

# Potpourri

## POTPOURRI

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

Amendments to Office of the Secretary, Air,  
Hazardous Waste, Solid Waste, Water Quality,  
Underground Storage Tank, and Radiation  
Protection Regulations for Fees (OS041)  
Risk/Cost/Benefit Statement

#### Introduction

The Louisiana Department of Environmental Quality (LDEQ) is proposing amendments to the Office of the Secretary, Air, Hazardous Waste, Solid Waste, Water Quality, Underground Storage Tank, and Radiation Protection Regulations that would increase the fees collected in these programs by 20 percent in Fiscal Year 2003 and by an additional 10 percent in Fiscal Year 2004. The 10 percent increase is above those in effect for Fiscal Year 2003. The Department collects these fees, designated for the Environmental Trust Fund, from members of the regulated community covered by these programs. Act 134 of the 2002 First Extraordinary Session of the Louisiana Legislature authorized the increase in fees.

The fee increase will provide funding to be expended by the Department to fund some portion or all of the 150 positions that are currently authorized in the current year's budget, but which are below the line in the Fiscal Year 2003 Executive Budget. Some of these funds would also be expended on equipment.

This statement is prepared to satisfy the requirements of R.S. 30:2019.D and R.S. 49:953.G (Acts 600 and 642 of the 1995 Louisiana Legislature, respectively). However, this document is not a quantitative analysis of cost, risk, or economic benefit, although costs of implementation were identified to the extent practical. The statutes allow a qualitative analysis of economic and environmental benefit where a more quantitative analysis is not practical. The Department asserts that the benefits of a rule designed to retain personnel in departmental programs justify the costs associated with the legislatively passed fee increases.

Therefore, the qualitative approach is taken with this risk/cost benefit statement. As discussed further in this document, these amendments to the Office of the Secretary, Air, Hazardous Waste, Solid Waste, Water Quality, Underground Storage Tank, and Radiation Protection Regulations provide environmental and economic benefits. Assessing dollar benefits of avoided environmental risk or economic benefits of this rule is not practicable. In addition, the Department asserts that the indirect and direct environmental and economic benefits to be derived from this rule will, in the judgment of reasonable persons, outweigh

the costs associated with the implementation of the rule and that the rule is the most cost-effective alternative to achieve these benefits.

#### Risks Addressed by the Rule

The rule addresses the risks associated with the potential pollution or toxic releases caused or exacerbated by inadequate or lack of department-sponsored inspections. The rule does this by providing the funds necessary to hire the appropriate number of inspectors to conduct the mandated number of inspections of regulated facilities. The fees will also allow the Department to train the newly hired inspectors and provide them with the necessary equipment required to carry out their job functions.

Numerous risks are associated with inadequate, unskilled or no inspections of facilities and/or sites with the potential to discharge wastes into the environment. Unauthorized discharges to the environment have the potential to contaminate air, land, water and, particularly, groundwater. Contamination of drinking water wells and aquifers used for potable water poses a significant threat to human health. Inspections also uncover unauthorized waste sites that, at a minimum, may be remediated by the landowner or, at a maximum, become Superfund sites. Undiscovered waste tires hold water that provides a fertile breeding ground for mosquitoes, which provide an excellent vector for diseases. Tire sites also provide shelter for vermin, such as rats, that are another vector for disease, in addition to being a destructive pest.

#### Environmental and Health Benefits of the Rule

The additional money collected through this rule will provide the inspectors necessary to carry out the inspection mandates of the Department. This will result in multimedia inspections of waste-producing facilities around the state as required by local, state and federal mandates. The fees will allow the monitoring of facilities that is necessary for curbing releases into the environment. The fee increases will also contribute to the discovery and remediation of unauthorized waste sites around the state, including unauthorized dumps and waste tire sites. These sites, in addition to being eyesores on the landscape, have the potential for adverse impacts on human health.

#### Social and Economic Costs

This rule is an amendment to raise fees that are already assessed, and as such, there are no significant costs to implement the rule. Representatives of the regulated community are in favor of the proposed increase to fund the Department at a level necessary to carry out its mandates.

Persons currently regulated by the Office of the Secretary, Air, Hazardous Waste, Solid Waste, Water Quality, Underground Storage Tank, and/or Radiation Protection Regulations would pay an additional 20 percent in fees in FY 2003. These new fees would generate an estimated \$7.2 million in statutory dedicated fees. There would be an additional 10 percent increase in fees in FY 2004 that would

generate an additional \$4.32 million over and above the \$7.2 million increase in FY 2003. The total effect of the rule would be an \$11.52 million fee increase beginning in FY 2004 and every year thereafter.

Persons directly affected will pay additional fees; however, these fees will provide benefits in excess of the fees. The adequate monitoring of regulated facilities would reduce or prevent unauthorized releases into the environment. In addition, health hazards will be removed in the form of unauthorized waste sites, and waste tire piles would be removed from the environment. These two functions will not only protect human health and the environment, but will aesthetically enhance the state for the benefit of its citizens.

#### **Conclusion**

The Department believes that the benefits of enhanced environmental and public health protection, as well as other benefits, outweighs the costs of implementation of the rule. Therefore, the rule is obviously the most cost-effective alternative to achieve these benefits.

James H. Brent, Ph.D.  
Assistant Secretary

0212#064

#### **POTPOURRI**

##### **Office of the Governor Division of Administration Office of Group Benefits**

##### **Notice of Postponement and Re-Scheduling of Public Hearing**

In the November 2002 *Louisiana Register* (LR 28:2415-2428) the Office of Group Benefits promulgated 10 Notices of Intent regarding proposed modifications to its EPO and PPO plans of benefits. Each of the Notices advised that interested persons could appear and present their views at a public hearing to be held on Monday, December 30, 2002, at the Louisiana Department of Transportation and Development (DOTD) Auditorium. However, in order to avoid potential conflicts with the holiday schedules of covered employees, retirees, and other affected parties, and to provide ample opportunity for those who wish to comment on the proposed Rules to do so, the Office of Group Benefits hereby gives notice that the public hearing has been postponed and re-scheduled to Wednesday, January 8, 2003, from 6 p.m. until 7:30 p.m., at the Louisiana State Police Training Academy Auditorium, 7901 Independence Boulevard, Baton Rouge, Louisiana 70806. Interested persons may appear and present their views at that time.

In addition, interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, Office of Group Benefits, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on Wednesday, January 8, 2003.

A. Kip Wall  
Chief Executive Officer

0212#057

#### **POTPOURRI**

##### **Office of the Governor Office of Financial Institutions**

##### **Judicial Interest Rate Determination**

R.S. 13:4202(B), as amended by Acts 2001, No. 841, requires the Louisiana Commissioner of Financial Institutions to determine the rate of judicial interest. The Commissioner has determined that the rate of judicial interest for the entire year of 2003 will be 4.5 percent per annum. The determination was made in accordance with R.S. 13:4202(B)(1).

The commissioner ascertained that on October 1, 2002, the approved discount rate of the Federal Reserve Board of Governors which was in effect on October 1, 2002, was 1.25 percent.

R.S. 13:4202(B)(1) mandates that "on and after January 1, 2002, the rate shall be equal to the rate as published annually ... by the commissioner of financial institutions. The commissioner of financial institutions shall ascertain, on the first business day of October of each year, the Federal Reserve Board of Governors' approved discount rate published daily in the Wall Street Journal. The effective judicial interest rate for the calendar year following the calculation date shall be three and one-quarter percentage points above the discount rate as ascertained by the commissioner."

The effective judicial interest rate for the entire year of 2003 shall be 4.5 percent per annum.

This determination and its publication in the *Louisiana Register* shall not be considered rule-making, within the intendment of R.S. 49:950 et seq., the Administrative Procedure Act, particularly R.S. 49:953; therefore, neither a fiscal impact statement nor a notice of intent is required.

John D. Travis  
Commissioner

0212#054

**POTPOURRI**

**Department of Health and Hospitals  
Board of Veterinary Medicine**

Board Meeting Dates

The Members of the Louisiana Board of Veterinary Medicine will meet on the following dates in 2003.

- Thursday, February 6, 2003
- Thursday, April 3, 2003
- Thursday, June 5, 2003 (Annual Meeting)
- Thursday, August 7, 2003
- Thursday, October 2, 2003
- Thursday, December 4, 2003

These dates are subject to change, so please contact the board office via telephone at (225) 342-2176 or email at lbvm@eatel.net to verify actual meeting dates.

Wendy D. Parrish  
Administrative Director

0212#032

**POTPOURRI**

**Department of Health and Hospitals  
Board of Veterinary Medicine**

Spring/Summer Examination Dates

The Louisiana Board of Veterinary Medicine will administer the State Board Examination (SBE) for licensure to practice veterinary medicine on the first Tuesday of every month. Deadline to apply for the SBE is the third Friday prior to the examination date desired. SBE dates are subject to change due to office closure (i.e. holiday, weather).

The Board will accept applications to take the North American Veterinary Licensing Examination (NAVLE) which will be administered through the National Board of Veterinary Medical Examiners (NBVME), formerly the National Board Examination Committee (NBEC), as follows.

Test Window Date	Deadline To Apply
April 7 through April 19, 2003	Tuesday, February 4, 2003

The Board will also accept applications for and administer the Veterinary Technician National Examination (VTNE) for state registration of veterinary technicians as follows.

Test Date	Deadline To Apply
Friday, June 20, 2003	Friday, May 9, 2003

Applications for all examinations must be received on or before the deadline. No late application will be accepted. Requests for special accommodations must be made as early as possible for review and acceptance. Applications and information may be obtained from the board office at 263 Third Street, Suite 104, Baton Rouge, LA 70801 and by request via telephone at (225) 342-2176 or by e-mail at lbvm@eatel.net; application forms and information are also available on the website at www.lsbvm.org.

Wendy D. Parrish  
Administrative Director

0212#029

**POTPOURRI**

**Department of Health and Hospitals  
Emergency Medical Services  
Certification Commission**

Notice of Public Hearing Schedule CEMS Certification  
Commission Rules of Procedure

The Department of Health and Hospitals, Emergency Medical Services, Certification Commission will hold a public hearing on January 6, 2003 at 1 p.m. at 6867 Bluebonnet Boulevard, Room 118, Baton Rouge, Louisiana.. As published in the November 20, 2002, edition of the *Louisiana Register*, the Emergency Medical Services, Certification Commission proposes to establish procedures to provide direction in the transaction of the business of administering and implementing the spirit and intent of the law governing the practice of emergency medical services professions. Interested persons are invited to attend and submit oral/written comments regarding the EMS Certification Commission proposed rules of procedure. If additional information is needed, contact Nancy Bourgeois, Director, Bureau of EMS and Injury Research and Prevention, by telephone at (225) 342-4881.

David W. Hood  
Secretary

0212#080

**POTPOURRI**

**Department of Natural Resources  
Office of Conservation**

Orphaned Oilfield Sites

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
Charles W. Tschirn	Golden Meadow	L	PN & P ET AL	9	023326
Charles W. Tschirn	Golden Meadow	L	Rebstock	1	023945
Semo, Inc.	Bully Camp	L	VUA; Atchafalaya Basin Lev Dist	1	(30)211186
Blocker Exploration Company	Wildcat	L	Citrus Lds Of La Inc	1	(29)166531
Lwood Energy, Inc.	Caddo Pine Island	S	Missouri Pacific	1	212880
Lwood Energy, Inc.	Caddo Pine Island	S	Missouri Pacific	2	212891
Lwood Energy, Inc.	Caddo Pine Island	S	Missouri Pacific	3	213449
Lwood Energy, Inc.	Caddo Pine Island	S	Missouri Pacific	4	215375
Lwood Energy, Inc.	Caddo Pine Island	S	Missouri Pacific SWD	1	972421
The Tec Company	Golden Meadow	L	Blanche Rebstock	3	022440
W. W. Wainwright Heirs	Monroe	M	W. W. Wainwright	1	086363
Fortune Gas & Oil, Inc.	Oaks	S	SMK RA SUC; Teague	1	204882
Fortune Gas & Oil, Inc.	Oaks	S	SMK RA SUE; Perry	1	205310
Fortune Gas & Oil, Inc.	Oaks	S	SMK RA SUB; Rainwater	1	205448
C. A. Hilburn et al	Spider	S	Woffard Unit	1	050815

0212#068  
James H. Welsh  
Commissioner of Conservation

**POTPOURRI**  
**Department of Natural Resources**  
**Office of Conservation**  
**Injection and Mining Division**

Notice of Hearing C Docket No. IMD 2003-02

Pursuant to the provisions of the laws of the state of Louisiana and particularly Title 30 of the Revised Statutes of 1950 as amended, and the provisions of the Statewide Order No. 29-B, notice is hereby given that the Commissioner of Conservation will conduct a hearing at 6 p.m., Wednesday, January 22, 2003, in the West Concourse Room at the Morgan City Municipal Auditorium, 728 Myrtle, Morgan City, Louisiana.

At such hearing, the Commissioner, or his designated representative, will hear testimony relative to the application of Environmental Treatment Team, LLC, Post Office Box 84127, Baton Rouge, Louisiana 70884. The applicant requests approval from the Office of Conservation to modify the operations at their Morgan City facility to transfer

untreated exploration and production (E&P) waste received at this location, to its processing facility located in Theodore, Alabama. The facility is located in Section 7, Township 16S, Range 13E in Saint Mary Parish, 101 McClellan Drive, Morgan City, Louisiana.

The application is available for inspection by contacting Ms. Armanda Watson, Office of Conservation, Injection & Mining Division, Room 817 O of the LaSalle Building, 617 North 3rd Street, Baton Rouge, Louisiana, or by visiting the Saint Mary Parish Council Office in Franklin, Louisiana, or the Morgan City Public Library in Morgan City, Louisiana. Verbal information may be received by calling Ms. Armanda Watson at 225/342-5515.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comments which will not be presented at the hearing must be received no later than 4:30 p.m., Wednesday, January 29, 2003, at the Baton Rouge Office. Comments should be directed to Office of Conservation, Injection and Mining Division, P.O. Box 94275, Baton Rouge, LA 70804, Re: Docket No. IMD 2003-02, Commercial Facility, Saint Mary Parish.

0212#090  
James H. Welsh  
Commissioner of Conservation