

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Notification and Permit Transfer Procedures for Changes to Company/Facility Name and Ownership/Operator (LAC 33:I.Chapter 19)

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.Chapter 19 (OS099).

The proposed Rule seeks to modify existing regulations by clarifying the applicability and addressing other items in order to minimize the number of deficient or incomplete forms submitted to the department.

The Permit Application and Administrative Review group (PAAR) with the Public Participation and Permit Support Division is responsible for processing Notification of Change forms according to LAC 33:I.Chapter 19. Due to the lack of specificity in the current regulation, many applicants submit applications that are incomplete or request action on activities not covered in the regulation. This results in a high percentage of applications requiring deficiency letters or additional clarification. The proposed Rule seeks to address these issues. The basis and rationale for this proposed Rule are to provide clarification and better customer service, clarify expectations, and provide these services more effectively and efficiently. 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 19 Notification and Permit Transfer Procedures for Changes to Company/Facility Name and Ownership/Operator

§1901. Applicability

A. This Chapter applies to the owner/operator of any facility with certain effective permits issued under the air, water, hazardous waste, and solid waste regulatory programs, whenever a company or facility name change or an ownership or operator change occurs.

1. Notifications of changes shall be submitted by the new owner/operator to the department on the most current version of the Notification of Change Form (NOC-1 Form) approved by the department. This form may be found on the department's website. Notification of changes shall be made for or holding any air permits, Louisiana Pollutant Discharge Elimination System (LPDES) permits, hazardous waste permits, and/or solid waste permits as indicated below:

- a. air quality permits, including, but not limited to:
 - i. regulatory permits;
 - ii. minor source permits;
 - iii. Title V permits;
 - iv. acid rain permits;
 - v. prevention of significant deterioration (PSD) permits; and
 - vi. exemptions granted under LAC 33:III.501.B.4;
- b. solid waste permits;
- c. hazardous waste permits;
- d. LPDES permits, except as noted in Subsection A.5 and C of this Section; and
- e. biosolids permits.

2. Administratively extended permits may be transferred under this Chapter at the discretion of the administrative authority.

3. The NOC-1 Form shall not be used to make name changes, or to transfer authorization to a new owner or operator for:

- a. radiation permits and licenses;
- b. UST registrations and certifications;
- c. water quality certifications;

- d. certifications, registrations, and accreditations related to the asbestos program;
 - e. certifications, registrations, and accreditations related to the lead based paint program;
 - f. transporter ID numbers and authorizations under the hazardous waste program (see Subsection D of this Section);
 - g. transporter ID numbers and authorizations under the solid waste and sewage sludge programs;
 - h. accreditations under the Louisiana Environmental Laboratory Accreditation Program; and
 - i. name and ownership/operator changes for sites undergoing remediation, other than for the transfer of effective permits associated with the site(s).
4. The following do not qualify for company/facility name or ownership/operator changes by the department through the NOC-1 Form:
- a. LPDES general permits, which specifically include language prohibiting transfer of permit coverage;
 - b. air permit exemptions, except exemptions granted under LAC 33.III.504.B.4;
 - c. any variance for air requested in accordance with LAC 33:III.917;
 - d. any hazardous waste variances requested or updated in accordance with LAC 33:V.105.K;
 - e. any permit that is expired, terminated, or rescinded (except that administratively continued permits pending renewal may be transferred at the discretion of the permitting authority); and
 - f. administrative orders, settlement agreements, orders on consent, orders to close, orders to upgrade, or any other such mechanism.

B. A name or ownership/operator change processed in accordance with this Chapter will be considered a minor permitting action or administrative amendment. Name or ownership/operator change requests shall be processed in accordance with this Chapter, unless the administrative authority determines the name or ownership/operator change shall be processed pursuant to the requirements for a minor permit modification or administrative amendment in lieu of the procedures contained in this Chapter.

C. When the ownership of a facility holding an LPDES permit changes and there is no change to the operator of that facility, a LPDES permit transfer is not required. A NOC-1 Form shall be submitted for a change in the name of a facility or a change in the name of the company, in accordance with LAC 33:I.1905.

D. EPA Hazardous Waste Identification (ID) Numbers

1. EPA hazardous waste ID numbers are not transferable.

2. For facilities with a hazardous waste permit, the new applicant shall submit both an accurate and complete NOC-1 Form to transfer the permit and an accurate and complete Notification of Hazardous Waste Activity Form (HW-1 Form), or a RCRA Subtitle C Site Identification Form (EPA Form 8700-12) for changes to the EPA hazardous waste ID number in accordance with LAC 33:V.1017. The applicant shall use the most current versions of the NOC-1 and HW-1 forms approved by the department.

3. For facilities with an EPA hazardous waste ID number that do not have a hazardous waste permit, and that have other permits subject to these regulations, the applicant shall submit an accurate and complete NOC-1 Form for the transfer of the permit(s) and an accurate and complete HW-1 (or EPA Form 8700-12) for changes to the EPA hazardous waste ID number in

accordance with LAC 33:V.1017. The applicant shall use the most current versions of the NOC-1 and HW-1 forms approved by the department.

4. For facilities with only an EPA hazardous waste ID number and no permits subject to transfer, the applicant need only submit an accurate and complete HW-1 Form (or EPA Form 8700-12) in accordance with LAC 33:V.1017. The applicant shall use the most current version of the HW-1 Form approved by the department.

E. The terms *administratively complete*, *administrative amendment*, *financial assurance*, and *minor modification* as used in this Chapter shall have the same meaning and intent as when used in LAC 33:Parts III, V, VII, and IX.

F. This Chapter does not supersede an otherwise applicable requirement addressing administrative amendments or modifications in the air, LPDES, hazardous waste, and solid waste programs, in particular, applicable regulations promulgated under 40 CFR part 63 (MACT standards), or acid rain program requirements.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2428 (October 2005), LR 51:

§1903. Liability

A. The previous owner or operator retains responsibility for compliance with all permit terms and conditions until the effective date of the permit transfer, as determined by the administrative authority in accordance with this Chapter.

B. The previous owner or operator retains responsibility for the compliance with the financial assurance regulations until the new owner or operator has demonstrated that he or she is complying with the specified financial assurance regulations of Title 33 of the Louisiana

Administrative Code (e.g., LAC 33:V.Chapter 37, LAC 33.VII.Chapter 13, and LAC 33:IX.Chapter 67 and Section 7307).

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2428 (October 2005), amended LR 36:2552 (November 2010)), LR 51:

§1905. Name Change

A. For a change in a permit resulting only due to a change in the name of a facility or change in the name of the company, written notification shall be made to the Office of Environmental Services. The owner or operator shall submit a complete Notification of Change Form (NOC-1 Form), using the most current version of the form approved by the department, prior to or no later than 45 days after the change. This form may be found on the department's website.

B. No later than 30 days after receipt of a complete notification of a name change for a facility or change in the name of the company, the administrative authority shall notify the owner/operator that the department has received and processed the name change

1. For notifications submitted prior to or no later than 45 days after the change, the effective date of the name change shall be the date indicated on the NOC-1 Form unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.

2. For notifications submitted later than 45 days after the change, the effective date of the name change shall be the date the change is approved by the administrative authority, unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.

C. For permitted hazardous waste facilities, the permittee shall send a notice of the name change to all persons on the facility mailing list maintained by the administrative authority, and

to the appropriate units of state and local government, as specified in LAC 33:V.717. This notification shall be made no later than 90 calendar days after the change is effective.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2428 (October 2005), amended LR 36:2552 (November 2010), LR 51:

§1907. Change of Ownership/Operator—No Financial Assurance Required

A. The administrative authority may approve the transfer of a permit to a new owner or operator where no financial assurance is required when an accurate and complete NOC-1 Form and the following information has been received:

1. documentation clearly identifying the party who will be responsible for existing violations; and
2. evidence of permit qualifications and requirements on the part of the new owner or operator in accordance with LAC 33:I.1701.

B. Changes in the ownership or operational control of a facility shall be made with written notification to the Office of Environmental Services and shall include the following.

1. The new owner or operator shall submit a complete Notification of Change Form (NOC-1 Form), using the most current version of the form approved by the department, prior to or no later than 45 days after the change.
2. A written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the previous and new permittees shall also be submitted to the administrative authority. The agreement shall be attached to and submitted with a completed NOC-1 Form.

C. No later than 30 days after the receipt of a complete notification of a change of the ownership or operational control of a facility, the administrative authority shall notify the

previous and new owners/operators of the department's approval or disapproval of the transfer of the permit to the new owner or operator based on its evaluation of the factors set forth in Subsection A of this Section. The department will also notify EPA of changes in Title V permits within the same timeframe.

1. For notifications submitted prior to, or no later than, 45 days after the change, the effective date of the permit transfer and change of ownership or operational control shall be the date indicated on the NOC-1 Form, unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.

2. For notifications submitted later than 45 days after the change, the effective date of the permit transfer and change of ownership or operational control shall be the date the change is approved by the administrative authority, unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.

D. The department may initiate action to terminate or revoke, and reissue an existing permit for a failure to disclose a change of ownership or operational control within 45 days after the change or for failure to submit an accurate, complete NOC-1 Form.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2428 (October 2005), LR 51:

§1909. Change of Ownership/Operator—Financial Assurance Required

A. The administrative authority may approve the transfer of a permit to a new owner or operator where financial assurance is required, based on the following factors:

1. assumption by the new owner or operator of liability for existing violations;

2. demonstration of compliance with financial responsibility requirements by the new owner or operator;
3. a description of the financial structure of the operating unit including capital structure, principal ownership, and insurance coverage for personal injury and property damage (Upon review, supporting information may be requested including, but not limited to, financial reports and financial statements.); and
4. evidence of permit qualifications and requirements on the part of the new owner or operator in accordance with LAC 33:I.1701.

B. Changes in the ownership or operational control of a facility shall be made with written notification to the Office of Environmental Services. The new owner or operator shall submit a complete Notification of Change (NOC-1 Form), using the most current version of the form approved by the department, prior to or no later than 45 days after the change. The following actions are also required to be completed in conjunction with the change of ownership/operator notification.

1. A written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the previous and new permittees shall be submitted to the administrative authority. The agreement shall be attached to and submitted with a completed NOC-1 Form.
2. A written agreement containing specific information regarding the implementation of a financial assurance mechanism meeting the applicable requirements of LAC 33:V.Chapter 37 (hazardous waste financial requirements), LAC 33:VII.Chapter 13 (solid waste financial assurance requirements), LAC 33:IX.Chapter 67 (water financial security requirements), and Section 7307 (sewage sludge financial assurance requirements). The agreements shall be

attached to and submitted with a completed NOC-1 Form. The term of the implementation schedule shall not exceed six months, as indicated in Subsection C of this Section.

3. Permitted and interim status hazardous waste facilities shall also submit a revised Part I (i.e., Hazardous Waste Permit Part A Form) permit application and Hazardous Waste Notification Form (HW-1 Form) with the NOC-1 Form.

4. When a transfer of ownership or operational control occurs, the previous owner or operator shall comply with the applicable requirements of LAC 33:V.Chapter 37 (hazardous waste financial requirements), LAC 33:VII.Chapter 13 (solid waste financial assurance requirements), and LAC 33:IX.Chapter 67 (water financial security requirements) and Section 7307 (sewage sludge financial assurance requirements) until the new owner or operator has demonstrated that he or she is complying with the applicable requirements of LAC 33:V.Chapter 37, LAC 33:VII.Chapter 13, and LAC 33:IX.Chapter 67 and Section 7307.

C. The new owner or operator shall demonstrate compliance with the applicable requirements of LAC 33:V.Chapter 37, LAC 33:VII.Chapter 13, and LAC 33:IX.Chapter 67 and Section 7307 no later than six months after the date of the change of ownership or operational control of the facility. Upon adequate demonstration to the administrative authority by the new owner or operator of compliance with these financial assurance requirements, the administrative authority shall notify the previous owner or operator that he or she no longer needs to comply with the financial assurance requirements as of the date of demonstration.

D. Within 45 days after the receipt of a complete notification of a change of ownership or operational control of a facility, the administrative authority shall notify the previous and new owners/operators of the department's approval or disapproval of the transfer of the permit to the

new owner or operator based on its evaluation of the factors set forth in Subsection A of this Section.

1. For notifications submitted prior to, or no later than, 45 days after the change, the effective date of the permit transfer shall be the date indicated on the NOC-1 Form unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.

2. For notifications submitted later than 45 days after the change, the effective date of the permit transfer and change of ownership or operational control shall be the date the change is approved by the administrative authority, unless the administrative authority determines that a different date is appropriate, in which case the Office of Environmental Services shall notify the permit applicant of the actual effective date.

E. For permitted hazardous waste facilities, the new permittee shall send a notice of the change of ownership or operational control to all persons on the facility mailing list maintained by the administrative authority, and to the appropriate units of state and local government, as specified in LAC 33:V.717. This notification shall be made no later than 90 calendar days after the administrative authority has provided a written response approving the transfer of the permit and the change has been put into effect.

F. The department may initiate action to terminate or revoke and reissue an existing permit for a failure to disclose a change of ownership or operational control within 45 days after the change or a failure to submit an accurate and complete NOC-1 Form.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2429 (October 2005), amended LR 36:2552 (November 2010), LR 51:

§1911. Fees for Name and Ownership/Operator Changes

A. Notifications of name or ownership/operator changes at a facility shall be submitted by the new owner or operator on the appropriate Notification of Change (NOC-1 Form) accompanied with the appropriate fees. The fees listed below cover the cost of reviewing, evaluating, and processing a name or ownership/operator change that has occurred at the facility. The notification shall not be considered complete if the appropriate fees are not submitted.

* * *

B. Methods of Payment

1. All payments made by check, draft, or money order shall be made payable to the Department of Environmental Quality and mailed or hand delivered to the department at the address provided on the NOC-1 Form.

2. — 3. ...

C. Failure to Pay. Failure to pay the prescribed name change or ownership/operator change fee as provided herein shall result in denial of the change request and may subject the owner/operator to enforcement actions under the Louisiana Environmental Quality Act including, but not limited to, revocation or suspension of the permit, license, registration, or variance for the failure to pay fees and for any resulting noncompliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2429 (October 2005), amended LR 35:2178 (October 2009), LR 36:2552 (November 2010), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:1238 (July 2018), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Family Impact Statement

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

Poverty Impact Statement

This Rule has no known impact on child, individual, or family poverty as described in R.S. 49:973.

Small Business Economic Impact Statement

This Rule has no adverse impact on small business as described in R.S. 49:974.1 - 974.8. There may be a slight decrease in costs to entities submitting a Notification of Change (NOC-1) Form as this Rule seeks to provide greater clarification, thereby reducing notices of deficiency.

Provider Impact Statement

This 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 OS099. 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 OS099. The proposed regulation 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

Person

Preparing

Statement:

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Environmental Services

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			Notification and Permit
			Transfer Procedures for
			Changes to Company/Facility
Return			Name and
Address:	<hr/>	Rule Title:	<hr/>
	602 N. 5th Street		Ownership/Operator
	<hr/>		
	Baton Rouge, LA 70802		<hr/>
	<hr/>	Date Rule	(LAC 33:I.Chapter 19)
		Takes Effect:	<hr/>
			Upon promulgation

SUMMARY
(Use complete sentences)

In accordance with Section 961 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

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

There are no anticipated implementation costs or savings to state or local governmental units. This proposed rule change will allow the department to process name and ownership changes more effectively and efficiently.

The proposed rule change provides clarification for entities requesting name, ownership, and/or operator changes for effective permits subject to the rule and documents procedures. Current regulations do not adequately specify the activities that are exempt from the rule, resulting in a significant number of deficiency notices or the need for amended requests. The proposed rule change seeks to provide greater clarity, thereby allowing the request to proceed more efficiently.

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

There is no estimated increase or decrease in revenues anticipated from this proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

There may be a decrease in costs to entities submitting a Notification of Change (NOC-1) Form, as the proposed rule change seeks to provide greater clarification as to the applicability of the rule, thereby reducing notices of deficiency.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule change.

Signature of Head or Designee

Jill C. Clark

Typed Name & Title of Agency Head or Designee

Date of Signature

Legislative Fiscal Officer or Designee

Date of Signature