

Poverty Impact Statement

This proposed Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.6.

Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested parties will be afforded the opportunity to submit data, views, or arguments, in writing. Written comments will be accepted by hand delivery, USPS or Fed Ex, until 4 p.m., October 21, 2025, at Office of Conservation, Pipeline Division, P.O. Box 94275, Baton Rouge, LA 70804-9275; or Office of Conservation, Pipeline Division, 617 North Third Street, Room 931, Baton Rouge, LA 70802. All inquiries should be directed to Travis Huval at the above addresses or by phone to (225) 342-1891.

Steven M. Giambrone
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Damage Prevention**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule changes. The proposed rule changes amend the Damage Prevention sections of the Pipeline Safety Code, to align administrative rules with recent statutory revisions to Louisiana's "Dig Laws." The proposed rule changes update and clarify definitions, excavation and demolition notice requirements, timeframes for mark-by and project durations, procedures for large project agreements, emergency excavation provisions, and potholing requirements, including minor technical corrections.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes are not anticipated to have any effect on revenue collections of state or local government units. The proposed rule changes do not impose any new fees or change the existing fee structure.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule changes. Pipeline operators and excavators are already required to comply with the Damage Prevention requirements of these regulations under R.S. 40:1749.11 – 40:1749.27. Increased compliance may result in long term benefits to owners/operators in the form of reduced damages.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no effect on competition and employment.

Steven M. Giambrone
Commissioner
2509#004

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Energy and Natural Resources Office of the Secretary

Open Meetings via Electronic Means
(LAC 43:I.Chapter 20)

The Department of Energy and Natural Resources, its boards and commissions, pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 36:354, 42:14(E), 42:17.2(E), and 42:17.2.1(B), propose to adopt rules relative to Louisiana's open meeting law.

Act 393 of the 2023 Regular Legislative Session, amended R.S. 42:17.2 and enacted R.S. 42:14(E) and 17.2.1 of Louisiana's Open Meeting law to authorize eligible public bodies to conduct its meetings via electronic means (e.g. videoconference or teleconference) in order to allow any member of the public with a disability recognized by the American Disabilities Act or a designated caregiver to participate in its meeting.

The secretary of the Department of Energy and Natural Resources ("secretary") is authorized by the public bodies stated herein to take any and all necessary steps to promulgate and effectuate this Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration, in order to promulgate regulations relative to conducting meetings via electronic means, provide for public notice, and detail participation requirements to ensure equal access for qualified individuals with disabilities recognized by the Americans with Disabilities Act by providing auxiliary aids and/or electronic services. In the absence of any further action by the public bodies stated herein, following an opportunity to consider all public comments regarding the proposed Rule, the secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 43

NATURAL RESOURCES

Part I. Office of the Secretary

Subpart 1. General

Chapter 20. Disability Accommodations—Act 393 of 2003

§2001. Definitions

- A. "ADA" shall mean the American with Disabilities Act.
- B. "Board and Commission" shall mean those listed in R.S. 36:359.
- C. "DENR" shall mean the Louisiana Department of Energy and Natural Resources.
- D. "People with Disabilities" are defined as any of the following:
 - 1. a member of the public with a disability recognized by the ADA;
 - 2. a designated caregiver of such person; or
 - 3. a participant member of a board and commission itself with an ADA qualifying disability.

E. "Electronic Means" shall have the same meaning as "meeting via electronic means" as provided in R.S. 42:17.2.

F. "Meeting" shall have the same meaning as "meeting" as provided in R.S. 42:13.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of the Secretary, LR 51:

§2003. Eligibility Requirements

A. This regulation shall only apply to the DENR or its boards and commissions if they conduct at least six meeting in a calendar year.

B. If this regulation is applicable pursuant to Paragraph A, then the number of meeting via electronic means shall be limited as follows:

1. The number of its regularly scheduled meetings via electronic means shall be no more than one-third in a calendar year; and/or

2. The number of successive meetings via electronic means is limited to a reasonable number.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of the Secretary, LR 51:

§2005 Open Meeting Accessibility

A. DENR and each board and commission shall provide for participation via electronic means, on an individualized basis, for people with disabilities in accordance with the guidelines set forth herein.

B. Each board and commission shall adopt these regulations via a resolution.

C. DENR and each board or commission shall post a written public notice of its meeting in accordance with R.S. 42:19 and on its website. The written public notice shall also contain:

1. The contact information of the designated representative of DENR or board or commission to whom a disability accommodation request must be submitted;

2. Detailed information regarding how people with disabilities may participate in the meeting via electronic means.

D. Any member of the public, DENR or the board or commission who qualifies as a person with a disability under the ADA and this Section shall make their accommodation requests as far in advance as possible to allow time to provide an accommodation. Upon receipt of an accommodation request, the designated DENR, board or commission representative shall, if possible, provide the requestor with an accommodation.

E. Any member of DENR or the board or commission who qualifies as a person with a disability under the ADA and this Section may participate in the meeting via electronic means. Notwithstanding law to the contrary, participation via electronic means shall count for purposes of establishing quorum and voting.

F. The designated representative of DENR and the board or commission shall provide the requestor with the accommodation information, including the teleconference and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the schedule meeting.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Energy and Natural Resources, Office of the Secretary, LR 51:

Family Impact Statement

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the DENR and the State Mineral and Energy Board hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Poverty Impact Statement

This proposed Rule will have no impact on poverty as described in R.S. 49:973.

Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Small Business Analysis

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

Public Comments

Interested persons may submit written comments relative to the proposed Rule until October 17, 2025, to Blake Canfield, Executive Counsel, Department of Energy and Natural Resources, P. O. Box 94396, Baton Rouge, LA 70804-9396 or via e-mail to Blake.Canfield@la.gov.

Dustin David
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Open Meetings via Electronic Means

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The purpose of this rule is to implement the provisions of R.S. 42:14(E) and 42:17.2(E) enacted by ACT 393 of the 2023 Regular Session. R.S. 42:14(E) requires agencies (with certain exceptions) to allow any member of the public with a disability recognized by the Americans with Disabilities Act (ADA) or a designated caregiver of such a person to participate in its meetings via teleconference or video conference. Additionally, R.S. 42:17.2(E) was amended to allow agencies of public body to conduct open meetings by electronic means either through videoconference or teleconference.

The Department of Energy and Natural Resources' (DENR) implementation costs are to be nonmaterial and the agency currently has sufficient funding to implement the proposed rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The implementation of the proposed rule will have no impact on revenue collection by DENR.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule. Directly affected persons may realize economic benefits from accessing or attending public meetings remotely rather than in person.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule is not anticipated to have a material effect on competition and employment.

Mark Normand, Jr.
Undersecretary
2509#027

Alan M. Boxberger
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

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

Expedited Penalty Maximums (LAC 33:I.805)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Office of the Secretary regulations, LAC 33:I.805.A (OS105).

The proposed Rule will expand the increase XP Program maximums for a specific violation from \$3,000 to \$5,000 and for a case involving two or more violations from \$5,000 to \$10,000, thereby allowing the Enforcement Division to resolve penalty components of more cases utilizing the XP Program. The current maximums often pose a barrier to the use of the XP Program to resolve cases that otherwise meet all qualifying XP Program criteria. The basis and rationale for this Rule are to revise LAC 33:I.805.A to mirror the expedited penalty maximums specified in R.S. 30:2025(D)(1) which was amended by Act No. 492 of the 2025 Regular Legislative Session, which became effective on August 1, 2025. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

Chapter 8. Expedited Penalty Agreement

§805. Applicability

A. Limit of Penalty Amount. The total penalty assessed for the expedited penalty agreement shall not exceed \$5,000 for one violation or \$10,000 for two or more violations.

B. - L. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2025(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:2242 (December 2006), amended by the Office of the Secretary, Legal Division, LR 42:236 (February 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 48:1790 (July 2022), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Family Impact Statement

This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This proposed Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This proposed Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8, unless they violate a provision of the Environmental Quality Act or its implementing regulations. Additionally, participation in the LDEQ expedited penalty program is voluntary.

Provider Impact Statement

This proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments on the proposed Rule. Persons commenting should reference this proposed Rule by OS105. Such comments must be received no later than November 6, 2025, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed Rule can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of OS105. The proposed Rule is available on the Internet at <https://deq.louisiana.gov/page/monthly-regulation-changes-2025%20>.

Public Hearing

A public hearing will be held on October 30, 2025, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or online via Zoom at <https://deqlouisiana.zoom.us/j/6836133613?omn=96029909881> or by phone at (646) 255-1997 Meeting ID 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

The proposed Rule is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Jill C. Clark
General Counsel

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Expedited Penalty Maximums

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The Louisiana Department of Environmental Quality (LDEQ) does not anticipate any costs or savings resulting from implementing the proposed rule change. The department reports that the tasks necessary to accomplish this rulemaking can be undertaken within LDEQ employees' normal scope of work and during regular working hours.

Since its inception in 2004, the department's Expedited Penalty Agreement (XP) Program has been an effective tool to address past violations and deter future noncompliance with the