence Blvd. Baton Rouge, LA 70806.

Any individual that needs special assistance in order to attend or speak at this public hearing should notify R. Danielle Barringer in writing at the Office of Alcohol and Tobacco Control, 7979 Independence Blvd., Suite 101, Baton Rouge, Louisiana 70806 or by email at Danielle.barringer@atc.la.gov or by telephone at (225)925-4018. Request for special assistance must be received no later than 4:30pm on Thursday, August 20, 2020.

Any questions should be directed to R. Danielle Barringer at (225) 925-4018.

Juana Marine-Lombard
Commissioner

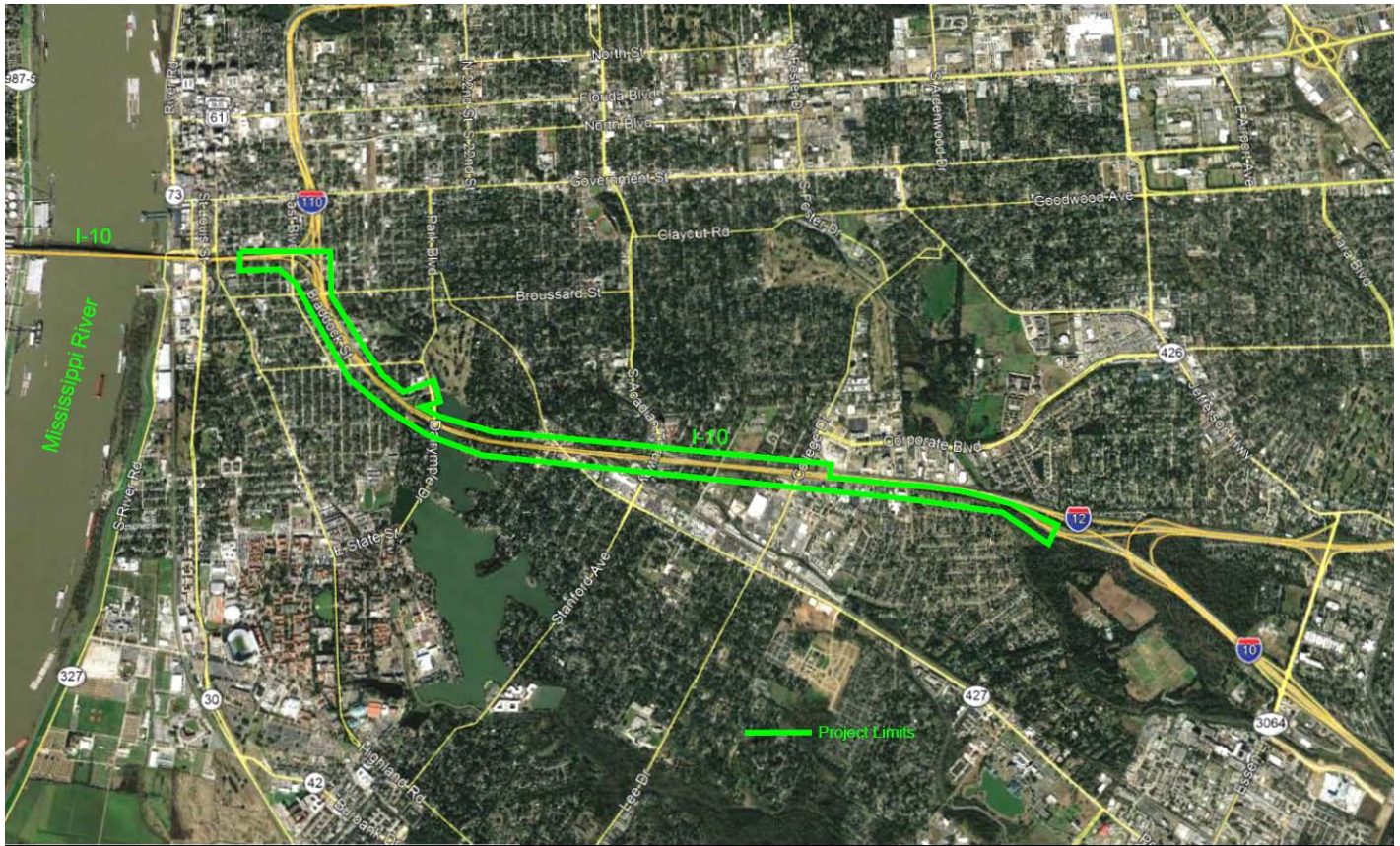
2008#033

POTPOURRI

Department of Transportation and Development

Construction Management at Risk Project
State Project No. H.00410 I-10
LA 415 to Essen Lane on I-10 and I-1,
West and East Baton Rouge Parishes

The Louisiana Department of Transportation and Development (LA DOTD) is announcing the LA DOTD’s intent to enter into a Construction Management at Risk (CMAR) contract with a CMAR Contractor, possessing qualified construction contracting capability, for Phase I of the I-10: LA 415 to Essen Lane on I-10 and I-12 project (the “Project”).



The ultimate Project includes urban freeway capacity improvements from Washington Street to east of the I-10/I-12 split on I-10 and I-12. The phasing and timing of the ultimate build-out is dependent upon the timing and availability of funding.

The major elements of the Project may include, but are not limited to the following, and may be amended in the Request for Qualifications (RFQ):

- Freeway widening by the addition of one travel lane to the westbound (WB) direction of I-10 from Washington Street to College Drive and one travel lane to the eastbound (EB) direction of I-10 from Washington Street to east of the I-10/I-12 split on I-10;
- Modifications to interchanges at Washington Street, Dalrymple Drive, Perkins Road, Acadian Thruway, and College Drive, as well as the replacement of the Nairn Drive overpass;
- Associated work, which may include noise barriers, Interstate lighting, Interstate guide signs, traffic signals, and pedestrian and bicyclist accommodations;
- Roundabouts at Terrace Avenue and Braddock Street, the Washington Street interchange, and Dalrymple Drive at East Lakeshore Drive;
- Utility coordination, as necessary;
- Maintenance of traffic in a congested and confined urban freeway environment; and
- Context sensitive solutions and community connections.

The anticipated Pre-construction Services Agreement execution date for the Project is no later than January 5, 2021.

Responses to this Notice of Intent (NOI) and the following RFQ will be evaluated to determine the most highly qualified Proposer that is able to provide both pre-construction services and, if successfully negotiated, construction services for the Project.

The LA DOTD is seeking a CMAR Contractor for the Project that is committed to quality; has proven experience in pre-construction and construction services related to the construction of urban highway and bridge freeway projects; will bring innovative approaches and a collaborative work effort to the Project; will ensure timely completion; and is willing to partner with the LA DOTD and its Design Professional and Independent Cost Estimator for the mutual success of the Project.

Firms/teams interested in providing the services for the Project should submit a Letter of Interest (LOI) to I-10BR.CMAR@la.gov. All correspondence with the LA DOTD on matters concerning this NOI and the subsequent RFQ for the Project should be made in writing to this E-mail address.

An LOI from Proposers in response to this NOI will be due by July 28, 2020. The LOI should, at a minimum, name the proposed primary team members (if the LOI is being submitted by a team) and contact information (name, telephone number, address, and E-mail address) for the official point of contact for the Proposer.

Proposers that provide the LA DOTD with an LOI will be issued the RFQ and will be placed on a list of interested firms that will be placed on the LA DOTD Web site (<http://www.dotd.la.gov>).

Christopher P. Knotts
Chief Engineer

POTPOURRI

**Workforce Commission
Office of Workers' Compensation Administration**

Weekly Compensation Benefits Limits

Pursuant to R.S. 23:1202, and based on the statewide average weekly wage as determined by the Louisiana Workforce Commission, the following limits shall apply to weekly compensation benefits for claimants injured during the period September 1, 2020 through August 31, 2021.

Average Weekly Wage	Maximum Compensation	Minimum Compensation	Mileage Reimbursement
\$940.00	\$705.00	\$188.00	* .57cents per mile
*Effective July 1, 2020 the mileage reimbursement is \$0.57 per mile pursuant to R.S. 23:1203(D).			

This information updates R.S. 23:1202 of the Louisiana Workers Compensation Act.

	Average Weekly Wage	Maximum Comp	Minimum Comp
Sept 1, 2000-Aug 31, 2001	517.93	388.00	104.00
Sept 1, 2001-Aug 31, 2002	530.43	398.00	106.00
Sept 1, 2002-Aug 31, 2003	554.31	416.00	111.00

	Average Weekly Wage	Maximum Comp	Minimum Comp
Sept 1, 2003-Aug 31, 2004	572.53	429.00	114.00
Sept 1, 2004-Aug 31, 2005	584.40	438.00	117.00
Sept 1, 2005-Aug 31, 2006	605.46	454.00	121.00
Sept 1, 2006-Aug 31, 2007	637.19	478.00	127.00
Sept. 1, 2007-Aug 31, 2008	696.00	522.00	139.00
Sept. 1, 2008-Aug. 31, 2009	728.10	546.00	146.00
Sept. 1, 2009-Aug. 31, 2010	768.83	577.00	154.00
Sept. 1, 2010-Aug. 31, 2011	772.18	579.00	154.00
Sept. 1, 2011-Aug. 31, 2012	789.00	592.00	158.00
Sept. 1, 2012-Aug. 31, 2013	807.07	605.00	161.00
Sept. 1, 2013-Aug. 31, 2014	825.54	619.00	165.00
Sept. 1, 2014-Aug. 31, 2015	839.76	630.00	168.00
Sept. 1, 2015-Aug. 31, 2016	865.31	649.00	173.00
Sept. 1, 2016-Aug. 31, 2017	876.00	657.00	175.00
Sept. 1, 2017-Aug. 31, 2018	870.00	653.00	174.00
Sept. 1, 2018-Aug. 31, 2019	886.38	665.00	177.00
Sept. 1, 2019-Aug. 31, 2020	916.85	688.00	183.00
Sept. 1, 2020-Aug. 31, 2021	940.00	705.00	188.00

Actual wages are to be paid if the wages are less than the minimum.

Approved mileage rate as of July 1, 2020 is \$0.57 per mile.

Sheral Kellar
Assistant Secretary

2008#035

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