

Rules

RULE

Board of Elementary and Secondary Education

Bulletin 741C Louisiana Handbook for School Administrators C Character Education Program (LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted an amendment to Bulletin 741, referenced in LAC 28:I.901A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). School districts are required to develop a character education philosophy and implementation plan to work in conjunction with Act 149 of the 1998 First Extraordinary Session which required BESE to provide a clearinghouse for information on character education programs and to adopt rules and regulations for the implementation of nonsectarian character education programs in curricula.

Title 28 EDUCATION

Part I. Board of Elementary and Secondary Education Chapter 9. Bulletins, Regulations, and State Plans Subchapter A. Bulletins and Regulations

§901. School Approval Standards and Regulations

A. Bulletin 741

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Standard 1.087.00:

The school system shall develop character education philosophy and implementation plan consistent with locally developed curriculum.

AUTHORITY NOTE: Promulgated by the Board of Elementary and Secondary Education in R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended LR 26:1260 (June 2000).

Weegie Peabody
Executive Director

0006#085

RULE

Board of Elementary and Secondary Education

Bulletin 741C Louisiana Handbook for School Administrators C Policy for Louisiana's Public Education Accountability System (LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted an amendment to Bulletin 741, referenced in LAC 28:I.901.A, promulgated by the Board of

Elementary and Secondary Education in LR 1:483 (November 1975). The proposed amendment more clearly explains the policy by which School Performance Scores will be calculated, since high stakes testing goes into effect Spring 2000. Students that fail the fourth and eighth grade LEAP tests will be given the opportunity for remediation and retesting during the summer. The changes also include refinements in the state's accountability policy as it pertains to students with disabilities. Limits for alternate and out-of-level assessments have been established, as well as procedures for calculating inclusion of the scores from out-of-level testing in the School Performance Scores.

Title 28 EDUCATION

Part I. Board of Elementary and Secondary Education Chapter 9. Bulletins, Regulations, and State Plans Subchapter A. Bulletins and Regulations

§901. School Approval Standards and Regulations

A. Bulletin 741

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A) (10), (11), (15); R.S. 17:7 (5), (7), (11); R.S. 17:10, 11; R.S. 17:22 (2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended LR 24:1085 (June 1998), LR 26:1260 (June 2000).

School Performance Scores

2.006.03 Only spring administration test data shall be used in the School Performance Score.

Inclusion of Students with Disabilities

2.006.18 Most students with disabilities shall take the CRT and the NRT tests with accommodations, if required by their Individualized Education Program (IEP). A small percentage of students with very significant disabilities, limited to 1.5 percent per grade level per school district, shall participate in an alternate assessment, as required by their IEP.

Local Education Agencies (LEAs) have the option to allow or disallow out-of-level testing. The LEA shall determine the percentage of students who can test out-of-level, not to exceed a total of 4 percent of students at any grade level per school district. This 4 percent includes those students participating in alternate assessment. The parent must agree with out-of-level assessment through written parental approval, via the IEP. There shall be an appeals method in place to make decisions on exceptions when the district 4 percent cap has been exceeded.

For students with disabilities who test out-of-level, Iowa (ITBS) standard scores from two consecutive years shall be compared in the following manner to determine student performance in calculating the SPS:

Less than 5 standard score points of progress	0 points (Unsatisfactory)
5-9 standard score points of progress	50 points (Approaching Basic)
10-14 standard score points of progress	100 points (Basic)
15-19 standard score points of progress	150 points (Proficient)
20 + standard score points of progress	200 points (Advanced)

The scores of special education students participating in out-of-level testing shall be excluded from the School Performance Score for the school year 1999-2000.

Weegie Peabody
Executive Director

0006#084

RULE

Student Financial Assistance Commission Office of Student Financial Assistance

Tuition Opportunity Program for Students (TOPS)
Agency Decisions Subject to Appeal (LAC 28:IV.2109)

The Louisiana Student Financial Assistance Commission (LASFAC) hereby amends rules of the Tuition Opportunity Program for Students (R.S. 17:3042.1 and R.S. 17:3048.1).

Title 28

EDUCATION

Part IV. Student Financial Assistance Higher Education Scholarship and Grant Programs

Chapter 21. Miscellaneous Provisions and Exceptions

§2109. Agency Decisions Subject to Appeal

A. Right of Appeal

1. A person aggrieved by an adverse decision of LOSFA under §2103.E.11.a.ii may appeal the decision in accordance with the procedures provided in this section.

2. Appeals are made to the Louisiana Student Financial Assistance Commission (the commission).

3. Decisions of the commission are not subject to appeal and are final actions.

B. Notice of Adverse Decision

1. Notice of an adverse decision by LOSFA under §2103.E.11.ii must be transmitted in writing to the applicant or participant. The notice must state with reasonable specificity the decision and the reason for the decision, state that the decision may be appealed, and set forth the procedure for submission of an appeal.

C. Petition of Appeal

1. A petition of appeal must be in writing and filed within 30 days of the date of the notice of the decision.

2. The petition of appeal must include:

a. a sworn affidavit from the petitioner setting forth the basis of the appeal, including the specific reasons that LOSFA's decision is incorrect, and all facts supporting the appeal;

b. copies of all documents, including written statements by others, if any, that support the appeal;

c. official transcripts from the school/colleges attended during the periods in question; and

d. if the petitioner desires to make an oral presentation and/or argument, the petitioner must include in the petition for appeal:

i. a request to make oral presentation and/or argument;

ii. the name of each person who will speak and a brief summary of what each person will say; and

iii. the reasons why presentation of the appeal in writing is not sufficient and that an oral presentation and/or argument is justified.

3. The petitioner is not required to include documents in the petition of appeal which were forwarded with previous correspondence regarding the appeal.

4. The petition of appeal must be addressed to the Louisiana Student Financial Assistance Commission, in care of the Executive Director, Office of Student Financial Assistance and sent to Box 91202, Baton Rouge, LA 70821-9202, or hand delivered to 1885 Wooddale Boulevard, Wooddale Tower, Room 335, Baton Rouge, Louisiana.

5. Oral Presentations and/or Arguments

a. The commission may allow presentations and/or arguments when the commission determines that such extraordinary procedures are justified based on information submitted by the petitioner.

b. LOSFA shall have the right to question the appellant and each person making an oral presentation on behalf of the appellant.

c. The commission's chairman may limit the time available to the appellant to make an oral presentation.

D. Appellate Procedure

1. After receipt of the Petition of Appeal, LOSFA will review the petition of appeal and determine whether the matters included in it are sufficient to change LOSFA's adverse decision. If, based upon new information submitted, LOSFA reverses its decision and approves the appeal, the petitioner will be notified in writing and no further action will be taken on the petition.

2. If LOSFA's decision remains adverse, LOSFA will prepare and forward the appellate's file (including the petition of appeal, the original request for reinstatement, LOSFA records relating to the appeal, and a written statement of LOSFA's position regarding the appeal to the ad hoc rules committee of the commission.

3. If the petition of appeal contains the appellant's request to make an oral presentation or argument, LOSFA shall notify the appellant in sufficient time to permit the appellant to be present when the appeal is scheduled to be heard by the ad hoc rules committee and the commission.

4. Pending a final decision by the commission, no further action will be taken in the matter by LOSFA.

5. The ad hoc rules committee will review the appellate file and make one of the following recommendations to the commission:

- a. recommend that LOSFA's decision be upheld; or
- b. recommend that LOSFA's decision be reversed;

or

c. remand the appellate file to LOSFA for further specified action(s); or

d. remand the appellate file to the commission without recommendation.

6. The ad hoc rules committee will forward the appellate file and its recommendation to the commission. The commission will review the recommendations of the committee and the appellate file.

7. The commission may adopt the recommendations of the committee or make a contrary decision approving or reversing LOSFA's decision, or remanding the matter to LOSFA for further specified actions.

8. Remanded matters will be expeditiously processed by LOSFA and returned to the commission for a final decision.

9. A decision of the commission to approve or reverse LOSFA's decision is final and is not subject to further review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 17:959 (October 1991), amended LR 22:338 (May 1996), promulgated LR 24:647 (April 1998), amended LR 24:1916 (October 1998), LR 26:000 (June 2000).

Melanie Amrhein
Assistant Executive Director

0006#062

RULE

**Student Financial Assistance Commission
Office of Student Financial Assistance**

Tuition Opportunity Program for Students (TOPS)
Eligible Student (LAC 28:IV.301, 701)

The Louisiana Student Financial Assistance Commission (LASFAC) hereby amends rules of the Tuition Opportunity Program for Students (R.S. 17:3042.1 and R.S. 17:3048.1).

**Title 28
EDUCATION**

**Part IV. Student Financial AssistanceC Higher
Education Scholarship and Grant Programs**

Chapter 3. Definitions

§301. Definitions

* * *

Full-Time StudentC

a. - d. ...

e. a student enrolled in two or more institutions of higher education when such multiple enrollment is necessary for the student to gain access to the courses required for completion of the degree in the chosen discipline and where the total number of hours earned at all institutions during the academic year is the equivalent of carrying a full-time academic workload as determined by the institution which will award the degree.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:632 (April 1998), amended LR 24:1898 (October 1998), LR 24:2237 (December 1998), LR 25:256 (February 1999), LR 25:654 (April 1999), LR 25:1458, 1460 (August 1999), LR 25:1794 (October 1999), LR 26:65 (January 2000), LR 26:1262 (June 2000).

**Chapter 7. Tuition Opportunity Program for
Students (TOPS) Opportunity,
Performance, and Honors Awards**

§701. General Provisions

A. - D. ...

E. Award Amounts. The specific award amounts for each component of TOPS are as follows.

1. - 10. ...

11. Students enrolled and attending more than one college or university at the same time shall be awarded as follows.

a. Students attending two or more Louisiana public two or four-year colleges or universities shall receive a total amount not to exceed the amount that would be paid at the school with the highest tuition among those at which the student is simultaneously enrolled.

b. Students attending two or more regionally accredited independent colleges or universities which are members of the Louisiana Association of Independent Colleges and Universities (LAICU) shall receive a total amount not to exceed the Weighted Average Award Amount, as defined in §301.

c. Students attending a combination of Louisiana public two or four-year colleges or universities and regionally accredited independent colleges or universities which are members of the Louisiana Association of Independent Colleges and Universities (LAICU) shall receive a total amount not to exceed the amount that would be paid at the public school with the highest tuition among those at which the student is simultaneously enrolled or the Weighted Average Award Amount, whichever amount is greater.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 17:959 (October 1991), amended LR 22:338 (May 1996), LR 23:1645, 1648 (December 1997), repromulgated LR 24:635 (April 1998), amended LR 24:1901 (October 1998), LR 25: 256 (February 1999) LR 26:67 (January 2000), LR 26:1262 (June 2000).

Melanie Amrhein
Assistant Executive Director

0006#063

RULE

**Student Financial Assistance Commission
Office of Student Financial Assistance**

Tuition Opportunity Program for Students (TOPS)
Establishing Eligibility (LAC 28:IV.703)

The Louisiana Student Financial Assistance Commission (LASFAC) hereby amends rules of the Tuition Opportunity Program for Students (TOPS) (R.S. 17:3042.1 and R.S. 17:3048.1).

**Title 28
EDUCATION**

**Part IV. Student Financial AssistanceC Higher
Education Scholarship and Grant Programs
Chapter 7. Tuition Opportunity Program for
Students (TOPS) Opportunity;
Performance and Honors Awards**

§703. Establishing Eligibility

A. - A.5.a.i. ...

ii. for purposes of satisfying the requirements of §703.A.5.a.i, above, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses:

Core Curriculum Course	Equivalent (Substitute) Course
Physical Science	General Science
Algebra I	Algebra I, Parts 1 and 2
Applied Algebra IA and IB	Applied Mathematics I and II

Algebra I, Algebra II and Geometry	Integrated Mathematics I, II and III
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III*
Chemistry	Chemistry Com
Fine Arts Survey	Speech Debate (2 units)
Western Civilization	European History

*Applied Mathematics III was formerly referred to as Applied Geometry

or

A.5.b. - G.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:632 (April 1998), amended LR 24:1898 (October 1998), LR 25:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64, 67 (January 2000), LR 26:1263 (June 2000).

Melanie Amrhein
Assistant Executive Director

0006#061

RULE

Student Financial Assistance Commission Office of Student Financial Assistance

Student Tuition and Revenue Trust (START Saving)
Program (LAC 28:VI.307, 315)

The Louisiana Tuition Trust Authority (LATTA) hereby amends rules of the Student Tuition Assistance and Revenue Trust (START Saving) Program (R.S. 17:3091-3099.2).

Title 28

EDUCATION

Part VI. Student Financial AssistanceC Higher Education Savings

Subchapter A. Student Tuition Trust Authority

Chapter 3. Education Savings Account

§307. Allocation of Tuition Assistance Grants

A. - E.4. ...

F. Frequency of Allocation of Tuition Assistance Grants to Education Assistance Accounts. Tuition assistance grants will be allocated annually and reported to account owners after July 1, following the account owners' required disclosure of their prior year's reported federal adjusted gross income.

G. - H.2. ...

3. Tuition assistance grants, although allocated to a beneficiary's account and reported on the account owner's annual statements, are assets of the state of Louisiana until expended to pay a beneficiary's tuition at an eligible Louisiana institution.

H.4. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 23:715 (June 1997), amended LR 24:1271 (July 1998), LR 25:1794 (October 1999), LR 26:1263 (June 2000).

§315. Miscellaneous Provisions

A. Account Statements and Reports

1. The LATTA will forward to each account owner an annual statement of account which itemizes the:

a. date and amount of deposits and interest earned during the prior year;

b. total principal and interest accrued to the statement date; and

c. total tuition assistance grants and interest allocated to the account as of the statement date.

2. Tuition assistance grants shall be allocated annually and reported after July 1, following the account owners' required disclosure of their prior year's reported federal adjusted gross income.

3. The account owner must report errors on the annual statement of account to the LATTA within 60 days from the date on the account statement or the statement will be deemed correct.

B. Tuition Assistance Grants. Tuition assistance grants shall be allocated annually and reported to account owners by a separate letter of notification after July 1, following the account owners' compliance with §307.B of these regulations.

C. Earned Interest

1. Interest earned on principal deposits during a calendar year will be credited to accounts and reported to account owners after the conclusion of the calendar year in which the interest was earned.

C.2. - R. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 23:718 (June 1997), amended LR 24:1274 (July 1998), LR 26:1263 (June 2000).

Mark S. Riley
Assistant Executive Director

0006#060

RULE

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Risk Evaluation/Corrective Action Program (RECAP)
(LAC 33:I.1305 and 1307;VII.305)(OS034)

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.1305 and 1307, and the Solid Waste regulations, LAC 33:VII.305 (Log #OS034).

This rule clarifies the Office of the Secretary and the Solid Waste regulations to reflect the department's intent and will adopt by reference the Risk Evaluation/Corrective Action Program (RECAP) document that is being revised as part of this rulemaking package. The RECAP revisions will provide clarification and corrections to text, tables, and figures of the

RECAP document. Clarifications of text will enhance the reader's understanding of the content of the document. Correction to errors in the document and movement of text will improve the RECAP document readability and help the regulated community understand the document. Some of these changes include: revisions to the Screening Option to determine if an area of concern requires further evaluation under a management option; upgrading the SIC codes to newly adopted NAICS codes; corrections to the RECAP standards tables; allowance of the SPLP method for the soil level protective of groundwater derivation for Management Options 1, 2, and 3; site investigation requirements expanded to provide more guidance to submitters; new RECAP submittal forms to enable both submitters and Department reviewers to find needed information more easily; and increased flexibility that may be granted by the Department of the submittal requirements for each screening or management option. The RECAP revisions will help ensure that a consistent method based on sound scientific principles is used and will continue to serve as a standard tool to assess impacts to soil, groundwater, surface water, and air. The basis and rationale for this rule are to establish uniformity for submitters in the program to minimize the time and money necessary to identify corrective action levels for constituents of concern at a contaminated site. This should encourage voluntary and expeditious remediation.

This rule meets an exception listed in R.S. 30:2019(D)(3) and R.S.49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

Subpart 1. Departmental Administrative Procedures

Chapter 13. Risk Evaluation/Corrective Action Program

§1305. Applicability

* * *

[See Prior Text In A - A.3]

B. This Chapter shall not apply to activities conducted in accordance with corrective action plans, closure plans, or closure standards that were approved by the department prior to December 20, 1998, except when modification of such a plan is deemed by the department to be necessary to protect human health or the environment or when modification of such a plan is otherwise allowed or required by the department in accordance with law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2272.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:2244 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1264 (June 2000).

§1307. Adoption by Reference

The document entitled, "Louisiana Department of Environmental Quality Risk Evaluation/Corrective Action Program (RECAP)" dated June 20, 2000, is hereby adopted

and incorporated herein in its entirety. The RECAP document is available for purchase or inspection from 8 a.m. until 4:30 p.m., Monday through Friday from the Louisiana Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, Regulation Development Section, Box 82178 (7290 Bluebonnet Boulevard, 4th Floor), Baton Rouge, LA 70884-2178. For RECAP document availability at other locations, contact the department's Regulation Development Section at (225) 765-0399. The RECAP document may also be reviewed on the Internet at <http://www.deq.state.la.us/technology/recap/index.htm>.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2272.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:2244 (December 1998), amended by the Office of Environmental Assistance, Environmental Planning Division, LR 26:1264 (June 2000).

Part VII. Solid Waste

Chapter 3. Scope and Mandatory Provisions of the Program

§305. Facilities Not Subject to the Permitting Requirements or Processing or Disposal Standards of These Regulations

The following facilities that are operated in an environmentally sound manner are not subject to the permitting requirements or processing or disposal standards of these regulations:

* * *

[See Prior Text In A – B]

C. facilities which process or reuse on-site-generated, nonhazardous, petroleum-contaminated media and debris from underground storage tank corrective action, provided such processing or reuse is completed in less than 12 months and authorized by the Underground Storage Tank Regulations.

* * *

[See Prior Text In D – J]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Environmental Assistance, Environmental Planning Division, LR 26:1264 (June 2000).

James H. Brent, Ph.D.
Assistant Secretary

0006#068

RULE

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Transportation of Radioactive Material
(LAC 33:XV.Chapter 15)(NE021*)

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 Radiation Protection regulations, LAC 33:XV.1503, 1505, 1506, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, and Appendix A (Log #NE021*).

This rule is identical to federal regulations found in 60 FR 50264, September 28, 1995, Number 188, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 765-0399 or Box 82178, Baton Rouge, LA 70884-2178. No fiscal or economic impact will result from the rule; therefore, the rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This rule makes changes to packaging and transportation of radioactive material. The rule conforms state regulations with Nuclear Regulatory Commission (NRC) regulations and codifies criteria for packages used to transport plutonium by air. This action is necessary to ensure that state regulations reflect accepted NRC and international standards and comply with current federal legislative requirements. The basis and rationale for this rule are to maintain state compatibility with the NRC.

This rule meets an exception listed in R.S. 30:2019(D)(3) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

ENVIRONMENTAL QUALITY

Part XV. Radiation Protection

Chapter 15. Transportation of Radioactive Material

§1502. Scope

A. Each licensee who transports licensed material outside the site of usage, as specified in the department license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, shall comply with the regulations in this Chapter and the applicable requirements of the U.S. DOT regulations appropriate to the mode of transport of U.S. DOT in 49 CFR parts 170-189.

B. The licensee shall particularly note U.S. DOT regulations in the following areas:

1. packaging C49 CFR part 173, subparts A, B, and I;
2. marking and labeling C49 CFR part 172, subpart D, paragraphs 172.400-172.407, 172.436-172.440, and subpart E.
3. placarding C49 CFR part 172, subpart F, paragraphs 172.500 -172.519, 172.556; and appendices B and C;
4. shipping papers and emergency information C49 CFR part 172, subparts C and G;
5. accident reporting C49 CFR parts 171.15 and 171.16;
6. hazardous material shipper/carrier requirements C49 CFR part 107, subpart G; and
7. hazardous material employee training—49 CFR part 172, subpart H.

C. The licensee shall also note U.S. DOT regulations pertaining to the following modes of transportation:

1. rail - 49 CFR part 174, subparts A - D and K;
 2. air - 49 CFR part 175;
 3. vessel - 49 CFR part 176, subparts A - F and M;
- and

4. public highway - 49 CFR part 177 and parts 390 - 397.

D. If U.S. DOT regulations are not applicable to a shipment of licensed material, the licensee shall conform to the standards and requirements of the U.S. DOT specified in Subsection A of this Section to the same extent as if the shipment or transportation were subject to U.S. DOT regulations. A request for modification, waiver, or exemption from those requirements, and any notification referred to in those requirements, must be filed with, or made to, the Director, Office of Nuclear Material Safety and Safeguards, U.S. NRC, Washington, DC 20555-0001.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2104 and 2113.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1265 (June 2000).

§1503. Definitions

A. As used in this Chapter, the following definitions apply:

A₁C the maximum activity of special form radioactive material permitted in a Type A package.

A₂C the maximum activity of radioactive material, other than special form, LSA, and SCO material, permitted in a Type A package. These values are either listed in LAC 33:XV.1517, or may be derived in accordance with the procedure prescribed in LAC 33:XV.1517

* * *

[See Prior Text]

Conveyance—for transport by public highway or rail, any transport vehicle or large freight container; for transport by water, any vessel, or any hold, compartment, or defined deck area of a vessel, including any transport vehicle on board the vessel; and for transport by aircraft, any aircraft.

Exclusive Use—the sole use by a single consignor of a conveyance and for which all initial, intermediate, and final loading and unloading are carried out in accordance with the direction of the consignor or consignee. The consignor and the carrier must ensure that any loading or unloading is performed by personnel having radiological training and resources appropriate for safe handling of the consignment. The consignor must issue specific instructions, in writing, for maintenance of exclusive use shipment controls, and include them with the shipping paper information provided to the carrier by the consignor.

Fissile Material—plutonium-238, plutonium-239, plutonium-241, uranium-233, uranium-235, or any combination of these radionuclides. Unirradiated natural uranium and depleted uranium, and natural uranium or depleted uranium that has been irradiated in thermal reactors only are not included in this definition. Certain exclusions from fissile material controls are provided by the U.S. NRC in 10 CFR 71.53.

Low Specific Activity (LSA) Material—radioactive material with limited specific activity that satisfies the descriptions and limits set forth below. Shielding materials surrounding the LSA material may not be considered in determining the estimated average specific activity of the package contents. LSA material must be in one of three groups:

a. LSA-I:

- i. ores containing only naturally occurring radionuclides (e.g., uranium, thorium) and uranium or thorium concentrates of such ores;
- ii. solid unirradiated natural uranium, depleted uranium, or natural thorium or their solid or liquid compounds or mixtures;
- iii. radioactive material, other than fissile material, for which the A_2 value is unlimited; or
- iv. mill tailings, contaminated earth, concrete, rubble, other debris, and activated material in which the radioactive material is essentially uniformly distributed, and the average specific activity does not exceed $10^{-6} A_2/g$.

b. LSA-II:

- i. water with tritium concentration up to 0.8 TBq/liter (20.0 Ci/liter); or
- ii. material in which the radioactive material is distributed throughout, and the average specific activity does not exceed $10^{-4} A_2/g$ for solids and gases, and $10^{-5} A_2/g$ for liquids.

c. LSA-III. Solids (e.g., consolidated wastes, activated materials) in which:

- i. the radioactive material is distributed throughout a solid or a collection of solid objects or is essentially uniformly distributed in a solid compact binding agent (e.g., concrete, bitumen, ceramic, etc.);
- ii. the radioactive material is essentially uniformly distributed throughout a solid or a collection of solid objects or is essentially uniformly distributed in a solid compact binding agent (e.g., concrete, bitumen, ceramic, etc.);
- iii. the radioactive material is relatively insoluble, or it is intrinsically contained in a relatively insoluble material, so that, even under loss of packaging, the loss of radioactive material per package by leaching, when placed in water for seven days, would not exceed $0.1 A_2$; and
- iv. the average specific activity of the solid does not exceed $2 \times 10^{-3} A_2/g$.

Low Toxicity Alpha Emitters—natural uranium, depleted uranium, and natural thorium; uranium-235, uranium-238, thorium-232, thorium-228, or thorium-230 when contained in ores or physical or chemical concentrates or tailings; or alpha emitters with a half-life of less than 10 days.

Maximum Normal Operating Pressure—the maximum gauge pressure that would develop in the containment system in a period of one year under the heat condition specified by the U.S. NRC regulations in 10 CFR 71.71(c)(1), in the absence of venting, external cooling by an ancillary system, or operational controls during transport.

Natural Thorium—thorium with the naturally occurring distribution of thorium isotopes (essentially 100 weight percent thorium-232).

* * *

[See Prior Text]

Package—the packaging together with its radioactive contents as presented for transport.

- a. Fissile material package means a fissile material packaging together with its fissile material contents.
- b. Type B package means a Type B packaging together with its radioactive contents. On approval, a Type B package design is designated by the NRC as B(U) unless the package has a maximum normal operating pressure of more than 700 kPa (100 lb/in²) gauge or a pressure relief device

that would allow the release of radioactive material to the environment under the tests specified in U.S. NRC regulations 10 CFR 71.73, in which case it will receive a designation B(M). B(U) refers to the need for unilateral approval of international shipments; B(M) refers to the need for multilateral approval of international shipments. There is no distinction made in how packages with these designations may be used in domestic transportation. To determine their distinction for international transportation, see U.S. DOT regulations in 49 CFR part 173. A Type B package approved before September 6, 1983, was designated only as Type B. Limitations on its use are specified in LAC 33:XV.1509.

* * *

[See Prior Text]

Special Form Radioactive Material—radioactive material that satisfies the following conditions:

- a. it is either a single solid piece or is contained in a sealed capsule that can be opened only by destroying the capsule;
- b. the piece or capsule has at least one dimension not less than 5 millimeters (0.197 inch); and
- c. it satisfies the test requirements specified by the U.S. NRC in 10 CFR 71.75. A special form encapsulation designed in accordance with the NRC requirements in 10 CFR 71.4 in effect on June 30, 1983, and constructed prior to July 1, 1985, may continue to be used. A special form encapsulation either designed or constructed after June 30, 1985, must meet requirements of this definition applicable at the time of its design or construction. Any other special form encapsulation must meet the specifications of this definition.

* * *

[See Prior Text]

Surface Contaminated Object (SCO)—a solid object that is not itself classed as radioactive material, but which has radioactive material distributed on any of its surfaces. SCOs must be in one of two groups with surface activity not exceeding the following limits:

- a. SCO-I. A solid object on which:
 - i. the non-fixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 4 Bq/cm² (10^{-4} microcurie/cm²) for beta and gamma and low toxicity alpha emitters, or 0.4 Bq/cm² (10^{-5} microcurie/cm²) for all other alpha emitters;
 - ii. the fixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 4×10^4 Bq/cm² (1.0 microcurie/cm²) for beta and gamma and low toxicity alpha emitters, or 4×10^3 Bq/cm² (0.1 microcurie/cm²) for all other alpha emitters; and
 - iii. the non-fixed contamination plus the fixed contamination on the inaccessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 4×10^4 Bq/cm² (1 microcurie/cm²) for beta and gamma and low toxicity alpha emitters, or 4×10^3 Bq/cm² (0.1 microcurie/cm²) for all other alpha emitters.

b. SCO-II. A solid object on which the limits for SCO-I are exceeded and on which:

- i. the non-fixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 400 Bq/cm² (10^{-2} microcurie/cm²) for beta and gamma and low toxicity alpha

emitters or 40 Bq/cm² (10⁻³ microcurie/cm²) for all other alpha emitters;

ii. the fixed contamination on the accessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 8×10⁵ Bq/cm² (20 microcuries/cm²) for beta and gamma and low toxicity alpha emitters or 8×10⁴ Bq/cm² (2 microcuries/cm²) for all other alpha emitters; and

iii. the non-fixed contamination plus the fixed contamination on the inaccessible surface averaged over 300 cm² (or the area of the surface if less than 300 cm²) does not exceed 8×10⁵ Bq/cm² (20 microcuries/cm²) for beta and gamma and low toxicity alpha emitters, or 8×10⁴ Bq/cm² (2 microcuries/cm²) for all other alpha emitters.

Transport Index C the dimensionless number (rounded up to the first decimal place) placed on the label of a package to designate the degree of control to be exercised by the carrier during transportation. The transport index is determined as follows:

a. for non-fissile material packages, the number determined by multiplying the maximum radiation level in millisievert (mSv) per hour at 1 meter (3.3 ft) from the external surface of the package by 100 (equivalent to the maximum radiation level in millirem per hour at 1 meter (3.3 ft)); or

b. for fissile material packages, the number determined by multiplying the maximum radiation level in mSv per hour at one meter (3.3 ft) from the external surface of the package by 100 (equivalent to the maximum radiation level in millirem per hour at one meter (3.3 ft)), or for critical control purposes, the number obtained as described in the U.S. NRC regulations, whichever is larger.

Type A Quantity Ca quantity of radioactive material, the aggregate radioactivity of which does not exceed A₁ for special form radioactive material or A₂ for normal form radioactive material, where A₁ and A₂ are given in LAC 33:XV.1517 or may be determined by procedures described in LAC 33:XV.1517.

Type B Quantity Ca quantity of radioactive material greater than a Type A quantity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2104 and 2113.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1267 (June 2000).

§1508. General License: NRC Approved Packages

A. A general license is hereby issued to any licensee of the department to transport, or to deliver to a carrier for transport, licensed material in a package for which a license, certificate of compliance, or other approval has been issued by the department.

B. This general license applies only to a licensee who:

1. has a quality assurance program approved by the department as satisfying the provisions of the U.S. NRC, 10 CFR 71, subpart H;

2. has a copy of the specific license, certificate of compliance, or other approval of the package and has the drawings and other documents referenced in the approval relating to the use and maintenance of the packaging and to the actions to be taken prior to shipment;

3. complies with the terms and conditions of the license, certificate, or other approval, as applicable, and the applicable requirements of this Chapter; and

4. prior to the licensee's first use of the package, has registered with the U.S. NRC.

C. The general license in this Section applies only when the package approval authorizes use of the package under this general license.

D. For a Type B or fissile material package, the design of which was approved by the U.S. NRC before April 1, 1996, the general license is subject to additional restrictions of LAC 33:XV.1509.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2104 and 2113.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1267 (June 2000).

§1509. Previously Approved Type B Packages

A. A Type B package previously approved by the U.S. NRC, but not designated as B(U) or B(M) in the identification number of the NRC Certificate of Compliance, may be used under the general license of LAC 33:XV.1508 with the following additional limitations:

1. fabrication of the packaging was satisfactorily completed by August 31, 1986, as demonstrated by application of its model number in accordance with U.S. NRC regulations;

2. the package may not be used for a shipment to a location outside the United States, except under special arrangement approved by the U.S. DOT in accordance with 49 CFR 173.403; and

3. a serial number that uniquely identifies each packaging that conforms to the approved design is assigned to, and legibly and durably marked on, the outside of each packaging.

B. A Type B(U) package, a Type B(M) package, a LSA material package, or a fissile material package previously approved by the U.S. NRC, but without the designation -85 in the identification number of the U.S. NRC Certificate of Compliance, may be used under the general license of LAC 33:XV.1508 with the following additional conditions:

1. fabrication of the package was satisfactorily completed by April 1, 1999, as demonstrated by application of its model number in accordance with U.S. NRC regulations;

2. a package used for a shipment to a location outside the United States is subject to multilateral approval as defined in U.S. DOT regulations at 49 CFR 173.403; and

3. a serial number that uniquely identifies each packaging that conforms to the approved design is assigned to, and legibly and durably marked on, the outside of each packaging.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2104 and 2113.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1268 (June 2000).

§1510. General License: U.S. DOT Specification Container

A. A general license is issued to any licensee of the department to transport, or to deliver to a carrier for transport, licensed material in a specification container for fissile material or for a Type B quantity of radioactive material as specified in the regulations of the U.S. DOT at 49 CFR parts 173 and 178.

B. This general license applies only to a licensee who has a quality assurance program approved by the U.S. NRC as satisfying the provisions of 10 CFR part 71, subchapter H.

C. This general license applies only to a licensee who:

1. has a copy of the specification; and
2. complies with the terms and conditions of the specification and the applicable requirements of this Chapter.

D. The general license in Subsection A of this Section is subject to the limitation that the specification container may not be used for a shipment to a location outside the United States, except by multilateral approval, as defined in U.S. DOT regulations at 49 CFR 173.403.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2104 and 2113.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26

§1511. General License: Use of Foreign Approved Package

A. A general license is issued to any licensee of the department to transport, or to deliver to a carrier for transport, licensed material in a package the design of which has been approved in a foreign national competent authority certificate that has been revalidated by the U.S. DOT as meeting the applicable requirements of 49 CFR 171.12.

B. Except as otherwise provided in this Section, the general license applies only to a licensee who has a quality assurance program approved by the U. S. NRC as satisfying the applicable provisions of 10 CFR part 71, subpart H.

C. This general license applies only to shipments made to or from locations outside the United States.

D. This general license applies only to a licensee who:

1. has a copy of the applicable certificate, the revalidation, and the drawings and other documents referenced in the certificate relating to the use and maintenance of the packaging and to the actions to be taken prior to shipment; and

2. complies with the terms and conditions of the certificate and revalidation and with the applicable requirements of this Chapter. With respect to the quality assurance provisions of 10 CFR part 71, subpart H, the licensee is exempt from design, construction, and fabrication considerations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2104 and 2113.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1268 (June 2000).

§1512. Routine Determinations

A. Before the first use of any packaging for the shipment of licensed material, the licensee shall:

1. ascertain that there are no cracks, pinholes, uncontrolled voids, or other defects that could significantly reduce the effectiveness of the packaging;

2. where the maximum normal operating pressure will exceed 35 kPa (5 lbs/in²) gauge, test the containment system at an internal pressure at least 50 percent higher than the maximum normal operating pressure, to verify the capability of that system to maintain its structural integrity at that pressure; and

3. conspicuously and durably mark the packaging with its model number, serial number, gross weight, and a package identification number assigned by the U.S. NRC. Before applying the model number, the licensee shall determine that the packaging has been fabricated in accordance with the design approved by the U.S. NRC.

B. Prior to each shipment of licensed material, the licensee shall ensure that the package with its contents satisfies the applicable requirements of this Chapter and of the license. The licensee shall determine that:

1. the package is proper for the contents to be shipped;
2. the package is in unimpaired physical condition except for superficial defects such as marks or dents;

3. each closure device of the packaging, including any required gasket, is properly installed and secured and free of defects;

4. any system for containing liquid is adequately sealed and has adequate space or other specified provision for expansion of the liquid;

5. any pressure relief device is operable and set in accordance with written procedures;

6. the package has been loaded and closed in accordance with written procedures;

7. for fissile material, any moderator or neutron absorber, if required, is present and in proper condition;

8. any structural part of the package that could be used to lift or tie down the package during transport is rendered inoperable for that purpose unless it satisfies design requirements specified by the U.S. NRC in 10 CFR 71.45;

9. the level of non-fixed (removable) radioactive contamination on the external surfaces of each package offered for shipment is as low as reasonably achievable and within the limits specified in U.S. DOT regulations at 49 CFR 173.443;

10. external radiation levels around the package and around the vehicle, if applicable, will not exceed the limits specified by the U.S. NRC in 10 CFR 71.47 at any time during transportation; and

11. accessible package surface temperatures shall not exceed the limits specified by the U.S. NRC in 10 CFR 71.43 at any time during transportation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2104 and 2113.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1269 (June 2000).

§1513. Air Transport of Plutonium

A. Notwithstanding the provisions of any general licenses and notwithstanding any exemptions stated directly in this Chapter or included indirectly by citation of U.S. DOT regulations, as may be applicable, the licensee shall assure that plutonium in any form, whether for import,

export, or domestic shipment, is not transported by air or delivered to a carrier for air transport unless:

1. the plutonium is contained in a medical device designed for individual human application;
2. the plutonium is contained in a material in which the specific activity is not greater than 0.002 microcuries/gram (74 Bq/g) of material and in which the radioactivity is essentially uniformly distributed;
3. the plutonium is shipped in a single package containing not more than an A₂ quantity of plutonium in any isotope or form and is shipped in accordance with LAC 33:XV.1502; or
4. the plutonium is shipped in a package specifically authorized for the shipment of plutonium by air in the Certificate of Compliance for that package issued by the U.S. NRC.

B. Nothing in Subsection A of this Section is to be interpreted as removing or diminishing the requirements of U.S. NRC regulations in 10 CFR 73.24.

C. For a shipment of plutonium by air that is subject to Subsection A.4 of this Section, the licensee shall, through special arrangement with the carrier, require compliance with U.S. DOT regulations (49 CFR 175.704) applicable to the air transport of plutonium.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2104 and 2113.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1269 (June 2000).

§1514. Records

A. Each licensee shall maintain, for a period of three years after shipment, a record of each shipment of licensed material not exempt under LAC 33:XV.1505, showing, where applicable:

1. identification of the packaging by model number and serial number;

* * *

[See Prior Text in A.2-6]

7. address to which the shipment was made;
8. results of the determinations required by LAC 33:XV.1512 and by the conditions of the package approval; and
9. in addition, for each item of irradiated fissile material:
 - a. identification by model number and serial number;
 - b. irradiation and decay history to the extent appropriate to demonstrate that its nuclear and thermal characteristics comply with license conditions; and
 - c. any abnormal or unusual condition relevant to radiation safety.

B. The licensee shall make available to the department for inspection, upon reasonable notice, all records required by this Chapter. Records are only valid if stamped, initialed, or signed and dated by authorized personnel or otherwise authenticated.

C. The licensee shall maintain sufficient written records to furnish evidence of the quality of packaging. The records to be maintained include results of the determinations required by LAC 33:XV.1512, design, fabrication, and assembly records; results of reviews, inspections, tests, and

audits; results of monitoring work performance and materials analyses; and results of maintenance, modification, and repair activities. Inspection, test, and audit records must identify the inspector or data recorder, the type of observation, the results, the acceptability, and the action taken in connection with any deficiencies noted. The records must be retained for three years after the life of the packaging to which they apply.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2104 and 2113.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1269 (June 2000).

§1515. Reports

A. The licensee shall report to the department within 30 days:

1. any instance in which there is significant reduction in the effectiveness of any approved Type B or fissile packaging during use;
2. details of any defects with safety significance in Type B or fissile packaging after first use, with the means employed to repair the defects and prevent their recurrence; and
3. instances in which the conditions of approval in the Certificate of Compliance were not observed in making a shipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2104 and 2113.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1269 (June 2000).

§1516. Advance Notification of Transport of Nuclear Waste

* * *

[See Prior Text in A-B.2]

3. the quantity of licensed material in a single package exceeds the least of the following:

- a. 3000 times the A₁ value of the radionuclides, as specified in LAC 33:XV.1517, for special form radioactive material;
- b. 3000 times the A₂ value of the radionuclides, as specified in LAC 33:XV.1517, for normal form radioactive material; or
- c. 1000 TBq (27,000 Ci).

* * *

[See Prior Text in C-C.6]

D. The notification required by LAC 33:XV.1516.A shall be made in writing to the office of each appropriate governor or governor's designee and to the department. A notification delivered by mail must be postmarked at least seven days before the beginning of the seven-day period during which departure of the shipment is estimated to occur. A notification delivered by messenger must reach the office of the governor, or governor's designee, at least four days before the beginning of the seven-day period during which departure of the shipment is estimated to occur. A copy of the notification shall be retained by the licensee for three years.

E. The licensee shall notify each appropriate governor, or governor's designee, and the department of any changes to schedule information provided in accordance with Subsection A of this Section. Such notification shall be by telephone to a responsible individual in the office of the governor, or governor's designee, of the appropriate state or states. The licensee shall maintain for three years a record of the name of the individual contacted.

F. Each licensee who cancels a nuclear waste shipment, for which advance notification has been sent, shall send a cancellation notice to the governor, or governor's designee, of each appropriate state and to the department. A copy of the notice shall be retained by the licensee for three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2104 and 2113.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1270 (June 2000).

§1517. Incorporation by Reference

A. The department incorporates by reference 10 CFR part 71, appendix A (July 1, 1999).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2104 and 2113.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:1270 (June 2000).

Appendix A. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2104 and 2113.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1270 (June 2000).

James H. Brent, Ph.D.
Assistant Secretary

0006#067

RULE

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Water Quality (LAC 33:IX.1701)(WP038)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Water Quality regulations, LAC 33:IX.1701 (Log #WP038).

This rule replaces original language that was mistakenly dropped on the initial promulgation of the rule into the *Louisiana Administrative Code*. It pertains to secondary containment requirements for tanks and tank batteries when they are in certain areas. This will clarify the language and make the grammatical structure of the sentence affected correct. It does not change the meaning or intent of the

original rule. The public has pointed out to the department that the error was present and requested a change to return the language to its original content. The basis and rationale for this rule are to correct the existing regulations to be consistent with the original Order 29-B of the Stream Control Commission, promulgated in accordance with R.S. 56:1435, Chapter 3, Part I.

This rule meets an exception listed in R.S. 30:2019(D)(3) and R.S. 49:953(G)(3), therefore, no report regarding environmental/health benefits and social/economic costs is required. This rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality Regulations

Chapter 17. Rules Governing Disposal of Waste Oil, Oil Field Brine, and All Other Materials Resulting from the Drilling for, Production of, or Transportation of Oil, Gas or Sulfur (As Amended January 27, 1953)

§1701. Adopted by the Stream Control Commission, State of Louisiana, Under Authority of Section 1435, Chapter 3, Part I, of Title 56, Louisiana Revised Statutes of 1950

* * *

(See Prior Text in A - C.4)

D. Each permanent oil tank or battery of tanks that are located within the corporate limits of any city, town, or village or where such tanks are closer than 500 feet to any highway or inhabited dwelling or closer than 1,000 feet to any school or church, or where such tanks are so located as to be deemed a hazard by the Stream Control Commission, must be surrounded by a dike (or fire wall) or retaining wall, of at least the capacity of such tank or battery of tanks, with the exception of such areas where such dikes (or fire walls) or retaining walls would be impossible such as in water areas. At the discretion of the Stream Control Commission, fire walls of 100 percent capacity can be required where other conditions or circumstances warrant their construction. (As amended December 13, 1963.) Tanks not falling in the above categories must be surrounded by a retaining wall, or must be suitably ditched to a collecting sump, each of sufficient capacity to contain the spillage and prevent pollution of the surrounding areas.

* * *

(See Prior Text in E - H)

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1435, Chapter 3, Part I.

HISTORICAL NOTE: Adopted by the Department of Wildlife and Fisheries, Office of Coastal and Marine Resources on January 27, 1953, amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1271 (June 2000).

James H. Brent
Assistant Secretary

0006#069

RULE

Department of Health and Hospitals Board of Pharmacy

Automated Medication System (LAC 46:LIII.Chapter 12)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and the Pharmacy Law, R.S. 37:1182, the Louisiana Board of Pharmacy hereby adopts LAC 46:LIII.Chapter 12. This rule shall take effect on July 1, 2000.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LIII. Pharmacists

Chapter 12. Automated Medication Systems

§1201. Definitions

A. *Automated Medication System* includes, but is not limited to, a mechanical system that performs operations or activities, other than compounding or administration, relative to the storage, packaging, or delivery of medications, and which collects, controls, and maintains all transaction information. An automated medication system may be profile driven, non-profile driven, or a combination of both.

1. *Profile Driven* system requires that medication orders/prescriptions be reviewed by the pharmacist for appropriateness, dosage, and contraindications prior to, or concomitantly with, being entered into the system, and before access is allowed into the system for medication administration.

2. *Non-Profile Driven* system does not require prior or concomitant pharmacist review of medication order/prescriptions in order to gain access to the system for medication administration. A non-profile driven system may include, but is not limited to, a night drug cabinet, emergency drug kits, or floor stock/first dose cabinet.

3. *Floor Stock/First Dose Cabinet* a medication storage device, which shall be used by personnel, authorized by a protocol established by the pharmacist-in-charge, to gain access to doses as needed and first doses in patient care areas. In addition, a floor stock/first dose cabinet may be used to store medications in such specialty areas including, but not limited to emergency room, surgery suite, and endoscopy suites.

B. *Final Checks of Work* the requirement that only a pharmacist supervises and releases the completed product prepared by a pharmacy technician.

C. *On-Site Facility* the location of a building that houses a board permitted pharmacy.

D. *Off-Site Facility* the location of a building that houses a licensee of the Department of Health and Hospitals, but which does not house a board permitted pharmacy.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271 (June 2000).

§1203. System(s) Registration

A. The entire system shall be registered with the board and facilities shall meet the following conditions:

1. Facility shall possess a:

- a. license from the Health Standards Section of the Department of Health and Hospitals; or

- b. Controlled Dangerous Substance License from the Health Standards Section of the Department of Health and Hospitals; or

- c. permit from the board.

2. Registration fee for a facility not permitted by the board is as identified in R.S. 37:1184.C.xii.

3. No registration fee will be assessed to a board permitted pharmacy.

4. Registration expires annually on June 30.

5. Initial application shall be completed and signed by the registrant of the facility and the pharmacist-in-charge of the system(s). The completed, signed application and required fee shall be submitted to the board office no later than 30 days prior to installation of the system.

6. Annual Renewal. The board shall mail an application for renewal to each registrant on or before May 1 each year. Said application shall be completed, signed, and, with annual renewal fee, returned to the board office to be received on or before June 1 each year.

7. Expired Registration. A registration that is not renewed shall be null and void. A renewal application for an expired registration shall be requested by the registrant and the completed, signed application may be referred to the board's Reinstatement Committee for disposition in accordance with R.S. 37:1230.

8. Reinstatement. The holder of a registration that has expired may be reinstated only upon written application to the board and upon payment of all lapsed fees and a penalty to be fixed by the board. Other conditions of reinstatement may be required at the discretion of the board.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1271 (June 2000).

§1205. Pharmacist-in-Charge Responsibilities

A. The pharmacist-in-charge shall be a Louisiana licensed pharmacist and has the following responsibilities:

1. assuring that the system is in good working order and accurately provides the correct strength, dosage form and quantity of the drug prescribed while maintaining appropriate record-keeping and security safeguards;

2. establishment of a quality assurance program prior to implementation of a system and the supervision of an ongoing quality assurance program that monitors appropriate use and performance of a system, which is evidenced by written policies and procedures developed by the pharmacist-in-charge;

3. provide 30 days written notice to the board of removal of the system;

4. define access to the system in policy and procedures of the pharmacy, in compliance with state and federal regulations;

5. assign, discontinue or change access to the system;

6. ensure that access to the medications complies with state and federal regulations as applicable; and

7. ensure that the system is stocked/restocked accurately and in accordance with established written pharmacy policies and procedures;

8. maintain or have access to all records of documentation specified in this Section for two years or as otherwise required by law;

9. notify each licensed prescriber that his medication orders/prescriptions are not restricted to the limited number of medications which are stocked within a facility's automated medication system by placing a prominent notice to that effect on the cover of or near the beginning of such patient's medical chart or medical record.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1272 (June 2000).

§1207. Pharmacist Review

A. System shall be used in settings that ensure medication orders are reviewed by a pharmacist prior to administration and in accordance with established policies and procedures and good pharmacy practice. A policy and procedure protocol shall be adopted to retrospectively review medications which cannot be reviewed prior to administration, as provided in LAC 46:LIII.1209.A.2.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1272 (June 2000).

§1209. Policies and Procedures

A. The development of an Automated Medication System Policy and Procedures is the responsibility of the pharmacist-in-charge, who shall submit the complete Automated Medication System Policy and Procedures to the board for approval, on request. These policies and procedures shall be reviewed by the pharmacist-in-charge, at least annually and modified if needed, and such review documented. They shall include, but are not limited to, the following:

1. criteria for selection of medications to be stored in each system, provided that in facilities licensed by the Department of Health and Hospitals, but not by the board, the selection criteria shall not include the substitution by the pharmacist of a product that is not an equivalent drug product to the product originally prescribed by the physician or practitioner without the explicit consent of the physician or practitioner;

2. criteria for medications qualifying for use with a non-profile driven system and the locations and situations that this type of system can be used in;

3. information on the system as outlined below:

- a. access:
 - i. system entry;
 - ii. access codes;
 - iii. system access privileges;
 - iv. changing access privileges;
 - v. termination of user;
 - vi. temporary access codes;
 - vii. password assignment;
- b. controlled substances:
 - i. chain of custody;
 - ii. discrepancy resolution;
- c. data:
 - i. archiving;
 - ii. stored/uploading to database;
 - iii. backup;
- d. definitions;
- e. downtime procedures (see malfunction);
- f. emergency procedures;
- g. information security/confidentiality:

- i. patient information;
 - ii. medication information;
 - iii. transaction files;
 - iv. information update plan;
 - v. patient update plan;
 - vi. information access;
- h. inspection;
 - i. installation requirements;
 - j. maintenance, e.g., service and repair protocols;
 - k. medication administration:
 - i. medication and patient validation;
 - ii. administration verification;
 - l. medication security:
 - i. acquisition and disposition records;
 - ii. proof of delivery;
 - iii. chain of custody of controlled substances (institutions);
 - iv. security management and control;
 - v. medication loading and storage;
 - vi. medication loading records;
 - vii. medication containers;
 - viii. cross contamination;
 - ix. lot number control;
 - x. inventory;
 - xi. utilization review;
 - xii. research;
 - m. malfunction:
 - i. troubleshooting;
 - ii. power failure;
 - n. quality assurance/quality improvement:
 - i. documentation and verification of proper loading and refilling of device;
 - ii. removal of drugs for administration, return, or waste;
 - iii. recording, resolving, and reporting of discrepancies;
 - iv. periodic audits to assure compliance with policies and procedures;
 - o. reports:
 - i. system maintenance;
 - ii. administrative functions;
 - iii. inventory;
 - iv. error;
 - v. discrepancies;
 - vi. activity;
 - vii. problem;
 - p. medication inventory:
 - i. management;
 - q. staff education and training;
 - r. system set-up.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy LR 26:1272 (June 2000).

§1211. Documentation

A. Documentation as to type of equipment, serial number, content, policies and procedures and location shall be maintained on-site in the pharmacy for review by the board. Such documentation shall include, but is not limited to:

1. name, address, and permit number of the pharmacy or licensed health care facility where the system is operational;

2. manufacturer's name and model;
3. quality assurance policies and procedures to determine continued appropriate use and performance of the system;
4. policies and procedures for system operation, safety, security, accuracy, patient confidentiality, access, controlled substances, data retention, definitions, downtime procedures, emergency or first dose procedures, inspection, installation requirements, maintenance security, quality assurance, medication inventory, staff education and training, system set-up and malfunction procedures; and
5. a current copy of all pharmacy policies and procedures related to the use of the system shall be maintained at all off-site facility locations where the system is being used, as well as the pharmacy of the pharmacist-in-charge.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1273 (June 2000).

§1213. Records

A. Records and/or electronic data kept by system shall meet the following requirements:

1. all events involving access to the contents of the system shall be recorded electronically;
2. these internal records shall be maintained for one year by the pharmacist-in-charge and shall be readily available to the board. Such records shall include:
 - a. identity of system accessed;
 - b. identification of the individual accessing the system;
 - c. type of transaction;
 - d. name, strength, dosage form, and quantity of the drug accessed;
 - e. name of the patient, or identification numbers for whom the drug was ordered;
 - f. identification of the certified pharmacy technician or pharmacist stocking or restocking the medications in the system; and
 - g. such additional information as the pharmacist-in-charge may deem necessary.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1273 (June 2000).

§1215. Security System(s)

A. System shall have adequate security system and procedures, evidenced by written pharmacy policies and procedures, to:

1. prevent unauthorized access or use;
2. comply with any applicable federal and state regulations; and
3. maintain patient confidentiality.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1273 (June 2000).

§1217. Stocking and Restocking

A. On-Site Facility System(s). The stocking and restocking of all medications in the on-site system shall be accomplished by Louisiana licensed pharmacists and/or Louisiana certified pharmacy technicians under the supervision of Louisiana licensed pharmacists. A pharmacist

must conduct final checks of work performed by a pharmacy technician. The pharmacy shall have a mechanism in place to identify the certified pharmacy technician stocking or restocking and the pharmacist checking the accuracy of the medications to be stocked or restocked in the Automated Medication Systems.

B. Off-Site Facility System(s). The stocking and restocking of all medications in the off-site system shall be accomplished by Louisiana licensed pharmacists; however, the certified pharmacy technician may stock or restock an off-site facility system provided a pharmacist is physically present at the off-site facility and supervises and verifies the stocking and/or restocking prior to use. The pharmacy shall have a mechanism in place to identify the certified pharmacy technician stocking or restocking and the pharmacist checking the accuracy of the medications to be stocked or restocked in the system.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1273 (June 2000).

§1219. Packaging and Labeling

A. All containers of medications stored in the system shall be packaged and labeled in accordance with federal and state laws and regulations and contain an established satisfactory beyond use date based on U.S.P. standards.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1273 (June 2000).

§1221. Proof of Use

A. For medication removed from the system for patient administration, the system shall document, at a minimum, the following information:

1. name of the patient or resident;
2. patient's or resident's medical record number or identification number, or room and bed number;
3. date and time medication was removed from the system;
4. name, initials, or other unique identifier of the person removing the drug;
5. name, strength, and dosage form of the medication or description of the medical device removed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1273 (June 2000).

§1223. Wasted, Discarded, or Unused Medications

A. The system shall provide a mechanism for securing and accounting for wasted, discarded, or unused medications removed from the system according to policies and procedures, and existing state and federal law.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1273 (June 2000).

§1225. Inspection

A. System records shall be available and readily retrievable for board inspection and review during regular working hours of operation. The system itself is also subject to inspection at that time.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1273 (June 2000).

§1227. Out-of-State Pharmacies

A. Out-of-state pharmacies must have applied for and been issued an out-of-state pharmacy permit by the board as identified in regulations. Out-of-state pharmacies must have the proper pharmacy permit issued by the state in which they reside in order to utilize a system in Louisiana.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1274 (June 2000).

§1229. Violations; Penalties

A. The board may refuse to issue or renew, or may revoke, summarily suspend, suspend, place on probation, censure, reprimand, issue a warning against, or issue a cease and desist order against, the licenses or the registration of, or assess a fine/civil penalty or costs/administrative costs against any person pursuant to the procedures set forth in R.S. 37:1245, for any violation of the provisions of this Section.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1274 (June 2000).

§1231. Revised Statutes and Louisiana Administrative Code

A. These regulations shall be read and interpreted jointly with Chapter 14 of Title 37 of the Revised Statutes and Part LIII of Title 46 of the *Louisiana Administrative Code*.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:1274 (June 2000).

Malcolm Broussard
Executive Director

0006#109

RULE

Department of Health and Hospitals Office of Public Health

Sanitary Code C Water Supplies (Chapter XII)

Editor's Note: This rule is being reprinted in its entirety to correct printing errors in the previous edition of the *Louisiana Register*.

Under the authority of R.S. 40:4 and 5.9(A)(4) and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Department of Health and Hospitals, Office of Public Health (DHH-OPH) hereby amends Chapter XII (Water Supplies) of the Louisiana State Sanitary Code. These amendments are deemed necessary in order that DHH-OPH may be able to maintain primacy (primary enforcement authority) from the United States Environmental Protection Agency (USEPA) over public water systems within Louisiana. USEPA requires state primacy agencies to adopt state rules and regulations which are no less stringent than the federal Safe Drinking Water Act's (42 U.S.C.A. §300f, et seq.) primary implementing regulations (40 CFR Part 141). One of the

main reasons for these amendments is to implement a rule which will provide the state health officer the authority to use an optional procedure for calculating penalties related to public water systems which serve greater than 10,000 individuals when they fail to comply with a provision of an administrative compliance order issued pursuant to R.S. 40:5.9. Also, the existing definition/term "public water supply" is deleted and reenacted as "public water system" to make it equivalent to the recently revised federal definition. In addition, several other items are also being amended/adopted to ensure that DHH-OPH clearly has state-level requirements equivalent to federal regulations. Sections 12:004-1 and 12:004-2 regarding turbidity monitoring are repealed in their entirety since they are out of date and no longer applicable. Turbidity monitoring is now required under the Louisiana Surface Water Treatment Rule (see LR 17:271, March 20, 1991).

The Louisiana Total Coliform Rule (see LR 17:670, July 20, 1991) which was adopted as an addendum to Chapter XII is now designated as "Appendix C" of Chapter XII. The Louisiana Surface Water Treatment Rule which was adopted in 1991 without notation to its location in the context of the various state regulations is now incorporated into Chapter XII as "Appendix D".

The revisions relative to the optional penalty calculation method and the new definition/term "public water system" are specifically necessary due to a federal rule promulgated by USEPA in the Federal Register dated April 28, 1998 (Volume 63, Number 81, pages 23366 through 23368), which is entitled "Revisions to State Primacy Requirements to Implement Safe Drinking Water Act Amendments". This federal rule was promulgated under the authority of the federal Safe Drinking Water Act Amendments of 1996 (Pub.L. 104-182 dated August 6, 1996).

This rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972; however, in accord with R.S. 49:972(B)(6) local governmental units may be affected if they own or operate a public water system serving greater than 10,000 individuals, are issued an administrative compliance order by the state health officer, violate one or more provisions of such order after the compliance deadline(s) specified therein expires, and the state health officer decides to impose a monetary penalty for such non-compliance using the new authority granted by this proposed rule. Local governmental units owning or operating a public water system are already subject to the requirements of the existing Civil Penalty Assessment Rule; therefore, the actual effect of the new rule would amount to potentially higher penalties than may currently be assessed, especially if more than one provision of the order was violated.

Authority and historical footnotes have been added beneath various sections in preparation for the eventual codification of Chapter XII (Water Supplies) in the *Louisiana Administrative Code*. Further work will be needed to be done in future revisions to complete footnoting of other sections in preparation for such codification.

For the reasons set forth above, Chapter XII (Water Supplies) of the Louisiana State Sanitary Code is amended as follows:

Sanitary Code, State of Louisiana

Chapter XII (Water Supplies)

12:001 Definitions

A. Unless otherwise specifically provided herein, the following words and terms used in this Chapter of the Sanitary Code, and all other Chapters which are adopted or may be adopted, are defined for the purposes thereof as follows:

Abandoned WellCa water well that has been permanently discontinued; has had its pumping equipment permanently removed; is in such a state of disrepair that it cannot be used to supply water and/or has the potential for transmitting surface contaminants into the aquifer; poses potential health or safety hazards or the well is in such a condition that it cannot be placed in service.

Auxiliary IntakeAny piping connection or other device whereby water may be secured from a source other than that normally used.

BackflowC

(1) a flow condition, induced by a differential pressure, that causes the flow of water or other liquid into the distribution pipes of a potable water supply from any source or sources other than its intended source, or

(2) the backing up of water through a conduit or channel in the direction opposite to normal flow.

Backflow PreventerCa device for a potable water supply pipe to prevent the backflow of water of questionable quality into the potable water supply system.

Back SiphonageCa form of backflow caused by negative or subatmospheric pressure within a water system.

Boil NoticeCan official order authorized by the State Health Officer to the owner/users of a specific water supply, directing that water from that supply be boiled according to directions, or otherwise disinfected prior to human consumption.

By-PassAny system of piping or other arrangement whereby the water may be diverted around any part or portion of a water supply or treatment facility.

CategoryCa group of parameters for which certification is offered.

Certification FeeCthe annual charge assessed laboratories requesting certification from the Department of Health and Hospitals to provide the needed chemical (organic, inorganic and radiological) analytical support for the public water systems.

Committee of CertificationCthe committee, created by R.S. 40:1141 through 1151, responsible for certification of waterworks operators and sewerage works operators.

Community Water SupplyCa public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

ContaminantAny physical, chemical, biological, or radiological substance or matter in water.

Cross ConnectionC

(1) a physical connection through which a supply of potable water could be contaminated or polluted, or

(2) a connection between a supervised potable water supply and an unsupervised supply of unknown potability.

DrainAny pipe which carries waste water or water-borne waste in a building drainage system.

Drainage SystemC(drainage piping) includes all the piping within public or private premises, which conveys sewage, rain water, or other liquid wastes to a point of disposal, but does not include the mains of a public sewer system or a private or public sewage treatment plant.

Ground WaterCsubsurface water occupying the saturation zone from which wells and springs are fed. In a strict sense the term applies only to water below the water table.

InterconnectionCa physical connection between two water supply systems.

Laboratory Certification ManualCthe reference book which contains the Department of Health and Hospitals' regulations governing laboratory certification and standards of performance for laboratories conducting drinking water analyses for public water supplies in the state of Louisiana.

Laboratory Certification ProgramCa program carried out by the Department of Health and Hospitals, Office of Public Health and Office of Licensing and Certification to approve commercially and publicly owned laboratories to perform compliance monitoring of public water supplies in accordance with the National Primary Drinking Water Regulations and Chapter XII of the State Sanitary Code. The cost of the program will be recouped from the laboratories requesting certification.

Laboratory Requesting CertificationCan uncertified laboratory which has submitted an acceptable application and appropriate fee(s) for the category in which it desires certification.

Louisiana Water Well Rules, Regulations, And StandardsCthe November 1985 Edition, promulgated by the Louisiana Office of Public Works, Department of Transportation and Development, under provisions of State Act 535 of 1972 (R.S. 38:3091 et seq.).

Maximum Contaminant Level (MCL)Cthe highest permissible concentration of a substance allowed in drinking water as established by the U.S. Environmental Protection Agency.

National Primary Drinking Water RegulationsCregulations promulgated by the U.S. Environmental Protection Agency pursuant to applicable provisions of title XIV of the Public Health Service Act, commonly known as the "Safe Drinking Water Act," 42 U.S.C.A. §300f, et seq., and as published in the July 1, 1997 edition of the *Code of Federal Regulations*, Title 40, Part 141 (40 CFR 141) less and except the following:

i.) Subpart H - Filtration and Disinfection (40 CFR 141.70 through 40 CFR 141.75), and

ii.) Subpart M - Information Collection Requirements (ICR) for Public Water Systems (40 CFR 141.140 through 40 CFR 141.144).

National Secondary Drinking Water RegulationsCregulations (40 CFR Part 143) promulgated by the U.S. Environmental Protection Agency pursuant to applicable provisions of P.L. 99-339, the "Safe Drinking Water Act," and as published in the Federal Register of July 19, 1979, pages 42,195 through 42,202 and April 2, 1986, page 11,412.

Noncommunity Water SupplyCa public water system that does not meet the criteria for a community water supply and serves at least 25 individuals (combination of residents and transients) at least 60 days out of each year. A non-

community water supply is either a "transient non-community water supply" or a "non-transient non-community water supply".

Nontransient Noncommunity Water SupplyCa public water system that is not a community system and regularly serves at least 25 of the same persons (non-residents) over six months per year.

Operatorthe individual, as determined by the Committee of Certification, in attendance, onsite of a water supply system and whose performance, judgment and direction affects either the safety, sanitary quality or quantity of water treated or delivered.

PermitCa written document issued by the State Health Officer through the Office of Public Health which authorizes construction and operation of a new water supply or a modification of any existing supply.

Potable WaterCwater having bacteriological, physical, radiological, and chemical qualities that make it safe and suitable for human drinking, cooking and washing uses.

Potable Water SupplyCa source of potable water, and the appurtenances that make it available for use.

Private Water SupplyCa potable water supply that does not meet the criteria for a public water supply.

Public Water SupplyC"public water system".

Public Water SystemCa system for the provision to the public of water for potable water purposes through pipes or other constructed conveyances, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. Such term includes:

(a) Any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and,

(b) Any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

A public water system is either a "community water supply" or a "non-community water supply".

ReservoirCa natural or artificial lake or impoundment for storage of water (either raw or treated) used or proposed to be used for potable purposes.

Sanitary Well SealCa suitable threaded, flanged, or welded water-tight cap or compression seal installed at the top of the well casing so as to prevent the entrance of contaminated water or other objectionable material into the well.

Service ConnectionCthe pipe from the water main and/or water meter, water supply system or other source of water supply to the building or structure served.

Source of Water Supplyany well, spring, cistern, infiltration gallery, stream, reservoir, pond, or lake from which, by any means, water is taken either temporarily or continuously for potable use.

Surface WaterCderived from water sources on the surface of the earth such as streams, ponds, lakes, or reservoirs.

Ten-State StandardsCthe *Recommended Standards for Water Works* (1982 Edition)* or *Recommended Standards for Sewage Works* (1978 Edition)* promulgated by the Great Lakes and Upper Mississippi River Board of State Sanitary Engineers and any modifications and additions to these

Standards which the State Health Officer may establish in this Chapter.

Transient Non-Community Water SupplyCa non-community water supply that does not regularly serve at least 25 of the same persons over six months per year.

Treatment Technique RequirementCa treatment process/standard which has been established in lieu of a maximum contaminant level when, in the State Health Officer's judgement, it is not economically or technologically feasible to ascertain the level of a contaminant in water intended for potable purposes.

Vacuum BreakerCa device for relieving a vacuum or partial vacuum formed in a pipeline, thereby preventing back siphonage.

Water Well (Well)Can artificial excavation that derives water from the interstices of the rocks or soil which it penetrates.

*NOTE: Published by: Health Education Service, P. O. Box 7126, Albany, New York 12224

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4, 40:5, and 40:1148.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Health Services and Environmental Quality, LR 10:210 (March 1984), amended by the Department of Health and Hospitals, Office of Public Health, LR 14:630 (September 1988), amended LR 15:969 (November 1989), LR 17:781 (August 1991), LR 20:545 (May 1994), LR 26:1275 (June 2000).

12:002-1 General Requirements

Every potable water supply which is hereafter constructed, or reconstructed, or every existing water supply which the State Health Officer determines is unsafe, shall be made to comply with the requirements of the Code.

12:002-2 Permit Requirements

No public water supply shall be hereafter constructed, operated or modified to the extent that the capacity, hydraulic conditions, functioning of treatment processes, or the quality of finished water is affected, without, and except in accordance with, a permit from the State Health Officer. No public water supply shall be constructed or modified to the extent mentioned above except in accordance with the plans and specifications for the installation which have been approved, in advance, as a part of a permit issued by the State Health Officer prior to the start of construction or modification. Detailed plans and specifications for the installation for which a permit is requested shall be submitted by the person having responsible charge of a municipally owned public water supply or by the owner of a privately owned public water supply. The review and approval of plans and specifications submitted for issuance of a permit, will be made in accordance with the "Ten-State Standards" and the *Louisiana Water Well Rules, Regulations, and Standards*, plus any additional requirements of the State Health Officer as set forth in this Chapter.

12:002-3 Permits issued, and approvals of plans and specifications granted prior to the effective date of this Code shall remain in effect as they pertain to the design of the supply unless the revision of such is determined necessary by the State Health Officer.

12:002-4 Water supplied for potable purposes shall be:

- (a) obtained from a source free from pollution; or
- (b) obtained from a source adequately protected by natural agencies from the effects of pollution; or
- (c) adequately protected by artificial treatment.

12:002-5 Water Quality Standards

Each public water supply shall comply with the maximum contaminant levels or treatment technique requirements prescribed in the National Primary Drinking Water Regulations, the Louisiana Total Coliform Rule (Appendix C), and the Louisiana Surface Water Treatment Rule (Appendix D). The State Health Officer, upon determining that a risk to human health may exist, reserves the right to limit exposure to any other contaminant. Further, each public water supply should comply with the National Secondary Drinking Water Regulations. Treatment to remove questionable characteristics shall be approved by the State Health Officer.

Each public water supply shall comply with the monitoring and analytical requirements specified in the National Primary Drinking Water Regulations, the Louisiana Total Coliform Rule (Appendix C), and the Louisiana Surface Water Treatment Rule (Appendix D), as applicable. A laboratory certification program has been established to approve commercially and publicly owned laboratories to perform chemistry compliance monitoring for public water supplies. Laboratories seeking certification in any chemistry category for which certification is offered must adhere to the rules and regulations governing laboratory certifications as contained in the Department of Health and Hospitals' Laboratory Certification Manual dated September 1989. An annual certification fee will be assessed laboratories seeking certification from the Department of Health and Hospitals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Health Services and Environmental Quality, LR 10:210 (March 1984) as section 12:002-4, contents renumbered as section 12:002-5 and amended by the Department of Health and Hospitals, Office of Public Health, LR 14:630 (September 1988), amended LR 15:969 (November 1989), LR 26:1279 (June 2000).

12:002-6 Upon determination that a public water supply is not in compliance with the maximum contaminant levels or treatment technique requirements of the National Primary Drinking Water Regulations, variances and/or exemptions may be issued by the State Health Officer in accord with Sections 1415 and 1416 of the Safe Drinking Water Act, P.L. 99-339. Upon receipt of a variance and/or exemption, the owners of the public water supply shall appraise their supply and submit within one hundred eighty (180) days compliance and implementation schedules to correct the noncompliance for which the variance and/or exemption was issued. Such compliance and implementation schedule when approved by the State Health Officer shall be executed in accord therewith.

12:003-1 Responsibility of Owner

It shall be the duty of the Mayor, or the person having responsible charge of a municipally owned water supply, or the legal or natural person owning a public water supply, to take all measures and precautions which are necessary to secure and ensure compliance with this Chapter of the Code, and such persons shall be held primarily responsible for the execution and compliance with regulations of this Code. A printed copy of this Chapter of the Code shall be kept permanently posted in the office used by the authority owning or having charge of a public water supply.

12:003-2 Plant Supervision and Control

All public water supplies shall be under the supervision and control of a competent operator. The operator of public water supplies serving more than 500 persons shall be certified as per requirements of the State Operator Certification Act, Act 538 of 1972, as amended (R.S. 40:1141-1151).

12:003-3 Records

Complete daily records of the operation of water treatment plants, including reports of laboratory control tests, shall be kept for a period of two years on forms approved by the State Health Officer. Copies of these records shall be provided to the office designated by the State Health Officer within ten (10) days following the end of each calendar month.

12:003-4 Public Notification

If a public water system fails to comply with an applicable maximum contaminant level, treatment technique requirement, or analytical requirement as prescribed by this Code or fails to comply with the requirements of any schedule prescribed pursuant to a variance or exemption, or fails to perform any monitoring required by this Code, the supplier of water shall notify persons served by the system of the failure in a manner prescribed by the National Primary Drinking Water Regulations, the Louisiana Total Coliform Rule (Appendix C), or the Louisiana Surface Water Treatment Rule (Appendix D), as applicable. In addition, if a public water system fails to report required analytical data to the appropriate office designated by the State Health Officer within the applicable time limit(s) stipulated by the National Primary Drinking Water Regulations or the Louisiana Surface Water Treatment Rule (Appendix D) and such data (e.g., turbidity measurements, corrosion control chemical concentrations, etc.) is required to determine a maximum contaminant level or treatment technique requirement prescribed by this Code, the public water system shall be assessed a monitoring violation and must give appropriate public notification. The water supply, within ten days subsequent to the completion of each public notification shall submit to the State Health Officer a representative copy of each type of notice distributed, published, posted and/or made available to the persons served by the supply and/or to the news media.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Health Services and Environmental Quality, LR 10:210 (March 1984), amended by the Department of Health and Hospitals, Office of Public Health, LR 14:630 (September 1988), amended LR 26:1277 (June 2000).

12:003-5 Security

All public water supply wells, treatment units, tanks, etc., shall be located inside a fenced area that is capable of being locked; said areas shall be locked when unattended. The fence shall be resistant to climbing and at least six feet high.

12:005 Reporting Changes in Public Water Supplies

No person owning, or having by law the management control of any public water supply, shall take or cause to be taken for use for potable purposes, water from any auxiliary source other than a source or sources of water approved by the State Health Officer, or shall make any change whatsoever which may affect the sanitary quality of such water supply, without first having notified the State Health

Officer. Also, any violation of the National Primary Drinking Water Regulations shall be reported to the State Health Officer within 48 hours after learning of any violation.

12:006 Filtration

All potable water derived from surface waters shall be filtered before distribution. Pressure filters shall not be used in the filtration of surface waters.

12:007 Treatment Chemicals

Chemicals used in the treatment of water to be used for potable purposes shall either meet the standards of the American Water Works Association or meet the guidelines for potable water applications established by the U.S. Environmental Protection Agency.

12:008-1 Ground Water Supplies

All potable ground water supplies shall comply with the following requirements:

12:008-2 Exclusion of Surface Water From Site

The ground surface within a safe horizontal distance of the source in all directions shall not be subject to flooding (as defined in footnote 4 of 12:008-3) and shall be so graded and drained as to facilitate the rapid removal of surface water. This horizontal distance shall in no case be less than fifty (50') feet for potable water supplies.

12:008-3 Distances to Sources of Contamination

Every potable water well, and the immediate appurtenances thereto that comprise the well, shall be located at a safe distance from all possible sources of contamination, including but not limited to, privies, cesspools, septic tanks, subsurface tile systems, sewers, drains, barnyards and pits below the ground surface. The horizontal distance from any such possible source of pollution shall be as great as possible, but in no case less than the following minimum distances, except as otherwise approved by the State Health Officer:

Source	Distance in Feet
Septic tanks	50
Storm or sanitary sewer	50 ¹
Cesspools, outdoor privies, oxidation ponds, subsurface absorption fields, pits, mechanical sewage treatment plants, etc.	100 ²
Another water-well	25 ³
Sanitary landfills, feed lots, manure piles, solid waste dumps and similar installations	100
Drainage canal, ditch or stream	50 ⁴

¹ This distance may be reduced to 30 feet if the sewer is of cast iron with leaded joints or Schedule 40 plastic pipe with water-tight joints.

² For a private water well this distance may be reduced to 50 feet.

³ This minimum distance requirement does not take into consideration the effects of interference from pumping nearby wells in the same aquifer.

⁴ Horizontally measured from the water's edge to the well at the highest water level which may have occurred in a 10-year period.

12:008-4 Leakage From Toilets And Sewers

No toilet, sewer, soil pipe or drain shall be located above or where leakage therefrom can reach any water storage basin, reservoir or source of water supply.

12:008-5 Pits Near Water Supply

There shall be no unauthorized pits or unfilled spaces below level of ground surface, any part of which is within fifty feet of such water supply, except properly constructed well, pump, or valve pits as covered under Section 12:009-5 of this Chapter.

12:008-6 Satisfactory Earth Formation Above The Water Bearing Stratum

The earth formations above the water-bearing stratum shall be of such character and depth as to exclude contamination of the source of supply by seepage from the surface of the ground.

12:008-7 Minimum Depth of Casings and Curbings

All well and spring basin casings or curbings shall extend a safe distance below the ground surface. The minimum depth of casings or curbings shall not be less than 50 feet in the case of public water supplies and not less than 10 feet in the case of private water supplies.

12:008-8 Height of Casings and Curbings

In wells with pipe casings, the casings shall project at least twelve inches above ground level or the top of the cover or floor, and the cover or floor shall slope away from the well casing or suction pipe in all directions. Dug well linings shall extend at least twelve inches above the ground surface and cover installed thereon. The cover shall be watertight, and its edges shall overlap and extend downward at least two inches over the walls or curbings of such wells. In flood-prone areas the top of the casing shall be at least two feet above the highest flood level which may have occurred in a ten year period, but in no case less than two feet above the ground surface.

12:008-9 Grouting

The annular space between the well casing and the bore hole shall be sealed with cement-bentonite slurry or neat cement. Community public supply wells shall be cemented to their full depth from the top of the producing aquifer to the ground surface; noncommunity public supply wells shall be cemented from a minimum depth of 50 feet to the ground surface; and private supply wells shall be cemented from a minimum depth of 10 feet to the ground surface.

12:008-10 Cover or Floors

Every dug well, spring, or other structure used as a source of potable water, or for the storage of potable water, shall be provided with a watertight cover. Covers and every pump room floor shall be constructed of concrete or similar impervious material, and shall be elevated above the adjacent ground level and sloped to facilitate the rapid removal of water so as to provide drainage from the cover or floor and prevent contamination of the water supply. Such cover or floor shall be constructed so that there are no copings, parapets, or other features which may prevent proper drainage, or by which water can be held on the cover. Concrete floors or cover slabs shall be of such thickness and so reinforced as to carry the load which may be imposed upon it, but in no case less than four inches thick.

12:008-11 Potable Water Well Seals and Covers

Every potable water well shall be provided with a watertight sanitary well seal at the top of the casing or pipe sleeve. For wells with solid pedestal foundations, the well casing shall project at least one inch above the level of the foundation, and a seal between the well casing and the opening in the pump base plate shall be used to effectively seal the base plate to the well casing.

12:008-12 Potable Water Well Casing Vents

All potable water well casings shall be vented to atmosphere as provided in Section 12:008-13 of this Code, with the exception that no vent will be required when single-pipe jet pumps are used.

12:008-13 Potable Water Well Vents

All potable water well vents shall be so constructed and installed as to prevent the entrance of contamination. All vent openings shall be piped water tight to a point not less than 24 inches above the highest flood level which may have occurred in a ten year period, but in no case less than 24 inches above the ground surface. Such vent openings and extensions thereof shall be not less than 1/2 inch in diameter, with extension pipe firmly attached thereto. The openings of the vent pipes shall face downward and shall be screened to prevent the entrance of foreign matter.

12:008-14 Manholes

Manholes may be provided on dug wells, reservoirs, tanks, and other similar water supply structures. Every such manhole shall be fitted with a watertight collar or frame having edges which project at least two inches above the level of the surrounding surface, and shall be provided with a solid watertight cover having edges which overlap and project downward at least two inches around the outside of the frame. The cover shall be kept locked at all times, except when it is necessary to open the manhole.

12:008-15 Well Construction Standards

All wells constructed to serve a potable water supply shall be constructed in accordance with *Louisiana Water Well Rules, Regulations, and Standards*. Drillers of wells to serve a potable water supply will comply with the requirements for licensing of water well drillers under State Act No. 715 of 1980 (R.S. 38:2226, 38:3098-3098.8) which is administered by the Louisiana Office of Public Works.

12:008-16 Sampling Tap

All potable water supply wells shall be provided with a readily accessible faucet or tap on the well discharge line at the well for the collection of water samples. The faucet or tap shall be of the smooth nozzle type, shall be upstream of the well discharge line check valve and shall terminate in a downward direction.

12:008-17 Disinfection of Wells

All new wells or existing wells on which repair work has been done shall be disinfected before being put into use as prescribed in Section 12:020-2 of this Chapter.

12:009-1 Construction and Installation of Pumps

All water pumps shall be so constructed and installed as to prevent contamination of the water supply.

12:009-2 Hand Pump Head and Base

Every hand-operated pump shall have the pump head closed by a stuffing box or other suitable device to exclude contamination from the water chamber. The pump base shall

be of solid one-piece recessed type of sufficient diameter and depth to admit the well casing as hereinafter provided. The top of the casing or sleeve of every well, equipped with such a pump, shall project into the base of the pump at least one inch above the bottom thereof and shall extend 12 inches above the level of the platform, well cover, or pump room floor on which the pump rests. The pump shall be fastened to the casing or sleeve. The pumps shall be of the self-priming type.

12:009-3 Power Pump

Where pumps or pump motors are placed directly over the well, the pump or motor shall be supported on a base provided therefor. The well casing shall not be used to support pump or motor. This requirement shall not apply to submersible pumps/motors and single-pipe jet pumps/motors. The pump or motor housing shall have a solid watertight metal base without openings to form a cover for the well, recessed to admit the well casing or pump suction. The well casing or pump suction shall project into the base at least one inch above the bottom thereof, and at least one inch above the level of the foundation on which the pump rests. The well casing shall project at least 12 inches above ground level or the top of the floor.

12:009-4 Where power pumps are not placed directly over the well, the well casing shall extend at least twelve inches above the floor of the pump house. In flood-prone areas the top of the casing shall extend at least two feet above the highest flood level which may have occurred in a ten year period, but in no case less than two feet above the ground surface. The annular space between the well casing and the suction pipe shall be closed by a sanitary well seal to prevent the entrance of contamination.

12:009-5 Well, Pump, Valve, and Pipe Pits

No well head, well casing, pump, or pumping machinery shall be located in any pit, room, or space extending below ground level, or in any room or space above the ground which is walled in or otherwise enclosed so that it does not have drainage by gravity to the surface of the ground, except in accordance with design approved by the State Health Officer, provided, that this shall not apply to a dug well properly constructed as herein prescribed.

12:009-6 Pump House

All pump houses shall be properly constructed to prevent flooding, and shall be provided with floor drainage.

12:009-7 Lubrication of Pump Bearings

Well pump bearings shall be lubricated with oil of a safe, sanitary quality or potable water.

12:009-8 Priming of Power Pumps

Power pumps requiring priming shall be primed only with potable water.

12:009-9 Priming of Hand Pumps

Hand-operated pumps shall have cylinders submerged so that priming shall not be necessary. No pail and rope, bailer, or chain-bucket systems shall be used.

12:009-10 Airlift Systems

The air compressor and appurtenances for any airlift system or mechanical aerating apparatus used in connection with a potable ground water supply, shall be installed and operated in accordance with plans and specifications that have been approved as part of a permit issued by the State Health Officer.

12:010 Well Abandonment

Abandoned water wells and well holes shall be plugged in accordance with the *Louisiana Water Well Rules, Regulations, and Standards*.

12:011-1 Reservoir Sanitation

The State Health Officer may designate any water body, or a part of any water body, as a reservoir, where, in its use as a water source for public water supply, the control of other uses of the water body, or designated part of the water body, and its watershed, is necessary to protect public health.

12:011-2 No cesspool, privy or other place for the deposit or storage of human excrement shall be located within 50 feet of the high water mark of any reservoir, stream, brook, or other watercourse flowing into any reservoir, and no place of this character shall be located within 250 feet of the high water mark of any reservoir or watercourse as above mentioned, unless such receptacle is so constructed that no portion of the contents can escape or be washed into the reservoir or watercourse.

12:011-3 No stable, pigpen, chicken house or other structure where the excrement of animals or fowls is allowed to accumulate, shall be located within 50 feet of the high water mark of any reservoir or watercourse as above mentioned, and no structure of this character shall be located within 250 feet of the high water mark of such waters unless provision is made for preventing manure or other polluting materials from flowing or being washed into such waters.

12:011-4 Boating, fishing, water skiing and swimming on any reservoir or watercourse as above mentioned shall be prohibited, or otherwise restricted by the State Health Officer, when it has been determined that the public served by the public water supply using the reservoir as a water source is exposed to a health hazard, and that such prohibitions or restrictions are therefore necessary. In any case, the aforementioned activities shall be prohibited within 100 feet of the water intake point of the public water supply.

12:011-5 Industrial Wastes

No industrial waste which may cause objectionable changes in the quality of water used as a source of a public water supply shall be discharged into any lake, pond, reservoir, stream, underground water stratum, or into any place from which the waste may flow, or be carried into a source of public water supply. (Note: This was formerly numbered 12:024).

12:012-1 Distribution

All potable water distribution systems shall be designed, constructed, and maintained so as to prevent leakage of water due to defective materials, improper jointing, corrosion, settling, impacts, freezing, or other causes. Valves and blow-offs shall be provided so that necessary repairs can be made with a minimum interruption of service.

12:012-2 All installations of, or repairs to, public water systems or residential and nonresidential plumbing facilities that provide drinking water and which are connected to a public water supply shall be made using lead-free piping, solder and flux. The only exception to this general requirement is that leaded joints necessary for the repair of cast iron pipes may be allowed. For these purposes, lead free, when used with respect to solder and flux, refers to solder and flux containing not more than 0.2 per cent lead.

Additionally, when used with respect to pipes and fittings, lead free refers to pipes and fittings containing not more than 8 percent lead.

12:012-3 Where pumps are used to draw water from a water supply distribution system or are placed in a system to increase the line pressure, provision must be made to limit the pressure on the suction side of the pump to not less than 15 pounds per square inch gauge. Where the use of automatic pressure cut-offs is not possible, such pumps must draw water from a tank, supplied with water from a water distribution system through an air gap as per Chapter XIV of this Code.

12:012-4 All public water supplies shall be operated and maintained to provide a minimum positive pressure of 15 pounds per square inch gauge at all service connections at all times.

12:013-1 Storage

All cisterns and storage tanks shall be of watertight construction and made of concrete, steel or other materials approved for this purpose by the State Health Officer. When located wholly or partly below ground, such storage basins shall be of corrosion resistant materials.

12:013-2 Cisterns used for potable water shall be provided with a rain water cut-off, suitable to deflect the first washings of the roof and prevent contamination of the water. Cisterns shall be tightly covered, and screened with 18-mesh wire screen.

12:013-3 Vent Openings

Any vent, overflow, or water level control gauge provided on tanks or other structures containing water for any potable water supply shall be constructed so as to prevent the entrance of birds, insects, dust or other contaminating material. Openings or vents shall face downward and shall be not less than two feet above the floor of a pump room, the roof or cover of a tank, the ground surface or the surface of other water supply structures.

12:013-4 Coatings

Paints or other materials used in the coating of the interior of cisterns, tanks or other containers in which potable water is processed or stored shall be nontoxic to humans and shall be of such composition that the palatability of the water stored or processed shall not be adversely affected. The "Standard for Painting Steel Water Storage Tanks" (AWWA D102-78) published by the American Water Works Association shall be complied with. Determination of acceptability of coatings for potable water applications by the U.S. Environmental Protection Agency may be considered evidence of compliance with this Section. (The AWWA Standard can be obtained from the American Water Works Association, 6666 W. Quincy Ave., Denver, Colo. 80235.)

12:014-1 Protection of Suction Pipes

All subsurface suction piping, such as that leading from detached wells or reservoirs, shall be protected against the entrance of contamination.

12:014-2 Valve boxes shall be provided for valves on buried suction lines. Every such valve box shall project at least six inches above the floor if in a room or building, and at least twelve inches above the ground if not enclosed in a building. The top of the box shall be provided with a cover with overlapping edges.

12:015 Separation of Water Mains and Sewer Mains

Sewer and water mains shall be laid in separate trenches not less than 6 feet apart horizontally, when installed in parallel. Crossing water and sewer mains shall have a minimum vertical separation of 18 inches. In cases where it is not possible to maintain a 6 foot horizontal separation, the State Health Officer may allow a waiver of this requirement on a case by case basis if supported by data from the design engineer.

12:016-1 Cross Connections

There shall be no physical connection between a public water supply and any other water supply which is not of equal sanitary quality and under an equal degree of official supervision; and there shall be no connection or arrangement by which unsafe water may enter a public water supply system.

12:016-2 Water from any potable water supply complying with these requirements may be supplied to any other system containing water of questionable quality only by means of an independent line discharging not less than a distance equal to two times the pipe diameter or two inches, whichever is greater, above the overflow level of storage units open to atmospheric pressure or by other methods approved by the State Health Officer.

12:017 Connection With Unsafe Water Sources Forbidden

There shall be no cross-connection, auxiliary intake, bypass, inter-connection or other arrangement, including overhead leakage, whereby water from a source that does not comply with these regulations may be discharged or drawn into any potable water supply which does comply with these requirements. The use of valves, including check or back pressure valves, is not considered protection against return flow, or back-siphonage, or for the prevention of flow of water from an unapproved source into an approved system.

12:018 Connections to Public Water Supply

All inhabited premises and buildings located within 300 feet of an approved public water supply shall be connected with such supply, provided that the property owner is legally entitled to make such a connection. The State Health Officer may grant permission to use water from some other source.

12:019 Protection During Construction

All potable water supplies which are hereafter constructed, reconstructed, or extensively altered shall be protected to prevent contamination of the source during construction.

12:020-1 Disinfection of Potable Water Supply Systems

Pipes, pumps, and other parts of water supply systems shall be disinfected when deemed necessary by the State Health Officer.

12:020-2 Disinfection of New Water Supplies

Pumps, pipes, wells, tanks and other parts of new systems shall be thoroughly disinfected by the use of chlorine or chlorine compounds before being placed in use. The rate of application of chlorine shall be in such proportion to the rate of water entering the pipe or other appurtenances that the chlorine dose applied to the water shall be at least 50 mg/l. Chlorinated water shall be retained long enough to destroy non-spore-forming bacteria. The period shall be at least three hours and preferably longer, as may be directed. After the chlorine treated water has been retained for the required

time, the chlorine residual at pipe extremities and at other representative points shall be at least 5 mg/l. If the residual is less than 5 mg/l, the disinfection procedure shall be repeated until a 5 mg/l residual is obtained, as required above.

12:020-3 Large storage tanks may be disinfected by washing down the interior of the tank with a chlorine solution having at least 200 mg/l available chlorine and then washing the interior of the tank with potable water and wasting the wash water.

12:020-4 Water from new systems, or from new parts of existing systems, shall not be furnished for consumer's use until tests performed by a laboratory which is certified by the State Health Officer have shown the new system or new part of the system to be free from contamination by coliform bacteria (following EPA approved procedures prescribed in Standard Methods for the Examination of Water and Wastewater, 19th Edition). Samples shall not be collected from the new facilities until such new facilities have been disinfected as prescribed in Section 12:020-2 above, and the chlorinated water thoroughly flushed from the system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Health Services and Environmental Quality, LR 10:210 (March 1984), amended by the Department of Health and Hospitals, Office of Public Health, LR 14:630 (September 1988), LR 26:1281 (June 2000).

12:021-1 Mandatory Disinfection

Routine, continuous disinfection is required of all public water systems other than those under Section 12:021-4 of these regulations. Where continuous chlorination methods are used, the following minimum concentration of free chlorine residual shall be provided leaving the plant:

pH Value	Free Chlorine Residual
up to 7.0	0.4 mg/l
7.0 to 8.0	0.6 mg/l
8.0 to 9.0	0.8 mg/l
over 9.0	1.0 mg/l

THIS TABLE DOES NOT APPLY TO SYSTEMS USING CHLORAMINES.

All new groundwater systems installed after the effective date of these regulations shall provide at least 30 minutes contact time prior to the first customer. It is recommended that all existing systems provide the 30 minutes contact time prior to the first customer. Additions to or extensions of existing systems are exempt from the 30 minutes contact time.

Systems which use surface water or ground water which is under the influence of surface water shall meet the requirements of applicable sections of the Louisiana Surface Water Treatment Rule as it pertains to CT and *Giardia* and virus requirements for disinfection.

The effective date for all public water supplies serving a population of greater than 500 shall be July 1, 1995.

The effective date of mandatory disinfection for all public water supplies serving a population of 500 or less shall be July 1, 1996.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Health Services and Environmental Quality, LR 10:210 (March 1984), amended by the Department of Health and Hospitals, Office of Public Health, LR 14:630 (September 1988), amended LR 20:1008 (September 1994), repromulgated LR 26:12821 (June 2000).

12:021-2 Minimum Disinfection Residuals

A minimum disinfectant residual of detectable amount of total chlorine shall be maintained at all points throughout the distribution system at all times for chlorination methods other than chloramines. For very small water systems a residual of 0.2 mg/l free chlorine is generally required to maintain said systems.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Health Services and Environmental Quality, LR 10:210 (March 1984), amended by the Department of Health and Hospitals, Office of Public Health, LR 14:630 (September 1988), amended LR 20:1008 (September 1994), repromulgated LR 26:1282 (June 2000).

12:021-3 Other Methods of Disinfection

Where chlorination is not used as the primary disinfectant, chlorine or chloramines shall be used as the secondary disinfectant to provide the residuals required in 12:021-2. Other methods shall be evaluated on a case-by-case basis by the state health officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Health Services and Environmental Quality, LR 10:210 (March 1984), amended by the Department of Health and Hospitals, Office of Public Health, LR 14:630 (September 1988), amended LR 20:1008 (September 1994), repromulgated LR 26:1282 (June 2000).

12:021-4 Variances to Mandatory Disinfection

A variance may be granted by the state health officer to a public water system, provided the system meets one of the following criteria:

(a) If the public water system has not had a bacteriological maximum contaminant level (MCL) violation for the past three years;

(b) If the public water system, both existing and future installations, can prove that disinfection would create trihalomethane (THM) levels of 0.10 milligrams per liter or greater. The public water supply should explore alternate means of disinfection prior to requesting a variance. A variance can be granted for such systems, provided the system has the required equipment to verify that a detectable amount of chlorine residual is maintained at all times. For systems under 10,000 population served, said systems shall have 90 days after a TTHM (Total Trihalomethane) exceedance of 0.100 milligrams per liter is determined to request said variance;

(c) A variance shall be granted to a public water supply owned by and/or operated by, and/or created as a political subdivision in accordance with Article 6 Section 14 of the Constitution of the State of Louisiana;

(d) In reference to (a), (b), and (c) above, on a case-by-case basis, when a bacteriological MCL occurs and an administrative order shall be or has been issued to that particular water system, the said water system shall be subject to the orders of the state health officer to take whatever remedial actions that are deemed necessary to comply with all applicable rules, regulations, standards, and

the Louisiana Sanitary Code, including, but not limited to, the Louisiana Total Coliform Rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Health Services and Environmental Quality, LR 10:210 (March 1984), amended by the Department of Health and Hospitals, Office of Public Health, LR 14:630 (September 1988), amended LR 20:1008 (September 1994), repromulgated LR 26:1282 (June 2000).

12:021-4.1 Variances must be requested in writing and must be approved prior to the effective date of the mandatory disinfection requirement as prescribed in Section 12:021-1 except the new conditions that arise in 12:021-4(b).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 20:1008 (September 1994), repromulgated LR 26:1282 (June 2000).

12:021-5 Revocation of Variance

A variance from mandatory disinfection shall be revoked when a public water system has a bacteriological MCL violation. When a variance is revoked, the system must install mandatory continuous disinfection as stated in Section 12:021-2 within the times specified in a compliance schedule submitted to and approved by state health officer. Such schedule shall be submitted within 10 days of receipt of notice of revocation. For systems affected under 12:021-4(b), revocations because of a bacteriological MCL shall be evaluated on a case-by-case basis by the state health officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Health Services and Environmental Quality, LR 10:210 (March 1984), repealed by the Department of Health and Hospitals, Office of Public Health, LR 14:630 (September 1988), re-promulgated LR 20:1008 (September 1994), repromulgated LR 26:1282 (June 2000).

12:021-6 Batch Disinfection

State health officer may allow batch disinfection for emergency purposes. Batch disinfection shall not be considered a method of continuous disinfection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 20:1008 (September 1994), repromulgated LR 26:1282 (June 2000).

12:021-7 Records

Daily records of chlorine residual measurements shall be kept. These records shall be maintained on forms approved by the state health officer and shall be retained for a period of two years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 20:1008 (September 1994), repromulgated LR 26:1282 (June 2000).

12:022-1 Water Shall Be Provided

It shall be the duty of the owner or manager of any premises occupied as a residence, hotel, lodging house, tenement house, office building, shop, factory, or waiting room or depot of a railroad or other common carrier to provide a safe supply of potable water for human consumption and for sanitary purposes.

12:022-2 In all cases where the owner or owners of the property or premises referred to in this Code shall not reside in the place where the property is situated, or when such property shall belong to an estate, succession or corporation, it shall be the duty of the agent, or representative of the owners thereof, or the persons who shall have charge of said property for the owners thereof, or who shall collect the rent of such premises, if the same is rented, to provide and furnish such premises with a safe and adequate potable water supply. In case such person shall fail or neglect to supply the same to such premises, within 15 days after due notice, he shall be in violation of the provisions of this Chapter.

12:022-3 Each public, parochial and private school shall be provided with a potable water supply which is approved as to source, location, and distribution by the State Health Officer.

12:022-4 It shall be the duty of all employers to supply an adequate, safe, potable water supply for all employees.

12:022-5 Wherever a public water supply is available, no other supply shall be furnished for potable purposes to employees in any factory or industrial plant, or other place of business, unless such other supply is approved by the State Health Officer. If no public water supply is available, the water for potable purposes shall be of safe, sanitary quality approved by the State Health Officer. If the water supply for industrial or fire protection purposes is obtained entirely or in part from a source not approved for potable purposes, this supply shall be distributed through an independent piping system having no connection with the system carrying potable water. All faucets or other outlets furnishing water which is not safe for potable purposes shall be conspicuously so marked.

12:023-1 Public Drinking Fountains

All public drinking fountains shall be designed and constructed in accordance with the provisions of Chapter XIV of this Code. Drinking fountains and coolers shall be constructed of lead free materials as specified in section 12:012-2.

12:023-2 Water fountains and coolers shall be so constructed that the ice or other refrigerant used for cooling cannot come in contact with the water.

12:023-3 Where water coolers or supply tanks used for drinking water are not directly connected to the source of supply, arrangements for filling the containers shall be such as to prevent contamination of the water.

12:023-4 The use of a common drinking cup is prohibited.

12:024 Potable Water Loading Stations

Portable hoses used for filling water containers shall be provided with a metal disk at the nozzle to prevent contact of nozzle with ground or floors. When not in use, the portable hoses shall be protected from dirt and contamination by storage in a tightly enclosed cabinet and shall have a cap to cover the nozzle.

12:025 Issuance Of Emergency Boil Notices

An Emergency Boil Notice, when it is deemed necessary to protect public health, shall be authorized only by the State Health Officer. Once implemented, said notice may be rescinded or cancelled only by the State Health Officer.

12:026 Adoption By Reference

The National Primary Drinking Water Regulations, as defined in Section 12:001, are hereby incorporated by reference into this Chapter of the Sanitary Code and shall

have the same force and effect of state law as any other section of this Chapter just as if they had been fully published herein. Every public water system shall comply with the National Primary Drinking Water Regulations as defined herein. When the National Primary Drinking Water Regulations as defined herein and the state's own rules and/or regulations applicable to public water systems conflict, the state's own rules and/or regulations shall govern [e.g., the Louisiana Total Coliform Rule (Appendix C) provisions shall govern when any of the federal Total Coliform Rule provisions are found to conflict].

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 26:1283 (June 2000).

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AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Health Services and Environmental Quality, LR 10:210 (March 1984), amended by the Department of Health and Hospitals, Office of Public Health, LR 14:630 (September 1988), repromulgated LR 26:1283 (June 2000).

Appendix A
Civil Penalty Assessment Rule

I. Statement of Purpose

1.1 This rule is intended to be a mechanism to secure rapid and full compliance with the requirements of the State Sanitary Code and other applicable laws and regulations relative to public water systems providing safe drinking water. It is not intended as a revenue gathering mechanism, and the Safe Drinking Water Program is not dependent upon any level of penalty revenue to balance its budget. It is based on the principle of reasonable enforcement guidelines to be vigorously implemented. As defined by R.S. 40:5.9, penalties may be assessed only on the basis of non-compliance with corrective orders, rather than on the basis of the mere existence of a violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:5.9(A)(4).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 18:387 (April 1992), repromulgated LR 26:1285 (June 2000).

II. General Provisions

2.1 Nothing herein shall be construed to prohibit the state health officer from modifying the contents of an administrative order if changes are warranted to ensure compliance with applicable laws and regulations or to allow for the practical ability to comply with the items so ordered. It is incumbent upon the person to whom the administrative order was issued to submit a written request for order modifications when, for instance, it is realized that compliance cannot be achieved within the time constraints specified in the order due to unforeseen problems or delays such as inclement weather conditions. Such requests shall be considered if the request is received by the state health officer not later than five days before the compliance deadline expires. In order to show proof and date of service, the person requesting any order modifications shall do so by at least one of the following methods:

A. Use of the United States Postal Service via certified mail-return receipt requested, registered mail-return receipt requested, or express mail-return receipt requested.

B. Transmission by facsimile machine will also be accepted; however, the state health officer shall be deemed not to have officially received a facsimile transmission until such time as the requester has received a written acknowledgement, via facsimile or mail, of receipt from the Office of Public Health. Said acknowledgement of receipt shall state the date when the Office of Public Health actually received the transmission and this date, regardless the sender's transmission date, shall be used in the determination of whether or not the time limit stated above was met. It is the responsibility of the sender to ask the Office of Public Health for a written acknowledgement of receipt of any facsimile transmissions which may be sent to the state health officer.

C. Use of a private shipping service, such as United Parcel Service, Federal Express, etc. when such a service can provide a written receipt to the sender stating the date of delivery to the state health officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:5.9(A)(4).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 18:387 (April 1992), repromulgated LR 26:1285 (June 2000).

2.2 Additionally, nothing herein shall be construed to mandate that the state health officer is required to assess penalties in the event of noncompliance with a provision of an administrative compliance order issued pursuant to LSA - R.S. 40:5.9; however, this rule is intended to delineate the procedure for calculating the monetary amount of the civil penalty assessment after the state health officer has decided to assess and impose penalties for noncompliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:5.9(A)(4).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 18:387 (April 1992), repromulgated LR 26:1285 (June 2000).

2.3 When reference is made to a public water system herein, such reference is limited to an individual public water system uniquely identified by its own Public Water System Identification Number (PWS ID No.).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:5.9(A)(4).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 18:387 (April 1992), repromulgated LR 26:1285 (June 2000).

III. Calculation of Daily Penalties

3.1 R.S. 40:5.9(A) authorizes the state health officer to assess a civil penalty up to \$3,000 a day for each day of violation and for each act of violation of a provision of an administrative compliance order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:5.9(A)(4).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 18:387 (April 1992), amended LR 26:000 (June 2000).

3.2 For purposes of implementation of R.S. 40:5.9, violation of one or more provisions of an administrative compliance order shall be handled as follows:

A. All violations for a given public water system shall be handled as a package (i.e., the statutory maximum daily penalty of \$3000 per day per violation will be handled as a maximum daily penalty of \$3000 per day per public water system regardless of the number of individual violations). The daily penalty assessment amount shall be based upon the most serious uncorrected violation. As the level of seriousness classification or the level of culpability associated with the most serious uncorrected violation in the package changes, the daily penalty assessment amount will be recalculated accordingly from that time forward and added to any previously calculated assessment amounts.

B. In lieu of the requirements of Section 3.2(A) above, the state health officer, at his sole discretion, is authorized to impose a penalty of no less than \$1000 per day per violation for those public water systems serving more than 10,000 individuals [see Fed. Reg.: April 28, 1999 (Volume 63, Number 81, page 23,367)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:5.9(A)(4).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 18:387 (April 1992), amended LR 26:1285 (June 2000).

3.3 The maximum daily penalty applicable to a particular public water system in violation of one or more of the provisions of an administrative compliance order shall be determined as follows:

A. When a penalty is calculated pursuant to Section 3.2(A) above, the maximum daily penalty shall be set at \$1

dollar per service connection per day based upon the number of service connections listed on Office of Public Health records on the day the administrative order was first issued, but within the following limitations and restrictions:

1. The maximum daily penalty for public water systems having more than 3,000 service connections shall be \$3,000 per day.

2. The maximum daily penalty for public water systems having less than 30 service connections shall be \$30 per day.

B. When a penalty is calculated pursuant to Section 3.2(B) above, the maximum daily penalty shall be set at \$1 dollar per service connection per day per violation based upon the number of service connections listed on Office of Public Health records on the day the administrative order was first issued, but within the following limitations and restrictions:

1. The maximum daily penalty for public water systems having more than 3,000 service connections shall be \$3,000 per day per violation.

2. The maximum daily penalty for public water systems having 2500 service connections (i.e., equivalent to 10,000 individuals served) shall be \$2500 per day per violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:5.9(A)(4).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 18:387 (April 1992), amended LR 26:1285 (June 2000).

3.4 Pursuant to Sections 3.2 and 3.3 above, the exact level of the daily penalty shall be based on the seriousness of the violation and culpability of the owner and/or operator as follows:

A. Using the maximum daily penalty specified in Section 3.3 above as the basis for calculation, 50 percent of the maximum daily penalty amount shall be judged on the seriousness of the violation and the other 50 percent shall be judged on the culpability of the owner and/or operator.

B. The decision regarding the exact penalty assessment amounts for the seriousness of the violation(s) and the accompanying culpability of the owner and/or operator shall be made by the state health officer after considering a staff recommendation based upon the "Accompanying Guidelines to the Civil Penalty Assessment Rule" (Appendix B).

C. When the state health officer utilizes Section 3.2(B) as the basis for penalty calculation, the minimum daily penalty assessment amount shall in no case be less than \$1000 per day per violation after the provisions of Sections 3.4(A) and 3.4(B) are applied [see Fed. Reg.: April 28, 1999 (Volume 63, Number 81, page 23,367)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:5.9(A)(4).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 18:387 (April 1992), amended LR 26:1285 (June 2000).

3.5 The duration of non-compliance with a provision of the administrative compliance order shall be determined as follows:

A. Once an administrative order has become final and not subject to further administrative review, the state health officer shall direct staff to conduct an initial investigation for the purpose of determining compliance/non-compliance with the provision(s) of the administrative order. The initial

investigation shall be conducted within five working days after the time limit granted for compliance within the administrative order ends. If upon agency investigation it is found that non-compliance still exists, staff will immediately provide a copy of the investigatory report to the person on-site in responsible charge of the public water system which will serve to notify the person to whom the administrative order was issued that the agency has determined that non-compliance still exists and that daily penalty assessments shall begin to accrue immediately from this date forward until such time as the agency has been notified by the public water system that compliance has been achieved. If a representative of the public water system is not present or reasonably available at the time of the agency's investigation, staff shall, on the same day as the investigation, attempt to contact via telephone or facsimile machine the person to whom the administrative order was issued or such other responsible person in the employ of the public water system in order to provide speedy notification of results which are deemed by agency staff to cause the continuance of daily penalty assessments. In the latter case involving only verbal or electronic communication, agency staff shall, as soon as possible thereafter, transmit a copy of the investigatory report to the person to whom the administrative order was issued by one of the methods of mailing stated in Section 2.1(A) above.

B. After the agency has conducted the initial investigation, determined that non-compliance with a provision of the administrative order still exists, and has provided a copy of the investigatory report as stated in Section 3.5(A) above, it then becomes incumbent upon the person to whom the administrative order was issued to notify the agency when compliance has been achieved. In order to show proof and date of service, such notice advising the agency of compliance shall be transmitted to the agency in the same manner as described in Section 2.1(A), (B), or (C) above. Until such time as the agency has been properly notified of correction, the agency will consider the duration to begin on the date of the initial investigation and will presume that such violation is continuing on a daily basis until such time as the agency has received notification of correction. Once the agency is notified of correction, agency staff shall conduct a follow-up investigation in order to confirm compliance. Such follow-up investigation shall be conducted within 10 working days of agency receipt of the public water system's notice of compliance. If upon agency's follow-up investigation it is found that non-compliance still exists, staff will so advise the public water system in the same manner as done for initial investigations with the exception that the public water system will be advised that previously running daily penalty assessments have and will continue to accrue pending yet additional notification of compliance by the public water system to the agency. When the results of the follow-up investigation confirm that compliance has in fact been achieved, then the date that the agency received notification of compliance from the public water system for the particular provision of the administrative order in question shall be considered the last day of non-compliance for purposes of calculating the duration for non-compliance with this particular provision.

C. The steps described in Section 3.5(A) or (B) above may continue for an indefinite period of time but shall end

once compliance has been confirmed by agency staff unless such violation is found to reoccur while the administrative order is still in effect.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:5.9(A)(4).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 18:387 (April 1992), repromulgated LR 26:1286 (June 2000).

IV. Payment of Penalty/Ability to Request Mitigation of Penalty and/or Adjudicatory Hearing

4.1 At the discretion of the state health officer, notice(s) imposing penalty assessments may be issued from time to time subsequent to either initial non-compliance with any provision of the administrative compliance order or subsequent to any continuance or reoccurrence of non-compliance while the administrative compliance order remains effective. Notices of imposition of penalties shall be served by one of the forms of service described in Section 2.1(A) above or hand-delivered. Within the notice imposing the penalty assessment, the state health officer will inform the owner and/or operator of the public water system of the ability to apply for mitigation of the penalties imposed and for the opportunity for an adjudicatory hearing on the record relative to contesting the imposition of the penalty assessment. Penalties shall not be imposed upon any person without notice and opportunity for hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:5.9(A)(4).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 18:387 (April 1992), repromulgated LR 26:1287 (June 2000).

4.2 Once a penalty assessment is imposed, it shall become due and payable 35 days after receipt of notice imposing the penalty unless a written application for mitigation or a written request for an adjudicatory hearing on the record relative to contesting the imposition of the penalty assessment is received by the state health officer within 20 days after said notice is served. In order to show proof and date of service, the person applying for mitigation or an adjudicatory hearing shall transmit the written application for mitigation or written request for hearing to the agency in the same manner as described in Section 2.1(A), (B), or (C) above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:5.9(A)(4).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 18:387 (April 1992), repromulgated LR 26:1287 (June 2000).

4.3 Upon receipt of a written application for mitigation of such penalty, the state health officer may mitigate the penalty, i.e., upon proof that all of the stipulations in the administrative order have now been complied with or upon agreement to and compliance with a Stipulation and Agreed Order setting out the conditions which will mitigate the penalty. The accompanying guidelines referenced in section 3.4(B) above shall also contain guidance for the state health officer when considering the amount of mitigation of the imposed penalty. When the amount of the penalty imposed is from \$1,000 up to \$5,000, the state health officer shall not mitigate the penalty below \$500. When the amount of the penalty imposed is less than \$1000, the state health officer shall not mitigate the penalty below one-half of the imposed penalty amount. The penalty shall become due and payable

35 days after mailing of notice setting forth the final disposition of the application for mitigation, unless

(i) an application for an adjudicatory hearing to contest the disposition is received within 20 days after the date of mailing the disposition notice, or

(ii) the state health officer specifies a different payment schedule within the disposition notice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:5.9(A)(4).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 18:387 (April 1992), repromulgated LR 26:1287 (June 2000).

4.4 Upon the timely receipt of a written application requesting an adjudicatory hearing, a hearing on the record relative to contesting the imposition of the penalty assessment may be scheduled by the agency. If after consideration of the record it is found that the issuance of the notice imposing the penalty assessment was not proper as supported by and in accordance with the evidence, the administrative law judge shall have the authority to recommend adjustment of the penalty to comply with any items found to be in error or, if justified, withdrawal of the entire penalty. The penalty shall become due and payable 35 days after mailing of notice of the final decision by the agency, unless the final decision by the agency specifies a different payment schedule within the final decision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:5.9(A)(4).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 18:387 (April 1992), repromulgated LR 26:1287 (June 2000).

4.5 When a Stipulation and Agreed Order has been proposed by the agency or the administrative law judge, a fixed number of days will be given for response. If the Stipulation and Agreed Order is not signed and returned by the date fixed or if no response is received by the date fixed, this shall result in both the reimposition of the penalty originally imposed as well as the addition of daily penalties not previously counted from the time the order was first violated. Alternatively, failure of a public water system to comply with the conditions of a Stipulation and Agreed Order shall result in both the reimposition of the penalty originally imposed as well as the addition of daily penalties not previously counted from the time the order was first violated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:5.9(A)(4).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 18:387 (April 1992), repromulgated LR 26:1287 (June 2000).

V. Court Appeals

5.1 A person who is aggrieved by a final decision of the agency relative to penalty imposition may petition for judicial review according to the provisions of R.S. 49:964 of the Administrative Procedure Act. Proceedings for review may be instituted by filing a petition in the Nineteenth Judicial District Court, Parish of East Baton Rouge, within 30 days after mailing of notice of the final decision by the agency. Copies of the petition shall be served upon the agency and all parties of record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:5.9(A)(4).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 18:387 (April 1992), repromulgated LR 26:1287 (June 2000).

Appendix B

Accompanying Guidelines to the Civil Penalty

Assessment Rule

I. Statement of Purpose

1.1 The purpose of these "Accompanying Guidelines to the Civil Penalty Assessment Rule" (Appendix B) are as follows:

A. This rule is intended to provide guidance for Safe Drinking Water Program staff in making recommendations to the state health officer regarding the exact penalty assessment amounts for the seriousness of the violation(s) and the culpability of the owner and/or operator when it has been determined that a public water system has failed to comply with the directives of an administrative order.

B. Additionally, guidance relative to determining mitigated penalty amounts are also contained herein. Such mitigation guidance is applicable irrespective of the method used in the calculation of penalties, *i.e.*, irrespective of whether 3.2 (A) or 3.2 (B) of the "Civil Penalty Assessment Rule" (Appendix A) was used.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:5.9(A)(4).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 18:387 (April 1992), amended LR 26:1288 (June 2000).

II. Seriousness of Violation

2.1 Pursuant to Sections 3.2 and 3.4 of the "Civil Penalty Assessment Rule" (Appendix A), the following penalty assessment levels shall apply towards the seriousness of the violation (public health risk) for the various classifications of violations described in Subpart 4 of the "Accompanying Guidelines to the Civil Penalty Assessment Rule" (Appendix B):

A. Imminent threat (high risk) type violations shall be assessed at 100 percent of one-half of the maximum daily penalty amount.

B. Priority threat (moderate risk) type violations shall be assessed at 65 percent of one-half of the maximum daily penalty amount.

C. Non-imminent threat (low risk) type violations shall be assessed at 35 percent of one-half of the maximum daily penalty amount.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:5.9(A)(4).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 18:387 (April 1992), amended LR 26:1288 (June 2000).

III. Culpability of the Owner and/or Operator

3.1 Pursuant to Sections 3.2 and 3.4 of the "Civil Penalty Assessment Rule" (Appendix A), the following penalty assessment levels shall apply towards the culpability (the level of blame for the occurrence and/or continuance of a violation including factors such as attitude as well as the nature and extent of the efforts to comply) of the owner and/or operator for the particular violation for which a seriousness penalty is assessed:

A. Culpability determined to be deliberate or intentional (a willful action or lack of action) shall be assessed at 100 percent of one-half of the maximum daily penalty amount.

B. Culpability determined to be recklessness (wanton disregard of the consequences but proceeded with risk in mind) shall be assessed at 65 percent of one-half of the maximum daily penalty amount.

C. Culpability determined to be negligence (failure to prevent the violation due to indifference, lack of reasonable care, lack of diligence, etc.) shall be assessed at 35 percent of one-half of the maximum daily penalty amount.

D. Culpability determined to be non-existent (those cases where the operator and/or owner has acted reasonably, but the violation occurred anyway) shall be assessed at zero percent of one-half of the maximum daily penalty amount, *i.e.*, \$0.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:5.9(A)(4).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 18:387 (April 1992), amended LR 26:1288 (June 2000).

IV. Classification of Violations

4.1 The various types of violations which can occur are classified into three levels of seriousness based upon their public health risk. The three levels of seriousness are defined as follows:

A. *Imminent threat* type violations are defined as those violations considered to be of an acute risk to public health requiring an immediate action or response by the owner and/or operator of a public water system. Imminent threat type violations include, but are not limited to, the following:

1. exceeding maximum contaminant levels for nitrate.
2. exceeding the maximum contaminant level for total coliform when fecal coliform or *E. coli* is present in the water distribution system.
3. occurrence of a water-borne disease outbreak in an unfiltered surface water system or an unfiltered ground water system which is under the direct influence of surface water.
4. any violation specified by the State Health Officer as posing an acute risk to human health.

5. failure to comply with any remedial action(s) ordered in the context of an emergency order issued by the state health officer, such as but not limited to *Boil Notices*.

6. failure to give public notification of an acute violation (Tier 1 - Acute) within the time frames allowed by law or duly adopted rule.

B. *Priority threat* type violations are defined as those violations considered to be of a moderate risk to public health but which could result in an acute risk and therefore require an immediate action or response by the owner and/or operator. Priority threat violations include, but are not limited to, the following:

1. exceeding the maximum contaminant level for total coliform.
2. failure to comply with a treatment technique requirement.
3. failure to comply with a variance or exemption schedule.
4. exceeding the maximum contaminant level for a physical, radiological, or chemical (other than nitrate) contaminant. For the purpose of clarification, a physical contaminant is defined as turbidity, temperature, conductivity, color, taste, or odor.

5. failure to perform compliance monitoring as required for any bacteriological, physical, radiological, or chemical contaminant.

6. failure to utilize either a laboratory certified by the Office of Public Health or an Office of Public Health laboratory which has been certified by EPA for compliance monitoring determination of any bacteriological, physical, radiological, or chemical contaminant in drinking water when such contaminant determination is required by law or duly adopted rule to be analyzed by an EPA or state-certified laboratory.

7. failure to perform proper testing procedures for turbidity, disinfectant residual, temperature, pH, conductivity, alkalinity, calcium, silica, orthophosphate, or any other parameter which is not required to be analyzed in an EPA or state-certified laboratory but the results of which are required to be reported to the state for compliance monitoring determinations.

8. failure to report the results of any test measurement or analysis to the state within the time frame allowed by law or duly adopted rule.

9. failure to comply with any remedial action(s) ordered in the context of a non-emergency order issued by the state health officer.

10. failure to give public notification of a non-acute (Tier 1 - Non-Acute) violation within the time frames allowed by law or duly adopted rule.

C. *Non-imminent* threat violations are defined as those violations considered to be of a low risk to public health which do not require an immediate response by the owner and/or operator. These include operational deficiencies, facility deficiencies, and administrative deficiencies. Non-imminent threat type violations include, but are not limited to, the following:

1. failure to give public notification of a monitoring violation, testing procedure violation, variance grant or existence, or exemption grant or existence (Tier 2) within the time frames allowed by law or duly adopted rule.

2. failure to comply with an operational or maintenance requirement.

3. failure to comply with design and construction standards as required by law or duly adopted rule.

4. failure to submit plans and specifications as required by law or duly adopted rule.

5. failure to comply with an operator certification requirement.

6. failure to submit to the state, within the time frames allowed by law or duly adopted rule, a representative copy of each type of public notice distributed, published, posted, and/or made available to the persons served by the system and/or to the news media.

7. failure to maintain records as prescribed by law or duly adopted rule, such as but not limited to, bacteriological and chemical analyses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:5.9(A)(4).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 18:387 (April 1992), repromulgated LR 26:1288 (June 2000).

V. Mitigation Guidance

5.1 Section 4.3 of the "Civil Penalty Assessment Rule" (Appendix A) allows the state health officer to mitigate penalties that have been imposed generally either upon proof that all of the provisions in the administrative compliance order have now been complied with or upon compliance with terms of a Stipulation and Agreed Order. The following guidance will be used by the state health officer upon such mitigation proceedings:

A. When considering mitigation of the imposed penalty upon receipt of written application requesting such mitigation, the state health officer shall have the discretion to reduce the imposed penalty beginning at a reduction rate of zero percent up to no more than 90 percent. The ordinarily expected mitigation reduction rate shall be 50 percent of the assessed penalty for the first 60 days of assessed penalty and an 80 percent reduction rate for penalties assessed beyond day 60. Using this procedure, if the end result of the calculated mitigated penalty amount is less than the minimum mitigation limits specified in Section 4.3 of the "Civil Penalty Assessment Rule" (Appendix A), the minimum mitigation limits specified therein shall apply.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:5.9(A)(4).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 18:387 (April 1992), amended LR 26:1289 (June 2000).

Appendix C

Louisiana Total Coliform Rule

The State of Louisiana Department of Health and Hospitals (DHH) Office of Public Health (OPH) adopts the United States Environmental Protection Agency (EPA) Federal Total Coliform Regulations as published in the Federal Register, Volume 54, Number 124 Thursday, June 29, 1989. The Louisiana Total Coliform Rule is to be published as an addendum to Chapter XII of the State Sanitary Code. In order to clarify the State's discretionary decisions allowed by the Federal requirements, the following is offered.

Coliform Routine Compliance Monitoring

Each public water supply must be monitored in accordance with a written sampling plan prepared by the public water supply (PWS) personnel in conjunction with the parish sanitarian. The sampling plan must be reviewed and approved by OPH District/Regional engineering staff. The sampling plan should include a map or sketch of the system with the points of collection (POC) identified along with the street address and/or sufficient information for an unfamiliar person to find the sampling site. The water supply must provide suitable taps which draw water directly from the mains or the service lines. Such taps provide for samples which are most representative of the quality of water provided without "interference" which may be caused by plumbing problems within residences or other structures. Use of such taps decreases the chance of "bad samples" resulting in a coliform maximum contaminant level (MCL) violation which requires public notification by the public water supply and an administrative enforcement action by

the EPA/DHH against the public water supply. Community systems must be routinely monitored in accordance with Table 1.

3/month	3	5/month
4/month	3	5/month
5/month or greater	3	Table 1

Table 1			
Total Coliform Sampling Requirements According to Population Served			
Population served	Minimum number of routine samples per month	Population served	Minimum number of routine samples per month
25 to 1,000	1	59,001 to 70,000	70
1,001 to 2,500	2	70,001 to 83,000	80
2,501 to 3,300	3	83,001 to 96,000	90
3,301 to 4,100	4	96,001 to 130,000	100
4,101 to 4,900	5	130,001 to 220,000	120
4,901 to 5,800	6	220,001 to 320,000	150
5,801 to 6,700	7	320,001 to 450,000	180
6,701 to 7,600	8	450,001 to 600,000	210
7,601 to 8,500	9	600,001 to 780,000	240
8,501 to 12,900	10	780,001 to 970,000	270
12,901 to 17,200	15	970,001 to 1,230,000	300
17,201 to 21,500	20	1,230,001 to 1,520,000	330
21,501 to 25,000	25	1,520,001 to 1,850,000	360
25,001 to 33,000	30	1,850,001 to 2,270,000	390
33,001 to 41,000	40	2,270,001 to 3,020,000	420
41,001 to 50,000	50	3,020,001 to 3,960,000	450
50,001 to 59,000	60	3,960,001 or more	480

Non-Community systems using ground water must routinely monitor once in each calendar quarter during which the system provides water to 1000 or less persons. A non-community system using ground water and serving more than 1000 persons must monitor monthly in accordance with Table 1. Any non-community using any surface water, or using ground water under the direct influence of surface water must monitor in accordance with Table 1.

The public water supply must collect samples at regular time intervals throughout the month unless the state staff specifies otherwise or state staff collect the samples.

Special purpose samples (investigative samples) shall not be used to determine compliance with the total coliform MCL.

Coliform Repeat Monitoring

If a routine sample is total coliform positive and the public water supply has their own certified laboratory, repeat samples must be collected by the public water supply within 24 hours of being notified of the positive result. If the state collects and analyzes the samples, repeat samples will be collected by parish health unit staff within 24 hours of official notification. The number of repeat samples collected shall be in accordance with Table 2.

Table 2		
Monitoring and Repeat Sample Frequency After a Total Coliform Positive Routine Sample		
No. routine samples/month	No. repeat samples/positive	No. routine samples next month
1/month or fewer	4	5/month
2/month	3	5/month

At least one repeat sample must be collected from the sampling tap where the original total coliform positive sample was taken and at least one repeat sample at a tap within five service connections upstream and at least one repeat sample at a tap within five service connections downstream of the original sampling site. The fourth sample must come from a tap within five service connections upstream or within five service connections downstream. The fourth sample may not come from the original sampling site. If a total coliform-positive sample is at the end of the distribution system, or one away from the end of the distribution system the requirement to collect at least one repeat sample upstream or downstream of the original sampling site is waived.

The repeat samples must be collected on the same day. In a system with a single service connection, four 100ml repeat samples must be collected. Three 100ml samples must be collected in a system if more than one routine sample per month is collected.

If coliforms are detected in any repeat sample, the system must collect another set of repeat samples from the same location unless the MCL has already been violated and the State is aware of violation. If short term corrective actions are not successful, the public water supply must install continuous disinfection and implement a routine flushing program as directed by OPH.

Whenever a system that normally collects less than 5 routine distribution system samples each month receives a positive coliform analysis, it must collect at least 5 routine distribution system samples the next month regardless of the results of repeat sampling.

If a routine or repeat sample result is positive for total coliform, the sample must also be analyzed for fecal coliform or *E. coli* immediately.

Invalidation of Total Coliform Results

Analysis results may be invalidated under specified conditions, including:

1. The OPH acknowledges improper analysis occurred or background bacteriological interference was present.
2. The OPH determines the contamination is from an internal plumbing problem, not the distribution system.
3. The OPH concludes, and states in writing, that the result is due to some condition not related to water quality. This written conclusion must be signed by an OPH representative and made available to the public and EPA.

Total Coliform MCL

1. The maximum contaminant level (MCL) is based on the presence or absence of total coliform rather than on coliform density.

2. If 40 or more distribution system samples are collected per month, no more than 5 percent of the monthly samples may be total coliform positive.

3. If less than 40 distribution system samples are collected per month, no more than one sample per month may be total coliform positive.

NOTE: If collecting less than 40 samples per month, the second positive coliform analysis in any month will result in an MCL violation. If collecting more than 40 samples per month, occasional positives may be tolerated, as long as the

number each month does not exceed 5 percent of the total samples.

4. A violation is considered acute and is subject to more stringent public notification requirements when:

a. A coliform-positive original sample that is also positive for fecal coliform (or *E. coli*) is followed by a positive coliform repeat sample, or

b. a coliform-positive original sample followed by a coliform-positive repeat sample is also positive for fecal coliform (or *E. coli*).

Public Notification

Public notification requirements remain unchanged from the 1989 revisions as specified.

If the MCL is exceeded, the supplier of water is required to provide public notice in a daily or weekly newspaper within 14 days. Where newspaper notice is not feasible for a non-community public water supply, continuous posting may be substituted. In addition to newspaper notice, a notice must also be provided to the consumers by direct mail or hand delivery within 45 days. For an acute MCL violation, a notice shall also be furnished by community systems only to radio and television stations serving the area within 72 hours.

In larger systems, an MCL violation and public notice may be confined to a portion of the distribution system.

In addition, public notification is required within 3 months if a supplier of water fails to comply with a monitoring and/or reporting requirement.

If a replacement sample can not be analyzed and give a readable result, the public water supply will be assessed a monitoring violation and must give appropriate public notification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 17:670 (July 1991), repromulgated LR 26:1289 (June 2000).

Appendix D

Surface Water Treatment Rule

Section 1: General Requirements and Definitions

1.01. General Requirements

A. For public water systems using surface water or groundwater under the direct influence of surface water, this chapter establishes treatment techniques in lieu of maximum contaminant levels for the following microbial contaminants: *Giardia lamblia* (cysts), viruses, heterotrophic plate count bacteria, *Legionella*, and turbidity.

B. Each supplier using an approved surface water or groundwater under the direct influence of surface water shall provide multibarrier treatment necessary to reliably protect users from the adverse health effects of microbiological contaminants and to comply with the requirements and performance standards prescribed in this chapter.

C. Within 90 days from the date of notification by the Department of Health and Hospitals, hereinafter referred to as DHH, that the supplier has a treatment plant and/or a surface water supply that does not meet the requirements of this chapter, the supplier shall submit for DHH approval a plan and schedule to bring its system into compliance as soon as feasible.

D. If the supplier disagrees with the DHH's notification, then the supplier shall submit reasons and evidence for its disagreement within 30 days from the receipt of the

notification unless an extension of time to meet this requirement is requested and granted by the DHH.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 17:271 (March 1991), repromulgated LR 26:1291 (June 2000).

1.02. Definitions

A. Approved Surface Water. "Approved surface water" means a surface water or groundwater under the direct influence of surface water that has received permit approval from the DHH.

B. Best Available Technology. "Best available technology" for filtration of surface water means conventional treatment which conforms with all of the requirements of this chapter.

C. Certified Operator. "Certified operator" is defined as the individual, as examined by the Committee of Certification as approved by the State Health Officer, meeting all requirements of State Law and regulation and found competent to operate a water supply or sewerage system.

D. Coagulation. "Coagulation" means a process using coagulant chemicals and rapid mixing by which colloidal and suspended material are destabilized and agglomerated into settleable and/or filterable flocs.

E. Conventional Filtration Treatment. "Conventional filtration treatment" means a series of treatment processes which includes coagulation, flocculation, sedimentation, and filtration resulting in substantial particulate removal.

F. Diatomaceous Earth Filtration. "Diatomaceous Earth Filtration" means a process resulting in particulate removal in which a precoat cake of graded diatomaceous earth filter media is deposited on a support membrane (septum) and, while the water is being filtered by passing through the cake on the septum, additional filter media known as body feed is continuously added to the feed water to maintain the permeability of the filter cake.

G. Deep Bed Filtration. "Deep Bed Filtration" means a process for removing particulate matter from water by passage through porous media exceeding 42 inches in total depth. Underdrain gravels are not to be included.

H. Direct Filtration Treatment. "Direct filtration treatment" means a series of processes including coagulation, flocculation, and filtration but excluding sedimentation.

I. Disinfectant Contact Time. "Disinfectant contact time" means the time in minutes that it takes for water to move from the point of disinfectant application or a previous point of disinfectant residual measurement to a point before or at the point where residual disinfectant concentration is measured. The point of measurement must be before the first customer. Disinfectant contact time in pipelines is calculated by dividing the internal volume of the pipe by the flow rate through the pipe. Disinfectant contact time with mixing basins and storage reservoirs is determined by tracer studies or an equivalent demonstration to the DHH.

J. Disinfection. "Disinfection" means a process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

K. Engineering Report. "Engineering report" means a water treatment technical report prepared by a qualified engineer.

L. Filtration. "Filtration" means a process for removing particulate matter from water by passage through porous media.

M. Flocculation. "Flocculation" means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable or filterable particles through gentle stirring by hydraulic or mechanical means.

N. Groundwater Under the Direct Influence of Surface Water. "Groundwater under the direct influence of surface water" means any water beneath the surface of the ground with significant occurrence of insects or other macroorganisms, algae or large diameter pathogens such as *Giardia lamblia*, or significant and relatively rapid shifts in site specific water characteristics such as turbidity, temperature, conductivity or pH which closely correlate to climatological or surface water conditions. The DHH determination of direct influence may be based on an evaluation of site specific measurements of water quality and/or well characteristics and geology with field evaluation.

O. Heterotrophic Plate Count. "HPC" means heterotrophic plate count analysis (#907) using instrumentation and methods as described in the 16th edition of Standard Methods for the Examination of Water and Wastewater.

P. Legionella. "*Legionella*" means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires disease.

Q. Multibarrier Treatment. "Multibarrier Treatment" means a series of water treatment processes that provide for both removal and inactivation of waterborne pathogens.

R. NTU (Nephelometric Turbidity Unit). "Nephelometric Turbidity Unit (NTU)" means a measurement of the turbidity of water as determined by the ratio of the intensity of light scattered by the sample to the intensity of incident light, using instrumentation and methods described in the 16th edition of Standard Methods for the Examination of Water and Wastewater.

S. Operator. "Operator" is defined as the individual, as determined by the Committee of Certification, in attendance on site of a water supply or sewerage system and whose performance, judgement and direction affects either safety, sanitary quality, or quantity of water distributed or treated, or sewage collected or treated.

T. Pressure Filter. "Pressure filter" means a pressurized vessel containing properly sized and graded granular media.

U. Qualified Engineer. "Qualified engineer" shall mean any engineer who has been registered under the provisions of the State of Louisiana, Act 568 or 1980 and who holds a current certificate issued by the Louisiana State Board of Registration for Professional Engineers and Land Surveyors, and who has knowledge and experience in water treatment plant design, construction, operation, and watershed evaluations.

V. Residual Disinfectant Concentration. "Residual disinfectant concentration" means the concentration of the disinfectant in milligrams per liter (mg/l) in a representative sample of water.

W. Sedimentation. "Sedimentation" means a process for removal of settleable solids before filtration by gravity or separation.

X. Slow Sand Filtration. "Slow sand filtration" means a process involving passage of raw water through a bed of

sand at low velocity (less than 0.10 gallons per minute per square foot) resulting in substantial particulate removal by physical and biological mechanisms.

Y. Supplier. "Supplier", for the purpose of this chapter, means the owner or operator of a water system for the provision to the public of piped water for human consumption, provided such system has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year.

Z. Surface Water. "Surface water" means all water open to the atmosphere and subject to surface runoff.

AA. Turbidity Level. "Turbidity level" means the value in NTU obtained by measuring the turbidity of a representative grab sample of water at a specified regular interval of time. If continuous turbidity monitoring is utilized, the turbidity level is the discrete turbidity value at any given time.

BB. Virus. "Virus" means a virus which is infectious to humans by waterborne transmissions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 17:271 (March 1991), repromulgated LR 26:1291 (June 2000).

Section 2. Treatment Requirements and Performance Standards

2.01. Treatment Requirements

A. Each supplier using surface water or groundwater under the direct influence of surface water shall provide multibarrier treatment that meets the requirements of this chapter and reliably ensures at least:

1. A total of 99.9 percent (3 Log) reduction of *Giardia* cysts through filtration and disinfection.
2. A total of 99.99 percent (4 Log) reduction of viruses through filtration and disinfection.
3. The total reductions to be required by the DHH may be higher and are subject to the source water concentration of *Giardia lamblia* and viruses.

B. Suppliers meeting the requirements of Sections 2.02 and 2.04 shall be deemed to be in compliance with the minimum reduction requirements specified in Section 2.01(A).

C. Section 2.03 presents requirements for non-filtering systems. All suppliers which use surface water as a source must provide filtration. On a case by case basis, systems using groundwater under the direct influence of surface water may not be required to filter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 17:271 (March 1991), repromulgated LR 26:1292 (June 2000).

2.02. Filtration

A. All surface water or groundwater under the direct influence of surface water utilized by a supplier shall be treated using one of the following filtration technologies unless an alternative process has been approved by the DHH.

1. Conventional filtration treatment
2. Direct filtration treatment
3. Slow sand filtration
4. Diatomaceous earth filtration

B. Conventional filtration treatment shall be deemed to be capable of achieving at least 99.7 percent (2.5 Log) removal of *Giardia* cysts and 99 percent (2 Log) removal of viruses when in compliance with operation criteria (Section 4) and performance standards (Sections 2.02 and 2.04). Direct filtration treatment, and diatomaceous earth filtration and shall be deemed to be capable of achieving at least 99 (2 Log) percent removal of *Giardia* cysts and 90 (1 Log) percent removal of viruses when in compliance with operation criteria (Section 4) and performance standard (Section 2.02 and 2.04). Slow sand filtration shall be deemed *Giardia* to be capable of achieving at least 99 (2 Log) percent removal of *Giardia* and 99 (2 Log) percent removal of viruses when in compliance with operation criteria and performance standards.

Treatment Methods				
Filtration Method	Expected Minimum Log Removals		Remaining Minimum Disinfection Log Inactivation	
	<i>Giardia</i>	Viruses	<i>Giardia</i>	Viruses
Conventional	2.5	2.0	0.5	2.0
Direct	2.0	1.0	1.0	3.0
Slow Sand	2.0	2.0	1.0	2.0
Diatomaceous Earth	2.0	1.0	1.0	3.0

Additional treatment removal credit for conventional or direct filtration may be allowed at state discretion to a maximum of 3 Log removal of *Giardia* cysts and 3 Log removal of viruses considering:

1. demonstration that the total treatment train achieves
 - a. at least 99 percent turbidity removal or filtered water turbidities are consistently less than 0.5 NTU; or
 - b. a 99.9 percent removal of particles in the size range of 5 to 15 µm;
2. HPC count in finished water is consistently less than 10/ml;
3. demonstration of removal/inactivation of *Giardia* and viruses;
4. process steps elevating process water above pH 9.0 (not necessarily finished water);
5. filter bed depth in excess of 48 inches;
6. Oxidant effect of chemicals feed for alternate purposes (i.e. taste and odor).

If DHH allows additional removal credit for the treatment process, minimum disinfection shall still not be less than reported in the above table. Expected minimum removal credits are listed in Table 1, Section 2.02 B with the corresponding remaining disinfection required.

C. Conventional Filtration or Direct Filtration, shall comply with following performance standards for each treatment plant:

1. The turbidity level of the filtered water shall be equal to or less than 0.5 NTU in 95 percent of the measurements taken each month.
2. For conventional treatment a higher filtered water turbidity, to a maximum of 1.0 NTU in 95 percent of the measurements taken each month, may be allowed at DHH discretion provided the system is achieving previously identified minimum removal and/or inactivation of *Giardia* cysts at the higher turbidity level.

Such a determination may be based upon an analysis of existing design and operating conditions and/or performance relative to certain water quality characteristics. The design and operating conditions to be reviewed include:

- a. the adequacy of treatment prior to filtration;
- b. the percent turbidity removal across the treatment train; and
- c. level of disinfection.

Water quality analysis which may also be used to evaluate the treatment effectiveness include particle size counting before and after the filter. Pilot plant challenge studies simulating full scale operation may also be used to demonstrate effective treatment. Depending on the source water quality and system size, DHH will determine the extent of the analysis and whether a pilot plant demonstration is needed. For this demonstration, systems are allowed to include disinfection in the determination of the overall performance by the system.

3. Filtered water turbidity may not exceed 5 NTU at any time.

D. Slow Sand Filtration shall comply with the following performance standards for each treatment plant:

1. The turbidity level of the filtered water shall be less than or equal to 1.0 NTU in 95 percent of the measurements taken each month. However, filtered water from the treatment plant may exceed 1.0 NTU, provided the filter effluent prior to disinfection does not exceed the maximum contaminant level for total coliforms.

2. The turbidity level of the filtered water does not exceed 5.0 NTU at any time.

E. Diatomaceous earth filtration shall comply with the following performance standards for each treatment plant:

1. The filtered water turbidity must be less than or equal to 1.0 NTU in 95 percent of the measurements each month.

2. The turbidity level of representative samples of filtered water must at not time exceed 5 NTU.

F. An alternative to the filtration technologies specified in Section 2.02(A) may be used provided the supplier demonstrates to the DHH that the alternative technology, 1) provides a minimum of 99 percent *Giardia* cyst removal and 99 percent virus removal and 2) meets the turbidity performance standards established in Section 2.02(C). The demonstration shall be based on the results from a prior equivalency demonstration or a testing of a full scale installation that is treating a water with similar characteristics and is exposed to similar hazards as the water proposed for treatment. A pilot plant test of the water to be treated may also be used for this demonstration if conducted with the approval of the DHH. The demonstration shall be presented in an engineering report prepared by a qualified engineer. Additional reporting for the first full year of operation of a new alternative filtration treatment process approved by the DHH, may be required at DHH discretion. The report would include results of all water quality tests performed and would evaluate compliance with established performance standards under actual operating conditions. It would also include an assessment of problems experienced, corrective actions needed, and a schedule for providing needed improvements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 17:271 (March 1991), repromulgated LR 26:1293 (June 2000).

2.03. Non-Filtering Systems

A. General. On a case-by-case basis, DHH may waive filtration requirements for suppliers using groundwater under the direct influence of surface water. To be considered, non-filtering systems must conform to the criteria of this section. All suppliers using surface water must employ filtration.

B. Source Water Quality to Avoid Filtration

1. To avoid filtration, a system must demonstrate that either the fecal coliform concentration is less than 20/100 ml and/or the total coliform concentration is less than 100/100 ml in the water prior to the point of disinfectant application in 90 percent of the samples taken during the six previous months. Samples shall be taken prior to blending, if employed.

a. If both fecal and total coliform analysis is performed, only the fecal coliform limit must be met, under this condition, both fecal and total coliform results must be reported.

b. Sample analyses methods may be multiple tube fermentation method or membrane filter test as described in the 16th edition of Standard Methods.

c. Minimum sampling frequencies:

Population	Samples/Week
# 500	1
501-3300	2
3301-10,000	3
10,000-25,000	4
> 25,000	5

Also, one coliform sample must be taken and analyzed each day the turbidity exceeds 1 NTU prior to disinfection.

2. To avoid filtration, the turbidity of the water prior to disinfection cannot exceed 5 NTU based on grab samples collected every four hours (or more frequently) that the system is in operation. Continuous turbidity measurement is allowed provided the instrument is validated at least weekly.

C. Disinfection Criteria to Avoid Filtration

1. To avoid filtration, a system must demonstrate that it maintains disinfection conditions which inactivate 99.9 percent (3 Log) of *Giardia* cysts and 99.99 percent (4 Log) of viruses everyday of operation except any one day each month. To demonstrate adequate inactivations, the system must monitor and record the disinfectant used, disinfectant residual, disinfectant contact time, pH, and water temperature, and use these data to determine if it is meeting the minimum total inactivation requirements of this rule.

a. A system must demonstrate compliance with the inactivation requirements based on conditions occurring during peak hourly flow. Residual measurements shall be taken hourly. Continuous monitors are acceptable in place of hourly samples.

b. pH and Temperature must be determined daily for each disinfection sequence prior to the first customer.

2. To avoid filtration, the system must maintain a minimum residual of 0.2 mg/L entering the distribution system and maintain a detectable residual throughout the

distribution system. Performance standards shall be as presented in Section 2.04 B and C.

3. To avoid filtration, the disinfection system must be capable of assuring that the water delivered to the distribution system is continuously disinfected. This requires:

a. Redundant disinfection equipment with auxiliary power and automatic start up and alarm; or

b. An automatic shut off of delivery of water to the distribution system when the disinfectant residual level drops below 0.2 mg/l.

D. Site Specific Conditions To Avoid Filtration. In addition to the requirement for source water quality and disinfection, systems must meet the following criteria to avoid filtration:

C maintain a watershed control program

C conduct a yearly on-site inspection

C determine that no waterborne disease outbreaks have occurred

C comply with the revised annual total coliform MCL

C comply with TTHM Regulations

1. A watershed control program for systems using groundwater under the influence of surface water shall include as a minimum, the requirements of the Wellhead Protection Program, delineated as follows:

a. Specify the duties of state agencies, local governmental entities and public water supply systems with respect to the development and implementation of The Program;

b. Determine the wellhead protection area (WHPA) for each wellhead as defined in subsection 1428(e) based on all reasonably available hydrogeologic information, groundwater flow, recharge and discharge and other information the State deems necessary to adequately determine the WHPA;

c. Identify within each WHPA all potential anthropogenic sources of contaminants which may have any adverse effect on the health of persons;

d. Describe a program that contains, as appropriate, technical assistance, financial assistance, implementation of control measures, education, training and demonstration projects to protect the water supply within WHPAs from such contaminants.

e. Present contingency plans for locating and providing alternate drinking water supplies for each public water system in the event of well or wellfield contamination by such contaminants;

f. Consider all potential sources of such contaminants within the expected wellhead area of a new water well which serves a public water supply system; and

g. Provide for public participation.

2. On-Site Inspection. An annual on-site inspection is required to evaluate the watershed control program and disinfection facilities. The system shall be reviewed by a qualified engineer for the systems adequacy for producing safe drinking water. The annual on-site inspection shall include as a minimum:

a. Review the effectiveness of the watershed control program.

b. Review the physical condition and protection of the source intake.

c. Review the maintenance program to insure that all disinfection equipment is appropriate and has received regular maintenance and repair to assure a high operating reliability.

d. Review improvements and/or additions made to disinfection processes during the previous year to correct deficiencies detected in earlier surveys.

e. Review the condition of disinfection equipment.

f. Review operating procedures.

g. Review data records to assure that all required tests are being conducted and recorded and disinfection is effectively practiced.

h. Identify any needed improvements in the equipment, system maintenance and operation, or data collection.

3. Sanitary Survey. In addition to the above requirements, a sanitary survey shall be performed every 5 years by the utility which uses groundwater under the influence of surface water without filtration. The sanitary survey shall include:

a. Review the condition of finished water storage facilities.

b. Determine that the distribution system has sufficient pressure throughout the year.

c. Verify that distribution system equipment has received regular maintenance.

d. Review cross connection prevention program, including annual testing of backflow prevention devices.

e. Review routine flushing program for effectiveness.

f. Evaluate the corrosion control program and its impact on distribution water quality.

g. Review the adequacy of the program for periodic storage reservoir flushing.

h. Review practices in repairing water main breaks to assure they include disinfection.

i. Review additions, improvements incorporated during the year to correct deficiencies detected in the initial inspection.

j. Review the operations to assure that any difficulties experienced during the year have been adequately addressed.

k. Review staffing to assure adequate numbers of properly trained and/or certified personnel are available.

l. Verify that a regular maintenance schedule is followed.

m. Audit systems records to verify that they are adequately maintained.

n. Review bacteriological data from the distribution system for coliform occurrence, repeat samples and action response.

4. No Disease Outbreaks. To avoid filtration, a system using groundwater under the influence of surface water must not have been identified as a source of waterborne disease. If such an outbreak has occurred and (in the opinion of DHH) was attributed to a treatment deficiency, the system must install filtration unless the system has upgraded, its treatment to remedy the deficiency to the satisfaction of DHH.

5. Coliform MCL. To avoid filtration, a system must comply with the MCL for Total Coliforms, established in the Total Coliform Rule, for at least 11 out of 12 of the previous

month unless DHH determines the failure to meet this requirement was not caused by a deficiency in treatment.

6. Total Trihalomethane (TTHM) Regulations. For a system using groundwater under the influence of surface water to continue using disinfection as the only treatment, the system must comply with current and (eventually) pending TTHM Regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 17:271 (March 1991), repromulgated LR 26:1294 (June 2000).

2.04 Disinfection

A. All surface water or groundwater under the direct influence of surface water utilized by a supplier shall be provided with continuous disinfection treatment sufficient to ensure that the total treatment process provides inactivation of *Giardia* cysts and viruses, in conjunction with the removals obtained through filtration, to meet the reduction requirements specified in Section 2.01.

B. Disinfection treatment shall comply with the following performance standards:

1. Water delivered to the distribution system shall contain a disinfectant residual of not less than 0.2 mg/l for more than four hours in any 24 hour period.

2. The residual disinfectant concentrations of samples collected from the distribution system shall be detectable in at least 95 percent of the samples each month, taken during any two consecutive months. At any sample point in the distribution system, the presence of heterotrophic plate count (HPC) at concentrations less than 500 colony forming units per milliliter shall be considered equivalent to a detectable disinfectant residual.

C. Determination of Inactivation by Disinfection. Minimum disinfection requirements shall be determined by DHH on a case by case basis but shall not be less than those reported in Section 2.02(B). The desired level of inactivation shall be determined by the calculation of CT values; residual disinfectant concentration (C) times the contact times (T) when the basin is in operation. Disinfectant contact time must be determined by tracer studies.

1. The T10 value will be used as the detention time for calculating CTs. T10 is the detention time at which 90 percent of the flow passing through the vessel is retained within the vessel. Systems conducting tracer studies shall submit a plan to DHH for review and approval prior to the study being conducted. The plan must identify how the study will be conducted, the tracer used, flow rates, etc. The plan must also identify who will actually conduct the study. Tracer studies are to be conducted according to protocol found in standard engineering texts (such as *Levenspiel*), or the methodology in the EPA SWTR Guidance Manual.

2. On a case-by-case basis, alternate empirical methods of calculating T10 as outlined in the Guidance Manual may be accepted for vessels with geometry and baffling conditions analogous to basins on which tracer studies have been conducted and results have been published in the Guidance Manual or the literature.

3. Additional tracer studies may be required by DHH whenever modifications are made which could impact flow distribution, contact time, or disinfectant distribution.

4. CT values utilized in this evaluation shall be those reported in the EPA SWTR Guidance Manual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 17:271 (March 1991), repromulgated LR 26:1295 (June 2000).

2.05. Design Standards

A. All new treatment and disinfection facilities shall be designed and constructed to meet the existing State Sanitary Code as modified by the requirements contained herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 17:271 (March 1991), repromulgated LR 26:1296 (June 2000).

Section 3: Monitoring Requirements

3.01. Filtration

A. Each supplier using a surface water or groundwater under the direct influence of surface water source shall monitor the turbidity level of the raw water supply by the taking and analyzing of a daily grab sample. Continuous monitoring may be substituted providing the accuracy of the measurements are validated weekly.

B. To determine compliance with the performance standards specified in Section 2.02, each supplier shall determine the turbidity level of representative samples of the combined filter effluent, prior to clearwell storage, at least once every four hours that the system is in operation.

C. For finished water turbidity, continuous turbidity measurements may be substituted for grab sample monitoring provided the supplier validates the accuracy of the measurements on a weekly basis.

D. Suppliers using slow sand filtration or serving fewer than 500 people may reduce turbidity monitoring to one grab sample per day if DHH determines that less frequent monitoring is sufficient to indicate effective filtration performance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 17:271 (March 1991), repromulgated LR 26:1296 (June 2000).

3.02. Disinfection

A. To determine compliance with disinfection inactivation requirements specified in Section 2.02, each supplier shall develop and conduct a monitoring program to measure those parameters that affect the performance of the disinfection process. This shall include but not be limited to:

- 1) temperature of the disinfected water,
- 2) pH(s) of the disinfected water if chlorine is used as a disinfectant,
- 3) the disinfectant contact time(s), and
- 4) the residual disinfectant concentrations before or at the first customer.

B. To determine compliance with the performance standards specified in Section 2.02 or 2.04, the disinfectant residual concentrations of the water being delivered to the distribution system shall be measured and recorded continuously. If there is a failure of continuous disinfectant residual monitoring equipment, grab sampling every four hours may be conducted in lieu of continuous monitoring, but for no more than five working days following the failure of the equipment. The residual disinfectant concentrations

must be measured at least at the same points in the distribution system and at the same time that total coliforms are sampled.

C. Suppliers serving fewer than 3300 people may collect and analyze grab samples of disinfectant residual each day in lieu of the continuous monitoring, in accordance with Table 2, provided that any time the residual disinfectant falls below 0.2 mg/l., the supplier shall take a grab sample every four hours until the residual concentrations is equal to or greater than 0.2 mg/l.

Table 2	
Disinfectant Residual Sampling	
System Population	Samples/Day
# 500	1
501-1,000	2
1,001-2,500	3
2,501-3,300	4

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 17:271 (March 1991), repromulgated LR 26:1296 (June 2000).

Section 4: Operation

4.01. Operating Criteria

A. All treatment plants utilizing surface water or groundwater under the direct influence of surface water shall be operated by operators certified by DHH.

B. Filtration facilities shall be operated in accordance with the following requirements:

1. Conventional and direct filtration plants shall be operated at flow rates not to exceed three gallons per minute per square foot (gpm/sq ft) for gravity filters. For pressure filters, if approved by DHH, filtration rates shall not exceed two gpm/sq ft.

2. Slow sand filters shall be operated at filtration rates not to exceed 0.10 gallons per minute per square foot. The filter bed shall not be dewatered except for cleaning and maintenance purposes.

3. Diatomaceous earth filters shall be operated at filtration rates not to exceed 1.0 gallon per minute per square foot.

4. In order to obtain approval for higher filtration rates than those specified in this section, a water supplier shall demonstrate to the Department that the filters can achieve an equal degree of performance.

5. Filtration rates shall be increased gradually when placing filters back into service following backwashing or any other interruption in the operation of the filter.

6. Pressure filters shall be physically inspected and evaluated annually for such factors as media condition, mudball formation, and short circuiting. A written record of the inspection shall be maintained at the treatment plant.

C. Disinfection facilities shall be operated in accordance with the following requirements:

1. A supply of chemicals necessary to provide continuous operation of disinfection facilities shall be maintained as a reserve or demonstrated to be available under all conditions and circumstances.

2. An emergency plan shall be developed prior to and implemented in the event of disinfection failure to prevent

delivery to the distribution system of any undisinfected or inadequately disinfected water. The plan shall be posted in the treatment plant or other place readily accessible to the plant operator.

3. System redundancy and changeover systems shall be maintained and kept operational at all times to ensure no interruption in disinfection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 17:271 (March 1991), repromulgated LR 26:1296 (June 2000).

Section 5: Reporting

5.01. DHH Notification

The supplier shall notify DHH within 24 hours by telephone or other equally rapid means whenever:

A. The turbidity of the combined filter effluent as monitored exceeds 5.0 NTU at any time.

B. More than two consecutive turbidity samples of the combined filter effluent taken every four hours exceed 1.0 NTU.

C. There is a failure to maintain a minimum disinfectant residual of 0.2 mg/l in the water being delivered to the distribution system and whether or not the disinfectant residual was restored to at least 0.2 mg/l within four hours.

D. An event occurs which may affect the ability of the treatment plant to produce a safe, potable water including but not limited to spills of hazardous materials in the watershed and unit treatment process failures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 17:271 (March 1991), repromulgated LR 26:1297 (June 2000).

5.02. Monthly Report

A. Each supplier with a surface water or groundwater under the direct influence of surface water treatment facility shall submit a monthly report on the operation of each facility to the DHH by the tenth day of the following month.

B. The report shall include the following results of turbidity monitoring of the combined filter effluent:

1. All turbidity measurements taken during the month.

2. The number and percent of turbidity measurements taken during the month which are less than or equal to the performance standard specified for each filtration technology in Section 2.02, or as required for an alternative treatment process. The report shall also include the date and value of any turbidity measurements that exceed performance levels specified in Section 2.02.

3. The average daily turbidity level.

C. The report shall include the following disinfection monitoring results.

1. The date and duration of each instance when the disinfectant residual in water supplied to the distribution system is less than 0.2 mg/l and when the DHH was notified of the occurrence.

2. The following information on samples taken from the distribution system:

a. The number of samples where the disinfectant residual is measured.

b. The number of samples where only the heterotrophic plate count (HPC) is measured.

c. The number of measurements with no detectable disinfectant residual and no HPC is measured.

d. The number of measurements with no detectable disinfectant residual and HPC is greater than 500 colony forming units per milliliter.

e. The number of measurements where only HPC is measured and is greater than 500 colony forming units per milliliter.

D. The report shall include a written explanation of the cause of any violation of performance standards specified in Section 2.02, 2.03 or 2.04 and operating criteria specified in Section 4.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 17:271 (March 1991), repromulgated LR 26:1297 (June 2000).

Section 6: Public Notification

6.01. Consumer Notification

1. The supplier shall notify persons served by the system whenever there is a failure to comply with the treatment technique requirements specified in Section 2.01 or performance standards specified in Sections 2.02, 2.03 and 2.04. The notification shall be given in a manner approved by the DHH, and shall include the following mandatory language:

"The La. Department of Health and Hospitals (DHH) sets drinking water standards and has determined that the presence of microbiological contaminants are a health concern at certain levels of exposure. If water is inadequately treated, microbiological contaminants in that water may cause disease. Disease symptoms may include diarrhea, cramps, nausea, and possibly jaundice, and any associated headaches and fatigue. These symptoms, however are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. DHH has set enforceable requirements for treating drinking water to reduce the risk of these adverse health effects. Treatment such as filtering and disinfecting the water removes or destroys microbiological contaminants. Drinking water which is treated to meet DHH requirements is associated with little to none of this risk and should be considered safe."

2. The supplier shall notify persons served by the system whenever there is a failure to comply with monitoring requirements specified in Section 3, the notification shall be given in the manner approved by DHH.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 and 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 17:271 (March 1991), repromulgated LR 26:1297 (June 2000).

David W. Hood
Secretary

0006#031

RULE

Department of Health and Hospitals Office of Public Health Vital Records Registry

Vital Records Issuance, Clerks of District Court
(LAC 48:V.11709)

The Department of Health and Hospitals, Office of Public Health, Vital Records Registry has repealed the Rule entitled Birth Certificate Copies issued by Clerks of Court published in the *Louisiana Register*, Vol. 12, No. 12, December 20, 1986, page 836 and enacts a new rule as authorized by R.S. 40:33 and 40:39.1. The Rule is promulgated in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq.

Title 48

PUBLIC HEALTH - GENERAL

Part V. Preventive Health Services

Subpart 45. Vital Records

Chapter 117. Availability of Records

' 11709. Issuance of Certified Copies of Vital Records, Clerks of District Court

A. Access to Vital Records Registry Database

1. The state registrar of vital records shall facilitate online computer access by the clerk of district court in each parish to birth and death databases via the data network operated by the office of the Secretary of State to the extent necessary to identify and electronically print certified copies of birth and death certificates. The registrar shall provide a system inquiry interface including print functionality for those birth and death records that can be printed electronically. Access shall be limited to those records that can be electronically issued to the extent necessary to serve authorized customers.

2. The state registrar shall assign vital records system access to clerks of district courts and designated members of their staffs upon receipt of written applications accompanied by properly executed confidentiality forms. The application for system access and confidentiality assurances shall be made on forms supplied by the state registrar. The birth and death database access given to clerks of district courts shall be expanded in logical increments as the missing data fields required to electronically generate certified copies of birth and death records are added, or the images are stored and indexed making them accessible and printable, except that current records (new births and death certificates) shall be made accessible to clerks of district courts for issuance purposes 90 days after the date of the vital event provided they are available in suitable electronic format in the vital records registry database.

B. Vital Records Issuance Services

1. Clerks of district courts may issue birth abstracts (commonly called birth cards) on all birth events more than 90 days old but less than 101 years old, except in those instances where the birth record filed with the vital records registry is a delayed birth certificate (a record filed more than 12 years after birth), the birth is not registered, the certificate filed with the state is irregular or incomplete, or the birth data is not available electronically. In the case of delayed certificates of birth, no birth abstracts will be issued.

2. Clerks of district courts may issue electronic certified copies of long-form birth certificates for those birth events that are more than 90 days old and are available in long-form format in the birth database except in those instances where the birth is not registered, the certificate filed with the state is irregular or incomplete, or the birth data is not available electronically. As additional records become available, the registrar shall enable electronic issuance functionality over the data network of the Secretary of State.

3. Clerks of district courts may issue electronic certified copies of death certificates for those death events that are more than 90 days old and less than 51 years old except in those instances where the death is not registered, the certificate filed with the state is irregular or incomplete, or the death data is not available electronically. As additional records become available, the registrar shall enable electronic issuance functionality over the data network available through the office of the Secretary of State.

4. Government agencies including law enforcement agencies and courts shall be referred to the office of the registrar of vital records for document issuance and vital event verification services, unless the government agency presents a formal release bearing the original signature of the registrant or a member of the registrant's immediate family and pays the statutory document search/issuance fee.

5. In accordance with R.S. 40:39.1 C, certified copies of birth and death records issued through the offices of clerks of district courts shall be accepted as an original record for all legal purposes.

C. Security/Confidentiality

1. Clerks of district courts shall not issue notarized copies of birth or death certificates, nor shall clerks issue certified copies from any source other than the online service provided by the state registrar of vital records.

2. All certified copies of birth and death certificates issued by clerks of district courts shall be issued on security paper provided by the state registrar of vital records.

3. Birth and death certificate issuance services provided by clerks of district courts shall comply with the provisions of R.S. 40:41C.(1) and (2) as they relate to persons authorized to purchase certificates. Applications for certified copies shall be made on standard forms provided or approved by the state registrar of vital records.

4. Clerks of district courts shall only issue certified copies of birth and death certificates to individuals who are authorized by law to receive the documents and who produce proper identification. For the purposes of birth and death certificate issuance, proper identification shall be the same identification criteria used in document issuance offices operated by the state registrar of vital records.

5. Access to the online vital records registry birth and death inquiry systems shall be limited to those individuals assigned user access by the state registrar of vital records.

6. Inquiries against the vital records registry online birth and death systems shall be limited to official inquiries substantiated by a document application form signed by an authorized customer. The statutory fee shall be assessed for each inquiry. The fee is not subject to waiver or refund. No other inquiries against the birth/death database are authorized or allowed. In those instances where the birth or death record is not indexed on the computer, the clerk shall so notify the

customer and shall refer the inquiry to the state registrar of vital records for further investigation.

7. Access to vital records registry security document issuance paper shall be strictly controlled, and the paper shall be stored under lock when not in use. Any loss or theft of security document issuance paper shall be immediately reported to the state registrar.

D. Customer Service Documentation/Retention of Records/Audits

1. Document application forms submitted by customers shall be retained for not less than 3 years, and shall be made available to the registrar of vital records or his designee on request. A photocopy of the identification document(s) presented by the applicant shall be appended to the application form. Alternatively, the clerk may maintain a separate photographic file of the customer and the identification provided by the customer. The identification document must be legible in the photograph.

2. The clerk of court shall key the audit number of the document issuance paper (including voids) used in providing each customer service in the space provided on the research screen to enable the generation of an electronic audit/billing record.

3. The registrar of vital records or his designee shall periodically conduct a site visit and audit at each office where certified copies of birth/death certificates are issued to verify compliance with applicable laws and procedures.

E. Vital Records Issuance and Informational Supplies

1. The registrar of vital records shall supply security birth and death certificate issuance paper to clerks of district courts without charge.

2. The registrar of vital record shall supply document application forms and information sheets to clerks of district courts without charge.

3. Clerks of district courts shall order replacement supplies as necessary on forms provided by the state registrar.

F. Service Fees/Remittance to State Registrar

1. Clerks of district courts shall collect the fees specified in R.S. 40:39.1. As per R.S. 40:40(12), if there is no record on file, the fee shall be retained to cover the cost of the search.

2. The clerk shall remit to the state registrar the fees specified in R.S. 40:40 and the tax specified in R.S. 46:2403 for each certified copy of a vital record issued or searched.

3. On or before the second Friday of each month, the clerk shall submit a monthly report to the state registrar on forms provided by the registrar. The report shall summarize the number of birth and death record services provided during the prior month, the number of sheets of security paper voided, and the total amount of fees collected on behalf of the state registrar. All security document issuance paper voided during the prior calendar month shall be appended to the monthly report. As per R.S. 40:39.1B2, each clerk shall remit payment to the vital records registry on a monthly basis either directly or through the Office of the State Treasurer in a manner mutually agreeable to the clerk and the state registrar of vital records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:33 and 40:39.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Vital Records Registry, LR 26:1300 (June 2000).

David W. Hood
Secretary

0006#099

RULE

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

**Inpatient Hospital Reimbursement
Medicare Part A Claims**

The Department of Health and Hospitals, Bureau of Health Services Financing adopts the following rule under the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This rule is adopted in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing Medicaid reimbursement on Medicare Part A claims for inpatient hospital services to limit payment to the Medicaid maximum payment. Medicare Part A claims for inpatient services rendered in small rural hospitals, as defined in state law, are exempt from the Medicaid maximum payment limitation. The effective date for this rule is July 1, 2000.

If the Medicaid payment is reduced or eliminated as a result of applying the limit of the Medicaid maximum payment, the amount of the Medicare payment plus the amount of the Medicaid payment (if any) is considered to be payment in full for the service. The recipient does not have any legal liability to make payment for the service.

David Hood
Secretary

0006#100

RULE

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

Pharmacy Program Average Wholesale Price (AWP)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This rule is adopted in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the April 20, 1990 rule governing reimbursement for prescription drugs to limit payments to the lower of: 1) The Average Wholesale Price (AWP) minus 10.5 percent for independent pharmacies (all other Medicaid enrolled pharmacies) and 13.5 percent for chain pharmacies (five or more Medicaid enrolled pharmacies under common ownership); 2) The Louisiana Maximum Allowable Cost limitation plus the Maximum Allowable Overhead Cost; 3) The Federal Upper Limits plus the Maximum Allowable Overhead Cost; or 4) The provider's usual and customary charges to the general public. General public is defined here as all other non Medicaid prescriptions including third-party insurance, pharmacy benefit management and cash. The effective date for this rule is July 1, 2000.

David W. Hood
Secretary

0006#101

RULE

Department of Insurance Office of the Commissioner

Regulation 70C Replacement of Life Insurance and Annuities (LAC 37:XIII.Chapter 89)

Under the authority of R.S. 22:3, et seq., R.S. 22:644.1 and in accordance with the Administrative Procedure Act, R.S. 49:950, et seq., the Department of adopts the following proposed regulation, with the exception of §8909, to become effective July 1, 2000. This intended action complies with the statutory law administered by the Department of Insurance.

Title 37 INSURANCE

Part XIII. Regulations

Chapter 89. Regulation 70. Replacement of Life Insurance and Annuities

§8901. Purpose

A. The purpose of this regulation is:

1. to regulate the activities of insurers and producers with respect to the replacement of existing life insurance and annuities;
2. to protect the interests of life insurance and annuity purchasers by establishing minimum standards of conduct to be observed in replacement or financed purchase transactions. It will:
 - a. assure that purchasers receive information with which a decision can be made in his or her own best interest;
 - b. reduce the opportunity for misrepresentation and incomplete disclosure; and
 - c. establish penalties for failure to comply with requirements of this regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:644.1

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:1301 (June 2000).

§8903. Definitions

Direct-response SolicitationC a solicitation through a sponsoring or endorsing entity or individual solicitation solely through mails, telephone, the internet or other mass communication media.

Existing InsurerC the insurance company whose policy or contract is or will be changed or affected in a manner described within the definition of *replacement*.

Existing PolicyC an individual life insurance policy in force, including a policy under a binding or conditional receipt or a policy that is within an unconditional refund period.

Existing ContractC an individual annuity contract in force, including a contract that is within an unconditional refund period.

Financed PurchaseC the purchase of a new policy involving the actual or intended use of funds obtained by the withdrawal or surrender of, or by borrowing from values of an existing policy to pay all or part of any premium due on a new policy. For purposes of a regulatory review of an individual transaction only, if a withdrawal, surrender, or borrowing involving the policy values of an existing policy is used to pay premiums on a new policy owned by the same policyholder and issued by the same company, within four months before or 13 months after the effective date of the new policy, it will be deemed prima facie evidence of the policyholder's intent to finance the purchase of the new policy with existing policy values. This prima facie standard is not intended to increase or decrease the monitoring obligations contained in §8909.A.5 of this regulation.

IllustrationC means a presentation or depiction that includes non-guaranteed elements of a policy of life insurance over a period of years as defined in Regulation 55 of the Department of Insurance.

Policy SummaryC for the purposes of this regulation, means:

1. for policies or contracts other than universal life policies, a written statement regarding a policy or contract which shall contain, to the extent applicable, but need not be limited to, the following information: current death benefit; annual contract premium; current cash surrender value; current dividend; application of current dividend; and amount of outstanding loan;

2. for universal life policies, a written statement that shall contain at least the following information: the beginning and end date of the current report period; the policy value at the end of the previous report period and at the end of the current report period; the total amounts that have been credited or debited to the policy value during the current report period, identifying each by type (e.g., interest, mortality, expense and riders); the current death benefit at the end of the current report period on each life covered by the policy; the net cash surrender value of the policy as of the end of the current report period; and the amount of outstanding loans, if any, as of the end of the current report period.

ProducerC for the purposes of this regulation, means agents and brokers.

Replacing InsurerC the insurance company that issues or proposes to issue a new policy or contract that replaces an existing policy or contract or is a financed purchase.

Registered Contract means a variable annuity contract or variable life insurance policy subject to the prospectus delivery requirements of the Securities Act of 1933.

Replacement a transaction in which a new policy or contract is to be purchased, and it is known or should be known to the proposing producer, or to the proposing insurer if there is no producer, that by reason of the transaction, an existing policy or contract has been or is to be:

1. lapsed, forfeited, surrendered or partially surrendered, assigned to the replacing insurer or otherwise terminated; or
2. converted to reduced paid-up insurance, continued as extended term insurance, or otherwise reduced in value by the use of non-forfeiture benefits or other policy values; or
3. amended so as to effect either a reduction in benefits or in the term for which coverage would otherwise remain in force or for which benefits would be paid; or
4. reissued with any reduction in cash value; or
5. used in a financed purchase.

Sales material means a sales illustration and any other written, printed or electronically presented information created, or completed or provided by the company or producer and used in the presentation to the policy or contract owner related to the policy or contract purchased.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:644.1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:1301 (June 2000).

§8905. Exemptions

A. Unless otherwise specifically included, this regulation shall not apply to transactions involving:

1. credit life insurance;
2. group life insurance or group annuities where there is no direct solicitation of individuals by an insurance producer. Direct solicitation shall not include any group meeting held by an insurance producer solely for the purpose of educating or enrolling individuals or, when initiated by an individual member of the group, assisting with the selection of investment options offered by a single provider in connection with enrolling that individual. Group life insurance or group annuity certificates marketed through direct response solicitation shall be subject to the provisions of §8915;
3. group and/or individual life insurance and annuities used to fund pre-arranged funeral contracts;
4. an application to the existing insurer that issued the existing policy or contract when a contractual change or a conversion privilege is being exercised, or when the existing policy or contract is being replaced by the same insurer pursuant to a program filed with and approved by the commissioner of insurance;
5. proposed life insurance that is to replace life insurance under a binding or conditional receipt issued by the same company;
- 6.a. policies or contracts used to fund:
 - i. an employee pension or welfare benefit plan that is covered by the Employee Retirement and Income Security Act (ERISA);
 - ii. a plan described by Sections 401(a), 401(k) or 403(b) of the Internal Revenue Code, where the plan, for purposes of ERISA, is established or maintained by an employer;

- iii. a governmental or church plan defined in Section 414, a governmental or church welfare benefit plan, or a deferred compensation plan of a state or local government or tax exempt organization under Section 457 of the Internal Revenue Code; or

- iv. a nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor;

- b. notwithstanding Subparagraph 6.a of this Subsection, this regulation shall apply to policies or contracts used to fund any plan or arrangement that is funded solely by contributions an employee elects to make, whether on a pre-tax or after-tax basis, and where the insurance company has been notified that plan participants may choose from among two or more annuity providers or policy providers and there is a direct solicitation of an individual employee by an insurance producer for the purchase of a contract or policy. As used in this Subsection, direct solicitation shall not include any group meeting held by an insurance producer solely for the purpose of educating individuals about the plan or arrangement or enrolling individuals in the plan or arrangement; or, when initiated by an individual employee, assisting with the selection of investment options offered by a single provider in connection with enrolling that individual employee;

7. where new coverage is provided under a life insurance policy or contract and the cost is borne wholly by the insured's employer or by an association of which the insured is a member; or

8. existing life insurance that is a non-convertible term life insurance policy that will expire in five years or less and cannot be renewed;

9. immediate annuities that are purchased with proceeds from an existing contract. Immediate annuities purchased with proceeds from an existing policy are not exempted from the requirements of this regulation;

10. structured settlement annuities;

11. any insurer that markets under the Home Service Marketing Distribution System as defined in R.S. 22:1114M(2)(c).

B. Registered contracts shall be exempt from the requirements of §8911.A.3 and §8913.B with respect to the provision of illustrations or policy summaries; however, premium or contract contribution amounts and identification of the appropriate prospectus or offering circular shall be required instead.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:644.1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:1302 (June 2000).

§8907. Duties of Producers

A. A producer who initiates an application shall submit to the insurer, with or as part of the application, a statement signed by both the applicant and the producer as to whether the applicant has existing policies or contracts.

1. If the applicant indicates that there are no existing policies or contracts, then the producer's duties with respect to replacement are complete.

2. If the applicant indicates that there are existing policies or contracts, the producer shall present and read to the applicant, not later than at the time of taking the application, a notice regarding replacements in the form as

described in Appendix A or other substantially similar form approved by the commissioner of insurance; provided, however, no approval shall be required when amendments to the notice are limited to the omission of references not applicable to the product being sold or replaced. The notice shall be signed by both the applicant and the producer attesting that the notice has been read aloud by the producer or that the applicant did not wish the notice to be read aloud and that it was left with the applicant.

B. The notice shall list all life insurance policies or annuities proposed to be replaced, properly identified by the name of the insurer, the insured or annuitant, and the policy or contract number if available; and shall include a statement as to whether each policy or contract will be replaced or whether a policy will be used as a source of financing for the new policy or contract. If a policy or contract number has not been issued by the existing insurer, then alternative identification, such as an application or receipt number, shall be listed.

C. In connection with a replacement transaction, the producer shall leave with the applicant the original or a copy of all sales material at the time an application for a new policy or contract is completed. Electronically presented sales material shall be provided to the policyholder in printed form no later than at the time of policy or contract delivery.

D. Except as provided in §8911.C, in connection with a replacement transaction, the producer shall submit to the insurer to which an application for a policy or contract is presented, a copy of each document required by this section, a statement identifying any preprinted or electronically presented company approved sales materials used, and copies of any individualized sales materials, including any illustrations related to the specific policy or contract purchased.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:644.1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:1302 (June 2000).

§8909. Duties of Insurers that Use Producers

A. Insurers shall maintain a system of supervision and control to insure compliance with the requirements of this regulation, including at least the following:

1. informing its producers of the requirements of this regulation and incorporate the requirements of this regulation into all relevant producer training manuals prepared by the insurer;
2. providing its producers a written statement of the company's position with respect to the acceptability of replacements and giving guidance to its producers as to the appropriateness of these transactions;
3. a system to review the appropriateness of each replacement transaction that the producer does not indicate is in accord with Paragraph 2 above;
4. procedures to confirm that the requirements of this regulation have been met; and
5. procedures to detect transactions that are replacements of existing policies or contracts by the existing insurer, but that have not been reported as such by the applicant or producer. Compliance with this Subsection may include, but shall not be limited to, systematic customer surveys, interviews, confirmation letters, or programs of internal monitoring.

B. Insurers shall have the capacity to monitor each producer's life insurance policy and annuity contract replacements for that insurer, and shall produce, upon request, and make such records available to the Department of Insurance. The capacity to monitor shall include the ability to produce records for each producer's:

1. life replacements, including financed purchases, as a percentage of the producer's total annual sales for life insurance;
2. number of lapses of policies by the producer as a percentage of the producer's total annual sales for life insurance;
3. annuity contract replacements as a percentage of the producer's total annual annuity contract sales;
4. number of transactions that are unreported replacements of existing policies or contracts by the existing insurer detected by the company's monitoring system as required by Paragraph A.5 of this Section; and
5. replacements, indexed by replacing producer and existing insurer.

C. Insurers shall:

1. require with or as a part of each application for life insurance or an annuity, a signed statement by both the applicant and the producer as to whether the applicant has existing policies or contracts;
2. if there is indication of existing policies or contracts:
 - a. require with each application for life insurance or an annuity a completed notice regarding replacements as contained in Appendix A;
 - b. be able to produce completed and signed copies of the notice regarding replacements for at least five years after the termination or expiration of the proposed policy or contract;
3. in connection with a replacement transaction, be able to produce copies of any sales material as required by §8907.D, the basic illustration and any supplemental illustrations related to the specific policy or contract which is purchased and the producer's and applicant's signed statements with respect to financing and replacement for at least five years after the termination or expiration of the proposed policy or contract;
4. ascertain that the sales material and illustrations required by §8907.D of this regulation meet the requirements of this regulation and are complete and accurate for the proposed policy or contract; and
5. if an application does not meet the requirements of this regulation, notify the producer and applicant and fulfill the outstanding requirements;
6. records required to be retained by this regulation may be maintained in paper, photograph, microprocess, magnetic, mechanical or electronic media or by any process which accurately reproduces the actual document.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:644.1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:1303 (June 2000).

§8911. Duties of Replacing Insurers that Use Producers

A. Where a replacement is involved in the transaction, the replacing insurer shall:

1. verify that the required forms are received and are in compliance with this regulation;

2. notify any other existing insurer that may be affected by the proposed replacement within five business days of receipt of a completed application indicating replacement or when the replacement is identified if not indicated on the application;

3. mail a copy of the available illustration or policy summary for the proposed policy or available disclosure document for the proposed contract within five business days of a request from an existing insurer;

4. be able to produce copies of the notification regarding replacement required in §8907.B, indexed by producer, for at least five years or until the next regular examination by the insurance department of its state of domicile, whichever is later; and

5. provide to the policy or contract owner notice of the right to return the policy or contract within 30 days of the delivery of the contract and receive an unconditional full refund of all premiums or considerations paid, including any policy fees or charges or, in the case of a variable or market value adjustment policy or contract, a payment of the cash surrender value provided under the policy or contract plus the fees and other charges deducted from the gross premiums or considerations or imposed under such policy or contract; such notice may be included in Appendix A or C.

B. In transactions where the replacing insurer and the existing insurer are the same or subsidiaries or affiliates under common ownership or control, the insurer shall allow credit for the period of time that has elapsed under the replaced policy's or contract's incontestability and suicide period up to the face amount of the existing policy or contract. With regard to financed purchases the credit may be limited to the amount the face amount of the existing policy is reduced by the use of existing policy values to fund the new policy or contract.

C. If an insurer prohibits the use of sales material other than that approved by the company, as an alternative to the requirements of §8907.D, the insurer may:

1. require with each application a statement signed by the producer that:

a. represents that the producer used only company-approved sales material; and

b. states that copies of all sales material were left with the applicant in accordance with §8907.C; and

2. within 10 days of the issuance of the policy or contract:

a. notify the applicant by letter or verbal communication by a person having duties separate from the marketing area of the insurer, that the producer has represented that copies of all sales material have been left with the applicant in accordance with §8907.C;

b. provide the applicant with a toll-free number to contact company personnel involved in the compliance function if such is not the case; and

c. stress the importance of retaining copies of the sales material for future reference; and

3. be able to produce a copy of the letter or other verification in the policy file for at least five years after the termination or expiration of the policy or contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:644.1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:1304 (June 2000).

§8913. Duties of the Existing Insurer

A. Where a replacement is involved in the transaction, the existing insurer shall:

1. retain and be able to produce all replacement notifications received, indexed by replacing insurer, for at least five years or until the conclusion of the next regular examination conducted by the insurance department of its state of domicile, whichever is later;

2. send a letter to the policy or contract owner of the right to receive information regarding the existing policy or contract values including, if available, an in force illustration or policy summary if an in force illustration cannot be produced within five business days of receipt of a notice that an existing policy or contract is being replaced. The information shall be provided within five business days of receipt of the request from the policy or contract owner;

3. upon receipt of a request to borrow, surrender or withdraw any policy values, send to the applicant a notice, advising the policy owner that the release of policy values may affect the guaranteed elements, non-guaranteed elements, face amount or surrender value of the policy from which the values are released. The notice shall be sent separate from the check if the check is sent to anyone other than the policy owner. In the case of consecutive automatic premium loans, the insurer is only required to send the notice at the time of the first loan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:644.1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:1304 (June 2000).

§8915. Duties of Insurers with Respect to Direct Response Solicitations

A. In the case of an application that is initiated as a result of a direct response solicitation, the insurer shall require, with or as part of each completed application for a policy or contract, a statement asking whether the applicant, by applying for the proposed policy or contract, intends to replace, discontinue or change an existing policy or contract. If the applicant indicates a replacement or change is not intended or if the applicant fails to respond to the statement, the insurer shall send the applicant, with the policy or contract, a notice regarding replacement, as provided in Appendix B, or other substantially similar form approved by the commissioner of insurance.

B. If the insurer has proposed the replacement or if the applicant indicates a replacement is intended and the insurer continues with the replacement, the insurer shall:

1. provide to applicants or prospective applicants, with the policy or contract, a notice as provided in Appendix C, or other substantially similar form approved by the commissioner of insurance. In these instances the insurer may delete the references to the producer, including the producer's signature, and references not applicable to the product being sold or replaced, without having to obtain approval of the form from the commissioner of insurance. The insurer's obligation to obtain the applicant's signature shall be satisfied if the insurer can demonstrate that it has made a diligent effort to secure a signed copy of the notice referred to in this Paragraph. The requirement to make a diligent effort shall be deemed satisfied if the insurer includes in the mailing a self-addressed postage prepaid envelope with instructions for the return of the signed notice referred to in this section; and

of your existing policy or contract and the proposed policy or contract. One way to do this is to ask the company or agent that sold you your existing policy or contract to provide you with information concerning your existing policy or contract. This may include an illustration of how your existing policy or contract is working now and how it would perform in the future based on certain assumptions. Illustrations should not, however, be used as a sole basis to compare policies or contracts. You should discuss the following with your agent to determine whether replacement or financing your purchase makes sense:

PREMIUMS:

- C Are they affordable?
- C Could they change?
- C You're older—are premiums higher for the proposed new policy?
- C How long will you have to pay premiums on the new policy? On the old policy?

POLICY VALUES:

- C New policies usually take longer to build cash values and to pay dividends.
- C Acquisition costs for the old policy may have been paid; you will incur costs for the new one.
- C What surrender charges do the policies have?
- C What expense and sales charges will you pay on the new policy?
- C Does the new policy provide more insurance coverage?

INSURABILITY:

- C If your health has changed since you bought your old policy, the new one could cost you more, or you could be turned down.
- C You may need a medical exam for a new policy.
- C Claims on most new policies for up to the first two years can be denied based on inaccurate statements.
- C Suicide limitations may begin anew on the new coverage.

IF YOU ARE KEEPING THE OLD POLICY AS WELL AS THE NEW POLICY:

- C How are premiums for both policies being paid?
- C How will the premiums on your existing policy be affected?
- C Will a loan be deducted from death benefits?
- C What values from the old policy are being used to pay premiums?

IF YOU ARE SURRENDERING AN ANNUITY OR INTEREST SENSITIVE LIFE PRODUCT:

- C Will you pay surrender charges on your old contract?
- C What are the interest rate guarantees for the new contract?
- C Have you compared the contract charges or other policy expenses?

OTHER ISSUES TO CONSIDER FOR ALL TRANSACTIONS:

- C What are the tax consequences of buying the new policy?
- C Is this a tax free exchange? (See your tax advisor.)
- C Is there a benefit from favorable "grand-fathered" treatment of the old policy under the federal tax code?
- C Will the existing insurer be willing to modify the old policy?
- C How does the quality and financial stability of the new company compare with your existing company?

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:644.1.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner Insurance, LR 26:1307 (June 2000).

James H. "Jim" Brown
Commissioner Of Insurance

0006#078

RULE

**Department of Natural Resources
Office of Conservation**

Statewide Order No. 29-BC Financial Security
(LAC 43:XIX.104)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Natural Resources, Office of Conservation hereby amends Statewide Order No. 29-B.

Title 43

NATURAL RESOURCES

Part XIX. Office of Conservation

Subpart 1. Statewide Order No. 29-B

Chapter 1. General Provisions

§104. Financial Security

A. On and after July 1, 2000, financial security shall be provided pursuant to this section for each well which requires an application to drill from the Office of Conservation, unless financial security is otherwise provided pursuant to the statutes, rules and regulations of the Office of Conservation, in order to ensure that such well is plugged and abandoned and associated site restoration is accomplished in accordance with the following.

1. an operator of record who has exhibited a record of compliance with the statutes, rules, and regulations of the Office of Conservation for a period of 48 months immediately preceding the permit date of the well and who has no outstanding violations shall be exempt from providing financial security under this section. A compliance order and/or civil penalty which has been timely satisfied shall not cause an operator of record to be considered a noncompliant operator for the purposes of this section.

2. an operator of record who has not been a registered operator of record for a period of 48 months immediately preceding the permit date of the well in question but who otherwise has exhibited a record of compliance with the statutes, rules and regulations of the Office of Conservation and who has no outstanding violations shall provide a certificate of deposit, bond or letter of credit in a form acceptable to the commissioner within 30 days of completion date or date said well is retained for future utility as reported on Form Comp or Form WH-1.

3. an operator of record who has not exhibited a record of compliance with the statutes, rules, and regulations of the Office of Conservation for a period of 48 months immediately preceding the permit date of the well in question shall provide a certificate of deposit, bond or letter of credit in a form acceptable to the commissioner prior to issuance of permit to drill.

4. the financial security requirements provided herein shall apply to all Class V wells for which an application to drill is submitted on and after July 1, 2000, at the discretion of the commissioner.

5. the financial security requirements provided herein shall also apply to an Application to Amend Permit to Drill for change of operator on any well permitted on and after July 1, 2000.

B. Compliance with this financial security requirement shall be provided by any of the following or a combination thereof:

1. certificate of deposit issued in sole favor of the Office of Conservation from a financial institution authorized to do business in the state of Louisiana. A certificate of deposit may not be withdrawn, canceled, rolled over or amended in any manner without the approval of the commissioner; or

2. an individual well bond or a blanket well bond (multiple wells) in a form prescribed by the commissioner and issued by an appropriate institution authorized to do business in the state of Louisiana in sole favor of the Office of Conservation; or

3. letter of credit issued by a financial institution authorized to do business in the state of Louisiana in a form prescribed by the commissioner.

C. Financial Security Amount

1. Individual well financial security shall be provided in accordance with the following:

a. land location (any location not requiring a drill barge, drill ship, jack-up rig, etc.) for each foot of well depth as follows.

Depth	Amount
#3000'	\$1.00 per foot
3001-10000'	\$2.00 per foot
\$10001'	\$3.00 per foot

b. water location (any location requiring a drill barge, drill ship, jack-up rig, etc.): \$8.00 for each foot of well depth.

2. Blanket financial security shall be provided in accordance with the following:

Total Number of Wells	Amount
#10	\$25,000.00
11-99	\$125,000.00
\$100	\$250,000.00

3. The amount of the financial security as specified above may be increased at the discretion of the commissioner based on the compliance history of the operator of record and/or the determination by the commissioner that the location of the drill site is in an environmentally sensitive area.

D. A change of name by a compliant operator of record through acquisition, merger, or otherwise may not preclude said successor operator from meeting the requirements of Paragraph A.1 above.

E. The commissioner retains the right to utilize the financial security provided for a well in responding to an emergency applicable to said well in accordance with R.S. 30:6.1.

F. Financial security shall remain in effect until release thereof is granted by the commissioner pursuant to written request by the operator of record. Such release shall only be granted after plugging and abandonment and associated site restoration is completed and inspection thereof indicates compliance with applicable regulations. In the event

provider of financial security becomes insolvent, operator of record shall provide substitute form of financial security within 30 days of notification thereof.

G. Plugging and abandonment of a well, associated site restoration, and release of financial security constitutes a presumption of proper closure but does not relieve the operator of record from further claim by the commissioner of conservation should it be determined that further remedial action is required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4, et seq.

HISTORICAL NOTE: Adopted by the Department of Conservation (August 1943), amended by the Department of Natural Resources, Office of Conservation LR 26:1308 (June 2000).

Philip N. Asprodites
Commissioner

0006#072

RULE

**Department of Public Safety and Corrections
Board of Private Investigator Examiners**

Dissemination of Disciplinary Information
(LAC 46:LVII.927)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and under the authority of R.S. 37:3505B(1), the Department of Public Safety and Corrections, State Board of Private Investigator Examiners, hereby amends Part LVII of Title 46, amending Chapter 9, by adding section 927 relative to dissemination of discipline information.

Title 46

PROFESSIONAL AND OCCUPATIONS STANDARDS

Part LVII. Private Investigator Examiners

Chapter 9. Rules of Adjudication for Board of Private Investigator Examiners

' 927. Dissemination of Disciplinary Information

A. Notice to Other States. The Executive Director of the Board shall transmit notice of all final license revocations and suspensions to the licensing agency of every other jurisdiction in which the respondent is licensed.

B. Public Notice of Discipline Imposed. The Executive Director of the Board shall cause notices of all final license suspensions and revocations to be published in a newspaper of general circulation in each parish in which the private investigator maintained an office.

C. The notice shall:

1. state the statute or rule or regulation found to have been violated and which resulted in the suspension or revocation;

2. state the penalty imposed for the violation; and

3. request members of the public to notify the Board if the disciplined individual is operating as a private investigator without a license.

D. These publication requirements are mandatory and will not be waived.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3505A(3) and B(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Board of Private Investigator Examiners, LR 26:1309 (June 2000).

Bruce Childers
Chairman

0006#076

RULE

**Department of Public Safety and Corrections
Corrections Services**

Drug Free Workplace (LAC 22:I.203)

In accordance with the Administrative Procedure Act, R.S. 49:953(B), the Department of Public Safety and Corrections, Corrections Services, hereby adopts amendments to regulations dealing with the Drug-Free Workplace.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

Part I. Corrections

Chapter 2. Personnel

§203. Drug-Free Workplace

A. - F.2.a. ...

b. abnormal conduct or erratic behavior;

F.2.c. - F.4. ...

5. Random. All employees who occupy safety/security sensitive positions (as defined in this regulation) will be subject to random drug testing. On a quarterly basis, a list of social security numbers representing at least 5 percent of a unit's employees will be selected at random by a computer-generated selection process. This list will be provided to each institution, the division of Probation and Parole, the Division of Youth Services, Prison Enterprises and Headquarters.

F.5.a. - H. ...

1. Drug screening instruments approved by the secretary may be utilized as a preliminary analysis to determine the need for further testing, but may not be used as the basis for any disciplinary action or other adverse action. (Formal testing may be utilized initially in lieu of preliminary analysis when the unit head determines that this is the most efficient method.)

H.2. - 2.a. ...

b. All collection of urine specimens shall be made with regard to gender sensitivity and privacy of the individual.

c. Direct observation during collection of the urine specimen may be allowed only under the following conditions:

H.2.c.i. - H.2.d. ...

e. Appropriate security measures should be utilized in the collection area when direct observation is not authorized.

H.3. - I.1. ...

2.a. A portable breathalyzer or other instrument approved by the secretary should be used to determine violation of this regulation.

b. In the event of a positive reading on the portable breathalyzer, a second test must be conducted.

I.3. - K.5. ...

K.6. By October 1 of each year, each unit business office will submit a report to the Headquarters Human Resources Office detailing the number of employees affected by the drug testing program, the categories of testing conducted, the associated costs of testing, and the effectiveness of the program. In conjunction with the undersecretary's office, the Headquarters Human Resources Office will compile the Department's Annual Drug Testing Report for submission to the Division of Administration by November 1 of each year. (See §203.M.)

L. Violation of this Regulation. The guidelines provided for in the Corrections Services Employee Manual for the application of disciplinary penalties will be utilized in the administration of this regulation. Formal testing with positive results may be cause for initiation of disciplinary action. When a confirmed positive formal test result does not result in termination, referral to the "Employee Assistance Program" or other individual or agency equipped to coordinate accessibility to substance abuse education or counseling is appropriate.

M. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:833(A).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 11:1092 (November 1985), amended LR 12:246 (April 1986), LR 25:522 (March 1999), LR 26:000 (June 2000).

Richard L. Stalder
Secretary

0006#106

RULE

**Department of Public Safety and Corrections
Corrections Services**

**Personnel
Equal Employment Opportunity
(LAC 22:I.Chapter 2)**

In accordance with the Administrative Procedure Act, R.S. 49:953(B), the Department of Public Safety and Corrections, Corrections Services, hereby adopts regulations dealing with equal employment opportunity.

Title 22

**CORRECTIONS, CRIMINAL JUSTICE AND LAW
ENFORCEMENT**

Part I. Corrections

Chapter 2. Personnel

§201. Equal Employment Opportunity

A. Purpose:

1. to establish the secretary's commitment to equal employment opportunities for all employees, applicants, and candidates for employment (including qualified ex-offenders);

2. to establish formal procedures regarding the reasonable accommodation of employees, the public, applicants and candidates; and

3. to constitute the Index of Essential Job Functions as part of this regulation.

B. Applicability. All applicants, candidates visitors, employees and units of Corrections Services.

C. Definitions

*Age Discrimination in Employment Act (ADEA)*Ca law passed by congress to protect individuals 40 years of age and over from arbitrary discrimination in employment practices, unless age is a bona fide occupational qualification.

*Americans with Disabilities Act (ADA)*Ca comprehensive law passed by congress to protect disabled persons from discrimination in employment, hiring, transportation, access to public facilities and services, and telecommunications.

*Applicant*Ca person who has applied for a job and whose qualification for such is unknown.

*Candidate*Ca person who has successfully passed the required test and/or meets the civil service minimum qualifications for the job sought.

*Disability*Cwith respect to an individual, the term disability means:

a. a physical or mental impairment that substantially limits one or more of the major life activities of such individual;

b. a record of such an impairment; or

c. being regarded as having such an impairment.

*Equal Employment Opportunity (EEO)*Cthe operation of a system of human resource administration which ensures an environment that will provide an equal opportunity for public employment to all segments of society based on individual merit and fitness of applicants without regard to race, color, religion, sex, age, national origin, political affiliation or disability (except where sex, age or physical requirements constitute a bona fide occupational qualification necessary to the proper and efficient operation of the agency/organization). The Equal Employment Opportunity Commission (EEOC) is the federal regulatory body for EEO related complaints and charges.

*Essential Functions*Cbasic job duties that an employee/applicant must be able to perform, with or without reasonable accommodation.

*Family and Medical Leave*Cleave for which an employee may be eligible under the provisions of the Family and Medical Leave Act of 1993. (See Department Regulation No. A-02-005 "Family and Medical Leave of Absence" for eligibility guidelines.)

*Qualified Individual with a Disability*Can individual with a disability (as previously defined herein) who can perform the essential functions of the job with or without reasonable accommodation.

D. Policy. It is the secretary's policy to assure equal opportunities to all employees, applicants and candidates for employment without regard to race, religion, color, national origin, sex, disability or age. Exceptions:

1. where age, sex, or physical requirements constitute a bona fide occupational qualification necessary for proper and efficient operations; and

2. where the implications of nepotism restrict such employment or employment opportunity.

Equal opportunities will be provided for employees in areas of compensation, benefits, promotion, recruitment, training, and all other conditions of employment. Notices of equal employment opportunities will be posted in prominent accessible places at each employment location.

E. Procedures

1. Coordination of ADA Matters

a. The secretary will establish and designate the Corrections Services' ADA Coordinator.

b. Corrections Services' ADA coordinator is charged with reviewing, recording, and monitoring Corrections Services' ADA matters and will also advise and make recommendations to the secretary or his designee of such matters as appropriate.

c. Each unit head will designate a unit ADA coordinator to coordinate unit ADA matters.

2. Requests for Accommodation

a. A qualified individual with a known disability of a permanent nature should be accommodated where reasonably possible, providing the accommodation does not constitute a danger to the individual or others, and does not create undue hardship on Corrections Services or its employees. (If such individual is an employee or a candidate for employment, the individual must be able to perform the essential functions of the job with said accommodation.)

b. Generally, any person (employee, applicant, candidate, or visitor) may complete a "Request for Accommodation" form (see Attachment A). The person completing the form must forward it to the designated unit ADA coordinator for processing and action as deemed appropriate by the unit head. The unit head will insure that the person is notified of and receives a copy of the decision. A copy of the completed Request for Accommodation Form containing the request for accommodation along with the Unit Head's response to the request will be forwarded to Corrections Services' ADA coordinator for recording purposes.

c. Accommodation may also be requested (by employees and candidates) in the space provided on the applicable Essential Functions Form. Such request will be processed in the same manner as the "Request for Accommodation" Form described above.

3. Essential Job Functions

a. General Requirements

i. Employment candidates must complete an Essential Functions Form at the time of interview for employment and/or return to employment. Employees may be required to complete an up-to-date Essential Functions Form as appropriate and when deemed necessary by the unit head in order to insure that the fundamental mission of the department is sustained (see Section 7.C.2 for specific information).

ii. The Index of Essential Job Functions contains the Essential Functions Form for each job category used by Corrections Services. The Index is maintained in each Human Resources Office and is considered a part of this regulation. Revisions to the Index require the approval of the secretary.

b. Employee and Unit Specific Requirements. Employees may be required by the unit head to complete an up-to-date Essential Functions Form under the following conditions (not necessarily all inclusive):

i. exhaustion of sick leave and exhaustion of Family and Medical Leave Act (FMLA) entitlement (if applicable);

ii. expressed inability to participate in a mandatory work-related activity (i.e. training) and/or to perform essential job functions; and/or

iii. appearance of the inability to perform essential job functions.

When any of the described conditions exist, the unit head will require the employee to provide an up-to-date Essential Functions Form and Medical Certification Form (see Attachment B) from the employee's health care provider (at the unit's expense for Section 7.C.2)c.) so the employee's status under the ADA can be assessed. The Medical Certification Form must include: a prognosis; whether the condition is temporary or permanent; when the condition began; the expected date of return to duty; whether the employee is able to perform the essential functions of his job with or without accommodation and a description of the accommodation needed. (In certain situations, a second opinion by an independent third party may be appropriate. This opinion would be at the unit's expense.)

4. Determination of Disability, Accommodation and Return to Work

a. Upon receipt of the information requested relative to the employee's condition, the unit head will determine (with the assistance of Corrections Services' ADA coordinator as needed) whether the request/condition qualifies for ADA accommodation and take action as appropriate. Consideration should be on a case-by-case basis using the following guidelines.

i. If an employee falls under Section 7.C.2) b. or c. and the unit head is unable to determine whether this is due to a temporary or permanent condition, the unit head may place the employee in forced leave consistent with civil service rules until such time that a determination can be made.

ii. If the condition is not qualifying, leave under FMLA (if eligible) or a temporary duty assignment may be appropriate. When feasible, employees who are temporarily disabled may be allowed to return to work in other assignments. However, if such employee is unable to return to work in any manner and has exhausted his sick leave and FMLA entitlement, separation for exhaustion of sick leave is an option.

iii. If the disability is qualifying but no accommodation is available or the requested accommodation cannot be granted, the unit head will take appropriate action and then forward a copy of the completed Request For Accommodation Form and/or the Essential Functions Form relating to any request for accommodation to the Corrections Services' ADA coordinator.

b. Reasonable accommodation(s) should be considered for employees who are qualified individuals with a permanent disability prior to separation from employment due to exhaustion of sick leave. Employees subject to such separation should also have exhausted any FMLA entitlement.

c. Each unit head will ensure that copies of the completed Request for Accommodation Form and/or Essential Functions Form relating to any request for accommodation are forwarded to the Corrections Services' ADA coordinator.

5. Conciliation Options for EEO and ADA Concerns

a. Should a person feel that he has experienced discrimination in any manner or not be satisfied with the results of his request for accommodation, he may seek conciliation through Corrections Services' grievance process (Department Regulation No. A-02-001 "Employee Manual"), through the EEOC for employment related complaints and/or the U.S. Department of Justice (USDOJ) for issues not related to employment.

b. Persons are encouraged to use the internal procedures to address and resolve complaints to the extent possible. Use of these internal procedures does not restrict a person from filing with the appropriate federal agency prior to exhaustion of the department's internal process(es).

6. Departmental Conciliation of EEO and ADA* Matters

a. Headquarters' Employee Relations Division (ERD) will coordinate the department's response(s) to complaints and charges of discrimination regarding equal employment opportunity matters. Generally, complaints/charges may be addressed through the internal grievance procedure when such a grievance has been filed and heard at the appropriate unit levels.

b. For formal charges generated by the EEOC or the USDOJ, the unit head, the applicable unit's attorney, other appropriate personnel and ERD will develop the Department's response and conciliation opinion (if applicable). Any unit receiving a "Notice of Charge of Discrimination" document or similar notice from the USDOJ must forward the notice to ERD upon receipt. Responses to the charges will be under the signature of the Secretary or his designee.

c. The secretary's approval is required for acceptance or presentation of conciliation agreements or settlements.

*This section applies when ADA related matters are not resolved under conditions outlined in Section 7.C.

7. Employment Applications of Ex-Offenders

a. All applications for employment received from persons who are ex-offenders will be reviewed by a committee appointed by the secretary. Consideration will be given to the unit head's recommendation, the ex-offenders' crime, sentence, institutional record and length of time free from other convictions. The committee's recommendations will then be submitted to the secretary or his designee for review with the unit head.

b. Ex-offenders will not be eligible for employment in positions which require an employee to carry a firearm in the performance of duty. This restriction is based on applicable civil service job qualifications and state and federal law.

Additional information pertaining to EEO, ADA and ADEA is available in the Human Resources Office of any Corrections Services' unit or office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:225, et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 26:000 (June 2000).

REQUEST FOR ACCOMMODATION Louisiana Department of Public Safety and Corrections Corrections Services	Institution:
	Division:

SECTION: 1- Requestor
 Complete Sections 1, 2, and 3. Please PRINT all information. Return the completed request to the Unit ADA Coordinator.

TO: (Facility/Office/Unit Head)	Date: (Month/Day/Year)
---------------------------------	------------------------

Requestor:	ID#
------------	-----

Address:	
----------	--

Requestor: (Check only one)

Employee ____ Inmate ____ Other _____
 (Briefly Identify)

SECTION 2: - Request is for what Area? Check only One.

____ Personal Disability Accommodation	____ Structural Accessibility
____ Program Participation	____ Other - Specify

SECTION 3: - Briefly state the problem and the proposed solution - Use additional pages as needed.

RESPONSE TO REQUEST

Date Received: (Month/Day/Year)	<input type="checkbox"/> Approved <input type="checkbox"/> Modified <input type="checkbox"/> Disapproved
---------------------------------	--

Comments:

AUTHORIZATION:	Date: (Month/Day/Year)
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RFA Number - Assigned by ADA Coordinator	Entered/Logged Into Master File (Date) Copy sent to ADA HQ Coordinator (Date)
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AUTHORITY NOTE: Promulgated in accordance with R.S. 46:225, et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 26:000 (June 2000).

§205. Medical Certification Form

Attachment B

MEDICAL CERTIFICATION FORM	
Employee Name:	Date:
Unit:	
Job Title:	
Telephone Number:	SS#
The following information is needed to assess the employee's request under the Americans with Disabilities Act.	
Type of Prognosis: (Please explain in detail)	
Is this Condition: _____ Temporary _____ Permanent	
Date the Condition Began:	Date of Return to Work:
Does this condition allow the employee to perform the Essential Functions of his job? ____YES ____NO	
If not, please describe what type of accommodation is needed for which essential function.	
Other Comments:	
Employee's Signature:	Date:
Supervisor's Signature:	Date:
Health Care Provider's Signature:	Date:

**Department of Public Safety & Corrections
Corrections Services
Headquarters ADA Office
P.O. Box 94304
Baton Rouge, Louisiana 70804**

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:225, et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 26:000 (June 2000).

Richard L. Stalder
Secretary

0006#107

RULE

Department of Public Safety and Corrections Corrections Services

VisitationCAttorneys (LAC 22:I.317)

In accordance with the Administrative Procedure Act, R.S. 49:53(B), the Department of Public Safety and Corrections, Corrections Services, repeals the prior regulation dealing with attorney visits to adult and juvenile institutions and adopts new regulations dealing with attorney visits to adult and juvenile institutions.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part I. Corrections

Chapter 3. Adult and Juvenile Services

Subchapter A. General

§317. Visitation: Attorneys

A. Purpose. To provide uniform procedures for the approval and conduct of visits by attorneys to inmates.

B. ApplicabilityCDeputy Secretary, Assistant Secretaries and all Wardens. It is the warden's responsibility to convey the contents of this regulation to all inmates, affected employees and attorneys seeking to visit.

C. Definition

*Inmate*Crefers to anyone committed to the custody or supervision of the department (whether as an adult or juvenile in this context.)

D. Policy. It is the secretary's policy that attorney visits be in accordance with the procedures outlined herein.

E. Procedures

1. Approval of Attorneys: An attorney's credentials must be verified through the State Bar Association prior to being approved to visit or initiate privileged communication with inmates.

2. Approval of Authorized Representatives. Paralegal assistants, law clerks, and investigators may be permitted to enter the institution to conduct interviews with inmate clients of their supervising attorney, either with the attorney or alone. Such permission is at the discretion of the warden, who may approve or disapprove these requests. Prior to a paralegal assistant (hereinafter referred to as paralegal), law clerk, or investigator being approved to enter the grounds of the institution, the following criteria must be met by the employing attorney.

a. The paralegal, law clerk, or investigator must not be on the visiting list of any inmate confined in a state institution (except for immediate family members).

b. A paralegal must have completed a paralegal or legal assistant study program at an accredited four-year college or junior college, or have completed a paralegal or

legal assistant study program approved by the American Bar Association. (Certification by the National Association of Legal Assistants, Inc. as a Certified Legal Assistant (CLA) may be substituted for the aforementioned programs.)

c. The employing or supervising attorney must submit an affidavit (see attached form) to the warden of the institution to be visited certifying the following prior to the approval for a paralegal, law clerk, or investigator to enter institutional grounds:

i. the individual's name, social security number, and birth date;

ii. the length of time the individual has been employed or supervised by the attorney;

iii. paralegals and investigators must attach a copy of their certification or license to the affidavit.

d. This information will then be verified, and the attorney notified of the disposition of the request. Thereafter, for a period not to exceed one year from the date of approval, as long as the paralegal, law clerk, or investigator continues in the employ or under the supervision of the same attorney, visits may be approved.

3. Scheduling. Visits by attorneys and their authorized representatives must be scheduled through the institution at least 24 hours in advance.

4. Time of Visits. Visits by attorneys and their authorized representatives must normally take place Monday through Friday, excluding holidays, between the hours of 8 a.m. and 4 p.m.

5. Exceptions

a. The warden may approve special visits not in conformity with Paragraphs 1, 2, 3, and 4 when unusual circumstances warrant.

b. Any improper acts or unethical behavior with an inmate during a visit may result in an attorney or their authorized representatives being denied future requests to visit an inmate.

F. Limitations on Visits

1. Number of Inmates. Generally, no more than 10 inmates may be seen at any one time, and no more than 20 on any one day. Further limitations may be imposed by the Warden if valid reasons exist.

2. Number of Attorneys. Generally, no more than two persons (attorneys, paralegals, law clerks, investigators or any combination thereof) may see an inmate on any one day; however, the number visiting at one time may be limited based on available space and security constraints. Exceptions may be approved for good cause by the warden.

G. General

1. Paralegals, law clerks, and investigators may be required to attend training/orientation prior to be allowed to visit.

2. Inmates may refuse to see any attorney, but such refusal should be in writing.

3. A log shall be maintained of all visits by attorneys, paralegals, law clerks, and investigators.

4. Visits may be visually observed, but conversations between inmates and counsel shall not, under any circumstance, be monitored.

5. Attorneys, paralegals, law clerks, and investigators are subject to the procedures regarding searches outlined in Department Regulation No. C-02-005 "Searches of Visitors," as are all other visitors.

H. Exception. Nothing contained in this regulation shall apply to attorneys representing the state, the department, or the institution.

STATE OF _____

PARISH/COUNTY OF _____

PARALEGAL, LAW CLERK, OR INVESTIGATOR AFFIDAVIT

BEFORE ME, the undersigned Notary, personally came and appeared _____ (1) _____ who after being duly sworn did depose and say that:

I am an attorney-at-law and I am presently representing _____ (2) _____ an inmate confined by the Louisiana Department of Public Safety and Corrections. _____ (3) _____ is employed or supervised by me as a _____ (4) _____, and has been since _____ (5) _____.

Should the individual leave my employ or supervision, I will notify the institution.

Attorney-at-Law

Sworn to and subscribed before me this ____ day of _____, _____ at _____.

Notary

- (1) Attorney's name
- (2) Inmate's name and DOC #
- (3) Representative's name, social security number and birth date
- (4) Paralegal, law clerk, or investigator
- (5) Beginning date of employment or supervision

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:833(A).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 26:000 (June 2000).

Richard L. Stalder
Secretary

0006#104

RULE

**Office of Public Safety and Corrections
Gaming Control Board**

Definitions, Nongaming Suppliers, Imposition of Sanctions
(LAC 42:XIII.1701, 2108 and 2325)

The Gaming Control Board hereby adopts amendments to LAC 42:XIII.1701 and 2325 and adopts LAC 42:XII.2108.

Title 42

LOUISIANA GAMING

Part XIII. Riverboat Gaming

Chapter 17. General Provisions

§1701. Definitions

A. As used in the regulations, the following terms have the meanings described below:

Act the Louisiana Riverboat Economic Development and Gaming Control Act.

Agent any commissioned Louisiana state police trooper or designated employee of the Louisiana State Police, Riverboat Gaming Enforcement Division.

Applicant Records those records which contain information and data pertaining to an applicant's criminal record, antecedents and background, and the applicant's financial records, furnished to or obtained by the division from any source incidental to an investigation for licensure, findings of suitability, registration, or other affirmative approval.

Architectural Plans and Specifications or *Architectural Plans* or *Plans* or *Specifications* Call of the plans, drawings, and specifications for the construction, furnishing, and equipping of a riverboat, including, but not limited to, detailed specifications and illustrative drawings or models depicting the proposed size, layout and configuration of the component parts of the vessel, including electrical and plumbing systems, engineering, structure, and aesthetic interior and exterior design as are prepared by one or more licensed professional architects and engineers. *Architectural Plans and Specifications* does not include *FF&E*, as defined in this Chapter.

Associated Equipment any gaming equipment which does not affect the outcome of the game, except as otherwise provided in these regulations.

Berth a location where a riverboat is or will be authorized to dock as provided in the act and regulations.

Business Year the annual period used by a licensee for internal accounting purposes as defined and approved by the division.

Candidate any person whom the division believes should be placed on the list of excluded persons.

Certification Fees the fees charged by the division incidental to the certification of documents.

Certified Electronic Technician qualified service personnel trained by a manufacturer, supplier, or other qualified entity, or through training programs approved by the division, who are capable of performing any repairs, parts replacements, maintenance, and other matters relating to servicing of devices.

Chip a nonmetal or partly metal representative of value, redeemable for cash, and issued and sold by a licensee for use at the licensee's gaming establishment.

Component any substantial or tangible part of a riverboat that must be built or made to complete construction of the riverboat or that must be modified for installation or use in or on the riverboat, including but not limited to engines, motors, boilers, generators, electrical systems and wiring, plumbing systems and apparatus, heating and cooling systems, custom-made furniture and fixtures. *Component* does not include *FF&E* as defined this Chapter.

Confidential Record any paper, document or other record or data reduced to a record which is not open to public inspection.

Day as used in these regulations shall mean a calendar day.

Designated Gaming Area those portions of a riverboat in which gaming activities may be conducted, which shall be determined by measuring the area (in square feet) inside the interior walls of the riverboats, excluding any space therein in which gaming activities may not be conducted, such as bathrooms, stairwells, cage and beverage area, and

emergency evacuation routes. Such designated gaming area shall not exceed 60 percent of the total square footage of the passenger access area of the vessel or 30,000 square feet, whichever is lesser, and plans, therefore, shall be submitted to and approved by the board.

Designated Representative—A person designated by the licensee to oversee and assume responsibility for the operation of the licensee's gaming business.

Designated River or Waterway—those rivers or bodies of water listed in the act upon which gaming activities may be conducted.

Division Surveillance Room—a room or rooms on each riverboat for the exclusive use of division agents.

Dock or Docking—to lower the gangplank to a pier or shore or to anchor a riverboat at a pier or shore, or both.

Dock Side Facility—the place where docking occurs and where one or more berths may be located.

Drop

a. for table games, the total amount of money, chips, and tokens contained in the drop boxes.

b. for slot machines, the total amount of money and tokens removed from the drop box and the bill validator acceptor drop box, or for cashless slot machines, the amounts deducted from a player's slot account as a result of slot machine play.

Duplication Fees—a charge for duplicating documents for release to the requesting person.

Economic Interest or Interest—any interest in a licensee whereby a person receives or is entitled to directly receive, by agreement or otherwise, a profit, gain, thing of value, loss, credit, security interest, ownership interest, or other benefit. Economic interest in a licensee includes voting shares of stock or otherwise exercising control of the day to day operations of the licensee through a management agreement or similar contract. Economic interest does not include a debt unless upon review of the contract the division determines the obligee of such security has an economic interest in the licensee.

Electronic Fund Transfer—any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument that is initiated through an electronic terminal, telephone, computer, or magnetic tape for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account.

Electronic Gaming Device—any mechanical or electrical device or machine which upon payment of consideration is available to play or operate, operation of which, whether by reason of the skill of the operator, or application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive premiums, merchandise, tokens, redeemable game credits or anything of value other than unredeemable free games whether the payoff is made automatically from the machines or in any other manner.

Emergency Evacuation Route—those areas within the designated gaming area of a riverboat which are clearly defined and identified by the licensee as necessary and approved by the United States Coast Guard for the evacuation of passengers and crew from the riverboat, and from which and in which no gaming activity may be conducted.

Enforcement Action—any action undertaken by the division, to consider sanctions authorized by the act including the suspension, revocation or conditioning of a license or permit, or the assessment of a civil penalty upon the conclusion of an investigation into a violation of the act or of the rules adopted pursuant to the act, a violation of a condition, restriction or limitation placed on a license or permit, a violation of the licensee's rules of play, or a violation of the licensee's internal controls as approved by the division.

Excluded List—a list or lists which contain identities of persons who are excluded from any licensed gaming operation pursuant to the act.

Excluded Person—any person who has been placed on the list of excluded persons by the division and who has failed to timely request a hearing or who remains on the list after a final determination.

FF&E (Furniture, Fixtures and Equipment)—any part of a riverboat that may be installed or put into use as purchased from a manufacturer, supplier, or nongaming supplier, including but not limited to gaming devices, television cameras, television monitors, computer systems, computer programs, computers, computer printers, ready made furniture and fixtures, appliances, accessories, and all other similar kinds of equipment and furnishings.

Financial Statements—those statements and the information contained therein which relate to the assets, expenses, owner's equity, finances, earnings, or revenue of an applicant, licensee, permittee, registered company, or person who provides such records as part of an application or division investigation.

Fiscal Year—a period beginning July 1 and ending June 30 the following year.

Game Outcome—the final result of the wager.

Inspection—periodic surveillance and observation by the division of operations conducted by a licensee or permittee, which surveillance and observation may or may not be made known to the licensee or permittee.

Internal Control System—internal procedures and administration and accounting controls designed by the licensee and approved by the division, for the purpose of exercising control over the gaming operations.

Key Gaming Employee

a. any individual who is employed in a director or department head capacity and who is empowered to make discretionary decisions that regulate gaming activities including, but not limited to, the general manager and assistant general manager of the riverboat, director of finance, accounting controller, director of cage and/or credit operations, director of casino operations, director of table games, director of slots, director of security, director of surveillance, director of management information systems, any employee who supervises the operations of these departments or to whom these individual department directors report, and such other positions which the Division or the Board shall later determine, based on detailed analysis of job descriptions as provided in the internal controls of the licensee as approved by the Division. All other gaming employees, unless determined otherwise by the Division or the Board, shall be classified as nonkey gaming employees.

b. In the case of vacation, leave of absence, illness, resignation, termination, or other planned or unplanned extended absence of a key employee, a non-key assistant director or manager of the above named individual departments may serve not more than 90 calendar days during any one calendar year as head of that department, after written request to and written approval of the Supervisor of the Division or the Chairman of the Board.

Louisiana Business, Louisiana Company or Louisiana Corporation—A business, company or corporation which is at least 51 percent owned by one or more Louisiana domiciliaries who also control and operate the business. Control in this context means exercising the power to make policy decisions. Operate in this context means being actively involved in the day-to-day management of the business.

Manufacturer—Any person that manufactures, assembles, produces, or programs any gaming device for use or play in this state.

Minority Business Enterprise or Minority Owned Business—A business which is at least 51 percent owned by one or more minority individuals domiciled in Louisiana who also control and operate the business. "Control" in this context means exercising the power to make policy decisions. "Operate" in this context, means being actively involved in the day-to-day management of the business.

Net Gaming Proceeds—the total of all cash and property (including checks whether collected or not) received by the licensee from gaming operations, less the total of all cash paid out as winnings to patrons.

Nongaming Supplier or Supplier of Goods or Services Other Than Gaming Devices or Equipment—Any person who sells, leases or otherwise distributes, directly or indirectly, goods and/or services other than gaming devices and equipment to a licensee.

Operation—A licensed riverboat gaming operation or the operation of a manufacturer or supplier pursuant to the issuance of a permit or the operation of racehorse wagering pursuant to the issuance of a permit under the act.

Operator's License—A riverboat gaming operator's license.

Patron—An individual who is at least 21 years of age and who has lawfully placed a wager in an authorized game on a riverboat.

Payout—winnings earned on a wager.

Permittee—Any employee, agent, person, or entity who is issued or applying for a permit pursuant to the act. Permittee does not include an applicant in those particular sections or subsections where an applicant is treated differently than a permittee.

Premises—Land, together with all buildings, vessels, improvements, and personal property located thereon.

Public Record—Any paper, document, or other record required to be kept or necessary to be kept, in the discharge of a duty imposed by law, not declared confidential by statute or regulation.

Randomness—the observed unpredictability and absence of pattern in a set of elements or events that have definite probabilities of occurrence.

Records—accounts, correspondence, memorandums, audio tapes, videotapes, computer tapes, computer disks, electronic media, papers, books, and other documents or

transcribed information of any type, whether expressed in ordinary or machine language.

Regulations—the riverboat gaming regulations promulgated pursuant to the act.

Renewal Applicant—A person who has filed any part of an application for renewal of any license or permit authorized by the act.

Renewal Application—All of the information, documents, forms, and materials required by the act and regulations to be filed with the division to renew any license or permit authorized by the act.

Riverboat—A vessel that carries a valid certificate of inspection issued by the United States Coast Guard with regard to the carriage of passengers on designated rivers or waterways within or contiguous to the boundaries of the state of Louisiana, carries a valid certificate of inspection from the United States Coast Guard for the carriage of a minimum of 600 passengers and crew, has a minimum length of 150 feet, is of such type and design so as to replicate as nearly as practicable historic Louisiana river borne steamboat passenger vessels of the 19th century era, and is paddlewheel driven. A riverboat as defined herein is not required to be steam propelled or maintain overnight facilities for its passengers.

Riverboat Operator—An owner and/or operator of a riverboat.

Route—the path of one or more riverboats moving continuously on designated rivers and waterways as permitted or authorized by the commission.

Sensitive Keys—Call keys, including originals and duplicates, used in the process of accessing cash, chips, tokens, die and cards. Sensitive keys also include, but are not limited to drop box release and content keys, gaming device cabinet keys except slot machine access keys, and all keys used to access secure areas. Sensitive keys also include any keys so designated in the licensee's internal controls as approved by the division.

Statements on Auditing Standards—the auditing standards and procedures published by the American Institute of Certified Public Accountants.

Supplier of Gaming Devices and Equipment or Supplier—Any person that sells, leases, markets, offers, or otherwise distributes, directly or indirectly, any gaming devices or equipment for use or play in this state or sells, leases, or otherwise distributes any gaming devices or equipment.

Token—A metal representative of value, redeemable for cash, and issued and sold by a licensee for use in electronic gaming devices, table games or counter games at the licensee's gaming establishment.

Wager—A sum of money or thing of value risked on a game.

Win—the total of all cash and property (including checks received by a licensee, whether collected or not) received by the licensee from gaming operations, less the total of all cash paid out in winnings to patrons.

Women's Business Enterprise or Woman Owned Business—A business which is at least 51 percent owned by one or more women who are citizens of the United States domiciled in Louisiana and who also control and operate the business. Control in this context means exercising the power to make policy decisions. Operate in this context means

being actively involved in the day-to-day management of the business. In determining whether a business is 51 percent owned by one or more women, the percentage ownership by a woman shall not be diminished because she is part of the community property regime.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 19:1176 (September 1993), amended LR 21:705 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 22:1139 (November 1996), LR 24:344 (February 1998), LR 26:1317 (June 2000).

Chapter 21. Licenses and Permits

§2108. Nongaming Suppliers

A. Except as provided in Subsections E and F of this Section, any nongaming supplier shall obtain a nongaming supplier permit from the division, upon providing goods and/or services to a licensee in an amount in excess of \$50,000 during the preceding fiscal year period.

B. Any nongaming supplier, regardless of whether having been permitted or not and regardless of the dollar amount of goods or services provided to a licensee may be requested to apply to the division for a finding of suitability.

C. Unless otherwise notified by the division in writing, a licensee shall conduct business with a nongaming supplier only if:

1. such supplier possesses a valid nongaming permit which has been placed in an approved status by the division; or

2. such supplier has been issued a waiver from the division regarding the necessity of obtaining a permit, pursuant to the provisions of Subsections E or F of this Section; or

3. during the immediate preceding fiscal year period, such supplier has received \$50,000 or less from the licensee as payment for providing nongaming services or goods to the licensee.

D. It shall be the responsibility of each licensee to ensure that it has not paid more than \$50,000 to any nongaming supplier during the preceding fiscal year period as payment for providing nongaming services or goods, unless such nongaming supplier holds a valid nongaming permit which has been placed in an approved status by the division or has been issued a waiver regarding the necessity of obtaining such a permit from the division pursuant to subsections E or F of this Section.

E. The following nongaming suppliers shall be deemed to have been waived by the division from the necessity of obtaining a nongaming permit pursuant to this Section:

1. nonprofit charitable organizations, and educational institutions which receive funds from the licensee, including educational institutions that receive tuition reimbursement on behalf of employees of a licensee:

a. "nonprofit charitable organization" shall mean a nonprofit board, association, corporation, or other organization domiciled in this state and qualified with the United States Internal Revenue Service for an exemption from federal income tax under Section 501(c), (3), (4), (5), (6), (7), (8), (10), or (19) of the Internal Revenue Code;

2. entities which provide one or more of the following services to a licensee and which are the sole source provider of such service:

- a. water;
- b. sewage;
- c. electricity;
- d. natural gas; or
- e. local telephone services;

3. regulated insurance companies providing insurance to a licensee and its employees including providers of medical, life, dental, and property insurance;

4. administrators of employee benefit and retirement plans including incorporated 401K plans and employee stock purchase programs;

5. national or local professional associations which receive funds from a licensee for the cost of enrollment, activities, and membership;

6. all state, federal, and municipal operated agencies;

7. all liquor, beer and wine industries regulated by the Office of Alcohol and Tobacco Control;

8. state and federally regulated banks and savings and loan associations;

9. newspapers, televisions stations and radio stations which contract with licensees to provide advertising services;

10. providers of professional services, including but not limited to accountants, architects, attorneys, consultants, engineers and lobbyists, when acting in their respective professional capacities.

F. Any nongaming supplier required to obtain a nongaming permit, other than those listed in subsection E in this Section may request a waiver of the necessity of obtaining a nongaming permit. The division may grant such a request upon a showing of good cause by the nongaming supplier. The division may rescind any such waiver which has been previously granted upon written notice to the nongaming supplier.

G. Junket representatives shall be subject to the provisions of this Section in the same manner as other nongaming suppliers.

H. Each licensee shall submit to the division, on a quarterly basis, a report containing a list of all nongaming suppliers which have received \$5,000 or more from the licensee during the previous quarter, or \$50,000 or more during the preceding fiscal year period as payment for providing nongaming services or goods to the licensee. This report shall include the name and address of the nongaming supplier, a description of the type of goods or services provided, the nongaming suppliers nongaming permit number, if applicable, federal tax identification number, and the total amount of all payments made by the licensee, or any person acting on behalf of the licensee, to each nongaming supplier during the previous four quarters. For each nongaming supplier listed in this quarterly report which is a provider of professional services as defined in Paragraph E.10 of this Section, each licensee shall also submit a brief statement describing the nature and scope of the professional service rendered by each such provider, the number of hours of work performed by each such provider, and the total amount paid to each such provider by the licensee or any

person acting on behalf of the licensee during the previous quarter. This report shall be received by the board and the division not later than the last day of the month following the quarter being reported.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:1318 (June 2000).

Chapter 23. Compliance, Inspections and Investigations

§2325. Imposition of Sanctions

A. The division may assess a civil penalty as provided for in the penalty schedule. The penalty schedule lists a base fine and proscriptive period for each violation committed by the licensee or permittee. The proscriptive period is the amount of time determined by the division in which a prior violation is still considered active for purposes of consideration in assessment of penalties. A prior violation is a past violation of the same type which falls within the current violation's proscriptive period. The date of a prior violation shall be considered to be when the delay for requesting a hearing expires or the date of the final agency decision relative to such violation. If one or more violations exist within the proscriptive period, the base fine shall be multiplied by a factor based on the total number of violations within the proscriptive period. The violation of any rule may result in the assessment of a civil penalty, suspension, revocation, or other administrative action. If the calculated penalty exceeds the statutory maximum of \$100,000, the matter shall be forwarded to the board for further administrative action. In such case, the board shall determine the appropriate penalty to be assessed. Assisting in the violation of rules, laws, or procedures as provided in §2931 may result in a civil penalty in the same amount as provided in the penalty schedule for the respective violation.

B. ...

C. The division may impose any sanction authorized by the act or these rules for violation of the licensee's internal controls as are approved by the division. For purposes of this section, the licensee's internal controls shall include:

1. accounting and financial controls including procedures to be utilized in counting, banking, storage and handling of cash;

2. procedures, forms, and where appropriate, formulas covering the calculation of hold percentages, revenue drop, expenses and overhead schedules, complimentary services, cash equivalent transactions, salary structure, and personnel practices;

3. job descriptions and the systems of personnel and chain-of-command, establishing a diversity of responsibility among employees engaged in gaming operations and identifying primary and secondary supervisor positions for areas of responsibility, which areas shall not be so extensive as to be impractical for and individual to monitor;

4. procedures within the cashier's cage for the receipt, storage, and disbursal of chips, cash, and other cash equivalents used in gaming, the payoff of jackpots, and the recording of transactions pertaining to gaming operations;

5. procedures for the collection and security of monies at the gaming tables;

6. procedures for the transfer and recordation of chips between the gaming tables and the cashier's cage;

7. procedures for the transfer of monies from the gaming tables to the counting process;

8. procedures for the counting and recordation of revenue;

9. procedures for the security, storage, and recordation of chips and other cash equivalents utilized in other gaming operations;

10. procedures for the transfer of monies or chips from and to the slot machines;

11. procedures and standards for the opening and security of slot machines;

12. procedures for the payment and recordation of slot machine jackpots;

13. procedures for the cashing and recordation of checks exchanged by patrons;

14. procedures governing the utilization of the private security force within the designated area;

15. procedures and security standards for the handling and storage of gaming apparatus, including cards, dice, machines, wheels, and all other gaming equipment;

16. procedures and rules governing the conduct of particular games and the responsibilities of the riverboat gaming personnel in respect thereto; and

17. such other procedures, rules or standards that the division may impose on a licensee regarding its operations.

D. A sanction for purposes of this section includes, but is not limited to suspension, revocation, or cancellation of a license or permit, the imposition of a civil penalty and such other costs as the division deems appropriate, or other conditioning, limiting, or restricting of a license or permit.

E. Penalty Schedule

Section Reference	Description	Base Fine	Proscriptive Period (Months)
Chapter 21. Licenses and Permits			
2101	General Authority of the Division	\$10,000	18
2108	Nongaming Suppliers	\$2,000	12
2110	Maritime Requirements	\$10,000	18
2116.A	Cash Transaction Reporting	\$5,000	12
2116.B	Cash Transaction Reporting (Violations in Other States)	\$20,000	24
2125	Access to Applicants' Premises and Records	\$25,000	60
2127.A	Information Constituting Grounds for Delay or Denial of an Application	\$10,000	24
2159.A	Gaming Employee Permits Required	\$10,000	18
2165	Display of Gaming Employee Permit	\$500	12
Chapter 23. Compliance, Inspections, and Investigations			
2325	Imposition of Sanctions	\$2,500	12
Chapter 25. Transfers of Interest in Licensees and Permittees; Loans and Restrictions			
2521	Loans and Lines of Credit	\$75,000	60
Chapter 27. Accounting Regulation			
2701	Procedures for Reporting and Paying Gaming Taxes and Fees		
	Late Reports	\$2,000	12

	Late Wire Transfers	\$5,000	12
2703.A	Accounting Records (per issue)	\$2,000	12
2705	Records of Ownership	\$500	12
2707	Records Retention	\$10,000	18
2709.B	Quarterly Financial Statements	\$1,000	12
2709.C	SEC Reports	\$500	12
2711.B	Required Signatures	\$500	12
2711.D	Change of CPA Requirements	\$10,000	60
2711.F	Audited Financial Statements (submission date)	\$10,000	60
2711.G	Change of Business Year	\$2,000	60
2711.H	Other CPA Reports	\$2,000	60
2711.I	Quarterly Net Win Reports	\$5,000	24
2711.J	Additional CPA Information	\$10,000	60
2713.D	Submit Monthly Calculation to Division	\$5,000	12
2713.E	Submission of Revised Calculated Amount	\$5,000	12
2715.A.1-7, 13	General Requirements	\$2,500	12
2715.A.8-12	Key Control & Entry Logs	\$10,000	24
2715.D	Internal Audit Department – Failure to Investigate and Resolve Material Exceptions & to Document Results	\$10,000	18
2715.E	Late Submission	\$10,000	60
2715.F-G	Amendment of Computerized Controls *and Amendments to Internal Controls	\$25,000	24
2715.H	Amendments to Internal Controls required by the Division	\$20,000	24
2715.J-M	General Credit Requirements	\$5,000	18
2715.O	Quarterly Credit Report	\$5,000	18
2715.Q	Value of Tokens	\$5,000	12
2716	Clothing Requirements	\$5,000	12
2717	Internal Controls, Table Games		
2717.A-E	Fills and Credits	\$2,000	12
2717.F	Table Inventory	\$5,000	12
2717.G	Credit Procedures in Pit	\$2,000	12
2717.H	Non-Marker Credit Play	\$5,000	12
2717.I	Call Bets	\$10,000	18
2717.J	Table Games Drop Procedures	\$10,000	24
2717.K	Table Games Count Procedures	\$10,000	24
2717.L	Table Games Key Control Procedures	\$10,000	24
2717.M		\$5,000	12
2717.N	Supervisory Controls of Table Games	\$2,500	12
2717.O	Table Games Records	\$2,500	12
2717.P	Accounting and MIS Functions	\$2,500	12
2719 A & B	Handling of Cash at Gaming Tables	\$5,000	18
2721	Tips and Gratuities		
	Licensee Violation	\$2,000	12
	Permittee Violation	\$500	12
2723	Internal Controls, Slots		
2723.B & C	Jackpot Request	\$2,000	12
2723.D	Jackpot Payout Slip	\$2,000	12
2723.E	Jackpot Payout Slips greater than \$1,200	\$1,000	12
2723.F	Jackpot Payout Slips greater than \$5,000	\$5,000	12
2723.G	Jackpot Payout Slips greater than \$10,000	\$10,000	18
2723.H	Jackpot Payout Slips greater than \$100,000	\$15,000	24
2723.I	Slot Fill Slips	\$2,000	12
2723.J	Slot Hard Drop	\$10,000	12

2723.K	Slot Count	\$10,000	12
2723.L	Hard Count Weigh Scale		12
2723.M	Accurate and Current Records for each slot machine	\$5,000	12
2723.N	Slot Machines removed from gaming floor	\$10,000	18
2723.O	Key Control,& Entry Logs	\$10,000	24
2723.P	Sensitive Keys removed from vessel	\$10,000	24
2723.Q	Currency Acceptor Drop and Count Standards	\$10,000	24
2723.R	Computer Records	\$5,000	12
2723.S	Management Information Systems (MIS) Functions	\$5,000	18
2723.T	Accounting Department audit procedures relative to slot operations	\$10,000	24
2723.U	Slot Department Requirements	\$2,000	12
2723.V	Progressive Slot Machines	\$5,000	12
2723.W	Training	\$5,000	24
2725.A- F	Poker	\$2,500	12
2727	Race Book	\$5,000	12
2729	Cage and Credit		
2729.A-H	Cage Procedures	\$5,000	12
2729.I-HH	Credit Extension/Check Cashing	\$5,000	12
2729.II-NN	Other Credit Issues	\$5,000	12
2730	Exchange of Chips and Tokens	\$1,000	12
2731	Currency Transaction Reporting	\$5,000	12
2735	Net Gaming Proceeds Computation	\$5,000	12
2736	Treatment of Credit for Computing Net Gaming Proceeds	\$5,000	12
Chapter 29. Operating Standards			
2901	Methods of Operation Generally	\$10,000	24
2911	Accessibility to Premises; Parking	\$1,000	12
2913	Access to Premises and Production of Records	\$10,000	24
2915	Methods to Prevent Minors from Gaming Area	\$10,000	12
2919	Finder's Fees	\$10,000	12
2921.A	Agencies who may Collect	\$10,000	60
2921.B	Collection by Unsuitable Person	\$10,000	60
2921.C	Recordation of Collection Arrangements; Division Inspection	\$10,000	60
2933	Compulsive/Problem Gamblers - Telephone Info and Referral Service Posting (see Title 27:58.10)	\$1,000	24
2935	Entertainment Activities	\$5,000	12
2943	Gaming Employees Prohibited from Gaming	\$2,500	12
2945	Restrictive Areas	\$10,000	24
2953	Promotions and Tournaments	\$5,000	12
Chapter 31. Rules of Play, All rule violations other than 3101 and 3105			
3101	Authority and Applicability, Unauthorized Game	\$25,000	24
3105	Submission of Rules	\$25,000	24
Chapter 33. Surveillance and Security			
3301	Required Surveillance Equipment	\$10,000	24
3303	Surveillance System Plans	\$25,000	24
3305.A	Division Room	\$10,000	24

3305.B	Access to Surveillance Equipment	\$10,000	24
3305.C	Surveillance Employees Prohibited from Other Gaming Duties	\$5,000	24
3305.D&E	Security of Division and Surveillance Rooms	\$10,000	24
3305.F	Division Agents Access to Surveillance Room	\$15,000	24
3305.H	Licensee Surveillance	\$5,000	24
3307	Segregated Telephone Communication	\$5,000	24
3309.A	Maintaining Logs	\$10,000	24
3309.B	Logging of Unusual Occurrences	\$10,000	24
3311	Storage and Retrieval	\$20,000	24
3313	Dock Side Division Facility	\$10,000	24
3315	Maintenance and Testing	\$20,000	24
3317	Surveillance System Compliance	\$25,000	24
Chapter 35. Patron Disputes			
3501	Division Notification	\$1,000	12
Chapter 37. List of Excluded Persons			
3705	Duty of Licensees and Permittees to Exclude	\$5,000	12
Chapter 41. Enforcement Actions			
4103	Chairman Action By Order	\$20,000	18
Chapter 43. Specifications for Gaming Devices and Equipment			
4301	Approval of Chips and Tokens; Applications and Procedures	\$5,000	12
4309	Use of Chips and Tokens	\$1,000	12
4311	Receipt of Gaming Chips or Tokens from Manufacturer or Supplier	\$5,000	12
4313	Inventory of Chips	\$5,000	12
4315	Redemption and Disposal of Discontinued Chips and Tokens	\$5,000	12
4319	Approval and Specifications for Dice	\$5,000	12
4321	Dice; Receipt, Storage, Inspections and Removal From Use	\$5,000	12
4325	Cards; Receipt, Storage, Inspections and Removal From Use	\$5,000	12
4327	Approval of Gaming Devices; Applications and Procedures; Manufacturers and Suppliers	\$10,000	12
4331.B&C	Display	\$2,000	12
4331.D	Amount Reduction	\$5,000	12
4333	Computer Monitoring Requirements of Electronic Gaming Devices	\$10,000	12
4339	Certification by Manufacturer	\$1,000	12
4343	Duplication of Program Storage Media	\$20,000	24
4345	Marking, Registration, and Distribution of Gaming Devices	\$5,000	12
4347	Approval to Sell or Dispose of Gaming Devices	\$10,000	24
4349	Maintenance of Gaming Devices	\$20,000	24
4355	Approval of Associated Equipment; Application and Procedures	\$5,000	12

Title 27. Louisiana Gaming Control Law			
Chapter 4. The Louisiana Riverboat Economic Development and Gaming Control Act			
Part I. General Provisions			
27:47	License or permit required	\$10,000	60
Part III. Gaming Enforcement Division			
27:61(1)	Net gaming procedures	\$2,000	12
27:61(2)	Tax paid	\$2,000	12
27:61(3)	Quarterly financial statements	\$1,000	12
27:61(3)	Annual financial statements	\$10,000	60
Part V. Conducting of Gaming Operations			
27:65B(1)	Sailing requirements	\$5,000	12
27:65B(2)	Sailing duration	\$5,000	12
27:65B(3)	Division agents may inspect anytime	\$25,000	60
27:65B(4)	Gaming equipment must be from permitted suppliers	\$25,000	
27:65B(5)	Wagering restrictions	\$10,000	18
27:65B(7)	Gaming equipment storage	\$25,000	60
27:65B(9)	No one under 21 allowed	\$10,000	12
27:65B(11)	Wagering only with chips, tokens, etc.	\$10,000	18
27:65B(13)	Adequate insurance	\$25,000	60
27:65B(15)	Must obey all rules	\$10,000	18
Part VII. Application and Licensing			
Part VIII. Issuance of Permits to Manufacturers, Suppliers, and Others			
27:82C	Distribution of unapproved devices/supplies	\$25,000	60
27:82E	Supplier requirements	\$5,000	12
27:84	Gaming employee permits	\$10,000	18
27:85A	Unpermitted employee	\$10,000	18
27:85B	Underage patron/employees	\$10,000	12
27:86	Issuance of permit to conduct racehorse wagering	\$5,000	12

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 26.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:705 (July 1995), amended by the Gaming Control Board, LR 26:1319 (June 2000).

Hillary J. Crain
Chairman

0006#003

RULE

**Office of Public Safety
Gaming Control Board**

Gaming Establishments (LAC 42:XI.2415)

The Gaming Control Board hereby adopts amendments to LAC 42:XI.2415.

Title 42

LOUISIANA GAMING

Part XI. Video Poker

Chapter 24. Video Draw Poker

§2415. Gaming Establishments

A. - C.3. ...

D. Structural requirements for licensed establishments

1. - 3. ...

4. Each qualified stop facility licensed after having filed a new application on or after July 1, 2000 shall comply with the following requirements.

a. Each new application shall contain a scale drawing of the qualified truck stop facility prepared by a registered civil engineer which indicates the overall dimension of the facility and parking area and upon which is superimposed the areas and dimensions for 50 parking stalls measuring 12 feet wide and 65 feet long and for travel lanes measuring 50 feet wide at those facilities with two-way truck travel. At those facilities having one-way truck travel, the travel lane shall be 30 feet wide.

b. The parking area design, plans and construction shall be in compliance with all applicable federal, state, and local laws and regulations and in compliance with the most appropriate and applicable national or regional association or industry design and construction guidelines applicable to the geographical area in which the qualified truck stop facility is proposed to be located as reasonably determined by the registered civil engineer.

c. The parking area shall be constructed of asphalt or concrete in accordance with a design and plans prepared by a registered civil engineer. The travel lanes shall be constructed in accordance with a design and plans prepared by a registered civil engineer.

d. The licensee or applicant shall submit to the division written certification from the registered civil engineer that construction was in accordance with the design and construction plans and these rules.

5. The licensee has a continued responsibility to maintain the parking area and travel lanes in accordance with the Act and these rules. The licensee shall upon request provide to the division applicable documentation supporting the design and construction of the parking area in accordance with the Act and these rules.

E. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with L.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:582 (June 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 23:1322 (October 1997), amended LR 24:1504 (August 1998), LR 26:1322 (June 2000).

Hillary J. Crain
Chairman

0006#004

RULE

**Office of Public Safety and Corrections
Gaming Control Board**

Imposition of Sanctions (LAC 42:VII.2325)

The Gaming Control Board hereby adopts LAC 42:VII.2325.

Title 42

LOUISIANA GAMING

Part VII. Pari-Mutuel Live Racing Facility Slot Machine Gaming

Chapter 23. Compliance, Inspections and Investigations

§2325. Imposition of Sanctions

A. The division may assess a civil penalty as provided for in the penalty schedule. The penalty schedule lists a base fine and proscriptive period for each violation committed by the licensee or permittee. The proscriptive period is the amount of time determined by the division in which a prior violation is still considered active for purposes of consideration in assessment of penalties. A prior violation is a past violation of the same type which falls within the current violation's proscriptive period. The date of a prior violation shall be considered to be when the delay for requesting a hearing expires or the date of the final agency decision relative to such violation. If one or more violations exist within the proscriptive period, the base fine shall be multiplied by a factor based on the total number of violations within the proscriptive period. The violation of any rule may result in the assessment of a civil penalty, suspension, revocation, or other administrative action. If the calculated penalty exceeds the statutory maximum of \$100,000, the matter shall be forwarded to the Board for further administrative action. In such case, the board shall determine the appropriate penalty to be assessed. Assisting in the violation of rules, laws, or procedures as provided in §2931 may result in a civil penalty in the same amount as provided in the penalty schedule for the respective violation.

B. The division may impose any sanction authorized by the act or these rules for violation of any condition, restriction, or limitation imposed on a license or permit by either the division or board.

C. The division may impose any sanction authorized by the act or these rules for violation of the licensee's internal controls as are approved by the division. For purposes of this section, the licensee's internal controls shall include:

1. accounting and financial controls including procedures to be utilized in counting, banking, storage and handling of cash;

2. procedures, forms and where appropriate, formulas covering the calculation of hold percentages, revenue drop, expenses and overhead schedules, complimentary services, cash equivalent transactions, salary structure, and personnel practices;

3. job descriptions and the systems of personnel and chain-of-command, establishing a diversity of responsibility among employees engaged in gaming operations and

identifying primary and secondary supervisor positions for areas of responsibility, which areas shall not be so extensive as to be impractical for and individual to monitor;

4. procedures within the cashier's cage for the receipt, storage, and disbursal of cash, and other cash equivalents used in gaming, the payoff of jackpots, and the recording of transactions pertaining to gaming operations;

5. procedures for the counting and recordation of revenue;

6. procedures for the security, storage, and recordation of cash equivalents utilized in other gaming operations;

7. procedures for the transfers of monies or cash equivalents from and to the slot machines;

8. procedures and standards for the opening and security of slot machines;

9. procedures for the payment and recordation of slot machine jackpots;

10. procedures for the cashing and recordation of checks exchanged by patrons;

11. procedures governing the utilization of the private security force within the designated area;

12. procedures and security standards for the handling and storage of gaming devices, machines and all other gaming equipment;

13. procedures and rules governing the conduct of particular games and the responsibilities of the gaming personnel in respect thereto;

14. such other procedures, rules or standards that the division may impose on a licensee regarding its operations.

D. Sanction for purposes of this section includes, but is not limited to suspension, revocation, or cancellation of a license or permit, the imposition of a civil penalty and such other costs as the division deems appropriate, or other conditioning, limiting, or restricting of a license or permit.

E. Penalty Schedule

Section Reference	Description	Base Fine	Proscriptive Period (Months)
Chapter 21. Licenses and Permits			
2101	General Authority of the Board and Division	\$10,000	18
2108	Nongaming Suppliers	\$2,000	12
2110	Plans and Specifications	\$10,000	18
2116.A	Cash Transaction Reporting	\$5,000	12
2116.B	Cash Transaction Reporting (Violations in other states)	\$20,000	24
2125	Access to Applicants' Premises and Records	\$25,000	60
2127.A	Information Constituting Grounds for Delay or Denial of an Application	\$10,000	24
2159.A	Gaming Employee Permits Required	\$10,000	18
2165	Display of Gaming Employee Identification Badge	\$500	12
Chapter 23. Compliance, Inspections and Investigations			

2325	Imposition of Sanctions	\$2,500	12
Chapter 25. Transfers of Interest in Licenses and Permittees; Loans and Restrictions			
2521	Loans and Lines of Credit	\$75,000	60
Chapter 27. Accounting Regulation			
2701	Procedures for Reporting and Paying Taxes and Fees		
2701	Late Reports	\$2,000	12
2701	Late Wire Transfers	\$5,000	12
2703.A	Accounting Records (per issue)	\$2,000	12
2705	Records of Ownership	\$500	12
2707	Records Retention	\$10,000	18
2709.B	Quarterly Financial Statements	\$1,000	12
2709.C	SEC Reports	\$500	12
2711.B	Required Signatures	\$500	12
2711.D	Change of CPA Requirements	\$10,000	60
2711.F	Audited Financial Statements (submission date)	\$10,000	60
2711.G	Change of Business Year	\$2,000	60
2711.H	Other CPA Reports	\$2,000	60
2711.I	Quarterly Net Win Reports	\$5,000	24
2711.J	Additional CPA Information	\$10,000	60
2713.D	Submission of Monthly Calculations	\$5,000	12
2713.E	Submission of Revised Calculated Amount	\$5,000	12
2715.A.1-7, 13	General Requirements	\$2,500	12
2715.A.8-12	Key Control & Entry Logs	\$10,000	24
2715.D	Internal Audit Department – Failure to Maintain Department or Develop Quarterly Report	\$10,000	18
2715.E	Late Submission	\$10,000	60
2715.F	Amendment of Computerized Controls and Amendment to Internal Controls	\$25,000	24
2715.H	Amendments to Internal Controls required by the Division	\$20,000	24
2715.J-M	General Credit Requirements	\$5,000	18
2715.O	Quarterly Credit Report	\$5,000	18
2715.P	Quarterly Vendor Report	\$5,000	18
2715.Q	Value of Tokens	\$5,000	12
2716	Clothing Requirements	\$5,000	12
2719.A	Handling of Cash	\$5,000	18
2721	Tips and Gratuities		
	Licensee Violation	\$2,000	12
2723	Internal Controls, Slots		
2723.B-C	Jackpot Request	\$2,000	12

2723.D	Jackpot Payout Slip	\$2,000	12
2723.E	Jackpot Payout Slips greater than \$1,200	\$1,000	12
2723.F	Jackpot Payout Slips greater than \$5,000	\$5,000	12
2723.G	Jackpot Payout Slips greater than \$10,000	\$10,000	18
2723.H	Jackpot Payout Slips greater than \$100,000	\$15,000	24
2723.I	Slot Fill Slips	\$2,000	12
2723.J	Slot Hard Drop	\$10,000	12
2723.K	Slot Count	\$10,000	12
2723.L	Hard Count Weigh Scale	\$10,000	12
2723.M	Accurate and Current Records for each slot machine	\$5,000	12
2723.N	Slot Machines removed from gaming floor	\$10,000	18
2723.O	Key Control & Entry Logs	\$10,000	24
2723.P	Sensitive Keys removed from Facility	\$10,000	24
2723.Q	Currency Acceptor Drop and Count Standards	\$10,000	24
2723.R	Computer Records	\$5,000	12
2723.S	Management Information Systems (MIS) Functions	\$5,000	18
2723.T	Accounting Department Audit Procedures	\$10,000	24
2723.U	Slot Department Requirements	\$2,000	12
2723.V	Progressive Slot Machines	\$5,000	12
2723.W	Training	\$5,000	24
2729	Cage and Credit		
2729.A-H	Cage Procedures	\$5,000	12
2729.I-HH	Credit Extension/Check Cashing	\$5,000	12
2729.II-NN	Other Credit Issues	\$5,000	12
2730	Exchange of Chips and Tokens	\$1,000	12
2731	Currency Transaction Reporting	\$5,000	12
2735	Net Slot Machine Proceeds Computation	\$5,000	12
Chapter 29. Operating Standards			
2901	Methods of Operation Generally	\$10,000	24
2911	Accessibility to Premises; Parking	\$1000	12
2913	Access to Premises and Production of Records	\$10,000	24
2915	Methods to Prevent Minors from Gaming Area	\$10,000	12
2919	Finder's Fees	\$10,000	12
2921.A	Agencies who may Collect	\$10,000	60
2921.B	Collection by Unsuitable	\$10,000	60

	Person		
2921.C	Recordation of Collection Arrangements; Division Inspection	\$10,000	60
2933	Compulsive/Problem Gamblers – Telephone Info and Referral Service Posting	\$1000	24
2935	Entertainment Activities	\$5,000	12
2943	Gaming Employees Prohibited from Gaming	\$2,500	12
2945	Restrictive Areas	\$10,000	24
2953	Promotions and Tournaments	\$5,000	12
Chapter 33. Surveillance and Security			
3301	Required Surveillance Equipment	\$10,000	24
3303	Surveillance and Security System Plans	\$25,000	24
3305.A	Division Room	\$10,000	24
3305.B	Access to Surveillance Equipment	\$10,000	24
3305.C	Surveillance Employees Prohibited from Other Gaming Duties	\$5,000	24
3305.D-E	Security of Division and Surveillance Rooms	\$10,000	24
3305.F	Division Agents Access to Surveillance Room	\$15,000	24
3305.H	Licensee Surveillance	\$5,000	24
3307	Segregated Telephone Communication	\$5,000	24
3309.A	Maintaining Logs	\$10,000	24
3309.B	Logging of Unusual Occurrences	\$10,000	24
3311	Storage and Retrieval	\$20,000	24
3315	Maintenance and Testing	\$20,000	24
3317	Surveillance System Compliance	\$25,000	24
Chapter 35. Patron Disputes			
3501	Division Notification	\$1,000	12
Chapter 37. List of Excluded Persons			
3705	Duty of Licensees and Permittees to Exclude	\$5,000	12
Chapter 41. Enforcement Actions			
4103	Chairman Action By Order	\$20,000	18
Chapter 42. Electronic Gaming Devices			
4202	Approval of Gaming Devices; Applications and Procedures; Manufacturers and Suppliers	\$10,000	12
4204	Progressive EGD's	\$5,000	12
4205	Computer Monitoring	\$10,000	12

	Requirements of Electronic Gaming Devices		
4208	Certification by Manufacturer	\$1,000	12
4211	Duplication of Program Storage Media	\$20,000	24
4212	Marking, Registration, and Distribution of Gaming Devices	\$5,000	12
4213	Approval to Sell or Dispose of Gaming Devices	\$10,000	24
4214	Maintenance of Gaming Devices	\$20,000	24
4219	Approval of Associated Equipment; Application and Procedures	\$5,000	12
Chapter 43. Specification for Gaming Devices and Equipment			
4301	Approval of Chips and Tokens; Applications and Procedures	\$5,000	12
4309	Use of Chips and Tokens	\$1,000	12
4311	Receipt of Gaming Chips or Tokens from Manufacturer or Supplier	\$5,000	12
4313	Inventory of Chips	\$5,000	12
4315	Redemption and Disposal of Discontinued Chips and Tokens	\$5,000	12
4317	Destruction of Counterfeit Chips and Tokens	\$5,000	12

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:1325 (June 2000).

Hillary J. Crain
Chairman

0006#002

RULE

Department of Public Safety and Corrections Office of the State Fire Marshal

Fire Extinguishers and Fire Alarms (LAC 55:V.Chapter 30)

In accordance with the provisions of R.S. 49:950, et seq. and R.S. 40:1484.3, relative to the authority of the State Fire Marshal to promulgate and enforce rules, relative to the regulation of Portable Fire Extinguishers, Fixed Fire Extinguishing, Fire Detection and Alarm and Fire Protection Sprinkler Systems and/or Equipment, the Office of the State Fire Marshal amends the following rules.

TITLE 55

PUBLIC SAFETY

Part V. Fire Protection

Chapter 30: Portable Fire Extinguisher, Fixed Fire Extinguishing, Fire Detection and Alarm and Fire Protection Sprinkler Systems and/or Equipment Rules

§3001. Purpose

A. The purpose of these rules is to regulate the activity of certifying, inspecting, installing, maintaining and servicing of portable fire extinguishers and the planning, certifying, inspecting, installing, maintaining or servicing of fixed fire extinguishing equipment and/or systems or fire detection and alarm equipment and/or systems or fire protection sprinkler equipment and/or systems in the interest of protecting and preserving lives and property pursuant to authority of R.S. 40:1625, et seq. and R.S. 40:1651 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1325 (June 2000).

§3003. Applicability of Rules

A. These rules shall apply to all businesses and persons engaged in the activity of certifying, inspecting, installing, maintaining and servicing of portable fire extinguishers and the planning, certifying, inspecting, installing, maintaining or servicing of fixed fire extinguishing equipment and/or systems or fire detection and alarm equipment and/or systems or fire protection sprinkler systems and/or hydrostatic testing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1325 (June 2000).

§3005. Exceptions

A. These rules shall not apply to businesses and/or persons engaging in the activity of planning, certifying, inspecting, installing or servicing fire detection and alarm equipment and/or systems in one or two family dwellings which is governed by R.S. 40:1662.1 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1325 (June 2000).

§3007. Notices by the Fire Marshal

A. Any notice required to be given by the State Fire Marshal by any provision of R.S. 40:1625, et seq. or R.S. 40:1651, et seq. or these rules must be given by personal service or mailed, postage prepaid, to the person's residence or business address as it appears on the records in the Office of State Fire Marshal. It is the responsibility of the person or business involved to assure that the Office of the State Fire Marshal has a correct address for the person or business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1325 (June 2000).

§3009. Certificate, License, Permit Required

A. Each firm engaged in the activity of certifying, inspecting, installing, inspecting, maintaining or servicing portable fire extinguishers or planning, certifying, inspecting, installing, maintaining or servicing fixed fire extinguishing equipment and/or systems or fire detection and alarm equipment and/or systems shall apply for a certificate of registration in the class(es) of certification desired in accordance with LAC 55:V.3015 prior to conducting any such activity in this state.

B. Each business engaged in the activity of planning, certifying, inspecting, installing, or servicing fire protection sprinkler systems shall employ a qualifying person or certificate holder and obtain a permit for such in accordance with R.S. 40:1625, et seq. prior to conducting any such activity in this state.

C. Each person or employee, except apprentices, engaged in the activity of inspecting, installing, servicing portable fire extinguishers or planning, certifying, inspecting, installing or servicing fixed fire extinguishing equipment and/or systems or fire detection and alarm equipment and/or systems shall apply for a license in the class and/or classes of licensure desired in accordance with LAC 55:V.3017 prior to conducting any such activity in this state.

D. Each apprentice, as defined in LAC 55:V.3013, engaged in the activity of inspecting, installing, maintaining or servicing portable fire extinguishers or inspecting, installing, maintaining or servicing fixed fire extinguishing equipment and/or systems or fire detection and alarm equipment and/or systems shall apply for a permit in accordance with LAC 55:V.3019 prior to conducting any such activity in this state.

E. Any business(es) and/or person(s) described in A, B, C and D of this section, which have not applied for and received a current and valid certificate of registration, license or permit shall immediately cease such activities. The Office of State Fire Marshal may take all steps necessary to enforce an order to cease and desist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1326 (June 2000).

§3011. Qualifying Persons

A. Each certified business or each business seeking certification, other than portable fire extinguisher and pre-engineered fixed fire extinguishing system firms, shall employ at least one qualifying person. No systems shall be planned, installed or submitted to this office for review if the business does not employ a qualifying person as provided herein.

B. The qualifying person shall be a paid employee and shall only qualify the one business for which he is employed. A contract employee cannot be used to fulfill this requirement except as provided by Subsection G below.

C. The qualifying person shall be primarily and regularly engaged in the planning, and the supervision of the installation and servicing of fixed fire extinguishing, fire detection and alarm, and/or fire protection sprinkler equipment and/or systems.

D. If the qualifying person is a professional engineer currently registered with the LA Board of Professional

Engineers, the following endorsements shall be required for each discipline:

1.a. Fire Protection Sprinkler Systems C Mechanical Engineer

b. Engineered Fixed Fire Extinguishing Systems C Mechanical Engineer

c. Fire Detection and Alarm Systems C Electrical Engineer

2. A Fire Protection Engineer may substitute for any of the above if documented to be in the appropriate discipline.

E. At anytime that a business finds itself without a qualifying person, such businesses shall only be able to continue certifying, inspecting and/or servicing existing contractual obligations but shall not be engage in any new work involving the planning, certifying, inspecting, installing or servicing of fixed fire extinguishing equipment and/or systems, or fire detection and alarm equipment and/or systems, or fire protection sprinkler equipment and/or systems until a qualifying person has been employed as provided herein.

F. This office shall be notified in writing within ten working days anytime a qualifying person's employment is terminated for any reason.

G. A business who loses its qualifying person and has timely notified the Office of the State Fire Marshal shall have 45 days to hire another qualifying person. If after the loss of such an employee, a replacement cannot be found, within the 45 the firm may make a request to the Office of the State Fire Marshal to temporarily hire a qualifying person on a contractual basis. Good cause must be shown why another employee cannot be permanently hired. Approval by the Office of the State Fire Marshal for the hiring of a qualifying person on a contractual basis shall not exceed six months. Not later than 30 days prior to the expiration of the six month period, the business can request an additional six month period to employ a qualifying person on a contractual basis. The Office of the State Fire Marshal may grant one additional six month period during which a business may employ a qualifying person on a contractual basis.

H. Failure to notify this office in writing within ten working days of the loss of a qualifying person will cause forfeiture of any extension of time to hire another qualifying person.

I. A qualifying person must obtain an individual employee license or permit as required by these rules. The examination requirement for licensure or permitting will be waived for these employees. If a firm desires to use multiple qualifiers for submitting plans and supervising installations or service, then it must register and license the additional qualifiers with the Office of the State Fire Marshal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1326 (June 2000).

§3013. Definitions

A. The following words and terms, when used in these rules, shall have the following meanings, unless the context clearly indicates otherwise.

Activity C the leasing, renting, selling, inspecting, installing, maintaining and servicing of portable fire

extinguishers and the planning, certifying, inspecting, installing, maintaining or servicing of fixed fire extinguishing equipment and/or systems or fire detection and alarm equipment and/or systems or fire protection sprinkler systems pursuant to R.S. 40:1625, et seq. and R.S. 40:1651, et seq.

Apprentice Ca person to whom a permit has been issued pursuant to R.S. 40:1651, et seq., to perform various acts of inspection, installation, maintenance or service while under the direct supervision of and accompanied by an employee of the same certified firm, and licensed under the same statutes to perform such acts.

Branch Office Ca location other than firm's main office, from which the acts authorized by the certificate of registration are performed.

Business Cfor the purpose of these rules the term business shall mean "firm" as used in R.S. 40:1651, et seq. And "fire protection sprinkler contractor" as used in R.S. 40:1625, et seq.

Certificate of Registration Cthat document issued by the State Fire Marshal to a person, firm, corporation, or association authorizing same to engage in such activities as defined in LAC 55:V.3015.B.

Certify Cto attest to the proper charging, or filling, or functionality, or inspection, or installation, or maintenance, or recharging, or refilling, or repair, or service, or testing of portable fire extinguishers, fixed fire extinguishing systems, fire detection and alarm systems and/or fire protection sprinkler systems in accordance with all applicable engineered specifications, manufacturer's specifications and per the inspection, testing and maintenance chapters as set forth in the applicable NFPA codes and standards.

Class A Certificate of Registration Cthat document issued by the State Fire Marshal that authorizes a firm to engage in the activity of certifying, inspecting, installing, maintaining or servicing portable fire extinguishers and hydrostatic testing not required by the U.S. Department of Transportation (U.S. DOT). Please note: Hydrostatic testing required by the U.S. DOT requires a Class E Certificate defined in "I" below.

Class B Certificate of Registration Cthat document issued by the State Fire Marshal that authorizes a firm to engage in the activity of planning, certifying, inspecting, installing, maintaining or servicing pre-engineered fixed fire extinguishing systems and those activities specifically authorized by a Class "B-1" Certificate.

Class B1 Certificate of Registration Cthat document issued by the State Fire Marshal that authorizes a firm to engage in the activity of planning, certifying, inspecting, installing, maintaining or servicing pre-engineered fixed fire extinguishing systems containing wet or dry chemical agents within a kitchen ventilation system.

Class C Certificate of Registration Cthat document issued by the State Fire Marshal that authorizes a firm to engage in the planning, certifying inspecting, installing, maintaining and servicing of engineered or pre-engineered fixed fire extinguishing systems.

Class D Certificate of Registration Cthat document issued by the State Fire Marshal that authorizes a firm to engage in the planning, certifying, inspecting, installing, maintaining and servicing of fire detection and alarm

systems and those activities specifically authorized by a Class "D-1" certificate.

Class D-1 Certificate of Registration Cthat document issued by the State Fire Marshal that authorizes a firm to engage in the activity of planning, certifying, inspecting, installing, maintaining and servicing of fire detection and alarm systems in structures or occupancies which are not required by NFPA 101 to be protected by an approved fire alarm and detection system.

Class D-2 Certificate of Registration Cthat document issued by the State Fire Marshal that authorizes an owner of a fire alarm system to perform routine inspection, and minor service and repairs of fire detection and alarm systems within the owner's own facilities only. No planning, installing or certifying of these systems is permitted. Minor service and repair is defined as repair/replacement of single initiating and/or annunciating devices with identical new devices. Routine inspection is defined as visual inspections and monthly drill tests.

Class E Certificate of Registration Cthat document issued by the State Fire Marshal that authorizes a firm to engage in hydrostatic testing of fire extinguishers manufactured in accordance with the specification and procedure of the United States Department of Transportation.

Contact Person Cthat individual designated by a business to act as liaison with the Office of the State Fire Marshal.

Department of Transportation (DOT) Cylinder Call fire extinguisher cylinders manufactured and tested in compliance with specifications and requirements of the United States Department of Transportation. Please note: DOT regulations place 21 Cyear age restriction on drivers who transport certain DOT regulated cylinders.

Employee Cone who works for a "firm" as defined by R.S. 40:1652(1) in return for financial or other compensation. However, the term shall include the following.

a. For the purposes of the licensing requirements, contained in R.S. 40:1653(C)(1) employees shall not include secretaries, drivers, accounting personnel, or persons who sell portable fire extinguishers or single station smoke/fire detectors.

b. For the purposes of licensing requirements, the firm owner or owners shall be considered "employees" if he or she is or will be physically certifying, inspecting, installing, maintaining or servicing portable fire extinguishers or planning, certifying, inspecting, installing, maintaining or servicing fixed fire extinguishing systems and/or equipment or in planning, certifying, inspecting, installing, maintaining or servicing fire detection and alarm systems and/or equipment or doing hydrostatic testing.

Engineered Systems Cspecial systems individually designed or altered in accordance with nationally recognized fire protection system design standards and manufacturer's guidelines

Fire Protection Equipment/Systems Cas governed by R.S. 40:1651, et seq., includes any equipment/system relating to portable fire extinguishers, fixed fire extinguishing systems (pre-engineered or engineered) and/or fire detection and alarm systems.

Fire Protection Sprinkler Systems Cas defined in R.S. 40:1625(5), including but not limited to water sprinkler systems, standpipes, and hose stations, and shall include the provisions of NFPA 13, 13D, 13R, 14, 20 and 25.

Hydrostatic Testing Cpressure testing cylinders by approved hydrostatic methods and in accordance with NFPA codes and the U.S. Department of Transportation.

Inspection Cthe act of visually checking the physical condition and placement of portable fire extinguishers, fixed fire extinguishing equipment and/or systems, fire detection and alarm equipment and/or systems and fire protection sprinkler systems and/or certifying the same for functional performance of equipment/system in accordance with all applicable engineered specifications, manufacturer's specifications and per the inspection, testing and maintenance chapters as set forth in the applicable NFPA codes and standards.

Installation Cthe initial placement of a portable fire extinguisher, fixed fire extinguishing equipment and/or systems, fire detection and alarm equipment and/or systems and fire protection sprinkler systems or an extension, or alteration after initial placement.

License Cthat document issued by the State Fire Marshal to an employee of a certified firm authorizing the employee to engage in the activities as defined by LAC 55:V.3017 and 3025.

Maintenance Crepair service, including periodically recurrent inspections and tests, required to keep fire protection equipment/systems and fire protection sprinkler systems and their components in an operable condition at all times, together with replacement of the equipment/system or of its components, when for any reason they become undependable or inoperable.

Nationally Recognized Testing Laboratory Ca nationally recognized testing company concerned with product and service evaluation, which, after conducting successful examinations, inspections, tests and reexaminations, reflects approval by various labeling, listing and classification actions.

NFPA Cthe National Fire Protection Association, Inc., a nationally recognized standards-making organization.

Non-Conforming Ca system or component of a system which does not comply with applicable NFPA codes or standards.

Non-Required Ca system or component of a system which is not required by the applicable occupancy chapter of NFPA 101 (Life Safety Code).

Office Coffice of State Fire Marshal.

Permit Cthose documents issued by the State Fire Marshal pursuant to R.S. 40:1625, et seq. or R.S. 40:1651, et seq.

Person Ca natural individual, including any owner, manager, officer, or employee of any business.

Pocket License or Permit Cthat document issued by the State Fire Marshal to an employee of a certified firm, in pocket size and bearing a photographic image of the licensee or permittee, authorizing the employee to engage in the activities as defined by LAC 55:V.3017, 3019, 3025 and 3027.

Pre-Engineered Systems Cpackaged systems which consist of system components designed to be installed according to pretested limitations as approved or listed by a

testing laboratory. Pre-engineered systems may incorporate special nozzles, flow rates, methods of application, nozzle placement and pressurization levels, which may differ from those detailed elsewhere in NFPA. Pre-engineered systems shall be installed to protect hazards within the limitations that have been established by the testing laboratories where listed.

Portable Fire Extinguisher Ca portable device containing an extinguishing agent that can be expelled under pressure for the purpose of suppressing or extinguishing a fire and shall include semi-portable fire extinguishers.

Qualifying Person Cthe employee of a business who is certified by the National Institute for the Certification of Engineering Technologies (NICET) Level III or has passed the written examination required to be certified at the NICET Level III in Fire Protection in the appropriate discipline or a professional engineering currently registered with the Louisiana Board of Professional Engineers with the appropriate endorsement as provided by §3011 D.

Recharge Cthe replacement of the extinguishing agent, the expellant or both.

Semi-Portable Cany portable fire extinguisher mounted on skids or wheels.

Service Cthe act of repair or replacement of fire protection equipment/systems or fire protection sprinkler systems or their components to ensure the proper functioning of the equipment/system.

Shop Ca facility of a certified business where designing, certifying, inspecting, maintaining, pre-assembling, servicing, repairing or hydrostatic testing is performed and where parts and equipment are maintained.

Trainee Ca person who is licensed to work under the direct supervision and accompaniment of a technician who is licensed to the same firm and holding a valid license to perform the same acts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1328 (June 2000).

§3015. Permits and Certificates of Registration

A. Any individual, partnership, corporation, association or joint venture must obtain from the State Fire Marshal a permit as provided for by R.S. 40:1625, et seq. before engaging in the installation, repair, alteration, addition, maintenance or inspection of fire protection sprinkler systems.

1. Each fire protection sprinkler contractor, as defined by R.S. 40:1624(4)(a) shall have at least one qualifying person or certificate holder.

2. Fire protection sprinkler contractors as defined by R.S. 40:1624(4)(a) and their owners shall be responsible for the acts of their agents and employees for the purpose of these rules including the initiation of administrative action by the state fire marshal.

B. Any person, partnership, corporation or association must obtain from the State Fire Marshal a certification of registration as provided for by R.S. 40:1651, et seq. before engaging in the activity of certifying, inspecting, installing, maintaining or servicing portable fire extinguishers or planning, certifying, inspecting, installing, maintaining or servicing fixed fire extinguishing systems or fire detection and alarm systems.

1. Each firm, as defined by R.S. 40:1652(1), shall have at least one licensed technician per class of certification to perform the act or acts authorized by its certificate.

2. Firms as defined by R.S. 40:1652(1) and their owners shall be responsible for the acts of their agents and employees for the purpose of these rules including the initiation of administrative action by the State Fire Marshal.

C. The following shall apply to both permits and certificates of registration.

1. Posting. Each permit or certificate shall be posted conspicuously at each firm and/or branch office premises. All businesses without a physical location in this state shall be required to purchase a duplicate permit or certificate to post in each vehicle which will come into this state to do work.

2. Changes of ownership. The change of a firm's majority ownership invalidates the current certificate. To assure continuance of the firm, an application for a new certificate shall be submitted to the State Fire Marshal within 10 days after such change in ownership.

3. Change of Corporate officers. Any change of corporate officers must be reported in writing to the State Fire Marshal within 10 days of the change, and does not require a revised certificate.

4. Duplicates. A duplicate permit or certificate must be obtained from the State Fire Marshal to replace a lost or destroyed permit or certificate. The permit or certificate holder must submit written notification of the loss or destruction within 10 days, accompanied by the required fee specified in LAC 55:V.3031.

5. Revisions/Changes. The change of a business's name, location, or mailing address or operating status requires a revision of the permit or certificate of registration. Permits or certificates of registration requiring changes must be surrendered to the State Fire Marshal within 10 days after the change requiring the revision. The permit or certificate of registration holder must submit written notification of the change with the surrendered permit certificate of registration, accompanied by the required fee specified in LAC 55:V.3031.

6. Non-transferability. A permit or certificate of registration is not transferable from one business to another.

7. Validity. A permit or certificate of registration is valid for one year from date of issue, and must be renewed annually unless the State Fire Marshal adopts a system under which certificates expire on various dates during the year. Should a staggered renewal system be adopted, the renewal fees shall be prorated on a monthly basis so that each registrant pays only that portion of the fee that is allocable to the number of months during which the certificate is valid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1329 (June 2000).

§3017. Licensure

A. Required. Each employee of a firm, to which a certification of registration has been issued pursuant to the provisions of R.S. 40:1651, et seq. other than an apprentice, who certifies, inspects, installs, maintains and services portable fire extinguishers, and/or plans, certifies, inspects, installs, maintains or services fixed fire extinguishing systems and/or fire detection and alarm systems and/or

engages in hydrostatic testing shall have a current and valid license issued by the State Fire Marshal.

B. Types of licenses. Each license shall be identified by class, which indicates the authorized act or acts which may be performed by the licensee as follows.

1. Class "A" Technician's License authorizes the person to certify, inspect, install, maintain and service portable fire extinguishers.

2. Class "B" Technician's License authorizes the person to plan, certify, inspect, install, maintain and service pre-engineered fixed fire extinguishing systems.

3. Class "B-1" Technician's License authorizes the person to plan, certify, inspect, install, maintain and service pre-engineered fixed fire extinguishing systems containing wet or dry chemical agents within a kitchen ventilation system.

4. Class "C" Technician's License authorizes the person to plan, certify, inspect, install, maintain and service engineered or pre-engineered fixed fire extinguishing systems.

5. Class "D" Technician's License authorizes a person to plan, certify, inspect, install, maintain and service fire detection and alarm systems.

6. Class "D-1" Technician's License authorizes the person to plan, certify, inspect, install, maintain and service fire detection and alarm systems in structures or occupancies which are not required by NFPA 101 to be protected by an approved fire detection and alarm system.

7. Class "D-2" Technician's License authorizes the person to perform routine inspection and minor service and repair of fire detection and alarm systems within the owner's own facility. No planning, installing or certifying of these systems/equipment is permitted. Minor service and repair is defined as repair/replacement of single initiating and/or annunciating devices with identical new devices. Routine inspection is defined as visual inspections and monthly drill tests.

8. Class "E" Hydrostatic Tester's License authorizes the person to perform hydrostatic testing.

9. Trainee License authorizes the person to inspect, install, maintain and service portable fire extinguishers, fixed fire extinguishing systems and/or equipment of fire detection and alarm systems and/or equipment while under the direct supervision of a licensed technician who holds a current and valid license for the work to be performed. A trainee license can be renewed annually as long as the individual or firm desires. The supervising technician and trainee must work for the same firm which must be certified for the work to be performed.

C. Posting. It is not necessary to post an employee license on a wall. A master list of all employees' names and license numbers must be kept at each office location and must be available for review upon request by the State Fire Marshal or his designated representative.

D. Pocket License. The pocket license is for immediate identification purposes only so long as such license remains valid and while the holder is employed by the firm reflected on the license and shall be on his/her person at all times when conducting fire protection work in the field. The pocket license need not be visibly displayed when working in areas where the license may be damaged or lost. The license must still be available for inspection upon request.

E. Duplicate License. A duplicate license must be obtained from the State Fire Marshal to replace a lost or destroyed license. The license holder and his employer must submit written notification within 10 days of the loss or destruction of a license, accompanied by the required fee as specified in LAC 55:V.3031.

F. Revised licenses. The change of a licensee's employer, home address or mailing address or employment status requires a revised license. Licenses requiring revision must be surrendered to the State Fire Marshal within 10 days after the change requiring the revision. The license holder and his employer must submit written notification of the necessary change with the surrendered license, accompanied by the required fee as specified in LAC 55:V.3031.

G. Non-Transferable. A license is not transferable from one person to another or from one firm to another.

H. License Reciprocity. The State Fire Marshal may waive any license requirements for an applicant with a valid license from another state having license requirements substantially equivalent to those of this state.

I. Validity. A license is valid for one year from date of issue, and must be renewed annually unless the State Fire Marshal adopts a system under which licenses expire on various dates during the year. Should a staggered renewal system be adopted, the renewal fees shall be prorated on a monthly basis so that each licensee pays only that portion of the fee that is allocable to the number of months during which the license is valid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1330 (June 2000).

§3019. Apprentice Permit

A. Required. Each employee of a firm, to which a certification of registration has been issued pursuant to the provisions of R.S. 40:1651, et seq. engaged as an apprentice shall have a current and valid apprentice permit issued by the State Fire Marshal.

B. Validity. A permit shall be valid for a period of one year from the date of issuance and is non-renewable.

C. Supervision. An apprentice may perform the various acts of inspecting, installing, maintaining or servicing portable fire extinguishers, fixed fire extinguishing equipment and/or systems and fire detection and alarm equipment and/or systems only while under the direct supervision of and accompanied by a licensee holding a valid license to perform such acts. The apprentice and the supervising licensee must be employees of the same firm.

D. Identification. A permit holder shall, upon demand by the State Fire Marshal or his designated representative, show and allow the examination of such permit.

E. Posting. It is not necessary to post the apprentice permit on a wall, but it must be kept on the apprentice's person at all times whenever the apprentice is performing activity regulated by R.S. 40:1651, et seq. and these rules.

F. Pocket Permit. The pocket permit must be kept on the apprentice's person at all times and shall be on his/her person at all times while conducting fire protection work in the field. The pocket permit need not be visibly displayed when working in areas where the permit may be damaged or lost. The permit must still be available for inspection upon request.

G. Duplicate Permit. A duplicate permit must be obtained from the State Fire Marshal to replace a lost or destroyed permit. The permittee and his employer must submit written notification within 10 days of the loss or destruction of the permit, accompanied by the required fee as specified in LAC 55:V.3031.

H. Revised Permits. The change of a permittee's employer, home address or mailing address or employment status requires a revised permit. Permits requiring changes must be surrendered to the State Fire Marshal within 10 days after the change requiring the revision. The permit holder and his employer must submit written notification within 10 days of the necessary change, with surrendered permit, accompanied by the required fee as specified in LAC 55:V.3031.

I. Non-Transferable. A permit is not transferable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1330 (June 2000).

§3021. Alteration of Certificates, Licenses or Permits

A. Any alteration of a certificate of registration, license or permit renders it invalid and such alteration shall be the basis for administrative action in accordance with penalties set forth in R.S. 40:1625, et seq., R.S. 40:1651, et seq. and these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1330 (June 2000).

§3023. Application for Permits or Certificates of Registration

A. Applications for certificates of registration for fire protection firms and their branch offices and permits for fire protection sprinkler contractors shall be in writing on the forms provided by the State Fire Marshal and accompanied by the required fee as specified in LAC 55:V.3031A.

B. The application for permits or certificates of registration shall:

1. be executed by the sole proprietor, by each partner of a partnership, or by the authorized officer of a corporation or association;
2. identify the type of permit or certificate of registration applied for;
3. identify the principal location of the business;
4. identify the location of each branch office;
5. identify the business's Louisiana Sales Tax number and Federal Tax number;
6. identify any and all names by which the business may conduct activity regulated by R.S. 40:1625 et seq., 40:1651 et seq. and these rules;
7. identify the contact person as defined by these rules;
8. identify the qualifying person for businesses seeking permitting or certification in any of the following disciplines:
 - a. engineered fixed fire extinguishing systems;
 - b. fire detection and alarm systems; or
 - c. fire protection sprinkler systems;
9. include for engineered fixed fire extinguishing system and fire detection and alarm systems firms a separate

employee application for their qualifying person along with the qualifying person's credentials and an originally signed and notarized employment affidavit;

10. except for fire protection sprinkler contractors, be accompanied by:

a. at least one application with fee from an employee seeking to obtain a technician's license in each class of certification;

b. a current certificate of insurance issued to the office of State Fire Marshal in the following minimum amounts:

No.	Class of Certificate	Amount
1.	Class A: Portables	\$ 300,000
2.	Class B: Pre-Engineered Systems	\$ 500,000
3.	Class B-1: Kitchen Suppression Systems	\$ 500,000
4.	Class C: Engineered & Pre-Engineered Systems	\$ 1,000,000
5.	Class D: Alarms	\$ 500,000
6.	Class D-1: Non-Required Systems	\$ 300,000
7.	Class D-2 :Owner of Fire Alarm Systems	\$ 300,000
8.	Class E: Hydrostatic Testing	\$ 500,000

c. a copy of the local business or occupational permit for the firm;

11. if the firm desires a Class "E" (Hydrostatic) Certificate of Registration, be accompanied by the following:

a. a copy of the DOT letter registering applicant's facility which awards a registration number to the facility; and

b. a copy of the firm's identifying mark (symbol);

12. for out of state businesses, include a list of all vehicles which shall come into this state to conduct activity regulated by R.S. 40:1625, et seq., R.S. 40:1651, et seq. and these rules. The list shall include the vehicle's make, model, year and license number.

C. The application shall also include written authorization by the applicant permitting the State Fire Marshal or his representative to enter, examine, and inspect any premise, building, room, vehicle, or establishment used by the applicant while engaged in activity to determine compliance with the provisions of R.S. 40:1625, et seq., R.S. 40:1651, et seq. and these rules.

D. When the applicant has completed the requirements contained above, a pre-certification inspection may be conducted at the facilities or of the vehicles of the applicant. Such inspection is to determine that such equipment necessary to perform activities in accordance with the applicable NFPA codes and/or standards, UL or manufacturer's specifications for which the applicant is applying to be permitted or certified is on hand. The office may inspect vehicles, equipment, buildings, devices, premises or any area to be used in performing the activities allowed by the permit or certificate of registration. After issuance of a permit or certificate of registration, such facilities may be inspected annually thereafter or as frequently as deemed necessary to ensure that the equipment requirement continues to be met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1331 (June 2000).

§3025. Application for Licenses

A. Original and renewal applications for a license from an employee of a certified firm shall be on forms provided by the State Fire Marshal and accompanied by the required fee as specified in LAC 55:V.3031.

B. Applications for technician's licenses shall be accompanied by a written statement from the employer certifying the applicant's competency to plan, certify, inspect, install, maintain or service those systems and/or equipment for which the applicant desires to become licensed.

C. Applications for technician's licenses will not be accepted unless accompanied by documentation showing that the applicant has met all competency requirements as provided in LAC 55:V.3033.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1331 (June 2000).

§3027. Application for Apprentice Permit

A. Each person employed as an apprentice by a certified firm shall apply for a permit on a form provided by the State Fire Marshal and accompanied by the required fee as specified in LAC 55:V.3031.

B. Due to the supervisory requirements of R.S. 40:1653(D), no competency examination is required for an apprentice permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1331 (June 2000).

§3029. Fees-General Information

A. Every fee required in accordance with the provisions of R.S. 40:1625, et seq. and R.S. 40:1651, et seq. and these rules, shall be paid by check or money order made payable to the Office of State Fire Marshal. Cash cannot be accepted.

B. Fees shall be paid at or mailed to the Office of the State Fire Marshal at 5150 Florida Blvd., Baton Rouge, Louisiana 70806.

C. Late fees are required by R.S. 40:1625, et seq. and R.S. 40:1651, et seq. on all permit, certificate of registration or license holders who fail to submit renewal applications on or prior to their expiration date.

D. A renewal application accompanied by the required renewal fee and deposited with the United States Postal Service is deemed to be timely filed, regardless of actual date of delivery, when its envelope bears a legible postmark date which is on or before the expiration date of the permit, certificate or license being renewed.

E. Holders of permits, certificates and licenses which have been expired for less than two years cannot be issued new certificates or licenses.

F. Permits, certificates or licenses which have been expired for two years or more cannot be renewed, and the holders thereof must apply for a new permit, certificate or license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1331 (June 2000).

§3031. Fees**C Specific Information**

A. Permit Fee: R.S. 40:1625, et seq. (Fire Protection Sprinkler Contractors).

1. Original (Initial) Permit Fee: [R.S. 40:1628(A)] \$100.
2. Renewal Fee: [R.S. 40:1631(D)] \$100.
3. Late Renewal Fee: [R.S. 40:1631(C)] \$150.
4. Revised or Duplicate Permit Fee: \$20.

B. Certificates of Registration Fees: R.S. 40:1651, et seq. (Fire Protection Firm):

1. Original Certification Fees.
 - a. Original Certification Fee: [R.S. 40:1653(A)] \$350.
 - b. Each additional certification fee: \$100.
 - c. Original Hydrostatic Testing Certification Fee: [R.S. 40:1653(E)] \$50.
2. Renewal Fee: [R.S. 40:1653(A)]
 - a. Class A (portable fire extinguishers): \$150.
 - b. Class B (pre-engineered fixed fire extinguishing): \$100.
 - c. Class B-1 (pre-engineered kitchen fixed fire extinguishing): \$50.
 - d. Class C (engineered & pre-engineered fixed fire extinguishing): \$100.
 - e. Class D Certificate (required fire detection and alarm): \$100.
 - f. Class D-1 Certificate (non-required fire detection and alarm): \$50.
 - g. Class D-2 Certificate (owner of fire alarm): \$50.
 - h. Class E Certificate (hydrostatic testing): \$50.
3. Late Renewal Fee. A penalty shall be assessed in accordance with R.S. 40:1657 (E) for the late renewal of a certificate of registration.
 4. Change in ownership: [R.S. 40:1653(B)] \$350.
 5. Changes or alterations: [R.S. 40:1653(B)] \$20.
 6. Duplicate Certificates of Registration: [R.S. 40:1653(B)] \$20.

C. Branch Office Fees.

1. Original Application Fee. Regardless of how many classes of certification of registration selected by the applicant, the original (initial) fee for a branch office is always \$100 [R.S. 40:1653 (A)], including branch offices of firms certified in hydrostatic testing.

2. Renewal fees: [R.S. 40:1653(A)] \$100.
 3. Late Renewal Fees: A penalty shall be assessed in accordance with R.S. 40:1657(E) for the late renewal of a license.
 - a. Not more than 90 days: \$150.
 - b. More than 90 days but less than two years: \$250.
 4. Change in Ownership: [R.S. 40:1653(B)] \$100.
 5. Changes or alterations: [R.S. 40:1653(B)] \$20.
 6. Duplicates: [R.S. 40:1653(B)] \$20.
- D. License Fees: Classes A, B, B-1, C, D, D-1, D-2 and Trainee.
1. Original license fee: [R.S. 40:1653(C)]
 - a. The first class of license selected: \$50.
 - b. Each additional license: \$10.
 2. Renewal Fees: [R.S. 40:1653(C)]
 - a. First class of license renewed: \$50.

b. Each additional class of license renewed: \$10.

3. Late Renewal Fees: A penalty shall be assessed in accordance with R.S. 40:1657(E) for the late renewal of a license.

- a. Expired not more than 90 days:
 - (i). First class of license renewed: \$75
 - (ii). Each additional class of license renewed: \$15
- b. Expired more than 90 days but less than two years:
 - (i). First class of license renewed: \$100
 - (ii). Each additional class of license renewed: \$20
4. Changes or Alteration Fees: [R.S. 40:1653B)] \$20.
5. Duplicate License Fees: [R.S. 40:1653B)] \$20.
6. Initial Competency Examination Fee: (Non-refundable) [R.S. 40:1653(C)] (per exam) \$10.
7. Re-examination Fee: (Non-refundable) [R.S. 40:1653(C)] (per re-exam) \$10.

E. Apprentice Permit Fees

1. Original (initial) permit fees: [R.S. 40:1653(D)] \$30.
2. Changes or alterations: [R.S. 40:1653(B)] \$20.
3. Duplicate permits: [R.S. 40:1653(B)] \$20.

F. Fees for Class E Licenses

1. Original (initial) license fee: [R.S. 40:1653(E)] \$25.
2. Renewal license fee: [R.S. 40:1653(E)] \$25.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1332 (June 2000).

§3033. Examinations

A. Applicants for licenses are required to take an examination and obtain at least a grade of 75 percent in each appropriate section of the examination. Examinations may be supplemented by practical tests or demonstrations deemed necessary to determine the applicant's knowledge and ability.

B. The technician's license examination will include the following:

1. a section on these rules and R.S. 40:1651, et seq.;
2. a section on the planning, certifying, inspecting, installing, maintaining and servicing of those types of systems for which the applicant desires to be licensed.

C. The standards used in examinations will be those applicable codes and standards adopted by LAC 55:V.103.

D. Applicants who fail any section may file a reexamination application accompanied by the required fee and retake the examination.

E. A person whose license has been expired for two years or longer must take and pass another examination prior to the issuance of a new license. No examination is required for a licensee whose license is renewed within two years of expiration.

F. A person who desires to take a competency test must first pre-register for that test with the State Fire Marshal's Office or the examination administrator designated by the State Fire Marshal, on a pre-registration form provided by this office or the examination administrator. The pre-registration form and the required fee must be received by the office five working days prior to the examination date.

G Results. Examination scores shall be mailed to the applicant's address as listed on the pre-registration form within 30 days after completing the test.

H. In lieu of an examination, the Office of the State Fire Marshal may accept an approved training course in which an examination is also given. The Office of the State Fire Marshal shall determine whether the training course is equivalent to the examination requirements and may audit the course, at no cost to the office, prior to final determination and periodically to ensure continued equivalency. Requests for acceptance of a training course to be equivalent must be made in writing and include the following:

1. course outline and syllabus;
2. length of course and specific time covered per topic;
3. example of test questions;
4. a copy of the certificate granted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1332 (June 2000).

§3035. Portable Fire Extinguishers

A. General Provisions

1. Portable fire extinguishers shall be inspected, installed, maintained and serviced in compliance with the edition of NFPA 10 most recently adopted by the Office of the State Fire Marshal in LAC 55:V.103.

2. A service tag shall be securely attached by the licensee to the portable upon completion of any work.

3. When an extinguisher is found to be in a condition which would not allow hydrostatic testing as described in NFPA 10, as adopted by the Office of the State Fire Marshal in LAC 55:V.103, the extinguisher shall be red tagged or removed from service and destroyed in accordance with NFPA 10 as adopted by the Office of the State Fire Marshal in LAC 55:V.103.

4. When an extinguisher is removed from the owner's premise for service, a replacement extinguisher shall be left of equal or greater rating on a one for one basis. Replacements need not be left where a building owner has fire extinguishers in excess of the required amount as required by NFPA 10 and NFPA 101 as adopted by the Office of the State Fire Marshal in LAC 55:V.103.

5. Anytime an extinguisher is opened for any reason then the appropriate maintenance procedures in NFPA 10 as adopted by the Office of the State Fire Marshal in LAC 55:V.103, shall be performed. If these procedures fulfill the requirements of a six-year maintenance then a record tag shall be affixed to the exterior of the extinguisher shell. Future six year maintenance procedures shall begin from that date.

B. Record Tag. Each six-year maintenance shall be recorded on a record tag consisting of a decal which shall be affixed (by a heatless process) on the exterior of the extinguisher shell. The decal shall either be metallic or of an equally durable material which does not corrode and which remains affixed to the extinguisher for the required period. The decal shall also not fade, wash away, or otherwise become illegible. This paragraph supersedes labeling requirements set forth in NFPA 10 as adopted by the Office of the State Fire Marshal in LAC 55:V.103. Previous six year

maintenance record tags shall be removed when a new one is affixed. The record tag shall contain the following information:

1. year and month that the six-year maintenance was performed;
2. the name of the firm and its certificate number;
3. the initials of the person performing the maintenance and his/her license number.

C. External Verification Collar

1. In addition to any other tag required by these rules, an external verification collar shall be provided each time an extinguisher is opened up for any type of maintenance or for any purpose.

2. The standard external verification collar shall be on durable material. Self-adhesive collars shall be permitted. Any color may be used with the exception of yellow or red.

D. External verification collars shall bear the following:

1. the certificate number of servicing firm (preprinted or printed in permanent ink);
2. name and license number of the person who perform the service (preprinted or printed in permanent ink);
3. month and year that the service was performed (to be punched).

E. A new external verification collar shall be provided for an extinguisher each time internal maintenance or recharging is performed or the extinguisher is opened for any other reason. A new external verification collar is not needed when a CO₂ extinguisher is recharged without opening the cylinder for inspection or on side cartridge type extinguishers.

F. External verification collars shall be affixed in the following manner.

1. Any collar previously attached shall be removed prior to affixing a new collar.

2. The collar shall be placed around the exterior of the cylinder at or below the valve assembly.

G The diameter of the opening for external verification collars shall not exceed 1/4 inches the diameter of the extinguisher's neck, measured directly below the valve assembly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1333 (June 2000).

§3037. Fixed Fire Extinguishing, Fire Detection and Alarm and Fire Protection Sprinkler Systems

A. All new (complete or renovated) required fixed fire extinguishing systems including pre-engineered and engineered systems, fire detection and alarm systems and fire protection sprinkler systems shall be planned, certified, inspected, installed, maintained and serviced in compliance with the manufacturer's installation manuals, specifications, reviewed plans and the applicable codes and standards adopted in LAC 55:V.103 and 3053. All existing required fixed fire extinguishing systems including pre-engineered and engineered systems, fire detection and alarm systems and fire protection sprinkler systems shall be certified, inspected, maintained and serviced in an operational condition in accordance with the manufacturer's installation manuals, specifications, and per the inspection, testing and maintenance chapters of the applicable codes and standards adopted in LAC 55:V.103 and 3053. All non-required and

non-conforming fixed fire extinguishing systems including pre-engineered and engineered systems, fire detection and alarm systems and fire protection sprinkler systems shall be planned, certified, inspected, installed, maintained and serviced in compliance with the manufacturer's installation manuals, specifications, and deviations from the applicable codes and standards adopted in LAC 55:V.103 and 3053 as authorized by the Office of the State Fire Marshal. Non-required and/or non-conforming systems/equipment which only comprise of smoke detectors connected to a burglar alarm system need not be inspected and certified annually by a certified fire alarm system firm. The owner of these systems must ensure these systems are functional and maintained in compliance with the manufacturer's specifications, as provide by R.S. 40:1561, et seq., and NFPA 101 as adopted by LAC 55:V.103.

B. All systems shall be planned, certified, inspected, installed, maintained and serviced by certified firms having licensed personnel working within their certification and licensing discipline. In cases where disciplines cross over, the following reasoning will prevail.

1. Automatic detection and control systems will be planned, inspected, installed, maintained and serviced by firms certified to install fire detection and alarm systems and/or equipment unless it is just the section device associated with the actuation of an engineered or pre-engineered system, in which case the fire detection and alarm firm is not needed. However, any connection of that engineered or pre-engineered system to any alarm initiated system, to include but not limited to annunciator panels, HVAC shutdown and any other auxiliary feature controlled by the fire alarm system, then a firm certified in Fire Detection and Alarms must plan, certify, inspect, install, maintain or service the device.

2. Water supply and distribution piping systems as provided for in NFPA 25, as adopted in LAC 55:V.103 will be planned, certified, inspected, installed, maintained and serviced by certified fire protection sprinkler contractors. Foam systems providing foam solution to fire monitors, portable nozzles, or fire trucks are excluded from this rule.

3. Alarm devices such as flow switches, pressure switches, low air pressure switches that are an integral part of the piping system must be installed by certified fire protection sprinkler contractors and connected to the fire alarm system by a certified fire detection and alarm firm.

C. All non-required or non-conforming systems require written permission and possible review from the Office of the State Fire Marshal Plan Review Section prior to installation. Non-conforming systems shall be maintained in a functioning operational state as long as the system is within the facility. Non-required systems shall be maintained in accordance with the inspection, testing, and maintenance chapters of the applicable NFPA codes, standards and manufacturers specifications governing that particular system as long as the system is within the facility.

D. Interconnected smoke detector systems as required by the NFPA 101, as adopted by the Office of the State Fire Marshal in LAC 55:V.103, or as authorized by this office must be planned, inspected, installed, maintained and serviced by either a certified fire detection and alarm firm or an electrical contractor as provided by R.S. 40:1656 (7).

These systems must be submitted to this office for review prior to installation.

E. External Verification Collar

1. In addition to any other tag required by these rules, an external verification collar shall be provided each time a fixed fire suppression agent cylinder is opened for any purpose.

2. The external verification collar shall be on durable material. Self adhesive collars shall be permitted. Any color may be used with the exception of yellow or red.

3. External verification collars shall bear the following:

a. the certificate number of servicing firm, preprinted or printed in permanent ink;

b. name and license number of the person who performed the service, preprinted or printed in permanent ink;

c. month and year that the service was performed. This information must be punched.

F. A new external verification collar is not needed in the following circumstances:

1. when a CO₂ cylinder is recharged without opening the cylinder for inspection;

2. cartridge operated type of systems.

G. External verification collars shall be affixed in the following manner:

1. any collar previously attached shall be removed prior to affixing a new collar;

2. the collar shall be placed around the exterior of the cylinder at or below the valve assembly.

H. The diameter of the opening for external verification collars shall not be more than 1/4 inch larger than the diameter of the cylinder's neck, measured directly below the valve assembly.

I. The office may exempt additional cylinders from this requirement if good cause is shown that the requirement is impractical or overly burdensome.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1334 (June 2000).

§3039. Hydrostatic Tests

A. All hydrostatic testing shall be conducted in compliance with U.S. Department of Transportation hydrostatic testing requirements, or, where applicable, in compliance with the appropriate NFPA code or standard as adopted by the Office of the State Fire Marshal in LAC 55:V.103. The owner shall be informed of a needed test or replacement.

1. Recording of Tests:

a. High Pressure Cylinders. High pressure cylinders and cartridges shall be stamped in accordance with the applicable NFPA and D.O.T. standards as adopted by the Office of the State Fire Marshal in LAC 55:V.103.

b. Low Pressure Cylinders. Each hydrostatic test shall be recorded on a record tag consisting of a decal which shall be affixed by a heatless process on the exterior of the extinguisher cylinder. The decal shall either be metallic or of an equally durable material which does not corrode and which remains affixed to the extinguisher for the required

period. The decal shall also not fade, wash away, or otherwise become illegible.

c. The record tag shall contain the following information, which, exception for Subparagraph c and d hereof, must be hand punched:

- i. year and month that the hydrostatic test was performed;
- ii. test pressure used;
- iii. name of the firm and its certificate number;
- iv. initials of the person performing the maintenance and his license number.

d. Previous hydrostatic test record tags shall be removed when a new one is affixed.

2. Minimum Equipment and Facilities Requirements. The following equipment shall be required depending upon the firm's class of certification.

- a. Class A (low pressure hydrostatic testing)
 - i. approved equipment for drying cylinders;
 - ii. test apparatus including appropriate adapters, fittings and tools;

- iii. approved closed recovery unit;
 - iv. Department of Agriculture approved scales for unit measure. Scales shall be certified annually by the Department of Agriculture or its designated agent;

- v. hydrostatic test labels as required by the applicable NFPA code(s) or standard(s), as adopted by the Office of State Fire Marshal in LAC 55:V.103;

- vi. facilities for leak testing of pressurized extinguishers;

- vii. adequate safety cage for hydrostatic testing of low pressure cylinders;

- viii. cylinder inspection light;
 - ix. proper wrenches with non-serrated jaws or valve puller (hydraulic or electric);

- x. continuity tester;
 - xi. gauge tester

- b. Class E (high pressure hydrostatic testing)
 - i. adequate hydrostatic test equipment for high pressure testing and calibrated cylinder including appropriate adapters, fittings and tools;

- ii. adequate equipment for test dating high pressure cylinders (over 900 PSI). Die stamps must be a minimum of 1/4 inch;

- iii. clock with sweep second hand on or close to hydrostatic test apparatus;

- iv. approved equipment for drying cylinders;
 - v. facilities for leak testing of pressurized extinguishers;

- vi. cylinder inspection light;

- vii. proper wrenches with non-serrated jaws or valve puller (hydraulic or electric);

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1334 (June 2000).

§3041. Installation Tags

A. Upon installation of any new fire protection system, the system shall have a tag permanently affixed to the panel for fire detection and alarm and fixed fire extinguishing systems. On kitchen fixed fire extinguishing systems, the tag shall be permanently affixed to the side of the extinguishing agent cylinder. This requirement does not apply to portable

fire extinguishers or fire protection sprinkler systems. The installation tag shall be a minimum of 2 3/4 inches by 2 3/4 inches. Maximum size cannot exceed 5 inches by 5 inches. The tag shall be white in color and have a self-adhesive backing. The following information and wording shall be required on the front side of the tag:

1. **DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL** (all capital letters, in bold type);

2. installation tag (preprinted);

3. installation date: (date to be hand-written);

4. business's name (preprinted);

5. business's certificate number (preprinted);

6. technician's name: (name to be preprinted or hand-written);

7. technician's license number: (number to be preprinted or hand-written);

8. technician's signature: (signature cannot be preprinted);

9. NFPA code edition system was installed under: (hand-written);

10. plan review or exemption number: (to be hand-written);

11. serial or model number of panel and/or cylinder, if applicable: (to be hand-written);

B. All tags shall have a signature line for the technician to sign the tag upon completion of the work. No preprinted signatures are permitted. Technicians must sign the tag; initials are not permitted. Apprentices are not permitted to sign tags.

C. If after initial installation a cylinder or panel is replaced for any reason, a new installation tag shall be completed and attached as above, noting the appropriate changes in information.

D. If a installation tag is replaced, hand-write REPLACEMENT after the installation date. If the installation date is not known the date of replacement can be used.

E. Copies of certificates of compliance required to be completed by this office shall be attached to the system in a plastic pocket pouch/sleeve or given to the owner for filing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1335 (June 2000).

§3043. Service, Yellow, and Red Tags

A. All portable fire extinguishers, fixed fire extinguishing equipment and/or systems, fire detection and alarm equipment and/or systems and fire protection sprinkler systems shall be tagged in the following manner.

1. Service Tags

- a. A service tag shall be completed and attached to a portable fire extinguisher, a fixed fire extinguishing system, a fire detection and alarm system, a fire protection sprinkler system, a standpipe and a hose station after it has been certified, inspected, installed, maintained or serviced indicating all work that has been done.

- b. Service tags shall be green in color for fixed fire extinguishing systems, fire detection and alarm systems, standpipe/hose stations and fire protection sprinkler systems. Service tags may be of any color but yellow or red for portable fire extinguishers.

- c. The service tag shall be attached at the following locations.

- i. For portable fire extinguishers the tag shall be attached at the valve.
- ii. For fixed fire extinguishing systems the tag shall be attached at the tank and at the panel.
- iii. For kitchen fixed fire extinguishing systems the tag shall be attached at the tank and at the manual pull station.
- iv. For fire detection and alarm systems the tag shall be attached at the panel.
- v. For fire protection sprinkler systems the tag shall be attached at the riser and/or fire pump.
- vi. For standpipes/hose stations the tag shall be attached at the valve control and/or fire pump.
- d. The service tag shall be attached in such a way as to not hamper the actuation and operation of the equipment or system.
- e. A service tag shall be attached on all systems found to be in proper working condition and which are found to be in an operational condition per the inspection, testing and maintenance chapters of the applicable NFPA codes and standards. This tag shall be used for new installations and shall be in addition to the installation tag provided for in §3041 above. This tag shall also be used for all service and maintenance where the system is found to meet the above conditions.
- f. Service tags must contain all of the information listed below:
 - i. **DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL** (all capital letters in bold-face type);
 - ii. servicing business's name, address and telephone number;
 - iii. servicing business's State Fire Marshal certificate number;
 - iv. servicing technician's name and State Fire Marshal license number to be printed on tag either at the time of service or preprinted;
 - v. servicing technician's signature to be signed at time of service (no preprinted signatures nor initials are permitted; installers, trainees or apprentices are not permitted to sign tags);
 - vi. month and year in which service was performed (must be punched through service tag at designated marks for month and year; designated marks for month and year shall only be punched once per tag);
 - vii. type of service performed. Only service and inspection shall be noted on tag for type of work performed (must be punched through service tag); specifics as to service performed shall be noted on rear of tag, (i.e., recharged cylinder, changed smoke detector, repaired pull station, etc);
 - viii. serial number of portable fire extinguisher, fixed fire extinguishing system cylinder and/or panel and fire detection and alarm system control panel;
 - ix. owner of system and address of owner (to be noted on rear of tag).

2. Partial Impairment Tags (Yellow Tags)

- a. All businesses engaged in the activity of planning, certifying, inspecting, installing, maintaining or servicing of fixed fire extinguishing systems, fire detection and alarm systems and/or fire protection sprinkler systems shall be allowed to have a partial impairment tag, to be yellow in color, which is to be used when minor deficiencies

are found on these systems. The partial impairment tag is in addition to the requirement of having a service tag and impairment tag (red tag).

- b. A partial impairment tag may be placed on all systems in which there is a deficiency with the system but where the system is still functional. This would include situations where routine service is needed but has not been approved by the owner of the system or equipment.

c. A partial impairment tag shall not remain on a system for more than 60 days. If the problem is not corrected after 60 days the certified business shall be required to notify, in writing, the Office of the State Fire Marshal Inspection Section.

d. Partial impairment tags must contain all of the information listed below:

- i. **DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL** (all capital letters in bold-face type);
- ii. servicing business's name, address and telephone number;
- iii. servicing business's State Fire Marshal certificate number;
- iv. servicing technician's name and State Fire Marshal license number to be printed on tag either at the time of service or preprinted;
- v. servicing technician's signature to be signed at time of inspection (no preprinted signatures nor initials are permitted; installers, trainees or apprentices are not permitted to sign tags);
- vi. month and year in which the impairment was found (to be punched through service tag at designated marks for month and year; designated marks for month and year shall only be punched once per tag);
- vii. dateline in which the actual day, month and year the inspection was performed (to be hand written);
- viii. type of impairment found (to be hand written on rear of tag);
(If additional space is needed to note the impairments, then multiple tags shall be used noting 1 of 2, 2 of 2, etc.)
- ix. serial number of fixed fire extinguishing system cylinder and/or panel, fire detection and alarm system control panel or fire protection sprinkler system check valve;
- x. Owner of system and address of owner (to be noted on rear of tag).

3. Impairment Tags (Red Tags)

a. Upon the effective date of these rules, a new impairment tag, which shall be red in color, shall be used.

b. An impairment tag shall be placed on all fixed fire extinguishing, fire detection and alarm systems or fire protection sprinkler systems where the system is impaired to the point that life safety is at risk or to the point that the automatic or manual discharge system will be prevented from functioning as intended.

c. Portable fire extinguishers, standpipe systems or hose stations shall be red tagged when the equipment or system is inoperable for any reason.

d. Impairment tags shall also be placed on any system or portable where life safety is in imminent danger.

e. Written notice shall be made to the owner and to the Office of the State Fire Marshal Inspection Section by the certified business as soon as is practically possible but shall not exceed two working days after the impairment is discovered. Written notification can be by mail or facsimile.

The Office of State Fire Marshal shall provide a form for notification.

f. Impairment tags must contain all of the information listed below:

i. **DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL** (all capital letters in bold-face type);

ii. servicing business's name, address and telephone number;

iii. servicing business's State Fire Marshal certificate number;

iv. servicing technician's name and State Fire Marshal license number to be printed on tag either at the time of service or preprinted;

v. servicing technician's signature to be signed at time of inspection (no preprinted signatures nor initials are permitted; installers, trainees or apprentices are not permitted to sign tags);

vi. month and year in which the inspection was performed (to be punched through service tag at designated marks for month and year; designated marks for month and year shall only be punched once per tag);

vii. dateline in which the actual day, month and year the inspection was performed (to be hand-written);

viii. type of impairment found (to be hand-written on rear of tag);

(If additional space is needed to note the impairments, then multiple tags shall be used noting 1 of 2, 2 of 2, etc.)

ix. serial number of portable fire extinguisher, fixed fire extinguishing system cylinder and/or panel, fire detection and alarm system control panel or fire protection sprinkler systems check valve;

x. owner of system and address of owner (to be noted on rear of tag).

g. Notification of fire protection equipment/systems and fire protection sprinkler systems inspections where no deficiencies are found shall not be sent to the Office of the State Fire Marshal unless specifically requested.

4. Written Notification. The following information is required to be sent when written notification is made to the Office of the State Fire Marshal:

a. name, address, and telephone number of the owner of the system;

b. name, address, telephone number, and certificate number of the business noting the impairment;

c. name and license number of the technician who did the inspection;

d. type of system (manufacturer and model number should also be included);

e. code, inspection chapter and year edition firm used for inspection;

f. reason for the impairment;

Note: A copy of the inspection or service report shall be included.

g. date system or equipment was red or yellow tagged.

5. Non-required and/or Non-conforming Systems. Where a fire protection or fire protection sprinkler system is non-required or permitted to be installed in a non-conforming state by this Office or is both non-required and non-conforming then the following additions shall be made to the guidelines set forth in this section.

a. Each business shall stamp or write on the installation tag and/or service tag one of the following statement as applicable:

i. NON-REQUIRED SYSTEM; or

ii. NON-CONFORMING SYSTEM; or

iii. NON-REQUIRED/NON-CONFORMING SYSTEM.

b. Such print or stamp shall be in all capital lettering and be written or stamped so as to not obscure other information provided on the tag.

c. This does not supersede the requirements to place a yellow or red tag on a system that is impaired in any way.

6. Miscellaneous Provisions

a. On all fixed fire extinguishing, fire detection and alarm systems and fire protection sprinkler systems, a plastic pocket pouch/sleeve shall also be attached to the panel, riser or tank, as appropriate, where all tags shall be maintained for a period of one year after the system's annual inspection. For kitchen fixed fire extinguishing systems, the pocket pouch/sleeve shall be attached at or near the manual pull station. Upon a new annual inspection (or six-month inspection for kitchen fixed fire extinguishing systems), all previous service tags may be removed and given to the owner to keep on file. This requirement does not apply to portable fire extinguishers, standpipes or hose stations.

b. All tags must be card stock, plastic, vinyl, tyevak or metal in order to maintain the running record for the system. One sided or self adhesive service tags are not permitted except for fire protection equipment or systems on vehicles, vessels and areas subject to adverse conditions. Self adhesive tags shall contain all of the information required on hanging tags.

c. All tags shall be 5 1/4 inches in height and 2 5/8 inches in width.

d. Businesses shall have their tags printed and one forwarded to the State Fire Marshal's Licensing Section for approval and incorporation in the business's file.

e. All tags remain the property of the a certified business and may be removed only by licensed employees of the certified business or employees of the State Fire Marshal's Office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1336 (June 2000).

§3045. Prohibited Acts and Equipment

A. The following acts are prohibited and shall be considered grounds for administrative action to be taken against businesses, persons and/or employees committing such:

1. charging a customer for work that was not performed;

2. misrepresenting ones elf and/or one's business to a customer or to a deputy fire marshal or his designated representative;

3. impersonating the state fire marshal, his designated representative or any other public official;

4. intimidating or coercing a customer;

5. planning, certifying, inspecting, installing, maintaining or servicing fire protection sprinkler systems or fire protection systems and/or equipment contrary to applicable NFPA codes, standards, and/or manufacturer's specifications without specific written permission from the Office of the State Fire Marshal;

6. falsifying an application or any other document

submitted to obtain a certificate, license or permit or other documentation requested by or submitted to the Office of the State Fire Marshal;

7. falsifying tags, labels, inspection reports, invoices and/or other documents;

8. working an apprentice or as an apprentice without direct supervision by a technician licensed to perform the work being done;

9. working an employee or apprentice or as an employee or apprentice without the appropriate class of license or permit or working without a proper license or permit;

10. working without the appropriate classification of firm certificate or working without a permit or certificate;

11. working with an expired license, permit or certificate;

12. failing to notify the Office of the State Fire Marshal of any changes that affect licensure;

13. contracting to a business, person or employee which is not properly certified, permitted or licensed through the Office of the State Fire Marshal to perform acts regulated by the provisions of R.S. 40:1625, et seq. and R.S. 40:1651, et seq. or these rules;

14. failing to adhere to the tagging and/or notification policies of the Office of the State Fire Marshal;

15. installing a fixed fire extinguishing system, fire detection and alarm system or fire protection sprinkler system prior to submitting and receiving a stamped set of plans or go to work letter from the Plan Review Section of the Office of the State Fire Marshal;

16. failing to possess the equipment, tools, NFPA codes, standards or manufacturer's U.L. listed installation and service manuals to properly plan, certify, inspect, install, maintain or service the systems or equipment for which a business is certified or permitted;

17. failing to adhere to all applicable laws and rules governing fire protection sprinkler systems or fire protection systems and/or equipment as promulgated by the Office of the State Fire Marshal;

18. engaging in false, misleading or deceptive acts or practices;

19. aiding and abetting an unlicensed individual, employee or business in the planning, inspecting, installing, maintaining or servicing of a portable fire extinguisher, fixed fire extinguishing equipment and/or system, fire detection and alarm equipment and/or system or fire protection sprinkler equipment and/or system.

B. The following portable fire extinguishers and cylinders are prohibited from use:

1. carbon tetrachloride portables;

2. portable fire extinguishers or fixed fire extinguishing system cylinders without labels of an approved testing laboratory or name plates, except that a portable fire extinguisher or fixed fire extinguishing system cylinders whose original label or name plate has been replaced with a manufacturer approved replacement label or name plate, and maintenance records as provided below, documenting the replacement shall not be prohibited;

3. Maintenance records shall include the following:

a. manufacturer;

b. type and size of the portable fire extinguisher or fixed system cylinders;

c. serial number of extinguisher or fixed system cylinders;

d. dates and types of service performed.

4. Any portable or cylinder prohibited by the adopted NFPA codes and standards listed in LAC 55:V.103.

5. Systems without listing from an approved testing laboratory.

6. Systems or portables in which replacement parts are no longer available.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1337 (June 2000).

§3047. Enforcement

A. The State Fire Marshal or his designated representative, shall make, or cause to be made, from time to time, inspections of a business's physical locations, vehicles or job sites to verify required certificates or permits, employee lists, employee licenses and permits, insurances, equipment, tools, NFPA codes, standards and manufacturer's manuals and work/service performed, and as circumstances dictate, to determine that fire protection sprinkler system, portable fire extinguisher, fixed fire extinguishing and fire detection and alarm businesses and their employees are engaging in activity in accordance with the requirements of R.S. 40:1625, et seq., R.S. 40:1651, et seq. and LAC 55:V.Chapter 30.

B. The State Fire Marshal shall investigate all complaints of alleged violations of R.S. 40:1574, R.S. 40:1625, et seq., R.S. 40:1651, et seq. and LAC 55:V.Chapter 30. Complaints of alleged violations shall be made in writing to the Licensing Section of the State Fire Marshal's office. The Office shall make available a complaint form to be used as needed. Penalties shall be administered to those businesses and/or employees found to have violated these laws and/or rules. Proposed administrative penalty letters shall act as official notification of alleged violations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1338 (June 2000).

§3049. Administrative Actions

A. The State Fire Marshal may refuse the issuance or renewal of, suspend, or revoke a certificate of registration, license or permit and impose administrative penalties, if, after notice and hearing, as provided for by the Administrative Procedure Act, it is found that a person, certified business, licensee or permit holder, or an applicant for registration, license or permit, failed to comply with the provisions of these rules, R.S. 40:1625, et seq., R.S. 40:1646, et seq. and/or R.S. 40:1651, et seq.

1. Offenses. The following categories shall denote classification of offenses for persons, businesses and employees for determining the penalty to be imposed.

a. Minor

i. Failing to notify the Office of the State Fire Marshal of any changes that affect licensure.

ii. Failing to adhere to the tagging and/or notification policies of the Office of the State Fire Marshal.

iii. Working with an expired (1-60 days) license, permit or certificate of registration.

iv. Failing to properly display a firm certificate or permit or an individual license or permit.

b. Serious

i. Misrepresenting oneself and/or one's business to a customer, prospective customer, state fire marshal, his designated representative or other public official.

ii. Planning, certifying, inspecting, installing, maintaining or servicing fire protection sprinkler systems or fire protection systems and/or equipment contrary to applicable NFPA codes, standards, and/or manufacturer's specifications without specific written permission from the Office of the State Fire Marshal.

iii. Working an apprentice or as an apprentice without direct supervision by a technician licensed to perform the work being done and licensed to the same firm.

iv. Working an employee or as an employee without the appropriate class of license or permit.

v. Working without the appropriate classification of firm certificate or permit.

vi. Working with an expired (61-180 days) license, permit or certificate.

vii. Installing a fixed fire extinguishing system, fire alarm and detection system or fire protection sprinkler system prior to submitting and receiving authorization to install such system from the Plan Review Section of the Office of the State Fire Marshal.

viii. Contracting to a business, person or employee which is not properly certified, licensed or permitted through the Office of the State Fire Marshal to perform any certification, inspection, installation, maintenance or service on fire protection sprinkler systems or fire protection systems and/or equipment.

ix. Failing to possess the equipment, tools, NFPA codes, standards or manufacturer's U.L. listed installation and service manuals to properly plan, inspect, install, maintain or service the systems or equipment for which a business is certified or permitted.

x. Committing five or more minor offenses within a three-year period.

c. Major

i. Charging a customer for work that was not performed.

ii. Impersonating the State Fire Marshal, his designated representative or any other public official.

iii. Intimidating or coercing a customer.

iv. Falsifying an application or any other document submitted to obtain a certificate, license or permit or other documentation requested by or submitted to the Office of the State Fire Marshal.

v. Falsifying tags, labels, inspection reports, invoices and/or other documents

vi. Working without any license or permit.

vii. Working without any firm certificate of registration or permit.

viii. Working an employee or an apprentice without any license or permit.

ix. Aiding and abetting an unlicensed person, employee or business in the planning, certifying, inspecting, installing, maintaining or servicing of a portable fire extinguisher, fixed fire extinguishing equipment and/or

system, fire detection and alarm equipment and/or system or fire protection sprinkler equipment and/or system.

x. Committing three or more serious offenses within a three-year period.

xi. Engaging in false, misleading or deceptive acts or practices.

3. Penalties. The following fine schedule shall be used to access fines to persons, businesses, and/or employees who violate the laws and rules governing the fire protection sprinkler, portable fire extinguisher, fixed fire extinguishing and fire detection and alarm industries. Penalties will be imposed to persons, businesses and/or employees based on the classification of offense. Each classification of offense will have a minimum and maximum fine shown and any other administrative penalty that may be imposed.

a. Businesses and/or Persons

i. Minor: \$50 fine to \$250 fine and/or official warnings may be imposed.

ii. Serious: \$250 fine to \$500 fine and/or suspensions of up to 90 days may be imposed.

iii. Major: \$500 fine to \$1000 fine and/or suspensions from 91 to 365 days may be imposed and/or revocation of certificate may be imposed.

b. Employees and/or Persons

i. Minor: \$10 fine to \$50 fine and/or official warnings may be imposed.

ii. Serious: \$50 fine to \$250 fine and/or suspensions of up to 90 days may be imposed.

iii. Major: \$250 to \$1000 fine and/or suspensions from 91 to 365 days may be imposed and/or revocation of license may be imposed.

c. Revocations may be up to a year, after which reapplication must be made. The Office of the State Fire Marshal may refuse the issuance of a new certificate of registration, a permit or a license if the applicant cannot show good cause for reissuance.

d. The State Fire Marshal may deviate from this fine schedule where circumstances and/or evidence warrant a more stringent or more lenient penalty.

e. Those offenses not enumerated in this list shall receive penalties for violations of similar nature.

f. The Office of the State Fire Marshal may also pursue criminal charges or injunctive relief for any of the above enumerated offenses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1338 (June 2000).

§3051. Severability

A. If any provision of these rules or the application thereof to any business, person, employee or circumstance is held invalid for any reason, the invalidity shall not affect the other provisions or any other application of these rules which can be given effect without the invalid provisions or application. To this end, all provisions of these rules are declared to be severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1339 (June 2000).

§3053. Adopted Standards

A. The office adopts by reference in their entirety those copyrighted standards enumerated in LAC 55:V.103 published by and available from the National Fire Protection Association, Inc. (NFPA), Batterymarch Park, Quincy, Massachusetts, 02268. A copy of the standards shall be kept available for public inspection in the Office of the State Fire Marshal. In addition to those listed standards, the following shall also be adhered to as applicable.

1. ASME/ANSI A17.1C1993, Safety Code for Elevators and Escalators.
2. ASME/ANSI A17.3C1993, Safety Code for Existing Elevators and Escalators.
3. ASME/ANSI A117.1C1980, Specifications for Handicapped Accessibility.
4. ADAAGC1994, American Disability Accessibility Act Guidelines.
5. United States Department of Transportation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1339 (June 2000).

§3055. National Recognized Testing Laboratory

A. The criteria for recognition by the Office of State Fire Marshal as a "Nationally Recognized Testing Laboratory" shall be as follows. The applicant laboratory's portable fire extinguisher testing standards shall meet or exceed the best listed national standards.

1. Fire Test Standards: ANSI/UL 154, CAN4-S503-M83.
2. Performance Standards
 - a. CO2 Types: ANSI/UL 154, CAN4-S503-M83.
 - b. Dry Chemical Types: ANSI/UL 299, ULC-S504.
 - c. Halon Types: ANSI/UL 1093, ULC-S504.
 - d. 2-1/2 Gallon Stored Pressure Water Types: ANSI/UL 626.
 - e. Factory Follow-up on Third-Party Certified Portable Fire Extinguishers: ANSI/UL 1803.
 - f. Foam Types: ANSI/UL 8.

B. The applicant laboratory shall maintain a follow-up inspection program to confirm that the manufacturer is providing the controls, inspections, and tests necessary to assure that all current manufactured extinguishers will meet the laboratory's testing standards. This follow-up inspection shall occur no less than once each six months for the first two years and once each year thereafter.

1. The application by a testing laboratory for recognition by the State Fire Marshal as a "nationally recognized testing laboratory" shall not be on any particular form but shall include all of the information and material requested in Subsection 2 below.

- 2.a. The address and telephone number of the main facility and all branch offices;
- b. A current organizational chart showing the relationship between administration, operation, and quality control;
- c. Resumes of the education and experience of key personnel;
- d. A floor plan of the main facility and all branch offices indicating location of the equipment used for testing portable fire extinguishers;

e. A list of all equipment used to test portable fire extinguishers, identified by manufacturer, model number and serial number; detailed plans and specifications shall be submitted on any testing equipment fabricated by the applicant;

f. Procedures for selecting, receiving, storage, handling, and shipping of test specimens;

g. Test standards and procedures most frequently used;

h. Method and frequency of test equipment calibration;

i. Procedure for safekeeping of records and files;

j. Copies of all data sheets and test report forms;

k. Facsimiles of all contracts executed between the testing laboratory and portable extinguisher clients;

l. Procedure for periodic updating of the report;

m. Method of distributing test reports and certifications, including an indication of who may obtain copies of the final reports and how the reports may be obtained.

n. A copy of the laboratory's partnership agreement, if a partnership, or of the articles of incorporation, if a corporation, and a copy of any by-laws;

o. A list of all the portable fire extinguishers presently listed by the testing laboratory showing the manufacturer and the model number;

p. Copies of the test reports on all listed portable extinguishers which must be in sufficient detail to provide for complete verification and evaluation of the operations and objectives, and must include the signature of personnel performing the test and must also include the name of the supervisory engineer;

q. Whether the applicant testing laboratory has been recognized as a "nationally recognized testing laboratory" by any other state or by an organized, voluntary recognized organization such as the National Voluntary Laboratory Association Program and whether recognition by any other state or organization has been denied;

r. How long the applicant testing laboratory has tested portable extinguishers;

s. A notarized statement of independence which shall state that, with reference to the laboratory's testing of portable extinguishers.

i. There are no managerial affiliations with any producer, supplier, or vendor.

ii. Changes in any major test equipment.

iii. Establishment of a new branch office or facility at which portable fire extinguishers are to be tested.

iv. Changes in principal officers, key supervisory personnel, or key testing personnel in the company.

C. This office approves Underwriters Laboratories, Inc., Factory Mutual Research Corporation and the United States Testing Company, Inc. as nationally recognized testing laboratories for the purpose of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1340 (June 2000).

§3057. Equipment and Facilities

A. Each certified business location shall be required to possess the equipment, tools, NFPA codes, standards and manufacturers UL listed installation and service manuals

necessary to properly plan, inspect, install, maintain or service the systems or equipment for which it is certified. Fire protection fire sprinkler contractors shall have such equipment, tools NFPA codes, standards and manuals available at each of its operating locations. If such work is performed from a vehicle, then the vehicle shall be required to possess the necessary equipment, tools, NFPA codes, standards and manuals. At a minimum, all Class A firms shall have the necessary equipment to perform a recharge, six-year maintenance and hydrostatic test on low pressure non DOT dry chemical cylinders. All Class D and D-1 firms shall have manufacturer approved smoke detector sensitivity/calibration testing equipment or have access to such equipment through contract to another firm.

B. The State Fire Marshal or his representative may inspect a business's physical locations or vehicle(s) to ensure the proper equipment, tools, NFPA codes, standards and manufacturers UL listed installation and service manuals are possessed by the business.

C. The State Fire Marshal or his representative may require that a business or its employee(s) demonstrate a proficiency to use the necessary equipment to properly plan, inspect, install, maintain or service fire protection sprinkler systems/equipment, portable fire extinguishers, fixed fire extinguishing systems/equipment and fire detection and alarm systems/equipment. Proficiency shall be deemed to be achieved if the system or equipment complies with the applicable NFPA code or standard and/or manufacturers specifications.

D. For those businesses or their employee(s) which do not possess the proper equipment, tools and manuals or who fail to demonstrate the ability to properly perform the required work, then an order of correction shall be made to the contractor or his employee to obtain the required equipment, tools, NFPA codes, standards or manual or to obtain additional training within a 30-day period. Another inspection shall be conducted by the State Fire Marshal or his representative to verify compliance with the order of correction. Good cause must be shown if proficiency is not shown or the required equipment, tools, NFPA codes, standards or manuals are not obtained by the time of the second inspection. Additional time may be granted for good cause. If good cause is not shown, then administrative action may be pursued.

E. The office may specifically enumerate required equipment at a later date should it be deemed necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1340 (June 2000).

§3059. Plan Review

A. Plans for designing or installing fixed fire extinguishing systems, fire protection sprinkler systems and/or fire detection and alarm systems must be done in accordance with R.S. 40:1574 Parts A and B. This procedure is not required for plans that will go in sites, such as offshore drilling platforms that are outside the three mile limit of the state's jurisdiction. For the purpose of computing the Fire Marshal plan review fees, devices shall be defined as follows.

1. For fixed fire extinguishing systems (Halon, CO₂, etc.): the distribution nozzles and the automatic detectors shall be considered as devices.

2. For fire protection sprinkler systems: each sprinkler head per floor shall be considered.

3. For fire detection and alarm systems: the number of floors per building shall be considered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1341 (June 2000).

§3061. Advisory Committee

A. The State Fire Marshal may create an advisory committee to assist him or his representative to create new rules or modify existing rules as necessary to reflect changes or new trends in the industry. Associations requested to participate on the committee shall nominate the members to attend. This committee is to be a volunteer committee. No stipends or mileage will be paid to committee members.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1341 (June 2000).

§3063. Electrical Contractors

A. All electrical contractors who have met all requirements and passed a prescribed written examination based upon National Fire Protection Association (NFPA) Code 70, the National Electrical Code, that has been given either by a recognized political subdivision of the state of Louisiana or by the State Licensing Board for Contractors, shall be authorized to install fire detection and alarm components or interconnected smoke detectors in accordance with manufacturer's specifications and applicable National Fire Protection Association (NFPA) codes which are listed in §3053 of these rules.

B. The planning, certifying, inspecting, maintenance and servicing of a fire detection and alarm system shall be performed only by a fire detection and alarm firm that is certified, and its employees licensed with the Office of the State Fire Marshal to perform such work.

C. Electrical contractors shall be limited to the installation of wiring, conduit raceways, and/or devices for fire detection and alarm systems.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1341 (June 2000).

§3065. Compressed Gas

A. Subject to the requirements contained in Part B below, persons who engage solely in the activity of filling compressed gas cylinders with gases such as CO₂, pursuant to a contract with a firm which is certified by the Office of State Fire Marshal to plan, certify, inspect, install and/or service, fire protection equipment or systems shall be exempt from the licensing requirements contained in R.S. 40:1651, et seq.

B. A person meets the qualifications to be exempt from R.S. 40:1651, et seq. if he/she fills compressed gas cylinders, has a United States (U.S.) Department of Transportation (DOT) certificate to fill these compressed gas cylinders (only if required by DOT) and does not plan,

certify, inspect, install, maintain and/or service any fire protection equipment and/or systems other than to fill the fire extinguishing cylinders with compressed gas pursuant to a contract with a firm certified by the Office of the State Fire Marshal to plan, certify, inspect, install and/or service fire protection equipment and/or systems.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1341 (June 2000).

§3067 Miscellaneous Provisions

A. Marking of vehicles Ninety days after the effective date of these rules, all vehicles owned or operated by fire protection sprinkler contractors as defined by R.S. 40:1625(4)(a) and firms as defined by R.S. 40:1652(1) or their employees, used for regulated activities for which the business is certificated, or permitted, shall permanently inscribe, paint, stencil or affix by magnetic means the business name and business certificate or permit number on such vehicles. Such markings shall be a minimum 2 1/2 inches in height and not less than 1/4 inch in width. Letters and numbers shall be on a contrasting background and be conspicuously seen from the outside of the vehicle. For fire protection sprinkler contractors with multiple qualifying persons, only one permit number is required.

B. Restrictions

1. Certificate holders, licensees and permittees are not agents or representatives of the state of Louisiana, the Department of Public Safety or the Office of the State Fire Marshal. No claims or inferences of such shall be made.

2. A certificate, license or permit does not authorize anyone to enforce these rules or to enter any building without the owners permission or to plan, certify, service, inspect, install or maintain fire protection equipment and/or systems or fire protection sprinkler systems and/or equipment without the owner's permission.

3. Certificate holders, licensees and permittees shall not permit the use of their certificate, licenses or permit by other businesses, persons or employees.

4. A certificate holder, licensee or permittee shall not perform any activity relating to portable fire extinguishers, fixed fire extinguishing equipment/system, fire detection and alarm equipment/systems or fire protection sprinkler systems unless employed by and within the course and scope of that employment with a business regulated by the provisions of R.S. 40:1625 et seq. or R.S. 40:1651 et seq.

5. A person shall not perform any act for which a certificate, license or permit is required unless:

- a. first being certified, licensed or permitted to perform such acts; and
- b. is employed by a business certified to perform those acts; and
- c. is performing those acts for the certified business by whom he is employed.

6. An apprentice, as defined in LAC 55:V.3013, shall not perform any activity regulated by R.S. 40:1651 et seq., unless employed by a certified firm, supervised by a licensee authorized to perform such act or acts and both the apprentice and licensee are employed by the same certified firm.

C. Multiple Names. A business which uses multiple names must apply for a separate certificate of registration if each named business has a separate tax number. All Doing business as@names shall be registered with this office at the time of application.

D. Required Inspection

1. The following shall be the building owners responsibility.

a. Portable fire extinguishers shall be inspected and certified annually by a certified firm.

b. Fixed fire extinguishing systems shall be inspected and certified at a minimum annually by a certified firm.

c. Clean Agent Gas (Halon 1301 Replacement) fixed fire extinguishing systems shall be inspected and certified at a minimum every six months by a certified firm.

d. Kitchen fixed fire extinguishing systems shall be inspected and certified at a minimum every six months by a certified firm.

e. Fire alarm and detection systems shall be inspected and certified at a minimum annually by a certified firm.

f. All non-required and non-conforming systems/equipment shall be inspected and certified at a minimum annually by a certified firm.

g. Fire protection sprinkler systems/equipment shall be inspected and certified at a minimum annually by a certified fire protection sprinkler contractor. The certified firm shall not be responsible for more frequent inspections as required by the applicable engineered specifications, manufacturers specifications or per the inspection, testing and maintenance chapters as set forth in the applicable NFPA codes and standards unless under contract to perform such.

E. Service Invoices and Inspection Reports. All service invoices or inspection reports shall reflect the inspection, installation, maintenance, or service performed, date of service, the technician who did the service, the manufacturer of the equipment/system and if applicable, the serial number of the equipment/system if applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 17:273 (March 1991), LR 26:1342 (June 2000).

Nancy Van Nortwick
Under Secretary

0006 074

RULE

Social Services, Department of Office of Community Services

Freezing Reimbursable Rates for Residential Facilities (LAC 67:V.3503)

In accordance with the Louisiana Administrative Code, Title 67, Part V, Subpart 5, Foster Care, the adopted the rule, §3503 entitled "Reimbursement Rates for Residential Facilities" to add D.

Title 67
SOCIAL SERVICES
Part V. Office of Community Services
Subpart 5. Foster Care
Chapter 35. Payments, Reimbursables and Expenditures

§3503. Reimbursement Rates for Residential Facilities

* * *

A. 1. - C. ...
D. For rates issued for the 1999/2000 rate year, the Department will freeze the rates at the 1998/1999 amount.

* * *

AUTHORITY NOTE: Promulgated in accordance with R. S. 15:1084.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 14:542 (August 1988), amended LR 20:898 (August 1994), LR 25:1144 (June 1999), LR 25:1609 (September 1999), LR 26:24 (January 2000), LR 26:1342 (June 2000).

J. Renea Austin-Duffin
Secretary

0006#079

RULE

Department of Social Services
Office of Family Support

Family Independence Temporary Assistance Program
(FITAP) Application, Eligibility, and Furnishing
Assistance (LAC 67.III.1223, 1225, and 1229)

The Department of Social Services, Office of Family Support, has amended the *Louisiana Administrative Code*, Title 67, Part III, Subpart 2, the Family Independence Temporary Assistance Program (FITAP).

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 2. Family Independence Temporary Assistance Program (FITAP)

Chapter 12. Application, Eligibility, and Furnishing Assistance

Subchapter B. Conditions of Eligibility

§1223. Citizenship

A.1. - 8.d. ...

9. an alien child of a battered parent or the alien parent of a battered child as described in 8 above.

B. Time-Limited Benefits. A qualified alien who enters the United States on or after August 22, 1996 is ineligible for five years from the date of entry into the United States unless:

B. 1. - 7. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2448 (December 1999), LR 26:000 (June 2000)

§1225. Enumeration

A. Each applicant for, or recipient of, FITAP is required to furnish a Social Security number or to apply for a Social

Security number if such number has not been issued or is not known.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474 and R.S. 46:231.1.B.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2449 (December 1999), LR 26:000 (June 2000)

§1229. Income

A. - E. ...

F. Income and Resources of Alien Sponsors

1. In determining the eligibility and benefits of an alien with an affidavit of support executed under 213A of the INA (8 U.S.C. 1183a), the income and resources of the sponsor and the sponsor's spouse shall be considered except as follows in §1229.F.a.-b. This attribution shall continue for the period prescribed in 8 U.S.C. 1631.

a. Indigence Exception. If an alien has been determined indigent, as provided in 8 U.S.C. 1631(e), the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the alien shall not exceed the amount actually provided for a period beginning on the date of such determination and ending 12 months after such date.

b. Special rule for battered spouse and child. If an alien meets the requirements of the special rule for a battered spouse or child, as provided in 8 U.S.C. 1631(f), and subject to the limitations provided therein, the provisions of §1229.F.1. shall not apply during a 12-month period. After a 12-month period, the batterer's income and resources shall not be considered if the alien demonstrates that the battery and cruelty as defined in 8 U.S.C. 1631(f)(1) has been recognized in an order of a judge or administrative law judge or a prior determination of the Immigration and Naturalization Service, and that such battery or cruelty has, in the Department's opinion, a substantial connection to the need for benefits.

2. The agency has opted not to apply the deeming rule of 42 U.S.C. 608 in determining the eligibility and benefits of non-213A aliens.

G. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B., R.S. 46:231.2.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2449 (December 1999), LR 26:000 (June 2000)

J. Renea Austin-Duffin
Secretary

0006#081

RULE

Department of Social Services
Office of Family Support

FIND Work Program Support Services
(LAC 67:III.2907, 2909 and 2913)

The Department of Social Services, Office of Family Support, has amended LAC 67: III, Subpart 5, Family Independence Work Program, known in Louisiana as "FIND Work".

In order to better facilitate the participant's entry into the workplace, the agency has increased the maximum allowed for supportive services to \$600 per participant per state fiscal year. For participants who become ineligible for cash assistance due to earned income, the agency will allow a transportation payment of \$60 per month, and a payment for other supportive services not to exceed a combined total of \$200.

Title 67
SOCIAL SERVICES

Part III. Office of Family Support

Subpart 5. Family Independence Work Program (FIND Work)

Chapter 29. Organization

Subchapter B. Participation

§2907. Individual Participation Requirements

A. ...

1. A single parent/caretaker who is personally providing care for a child under age one is exempt. This exemption is limited to a total of twelve months per single parent/caretaker. However, if the single parent/caretaker is under age 18, has a minor child at least 12 weeks of age, and does not have a high school diploma or equivalent, he must participate in secondary/GED activities or a FIND Work approved activity.

A.2. - C. ...

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and P.L. 105-33.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Eligibility Determinations, LR 16:626 (July 1990), amended by the Department of Social Services, Office of Family Support, LR 16:1064 (December 1990), LR 19:504 (April 1993), LR 19:1177 (September 1993), LR 23:450 (April 1997), LR 24:1781 (September 1998), LR 25:2455 (December 1999), LR 26:1344 (June 2000).

§2909. Failure to Participate

A. - C.10. ...

11. discrimination based on race, color, religion, sex, age, national origin, etc.;

12. - 13. ...

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193; R.S. 46:231, R.S. 36:474.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Eligibility Determinations, LR 16:626 (July 1990), amended by the Department of Social Services, Office of Family Support, LR 18:870 (August 1992), LR 19:504 (April 1993), LR 23:451 (April 1997), LR 24:353 (February 1998), LR 25:2455 (December 1999), LR 26:1344 (June 2000).

Subchapter C. Activities and Services

§2913. Support Services

A.1. - 2.a. ...

b. Participants who become ineligible for cash assistance due to earned income are eligible for a transportation payment of \$60 per month beginning with the first month of FITAP ineligibility and continuing through the twelfth month of ineligibility or through the last month of employment, whichever comes first.

3. Other Supportive Services

a. ...

b. Payments not to exceed a combined total of \$600 per state fiscal year may be made for certain costs deemed

necessary such as eyeglasses, hearing aids and other small medical appliances, uniforms/clothing, tools and training materials, medical exams and drug tests required for employment and training that are not provided by Medicaid or any other resource, placement test fees and other course pre-requisite costs, safety equipment and transportation-related expenses.

i. Participants who become ineligible for cash assistance due to earned income are eligible for other supportive service payments not to exceed a combined total of \$200 beginning with the first month of FITAP ineligibility and continuing through the twelfth month of ineligibility or through the last month of employment, whichever comes first.

c. ...

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 17:309 (March 1991), amended LR 17:388 (April 1991), LR 18:244 (March 1992), LR 18:687 (July 1992), LR 18:748 (July 1992), LR 18:1268 (November 1992), LR 19:504 (April 1993), LR 20:793 (July 1994), LR 23:451 (April 1997), LR 24:356 (February 1998), LR 24:1135 (June 1998), LR 25:526 (March 1999), LR 25:2456 (December 1999), LR 26:1344 (June 2000).

J. Renea Austin-Duffin
Secretary

0006#080

RULE

Department of Social Services
Office of Family Support

Support Enforcement Services CChild Support
Application Fee (LAC 67:III.2521)

The Department of Social Services, Office of Family Support, has amended the Louisiana Administrative Code, Title 67, Part III, Subpart 4, Support Enforcement Services (SES), the child support enforcement program.

Due to a change in the method of reimbursement for program costs to District Attorneys' offices contracted to provide child support services, all application fees will now be retained by SES. Under previous contracts, some offices of the District Attorney retained the nonfederal share of application fees collected. Language in §2521 concerning this matter has, therefore, been deleted.

Title 67
SOCIAL SERVICES

Part III. Office of Family Support

Subpart 4. Support Enforcement Services

Chapter 25. Support Enforcement

Subchapter E. Individuals Not Otherwise Eligible

§2521. Child Support Application Fee

A. SES will charge an application fee of \$25 to each individual who applies for services and does not receive FITAP, MEDICAID, or IV-E Foster Care. A fee is not required if an applicant reapplies for child support through

SES within six months after a case is closed, unless the case was closed at the applicant's request or for failure to cooperate.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 302.33 and 45 CFR 302.51.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 12:115 (February 1986), amended by the Department of Social

Services, Office of Family Support, LR 24:957 (May 1998), LR 26:1344 (June 2000).

J. Renea Austin-Duffin
Secretary

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