

Rules

RULE

Department of Economic Development Office of the Secretary

Capital Companies Tax Credit Program (LAC 13:XV.320)

The Department of Economic Development, Office of the Secretary, pursuant to the Administrative Procedure Act, R.S. 49:950, et seq., has amended the rules of the Capital Companies Tax Credit Program as authorized by R.S. 51:1935, to provide for the investment of certain funds, as determined by the secretary, in pre-seed, seed, and early stage business ventures, and certified disadvantaged businesses, and business ventures operating in economically distressed areas.

Title 10

FINANCIAL INSTITUTIONS, CONSUMER CREDIT, INVESTMENT SECURITIES, AND UCC

Part XV. Other Regulated Entities

Chapter 3. Capital Companies Tax Credit Program

§320. Investment in Approved Funds

A. Any certified Louisiana capital company that has capital certified pursuant to R.S. 51:1931 for the calendar year 1999 or any year thereafter, and which qualifies for credits pursuant to R.S. 22:1068(E) shall invest an amount, as determined by the secretary, into the following investments:

1. fifty percent of the amount determined by the secretary shall be invested in one or more capital management funds as approved by the secretary whose primary investment objectives include pre-seed, seed, and early stage business ventures, and whose investment in any such business and its affiliates is limited to one million dollars or less. Investments made by such funds must give special emphasis to the Targeted Technology Clusters identified in Vision 2020 Master Plan For Economic Development as adopted by the Louisiana Economic Development Council; and

2. fifty percent of the amount determined by the secretary shall be invested in any certified Louisiana capital company whose primary investment objectives include investing in the following three categories:

- a. certified disadvantaged businesses;
- b. business ventures operating in economically distressed areas; or
- c. Louisiana businesses and affiliates in an amount not exceeding one million dollars.

B. The amount to be invested by each certified Louisiana capital company pursuant to Subsection A shall be determined annually by the secretary beginning January 1, 2000. Such amount shall not exceed ten percent of all capital certified by such certified Louisiana capital company in the previous calendar year that are eligible for credits pursuant to R.S. 22:1068(E). The amount to be invested pursuant to Subsection A shall be invested within 120 days from the end

of the calendar year in which the capital is certified or 120 days from the date the secretary determines the amount to be invested, whichever is later. If certified capital is paid in pursuant to a debt instrument in accordance with the provisions of R.S. 22:1068(E)(1)(a) and LAC 13:XV.303. *Investment*(a)(iii), the investment required to be made by this Section may be made at the rate of ten percent of actual cash received each year.

C. The capital management fund referred to in Paragraph A.1 shall be managed by a qualified individual or individuals or entity that is managed by a qualified individual or individuals and governed by a board consisting of one representative from each certified Louisiana capital company that has invested in the management fund as required by this Section and the secretary or his designee, who shall act in an advisory capacity only, with the right to attend meetings but with no voting privileges. The governing board of the capital management fund will develop policies for the administration and operation of the capital management fund. Certified Louisiana capital companies investing in such capital management fund, shall share in the profits and losses of such fund in accordance with the documents providing for the creation and organization of the fund. The fund shall submit reports to the secretary, semi-annually. The report shall include information on all investments made by the fund and a copy of the most recent financial statements of the fund and shall be submitted in a form provided by the secretary.

D. Any entities receiving funds pursuant to Paragraphs A.1 or A.2 shall comply with all requirements of R.S. 51:1921 et seq. (Chapter 26 of Title 51 of the Louisiana Revised Statutes) and with this Chapter with respect to such funds received as if those funds were certified capital as defined in R.S. 51:1923(1) with the exception that:

1. such funds shall earn no additional tax credits;
2. for purposes of R.S. 51:1926(A)(1), fifty percent must be invested in qualified investments and for purposes of R.S. 51:1926(A)(2), eighty percent must be invested in qualified investments; and
3. one hundred percent of such funds shall be invested in qualified investments within eight years.

E. Amounts invested pursuant to Subsection A.2 shall be invested directly into a certified Louisiana capital company. Investments directly into a business shall not qualify as an investment pursuant to Subsection A.2.

F. With respect to capital raised and certified pursuant to R.S. 22:1068(E) during the calendar year 1999 only, if a certified Louisiana capital company demonstrates to the secretary that investments made from 1999 certified capital were made or committed prior to December 1, 2000, were made with the understanding that they would qualify under §1935 and were made in accordance with the terms of a previous agreement entered into by the secretary, such investments will be deemed to qualify pursuant to this Section.

G. If a certified Louisiana capital company which is required to invest funds by this Section is also a certified

Louisiana capital company described in Subparagraph A.1.b above, it shall not be required to reinvest part of its certified capital into another certified Louisiana capital company pursuant to the requirements of Subparagraph A.1.b; however, it must still make the investment required by Subparagraph A.1.a.

H. Any certified Louisiana capital company may request a determination from the secretary that it is a certified Louisiana capital company described in Subsection A.2. A request for a determination shall be addressed to the secretary and shall include a copy of the certified Louisiana capital company's:

1. articles of organization;
2. by-laws;
3. investment policy; and
4. any disclosure statement distributed to prospective investors.

If any of those documents have been amended from its original form, a copy of both the original and amended documents must be provided. The secretary may request any additional information that he deems necessary to make a determination.

I. Failure to comply with this Section shall result in the following consequences.

1. In the event any certified Louisiana capital company subject to the provisions of Subsection A, fails to comply with the requirements of this Section, the certified Louisiana capital company shall be subject to involuntary decertification of its capital in an amount equal to the amount of funds required to be invested pursuant to this Section. Such involuntary decertification shall result in the disallowance and recapture of any tax credits related to such capital.

2. If any entity that receives funds pursuant to Subsections A.1 or A.2 fails to comply with the provisions of this Section regarding the investment of such funds, the secretary shall have the authority to specifically direct how such funds shall be invested, including the authority to name a specific business and amount for an investment. If the entity fails to comply with such directive, the entity shall remit such funds to the secretary for investment. The entity shall retain ownership of any funds and investments made with such funds.

J. For purposes of this Section only, the following terms shall have the meaning provided in this Subsection:

Business Ventures Operating in Economically Distressed Areas—a business whose principal place of business is located in a Census Block Group designated by the Department of Economic Development as an Enterprise Zone pursuant to R.S. 51:1784(A) and (B) and not considering any designation pursuant R.S. 51:1785(B).

Certified Disadvantaged Businesses—shall include any business which has received certification as such from any federal, state or local government agency or has been certified as a Small and Emerging Business by the division of small and emerging business development in the Department of Economic Development.

Early Stage Business Venture—shall include and enterprise that has high growth potential, minimal revenues or minimal profits.

Pre-Seed—shall include an enterprise that conducts research and development to demonstrate proof of concept, files for initial patents and plans the enterprise for at least the

two rounds of financing subsequent to initial investment in the enterprise.

Seed—shall include an enterprise that is completing its initial product research and development, building a prototype, completing market research, hiring the initial management team members and formulating a strategy to achieve very high growth.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:1935.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 27:675 (May 2001), amended LR 28:989 (May 2002).

Don J. Hutchinson
Secretary

0205#057

RULE

Board of Elementary and Secondary Education

Bulletin 746C Louisiana Standards for State
Certification of School PersonnelC Grade-Level
Endorsements to Existing Certificates
(LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended Bulletin 746, *Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. The new certification structure provides add-on certification within the undergraduate program, but does not address grade-level endorsements to existing certificates. This Bulletin 746 policy provides conditions under which grade-level endorsements may be added to existing certificates, based on the new certification structure. This represents a new policy that will become effective in July, 2002. This action will allow Louisiana teachers to add grade-level endorsements to existing certificates, building upon initial certification areas provided through an undergraduate program of study. This will assist districts in more effective placement of teachers in areas of certification.

Title 28

EDUCATION

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

§903. Teacher Certification Standards and Regulations

A. Bulletin 746

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975); amended LR 27:825 (June 2001); LR 27:827 (June 2001); LR 27:828 (June 2001), LR 28:990 (May 2002).

Grade-Level Endorsements to Existing Certificates

The new certification structure contains "Additional Certifications" to be used as part of the undergraduate program for persons pursuing credentials in teacher education. The same requirements are to be used for endorsements to certificates for adjacent grade-level structure.

BASIC CERTIFICATIONS (To which endorsements may be added)	ADD-ON CERTIFICATIONS		TOTAL HOURS
	NEW CERTIFICATIONS (Endorsement areas that can be added to adjacent grade-level structures only)	ADDITIONAL COURSES AND HOURS	
GRADES PK - 3	GRADES 1-6	Content Emphasis: Sciences 6 Hours Social Studies 6 Hours Mathematics 3 Hours	15 Hours
GRADES 1-6	GRADES PK - 3	Content Emphasis: Nursery School and Kindergarten 12 Hours	12 Hours
GRADES 1-6	GRADES 4-8 (Generic)	Content Emphasis: English 3 Hours Mathematics 3 Hours Science 4 Hours Social Studies 3 Hours	13 Hours
GRADES 4-8	GRADES 1-6	Reading/Language Arts and Math Emphasis: Reading/ Language Arts 9 Hours Mathematics 3 Hours	12 Hours
GRADES 1-6, GRADES 4-8, OR GRADES 7-12	Mild/Moderate Special Education	Special Education Emphasis*: Methods and Materials for Mild/Moderate Exceptional Children, Assessment and Evaluation of Exceptional Learners, Behavioral Management of Mild/Moderate Exceptional Children, and Vocational and Transition Services for Students with Disabilities 12 Hours Practicum in Assessment and Evaluation of Mild/Moderate Exceptional Children 3 Hours (Note: This should not be required if students participate in student teaching that combines regular and special education teaching experiences.)	12 Hours (Additional 3 Hour Practicum, if not integrated into other field-based experiences and student teaching)

Weegie Peabody
Executive Director

0205#013

RULE

Board of Elementary and Secondary Education

Bulletin 741 Louisiana Handbook for School Administrators
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 amended Bulletin 741, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). Act 478 of the 1997 Regular Legislative Session called for the development of an Accountability System for the purpose of implementing fundamental changes in classroom teaching

by helping schools and communities focus on improved student achievement. The State's Accountability System is an evolving system with different components. The changes more clearly explain and refine the existing policy as follows: 1) Indicators of District Accountability, 2) Performance Labels to be assigned, and 3) District Accountability reports to be published.

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

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 and 11; R.S. 17:22.(2) and (6).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended LR 27:694 (May 2001); LR 27:695 (May 2001); LR 27:815 (June 2001), LR 28:991 (May 2002).

The Louisiana School and District Accountability System
System C District Accountability

1.007.00. Every school district shall participate in a district accountability system based on the performance of schools as approved by the Louisiana State Board of Elementary and Secondary Education (SBESE).

Indicators for District Accountability

1.007.01 There shall be two statistics reported for each school district for District Accountability:

- a District Performance Score (DPS); and
- a District Responsibility Index (DRI).

District Performance Score (DPS)

A District Performance Score (DPS) shall be the average of School Performance Scores (SPS) of all schools in a district. The DPS shall be reported as a numeric value.

District Responsibility Index (DRI)

A District Responsibility Index (DRI) shall be the weighted average of four indicators¹ with each indicator to be expressed as an index. A score of 100 = good and a score of 150 = excellent.

The proposed indicators include:

1. Summer School;
2. The change in SPS for all schools relative to Growth Targets;
3. The change in LEAP 21 first-time passing rate from one year to the next; and
4. Certified Teachers.

¹ Indicators for school finance and graduation rate of high school students may be considered in the calculation of the District Responsibility Index at a later date.

Indicators and Weights	
Indicator	Weighting
1. Summer School.	30% (Part A 15% + Part B 15%)
2. The change in SPS for all schools relative to Growth Targets.	25%
3. The change in LEAP 21 first-time passing rate from one year to the next.	25% (Part A 12.5% + Part B 12.5%)
4. Certified Teachers	20% (Part A 15% + Part B 5%)

Indicator 1: Summer School

The Louisiana Department of Education shall use two statistics when calculating an index score for summer school.

Part A: The percentage passing summer LEAP 21 tests.

The Louisiana Department of Education shall calculate the percentage passing summer LEAP 21 tests by using the number of students who scored *Unsatisfactory* in the previous spring as the denominator. The scores of first-time students shall be included (i.e., not students who are repeating the grade because of a score of *Unsatisfactory* in the previous year). This statistic shall include grades 4 and 8 and shall be weighted by the number of students failing each test in the previous spring. English language arts (ELA) and mathematics shall be counted separately. The numerator and denominator shall be the sum of counts in grade 4 ELA and mathematics plus grade 8 ELA and mathematics. Students' summer school results shall be attributed to the district in which they took the summer test.

Formula for Converting Part A to an Index: $2.5 * (\text{percent passing} + 5)$.

Implications of Index for Part A:
 35 percent passing of summer tests shall yield an Index of 100.
 55 percent passing of summer tests shall yield an Index of 150.

Part B: The change in scale scores on LEAP21 from spring to summer for scores that are *Unsatisfactory* in the spring.

The Louisiana Department of Education shall use the mean change in scale scores on LEAP 21 from the spring to the summer administration, for all scores that were *Unsatisfactory* in the spring administration. The scores of first-time students shall be included (i.e. not students who are repeating the grade because of a score of *Unsatisfactory* in the previous year. If a student is tested in the spring but not in the summer, the change for that student's score shall be "0." If a student is tested in the summer but not in the spring, the spring score shall be assumed to be the 10th percentile of students tested in the spring. Four averages shall be computed for each district- ELA and mathematics for both 4th and 8th grades. The district score shall be the weighted average of the four results. Students' summer school results shall be attributed to the district in which they took the summer test.

Formula for Converting Part B to an Index: $5 * (\text{average scale score gain})$.

Implications of Index Part B:
 A scale score gain of 20 points shall yield an Index of 100.
 A scale score gain of 30 points shall yield an Index of 150.

Indicator 2: The Change in SPS for all schools relative to Growth Targets

The Louisiana Department of Education shall compute the change in School Performance Scores (SPSs) for all schools in the district. The relative change in SPSs for all schools shall be the weighted sum of gains (weighted by the school's enrollment) divided by the weighted sum of Growth Targets.

Formula for Converting to an Index: $100 * (\text{the relative change in SPS})$.

Implications of Index:
 All schools meeting their Growth Targets shall yield an Index of 100.
 All schools achieving 1.5 times their Growth Targets shall yield an Index of 150.

Indicator 3: The change in LEAP 21 first-time passing rate from one year to the next

The Louisiana Department of Education shall calculate the simple average of two statistics when calculating an index score for the change in LEAP 21 first-time passing rate from one year to the next. The scores of first-time test-takers shall be used for each statistic

Part A: percent passing

Formula for Converting Part A to an Index: $3.333 * (\text{Percent passing} - 50)$.

Implications of Index for Part A:
 An 80% pass rate shall yield an Index of 100.
 A 95% pass rate shall yield an Index of 150.

Part B: Improvement in percentage passing

Formula for Converting Part B to an Index: $25 * (\text{change in passing rate} + 2)$.

Implications of Index for Part B:
 A 2% increase yields an Index of 100.
 A 4% increase yields an Index of 150.

The results of Part B shall be limited to a minimum value of "0" and a maximum of "200."

Indicator 4: Certified Teachers

For the purpose of District Accountability, the Louisiana Department of Education shall define certified teachers as those who hold an A, B, or C certificate or who have been certified in accordance with the 12-Hour rule and whose certification includes 100 percent of the classes they teach. The Louisiana Department of Education shall use two statistics when calculating an index score for certified teachers.

Part A: The percentage of certified teachers in schools below the state average¹

The Louisiana Department of Education shall calculate this statistic by multiplying 100 times the number of teachers in the district that are certified divided by the number of teachers in the district. If no schools in the district are scoring below the state average, Part A of this indicator shall not apply and the total weight of this indicator shall be applied to Part B.

Formula for Converting Part A to an Index: 5* (percent certified^{C70})
 Implications of Index for Part A:
 90 percent of teachers certified shall yield an Index of 100.
 100 percent of teachers certified shall yield an Index of 150.

Part B: The percentage of certified teachers in the district

The Louisiana Department of Education shall calculate this statistic by multiplying 100 times the number of teachers in the district that are certified divided by the number of teachers in the district.

Formula for Converting Part A to an Index: 5* (percent certified^{C70})
 Implications of Index for Part A: 90 percent of teachers certified shall yield an Index of 100.

100 percent of teachers certified shall yield an Index of 150.
¹The Louisiana Department of Education calculates two state averages: a state average for K-8 schools and a state average for 9-12 and combination schools. Combination schools are schools that contain 10th and/or 11th grade and a 4th and/or 8th grade (i.e., a school with grades 7-12)

Performance Labels

1.007.02 A district shall not receive a label for its District Performance Score. A label shall be reported for the District Responsibility Index (DRI) and for each of the four indicators.

District Responsibility Index	Label
120.0 or more	Excellent
100.0-119.9	Very Good
80.0-99.9	Good
60.0-79.9	Poor
0.0-59.9	Unsatisfactory

Corrective Actions

1.007.03 The Louisiana Department of Education shall report district scores and labels on every school district. Consequences imposed on a district shall be based on its District Responsibility Index (DRI). Any district receiving a Performance Label of *Unsatisfactory* for its DRI shall become subject to an operational audit. If a district scores Unsatisfactory again within two years, the SBESE shall have the authority to act on the audit findings, including the withholding of funds to which the district might otherwise be entitled.

Progress Report

1.007.04 The Louisiana Department of Education shall publish a District Accountability Report. The report shall contain the labels for the DRI and for each of the four indicators. The report shall also contain the percent poverty,

poverty ranking, and percentage of students enrolled in public education for the district

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Weegie Peabody
 Executive Director

0205#014

RULE

**Department of Environmental Quality
 Office of Environmental Assessment
 Environmental Planning Division**

Incorporation by Reference C2001
 (LAC 33:I.3931; III.507, 1432, 3003, 5116, 5122, 5311; V.Chapter 30.Appendices A-L; IX.2301, 2531, 2533; XV.1517)(OS043*)

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 Environmental Quality regulations, LAC 33:I.3931; 33:III.507, 1432, 3003, 5116, 5122, and 5311; 33:V.Chapter 30.Appendices A-L; 33:IX.2301, 2531, and 2533; and 33:XV.1517 (Log #OS043*).

This Rule is identical to federal regulations found in 10 CFR 71, 7/1/2001; 40 CFR 60, 61, 63, 70.6, 93, 117.3, 122.29, 136, 266.Appendices A-M, 302.4, 401, and 405-471, 7/1/2001, 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 incorporates by reference into LAC 33:I, III, V, IX, and XV the corresponding regulations in 10 CFR 71 and 40 CFR Parts 60, 61, 63, 70.6, 93, 117.3, 122.29, 136, 144.63, 266, 302.4, 401, and 405-471, July 1, 2001. In order for Louisiana to maintain equivalency with federal regulations, the most current Code of Federal Regulations must be adopted into the LAC.

On March 5, 2002, EPA adopted revisions to Sections 112(g) and 112(j) of the Clean Air Act Amendments of 1990. The rule is titled, "National Emission Standards for Hazardous Air Pollutants for Source Categories: General Provisions and Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j)." In effect, the requirement to submit a Title V permit application on May 15, 2002, for any facility whose source category Part 63 (MACT) Rule has not been promulgated by May, 15, 2002, is revised to a requirement to submit a Part 1 Permit Application. A Fact Sheet that includes the web address for the newly promulgated rule may be found at the following web address: http://www.epa.gov/tn/oarpg/t3/fact_sheets/gprctd_fs.pdf. This federal rule is being incorporated by reference in this Rule (OS043*).

This rulemaking is necessary to maintain delegation, authorization, etc., granted to Louisiana by EPA. This incorporation by reference package is being proposed to keep Louisiana's regulations current with their federal counterparts. The basis and rationale for this Rule are to mirror the federal regulations in order to maintain equivalency.

This Rule meets an exception listed in R.S. 30:2019.D.(2) and R.S. 49:953.G.(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed 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 2. Notification**

Chapter 39. Notification Regulations and Procedures for Unauthorized Discharges

Subchapter E. Reportable Quantities for Notification of Unauthorized Discharges

§3931. Reportable Quantity List for Pollutants

A. ...

1. 40 CFR 117.3 (7-1-01 Edition) Table 117.3-Reportable Quantities of Hazardous Substances Designated Pursuant to Section 311 of the Clean Water Act; and

2. 40 CFR 302.4 (7-1-01 Edition) Table 302.4-List of Hazardous Substances and Reportable Quantities; Appendix A to §302.4-Sequential CAS Registry Number List of CERCLA Hazardous Substances.

B. - Note @. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025.J, R.S. 30:2060.H, R.S. 30:2076.D, R.S. 30:2183.I, R.S. 30:2194.C, R.S. 30:2204.A, and R.S. 30:2373.B.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:183 (February 1994), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:944 (September 1995), LR 22:341 (May 1996), amended by the Office of the Secretary, LR 24:1288 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:2229 (December 2001), LR 28:994 (May 2002).

Part III. Air

Chapter 5. Permit Procedures

§507. Part 70 Operating Permits Program

A. - B.1. ...

2. No Part 70 source may operate after the time that the owner or operator of such source is required to submit a permit application under Subsection C of this Section, unless an application has been submitted by the submittal deadline and such application provides information addressing all applicable sections of the application form and has been certified as complete in accordance with LAC 33:III.517.B.1. No Part 70 source may operate after the deadline provided for supplying additional information requested by the permitting authority under LAC 33:III.519, unless such additional information has been submitted within the time specified by the permitting authority. Permits issued to the Part 70 source under this Section shall include the elements required by 40 CFR 70.6. The Louisiana Department of Environmental Quality hereby adopts and incorporates by reference the provisions of 40 CFR 70.6(a),

as in effect on July 1, 2001. Upon issuance of the permit, the Part 70 source shall be operated in compliance with all terms and conditions of the permit. Noncompliance with any federally applicable term or condition of the permit shall constitute a violation of the Clean Air Act and shall be grounds for enforcement action; for permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application.

C. - J.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011, 2023, 2024 and 2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), LR 20:1375 (December 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2447 (November 2000), LR 27:2229 (December 2001), LR 28:994 (May 2002).

Chapter 14. Conformity

Subchapter B. Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded, or Approved Under Title 23 U.S.C. or the Federal Transit Act

§1432. Incorporation by Reference

A. 40 CFR Part 93, Subpart A, July 1, 2001, is hereby incorporated by reference with the exclusion of Section 105.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 24:1280 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:2229 (December 2001), LR 28:994 (May 2002).

Chapter 30. Standards of Performance for New Stationary Sources (NSPS)

Subchapter A. Incorporation by Reference (IBR)

§3003. IBR 40 Code of Federal Regulations (CFR) Part 60

A. Except as modified in this Section, regulations at 40 CFR Part 60, as revised July 1, 2001, and specified below in Tables 1 and 1.A are hereby incorporated by reference as they apply to the State of Louisiana.

Table 1 - Table 1.A. ...

B. Corrective modification and clarification are made as follows.

1. Whenever the referenced regulations (i.e., 40 CFR Part 60) provide authority to "the Administrator," such authority, in accordance with these regulations, shall be exercised by the administrative authority or his designee, notwithstanding any authority exercised by the U.S. Environmental Protection Agency (EPA). Reports, notices, or other documentation required by the referenced regulations (i.e., 40 CFR Part 60) to be provided to "the Administrator" shall be provided to the Office of Environmental Assessment, Environmental Technology Division where the state is designated authority by EPA as "the Administrator" or shall be provided to the Office of Environmental Assessment, Environmental Technology Division and EPA where EPA retains authority as "the Administrator."

2. 40 CFR Part 60 Subpart A, Section 60.4 (b)(T) shall be modified to read as follows: State of Louisiana: Office of Environmental Assessment, Environmental Technology Division, Department of Environmental Quality.

3. The availability to the public of information provided to or otherwise obtained by the state under this Chapter shall be governed by LAC 33:I.501-509.

4. Clarification of MSW landfill milestones are as follows: design plans are due on or before January 28, 1999; awarding of contracts is due on or before June 28, 1999; initiation of on-site construction is due on or before September 28, 1999; initial performance test is to be completed on or before March 28, 2000; and final compliance is due on or before April 28, 2000.

5. The department's Section 111(d) emission guideline plan for Hospital/Medical/Infectious Waste Incinerators includes the following CFR citations: 40 CFR 60.30, 60.30(e), 60.31(e), 60.32(e), 60.33(e), 60.35(e), 60.36(e), 60.37(e), 60.38(e), and 60.39(e). Until the department has a mechanism to approve training programs in compliance with 40 CFR 60.34(e), the department accepts accreditation approved by other states complying with 40 CFR 60.34(e).

C. Copies of documents incorporated by reference in this Chapter may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20242.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 22:1212 (December 1996), amended LR 23:1681 (December 1997), LR 24:1287 (July 1998), LR 24:2238 (December 1998), LR 25:1239 (July 1999), LR 25:1797 (October 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1607 (August 2000), LR 26:2460 (November 2000), LR 26:2608 (November 2000), LR 27:2229 (December 2001), LR 28:994 (May 2002).

Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program

Subchapter B. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)

§5116. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants published in the *Code of Federal Regulations* at 40 CFR Part 61, dated July 1, 2001, and specifically listed in the following table are hereby incorporated by reference as they apply to sources in the state of Louisiana.

40 CFR 61	Subpart/Appendix Heading

[See Prior Text in Subpart A - Appendix C]	

B. - C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), LR 23:1658 (December 1997), amended LR 24:1278 (July 1998), LR 25:1464 (August 1999), LR 25:1797 (October 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2271 (October 2000), LR 27:2230 (December 2001), LR 28:995 (May 2002).

Subchapter C. Incorporation by Reference of 40 CFR Part 63 (National Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Major Sources

§5122. Incorporation by Reference of 40 CFR Part 63 (National Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Major Sources

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories published in the *Code of Federal Regulations* at 40 CFR Part 63, dated July 1, 2001, and specifically listed in the following table are hereby incorporated by reference as they apply to major sources in the state of Louisiana. Also incorporated by reference is EPA rule entitled "National Emission Standards for Hazardous Air Pollutants for Source Categories: General Provisions and Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j)," promulgated on April 5, 2002, in the *Federal Register*.

40 CFR 63	Subpart/Appendix Heading

[See Prior Text in Subpart A - Appendix D]	

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR 23:1659 (December 1997), LR 24:1278 (July 1998), LR 24:2240 (December 1998), LR 25:1464 (August 1999) LR 25:1798 (October 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:690 (April 2000), LR 26:2271 (October 2000), LR 27:2230 (December 2001), LR 28:995 (May 2002).

Chapter 53. Area Sources of Toxic Air Pollutants
Subchapter B. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Area Sources

§5311. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Area Sources

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories published in the *Code of Federal Regulations* at 40 CFR Part 63, dated July 1, 2001,

and specifically listed in the following table are hereby incorporated by reference as they apply to area sources in the state of Louisiana.

40 CFR 63	Subpart/Appendix Heading

[See Prior Text in Subpart A - Subpart X]	

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:63 (January 1997), amended LR 23:1660 (December 1997), LR 24:1279 (July 1998), LR 25:1464 (August 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:2230 (December 2001), LR 28:995 (May 2002).

Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality Hazardous Waste

Chapter 30. Hazardous Waste Burned in Boilers and Industrial Furnaces
Appendices

Appendix A. Tier I and Tier II Feed Rate and Emissions Screening Limits For Metals

A. 40 CFR 266, Appendix I, July 1, 2001, is hereby incorporated by reference.

Appendix B. Tier I Feed Rate Screening Limits for Total Chlorine

A. 40 CFR 266, Appendix II, July 1, 2001, is hereby incorporated by reference.

Appendix C. Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride

A. 40 CFR 266, Appendix III, July 1, 2001, is hereby incorporated by reference.

Appendix D. Reference Air Concentrations

A. 40 CFR 266, Appendix IV, July 1, 2001, is hereby incorporated by reference, except that in regulations incorporated thereby, references to 40 CFR 261, Appendix VIII and 266, Appendix V shall mean LAC 33:V.3105.Table 1 and Appendix E of this Chapter, respectively.

Appendix E. Risk Specific Doses (10⁻⁵)

A. 40 CFR 266, Appendix V, July 1, 2001, is hereby incorporated by reference.

Appendix F. Stack Plume Rise [Estimated Plume Rise (in Meters) Based on Stack Exit Flow Rate and Gas Temperature]

A. 40 CFR 266, Appendix VI, July 1, 2001, is hereby incorporated by reference.

Appendix G. Health-Based Limits for Exclusion of Waste-Derived Residues

A. 40 CFR 266, Appendix VII, July 1, 2001, is hereby incorporated by reference, except that in regulations incorporated thereby, 40 CFR 261, Appendix VIII, 266.112(b)(1) and (b)(2)(i), and 268.43 shall mean LAC 33:V.3105.Table 1, 3025.B.1 and B.2.a, and Chapter 22.Table 2, respectively.

Appendix H. Organic Compounds for Which Residues Must be Analyzed

A. 40 CFR 266, Appendix VIII, July 1, 2001, is hereby incorporated by reference.

Appendix I. Methods Manual for Compliance with the BIF Regulations

A. 40 CFR 266, Appendix IX, July 1, 2001, is hereby incorporated by reference, except as follows.

A.1. - B. ...

Appendix J. Lead-Bearing Materials That May Be Processed in Exempt Lead Smelters

A. 40 CFR 266, Appendix XI, July 1, 2001, is hereby incorporated by reference.

Appendix K. Nickel or Chromium-Bearing Materials That May Be Processed in Exempt Nickel-Chromium Recovery Furnaces

A. 40 CFR 266, Appendix XII, July 1, 2001, is hereby incorporated by reference, except that the footnote should be deleted.

Appendix L. Mercury-Bearing Wastes That May Be Processed in Exempt Mercury Recovery Units

A. 40 CFR 266, Appendix XIII, July 1, 2001, is hereby incorporated by reference, except that in regulations incorporated thereby, 40 CFR 261, Appendix VIII shall mean LAC 33:V.3105.Table 1.

Part IX. Water Quality
Chapter 23. The LPDES Program

Subchapter A. Definitions and General Program Requirements

§2301. General Conditions

A. - E. ...

F. All references to the *Code of Federal Regulations* (CFR) contained in this Chapter (e.g., 40 CFR 122.29) shall refer to those regulations published in the July 1, 2001 *Code of Federal Regulations*, unless otherwise noted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074.B.3 and B.4.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:199 (February 1997), LR 23:722 (June 1997), LR 25:1467 (August 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1609 (August 2000), LR 27:2231 (December 2001), LR 28:996 (May 2002).

§2531. 40 CFR Part 136

A. Title 40 (Protection of the Environment) *Code of Federal Regulations* (CFR) Part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants, revised July 1, 2001, in its entirety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074.B.3 and B.4.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:958 (August 1997), LR 25:1467 (August 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1609 (August 2000), LR 27:2231 (December 2001), LR 28:996 (May 2002).

§2533. 40 CFR Chapter I, Subchapter N

A. Title 40 (Protection of the Environment) CFR, Chapter I, Subchapter N (Effluent Guidelines and Standards), revised July 1, 2001, Parts 401 and Parts 405-471 in their entirety.

NOTE: General Pretreatment Regulations for Existing and New Sources of Pollution found in Part 403 of Subchapter N have been included in these regulations as Subchapter T.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074.B.3 and B.4.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:958 (August 1997), LR 25:1467 (August 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1609 (August 2000), LR 27:2232 (December 2001), LR 28:996 (May 2002).

Part XV. Radiation Protection

Chapter 15. Transportation of Radioactive Material
§1517. Incorporation by Reference

A. The department incorporates by reference 10 CFR Part 71, Appendix A (July 1, 2001).

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), LR 27:2233 (December 2001), LR 28:997 (May 2002).

James H. Brent, Ph.D.
 Assistant Secretary

0205#031

RULE

Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division

Permit Procedures C Insignificant Activities List
 (LAC 33:III.501)(AQ222)

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 had amended the Air Quality regulations, LAC 33:III.501 (Log #AQ222).

This rule adds activities to the "Insignificant Activities List." These activities (LAC 33:III.501.B.5) are approved by the permitting authority as insignificant on the basis of size, emission or production rate, or type of pollutant. By such listing, the permitting authority exempts certain sources or types of sources from the requirement to obtain a permit under LAC 33:III.Chapter 5, unless it is determined by the permitting authority on a site-specific basis that any such exemption is not appropriate. The regulated community has asked for an expansion of the "Insignificant Activities List" under LAC 33:III.Chapter 5.Permit Procedures. Previously, the list included approximately 45 activities or emission sources that produce air pollutants in such small amounts that they are exempted from the requirement to obtain a permit under Chapter 5. This rule adds ten insignificant activities to the list. This addition will benefit existing permitted sources in reducing the number of temporary variances or permit minor modifications they are required to obtain from the department. For example, a variance was required to bring in a small portable gasoline tank used to fuel mobile equipment for a maintenance project. Under the expanded list, this does not require a permit action, provided the tank emissions from the temporary tank met the insignificant standard specified in the regulation. Also, small businesses will be aided by reducing the requirements to

obtain an air emissions permit or temporary variance, particularly when bringing in equipment on a temporary basis for construction or maintenance activities, provided such equipment met all the standards defining an insignificant emission source. For example, an existing small business not otherwise required to have an air emissions permit will not have to obtain a permit to add a permanent standby electrical generator for use only during power outages, provided such use met the standards defining the insignificant emission source. The basis and rationale for this rule are to further simplify and streamline the permitting process involving very small air emission sources.

This rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 5. Permit Procedures

§501. Scope and Applicability

[See Prior Text in A. - B.4.b]

5. Insignificant Activities List. Those activities listed in the following table are approved by the permitting authority as insignificant on the basis of size, emission or production rate, or type of pollutant. By such listing, the permitting authority exempts certain sources or types of sources from the requirement to obtain a permit under this Chapter unless it is determined by the permitting authority on a site-specific basis that any such exemption is not appropriate. The listing of any activity or emission unit as insignificant does not authorize the maintenance of a nuisance or a danger to public health or safety. Any activity for which a state or federal applicable requirement applies is not insignificant, even if the activity meets the criteria below. For the purpose of permitting requirements under LAC 33:III.507, no exemption listed in the following table shall become effective until approved by the administrator in accordance with 40 CFR part 70.

Insignificant Activities List	
A. Based on Size or Emission Rate	
Permit applications submitted under Subsection A of this Section for sources that include any of the following emissions units, operations, or activities must either list them as insignificant activities or provide the information for emissions units as specified under LAC 33:III.517:	
1. external combustion equipment with a design rate greater than or equal to 1 million BTU per hour, but less than or equal to 10 million BTU per hour, provided that the aggregate emissions from all such units listed as insignificant do not exceed five tons per year;	

[See Prior Text in 2-3]	
4. emissions of any inorganic air pollutant that is not a regulated air pollutant as defined under LAC 33:III.502, provided that the aggregate emissions from all such pollutants listed as insignificant do not exceed five tons per year;	
5. external combustion equipment with a design rate less than 1 million BTU per hour;	

6. emissions from laboratory equipment/vents used exclusively for routine chemical or physical analysis for quality control or environmental monitoring purposes, provided that the aggregate emissions from all such equipment vents considered insignificant do not exceed five tons per year, do not exceed any minimum emission rate listed in LAC 33:III.Chapter 51, Table 51.1, and do not exceed any hazardous air pollutant de minimis rate established in accordance with section 112(g) of the federal Clean Air Act;
7. noncommercial water washing operations of empty drums less than or equal to 55 gallons with less than 3 percent of the maximum container volume of material;
8. portable fuel tanks used on a temporary basis in maintenance and construction activities, provided that the aggregate emissions from all such tanks listed as insignificant do not exceed five tons per year;
9. emissions from process stream or process vent analyzers, provided that the aggregate emissions from all such analyzers listed as insignificant do not exceed five tons per year, do not exceed any minimum emission rate listed in LAC 33:III.Chapter 51, Table 51.1, and do not exceed any hazardous air pollutant de minimis rate established in accordance with section 112(g) of the federal Clean Air Act;
10. storage tanks containing, exclusively, soaps, detergents, surfactants, waxes, glycerin, vegetable oils, greases, animal fats, sweetener, molasses, corn syrup, aqueous salt solutions, or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials, the tanks are not subject to 40 CFR 60, subpart Kb or other federal regulation, and the aggregate emissions from all such tanks listed as insignificant do not exceed five tons per year, do not exceed any minimum emission rate listed in LAC 33:III.Chapter 51, Table 51.1, and do not exceed any hazardous air pollutant de minimis rate established in accordance with section 112(g) of the federal Clean Air Act;
11. catalyst charging operations, provided all such operations listed as insignificant do not exceed five tons per year, do not exceed any minimum emission rate listed in LAC 33:III.Chapter 51, Table 51.1, and do not exceed any hazardous air pollutant de minimis rate established in accordance with section 112(g) of the federal Clean Air Act; and
12. portable cooling towers used on a temporary basis in maintenance activities, provided the aggregate emissions from all such cooling towers listed as insignificant do not exceed five tons per year, do not exceed any minimum emission rate listed in LAC 33:III.Chapter 51, Table 51.1, and do not exceed any hazardous air pollutant de minimis rate established in accordance with section 112(g) of the federal Clean Air Act.
B. Based on Activity
The following activities need not be included in a permit application:
* * *
[See Prior Text in 1-3]
4. exhaust emissions or vehicle refueling emissions from cars, trucks, forklifts, courier vehicles, front-loaders, graders, cranes, carts, maintenance trucks, locomotives, helicopters, marine vessels, and other self-propelled on-road and nonroad mobile sources unless required to obtain a permit under Title V of the Clean Air Act. This exemption does not include any transportable emissions units such as temporary compressors or boilers, unless regulated by Title II of the Clean Air Act. This exemption does not cover loading racks or fueling operations covered by LAC 33:III.Chapter 21;
* * *
[See Prior Text in 5-31]
32. emergency use generators, boilers, or other fuel burning equipment that is of equal or smaller capacity than the primary operating unit, cannot be used in conjunction with the primary operating unit [except for short durations when shutting down the primary operating unit (maximum of 24 hours) and when starting up the primary operating unit until it reaches steady-state operation (maximum of 72 hours)], and does not increase emissions of or the potential to emit any regulated air pollutant;
* * *
[See Prior Text in 33-38]
39. tall oil soap storage, skimming, and loading;
40. emissions from caustic storage tanks that contain no VOC;

41. emissions from fire fighting training conducted in accordance with LAC 33:III.1109.D.7;
42. emissions from <i>oil and gas well and pipeline</i> as defined in accordance with LAC 33:III.502;
43. produced water treatment units (e.g., Wemco units) on crude oil and natural gas production platforms in state waters of the Gulf of Mexico that discharge produced water in accordance with an LPDES permit. These units are the final step in water treatment prior to water discharge under the LPDES permit;
44. portable diesel fuel storage tanks used on a temporary basis in maintenance and construction activities;
45. emergency electrical power generators used only during power outages at sites not otherwise required to have a permit under LAC 33:III.Chapter 5 and operated no more than 500 hours per year; and
46. reserved.
* * *
[See Prior Text in C-D.d]

¹State or federal regulations may apply.

* * *

[See Prior Text in B.6 - C.10]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011 and 2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:613 (July 1990), LR 17:478 (May 1991), LR 19:1420 (November 1993), LR 20:1281 (November 1994), LR 20:1375 (December 1994), LR 23:1677 (December 1997), amended by the Office of the Secretary, LR 25:660 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2445 (November 2000), LR 28:997 (May 2002).

James H. Brent, Ph.D.
Assistant Secretary

0205#040

RULE

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

RCRA XI Authorization
(LAC 33:V.Chapters 1, 3, 22, 31, 42, and 49)(HW080*)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Hazardous Waste regulations, LAC 33:V.109, 321, 2213, 2215, 2236, Chapter 22.Appendix.Tables 2, 7, 9, and 11, 3105, 4201-4243, 4901, and 4909 (Log #HW080*).

This rule is identical to federal regulations found in 65 FR 42292-42302, July 10, 2000; 65 FR 67068-67133, November 8, 2000; 65 FR 81373-81381, December 26, 2000; 66 FR 24270-24272, May 14, 2001; 66 FR 27218-27266 and 27266-27297, May 16, 2001; and 66 FR 35087-35107, October 16, 2001, 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 includes changes to the Hazardous Waste regulations on the following topics that are required by the Environmental Protection Agency for continued authorization of the RCRA program in the state of Louisiana: NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors; Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Chlorinated Aliphatics Production Wastes; Land Disposal Restrictions for Newly Identified Wastes; CERCLA Hazardous Substance Designation and Reportable Quantities; Deferral of Phase IV Standards for PCBs as a Constituent Subject to Treatment in Soil; Storage, Treatment, and Disposal of Mixed Waste; and Hazardous Waste Identification Rule (HWIR): Revisions to the Mixture and Derived From Rules. The basis and rationale for this rule are to mirror the federal regulations.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 1. General Provisions and Definitions

§109. Definitions

For all purposes of these rules and regulations, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

* * *

Hazardous Waste Ca solid waste, as defined in this Section, is a hazardous waste if:

1. - 2.b. ...

c. it is a mixture of solid waste and one or more hazardous wastes listed in LAC 33:V.4901 and has not been excluded from Paragraph 2 or Subparagraphs 4.f and g of this definition under LAC 33:V.105.D and M; however, the following mixtures of solid wastes and hazardous wastes listed in LAC 33:V.4901 are not hazardous wastes (except by application of Subparagraph 2.a or b of this definition) if the generator can demonstrate that the mixture consists of wastewater, the discharge of which is subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act (including wastewater at facilities that have eliminated the discharge of wastewater) and:

i. one or more of the following solvents listed in LAC 33:V.4901.BC carbon tetrachloride, tetrachloroethylene, trichloro-ethylene C provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed one part per million; or

ii. one or more of the following spent solvents listed in LAC 33:V.4901.BC methylene chloride, 1,1,1-trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents C provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the

headworks of the facility's wastewater treatment or pretreatment system does not exceed 25 parts per million; or

iii. one of the following wastes listed in LAC 33:V.4901.C, provided that the wastes are discharged to the refinery oil recovery sewer before primary oil/water/solids separation C heat exchanger bundle cleaning sludge from the petroleum refining industry (EPA Hazardous Waste Number K050), crude oil storage tank sediment from petroleum refining operations (EPA Hazardous Waste Number K169), clarified slurry oil tank sediment and/or in-line filter/separation solids from petroleum refining operations (EPA Hazardous Waste Number K170), spent hydrotreating catalyst (EPA Hazardous Waste Number K171), and spent hydrorefining catalyst (EPA Hazardous Waste Number K172); or

iv. a discarded commercial chemical product or chemical intermediate listed in LAC 33:V.4901.D and E arising from de minimis losses of these materials from manufacturing operations in which these materials are used as raw materials or are produced in the manufacturing process. For purposes of this Clause, "de minimis" losses include those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers rendered empty by that rinsing; or

v. wastewater resulting from laboratory operations containing toxic (T) wastes listed in LAC 33:V.4901, provided that the annualized average flow of laboratory wastewater does not exceed 1 percent of total wastewater flow into the headworks of the facility's wastewater treatment or pretreatment system, or provided the wastes' combined annualized average concentration does not exceed one part per million in the headworks of the facility's wastewater treatment or pretreatment facility. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be included in this calculation; or

vi. one or more of the following wastes listed in LAC 33:V.4901.CC wastewaters from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste Number K157) C provided that the maximum weekly usage of formaldehyde, methyl chloride, methylene chloride, and triethylamine (including all amounts that cannot be demonstrated to be reacted in the process, destroyed through treatment, or are recovered, i.e., what is discharged or volatilized) divided by the average weekly flow of process wastewater prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of five parts per million by weight; or

vii. wastewaters derived from the treatment of one or more of the following wastes listed in LAC 33:V.4901.CC organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste Number K156) C provided that the maximum concentration of formaldehyde, methyl chloride,

methylene chloride, and triethylamine prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of five milligrams per liter; and

d. Rebuttable Presumption for Used Oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in LAC 33:V.4901. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (e.g., by using an analytical method from LAC 33:V.Chapter 49.Appendix A to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in LAC 33:V.3105.Table 1).

i. The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins, if they are processed through a tolling agreement, to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if such oils/fluids are recycled in any other manner or disposed.

ii. The rebuttable presumption does not apply to used oils contaminated with Chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

3. - 4.e. ...

f. A hazardous waste that is listed in LAC 33:V.4901 solely because it exhibits one or more characteristics of ignitability as defined under LAC 33:V.4903.B, corrosivity as defined under LAC 33:V.4903.C, or reactivity as defined under LAC 33:V.4903.D is not a hazardous waste if the waste no longer exhibits any characteristic of hazardous waste identified in LAC 33:V.4903. The exclusion also pertains to any mixture of a solid waste and a hazardous waste listed in LAC 33:V.4901 solely because it exhibits the characteristics of ignitability, corrosivity, or reactivity, as regulated under Subparagraph 2.c of this definition, and any solid waste generated from treating, storing, or disposing of a hazardous waste listed in LAC 33:V.4901 solely because it exhibits the characteristics of ignitability, corrosivity, or reactivity, as regulated under Clause 4.b.i of this definition. Wastes excluded under this Subparagraph are subject to LAC 33:V.Chapter 22 (as applicable), even if they no longer exhibit a characteristic at the point of land disposal.

g. Hazardous waste containing radioactive waste is no longer a hazardous waste when it meets the eligibility criteria and conditions of LAC 33:V.Chapter 42. This exemption also pertains to any mixture of a solid waste and an eligible radioactive mixed waste and any solid waste generated from treating, storing, or disposing of an eligible radioactive mixed waste. Waste exempted under this Subparagraph must meet the eligibility criteria and specified conditions in LAC 33:V.4205 and 4207 (for storage and treatment) and in LAC 33:V.4223 and 4225 (for transportation and disposal). Waste that fails to satisfy these eligibility criteria and conditions is regulated as hazardous waste.

5. - 6.b. ...

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790, 791 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:218 (March 1990), LR 16:220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), amended LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR 25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000), LR 26:2465 (November 2000), LR 27:291 (March 2001), LR 27:708 (May 2001), LR 28:999 (May 2002).

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

§321. Modification of Permits

A. - C.10. ...

a. Facility owners or operators must have complied with the Notification of Intent to Comply (NIC) requirements of 40 CFR 63.1210 that were in effect prior to May 14, 2001 (see 40 CFR 63, revised as of July 10, 2000) in order to request a permit modification under this Section.

C.10.b. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 15:378 (May 1989), LR 16:614 (July 1990), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1691 (September 1998), LR 25:435 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2466 (November 2000), LR 28:1000 (May 2002).

Chapter 22. Prohibitions on Land Disposal

Subchapter A. Land Disposal Restrictions

§2213. Waste-Specific Prohibitions—Chlorinated Aliphatic Wastes

A. Effective May 8, 2001, the wastes specified in LAC 33:V.Chapter 49 as EPA Hazardous Waste Numbers K174 and K175, soil and debris contaminated with these wastes, radioactive wastes mixed with these wastes, and soil and debris contaminated with radioactive wastes mixed with these wastes are prohibited from land disposal.

B. The requirements of Subsection A of this Section do not apply if:

1. the wastes meet the applicable treatment standards specified in this Chapter;

2. persons have been granted an exemption from a prohibition in accordance with a petition under LAC 33:V.2241 or 2271, with respect to those wastes and units covered by the petition;

3. the wastes meet the applicable treatment standards established in accordance with a petition granted under LAC 33:V.2231;

4. hazardous debris has met the treatment standards in LAC 33:V.2223 or the alternative treatment standards in LAC 33:V.2230; or

5. persons have been granted an extension to the effective date of the prohibition granted in accordance with LAC 33:V.2239, with respect to the wastes covered by the extension.

C. To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in LAC 33:V.2223, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains regulated constituents in excess of the applicable levels of LAC 33:V.2223, the waste is prohibited from land disposal and all requirements of this Chapter are applicable, except as otherwise specified.

D. Disposal of K175 wastes that have complied with all applicable LAC 33:V.2223 treatment standards must also be macroencapsulated in accordance with Table 8 of this Chapter, unless the waste is placed in:

1. a RCRA Subtitle C monofill containing only K175 wastes that meet all applicable LAC 33:V.2223 treatment standards; or

2. a dedicated RCRA Subtitle C landfill cell in which all other wastes being disposed are at a pH less than or equal to 6.0.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1000 (May 2002).

§2215. Waste Specific Prohibitions—Soils Exhibiting the Toxicity Characteristic for Metals and Containing PCBs

A. Effective December 26, 2000, the following wastes are prohibited from land disposal: any volume of soils exhibiting the toxicity characteristic solely because of metals (D004-D011) and containing PCBs.

B. Requirements of Subsection A of this Section do not apply if:

1. the wastes contain halogenated organic compounds (see Table 9 of this Chapter) in total concentrations of less than 1,000 mg/kg and meet the treatment standards specified in LAC 33:V.2223 for EPA Hazardous Waste Numbers D004-D011, as applicable;

2. the wastes contain halogenated organic compounds in total concentrations of less than 1,000 mg/kg and meet the alternative treatment standards specified in LAC 33:V.2236 for contaminated soil;

3. persons have been granted an exemption from a prohibition in accordance with a petition under LAC 33:V.2241, with respect to those wastes and units covered by the petition; or

4. the wastes meet applicable alternative treatment standards established in accordance with a petition granted under LAC 33:V.2231.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1001 (May 2002).

§2236. Alternative Land Disposal Restriction (LDR) Treatment Standards for Contaminated Soil

A. - C.3.b. ...

D. Constituents Subject to Treatment. When applying the soil treatment standards in Subsection C of this Section, constituents subject to treatment are any constituents listed in Table 7 (Universal Treatment Standards) of this Chapter that are reasonably expected to be present in any given volume of contaminated soil, except fluoride, selenium, sulfides, vanadium, and zinc, and that are present at concentrations greater than 10 times the universal treatment standard. PCBs are not a constituent subject to treatment in any given volume of soil that exhibits the toxicity characteristic solely because of the presence of metals.

E. - E.2.b. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, LR 25:446 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:281 (February 2000), LR 27:294 (March 2001), LR 28:1001 (May 2002).

Appendix

Table 2. Treatment Standards for Hazardous Wastes

Waste Code	Waste Description and Treatment/Regulatory Subcategory ¹	Regulated Hazardous Constituent		Wastewaters	Non-Wastewaters
		Common Name ***	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP" or Technology Code ⁴
[See Prior Text in D001-F038]					
F039	Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under LAC 33:V.Subchapter A. (Leachate resulting from the disposal of one or more of the following EPA Hazardous Wastes and no other Hazardous Wastes retains its EPA Hazardous Waste Number(s): F020, F021, F022, F026, F027, and/or F028.).	*** [See Prior Text in Acenaphthylene-Heptachlor epoxide]			
		1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD)	35822-46-9	0.000035	0.0025
		1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF)	67562-39-4	0.000035	0.0025
		1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF)	55673-89-7	0.000035	0.0025
		*** [See Prior Text in Hexachlorobenzene-N-Nitrosopyrrolidine]			
		1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin (OCDD)	3268-87-9	0.000063	0.005
		1,2,3,4,6,7,8,9-Octachlorodibenzofuran (OCDF)	39001-02-0	0.000063	0.005
		*** [See Prior Text in Parathion-Vanadium]			
*** [See Prior Text K001-K172]					
K174	Wastewater treatment sludges from the production of ethylene dichloride or vinyl chloride monomer.	1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD)	35822-46-9	0.000035 or CMBST	0.0025 or CMBST ¹¹
		1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF)	67562-39-4	0.000035 or CMBST ¹¹	0.0025 or CMBST ¹¹
		1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF)	55673-89-7	0.000035 or CMBST ¹¹	0.0025 or CMBST ¹¹
		HxCDDs (All Hexachlorodibenzo-p-dioxins)	34465-46-8	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
		HxCDFs (All Hexachlorodibenzofurans)	55684-94-1	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
		1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin (OCDD)	3268-87-9	0.000063 or CMBST ¹¹	0.005 or CMBST ¹¹
		1,2,3,4,6,7,8,9-Octachlorodibenzofuran (OCDF)	39001-02-0	0.000063 or CMBST ¹¹	0.005 or CMBST ¹¹
		PeCDDs (All Pentachlorodibenzo-p-dioxins)	36088-22-9	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
		PeCDFs (All Pentachlorodibenzofurans)	30402-15-4	0.000035 or CMBST ¹¹	0.001 or CMBST ¹¹
		TCDDs (All Tetrachlorodibenzo-p-dioxins)	41903-57-5	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
		TCDFs (All Tetrachlorodibenzofurans)	55722-27-5	0.000063 or CMBST ¹¹	0.001 or CMBST ¹¹
K175	Wastewater treatment sludge from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process.	Arsenic	7440-36-0	1.4	5.0 mg/L TCLP
		Mercury ¹²	7438-97-6	NA	0.025 mg/L TCLP
		PH ¹²		NA	pH=6.0
	All K175 wastewaters	Mercury	7438-97-6	0.15	NA
*** [See Prior Text in P001-U411]					

Notes 1 - 11 ...

¹²Disposal of K175 wastes that have complied with all applicable LAC 33:V.2223 treatment standards must also be macroencapsulated in accordance with Table 8 of this Chapter unless the waste is placed in: (1) a RCRA Subtitle C monofill containing only K175 wastes that meet all applicable LAC 33:V.2223 treatment standards; or (2) a dedicated RCRA Subtitle C landfill cell in which all other wastes being disposed are at a pH less than or equal to 6.0.

NOTE: NA means not applicable.

Table 7. Universal Treatment Standards

Regulated Constituent-Common Name	CAS ¹ Number	Wastewater Standard Concentration in mg/l ²	Nonwastewater Standard Concentration in mg/kg ³ unless noted as "mg/l TCLP"
Organic Constituents			

[See Prior Text in Acenaphthylene-Heptachlor epoxide]			
1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD)	35822-46-9	0.000035	0.0025
1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF)	67562-39-4	0.000035	0.0025
1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF)	55673-89-7	0.000035	0.0025

[See Prior Text in Hexachlorobenzene- N-Nitrosopyrrolidine]			
1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin (OCDD)	3268-87-9	0.000063	0.005
1,2,3,4,6,7,8,9-Octachlorodibenzofuran (OCDF)	39001-02-0	0.000063	0.005

[See Prior Text in Oxamyl ⁶ -Parathion]			
Total PCBs (sum of all PCB isomers, or all Arochlors) ⁸	1336-36-3	0.10	10

[See Prior Text in Pebulate ⁶ -Zinc ⁵]			

Notes 1 - 7 ...

⁸This standard is temporarily deferred for soil exhibiting a hazardous characteristic due to D004-D011 only.

NOTE: NA means not applicable.

Table 9.

**List of Halogenated Organic Compounds (HOCs)
Regulated under LAC 33:V.2215**

In determining the concentration of HOCs in a hazardous waste for purposes of the LAC 33:V.2215 land disposal prohibition, EPA has defined the HOCs that must be included in a calculation as any compounds having a carbon-halogen bond that are listed in the table below.

I. Volatiles

1. Bromodichloromethane
2. Bromomethane
3. Carbon Tetrachloride
4. Chlorobenzene
5. 2-Chloro-1, 3-butadiene
6. Chlorodibromomethane
7. Chloroethane
8. 2-Chloroethyl vinyl ether
9. Chloroform
10. Chloromethane
11. 3-Chloropropene
12. 1,2-Dibromo-3-chloropropane
13. 1,2-Dibromomethane
14. Dibromomethane
15. Trans-1, 4-Dichloro-2-butene
16. Dichlorodifluoromethane
17. 1,1-Dichloroethane
18. 1,2-Dichloroethane
19. 1,1-Dichloroethylene
20. Trans-1, 2-Dichloroethene
21. 1,2-Dichloropropane
22. Trans-1, 3-Dichloropropene
23. cis-1, 3-Dichloropropene
24. Iodomethane
25. Methylene chloride
26. 1,1,1,2-Tetrachloroethane
27. 1,1,2,2-Tetrachloroethane
28. Tetrachloroethene
29. Tribromomethane

30. 1,1,1-Trichloroethane
31. 1,1,2-Trichloroethane
32. Trichloroethene
33. Trichloromonofluoromethane
34. 1,2,3-Trichloropropane
35. Vinyl Chloride

II. Semivolatiles

1. Bis(2-chloroethoxy)ethane
2. Bis(2-chloroethyl)ether
3. Bis(2-chloroisopropyl)ether
4. p-Chloroaniline
5. Chlorobenzilate
6. p-Chloro-m-cresol
7. 2-Chloronaphthalene
8. 2-Chlorophenol
9. 3-Chloropropionitrile
10. m-Dichlorobenzene
11. o-Dichlorobenzene
12. p-Dichlorobenzene
13. 3,3'-Dichlorobenzidene
14. 2,4-Dichlorophenol
15. 2,6-Dichlorophenol
16. Hexachlorobenzene
17. Hexachlorobutadiene
18. Hexachlorocyclopentadiene
19. Hexachloroethane
20. Hexachloroprophene
21. Hexachlorpropene
22. 4,4'-Methylenebis(2-chloroaniline)
23. Pentachlorobenzene
24. Pentachloroethane
25. Pentachloronitrobenzene
26. Pentachlorophenol
27. Pronamide
28. 1,2,4,5-Tetrachlorobenzene
29. 2,3,4,6-Tetrachlorophenol
30. 1,2,4-Trichlorobenzene
31. 2,4,5-Trichlorophenol
32. 2,4,6-Trichlorophenol
33. Tris(2, 3-dibromopropyl)phosphate

III. Organochlorine Pesticides

1. Aldrin
2. alpha-BHC
3. beta-BHC
4. delta-BHC
5. gamma-BHC
6. Chlorodane
7. DDD
8. DDE
9. DDT
10. Dieldrin
11. Endosulfan I
12. Endosulfan II
13. Endrin
14. Endrin aldehyde
15. Heptachlor
16. Heptachlor epoxide
17. Isodrin
18. Kepone
19. Methoxychlor
20. Toxaphene

IV. Phenoxyacetic Acid Herbicides

1. 2,4-Dichlorophenoxyacetic acid
2. Silvex
3. 2,4,5-T

V. PCBs

1. Aroclor 1016

2. Aroclor 1221
3. Aroclor 1232
4. Aroclor 1242
5. Aroclor 1248
6. Aroclor 1254
7. Aroclor 1260
8. PCBs not otherwise specified

VI. Dioxins and Furans

1. Hexachlorodibenzo-p-dioxins
2. Hexachlorodibenzofuran
3. Pentachlorodibenzo-p-dioxins
4. Pentachlorodibenzofuran
5. Tetrachlorodibenzo-p-dioxins
6. Tetrachlorodibenzofuran
7. 2,3,7,8-Tetrachlorodibenzo-p-dioxin

Table 11.

Appendix VII, Table 1, Effective Dates of Surface Disposed Wastes (Non-Soil and Debris) Regulated in the LDRs, of 40 CFR 268, published July 1, 2001, and in 66 FR 27297, May 16, 2001, is hereby incorporated by reference.

Chapter 31. Incinerators

§3105. Applicability

A. - E. ...

Table 1. Hazardous Constituents

Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
*** [See Prior Text in A2213 - 5-Nitro-o-toluidine]			
Octachlorodibenzo-p-dioxin (OCDD)	1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin	3268-87-9
Octachlorodibenzofuran (OCDF)	1,2,3,4,6,7,8,9-Octachlorodibenzofuran	39001-02-0
*** [See Prior Text in Octamethylpyrophosphoramidate – Ziram]			

¹The abbreviation N.O.S. (not otherwise specified) signifies those members of the general class not specifically listed by name in this table.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:1139 (December 1985), LR 13:433 (August 1987), LR 14:424 (July 1988), LR 15:737 (September 1989), LR 16:399 (May 1990), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:944 (September 1995), LR 22:835 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:318 (February 1998), LR 24:681 (April 1998), LR 24:1741 (September 1998), LR 25:479 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:301 (March 2001), LR 28:1004 (May 2002).

Chapter 42. Conditional Exemption for Low-Level Mixed Waste Storage and Disposal

§4201. What Definitions Apply to this Chapter?

A. This Chapter uses the following special definitions.

Agreement StateCa state that has entered into an agreement with the NRC under Section 274.b of the Atomic Energy Act of 1954 (AEA), as amended (68 Stat. 919), to assume responsibility for regulating within its borders by-product, source, or special nuclear material in quantities not sufficient to form a critical mass.

Certified DeliveryCertified mail with return receipt requested, equivalent courier service, or other means that provides the sender with a receipt confirming delivery.

Eligible Naturally Occurring and/or Accelerator-Produced Radioactive Material (NARM)CNARM that is eligible for the transportation and disposal conditional exemption. It is a NARM waste that contains RCRA hazardous waste, meets the waste acceptance criteria of, and is allowed by state NARM regulations to be disposed of at a low-level radioactive waste disposal facility (LLRWDF) licensed in accordance with LAC 33:XV.Chapters 3 and 13, NRC, or NRC agreement state equivalent regulations.

Exempted WasteCa waste that meets the eligibility criteria in LAC 33:V.4205 and meets all of the conditions in LAC 33:V.4207 or meets the eligibility criteria in LAC 33:V.4223 and complies with all the conditions in LAC 33:V.4225. Such waste is conditionally exempted from the regulatory definition of hazardous waste described in LAC 33:V.109.

Hazardous WasteCany material that is defined to be hazardous waste in accordance with LAC 33:V.109, definition of *hazardous waste*.

Land Disposal Restriction (LDR) Treatment StandardsCtreatment standards, under LAC 33:V.Chapter

22, that a RCRA hazardous waste must meet before it can be disposed of in a RCRA hazardous waste land disposal unit.

*License*Ca license issued by the department, NRC, or a NRC agreement state to users that manage radionuclides regulated by the department, NRC, or NRC agreement states under authority of the Atomic Energy Act of 1954, as amended (see LAC 33:XV.102).

*Low-Level Mixed Waste (LLMW)*Ca waste that contains both low-level radioactive waste and RCRA hazardous waste.

*Low-Level Radioactive Waste (LLRW)*Ca radioactive waste that is not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or by-product material, as defined in Section 11e.(2) of the Atomic Energy Act (see also the definition of *waste* at LAC 33:XV.102).

*Mixed Waste*Ca waste that contains both RCRA hazardous waste and source, special nuclear, or by-product material subject to the Atomic Energy Act of 1954, as amended.

*Naturally Occurring and/or Accelerator-Produced Radioactive Material (NARM)*Cradioactive materials that are:

- a. naturally occurring and are not source, special nuclear, or by-product materials, as defined by the AEA; or
- b. produced by an accelerator. NARM is regulated by the states under state law or by Department of Energy (DOE), as authorized by the AEA under DOE orders.

*NRCC*the U. S. Nuclear Regulatory Commission.

*We or Us*Cwithin this Chapter, the administrative authority, as defined in LAC 33:V.109.

*You*Ca generator, treater, or other handler of low-level mixed waste or eligible NARM.

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

HISTORICAL NOTE: Promulgated by Department of Environmental Quality, the Office of Environmental Assessment, Environmental Planning Division, LR 28:1004 (May 2002).

§4203. What Does a Storage And Treatment Conditional Exemption Do?

A. The storage and treatment conditional exemption exempts your LLMW from the regulatory definition of hazardous waste in LAC 33:V.109 if your waste meets the eligibility criteria in LAC 33:V.4205 and you meet the conditions in LAC 33:V.4207.

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

HISTORICAL NOTE: Promulgated by Department of Environmental Quality, the Office of Environmental Assessment, Environmental Planning Division, LR 28:1005 (May 2002).

§4205. What Wastes are Eligible for the Storage and Treatment Conditional Exemption?

A. LLMW, defined in LAC 33:V.4201, is eligible for this conditional exemption if it is generated and managed by you under a single department, NRC, or NRC agreement state license. (Mixed waste generated at a facility with a different license number and shipped to your facility for storage or treatment requires a permit and is ineligible for this exemption. In addition, NARM waste is ineligible for this exemption.)

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

HISTORICAL NOTE: Promulgated by Department of Environmental Quality, the Office of Environmental Assessment, Environmental Planning Division, LR 28:1005 (May 2002).

§4207. What Conditions Must You Meet for Your LLMW to Qualify for and Maintain a Storage and Treatment Exemption?

A. For your LLMW to qualify for the exemption, you must notify us in writing by certified delivery that you are claiming a conditional exemption for the LLMW stored on your facility. The dated notification must include your name, address, RCRA identification number, department, NRC, or NRC agreement state license number, the waste code(s) and storage unit(s) for which you are seeking an exemption, and a statement that you meet the conditions of this Chapter. Your notification must be signed by your authorized representative, who certifies that the information in the notification is true, accurate, and complete. You must notify us of your claim either within 90 days of the effective date of these regulations in your state or within 90 days of when a storage unit is first used to store conditionally exempt LLMW.

B. To qualify for and maintain an exemption for your LLMW you must:

1. store your LLMW waste in tanks or containers in compliance with the requirements of your license that apply to the proper storage of low-level radioactive waste (not including those license requirements that relate solely to recordkeeping);

2. store your LLMW in tanks or containers in compliance with chemical compatibility requirements of a tank or container in LAC 33:V.1919, 2115, 4429 and 4444;

3. certify that facility personnel who manage stored conditionally exempt LLMW are trained in a manner that ensures that the conditionally exempt waste is safely managed and includes training in chemical waste management and hazardous materials incidents response that meets the personnel training standards found in LAC 33:V.1515.A.3;

4. conduct an inventory of your stored conditionally exempt LLMW at least annually and inspect it at least quarterly for compliance with this Chapter; and

5. maintain an accurate emergency plan and provide it to all local authorities who may have to respond to a fire, explosion, or release of hazardous waste or hazardous constituents. Your plan must describe emergency response arrangements with local authorities, describe evacuation plans, list the names, addresses, and telephone numbers of all facility personnel qualified to work with local authorities as emergency coordinators, and list emergency equipment.

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

HISTORICAL NOTE: Promulgated by Department of Environmental Quality, the Office of Environmental Assessment, Environmental Planning Division, LR 28:1005 (May 2002).

§4209. What Waste Treatment Does the Storage and Treatment Conditional Exemption Allow?

A. You may treat your LLMW at your facility within a tank or container in accordance with the terms of your department, NRC, or NRC agreement state license. Treatment that cannot be done in a tank or container without a RCRA permit (such as incineration) is not allowed under this exemption.

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

HISTORICAL NOTE: Promulgated by Department of Environmental Quality, the Office of Environmental Assessment, Environmental Planning Division, LR 28:1005 (May 2002).

§4211. How Could You Lose the Conditional Exemption for Your LLMW and What Action Must You Take?

A. Your LLMW will automatically lose the storage and treatment conditional exemption if you fail to meet any of the conditions specified in LAC 33:V.4207. When your LLMW loses the exemption, you must immediately manage that waste, which failed the condition as RCRA hazardous waste, and the storage unit storing the LLMW immediately becomes subject to RCRA hazardous waste container and/or tank storage requirements.

1. If you fail to meet any of the conditions specified in LAC 33:V.4207, you must report to us or the oversight agency in the NRC agreement state, in writing by certified delivery within 30 days of learning of the failure. Your report must be signed by your authorized representative certifying that the information provided is true, accurate, and complete. This report must include:

- a. the specific condition(s) you failed to meet;
- b. a description of the LLMW (including the waste name, hazardous waste codes, and quantity) and storage location at the facility; and
- c. the date(s) on which you failed to meet the condition(s).

2. If the failure to meet any of the conditions may endanger human health or the environment, you must also immediately notify us orally within 24 hours and follow up with a written notification within five days. Failures that may endanger human health or the environment include, but are not limited to, discharge of a CERCLA reportable quantity or other leaking or exploding tanks or containers or detection of radionuclides above background or hazardous constituents in the leachate collection system of a storage area. If the failure may endanger human health or the environment, you must follow the provisions of your emergency plan.

B. We may terminate your conditional exemption for your LLMW, or require you to meet additional conditions to claim a conditional exemption, for serious or repeated noncompliance with any requirement(s) of this Chapter.

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

HISTORICAL NOTE: Promulgated by Department of Environmental Quality, the Office of Environmental Assessment, Environmental Planning Division, LR 28:1006 (May 2002).

§4213. If You Lose the Storage and Treatment Conditional Exemption for Your LLMW, Can the Exemption Be Reclaimed?

A. You may reclaim the storage and treatment exemption for your LLMW if:

- 1. you again meet the conditions specified in LAC 33:V.4207; and
- 2. you send us a notice by certified delivery that you are reclaiming the exemption for your LLMW. Your notice must be signed by your authorized representative certifying that the information contained in your notice is true, complete, and accurate. In your notice you must do the following:
 - a. explain the circumstances of each failure;

b. certify that you have corrected each failure that caused you to lose the exemption for your LLMW and that you again meet all the conditions as of the date you specify;

c. describe plans that you have implemented, listing specific steps you have taken, to ensure the conditions will be met in the future; and

d. include any other information you want us to consider when we review your notice reclaiming the exemption.

B. We may terminate a reclaimed conditional exemption if we find that your claim is inappropriate based on factors including, but not limited to, the following:

- 1. you have failed to correct the problem;
- 2. you explained the circumstances of the failure unsatisfactorily; or
- 3. you failed to implement a plan with steps to prevent another failure to meet the conditions of LAC 33:V.4207.

C. In reviewing a reclaimed conditional exemption under this Section, we may add conditions to the exemption to ensure that waste management during storage and treatment of the LLMW will protect human health and the environment.

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

HISTORICAL NOTE: Promulgated by Department of Environmental Quality, the Office of Environmental Assessment, Environmental Planning Division, LR 28:1006 (May 2002).

§4215. What Records Must You Keep At Your Facility and for How Long?

A. In addition to those records required by your department, NRC, or NRC agreement state license, you must keep the following records:

- 1. your initial notification records, return receipts, reports to us of failure(s) to meet the exemption conditions, and all records supporting any reclaim of an exemption;
- 2. records of your LLMW annual inventories and quarterly inspections;
- 3. your certification that facility personnel who manage stored mixed waste are trained in safe management of LLMW, including training in chemical waste management and hazardous materials incidents response; and
- 4. your emergency plan as specified in LAC 33:V.4207.B.

B. You must maintain records concerning notification, personnel trained, and your emergency plan for as long as you claim this exemption and for three years thereafter or in accordance with department regulations under LAC 33:XV.Chapter 4, NRC, or equivalent NRC agreement state regulations, whichever is longer. You must maintain records concerning your annual inventory and quarterly inspections for three years after the waste is sent for disposal or in accordance with department regulations under LAC 33:XV.Chapter 4, NRC or equivalent NRC agreement state regulations, whichever is longer.

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

HISTORICAL NOTE: Promulgated by Department of Environmental Quality, the Office of Environmental Assessment, Environmental Planning Division, LR 28:1006 (May 2002).

§4217. When is Your LLMW No Longer Eligible for the Storage and Treatment Conditional Exemption?

A. When your LLMW has met the requirements of your department, NRC, or NRC agreement state license for

decay-in-storage and can be disposed of as nonradioactive waste, then the conditional exemption for storage no longer applies. On that date your waste is subject to hazardous waste regulation under the relevant sections, and the time period for accumulation of a hazardous waste, as specified in LAC 33:V.1109.E, begins.

B. When your conditionally exempt LLMW, which has been generated and stored under a single department, NRC, or other NRC agreement state license number, is removed from storage, it is no longer eligible for the storage and treatment exemption. However, your waste may be eligible for the transportation and disposal conditional exemption at LAC 33:V.4221.

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

HISTORICAL NOTE: Promulgated by Department of Environmental Quality, the Office of Environmental Assessment, Environmental Planning Division, LR 28:1006 (May 2002).

§4219. Do Closure Requirements Apply to Units that Stored LLMW Prior to the Effective Date of this Chapter?

A. Interim status and permitted storage units that have been used to store only LLMW prior to the effective date of this Chapter and, after that date, store only LLMW that becomes exempt under this Chapter are not subject to the closure requirements of LAC 33:V.Chapters 5, 18, 19, 21, 23, 24, 25, 27, 28, 29, 32, 35, and 43. Storage units (or portions of units) that have been used to store both LLMW and non-mixed hazardous waste prior to the effective date of this Chapter or are used to store both after that date remain subject to closure requirements with respect to the non-mixed hazardous waste.

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

HISTORICAL NOTE: Promulgated by Department of Environmental Quality, the Office of Environmental Assessment, Environmental Planning Division, LR 28:1007 (May 2002).

§4221. What Does the Transportation and Disposal Conditional Exemption Do?

A. This conditional exemption exempts your waste from the regulatory definition of hazardous waste if your waste meets the eligibility criteria under LAC 33:V.4223 and you meet the conditions in LAC 33:V.4225.

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

HISTORICAL NOTE: Promulgated by Department of Environmental Quality, the Office of Environmental Assessment, Environmental Planning Division, LR 28:1007 (May 2002).

§4223. What Wastes Are Eligible for the Transportation and Disposal Conditional Exemption?

A. Eligible waste must be:

1. a LLMW, as defined in this Chapter, that meets the waste acceptance criteria of a LLRWDF; and/or
2. an eligible NARM waste, as defined in this Chapter.

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

HISTORICAL NOTE: Promulgated by Department of Environmental Quality, the Office of Environmental Assessment, Environmental Planning Division, LR 28:1007 (May 2002).

§4225. What Are the Conditions You Must Meet for Your Waste to Qualify for and Maintain the Transportation and Disposal Conditional Exemption?

A. You must meet the following conditions for your eligible waste to qualify for and maintain the exemption.

1. The eligible waste must meet or be treated to meet LDR treatment standards, as described in LAC 33:V.4227.

2. If you are not already subject to department, NRC, or NRC agreement state equivalent manifest and transportation regulations for the shipment of your waste, you must manifest and transport your waste according to department regulations, as described in LAC 33:V.4229, NRC, or NRC agreement state equivalent regulations.

3. The exempted waste must be in containers when it is disposed of in the LLRWDF, as described in LAC 33:V.4235.

4. The exempted waste must be disposed of at a designated LLRWDF, as described in LAC 33:V.4233.

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

HISTORICAL NOTE: Promulgated by Department of Environmental Quality, the Office of Environmental Assessment, Environmental Planning Division, LR 28:1007 (May 2002).

§4227. What Treatment Standards Must Your Eligible Waste Meet?

A. Your LLMW or eligible NARM waste must meet LDR treatment standards specified in LAC 33:V.Chapter 22.

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

HISTORICAL NOTE: Promulgated by Department of Environmental Quality, the Office of Environmental Assessment, Environmental Planning Division, LR 28:1007 (May 2002).

§4229. Are You Subject to the Manifest and Transportation Condition in LAC 33:V.4225.A.2?

A. If you are not already subject to equivalent department, NRC, or NRC agreement state manifest and transportation regulations for the shipment of your waste, you must meet the manifest requirements under LAC 33:XV.465 and the transportation requirements under LAC 33:XV.Chapter 15 to ship the exempted waste.

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

HISTORICAL NOTE: Promulgated by Department of Environmental Quality, the Office of Environmental Assessment, Environmental Planning Division, LR 28:1007 (May 2002).

§4231. When Does the Transportation and Disposal Exemption Take Effect?

A. The exemption becomes effective once all the following have occurred.

1. Your eligible waste meets the applicable LDR treatment standards.

2. You have received return receipts that you have notified us and the LLRWDF, as described in LAC 33:V.4237.

3. You have completed the packaging and preparation for shipment requirements for your waste according to LAC 33:XV.Chapter 15, NRC, or other NRC agreement state equivalent regulations, and you have prepared a manifest for

your waste according to LAC 33:XV.Chapter 4, NRC, or other NRC agreement state equivalent regulations.

4. You have placed your waste on a transportation vehicle destined for a LLRWDF licensed by the department, NRC, or other NRC agreement state.

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

HISTORICAL NOTE: Promulgated by Department of Environmental Quality, the Office of Environmental Assessment, Environmental Planning Division, LR 28:1007 (May 2002).

§4233. Where Must Your Exempted Waste be Disposed of?

A. Your exempted waste must be disposed of in a LLRWDF that is regulated and licensed by LAC 33:XV.Chapters 3 and 13, NRC, or other NRC agreement state, including state NARM licensing regulations for eligible NARM.

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

HISTORICAL NOTE: Promulgated by Department of Environmental Quality, the Office of Environmental Assessment, Environmental Planning Division, LR 28:1008 (May 2002).

§4235. What Type of Container Must be Used for Disposal of Exempted Waste?

A. Your exempted waste must be placed in containers before it is disposed. The container must be:

1. a carbon steel drum;
2. an alternative container with equivalent containment performance in the disposal environment, such as a carbon steel drum; or
3. a high integrity container as defined by department, NRC, or other NRC agreement state regulations.

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

HISTORICAL NOTE: Promulgated by Department of Environmental Quality, the Office of Environmental Assessment, Environmental Planning Division, LR 28:1008 (May 2002).

§4237. Whom Must You Notify?

A. You must provide a one time notice to us stating that you are claiming the transportation and disposal conditional exemption prior to the initial shipment of an exempted waste from your facility to a LLRWDF. Your dated written notice must include your facility name, address, phone number, and RCRA ID number and be sent by certified delivery.

B. You must notify the LLRWDF receiving your exempted waste by certified delivery before shipment of each exempted waste. You can only ship the exempted waste after you have received the return receipt of your notice to the LLRWDF. This notification must include the following:

1. a statement that you have claimed the exemption for the waste;
2. a statement that the eligible waste meets applicable LDR treatment standards;
3. your facility's name, address, and RCRA ID number;
4. the RCRA hazardous waste codes prior to the exemption of the waste streams;
5. a statement that the exempted waste must be placed in a container, according to LAC 33:V.4235, prior to

disposal in order for the waste to remain exempt under the transportation and disposal conditional exemption of this Chapter;

6. the manifest number of the shipment that will contain the exempted waste; and

7. a certification that all the information provided is true, complete, and accurate. The statement must be signed by your authorized representative.

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

HISTORICAL NOTE: Promulgated by Department of Environmental Quality, the Office of Environmental Assessment, Environmental Planning Division, LR 28:1008 (May 2002).

§4239. What Records Must You Keep at Your Facility and for How Long?

A. In addition to those records required by the department, NRC, or other NRC agreement state license, you must keep records as follows.

1. You must follow the applicable existing recordkeeping requirements under LAC 33:V.1529, 2245, and 4357 to demonstrate that your waste has met LDR treatment standards prior to your claiming the exemption.

2. You must keep a copy of all notifications and return receipts required under LAC 33:V.4241 and 4243 for three years after the exempted waste is sent for disposal.

3. You must keep a copy of all notifications and return receipts required under LAC 33:V.4237.A for three years after the last exempted waste is sent for disposal.

4. You must keep a copy of the notification and return receipt required under LAC 33:V.4237.B for three years after the exempted waste is sent for disposal.

5. If you are not already subject to equivalent department, NRC, or other NRC agreement state manifest and transportation regulations for the shipment of your waste, you must also keep all other documents related to tracking the exempted waste as required under LAC 33:XV.465, including applicable NARM requirements, in addition to the records specified in this Section.

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

HISTORICAL NOTE: Promulgated by Department of Environmental Quality, the Office of Environmental Assessment, Environmental Planning Division, LR 28:1008 (May 2002).

§4241. How Could You Lose the Transportation and Disposal Conditional Exemption for Your Waste and What Actions Must You Take?

A. Any waste will automatically lose the transportation and disposal exemption if you fail to manage it in accordance with all of the conditions specified in LAC 33:V.4225.

1. When you fail to meet any of the conditions specified in LAC 33:V.4225 for any of your wastes, you must report to us, in writing by certified delivery, within 30 days of learning of the failure. Your report must be signed by your authorized representative certifying that the information provided is true, accurate, and complete. This report must include:

- a. the specific condition(s) that you failed to meet for the waste;

- b. a description of the waste (including the waste name, hazardous waste codes, and quantity) that lost the exemption; and
- c. the date(s) on which you failed to meet the condition(s) for the waste.

2. If the failure to meet any of the conditions may endanger human health or the environment, you must also immediately notify us orally, within 24 hours, and follow up with a written notification within five days.

B. We may terminate your ability to claim a conditional exemption for your waste or require you to meet additional conditions to claim a conditional exemption for serious or repeated noncompliance with any requirement(s) of this Chapter.

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

HISTORICAL NOTE: Promulgated by Department of Environmental Quality, the Office of Environmental Assessment, Environmental Planning Division, LR 28:1008 (May 2002).

§4243. If You Lose the Transportation and Disposal Conditional Exemption for a Waste, Can the Exemption Be Reclaimed?

A. You may reclaim the transportation and disposal exemption for a waste after you have received a return receipt confirming that we have received your notification of the loss of the exemption specified in LAC 33:V.4241.A and if:

- 1. you again meet the conditions specified in LAC 33:V.4225 for the waste; and
- 2. you send a notice, by certified delivery, to us that you are reclaiming the exemption for the waste. Your notice must be signed by your authorized representative certifying

that the information provided is true, accurate, and complete. The notice must:

- a. explain the circumstances of each failure;
- b. certify that each failure that caused you to lose the exemption for the waste has been corrected and that you again meet all conditions for the waste as of the date you specify;
- c. describe plans you have implemented, listing the specific steps that you have taken, to ensure that conditions will be met in the future; and
- d. include any other information you want us to consider when we review your notice reclaiming the exemption.

B. We may terminate a reclaimed conditional exemption if we find that your claim is inappropriate based on factors including, but not limited to:

- 1. you have failed to correct the problem;
- 2. you explained the circumstances of the failure unsatisfactorily; or
- 3. you failed to implement a plan with steps to prevent another failure to meet the conditions of LAC 33:V.4225.

C. In reviewing a reclaimed conditional exemption under this Section, we may add conditions to the exemption to ensure that transportation and disposal activities will protect human health and the environment.

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

HISTORICAL NOTE: Promulgated by Department of Environmental Quality, the Office of Environmental Assessment, Environmental Planning Division, LR 28:1009 (May 2002).

Chapter 49. Lists of Hazardous Wastes

§4901. Category I Hazardous Wastes

A. - C. ...

Table 2. Hazardous Wastes from Specific Sources		
Industry and EPA Hazardous Waste Number	Hazard Code	Hazardous Waste
* * *		
Organic Chemicals		
* * *		
[See Prior Text in K009 – K161]		
K174	(T)	Wastewater treatment sludges from the production of ethylene dichloride or vinyl chloride monomer (including sludges that result from commingled ethylene dichloride or vinyl chloride monomer wastewater and other wastewater), unless the sludges meet the following conditions: (i) they are disposed of in a RCRA subtitle C or nonhazardous landfill licensed or permitted by the state or federal government; (ii) they are not otherwise placed on the land prior to final disposal; and (iii) the generator maintains documentation demonstrating that the waste was either disposed of in an on-site landfill or consigned to a transporter or disposal facility that provided a written commitment to dispose of the waste in an off-site landfill. Respondents in any action brought to enforce the requirements of RCRA subtitle C must, upon a showing by the government that the respondent managed wastewater treatment sludges from the production of vinyl chloride monomer or ethylene dichloride, demonstrate that they meet the terms of the exclusion set forth above. In doing so, they must provide appropriate documentation (e.g., contracts between the generator and the landfill owner/operator, invoices documenting delivery of waste to landfill,) that the terms of the exclusion were met.
K175	(T)	Wastewater treatment sludges from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process.
Inorganic Chemicals		
* * *		

D. - F. Table 4. ...

G. Constituents that Serve as a Basis for Listing Hazardous Waste. Table 6 lists constituents that serve as a basis for listing hazardous waste.

Table 6.

Table of Constituents that Serve as a Basis for Listing Hazardous Waste
*** [See Prior Text in F001-K172, Benzene, arsenic]
EPA Hazardous Waste Number K174
1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD)
1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF)
1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF)
HxCDDs (All Hexachlorodibenzo-p-dioxins)
HxCDFs (All Hexachlorodibenzofurans)
PeCDDs (All Pentachlorodibenzo-p-dioxins)
OCDD (1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin)
OCDF (1,2,3,4,6,7,8,9-Octachlorodibenzofuran)
PeCDFs (All Pentachlorodibenzofurans)
TCDDs (All Tetrachlorodibenzo-p-dioxins)
TCDFs (All Tetrachlorodibenzofurans)
EPA Hazardous Waste Number K175
Mercury

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:321 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 14:426 (July 1988), LR 14:790, 791 (November 1988), LR 15:182 (March 1989), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 16:1057 (December 1990), LR 17:369 (April 1991), LR 17:478 (May 1991), LR 17:658 (July 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:829 (September 1996), LR 22:840 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1522 (November 1997), LR 24:321 (February 1998), LR 24:686 (April 1998), LR 24:1754 (September 1998), LR 25:487 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:304 (March 2001), LR:715 (May 2001), LR 28:1009 (May 2002).

§4909. Comparable/Syngas Fuel Exclusion

A. - D.2.b.i. ...

ii. utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale; or

c. hazardous waste incinerators subject to regulation under LAC 33:V.Chapter 31 or Chapter 43.Subchapter N or applicable CAA MACT standards; or

d. gas turbines used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale.

D.3 - D.13. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 25:489 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:305 (March 2001), LR 28:1010 (May 2002).

James H. Brent, Ph.D.
Assistant Secretary

0205#030

RULE

**Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division**

Respiratory Protection
(LAC 33:XV.403, 443, and Appendix A)(RP029*)

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.403, 443, and Appendix A (Log #RP029*).

This Rule is identical to federal regulations found in 64 FR 54543, 10/7/99, 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 consists of amendments to LAC 33:XV addressing respiratory protection and controls to restrict internal exposures. Included are the definitions of air purifying respirator, atmosphere-supplying respirator, assigned protection factors (APF), demand respirator, disposable respirator, fit factor test, fit test, filtering facepiece (dust mask), helmet, hood, loose-fitting facepiece, negative pressure respirator, positive pressure respirator, powered air-purifying respirator, pressure demand respirator, qualitative fit test, quantitative fit test, self-contained breathing apparatus, supplied-air respirator, tight-fitting facepiece, and user seal check (fit check). Also included are the addition of application for the use of higher assigned protection factors and the modification of Appendix A to include assigned protection factors for respirators. As a Nuclear Regulatory Commission Agreement State, in accordance with the NRC Agreement signed on May 1, 1967, Louisiana has accepted the responsibility for promulgating regulations that satisfy the compatibility requirement of Section 274 of the Atomic Energy Act of 1954, as amended. In certain areas defined by the NRC, state regulations must be the same as NRC regulations. The extent to which the regulation must be identical, whether in content or in effect, is determined by the NRC. All amendments in this package are mandated by the NRC to comply with recent NRC regulation changes. The basis and rationale for these amendments are to achieve compatibility with the regulations of the Nuclear Regulatory Commission in accordance with Section 274 of the Atomic Energy Act of 1954, as amended.

Title 33
ENVIRONMENTAL QUALITY

Part XV. Radiation Protection

Chapter 4. Standards for Protection Against Radiation

Subchapter A. General Provisions

§403. Definitions

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

*Air-Purifying Respirator*Ca respirator with an air-purifying filter, cartridge, or canister that removes specific air contaminants by passing ambient air through the air-purifying element.

* * *

*Assigned Protection Factor (APF)*Cthe expected work place level of respiratory protection that would be provided by a properly functioning respirator or a class of respirators to properly fitted and trained users. Operationally, the inhaled concentration can be estimated by dividing the ambient airborne concentration by the APF.

*Atmosphere-Supplying Respirator*Ca respirator that supplies the respirator user with breathing air from a source independent of the ambient atmosphere and includes supplied-air respirators (SARS) and self-contained breathing apparatus (SCBA) units.

* * *

*Demand Respirator*Can atmosphere-supplying respirator that admits breathing air to the facepiece only when a negative pressure is created inside the facepiece by inhalation.

* * *

*Disposable Respirator*Ca respirator for which maintenance is not intended and that is designed to be discarded after excessive breathing resistance, sorbent exhaustion, physical damage, or end-of-service-life renders it unsuitable for use. Examples of this type of respirator are a disposable half-mask respirator or a disposable escape-only self-contained breathing apparatus (SCBA).

* * *

*Filtering Facepiece (Dust Mask)*Ca negative pressure particulate respirator with a filter as an integral part of the facepiece or with the entire facepiece composed of the filtering medium that is not equipped with elastomeric sealing surfaces and adjustable straps.

*Fit Factor*Ca quantitative estimate of the fit of a particular respirator to a specific individual, which typically estimates the ratio of the concentration of a substance in ambient air to its concentration inside the respirator when worn.

*Fit Test*Cthe use of a protocol to qualitatively or quantitatively evaluate the fit of a respirator on an individual.

*Helmet*Ca rigid respiratory inlet covering that also provides head protection against impact and penetration.

*Hood*Ca respiratory inlet covering that completely covers the head and neck and may also cover portions of the shoulders and torso.

* * *

*Loose-Fitting Facepiece*Ca respiratory inlet covering that is designed to form a partial seal with the face.

* * *

*Negative Pressure Respirator (Tight Fitting)*Ca respirator in which the air pressure inside the facepiece is negative during inhalation with respect to the ambient air pressure outside the respirator.

* * *

*Positive Pressure Respirator*Ca respirator in which the pressure inside the respiratory inlet covering exceeds the ambient air pressure outside the respirator.

*Powered Air-Purifying Respirator (PAPR)*Can air-purifying respirator that uses a blower to force the ambient air through air-purifying elements to the inlet covering.

*Pressure Demand Respirator*Ca positive pressure atmosphere-supplying respirator that admits breathing air to the facepiece when the positive pressure is reduced inside the facepiece by inhalation.

*Qualitative Fit Test (QLFT)*Ca pass/fail fit test to assess the adequacy of respirator fit that relies on the individual's response to the test agent.

*Quantitative Fit Test (QNFT)*Can assessment of the adequacy of respirator fit by numerically measuring the amount of leakage into the respirator.

* * *

*Self-Contained Breathing Apparatus (SCBA)*Can atmosphere-supplying respirator for which the breathing air source is designed to be carried by the user.

* * *

*Supplied-Air Respirator (SAR) or Airline Respirator*Can atmosphere-supplying respirator for which the source of breathing air is not designed to be carried by the user.

*Tight-Fitting Facepiece*Ca respiratory inlet covering that forms a complete seal with the face.

*User Seal Check (Fit Check)*Can action conducted by the respirator user to determine if the respirator is properly seated to the face (e.g., negative pressure check, positive pressure check, irritant smoke test, or isoamyl acetate check).

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2104.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended LR 22:969 (October 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2768 (December 2000), LR 28:1011 (May 2002).

Subchapter E. Respiratory Protection and Controls to Restrict Internal Exposure in Restricted Areas

§443. Application for Use of Higher Assigned Protection Factors

A. The licensee shall obtain authorization from the department before using assigned protection factors in excess of those specified in Appendix A of this Chapter. The department may authorize a licensee to use higher assigned protection factors upon receipt of an application that:

1. describes the situation for which a need exists for higher protection factors; and
2. demonstrates that the respiratory protection equipment provides these higher protection factors under the proposed conditions of use.

Appendix A

Assigned Protection Factors for Respirators ^a		
Type of Respirator	Operating Mode	Assigned Protection Factors (APF)
I. Air-Purifying Respirators [Particulate ^b Only] ^c		
Filtering facepiece, disposable ^d	Negative pressure	(^d)
Facepiece, half ^e	Negative pressure	10
Facepiece, full	Negative pressure	100
Facepiece, half	Powered air-purifying respirators	50
Facepiece, full	Powered air-purifying respirators	1000
Helmet/hood	Powered air-purifying respirators	1000
Facepiece, loose fitting	Powered air-purifying respirators	25
II. Atmosphere-Supplying Respirators [particulate, gases, and vapors] ^f		
1. Airline Respirator:		
Facepiece, half	Demand	10
Facepiece, half	Continuous flow	50
Facepiece, half	Pressure demand	50
Facepiece, full	Demand	100
Facepiece, full	Continuous flow	1000
Facepiece, full	Pressure demand	1000
Helmet/hood	Continuous flow	1000
Facepiece, loose-fitting	Continuous flow	25
Suit	Continuous flow	(^g)
2. Self-Contained Breathing Apparatus (SCBA):		
Facepiece, full	Demand	100 ^h
Facepiece, full	Pressure demand	10,000 ⁱ
Facepiece, full	Demand, recirculating	100 ^h
Facepiece, full	Positive pressure, recirculating	10,000 ⁱ
III. Combination Respirators		
Any combination of air-purifying and atmosphere-supplying respirators	Assigned protection factor for type and mode of protection as listed above	

^aThese assigned protection factors apply only in a respiratory protection program that meets the requirements of this Chapter. They are applicable only to airborne radiological hazards and may not be appropriate in circumstances when chemical or other respiratory hazards exist instead of, or in addition to, radioactive hazards. Selection and use of respirators for such circumstances must also comply with the U.S. Department of Labor regulations. Radioactive contaminants for which the concentration values in Table 1, Column 3 of Appendix B of this Chapter are based on internal dose due to inhalation may, in addition, present external exposure hazards at higher concentrations. Under these circumstances limitations on occupancy may have to be governed by external dose limits.

^bAir-purifying respirators with APF of less than 100 must be equipped with particulate filters that are at least 95 percent efficient. Air-purifying respirators with APFs equal to 100 must be equipped with particulate filters that are at least 99 percent efficient. Air-purifying respirators with APFs greater than 100 must be equipped with particulate filters that are at least 99.97 percent efficient.

^cThe licensee may apply to the department for the use of an APF greater than 1 for sorbent cartridges, as protection against airborne radioactive gases and vapors (e.g., radioiodine).

^dLicensees may permit individuals to use this type of respirator, who have not been medically screened or fit tested on such respirator, provided that no credit be taken for their use in estimating intake or dose. It is also recognized that it is difficult to perform an effective positive or negative pressure pre-use user seal check on this type of device. All other respiratory protection program requirements listed in LAC 33:XV.442 apply. An assigned protection factor has not been assigned for these devices. However, an APF equal to 10 may be used if the licensee can demonstrate a fit factor of at least

100 by use of a validated or evaluated, qualitative or quantitative fit test.

^eUnder-chin type only. No distinction is made in this Appendix between elastomeric half-masks with replaceable cartridges and those designed with the filter medium as an integral part of the facepiece (e.g., disposable or reusable disposable). Both types are acceptable so long as the seal area of the latter contains some substantial type of seal-enhancing material such as rubber or plastic, the two or more suspension straps are adjustable, the filter medium is at least 95 percent efficient, and all other requirements of this Chapter are met.

^fThe assigned protection factors for gases and vapors are not applicable to radioactive contaminants that present an absorption or submersion hazard. For tritium oxide vapor, approximately one-third of the intake occurs by absorption through the skin, so that an overall protection factor of 3 is appropriate when atmosphere-supplying respirators are used to protect against tritium oxide. Exposure to radioactive noble gases is not considered a significant respiratory hazard and protective actions for these contaminants should be based on external (submersion) dose considerations.

^gNo National Institute for Occupational Safety and Health (NIOSH) approval schedule is currently available for atmosphere supplying suits. This equipment may be used in an acceptable respiratory protection program as long as all the other minimum program requirements, with the exception of fit testing, are met (i.e., LAC 33:XV.442).

^hThe licensee should implement institutional controls to ensure that these devices are not used in areas immediately dangerous to life or health (IDLH).

ⁱThis type of respirator may be used as an emergency device in unknown concentrations for protection against inhalation hazards. External radiation hazards and other limitations to permitted exposure, such as skin absorption,

shall be taken into account in these circumstances. This device may not be used by any individual who experiences perceptible outward leakage of breathing gas while wearing the device.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2104.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1012 (May 2002).

James H. Brent, Ph.D.
Assistant Secretary

0205#032

RULE

**Office of the Governor
Board of Certified Public Accountants**

**Uniform CPA Exam Maximum Fees
(LAC 46:XIX.319 and 709)**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq. and of R.S. 37:74, the Board of Certified Public Accountants of Louisiana has amended LAC 46:XIX.319 and 709. This action implements certain provisions of Act 108 of 2000. The action was necessary because of anticipated future increases in the costs and fees for the Uniform CPA Examination. No preamble has been prepared with respect to the revised rules, which appear below.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XIX. Certified Public Accountants

**Chapter 3. State Board of Certified Public
Accountants of Louisiana**

**§319. Assessment of Application, Annual and Other
Fees**

A. Examination, certification, firm permit application, renewal, and other fees shall be assessed by the board in amounts not to exceed the following:

Application fees:	
CPA examination feeCwritten	\$ 280
CPA examination feeCcomputerized	\$ 600
Service charge for refund of examination feeCwritten exam	\$ 50

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated and amended LR 6:8 (January 1980), amended LR 9:209 (April 1983), LR 11:758 (August 1985), LR 13:13 (January 1987), and LR 15:619 (August 1989), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1070 (November 1991), LR 23:1124 (September 1997), LR 26:1968 (September 2000), LR 28:1013 (May 2002).

**Chapter 7. Qualifications; Application for CPA
Examination**

§709. Fees

Each application for examination, certification, or firm permit shall be accompanied by a fee set by the board. In no event may the examination fee timely filed exceed the lesser of cost or the maximum amounts provided for in §319. Should such application be rejected, the fee less any service charge shall be refunded. If a Louisiana candidate requests that he be allowed to sit in a state that requires a proctoring fee, he shall be required to pay the proctoring fee. Additional information on fees is included in Chapter 3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated and amended LR 6:8 (January 1980), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1069 (November 1991), LR 26:1972 (September 2000), LR 28:1013 (May 2002).

Michael A. Henderson
Executive Director

0205#076

RULE

**Office of the Governor
Division of Administration
Racing Commission**

Claiming Rule (LAC 35:XI.9915 and 9939)

The Louisiana State Racing Commission has amended the following Rule.

Title 35

HORSE RACING

Part XI. Claiming Rules and Engagements

Chapter 99. Claiming Rule

§9915. Number of Horses Claimed per Race

A. No person shall claim more than two horses in a race.
AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:446 (December 1976), amended LR 3:42 (January 1977), LR 4:285 (August 1978), amended by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1013 (May 2002).

§9939. Number of Claims on Stable or Trainer

A. When a trainer is training for more than one owner, only two claims from that stable will be allowed for any one race. Only one claim from owners having the same trainer will be allowed for any one horse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, amended by the Department of Commerce, Racing Commission LR 2:447 (December 1976), repromulgated LR 3:42 (January 1977), LR 4:286 (August 1978), amended by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1013 (May 2002).

Charles A. Gardiner III
Executive Director

0205#019

RULE
Office of the Governor
Division of Administration
Racing Commission

Corrupt and Prohibited Practices CPenalty
Guidelines (LAC 35:I.1797)

The Louisiana State Racing Commission has amended LAC 35:I.1797, "Penalty Guidelines," as follows.

Title 35
HORSE RACING

Part I. General Provisions

Chapter 17. Corrupt and Prohibited Practices

§1797. Penalty Guidelines

A. - B.3. ...

4. Classes IV and V: possible suspension of license for a period not more than 60 days and a fine of not less than \$500 nor more than \$1,500, or both, depending on the severity and number of violations occurring within a 12-month period. The purse may be redistributed.

a. On ordinary violation(s) of Classes IV or V within a 12-month period the penalty shall be a fine of \$500 on the first violation, a fine of \$1,000 on the second violation, a fine of \$1,000 on the third and subsequent violations and referred to the commission. The purse shall be redistributed commencing with the fourth violation within a 12-month period.

b. On extraordinary violation(s) of Classes IV or V in a manner that might affect the performance of a horse within a 12-month period the penalty shall be a fine of \$1,000 on the first offense; a fine of \$1,000 and referred to the commission for further action on second and subsequent violations. The purse shall be redistributed commencing with the third violation within a 12-month period.

c. On gross violation(s) of Classes IV or V in a manner that intends to affect the performance of a horse the penalty shall be not less than \$1,000 and referred to the commission for further action. The purse shall be redistributed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Racing Commission LR 19:612 (May 1993), amended by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1014 (May 2002).

Charles A. Gardiner III
Executive Director

0205#018

RULE
Office of the Governor
Division of Administration
Racing Commission

Pick Four (LAC 35:XIII.11601-11625)

The Louisiana State Racing Commission has adopted the following Rule.

Title 35
HORSE RACING
Part XIII. Wagering

Chapter 116. Pick Four

§11601. Description; Selection; Principle

A. The pick four is a form of pari-mutuel wagering. Bettors select the first horse in each of four consecutive races designated as the pick four by the permit holder. The principle of a pick four is in effect a contract by the purchaser of a pick four ticket to select the winners of each of the four races designated as the pick four. The sale of pick four tickets other than from pari-mutuel machines shall be deemed illegal and is prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1014 (May 2002).

§11603. Wagering Pool

A. The pick four pool shall be held entirely separate from all other pools and is no part of a daily double, exacta, trifecta, quinella or any other wagering pool. The pick four pool is a pool wherein the bettor is required to select four consecutive winning horses and is not a parlay.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1014 (May 2002).

§11605. Denominations

A. Pick four tickets shall be sold in not less than \$1 denominations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission LR 28:1014 (May 2002).

§11607. Approval; Notation

A. Races in which pick four pools are conducted shall be approved by the Commission and clearly designated in the program, and pick four tickets will be clearly marked as pick four tickets.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1014 (May 2002).

§11609. Procedure

A. After the wagering closes for the first race of the four designated pick four races, the commission will be deducted from the pari-mutuel pool in accordance with Louisiana law. The remaining net pool, subject to distribution among winning ticket holders shall be distributed among the holders of tickets which correctly designate the winner in all four races comprising the pick four and the aggregate number of winning tickets shall be divided into the net pool and be paid the same payoff price.

1. In the event no ticket is sold combining winners of the four races comprising the pick four, the holders of tickets which include the winners of any three of the four races shall be deemed winning ticket holders, and the aggregate number of winning tickets shall be divided into the net pool and be paid the same payoff price.

2. In the event no ticket is sold combining the winners of three of the four races comprising the pick four, the holders of tickets which include the winners of any two of the four races shall be deemed winning ticket holders, and the aggregate number of winning tickets shall be divided into the net pool and be paid the same payoff price.

3. In the event no ticket is sold combining the winners of two of the four races comprising the pick four, the holders of tickets which include the winner(s) of any one of the four races shall be deemed winning ticket holders, and the aggregate number of winning tickets shall be divided into the net pool and be paid the same payoff price.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1014 (May 2002).

§11611. No Winning Ticket

A. In the event no winning ticket is sold that would require the distribution of the pick four pool as mentioned in §11609, the association shall make a complete refund of the pick four pool.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1015 (May 2002).

§11613. Cancelled Races

A. If for any reason one or more of the races comprising the pick four is/are cancelled or declared "no race," the net pool shall be distributed as provided in §11609.

B. In the event the pick four pool is opened and wagers accepted, and all four races comprising the pick four are cancelled for any reason, the association shall make a complete refund of the pick four pool.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1015 (May 2002).

§11615. Dead Heats

A. In the event of a dead heat for win between two or more horses in any pick four race, all such horses in the dead heat for win shall be considered as winning horses in the race for the purpose of calculating the pool.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1015 (May 2002).

§11617. Closing Time; Disclosure

A. No pari-mutuel ticket for the pick four pool shall be sold, exchanged or cancelled after the time of the closing of wagering in the first of the four races comprising the pick four except for such refunds on pick four tickets as required by this regulation, and no person shall disclose the number of tickets sold in the pick four pool or the number or amount of tickets selecting winners of pick four races until such time as the stewards have determined the last race comprising the pick four to be official. At the conclusion of the third of the four races comprising the pick four, the association may display potential distributions to ticket holders depending upon the outcome of the fourth race of the pick four.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1015 (May 2002).

§11619. Entry or Field

A. Those horses constituting an entry or a field as defined within the rules of racing shall race in any pick four race as a single wagering interest for the purpose of the pick four pari-mutuel pool calculations and payouts to the public. A scratch after wagering has begun of any part of an entry or field selection in such race shall have no effect with respect to the status of such entry and/or field as a viable wagering interest.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1015 (May 2002).

§11621. Scratches and Non-Starters

A. At anytime after wagering begins on the pick four pool should a horse, entire betting entry or field be scratched, excused or declared a non-starter in any pick four race, no further tickets selecting such horse, betting entry or field shall be issued, and wagers upon such horse, betting entry or field, for purposes of the pick four pool shall be deemed wagers upon the horse, betting entry or field upon which the most money has been wagered in the win pool at the close of win pool betting for such race. In the event of a money tie in the win pool, the tied horse, betting entry or field with the lowest running number, as designated by the official racing program, shall be designated as the favorite for substitution purposes. For the purpose of this Section, when horses are prevented from starting by any malfunction of the starting gate itself they shall be considered as having been excused by the stewards. After close of betting, there shall be no refund, except as provided in §11611 or §11613.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1015 (May 2002).

§11623. Display

A. These rules shall be prominently displayed in the betting area of the association conducting the pick four.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1015 (May 2002).

§11625. Unforeseen Circumstances

A. Should circumstances occur which are not foreseen in these rules, questions arising thereby shall be resolved by the association and/or commission in accordance with general pari-mutuel practices. Decisions regarding distribution of the pick four pools shall be final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1015 (May 2002).

Charles A. Gardiner III
Executive Director

0205#020

RULE

**Office of the Governor
Office of Elderly Affairs**

**Eligibility Requirements and Definition of Legal Assistance
(LAC 4:VII.1215, 1223, and 1225)**

In accordance with Revised Statutes 49:950 et seq., the Administrative Procedure Act, the Governor's Office of Elderly Affairs (GOEA) has amended Subchapter E, "Uniform Service Requirements" of the GOEA Policy Manual effective May 20, 2002. The purpose of the rule change is to update current policies to correct irregularities identified during the monitoring process.

Title 4

ADMINISTRATION

Part VII. Governor's Office

Chapter 11. Elderly Affairs

Subchapter E. Uniform Service Requirements

§1215. Service Recipient Priorities and Eligibility Requirements

A.1. Persons who are 60 years of age or older may receive services provided using Older Americans Act and state senior center funds.

2. No one is entitled to services by virtue of age alone. GOEA's uniform intake and assessment instrument shall be used to determine the order in which older individuals will be served.

3. Persons age 60 and over who are frail, homebound by reason of illness or incapacitating disability, or otherwise isolated, shall be given priority in the delivery of services.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with OAA Section 102(29), Section 102(30), Section 305(a)(2)(E), Section 306(a)(1), Section 307(a)(24), and 45 CFR 1321.65 and 1321.69.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:868 (May 1999), LR 28:1016 (May 2002).

§1223. Title III-C Nutrition Services

A. A.4. ...

B. Participant Eligibility

1. - 1.d. ...

2. Home-Delivered Nutrition Services

a. Eligible participants include:

i. ...

ii. the spouse residing with the recipient, regardless of age or condition, may receive a home-delivered meal if, according to criteria determined by the AAA, receipt of the meal is in the best interest of the homebound older person.

B.2.b. - R. ...

AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(13), Section 313, and Section 336 and 45 CFR 1321.69(b).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 15:384 (May 1989), LR 16:505 (June 1990), LR 24:1930 (October 1998), LR 28:1016 (May 2002).

§1225. Legal Assistance Program

A. - A.1. ...

B. Definition

Legal Assistance C provision of legal advice, counseling and representation by an attorney or other person acting under the supervision of an attorney.

C. - G ...

AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(15), and Section 307(a)(18).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:869 (May 1999), LR 28:1016 (May 2002).

P.F. "Pete" Arceneaux, Jr.
Executive Director

0205#011

RULE

**Office of the Governor
Office of Elderly Affairs**

**Incorporation of Older Americans Act 2000 Amendments
(LAC 4:VII.Chapter 11)**

In accordance with Revised Statute 49:950 et seq., the Administrative Procedure Act, the Governor's Office of Elderly Affairs (GOEA) has amended the GOEA Policy Manual effective May 20, 2002. The purpose of the rule change is to update current policies to reflect requirements of the Older Americans Act 2000 amendments.

Title 4

ADMINISTRATION

Part VII. Governor's Office

Chapter 11. Elderly Affairs

Subchapter A. State Agency on Aging

§1101. Office of Elderly Affairs

A. - C. 2. ...

3. Service Systems Development Functions

a. - g. ...

h. to develop Elder Rights Protection Systems focused on protecting the rights of vulnerable older individuals who reside in the community and in institutional settings. It includes the provision of Long Term Care Ombudsman services; Legal Assistance Development; Elder Abuse, Neglect and Exploitation prevention.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:931 to R.S. 46:935, R.S. 14:403.2, OAA Sections 203, 305, 307, 701 and 731, and 45 CFR 1321.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:2199 (November 1999), LR 28:1016 (May 2002).

§1105. State Plan on Aging

A. ...

B. Content of the State Plan

1. - 6. ...

7. The projected costs of providing services for older individuals residing in rural areas (including the cost of providing access to such services) for each fiscal year to which the plan applies.

8. The methods used to meet the needs for services for older individuals residing in rural areas in the fiscal year preceding the first year to which such plan applies.

9. A grievance procedure for older individuals who are dissatisfied with or denied services under Title III of the Older Americans Act.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:931, R.S. 49:432, OAA Section 203(b), OAA Section 306, 307, OAA Section 731, and 45 CFR 1321.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:2205 (November 1999), LR 28:1016 (May 2002).

Subchapter B. Area Agency on Aging

§1121. Definitions

* * *

Native American Any person who is a member of an Indian tribe or any individual any of whose ancestors were natives of the area which consists of the Hawaiian Islands prior to 1778.

* * *

AUTHORITY NOTE: Promulgated in accordance with OAA Section 102 (20), 305(a)(2)(A).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 26:70 (January 2000), LR 28:1017 (May 2002).

§1125. Area Agency on Aging Standards

A. - B. ...

C. Pooling/Coordination

1. - 3. ...

4. Each area agency on aging shall coordinate services described in OAA Sec. 321(a) of the Older Americans Act with other community agencies and voluntary organizations providing the same services. In coordinating the services, the area agency on aging shall make efforts to coordinate the services with agencies and organizations carrying out intergenerational programs or projects.

5. Where possible, the AAA shall enter into arrangements with organizations providing day care services for children or assistance to older individuals caring for relatives who are children, and respite for families, so as to provide opportunities for older individuals to aid or assist on a voluntary basis in the delivery of such services to children, adults, and families.

6. The AAA shall facilitate the coordination of community-based, long-term care services designed to enable older individuals to remain in their homes, by means including:

a. development of case management services as a component of the long-term care services, consistent with the requirements of Sec. 306(a)(8) of the Older Americans Act;

b. involvement of long-term care providers in the coordination of such services; and

c. increasing community awareness of and involvement in addressing the needs of residents of long-term care facilities.

7. The AAA shall establish procedures for coordination of services with entities conducting other Federal or federally assisted programs for older individuals at the local level, with particular emphasis on entities conducting programs described in section 203(b) within the planning and service area.

AUTHORITY NOTE: Promulgated in accordance with OAA Section 306(a)(1), 306(a)(6)(C)(i), 306(a)(7), 306(a)(12), 321(c).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 26:71 (January 2000), LR 28:1017 (May 2002).

§1133. Area Plan

A. - B. ...

C. Content of the Area Plan

1. - 2. ...

3. Each area plan shall designate, where feasible, a focal point for comprehensive service delivery in each community, giving special consideration to designating multipurpose senior centers (including multipurpose senior centers operated by organizations providing day care services for children or assistance to older individuals caring for relatives who are children, and respite for families, so as to provide opportunities for older individuals to aid or assist on a voluntary basis in the delivery of such services to children, adults, and families as such focal point).

D. - F. ...

AUTHORITY NOTE: Promulgated in accordance with OAA Section 306, and Section 307.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 17:57 (January 1991), LR 18: 1376 (December 1992), LR 26:75 (January 2000), LR 28:1017 (May 2002).

§1141. Priority Services

A. General Rules

1. - 1.a. ...

b. in-home services, including supportive services for families of elderly victims of Alzheimer's disease and related disorders with neurological and organic brain dysfunction: 15 percent; and

c. ...

2. The area agency on aging shall report annually to the state agency in detail the amount of funds expended for each such category during the fiscal year most recently concluded.

3. GOEA shall waive the requirement in §1141.A.1 of this manual for any category of services described in such Paragraph if the AAA demonstrates to GOEA that services being furnished for such category in the area are sufficient to meet the need for such services in such area and had conducted a timely public hearing upon request.

4. If a waiver is issued by the Governor's Office of Elderly Affairs for any category of priority service, the area agency must assure that an adequate proportion of its supportive services funds are allocated to the remaining priority services categories.

B. ...

AUTHORITY NOTE: Promulgated in accordance with OAA Section 306(a)(2), Section 306(b), and Section 307(a)(12).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 18:610 (June 1992), LR 26:77 (January 2000), LR 28:1017 (May 2002).

§1143. Service Procurement

A. - B. ...

B.1. Area agencies may directly deliver Information and Assistance, and Outreach.

B.2. - F. ...

AUTHORITY NOTE: Promulgated in accordance with OAA Section OAA Sec. 307(a)(8)(C), 307(a)(10), OMB Circular A-110.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:621 (June 1885), LR 11:1078 (November 1985), LR 16:503 (June 1990), LR 18:610 (June 1992), LR 26:77 (January 2000), LR 28:1017 (May 2002).

Subchapter E. Uniform Service Requirements

§1229. Office of the State Long Term Care Ombudsman

A. - B. ...

C. Functions of the Office of the State Long Term Care Ombudsman

1. - 8. ...

9. to coordinate services with state and local law enforcement agencies and courts of competent jurisdiction.

D. - L. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:2010.4 and OAA Section 712.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:35 (January 1985), LR 11:1078 (November 1985), LR 13:742 (December 1987), LR 15:379 (May 1989), LR 17:600 (June 1991), LR 18:267 (March 1992), LR 24:1928 (October 1998), LR 28:1018 (May 2002).

§1231. Senior Community Service Employment Program

A. Purpose. The purpose of the Senior Community Service Employment Program is to foster and promote useful part-time opportunities in community service activities for unemployed low-income persons who are 55 years or older and who have poor employment prospects, and in order to foster individual economic self-sufficiency and to increase the number of persons who may enjoy the benefits of unsubsidized employment in both the public and private sectors.

B. - H. ...

AUTHORITY NOTE: Promulgated in accordance with OAA Section 502, 20 CFR Part 674 and Part 89.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 24:1766 (September 1998), LR 28:1018 (May 2002).

P.F. "Pete" Arceneaux, Jr.
Executive Director

0205#012

RULE

**Office of the Governor
Office of Women's Services**

Domestic Violence Projects (LAC 4:VII.1747 and 1749)

In accordance with the Administrative Procedure Act R.S. 49:950 et seq., the Executive Director of the Governor's Office of Women's Services (OWS) has adopted the following Rules for the implementation of domestic violence projects to further the goals of and the intentions of the federal Temporary Assistance to Needy Families Block Grant funds. This Rule facilitates expenditures of Temporary Assistance to Needy Families (TANF) funds authorized by Act 12 of the 2001 Regular Session of the Louisiana Legislature for support and implementation of the following domestic violence projects.

Title 4

ADMINISTRATION

Part VII. Governor's Office

Chapter 17. Women's Services

Subchapter E. Domestic Violence Projects

§1747. General Provisions

A. These programs will encourage the formation and maintenance of two-parent families by providing training and crisis services to assist women and children living in a "special needs" situation, family violence, in order to promote their safety, self-sufficiency and the opportunity to develop healthy non-violent two-parent families.

1. Rural Outreach. Designed to create new services, create coordinated community response teams, and develop a Rural Project Assistance Program for financial assistance.

2. Children's Services. Designed to create, increase and enhance children's services as outlined in the Office of Women's Services Quality Assurance Standards.

3. Domestic Violence Training for the Department of Social Services. Designed to provide Office of Family Support and Office of Community Services staff members with the ability to recognize and refer clients that may be in a domestic violence situation as it relates to their specific job duties.

4. Law Enforcement Training. Designed to create an advisory task force of law enforcement groups, provide training for law enforcement groups, and to provide resource/referral information to law enforcement training participants to take back their communities.

AUTHORITY NOTE: Promulgated in accordance with Act 12 of the 2001 Special Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Women's Services, LR 28:1018 (May 2002).

§1749. Guidelines for Eligibility

A. There are no eligibility guidelines for training projects. Eligibility for Rural Project and Children's Project includes a family with parent/caretaker relative and child. Eligibility is valid if a child has been removed from the home due to domestic violence.

AUTHORITY NOTE: Promulgated in accordance with Act 12 of the 2001 Special Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Women's Services, LR 28:1018 (May 2002).

Vera Clay

Executive Director

0205#009

RULE

**Office of the Governor
Office of Women's Services**

Microenterprise Development Program
(LAC 4:VII.1741 and 1743)

In Accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the executive director of the Governor's Office of Women's Services (OWS) has adopted the following rule for the implementation of the Microenterprise Development Program to further the goals of and the intentions of the federal Temporary Assistance to Needy

Families Block Grant funds. This rule facilitates expenditures of Temporary Assistance to Needy Families (TANF) funds as authorized by ACT 12 of the 2001 Regular Session of the Louisiana Legislature for the support of microenterprise development, in accordance with federal and state regulations (45 CFR Part 260 et seq. and LAC 67:III.Subpart 15).

Title 4
ADMINISTRATION
Part VII. Governor's Office

Chapter 17. Women's Services

§1741. General Provisions

A. The OWS Microenterprise Program will help families achieve self-sufficiency through the development of comprehensive microenterprise development opportunities as a strategy for moving parents on public assistance into self-employment and work thereby breaking the cycle of dependence on public assistance and moving families out of poverty. A microenterprise is a sole proprietorship, partnership or family business which has fewer than five employees. It is small enough to benefit from loans under \$25,000 and generally too small to access the commercial banking sector.

B. OWS will collaborate with DED in the implementation of this program according to mutually agreed upon terms. OWS's program design will encourage collaboration and partnerships between Community-Based Organization (CBO's), Community Development Corporations (CDC's), Small Business Development Centers (SBDC's) and other institutions as a vehicle for efficiency, reducing costs, and providing high quality, comprehensive services.

AUTHORITY NOTE: Promulgated in accordance with Act 12 of the 2001 Special Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Women's Services, LR 28:1019 (May 2002).

§1743. Eligibility and Verification

A. Eligibility for OWS Microenterprise Development Program shall be determined by verifying eligibility for FITAP, KCSP, Food stamps, CCAP, Medicaid, LaChip, SSI or Free or Reduced School Lunch. If a family does not meet the definition of need, but appears to be eligible for one of the qualifying programs, the family should be referred to the appropriate agency. Upon being determined eligible for one of the qualifying programs, the family meets the definition of needy. Verification includes but is not limited to: Notices of Eligibility (as detailed in the following examples and provided to practitioner agency by the program participant), a copy of current SSI check, a documented phone call to certifying agency, written documentation from certifying agency, and electronic data exchange, if available.

B. Eligibility may also be determined by verifying that earned income levels fall at or below 200 percent of the federal poverty level. Contractors can use the TANF-EZ form to record information for eligibility determination. Examples of documented verification can include, but are not limited to: Notice of eligibility for FITAP, KCSP, Food Stamps, CCAP, Medicaid, LaChip, SSI or Free or Reduced School Lunch or most recent employment pay stub that verifies income, letter from employer stating wages, letter of termination from employment, or copy of most recent tax return. Verification documentation must be provided within

three days of application of services. Sub-Contractors shall be responsible for determining the TANF eligibility.

C. Documentation of each eligibility determination (approval or denial) must be maintained by and made available in accordance with Section VIII.B.3. Once eligibility is established, it is valid for a period of one year. However, funding of services will not extend past September 30, 2002.

AUTHORITY NOTE: Promulgated in accordance with Act 12 of the 2001 Special Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Women's Services, LR 28:1019 (May 2002).

Vera Clay
Executive Director

0205#010

RULE

Department of Health and Hospitals
Office of the Secretary
and
Department of Social Services
Office of the Secretary

Community and Family Support System
Cash Subsidy (LAC 48:I.16103-16121)

The Department of Health and Hospitals, Office of the Secretary and the Department of Social Services, Office of the Secretary has amended this Rule to implement Act 378 of the 1989 Regular Session of the Louisiana Legislature and Act 1011 of the 1991 Regular Session of the Louisiana Legislature which created the Community and Family Support System (R.S. 28:772). The original Rule was promulgated to implement the Cash Subsidy Program to provide a cash stipend to families of eligible children with severe and profound disabilities to offset the cost of keeping their children at home. This amendment will implement changes in eligibility criteria, the application process, acceptance to the waiting list for services and payment procedures.

Title 48

PUBLIC HEALTHC GENERAL

Part I. General Administration

Subpart 11. Community and Family Support System

Chapter 161. Community and Family Support System
Cash Subsidy

§16103. Definitions

Agency the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities (OCDD) which shall administer the cash subsidy program for the exceptionalities of developmental delay for children under the age of 9, autism, severe mental retardation, profound mental retardation, deaf/blind, traumatic brain injury, multi-handicapped, orthopedically handicapped and other health impaired or, the Office of Mental Health (OMH), which shall administer the cash subsidy program for the exceptionality, emotional/behavioral disorder.

Appropriate Documentation for Exceptionalities Served by the OCDD the most recent report, current within a year, which demonstrates parental participation with the Louisiana

State Department of Education in development of specialized educational services and/or authorization of specialized educational settings for children with special needs. No evaluation or assessment can be accepted into consideration for eligibility determination unless incorporated into the report of exceptionality generated through the local school system. Documentation of any kind that is not current within a year cannot be accepted into consideration for eligibility determination. Appropriate documentation includes: the Department of Education 1508 Evaluation (for infants and toddlers, this may be called a Multidisciplinary Evaluation for Part H Services); the Individualized Education Plan (IEP); an approved home study plan; or, the Individual Family Service Plan (IFSP).

Appropriate Documentation for the Exceptionality Served by the OMHC the Department of Education 1508 Evaluation of the Individualized Education Plan (IEP), current within a year; or, evidence of an Interagency Service Coordination Process; or, a certification from a licensed mental health professional that the child meets the Department of Education's criteria for emotional/behavioral disorder; or a current treatment plan from a licensed community mental health center.

Cash Subsidy Ca monetary payment to eligible families of children with severe or profound developmental disabilities to offset the costs of keeping their child at home.

Child Can individual under the age of 18.

Developmental Disability for a Person Age 5 and Older Ca severe, chronic disability which:

1. is attributable to a mental or physical impairment or combination of mental and physical impairments;
2. is manifested before the person attains age 22;
3. is likely to continue indefinitely;
4. results in substantial functional limitations in three or more of the following areas of major life activity: self care, receptive language, expressive language, learning, mobility, self-direction, and capacity for independent living; and,
5. reflects the person's need for a combination and sequence of special, interdisciplinary or generic care, treatment or other services which are of life-long or extended duration and are individually planned and coordinated.

Licensed Mental Health Professional Ca person credentialed to provide mental health services by a professional board established and approved by the state of Louisiana, including those boards which examine physicians (psychiatrists), psychologists, social workers, counselors, nurse practitioners, etc.

Qualifying Exceptionality Only the following exceptionalities identified through the Department of Education's 1508 Evaluation Process may be considered for the cash subsidy from the OCDD: autism, deaf/blind, profound mental retardation, severe mental retardation, multi-handicapped, orthopedic handicap, other health impaired, traumatic brain injury and developmentally delayed for children under the age of 9; other exceptionalities listed through that process are not eligible for participation in the cash subsidy program except that the exceptionality, emotional/behavioral disorder may be considered for the cash subsidy from the OMH.

Responsible Care Giver Ca child's natural or adoptive mother or father or the person who is responsible for the primary care and management of the child.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:772.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Social Services, Office of the Secretary, LR 18:186 (February 1992), amended LR 23:862 (July 1997), LR 28:1019 (May 2002).

§16105. Application Process

A. Applications for cash subsidy will be accepted by mail only; the responsible care giver shall be responsible for completing the application and for timely submission of appropriate documentation of a qualifying exceptionality. Support coordination agents may assist in the process but the final responsibility for compliance with program guidelines remains with the responsible care giver

B. To be deemed complete, the documentation listed in §16103 which identifies an eligible exceptionality must accompany the application for the cash subsidy and the application must be signed by the responsible care giver and received by the appropriate program office through the mail. The OCDD and OMH shall screen applicants for the cash subsidy at the point of application to determine whether the child is appropriately served by the OCDD or the OMH and ensure that applications are routed to the appropriate program office.

C. Only when deemed complete will applications be placed on the waiting list for eligibility determination with a date of application of the envelope containing the complete application. Applications will be maintained on the waiting list only in the region in which the applicant lives; no child may be placed on a waiting list or receive a cash subsidy from more than one region or program office.

D. Responsible care givers will receive timely confirmation of the date of receipt of the initial completed application and of their date of application on the waiting list for eligibility determination, and annually thereafter.

E. There shall be no closing date for accepting applications; a responsible care giver may submit a new application at any time an application or cash subsidy is terminated for any reason other than exceeding the eligible age for participation in the cash subsidy program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:772.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Social Services, Office of the Secretary, LR 18:186 (February 1992), amended LR 23:862 (July 1997), LR 27:910 (June 20, 2001), LR 28:1020 (May 2002).

§16107. Determining Children Eligible for the Cash Subsidy

A. In all cases, the exceptionality reported on the most current, current within a year, appropriate documentation shall be used to make a determination of eligibility for the cash subsidy program.

B. Evaluations not reported through the Department of Education's 1508 Process will not be accepted for consideration for exceptionalities served by the Office for Citizens with Developmental Disabilities; such evaluations shall be considered if/when reported through that process.

C. Children must be involved in an approved educational setting to be eligible for the cash subsidy; such settings may

include home schooling and other educational arrangements which have the approval of the local educational agency.

D. Children must meet the criteria for developmental disability and severity of exceptionality, as appropriate, to be eligible for the cash subsidy program through the OCDD, except that children under the age of 5 who meet the severity criteria will be considered to be developmentally disabled.

1. If a child is classified with the following primary or secondary exceptionalities, the child is eligible for the cash subsidy from the OCDD without a screening of the severity of their exceptionality: autism, deaf-blind, profoundly mentally handicapped, severely mentally handicapped, and multi-handicapped.

2. If a child is classified with the following primary or secondary exceptionalities, the child shall be screened by the OCDD to determine whether they meet the severity criteria specific to their exceptionality: Developmental delay for children to age 9, orthopedically handicapped, other health impaired, and traumatic brain injury. Only children who meet the established criteria for severity of exceptionality shall be eligible to receive the cash subsidy.

E. If a child is classified with a primary or secondary exceptionality of emotional/behavioral disorder or presents other appropriate documentation that identifies an emotional/behavioral disorder, the child shall be screened by the OMH to determine whether they meet the severity criteria specific to that exceptionality in order to be eligible to receive the cash subsidy.

F. Children who are adopted are eligible for the cash subsidy, including families who are receiving a specialized adoption subsidy; families who have more than one child who meets the eligibility criteria will be eligible for the cash subsidy amount for each child.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:772.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Social Services, Office of the Secretary, LR 18:186 (February 1992), amended LR 23:862 (July 1997), LR 27:910 (June 20, 2001), LR 28:1020 (May 2002).

§16109. Children Ineligible for the Cash Subsidy

A. These children are not eligible for the cash subsidy: children living in out-of-home settings, such as children who live in foster care or specialized foster care settings; children living and/or attending schools outside the state of Louisiana; children in residence at the Louisiana School for the Deaf and the Louisiana School for the Visually Impaired.

B. Any removal of the cash subsidy recipient from the home of the responsible care giver that exceeds 30 days may be considered an out-of-home placement, except that acute care hospitalization does not disqualify a child from receiving the cash subsidy and psychiatric hospitalizations of up to 90 days are not automatically considered out-of-home placements. With appropriate documentation, the responsible regional program office shall make an individual assessment of the continuation of the cash subsidy in light of family situation and circumstances.

C. It will be the responsibility of the responsible care giver to notify the regional program office when a child is removed from the home; failure to notify the responsible regional program office of such removal shall be potential grounds for termination of the cash subsidy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:772.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Social Services, Office of the Secretary, LR 18:186 (February 1992), amended LR 23:862 (July 1997), LR 27:910 (June 20, 2001), LR 28:1021 (May 2002).

§16111. Eligibility Determination

A. The OCDD Regional Offices and the OMH shall be responsible for determination of eligibility of all applicants for the cash subsidy for which they have responsibility.

B. An initial determination for eligibility for the cash subsidy will be made at the time that a slot becomes available; if receiving the cash subsidy, an annual determination of eligibility shall be made for the duration of eligibility for the cash subsidy.

C. At any time a responsible care giver cannot provide adequate and appropriate documentation of a qualifying exceptionality, the responsible care giver may request the local school agency to provide an alternative or re-evaluation of the child's exceptionality.

1. If the request for re-evaluation occurs at the point of initial determination of eligibility, the eligibility determination process will be held open for the period of re-evaluation, plus 10 working days. If the child can then be determined to be eligible, the cash subsidy will begin in the month that the next slot becomes available.

2. If the request for re-evaluation occurs at the point of annual determination of eligibility, the cash subsidy will be discontinued until the re-evaluation becomes available, plus 10 working days. If the child can then be determined to be eligible, the cash subsidy will resume in the month when the determination is made.

D. The OCDD Central Office shall be responsible to maintain a centralized waiting list of all cash subsidy applicants to the OCDD throughout the state according to their date of application. The OCDD, in concert with the OMH, shall be responsible to ensure that applicants for the cash subsidy program administered by the OMH are not receiving the cash subsidy from the OCDD.

E. There shall be no financial criteria for eligibility for the cash subsidy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:772.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Social Services, Office of the Secretary, LR 18:186 (February 1992), amended LR 23:862 (July 1997), LR 27:911 (June 20, 2001), LR 28:1021 (May 2002).

§16113. Payment Guidelines

A. The amount of the cash subsidy shall be \$258 monthly to families of eligible children with severe and profound disabilities to off-set the cost of keeping their child at home; families will not be required to document how the subsidy is used.

B. The termination date for a child attaining age 18 shall be the last day of the month of that birthday.

C. If for any reason a recipient receives excess payment, repayment of that amount will be requested. Failure to cooperate with repayment will be referred to DHH for recoupment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:772.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Social Services, Office of the Secretary, LR 18:186 (February 1992), amended LR 23:862 (July 1997), LR 27:911 (June 20, 2001), LR 28:1021 (May 2002).

§16115. Terminations

A. Reasons for termination may include the following: family moves out of state; family requests termination of cash subsidy payment; child is placed out of the home or attends school away from the home or in another state; death of the child; judicial removal of the child from the home; fraud; theft; termination or limitation of funding of the program; failure to comply with the provisions of the individual agreement or the cash subsidy program including the requirement to maintain quarterly contact with the office administering the cash subsidy; child's exceptionality no longer meets eligibility criteria; child attains age 18; and, responsible care giver fails to maintain the child in an approved educational program whether on-site or in-home.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:772.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Social Services, Office of the Secretary, LR 18:186 (February 1992), amended LR 23:862 (July 1997), LR 27:911 (June 20, 2001), LR 28:1022 (May 2002).

' 16117. Ongoing Monitoring

A. The responsible care giver is responsible to maintain contact with the regional program office staff in the area in which the family resides at least every 90 days to verify that the child is in the home and the conditions of the individual agreement and cash subsidy program are being met. Licensed case management programs, if available to the cash subsidy recipient, shall be responsible for this quarterly contact and for timely documentation of the contact to the regional program office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:772.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Social Services, Office of the Secretary, LR 18:186 (February 1992), amended LR 23:862 (July 1997), LR 27:911 (June 20, 2001), LR 28:1022 (May 2002).

§16119. Appeals

A. All persons receiving an eligibility determination and/or cash subsidy shall have access to the Department of Health and Hospitals= appeal process and shall be informed of their right of appeal and the process to make an appeal at the point of initial eligibility determination and at termination of a cash subsidy for any reason other than exceeding the eligible age for participation in the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:772.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Social Services, Office of the Secretary, LR 18:186 (February 1992), amended LR 23:862 (July 1997), LR 27:911 (June 20, 2001), LR 28:1022 (May 2002).

§16121. Program Evaluation

A. An annual external evaluation based on consumer satisfaction with the program and performance may be completed by the responsible program office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:772.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Social Services, Office of the Secretary, LR 18:186 (February 1992), amended LR 23:862 (July 1997), LR 27:911 (June 20, 2001), LR 28:1022 (May 2002).

Gwendolyn P. Hamilton
Secretary

0205#065

RULE

**Department of Health and Hospitals
Office of the Secretary
Bureau of Community Supports and Services**

**Home and Community Based Services Waiver Program
Mentally Retarded/Developmentally Disabled Waiver
Allocation of Waiver Slots**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services has amended 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 amended in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services amends the provisions contained in the September 20, 1999 rule governing the programmatic allocation of waiver slots for the Mentally Retarded/Developmentally Disabled (MR/DD) Waiver as follows.

Programmatic Allocation of Slots for MR/DD Waiver

The Bureau of Community Supports and Services (BCSS) request for services registry, formerly the MR/DD waiver waiting list, shall be used to evaluate individuals for waiver eligibility. This request for services registry will be used to fill all waiver slots administered by the BCSS for persons with mental retardation or developmental disabilities. BCSS shall notify the next individual on the request for services registry, in writing, that a slot is available and that he/she is next in line to be evaluated for possible waiver slot assignment. The individual then chooses a case manager who will assist in the gathering of the documents needed for both the financial and medical certification eligibility process. If the individual is determined to be ineligible, either financially or medically, that individual is notified in writing. The next person on the request for services registry is notified as stated above and the process continues until an eligible person accepts a waiver slot. A waiver slot is assigned to an individual when eligibility is established and the individual is certified. Before placing a person in an appropriate slot, the person must consent to the removal of their name from the request for services registry. Utilizing these procedures, waiver slots shall be allocated to the targeted groups cited as follows:

1. A minimum of 90 slots shall be available for allocation to foster children in the custody of the Office of Community Services (OCS), who successfully complete the financial and medical certification eligibility process and are certified for the waiver. OCS is the guardian for children

who have been placed in their custody by court order. OCS shall be responsible for assisting the individual in gathering the documents needed in the eligibility determination process, preparing the comprehensive plan of care, and submitting the plan of care document to Medicaid.

2. A minimum of 160 slots shall be available for residents of Pinecrest and Hammond Developmental Centers, or their alternates, who have chosen to be deinstitutionalized, who successfully complete the financial and medical certification eligibility process, and are certified for the waiver. In situations where alternates are used, an alternate shall be defined as a resident of an ICF/MR facility who chooses to apply for waiver participation, is eligible for the waiver, and vacates a bed in the ICF/MR facility for an individual being discharged from a publicly operated ICF/MR developmental center. A Pinecrest or Hammond Developmental Center resident must be given freedom of choice in selecting a private ICF-MR facility placement in the area of the residents choice in order to designate the resident being discharged from the ICF-MR facility as an alternate. The bed being vacated in the ICF/MR facility is reserved for placement of a resident of a publicly operated ICF/MR developmental center for 120 days.

3. Any slots vacated during the waiver year shall be available to residents leaving any publicly operated ICF/MR or their alternates. In situations where alternates are used, an alternate shall be defined as a resident of an ICF/MR facility who chooses to apply for waiver participation, is eligible for the waiver, and vacates a bed in the ICF/MR facility for an individual being discharged from a publicly operated ICF/MR developmental center. The bed being vacated in the ICF/MR is reserved for placement of a resident of a publicly operated ICF/MR developmental center for 120 days.

4. For those individuals who do not complete the transition process and move from either a publicly operated developmental center or an ICF/MR facility during the 120-day reservation period, the waiver slot will be converted to a community slot for processing. Justification to exceed the 120-day reservation period may be granted by the BCSS as needed.

5. Ten waiver slots shall be used for qualifying persons with developmental disabilities who are clients of the Developmental Neuropsychiatric Program (DNP) administered by Southeast Louisiana State Hospital, for a pilot project between the BCSS, the Office for Citizens with Developmental Disabilities (OCDD), and the Office of Mental Health (OMH) in the development of coordinated wrap around services for individuals choosing to participate in the waiver and who meet the financial and medical eligibility requirements for the waiver.

6. Funded slots, not addressed above, shall be available for allocation to the next individual on the BCSS request for services registry who successfully completes the financial and medical certification eligibility process and is certified for the waiver.

The Bureau of Community Supports and Services has the responsibility to monitor the utilization of waiver slots. At the discretion of the BCSS, specifically allocated slots may

be reallocated to better meet the needs of citizens with disabilities in the state of Louisiana.

David W. Hood
Secretary

0205#074

RULE

**Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing**

Laboratory and X-Ray
(LAC 50:XIX.Chapters 41 and 43)

Editor's Note: The following Subpart has recently been compiled and is being promulgated for codification purposes.

The table below shows the rules compiled to create each Section in Subpart 3, Laboratory and X-Ray.

Section Number	Rules
§4101	LR 8:75 (February 1982)
§4301	LR 5:388 (December 1979), LR 10:1034 (December 1984), LR 12:679 (October 1986), LR 22:107 (February 1996)
§4303	LR 5:388 (December 1979), LR 10:599 (August 1984), LR 13:578 (October 1987)
§4305	LR 10:1034 (December 1984), LR 22:219 (March 1996)
§4307	LR 22:219 (March 1996)
§4309	LR 22:219 (March 1996)
§4311	LR 22:219 (March 1996)
§4313	LR 22:219 (March 1996)
§4315	LR 22:219 (March 1996)
§4317	LR 22:219 (March 1996)
§4329	LR 8:75 (February 1982), LR 10:1034 (December 1984), LR 12:679 (October 1986), LR 22:107 (February 1996)
§4331	LR 26:2622 (November 200)
§4333	LR 23:414 (April 1997)

**Title 50
PUBLIC HEALTHC MEDICAL ASSISTANCE**

Part XIX. Other Services

Subpart 3. Laboratory and X-Ray

Chapter 41. Enrollment

§4101. Physician Office Services

A. Payment is limited to laboratory and diagnostic testing performed in a physician's office. Claims for these tests will be paid only when the physician has on file with the Provider Enrollment Section, a complete list of the laboratory and diagnostic equipment, the capabilities of such equipment, and permits verification of this data in accordance with the provider agreement.

B. Only those physicians who desire to claim reimbursement for laboratory or diagnostic tests performed in their offices need to complete and return the form. The laboratory and diagnostic equipment which needs to be reported is that equipment which is not common to all physicians' offices and for whose use there are specific CPT-IV codes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1023 (May 2002).

Chapter 43. Billing and Reimbursement
Subchapter A. Billing

§4301. Laboratory Testing Services

A. Independent and hospital laboratories who furnish laboratory services may bill a nominal amount for the collection of a patient specimen. However, only one collection fee per patient encounter will be permitted.

B. Physicians may bill for laboratory services only when they personally perform or supervise the test. Hospital laboratories will no longer be reimbursed for outpatient or nonpatient laboratory services furnished under arrangements with independent laboratories or other hospitals, except where the hospital performed some of the tests. Where a hospital performs some of the tests and refers the specimen to another hospital or independent laboratory, either the hospital may bill for all tests or the hospital and the reference laboratory may each bill for the service they provide.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153, R.S. 49:1008(A), P.L. 98-369, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1024 (May 2002).

§4303. Provider Claim Requirements

A. Definition

Claim—A single document line identifying the services and/or charges for services for a single recipient from a single provider.

B. Providers shall submit all original claims no later than 12 months from the date of service.

C. The provider shall be allowed up to two years from the date of service to provide adequate billing information to the fiscal intermediary necessary for adjudicating the claim. Any claim for which the fiscal intermediary has not received documentation necessary for adjudication within two years from the date of service shall be denied.

D. Providers shall be required to submit any adjustments within 120 days of adjudication of a claim. This requirement shall not apply to adjustments arising from Third Party Liability or Patient Liability.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1024 (May 2002).

§4305. Automated, Multichannel Test and Panel Billing

A. Procedure Code 84478 (Triglycerides) is included in the list of automated, multichannel tests enumerated under the heading "Automated, Multichannel Tests" in the 1995 issuance of the Physicians' Current Procedural Terminology.

B. A panel code (80002 - 80019) must be billed after the performance of the first, rather than the second, automated, multichannel test.

C. If more than one of the codes listed below is billed by the same billing provider for the same recipient for the same date of service, the first billing will be paid and the second

will be denied with the message, "Muti blood tests billed; to be combined to panel."

82040	82250	82251	82310	82315	82320
82325	82330	82374	82435	82465	82565
82947	83615	83620	84060	84075	84100
84132	84155	84295	84450	84455	84460
84465	84520	84525	84550	83624	83610
82555	84478	82550	84160		

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153, R.S. 49:1008(A), and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1024 (May 2002).

§4307. Hepatic Function Panel and General Health Panel

A. If individual tests and panel codes are billed for the same recipient for the same date of service by the same billing provider, the first billing will be paid and the second billing will be denied with the message "Blood component billed with panel code."

B. The panel codes begin with 80002 and extend through 80019 and include panel codes 80050 and 80058. The individual codes included in this edit are the ones listed under §4305.C of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153, R.S. 49:1008(A), and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1024 (May 2002).

§4309. Hematology

A. Incorrect billings of hematology components, indices and profiles will be denied with the message, "Hematology components/indices/profiles billed incorrectly."

B. Only one of codes 85021 - 85027 shall be paid to the same billing provider for the same recipient for the same date of service. A second billing of any of these codes on the same date of service for the same recipient by the same billing provider will be denied. Code 85021 should be billed by itself or one of 85022, 85023, 85024, 85025 or 85027 should be billed.

C. The billing of more than two of the hematology component codes (85007, 85014, 85018, 85041, 85048, 85595) by the same billing provider for the same recipient for the same date of service will result in denial of the third code in this group as a profile code should be billed if more than two tests in this group are performed.

D. The billing of one of the above profile codes (85021 - 85027) and one or more of the component codes 85014, 85018, 85041 or 85048 by the same billing provider for the same recipient for the same date of service will result in payment of the first billing and denial of the second as the component codes are included in the profile codes.

E. The billing of code 85007 and codes 85022 and/or 85023 on the same date of service for the same recipient by the same billing provider will result in payment of the first claim and denial of the second. Procedure code 85007 is included in codes 85022 and 85023.

F. A billing of code 85595 and codes 85023, 85024, 85025 and/or 85027 by the same billing provider for the

same recipient for the same date of service will result in payment of the first claim and denial of the second claim. Procedure code 85595 is included in codes 85023, 85024, 85025 and 85027.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153, R.S. 49:1008(A), and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1024 (May 2002).

§4311. Panel Codes

A. A billing of more than one panel code (80002 - 80019, 80050 and 80058) on the same date of service for the same recipient by the same billing provider will result in denial of the second billing with the message, "Max allowed. One panel per day per billing provider."

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153, R.S. 49:1008(A), and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1025 (May 2002).

§4313. Prenatal Lab Panels

A. A billing of more than one prenatal lab panel code (Z9001, Z9002, Z9003) on the same date of service for the same recipient by the same billing provider will result in denial of the second billing with the message, "One prenatal panel per pregnancy payable."

B. Only one prenatal lab panel code is to be paid per pregnancy. Therefore, a second billing of Z9001, Z9002 or Z9003 within a 270-day period by the same billing provider for the same recipient will be denied with the message, "Max allowed. Only one payable per pregnancy."

C. Procedure code 80055 (Obstetric Panel) will be placed in nonpay status as the Louisiana Medicaid Program has locally-assigned codes for prenatal lab panels.

D. Providers who have been reimbursed for a Z9001, Z9002 or Z9003 on a recipient will not be reimbursed also for codes 85018, 85022, 85025, 86592, 86762, 86900, 86901 or 86850 on that same recipient.

E. Only one claim for code 81000 will be reimbursed per recipient per pregnancy (270 days) per billing provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153, R.S. 49:1008(A), and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1025 (May 2002).

§4315. Urinalysis

A. A billing of code 81000 and one or more of 81002, 81003, or 81015 by the same billing provider for the same recipient for the same date of service will result in denial of the second billing with the message, "Urinalysis billed incorrectly" because 81002, 81003 and 81015 are inappropriate with 81000.

B. A billing of code 81002 and 81003 on the same date of service for the same recipient by the same billing provider will result in denial of the second claim with the same message because the descriptions of the two codes are contradictory.

C. A billing of code 81001 and 81002, 81003 or 81015 on the same date of service for the same recipient by the same billing provider will result in denial of the second claim as the descriptions of the latter three codes are contradictory to that of code 81001.

D. A billing of code 81000 and 81001 on the same date of service for the same recipient by the same billing provider

will result in denial of the second claim as the two codes have contradictory descriptions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153, R.S. 49:1008(A), and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1025 (May 2002).

§4317. Panels and Component Codes within Panels

A. A billing of panel code 80050 and component codes 80012 - 80019, 85022, 85025 and/or 84443 by the same billing provider on the same date of service for the same recipient will result in denial of the second claim with the message, "Billed panel and individual code within panel."

B. A billing of panel code 80058 and component codes 82040, 82250, 84075, 84450 and/or 84460 by the same billing provider on the same date of service for the same recipient will result in denial of the second billing with the same message.

C. If panel code 80059 is paid, component codes 86287, 86291, 86289, 86296, and 86302 will not also be paid on the same date of service for the same recipient to the same billing provider.

D. Subsections A - C of this Section also applies to panel codes 80061, 80072, 80090, 80091, 80092 and their components.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153, R.S. 49:1008(A), and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1025 (May 2002).

Subchapter B. Reimbursement

§4329. Physicians and Independent Laboratories

A. Reimbursement of clinical laboratory and x-ray services provided by physicians, and independent laboratories shall pay the lower of:

1. billed charges;
2. 85 percent of the state maximum amount for service; or
3. medicare maximum fee for the service.

B. Those services not subject to the Medicare fee schedule shall continue to be reimbursed to physicians and independent laboratories, based on maximums, or billed charges, whichever is less.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153, R.S. 49:1008(A), P.L. 98-369, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1025 (May 2002).

§4331. Medicare Part B

A. The Medicare payment is compared to the Medicaid rate on file for procedure codes on Medicare Part B claims.

1. If the Medicare payment exceeds the Medicaid rate, the claim is adjudicated as a paid claim with a zero payment.
2. If the Medicaid rate exceeds the Medicare payment, the claim is reimbursed at the lesser of the co-insurance and deductible or up to the Medicaid maximum payment.

B. 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) shall be considered to be payment in full for the service. The recipient does not have any legal liability to make payment for the service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153, R.S. 49:1008(A), P.L. 98-369, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1025 (May 2002).

§4333. Outpatient Hospital Laboratory Services Reimbursement

A. Hospitals are reimbursed for outpatient laboratory services as follows.

1. A uniform reimbursement methodology for all laboratory services subject to the Medicare fee schedule is established regardless of the setting in which the services are performed. The reimbursement rate for outpatient hospital laboratory services subject to the Medicare fee schedule are reimbursed at the same reimbursement rate for laboratory services provided in a non-hospital setting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1026 (May 2002).

0205#034

RULE

Department of Public Safety and Corrections Board of Pardons

Discretionary Powers of the Board (LAC 22:V.105)

The Louisiana Board of Pardons, in accordance with R.S. 49:950 et seq., has amended LAC 22:V.105, Discretionary Powers of the Board. This Rule is being amended to facilitate the handling of favorable recommendations from the Louisiana Risk Review Panel.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part V. Board of Pardons

Chapter 1. Applications

§105. Discretionary Powers of the Board

A. - D. ...

E. When the Louisiana Board of Pardons receives a favorable recommendation from any of the three existing Louisiana Risk Review Panels (South, Central and/or North Louisiana Risk Review Panel), said recommendation shall be accepted and, with a completed application, may be processed in the same manner as a favorable decision by the Board of Pardons on any application considered under the provisions of this Section without the necessity for further consideration. A Risk Review Panel recommendation and application may be set for a hearing at a time and date designated by the chairman, at his sole discretion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 16:1062

(December 1990), amended LR 24:1133 (June 1998), LR 28:1026 (May 2002).

Irvin L. Magri, Jr.
Chairman

0205#063

RULE

Department of Public Safety and Corrections Corrections Services

Home Incarceration/Electronic Monitoring Pilot Program (LAC 22:I.401)

The Department of Public Safety and Corrections, Corrections Services, in accordance with R.S. 15:571.35 as amended by Act 1139, 2001 Regular Session, and with the Administrative Procedure Act, R.S. 49:950 et seq., has adopted a rule to be published as LAC 22:I.401, Home Incarceration/Electronic Monitoring Pilot Program, to be administered under the Division of Probation and Parole.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part I. Corrections

Chapter 4. Home Incarceration/Electronic Monitoring Pilot Program

§401. Home Incarceration/Electronic Monitoring Pilot Program

A. Authority. Director of Probation and Parole as per R.S. 15:571.35, as amended by Act 1139 of the 2001 Regular Session of the Legislature.

B. Purpose

1. To establish guidelines and procedures for implementation of a pilot program of home incarceration and electronic monitoring for selected, eligible, first time offenders as an alternative to traditional imprisonment as required by Act 1139.

2.a. To establish and implement a program evaluation process in regard to the below listed factors:

- i. security;
- ii. beneficial and detrimental effects on the inmate;
- iii. projected probable effects on deterrence;
- iv. cost;
- v. labor intensiveness; and
- vi. other related measures of effectiveness.

b. This evaluation shall provide the required information on the pilot program, as well as a comparison with traditional imprisonment and be presented to the Joint Legislative Committee on the Budget, the Senate Committee on the Judiciary, Section C, and the House Committee on the Administration of Criminal Justice no later than 30 days prior to the first day of the 2003 Regular Session of the Legislature.

C. Applicability. All personnel of the Division of Probation and Parole involved in this pilot program.

D. Definitions. Definitions of key terms are as follows.

Sex Crimes For the purpose of this policy, *sex crimes* are defined as those crimes listed in R.S. 15:542.E, including attempts to commit the crime.

Crimes of Violence For the purpose of this policy, *violent crimes* are defined as those crimes listed in R.S. 14:2(13), including attempts to commit the crime.

Entry Points Offender selection can occur at two entry points in the judicial process: initial sentencing or during the violation process.

Eligibility Defendants convicted of a non-violent, first offense are eligible for program participation with two exceptions:

- a. sex crimes;
- b. producing, manufacturing, distributing or dispensing a controlled dangerous substance or possession with the intent to produce, manufacture, distribute or dispense a controlled dangerous substance under the provisions of the Uniform Controlled Dangerous Substance Law, R.S. 40:961 et seq.

Home Incarceration Can alternative to traditional imprisonment in which the offender is supervised in the community under the conditions of probation as set forth in CCrP Article 895 and may include any other condition reasonably related to implementing or monitoring a sentence of home incarceration including electronic monitoring, curfews, and limitations of the offender's activities outside the home.

Electronic Monitoring The use of electronic monitoring technologies as a tool to enhance supervision and control of participating offenders in the community, compatible with our mission of public safety.

Traditional Imprisonment Term of incarceration an offender is sentenced to by the court at the time of their initial sentencing or as a result of the probation violation process.

E. Policy

1. It is the policy of this division to develop and implement a pilot program of home incarceration and electronic monitoring as an alternative to traditional imprisonment for eligible offenders.

2. This program will commence on November 1, 2001, and continue until appropriated funding is exhausted or further legislative action is taken.

3. Rules and regulations for the development, implementation and administration of this pilot program will be developed, adopted and promulgated in compliance with the provisions of the Administrative Procedure Act. These rules and regulations are set forth in the "procedures" section of this policy.

4. This program will be evaluated as required by Act 1139 and the results of this evaluation will be reported to the legislative committees as required.

F. Procedures

1. Participation

a. The selection of districts to participate in the pilot program will require that a sufficient number of offenders meeting the eligibility requirements are available and have concurrence of the court and district attorney to participate in the program.

b. Once the participating districts have been chosen, they will develop an offender identification and selection process involving the participation of the court and district

attorney. Since the screening process will involve the court and district attorney, it is left to each district to develop a process acceptable to all parties.

2. Identification and Screening of Potential Participants. Eligible and suitable offenders will be identified and screened for participation in the program prior to initial sentencing and during the violation process prior to the revocation hearing.

a. Identification at Initial Screening. The most difficult aspect of the selection process will be in identifying which eligible offenders due for sentencing are likely to receive a sentence of traditional incarceration. When the court orders a pre-sentence investigation, it will be used to screen for and recommend eligible and suitable candidates for this pilot program. The pre-sentence investigation format summary and recommendation section has been revised to facilitate this process. However, most offenders are sentenced without the benefit of a pre-sentence investigation. Participating districts will develop an offender identification and selection process involving the participation of the court and district attorney that is acceptable to all parties. Most courts normally place offenders who are eligible for this program on probation since they are non-violent, first offenders. Some examples of appropriate candidates from this group would be those who are uncooperative while on bond, those who are re-arrested for minor offenses while awaiting sentencing or who are otherwise non-compliant and present an enhanced risk which can be addressed through this program with electronic monitoring.

b. Identification at Violation Process. The court may be more willing to place an offender in this program pursuant to the violation process. Screening would be required for all eligible offenders in the violation process prior to the revocation hearing with our focus on offenders who are likely to receive a sentence of incarceration. We should recommend violators who may be safely maintained in the community with this enhanced form of supervision and electronic monitoring.

3. Selection Process

a. Once an offender has been identified as a potential, suitable participant in the program, the concurrence of the court and district attorney that the offender is likely to respond affirmatively to this program must be obtained.

b. The offender must have a willingness and ability to participate in this program. Participation in home incarceration and electronic monitoring programs have a number of unique requirements, such as a suitable residence. Since the offender will be required to remain in the residence during specified periods which will likely be longer than normal, the environment in the residence must be conducive to the offender's successful participation in this program. For example, the other residents must be agreeable to and supportive of the offender's participation in the program. They cannot be involved in criminal activity, such as drug use. The residents must also comply with the needs of the electronic monitoring system, such as a telephone and other restrictions. The offender must understand and agree to comply to all requirements of the program prior to placement.

4. Processing

a. The processing of an offender into the pilot program will consist of two basic steps:

i. the offender must be explained the specific requirements and restrictions of the home incarceration and electronic monitoring program and given this information in writing with a signed copy for our file, the same as the general conditions of probation;

ii. secondly, the offender must be entered into the electronic monitoring program, that is having the home base unit installed in the offender's home and the electronic bracelet connected.

b. The processing of an offender for the program should be performed with the same urgency and thoroughness as with Specialized Sex Offenders. The first step of the processing should be completed on the date of sentencing, if possible. If not, then it should be completed as soon as possible afterward. The second step of actually "hooking" the offender to the electronic monitoring system may not be completed that same day, due to geographic or other considerations. However, it is our policy to enter the offender in the electronic monitoring phase of the program as quickly as possible.

5. Supervision

a. The supervision policy for the Home Incarceration/Electronic Monitoring Pilot Program is set forth in the Probation & Parole Officer's Manual in Chapter 3C Alternative Community Based Programs; #4C Home Incarceration/Electronic Monitoring Pilot Program Act 1139. This policy details all aspects of the Home Incarceration and Electronic Monitoring Program, including the use of electronic monitoring as a supervision and monitoring tool, curfews, home visits by the supervising officer, limitations of offender activities outside the home and various requirements which may be imposed, such as maintaining employment, attending substance and/or mental health treatment, vocational and/or educational programs, etc.

b. Initially, curfews and other restrictions will be structured to seriously limit the offender's time and activities outside the home. These restrictions will be adjusted according to the offender's performance and adjustment in the program. It is the goal of the program to ease these restrictions consistent with the offender's positive adjustment to supervision until the offender can be transitioned into traditional supervision.

6. Violations

a. Minor Violations. Minor violations will be handled by the supervising officer. Sanctions for minor violations can be an extension of existing restrictions and the addition of new restrictions.

b. Major Violations or Continued Minor Violations. All major violations of this program or any other condition of probation will result in the offender being placed in the violation process and the matter being referred back to the court.

c. Continued minor violations that undermine the effectiveness and purpose of this program will also be handled through the formal violation process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:823.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Correction Services, LR 28:1026 (May 2002).

Richard L Stalder
Secretary

0205#062

RULE

**Department of Public Safety and Corrections
Gaming Control Board**

Imposition of Sanctions, Enforcement Actions of the Board, Managerial Representative on Premises, and Supplier Permit Criteria (LAC 42:VII.2325, 2955; IX.2174, 2931, 4103; and XIII.2325, 2955)

The Louisiana Gaming Control Board has amended LAC 42:VII.2325, 2955; IX.4103; XIII.2325, and has adopted IX.2174, 2931 and XIII.2955 in accordance with R.S. 27:15 and 24, and the Administrative Procedure Act, R.S. 49:950 et seq.

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. - D. ...
- E. Penalty Schedule

Section Reference	Description	Base Fine	Proscriptive Period (Months)

Chapter 29. Operating Standards			

2955	Managerial Representative on Premises	\$25,000	18

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 25:1919 (October 1999), amended LR 27:1321 (June 1999), LR 28:1026 (May 2002).

Chapter 29. Operating Standards

§2955. Managerial Representative on Premises

A. Each licensee shall establish a position designated as Managerial Representative on Premises. A Managerial Representative on Premises shall be on the licensee's premises at all times and shall have authority to immediately act on behalf of the general manager in any matter or concern of the board or division. A description of the duties and responsibilities of the Managerial Representative on Premises shall be included in the licensee's internal controls as approved by the Division.

B. Each licensee shall provide, in writing, a current list of all Managerial Representatives on Premises. Each Managerial Representative on Premises must have a valid current gaming employee permit and must be approved by the division.

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 27:770 (April 2000), amended LR 28:1028 (May 2002).

Part IX. Landbased Casino Gaming
Subpart 1. Economic Development and Gaming Corporation

Chapter 21. Applications, Suitability, Permitting and Licensing

§2174. Supplier Permit Criteria

A. The division shall determine whether suppliers providing goods and/or services to the casino operator or casino manager are legitimate ongoing businesses. In making such determination the division shall consider any or all of the following nonexclusive factors:

1. years in business providing specific goods and/or services procured by the casino operator or casino manager;
2. number of employees;
3. total customer base;
4. dollar volume of all sales compared to sales to the casino operator;
5. existence and nature of warehouse and storage facilities;
6. existence and number of commercial delivery vehicles owned or leased;
7. existence and nature of business offices, equipment and facilities;
8. whether the goods and/or services provided to the casino operator are brokered, and, if so, whether the actual supplier distributes through brokers as a common business practice;
9. registration with and reporting to appropriate local, state and federal authorities, as applicable.

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 28:1029 (May 2002).

§2931. Managerial Representative On Premises

A. The casino operator shall establish a position designated as Managerial Representative on Premises. A Managerial Representative on Premises shall be on the casino operator's premises at all times and shall have authority to immediately act on behalf of the general manager in any matter or concern of the board or division. A description of the duties and responsibilities of the Managerial Representative on Premises shall be included in the casino operator's internal controls as approved by the Division.

B. The casino operator shall provide, in writing, a current list of all Managerial Representatives on Premises. The Managerial Representative on Premises must have a valid current gaming employee permit and must be approved by the division.

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 28:1029 (May 2002).

Chapter 41. Enforcement Actions

§4103. Enforcement Actions of the Board

- A. - B. ...
- C. Penalty Schedule

Section Reference	Description	Base Fine	Proscriptive Period (Months)

Chapter 29. Operating Standards			

2931	Managerial Representative on Premises	\$25,000	18

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 25:1974 (October 1999), amended LR 26:2305 (October 2000), LR 28:1029 (May 2002).

Part XIII. Riverboat Gaming

Chapter 23. Compliance, Inspections and Investigations

§2325. Imposition of Sanctions

- A. - D. ...
- E. Penalty Schedule

Section Reference	Description	Base Fine	Proscriptive Period (Months)

Chapter 27. Accounting Regulations			

2713.C	Written Approval Required for Licensees own Calculation Procedure	\$5,000	12

2719.B	No Cash Wagers allowed	\$10,000	18
Chapter 29. Operating Standards			

2955	Managerial Representative on Premises	\$25,000	18

Chapter 31. Rules of Play			
3101	Authority & Applicability		
3101.A&C	Only Authorized Games allowed: 90 day trial period	\$25,000	24
3101.B	Games must be conducted according to rules and licensee's rules of play	\$5,000	12
3103	House Rules	\$5,000	12
3105	Submission of Rules	\$25,000	24
3107	Wagers	\$10,000	18
3109	Game Limits	\$5,000	12
3111	Publication of Payoffs	\$5,000	12
3113	Periodic Payoffs	\$5,000	12
3115	Blackjack	\$5,000	12
3117	Craps	\$5,000	12
3119	Roulette	\$5,000	12
3121	Mini-Baccarat	\$5,000	12
3123	Big Six Wheel	\$5,000	12
3125	Bouree	\$5,000	12

3127	Poker	\$5,000	12
3129	Variations of Poker	\$5,000	12
3131	Red Dog	\$5,000	12
3133	Sic Bo	\$5,000	12
* * *			
Chapter 42. Electronic Gaming Devices			
4202	Approval of Gaming Devices; Applications and Procedures; Manufacturers and Suppliers	\$10,000	12
4204	Progressive EGDs	\$5,000	12
4205	Computer Monitoring Requirements of Electronic Gaming Devices	\$10,000	12
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
* * *			
4317	Destruction of Counterfeit Chips and Tokens	\$5,000	12
* * *			
4323	Approval and Specifications for Cards	\$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, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:705 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:1318 (June 2000), LR 28:1029 (May 2002).

Chapter 29. Operating Standards

§2955. Managerial Representative On Premises

A. Each licensee shall establish a position designated as Managerial Representative on Premises. A Managerial Representative on Premises shall be on the licensee's premises at all times and shall have authority to immediately act on behalf of the general manager in any matter or concern of the board or division. A description of the duties and responsibilities of the Managerial Representative on Premises shall be included in the licensee's internal controls as approved by the Division.

B. Each licensee shall provide, in writing, a current list of all Managerial Representatives on Premises. Each Managerial Representative on Premises must have a valid current gaming employee permit and must be approved by the division.

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 28:1030 (May 2002).

Hillary J. Crain
Chairman

0205#008

RULE

**Department of Revenue
Policy Services Division**

**Federal Income Tax Deduction
(LAC 61:I.1307)**

Under the authority of R.S. 47:293(3), R.S. 47:297.B, R.S. 47:295, R.S. 47:1511, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, adopts LAC 61:I.1307 relative to the federal income tax deduction.

Louisiana Revised Statute 47:293(3) defines "federal income tax liability" to mean "the total amount of tax due to the United States for the taxable period on the individual income tax return required to be filed by any taxpayer, except that social security taxes and self-employment taxes shall not be included." The adoption of LAC 61:I.1307 clarifies the federal income tax deduction.

Title 61

REVENUE AND TAXATION

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

Chapter 13. Income: Personal

§1307. Federal Income Tax Deduction

A. Individual income taxpayers who deduct the federal income tax liability defined in R.S. 47:293(3) and are due a credit for foreign taxes, shall be allowed two options for computing the federal income tax liability deduction. The taxpayer may either:

1. use a federal tax liability that has been reduced by the federal credit for foreign taxes allowed by Internal Revenue Code Section 27, and take the Louisiana credit for federal credits provided by R.S. 47:297.B; or

2. use a federal tax liability that has not been reduced by the federal credit for foreign taxes allowed by Internal Revenue Code Section 27, and forego any claim to the Louisiana credit for federal credits provided by R.S. 47:297.B.

AUTHORITY NOTE: Adopted in accordance with R.S. 47:293(3), R.S. 47:297.B, R.S. 47:295, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, LR 28:1030 (May 2002).

Cynthia Bridges
Secretary

0205#035

RULE

**Department of Social Services
Office of Family Support**

FITAP and Food Stamp Program Vehicle Exclusion
(LAC 67:III.1235 and 1949)

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), and Subpart 3, Food Stamps.

The agency now chooses to exclude the value of all vehicles from the FITAP and Food Stamp Program resource limits for eligibility.

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

§1235. Resources

A. Assets are possessions which a household can convert to cash to meet needs. The maximum resource allowable for an assistance unit is \$2,000. All resources are considered except:

- 1. - 19. ...
- 20. vehicles;
- 21. - B. ...

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, P.L. 106-387.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2451 (December 1999), amended LR 27:736 (May 2001), LR 27:866 (June 2001), LR 28:1031 (May 2002).

Subpart 3. Food Stamps

Chapter 19. Certification of Eligible Households

Subchapter H. Resource Eligibility Standards

§1949. Exclusions from Resources

- A.1. - 3. ...
- 4. the value of all vehicles.
- B. ...

AUTHORITY NOTE: Promulgated in accordance with F.R. 52:26937 et seq., 7 CFR 273.8 and 273.9C(v), P.L. 103-66, P.L. 106-387.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security in LR 13:656 (November 1987), amended in LR 13:249 (August 1987), LR 17:953 (October 1991), amended by the Department of Social Services, Office of Family Support in LR 18:142 (February 1992), LR 18:686 (July 1992), LR 18:1267 (November 1992), LR 20:990 (September 1994), LR 20:1362 (December 1994), LR 21:186 (February 1995), LR 27:867 (June 2001), LR 27:1934 (November 2001), LR 28:1031 (May 2002).

Gwendolyn P. Hamilton
Secretary

0205#054

RULE

**Department of Transportation and Development
Office of the Secretary**

Title 70 Restructure (LAC 70:I and III)

Editor's Note: Title 70 has been restructured. The Chapters in Parts I and III have been divided into 5 new Parts by topic matter. These changes will be reflected in the December 2001 compilation of Title 70.

The following table shows the restructuring of Title 70. Each Chapter that was moved is listed, showing the former placement and the current placement.

Former Placement	Current Placement
I.Chapter 1	III.Chapter 1
I.Chapter 3	II.Chapter 1
I.Chapter 5	XXV.Chapter 1
I.Chapter 7	XXIII.Chapter 1
I.Chapter 9	XXIII.Chapter 3
I.Chapter 11	I.Chapter 1
III.Chapter 1	III.Chapter 3
III.Chapter 2	III.Chapter 5
III.Chapter 5	III.Chapter 7
III.Chapter 7	I.Chapter 3
III.Chapter 9	I.Chapter 5
III.Chapter 11	II.Chapter 3
III.Chapter 13	II.Chapter 5
III.Chapter 15	II.Chapter 7
III.Chapter 17	II.Chapter 9
III.Chapter 19	II.Chapter 11
III.Chapter 21	II.Chapter 13
III.Chapter 23	II.Chapter 15
III.Chapter 25	II.Chapter 17
III.Chapter 27	I.Chapter 7

0205#033

RULE

**Department of Treasury
Teachers' Retirement System**

Deferred Retirement Option Plan (DROP) Accounts
(LAC 58:III.509 - 513 and 519)

In accordance with R.S. 49:950 et seq., the Administrative Procedures Act, the Board of Trustees of Teachers' Retirement System of Louisiana approved an amendment to policies governing the withdrawal of funds from Deferred Retirement Option Plan (DROP) accounts.

Title 58

RETIREMENT

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

§509. Withdrawal of Funds from a Drop Account

A.1. - 5. ...

6.a. one-time partial account balance withdrawal at the beginning of, or during the term of, monthly or annual withdrawals selected in accordance with §509.A.2, 3, 4, or 5. If the one-time partial account balance withdrawal is made before any other withdrawals, the balance of the account will

be paid as determined by the withdrawal method selected in accordance with §509.A.2, 3, 4, or 5. If withdrawals have already begun, the duration of the remaining monthly and or annual withdrawals will be redetermined and the appropriate federal tax laws will be applied. If the one-time partial account balance withdrawal is to be made after the monthly or annual withdrawals have begun, the retiree must meet one of the following conditions:

- i. one must have been at least age 55 on the date of his retirement; or
- ii. one must be at least 59 1/2 at the time he chooses the one-time single lump sum withdrawal;
- b. in all cases the monthly or annual withdrawals may not be decreased once they have begun, although they may be increased in accordance with §511.A;

7. total DROP account balance withdrawal at any time after monthly or annual withdrawals have begun.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:786-791.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Teachers' Retirement System of Louisiana, LR 18:621 (June 1992), amended LR 18:1419 (December 1992), LR 19:1601 (December 1993), LR 20:1020 (September 1994), LR 21:1267 (November 1995), LR 23:85 (January 1997), repromulgated LR 24:499 (March 1998), amended LR 28:1031 (May 2002).

§511. Change of DROP Withdrawal Method

A. The participant will have one opportunity per 12-month period to change the chosen withdrawal method if the original method selected was either §509.A.2, 3, 4, 5, or 6. Any change in the withdrawal method must be made in accordance with the life expectancy of the participant, and at no time may the disbursement from the account be less than the amount of the originally selected periodic payment.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:739 and R.S. 11:786-791.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Teachers' Retirement System of Louisiana, LR 18:621 (June 1992), amended LR 18:1419 (December 1992), LR 19:1601 (December 1993), LR 20:1020 (September 1994), LR 21:1267 (November 1995), LR 23:85 (January 1997), repromulgated LR 24:499 (March 1998), amended LR 24:961 (May 1998), LR 28:1032 (May 2002).

§513. Termination of DROP Participation

A. ...

B. In the event of the death of the DROP participant/retiree, a spousal beneficiary shall select a withdrawal method from the options listed in §509.A, and may make changes in accordance with §511. If the disbursements from the account began prior to the participant's death, the spousal beneficiary may make changes in accordance with §511.

C. In the event of the death of the participant during DROP participation, or after the end of the period of participation, but before total distribution of the DROP account balance, a beneficiary(ies) other than the participant's surviving spouse shall immediately receive a lump sum equal to the participant's balance in the DROP account.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:786-791.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Teachers' Retirement System of Louisiana, LR 18:621 (June 1992), amended LR 18:1419

(December 1992), LR 19:1601 (December 1993), LR 20:1020 (September 1994), LR 21:1267 (November 1995), LR 23:85 (January 1997), repromulgated LR 24:499 (March 1998), amended LR 28:1032 (May 2002).

§519. Application for DROP

A. A member shall not begin his DROP participation until TRSL has received a fully completed, signed, and witnessed Application for DROP, Form 11F. TRSL must receive both sides of the Form 11F.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:786-791.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Teachers' Retirement System of Louisiana, LR 18:621 (June 1992), amended LR 18:1419 (December 1992), LR 19:1601 (December 1993), LR 20:1020 (September 1994), LR 21:1267 (November 1995), LR 23:85 (January 1997), repromulgated LR 24:499 (March 1998), amended LR 24:962 (May 1998), LR 28:1032 (May 2002).

Brian N. Minturn
Director/CEO

0205#058

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Harvest of Mullet (LAC 76:VII.343)

The Wildlife and Fisheries Commission has amended the rules for the transfer of a mullet permit in accordance with R.S. 56:333(H).

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

§343. Rules for Harvest of Mullet

A. - E.3. ...

4. Notwithstanding LAC 76:VII.343.E.2, the department, upon application from an individual who is currently permitted to commercially take mullet, may transfer a valid mullet permit under the following requirements and conditions.

a. The transferee must possess and provide the department his/her social security number.

b. The transferee must possess a valid commercial fishing license and shall provide proof that he derived more than 50 percent of his earned income from the legal capture and sale of seafood species in the calendar year immediately prior to the year of application. Proof shall be for the tax year immediately prior to the application for transfer, and shall be in the form of an IRS transcript stamped by the local office, plus a copy of the applicant's personal file copy of his or her completed tax return for that year including all schedules and Form W-2s.

c. The transferee shall not currently possess a mullet permit nor have been permanently barred from the mullet fishery.

d. The transferor and the transferee each must certify that there shall be no financial gain realized for the transfer of such license or permit in accordance with department guidelines.

RULE

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

Hunting Preserve Regulations (LAC 76:V.305)

The Wildlife and Fisheries Commission has amended the rules governing hunting preserves.

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 3. Wild Birds

§305. Hunting Preserve Regulations

A. As provided by R.S. 56:651, the department may issue a license to operate hunting preserves. Hunting preserves are to be operated under the following regulations.

1. Application Requirements

a. Application shall be made in writing on forms provided by the department.

b. Applicant must provide proof of ownership or verification of exclusive hunting rights from the landowner of the property the hunting preserve is to be operated. This is to be returned with the application.

c. All applicants, including applicants for renewal as required by the department, must provide a written operational plan detailing the type(s) of birds to be released, the method(s) and time of release, and location(s) of release. A description of hunting activities that occur, or are likely to occur on the preserve and surrounding property must also be included. In the case of hunting preserves approved to utilize mallards, a map must be included in the operational plan which indicates the release site, water areas, and shooting areas. A license will not be issued until the operational plan has been approved by the department. Deviation from the approved operational plan is permitted only with written consent of the department.

d. The department may revoke/deny any hunting preserve license for failure to comply with any fish or wildlife laws, for reasons relating to disease or public health, for deviation from an approved operational plan, or for failure to abide by the rules and regulations established for this hunting preserve program. Revocation/denial shall be for a minimum of one entire hunting preserve season.

e. New applications must be received prior to August 1 for operation during the forthcoming hunting preserve season.

2. Suitability of Area for Use as a Hunting Preserve

a. No license for a hunting preserve shall be issued until an on-site investigation has been completed by the department and the department has determined that the property is suitable for the purpose of the proposed hunting preserve. The department shall base its determination on whether or not the proposed shooting area will cause conflicts with wild migratory game bird hunting, or be in violation of state and federal regulations concerning the feeding of migratory waterfowl or the use of live decoys, that the establishment of the shooting area will be in the public interest, and that the operation of a hunting preserve at the location specified in the application will not have a detrimental effect upon wild migratory or resident game birds.

e. Any mullet permit found to have been transferred for financial gain shall be rendered void, shall immediately be surrendered to the department, and shall not be reissued.

5. In the case of a proven physical hardship, the department, upon written request from an individual who is currently permitted to commercially take mullet, may transfer a valid mullet permit into the name of the spouse, parent/legal guardian, or child/legal dependent of such person under the following requirements and conditions.

a. A mullet permit holder shall make a written request that includes the name, address and social security number of both the permit holder and the person to whom the license is requested to be transferred and shall set forth in detail the reasons justifying the request.

b. The mullet permit holder must present documentation sufficient to prove relationship as being the spouse, parent/legal guardian, or child/legal dependent, between the permit holder and the person to whom the permit is to be transferred. Examples of documents tending to establish such proof would include marriage license, birth certificate and/or judgment of legal guardianship.

c. The mullet permit holder must provide a signed statement from the treating physician setting forth the specific nature and extent of the disability together with a statement that the condition prevents participation in commercial fishing activities.

F. A valid mullet permit may only be transferred from a mullet permit holder who has no pending mullet charges for violating any provisions of R.S. 56:333 or any commission rule or regulation adopted pursuant to R.S. 56:333 after August 15, 2001. The provisions of R.S. 56:333.F shall apply to permit transfer recipients. Permits under suspension or revocation shall not be transferable during any suspension or revocation period.

G. Any person who transfers a mullet permit shall be precluded thereafter from obtaining a mullet permit whether by transfer or other method.

H. General Provisions. Effective with the closure of the commercial season for mullet, there shall be a prohibition of the commercial take from Louisiana waters, and the possession of mullet on the waters of the state with commercial gear in possession. Nothing shall prohibit the possession, sale, barter or exchange off the water of mullet legally taken during any open period provided that those who are required to do so shall maintain appropriate records in accordance with R.S. 56:306.4 and R.S. 56:345 and be properly licensed in accordance with R.S. 56:303 or R.S. 56:306.

I. In addition, all provisions of R.S. 56:333(C) are hereby adopted and incorporated into this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), R.S. 56:325.1, R.S. 56:333 and Act 1316 of the 1995 Regular Legislative Session, R.S. 56:333.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:1420 (December 1992) amended LR 21:37 (January 1995), LR 22:236 (March 1996), LR 24:359 (February 1998), LR 26:2332 (October 2000), LR 28:1032 (May 2002).

James H. Jenkins, Jr.
Secretary

0205#043

b. No license shall be issued for any hunting preserve situated on a marsh, lake, river or any other place where there are concentrations of wild waterfowl or if its operations are likely to result in attracting such concentrations of wild waterfowl.

c. No hunting preserve using mallards shall be located within five miles of any wildlife area with significant waterfowl concentrations owned or leased by the state or federal government or by non-profit conservation organizations.

d. Licenses for hunting preserves using mallards will not be issued in the coastal zone, defined as that area south of I-10 from the Texas state line to Baton Rouge, south of I-12 from Baton Rouge to Slidell and south of I-10 from Slidell to the Mississippi state line.

e. No license shall be issued for the use of pheasants on any hunting preserve situated within areas with medium to high turkey populations. In areas with low turkey populations and low potential for expansion, pheasants may be used. This determination will be made at the local level by a department biologist in consultation with the turkey study leader. Agricultural areas contiguous to occupied turkey habitat may use pheasants if the preserve boundaries are at least one-half mile from the nearest woodland.

f. The licensee is responsible for notifying the department of changes in activities or conditions that may affect the suitability of the property for a hunting preserve. If at any time, the department determines that activities or conditions on the hunting preserve or surrounding property, make the property unsuitable for a hunting preserve, or that continued operation of the hunting preserve is not consistent with these regulations, the department may immediately revoke the hunting preserve license, or require modification of the operational plan.

g. Applicants and licensees are advised that hunting preserve licenses are issued following a review and recommendations by department staff. Licenses are issued on an annual basis for a 12-month term only. Changing conditions, including those such as climatic, biological, and land use, which may be beyond the control of the applicant/licensee, may result in certain applications not being granted, or licenses not being renewed. Annual renewal of hunting preserve licenses cannot be assured and applicants/licensees are cautioned to take these factors into consideration when making any investments or commitments which may relate to the continued issuance of a hunting preserve license.

3. Types of Releases Allowed

a. The use of mallards on hunting preserves is limited to those operations whereby domestic mallards are released in a controlled fashion to proceed over positioned shooters in their flight path. No direct releases of any species of domesticated waterfowl into the wild for any sporting purposes or for any reasons are permitted within the state.

b. Quail may be released after September 1 on hunting preserves for the purpose of providing coveys for hunting. Pheasants and chukars may not be released on hunting preserves more than one day prior to a scheduled hunt. No direct releases of domesticated game birds,

including but not limited to quail, pheasants and chukars, into the wild for purpose of population establishment are permitted within the state.

c. All quail and mallards must be banded in accordance with R.S. 56:654(4) prior to release.

4. Inspection of Permitted Areas and Domesticated Game Birds

a. Applicant must provide proof that the birds to be released originated from a source flock participating in the National Poultry Improvement Plan (NPIP) within 365 days prior to release and have not been in contact with birds from non-NPIP sources.

b. The premises of game bird production facilities and/or holding pens may be inspected by the department or by a designated agent for assessment of health of birds and sanitation of facilities. General pen requirements must conform to those adopted by the Louisiana Wildlife and Fisheries Commission for game breeders.

c. Accurate records of animal husbandry and mortality must be maintained at production/holding facilities and will be subject to periodic inspection by the department.

d. Every person who brings or causes to be brought into this state live domestically reared game birds for shooting purposes must comply with Livestock Sanitary Board regulations on livestock, poultry, and wild animals (R.S. 7:11705, 11767 and 11789). A copy of the health certificate must also be forwarded to the Department of Wildlife and Fisheries within 10 days for each shipment of birds. Any shipment of birds not accompanied by a health certificate shall be destroyed or returned to the place of origin by the importer at his sole cost and responsibility.

5. Hunting Licenses Requirements. A basic hunting license or hunting preserve license is required of all persons hunting on hunting preserves. In addition, a Louisiana Waterfowl Hunting License (formerly known as a state duck stamp) is required as provided by law of all persons taking or hunting mallards on any hunting preserves.

6. Season Dates. The season during which shooting will be permitted shall be set by the Louisiana Wildlife and Fisheries Commission. The current season is fixed for the period of October 1 through April 30.

7. Shooting Hours. Shooting hours for hunting preserves shall be set by the Louisiana Wildlife and Fisheries Commission. The current hours are one-half hour before sunrise to sunset.

8. Methods of Take

a. Shotguns 10 gauge or smaller capable of holding no more than three shells in the magazine and chamber combined; nontoxic shot is required for hunting mallards on hunting preserves approved for use of mallards;

b. muzzle-loading shotguns;

c. falconry;

d. archery equipment

B. Existing state laws R.S. 56:651-659 and federal law 50 CFR 21:13 address bird banding, bird identification, bird transportation, reports and records and other issues. Compliance with these state and federal laws are mandatory. Hunting and taking of wild migratory and wild resident game birds on licensed hunting preserves must conform to

all state and federal hunting regulations, including, but not limited to: non-toxic shot requirements, federal duck stamp requirements, live decoy prohibition, seasons, and bag limits.

C. Changes in Rules. The Louisiana Wildlife and Fisheries Commission, Louisiana Department of Agriculture and the U.S. Fish and Wildlife Service may from time to time make changes in these rules and it is the responsibility of the licensee to apprise himself of any changes and to abide by them.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:651-659.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 18:1136 (October 1992), amended LR 28:1033 (May 2002).

James H. Jenkins, Jr.
Secretary

0205#044