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Executive Orders

EXECUTIVE ORDER JBE 18-02

Carry-Forward Bond Allocation 2017

WHEREAS, pursuant to the Tax Reform Act of 1986 and Act 51 of the 1986 Regular Session of the Louisiana Legislature (hereafter "Act"), Executive Order Number JBE 2016-35 was issued to establish a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year 2016 and subsequent calendar years; (2) the procedure for obtaining an allocation of bonds under the ceiling; and (3) a system of central record keeping for such allocations;

WHEREAS, Section 4(H) of Executive Order Number JBE 2016-35 provides that if the ceiling for a calendar year exceeds the aggregate amount of bonds subject to the private activity bond volume limit issued during the year by all issuers, by executive order, the Governor may allocate the excess amount to issuers or an issuer for use as a carry-forward for one or more carry-forward projects permitted under the Act;

WHEREAS, the sum of four hundred sixty-eight million one hundred sixty-six thousand six hundred dollars ($468,166,600) represents the amount of the ceiling determined by the staff of the Louisiana State Bond Commission ("SBC") for private activity bond volume limits for the year 2017 ("2017 Ceiling");

WHEREAS, four hundred sixty-eight million one hundred sixty-six thousand six hundred dollars ($468,166,600) of the 2017 Ceiling was not allocated during the 2017 calendar year; and

WHEREAS, the SBC has determined that four hundred sixty-eight million one hundred sixty-six thousand six hundred dollars ($468,166,600) of the 2017 Ceiling is eligible for carry-forward, of which thirty million dollars ($30,000,000) has been approved by the SBC and is pending allocation, leaving four hundred thirty-eight million one hundred sixty-six thousand six hundred dollars ($438,166,600) of the excess 2017 Ceiling eligible and the Governor desires to allocate this amount as carry-forward for projects which are permitted and eligible under the Act.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: Pursuant to and in accordance with the provisions of Section 146(f) of the Internal Revenue Code of 1986, as amended, and in accordance with the request for carry-forward filed by the designated issuer, the excess private activity bond volume limit under the 2017 Ceiling is hereby allocated to the following issuer(s), for the following carry-forward project(s), and in the following amount(s):

Issuer	Carry-Forward Project	Carry-Forward Amount
Louisiana Community Development Authority	American Biocarbon CT, LLC Project	$30,000,000
Louisiana Housing Corporation	Single Family Housing	$125,000,000
Louisiana Housing Corporation	Multifamily Housing	$150,000,000
Louisiana Housing Corporation	Residential Rental Housing	$100,000,000
Louisiana Public Facilities Authority	Solid Waste	$33,166,600

SECTION 2: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 3: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 31st day of January, 2018.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
Tom Schedler
Secretary of State
1802#010

EXECUTIVE ORDER JBE 18-03

Governor's Task Force on DWI

WHEREAS, according to the 2013 American Community Survey, Louisiana ranks twenty-fifth in the United States in population, and in 2016 ranks thirteenth in the nation in alcohol-impaired fatalities;

WHEREAS, in 2016, thirty percent of Louisiana's traffic fatalities resulted from alcohol-impaired driving, as compared to the national average of twenty-eight percent;

WHEREAS, in 2017, Louisiana automobile owners pay high premiums for motor vehicle liability insurance, ranking second highest in the nation in costs for insurance, with an average premium of $1,921.00.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The Governor's Task Force on DWI (hereafter "Task Force") is reestablished within the executive department, Office of the Governor, Office of Drug Policy.

SECTION 2: The duties of the Task Force shall include, but are not limited to, the following:

A. Addressing the high incidence of driving while intoxicated or under the influence of drugs, data collection and analysis on DWI conviction rates, the prevalence of drivers refusing to submit to tests as directed by law enforcement and strategies to reduce such incidences, and the frequency of arrest, prosecution, and conviction of drug-impaired drivers;

B. Identifying and implementing effective DWI countermeasures, such as substance abuse assessment/treatment, electronic monitoring, DWI offender monitoring, alcohol interlocks, sanctions, etc., in order to reduce impaired driving;

C. Analyzing data trends related to alcohol and other drug-involved fatal or serious injury crashes;

D. Soliciting input and recommendations from all agencies, departments, commissions, boards, or offices which are involved in DWI enforcement, prevention, and countermeasures, particularly law enforcement officers at the state, parish, and local levels to aid in the implementation of the provisions of this Order; and

E. Acting in an advisory capacity to the Governor, Drug Policy Board, the Highway Safety Commission, the Alcohol and Tobacco Control Commission, Louisiana Department of Health-Office of Behavioral Health, and any other agency, department, commission, board, or office that is involved with DWI issues.

SECTION 3: By December 1, 2018 and annually thereafter, the Task Force shall submit a comprehensive written report to the Governor on the issues set forth in Section 2 of this Order.

SECTION 4: The Task Force shall be composed of a maximum of twenty (20) members who are selected as follows:

1. The attorney general, or the attorney general's designee;

2. One (1) member of the Louisiana House of Representatives designated by the Speaker of the Louisiana House of Representatives;

3. One (1) member of the Louisiana State Senate, designated by the President of the Louisiana Senate;

4. The commissioner of the Office of Alcohol and Tobacco Control, Department of Revenue, or the commissioner's designee;

5. The commissioner of the Department of Public Safety, Office of Motor Vehicles, or the commissioner's designee;

6. The executive director of the Louisiana Highway Safety Commission;

7. The assistant secretary of the Louisiana Department of Health, Office of Behavioral Health, or the assistant secretary's designee;

8. A representative of the Louisiana State Police, designated by the Superintendent of State Police;

9. The director of the Office of Drug Policy, Office of the Governor;

10. A representative of the Louisiana State Police Crime Lab designated by the commander of the Louisiana State Police Crime Lab;

11. The secretary of the Department of Transportation and Development, or the secretary's designee;

12. The director of the Louisiana Property and Casualty Insurance Commission, or the director's designee;

13. One member appointed by the governor selected from a list of three nominees submitted by the executive director of the Louisiana District Attorney's Association;

14. One member appointed by the governor selected from a list of three nominees submitted by the executive director of the Louisiana Sheriff's Association;

15. One member appointed by the governor selected from a list of three nominees submitted by the president of the Municipal Police Officers Association;

16. A representative of Mothers Against Drunk Driving, designated by the state director of Mothers Against Drunk Driving;

17. A representative of the Louisiana Restaurant Association, designated by the president of the Louisiana Restaurant Association; and

18. Three (3) at-large members appointed by the governor

SECTION 5: The chair of the Task Force shall be appointed by the Governor from the membership of the Task Force. All other officers, if any, shall be elected by the Task Force from its membership.

SECTION 6: The Task Force shall meet at least two times per calendar year, and at the call of the chair.

SECTION 7: Task Force members shall not receive additional compensation or a per diem from the Office of the Governor for serving on the Task Force.

A Task Force member who is an employee or an elected public official of the State of Louisiana or a political subdivision thereof may seek reimbursement of travel expenses, in accordance with PPM 49, from his or her employing and/or elected department, agency and/or office.

A Task Force member who is also a member of the Louisiana Legislature may seek a per diem from the Louisiana State Senate or House of Representatives, as appropriate, for his or her attendance.

SECTION 8: Support staff, facilities, and resources for the Task Force shall be provided by the Office of the Governor, Office of Drug Policy and the Louisiana Highway Safety Commission.

SECTION 9: All departments, commissions, boards, offices, entities, agencies, and officers of the State of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the Task Force in implementing the provisions of this Order.

SECTION 10: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 7th day of February, 2018.

John Bel Edwards
Governor

ATTEST BY
THE GOVERNOR
Tom Schedler
Secretary of State
1802#025

Emergency Rules

DECLARATION OF EMERGENCY

Department of Health
Bureau of Health Services Financing

Medicaid Eligibility
Optional Targeted Low-Income Children
(LAC 50:III.2319 and 10305)

The Department of Health, Bureau of Health Services Financing rescinds the December 28, 2017 Emergency Rule which transitioned children covered in the Louisiana Children's Health Insurance Program (LaCHIP) into the Optional Targeted Low-Income Children coverage group. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act, or until adoption of the final Rule, whichever occurs first.

The Department of Health, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing LaCHIP in order to terminate coverage of uninsured children under the Title XXI Children's Health Insurance Program (CHIP) authority (*Louisiana Register*, Volume 44, Number 1).

The Department of Health, Bureau of Health Services Financing adopted an Emergency Rule governing Medicaid eligibility to increase the maximum income standard for the Optional Targeted Low-Income Children coverage group up to 250 percent of the federal poverty level, and to incorporate cost sharing provisions, due to the termination of coverage of uninsured children under LaCHIP (*Louisiana Register*, Volume 44, Number 1).

The department subsequently determined it was necessary to rescind the Emergency Rule which terminated coverage of uninsured children under the Title XXI CHIP authority. Therefore, effective immediately, upon adoption of this Emergency Rule, the department rescinds the provisions of the December 28, 2017 Emergency Rule and returns to the provisions in place governing the Optional Targeted Low-Income Children coverage group.

Effective January 27, 2018, the Department of Health, Bureau of Health Services Financing rescinds the December 28, 2017 Emergency Rule governing the Optional Targeted Low-Income Children coverage group which was published in the January 20, 2018 edition of the *Louisiana Register*.

Rebekah E. Gee MD, MPH
Secretary

1802#006

DECLARATION OF EMERGENCY

Department of Health
Bureau of Health Services Financing

State Children's Health Insurance Program
(LAC 50:III.Chapters 201 and 205)

The Department of Health, Bureau of Health Services Financing rescinds the December 28, 2017 Emergency Rule terminating coverage of uninsured children in the State Children's Health Insurance Program. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act, or until adoption of the final Rule, whichever occurs first.

The Department of Health, Bureau of Health Services Financing adopted an Emergency Rule which amended the provisions governing the Louisiana Children's Health Insurance Program (LaCHIP) to repeal the provisions of LAC 50:III.Chapters 201 and 205 in order to terminate coverage of uninsured children under the Title XXI Children's Health Insurance Program (CHIP) authority (*Louisiana Register*, Volume 44, Number 1).

The department has now determined that it is necessary to rescind the provisions of the December 28, 2017 Emergency Rule. Effective immediately, upon adoption of this Emergency Rule, the department shall return to the provisions in place governing LaCHIP located in LAC 50:III.Chapters 201 and 205. This action is being promulgated in order to promote the health and welfare of children receiving services in the Medicaid Program.

Effective January 27, 2018, the Department of Health, Bureau of Health Services Financing rescinds the December 28, 2017 Emergency Rule terminating coverage of uninsured children under the Title XXI CHIP authority which was published in the January 20, 2018 edition of the *Louisiana Register*.

Rebekah E. Gee MD, MPH
Secretary

1802#007

DECLARATION OF EMERGENCY

Department of Revenue
Policy Services Division

Income Tax Withholding Tables
(LAC 61:I.1501)

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, which allows the Department of Revenue to use emergency procedures to establish rules, and R.S. 47:1511, which allows the department to make reasonable rules and regulations, the Secretary hereby finds that imminent peril to the public welfare exists and accordingly adopts the following Emergency Rule. This Emergency Rule shall be effective February 16, 2018, and shall remain in effect until the expiration of the maximum period allowed under the Administrative Procedure Act or the adoption of the final Rule, whichever comes first. Employers should begin using the 2018 withholding tables as soon as possible, but no later than February 16, 2018

This Emergency Rule is necessary to allow the secretary to administer the updated withholding tables, which were amended as a result of the passage of the Tax Cuts and Jobs Act, for the 2018 and succeeding tax years. In addition, this emergency rule is necessary to prevent undue delay in notifying employers of the updated withholding requirements so as to ensure that employers are in compliance with the updated requirements, thereby avoiding unnecessary penalties for employers and unexpected income tax liability for taxpayers.

Title 61
REVENUE AND TAXATION
Part I. Taxes Collected and Administered by the Secretary of Revenue
Chapter 15 Income: Withholding Tax
§1501. Income Tax Withholding Tables

A. - C.2.c. …

3. Withholding Tables

a. Effective after July 1, 2009, but before February 16, 2018

* * *

b. Effective on or after February 16, 2018

Daily Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
-	10.00	2.1%								2.2%						
10.01	12.00	0.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12.01	14.00	0.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
14.01	16.00	0.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
16.01	18.00	0.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
18.01	20.00	0.40	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
20.01	22.00	0.44	0.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
22.01	24.00	0.48	0.12	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
24.01	26.00	0.53	0.17	0.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
26.01	28.00	0.57	0.21	0.13	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
28.01	30.00	0.61	0.25	0.17	0.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
30.01	32.00	0.65	0.29	0.21	0.12	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
32.01	34.00	0.69	0.33	0.25	0.16	0.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
34.01	36.00	0.74	0.38	0.30	0.21	0.13	0.05	0.00	0.00	0.04	0.00	0.00	0.00	0.00	0.00	0.00
36.01	38.00	0.78	0.42	0.34	0.25	0.17	0.09	0.01	0.00	0.08	0.00	0.00	0.00	0.00	0.00	0.00
38.01	40.00	0.82	0.46	0.38	0.29	0.21	0.13	0.05	0.00	0.13	0.05	0.00	0.00	0.00	0.00	0.00
40.01	42.00	0.86	0.50	0.42	0.33	0.25	0.17	0.09	0.01	0.17	0.09	0.01	0.00	0.00	0.00	0.00
42.01	44.00	0.90	0.54	0.46	0.37	0.29	0.21	0.13	0.05	0.22	0.14	0.06	0.00	0.00	0.00	0.00
44.01	46.00	0.95	0.59	0.51	0.42	0.34	0.26	0.18	0.10	0.26	0.18	0.10	0.02	0.00	0.00	0.00
46.01	48.00	0.99	0.63	0.55	0.46	0.38	0.30	0.22	0.14	0.30	0.22	0.14	0.06	0.00	0.00	0.00
48.01	50.00	1.05	0.69	0.61	0.52	0.44	0.36	0.28	0.20	0.35	0.27	0.19	0.11	0.03	0.00	0.00
50.01	52.00	1.12	0.76	0.68	0.59	0.51	0.43	0.35	0.27	0.39	0.31	0.23	0.15	0.07	0.00	0.00
52.01	54.00	1.20	0.84	0.76	0.67	0.59	0.51	0.43	0.35	0.44	0.36	0.28	0.20	0.12	0.04	0.00
54.01	56.00	1.28	0.92	0.84	0.75	0.67	0.59	0.51	0.43	0.48	0.40	0.32	0.24	0.16	0.08	0.00
56.01	58.00	1.36	1.00	0.92	0.83	0.75	0.67	0.59	0.51	0.52	0.44	0.36	0.28	0.20	0.12	0.04
58.01	60.00	1.44	1.08	1.00	0.91	0.83	0.75	0.67	0.59	0.57	0.49	0.41	0.33	0.25	0.17	0.09
60.01	62.00	1.51	1.15	1.07	0.98	0.90	0.82	0.74	0.66	0.61	0.53	0.45	0.37	0.29	0.21	0.13
62.01	64.00	1.59	1.23	1.15	1.06	0.98	0.90	0.82	0.74	0.66	0.58	0.50	0.42	0.34	0.26	0.18
64.01	66.00	1.67	1.31	1.23	1.14	1.06	0.98	0.90	0.82	0.70	0.62	0.54	0.46	0.38	0.30	0.22
66.01	68.00	1.75	1.39	1.31	1.22	1.14	1.06	0.98	0.90	0.74	0.66	0.58	0.50	0.42	0.34	0.26
68.01	70.00	1.83	1.47	1.39	1.30	1.22	1.14	1.06	0.98	0.79	0.71	0.63	0.55	0.47	0.39	0.31
70.01	72.00	1.90	1.54	1.46	1.37	1.29	1.21	1.13	1.05	0.83	0.75	0.67	0.59	0.51	0.43	0.35
72.01	74.00	1.98	1.62	1.54	1.45	1.37	1.29	1.21	1.13	0.88	0.80	0.72	0.64	0.56	0.48	0.40
74.01	76.00	2.06	1.70	1.62	1.53	1.45	1.37	1.29	1.21	0.92	0.84	0.76	0.68	0.60	0.52	0.44
76.01	78.00	2.14	1.78	1.70	1.61	1.53	1.45	1.37	1.29	0.96	0.88	0.80	0.72	0.64	0.56	0.48
78.01	80.00	2.22	1.86	1.78	1.69	1.61	1.53	1.45	1.37	1.01	0.93	0.85	0.77	0.69	0.61	0.53
80.01	82.00	2.29	1.93	1.85	1.76	1.68	1.60	1.52	1.44	1.05	0.97	0.89	0.81	0.73	0.65	0.57
82.01	84.00	2.37	2.01	1.93	1.84	1.76	1.68	1.60	1.52	1.10	1.02	0.94	0.86	0.78	0.70	0.62
84.01	86.00	2.45	2.09	2.01	1.92	1.84	1.76	1.68	1.60	1.14	1.06	0.98	0.90	0.82	0.74	0.66
86.01	88.00	2.53	2.17	2.09	2.00	1.92	1.84	1.76	1.68	1.18	1.10	1.02	0.94	0.86	0.78	0.70

Daily Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
88.01	90.00	2.61	2.25	2.17	2.08	2.00	1.92	1.84	1.76	1.23	1.15	1.07	0.99	0.91	0.83	0.75
90.01	92.00	2.68	2.32	2.24	2.15	2.07	1.99	1.91	1.83	1.27	1.19	1.11	1.03	0.95	0.87	0.79
92.01	94.00	2.76	2.40	2.32	2.23	2.15	2.07	1.99	1.91	1.32	1.24	1.16	1.08	1.00	0.92	0.84
94.01	96.00	2.84	2.48	2.40	2.31	2.23	2.15	2.07	1.99	1.36	1.28	1.20	1.12	1.04	0.96	0.88
96.01	98.00	2.92	2.56	2.48	2.39	2.31	2.23	2.15	2.07	1.41	1.33	1.25	1.17	1.09	1.01	0.93
98.01	100.00	3.00	2.64	2.56	2.47	2.39	2.31	2.23	2.15	1.50	1.42	1.34	1.26	1.18	1.10	1.02
100.01	102.00	3.07	2.71	2.63	2.54	2.46	2.38	2.30	2.22	1.57	1.49	1.41	1.33	1.25	1.17	1.09
102.01	104.00	3.15	2.79	2.71	2.62	2.54	2.46	2.38	2.30	1.66	1.58	1.50	1.42	1.34	1.26	1.18
104.01	106.00	3.23	2.87	2.79	2.70	2.62	2.54	2.46	2.38	1.73	1.65	1.57	1.49	1.41	1.33	1.25
106.01	108.00	3.31	2.95	2.87	2.78	2.70	2.62	2.54	2.46	1.81	1.73	1.65	1.57	1.49	1.41	1.33
108.01	110.00	3.39	3.03	2.95	2.86	2.78	2.70	2.62	2.54	1.89	1.81	1.73	1.65	1.57	1.49	1.41
110.01	112.00	3.46	3.10	3.02	2.93	2.85	2.77	2.69	2.61	1.97	1.89	1.81	1.73	1.65	1.57	1.49
112.01	114.00	3.54	3.18	3.10	3.01	2.93	2.85	2.77	2.69	2.05	1.97	1.89	1.81	1.73	1.65	1.57
114.01	116.00	3.62	3.26	3.18	3.09	3.01	2.93	2.85	2.77	2.13	2.05	1.97	1.89	1.81	1.73	1.65
116.01	118.00	3.70	3.34	3.26	3.17	3.09	3.01	2.93	2.85	2.20	2.12	2.04	1.96	1.88	1.80	1.72
118.01	120.00	3.78	3.42	3.34	3.25	3.17	3.09	3.01	2.93	2.29	2.21	2.13	2.05	1.97	1.89	1.81
120.01	122.00	3.85	3.49	3.41	3.32	3.24	3.16	3.08	3.00	2.36	2.28	2.20	2.12	2.04	1.96	1.88
122.01	124.00	3.93	3.57	3.49	3.40	3.32	3.24	3.16	3.08	2.45	2.37	2.29	2.21	2.13	2.05	1.97
124.01	126.00	4.01	3.65	3.57	3.48	3.40	3.32	3.24	3.16	2.52	2.44	2.36	2.28	2.20	2.12	2.04
126.01	128.00	4.09	3.73	3.65	3.56	3.48	3.40	3.32	3.24	2.60	2.52	2.44	2.36	2.28	2.20	2.12
128.01	130.00	4.17	3.81	3.73	3.64	3.56	3.48	3.40	3.32	2.68	2.60	2.52	2.44	2.36	2.28	2.20
130.01	132.00	4.24	3.88	3.80	3.71	3.63	3.55	3.47	3.39	2.76	2.68	2.60	2.52	2.44	2.36	2.28
132.01	134.00	4.32	3.96	3.88	3.79	3.71	3.63	3.55	3.47	2.84	2.76	2.68	2.60	2.52	2.44	2.36
134.01	136.00	4.40	4.04	3.96	3.87	3.79	3.71	3.63	3.55	2.92	2.84	2.76	2.68	2.60	2.52	2.44
136.01	138.00	4.48	4.12	4.04	3.95	3.87	3.79	3.71	3.63	2.99	2.91	2.83	2.75	2.67	2.59	2.51
138.01	140.00	4.56	4.20	4.12	4.03	3.95	3.87	3.79	3.71	3.08	3.00	2.92	2.84	2.76	2.68	2.60
140.01	142.00	4.63	4.27	4.19	4.10	4.02	3.94	3.86	3.78	3.15	3.07	2.99	2.91	2.83	2.75	2.67
142.01	144.00	4.71	4.35	4.27	4.18	4.10	4.02	3.94	3.86	3.24	3.16	3.08	3.00	2.92	2.84	2.76
144.01	146.00	4.79	4.43	4.35	4.26	4.18	4.10	4.02	3.94	3.31	3.23	3.15	3.07	2.99	2.91	2.83
146.01	148.00	4.87	4.51	4.43	4.34	4.26	4.18	4.10	4.02	3.39	3.31	3.23	3.15	3.07	2.99	2.91
148.01	150.00	4.95	4.59	4.51	4.42	4.34	4.26	4.18	4.10	3.47	3.39	3.31	3.23	3.15	3.07	2.99
150.01	152.00	5.02	4.66	4.58	4.49	4.41	4.33	4.25	4.17	3.55	3.47	3.39	3.31	3.23	3.15	3.07
152.01	154.00	5.10	4.74	4.66	4.57	4.49	4.41	4.33	4.25	3.63	3.55	3.47	3.39	3.31	3.23	3.15
154.01	156.00	5.18	4.82	4.74	4.65	4.57	4.49	4.41	4.33	3.71	3.63	3.55	3.47	3.39	3.31	3.23
156.01	158.00	5.26	4.90	4.82	4.73	4.65	4.57	4.49	4.41	3.78	3.70	3.62	3.54	3.46	3.38	3.30
158.01	160.00	5.34	4.98	4.90	4.81	4.73	4.65	4.57	4.49	3.87	3.79	3.71	3.63	3.55	3.47	3.39
160.01	162.00	5.41	5.05	4.97	4.88	4.80	4.72	4.64	4.56	3.94	3.86	3.78	3.70	3.62	3.54	3.46
162.01	164.00	5.49	5.13	5.05	4.96	4.88	4.80	4.72	4.64	4.03	3.95	3.87	3.79	3.71	3.63	3.55
164.01	166.00	5.57	5.21	5.13	5.04	4.96	4.88	4.80	4.72	4.10	4.02	3.94	3.86	3.78	3.70	3.62
166.01	168.00	5.65	5.29	5.21	5.12	5.04	4.96	4.88	4.80	4.18	4.10	4.02	3.94	3.86	3.78	3.70
168.01	170.00	5.73	5.37	5.29	5.20	5.12	5.04	4.96	4.88	4.26	4.18	4.10	4.02	3.94	3.86	3.78
170.01	172.00	5.80	5.44	5.36	5.27	5.19	5.11	5.03	4.95	4.34	4.26	4.18	4.10	4.02	3.94	3.86
172.01	174.00	5.88	5.52	5.44	5.35	5.27	5.19	5.11	5.03	4.42	4.34	4.26	4.18	4.10	4.02	3.94
174.01	176.00	5.96	5.60	5.52	5.43	5.35	5.27	5.19	5.11	4.50	4.42	4.34	4.26	4.18	4.10	4.02
176.01	178.00	6.04	5.68	5.60	5.51	5.43	5.35	5.27	5.19	4.57	4.49	4.41	4.33	4.25	4.17	4.09
178.01	180.00	6.12	5.76	5.68	5.59	5.51	5.43	5.35	5.27	4.66	4.58	4.50	4.42	4.34	4.26	4.18
180.01	182.00	6.19	5.83	5.75	5.66	5.58	5.50	5.42	5.34	4.73	4.65	4.57	4.49	4.41	4.33	4.25
182.01	184.00	6.27	5.91	5.83	5.74	5.66	5.58	5.50	5.42	4.82	4.74	4.66	4.58	4.50	4.42	4.34
184.01	186.00	6.35	5.99	5.91	5.82	5.74	5.66	5.58	5.50	4.89	4.81	4.73	4.65	4.57	4.49	4.41
186.01	188.00	6.43	6.07	5.99	5.90	5.82	5.74	5.66	5.58	4.97	4.89	4.81	4.73	4.65	4.57	4.49
188.01	190.00	6.51	6.15	6.07	5.98	5.90	5.82	5.74	5.66	5.05	4.97	4.89	4.81	4.73	4.65	4.57
190.01	192.00	6.58	6.22	6.14	6.05	5.97	5.89	5.81	5.73	5.13	5.05	4.97	4.89	4.81	4.73	4.65
192.01	194.00	6.67	6.31	6.23	6.14	6.06	5.98	5.90	5.82	5.21	5.13	5.05	4.97	4.89	4.81	4.73
194.01	196.00	6.78	6.42	6.34	6.25	6.17	6.09	6.01	5.93	5.29	5.21	5.13	5.05	4.97	4.89	4.81
196.01	198.00	6.90	6.54	6.46	6.37	6.29	6.21	6.13	6.05	5.36	5.28	5.20	5.12	5.04	4.96	4.88
198.01	200.00	7.01	6.65	6.57	6.48	6.40	6.32	6.24	6.16	5.45	5.37	5.29	5.21	5.13	5.05	4.97
200.01	202.00	7.11	6.75	6.67	6.58	6.50	6.42	6.34	6.26	5.52	5.44	5.36	5.28	5.20	5.12	5.04
202.01	204.00	7.23	6.87	6.79	6.70	6.62	6.54	6.46	6.38	5.61	5.53	5.45	5.37	5.29	5.21	5.13
204.01	206.00	7.34	6.98	6.90	6.81	6.73	6.65	6.57	6.49	5.68	5.60	5.52	5.44	5.36	5.28	5.20
206.01	208.00	7.45	7.09	7.01	6.92	6.84	6.76	6.68	6.60	5.76	5.68	5.60	5.52	5.44	5.36	5.28
208.01	210.00	7.57	7.21	7.13	7.04	6.96	6.88	6.80	6.72	5.84	5.76	5.68	5.60	5.52	5.44	5.36
210.01	212.00	7.67	7.31	7.23	7.14	7.06	6.98	6.90	6.82	5.92	5.84	5.76	5.68	5.60	5.52	5.44
212.01	214.00	7.78	7.42	7.34	7.25	7.17	7.09	7.01	6.93	6.00	5.92	5.84	5.76	5.68	5.60	5.52
214.01	216.00	7.89	7.53	7.45	7.36	7.28	7.20	7.12	7.04	6.08	6.00	5.92	5.84	5.76	5.68	5.60
216.01	218.00	8.01	7.65	7.57	7.48	7.40	7.32	7.24	7.16	6.15	6.07	5.99	5.91	5.83	5.75	5.67
218.01	220.00	8.12	7.76	7.68	7.59	7.51	7.43	7.35	7.27	6.24	6.16	6.08	6.00	5.92	5.84	5.76
220.01	222.00	8.22	7.86	7.78	7.69	7.61	7.53	7.45	7.37	6.31	6.23	6.15	6.07	5.99	5.91	5.83

Daily Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
222.01	224.00	8.34	7.98	7.90	7.81	7.73	7.65	7.57	7.49	6.40	6.32	6.24	6.16	6.08	6.00	5.92
224.01	226.00	8.45	8.09	8.01	7.92	7.84	7.76	7.68	7.60	6.47	6.39	6.31	6.23	6.15	6.07	5.99
226.01	228.00	8.56	8.20	8.12	8.03	7.95	7.87	7.79	7.71	6.55	6.47	6.39	6.31	6.23	6.15	6.07
228.01	230.00	8.68	8.32	8.24	8.15	8.07	7.99	7.91	7.83	6.63	6.55	6.47	6.39	6.31	6.23	6.15
230.01	232.00	8.78	8.42	8.34	8.25	8.17	8.09	8.01	7.93	6.71	6.63	6.55	6.47	6.39	6.31	6.23
232.01	234.00	8.89	8.53	8.45	8.36	8.28	8.20	8.12	8.04	6.79	6.71	6.63	6.55	6.47	6.39	6.31
234.01	236.00	9.00	8.64	8.56	8.47	8.39	8.31	8.23	8.15	6.87	6.79	6.71	6.63	6.55	6.47	6.39
236.01	238.00	9.12	8.76	8.68	8.59	8.51	8.43	8.35	8.27	6.94	6.86	6.78	6.70	6.62	6.54	6.46
238.01	240.00	9.23	8.87	8.79	8.70	8.62	8.54	8.46	8.38	7.03	6.95	6.87	6.79	6.71	6.63	6.55
240.01	242.00	9.33	8.97	8.89	8.80	8.72	8.64	8.56	8.48	7.10	7.02	6.94	6.86	6.78	6.70	6.62
242.01	244.00	9.45	9.09	9.01	8.92	8.84	8.76	8.68	8.60	7.19	7.11	7.03	6.95	6.87	6.79	6.71
244.01	246.00	9.56	9.20	9.12	9.03	8.95	8.87	8.79	8.71	7.26	7.18	7.10	7.02	6.94	6.86	6.78
246.01	248.00	9.67	9.31	9.23	9.14	9.06	8.98	8.90	8.82	7.34	7.26	7.18	7.10	7.02	6.94	6.86
248.01	250.00	9.79	9.43	9.35	9.26	9.18	9.10	9.02	8.94	7.42	7.34	7.26	7.18	7.10	7.02	6.94
250.01	252.00	9.89	9.53	9.45	9.36	9.28	9.20	9.12	9.04	7.50	7.42	7.34	7.26	7.18	7.10	7.02
252.01	254.00	10.00	9.64	9.56	9.47	9.39	9.31	9.23	9.15	7.58	7.50	7.42	7.34	7.26	7.18	7.10
254.01	256.00	10.11	9.75	9.67	9.58	9.50	9.42	9.34	9.26	7.66	7.58	7.50	7.42	7.34	7.26	7.18
256.01	258.00	10.23	9.87	9.79	9.70	9.62	9.54	9.46	9.38	7.73	7.65	7.57	7.49	7.41	7.33	7.25
258.01	260.00	10.34	9.98	9.90	9.81	9.73	9.65	9.57	9.49	7.82	7.74	7.66	7.58	7.50	7.42	7.34
260.01	262.00	10.44	10.08	10.00	9.91	9.83	9.75	9.67	9.59	7.89	7.81	7.73	7.65	7.57	7.49	7.41
262.01	264.00	10.56	10.20	10.12	10.03	9.95	9.87	9.79	9.71	7.98	7.90	7.82	7.74	7.66	7.58	7.50
264.01	266.00	10.67	10.31	10.23	10.14	10.06	9.98	9.90	9.82	8.05	7.97	7.89	7.81	7.73	7.65	7.57
266.01	268.00	10.78	10.42	10.34	10.25	10.17	10.09	10.01	9.93	8.13	8.05	7.97	7.89	7.81	7.73	7.65
268.01	270.00	10.90	10.54	10.46	10.37	10.29	10.21	10.13	10.05	8.21	8.13	8.05	7.97	7.89	7.81	7.73
270.01	272.00	11.00	10.64	10.56	10.47	10.39	10.31	10.23	10.15	8.29	8.21	8.13	8.05	7.97	7.89	7.81
272.01	274.00	11.11	10.75	10.67	10.58	10.50	10.42	10.34	10.26	8.37	8.29	8.21	8.13	8.05	7.97	7.89
274.01	276.00	11.22	10.86	10.78	10.69	10.61	10.53	10.45	10.37	8.45	8.37	8.29	8.21	8.13	8.05	7.97
276.01	278.00	11.34	10.98	10.90	10.81	10.73	10.65	10.57	10.49	8.52	8.44	8.36	8.28	8.20	8.12	8.04
278.01	280.00	11.45	11.09	11.01	10.92	10.84	10.76	10.68	10.60	8.61	8.53	8.45	8.37	8.29	8.21	8.13
280.01	282.00	11.55	11.19	11.11	11.02	10.94	10.86	10.78	10.70	8.68	8.60	8.52	8.44	8.36	8.28	8.20
282.01	284.00	11.67	11.31	11.23	11.14	11.06	10.98	10.90	10.82	8.77	8.69	8.61	8.53	8.45	8.37	8.29
284.01	286.00	11.78	11.42	11.34	11.25	11.17	11.09	11.01	10.93	8.84	8.76	8.68	8.60	8.52	8.44	8.36
286.01	288.00	11.89	11.53	11.45	11.36	11.28	11.20	11.12	11.04	8.92	8.84	8.76	8.68	8.60	8.52	8.44
288.01	290.00	12.01	11.65	11.57	11.48	11.40	11.32	11.24	11.16	9.00	8.92	8.84	8.76	8.68	8.60	8.52
290.01	292.00	12.11	11.75	11.67	11.58	11.50	11.42	11.34	11.26	9.08	9.00	8.92	8.84	8.76	8.68	8.60
292.01	294.00	12.22	11.86	11.78	11.69	11.61	11.53	11.45	11.37	9.16	9.08	9.00	8.92	8.84	8.76	8.68
294.01	296.00	12.33	11.97	11.89	11.80	11.72	11.64	11.56	11.48	9.24	9.16	9.08	9.00	8.92	8.84	8.76
296.01	298.00	12.45	12.09	12.01	11.92	11.84	11.76	11.68	11.60	9.31	9.23	9.15	9.07	8.99	8.91	8.83
298.01	300.00	12.56	12.20	12.12	12.03	11.95	11.87	11.79	11.71	9.40	9.32	9.24	9.16	9.08	9.00	8.92
300.01	302.00	12.66	12.30	12.22	12.13	12.05	11.97	11.89	11.81	9.47	9.39	9.31	9.23	9.15	9.07	8.99
302.01	304.00	12.78	12.42	12.34	12.25	12.17	12.09	12.01	11.93	9.56	9.48	9.40	9.32	9.24	9.16	9.08
304.01	306.00	12.89	12.53	12.45	12.36	12.28	12.20	12.12	12.04	9.63	9.55	9.47	9.39	9.31	9.23	9.15
306.01	308.00	13.00	12.64	12.56	12.47	12.39	12.31	12.23	12.15	9.71	9.63	9.55	9.47	9.39	9.31	9.23
308.01	310.00	13.12	12.76	12.68	12.59	12.51	12.43	12.35	12.27	9.79	9.71	9.63	9.55	9.47	9.39	9.31
310.01	312.00	13.22	12.86	12.78	12.69	12.61	12.53	12.45	12.37	9.87	9.79	9.71	9.63	9.55	9.47	9.39
312.01	314.00	13.33	12.97	12.89	12.80	12.72	12.64	12.56	12.48	9.95	9.87	9.79	9.71	9.63	9.55	9.47
314.01	316.00	13.44	13.08	13.00	12.91	12.83	12.75	12.67	12.59	10.03	9.95	9.87	9.79	9.71	9.63	9.55
316.01	318.00	13.56	13.20	13.12	13.03	12.95	12.87	12.79	12.71	10.10	10.02	9.94	9.86	9.78	9.70	9.62
318.01	320.00	13.67	13.31	13.23	13.14	13.06	12.98	12.90	12.82	10.19	10.11	10.03	9.95	9.87	9.79	9.71
320.01	322.00	13.77	13.41	13.33	13.24	13.16	13.08	13.00	12.92	10.26	10.18	10.10	10.02	9.94	9.86	9.78
322.01	324.00	13.89	13.53	13.45	13.36	13.28	13.20	13.12	13.04	10.35	10.27	10.19	10.11	10.03	9.95	9.87
324.01	326.00	14.00	13.64	13.56	13.47	13.39	13.31	13.23	13.15	10.42	10.34	10.26	10.18	10.10	10.02	9.94
326.01	328.00	14.11	13.75	13.67	13.58	13.50	13.42	13.34	13.26	10.50	10.42	10.34	10.26	10.18	10.10	10.02
328.01	330.00	14.23	13.87	13.79	13.70	13.62	13.54	13.46	13.38	10.58	10.50	10.42	10.34	10.26	10.18	10.10
330.01	332.00	14.33	13.97	13.89	13.80	13.72	13.64	13.56	13.48	10.66	10.58	10.50	10.42	10.34	10.26	10.18
332.01	334.00	14.44	14.08	14.00	13.91	13.83	13.75	13.67	13.59	10.74	10.66	10.58	10.50	10.42	10.34	10.26
334.01	336.00	14.55	14.19	14.11	14.02	13.94	13.86	13.78	13.70	10.82	10.74	10.66	10.58	10.50	10.42	10.34
336.01	338.00	14.67	14.31	14.23	14.14	14.06	13.98	13.90	13.82	10.89	10.81	10.73	10.65	10.57	10.49	10.41
338.01	340.00	14.78	14.42	14.34	14.25	14.17	14.09	14.01	13.93	10.98	10.90	10.82	10.74	10.66	10.58	10.50
340.01	342.00	14.88	14.52	14.44	14.35	14.27	14.19	14.11	14.03	11.05	10.97	10.89	10.81	10.73	10.65	10.57
342.01	344.00	15.00	14.64	14.56	14.47	14.39	14.31	14.23	14.15	11.14	11.06	10.98	10.90	10.82	10.74	10.66
344.01	346.00	15.11	14.75	14.67	14.58	14.50	14.42	14.34	14.26	11.21	11.13	11.05	10.97	10.89	10.81	10.73
346.01	348.00	15.22	14.86	14.78	14.69	14.61	14.53	14.45	14.37	11.29	11.21	11.13	11.05	10.97	10.89	10.81
348.01	350.00	15.34	14.98	14.90	14.81	14.73	14.65	14.57	14.49	11.37	11.29	11.21	11.13	11.05	10.97	10.89
350.01	352.00	15.44	15.08	15.00	14.91	14.83	14.75	14.67	14.59	11.45	11.37	11.29	11.21	11.13	11.05	10.97
352.01	354.00	15.55	15.19	15.11	15.02	14.94	14.86	14.78	14.70	11.53	11.45	11.37	11.29	11.21	11.13	11.05
354.01	356.00	15.66	15.30	15.22	15.13	15.05	14.97	14.89	14.81	11.61	11.53	11.45	11.37	11.29	11.21	11.13

Daily Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
356.01	358.00	15.78	15.42	15.34	15.25	15.17	15.09	15.01	14.93	11.68	11.60	11.52	11.44	11.36	11.28	11.20
358.01	360.00	15.89	15.53	15.45	15.36	15.28	15.20	15.12	15.04	11.77	11.69	11.61	11.53	11.45	11.37	11.29
360.01	362.00	15.99	15.63	15.55	15.46	15.38	15.30	15.22	15.14	11.84	11.76	11.68	11.60	11.52	11.44	11.36
362.01	364.00	16.11	15.75	15.67	15.58	15.50	15.42	15.34	15.26	11.93	11.85	11.77	11.69	11.61	11.53	11.45
364.01	366.00	16.22	15.86	15.78	15.69	15.61	15.53	15.45	15.37	12.00	11.92	11.84	11.76	11.68	11.60	11.52
366.01	368.00	16.33	15.97	15.89	15.80	15.72	15.64	15.56	15.48	12.08	12.00	11.92	11.84	11.76	11.68	11.60
368.01	370.00	16.45	16.09	16.01	15.92	15.84	15.76	15.68	15.60	12.16	12.08	12.00	11.92	11.84	11.76	11.68
370.01	372.00	16.55	16.19	16.11	16.02	15.94	15.86	15.78	15.70	12.24	12.16	12.08	12.00	11.92	11.84	11.76
372.01	374.00	16.66	16.30	16.22	16.13	16.05	15.97	15.89	15.81	12.32	12.24	12.16	12.08	12.00	11.92	11.84
374.01	376.00	16.77	16.41	16.33	16.24	16.16	16.08	16.00	15.92	12.40	12.32	12.24	12.16	12.08	12.00	11.92
376.01	378.00	16.89	16.53	16.45	16.36	16.28	16.20	16.12	16.04	12.47	12.39	12.31	12.23	12.15	12.07	11.99
378.01	380.00	17.00	16.64	16.56	16.47	16.39	16.31	16.23	16.15	12.56	12.48	12.40	12.32	12.24	12.16	12.08
380.01	382.00	17.10	16.74	16.66	16.57	16.49	16.41	16.33	16.25	12.63	12.55	12.47	12.39	12.31	12.23	12.15
382.01	384.00	17.22	16.86	16.78	16.69	16.61	16.53	16.45	16.37	12.72	12.64	12.56	12.48	12.40	12.32	12.24
384.01	386.00	17.33	16.97	16.89	16.80	16.72	16.64	16.56	16.48	12.80	12.72	12.64	12.56	12.48	12.40	12.32
		(Add 5.05% for amounts in excess of $386)								(Add 5.10% for amounts in excess of $386)						

Weekly Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
-	50.00	2.1%								2.2%						
50.01	70.00	1.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70.01	90.00	1.68	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
90.01	110.00	2.10	0.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
110.01	130.00	2.52	0.70	0.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
130.01	150.00	2.94	1.12	0.72	0.31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
150.01	170.00	3.36	1.54	1.14	0.73	0.33	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
170.01	190.00	3.78	1.96	1.56	1.15	0.75	0.35	0.00	0.00	0.33	0.00	0.00	0.00	0.00	0.00	0.00
190.01	210.00	4.20	2.38	1.98	1.57	1.17	0.77	0.36	0.00	0.77	0.36	0.00	0.00	0.00	0.00	0.00
210.01	230.00	4.62	2.80	2.40	1.99	1.59	1.19	0.78	0.38	1.21	0.80	0.40	0.00	0.00	0.00	0.00
230.01	250.00	5.04	3.22	2.82	2.41	2.01	1.61	1.20	0.80	1.65	1.24	0.84	0.43	0.03	0.00	0.00
250.01	270.00	5.81	3.99	3.59	3.18	2.78	2.38	1.97	1.57	2.09	1.68	1.28	0.87	0.47	0.07	0.00
270.01	290.00	6.59	4.77	4.37	3.96	3.56	3.16	2.75	2.35	2.53	2.12	1.72	1.31	0.91	0.51	0.10
290.01	310.00	7.37	5.55	5.15	4.74	4.34	3.94	3.53	3.13	2.97	2.56	2.16	1.75	1.35	0.95	0.54
310.01	330.00	8.15	6.33	5.93	5.52	5.12	4.72	4.31	3.91	3.41	3.00	2.60	2.19	1.79	1.39	0.98
330.01	350.00	8.93	7.11	6.71	6.30	5.90	5.50	5.09	4.69	3.85	3.44	3.04	2.63	2.23	1.83	1.42
350.01	370.00	9.71	7.89	7.49	7.08	6.68	6.28	5.87	5.47	4.29	3.88	3.48	3.07	2.67	2.27	1.86
370.01	390.00	10.49	8.67	8.27	7.86	7.46	7.06	6.65	6.25	4.73	4.32	3.92	3.51	3.11	2.71	2.30
390.01	410.00	11.27	9.45	9.05	8.64	8.24	7.84	7.43	7.03	5.17	4.76	4.36	3.95	3.55	3.15	2.74
410.01	430.00	12.05	10.23	9.83	9.42	9.02	8.62	8.21	7.81	5.61	5.20	4.80	4.39	3.99	3.59	3.18
430.01	450.00	12.83	11.01	10.61	10.20	9.80	9.40	8.99	8.59	6.05	5.64	5.24	4.83	4.43	4.03	3.62
450.01	470.00	13.61	11.79	11.39	10.98	10.58	10.18	9.77	9.37	6.49	6.08	5.68	5.27	4.87	4.47	4.06
470.01	490.00	14.39	12.57	12.17	11.76	11.36	10.96	10.55	10.15	6.93	6.52	6.12	5.71	5.31	4.91	4.50
490.01	510.00	15.17	13.35	12.95	12.54	12.14	11.74	11.33	10.93	7.71	7.30	6.90	6.49	6.09	5.69	5.28
510.01	530.00	15.95	14.13	13.73	13.32	12.92	12.52	12.11	11.71	8.50	8.09	7.69	7.28	6.88	6.48	6.07
530.01	550.00	16.73	14.91	14.51	14.10	13.70	13.30	12.89	12.49	9.29	8.88	8.48	8.07	7.67	7.27	6.86
550.01	570.00	17.51	15.69	15.29	14.88	14.48	14.08	13.67	13.27	10.08	9.67	9.27	8.86	8.46	8.06	7.65
570.01	590.00	18.29	16.47	16.07	15.66	15.26	14.86	14.45	14.05	10.87	10.46	10.06	9.65	9.25	8.85	8.44
590.01	610.00	19.07	17.25	16.85	16.44	16.04	15.64	15.23	14.83	11.66	11.25	10.85	10.44	10.04	9.64	9.23
610.01	630.00	19.85	18.03	17.63	17.22	16.82	16.42	16.01	15.61	12.45	12.04	11.64	11.23	10.83	10.43	10.02
630.01	650.00	20.63	18.81	18.41	18.00	17.60	17.20	16.79	16.39	13.24	12.83	12.43	12.02	11.62	11.22	10.81
650.01	670.00	21.41	19.59	19.19	18.78	18.38	17.98	17.57	17.17	14.03	13.62	13.22	12.81	12.41	12.01	11.60
670.01	690.00	22.19	20.37	19.97	19.56	19.16	18.76	18.35	17.95	14.82	14.41	14.01	13.60	13.20	12.80	12.39
690.01	710.00	22.97	21.15	20.75	20.34	19.94	19.54	19.13	18.73	15.61	15.20	14.80	14.39	13.99	13.59	13.18
710.01	730.00	23.75	21.93	21.53	21.12	20.72	20.32	19.91	19.51	16.40	15.99	15.59	15.18	14.78	14.38	13.97
730.01	750.00	24.53	22.71	22.31	21.90	21.50	21.10	20.69	20.29	17.19	16.78	16.38	15.97	15.57	15.17	14.76
750.01	770.00	25.31	23.49	23.09	22.68	22.28	21.88	21.47	21.07	17.98	17.57	17.17	16.76	16.36	15.96	15.55
770.01	790.00	26.09	24.27	23.87	23.46	23.06	22.66	22.25	21.85	18.77	18.36	17.96	17.55	17.15	16.75	16.34
790.01	810.00	26.87	25.05	24.65	24.24	23.84	23.44	23.03	22.63	19.56	19.15	18.75	18.34	17.94	17.54	17.13
810.01	830.00	27.65	25.83	25.43	25.02	24.62	24.22	23.81	23.41	20.35	19.94	19.54	19.13	18.73	18.33	17.92
830.01	850.00	28.43	26.61	26.21	25.80	25.40	25.00	24.59	24.19	21.14	20.73	20.33	19.92	19.52	19.12	18.71
850.01	870.00	29.21	27.39	26.99	26.58	26.18	25.78	25.37	24.97	21.93	21.52	21.12	20.71	20.31	19.91	19.50
870.01	890.00	29.99	28.17	27.77	27.36	26.96	26.56	26.15	25.75	22.72	22.31	21.91	21.50	21.10	20.70	20.29
890.01	910.00	30.77	28.95	28.55	28.14	27.74	27.34	26.93	26.53	23.51	23.10	22.70	22.29	21.89	21.49	21.08

Weekly Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
910.01	930.00	31.55	29.73	29.33	28.92	28.52	28.12	27.71	27.31	24.30	23.89	23.49	23.08	22.68	22.28	21.87
930.01	950.00	32.33	30.51	30.11	29.70	29.30	28.90	28.49	28.09	25.09	24.68	24.28	23.87	23.47	23.07	22.66
950.01	970.00	33.11	31.29	30.89	30.48	30.08	29.68	29.27	28.87	25.88	25.47	25.07	24.66	24.26	23.86	23.45
970.01	990.00	34.19	32.37	31.97	31.56	31.16	30.76	30.35	29.95	26.67	26.26	25.86	25.45	25.05	24.65	24.24
990.01	1,010.00	35.30	33.48	33.08	32.67	32.27	31.87	31.46	31.06	27.46	27.05	26.65	26.24	25.84	25.44	25.03
1,010.01	1,030.00	36.41	34.59	34.19	33.78	33.38	32.98	32.57	32.17	28.25	27.84	27.44	27.03	26.63	26.23	25.82
1,030.01	1,050.00	37.52	35.70	35.30	34.89	34.49	34.09	33.68	33.28	29.04	28.63	28.23	27.82	27.42	27.02	26.61
1,050.01	1,070.00	38.63	36.81	36.41	36.00	35.60	35.20	34.79	34.39	29.83	29.42	29.02	28.61	28.21	27.81	27.40
1,070.01	1,090.00	39.74	37.92	37.52	37.11	36.71	36.31	35.90	35.50	30.62	30.21	29.81	29.40	29.00	28.60	28.19
1,090.01	1,110.00	40.85	39.03	38.63	38.22	37.82	37.42	37.01	36.61	31.41	31.00	30.60	30.19	29.79	29.39	28.98
1,110.01	1,130.00	41.96	40.14	39.74	39.33	38.93	38.53	38.12	37.72	32.20	31.79	31.39	30.98	30.58	30.18	29.77
1,130.01	1,150.00	43.07	41.25	40.85	40.44	40.04	39.64	39.23	38.83	32.99	32.58	32.18	31.77	31.37	30.97	30.56
1,150.01	1,170.00	44.18	42.36	41.96	41.55	41.15	40.75	40.34	39.94	33.78	33.37	32.97	32.56	32.16	31.76	31.35
1,170.01	1,190.00	45.29	43.47	43.07	42.66	42.26	41.86	41.45	41.05	34.57	34.16	33.76	33.35	32.95	32.55	32.14
1,190.01	1,210.00	46.40	44.58	44.18	43.77	43.37	42.97	42.56	42.16	35.36	34.95	34.55	34.14	33.74	33.34	32.93
1,210.01	1,230.00	47.51	45.69	45.29	44.88	44.48	44.08	43.67	43.27	36.15	35.74	35.34	34.93	34.53	34.13	33.72
1,230.01	1,250.00	48.62	46.80	46.40	45.99	45.59	45.19	44.78	44.38	36.94	36.53	36.13	35.72	35.32	34.92	34.51
1,250.01	1,270.00	49.73	47.91	47.51	47.10	46.70	46.30	45.89	45.49	37.73	37.32	36.92	36.51	36.11	35.71	35.30
1,270.01	1,290.00	50.84	49.02	48.62	48.21	47.81	47.41	47.00	46.60	38.52	38.11	37.71	37.30	36.90	36.50	36.09
1,290.01	1,310.00	51.95	50.13	49.73	49.32	48.92	48.52	48.11	47.71	39.31	38.90	38.50	38.09	37.69	37.29	36.88
1,310.01	1,330.00	53.06	51.24	50.84	50.43	50.03	49.63	49.22	48.82	40.10	39.69	39.29	38.88	38.48	38.08	37.67
1,330.01	1,350.00	54.17	52.35	51.95	51.54	51.14	50.74	50.33	49.93	40.89	40.48	40.08	39.67	39.27	38.87	38.46
1,350.01	1,370.00	55.28	53.46	53.06	52.65	52.25	51.85	51.44	51.04	41.68	41.27	40.87	40.46	40.06	39.66	39.25
1,370.01	1,390.00	56.39	54.57	54.17	53.76	53.36	52.96	52.55	52.15	42.47	42.06	41.66	41.25	40.85	40.45	40.04
1,390.01	1,410.00	57.50	55.68	55.28	54.87	54.47	54.07	53.66	53.26	43.26	42.85	42.45	42.04	41.64	41.24	40.83
1,410.01	1,430.00	58.61	56.79	56.39	55.98	55.58	55.18	54.77	54.37	44.05	43.64	43.24	42.83	42.43	42.03	41.62
1,430.01	1,450.00	59.72	57.90	57.50	57.09	56.69	56.29	55.88	55.48	44.84	44.43	44.03	43.62	43.22	42.82	42.41
1,450.01	1,470.00	60.83	59.01	58.61	58.20	57.80	57.40	56.99	56.59	45.63	45.22	44.82	44.41	44.01	43.61	43.20
1,470.01	1,490.00	61.94	60.12	59.72	59.31	58.91	58.51	58.10	57.70	46.42	46.01	45.61	45.20	44.80	44.40	43.99
1,490.01	1,510.00	63.05	61.23	60.83	60.42	60.02	59.62	59.21	58.81	47.21	46.80	46.40	45.99	45.59	45.19	44.78
1,510.01	1,530.00	64.16	62.34	61.94	61.53	61.13	60.73	60.32	59.92	48.00	47.59	47.19	46.78	46.38	45.98	45.57
1,530.01	1,550.00	65.27	63.45	63.05	62.64	62.24	61.84	61.43	61.03	48.79	48.38	47.98	47.57	47.17	46.77	46.36
1,550.01	1,570.00	66.38	64.56	64.16	63.75	63.35	62.95	62.54	62.14	49.58	49.17	48.77	48.36	47.96	47.56	47.15
1,570.01	1,590.00	67.49	65.67	65.27	64.86	64.46	64.06	63.65	63.25	50.37	49.96	49.56	49.15	48.75	48.35	47.94
1,590.01	1,610.00	68.60	66.78	66.38	65.97	65.57	65.17	64.76	64.36	51.16	50.75	50.35	49.94	49.54	49.14	48.73
1,610.01	1,630.00	69.71	67.89	67.49	67.08	66.68	66.28	65.87	65.47	51.95	51.54	51.14	50.73	50.33	49.93	49.52
1,630.01	1,650.00	70.82	69.00	68.60	68.19	67.79	67.39	66.98	66.58	52.74	52.33	51.93	51.52	51.12	50.72	50.31
1,650.01	1,670.00	71.93	70.11	69.71	69.30	68.90	68.50	68.09	67.69	53.53	53.12	52.72	52.31	51.91	51.51	51.10
1,670.01	1,690.00	73.04	71.22	70.82	70.41	70.01	69.61	69.20	68.80	54.32	53.91	53.51	53.10	52.70	52.30	51.89
1,690.01	1,710.00	74.15	72.33	71.93	71.52	71.12	70.72	70.31	69.91	55.11	54.70	54.30	53.89	53.49	53.09	52.68
1,710.01	1,730.00	75.26	73.44	73.04	72.63	72.23	71.83	71.42	71.02	55.90	55.49	55.09	54.68	54.28	53.88	53.47
1,730.01	1,750.00	76.37	74.55	74.15	73.74	73.34	72.94	72.53	72.13	56.69	56.28	55.88	55.47	55.07	54.67	54.26
1,750.01	1,770.00	77.48	75.66	75.26	74.85	74.45	74.05	73.64	73.24	57.48	57.07	56.67	56.26	55.86	55.46	55.05
1,770.01	1,790.00	78.59	76.77	76.37	75.96	75.56	75.16	74.75	74.35	58.27	57.86	57.46	57.05	56.65	56.25	55.84
1,790.01	1,810.00	79.70	77.88	77.48	77.07	76.67	76.27	75.86	75.46	59.06	58.65	58.25	57.84	57.44	57.04	56.63
1,810.01	1,830.00	80.81	78.99	78.59	78.18	77.78	77.38	76.97	76.57	59.85	59.44	59.04	58.63	58.23	57.83	57.42
1,830.01	1,850.00	81.92	80.10	79.70	79.29	78.89	78.49	78.08	77.68	60.64	60.23	59.83	59.42	59.02	58.62	58.21
1,850.01	1,870.00	83.03	81.21	80.81	80.40	80.00	79.60	79.19	78.79	61.43	61.02	60.62	60.21	59.81	59.41	59.00
1,870.01	1,890.00	84.14	82.32	81.92	81.51	81.11	80.71	80.30	79.90	62.22	61.81	61.41	61.00	60.60	60.20	59.79
1,890.01	1,910.00	85.25	83.43	83.03	82.62	82.22	81.82	81.41	81.01	63.01	62.60	62.20	61.79	61.39	60.99	60.58
1,910.01	1,930.00	86.36	84.54	84.14	83.73	83.33	82.93	82.52	82.12	63.80	63.39	62.99	62.58	62.18	61.78	61.37
1,930.01	1,950.00	87.47	85.65	85.25	84.84	84.44	84.04	83.63	83.23	64.88	64.47	64.07	63.66	63.26	62.86	62.45
		(Add 5.05% for amounts in excess of $1,950)								(Add 5.10% for amounts in excess of $1,950)						

Biweekly Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
-	100.00	2.1%								2.2%						
100.01	140.00	2.52	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
140.01	180.00	3.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
180.01	220.00	4.20	0.57	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
220.01	260.00	5.04	1.41	0.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
260.01	300.00	5.88	2.25	1.44	0.63	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
300.01	340.00	6.72	3.09	2.28	1.47	0.66	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Biweekly Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
340.01	380.00	7.56	3.93	3.12	2.31	1.50	0.69	0.00	0.00	0.65	0.00	0.00	0.00	0.00	0.00	0.00
380.01	420.00	8.40	4.77	3.96	3.15	2.34	1.53	0.73	0.00	1.53	0.72	0.00	0.00	0.00	0.00	0.00
420.01	460.00	9.24	5.61	4.80	3.99	3.18	2.37	1.57	0.76	2.41	1.60	0.80	0.00	0.00	0.00	0.00
460.01	500.00	10.08	6.45	5.64	4.83	4.02	3.21	2.41	1.60	3.29	2.48	1.68	0.87	0.06	0.00	0.00
500.01	540.00	11.63	8.00	7.19	6.38	5.57	4.76	3.96	3.15	4.17	3.36	2.56	1.75	0.94	0.13	0.00
540.01	580.00	13.19	9.56	8.75	7.94	7.13	6.32	5.52	4.71	5.05	4.24	3.44	2.63	1.82	1.01	0.20
580.01	620.00	14.75	11.12	10.31	9.50	8.69	7.88	7.08	6.27	5.93	5.12	4.32	3.51	2.70	1.89	1.08
620.01	660.00	16.31	12.68	11.87	11.06	10.25	9.44	8.64	7.83	6.81	6.00	5.20	4.39	3.58	2.77	1.96
660.01	700.00	17.87	14.24	13.43	12.62	11.81	11.00	10.20	9.39	7.69	6.88	6.08	5.27	4.46	3.65	2.84
700.01	740.00	19.43	15.80	14.99	14.18	13.37	12.56	11.76	10.95	8.57	7.76	6.96	6.15	5.34	4.53	3.72
740.01	780.00	20.99	17.36	16.55	15.74	14.93	14.12	13.32	12.51	9.45	8.64	7.84	7.03	6.22	5.41	4.60
780.01	820.00	22.55	18.92	18.11	17.30	16.49	15.68	14.88	14.07	10.33	9.52	8.72	7.91	7.10	6.29	5.48
820.01	860.00	24.11	20.48	19.67	18.86	18.05	17.24	16.44	15.63	11.21	10.40	9.60	8.79	7.98	7.17	6.36
860.01	900.00	25.67	22.04	21.23	20.42	19.61	18.80	18.00	17.19	12.09	11.28	10.48	9.67	8.86	8.05	7.24
900.01	940.00	27.23	23.60	22.79	21.98	21.17	20.36	19.56	18.75	12.97	12.16	11.36	10.55	9.74	8.93	8.12
940.01	980.00	28.79	25.16	24.35	23.54	22.73	21.92	21.12	20.31	13.85	13.04	12.24	11.43	10.62	9.81	9.00
980.01	1,020.00	30.35	26.72	25.91	25.10	24.29	23.48	22.68	21.87	15.40	14.59	13.79	12.98	12.17	11.36	10.55
1,020.01	1,060.00	31.91	28.28	27.47	26.66	25.85	25.04	24.24	23.43	16.98	16.17	15.37	14.56	13.75	12.94	12.13
1,060.01	1,100.00	33.47	29.84	29.03	28.22	27.41	26.60	25.80	24.99	18.56	17.75	16.95	16.14	15.33	14.52	13.71
1,100.01	1,140.00	35.03	31.40	30.59	29.78	28.97	28.16	27.36	26.55	20.14	19.33	18.53	17.72	16.91	16.10	15.29
1,140.01	1,180.00	36.59	32.96	32.15	31.34	30.53	29.72	28.92	28.11	21.72	20.91	20.11	19.30	18.49	17.68	16.87
1,180.01	1,220.00	38.15	34.52	33.71	32.90	32.09	31.28	30.48	29.67	23.30	22.49	21.69	20.88	20.07	19.26	18.45
1,220.01	1,260.00	39.71	36.08	35.27	34.46	33.65	32.84	32.04	31.23	24.88	24.07	23.27	22.46	21.65	20.84	20.03
1,260.01	1,300.00	41.27	37.64	36.83	36.02	35.21	34.40	33.60	32.79	26.46	25.65	24.85	24.04	23.23	22.42	21.61
1,300.01	1,340.00	42.83	39.20	38.39	37.58	36.77	35.96	35.16	34.35	28.04	27.23	26.43	25.62	24.81	24.00	23.19
1,340.01	1,380.00	44.39	40.76	39.95	39.14	38.33	37.52	36.72	35.91	29.62	28.81	28.01	27.20	26.39	25.58	24.77
1,380.01	1,420.00	45.95	42.32	41.51	40.70	39.89	39.08	38.28	37.47	31.20	30.39	29.59	28.78	27.97	27.16	26.35
1,420.01	1,460.00	47.51	43.88	43.07	42.26	41.45	40.64	39.84	39.03	32.78	31.97	31.17	30.36	29.55	28.74	27.93
1,460.01	1,500.00	49.07	45.44	44.63	43.82	43.01	42.20	41.40	40.59	34.36	33.55	32.75	31.94	31.13	30.32	29.51
1,500.01	1,540.00	50.63	47.00	46.19	45.38	44.57	43.76	42.96	42.15	35.94	35.13	34.33	33.52	32.71	31.90	31.09
1,540.01	1,580.00	52.19	48.56	47.75	46.94	46.13	45.32	44.52	43.71	37.52	36.71	35.91	35.10	34.29	33.48	32.67
1,580.01	1,620.00	53.75	50.12	49.31	48.50	47.69	46.88	46.08	45.27	39.10	38.29	37.49	36.68	35.87	35.06	34.25
1,620.01	1,660.00	55.31	51.68	50.87	50.06	49.25	48.44	47.64	46.83	40.68	39.87	39.07	38.26	37.45	36.64	35.83
1,660.01	1,700.00	56.87	53.24	52.43	51.62	50.81	50.00	49.20	48.39	42.26	41.45	40.65	39.84	39.03	38.22	37.41
1,700.01	1,740.00	58.43	54.80	53.99	53.18	52.37	51.56	50.76	49.95	43.84	43.03	42.23	41.42	40.61	39.80	38.99
1,740.01	1,780.00	59.99	56.36	55.55	54.74	53.93	53.12	52.32	51.51	45.42	44.61	43.81	43.00	42.19	41.38	40.57
1,780.01	1,820.00	61.55	57.92	57.11	56.30	55.49	54.68	53.88	53.07	47.00	46.19	45.39	44.58	43.77	42.96	42.15
1,820.01	1,860.00	63.11	59.48	58.67	57.86	57.05	56.24	55.44	54.63	48.58	47.77	46.97	46.16	45.35	44.54	43.73
1,860.01	1,900.00	64.67	61.04	60.23	59.42	58.61	57.80	57.00	56.19	50.16	49.35	48.55	47.74	46.93	46.12	45.31
1,900.01	1,940.00	66.23	62.60	61.79	60.98	60.17	59.36	58.56	57.75	51.74	50.93	50.13	49.32	48.51	47.70	46.89
1,940.01	1,980.00	68.40	64.77	63.96	63.15	62.34	61.53	60.73	59.92	53.32	52.51	51.71	50.90	50.09	49.28	48.47
1,980.01	2,020.00	70.62	66.99	66.18	65.37	64.56	63.75	62.95	62.14	54.90	54.09	53.29	52.48	51.67	50.86	50.05
2,020.01	2,060.00	72.84	69.21	68.40	67.59	66.78	65.97	65.17	64.36	56.48	55.67	54.87	54.06	53.25	52.44	51.63
2,060.01	2,100.00	75.06	71.43	70.62	69.81	69.00	68.19	67.39	66.58	58.06	57.25	56.45	55.64	54.83	54.02	53.21
2,100.01	2,140.00	77.28	73.65	72.84	72.03	71.22	70.41	69.61	68.80	59.64	58.83	58.03	57.22	56.41	55.60	54.79
2,140.01	2,180.00	79.50	75.87	75.06	74.25	73.44	72.63	71.83	71.02	61.22	60.41	59.61	58.80	57.99	57.18	56.37
2,180.01	2,220.00	81.72	78.09	77.28	76.47	75.66	74.85	74.05	73.24	62.80	61.99	61.19	60.38	59.57	58.76	57.95
2,220.01	2,260.00	83.94	80.31	79.50	78.69	77.88	77.07	76.27	75.46	64.38	63.57	62.77	61.96	61.15	60.34	59.53
2,260.01	2,300.00	86.16	82.53	81.72	80.91	80.10	79.29	78.49	77.68	65.96	65.15	64.35	63.54	62.73	61.92	61.11
2,300.01	2,340.00	88.38	84.75	83.94	83.13	82.32	81.51	80.71	79.90	67.54	66.73	65.93	65.12	64.31	63.50	62.69
2,340.01	2,380.00	90.60	86.97	86.16	85.35	84.54	83.73	82.93	82.12	69.12	68.31	67.51	66.70	65.89	65.08	64.27
2,380.01	2,420.00	92.82	89.19	88.38	87.57	86.76	85.95	85.15	84.34	70.70	69.89	69.09	68.28	67.47	66.66	65.85
2,420.01	2,460.00	95.04	91.41	90.60	89.79	88.98	88.17	87.37	86.56	72.28	71.47	70.67	69.86	69.05	68.24	67.43
2,460.01	2,500.00	97.26	93.63	92.82	92.01	91.20	90.39	89.59	88.78	73.86	73.05	72.25	71.44	70.63	69.82	69.01
2,500.01	2,540.00	99.48	95.85	95.04	94.23	93.42	92.61	91.81	91.00	75.44	74.63	73.83	73.02	72.21	71.40	70.59
2,540.01	2,580.00	101.70	98.07	97.26	96.45	95.64	94.83	94.03	93.22	77.02	76.21	75.41	74.60	73.79	72.98	72.17
2,580.01	2,620.00	103.92	100.29	99.48	98.67	97.86	97.05	96.25	95.44	78.60	77.79	76.99	76.18	75.37	74.56	73.75
2,620.01	2,660.00	106.14	102.51	101.70	100.89	100.08	99.27	98.47	97.66	80.18	79.37	78.57	77.76	76.95	76.14	75.33
2,660.01	2,700.00	108.36	104.73	103.92	103.11	102.30	101.49	100.69	99.88	81.76	80.95	80.15	79.34	78.53	77.72	76.91
2,700.01	2,740.00	110.58	106.95	106.14	105.33	104.52	103.71	102.91	102.10	83.34	82.53	81.73	80.92	80.11	79.30	78.49
2,740.01	2,780.00	112.80	109.17	108.36	107.55	106.74	105.93	105.13	104.32	84.92	84.11	83.31	82.50	81.69	80.88	80.07
2,780.01	2,820.00	115.02	111.39	110.58	109.77	108.96	108.15	107.35	106.54	86.50	85.69	84.89	84.08	83.27	82.46	81.65
2,820.01	2,860.00	117.24	113.61	112.80	111.99	111.18	110.37	109.57	108.76	88.08	87.27	86.47	85.66	84.85	84.04	83.23

Biweekly Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
2,860.01	2,900.00	119.46	115.83	115.02	114.21	113.40	112.59	111.79	110.98	89.66	88.85	88.05	87.24	86.43	85.62	84.81
2,900.01	2,940.00	121.68	118.05	117.24	116.43	115.62	114.81	114.01	113.20	91.24	90.43	89.63	88.82	88.01	87.20	86.39
2,940.01	2,980.00	123.90	120.27	119.46	118.65	117.84	117.03	116.23	115.42	92.82	92.01	91.21	90.40	89.59	88.78	87.97
2,980.01	3,020.00	126.12	122.49	121.68	120.87	120.06	119.25	118.45	117.64	94.40	93.59	92.79	91.98	91.17	90.36	89.55
3,020.01	3,060.00	128.34	124.71	123.90	123.09	122.28	121.47	120.67	119.86	95.98	95.17	94.37	93.56	92.75	91.94	91.13
3,060.01	3,100.00	130.56	126.93	126.12	125.31	124.50	123.69	122.89	122.08	97.56	96.75	95.95	95.14	94.33	93.52	92.71
3,100.01	3,140.00	132.78	129.15	128.34	127.53	126.72	125.91	125.11	124.30	99.14	98.33	97.53	96.72	95.91	95.10	94.29
3,140.01	3,180.00	135.00	131.37	130.56	129.75	128.94	128.13	127.33	126.52	100.72	99.91	99.11	98.30	97.49	96.68	95.87
3,180.01	3,220.00	137.22	133.59	132.78	131.97	131.16	130.35	129.55	128.74	102.30	101.49	100.69	99.88	99.07	98.26	97.45
3,220.01	3,260.00	139.44	135.81	135.00	134.19	133.38	132.57	131.77	130.96	103.88	103.07	102.27	101.46	100.65	99.84	99.03
3,260.01	3,300.00	141.66	138.03	137.22	136.41	135.60	134.79	133.99	133.18	105.46	104.65	103.85	103.04	102.23	101.42	100.61
3,300.01	3,340.00	143.88	140.25	139.44	138.63	137.82	137.01	136.21	135.40	107.04	106.23	105.43	104.62	103.81	103.00	102.19
3,340.01	3,380.00	146.10	142.47	141.66	140.85	140.04	139.23	138.43	137.62	108.62	107.81	107.01	106.20	105.39	104.58	103.77
3,380.01	3,420.00	148.32	144.69	143.88	143.07	142.26	141.45	140.65	139.84	110.20	109.39	108.59	107.78	106.97	106.16	105.35
3,420.01	3,460.00	150.54	146.91	146.10	145.29	144.48	143.67	142.87	142.06	111.78	110.97	110.17	109.36	108.55	107.74	106.93
3,460.01	3,500.00	152.76	149.13	148.32	147.51	146.70	145.89	145.09	144.28	113.36	112.55	111.75	110.94	110.13	109.32	108.51
3,500.01	3,540.00	154.98	151.35	150.54	149.73	148.92	148.11	147.31	146.50	114.94	114.13	113.33	112.52	111.71	110.90	110.09
3,540.01	3,580.00	157.20	153.57	152.76	151.95	151.14	150.33	149.53	148.72	116.52	115.71	114.91	114.10	113.29	112.48	111.67
3,580.01	3,620.00	159.42	155.79	154.98	154.17	153.36	152.55	151.75	150.94	118.10	117.29	116.49	115.68	114.87	114.06	113.25
3,620.01	3,660.00	161.64	158.01	157.20	156.39	155.58	154.77	153.97	153.16	119.68	118.87	118.07	117.26	116.45	115.64	114.83
3,660.01	3,700.00	163.86	160.23	159.42	158.61	157.80	156.99	156.19	155.38	121.26	120.45	119.65	118.84	118.03	117.22	116.41
3,700.01	3,740.00	166.08	162.45	161.64	160.83	160.02	159.21	158.41	157.60	122.84	122.03	121.23	120.42	119.61	118.80	117.99
3,740.01	3,780.00	168.30	164.67	163.86	163.05	162.24	161.43	160.63	159.82	124.42	123.61	122.81	122.00	121.19	120.38	119.57
3,780.01	3,820.00	170.52	166.89	166.08	165.27	164.46	163.65	162.85	162.04	126.00	125.19	124.39	123.58	122.77	121.96	121.15
3,820.01	3,860.00	172.74	169.11	168.30	167.49	166.68	165.87	165.07	164.26	127.58	126.77	125.97	125.16	124.35	123.54	122.73
3,860.01	3,900.00	174.96	171.33	170.52	169.71	168.90	168.09	167.29	166.48	129.73	128.92	128.12	127.31	126.50	125.69	124.88
		(Add 5.05% for amounts in excess of $3,900)							(Add 5.10% for amounts in excess of $3,900)							

Semimonthly Louisiana Income Tax Withholding Table																
Exemptions		**0**	**1**							**2**						
Dependents		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
-	100.00	2.1%								2.2%						
100.01	140.00	2.52	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
140.01	180.00	3.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
180.01	220.00	4.20	0.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
220.01	260.00	5.04	1.10	0.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
260.01	300.00	5.88	1.94	1.07	0.19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
300.01	340.00	6.72	2.78	1.91	1.03	0.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
340.01	380.00	7.56	3.62	2.75	1.87	1.00	0.12	0.00	0.00	0.04	0.00	0.00	0.00	0.00	0.00	0.00
380.01	420.00	8.40	4.46	3.59	2.71	1.84	0.96	0.09	0.00	0.92	0.05	0.00	0.00	0.00	0.00	0.00
420.01	460.00	9.24	5.30	4.43	3.55	2.68	1.80	0.93	0.05	1.80	0.93	0.05	0.00	0.00	0.00	0.00
460.01	500.00	10.08	6.14	5.27	4.39	3.52	2.64	1.77	0.89	2.68	1.81	0.93	0.06	0.00	0.00	0.00
500.01	540.00	10.92	6.98	6.11	5.23	4.36	3.48	2.61	1.73	3.56	2.69	1.81	0.94	0.06	0.00	0.00
540.01	580.00	12.46	8.52	7.65	6.77	5.90	5.02	4.15	3.27	4.44	3.57	2.69	1.82	0.94	0.07	0.00
580.01	620.00	14.03	10.09	9.22	8.34	7.47	6.59	5.72	4.84	5.32	4.45	3.57	2.70	1.82	0.95	0.07
620.01	660.00	15.59	11.65	10.78	9.90	9.03	8.15	7.28	6.40	6.20	5.33	4.45	3.58	2.70	1.83	0.95
660.01	700.00	17.15	13.21	12.34	11.46	10.59	9.71	8.84	7.96	7.08	6.21	5.33	4.46	3.58	2.71	1.83
700.01	740.00	18.71	14.77	13.90	13.02	12.15	11.27	10.40	9.52	7.96	7.09	6.21	5.34	4.46	3.59	2.71
740.01	780.00	20.27	16.33	15.46	14.58	13.71	12.83	11.96	11.08	8.84	7.97	7.09	6.22	5.34	4.47	3.59
780.01	820.00	21.83	17.89	17.02	16.14	15.27	14.39	13.52	12.64	9.72	8.85	7.97	7.10	6.22	5.35	4.47
820.01	860.00	23.39	19.45	18.58	17.70	16.83	15.95	15.08	14.20	10.60	9.73	8.85	7.98	7.10	6.23	5.35
860.01	900.00	24.95	21.01	20.14	19.26	18.39	17.51	16.64	15.76	11.48	10.61	9.73	8.86	7.98	7.11	6.23
900.01	940.00	26.51	22.57	21.70	20.82	19.95	19.07	18.20	17.32	12.36	11.49	10.61	9.74	8.86	7.99	7.11
940.01	980.00	28.07	24.13	23.26	22.38	21.51	20.63	19.76	18.88	13.24	12.37	11.49	10.62	9.74	8.87	7.99
980.01	1,020.00	29.63	25.69	24.82	23.94	23.07	22.19	21.32	20.44	14.12	13.25	12.37	11.50	10.62	9.75	8.87
1,020.01	1,060.00	31.19	27.25	26.38	25.50	24.63	23.75	22.88	22.00	15.00	14.13	13.25	12.38	11.50	10.63	9.75
1,060.01	1,100.00	32.75	28.81	27.94	27.06	26.19	25.31	24.44	23.56	16.55	15.68	14.80	13.93	13.05	12.18	11.30
1,100.01	1,140.00	34.31	30.37	29.50	28.62	27.75	26.87	26.00	25.12	18.13	17.26	16.38	15.51	14.63	13.76	12.88
1,140.01	1,180.00	35.87	31.93	31.06	30.18	29.31	28.43	27.56	26.68	19.71	18.84	17.96	17.09	16.21	15.34	14.46
1,180.01	1,220.00	37.43	33.49	32.62	31.74	30.87	29.99	29.12	28.24	21.29	20.42	19.54	18.67	17.79	16.92	16.04
1,220.01	1,260.00	38.99	35.05	34.18	33.30	32.43	31.55	30.68	29.80	22.87	22.00	21.12	20.25	19.37	18.50	17.62

Semimonthly Louisiana Income Tax Withholding Table																
Exemptions		0	1							2						
Dependents		0	0	1	2	3	4	5	6	0	1	2	3	4	5	6
Salary Range:																
Min	Max															
1,260.01	1,300.00	40.55	36.61	35.74	34.86	33.99	33.11	32.24	31.36	24.45	23.58	22.70	21.83	20.95	20.08	19.20
1,300.01	1,340.00	42.11	38.17	37.30	36.42	35.55	34.67	33.80	32.92	26.03	25.16	24.28	23.41	22.53	21.66	20.78
1,340.01	1,380.00	43.67	39.73	38.86	37.98	37.11	36.23	35.36	34.48	27.61	26.74	25.86	24.99	24.11	23.24	22.36
1,380.01	1,420.00	45.23	41.29	40.42	39.54	38.67	37.79	36.92	36.04	29.19	28.32	27.44	26.57	25.69	24.82	23.94
1,420.01	1,460.00	46.79	42.85	41.98	41.10	40.23	39.35	38.48	37.60	30.77	29.90	29.02	28.15	27.27	26.40	25.52
1,460.01	1,500.00	48.35	44.41	43.54	42.66	41.79	40.91	40.04	39.16	32.35	31.48	30.60	29.73	28.85	27.98	27.10
1,500.01	1,540.00	49.91	45.97	45.10	44.22	43.35	42.47	41.60	40.72	33.93	33.06	32.18	31.31	30.43	29.56	28.68
1,540.01	1,580.00	51.47	47.53	46.66	45.78	44.91	44.03	43.16	42.28	35.51	34.64	33.76	32.89	32.01	31.14	30.26
1,580.01	1,620.00	53.03	49.09	48.22	47.34	46.47	45.59	44.72	43.84	37.09	36.22	35.34	34.47	33.59	32.72	31.84
1,620.01	1,660.00	54.59	50.65	49.78	48.90	48.03	47.15	46.28	45.40	38.67	37.80	36.92	36.05	35.17	34.30	33.42
1,660.01	1,700.00	56.15	52.21	51.34	50.46	49.59	48.71	47.84	46.96	40.25	39.38	38.50	37.63	36.75	35.88	35.00
1,700.01	1,740.00	57.71	53.77	52.90	52.02	51.15	50.27	49.40	48.52	41.83	40.96	40.08	39.21	38.33	37.46	36.58
1,740.01	1,780.00	59.27	55.33	54.46	53.58	52.71	51.83	50.96	50.08	43.41	42.54	41.66	40.79	39.91	39.04	38.16
1,780.01	1,820.00	60.83	56.89	56.02	55.14	54.27	53.39	52.52	51.64	44.99	44.12	43.24	42.37	41.49	40.62	39.74
1,820.01	1,860.00	62.39	58.45	57.58	56.70	55.83	54.95	54.08	53.20	46.57	45.70	44.82	43.95	43.07	42.20	41.32
1,860.01	1,900.00	63.95	60.01	59.14	58.26	57.39	56.51	55.64	54.76	48.15	47.28	46.40	45.53	44.65	43.78	42.90
1,900.01	1,940.00	65.51	61.57	60.70	59.82	58.95	58.07	57.20	56.32	49.73	48.86	47.98	47.11	46.23	45.36	44.48
1,940.01	1,980.00	67.07	63.13	62.26	61.38	60.51	59.63	58.76	57.88	51.31	50.44	49.56	48.69	47.81	46.94	46.06
1,980.01	2,020.00	68.63	64.69	63.82	62.94	62.07	61.19	60.32	59.44	52.89	52.02	51.14	50.27	49.39	48.52	47.64
2,020.01	2,060.00	70.19	66.25	65.38	64.50	63.63	62.75	61.88	61.00	54.47	53.60	52.72	51.85	50.97	50.10	49.22
2,060.01	2,100.00	71.75	67.81	66.94	66.06	65.19	64.31	63.44	62.56	56.05	55.18	54.30	53.43	52.55	51.68	50.80
2,100.01	2,140.00	73.91	69.97	69.10	68.22	67.35	66.47	65.60	64.72	57.63	56.76	55.88	55.01	54.13	53.26	52.38
2,140.01	2,180.00	76.14	72.20	71.33	70.45	69.58	68.70	67.83	66.95	59.21	58.34	57.46	56.59	55.71	54.84	53.96
2,180.01	2,220.00	78.36	74.42	73.55	72.67	71.80	70.92	70.05	69.17	60.79	59.92	59.04	58.17	57.29	56.42	55.54
2,220.01	2,260.00	80.58	76.64	75.77	74.89	74.02	73.14	72.27	71.39	62.37	61.50	60.62	59.75	58.87	58.00	57.12
2,260.01	2,300.00	82.80	78.86	77.99	77.11	76.24	75.36	74.49	73.61	63.95	63.08	62.20	61.33	60.45	59.58	58.70
2,300.01	2,340.00	85.02	81.08	80.21	79.33	78.46	77.58	76.71	75.83	65.53	64.66	63.78	62.91	62.03	61.16	60.28
2,340.01	2,380.00	87.24	83.30	82.43	81.55	80.68	79.80	78.93	78.05	67.11	66.24	65.36	64.49	63.61	62.74	61.86
2,380.01	2,420.00	89.46	85.52	84.65	83.77	82.90	82.02	81.15	80.27	68.69	67.82	66.94	66.07	65.19	64.32	63.44
2,420.01	2,460.00	91.68	87.74	86.87	85.99	85.12	84.24	83.37	82.49	70.27	69.40	68.52	67.65	66.77	65.90	65.02
2,460.01	2,500.00	93.90	89.96	89.09	88.21	87.34	86.46	85.59	84.71	71.85	70.98	70.10	69.23	68.35	67.48	66.60
2,500.01	2,540.00	96.12	92.18	91.31	90.43	89.56	88.68	87.81	86.93	73.43	72.56	71.68	70.81	69.93	69.06	68.18
2,540.01	2,580.00	98.34	94.40	93.53	92.65	91.78	90.90	90.03	89.15	75.01	74.14	73.26	72.39	71.51	70.64	69.76
2,580.01	2,620.00	100.56	96.62	95.75	94.87	94.00	93.12	92.25	91.37	76.59	75.72	74.84	73.97	73.09	72.22	71.34
2,620.01	2,660.00	102.78	98.84	97.97	97.09	96.22	95.34	94.47	93.59	78.17	77.30	76.42	75.55	74.67	73.80	72.92
2,660.01	2,700.00	105.00	101.06	100.19	99.31	98.44	97.56	96.69	95.81	79.75	78.88	78.00	77.13	76.25	75.38	74.50
2,700.01	2,740.00	107.22	103.28	102.41	101.53	100.66	99.78	98.91	98.03	81.33	80.46	79.58	78.71	77.83	76.96	76.08
2,740.01	2,780.00	109.44	105.50	104.63	103.75	102.88	102.00	101.13	100.25	82.91	82.04	81.16	80.29	79.41	78.54	77.66
2,780.01	2,820.00	111.66	107.72	106.85	105.97	105.10	104.22	103.35	102.47	84.49	83.62	82.74	81.87	80.99	80.12	79.24
2,820.01	2,860.00	113.88	109.94	109.07	108.19	107.32	106.44	105.57	104.69	86.07	85.20	84.32	83.45	82.57	81.70	80.82
2,860.01	2,900.00	116.10	112.16	111.29	110.41	109.54	108.66	107.79	106.91	87.65	86.78	85.90	85.03	84.15	83.28	82.40
2,900.01	2,940.00	118.32	114.38	113.51	112.63	111.76	110.88	110.01	109.13	89.23	88.36	87.48	86.61	85.73	84.86	83.98
2,940.01	2,980.00	120.54	116.60	115.73	114.85	113.98	113.10	112.23	111.35	90.81	89.94	89.06	88.19	87.31	86.44	85.56
2,980.01	3,020.00	122.76	118.82	117.95	117.07	116.20	115.32	114.45	113.57	92.39	91.52	90.64	89.77	88.89	88.02	87.14
3,020.01	3,060.00	124.98	121.04	120.17	119.29	118.42	117.54	116.67	115.79	93.97	93.10	92.22	91.35	90.47	89.60	88.72
3,060.01	3,100.00	127.20	123.26	122.39	121.51	120.64	119.76	118.89	118.01	95.55	94.68	93.80	92.93	92.05	91.18	90.30
3,100.01	3,140.00	129.42	125.48	124.61	123.73	122.86	121.98	121.11	120.23	97.13	96.26	95.38	94.51	93.63	92.76	91.88
3,140.01	3,180.00	131.64	127.70	126.83	125.95	125.08	124.20	123.33	122.45	98.71	97.84	96.96	96.09	95.21	94.34	93.46
3,180.01	3,220.00	133.86	129.92	129.05	128.17	127.30	126.42	125.55	124.67	100.29	99.42	98.54	97.67	96.79	95.92	95.04
3,220.01	3,260.00	136.08	132.14	131.27	130.39	129.52	128.64	127.77	126.89	101.87	101.00	100.12	99.25	98.37	97.50	96.62
3,260.01	3,300.00	138.30	134.36	133.49	132.61	131.74	130.86	129.99	129.11	103.45	102.58	101.70	100.83	99.95	99.08	98.20
3,300.01	3,340.00	140.52	136.58	135.71	134.83	133.96	133.08	132.21	131.33	105.03	104.16	103.28	102.41	101.53	100.66	99.78
3,340.01	3,380.00	142.74	138.80	137.93	137.05	136.18	135.30	134.43	133.55	106.61	105.74	104.86	103.99	103.11	102.24	101.36
3,380.01	3,420.00	144.96	141.02	140.15	139.27	138.40	137.52	136.65	135.77	108.19	107.32	106.44	105.57	104.69	103.82	102.94
3,420.01	3,460.00	147.18	143.24	142.37	141.49	140.62	139.74	138.87	137.99	109.77	108.90	108.02	107.15	106.27	105.40	104.52
3,460.01	3,500.00	149.40	145.46	144.59	143.71	142.84	141.96	141.09	140.21	111.35	110.48	109.60	108.73	107.85	106.98	106.10
3,500.01	3,540.00	151.62	147.68	146.81	145.93	145.06	144.18	143.31	142.43	112.93	112.06	111.18	110.31	109.43	108.56	107.68
3,540.01	3,580.00	153.84	149.90	149.03	148.15	147.28	146.40	145.53	144.65	114.51	113.64	112.76	111.89	111.01	110.14	109.26
3,580.01	3,620.00	156.06	152.12	151.25	150.37	149.50	148.62	147.75	146.87	116.09	115.22	114.34	113.47	112.59	111.72	110.84
3,620.01	3,660.00	158.28	154.34	153.47	152.59	151.72	150.84	149.97	149.09	117.67	116.80	115.92	115.05	114.17	113.30	112.42
3,660.01	3,700.00	160.50	156.56	155.69	154.81	153.94	153.06	152.19	151.31	119.25	118.38	117.50	116.63	115.75	114.88	114.00
3,700.01	3,740.00	162.72	158.78	157.91	157.03	156.16	155.28	154.41	153.53	120.83	119.96	119.08	118.21	117.33	116.46	115.58
3,740.01	3,780.00	164.94	161.00	160.13	159.25	158.38	157.50	156.63	155.75	122.41	121.54	120.66	119.79	118.91	118.04	117.16

Semimonthly Louisiana Income Tax Withholding Table																
Exemptions		**0**	**1**							**2**						
Dependents		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
3,780.01	3,820.00	167.16	163.22	162.35	161.47	160.60	159.72	158.85	157.97	123.99	123.12	122.24	121.37	120.49	119.62	118.74
3,820.01	3,860.00	169.38	165.44	164.57	163.69	162.82	161.94	161.07	160.19	125.57	124.70	123.82	122.95	122.07	121.20	120.32
3,860.01	3,900.00	171.60	167.66	166.79	165.91	165.04	164.16	163.29	162.41	127.15	126.28	125.40	124.53	123.65	122.78	121.90
3,900.01	3,940.00	173.82	169.88	169.01	168.13	167.26	166.38	165.51	164.63	128.73	127.86	126.98	126.11	125.23	124.36	123.48
3,940.01	3,980.00	176.04	172.10	171.23	170.35	169.48	168.60	167.73	166.85	130.31	129.44	128.56	127.69	126.81	125.94	125.06
3,980.01	4,020.00	178.26	174.32	173.45	172.57	171.70	170.82	169.95	169.07	131.89	131.02	130.14	129.27	128.39	127.52	126.64
4,020.01	4,060.00	180.48	176.54	175.67	174.79	173.92	173.04	172.17	171.29	133.47	132.60	131.72	130.85	129.97	129.10	128.22
4,060.01	4,100.00	182.70	178.76	177.89	177.01	176.14	175.26	174.39	173.51	135.05	134.18	133.30	132.43	131.55	130.68	129.80
4,100.01	4,140.00	184.92	180.98	180.11	179.23	178.36	177.48	176.61	175.73	136.63	135.76	134.88	134.01	133.13	132.26	131.38
4,140.01	4,180.00	187.14	183.20	182.33	181.45	180.58	179.70	178.83	177.95	138.21	137.34	136.46	135.59	134.71	133.84	132.96
4,180.01	4,220.00	189.36	185.42	184.55	183.67	182.80	181.92	181.05	180.17	140.35	139.48	138.60	137.73	136.85	135.98	135.10
		(Add 5.05% for amounts in excess of $4,220)								(Add 5.10% for amounts in excess of $4,220)						

Monthly Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
-	200.00	2.1%								2.2%						
200.01	280.00	5.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
280.01	360.00	6.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
360.01	440.00	8.40	0.52	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
440.01	520.00	10.08	2.20	0.45	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
520.01	600.00	11.76	3.88	2.13	0.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
600.01	680.00	13.44	5.56	3.81	2.06	0.31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
680.01	760.00	15.12	7.24	5.49	3.74	1.99	0.24	0.00	0.00	0.09	0.00	0.00	0.00	0.00	0.00	0.00
760.01	840.00	16.80	8.92	7.17	5.42	3.67	1.92	0.17	0.00	1.85	0.10	0.00	0.00	0.00	0.00	0.00
840.01	920.00	18.48	10.60	8.85	7.10	5.35	3.60	1.85	0.10	3.61	1.86	0.11	0.00	0.00	0.00	0.00
920.01	1,000.00	20.16	12.28	10.53	8.78	7.03	5.28	3.53	1.78	5.37	3.62	1.87	0.12	0.00	0.00	0.00
1,000.01	1,080.00	21.84	13.96	12.21	10.46	8.71	6.96	5.21	3.46	7.13	5.38	3.63	1.88	0.13	0.00	0.00
1,080.01	1,160.00	24.93	17.05	15.30	13.55	11.80	10.05	8.30	6.55	8.89	7.14	5.39	3.64	1.89	0.14	0.00
1,160.01	1,240.00	28.05	20.17	18.42	16.67	14.92	13.17	11.42	9.67	10.65	8.90	7.15	5.40	3.65	1.90	0.15
1,240.01	1,320.00	31.17	23.29	21.54	19.79	18.04	16.29	14.54	12.79	12.41	10.66	8.91	7.16	5.41	3.66	1.91
1,320.01	1,400.00	34.29	26.41	24.66	22.91	21.16	19.41	17.66	15.91	14.17	12.42	10.67	8.92	7.17	5.42	3.67
1,400.01	1,480.00	37.41	29.53	27.78	26.03	24.28	22.53	20.78	19.03	15.93	14.18	12.43	10.68	8.93	7.18	5.43
1,480.01	1,560.00	40.53	32.65	30.90	29.15	27.40	25.65	23.90	22.15	17.69	15.94	14.19	12.44	10.69	8.94	7.19
1,560.01	1,640.00	43.65	35.77	34.02	32.27	30.52	28.77	27.02	25.27	19.45	17.70	15.95	14.20	12.45	10.70	8.95
1,640.01	1,720.00	46.77	38.89	37.14	35.39	33.64	31.89	30.14	28.39	21.21	19.46	17.71	15.96	14.21	12.46	10.71
1,720.01	1,800.00	49.89	42.01	40.26	38.51	36.76	35.01	33.26	31.51	22.97	21.22	19.47	17.72	15.97	14.22	12.47
1,800.01	1,880.00	53.01	45.13	43.38	41.63	39.88	38.13	36.38	34.63	24.73	22.98	21.23	19.48	17.73	15.98	14.23
1,880.01	1,960.00	56.13	48.25	46.50	44.75	43.00	41.25	39.50	37.75	26.49	24.74	22.99	21.24	19.49	17.74	15.99
1,960.01	2,040.00	59.25	51.37	49.62	47.87	46.12	44.37	42.62	40.87	28.25	26.50	24.75	23.00	21.25	19.50	17.75
2,040.01	2,120.00	62.37	54.49	52.74	50.99	49.24	47.49	45.74	43.99	30.01	28.26	26.51	24.76	23.01	21.26	19.51
2,120.01	2,200.00	65.49	57.61	55.86	54.11	52.36	50.61	48.86	47.11	33.11	31.36	29.61	27.86	26.11	24.36	22.61
2,200.01	2,280.00	68.61	60.73	58.98	57.23	55.48	53.73	51.98	50.23	36.27	34.52	32.77	31.02	29.27	27.52	25.77
2,280.01	2,360.00	71.73	63.85	62.10	60.35	58.60	56.85	55.10	53.35	39.43	37.68	35.93	34.18	32.43	30.68	28.93
2,360.01	2,440.00	74.85	66.97	65.22	63.47	61.72	59.97	58.22	56.47	42.59	40.84	39.09	37.34	35.59	33.84	32.09
2,440.01	2,520.00	77.97	70.09	68.34	66.59	64.84	63.09	61.34	59.59	45.75	44.00	42.25	40.50	38.75	37.00	35.25
2,520.01	2,600.00	81.09	73.21	71.46	69.71	67.96	66.21	64.46	62.71	48.91	47.16	45.41	43.66	41.91	40.16	38.41
2,600.01	2,680.00	84.21	76.33	74.58	72.83	71.08	69.33	67.58	65.83	52.07	50.32	48.57	46.82	45.07	43.32	41.57
2,680.01	2,760.00	87.33	79.45	77.70	75.95	74.20	72.45	70.70	68.95	55.23	53.48	51.73	49.98	48.23	46.48	44.73
2,760.01	2,840.00	90.45	82.57	80.82	79.07	77.32	75.57	73.82	72.07	58.39	56.64	54.89	53.14	51.39	49.64	47.89
2,840.01	2,920.00	93.57	85.69	83.94	82.19	80.44	78.69	76.94	75.19	61.55	59.80	58.05	56.30	54.55	52.80	51.05
2,920.01	3,000.00	96.69	88.81	87.06	85.31	83.56	81.81	80.06	78.31	64.71	62.96	61.21	59.46	57.71	55.96	54.21
3,000.01	3,080.00	99.81	91.93	90.18	88.43	86.68	84.93	83.18	81.43	67.87	66.12	64.37	62.62	60.87	59.12	57.37
3,080.01	3,160.00	102.93	95.05	93.30	91.55	89.80	88.05	86.30	84.55	71.03	69.28	67.53	65.78	64.03	62.28	60.53
3,160.01	3,240.00	106.05	98.17	96.42	94.67	92.92	91.17	89.42	87.67	74.19	72.44	70.69	68.94	67.19	65.44	63.69
3,240.01	3,320.00	109.17	101.29	99.54	97.79	96.04	94.29	92.54	90.79	77.35	75.60	73.85	72.10	70.35	68.60	66.85
3,320.01	3,400.00	112.29	104.41	102.66	100.91	99.16	97.41	95.66	93.91	80.51	78.76	77.01	75.26	73.51	71.76	70.01
3,400.01	3,480.00	115.41	107.53	105.78	104.03	102.28	100.53	98.78	97.03	83.67	81.92	80.17	78.42	76.67	74.92	73.17
3,480.01	3,560.00	118.53	110.65	108.90	107.15	105.40	103.65	101.90	100.15	86.83	85.08	83.33	81.58	79.83	78.08	76.33
3,560.01	3,640.00	121.65	113.77	112.02	110.27	108.52	106.77	105.02	103.27	89.99	88.24	86.49	84.74	82.99	81.24	79.49
3,640.01	3,720.00	124.77	116.89	115.14	113.39	111.64	109.89	108.14	106.39	93.15	91.40	89.65	87.90	86.15	84.40	82.65
3,720.01	3,800.00	127.89	120.01	118.26	116.51	114.76	113.01	111.26	109.51	96.31	94.56	92.81	91.06	89.31	87.56	85.81
3,800.01	3,880.00	131.01	123.13	121.38	119.63	117.88	116.13	114.38	112.63	99.47	97.72	95.97	94.22	92.47	90.72	88.97
3,880.01	3,960.00	134.13	126.25	124.50	122.75	121.00	119.25	117.50	115.75	102.63	100.88	99.13	97.38	95.63	93.88	92.13

Monthly Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**															
3,960.01	4,040.00	137.25	129.37	127.62	125.87	124.12	122.37	120.62	118.87	105.79	104.04	102.29	100.54	98.79	97.04	95.29
4,040.01	4,120.00	140.37	132.49	130.74	128.99	127.24	125.49	123.74	121.99	108.95	107.20	105.45	103.70	101.95	100.20	98.45
4,120.01	4,200.00	143.49	135.61	133.86	132.11	130.36	128.61	126.86	125.11	112.11	110.36	108.61	106.86	105.11	103.36	101.61
4,200.01	4,280.00	147.82	139.94	138.19	136.44	134.69	132.94	131.19	129.44	115.27	113.52	111.77	110.02	108.27	106.52	104.77
4,280.01	4,360.00	152.26	144.38	142.63	140.88	139.13	137.38	135.63	133.88	118.43	116.68	114.93	113.18	111.43	109.68	107.93
4,360.01	4,440.00	156.70	148.82	147.07	145.32	143.57	141.82	140.07	138.32	121.59	119.84	118.09	116.34	114.59	112.84	111.09
4,440.01	4,520.00	161.14	153.26	151.51	149.76	148.01	146.26	144.51	142.76	124.75	123.00	121.25	119.50	117.75	116.00	114.25
4,520.01	4,600.00	165.58	157.70	155.95	154.20	152.45	150.70	148.95	147.20	127.91	126.16	124.41	122.66	120.91	119.16	117.41
4,600.01	4,680.00	170.02	162.14	160.39	158.64	156.89	155.14	153.39	151.64	131.07	129.32	127.57	125.82	124.07	122.32	120.57
4,680.01	4,760.00	174.46	166.58	164.83	163.08	161.33	159.58	157.83	156.08	134.23	132.48	130.73	128.98	127.23	125.48	123.73
4,760.01	4,840.00	178.90	171.02	169.27	167.52	165.77	164.02	162.27	160.52	137.39	135.64	133.89	132.14	130.39	128.64	126.89
4,840.01	4,920.00	183.34	175.46	173.71	171.96	170.21	168.46	166.71	164.96	140.55	138.80	137.05	135.30	133.55	131.80	130.05
4,920.01	5,000.00	187.78	179.90	178.15	176.40	174.65	172.90	171.15	169.40	143.71	141.96	140.21	138.46	136.71	134.96	133.21
5,000.01	5,080.00	192.22	184.34	182.59	180.84	179.09	177.34	175.59	173.84	146.87	145.12	143.37	141.62	139.87	138.12	136.37
5,080.01	5,160.00	196.66	188.78	187.03	185.28	183.53	181.78	180.03	178.28	150.03	148.28	146.53	144.78	143.03	141.28	139.53
5,160.01	5,240.00	201.10	193.22	191.47	189.72	187.97	186.22	184.47	182.72	153.19	151.44	149.69	147.94	146.19	144.44	142.69
5,240.01	5,320.00	205.54	197.66	195.91	194.16	192.41	190.66	188.91	187.16	156.35	154.60	152.85	151.10	149.35	147.60	145.85
5,320.01	5,400.00	209.98	202.10	200.35	198.60	196.85	195.10	193.35	191.60	159.51	157.76	156.01	154.26	152.51	150.76	149.01
5,400.01	5,480.00	214.42	206.54	204.79	203.04	201.29	199.54	197.79	196.04	162.67	160.92	159.17	157.42	155.67	153.92	152.17
5,480.01	5,560.00	218.86	210.98	209.23	207.48	205.73	203.98	202.23	200.48	165.83	164.08	162.33	160.58	158.83	157.08	155.33
5,560.01	5,640.00	223.30	215.42	213.67	211.92	210.17	208.42	206.67	204.92	168.99	167.24	165.49	163.74	161.99	160.24	158.49
5,640.01	5,720.00	227.74	219.86	218.11	216.36	214.61	212.86	211.11	209.36	172.15	170.40	168.65	166.90	165.15	163.40	161.65
5,720.01	5,800.00	232.18	224.30	222.55	220.80	219.05	217.30	215.55	213.80	175.31	173.56	171.81	170.06	168.31	166.56	164.81
5,800.01	5,880.00	236.62	228.74	226.99	225.24	223.49	221.74	219.99	218.24	178.47	176.72	174.97	173.22	171.47	169.72	167.97
5,880.01	5,960.00	241.06	233.18	231.43	229.68	227.93	226.18	224.43	222.68	181.63	179.88	178.13	176.38	174.63	172.88	171.13
5,960.01	6,040.00	245.50	237.62	235.87	234.12	232.37	230.62	228.87	227.12	184.79	183.04	181.29	179.54	177.79	176.04	174.29
6,040.01	6,120.00	249.94	242.06	240.31	238.56	236.81	235.06	233.31	231.56	187.95	186.20	184.45	182.70	180.95	179.20	177.45
6,120.01	6,200.00	254.38	246.50	244.75	243.00	241.25	239.50	237.75	236.00	191.11	189.36	187.61	185.86	184.11	182.36	180.61
6,200.01	6,280.00	258.82	250.94	249.19	247.44	245.69	243.94	242.19	240.44	194.27	192.52	190.77	189.02	187.27	185.52	183.77
6,280.01	6,360.00	263.26	255.38	253.63	251.88	250.13	248.38	246.63	244.88	197.43	195.68	193.93	192.18	190.43	188.68	186.93
6,360.01	6,440.00	267.70	259.82	258.07	256.32	254.57	252.82	251.07	249.32	200.59	198.84	197.09	195.34	193.59	191.84	190.09
6,440.01	6,520.00	272.14	264.26	262.51	260.76	259.01	257.26	255.51	253.76	203.75	202.00	200.25	198.50	196.75	195.00	193.25
6,520.01	6,600.00	276.58	268.70	266.95	265.20	263.45	261.70	259.95	258.20	206.91	205.16	203.41	201.66	199.91	198.16	196.41
6,600.01	6,680.00	281.02	273.14	271.39	269.64	267.89	266.14	264.39	262.64	210.07	208.32	206.57	204.82	203.07	201.32	199.57
6,680.01	6,760.00	285.46	277.58	275.83	274.08	272.33	270.58	268.83	267.08	213.23	211.48	209.73	207.98	206.23	204.48	202.73
6,760.01	6,840.00	289.90	282.02	280.27	278.52	276.77	275.02	273.27	271.52	216.39	214.64	212.89	211.14	209.39	207.64	205.89
6,840.01	6,920.00	294.34	286.46	284.71	282.96	281.21	279.46	277.71	275.96	219.55	217.80	216.05	214.30	212.55	210.80	209.05
6,920.01	7,000.00	298.78	290.90	289.15	287.40	285.65	283.90	282.15	280.40	222.71	220.96	219.21	217.46	215.71	213.96	212.21
7,000.01	7,080.00	303.22	295.34	293.59	291.84	290.09	288.34	286.59	284.84	225.87	224.12	222.37	220.62	218.87	217.12	215.37
7,080.01	7,160.00	307.66	299.78	298.03	296.28	294.53	292.78	291.03	289.28	229.03	227.28	225.53	223.78	222.03	220.28	218.53
7,160.01	7,240.00	312.10	304.22	302.47	300.72	298.97	297.22	295.47	293.72	232.19	230.44	228.69	226.94	225.19	223.44	221.69
7,240.01	7,320.00	316.54	308.66	306.91	305.16	303.41	301.66	299.91	298.16	235.35	233.60	231.85	230.10	228.35	226.60	224.85
7,320.01	7,400.00	320.98	313.10	311.35	309.60	307.85	306.10	304.35	302.60	238.51	236.76	235.01	233.26	231.51	229.76	228.01
7,400.01	7,480.00	325.42	317.54	315.79	314.04	312.29	310.54	308.79	307.04	241.67	239.92	238.17	236.42	234.67	232.92	231.17
7,480.01	7,560.00	329.86	321.98	320.23	318.48	316.73	314.98	313.23	311.48	244.83	243.08	241.33	239.58	237.83	236.08	234.33
7,560.01	7,640.00	334.30	326.42	324.67	322.92	321.17	319.42	317.67	315.92	247.99	246.24	244.49	242.74	240.99	239.24	237.49
7,640.01	7,720.00	338.74	330.86	329.11	327.36	325.61	323.86	322.11	320.36	251.15	249.40	247.65	245.90	244.15	242.40	240.65
7,720.01	7,800.00	343.18	335.30	333.55	331.80	330.05	328.30	326.55	324.80	254.31	252.56	250.81	249.06	247.31	245.56	243.81
7,800.01	7,880.00	347.62	339.74	337.99	336.24	334.49	332.74	330.99	329.24	257.47	255.72	253.97	252.22	250.47	248.72	246.97
7,880.01	7,960.00	352.06	344.18	342.43	340.68	338.93	337.18	335.43	333.68	260.63	258.88	257.13	255.38	253.63	251.88	250.13
7,960.01	8,040.00	356.50	348.62	346.87	345.12	343.37	341.62	339.87	338.12	263.79	262.04	260.29	258.54	256.79	255.04	253.29
8,040.01	8,120.00	360.94	353.06	351.31	349.56	347.81	346.06	344.31	342.56	266.95	265.20	263.45	261.70	259.95	258.20	256.45
8,120.01	8,200.00	365.38	357.50	355.75	354.00	352.25	350.50	348.75	347.00	270.11	268.36	266.61	264.86	263.11	261.36	259.61
8,200.01	8,280.00	369.82	361.94	360.19	358.44	356.69	354.94	353.19	351.44	273.27	271.52	269.77	268.02	266.27	264.52	262.77
8,280.01	8,360.00	374.26	366.38	364.63	362.88	361.13	359.38	357.63	355.88	276.43	274.68	272.93	271.18	269.43	267.68	265.93
8,360.01	8,440.00	378.70	370.82	369.07	367.32	365.57	363.82	362.07	360.32	280.72	278.97	277.22	275.47	273.72	271.97	270.22
		(Add 5.05% for amounts in excess of $8,440)								(Add 5.10% for amounts in excess of $8,440)						

Annual Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**	2.1%								2.2%						
-	2,500.00	26.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2,501.00	2,900.00	56.70	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2,901.00	3,300.00	65.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3,301.00	3,700.00	73.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3,701.00	4,100.00	81.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4,101.00	4,500.00	90.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4,501.00	4,900.00	98.70	4.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4,901.00	5,300.00	107.10	12.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5,301.00	5,700.00	115.50	21.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5,701.00	6,100.00	123.90	29.40	8.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6,101.00	6,500.00	132.30	37.80	16.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6,501.00	6,900.00	140.70	46.20	25.20	4.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6,901.00	7,300.00	149.10	54.60	33.60	12.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7,301.00	7,700.00	157.50	63.00	42.00	21.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7,701.00	8,100.00	165.90	71.40	50.40	29.40	8.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8,101.00	8,500.00	174.30	79.80	58.80	37.80	16.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8,501.00	8,900.00	182.70	88.20	67.20	46.20	25.20	4.20	0.00	0.00	2.40	0.00	0.00	0.00	0.00	0.00	0.00
8,901.00	9,300.00	191.10	96.60	75.60	54.60	33.60	12.60	0.00	0.00	11.20	0.00	0.00	0.00	0.00	0.00	0.00
9,301.00	9,700.00	199.50	105.00	84.00	63.00	42.00	21.00	0.00	0.00	20.00	0.00	0.00	0.00	0.00	0.00	0.00
9,701.00	10,100.00	207.90	113.40	92.40	71.40	50.40	29.40	8.40	0.00	28.80	7.80	0.00	0.00	0.00	0.00	0.00
10,101.00	10,500.00	216.30	121.80	100.80	79.80	58.80	37.80	16.80	0.00	37.60	16.60	0.00	0.00	0.00	0.00	0.00
10,501.00	10,900.00	224.70	130.20	109.20	88.20	67.20	46.20	25.20	4.20	46.40	25.40	4.40	0.00	0.00	0.00	0.00
10,901.00	11,300.00	233.10	138.60	117.60	96.60	75.60	54.60	33.60	12.60	55.20	34.20	13.20	0.00	0.00	0.00	0.00
11,301.00	11,700.00	241.50	147.00	126.00	105.00	84.00	63.00	42.00	21.00	64.00	43.00	22.00	1.00	0.00	0.00	0.00
11,701.00	12,100.00	249.90	155.40	134.40	113.40	92.40	71.40	50.40	29.40	72.80	51.80	30.80	9.80	0.00	0.00	0.00
12,101.00	12,500.00	258.30	163.80	142.80	121.80	100.80	79.80	58.80	37.80	81.60	60.60	39.60	18.60	0.00	0.00	0.00
12,501.00	12,900.00	270.30	175.80	154.80	133.80	112.80	91.80	70.80	49.80	90.40	69.40	48.40	27.40	6.40	0.00	0.00
12,901.00	13,300.00	285.90	191.40	170.40	149.40	128.40	107.40	86.40	65.40	99.20	78.20	57.20	36.20	15.20	0.00	0.00
13,301.00	13,700.00	301.50	207.00	186.00	165.00	144.00	123.00	102.00	81.00	108.00	87.00	66.00	45.00	24.00	3.00	0.00
13,701.00	14,100.00	317.10	222.60	201.60	180.60	159.60	138.60	117.60	96.60	116.80	95.80	74.80	53.80	32.80	11.80	0.00
14,101.00	14,500.00	332.70	238.20	217.20	196.20	175.20	154.20	133.20	112.20	125.60	104.60	83.60	62.60	41.60	20.60	0.00
14,501.00	14,900.00	348.30	253.80	232.80	211.80	190.80	169.80	148.80	127.80	134.40	113.40	92.40	71.40	50.40	29.40	8.40
14,901.00	15,300.00	363.90	269.40	248.40	227.40	206.40	185.40	164.40	143.40	143.20	122.20	101.20	80.20	59.20	38.20	17.20
15,301.00	15,700.00	379.50	285.00	264.00	243.00	222.00	201.00	180.00	159.00	152.00	131.00	110.00	89.00	68.00	47.00	26.00
15,701.00	16,100.00	395.10	300.60	279.60	258.60	237.60	216.60	195.60	174.60	160.80	139.80	118.80	97.80	76.80	55.80	34.80
16,101.00	16,500.00	410.70	316.20	295.20	274.20	253.20	232.20	211.20	190.20	169.60	148.60	127.60	106.60	85.60	64.60	43.60
16,501.00	16,900.00	426.30	331.80	310.80	289.80	268.80	247.80	226.80	205.80	178.40	157.40	136.40	115.40	94.40	73.40	52.40
16,901.00	17,300.00	441.90	347.40	326.40	305.40	284.40	263.40	242.40	221.40	187.20	166.20	145.20	124.20	103.20	82.20	61.20
17,301.00	17,700.00	457.50	363.00	342.00	321.00	300.00	279.00	258.00	237.00	196.00	175.00	154.00	133.00	112.00	91.00	70.00
17,701.00	18,100.00	473.10	378.60	357.60	336.60	315.60	294.60	273.60	252.60	204.80	183.80	162.80	141.80	120.80	99.80	78.80
18,101.00	18,500.00	488.70	394.20	373.20	352.20	331.20	310.20	289.20	268.20	213.60	192.60	171.60	150.60	129.60	108.60	87.60
18,501.00	18,900.00	504.30	409.80	388.80	367.80	346.80	325.80	304.80	283.80	222.40	201.40	180.40	159.40	138.40	117.40	96.40
18,901.00	19,300.00	519.90	425.40	404.40	383.40	362.40	341.40	320.40	299.40	231.20	210.20	189.20	168.20	147.20	126.20	105.20
19,301.00	19,700.00	535.50	441.00	420.00	399.00	378.00	357.00	336.00	315.00	240.00	219.00	198.00	177.00	156.00	135.00	114.00
19,701.00	20,100.00	551.10	456.60	435.60	414.60	393.60	372.60	351.60	330.60	248.80	227.80	206.80	185.80	164.80	143.80	122.80
20,101.00	20,500.00	566.70	472.20	451.20	430.20	409.20	388.20	367.20	346.20	257.60	236.60	215.60	194.60	173.60	152.60	131.60
20,501.00	20,900.00	582.30	487.80	466.80	445.80	424.80	403.80	382.80	361.80	266.40	245.40	224.40	203.40	182.40	161.40	140.40
20,901.00	21,300.00	597.90	503.40	482.40	461.40	440.40	419.40	398.40	377.40	275.20	254.20	233.20	212.20	191.20	170.20	149.20
21,301.00	21,700.00	613.50	519.00	498.00	477.00	456.00	435.00	414.00	393.00	284.00	263.00	242.00	221.00	200.00	179.00	158.00
21,701.00	22,100.00	629.10	534.60	513.60	492.60	471.60	450.60	429.60	408.60	292.80	271.80	250.80	229.80	208.80	187.80	166.80
22,101.00	22,500.00	644.70	550.20	529.20	508.20	487.20	466.20	445.20	424.20	301.60	280.60	259.60	238.60	217.60	196.60	175.60
22,501.00	22,900.00	660.30	565.80	544.80	523.80	502.80	481.80	460.80	439.80	310.40	289.40	268.40	247.40	226.40	205.40	184.40
22,901.00	23,300.00	675.90	581.40	560.40	539.40	518.40	497.40	476.40	455.40	319.20	298.20	277.20	256.20	235.20	214.20	193.20
23,301.00	23,700.00	691.50	597.00	576.00	555.00	534.00	513.00	492.00	471.00	328.00	307.00	286.00	265.00	244.00	223.00	202.00
23,701.00	24,100.00	707.10	612.60	591.60	570.60	549.60	528.60	507.60	486.60	336.80	315.80	294.80	273.80	252.80	231.80	210.80
24,101.00	24,500.00	722.70	628.20	607.20	586.20	565.20	544.20	523.20	502.20	345.60	324.60	303.60	282.60	261.60	240.60	219.60
24,501.00	24,900.00	738.30	643.80	622.80	601.80	580.80	559.80	538.80	517.80	354.40	333.40	312.40	291.40	270.40	249.40	228.40
24,901.00	25,300.00	753.90	659.40	638.40	617.40	596.40	575.40	554.40	533.40	364.95	343.95	322.95	301.95	280.95	259.95	238.95
25,301.00	25,700.00	769.50	675.00	654.00	633.00	612.00	591.00	570.00	549.00	380.75	359.75	338.75	317.75	296.75	275.75	254.75
25,701.00	26,100.00	785.10	690.60	669.60	648.60	627.60	606.60	585.60	564.60	396.55	375.55	354.55	333.55	312.55	291.55	270.55
26,101.00	26,500.00	800.70	706.20	685.20	664.20	643.20	622.20	601.20	580.20	412.35	391.35	370.35	349.35	328.35	307.35	286.35
26,501.00	26,900.00	816.30	721.80	700.80	679.80	658.80	637.80	616.80	595.80	428.15	407.15	386.15	365.15	344.15	323.15	302.15
26,901.00	27,300.00	831.90	737.40	716.40	695.40	674.40	653.40	632.40	611.40	443.95	422.95	401.95	380.95	359.95	338.95	317.95
27,301.00	27,700.00	847.50	753.00	732.00	711.00	690.00	669.00	648.00	627.00	459.75	438.75	417.75	396.75	375.75	354.75	333.75
27,701.00	28,100.00	863.10	768.60	747.60	726.60	705.60	684.60	663.60	642.60	475.55	454.55	433.55	412.55	391.55	370.55	349.55
28,101.00	28,500.00	878.70	784.20	763.20	742.20	721.20	700.20	679.20	658.20	491.35	470.35	449.35	428.35	407.35	386.35	365.35
28,501.00	28,900.00	894.30	799.80	778.80	757.80	736.80	715.80	694.80	673.80	507.15	486.15	465.15	444.15	423.15	402.15	381.15

Annual Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**	2.1%								2.2%						
28,901.00	29,300.00	909.90	815.40	794.40	773.40	752.40	731.40	710.40	689.40	522.95	501.95	480.95	459.95	438.95	417.95	396.95
29,301.00	29,700.00	925.50	831.00	810.00	789.00	768.00	747.00	726.00	705.00	538.75	517.75	496.75	475.75	454.75	433.75	412.75
29,701.00	30,100.00	941.10	846.60	825.60	804.60	783.60	762.60	741.60	720.60	554.55	533.55	512.55	491.55	470.55	449.55	428.55
30,101.00	30,500.00	956.70	862.20	841.20	820.20	799.20	778.20	757.20	736.20	570.35	549.35	528.35	507.35	486.35	465.35	444.35
30,501.00	30,900.00	972.30	877.80	856.80	835.80	814.80	793.80	772.80	751.80	586.15	565.15	544.15	523.15	502.15	481.15	460.15
30,901.00	31,300.00	987.90	893.40	872.40	851.40	830.40	809.40	788.40	767.40	601.95	580.95	559.95	538.95	517.95	496.95	475.95
31,301.00	31,700.00	1,003.50	909.00	888.00	867.00	846.00	825.00	804.00	783.00	617.75	596.75	575.75	554.75	533.75	512.75	491.75
31,701.00	32,100.00	1,019.10	924.60	903.60	882.60	861.60	840.60	819.60	798.60	633.55	612.55	591.55	570.55	549.55	528.55	507.55
32,101.00	32,500.00	1,034.70	940.20	919.20	898.20	877.20	856.20	835.20	814.20	649.35	628.35	607.35	586.35	565.35	544.35	523.35
32,501.00	32,900.00	1,050.30	955.80	934.80	913.80	892.80	871.80	850.80	829.80	665.15	644.15	623.15	602.15	581.15	560.15	539.15
32,901.00	33,300.00	1,065.90	971.40	950.40	929.40	908.40	887.40	866.40	845.40	680.95	659.95	638.95	617.95	596.95	575.95	554.95
33,301.00	33,700.00	1,081.50	987.00	966.00	945.00	924.00	903.00	882.00	861.00	696.75	675.75	654.75	633.75	612.75	591.75	570.75
33,701.00	34,100.00	1,097.10	1,002.60	981.60	960.60	939.60	918.60	897.60	876.60	712.55	691.55	670.55	649.55	628.55	607.55	586.55
34,101.00	34,500.00	1,112.70	1,018.20	997.20	976.20	955.20	934.20	913.20	892.20	728.35	707.35	686.35	665.35	644.35	623.35	602.35
34,501.00	34,900.00	1,128.30	1,033.80	1,012.80	991.80	970.80	949.80	928.80	907.80	744.15	723.15	702.15	681.15	660.15	639.15	618.15
34,901.00	35,300.00	1,143.90	1,049.40	1,028.40	1,007.40	986.40	965.40	944.40	923.40	759.95	738.95	717.95	696.95	675.95	654.95	633.95
35,301.00	35,700.00	1,159.50	1,065.00	1,044.00	1,023.00	1,002.00	981.00	960.00	939.00	775.75	754.75	733.75	712.75	691.75	670.75	649.75
35,701.00	36,100.00	1,175.10	1,080.60	1,059.60	1,038.60	1,017.60	996.60	975.60	954.60	791.55	770.55	749.55	728.55	707.55	686.55	665.55
36,101.00	36,500.00	1,190.70	1,096.20	1,075.20	1,054.20	1,033.20	1,012.20	991.20	970.20	807.35	786.35	765.35	744.35	723.35	702.35	681.35
36,501.00	36,900.00	1,206.30	1,111.80	1,090.80	1,069.80	1,048.80	1,027.80	1,006.80	985.80	823.15	802.15	781.15	760.15	739.15	718.15	697.15
36,901.00	37,300.00	1,221.90	1,127.40	1,106.40	1,085.40	1,064.40	1,043.40	1,022.40	1,001.40	838.95	817.95	796.95	775.95	754.95	733.95	712.95
37,301.00	37,700.00	1,237.50	1,143.00	1,122.00	1,101.00	1,080.00	1,059.00	1,038.00	1,017.00	854.75	833.75	812.75	791.75	770.75	749.75	728.75
37,701.00	38,100.00	1,253.10	1,158.60	1,137.60	1,116.60	1,095.60	1,074.60	1,053.60	1,032.60	870.55	849.55	828.55	807.55	786.55	765.55	744.55
38,101.00	38,500.00	1,268.70	1,174.20	1,153.20	1,132.20	1,111.20	1,090.20	1,069.20	1,048.20	886.35	865.35	844.35	823.35	802.35	781.35	760.35
38,501.00	38,900.00	1,284.30	1,189.80	1,168.80	1,147.80	1,126.80	1,105.80	1,084.80	1,063.80	902.15	881.15	860.15	839.15	818.15	797.15	776.15
38,901.00	39,300.00	1,299.90	1,205.40	1,184.40	1,163.40	1,142.40	1,121.40	1,100.40	1,079.40	917.95	896.95	875.95	854.95	833.95	812.95	791.95
39,301.00	39,700.00	1,315.50	1,221.00	1,200.00	1,179.00	1,158.00	1,137.00	1,116.00	1,095.00	933.75	912.75	891.75	870.75	849.75	828.75	807.75
39,701.00	40,100.00	1,331.10	1,236.60	1,215.60	1,194.60	1,173.60	1,152.60	1,131.60	1,110.60	949.55	928.55	907.55	886.55	865.55	844.55	823.55
40,101.00	40,500.00	1,346.70	1,252.20	1,231.20	1,210.20	1,189.20	1,168.20	1,147.20	1,126.20	965.35	944.35	923.35	902.35	881.35	860.35	839.35
40,501.00	40,900.00	1,362.30	1,267.80	1,246.80	1,225.80	1,204.80	1,183.80	1,162.80	1,141.80	981.15	960.15	939.15	918.15	897.15	876.15	855.15
40,901.00	41,300.00	1,377.90	1,283.40	1,262.40	1,241.40	1,220.40	1,199.40	1,178.40	1,157.40	996.95	975.95	954.95	933.95	912.95	891.95	870.95
41,301.00	41,700.00	1,393.50	1,299.00	1,278.00	1,257.00	1,236.00	1,215.00	1,194.00	1,173.00	1,012.75	991.75	970.75	949.75	928.75	907.75	886.75
41,701.00	42,100.00	1,409.10	1,314.60	1,293.60	1,272.60	1,251.60	1,230.60	1,209.60	1,188.60	1,028.55	1,007.55	986.55	965.55	944.55	923.55	902.55
42,101.00	42,500.00	1,424.70	1,330.20	1,309.20	1,288.20	1,267.20	1,246.20	1,225.20	1,204.20	1,044.35	1,023.35	1,002.35	981.35	960.35	939.35	918.35
42,501.00	42,900.00	1,440.30	1,345.80	1,324.80	1,303.80	1,282.80	1,261.80	1,240.80	1,219.80	1,060.15	1,039.15	1,018.15	997.15	976.15	955.15	934.15
42,901.00	43,300.00	1,455.90	1,361.40	1,340.40	1,319.40	1,298.40	1,277.40	1,256.40	1,235.40	1,075.95	1,054.95	1,033.95	1,012.95	991.95	970.95	949.95
43,301.00	43,700.00	1,471.50	1,377.00	1,356.00	1,335.00	1,314.00	1,293.00	1,272.00	1,251.00	1,091.75	1,070.75	1,049.75	1,028.75	1,007.75	986.75	965.75
43,701.00	44,100.00	1,487.10	1,392.60	1,371.60	1,350.60	1,329.60	1,308.60	1,287.60	1,266.60	1,107.55	1,086.55	1,065.55	1,044.55	1,023.55	1,002.55	981.55
44,101.00	44,500.00	1,502.70	1,408.20	1,387.20	1,366.20	1,345.20	1,324.20	1,303.20	1,282.20	1,123.35	1,102.35	1,081.35	1,060.35	1,039.35	1,018.35	997.35
44,501.00	44,900.00	1,518.30	1,423.80	1,402.80	1,381.80	1,360.80	1,339.80	1,318.80	1,297.80	1,139.15	1,118.15	1,097.15	1,076.15	1,055.15	1,034.15	1,013.15
44,901.00	45,300.00	1,533.90	1,439.40	1,418.40	1,397.40	1,376.40	1,355.40	1,334.40	1,313.40	1,154.95	1,133.95	1,112.95	1,091.95	1,070.95	1,049.95	1,028.95
45,301.00	45,700.00	1,549.50	1,455.00	1,434.00	1,413.00	1,392.00	1,371.00	1,350.00	1,329.00	1,170.75	1,149.75	1,128.75	1,107.75	1,086.75	1,065.75	1,044.75
45,701.00	46,100.00	1,565.10	1,470.60	1,449.60	1,428.60	1,407.60	1,386.60	1,365.60	1,344.60	1,186.55	1,165.55	1,144.55	1,123.55	1,102.55	1,081.55	1,060.55
46,101.00	46,500.00	1,580.70	1,486.20	1,465.20	1,444.20	1,423.20	1,402.20	1,381.20	1,360.20	1,202.35	1,181.35	1,160.35	1,139.35	1,118.35	1,097.35	1,076.35
46,501.00	46,900.00	1,596.30	1,501.80	1,480.80	1,459.80	1,438.80	1,417.80	1,396.80	1,375.80	1,218.15	1,197.15	1,176.15	1,155.15	1,134.15	1,113.15	1,092.15
46,901.00	47,300.00	1,611.90	1,517.40	1,496.40	1,475.40	1,454.40	1,433.40	1,412.40	1,391.40	1,233.95	1,212.95	1,191.95	1,170.95	1,149.95	1,128.95	1,107.95
47,301.00	47,700.00	1,627.50	1,533.00	1,512.00	1,491.00	1,470.00	1,449.00	1,428.00	1,407.00	1,249.75	1,228.75	1,207.75	1,186.75	1,165.75	1,144.75	1,123.75
47,701.00	48,100.00	1,643.10	1,548.60	1,527.60	1,506.60	1,485.60	1,464.60	1,443.60	1,422.60	1,265.55	1,244.55	1,223.55	1,202.55	1,181.55	1,160.55	1,139.55
48,101.00	48,500.00	1,658.70	1,564.20	1,543.20	1,522.20	1,501.20	1,480.20	1,459.20	1,438.20	1,281.35	1,260.35	1,239.35	1,218.35	1,197.35	1,176.35	1,155.35
48,501.00	48,900.00	1,674.30	1,579.80	1,558.80	1,537.80	1,516.80	1,495.80	1,474.80	1,453.80	1,297.15	1,276.15	1,255.15	1,234.15	1,213.15	1,192.15	1,171.15
48,901.00	49,300.00	1,689.90	1,595.40	1,574.40	1,553.40	1,532.40	1,511.40	1,490.40	1,469.40	1,312.95	1,291.95	1,270.95	1,249.95	1,228.95	1,207.95	1,186.95
49,301.00	49,700.00	1,705.50	1,611.00	1,590.00	1,569.00	1,548.00	1,527.00	1,506.00	1,485.00	1,328.75	1,307.75	1,286.75	1,265.75	1,244.75	1,223.75	1,202.75
49,701.00	50,100.00	1,721.10	1,626.60	1,605.60	1,584.60	1,563.60	1,542.60	1,521.60	1,500.60	1,344.55	1,323.55	1,302.55	1,281.55	1,260.55	1,239.55	1,218.55
50,101.00	50,500.00	1,741.65	1,647.15	1,626.15	1,605.15	1,584.15	1,563.15	1,542.15	1,521.15	1,360.35	1,339.35	1,318.35	1,297.35	1,276.35	1,255.35	1,234.35
50,501.00	50,900.00	1,763.85	1,669.35	1,648.35	1,627.35	1,606.35	1,585.35	1,564.35	1,543.35	1,376.15	1,355.15	1,334.15	1,313.15	1,292.15	1,271.15	1,250.15
50,901.00	51,300.00	1,786.05	1,691.55	1,670.55	1,649.55	1,628.55	1,607.55	1,586.55	1,565.55	1,391.95	1,370.95	1,349.95	1,328.95	1,307.95	1,286.95	1,265.95
51,301.00	51,700.00	1,808.25	1,713.75	1,692.75	1,671.75	1,650.75	1,629.75	1,608.75	1,587.75	1,407.75	1,386.75	1,365.75	1,344.75	1,323.75	1,302.75	1,281.75
51,701.00	52,100.00	1,830.45	1,735.95	1,714.95	1,693.95	1,672.95	1,651.95	1,630.95	1,609.95	1,423.55	1,402.55	1,381.55	1,360.55	1,339.55	1,318.55	1,297.55
52,101.00	52,500.00	1,852.65	1,758.15	1,737.15	1,716.15	1,695.15	1,674.15	1,653.15	1,632.15	1,439.35	1,418.35	1,397.35	1,376.35	1,355.35	1,334.35	1,313.35
52,501.00	52,900.00	1,874.85	1,780.35	1,759.35	1,738.35	1,717.35	1,696.35	1,675.35	1,654.35	1,455.15	1,434.15	1,413.15	1,392.15	1,371.15	1,350.15	1,329.15
52,901.00	53,300.00	1,897.05	1,802.55	1,781.55	1,760.55	1,739.55	1,718.55	1,697.55	1,676.55	1,470.95	1,449.95	1,428.95	1,407.95	1,386.95	1,365.95	1,344.95
53,301.00	53,700.00	1,919.25	1,824.75	1,803.75	1,782.75	1,761.75	1,740.75	1,719.75	1,698.75	1,486.75	1,465.75	1,444.75	1,423.75	1,402.75	1,381.75	1,360.75
53,701.00	54,100.00	1,941.45	1,846.95	1,825.95	1,804.95	1,783.95	1,762.95	1,741.95	1,720.95	1,502.55	1,481.55	1,460.55	1,439.55	1,418.55	1,397.55	1,376.55
54,101.00	54,500.00	1,963.65	1,869.15	1,848.15	1,827.15	1,806.15	1,785.15	1,764.15	1,743.15	1,518.35	1,497.35	1,476.35	1,455.35	1,434.35	1,413.35	1,392.35
54,501.00	54,900.00	1,985.85	1,891.35	1,870.35	1,849.35	1,828.35	1,807.35	1,786.35	1,765.35	1,534.15	1,513.15	1,492.15	1,471.15	1,450.15	1,429.15	1,408.15
54,901.00	55,300.00	2,008.05	1,913.55	1,892.55	1,871.55	1,850.55	1,829.55	1,808.55	1,787.55	1,549.95	1,528.95	1,507.95	1,486.95	1,465.95	1,444.95	1,423.95
5,301.00	55,700.00	2,030.25	1,935.75	1,914.75	1,893.75	1,872.75	1,851.75	1,830.75	1,809.75	1,565.75	1,544.75	1,523.75	1,502.75	1,481.75	1,460.75	1,439.75

Annual Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**	2.1%								2.2%						
55,701.00	56,100.00	2,052.45	1,957.95	1,936.95	1,915.95	1,894.95	1,873.95	1,852.95	1,831.95	1,581.55	1,560.55	1,539.55	1,518.55	1,497.55	1,476.55	1,455.55
56,101.00	56,500.00	2,074.65	1,980.15	1,959.15	1,938.15	1,917.15	1,896.15	1,875.15	1,854.15	1,597.35	1,576.35	1,555.35	1,534.35	1,513.35	1,492.35	1,471.35
56,501.00	56,900.00	2,096.85	2,002.35	1,981.35	1,960.35	1,939.35	1,918.35	1,897.35	1,876.35	1,613.15	1,592.15	1,571.15	1,550.15	1,529.15	1,508.15	1,487.15
56,901.00	57,300.00	2,119.05	2,024.55	2,003.55	1,982.55	1,961.55	1,940.55	1,919.55	1,898.55	1,628.95	1,607.95	1,586.95	1,565.95	1,544.95	1,523.95	1,502.95
57,301.00	57,700.00	2,141.25	2,046.75	2,025.75	2,004.75	1,983.75	1,962.75	1,941.75	1,920.75	1,644.75	1,623.75	1,602.75	1,581.75	1,560.75	1,539.75	1,518.75
57,701.00	58,100.00	2,163.45	2,068.95	2,047.95	2,026.95	2,005.95	1,984.95	1,963.95	1,942.95	1,660.55	1,639.55	1,618.55	1,597.55	1,576.55	1,555.55	1,534.55
58,101.00	58,500.00	2,185.65	2,091.15	2,070.15	2,049.15	2,028.15	2,007.15	1,986.15	1,965.15	1,676.35	1,655.35	1,634.35	1,613.35	1,592.35	1,571.35	1,550.35
58,501.00	58,900.00	2,207.85	2,113.35	2,092.35	2,071.35	2,050.35	2,029.35	2,008.35	1,987.35	1,692.15	1,671.15	1,650.15	1,629.15	1,608.15	1,587.15	1,566.15
58,901.00	59,300.00	2,230.05	2,135.55	2,114.55	2,093.55	2,072.55	2,051.55	2,030.55	2,009.55	1,707.95	1,686.95	1,665.95	1,644.95	1,623.95	1,602.95	1,581.95
59,301.00	59,700.00	2,252.25	2,157.75	2,136.75	2,115.75	2,094.75	2,073.75	2,052.75	2,031.75	1,723.75	1,702.75	1,681.75	1,660.75	1,639.75	1,618.75	1,597.75
59,701.00	60,100.00	2,274.45	2,179.95	2,158.95	2,137.95	2,116.95	2,095.95	2,074.95	2,053.95	1,739.55	1,718.55	1,697.55	1,676.55	1,655.55	1,634.55	1,613.55
60,101.00	60,500.00	2,296.65	2,202.15	2,181.15	2,160.15	2,139.15	2,118.15	2,097.15	2,076.15	1,755.35	1,734.35	1,713.35	1,692.35	1,671.35	1,650.35	1,629.35
60,501.00	60,900.00	2,318.85	2,224.35	2,203.35	2,182.35	2,161.35	2,140.35	2,119.35	2,098.35	1,771.15	1,750.15	1,729.15	1,708.15	1,687.15	1,666.15	1,645.15
60,901.00	61,300.00	2,341.05	2,246.55	2,225.55	2,204.55	2,183.55	2,162.55	2,141.55	2,120.55	1,786.95	1,765.95	1,744.95	1,723.95	1,702.95	1,681.95	1,660.95
61,301.00	61,700.00	2,363.25	2,268.75	2,247.75	2,226.75	2,205.75	2,184.75	2,163.75	2,142.75	1,802.75	1,781.75	1,760.75	1,739.75	1,718.75	1,697.75	1,676.75
61,701.00	62,100.00	2,385.45	2,290.95	2,269.95	2,248.95	2,227.95	2,206.95	2,185.95	2,164.95	1,818.55	1,797.55	1,776.55	1,755.55	1,734.55	1,713.55	1,692.55
62,101.00	62,500.00	2,407.65	2,313.15	2,292.15	2,271.15	2,250.15	2,229.15	2,208.15	2,187.15	1,834.35	1,813.35	1,792.35	1,771.35	1,750.35	1,729.35	1,708.35
62,501.00	62,900.00	2,429.85	2,335.35	2,314.35	2,293.35	2,272.35	2,251.35	2,230.35	2,209.35	1,850.15	1,829.15	1,808.15	1,787.15	1,766.15	1,745.15	1,724.15
62,901.00	63,300.00	2,452.05	2,357.55	2,336.55	2,315.55	2,294.55	2,273.55	2,252.55	2,231.55	1,865.95	1,844.95	1,823.95	1,802.95	1,781.95	1,760.95	1,739.95
63,301.00	63,700.00	2,474.25	2,379.75	2,358.75	2,337.75	2,316.75	2,295.75	2,274.75	2,253.75	1,881.75	1,860.75	1,839.75	1,818.75	1,797.75	1,776.75	1,755.75
63,701.00	64,100.00	2,496.45	2,401.95	2,380.95	2,359.95	2,338.95	2,317.95	2,296.95	2,275.95	1,897.55	1,876.55	1,855.55	1,834.55	1,813.55	1,792.55	1,771.55
64,101.00	64,500.00	2,518.65	2,424.15	2,403.15	2,382.15	2,361.15	2,340.15	2,319.15	2,298.15	1,913.35	1,892.35	1,871.35	1,850.35	1,829.35	1,808.35	1,787.35
64,501.00	64,900.00	2,540.85	2,446.35	2,425.35	2,404.35	2,383.35	2,362.35	2,341.35	2,320.35	1,929.15	1,908.15	1,887.15	1,866.15	1,845.15	1,824.15	1,803.15
64,901.00	65,300.00	2,563.05	2,468.55	2,447.55	2,426.55	2,405.55	2,384.55	2,363.55	2,342.55	1,944.95	1,923.95	1,902.95	1,881.95	1,860.95	1,839.95	1,818.95
65,301.00	65,700.00	2,585.25	2,490.75	2,469.75	2,448.75	2,427.75	2,406.75	2,385.75	2,364.75	1,960.75	1,939.75	1,918.75	1,897.75	1,876.75	1,855.75	1,834.75
65,701.00	66,100.00	2,607.45	2,512.95	2,491.95	2,470.95	2,449.95	2,428.95	2,407.95	2,386.95	1,976.55	1,955.55	1,934.55	1,913.55	1,892.55	1,871.55	1,850.55
66,101.00	66,500.00	2,629.65	2,535.15	2,514.15	2,493.15	2,472.15	2,451.15	2,430.15	2,409.15	1,992.35	1,971.35	1,950.35	1,929.35	1,908.35	1,887.35	1,866.35
66,501.00	66,900.00	2,651.85	2,557.35	2,536.35	2,515.35	2,494.35	2,473.35	2,452.35	2,431.35	2,008.15	1,987.15	1,966.15	1,945.15	1,924.15	1,903.15	1,882.15
66,901.00	67,300.00	2,674.05	2,579.55	2,558.55	2,537.55	2,516.55	2,495.55	2,474.55	2,453.55	2,023.95	2,002.95	1,981.95	1,960.95	1,939.95	1,918.95	1,897.95
67,301.00	67,700.00	2,696.25	2,601.75	2,580.75	2,559.75	2,538.75	2,517.75	2,496.75	2,475.75	2,039.75	2,018.75	1,997.75	1,976.75	1,955.75	1,934.75	1,913.75
67,701.00	68,100.00	2,718.45	2,623.95	2,602.95	2,581.95	2,560.95	2,539.95	2,518.95	2,497.95	2,055.55	2,034.55	2,013.55	1,992.55	1,971.55	1,950.55	1,929.55
68,101.00	68,500.00	2,740.65	2,646.15	2,625.15	2,604.15	2,583.15	2,562.15	2,541.15	2,520.15	2,071.35	2,050.35	2,029.35	2,008.35	1,987.35	1,966.35	1,945.35
68,501.00	68,900.00	2,762.85	2,668.35	2,647.35	2,626.35	2,605.35	2,584.35	2,563.35	2,542.35	2,087.15	2,066.15	2,045.15	2,024.15	2,003.15	1,982.15	1,961.15
68,901.00	69,300.00	2,785.05	2,690.55	2,669.55	2,648.55	2,627.55	2,606.55	2,585.55	2,564.55	2,102.95	2,081.95	2,060.95	2,039.95	2,018.95	1,997.95	1,976.95
69,301.00	69,700.00	2,807.25	2,712.75	2,691.75	2,670.75	2,649.75	2,628.75	2,607.75	2,586.75	2,118.75	2,097.75	2,076.75	2,055.75	2,034.75	2,013.75	1,992.75
69,701.00	70,100.00	2,829.45	2,734.95	2,713.95	2,692.95	2,671.95	2,650.95	2,629.95	2,608.95	2,134.55	2,113.55	2,092.55	2,071.55	2,050.55	2,029.55	2,008.55
70,101.00	70,500.00	2,851.65	2,757.15	2,736.15	2,715.15	2,694.15	2,673.15	2,652.15	2,631.15	2,150.35	2,129.35	2,108.35	2,087.35	2,066.35	2,045.35	2,024.35
70,501.00	70,900.00	2,873.85	2,779.35	2,758.35	2,737.35	2,716.35	2,695.35	2,674.35	2,653.35	2,166.15	2,145.15	2,124.15	2,103.15	2,082.15	2,061.15	2,040.15
70,901.00	71,300.00	2,896.05	2,801.55	2,780.55	2,759.55	2,738.55	2,717.55	2,696.55	2,675.55	2,181.95	2,160.95	2,139.95	2,118.95	2,097.95	2,076.95	2,055.95
71,301.00	71,700.00	2,918.25	2,823.75	2,802.75	2,781.75	2,760.75	2,739.75	2,718.75	2,697.75	2,197.75	2,176.75	2,155.75	2,134.75	2,113.75	2,092.75	2,071.75
71,701.00	72,100.00	2,940.45	2,845.95	2,824.95	2,803.95	2,782.95	2,761.95	2,740.95	2,719.95	2,213.55	2,192.55	2,171.55	2,150.55	2,129.55	2,108.55	2,087.55
72,101.00	72,500.00	2,962.65	2,868.15	2,847.15	2,826.15	2,805.15	2,784.15	2,763.15	2,742.15	2,229.35	2,208.35	2,187.35	2,166.35	2,145.35	2,124.35	2,103.35
72,501.00	72,900.00	2,984.85	2,890.35	2,869.35	2,848.35	2,827.35	2,806.35	2,785.35	2,764.35	2,245.15	2,224.15	2,203.15	2,182.15	2,161.15	2,140.15	2,119.15
72,901.00	73,300.00	3,007.05	2,912.55	2,891.55	2,870.55	2,849.55	2,828.55	2,807.55	2,786.55	2,260.95	2,239.95	2,218.95	2,197.95	2,176.95	2,155.95	2,134.95
73,301.00	73,700.00	3,029.25	2,934.75	2,913.75	2,892.75	2,871.75	2,850.75	2,829.75	2,808.75	2,276.75	2,255.75	2,234.75	2,213.75	2,192.75	2,171.75	2,150.75
73,701.00	74,100.00	3,051.45	2,956.95	2,935.95	2,914.95	2,893.95	2,872.95	2,851.95	2,830.95	2,292.55	2,271.55	2,250.55	2,229.55	2,208.55	2,187.55	2,166.55
74,101.00	74,500.00	3,073.65	2,979.15	2,958.15	2,937.15	2,916.15	2,895.15	2,874.15	2,853.15	2,308.35	2,287.35	2,266.35	2,245.35	2,224.35	2,203.35	2,182.35
74,501.00	74,900.00	3,095.85	3,001.35	2,980.35	2,959.35	2,938.35	2,917.35	2,896.35	2,875.35	2,324.15	2,303.15	2,282.15	2,261.15	2,240.15	2,219.15	2,198.15
74,901.00	75,300.00	3,118.05	3,023.55	3,002.55	2,981.55	2,960.55	2,939.55	2,918.55	2,897.55	2,339.95	2,318.95	2,297.95	2,276.95	2,255.95	2,234.95	2,213.95
75,301.00	75,700.00	3,140.25	3,045.75	3,024.75	3,003.75	2,982.75	2,961.75	2,940.75	2,919.75	2,355.75	2,334.75	2,313.75	2,292.75	2,271.75	2,250.75	2,229.75
75,701.00	76,100.00	3,162.45	3,067.95	3,046.95	3,025.95	3,004.95	2,983.95	2,962.95	2,941.95	2,371.55	2,350.55	2,329.55	2,308.55	2,287.55	2,266.55	2,245.55
76,101.00	76,500.00	3,184.65	3,090.15	3,069.15	3,048.15	3,027.15	3,006.15	2,985.15	2,964.15	2,387.35	2,366.35	2,345.35	2,324.35	2,303.35	2,282.35	2,261.35
76,501.00	76,900.00	3,206.85	3,112.35	3,091.35	3,070.35	3,049.35	3,028.35	3,007.35	2,986.35	2,403.15	2,382.15	2,361.15	2,340.15	2,319.15	2,298.15	2,277.15
76,901.00	77,300.00	3,229.05	3,134.55	3,113.55	3,092.55	3,071.55	3,050.55	3,029.55	3,008.55	2,418.95	2,397.95	2,376.95	2,355.95	2,334.95	2,313.95	2,292.95
77,301.00	77,700.00	3,251.25	3,156.75	3,135.75	3,114.75	3,093.75	3,072.75	3,051.75	3,030.75	2,434.75	2,413.75	2,392.75	2,371.75	2,350.75	2,329.75	2,308.75
77,701.00	78,100.00	3,273.45	3,178.95	3,157.95	3,136.95	3,115.95	3,094.95	3,073.95	3,052.95	2,450.55	2,429.55	2,408.55	2,387.55	2,366.55	2,345.55	2,324.55
78,101.00	78,500.00	3,295.65	3,201.15	3,180.15	3,159.15	3,138.15	3,117.15	3,096.15	3,075.15	2,466.35	2,445.35	2,424.35	2,403.35	2,382.35	2,361.35	2,340.35
78,501.00	78,900.00	3,317.85	3,223.35	3,202.35	3,181.35	3,160.35	3,139.35	3,118.35	3,097.35	2,482.15	2,461.15	2,440.15	2,419.15	2,398.15	2,377.15	2,356.15
78,901.00	79,300.00	3,340.05	3,245.55	3,224.55	3,203.55	3,182.55	3,161.55	3,140.55	3,119.55	2,497.95	2,476.95	2,455.95	2,434.95	2,413.95	2,392.95	2,371.95
79,301.00	79,700.00	3,362.25	3,267.75	3,246.75	3,225.75	3,204.75	3,183.75	3,162.75	3,141.75	2,513.75	2,492.75	2,471.75	2,450.75	2,429.75	2,408.75	2,387.75
79,701.00	80,100.00	3,384.45	3,289.95	3,268.95	3,247.95	3,226.95	3,205.95	3,184.95	3,163.95	2,529.55	2,508.55	2,487.55	2,466.55	2,445.55	2,424.55	2,403.55
80,101.00	80,500.00	3,406.65	3,312.15	3,291.15	3,270.15	3,249.15	3,228.15	3,207.15	3,186.15	2,545.35	2,524.35	2,503.35	2,482.35	2,461.35	2,440.35	2,419.35
80,501.00	80,900.00	3,428.85	3,334.35	3,313.35	3,292.35	3,271.35	3,250.35	3,229.35	3,208.35	2,561.15	2,540.15	2,519.15	2,498.15	2,477.15	2,456.15	2,435.15
80,901.00	81,300.00	3,451.05	3,356.55	3,335.55	3,314.55	3,293.55	3,272.55	3,251.55	3,230.55	2,576.95	2,555.95	2,534.95	2,513.95	2,492.95	2,471.95	2,450.95
81,301.00	81,700.00	3,473.25	3,378.75	3,357.75	3,336.75	3,315.75	3,294.75	3,273.75	3,252.75	2,592.75	2,571.75	2,550.75	2,529.75	2,508.75	2,487.75	2,466.75
81,701.00	82,100.00	3,495.45	3,400.95	3,379.95	3,358.95	3,337.95	3,316.95	3,295.95	3,274.95	2,608.55	2,587.55	2,566.55	2,545.55	2,524.55	2,503.55	2,482.55
82,101.00	82,500.00	3,517.65	3,423.15	3,402.15	3,381.15	3,360.15	3,339.15	3,318.15	3,297.15	2,624.35	2,603.35	2,582.35	2,561.35	2,540.35	2,519.35	2,498.35

Annual Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:		**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
Salary Range:																
Min	**Max**	2.1%								2.2%						
82,501.00	82,900.00	3,539.85	3,445.35	3,424.35	3,403.35	3,382.35	3,361.35	3,340.35	3,319.35	2,640.15	2,619.15	2,598.15	2,577.15	2,556.15	2,535.15	2,514.15
82,901.00	83,300.00	3,562.05	3,467.55	3,446.55	3,425.55	3,404.55	3,383.55	3,362.55	3,341.55	2,655.95	2,634.95	2,613.95	2,592.95	2,571.95	2,550.95	2,529.95
83,301.00	83,700.00	3,584.25	3,489.75	3,468.75	3,447.75	3,426.75	3,405.75	3,384.75	3,363.75	2,671.75	2,650.75	2,629.75	2,608.75	2,587.75	2,566.75	2,545.75
83,701.00	84,100.00	3,606.45	3,511.95	3,490.95	3,469.95	3,448.95	3,427.95	3,406.95	3,385.95	2,687.55	2,666.55	2,645.55	2,624.55	2,603.55	2,582.55	2,561.55
84,101.00	84,500.00	3,628.65	3,534.15	3,513.15	3,492.15	3,471.15	3,450.15	3,429.15	3,408.15	2,703.35	2,682.35	2,661.35	2,640.35	2,619.35	2,598.35	2,577.35
84,501.00	84,900.00	3,650.85	3,556.35	3,535.35	3,514.35	3,493.35	3,472.35	3,451.35	3,430.35	2,719.15	2,698.15	2,677.15	2,656.15	2,635.15	2,614.15	2,593.15
84,901.00	85,300.00	3,673.05	3,578.55	3,557.55	3,536.55	3,515.55	3,494.55	3,473.55	3,452.55	2,734.95	2,713.95	2,692.95	2,671.95	2,650.95	2,629.95	2,608.95
85,301.00	85,700.00	3,695.25	3,600.75	3,579.75	3,558.75	3,537.75	3,516.75	3,495.75	3,474.75	2,750.75	2,729.75	2,708.75	2,687.75	2,666.75	2,645.75	2,624.75
85,701.00	86,100.00	3,717.45	3,622.95	3,601.95	3,580.95	3,559.95	3,538.95	3,517.95	3,496.95	2,766.55	2,745.55	2,724.55	2,703.55	2,682.55	2,661.55	2,640.55
86,101.00	86,500.00	3,739.65	3,645.15	3,624.15	3,603.15	3,582.15	3,561.15	3,540.15	3,519.15	2,782.35	2,761.35	2,740.35	2,719.35	2,698.35	2,677.35	2,656.35
86,501.00	86,900.00	3,761.85	3,667.35	3,646.35	3,625.35	3,604.35	3,583.35	3,562.35	3,541.35	2,798.15	2,777.15	2,756.15	2,735.15	2,714.15	2,693.15	2,672.15
86,901.00	87,300.00	3,784.05	3,689.55	3,668.55	3,647.55	3,626.55	3,605.55	3,584.55	3,563.55	2,813.95	2,792.95	2,771.95	2,750.95	2,729.95	2,708.95	2,687.95
87,301.00	87,700.00	3,806.25	3,711.75	3,690.75	3,669.75	3,648.75	3,627.75	3,606.75	3,585.75	2,829.75	2,808.75	2,787.75	2,766.75	2,745.75	2,724.75	2,703.75
87,701.00	88,100.00	3,828.45	3,733.95	3,712.95	3,691.95	3,670.95	3,649.95	3,628.95	3,607.95	2,845.55	2,824.55	2,803.55	2,782.55	2,761.55	2,740.55	2,719.55
88,101.00	88,500.00	3,850.65	3,756.15	3,735.15	3,714.15	3,693.15	3,672.15	3,651.15	3,630.15	2,861.35	2,840.35	2,819.35	2,798.35	2,777.35	2,756.35	2,735.35
88,501.00	88,900.00	3,872.85	3,778.35	3,757.35	3,736.35	3,715.35	3,694.35	3,673.35	3,652.35	2,877.15	2,856.15	2,835.15	2,814.15	2,793.15	2,772.15	2,751.15
88,901.00	89,300.00	3,895.05	3,800.55	3,779.55	3,758.55	3,737.55	3,716.55	3,695.55	3,674.55	2,892.95	2,871.95	2,850.95	2,829.95	2,808.95	2,787.95	2,766.95
89,301.00	89,700.00	3,917.25	3,822.75	3,801.75	3,780.75	3,759.75	3,738.75	3,717.75	3,696.75	2,908.75	2,887.75	2,866.75	2,845.75	2,824.75	2,803.75	2,782.75
89,701.00	90,100.00	3,939.45	3,844.95	3,823.95	3,802.95	3,781.95	3,760.95	3,739.95	3,718.95	2,924.55	2,903.55	2,882.55	2,861.55	2,840.55	2,819.55	2,798.55
90,101.00	90,500.00	3,961.65	3,867.15	3,846.15	3,825.15	3,804.15	3,783.15	3,762.15	3,741.15	2,940.35	2,919.35	2,898.35	2,877.35	2,856.35	2,835.35	2,814.35
90,501.00	90,900.00	3,983.85	3,889.35	3,868.35	3,847.35	3,826.35	3,805.35	3,784.35	3,763.35	2,956.15	2,935.15	2,914.15	2,893.15	2,872.15	2,851.15	2,830.15
90,901.00	91,300.00	4,006.05	3,911.55	3,890.55	3,869.55	3,848.55	3,827.55	3,806.55	3,785.55	2,971.95	2,950.95	2,929.95	2,908.95	2,887.95	2,866.95	2,845.95
91,301.00	91,700.00	4,028.25	3,933.75	3,912.75	3,891.75	3,870.75	3,849.75	3,828.75	3,807.75	2,987.75	2,966.75	2,945.75	2,924.75	2,903.75	2,882.75	2,861.75
91,701.00	92,100.00	4,050.45	3,955.95	3,934.95	3,913.95	3,892.95	3,871.95	3,850.95	3,829.95	3,003.55	2,982.55	2,961.55	2,940.55	2,919.55	2,898.55	2,877.55
92,101.00	92,500.00	4,072.65	3,978.15	3,957.15	3,936.15	3,915.15	3,894.15	3,873.15	3,852.15	3,019.35	2,998.35	2,977.35	2,956.35	2,935.35	2,914.35	2,893.35
92,501.00	92,900.00	4,094.85	4,000.35	3,979.35	3,958.35	3,937.35	3,916.35	3,895.35	3,874.35	3,035.15	3,014.15	2,993.15	2,972.15	2,951.15	2,930.15	2,909.15
92,901.00	93,300.00	4,117.05	4,022.55	4,001.55	3,980.55	3,959.55	3,938.55	3,917.55	3,896.55	3,050.95	3,029.95	3,008.95	2,987.95	2,966.95	2,945.95	2,924.95
93,301.00	93,700.00	4,139.25	4,044.75	4,023.75	4,002.75	3,981.75	3,960.75	3,939.75	3,918.75	3,066.75	3,045.75	3,024.75	3,003.75	2,982.75	2,961.75	2,940.75
93,701.00	94,100.00	4,161.45	4,066.95	4,045.95	4,024.95	4,003.95	3,982.95	3,961.95	3,940.95	3,082.55	3,061.55	3,040.55	3,019.55	2,998.55	2,977.55	2,956.55
94,101.00	94,500.00	4,183.65	4,089.15	4,068.15	4,047.15	4,026.15	4,005.15	3,984.15	3,963.15	3,098.35	3,077.35	3,056.35	3,035.35	3,014.35	2,993.35	2,972.35
94,501.00	94,900.00	4,205.85	4,111.35	4,090.35	4,069.35	4,048.35	4,027.35	4,006.35	3,985.35	3,114.15	3,093.15	3,072.15	3,051.15	3,030.15	3,009.15	2,988.15
94,901.00	95,300.00	4,228.05	4,133.55	4,112.55	4,091.55	4,070.55	4,049.55	4,028.55	4,007.55	3,129.95	3,108.95	3,087.95	3,066.95	3,045.95	3,024.95	3,003.95
95,301.00	95,700.00	4,250.25	4,155.75	4,134.75	4,113.75	4,092.75	4,071.75	4,050.75	4,029.75	3,145.75	3,124.75	3,103.75	3,082.75	3,061.75	3,040.75	3,019.75
95,701.00	96,100.00	4,272.45	4,177.95	4,156.95	4,135.95	4,114.95	4,093.95	4,072.95	4,051.95	3,161.55	3,140.55	3,119.55	3,098.55	3,077.55	3,056.55	3,035.55
96,101.00	96,500.00	4,294.65	4,200.15	4,179.15	4,158.15	4,137.15	4,116.15	4,095.15	4,074.15	3,177.35	3,156.35	3,135.35	3,114.35	3,093.35	3,072.35	3,051.35
96,501.00	96,900.00	4,316.85	4,222.35	4,201.35	4,180.35	4,159.35	4,138.35	4,117.35	4,096.35	3,193.15	3,172.15	3,151.15	3,130.15	3,109.15	3,088.15	3,067.15
96,901.00	97,300.00	4,339.05	4,244.55	4,223.55	4,202.55	4,181.55	4,160.55	4,139.55	4,118.55	3,208.95	3,187.95	3,166.95	3,145.95	3,124.95	3,103.95	3,082.95
97,301.00	97,700.00	4,361.25	4,266.75	4,245.75	4,224.75	4,203.75	4,182.75	4,161.75	4,140.75	3,224.75	3,203.75	3,182.75	3,161.75	3,140.75	3,119.75	3,098.75
97,701.00	98,100.00	4,383.45	4,288.95	4,267.95	4,246.95	4,225.95	4,204.95	4,183.95	4,162.95	3,240.55	3,219.55	3,198.55	3,177.55	3,156.55	3,135.55	3,114.55
98,101.00	98,500.00	4,405.65	4,311.15	4,290.15	4,269.15	4,248.15	4,227.15	4,206.15	4,185.15	3,256.35	3,235.35	3,214.35	3,193.35	3,172.35	3,151.35	3,130.35
98,501.00	98,900.00	4,427.85	4,333.35	4,312.35	4,291.35	4,270.35	4,249.35	4,228.35	4,207.35	3,272.15	3,251.15	3,230.15	3,209.15	3,188.15	3,167.15	3,146.15
98,901.00	99,300.00	4,450.05	4,355.55	4,334.55	4,313.55	4,292.55	4,271.55	4,250.55	4,229.55	3,287.95	3,266.95	3,245.95	3,224.95	3,203.95	3,182.95	3,161.95
99,301.00	99,700.00	4,472.25	4,377.75	4,356.75	4,335.75	4,314.75	4,293.75	4,272.75	4,251.75	3,303.75	3,282.75	3,261.75	3,240.75	3,219.75	3,198.75	3,177.75
99,701.00	100,100.00	4,494.45	4,399.95	4,378.95	4,357.95	4,336.95	4,315.95	4,294.95	4,273.95	3,319.55	3,298.55	3,277.55	3,256.55	3,235.55	3,214.55	3,193.55
100,101.00	100,500.00	4,516.65	4,422.15	4,401.15	4,380.15	4,359.15	4,338.15	4,317.15	4,296.15	3,340.42	3,319.42	3,298.42	3,277.42	3,256.42	3,235.42	3,214.42
		(Add 5.05% for amounts in excess of $100,500)								(Add 5.10% for amounts in excess of $100,500)						

4. …

D. Income Tax Withholding Formulas. The overall structure of the formulas used to compute the withholding tax is to calculate the tax on the total wage amount and then subtract the amount of tax calculated on the personal exemptions and dependency credits the taxpayer claims for withholding purposes. The correct withholding formula depends upon the number of personal exemptions claimed and annual wages.

1. Withholding Formulas for Single or Married Taxpayers Claiming 0 or 1 Personal Exemption

a. Effective prior to February 16, 2018:

* * *

b. Effective on or after February 16, 2018:

W is the withholding tax per pay period.

S is employee's salary per pay period for each bracket.

X is the number of personal exemptions; X must be 0 or 1.

Y is the number of dependency credits; Y must be a whole number that is 0 or greater. N is the number of pay periods.

A is the effect of the personal exemptions and dependency credits equal to or less than $12,500; A = .021 (((X * 4500) + (Y * 1000)) ÷ N).

B is the effect of the personal exemptions and dependency credits in excess of $12,500; B = .018((((X * 4500) + (Y * 1000)) - 12,500) ÷ N).

If annual wages are less than or equal to $12,500, Then

W = .021(S) - (A + B).

If annual wages are greater than $12,500, but less than or equal to $50,000, Then

W = .021(S) + .018 (S - (12,500 ÷ N)) - (A + B).

If annual wages are greater than $50,000, Then

W = .021(S) + .018 (S - (12,500 ÷ N)) + .0165 (S - (50,000 ÷ N)) - (A + B).

2. Withholding Formulas for Married Taxpayers Claiming 2 Personal Exemptions

a. Effective prior to February 16, 2018:

* * *

b. Effective on or after February 16, 2018:

W is the withholding tax per pay period.

S is the employee's salary per pay period for each bracket. X is the number of personal exemptions. X must be 2.

Y is the number of dependency credits. Y must be 0 or greater. N is the number of pay periods.

A is the effect of the personal exemptions and dependency credits equal to or less than $25,000; A = .021 (((X * 4500) + (Y * 1000)) ÷ N)

B is the effect of the personal exemptions and dependency credits in excess of $25,000; B = .0175 ((((X * 4500) + (Y * 1000)) - 25,000) ÷ N)

If annual wages are less than or equal to $25,000, Then

W = .022(S) - (A + B).

If annual wages are greater than $25,000, but less than or equal to $100,000, Then

W = .022(S) + .0175 (S - (25,000 ÷ N)) - (A + B).

If annual wages are greater than $100,000, Then

W = .022(S) + .0175 (S - (25,000 ÷ N)) + .0169 (S - (100,000 ÷ N)) - (A + B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:32, R.S. 47:112, R.S. 47:295 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Revenue, Policy Services Division, LR 28:2557 (December 2002), amended LR 35:255 (February 2009), LR 35:1543 (August 2009), LR 44:

Kimberly Lewis Robinson
Secretary

1802#030

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Office of Fisheries
and
Wildlife and Fisheries Commission

Removal of Abandoned Crab Traps

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, and under the authority of R.S. 56:332(N), which provides that the Wildlife and Fisheries Commission shall have the authority to establish a program to remove abandoned crab traps from state-owned lake and river beds and other water bottoms of the state; the Department of Wildlife and Fisheries finds that imminent peril to the public welfare requires adoption of a Rule upon shorter notice than provided in R.S. 49:953(A), due to the extreme weather that the state of Louisiana has dealt with during December and January, the Department of Wildlife and Fisheries has drafted a Declaration of Emergency to make changes to the approved 2018 abandoned crab trap closure areas and dates. This Declaration of Emergency will address the welfare of the people in Louisiana due to the loss of time and economic value within the commercial crab industry during the aforementioned time. The loss in available fishing time and income during December and January will directly affect those that fall within the closure areas in February and the extreme weather conditions may cause unwanted loss in commercial crab gear due to the inability of removing gear by February 1, 2018. This may also provide those affected by the current female restriction to have greater opportunity of uninterrupted fishing before the restriction begins March 1, 2018 and ends April 30, 2018.

Effective January 19, 2018, this Emergency Rule is adjusting the 2018 abandoned crab trap closures in accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq.; and the changes of dates and times for the removal of abandoned crab traps are:

Title 76
WILDLIFE AND FISHERIES
Part VII. Fish and Other Aquatic Life
Chapter 3. Saltwater Sport and Commercial Fishery
§367. Removal of Abandoned Crab Traps

A. - B.1. Repealed.

C. - C.1. …

D. The use of crab traps shall be prohibited for a 16-day period from 12 a.m. March 16, 2018 through 11:59 p.m. March 31, 2018 within St. Bernard Parish as described below:

D.1. - H. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:332(N).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 30:101 (January 2004), amended LR 31:108 (January 2005), LR 32:266 (February 2006), LR 33:113 (January 2007), LR 34:97 (January 2008), LR 36:77 (January, 2010), LR 38:146 (January 2012), LR 38:3250 (December 2012), LR 40:96 (January 2014), LR 41:155 (January 2015), LR 42:70 (January 2016), amended by the Department of Wildlife and Fisheries, Office of Fisheries and the Wildlife and Fisheries Commission LR 42:2196 (December 2016), LR 44:100 (January 2018), LR 44:

Jack Montoucet
Secretary

1802#004

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Shrimp Season Closures

In accordance with the emergency provisions of R.S. 49:953 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons; R.S. 56:497 which allows the Wildlife and Fisheries Commission to delegate to the secretary of the Department the powers, duties and authority

to set shrimp seasons; and in accordance with a Declaration of Emergency adopted by the Wildlife and Fisheries Commission on August 3, 2017 which authorizes the secretary of the Department of Wildlife and Fisheries to close the fall inshore shrimp season and state outside waters when biological and technical data indicate the need to do so or if enforcement problems develop, the secretary of the Department of Wildlife and Fisheries does hereby declare:

The 2017 fall inshore shrimp season will close on January 26, 2018 at official sunset in Chef Menteur and Rigolets Passes, Lake Borgne, Mississippi Sound, and the Mississippi River Gulf Outlet (MRGO), and a section of the Gulf Intracoastal Waterway (GIWW) in Orleans Parish from the GIWW East Closure Sector Gate westward to the GIWW intersection with the Inner Harbor Navigation Canal; and state outside waters extending out to the three mile line as described in R.S. 56:495(A) from the northwest shore of Caillou Boca at -90 degrees 50 minutes 27 seconds west longitude westward to the western shore of Freshwater Bayou Canal at -92 degrees 18 minutes 33 seconds west longitude.

R.S. 56:498 provides that the possession count on saltwater white shrimp for each cargo lot shall average no more than 100 (whole specimens) per pound except during the time period from October fifteenth through the third Monday in December. Recent biological sampling conducted by the Department of Wildlife and Fisheries has indicated that average white shrimp size within these waters to be closed is smaller than the minimum possession count and this action is being taken to protect these small white shrimp and provide opportunity for growth to larger and more valuable sizes. Existing data do not currently support shrimping closures in additional state inside and outside waters. However, historic data suggest additional closures may be necessary and the Department of Wildlife and Fisheries will continue monitoring shrimp populations in these waters. Notice of any opening, delaying or closing of a season by the secretary will be made by public notice at least 72 hours prior to such action.

Jack Montoucet
Secretary

1802#005

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

2018 Greater Amberjack Recreational Season Closure

In accordance with the emergency provisions of R.S. 49:953, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use seasonal rules to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the secretary of the department by the commission in LAC 76:VII.335.G.5 to modify opening and closing dates of any commercial or recreational reef fish seasons in Louisiana state waters when he is informed by the regional administrator of NOAA Fisheries that the seasons have been closed in adjacent federal waters, the secretary hereby declares:

Effective 12:01 a.m., January 27, 2018, the recreational fishery for greater amberjack in Louisiana waters will close and remain closed through June 30, 2018. Effective with this closure, no person shall recreationally harvest or possess greater amberjack whether within or without Louisiana waters.

The secretary has been notified by National Marine Fisheries Service that the recreational greater amberjack season in federal waters of the Gulf of Mexico will close on January 27, 2018 and will remain closed through June 30, 2018.

Jack Montoucet
Secretary

1802#001

Rules

RULE

Department of Economic Development
Office of the Secretary
Office of Business Development
and
Louisiana Economic Development Corporation

Small Business Loan and Guaranty Program (SBL and GP)
(LAC 19:VII.Chapter 1)

The Louisiana Department of Economic Development, Office of the Secretary, Office of Business Development, and Louisiana Economic Development Corporation, pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and under the authority of R.S. 36:104, 36:108, 51:2302, and 51:2312, hereby amend, supplement and clarify portions of the existing rules of the Small Business Loan and Guaranty Program (SBL and GP) provided in LAC Title 19, Part VII, Subpart 1, Chapter 1, amending §107.B.1, 3, and 4.b by broadening the eligibility requirements for small businesses participating in this program, and including some slight rewording to clarify the meaning, but not to change the intent, of some of the Rule's provisions; and amending §109.C.1 through 5, by reducing the dollar value of collateral requirements for obtaining loan guaranties, and including some slight rewording to clarify the meaning, but not to change the intent of some of the rule's provisions. A new §117 is being added, providing for the creation of guidelines to interpret, construe or explain the meaning and intent of the rules, but not to change the rules. This Rule is hereby adopted on the day of promulgation.

Title 19
CORPORATIONS AND BUSINESS
Part VII. Louisiana Economic Development Corporation
Subpart 1. Small Business Loan and Guaranty Program (SBL and GP)
Chapter 1. Loan and Guaranty Policies for the Small Business Loan and Guaranty Program (SBL and GP)

§107. Eligibility/Ineligibility for Participation in This Program

A. …

B. The following businesses shall be eligible for participation in this program, except for those ineligible businesses and purposes hereinafter shown:

1. small business concerns authorized to do and doing business in Louisiana, that maintain an office in Louisiana;

2. certified small and emerging businesses (SEBs);

3. disabled person's business enterprises authorized to do and doing business in Louisiana, that maintain an office in Louisiana; or

4. funding requests for any business purpose may be considered, except for the following ineligible businesses or purposes:

a. …

b. bars, saloons, daiquiri shops, packaged liquor stores, including any other business or project established for the principal purpose of dispensing alcoholic beverages;

c. - i. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 15:446 (June 1989), amended LR 23:41 (January 1997), LR 26:2255 (October 2000), amended by the Department of Economic Development, Office of the Secretary, Office of Business Development and Louisiana Economic Development Corporation, LR 38:994 (April 2012), LR 44:229 (February 2018).

§109. General Loan, Credit, Guaranty and Participation Provisions

A. - B.3. …

C. Collateral

1. The value of the collateral shall be no less than the guaranteed portion of the loan.

2. ...

3. Collateral Value Determination

a. The appraiser must be certified by a recognized organization in the area of the collateral.

b. The appraisal shall not be more than 90 days old.

4. Acceptable collateral may include, but shall not be limited to, the following:

a. - b. …

c. personal guarantees may be used only as additional collateral and will not count toward the value of the collateral; if to be used, signed and dated Personal Financial Statements of the guarantors must also be submitted to LEDC;

d. …

5. Unacceptable collateral may include, but shall not be limited to the following:

a. …

b. personal items or borrower's primary residence;

C.5.c. - H.6. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 15:448 (June 1989), amended LR 23:41 (January 1997), LR 26:2256 (October 2000), amended by the Department of Economic Development, Office of the Secretary, Office of Business Development and Louisiana Economic Development Corporation, LR 38:995 (April 2012) LR 40:274 (February 2014), LR 44:229 (February 2018).

§117. Guidelines

A. The Louisiana Economic Development Corporation (LEDC), or the Louisiana Department of Economic Development, also known as Louisiana Economic Development (LED), as the administrator of this program for LEDC, may make, create, or issue from time to time Guidelines interpreting, construing, explaining and/or supplementing these Rules; and may revise, supplement, or otherwise change or modify the guidelines at any time with or without notice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, Office of Business Development and Louisiana Economic Development Corporation, LR 44:229 (February 2018).

Mandi D. Mitchell
Assistant Secretary

1802#021

RULE

Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State Accountability System—One-Year Waiver for "Severe Impact" Schools and Districts (LAC 28:XI.4503)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education (BESE) has amended *Bulletin 111—The Louisiana School, District, and State Accountability System*: §4503, One Year Waiver for "Severe Impact" Schools and Districts. The revisions pertain to the 2016-2017 school year school performance scores and letter grades for schools that sustained significant damage as a result of federally-declared disaster DR-4277, Louisiana Severe Storms and Flooding.

This Rule is hereby adopted on the day of promulgation.

Title 28
EDUCATION
Part XI. Accountability/Testing
Subpart 1. Bulletin 111—The Louisiana School, District, and State Accountability System
Chapter 45. Disaster Considerations for School and District Accountability
§4503. One Year Waiver for "Severe Impact" Schools and Districts
[Formerly LAC 28:LXXXIII.4503]

A. - A.2.a. …

3. for the 2016-2017 school year school performance scores and letter grades, any school which sustained significant damage as a result of federally declared disaster DR-4277, Louisiana Severe Storms and Flooding, such that schools temporarily relocated to another school campus or facility, or received a displaced school or entire grade levels from another school at its campus as a result of such disaster, the LDE shall use for school accountability purposes the higher of the 2016-2017 or 2015-2016 school performance score. This policy shall also apply to all schools within the East Baton Rouge Parish system. The state superintendent, with consent of the president of the board, may provide for the same in cases of extraordinary and abnormal displacement of teachers and students and hardship due to such disaster, if such displacement directly and indisputably contributed to abnormal changes in school performance scores and assessment results, based on analysis conducted by the LDE.

B. - G.2. …

a. will not enter or advance in comprehensive or urgent intervention labels or academically unacceptable status as a result of accountability labels based on data collected during the year of the disaster; but

b. schools can exit comprehensive or urgent intervention labels based on data collected during the year of the disaster.

H. - M. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1412 (August 2006), amended LR 33:636 (April 2007), LR 36:1994 (September 2010), LR 37:2120 (July 2011), LR 44:230 (February 2018).

Shan N. Davis
Executive Director

1802#013

RULE

Board of Elementary and Secondary Education

Bulletin 126—Charter Schools
(LAC 28:CXXXIX.Chapters 3-40)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 126—Charter Schools:* §309. Charter Authorizer Reporting Requirements; §311. Application Process for Locally-Authorized Charter Schools; §313. Local School Board Consideration of Charter Application, Awarding of Charters; §501. Organization of Nonprofit Corporation; §503. Eligibility to Apply for a Type 2 Charter School; §511. Application Process; §512. Application Process for Locally-Authorized Charter Schools; §513. Stages of Application Cycle for BESE-Authorized Charter Schools; §515. Application Components; §518. BESE Pre-Opening Procedures Following Approval; §519. Local School Board Consideration of Charter Application, Awarding of Charters; §521. Charter School Replication; §701. Charter School Contract with BESE; §901. Timeline for Opening; §1101. Evaluation; §1103.Alternate Charter Schools; §1105. Intervention Process for Charter Schools; §1303. Extension Review; §1501.Renewal of Charter; §1503.BESE Processes for Charter Renewal; §1503. Charter Renewal Process and Timeline; §1505. Eligibility for Renewal for BESE-Authorized Charter Schools; §1507. Renewal Term Length for BESE-Authorized Charter Schools; §1509. Automatic Renewal of Charter Schools; §1601. Closure; §1901. Charter Amendments; §1903. Material Amendments for BESE-Authorized Charter Schools; §1905. Non-Material Amendments for BESE-Authorized Charter Schools; §2101. Board of Director Composition; §2107. Prohibitions; §2301. State Funding; §2303. Local Education Agency (LEA) Status and Federal Funding; §2501. Qualified and Competent Business Professional; §2505. Financial Reporting; §2509. Assets; §2701. Students Eligible to Attend; §2703. Enrollment Capacity; §2705. Admission Requirements; §2707. Application Period; 2709. Enrollment of Students, Lottery, and Waitlist; §2711. Enrollment Preferences for BESE-Authorized Charter Schools; §2801. Transportation Requirements; §2805. Parent Volunteers at BESE-Authorized Charter Schools; §2901 Employment of Staff; §2905. Criminal History Review; §2911. Evaluation and Assessment; §3101. Required Notifications; §3301.

Charter Operator Complaint Procedure; §3501. Volunteer Programs; §3703. Curriculum in Virtual Charter School; §4001. Applicability of State and Local Rules and Regulations; §4003. Applicability of State Laws; and §4005. Other Statutory Requirements.

This Rule is hereby adopted on the day of promulgation.

Title 28

EDUCATION

Part CXXXIX. Bulletin 126—Charter Schools

Chapter 3. Charter School Authorizers

§311. Application Process for Locally-Authorized Charter Schools

A. Application Cycle

1. Local school boards shall accept charter applications from applicants according to the local district timeline established by the department and approved by BESE. BESE shall approve at least one charter application cycle for the local district timeline per year. The department may extend approved cycles or provide for additional cycles, and shall notify BESE of any such changes.

2. Local school boards may request supplementary materials once the initial application has been submitted. Final decisions regarding the approval of charter applications must be made by local school boards according to the local district charter application timeline. Notifications of charter proposal denied shall include written explanation of the reasons for such denial.

3. Prior to the consideration of a charter school proposal by any local school board, each charter applicant shall be afforded the opportunity to provide a written response to the independent evaluation of the application. Such response shall be available to the independent reviewers for consideration prior to issuing a final recommendation to the chartering authority.

4. The local board shall send to the charter applicant, either by electronic means or hand delivery, the final evaluation and recommendations of the third-party evaluator. Such information shall be sent no later than five business days prior to the meeting at which the local board will take action on the charter proposal.

5. The local school board shall notify the department of the receipt of charter applications and any board action taken on such applications in accordance with procedures developed as part of the local district timeline.

6. If a proposal is not approved by the local school board and then also not approved by BESE within the same approval cycle, then the proposal shall be submitted to the local school board for its consideration during the next approval cycle prior to being submitted to BESE.

B. Common Charter Application

1. Each local school board shall use a common charter application developed by the department and approved by BESE, but may request additional information from applicants as needed.

2. BESE shall annually approve the common application to be used by local school boards. If there are no changes to be made to the common application from a previous year, BESE will not be required to vote to approve the common charter application.

C. Appeals to State Process

1. If a charter applicant believes that a local school board has not complied with the requirements in §306 of this policy, the charter applicant may submit its proposal to BESE for its review and approval as a type 2 charter as part of the annual request for applications.

a. Upon local receipt of the application from the local charter applicant, the department shall investigate and make a determination as to whether the local school board failed to comply with §306 of this policy.

b. If the department determines that the local school board failed to comply with §306, it shall notify the local school board of that determination within 30 days, and BESE may proceed with its own review of the charter application.

2. The charter applicant may submit a proposal to BESE for its review and approval as a type 2 charter for other reasons as provided for in §503 of this bulletin.

D. Partnerships with the Department

1. A local school board may enter into an agreement with the Louisiana Department of Education by which the department will conduct the local school board's charter application and evaluation process, Local school boards that have entered into such agreements shall be exempt from Subsection A of this Section, and shall instead follow timelines established by the department.

2. The department shall create the process and timeline by which such agreements can be created and implemented.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, R.S. 17:3981, 17:93, and R.S. 17:3983.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 44:231 (February 2018).

§313. Local School Board Consideration of Charter Application, Awarding of Charters

A. Local school boards shall carefully review each type 1 and type 3 charter school application they receive and may approve a charter application only after it has made a specific determination whether each proposed charter complies with the law and rules, whether the proposal is valid, complete, financially well-structured, and educationally sound, whether it provides for a master plan for improving behavior and discipline in accordance with R.S. 17:252, whether it provides a plan for collecting data in accordance with R.S. 17:3911.

B. Local school boards may approve requests to establish a type 3B charter school pursuant to the process outlined in Bulletin 129, §505.

1. A type 3B charter school is a former type 5 charter school transferred from the Recovery School District to the administration and management of the transferring local school system pursuant to R.S. 17:10.5, R.S. 17:10.7 and Bulletin 129, §505.

2. A type 3B charter school shall retain its type 5 academic accountability history, including, but not limited to prior school performance scores. The performance of a type 3B charter school shall be included in the local school district's district performance score.

3. Throughout initial and all subsequent renewal charter terms, the type 3B charter contract shall:

a. comply with any transfer conditions previously specified by BESE at the time BESE made the determination to allow the transfer;

b. permit the charter school to remain in its facility or designate an alternative facility for use by the charter school;

c. prohibit the charter school from establishing admissions requirements; and

d. require any school that participated as a type 5 charter school in unified processes common to other public schools located in the same parish or school district boundaries that are critical to providing equity and access to students and families to continue to participate in such processes. At a minimum, the contract shall require the charter school to:

i. continue to participate in any unified enrollment system and expulsion process established by the RSD for the parish or region where the charter school is located. The charter school shall follow all policies and procedures applicable to type 5 charter schools participating in the enrollment system and expulsion process; and

ii. continue to provide transportation services for students who reside more than one mile away from the school.

4. The length of the initial term for the type 3B charter school shall be equal to the number of years remaining on the charter school's former type 5 charter contract or the number of years approved by BESE for the renewal term of the type 5 charter school if the charter contract for the type 5 charter school was set to expire at the conclusion of the school year in which the charter school makes a request to transfer to the local school board pursuant to this Section.

5. If granted a renewal, in determining the length of the term for the first renewal of the type 3B charter contract, the local school board shall set the length of the renewal term to be three or more years, not to exceed the number of years the charter school would be granted under the "maximum charter renewal terms" contained in §1503 of this Bulletin. Differing academic performance standards for the first renewal of the charter contract must be approved by BESE. Subsequent renewal term lengths shall be determined by the local school board.

6. At the time of transfer, the type 3B charter school shall have the option to remain its own local educational agency or have the local school system serve as the charter school's local education agency. A type 3B charter school acting as its own local education agency shall comply with the requirements provided for in §2303 of this bulletin.

C. For each locally-authorized charter school which has met the performance criteria below, a charter operator may open and operate two additional schools that serve the same grade levels and the same enrollment boundaries as the school meeting the automatic renewal criteria without formal application to the local school board.

1. The charter school must have:

a. A letter grade of "A" or "B", or an equivalent school performance score (SPS);

b. Met or exceeded for the three preceding school years the benchmarks established for it by the local school board in accordance with the school and district accountability system;

c. Demonstrated growth in student academic achievement for the three proceeding school years; and

d. Had no significant audit findings during the term of the charter agreement.

2. The charter operator shall notify the local school board of its intent to open one or two such additional charter schools at least 120 calendar days prior to the day on which each additional school shall enroll students.

3. At least 90 calendar days prior to the day on which each additional school shall enroll students, the local school board shall enter into a charter agreement with the chartering group for each additional school and shall notify BESE of its action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:231 (February 2018).

Chapter 5. Application and Approval Process for BESE-Authorized Charter Schools

§501. Organization of Nonprofit Corporation

A. A nonprofit corporation may be formed for the purpose of submitting an application for a charter school by:

1. - 7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981(3), and R.S. 17:3983.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1360 (July 2008), amended LR 44:232 (February 2018).

§503. Eligibility to Apply for a Type 2 Charter School

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

b. has conditions that have been placed on it that are unacceptable to the group proposing the charter as provided for in Paragraph D of this Section; or

c. the local school board has not complied with the requirements of a local charter authorizer, as provided for in §311.C of this bulletin; or

d. the local school board has made no final decision in accordance with the timelines established by BESE for consideration of type 1 and 3 charter applications by local school boards as provided for in §311 of this bulletin; and

e. have met the requirement set forth in §507, if proposing to convert from a pre-existing school to a charter school.

B. …

C. If the local school system in which a charter group intends to apply to operate a type 1 or type 3 charter school has received a letter grade designation of "D" or "F" or any variation thereof, then a proposal for a type 2 charter school may be made to BESE.

D. Type 2 Charter Appeals Based on Conditions

1. Each approved charter may be approved subject to whatever other resolutory or suspensive conditions the chartering authority requires provided the charter school agrees with the conditions.

2. If the local board seeks to amend the charter contract in a manner that is unacceptable to the charter school or if the charter school finds requested terms for charter renewal to be unacceptable, the charter school may petition BESE to convert to a Type 2 charter school.

3. A charter school may request a Type 2 charter appeal based on:

a. resolutory or suspensive conditions imposed on the approved charter by the local school board that the charter school does not agree with; or

b. amendments being imposed on the charter contract or new terms in the renewal contract by the local school board that the charter school finds to be unacceptable.

4. A charter school requesting an appeal under this section shall do so in accordance with timelines and procedures developed by the department.

5. The state superintendent may disqualify a charter school from submitting a type 2 charter appeal under this section to BESE if the conditions imposed by the chartering authority are required by state law or policy.

E. The eligibility criteria set forth in this section shall be the minimum criteria necessary to be approved for a type 2 charter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3973, R.S. 17:3981, R.S. 17:3982, R.S. 17:3983, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1360 (July 2008), amended LR 37:868 (March 2011), LR 38:3117 (December 2012), LR 39:1431 (June 2013), LR 39:3064 (November 2013), LR 44:232 (February 2018).

§511. Application Process for BESE-Authorized Charter Schools

A. Application Cycle

1. All type 2, type 4, and type 5 charter applications will be received, reviewed, and approved pursuant to a charter application cycle.

2. Type 2, type 4, and type 5 charter applications must be submitted in accordance with a charter application cycle to be considered by BESE.

3. BESE shall approve at least one charter application cycle per year for the submission of type 2, type 4, and type 5 charter school applications.

4. The department may extend approved cycles or provide for additional cycles for the submission of type 2, type 4, and type 5 charter school applications, and shall notify BESE of any such changes.

B. - B.3.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, R.S. 17:3981, and R.S. 17:3983.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1361 (July 2008), amended LR 39:1431 (June 2013), LR 39:3064 (November 2013), LR 44:233 (February 2018).

§512. Application Process for Locally-Authorized Charter Schools

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, R.S. 17:3981, and R.S. 17:3983.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 37:869 (March 2011), amended LR 38:750 (March 2012), repromulgated LR 38:1392 (June 2012), amended LR 38:3118 (December 2012), LR 39:81 (January 2013), LR 40:761 (April 2014), repealed LR 44:233 (February 2018).

§513. Stages of Application Cycle for BESE-Authorized Charter Schools

A. - B.2. ...

C. Evaluators shall make recommendations to the Department of Education for approval or denial of each charter school application.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1361 (July 2008), amended LR 37:869 (March 2011), LR 38:750 (March 2012), repromulgated LR 38:1392 (June 2012), amended LR 38:3118 (December 2012), LR 39:1431 (June 2013), LR 44:233 (February 2018).

§515. Application Components for BESE-Authorized Charter Schools

A. ...

B. A framework of all BESE requests for applications, which shall include an assurance that all required sections are or will be included in the final request for applications, must be submitted to BESE by the department prior to the release of the request. In cases of a type 5 charter operator voluntarily relinquishing its charter, the state superintendent of education may issue an emergency request for applications and BESE shall be notified of such action within two business days. The Department of Education may accept charter applications in a single submission or may structure a process to accept applications in a set of sequential, cumulative submissions.

C. ...

D. The charter school application questions for all types of charter schools shall address the following:

1. - 4. ...

5. for each elementary and middle charter school, other than a type 2 charter school, a description of the geographic boundaries circumscribing the neighborhood immediately surrounding the charter school from which students residing within may be given preference for enrollment in accordance with R.S. 17:3991;

6. - 37. ...

38. an agreement to provide a report at the end of each semester to parents of pupils enrolled in the school, the community, the local school board, and BESE indicating progress toward meeting the performance objectives as stated in the charter;

D.39. - H.11. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1362 (July 2008), amended LR 37:869 (March 2011), LR 37:2383 (August 2011), LR 38:38 (January 2012), LR 38:750 (March 2012), repromulgated LR 38:1392 (June 2012), amended LR 38:1583 (July 2012), LR 38:3118 (December 2012), LR 39:1432 (June 2013), LR 44:233 (February 2018).

§518. BESE Pre-Opening Procedures Following Approval

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3983.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 37:870 (March 2011), amended LR 37:2385 (August 2011), LR 39:1432 (June 2013), LR 41:1263 (July 2015), repealed LR 44:233 (February 2018).

§519. Opening of Additional Charter Schools in BESE-Approved Application

A. A charter operator may open additional schools included in its approved charter application if the following performance targets for all Louisiana charter schools currently operated by the charter operator are met:

1. No charter schools have a letter grade of "F" or an equivalent school performance score (SPS); and

2. All charter schools have:

a. a letter grade of "C" or higher or an equivalent SPS; or

b. a letter grade of "D" or higher or an equivalent SPS, and a progress index equivalent to an "A" letter grade.

3. All BESE-authorized charter schools have earned designations of "meets all expectations" or "meets most expectations" for financial and organizational performance as provided for in the Charter School Performance Compact in each of the previous three years of operation, or for every year of operation if the school has been open less than three years; and

4. The charter operator notifies the department of the planned school opening according to timelines developed by the department.

B. The department may consider the financial and organizational performance of charter schools authorized by local school boards as appropriate.

C. If the charter operator contracts with a management organization, the state superintendent may consider the performance of other charter schools affiliated with the management organization in determining whether or not the charter operator is allowed to open an additional approved school.

D. The state superintendent may waive one or more of the required performance criteria for:

1. charter schools that are in the first or second year of operation that have not yet received been evaluated for academic, financial, or organizational performance;

2. charter schools approved as alternative schools pursuant to Bulletin 111 or charter schools that are evaluated pursuant to an alternate framework as provided for in §1103 of this bulletin; or

3. a circumstance where anticipated new students in the charter school being proposed to open would otherwise predominantly be enrolled in schools performing at levels lower than or equivalent to the participating school.

E. The department shall notify BESE prior to the opening of any charter school pursuant to this section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 44:233 (February 2018).

§521. Charter School Replication for BESE-Authorized Charter Schools (Formerly §523)

A. A charter operator may open and operate up to two additional charter schools without making a formal application to BESE:

1. the average of the school performance scores of all Louisiana charter schools operated by the charter operator is equivalent to a letter grade of "B" or higher for the previous three school years; and

2. the average progress index of all Louisiana charter schools operated by the charter operator is equivalent to a letter grade of "A" for the previous three school years;

3. all BESE-authorized charter schools operated by the charter operator have earned designations of "Meets All Expectations" or "Meets Most Expectations" for financial and organizational performance as provided for in the charter school performance compact in each of the previous three years of operation.

B. If the charter operator contracts with a management organization, the state superintendent may consider all charter schools operating in Louisiana affiliated with the management organization in determining whether or not the charter operator meets the academic requirements above.

C. The new charter schools must serve the same grade levels and enrollment boundaries as one of the operator's charter schools currently in operation that meets the eligibility criteria outlined above.

D. The type of charter schools the charter operator may open shall be determined as follows.

Charter School Meeting Eligibility Requirements	Permitted New Types of Charter Schools
Type 2	• New Type 2; • May be a Type 2 conversion charter school upon receiving approval from the professional faculty, staff, and parents or guardians of the pre-existing school, as required in §507, and meeting the other eligibility requirements to apply for a Type 2 in §503; • May be a Type 5 subject to approval by the RSD to transform a school under the jurisdiction of the RSD
Type 4	• Type 4
Type 5	• New Type 2, subject to the approval of the state superintendent; • May be a Type 2 conversion charter school upon receiving approval from the professional faculty, staff, and parents or guardians of the pre-existing school, as required in §507, and meeting the other eligibility requirements to apply for a Type 2 in §503; • May be a Type 5 subject to approval by the RSD to transform a school under the jurisdiction of the RSD

E. The charter operator shall notify BESE of its intent to open one or two additional charter schools pursuant to this Section at least 120 calendar days prior to the day on which each additional school shall enroll students.

F. At least 90 calendar days prior to the day on which each additional school shall enroll students, BESE shall enter into a charter agreement with the chartering operator for each additional school and shall notify BESE of its action.

G. The charter operator must complete all processes and required by law and BESE policy to open a school, including, but not limited to the procurement of all required permits, inspections and approvals necessary to safeguard student safety and welfare.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3992(A).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 39:1432 (June 2013), amended LR 39:3250 (December 2013), LR 43:308 (February 2017), LR 44:234 (February 2018).

§523. Charter School Replication

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3992(A).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 39:1432 (June 2013),

amended LR 39:3250 (December 2013), LR 43:308 (February 2017), repealed LR 44:234 (February 2018).

Chapter 7. Charter School Contract for BESE-Authorized Charter Schools

§701. Charter School Contract with BESE

A. Following charter application approval by BESE, approved nonprofit corporations must complete pre-opening requirements developed by the department.

B. The department may condition the execution of the charter contract or the opening of a school on completion of one or more pre-opening requirements.

C. The charter school contract shall represent the legal agreement between BESE and the charter operator, which defines the rights and responsibilities of the parties.

D. The charter school contract shall define the performance standards to which the charter school will be held accountable and the general terms and conditions under which the charter school will operate. The charter school contract template shall include, but not be limited to:

1. provisions regarding the establishment of the charter school;
2. the operation of the charter school;
3. charter school financial matters;
4. charter school personnel;
5. charter term, renewal and revocation; and
6. other provisions determined necessary by BESE.

E. The charter school contract shall also include exhibits that provide detailed information about the terms and conditions under which the school will operate.

F. Each contract entered into by BESE for the operation of a charter school shall contain provisions set forth in a standard contract template; however, BESE shall not be precluded from allowing for provisions that may be specific to an individual charter operator.

G. Any contracts entered into between a charter operator and a management organization shall:

1. set forth material terms including but not limited to: performance evaluation measures; methods of contract oversight and enforcement by the charter school board; compensation structure and all fees to be paid to the management organization; and conditions for contract renewal and termination;

2. contain provisions relative to the submission of documents, including but not limited to student records and financial information, upon request and in a timely manner. The contract shall specify that any documents not provided by a management organization to the charter operator must be reported by the charter operator to the department. If such documents are financial documents, the department shall notify BESE and the Office of the Louisiana Legislative Auditor. Failure to comply with requests for documents may render the management organization ineligible to contract with any BESE-authorized charter school as a management organization for up to five years.

H. Contracts between charter operators and management organizations may be reviewed by the department to ensure compliance with the provisions of Subsection D of this Section. Any contracts entered into between charter operators for the provision of services shall require an assurance statement signed by the presidents of the charter operators' board of directors to be submitted to the department. The assurance statement shall indicate that both parties have complied with the provisions of Subsection D of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1363 (July 2008), amended LR 37:2385 (August 2011), LR 38:751 (March 2012), repromulgated LR 38:1393 (June 2012), LR 38:3118 (December 2012), LR 39:3065 (November 2013), amended LR 44:235 (February 2018).

Chapter 9. Opening of Charter School

§901. Timeline for Opening of BESE-Authorized Charter Schools

A. A BESE-authorized charter school shall begin operation by not later than 24 months after the final approval of the charter at a BESE meeting, or upon notification to BESE if opening additional approved charter schools pursuant to §519 of this bulletin, unless such charter school is engaged in desegregation compliance issues and, therefore, must begin operation by not later than 36 months. However, upon request, BESE may extend the time period within which any charter school must begin operation.

B. If a charter school fails to begin operation within the time periods set forth in §901.A, the charter for that school shall be automatically revoked although a new charter may be proposed in a subsequent application cycle.

C. A BESE-authorized charter school shall not begin operation sooner than eight months after approval of the charter school has been granted, unless BESE or the state superintendent agrees to a lesser time period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3983.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1363 (July 2008), amended LR 37:870 (March 2011), LR 37:2385 (August 2011), LR 38:751 (March 2012), repromulgated LR 38:1393 (June 2012), amended LR 39:1433 (June 2013), LR 44:235 (February 2018).

Chapter 11. Ongoing Review of Charter Schools

§1101. Evaluation for BESE-Authorized Charter Schools

A. ...

B. The performance of type 2, type 4, and type 5 charter schools will be reviewed and/or evaluated annually in the following categories:

1. academic performance;
2. financial performance; and
3. organizational performance.

C. BESE shall approve a charter school performance compact that will articulate the specific criteria the Department of Education will use to annually evaluate the academic, financial, and organizational performance of BESE-authorized charter schools. As necessary, the Department of Education may revise the charter school performance compact, subject to BESE approval of all material changes. All criteria used in the charter school performance compact shall correspond to one of the categories listed above.

D. In measuring the organizational and financial performance of schools as part of the charter school performance compact, charter schools will be given one of the following ratings:

1. meets all expectations;
2. meets most expectations;
3. does not meet expectations.

E. The charter school performance compact may include other supporting evidence to be included in evaluating school performance.

F. BESE shall receive a report on the review of type 2, type 4, and type 5 charter schools not later than January of each year.

1. Each charter school will be subject to regular site visits, monitoring, and contract, school policies, and data review on a schedule established by the Department of Education.

2. For a charter school with a renewal term of six or more years, the department will conduct an in-depth review and evaluation of the charter school, equivalent to a renewal review, at least once every five years to measure the charter school's performance as measured by the charter school performance compact. The department shall present such review and evaluation to BESE at a regular meeting and provide an opportunity for BESE to take appropriate action or impose meaningful consequences, if necessary, as provided for in this bulletin.

G. Academic Performance

1. Academic performance is the primary measure of school quality. BESE shall use the state's assessment and accountability programs as objective and verifiable measures of student achievement and school performance. Student performance is the primary indicator of school quality; therefore, BESE will heavily factor contract extensions and renewal decisions on a school's achievement of the student performance standards.

G.2. - H.3. …

a. monitor external conditions encountered by charter operators that, if not addressed, could render the school financially vulnerable; and

b. identify internal factors that could lead to weaknesses or challenges in the financial operations of an operator.

4. - 7. …

I. Organizational Performance

1. BESE shall evaluate a charter school's organizational performance based on the Department of Education's oversight and monitoring of the charter school's compliance with and performance of statutory, regulatory, reporting, and contractual obligations, including R.S. 17:3972, which provides that the best interests of at-risk pupils shall be the overriding consideration in implementing the provisions of charter law.

2. BESE's organizational performance evaluation of each charter school shall be based on, but not limited to data and information in the following areas: special education and ELL program; student enrollment; student discipline; health and safety; governance; and facilities

3. The charter school performance compact shall articulate the specific criteria the Department of Education will use to evaluate organizational performance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1363 (July 2008), amended LR 37:871 (March 2011), repromulgated LR 37:1124 (April 2011), amended LR 37:2385 (August 2011), LR 38:751 (March 2012), repromulgated LR 38:1393 (June 2012), amended LR 38:3118 (December 2012), LR 39:1433 (June 2013), LR 39:3065 (November 2013), amended LR 40:1322 (July 2014), LR 44:235 (February 2018).

§1103. Alternate Extension and Renewal Standards for Certain BESE-Authorized Charter Schools

A. BESE may approve alternate extension and renewal standards for a charter school serving a unique student population or populations, or for a charter school that is not included in the Louisiana School and District Accountability System provided that:

1. the department determines that the school primarily serves a special or non-traditional student population or populations and mission, or the school is not included in the Louisiana School and District Accountability System;

2. the alternate extension and renewal standards are set forth in a framework approved by BESE; and

3. the alternate extension and renewal standards include specific academic performance criteria.

B. The department shall develop the alternate extension and renewal standards framework and shall engage with charter schools requesting use of such framework to determine the specific criteria to be included in the framework to be proposed for approval by BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1366 (July 2008), amended LR 40:1322 (July 2014), LR 44:236 (February 2018).

§1105. Intervention Process for BESE-Authorized Charter Schools

A. The charter school performance compact may include an intervention process that articulates the steps the Department of Education may take should a school fall out of compliance with requirements outlined in the charter school performance compact, law, or BESE policy. The stages of the intervention process shall include, at a minimum:

1. …

2. notice of concern. If the Department of Education receives a verified complaint or if regular oversight generates significant concerns or questions, a school will receive a notice of concern. The notice of concern will contain specific actions and due dates required to remedy the concern. Upon remedying the concern the school will return to good standing. One or more notices of concern may lead to increased oversight by the Department of Education;

3. notice of breach. For significant, intentional, or repeated non-compliance with requirements outlined in the charter school performance compact, law, or BESE policy, or if a school fails to correct a notice of concern, the school will be issued a notice of breach that will contain specific actions and due dates required to remedy the breach. The Department of Education will monitor the implementation of the steps required to cure the breach. Once a school has fulfilled the notice of breach requirements, the school will return to good standing. One or more notices of breach may lead to increased oversight by the Department of Education;

4. revocation review. Upon failure to meet the requirements specified in the notice of breach, in instances of ongoing and significant concerns, or when the safety, health, or welfare of students is threatened, the department may initiate a revocation review. The review may include additional visits to the school or an in-depth audit to assess

financial and/or organizational health. Findings from the revocation review will determine whether the Department of Education shall commence revocation proceedings or whether the school will be granted a new or revised notice of breach.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 39:1435 (June 2013), amended LR 44:236 (February 2018).

Chapter 13. Charter Term

§1303. Extension Review for BESE-Authorized Charter Schools

A. ...

B. Each type 2, type 4, and type 5 charter school's extension review shall be used to determine if the school will receive a one-year extension, as follows.

1. Each charter school shall be reviewed based on academic, financial, and organizational performance data collected by the Department of Education as provided for in the charter school performance compact in order to provide relevant information to BESE in making an extension determination.

2. For the 2018 and beyond extension processes, in order to be eligible for extension:

a. a turnaround school, qualified to receive a letter grade of "T" per Bulletin 111, §1105, school has

(i.) earned a letter grade of "D" or higher based on performance data from the school's third year of operation; or

(ii). earned a progress index equivalent to a letter grade of "A" based on performance data from the school's third year of operation.

b. a non-turnaround school shall have earned a letter grade of "D" or higher based on performance data from the school's third year of operation;

c. a school approved by BESE to be evaluated using an alternate framework pursuant to §1103 of this bulletin shall have met the standards for extension provided for in such approved framework.

3. For the 2017 extension process, in addition to the 2017 school performance score and letter grade, the department shall calculate a school performance score and letter grade for each charter school being considered for extension based on the formula that will be utilized for the 2018 school performance score and letter grade formula. The school performance score and letter grade that result in the better outcome for the charter school shall be considered by the department and BESE for extension purposes.

4. The state superintendent shall recommend that BESE extend the charter for any charter school meeting the extension eligibility criteria above, unless the charter school has significant, intentional, or repeated non-compliance with financial or organizational requirements outlined in the charter school performance compact, in which case the state superintendent may recommend that BESE allow the charter to expire at the conclusion of the school's fourth year of operation.

5. If a charter school has not earned a letter grade in its third year of operation, or if the charter school fails to meet any of the standards set forth in Paragraph B.2 of this Section, or if the charter school has one or more outstanding issues or deficiencies related to organizational or financial performance, BESE may, at the superintendent's recommendation, grant the school a one-year probationary extension that may include conditions or other required actions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1367 (July 2008), amended LR 37:2387 (August 2011), LR 38:751 (March 2012), repromulgated LR 38:1393 (June 2012), amended LR 38:3118 (December 2012), LR 39:1435 (June 2013), LR 39:3065 (November 2013), LR 40:1322 (July 2014), LR 41:1264 (July 2015), LR 44:237 (February 2018).

Chapter 15. Charter Renewal

§1501. Renewal of Charter

A. …

B No charter shall be renewed unless the charter can demonstrate, at a minimum, using standardized test scores, improvement in the academic performance of students over the term of the charter school's existence. For BESE-authorized charter schools, such improvement shall be evaluated by the department using appropriate data and the standards for renewal provided for in this chapter.

C. A charter may be renewed for additional periods of not less than three nor more than 10 years after thorough review by the approving chartering authority of the charter school's operations and compliance with charter requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981 and R.S. 17:3992.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1367 (July 2008), amended LR 37:871 (March 2011), LR 37:2388 (August 2011), LR 38:751 (March 2012), repromulgated LR 38:1393 (June 2012), amended LR 38:3118 (December 2012) LR 44:237 (February 2018).

§1502. BESE Processes for Charter Renewal

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981 and R.S. 17:3992.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1367 (July 2008), amended LR 37:871 (March 2011), LR 38:3119 (December 2012), repealed LR 44:237 (February 2018).

§1503. BESE Processes for Charter Renewal (Formerly §§1502 and 1503)

A. For each BESE-authorized charter~~s~~ school in the final year of operation under its current charter term, the state superintendent shall make a recommendation to BESE as to whether the charter should be renewed, and if so, the length of the proposed renewal term.

B. A BESE-authorized charter school may be renewed at the discretion of BESE if all requirements set forth in law and policy for the renewal of a charter have been met.

C. The process for renewing a school charter shall be based on a thorough review of the charter school's academic, financial, and organizational performance as provided for in the charter school performance compact.

D. BESE will rely on data from the state's assessment and accountability program as objective and verifiable measures of student achievement and school performance. Student performance is the primary indicator of school quality; therefore, BESE will heavily factor each charter school's student performance data in all renewal decisions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981 and R.S. 17:3992.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1367 (July 2008), amended LR 37:871 (March 2011), LR 37:2388 (August 2011), LR 38:752 (March 2012), repromulgated LR 38:1394 (June 2012), LR 38:3119 (December 2012), LR 39:1436 (June 2013), LR 39:3066 (November 2013), LR 40:1323 (July 2014), LR 41:1264 (July 2015), LR 44:237 (February 2018).

§1505. Eligibility for Renewal for BESE-Authorized Charter Schools (Formerly §1503.B)

A. For initial renewals during the 2018 and beyond renewal processes, a BESE-authorized charter school receiving a letter grade of "F" in the prior academic year will not be eligible for renewal, unless one of these conditions are met:

1. the charter school is a school approved by BESE to be evaluated using alternate renewal standards pursuant to §1103 of this bulletin and has met such alternate standards; or

2. the school is a turnaround charter school that qualified to receive a letter grade of "T" per Bulletin 111, §1105 and has earned a progress index equivalent to a letter grade of "A."

B. For subsequent renewals during the 2018 and beyond renewal processes, a BESE-authorized charter school receiving a letter grade of "D" or "F" in the prior academic year will not be eligible for renewal, unless one of these conditions are met:

1. the charter school is a school approved by BESE to be evaluated using alternate renewal standards pursuant to §1103 of this bulletin and has met such alternate standards; or

2. the charter school has a current letter grade of "D," or an equivalent SPS and:

a. has received a letter grade of "C" or an equivalent SPS for more than half of the letter grades received during the charter's current term and the final letter grade received in charter school's prior term; or

b. has earned a progress index equivalent to a letter grade of "A" in the most recent year and for more than half of the progress indices received during the charter's current term and the final progress index received during the charter school's prior term.

i. For years in which the school does not earn a progress index, a progress index may be calculated using the available data for that year.

C. If, in the state superintendent's judgment, the non-renewal of a charter school that does not meet the criteria for renewal in its initial or subsequent charter term would likely require many students to attend lower performing schools, upon the state superintendent's recommendation, BESE may renew the charter. Such renewal may include conditions to be incorporated in the charter school contract that would require the charter operator to phase out operation of the school over the course of the renewal term. Prior to recommending such renewal, the state superintendent must demonstrate that efforts to find a new, high-quality operator for the school were unsuccessful.

D. For the 2017 renewal process, in addition to the 2017 school performance score and letter grade, the department shall calculate a school performance score and letter grade for each charter school being considered for renewal based on the formula that will be utilized for the 2018 school performance score and letter grade formula. The school performance score and letter grade that result in the better outcome for the charter school shall be considered by the department and BESE for renewal purposes.

E. The state superintendent of education may recommend a corrective action plan as a condition for renewal for any charter school that is eligible for renewal, but fails to fully meet any performance expectations of the charter school performance compact. The board may make the execution of the renewal charter contract contingent upon the completion of all or some of the actions required by the corrective action plan. The board may also direct the department to include all or some of the actions required by the corrective action plan to be incorporated into the charter contract so that failure to complete corrective actions may serve as grounds for revocation.

F. A recommendation for non-renewal may also include a recommendation that a new charter provider operate the school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3992.

HISTORICAL NOTE: HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:479 (March 2010), amended LR 37:871 (March 2011), LR 37:2388 (August 2011), LR 38:752 (March 2012), repromulgated LR 38:1394 (June 2012), amended LR 38:3119 (December 2012), LR 39:1436 (June 2013), LR 39:3066 (November 2013), LR 40:1323 (July 2014), LR 41:1264 (July 2015), amended LR 44:238 (February 2018).

§1507. Renewal Term Length for BESE-Authorized Charter Schools (Formerly §1503.C)

A. For each charter school meeting the eligibility criteria for renewal in §1503 of this bulletin, the state superintendent shall recommend that BESE renew of the charter for a specified number of years as provided for in Subsection C of this section, unless the charter school has significant, intentional, or repeated non-compliance with financial or organizational requirements outlined in the charter school performance compact, in which case the state superintendent may recommend that BESE allow the charter to expire at the conclusion of the school's current charter term.

B. For those charter schools the state superintendent recommends for renewal, the state superintendent shall recommend a renewal term length as follows:

1. the state superintendent shall recommend a minimum renewal term length based on the charter school's current letter grade; and

2. the state superintendent may recommend a term of years longer than the minimum renewal term length through the optional addition of one or more years to the minimum renewal term length in recognition of the charter school's financial and organizational performance as provided for in the charter school performance compact over the term of the school's current charter.

C. The state superintendent shall recommend renewal term lengths in accordance with the table below.

Current Letter Grade	Minimum Term Length	Potential Additional Years (Based on Organizational and Financial Performance Over Current Term)	
A	6 Years	"Does Not Meet Expectations" in any year	No additional years
		"Meets All" and/or "Meets Most" Expectations all years	≤ 2 Years
		"Meets All Expectations" all years	≤ 4 Years
B	5 Years	"Does Not Meet Expectations" in any year	No additional years
		"Meets All" and/or "Meets Most" Expectations all years	≤ 1 Year
		"Meets All Expectations" all years	≤ 2 Years
C	4 Years	No additional years	
D, F or no letter grade	3 Years	No additional years	

D. Notwithstanding the above:

1. the state superintendent may recommend a renewal term that is up to two years shorter than the minimum term length specified above, which shall be no shorter than three years in any case, for a charter school:

a. where fewer than 50 percent of the school's enrolled grades are testable under state accountability; or

b. that has significant, intentional, or repeated non-compliance with financial or organizational requirements outlined in the charter school performance compact.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3992.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:479 (March 2010), amended LR 37:871 (March 2011), LR 37:2388 (August 2011), LR 38:752 (March 2012), repromulgated LR 38:1394 (June 2012), amended LR 38:3119 (December 2012), LR 39:1436 (June 2013), LR 39:3066 (November 2013), LR 40:1323 (July 2014), LR 41:1264 (July 2015), LR 44:238 (February 2018).

§1509. Automatic Renewal of BESE-Authorized Charter Schools (Formerly §1503.G)

A. A charter school which has met or exceeded for the three preceding school years the benchmarks established for it in accordance with the school and district accountability system, has demonstrated growth in student academic achievement for the three proceeding school years, and has had no significant audit findings during the term of the charter agreement shall be deemed a high-performing school, and such school's charter shall be automatically renewed.

B. A BESE-authorized charter school that meets the following conditions shall be automatically renewed and shall be exempted from the renewal process requirements listed in this Section, as appropriate:

1. has received a letter grade of "A" or "B" or an equivalent SPS for the previous three years;

2. has demonstrated growth in student academic achievement as measured by a current progress index equivalent to a letter grade of "A";

3. has received a "meets all expectations" or "meets most expectations" designation for organizational performance according to the charter school performance compact for the three previous years;

4. has received a "meets all expectations" or "meets most expectations" designation for financial performance according to the charter school performance compact for the three previous years; and

5. has no outstanding notices of concern or breach.

C. The state superintendent shall determine the automatic renewal term length according to the terms specified in Subsection C of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3992.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:479 (March 2010), amended LR 37:871 (March 2011), LR 37:2388 (August 2011), LR 38:752 (March 2012), repromulgated LR 38:1394 (June 2012), amended LR 38:3119 (December 2012), LR 39:1436 (June 2013), LR 39:3066 (November 2013), LR 40:1323 (July 2014), LR 41:1264 (July 2015) LR 44:239 (February 2018).

Chapter 16. School Closure

§1601. Closure of BESE-Authorized Charter Schools

A. In the event a BESE-authorized charter school closes permanently for any reason, the school shall adhere to the school closure procedures developed by the Department of Education.

B. The charter board shall have direct responsibility for carrying out the dissolution of the school and disposition of assets in accordance with applicable law and policy.

C. Once the school has ceased operations or the charter board or BESE has taken board action to close the school, whichever occurs first, the department shall have authority to supervise, oversee, or direct the dissolution of the charter school and the disposition of assets of the charter school, and the charter school shall:

1. make no disposition of equipment and cash on hand attributable to state public funding without written permission from the department;

2. transfer or dispose of assets in accordance with §2509 of this bulletin;

3. designate a representative who shall retain responsibility for the security of and access to all charter school records;

4. provide the means and capability to access charter school records, including student records, to the department, as designated in writing, and as permitted by law;

5. fully cooperate with the department, who shall have unrestricted and equal access to charter school records, including student records, as permitted by law, during the period prior to the closure of the charter school;

6. secure all charter school records, including student records, in the possession of the charter school and shall grant to the department access to records requested by the department, as permitted by law.

a. Upon taking possession of such records, the department shall thereafter fulfill any and all statutory and

contractual duties concerning the charter school records, including the student records which are within the department's possession.

b. The charter school shall take all reasonable steps necessary to collect and assemble in an orderly manner the educational records of each student who is or has been enrolled in the school so that those records may be transmitted to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and RS 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 39:3067 (November 2013) LR 43.

Chapter 19. Amendments to BESE-Authorized Charters

§1901. Charter Amendments

A. Any modification to the provisions of a school's charter contract or proposed charter prior to the execution of a charter contract shall constitute an amendment to the charter. An amendment may be material or non-material, as defined in this bulletin.

B. - C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3992.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1369 (July 2008) LR 44:239 (February 2018).

§1903. Material Amendments for BESE-Authorized Charter Schools

A. A material amendment to a charter contract or proposed charter prior to the execution of the charter contract is an amendment that makes substantive changes to a charter school's governance, operational, or academic structure. Material amendments include:

1. creation of or change in corporate partnership, assignment of charter contract, or addition of or changes in management organization;

2. the addition of new grade levels;

3. changes in student enrollment which result in enrollment in excess of 120 percent of the total number of students set forth in the school's charter, as applicable;

4. changes in admission requirements other than the removal of one or more admission requirements, if applicable;

5. changes in any option expressed in the charter contract exhibit with respect to collective bargaining;

6. changes in LEA status for type 4 charter schools in Orleans Parish pursuant to §2303 of this bulletin;

7. changes in school location for Type 2 charter schools; and

8. any changes to the charter contract not specifically identified as non-material amendments that the state superintendent determines to be material changes.

B. - C. ...

D. The LDE shall make recommendations to BESE on each material amendment request it receives from a charter operator that requires BESE approval.

E. BESE shall delegate authority to the department to approve a material amendment regarding the addition of new grade levels or changes in student enrollment which result in enrollment in excess of 120 percent of the total number of students set forth in the school's charter, for any charter school meeting the following conditions, as determined by the department:

1. The charter school has:

a. a current letter grade of "C" or higher or an equivalent SPS, or

b. a current letter grade of "D" or higher or an equivalent SPS, and a progress index equivalent to a letter grade of "A"; and

2. The charter school's most recent designations for financial and organizational performance under the charter school performance compact are "Meets Most Expectations" or "Meets All Expectations."

F. Should the state superintendent deny the charter operator's request pursuant to Subsection E of this section, the charter operator may subsequently seek approval from BESE.

G. When time is of the essence and circumstances require immediate consideration of a material amendment request, a committee composed of the state superintendent, BESE president, and School Innovation and Turnaround Committee shall have interim authority to consider material amendment requests. All approvals or denials of material amendment requests pursuant to this Subsection shall be ratified by BESE at the following BESE meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3992.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1369 (July 2008), amended LR 37:873 (March 2011), LR 37:2389 (August 2011), LR 38:752 (March 2012), repromulgated LR 38:1394 (June 2012), amended LR 38:3120 (December 2012), LR 39:3067 (November 2013), LR 40:1324 (July 2014), LR 43:635 (April 2017), LR 44:240 (February 2018).

§1905. Non-Material Amendments for BESE-Authorized Charter Schools

A. …

1. changes to the name, mailing address, telephone, and/or facsimile number of the charter school;

2. the removal of one or more admission requirements;

3. changes to the designated contact person for the charter operator or changes to the contact person located at the charter school site; and

4. changes in any option expressed in the charter contract exhibits with respect to the Teachers' Retirement System of Louisiana.

B. The charter operator shall provide the Department of Education with written notification of a non-material amendment to its charter within five days of board approval in compliance with all requirements set forth by the Department of Education. A non-material amendment will be effective following notification to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3992.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1370 (July 2008), amended LR 37:873 (March 2011), LR 39:3068 (November 2013), amended LR 40:1324 (July 2014), LR 44:240 (February 2018).

Chapter 21. Charter School Governance

§2101. Board of Director Composition

A. - C. ...

D. Board of Director Composition for BESE-Authorized Charter Schools

1. The board of directors of each charter operator shall consist of no fewer than seven members. Should a board have fewer than seven members due to the resignation or other loss of one or more board members, the board shall have 90 calendar days after such loss to appoint one or more replacements.

2. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1370 (July 2008), amended LR 37:873 (March 2011), LR 37:1377 (May 2011) LR 44:240 (February 2018).

§2107. Prohibitions

A. - H. ...

I. A charter school shall not discriminate among potential employees, or pupils in violation of any state or federal law. A charter school shall recruit, employ, and train teachers, administrators, and other employees without regard to race, color, religion, sex, or national origin. Race, color, religion, sex, and national origin shall not constitute bona fide occupational qualifications. Proficiency in a foreign language may constitute a bona fide occupational qualification for a teacher who spends more than half of his daily instruction time providing instruction in or teaching in a foreign language.

J. A charter school shall not hire a person who has been convicted of or has pled nolo contendere to a crime listed in R.S. 15:587.1(C) as a teacher, substitute teacher, school bus operator, substitute school bus operator, janitor, or a school employee who might reasonably be expected to be placed in a position of supervisory or disciplinary authority over school children unless approved in writing by a district judge of the parish and the district attorney. This statement of approval shall be kept on file at all times by the school and shall be produced upon request to any law enforcement officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1371 (July 2008), amended LR 37:874 (March 2011), LR 44:241 (February 2018).

Chapter 23. Charter School Funding

§2301. State Funding

A. - B. ...

C. For the purposes of funding, and unless otherwise permitted by law, each type 1, type 3, and type 4 charter school shall be considered an approved public school of the local school board entering into the charter agreement.

D. Type 5 charter schools shall receive a per pupil amount each year pursuant to formulas developed by the RSD which may include differentiated funding for certain students, including students identified as being eligible for special education services, and based on the October 1 membership count of the charter school and any other membership count authorized pursuant to the Minimum Foundation Program formula adopted each year.

E. Pursuant to R.S. 17:10.1, for a school system from which one or more schools have been transferred to the recovery school district pursuant to R.S. 17:10.7, the local school board shall adopt a policy that establishes a process to determine the district-level funding allocation based upon student characteristics or needs, as determined by the local school board, to distribute the total amount of minimum foundation program formula funds allocated to the local school board and to Type 1, 1B, 3, 3B, 4, and 5 charter schools that are located within the geographic boundaries of the local school system.

F. - G.2. …

3. The department may withhold and retain from state funds otherwise allocated to a local public school system through the Minimum Foundation Program an amount equal to 1 quarter of 1 percent of the fee amount charged to a type 3B charter school for administrative costs incurred by the department for providing financial oversight and monitoring of a type 3B charter school acting as its own LEA.

4. The department may withhold and retain from state funds otherwise allocated to a local public school system through the Minimum Foundation Program an amount equal to 1 quarter of 1 percent of the fee amount charged to a type 1, 3, 3B, or 4 charter school considered its own LEA pursuant to §2303 of this Bulletin for administrative costs incurred by the department for providing financial oversight and monitoring.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3995.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1371 (July 2008), amended LR 37:874 (March 2011), LR 39:3250 (December 2013), LR 40:1324 (July 2014), LR 42:549 (April 2016), LR 42:1019 (July 2016), LR 43:308 (February 2017), LR 43:636 (April 2017), LR 44:241 (February 2018).

§2303. Local Education Agency (LEA) Status and Federal Funding

A. ...

B. Type 1, 3, 3B, and 4 Charter School LEAs

1. - 2.a.vii. ...

b. For type 1 and 3 charter schools in Orleans Parish, the local superintendent shall implement a process to identify those schools requesting to be considered their own LEAs. LEA status shall commence on July 1 following receipt by the state superintendent of written notification from the local superintendent no later than the preceding April 1. Such written notification shall include:

B.2.b.i. - C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3995.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1372 (July 2008), amended LR 39:3251 (December 2013), LR 40:1324 (July 2014), LR 43:309 (February 2017), LR 43:636 (April 2017) LR 44:241 (February 2018).

Chapter 25. Charter School Fiscal Responsibilities

§2501. Qualified and Competent Business Professional

A. - C. ...

D. All qualified and competent business professionals must acquire Certified Louisiana School Business Administrator (CLSBA) certification or Certified Louisiana Charter School Business Administrator (CLCSBA) certification by the Louisiana Association of School Business Officials (LASBO) within seven years of the first date of hire as a qualified and competent business professional by any BESE-authorized charter school and maintain certification while employed as a qualified and

competent business professional. A Louisiana CPA license may be substituted for the CLSBA certification. The CPA license must remain in active status while employed as a qualified and competent business professional.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1372 (July 2008), amended LR 38:3120 (December 2012), LR 39:1437 (June 2013), LR 39:3068 (November 2013), LR 44:241 (February 2018).

§2509. Assets of BESE-Authorized Charter Schools

A. - B. …

C. Charter operators shall maintain an inventory of all assets, including records of any assets acquired with any private funds. Inventories of assets must be audited annually and maintained consistent with the requirements set forth in *Bulletin 1929—Louisiana Accounting and Uniform Governmental Handbook*.

D. If a charter operator's charter is revoked, non-renewed, surrendered or the school otherwise ceases to operate, or the charter school fails to open and serve students, all assets and cash on hand shall be transferred or disposed of as authorized or directed by the department pursuant to §1601 of this bulletin.

1. Assets or cash on hand attributable to state public funds shall be transferred to BESE or disposed of, as authorized or directed by the department.

2. All assets and cash on hand attributable to federal funding shall be returned to the appropriate division within the U.S. Department of Education or the Louisiana Department of Education, or to any other federal funding source, except as specifically permitted by BESE pursuant to a written agreement.

3. All assets and cash on hand attributable to private funds shall remain the property of the charter operator, if the inventory or records of the charter operator demonstrate that the assets were purchased with private funds. If the records fail to clearly establish whether a particular asset was purchased with public funds or private funds, ownership of the asset shall revert to BESE.

E. If the charter school operates a charter school that results from the conversion of a pre-existing traditional public school, the charter operator shall manage any school fund maintained by the pre-existing school pursuant to R.S. 17:414.3 and any amounts therein prior to the charter school's conversion to a charter school in accordance with the provisions of R.S. 17:414.3 and as directed by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, R.S. 17:3991, and R.S. 17:3995.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1373 (July 2008), amended LR 39:3252 (December 2013), LR 44:242 (February 2018).

Chapter 27. Charter School Recruitment and Enrollment

§2701. Students Eligible to Attend BESE-Authorized Charter Schools

A. - A.5. …

6. Nothing in this policy shall prohibit the admission or readmission to school of a student who meets the definition of homeless under the federal McKinney-Vento Act (42 U.S.C. 11431 et seq.).

B. - C. …

D. Each Type 4 or 5 elementary and middle charter school, may request from and be granted by BESE the authority to give preference in its enrollment procedures to students residing within the neighborhood immediately surrounding the school. The geographic boundaries of the neighborhood immediately surrounding such school shall be determined by BESE. The recovery school district may grant or assign preference in its unified enrollment process, described in §2709 of this bulletin, to students residing within geographic boundaries immediately surrounding each school, as determined by the recovery school district. Type 5 charter schools shall not reserve more than 50 percent of spots in each grade level served for such enrollment preference.

E. Notwithstanding the residency eligibility and verification requirements above, upon approval of the state superintendent, a charter school may enroll a student without such documentation who has been displaced due to a federally-declared disaster in Louisiana or surrounding states. As a condition of enrollment, the parent or legal custodian must provide a form signed by the parent or legal custodian of the student that must attest to the following:

1. student's name;
2. name of parent or legal custodian;
3. current address of parent or legal custodian;
4. statement indicating that the student is displaced from another school due to a federally-declared disaster; and
5. name of the school in which the student was previously enrolled prior to the federally-declared disaster.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3973, R.S. 17:3981, R.S. 17:10.5, R.S. 17:10.7, and R.S. 17:1990.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1373 (July 2008), amended LR 37:875 (March 2011), LR 37:2390 (August 2011), LR 38:752 (March 2012), repromulgated LR 38:1394 (June 2012), amended LR 42:1018 (July 2016), LR 43:309 (February 2017), LR 44:242 (February 2018).

§2703. Enrollment Capacity for BESE-Authorized Charter Schools

A. A charter school shall not enroll more than 120 percent of the total number of students that it is authorized to enroll pursuant to its approved charter contract unless approved to do so pursuant to §1902 of this bulletin.

B. …

C. For type 5 charter schools participating in a unified enrollment system administered by the recovery school district, the charter contract may permit the maximum number of enrolled students per grade to be determined each year in accordance with procedures and timelines established by the RSD.

D. In the event of a federally-declared disaster in Louisiana or surrounding states, the state superintendent may approve a charter school to exceed 120 percent of the total number of students that it is authorized to enroll pursuant to its approved charter solely for the purpose of enrolling students who have been displaced from their homes or are unable to attend the school in which they were previously enrolled or zoned to attend. The state superintendent shall provide a report to BESE at its next regularly scheduled meeting outlining each charter school

granted an increase in its enrollment capacity pursuant to this Paragraph. Students enrolled pursuant to this Paragraph shall be permitted to remain enrolled in the charter school for the remainder of the school year. Parents or legal custodians found to have misrepresented their displacement status shall be required to return to the school in which the student was previously enrolled or zoned to attend.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3995.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1374 (July 2008), amended LR 43:310 (February 2017), LR 44:242 (February 2018).

§2705. Admission Requirements for BESE-Authorized Charter Schools

A. …

B. Admission requirements imposed by a school must be set forth in the charter school's approved charter contract and shall be specific and shall include a system for admission decisions which precludes exclusion of pupils based on race, religion, gender, ethnicity, national origin, intelligence level as ascertained by an intelligence quotient examination, or identification as a child with an exceptionality as defined in R.S. 17:1942(B). Such admission requirements may include, however, specific requirements related to a school's mission such as auditions for schools with a performing arts mission or proficiency in a foreign language for schools with a language immersion mission. Any charter school which began operation prior to July 1, 2012, and which incorporated achievement of a certain academic record as part of its admissions requirements may continue to utilize such admission requirements. No charter school beginning operation on or after July 1, 2012 may incorporate the achievement of a certain academic record as part of its admission requirements.

C. Admission requirements must be approved by BESE, either through the approval of the initial charter proposal, or through material amendment to an existing charter contract, as provided for in §1903 of this bulletin.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1374 (July 2008), amended LR 37:875 (March 2011), LR 38:3120 (December 2012), LR 44:243 (February 2018).

§2709. Enrollment of Students, Lottery, and Waitlist in BESE-Authorized Schools

A. - B. …

C. A charter school shall admit no student during the school's designated application period, but shall wait until the period has ended.

D. - I. …

J. Type 5 charter schools transferred to the RSD pursuant to R.S. 17:10.5 or R.S. 17:10.7 and type 3B charter schools shall comply with any unified enrollment system established by the RSD for the parish or region where the charter school is located. The RSD may create any policies and procedures to implement a unified enrollment system not prohibited by this Chapter, and may conduct one or more central lotteries to enroll students at participating schools, and enroll students applying or requesting transfers after the application period has ended throughout the year, manage student transfers, and student expulsions.

K. Upon request of a charter operator, the department may approve an enrollment preference for students matriculating into eighth grade or below between two BESE-authorized charter schools operated by the same charter operator.

L. All BESE-authorized charter schools (type 2, type 4, and type 5 charter schools) physically located in Orleans Parish shall participate in the unified enrollment system and expulsion process established by the recovery school district for Orleans Parish, with the exception of virtual charter schools, and shall continue to participate in the unified enrollment system and expulsion process upon the management of its transfer to the Orleans Parish School Board pursuant to 17:10.7.1. The department of education shall have discretion to determine on an individual basis whether to require virtual charter schools physically located in Orleans Parish to participate in the unified enrollment system and expulsion process. BESE-authorized charter schools participating in the unified enrollment system and expulsion process may retain admission requirements, geographic preferences, sibling preferences, and disciplinary regulations unrelated to expulsions, if authorized by law or BESE policy. BESE shall retain authority over the approval of amendments to charter contracts for such type 2 and type 4 charter schools for adjustments to grade levels served and enrollment projections. Schools participating in the unified enrollment and expulsion process shall not be permitted to maintain student waitlists.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1374 (July 2008), amended LR 38:753 (March 2012), repromulgated LR 38:1395 (June 2012), amended LR 38:3120 (December 2012), LR 39:1021 (April 2013), LR 39:1437 (June 2013), LR 39:3252 (December 2013), LR 41:1265 (July 2015), LR 43:310 (February 2017), LR 44:243 (February 2018).

§2711. Enrollment Preferences for BESE-Authorized Charter Schools

A. Students seeking enrollment to a charter school that was created through the conversion, merger, or turnaround of a pre-existing school who were enrolled at the pre-existing school shall be given preference over all other applicants and the applications procedure shall be established in a fashion that provides ample opportunity for such students to exercise the right to preferential admission.

B. Students previously enrolled in the charter school shall be given preference over all other applicants, and shall maintain enrollment or be automatically admitted following the charter school's application period. Students attending a pre-kindergarten or early childhood program operated by a charter school may be considered to have been previously enrolled at the charter school for the purpose of this paragraph. Requests by charter schools to give preference for students who attend a publicly-funded program at no cost to the student shall be automatically approved by the department for BESE-authorized charter schools, or the charter school's authorizer for other types of charter schools. For a charter school that requests to apply this preference for students who were admitted to a pre-kindergarten or early childhood program that utilizes admission requirements and/or charges tuition for some or all of its students, the use

of the preference shall be subject to the approval of the department for BESE-authorized charter schools, or the charter school's authorizer for other types of charter schools. In such a case, the department or the charter school's authorizer, as applicable, shall require the charter school to set enrollment targets that ensure the charter school provides equity of access for at-risk applicants to its kindergarten classes.

C. Students seeking enrollment to a type 5 charter school that is assigned a facility formerly occupied by a pre-existing public school may be given preference and may be automatically admitted following the charter school's application period, if authorized by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:1375 (July 2008), amended LR 37:875 (March 2011), LR 39:1022 (April 2013), LR 44:243 (February 2018).

Chapter 28. Transportation

§2801. Transportation Requirements for BESE-Authorized Charter Schools

A. - A.2. …

B. Free daily transportation shall include, at a minimum:

1. whatever transportation is necessary to implement any individualized education plan (IEP) for a child with an identified exceptionality;

2. transportation by a vehicle approved for student transportation in accordance with BESE *Bulletin 119—Louisiana School Transportation Specifications and Procedures* or public transportation payments and/or reimbursements;

3. bus stops or pick-up points no further than one mile from the place of residency of each child residing within the parish, unless the school is located in a large rural parish, in which case the state superintendent may grant a waiver for this requirement; and

4. procedures to ensure compliance with R.S. 14:93.2.1 for children under the age of 10.

C. Charter operators shall submit school transportation plans to the department to ensure compliance with applicable laws and policies. The state superintendent shall set forth the process for transportation plan submission.

D. Charter operators having BESE authorized charter schools in operation during the 2015-2016 school year shall offer transportation to all eligible students no later than the beginning of the 2018-2019 school year. Charter operators having BESE authorized charter schools that begin operation in the 2016-2017 school year shall offer transportation upon opening.

E. The department shall develop a waiver process to exempt from this requirement any type 2 charter schools having a unique mission to serve students with exceptionalities, virtual schools, or other schools upon which this requirement would create a substantial financial burden. Such process shall be set forth the state superintendent, who shall update the board on any waivers granted.

F. No later than the beginning of the 2016-2017 school year, each type 5 charter school located in Orleans Parish shall provide free transportation services for all students enrolled in the charter school who reside within Orleans Parish and more than 1 mile from the charter school's location, which shall include, at a minimum:

1. whatever transportation is necessary to implement any individualized education plan (IEP) for a child with an identified exceptionality, without regard to how far the child resides from the charter school;

2. free transportation by a vehicle approved for student transportation in accordance with BESE *Bulletin 119—Louisiana School Transportation Specifications and Procedures*, for students enrolled in grade 6 or below who reside more than 1 mile from the charter school; and

3. free transportation, free public transportation payments and/or reimbursements for all other students not included in Paragraphs 1 and 2 of this Subsection who reside more than 1 mile from the school.

G. Each charter school operator shall adopt policies and procedures or shall make provision in its bus transportation service agreement to do all of the following:

1. prohibit a school bus operator from loading or unloading students at school while the bus is in a traffic lane of any type of street as defined in R.S. 32:1 and require that students be loaded or unloaded on a shoulder, in a school parking lot, or at other appropriate off-road location at the school as determined by the school governing authority. The requirements of this Paragraph shall not apply if the shoulder of a municipal road is the only available alternative and the municipality has not made the shoulder available by designating that area for loading and unloading students during designated school zone hours;

2. prohibit a school bus operator from loading or unloading students at or near their homes while the bus is in a traffic lane of any type of street as defined in R.S. 32:1 and require that students be loaded or unloaded on a shoulder unless the governing authority determines that loading or unloading on a shoulder is less safe for the student. However, if there is no shoulder or if the shoulder is determined to be less safe, a school bus operator may load and unload a student while the bus is in a lane of traffic but only if the bus is in the lane farthest to the right side of the road so that there is not a lane of traffic between the bus and the right-side curb or other edge of the road;

3. prohibit a school bus operator from loading or unloading a student in a location on a divided highway such that a student, in order to walk between the bus and his home or school, would be required to cross a roadway of the highway on which traffic is not controlled by the visual signals on the school bus.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:158, R.S. 17:3981, and 17:3996(B)(37).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:1266 (July 2015), amended LR 42:551 (April 2016), LR 44:244 (February 2018).

§2805. Parent Volunteers at BESE-Authorized Charter Schools

A. The charter school shall not require, nor condition the enrollment, continued enrollment, or receipt of grades on the commitment of the student's parents to provide any number of volunteer hours or on otherwise donating volunteer hours to the charter school. Any request for parents to commit to volunteer hours shall be accompanied by a statement that such hours are voluntary and not required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 44:244 (February 2018).

Chapter 29. Charter School Staff

§2901. Employment of Staff at BESE-Authorized Charter Schools

A. - B. …

C. The charter operator shall have exclusive authority over all employment decisions at the charter school, unless delegated to a for-profit management organization, as authorized in law and which must be specifically provided for in a service provider agreement. Employment practices shall be in accordance with all applicable law, including, but not limited to, the Louisiana Code of Governmental Ethics.

D. - F. …

G. The charter operator shall not employ members of the immediate family of a charter board member or the chief executive officer or leader of the non-profit organization's school, or schools, in the case of a non-profit organization that operates more than one charter school, unless:

1. the family member was employed for one year prior to their family member becoming a charter board member or chief executive officer or leader of the charter school's non-profit organization; or

2. the family member is employed as a school teacher and certified to teach or is temporarily authorized to teach while pursuing certification and annual disclosure of such employee is made as provided for in the Louisiana Code of Governmental Ethics.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) R.S. 17:3973, R.S. 17:3981, and R.S. 17:3997.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1375 (July 2008), amended LR 38:3120 (December 2012), LR 44:245 (February 2018).

§2905. Criminal History Review

A. Each charter operator shall request in writing that the Louisiana Bureau of Criminal Identification (LBCI) and Information supply information to ascertain whether an applicant for employment as a teacher, substitute teacher, school bus operator, substitute school bus operator, janitor, or any other school employee who might reasonably be expected to be placed in a position of supervisory or disciplinary authority over school children, has been convicted of, or pled *nolo contendere* to, any one or more of the crimes enumerated in R.S. 15:5871.1.

1. - 3. …

B. No person who has been convicted of or has pled *nolo contendere* to a crime listed in R.S. 15:587.1 shall be hired by a public elementary or secondary school as a teacher, substitute teacher, school bus operator, substitute school bus operator, janitor, or as any school employee who might reasonably be expected to be placed in a position of supervisory or disciplinary authority over school children unless approved in writing by a district judge of the parish and the parish district attorney.

B.1. - D.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1375 (July 2008), amended LR 37:875 (March 2011), LR 39:3068 (November 2013), LR 44:245 (February 2018).

§2911. Evaluation and Assessment for BESE-Authorized Charter Schools

A. Each charter operator shall annually evaluate every teacher and administrator employed at its charter schools using the value-added assessment model and measures of student growth as determined BESE pursuant to R.S. 17:3902(B)(5) and comply with all other such requirements specified in R.S. 17: 3997.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), R.S. 17:3981, and R.S. 17:3997.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1377 (July 2008), amended LR 39:3068 (November 2013), LR 44:245 (February 2018).

Chapter 31. Notification Requirements for BESE-Authorized Charter Schools

§3101. Required Notifications for BESE-Authorized Charter Schools

A. - G. …

1. For a type 5 charter school, the charter operator shall submit a formal plan for the continued operation of the school to the state superintendent of education within 10 days of written notification of the contract's termination. If no plan is received or the plan received is deemed inadequate by the state superintendent of education, the recovery school district shall have interim authority to operate the school until the charter operator resubmits a plan deemed acceptable by the superintendent.

2. Failure of the board to notify the Department of Education about loss of the management organization within two business days may result in BESE rendering the charter operator or a majority of its board members ineligible to operate a charter school for up to five years.

H. The charter operator shall notify the Department of Education should the charter operator's chief executive officer or president of the charter school's governing board change. Such notification shall be made within two business days of the official board action taken on this matter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1377 (July 2008), amended LR 37:876 (March 2011), LR 39:3068 (November 2013), LR 44:245 (February 2018).

Chapter 33. Compliant Procedures

§3301. Charter Operator Complaint Procedures for BESE-Authorized Charter Schools

A. - B. …

C. The department may investigate a parent complaint it receives about a charter school authorized by BESE, and the charter operator shall provide information requested by the department to aid in such investigation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1377 (July 2008), amended LR 44:245 (February 2018).

Chapter 35. Volunteer Requirements

§3501. Volunteer Programs

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1377 (July 2008), repealed LR 44:246 (February 2018).

Chapter 37. Virtual Charter Schools

§3703. Curriculum in Virtual Charter School

A. The virtual charter school shall ensure that all course content is being used under an appropriate and valid license and shall defend, indemnify and hold harmless BESE, the department, and the students and parents for any claims of non-compliance.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:39 (January 2012), amended LR 44:246 (February 2018).

Chapter 40. Charter School Autonomy

§4001. Applicability of State and Local Rules and Regulations

A. Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school's officers and employees shall be exempt from all rules and regulations of BESE and those of any local school board that are applicable to public schools and to public school officers and employees except for the following rules and regulations otherwise applicable to public schools regarding:

1. building maintenance;
2. facility accessibility;
3. asbestos detection and abatement;
4. the sanitary code;
5. pesticide use and safety;
6. fire safety;
7. safe work environments;
8. the possession and safe use of weapons and hazardous materials;
9. adolescent health initiatives and school health centers;
10. hearing and vision screenings;
11. immunizations and health records;
12. communicable disease prevention;
13. drug use prevention;
14. eye safety and the use of protective goggles;
15. missing children identification procedures;
16. school and district accountability system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3996.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 44:246 (February 2018).

§4003. Applicability of State Laws

A. Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school's officers and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grades:

1. school entrance age, R.S. 17:222;
2. corporal punishment, R.S. 17:416.1(B), and suspension of students, R.S. 17:223;
3. expulsion of students, R.S. 17:224;
4. attendance reporting, R.S. 17:232;
5. admission of home study students, R.S. 17:236.2;
6. unauthorized use of electronic communication devices, R.S. 17:239;
7. smoking, R.S. 17:240;
8. open meetings, R.S. 42:11 et seq.;
9. public records, R.S. 44:1 et seq.;
10. teaching regarding the United States Constitution, R.S. 17:261;
11. teaching regarding the Federalist Papers and the Declaration of Independence, R.S. 17:268;
12. in-service training regarding suicide prevention, R.S. 17:437.1;
13. teaching regarding civics and free enterprise, R.S. 17:274.1;
14. teaching regarding sex, R.S. 17:281;
15. religious liberty of students, R.S. 17:2115 et seq.;
16. pupil assessment, R.S. 17:24.4;
17. any school and district accountability system required by law of a public school of similar grade or type;
18. public bids for the erection, construction, alteration, improvement, or repair of a public facility or immovable property, Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950;
19. Code of Governmental Ethics, R.S. 42:1101 et seq., with the exception of R.S. 42:1119 as it applies to any person employed by a charter school prior to August 15, 2003;
20. electronic communication by an employee at a school to a student enrolled at that school, R.S. 17:81(Q);
21. teaching regarding the state's Safe Haven Law, R.S. 17:81(R);
22. inspection and operation of fire safety and prevention equipment, R.S. 17:81(S);
23. teaching regarding dating violence, R.S. 17:81(T);
24. reporting by a school bus operator employed by the governing authority of a public elementary or secondary school of his arrest for one or more of the specified offenses relative to operating a vehicle, R.S. 17:491.3;
25. school master plans for supporting student behavior and discipline, R.S. 17:252;
26. data collection system, R.S. 17:3911;
27. reporting by a school employee employed by the governing authority of a public elementary or secondary school of his arrest for one or more of the specified offenses relative to sexual morality affecting minors, R.S. 17:16, any of the crimes provided in R.S. 15:587.1, or any justified complaint of child abuse or neglect on file in the central registry pursuant to Article 615 of the Children's Code;
28. seclusion and physical restraint of students with exceptionalities, R.S. 17:416.21;
29. teaching regarding Internet and cell phone safety, R.S. 17:280;

30. instruction on the founding principles of the United States of America in American history and civics courses, R.S. 17:265;

31. procedures on bullying pursuant to R.S. 17:416.13;

32. school crisis management and response plans, R.S. 17:416.16;

33. instruction relative to cardiopulmonary resuscitation and the use of automatic external defibrillators, R.S. 17:81(X);

34. instruction and hotline number posting requirements relative to child assault awareness and prevention, R.S. 17:81(Y);

35. deferred compensation plans, R.S. 17:81(Z);

36. school bus loading and unloading provisions, R.S. 17:158(J);

37. student information, R.S. 17:3913 and 3914;

38. notification of homework assistance services, R.S. 17:182.1;

39. prohibits suspension or expulsion of students in grades prekindergarten through five, R.S. 17:416(J);

40. deaf child's bill of rights, R.S. 17:1960;

41. instruction in cursive writing, R.S. 17:266;

42. Louisiana Expectant and Parenting Students Act, R.S. 17:221.7;

43. instruction in litter prevention and awareness, R.S. 17:267;

44. administration of medication and exceptions thereto, R.S. 17:436.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3996.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 44:246 (February 2018).

§4005. Other Statutory Requirements

A. A charter school shall comply with state and federal laws and regulations otherwise applicable to public schools with respect to civil rights and individuals with disabilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3996.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 44:247 (February 2018).

Shan N. Davis
Executive Director

1802#017

RULE

Board of Elementary and Secondary Education

Bulletin 137—Louisiana Early Learning Center Licensing Regulations (LAC 28:CLXI.103, 505, 507, 509, 701, 703, 705, 707, 713, 1105, 1301, 1307, 1509, 1515, 1701, 1703, 1705, 1709, 1711, 1713, 1715, 1717, 1721, 1723, 1725, 1801, 1803, 1805, 1807, 1809, 1811, 1813, 1815, 1817, 1819, 1821, 1903, 1907, 1909, 1919, and 2103)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 137—Louisiana Early Learning Center Licensing Regulations*: §103, Definitions; §505, Prohibitions; §507, Criminal Background Checks for Owners; §509, State Central Registry Disclosure Forms for Owners; §701, Initial Application Process; §703, Initial Inspection Process; §705, Access; §707, Fees; §713, Renewal and Other Inspection Procedures; §1105, Identified Violations and Fines; §1301, Reasons for Denial, Revocation or Refusal to Renew; §1307, Appeal of Denial, Revocation or Refusal to Renew; §1509, Policies; §1515, Child Records and Cumulative Files; §1701, Prohibitions; §1703, Criminal Background Checks for Volunteers, Staff, Visitors and Independent Contractors; §1705, State Central Registry Disclosure Forms for Volunteers and Staff; §1709, Director Qualifications; §1711, Child-to-Staff Minimum Ratio; §1713, Supervision; §1715, Staff Records and Personnel Files; §1717, Records for Independent Contractors and Student Trainees; §1721, Continuing Education; §1723, CPR and First Aid Certifications; §1725, Medication Management Training; §1801, Prohibition; §1803, Determination of Eligibility; §1805, Persons Ineligible for Child Care Purposes; §1807, CCCBC-Based Determinations of Eligibility for Child Care Purposes Required for Owners, Volunteers, Staff, Visitors and Contractors of Early Learning Centers; §1809, CCCBC-Based Determinations of Eligibility for Child Care Purposes Required for Persons Providing Services in Early Learning Centers; §1811, Requests for CCCBC-Based Determinations of Eligibility for Child Care Purposes from the department; §1813, Transitional Provisions for Newly Required CCCBC-Based Determinations of Eligibility; §1815, Fees for CCCBC-Based Determinations of Eligibility for Child Care Purposes; §1817, Reporting Requirements; §1819, Termination of Employment and Removal from Center and Premises; §1821, Appeal of Accuracy or Completeness of CCCBC Results; §1903, Physical Environment; §1907, Furnishings and Equipment; §1909, Safe Sleep Practices; §1919, Food Service and Nutrition; and §2103, Daily Transportation (Contract or Center Provided). The amendments update policy to align with recently enacted state and federal legislation. This Rule is hereby adopted on the day of promulgation, to be effective March 1, 2018.

Title 28
EDUCATION
Part CLXI. Bulletin 137—Louisiana Early Learning Center Licensing Regulations
Chapter 1. General Provisions
§103. Definitions

* * *

Bus Monitors—staff with specific transportation-related responsibilities that include assisting the driver in ensuring the safety of children while they ride in, board, or exit a vehicle, and during transportation emergencies.

* * *

CCCBC—child care criminal background check.

* * *

Child Care Criminal Background Check (*CCCBC*)—information received by the department upon request for information pursuant to requirements set forth in R.S. 17:407.42, 45 CFR 98.43(b), and Chapter 18 of this Bulletin.

* * *

Child Care Purposes—for early learning centers, child care purposes are owning, operating or participating in the governance of an early learning center; being hired by an early learning center as a volunteer, staff member, employee or independent contractor of any kind; or being present at an

early learning center when not exempt from the requirement for a CCCBC-based determination of eligibility for child care purposes.

* * *

Criminal Background Check (*CBC*)—a fingerprint-based personal Louisiana criminal history information record for owners, applicants for employment, staff, volunteers, visitors, and independent contractors who perform services at an early learning center when children are present, obtained from the Louisiana Bureau of Criminal Identification and Information pursuant to R.S. 17:407.42, prior to March 1, 2018. A CBC is satisfactory if it shows no arrests for any crime included in R.S. 15:587.1(C), or if an arrest is shown on the CBC for any excludable offense, the CBC or documentation from the jurisdiction of arrest affirmatively shows that the charges were disposed of without a conviction. A plea of guilty or nolo contendere shall be deemed to be a conviction. Valid CBC affidavits and CBC annual letters that were issued prior to March 1, 2018 for the 2017-2018 school year shall be accepted as documentation of a satisfactory CBC.

* * *

Determination of Eligibility—determination by the department of a person's eligibility for child care purposes based on the results of a child care criminal background check (CCCBC).

DHH—Department of Health and Hospitals.

* * *

Monitor—see *bus monitors* or *monitor of a provisionally employed staff member*.

Monitor of a Provisionally Employed Staff Member—an adult staff member for whom a center has a CCCBC-based determination of eligibility for child care purposes (or prior to October 1, 2018, a satisfactory CBC), who is designated by the center to monitor a specific person or persons who are provisionally employed staff members at the center.

* * *

Provisionally Employed Staff Member—a person for whom the center has requested a CCCBC-based determination of eligibility for child care purposes, and for whom the department has received a satisfactory fingerprint-based Louisiana or federal criminal history information record, who is temporarily employed and monitored by the center pending the department's receipt of the other CCCBC results and determination of the person's eligibility for child care purposes.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.31 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:616 (April 2015), effective July 1, 2015, amended LR 41:2103 (October 2015), LR 43:638 (April 2017), LR 44:247 (February 2018), effective March 1, 2018.

Chapter 5. Ownership of Early Learning Centers

§505. Prohibitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:621 (April 2015), effective July 1, 2015, repealed LR 44:248 (February 2018), effective March 1, 2018.

§507. Criminal Background Checks for Owners

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:621 (April 2015), effective July 1, 2015, amended LR 41:2104 (October 2015), repealed LR 44:248 (February 2018), effective March 1, 2018.

§509. State Central Registry Disclosure Forms for Owners

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.41.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:622 (April 2015), effective July 1, 2015, repealed LR 44:248 (February 2018), effective March 1, 2018.

Chapter 7. Licensing Process and Procedures

§701. Initial Application Process

A. - D.2.c. …

E. Initial Licensure. A license shall be issued on a completed initial application when the following items have been met and written verification has been received by the Licensing Division:

1. - 6. …

7. licensure inspection verifying compliance with all minimum standards; and

8. CCCBC-based determination of eligibility for child care purposes from the department for all owners, operators, and staff.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.39.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:622 (April 2015), effective July 1, 2015, amended LR 41:2104 (October 2015), LR 44:248 (February 2018), effective March 1, 2018.

§703. Initial Inspection Process

A. - A.4.c. …

d. Office of Early Childhood approval, if type III center; and

e. documentation of a CCCBC-based determination of eligibility for child care purposes from the department.

B. - B.3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.39.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:623 (April 2015), effective July 1, 2015, amended LR 41:2105 (October 2015), LR 44:248 (February 2018), effective March 1, 2018.

§705. Access

A. An early learning center shall allow the Licensing Division staff access to the center, the children, all files, records, and recordings, upon request at any time during any hours of operation or any time a child is present.

B. - D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.43.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:623 (April 2015), effective July 1, 2015, amended LR 44:248 (February 2018), effective March 1, 2018.

§707. Fees

A. All fees shall be paid to the Louisiana Department of Education through its electronic payment system and are nonrefundable.

1. - 2.b. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.39 and R.S. 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:624 (April 2015), effective July 1, 2015, amended LR 44:248 (February 2018), effective March 1, 2018.

§713. Renewal and Other Inspection Procedures

A. - C.2. …

D. Licensing Deficiency Review

1. Managerial Review

a. A center may submit a written request to the Licensing Division, on a form provided by the Licensing Division, for a managerial review of the accuracy of a cited deficiency or the accuracy of a statement within a cited deficiency. The written request for a managerial review must be received by the Licensing Division within 10 calendar days of the center's receipt of the cited deficiency.

b. Management will review and respond in writing to the written request within 10 calendar days of receipt of the request.

2. Second Request for Review

a. If the cited deficiency is upheld in the managerial review, the provider may submit a written request for a second review of the deficiency within 10 calendar days of receipt of the written response the managerial review.

b. All information to be considered in the second review must be submitted in writing.

c. A licensing review panel will review the cited deficiency and provide a written response to the center within 10 calendar days of receipt of second request for review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:624 (April 2015), effective July 1, 2015, amended LR 44:249 (February 2018), effective March 1, 2018.

Chapter 11. Operating Violations and Incidents; Fines; Appeals

§1105. Identified Violations and Fines

A. For violations related to the following licensing standards, when such violation does not pose an imminent threat to the health, safety, rights, or welfare of a child, the Licensing Division may issue a written warning in lieu of revoking or refusing to renew the license:

1. …

2. CCCBC-based determination of eligibility for child care purposes (§1807);

3. child to staff ratios (§1711);

4. motor vehicle passenger checks (§2107); and

5 failure to report critical incidents (§1103).

B - C.3. ….

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:626 (April 2015), effective July 1, 2015, amended LR 41:2105 (October 2015), LR 44:249 (February 2018), effective March 1, 2018.

Chapter 13. Denial, Revocation or Non-Renewal of License

§1301. Reasons for Denial, Revocation or Refusal to Renew

A. The following is an illustrative, but not exclusive, list of reasons that an application for licensure may be denied or a license may be revoked or renewal refused:

1. - 14. …

15. any act of fraud, such as the submission of false or altered documents or information;

16. the center is closed and there are no plans for immediate reopening and no means of verifying compliance with licensing laws, regulations and minimum standards;

17. the center knowingly continues to employ or allow to be present at the center or on the center premises, a person who is ineligible for child care purposes; and

18. the owner of a center is ineligible for child care purposes and does not immediately leave the center and center premises, or returns to the center or center premises at any time when children are present, or fails to divest ownership of the center or close the center within 30 calendar days of the owner's knowledge of his/her ineligibility for child care purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.44.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:627 (April 2015), effective July 1, 2015, amended LR 41:2105 (October 2015), LR 44:249 (February 2018), effective March 1, 2018.

§1307. Appeal of Denial, Revocation or Refusal to Renew

A. - B. …

C. A center may continue to operate during the appeals unless the Licensing Division determines that the health, safety or welfare of children in care imperatively requires immediate closure of the center and incorporates that finding in its notice of revocation.

1. If a center with a revoked license is continuing to operate during its appeals process, and the Licensing Division determines that the health, safety, or welfare of the children in care is at risk due to continuing violations of licensing standards and minimum requirements or the occurrence of a critical incident, the Licensing Division may require immediate closure of the center by providing written notice of required immediate closure that includes notice of the continuing violations of licensing standards and minimum requirements or the occurrence of a critical incident. There shall be no appeal of the required immediate closure, but the appeal of the revocation of the license shall continue. If the decision to revoke the center's license is not upheld in the pending appeal, the center may reopen upon receipt of notice of such a decision.

D. - H. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.45.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:627 (April 2015), effective July 1, 2015, amended LR 41:2106 (October 2015), LR

42:554 (April 2016), LR 44:249 (February 2018), effective March 1, 2018.

Chapter 15. Minimum General Requirements and Standards

§1509. Policies

A. An early learning center shall establish in writing and implement the following policies and minimum provisions of such policies:

1. - 11.f.ii. …

12. monitoring policy for provisionally employed staff members:

a. each center shall develop and implement a written policy describing the monitoring procedures that shall be used at the center when staff members are employed on a provisional basis due to an incomplete CCCBC-based determination of eligibility for child care purposes;

b. the monitoring policy shall include all requirements for the monitoring of provisionally employed staff members set forth in §1811.D;

c. the center shall post a copy of the policy in the center in a place visible to all parents and staff;

d. the center shall provide copies of the written policy to each parent/legal custodian of enrolled children, center staff member and provisionally employed staff member, and the center shall obtain signed documentation from each that a copy of the policy has been received.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:629 (April 2015), effective July 1, 2015, amended LR 44:250 (February 2018), effective March 1, 2018.

§1515. Child Records and Cumulative Files

A. - D. …

E. An early learning center shall provide a written copy of all health-related policies established by the center, including policies regarding accidents, allergic reactions, fever, illness, immunizations, infection, and injuries, to the parent or guardian of each child attending or enrolled the early learning center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:630 (April 2015), effective July 1, 2015, amended LR 41:2106 (October 2015), LR 44:250 (February 2018), effective March 1, 2018.

Chapter 17. Minimum Staffing Requirements and Standards

§1701. Prohibitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:631 (April 2015), effective July 1, 2015, repealed LR 44:250 (February 2018), effective March 1, 2018.

§1703. Criminal Background Checks for Volunteers, Staff, Visitors and Independent Contractors

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:631 (April 2015), effective July 1, 2015, amended LR 41:2106 (October 2015), repealed LR 44:250 (February 2018), effective March 1, 2018.

§1705. State Central Registry Disclosure Forms for Volunteers and Staff

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.41.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:632 (April 2015), effective July 1, 2015, repealed LR 44:250 (February 2018), effective March 1, 2018.

§1709. Director Qualifications

A. ….

B. The director/director designee shall have documentation of at least one of the following upon date of hire as director or director designee:

1. - 5. …

6. three years of experience as a director or staff in a licensed early learning center, or comparable setting, subject to approval by the Licensing Division; plus 6 credit hours in child care, child development or early childhood education, or 90 clock hours of training in child care, child care development or early childhood approved by the licensing division. Up to 3 credit hours or 45 clock hours may be in management/administration education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1) and (3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:633 (April 2015), effective July 1, 2015, amended LR 44:250 (February 2018), effective March 1, 2018.

§1711. Child-to-Staff Minimum Ratio

A. - G.4. …

H. Rest Time—Minimum Child to Staff Ratios

1. Sufficient staffing needed to satisfy child to staff ratios shall be present on the premises during rest time and available to assist as needed.

2. Children ages one and older may be grouped together at rest time with one staff member in each room supervising the resting children.

I. - N.2. …

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:633 (April 2015), effective July 1, 2015, amended LR 43:638 (April 2017), LR 44:250 (February 2018), effective March 1, 2018.

§1713. Supervision

A. - I. …

J. Rest Time

1. If two rooms share a common doorway, one staff member may supervise the resting children in both rooms.

2. If the view of the staff supervising the children is obstructed by an object such as a low shelving unit, children shall be checked by sight by staff circulating among the resting children.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:634 (April 2015), effective July 1, 2015, amended LR 41:2107 (October 2015), LR 42:554 (April 2016), LR 44:250 (February 2018), effective March 1, 2018.

§1715. Staff Records and Personnel Files

A. Staff Members. Personnel files for each staff member shall be maintained at the center and shall include the following:

1. - 2. …

3. upon termination or resignation of employment, the last date of employment and reason for leaving; and

4. documentation of CCCBC-based determination of eligibility for child care purposes from the department.

B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:635 (April 2015), effective July 1, 2015, amended LR 44:251 (February 2018), effective March 1, 2018.

§1717. Records for Independent Contractors and Student Trainees

A. Independent Contractors. The following information shall be maintained for all independent contractors, including but not limited to therapeutic professionals, extracurricular personnel, contracted transportation drivers, Department of Education, Office of Early Childhood staff and local school district staff:

1. - 2. …

3. documentation of a CCCBC-based determination of eligibility for child care purposes from the department or documentation of the adult staff member not otherwise counted in child to staff ratios that accompanied the contractor at all times while the contractor was at the center when children were present, to include the date, contractor arrival and departure time, language stating that the contractor was accompanied by the staff member at all times while at the center when children were present, and the signature of both the contractor and the accompanying staff member.

B. Student Trainees. The following information shall be maintained for all student trainees:

1. …

2. a list of duties performed while present at the center; and

3. documentation of a CCCBC-based determination of eligibility for child care purposes from the department.

C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1), R.S. 17:407:40, and R.S. 17:407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:635 (April 2015), effective July 1, 2015, amended LR 44:251 (February 2018), effective March 1, 2018.

§1721. Continuing Education

A. Early learning centers shall provide opportunities for continuing education of staff members who are left alone with children, or who have supervisory or disciplinary authority over children.

1. Staff members of early learning centers, excluding foster grandparents, shall obtain a minimum of 12 clock hours of continuing education per center anniversary year.

B. - C. …

D. Continuing education hours shall be in the areas of:

1. - 9. …

10. first aid;

11. management/administrative education; and

12. college credit hours in child care, child development, and/or early childhood.

E. - G. …

H. Copies of certificates of completion or transcripts shall be maintained at the center and available for inspection by the licensing division upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1) and (3).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR 42:555 (April 2016), LR 44:251 (February 2018), effective March 1, 2018.

§1723. CPR and First Aid Certifications

A. …

B. Adult CPR. Fifty percent of staff members on the premises of a center and accessible to children, or at least four staff on the premises and accessible to children, whichever is less, shall have current certification in adult CPR.

C. Pediatric First Aid. Fifty percent of staff members on the premises of a center and accessible to children, or at least four staff on the premises and accessible to children, whichever is less, shall have current certification in pediatric first aid.

D. - E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 44:251 (February 2018), effective March 1, 2018.

§1725. Medication Management Training

A. - D. …

E. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:636 (April 2015), effective July 1, 2015, amended LR 44:251 (February 2018), effective March 1, 2018.

Chapter 18. Child Care Criminal Background Checks (CCCBC)

§1801. Prohibition

A. No person who has been found by the department to be ineligible for child care purposes shall own, operate or participate in the governance of an early learning center, or shall be employed by an early learning center as a volunteer, staff member, employee or independent contractor of any kind, or shall be employed by an entity identified in §1809 as an employee or contract employee that provides services in early learning centers when children are present.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43, R.S. 15:587.1, and R.S. 407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:251 (February 2018), effective March 1, 2018.

§1803. Determination of Eligibility

A. The department shall determine a person's eligibility for child care purposes based upon the results of the person's CCCBC.

B. Components of a CCCBC. A CCCBC shall include:

1. a request for a fingerprint-based search of the Louisiana criminal history information record;

2. a request for a fingerprint-based search of the federal criminal history information record;

3. a request to DCFS to search the Louisiana state central registry of child abuse and neglect;

4. a search of the Louisiana sex offender and child predator registry;

5. a search of the national sex offender registry, as required by 45 CFR 98.43(b)(2); and

6. a request for a search of the name-based state criminal history information record, state sex offender registry, and state registry of child abuse and neglect in each state where the person resided in the past five years, as required by 45 CFR 98.43.43(b)(3).

C. The department shall determine that a person is either eligible or ineligible for child care purposes.

D. The department shall provide written notice of a CCCBC-based determination of eligibility for child care purposes in the following manner:

1. to the requesting early learning center or entity identified in §1809, the determination that the person is eligible or ineligible for child care purposes only, without revealing any disqualifying crime or other related information regarding the person; and

2. to the person for whom the early learning center or entity identified in §1809 requested the determination, the determination that the person is eligible or ineligible for child care purposes; and if the person is ineligible for child care purposes, information related to each disqualifying crime or other related information regarding the person, and information about the opportunity to appeal the accuracy or completeness of the CCCBC results received by the department and used in the determination of eligibility.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43, R.S. 15:587.1, and R.S. 407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:251 (February 2018), effective March 1, 2018.

§1805. Persons Ineligible for Child Care Purposes

A. A person shall be ineligible for child care purposes if the person:

1. refuses to consent to a CCCBC-based determination of eligibility for child care purposes;

2. knowingly makes a materially false or incomplete statement in connection with the CCCBC-based determination of eligibility for child care purposes;

3. has been convicted of or plead guilty or nolo contendere to any of the crimes listed in R.S. 15:587.1(C), or those of a jurisdiction other than Louisiana which would constitute a crime under the provisions cited in R.S. 15:587.1(C); or

4. is registered or required to be registered on the Louisiana sex offender and child predator registry, any other state sex offender registry, or the national sex offender registry.

B. A person shall also be ineligible for child care purposes if upon the department's written request to DCFS after March 1, 2018, for information as to whether a person's name is on the state central registry within DCFS, the department receives written notice from DCFS that the person's name is recorded on the state central registry as a perpetrator for a justified finding of child abuse or neglect.

1. Until the required written notice is received from DCFS indicating that a person's name is recorded on the state central registry as a perpetrator for a justified finding of child abuse or neglect, the department shall not withhold a determination that a person is eligible for child care purposes, unless the results of some other component of the CCCBC require a determination of ineligibility.

C. A person may also be ineligible for child care purposes if upon the department's request for information from another state, the department receives from the state written notice that the person's name is recorded on that state's registry or repository of child abuse and neglect as having a finding of child abuse or neglect or written notice that the person is ineligible for child care purposes.

D. In addition, neither an owner, director, or director designee shall have been convicted of, or pled guilty or nolo contendere to any of the following crimes of fraud: 18 U.S.C. 287, 18 U.S.C. 1341, R.S. 14:67.11, R.S. 14:68.2, R.S. 14:70, R.S. 14:70.1, R.S. 14:70.4, R.S. 14:70.5, R.S. 14:70.7, R.S. 14:70.8, R.S. 14:71, R.S. 14:71.1, R.S. 14:71.3, R.S. 14:72, R.S. 14:72.1, R.S. 14:72.1.1, R.S. 14:72.4, R.S. 14:72.5, R.S. 14:73.5, and R.S. 14:133.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43, R.S. 15:587.1, and R.S. 407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:252 (February 2018), effective March 1, 2018.

§1807. CCCBC-Based Determinations of Eligibility for Child Care Purposes Required for Owners, Volunteers, Staff, Visitors and Contractors of Early Learning Centers

A. Owners. An early learning center shall obtain a CCCBC-based determination of eligibility for child care purposes from the department for each owner prior to submitting an initial application for licensure and shall provide documentation of said determination for each owner with an initial application for licensure. The center shall have documentation of said determinations available at all times for inspection upon request by the Licensing Division.

1. New Members or Owners. An early learning center shall obtain a CCCBC-based determination of eligibility for child care purposes from the department for new members or owners that are to be added to a partnership, church, corporation, limited liability company or governmental entity, even if such change does not constitute a change in ownership for licensing purposes, in the same manner as for original owners and members.

2. Affidavit. If a person owns less than a 25 percent share in the ownership or management of an early learning center and does not meet one or more of the criteria listed in §503.A.5.b, said person may submit a signed, notarized affidavit to the center in lieu of providing a CCCBC-based determination of eligibility. The affidavit shall certify that the person has less than a 25 percent share in the ownership or management of the center and does not meet any of the criteria listed in §503.A.5.b.

B. Volunteers and Staff. An early learning center shall obtain a CCCBC-based determination of eligibility for child care purposes from the department for each volunteer, staff member, or employee of any kind, and shall have documentation of said determination available at all times for inspection upon request by the Licensing Division.

C. Visitors and Contractors. An early learning center shall obtain a CCCBC-based determination of eligibility for child care purposes from the department for each visitor or

independent contractor of any kind, and shall have documentation of said determination available at all times for inspection upon request by the licensing division, unless the visitor or independent contractor, other than *therapeutic professionals* as defined in §103, will be accompanied at all times while at the center when children are present, by an adult staff member who is not being counted in child-to-staff ratios. The center shall have documentation of said determination of eligibility, or documentation of the accompanying staff member, available at all times for inspection upon request by the Licensing Division.

1. Documentation of the adult staff member not otherwise counted in child to staff ratios who accompanied a visitor or independent contractor shall include the date, arrival and departure time of the visitor or contractor, language stating that the visitor or contractor was accompanied by the staff member at all times while at the center when children were present, and the signature of both the contractor and the accompanying staff member.

D. Parents or Legal Custodians, Grandparents, Siblings

1. Parents or legal custodians of an enrolled child, or other persons authorized in writing by the parents to pick up their child, who are only bringing a child to or picking up a child from an early learning center are not required to have a CCCBC-based determination of eligibility for child care purposes.

2. Parents or legal custodians, grandparents, siblings and other relatives of an enrolled child who are attending a function at the center where center staff will be present and supervising all children are not required to have a CCCBC-based determination of eligibility for child care purposes.

E. Court-Appointed Special Advocate. A court-appointed special advocate (CASA volunteer) shall submit to an early learning center his or her CASA volunteer order of assignment that is signed by a juvenile court judge and the CASA volunteer, and it shall be accepted by the center as documentation of eligibility for child care purposes for the CASA volunteer pursuant to *Louisiana Children's Code*, art. 424.1(D).

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43, R.S. 15:587.1, and R.S. 407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:252 (February 2018), effective March 1, 2018.

§1809. CCCBC-Based Determinations of Eligibility for Child Care Purposes Required for Persons Providing Services in Early Learning Centers

A. The following entities shall obtain a CCCBC-based determination of eligibility for child care purposes from the department for any of their employees or contract employees that provide services in early learning centers when children are present:

1. local educational agencies that provide services to children in early learning centers, for their school and contract employees who provide these services in early learning centers;

2. resource and referral agencies that are approved by BESE and under contract with the department to provide services to early learning center employees, for their employees and contract employees that provide these services in early learning centers;

3. entities approved by BESE and under contract with the department to provide state mental health consultations in early learning centers, for their employees and contract employees providing these services in early learning centers;

4. teacher preparation programs approved by BESE, for their employees, contract employees and enrolled students that are required to be present in early learning centers;

5. accredited Louisiana universities, for therapeutic program faculty and enrolled students that are required to be in early learning centers;

6. lead agencies approved by BESE and under contract with the department to provide services in early learning centers, for their employees and contract employees providing these services in early learning centers;

7. Louisiana Department of Health, which provides IDEA, part C services for children in early learning centers, for its employees and contract employees providing these services in early learning centers;

8. third-party contractors approved by BESE and under contract with the department to provide services in early learning centers, for their employees and contract employees providing these services in early learning centers;

9. entities approved by the department that provide services in early learning centers, for owners and employees of the entity providing services in early learning centers; and

10. the department, which provides services in early learning centers, for its employees and contract employees providing services in early learning centers.

B. Each entity shall have documentation for each required person in Subsection A that allows an early learning center to verify the person's CCCBC-based determination of eligibility for child care purposes.

C. Persons approved by the department who provide services in, or require access to, early learning centers shall obtain a CCCBC-based determination of eligibility for child care purposes from the department.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43, R.S. 15:587.1, and R.S. 407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:253 (February 2018), effective March 1, 2018.

§1811. Requests for CCCBC-Based Determinations of Eligibility for Child Care Purposes from the Department

A. An early learning center or an entity identified in §1809 shall request and obtain from the department a new CCCBC-based determination of eligibility for child care purposes for each required person:

1. prior to the person being present or performing services at the center when children are present; and

2. not less than once during a five-year period.

B. An early learning center or an entity identified in §1809 shall not be required to request and obtain from the department a new CCCBC-based determination of eligibility for child care purposes for a required person, and instead shall be able to request and obtain from the department the person's CCCBC-based determination of eligibility provided to another in-state child care provider or entity identified in §1809, if:

1. a child care provider within the state or an entity requested and obtained a CCCBC-based determination of eligibility for child care purposes from the department for the person within the past five years, while the person was seeking employment or employed by a in-state child care

provider or seeking to provide or providing services at an early learning center in Louisiana for an entity;

2. the department provided to the initial requesting child care provider or entity a CCCBC-based determination indicating the person was eligible for child care purposes; and

3. the person is still employed by a child care provider within the state, or is still providing services in an early learning center within the state for an entity, or has been separated from a child care provider within the state or an entity for less than 180 consecutive days.

C. Electronic fingerprints shall be used in parishes where they are available.

D. Provisional Employment for Staff Members of Early Learning Centers

1. A center may provisionally employ as a staff member, a person for whom it has requested a CCCBC-based determination of eligibility for child care purposes, and for whom the department has received a satisfactory fingerprint-based Louisiana or federal criminal history information record, pending the department's receipt of the other CCCBC results and determination of the person's eligibility for child care purposes.

2. A provisionally-employed staff member may be counted in child to staff ratios, but must be monitored at all times in accordance with the following.

a. A monitor of a provisionally-employed staff member must be an adult staff member for whom the center has a CCCBC-based determination of eligibility for child care purposes, (or prior to October 1, 2018, a satisfactory CBC), who is designated by the center to monitor a specific provisionally-employed staff member.

b. The center must designate a monitor for each provisionally-employed staff member present at the center.

c. The monitor shall be physically present at the center at all times when the provisionally-employed staff member is present at the center.

d. Monitors must remain within close enough physical proximity of their designated provisionally-employed staff members to be able intervene at any time if intervention is needed.

e. A monitor shall perform at least one visual observation of each designated provisionally-employed staff member every 30 minutes.

f. The center may designate one monitor for up to a maximum of five provisionally-employed staff members at any given time.

g. At least one monitor must be physically present at all times in any room during naptimes if a provisionally-employed staff member is present.

3. The center shall have a log or other written documentation of the monitoring of provisionally-employed staff members that identifies each provisionally-employed staff member, the designated monitor for each, and the times of the visual observations.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43, R.S. 15:587.1, and R.S. 407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:253 (February 2018), effective March 1, 2018.

§1813. Transitional Provisions for Newly Required CCCBC-Based Determinations of Eligibility

A. CBCs and CCCBCs

1. Prior to March 1, 2018, an early learning center was required to obtain a criminal background check (CBC) from the Louisiana bureau for all owners, volunteers, staff members, employees, and independent contractors of any kind, and entities identified in §1809 were required to obtain either a right to review or a CBC for any of their employees and contract employees that provided services in early learning centers when children were present.

2. Effective March 1, 2018, an early learning center must obtain a child care criminal background check (CCCBC)-based determination of eligibility for child care purposes from the department for all owners, volunteers, staff members, employees, and independent contractors of any kind, and an entity identified in §1809 must obtain a CCCBC-based determination of eligibility for child care purposes from the department for any of its employees and contract employees that provide services in early learning centers when children are present.

B. New Hires and Others for whom a Center or an Entity Identified in §1809 Does Not Have an Existing Satisfactory CBC on March 1, 2018

1. An early learning center shall obtain a CCCBC-based determination of eligibility for child care purposes from the department for each owner, operator, volunteer, staff member, employee, visitor and independent contractor, and applicants for such positions, for whom the center does not have a satisfactory criminal background check on March 1, 2018, prior to the person being present or performing services in the center when children are present.

2. An entity identified in §1809 shall obtain a new CCCBC-based determination of eligibility for child care purposes from the department for each employee and contract employee who provides services in early learning centers when children are present for whom the entity does not have a satisfactory CBC on March 1, 2018, prior to the person being present or performing services at an early learning center when children are present

C. Existing Owners, Staff and Others for whom an Early Learning Center Has an Existing Satisfactory CBC on March 1, 2018

1. An early learning center that has an existing satisfactory CBC on March 1, 2018, for persons who are continuing to provide services at the center, shall be required to request a new CCCBC-based determination of eligibility for child care purposes from the department for such persons by submitting a request to the department and having the person for whom it is requested submit fingerprints to the Louisiana bureau within the following time periods and categories:

a. between April 1 and May 31, 2018 for all owners, operators, directors, director designees and staff in charge of any early learning center;

b. between May 1 and June 30, 2018 for any volunteers and staff members employed at the center for five or more years;

c. between June 1 and July 31, 2018 for any volunteers and staff members employed at the center

between two and five years, and all visitors and independent contractors, including those independent contractors with CBC affidavits and CBC annual letters issued prior to March 1, 2018 for the 2017-2018 school year;

d. between July 1 and August 31, 2018 for any volunteers and staff members employed at the center for two years or less.

2. A center's existing, satisfactory CBC on March 1, 2018, for a person who is continuing to provide services to the center, shall remain valid until the center receives the new CCCBC-based determination of eligibility for child care purposes for the person or until October 1, 2018, whichever is earlier, provided the center has timely submitted a request to the department for a new determination of eligibility and the person for whom it was requested has timely submitted his fingerprints to the Louisiana bureau.

D. Existing Employees and Contract Employees for whom an Entity Identified in §1809 has an Existing Satisfactory CBC on March 1, 2018

1. An entity identified in §1809 that has an existing satisfactory CBC on March 1, 2018 for persons who are continuing to provide services in early learning centers when children are present, shall be required to request new CCCBC-based determination of eligibility for child care purposes from the department for such persons by submitting a request to the department and having the person for whom it is requested submit fingerprints to the Louisiana bureau between June 1, 2018 and July 31, 2018.

2. An entity's existing, satisfactory CBC on March 1, 2018, for a person who is continuing to provide services in early learning centers when children are present, shall remain valid until the entity receives the new CCCBC-based determination of eligibility for child care purposes for the person or until October 1, 2018, whichever is earlier, provided the entity has timely submitted a request to the department for a determination of eligibility and the person for whom it was requested has timely submitted his fingerprints to the Louisiana bureau.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43, R.S. 15:587.1, and R.S. 407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:254 (February 2018), effective March 1, 2018.

§1815. Fees for CCCBC-Based Determinations of Eligibility for Child Care Purposes

A. All fees required to be paid to the Louisiana Department of Education shall be paid through its electronic payment system and are nonrefundable.

B. The department shall charge and collect a $15 processing fee when it receives a request for a CCCBC-based determination of eligibility for child care purposes.

C. The department may also collect on behalf of the respective agencies the processing fees charged by DCFS for a search of its state central registry of child abuse and neglect, the bureau of criminal identification and information for a state criminal history report, the Federal Bureau of Investigation for a federal criminal history information report, the national crime information center for a search of the national sex offender registry, and processing fees charged by other states, when it receives a request for a CCCBC-based determination of eligibility for child care purposes.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43, R.S. 15:587.1, and R.S. 407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:255 (February 2018), effective March 1, 2018.

§1817. Reporting Requirements

A. An early learning center or an entity identified in §1809 shall provide written notice to the licensing division within 24 hours of receipt of notice of, or upon becoming aware of, any of the occurrences listed in Subsection A for an owner, volunteer, staff member, employee or independent contractor of the early learning center, or an employee or contract employee of an entity identified in §1809 that provides services in early learning centers when children are present:

1. final conviction or a plea of nolo contendere to any of the crimes listed in R.S. 15:587.1(C), or those of a jurisdiction other than Louisiana which would constitute a crime under the provisions cited in R.S. 15:587.1(C);

2. becoming registered or required to register on the Louisiana sex offender and child predator registry, any other state sex offender registry, or the national sex offender registry; or

3. having name recorded on the Louisiana state central registry of child abuse and neglect or any other state registry of child abuse and neglect.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43, R.S. 15:587.1, and R.S. 407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:255 (February 2018), effective March 1, 2018.

§1819. Termination of Employment and Removal from Center and Premises

A. Early Learning Center. Upon receipt of notice from the department that a person is ineligible for child care purposes, for an employee, volunteer, staff member or independent contractor of an early learning center, the center shall immediately remove the person from the center and center premises, and if the person is employed by the center, terminate the employment of the person.

B. Owner of Early Learning Centers. Upon receipt of notice from the department that he or she is ineligible for child care purposes, the owner of a center shall immediately leave the center and premises and shall not return to the center or premises at any time when children are present, and shall divest of ownership of the center, or close the center, within 30 calendar days of receipt of said notice.

C. Entity Identified §1809. Upon receipt of notice from the department that a person is ineligible for child care purposes, for an employee or contract employee of an entity identified in §1809 that provides services in early learning centers when children are present, the entity shall immediately notify any early learning center at which the employee or contract employee is providing services and shall prohibit the employee from providing future services on the entity's behalf in any early learning centers.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43, R.S. 15:587.1, and R.S. 407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:255 (February 2018), effective March 1, 2018.

§1821. Appeal of Accuracy or Completeness of CCCBC Results

A. A person who has received a notice of ineligibility (NOI) for child care purposes from the department may appeal the accuracy or completeness of the CCCBC results received and used by the department to determine the person's ineligibility.

B. A person appealing the accuracy or completeness of the CCCBC results shall remain ineligible during the appeals process.

C. Request for Appeal of Accuracy or Completion of CCCBC Results

1. A request for such an appeal must be submitted in writing to the department, in a form provided by the department, within 45 calendar days of the date of issuance of the NOI.

2. To be sufficient, a request for appeal:

a. must contain written reasons that identify the specific information provided in the NOI that is believed to be inaccurate or incomplete; and

b. should include official information and/or documentation of the accurate and/or complete information, if available.

3. Upon receipt of a request for appeal, the department shall determine whether the request is sufficient or insufficient, and shall notify the requestor in writing accordingly.

D. Review of Appeal

1. If the request for an appeal is sufficient, and no further information or documentation is required, the department shall complete the review of the appeal information and/or documentation and render a final written decision within 30 calendar days of receipt of the request for appeal.

2. If the request for an appeal is sufficient, but additional information and/or documentation is required to complete the appeal, the department shall notify the requestor in writing, and the requestor shall have 45 calendar days from the date of the request to provide the information and/or documentation.

a. If the required information and/or documentation is not received within the 45 days, the appeal may be denied for insufficiency of information and/or documentation.

b. If the required information and/or documentation is received within 45 days, the department shall complete the review of the appeal information and/or documentation and render a final written decision within 30 calendar days of receipt of the required information and/or documentation or receipt of required information and/or documentation requested by the department on behalf of the requestor.

E. Result of Appeal

1. If as a result of the appeal process, the requestor's CCCBC results are revised, and based on the revised CCCBC results, the department determines the requestor is eligible for child care purposes, the department shall notify the appeal requestor and the original requesting early learning center or entity identified in §1809 that the requestor is eligible for child care purposes by sending a notice of eligibility for child care purposes to both.

a. The notice of eligibility shall be valid from the date of issuance. The expiration date shall be five years from the date the original NOI was sent to the requestor and the requesting early learning center or entity identified in §1809.

2. If the appeals process does not result in a revision of the CCCBC results, or if it results in a revision to the CCCBC results, but based on the revised results, the requestor is still ineligible for child care purposes, the department shall notify the requestor in writing that the appeal is denied and that the determination of ineligibility remains in effect.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 98.43, R.S. 15:587.1, and R.S. 407.42.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:256 (February 2018), effective March 1, 2018.

Chapter 19. Minimum Health, Safety, and Environment Requirements and Standards

§1903. Physical Environment

A. - A.2. …

B. Physical Separation. An early learning center, except one located in a church or school, shall be physically separated from any other facility, dwelling, business, or enterprise, thereby preventing unauthorized access to children in care.

C. - E.6. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:637 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR 44:256 (February 2018), effective March 1, 2018.

§1907. Furnishings and Equipment

A. - A.2. …

B. Eating Practices

1. - 2. …

3. Any time feeding tables are used, children's feet must be able to rest comfortably on a footrest.

4. …

C. - F.5. …

G. All furniture shall be developmentally appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:638 (April 2015), effective July 1, 2015, amended LR 41:2108 (October 2015), LR 44:256 (February 2018), effective March 1, 2018.

§1909. Safe Sleep Practices

A. - H. …

I. A safety approved crib shall be available for each infant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:638 (April 2015), effective July 1, 2015, amended LR 44:256 (February 2018), effective March 1, 2018.

§1919. Food Service and Nutrition

A. - C. …

D. A minimum of a breakfast or morning snack, lunch, and afternoon snack shall be served to children, and meals and snacks shall be served not more than three hours apart.

1. - 3. …

4. Food shall be given to children on individual plates, cups, napkins, or paper towels, as appropriate, and individual utensils shall be provided, as appropriate.

5. …

E. - I. …

J. Bottled formula/breast milk for infants shall be labeled with the child's name.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(4).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:640 (April 2015), effective July 1, 2015, amended LR 44:257 (February 2018), effective March 1, 2018.

Chapter 21. Minimum Transportation Requirements and Standards

§2103. Daily Transportation (Contract or Center Provided)

A. - C. …

D. Vehicle Staff

1. - 2. …

3. At least one staff member on the vehicle and accessible to children shall have current certification in infant and child CPR.

E. Master Transportation Log

1. …

2. Each driver or bus monitor, whether provided by the center or through a contractor, shall be provided a current master transportation log.

F. Passenger Log

1. …

2. The log shall be maintained on file at the center and a copy shall be provided to the driver or bus monitor.

3. - 3.g. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:407.40(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:642 (April 2015), effective July 1, 2015, amended LR 42:556 (April 2016), LR 44:257 (February 2018), effective March 1, 2018.

Shan N. Davis
Executive Director

1802#002

RULE

Board of Elementary and Secondary Education

Bulletin 139—Louisiana Child Care and Development Fund Programs
(LAC 28:CLXV.103, 309, 310, 311, 313, 315, 505, 509, 513, and 521)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 139—Louisiana Child Care and Development Fund Programs*: §103, Definitions; §309, Specific Certification and Registration Requirements for Family Child Care Providers; §310, Child Care Criminal Background Checks (CCCBCs) for Family Child Care Providers and In-Home Child Care Providers; §311, Specific Certification Requirements for In-Home Child Care Providers; §313, Specific Certification Requirements for Public School and BESE-approved Nonpublic School Child Care Centers; §315, Specific Certification Requirements for Military Child Care Centers; §505, Households Categorically Eligible for CCAP; §509, Certification Requirements for Non-Categorically Eligible Households; §513, Prioritization of Funding and Waiting List; and §521, Recovery of Payments Made on Behalf of Ineligible Households. The amendments update policy to align with recently enacted state and federal legislation. This Rule is hereby adopted on the day of promulgation, to be effective March 1, 2018.

Title 28
EDUCATION

Part CLXV. Bulletin 139—Louisiana Child Care and Development Fund Programs

Chapter 1. Child Care Assistance Program

§103. Definitions

* * *

CCCBC—child care criminal background check.

* * *

Child Care Criminal Background Check (*CCCBC*)—information received by the department upon request for information pursuant to requirements set forth in R.S. 17:407.71 and 45 CFR 98.43(b).

* * *

Child Care Purposes—for home-based providers, child care purposes include being a family child care provider, an adult employed in the residence or on the property of the residence or an adult living in the residence where child care is being provided by a family child care provider; being an in-home child care provider, an adult employed in the home or on the property where care is being provided by an in-home provider, or being a non-caregiver adult living in the home where care is provided by an in-home provider; or being any person present in either type of home or property when one or more children are in care and not expressly exempt from the requirements for a CCCBC-based determination of eligibility for child care purposes.

* * *

Criminal Background Check (*CBC*)—a fingerprint-based personal Louisiana criminal history information record obtained from the Louisiana Bureau of Criminal Identification and Information pursuant to R.S. 17:407.71. A CBC is satisfactory if it shows no arrests for any crime included in R.S. 15:587.1(C), or if an arrest is shown on the CBC for any excludable offense, the CBC or documentation from the jurisdiction of arrest affirmatively shows that the charges were disposed of without a conviction. A plea of guilty or nolo contendere shall be deemed to be a conviction.

* * *

Determination of Eligibility—determination by the department of a person's eligibility for child care purposes based on the results of a child care criminal background check (CCCBC).

* * *

Improper Payments—any payment that should not have been made or that was made in an incorrect amount

(including underpayments or overpayments) under statutory, contractual, administrative, or other legally applicable requirements; and includes any payment to an ineligible recipient, any payment for an ineligible service, any duplicate payment and any payment for a service not received.

* * *

Special Needs Child Care—for the purpose of CCAP daily rates, child care for a child through age 17 who has a current individualized family services plan (IFSP) or individual education plan (IEP) in accordance with the Individuals with Disabilities Education Act (IDEA) or who receives supplemental security income (SSI). Incentive payments up to 26 percent higher than the regular rates can be allowed for special needs child care. For children qualifying for the special needs child care rate, child care teachers shall be invited to participate in the IEP or IFSP team.

* * *

AUTHORITY NOTE: Promulgated in accordance with 45 CFR part 98 and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2109 (October 2015), amended LR 42:42 (January 2016), LR 42:1870 (November 2016), LR 43:1279 (July 2017), LR 44:257 (February 2018), effective March 1, 2018.

Chapter 3. CCAP Provider Certification

§309. Specific Certification and Registration Requirements for Family Child Care Providers

A. To be certified as a CCAP provider, in addition to the requirements in §305 of this Part, a family child care provider must meet the following requirements, which include but are not limited to the requirements for registration as a family child care provider pursuant to R.S. 17:407.61 et seq.

1. - 5. …

6. Determination of Eligibility for Child Care Purposes. Provide documentation of a CCCBC-based determination of eligibility for child care purposes by the department for required persons in compliance with §310 of this Part.

7. Louisiana Sex Offender and Child Predator Registry. Annually check Louisiana sex offender and child predator registry to determine if the name of any of the persons required to obtain a CCCBC-based determination of eligibility for child care purposes is recorded on the registry.

A.8. - B. …

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98.43, R.S. 15:587.1, and R.S. 17:407.71.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2111 (October 2015), amended LR 42:2173 (December 2016), LR 43:1279 (July 2017), LR 44:258 (February 2018), effective March 1, 2018.

§310. Child Care Criminal Background Checks (CCCBCs) for Family Child Care Providers and In-Home Child Care Providers

A. Determination of Eligibility

1. The department shall determine a person's eligibility for child care purposes based upon the results of the person's CCCBC.

2. Components of a CCCBC. A CCCBC shall include:

a. a request for a fingerprint-based search of the Louisiana criminal history information record;

b. a request for a fingerprint-based search of the federal criminal history information record;

c. a request to DCFS to search the state central registry of child abuse and neglect;

d. a search of the Louisiana sex offender and child predator registry;

e. a search of the national sex offender registry, as required by 45 CFR 98.43(b)(2); and

f. a request for a search of the name-based state criminal history information record, state offender registry, and state registry of child abuse and neglect in each state where the person resided in the past five years, as required by 45 CFR 98.43.43(b)(3).

3. The department shall determine that a person is either eligible or ineligible for child care purposes.

4. The department shall provide written notice of a CCCBC-based determination of eligibility for child care purposes in the following manner:

a. to the requesting home-based provider, the determination that the person is eligible or ineligible for child care purposes only, without revealing any disqualifying crime or other related information regarding the person; and

b. to the person for whom the home-based provider requested the determination of eligibility, the determination that the person is eligible or ineligible for child care purposes; and if the person is ineligible for child care purposes, information related to each disqualifying crime or other related information regarding the person and information about the opportunity to appeal the accuracy or completeness of the CCCBC results received by the department and used in the determination of eligibility.

B. Persons Ineligible for Child Care Purposes

1. A person shall be ineligible for child care purposes if the person:

a. refuses to consent to a CCCBC-based determination of eligibility for child care purposes;

b. knowingly makes a materially false or incomplete statement in connection with the CCCBC-based determination of eligibility for child care purposes;

c. has been convicted of or plead guilty or nolo contendere to any of the crimes listed in. R.S. 15:587.1(C), or those of a jurisdiction other than Louisiana which would constitute a crime under the provisions cited in R.S. 15:587.1(C); or

d. is registered or required to be registered on the Louisiana sex offender and child predator registry, any other state sex offender registry, or the national sex offender registry.

2. A person shall also be ineligible for child care purposes if upon the department's written request to DCFS after March 1, 2018, for information as to whether a person's name is on the state central registry within DCFS, the department receives written notice from DCFS that the person's name is recorded on the state central registry as a perpetrator for a justified finding of child abuse or neglect.

a. Until the required written notice is received from DCFS indicating that a person's name is recorded on the state central registry as a perpetrator for a justified finding of child abuse or neglect, the department shall not withhold a determination that a person is eligible for child care purposes, unless the results of some other component of the person's CCCBC require a determination of ineligibility.

3. A person may also be ineligible for child care purposes if upon the department's request for information from another state, the department receives from the state written notice that the person's name is recorded on that state's registry or repository of child abuse and neglect as having a finding of child abuse or neglect or written notice that the person is ineligible for child care purposes.

C. Persons for Whom Home-Based Providers are Required to Obtain a CCCBC-Based Determinations of Eligibility for Child Care Purposes

1. Family Child Care Providers. A family child care provider shall obtain a CCCBC-based determination of eligibility for child care purposes from the department for the following required persons:

a. the provider;

b. all adults employed in the home or on the property of the home where care is provided;

c. all adults living in the residence where care is provided; and

d. any other person in the home or on the premises when one or more children in care are present, who is not a household designee for a child in care at the home.

2. In-Home Child Care Providers. An in-home child care provider shall obtain a CCCBC-based determination of eligibility for child care purposes from the department for the following required persons:

a. the provider;

b. all adults employed in the home or on the property of the home where care is provided;

c. all non-caregiver adults living in the home where care is provided; and

d. any other person in the home or on the premises when one or more children in care are present, who is not a household designee for a child in care at the home and who is not a caregiver who is exempt from the requirement of having a CCCBC-based determination of eligibility for child care purposes. *Caregivers*, as defined in §103 of this bulletin, who are living in the home, are exempt from the requirement of having a CCCBC-based determination of eligibility for child care purposes.

D. Requests by Home-based Providers for CCCBC-Based Determinations of Eligibility for Child Care Purposes from the Department

1. A home-based provider shall request and obtain from the department a new CCCBC-based determination of eligibility for child care purposes for each required person in Subsection C of this Section:

a. prior to the home-based provider being certified as a CCAP provider;

b. prior to the person being present at the home or on the premises of the home when children in care are present; and

c. not less than once during a five-year period.

2. A home-based provider shall not be required to request and obtain from the department a new CCCBC-based determination of eligibility for child care purposes for a required person, and instead shall be able to request and obtain from the department the person's CCCBC-based determination of eligibility provided to another in-state child care provider or entity identified in §1809 of Bulletin 137, if:

a. a child care provider or entity within the state requested and obtained a CCCBC-based determination of eligibility for child care purposes from the department for the person within the past five years, while the person was employed with or seeking employment with that child care provider or entity; and

b. the department provided to the initial requesting child care provider or entity a CCCBC-based determination indicating the person was eligible for child care purposes; and

c. the person is still employed by a child care provider or entity within the state, or has been separated from a child care provider or entity within the state for less than 180 consecutive days.

3. Electronic fingerprints shall be used in parishes where they are available.

E. Transitional Provisions for Newly Required CCCBC-Based Determinations of Eligibility

1. CBCs and CCCBCs

a. Prior to March 1, 2018, home-based providers were required to obtain a criminal background check (CBC) from the Louisiana Bureau for each required person.

b. Effective March 1, 2018, home-based providers must obtain a child care criminal background check (CCCBC) -based determination of eligibility for child care purposes from the department for each required person.

2. New Hires and Other Required Persons for whom a Home-Based Provider does not have an Existing Satisfactory CBC on March 1, 2018

a. A home-based provider shall obtain a CCCBC-based determination of eligibility for child care purposes from the department for each required person in Subsection C of this Section for whom the center does not have a satisfactory CBC on March 1, 2018, prior to the person being present or performing services in the home or residence or on the property when children in care are present.

3. Existing Required Persons for whom a Provider has an Existing, Satisfactory CBC on March 1, 2018

a. A home-based provider that has an existing satisfactory CBC on March 1, 2018, for a required persons in Subsection C of this Section shall be required to request a CCCBC-based determination of eligibility for child care purposes from the department for such persons by submitting a request to the department and having the person for whom it is requested submit fingerprints to the bureau at the time of home-based provider's next renewal of certification or before August 1, 2018, whichever occurs first.

b. A home-based provider's existing, satisfactory CBC on March 1, 2018, for a required person who is continuing to provide services or be present at the home or residence or on the property, shall remain valid until the provider receives the new CCCBC-based determination of eligibility for child care purpose for the person, or until October 1, 2018, whichever is earlier, provided the provider has timely submitted a request to the department for a new

determination of eligibility and the person for whom it was requested has timely submitted his fingerprints to the bureau.

F. Fees for CCCBC-Based Determinations of Eligibility for Child Care Purposes

1. All fees required to be paid to the Louisiana Department of Education shall be paid through its electronic payment system and are nonrefundable.

2. The department shall charge and collect a $15 processing fee when it receives a request for a CCCBC-based determination of eligibility for child care purposes.

3. The department may also collect on behalf of the respective agencies the processing fees charged by DCFS for a search of its state central registry of child abuse and neglect, the Bureau of Criminal Identification and Information for a state criminal history report, the Federal Bureau of Investigation for a federal criminal history information report, the National Crime Information Center for a search of the national sex offender registry, and processing fees charged by other states, when it receives a request for a CCCBC-based determination of eligibility for a child care purposes.

G. Appeal of Accuracy or Completeness of CCCBC Results for Home-Based Providers

1. A person who has received a notice of ineligibility (NOI) for child care purposes from the department may appeal the accuracy or completeness of the CCCBC results received and used by the department to determine the person's ineligibility.

2. A person appealing the accuracy or completeness of the CCCBC results shall remain ineligible during the appeals process.

3. Request for Appeal of Accuracy or Completion of CCCBC Results

a. A request for such an appeal must be submitted in writing to the department, in a form provided by the department, within 45 calendar days of the date of issuance of the NOI.

b. To be sufficient, a request for appeal:

i. must contain written reasons that identify the specific information provided in the NOI that is believed to be inaccurate or incomplete; and

ii. should include official information and/or documentation of the accurate and/or complete information, if available.

c. Upon receipt of a request for appeal, the department shall determine whether the request is sufficient or insufficient, and shall notify the requestor in writing accordingly.

4. Review of Appeal

a. If the request for an appeal is sufficient, and no further information or documentation is required, the department shall complete the review of the appeal information and/or documentation and render a final written decision within 30 calendar days of receipt of the request for appeal.

b. If the request for an appeal is sufficient, but additional information and/or documentation is required to complete the appeal, the department shall notify the requestor in writing, and the requestor shall have 45 calendar days from the date of the request to provide the information and/or documentation.

i. If the required information and/or documentation is not received within the 45 days, the appeal may be denied for insufficiency of information and/or documentation.

ii. If the required information and/or documentation is received within 45 days, the department shall complete the review of the appeal information and/or documentation and render a final written decision within 30 calendar days of receipt of the required information and/or documentation or receipt of required information and/or documentation requested by the department on behalf of the requestor.

5. Result of Appeal

a. If as a result of the appeal process, the requestor's CCCBC results are revised, and based on the revised CCCBC results, the department determines the requestor is eligible for child care purposes, the department shall notify the appeal requestor and the original requesting home-based provider that the requestor is eligible for child care purposes by sending a notice of eligibility for child care purposes to both.

i. The notice of eligibility shall be valid from the date of issuance. The expiration date shall be five years from the date the original NOI was sent to the requestor and the requesting home-based provider.

b. If the appeals process does not result in a revision of the CCCBC results, or if it results in a revision to the CCCBC results, but based on the revised results, the requestor is still ineligible for child care purposes, the department shall notify the requestor in writing that the appeal is denied and that the determination of ineligibility remains in effect.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98.43, R.S. 15:587.1, and R.S. 17:407.71.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:258 (February 2018), effective March 1, 2018.

§311. Specific Certification Requirements for In-Home Child Care Providers

A. To be certified as a CCAP provider, in addition to the requirements in §305, an in-home care provider must meet the following requirements which include, but are not limited to, the requirements for registration as an in-home provider pursuant to R.S. 17:407.61 et seq.

1. - 4. …

5. Determination of Eligibility for Child Care Purposes. Provide documentation of a CCCBC-based determination of eligibility for child care purposes by the department for required persons in compliance with §310 of this Part;

6. Louisiana Sex Offender Sex Offender and Child Predator. Annually check Louisiana sex offender and child predator registry to determine if the name of any of the persons required to obtain a CCCBC-based determination of eligibility for child care purposes is recorded on the registry.

A.7. - B. …

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98.43, R.S. 15:587.1, and R.S. 17:407.71.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2112 (October 2015), amended LR 42:2174 (December 2016), LR 43:1280 (July 2017), LR 44:260 (February 2018), effective March 1, 2018.

§313. Specific Certification Requirements for Public School and BESE-Approved Nonpublic School Child Care Centers

A. - E. …

F. Determination of eligibility for child care purposes. Provide documentation of a CCCBC-based determination of eligibility for child care purposes by the department in compliance with Chapter 18 of *Bulletin 137—Louisiana Early Learning Center Licensing Regulations.*

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98 and R.S. 17:407.26.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2113 (October 2015), amended LR 42:2174 (December 2016), LR 44:261 (February 2018), effective March 1, 2018.

§315. Specific Certification Requirements for Military Child Care Centers

A. To be certified as a CCAP provider, a military child care center must meet the requirements in §305, have a valid child care license issued by the U.S. Department of Defense, and provide documentation of a CCCBC-based determination of eligibility for child care purposes by the department in compliance with Chapter 18 of *Bulletin 137—Louisiana Early Learning Center Licensing Regulations.*

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98.43, R.S. 15:587.1, and R.S. 17:407.71.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2113 (October 2015), amended LR 44:261 (February 2018), effective March 1, 2018.

Chapter 5. CCAP Household Eligibility

§505. Households Categorically Eligible for CCAP

A. Households are categorically eligible for CCAP if they have household members who are:

1. recipients of Family Independence Temporary Assistance Program (FITAP) who are participating in the Strategies to Empower People (STEP) Program; or

2. children in foster care.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2115 (October 2015), amended LR 42:43 (January 2016), LR 44:261 (February 2018), effective March 1, 2018.

§509. Certification Requirements for Non-Categorically Eligible Households

A. To be certified as a CCAP household, households that are not categorically eligible for participation in CCAP must meet the following requirements:

1. - 3.b.ix. …

4. provide the information and documentation necessary for determining the household eligibility and the amount of the monthly CCAP payment to be made to the provider; and

EXCEPTION: if a household is experiencing homelessness, the household shall have 90 calendar days from the date of its initial determination of eligibility to submit documentation supporting the initial determination of eligibility.

5. - 5.e. …

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99 and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:43 (January 2016), amended LR 42:2175 (December 2016), LR 44:261 (February 2018), effective March 1, 2018.

§513. Prioritization of Funding and Waiting List [Formerly §509]

A. Prioritization. A household shall be prioritized for funding if the household has members who are:

1. recipients of Family Independence Temporary Assistance Program (FITAP) who are participating in the Strategies to Empower People (STEP) Program;

2. children in foster care;

3. children requiring special needs care, as special needs care in defined in §103 of this bulletin;

4. children experiencing homelessness;

5. children actively participating in an early head start-child care partnership (EHS-CCP).

B. Prioritized households shall be funded and not added to the waiting list.

C. Waiting List. A statewide waiting list of eligible households shall be established and maintained. Households added to the waiting list shall be added in chronological order based on the date the household's completed application is received by the department. As slots become available, the household that has been on the waiting list the longest shall be selected from the waiting list and considered for current eligibility.

D. The department has the authority to implement an application freeze based on the lack of available child care funds to operate CCAP.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99 and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2116 (October 2015), amended LR 42:44 (January 2016), LR 44:261 (February 2018), effective March 1, 2018.

§521. Recovery of Payments Made on Behalf of Ineligible Households [Formerly §511]

A. …

B. Action will be taken to recover all payments made on behalf of:

1. ineligible households that are currently participating in CCAP;

2. any ineligible household resulting from the household's act of fraud, such as the submission of false or altered documents or information, intentionally making a false or misleading statement, or misrepresenting, concealing, or withholding relevant fact;

3. any ineligible household resulting from errors that are discovered in a quality control review; and

4. any ineligible service that results in an improper overpayment.

C. If a household does not timely repay improper payments made on its behalf, other than those exceptions provided in Subsection A of this Section, the department may refer such unrecovered payments to the Office of the Attorney General for collection, and the household owing the payments shall be assessed, and shall be required to pay, the additional collection fee assessed by the Office of the Attorney General.

D. The department has the authority to implement an application freeze based on the lack of available child care funds to operate CCAP.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99 and R.S. 17:407.28.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2116 (October 2015), amended LR 42:45 (January 2016), LR 44:261 (February 2018), effective March 1, 2018.

Shan N. Davis
Executive Director

1802#003

RULE

Board of Elementary and Secondary Education

Bulletin 139—Louisiana Child Care and Development Fund Programs (LAC 28:CLXV.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 139—Louisiana Child Care and Development Fund Programs*: §903, Participation in LA Pathways. The revisions update qualifications for the school readiness tax credit for eligible child care staff.

This Rule is hereby adopted on the day of promulgation.

Title 28
EDUCATION
Part CLXV. Bulletin 139—Louisiana Child Care and Development Fund Programs
Chapter 9. Louisiana Pathways Early Learning Center Career Development System (LA Pathways)
§903. Participation in LA Pathways

A.1. - B.8.e.i. …

C. Requirements for the Administrator Track for LA Pathways beginning January 1, 2018.

1. Director I
   a. Training and education requirements:
      i. CDA credential, early childhood ancillary certificate, or approved early childhood diploma; and
      a.ii. - b.i. …
2. Director II
   a. Training and education requirements:
      i. CDA credential, early childhood ancillary certificate, or approved early childhood diploma; and
      a.ii. - b.i. …
3. Director III
   a. Training and education requirements:
      i. …
      ii. early childhood ancillary certificate or approved early childhood diploma and administrator certificate;

C.a.iii. - D. 11.c.i. …

E. Requirements for the Classroom Track for LA Pathways beginning January 1, 2018

1. - 3.a.iv. …
4. Early Learning Center Teacher III
   a. Training and education requirements:
      i. - iii. …
      iv. related bachelor's degree with three college courses in early childhood or child development; or
      v. classified as early learning center teacher I or above by LA Pathways as of December 31, 2017 and demonstrated evidence of eligibility for the staff school readiness tax credit for at least one prior year beginning with 2017.
5. Early Learning Center Teacher IV
   a. Training and education requirements:
      i. …
      ii. related bachelor's degree with six early childhood or child development college courses of which three focus on infants and toddlers; or
      iii. classified as early learning center teacher I or above by LA Pathways as of December 31, 2016 and demonstrated evidence of eligibility for the staff school readiness tax credit in 2017.
6. - 6.a.ii. …

F. Requirements for the Classroom Track for LA Pathways beginning January 1, 2019

1. - 3.a.iv. …
4. Early Learning Center Teacher III
   a. Training and education requirements:
      i. - iv. …
      v. early childhood ancillary certificate and demonstrated evidence of eligibility for the staff school readiness tax credit for at least one prior year beginning with 2017.
5. Early Learning Center Teacher IV
   a. Training and education requirements:
      i. …
      ii. related bachelor's degree with six early childhood or child development college courses of which three focus on infants and toddlers; or
      iii. early childhood ancillary certificate and demonstrated evidence of eligibility for the staff school readiness tax credit for at least two prior years beginning with 2017.
6. - 6.a.ii. …

G. Qualification for the School Readiness Tax Credit for Early Learning Center Directors and Staff

1. The department shall provide information necessary for the secretary of the Department of Revenue to determine and/or verify the director and staff levels for earning the credit.
2. Early Learning Center Director Levels
   a. Directors who are classified as director I by LA Pathways are classified as meeting level I qualifications for purposes of this credit.
   b. Directors who are classified as director II by LA Pathways are classified as meeting level II qualifications for purposes of this credit.
   c. Directors who are classified as director III by LA Pathways are classified as meeting level III qualifications for purposes of this credit.
   d. Directors who are classified as director IV by LA Pathways are classified as meeting level IV qualifications for purposes of this credit.
3. Early Learning Center Staff Levels
   a. Staff members who are classified as early learning center teacher I by LA Pathways are classified as meeting level I requirements for purposes of this credit.

b. Staff members who are classified as early learning center teacher II by LA Pathways are classified as meeting level II requirements for purposes of this credit.

c. Staff members who are classified as early learning center teacher III by LA Pathways are classified as meeting level III requirements for purposes of this credit.

d. Staff members who are classified as early learning center teacher IV or early learning center master teacher by LA Pathways are classified as meeting level IV requirements for purposes of this credit.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Parts 98 and 99, and R.S. 17:407.28.6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2119 (October 2015), amended LR 42:46 (January 2016), LR 44:262 (February 2018).

Shan N. Davis
Executive Director

1802#016

RULE

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators (LAC 28:CXV.333 and 2318)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 741—Louisiana Handbook for School Administrators*: §333, Instructional Time; and §2318, The TOPS University Diploma. The revisions pertain to waivers of required instructional minutes for schools that temporarily shared facilities, each holding school for part of the school day, due to the impact of a declared natural disaster or emergency. The revisions also ensure that, for spring 2018, the decision to include English I, English II, algebra I, and geometry LEAP 2025 assessment scores as a percentage of student final grades shall be determined by local education agencies (LEAs) and shall be outlined in the pupil progression plan.

This Rule is hereby adopted on the day of promulgation.

Title 28
EDUCATION
Part CXV. Bulletin 741—Louisiana Handbook for School Administrators
Chapter 3. Operation and Administration
§333. Instructional Time

A. Each LEA shall adopt a calendar that includes a school year that is in accordance with applicable state regulations and includes a minimum of 63,720 minutes of instructional time.

1. Effective for the 2016-2017 school year and thereafter, the provisions of Subsection A of this Section shall not apply to any city, parish, or other public school that cannot meet minimum instructional time requirements because the school temporarily shared facilities with another school due to damages caused by a natural disaster or emergency that was declared by the governor pursuant to *Revised Statute* 29:724, certified by the state superintendent of education, and approved by BESE.

a. BESE may require that the school provide a minimum number of daily instructional minutes that is less than the requirements set forth in Subsection A of this Section and provide other requirements deemed necessary to support student learning.

b. The governing authority of any such school shall submit to the state superintendent for certification, no later than 60 days prior to the end of the school year or within 30 days of the gubernatorial declaration, whichever occurs first, and using a template provided by the LDE, documented information explaining why the school is not able to meet the required instructional minutes, any efforts made by the school toward meeting the requirements, and a revised school calendar for the affected school year. The state superintendent shall certify any such requests received, present the request to the board, and provide a recommendation as to whether the request should be approved, approved with conditions, or denied.

2. Instructional time shall include the scheduled time within the regular school day devoted to teaching courses outlined in the program of studies. Instructional time does not include such things as:

a. recess;
b. lunch;
c. change of class time; and
d. parent-teacher conferences.

B. - C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:154.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1261 (June 2005), amended LR 39:2197 (August 2013), LR 44:263 (February 2018).

Chapter 23. Curriculum and Instruction
Subchapter A. Standards and Curricula
§2318. The TOPS University Diploma

A. - A.2. …

B. Assessment Requirements

1. For incoming freshmen prior to 2010-2011, students must pass the English language arts and mathematics components of the GEE or LEAP Alternate Assessment, Level 2 (LAA 2) and either the science or social studies portions of GEE or LAA 2.

1.a. - 2.b. …

3. Students enrolled in a course for which there is an EOC or LEAP 2025 test must take the EOC or LEAP 2025 test.

a. The EOC or LEAP 2025 test score shall count a percentage of the student's final grade for the course. During the transition to new tests, the requirement to count a LEAP 2025 test score as a percentage of the student's final grade will be waived for high school state assessments as follows:

i. English I, English II, algebra I, and geometry scores from the fall 2017 administration; the decision to include scores from these assessments in final grades in spring 2018 shall be a district decision that must be outlined in the pupil progression plan.

ii. U.S. history scores from the fall and spring administrations in 2017-2018; and

iii. biology scores from the fall and spring administrations in 2018-2019.

b. The percentage shall be between 15 percent and 30 percent inclusive, and shall be determined by the LEA.

i. For students with disabilities identified under IDEA who meet the participation criteria found in *Bulletin 1530—Louisiana's IEP Handbook for Students with*

Exceptionalities, §405.B and R.S. 17:183.2, the EOC test score shall count for 5 percent of the students' final grade for the course.

B.3.c. - D.3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24.4, R.S. 17:183.2, and R.S. 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 36:1486 (July 2010), LR 37:547 (February 2011), LR 37:1128 (April 2011), LR 37:2129 (July 2011), LR 37:2132 (July 2011), LR 37:3193 (November 2011), LR 38:754, 761 (March 2012), LR 38:1001 (April 2012), LR 38:1584 (July 2012), LR 40:994 (May 2014), LR 40:1328 (July 2014), LR 40:1679 (September 2014), LR 40:2525 (December 2014), LR 41:915 (May 2015), LR 41:1482 (August 2015), LR 41:2126 (October 2015), LR 42:232 (February 2016), LR 42:1062 (July 2016), LR 42:1878 (November 2016), LR 42:2176 (December 2016), LR 44:263 (February 2018).

Shan N. Davis
Executive Director

1802#015

RULE

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for
State Certification of School Personnel
(LAC 28:CXXXI.203 and Chapter 9)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 746—Louisiana Standards for State Certification of School Personnel* §203, PRAXIS Exams and Scores; §901, Overview; §903, Definitions; §905, Denial of Certificates for Criminal Offenses, for the Submission of Fraudulent Documentation, or for Participation in Cheating; §906, Procedures and Rules for Issuance of a Denied Certificate; §907, Suspension and Revocation of Certificates for Criminal Offenses; §908, Suspension and Revocation of Certificate/Endorsement Due to Participation in Cheating; §909, Suspension and Revocation of Certificates due to Fraudulent Documentation Pertaining to Certification; and §911, Procedures and Rules for Reinstatement of Certificates Suspended or Revoked due to Criminal Convictions, Submission of Fraudulent Documents, Participation in Cheating, or Reinstatement of Expired Certificates Deemed Ineligible for Reinstatement Due to Criminal Convictions, Submission of Fraudulent Documents, or Participation in Cheating. Revisions clarify and update policies relative to certification licensure denial, suspension, and revocation; revisions also align policy related to Praxis exams and scores to align with federal criminal code and test scores.

This Rule is hereby adopted on the day of promulgation.

Title 28
EDUCATION
Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel
Chapter 2. Initial Teacher Certification
Subchapter B. Testing Required for Certification Areas
§203. PRAXIS Exams and Scores (Formerly §243)

A. A teacher applicant for certification must successfully complete the appropriate written or computer-delivered tests identified in this Section prior to Louisiana teacher certification.

1. Core Academic Skills for Educators[2]. Teacher applicants in all content areas must pass all three Praxis core academic skills tests for educators.

Pre-Professional Skills Test "Paper or Computer Administrations"	Test #	Score	Effective Date
PPST:R—Pre-Professional Skills Test: Reading	0710/5710	176	Effective 7/1/10 to 12/31/13
PPST:W—Pre-Professional Skills Test: Writing	0720/5720	175	
PST:M—Pre-Professional Skills Test: Mathematics	0730/5730	175	

Core Academic Skills for Educators	Test #	Score	Effective Date
Reading	5712	156	Effective 1/1/14
Writing	5722	162	
Mathematics	5732	150	

[1]To differentiate the computer delivered tests, Educational Testing Service has placed the number "5" or "6" preceding the current test code. The Department will accept computer delivered passing test scores for licensure.

[2]NOTE: An ACT composite score of 22 or an SAT combined verbal and math score of 1100 or higher (New SAT) or 1030 or higher (pre-March 2016 SAT) may be used in lieu of Praxis 1 PPST Exams or Core Academic Skills for Educators in reading, writing and math by prospective teachers in Louisiana.

A.2. - E. …

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1833 (October 2006), amended LR 36:485 and 488 (March 2010), LR 36:2265 (October 2010), LR 37:551 (February 2011), repromulgated LR 37:556 (February 2011), amended LR 37:3210 (November 2011), LR 39:1461 (June 2013), LR 40:277 (February 2014), LR 40:1680 (September 2014), LR 41:645 (April 2015), LR 41:916 (May 2015), LR 42:233 (February 2016), LR 43:1292 (July 2017), LR 44:264 (February 2018).

Chapter 9. Actions Related to the Suspension/Denial and Revocation of Louisiana Certificates
§901. Overview

A. Teaching certificates can be denied, suspended, or revoked for certain criminal offenses, for the submission of fraudulent documentation, or for participating in cheating. Certificates shall also be suspended for individuals who have earned three years of ineffective evaluations within a certification renewal period pursuant to Bulletin 130 and

R.S. 17:3902. This Chapter presents those circumstances plus the circumstances under which certificates can possibly be reinstated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1830 (October 2006), amended LR 38:3140 (December 2012), LR 32:1830 (October 2006), LR 38:3140 (December 2012), LR 44:264 (February 2018).

§903. Definitions

A. For the purposes of this policy:

Applicant—any person applying for a Louisiana teaching authorization of any kind.

Board—the Board of Elementary and Secondary Education as a whole and/or any of its standing committees.

Cheating—as determined by the LDE in accordance with *Bulletin 118—Statewide Assessment Standards and Practices*, cheating is a testing irregularity committed by a teacher or leader in order to alter student or school assessment results or by inappropriately accessing secure test materials in violation of Bulletin 118, §5303. The determination is made by the LDE in consultation with the LEA, as specific in Bulletin 118.

Convicted or *Conviction*—any proceedings in which the accused person pleads guilty or no contest, and those proceedings that are tried and result in a judgment of guilty.

Department—the Louisiana Department of Education.

Fraudulent Document—any paper, instrument, or other form of writing that is false, altered, or counterfeit and that is used as a subterfuge or device to induce the issuance of a certificate.

Offense or *Crime*—those listed in R.S. 15.587.1(C) and any felony offense whatsoever.

Teaching Certificate or *Certificate*—any license, permit, or certificate issued by the Division of Teacher Certification and Higher Education of the Department of Education.

B. The following crimes are reported under R.S. 15:587.1:

1. R.S. 14:2(B), R.S. 14:30, R.S. 14:30.1, R.S. 14:31, 14:32.6, 14.32.7, 14:32.8, R.S. 14:41 through R.S.14:45, R.S. 14:74, R.S. 14:80 through R.S. 14:86, R.S. 14:89, R.S. 14:89.1, R.S. 14:89.2, R.S. 14:92, R.S. 14:93, R.S. 14:93.3, R.S. 14:106, R.S. 14:282, R.S. 14:286, R.S. 15:541, R.S. 40:966(A), R.S. 40:967(A), R.S. 40:968(A), R.S. 40:969(A), and R.S. 40:970(A) or convictions for attempt or conspiracy to commit any of those offenses;

2. those of a jurisdiction other than Louisiana which, in the judgment of the bureau employee charged with responsibility for responding to the request, would constitute a crime under the provisions cited in this Subsection, and those under the federal criminal code having analogous elements of criminal and moral turpitude. (Federal criminal code provisions are in title 18 of U.S.C.A.) Specifically:

R.S. 14:2(B)	Crimes of violence
*R.S. 14:30	First degree murder
*R.S. 14:30.1	Second degree murder
*R.S. 14:31	Manslaughter
*R.S. 14:32.6	First Degree Feticide
*R.S. 14:32.7	Second Degree Feticide
*R.S.14:32.8	Third Degree Feticide
*R.S.14:41	Rape
*R.S. 14:42	1st Degree Rape
*R.S. 14:42.1	2nd Degree Rape
*R.S. 14:43	3rd Degree Rape
*R.S. 14:43.1	Sexual battery
*R.S. 14:43.1.1	Misdemeanor sexual battery
*R.S. 14:43.2	2nd degree sexual battery
*R.S. 14:43.3	Oral sexual battery
* R.S. 14:43.4	Female genital mutilation
*R.S. 14:43.5	Intentional exposure to the AIDS virus
*R.S. 14:44	Aggravated kidnapping
*R.S. 14:44.1	Second degree kidnapping
*R.S. 14:45	Simple kidnapping
R.S. 14:74	Criminal neglect of family
R.S. 14:79.1	Criminal abandonment
*R.S. 14:80	Felony Carnal knowledge of a juvenile
*R.S. 14:81	Indecent behavior with a juvenile
*R.S. 14:81.1	Pornography involving juveniles
*R.S. 14:81.2	Molestation of a juvenile or a person with a physical or mental disability
*R.S. 14:81.3	Computer-aided solicitation of a minor
*R.S. 14:81.4	Prohibited sexual conduct between educator and student
*R.S. 14:82	Prostitution (In some instances)
*R.S. 14:82.1	Prostitution; Persons under seventeen; Additional offenses
R.S. 14:82.1.1	Sexting
R.S. 14:82.2	Purchase of commercial sexual activity
R.S. 14:83	Soliciting for prostitutes
R.S. 14:83.1	Inciting prostitution
R.S. 14:83.2	Promoting prostitution
R.S. 14:83.3	Prostitution by massage
R.S. 14:83.4	Massage; sexual content prohibited
*R.S. 14:84	Pandering
R.S. 14:85	Letting premises for prostitution
*R.S. 14:86	Enticing persons into prostitution
*R.S. 14:89	Crime against nature
*R.S. 14:89.1	Aggravated crime against nature
R.S. 14:89.2	Crime against nature by solicitation
*R.S. 14:92	Contributing to the delinquency of juveniles (In some instances)
*R.S. 14:93	Cruelty to juveniles
R.S. 14:93.2.1	Child desertion
*R.S. 14:93.3	Cruelty to the infirm
*R.S. 14:106	Obscenity
R.S. 14:282	Operation of places of prostitution
R.S. 14:283.1	Voyeurism
*R.S. 14:283	Video Voyerism
R.S. 14:284	Peeping Tom
*R.S. 14:286	Sale of minor children
R.S. 15:541	Sex offenses
R.S. 40:966(A)	Penalty for distribution or possession with intent to distribute narcotic drugs listed in Schedule I; Manufacture; Distribution
R.S. 40:967(A)	Prohibited acts; Schedule II, penalties; Manufacture; Distribution
R.S. 40:968(A)	Prohibited acts; Schedule III; penalties; Manufacture; Distribution
R.S. 40:969(A)	Prohibited acts; Schedule IV; penalties; Manufacture; Distribution
R.S. 40:970(A)	Prohibited acts; Schedule V; penalties; Manufacture; Distribution

* Certificate issuance/reinstatement will never be considered for crimes marked with an asterisk.

C. Convictions that are set aside pursuant to articles 893 or 894 of the *Louisiana Code of Criminal Procedures*, expunged, or which are pardoned subject to Louisiana first offender pardon laws nonetheless, shall be treated as convictions for the purpose of denial or revocation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1830 (October 2006), amended LR 34:2559 (December 2008), LR 38:763 (March 2012), LR 44:265 (February 2018).

§905. Denial of Certificates for Criminal Offenses, for the Submission of Fraudulent Documentation, or for Participation in Cheating

A. An application for a Louisiana teaching certificate or an application for the renewal of an expired Louisiana teaching certificate shall be denied if the department determines that the individual applying for the certificate has been convicted of any offense listed in R.S. 15:587.1(C) or any felony offense whatsoever or has submitted fraudulent documentation, or has participated in cheating. A person convicted of an offense as defined herein or has submitted fraudulent documentation, or has participated in cheating may apply for a certificate after three years have elapsed from date of entry of final conviction, or from date of the submission of fraudulent documentation, or from the date of the report regarding the participation in cheating.

B. An application for a Louisiana teaching certificate or an application for a renewal of an expired teaching certificate shall be denied if the individual applying for the certificate has ever had any professional license/certificate denied, suspended, revoked, or voluntarily surrendered.

C. An application for a Louisiana teaching certificate or an application for a renewal of an expired Louisiana teaching certificate shall be denied if the individual is currently being reviewed or investigated for purposes of such action as stated in §905.B or if such action is pending.

D. The applicant shall be notified by certified mail and by any other appropriate means of notice that his/her certificate has been denied. The applicant shall provide copies of any documents that verify his/her identity, refute the existence of a criminal conviction, verify the accuracy of fraudulent documentation as submitted, or verify the accuracy of the report regarding the participation in cheating, as submitted. If a conviction or information upon which the certificate has been denied is reversed, such action should be communicated to the department through documentation provided by the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1830 (October 2006), amended LR 44:266 (February 2018).

§906. Procedures and Rules for Issuance of a Denied Certificate

A. Issuance will never be considered for teachers who have been convicted of a felony for the following crimes:

1. R.S. 14:283, 14:30, 14:30.1, 14:31, 14:32.6, 14:32.7, 14:32.8, 14:41, 14:42, 14:42.1, 14:43, 14:43.1, 14:43.1.1, 14:43.2, 14:43.3, 14:43.4, 14:43.5, 14:44, 14:44.1, 14:45, 14:78, 14:78.1, 14:80, 14:81, 14:81.1, 14:81.2, 14:81.3, 14.81.4,14:82 (in some instances), 14:82.1, 14:84, 14:86, 14:89, 14:89.1, 14.92 (in some instances), 14:93, 14:93.3, 14:106, and 14:286.

B. Issuance of certificates shall not be considered until at least three years have elapsed from the date of entry of final conviction or submission~~s~~ of fraudulent documentation, or the date of investigation results regarding the participation in cheating, which resulted in certification suspension, revocation, or denial.

C. An applicant may apply to the board for the issuance of his/her Louisiana teaching certificate after the lapse of time indicated above and under the following conditions.

1. There have been no further convictions, submission of fraudulent documentation, or participation in cheating.

2. In criminal cases, there has been successful completion of all conditions/requirements of any parole and/or probation. The applicant must provide relevant documentation. The applicant must provide a current state and FBI criminal history background check from state police that is clean and clear and evidence that there has been successful completion and relevant documentation of all conditions/requirements of any parole or probation.

D. Applicant Responsibilities

1. Contact the office of the Board of Elementary and Secondary Education and request a records review for issuance of the certificate that was denied due to the submission of fraudulent documentation, due to conviction for a crime listed in R.S. 15:587.1 or for any felony, or due to participation in cheating.

2. Provide each applicable item identified above in Subsection C, evidence that all requirements for certification have been successfully completed, and further documentation evidencing rehabilitation. It is recommended that the applicant provide letters of support from past/present employers, school board employees and officials, faculty, and administrative staff from the college education department, law enforcement officials or from other community leaders.

E. - E.3. …

4. The board may deny a request for a records review for any applicant who:

a. failed to disclose prior criminal convictions or expungements;

b. …

c. has been found to have participated in cheating in the administration of standardized tests; or

d. received further criminal convictions or participated in cheating.

5. The committee of the board shall make a recommendation to the full board regarding whether the teaching certificate should be issued to the applicant. Board staff shall notify the applicant of the action of the board.

6. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:1999 (September 2010), amended LR 38:763 (March 2012), LR 44:266 (February 2018).

§907. Suspension and Revocation of Certificates for Criminal Offenses

A. A Louisiana teaching certificate shall be suspended and revoked if the individual holding the certificate has been convicted of any offense listed in R.S. 15:587.1(C) (see section I.B) or any felony offense whatsoever. If the Louisiana teaching certificate of an individual is expired, and the individual has been convicted of a felony offense, this information shall be reported to the National Association

of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse by the LDE. Such individuals will be notified per the process outlined in this Section.

B. When the department is notified that any teacher has been convicted of a specific crime:

1. - 2. …

3. if the teacher cannot be reached or if his/her employment status cannot be determined, suspension of the certificate shall proceed, as will all other steps in the process outlined in this policy;

4. if the department determines that there is evidence that a teacher has been convicted of a criminal offense, the certificate issued to that teacher shall be suspended. The board, the teacher, and the employing school system shall be notified that the teaching certificate has been suspended pending official board action per revocation proceedings;

5. the teacher shall be notified by certified mail or by any other appropriate means of notice that his/her certificate has been suspended and that the certificate will be revoked unless the teacher can provide documentation that he/she was not convicted of the crime. The teacher shall provide copies of any documentation that verifies his/her identity and refutes the existence of a criminal conviction;

6. if the conviction upon which a teaching certificate has been suspended or revoked is reversed, such action shall be communicated to the board through documentation provided by the applicant. The board may receive such information and order reinstatement of the teaching certificate;

7. upon official action by the board, any teacher whose certificate has been revoked shall be notified of such action. The correspondence shall include instructions for and identification of the date when the individual may apply to the board for reinstatement of his/her certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1831 (October 2006), amended LR 44:266 (February 2018).

§908. Suspension and Revocation of Certificate/Endorsement Due to Participation in Cheating

A. A Louisiana teaching or educational leadership certificate shall be suspended and revoked if the individual holding the certificate has been found by the LDE to have participated in cheating, as defined in §903.A of this Bulletin. If the Louisiana teaching certificate of an individual is expired, and the individual has been found to have participated in cheating, this information shall be reported to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse by the LDE. Such individuals will be notified per the process outlined in this Section.

B. When the department has determined that any teacher or administrator has been found to have participated in cheating, the following process shall take place.

1. Department staff shall attempt to contact the teacher or administrator to inform him/her that the department has information regarding his/her participation in cheating and is proceeding under this policy to suspend the certificate.

2. The teacher or administrator shall have 10 working days from the date of notification to provide verification that he/she has not been found to have participated in cheating. This opportunity for response is intended as a check against mistaken identity or other incorrect information and the requested verification may be provided through a telephone conversation or written correspondence.

3. If the teacher or administrator cannot be reached, suspension of the certificate shall proceed, as will all other steps in the process outlined in this policy.

4. If the department determines that a teacher or administrator was found to have participated in cheating, the teacher or administrator certificate shall be suspended. The board, the teacher, and the employing school system shall be notified that the teacher or administrator certificate has been suspended pending official board action per revocation proceedings.

5. The teacher or administrator shall be notified by certified mail and by any other appropriate means of notice that his/her certificate has been suspended and that the certificate will be revoked unless the teacher/administrator can provide documentation that he/she was not found to have participated in cheating.

6. If the department subsequently determines that the teacher or administrator did not participate in cheating, such action shall be communicated to the department and/or the board through documentation provided by the department. The board may receive such information and may order reinstatement of the teacher or administrator certificate.

7. Individuals who do not hold a current Louisiana teaching/educational leadership certificate or who do not hold a Louisiana teaching/educational leader certificate and who have been found to have participated in cheating in the administration of standardized tests shall be reported to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse by the LDE. Such individuals will be notified per the process outlined in this Section.

8. If the investigation concludes no findings of participating in cheating and the board has taken no formal action to revoke the teaching certificate, the department is authorized to release the suspension with the appropriate documentation, notifying the board of the action taken and providing supporting documentation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3140 (December 2012), amended LR 44:267 (February 2018).

§909. Suspension and Revocation of Certificates due to Fraudulent Documentation Pertaining to Certification

A. A Louisiana teaching certificate shall be suspended or revoked if a teacher presents fraudulent documentation pertaining to his/her certificate to the state Board of Elementary and Secondary Education or the Department of Education. If the Louisiana teaching certificate of an individual is expired, and the individual has submitted fraudulent documents pertaining to certification, this information shall be reported to the National Association of

State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse by the LDE. Such individuals will be notified per the process outlined in this Section.

B. The department shall investigate prior to determining that a teacher has submitted fraudulent documentation pertaining to his/her teaching certificate. Upon confirmation of the information investigated, the department shall notify the teacher by certified mail that his/her certificate has been suspended pending official board action per revocation proceedings.

C. - D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1831 (October 2006), amended LR 38:764 (March 2012), LR 44:267 (February 2018).

§911. Procedures and Rules for Reinstatement of Certificates Suspended or Revoked due to Criminal Convictions, Submission of Fraudulent Documents, Participation in Cheating, or Reinstatement of Expired Certificates Deemed Ineligible for Reinstatement Due to Criminal Convictions, Submission of Fraudulent Documents, or Participation in Cheating

A. Reinstatement will never be considered for teachers who have been convicted of a felony for the following crimes:

1. R.S. 14.283, 14:30, 14:30.1, 14:31, 14:32.6, 14:32.7, 14:32.8, 14:41, 14:42, 14:42.1, 14:43, 14:43.1, 14:43.1.1, 14:43.2, 14:43.3, 14:43.4 14:43.5, 14:44, 14:44.1, 14:45, 14:78, 14:78.1, 14:80, 14:81, 14:81.1, 14:81.2, 14:81.3, 14:81.4, 14:82 (in some instances), 14:82.1, 14:84, 14:86, 14:89, 14:89.1, 14:92 (in some instances), 14:93, 14:93.3, 14:106, and 14:286.

B. Reinstatements of certificates shall not be considered until at least three years have elapsed from the date of entry of final conviction, submission of fraudulent documentation, or the date of investigation results regarding the participation in cheating, which resulted in certification suspension, revocation, or denial.

C. An applicant may apply to the board for reinstatement of his/her Louisiana teaching certificate after the lapse of time indicated above and under the following conditions.

1. There have been no further convictions, submission~~s~~ of fraudulent documentation, or investigations regarding participation in cheating.

2. In criminal cases, ~~T~~there has been successful completion of all conditions/requirements of any parole and/or probation. The applicant must provide relevant documentation. The applicant must provide a current state and FBI criminal history background check from state police that is clean and clear and evidence that there has been successful completion and relevant documentation of all conditions/requirements of any parole and probation.

D. - D.1.…

2. Provide each applicable item identified above in Subsection C, evidence that all requirements for certification have been successfully completed, and further documentation evidencing rehabilitation. The applicant is recommended to provide letters of support from past/present employers, school board employees and officials, faculty, and administrative staff from the college education department, law enforcement officials, or from other community leaders.

E. - E.3. …

4. The board may deny any request for issuance by any applicant who:

a. failed to disclose prior criminal convictions or expungements;

b. falsified academic records;

c. has been found to have participated in cheating in the administration of standardized tests; or

d. received further criminal convictions or participated in cheating.

5. The committee of the board shall make a recommendation to the full board regarding whether the teaching certificate issued to the applicant should be issued, reinstated, suspended for an additional period of time, or remain revoked. Board staff shall notify the applicant of the board action.

6. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), R.S. 17:7(6), R.S. 17:10, R.S. 17:22(6), R.S. 17:391.1-391.10, and R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1831 (October 2006), amended LR 34:2560 (December 2008), LR 36:1999 (September 2010), LR 38:764 (March 2012), LR 44:268 (February 2018).

Shan N. Davis
Executive Director

1802#014

RULE

Office of the Governor
Board of Architectural Examiners

Architecture Education and Research Fund
(LAC 46:I.Chapter 22)

In accordance with the provisions of R.S. 49:950 et seq., and through the authority granted in R.S. 37:144(C), the Board of Architectural Examiners has adopted LAC 46:I.Chapter 22 pertaining to the Louisiana Architecture Education and Research Fund. During the 2016 Legislative Session, the legislature enacted Act 251 of 2016 (now R.S. 37:144(G)). This Act authorized the board to establish the Louisiana Architecture Education and Research Fund and to allocate up to 10 percent of all license renewal and delinquent fees each fiscal year to such fund. The Rule sets forth the procedures for the establishment, operation, and regulation of the fund. This Rule is hereby adopted on the day of promulgation.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part I. Architects

Chapter 22. Louisiana Architecture Education and Research Fund

§2201. Proposals

A. A proposal for an award from the Louisiana Architecture Education and Research Fund must include a plan for assessing the success of the program or project and

demonstrate an outcome containing specific, measurable changes in knowledge, understanding, skill levels, or approaches related to the purpose of R.S. 37:144(G).

B. Emphasis of the proposed program or project should be placed on issues central to the architect's responsibility for the public health, safety, and welfare, and issues central to practice.

C. Proposals may include activities that are studio or design-based that result in a building project, design project, or built project.

D. Proposals may include activities such as classroom, laboratory, or seminar-based courses.

E. Proposals must be offered as part of a NAAB-accredited B.Arch or M.Arch professional degree program or as part of a pre-professional degree program with direct entry into a NAAB-accredited M.Arch degree program.

F. Two or more NAAB-accredited institutions may collaborate on a proposal for activities, programs, or projects that the architecture programs of each institution will work together jointly in fulfillment of the objectives of the award.

G. There are no restrictions on the type of proposal, so long as it meets the requirements presented in these guidelines and is in keeping with R.S. 37:144(G).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 44:268 (February 2018).

§2203. Eligibility

A. Proposals will only be accepted from an architecture academic division (school, department, etc.) located in Louisiana that has a program accredited by the National Architectural Accrediting Board (NAAB).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 44:269 (February 2018).

§2205. Budgets

A. The proposal shall contain a well-considered budget that sets forth specific, detailed, and realistic estimates of expected expenses and a timeline for implementation of the program or project.

B. Any substantive change from the budget originally proposed will require approval from board.

C. If other sources of funding have already been obtained and will be a part of the project budget, a description of the amounts, sources, and payment schedules shall be included in the proposal budget.

D. The proposal budget shall describe in detail the proposed use of all funds requested.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 44:269 (February 2018).

§2207. Proposal Submissions

A. Proposals must be submitted to the board no later than April 1 preceding the fiscal year for which an award is sought.

B. Part 1 of the proposal shall include an architecture program information submission form and letters of commitment, as follows:

1. information submission form (form available from the board website); and

2. letters of commitment.

C. Part 2 of the proposal shall include an abstract, narrative, and budget as follows.

1. The proposal abstract shall contain a concise summary or abstract of the project.

2. The proposal narrative shall contain the following:

a. description of specific, realistic outcomes;

b. explanation of how specific aspects of the proposal will respond to issues of the Architectural Experience Program and/or the architect registration exam;

c. description of how the project will address the academic environment in which it will be implemented; and

d. description of the approach to achieve the project outcomes, including:

i. explanation of how the project will raise student awareness for health, safety, and welfare;

ii. explanation of how the approach will have immediate impact on student development;

iii. explanation of how the approach will have on-going impact on curriculum development (if applicable);

iv. description of level of student engagement, and

v. plan for assessing the project.

3. The proposal budget shall contain the information described in §2205 supra.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 44:269 (February 2018).

§2209. Review Criteria

A. The board's assessment of proposals submitted will be based upon the proposal's effectiveness in integrating practice and education and upon:

1. outcomes—statements of specific, measurable, and realistic changes that will result from the board award;

2. integration—creation of innovative and effective concepts and methods to integrate non-faculty architect practitioners in the education of students in significant and meaningful ways;

3. impact—achievement of immediate and continuing impact on student education and development and the architecture curriculum and response to specific needs of the students, the school, the institution, and the profession;

4. effectiveness—effectiveness in raising student awareness of issues central to practice and the architect's responsibility for health, safety, and welfare and responding to relevant issues identified through the NCARB Architectural Experience Program (AXP) or the NCARB architect registration exam;

5. participation—proposed student participation, level of participation, and description of impact on project participants. Student reach should be as broad as possible; and

6. budget—effectiveness and appropriateness of the proposed budget in relation to project goals and the criteria set forth herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 44:269 (February 2018).

§2211. Awards

A. Within its sole discretion, the board reserves the right not to make any awards.

B. Within its sole discretion, the board may not award the full funds available.

C. An award will be payable to the academic division (school, department, etc.) that houses the NAAB accredited program in which the project director(s) is employed.

D. The board may award the available funds equally to each eligible NAAB accredited institution or, depending on the proposals and funding available, a competitive process may be implemented.

E. Unless the award provides otherwise, awards will be payable in two installments:

1. 80 percent upon notice of award and acceptance of the board award conditions;

2. 20 percent upon the board's receipt and approval of the final report.

F. The board will consider an alternate payment schedule only if explained and justified in the initial proposal budget.

G. Funds awarded must be used specifically to support the integration of practice and education as described in the proposal and in conformance with this rule.

H. Funds awarded should be used in the academic year received; however, funds must be used within two academic years.

I. If funds awarded are not used within the academic year received, the architecture program will be unable to receive funds in the succeeding academic year.

J. A request for an extension of the project development, project implementation time period, or unused funds must be submitted to the board in writing no later than three months before the beginning of the requested extension.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 44:270 (February 2018).

§2213. Use of Funds Awarded

A. Funds awarded may be used toward costs and expenses such as:

1. materials, resources, and fees associated with the National Council of Architectural Registration Board (NCARB) Architectural Experience Program (AXP) or the Architect Registration Exam (ARE);

2. new equipment and technology, including hardware, software, and interconnectivity with non-faculty architect practitioners, etc.;

3. expendable supplies such as building materials, model materials, and office supplies, printing and copying costs;

4. publications to encourage replication or adaption of the project, or development of similar projects;

5. travel and per diem for non-faculty architect practitioners, students, faculty, and consultants; or

6. honoraria for non-faculty architect practitioners and consultants.

B. Funds awarded may not be used toward costs or expenses such as:

1. institutional indirect and/or overhead costs;

2. salary for faculty, adjunct faculty, or visiting faculty to teach a proposed course;

3. expenses for existing courses; or

4. individual faculty enhancement activities.

C. The awards shall be named the "Teeny Simmons' Award" in honor of the late Mary "Teeny" Simmons, who faithfully served the board for over 41 years, including 39 years as its executive director.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 44:270 (February 2018).

§2215. Report

A. The architecture academic division must complete a report documenting the degree to which the expected outcomes were achieved and the degree to which the project was implemented.

B. The report should detail how the award was spent, including any portion of the award which was not spent.

C. Any portion of the award not spent should be returned to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 44:270 (February 2018).

Katherine E. Hillegas
Executive Director

1802#018

RULE

Office of the Governor
Crime Victims Reparations Board

Limits on Awards—Medical Expenses (LAC 22:XIII.503)

In accordance with the provisions of R.S. 49:950 et seq., which is the Administrative Procedure Act, and R.S. 46:1801 et seq., which is the Crime Victims Reparations Act, the Crime Victims Reparations Board has amended its Rule regarding the awarding of compensation to applicants. This Rule is hereby adopted on the day of promulgation.

Title 22
CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
Part XIII. Crime Victims Reparations Board
Chapter 5. Awards
§503. Limits on Awards

A. - G.2. …

3. The board will pay up to 70 percent of all outstanding charges after any third-party payment sources up to the statutory limits.

G.4. - O.3.b. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Crime Victims Reparations Board, LR 20:539 (May 1994), amended LR 22:710 (August 1996), LR 24:328 (February 1998), LR 25:26 (January 1999), LR 26:1019 (May 2000), LR 29:577 (April 2003), LR 31:1330 (June 2005), LR 32:242

(February 2006), LR 35:65 (January 2009), LR:37:1605 (June 2011), LR 39:1042 (April 2013), LR 41:1668 (September 2015), LR 42:570 (April 2016), LR 42:743 (May 2016), LR 44:270 (February 2018).

Amanda Tonkavitch
Chairman

1802#033

RULE

Department of Health
Board of Medical Examiners

Mandatory Access and Review of
Prescription Monitoring Program Data
(LAC 46:XLV.Chapter 69)

In accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority of the Louisiana Medical Practice Act, R.S. 37:1270, the Louisiana Podiatry Practice Act, R.S. 37:611-37:628, the Louisiana Physician Assistant Practice Act, R.S. 37:1360.23, and the uniform controlled dangerous substances law, R.S. 40:978, as amended by Act 76 of the 2017 Regular Session of the Louisiana Legislature, the Louisiana State Board of Medical Examiners (board) has adopted the Rule requiring mandatory access and review of prescription monitoring program data prior to initially prescribing any opioid to a patient and at intervals of at least every 90 days if opioids are prescribed for more than 90 days. The Rule is applicable to individuals licensed by the board whose scope of practice includes the authority to prescribe opioids e.g., physicians, podiatrists and physician assistants. The Rule will also provide applicable definitions, specify certain exceptions provided by law and provide for non-compliance. This Rule is hereby adopted on the day of promulgation.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLV. Medical Professions
Subpart 3. Practice
Chapter 69. Prescription, Dispensation, and Administration of Medications
Subchapter C. Mandatory Access and Review of Prescription Monitoring Program Data

§6931. Scope of Subchapter

A. The rules of this Subchapter provide for prescriber mandatory access and review of the Louisiana Prescription Monitoring Program, R.S. 40:1001 et seq., as from time-to-time may be amended (PMP), and for exceptions and non-compliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611-37:628, 37:1360.23, and 40:978.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 44:271 (February 2018).

§6933. Definitions

A. As used in this Subchapter, the following terms and phrases shall have the meanings specified.

Administer—with respect to a medication provided or dispensed by a prescriber for use by a patient, the term *administer* means directly or through an agent to give, provide, or supply for immediate oral ingestion, insertion, or topical application by the patient, or to insert, apply topically, or inject intravenously, intramuscularly, subcutaneously, intrathecally, or extrathecally.

Board—the Louisiana State Board of Medical Examiners, as constituted under R.S. 37:1263.

Controlled Dangerous Substance—any substance defined, enumerated or included in federal or state statute or regulations 21 CFR §§1308.11-15 or R.S. 40:964, or any substance which may hereafter be designated as a controlled substance by amendment or supplementation of such regulations and statute.

Delegate—an individual authorized by a prescriber or dispenser who is also authorized to access and retrieve prescription monitoring program data for the purpose of assisting the prescriber or dispenser, and for whose actions the authorizing prescriber or dispenser retains accountability.

Prescribe—to issue a request or order for a drug or medical device by an individual licensed under this Part for a legitimate medical purpose. The act of prescribing must be in good faith and in the usual course of the licensee's professional practice.

Prescriber—a physician, podiatrist, physician assistant, and any other category of health care provider as may hereafter be licensed by the board under this Part, whose scope of practice includes authority to prescribe opioids.

Prescription—an order from a practitioner authorized by law to prescribe for a drug or device that is patient specific and is communicated by any means to a pharmacist in a permitted pharmacy.

Prescription Monitoring Program or *PMP*—the electronic system for the monitoring of controlled substances and other drugs of concern established by the Prescription Monitoring Program Act, R.S. 40:1001 et seq., as may from time-to-time be amended.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611-37:628, 37:1360.23, and 40:978.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 44:271 (February 2018).

§6935. Mandatory Access and Review of Prescription Monitoring Program Data; Exceptions

A. Prior to initially prescribing any opioid to a patient, a prescriber or his/her delegate shall access and review the patient's record in the PMP; and

B. If opioids are prescribed to the patient for more than 90 days, the prescriber or his/her delegate shall access and review the record in the PMP at least every 90 days.

C. This Section shall not apply if:

1. the drug is prescribed or administered to a hospice patient or any other patient who has been diagnosed as terminally ill;

2. the drug is prescribed or administered for the treatment of cancer-related chronic or intractable pain;

3. the drug is ordered or administered to a patient being treated in a hospital;

4. the PMP is not accessible or not functioning properly due to an electronic issue. However, the prescriber shall check the PMP after electronic accessibility has been restored and note the cause for the delay in the patient's chart; or

5. no more than a single seven-day supply of the drug is prescribed or administered to a patient.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611-37:628, 37:1360.23, and 40:978.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 44:271 (February 2018).

§6937. Effect of Non-Compliance

A. For non-compliance with any of the provisions of this Subchapter the board may suspend, revoke, refuse to issue or impose probationary or other terms, conditions and restrictions on any license to practice in the state of Louisiana, or any registration issued under this Part, held or applied for by:

1. a physician culpable of such violation under R.S. 37:1285(A);

2. a podiatrist culpable of such violation under R.S. 37:624(A); and

3. a physician assistant culpable of such violation under R.S. 37:1360.33.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611-37:628, 37:1360.23, and 40:978.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 44:272 (February 2018).

Vincent A. Culotta, Jr., M.D.
Executive Director

1802#028

RULE

Department of Health
Board of Medical Examiners

Physician Practice; Physician Collaboration with Advanced Practice Registered Nurses
(LAC 46:XLV.Chapter 79)

In accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et. seq., and pursuant to the authority of the Louisiana Medical Practice Act, R.S. 37:1270, the Louisiana State Board of Medical Examiners (board) has adopted this Rule to facilitate physician collaboration with advanced practice registered nurses (APRNs), LAC 46:XLV.7901 et seq. This Rule is hereby adopted on the day of promulgation.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLV. Medical Professions
Subpart 3. Practice
Chapter 79. Physician Collaboration with Advanced Practice Registered Nurses
Subchapter A. General Provisions

§7901. Scope

A. The rules of this Chapter govern the practice of physicians in this state who engage in collaborative practice with an advanced practice registered nurse who provides acts of medical diagnosis or prescriptions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 44:2720 (February 2018).

§7903. Definitions

A. As used in this Chapter, the following terms shall have the meanings specified.

Act—the Louisiana Medical Practice Act or Act, R.S. 37:1261 et seq.

Advanced Practice Registered Nurse or *APRN*—a licensed registered nurse who is licensed as an advanced practice registered nurse by the Louisiana State Board of Nursing.

Alternate Collaborating Physician or *ACP*—a physician meeting the eligibility requirements of this Chapter who is designated to serve as collaborating physician, in accordance with §7911.A.5 of these rules, when the collaborating physician is unavailable.

Board—the Louisiana State Board of Medical Examiners, as constituted in the Louisiana Medical Practice Act.

Clinical Practice Guidelines—written or electronic documents, jointly agreed upon by the collaborating physician and APRN that describe a specific plan, arrangement, or sequence of orders, steps, or procedures to be followed or carried out in providing patient care in various clinical situations. These may include textbooks, reference manuals, electronic communications and Internet sources.

Collaborating Physician or *CP*—a physician with whom an APRN has been approved to collaborate by the Louisiana State Board of Nursing, who is actively engaged in clinical practice and the provision of direct patient care in Louisiana, with whom an APRN has developed and signed a collaborative practice agreement for prescriptive and distributing authority. A CP shall hold a current, medical license issued by the board, or be otherwise authorized by federal law or regulation to practice medicine in this state, have no pending disciplinary proceedings and practice in accordance with rules of the board.

Collaboration or *Collaborate*—a cooperative working relationship between a physician and APRN to jointly contribute to providing patient care and may include but not be limited to discussion of a patient's diagnosis and cooperation in the management and delivery of health care with each provider performing those activities that he or she is legally authorized to perform.

Collaborative Practice—the joint management of the health care of a patient by an APRN performing advanced practice registered nursing and one or more consulting physicians. Except as provided in R.S. 37:930, acts of medical diagnosis and prescriptions by an APRN shall be in accordance with a collaborative practice agreement.

Collaborative Practice Agreement or *CPA*—a formal written statement addressing the parameters of the collaborative practice which are mutually agreed upon by an APRN and one or more physicians which shall include but not be limited to the following provisions:

a. availability of the collaborating physician for consultation or referral, or both;

b. methods of management of the collaborative practice which shall include clinical practice guidelines; and

c. coverage of the health care needs of a patient during any absence of the APRN or physician.

Controlled Substance—any substance defined, enumerated, or included in federal or state statue or regulations 21 CFR 1308.11-15 or R.S. 40:964, or any substance which may hereafter be designated as a controlled

substance by amendment or supplementation of such regulations or statute.

Fair Market Value or *FMV*—the value in arm's-length transactions, consistent with the general market value of the services provided.

LSBN—the Louisiana State Board of Nursing, as constituted in R.S. 37:911 et seq.

Physician—an individual lawfully entitled to engage in the practice of medicine in this state as evidenced by a license duly issued by the board.

Practice Site or *Site*—a location identified in a CPA or other documentation submitted by the APRN to the LSBN at which a CP or APRN engage in collaborative practice. A hospital and its clinics, ambulatory surgery center, nursing home, any facility or office licensed and regulated by LDH, as well as a group or solo physician practice, which have more than one physical location shall be considered a *site* for purposes of this definition.

Prescription or *Prescription Drug Order*—an order from a practitioner authorized by law to prescribe for a drug or device that is patient specific and is communicated by any means to a pharmacist in a permitted pharmacy, and is preserved on file as required by law or regulation.

Unpredictable, Involuntary Reasons—the death, disability, disappearance, unplanned relocation, or a similar unpredictable or involuntary reason.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 44:272 (February 2018).

§7905. Prohibitions

A. A physician who has signed a CPA with an APRN shall comply with the rules of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 44:273 (February 2018).

§7907. Exceptions

A. This Chapter shall not apply to physician collaboration:

1. with an APRN who does not engage in acts of medical diagnosis or prescriptions, as described in R.S. 37:913(8) and (9), or those otherwise exempt from collaborative practice pursuant to R.S. 37:930; and

2. in cases of a declared emergency or disaster, as defined by the Louisiana Health Emergency Powers Act, R.S. 29:760 et seq., or as otherwise provided in title 29 of the *Revised Statutes* of 1950, or the board's rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 44:273 (February 2018).

Subchapter B. Due Diligence; Eligibility; Requirements of Collaborative Practice Agreement and Required Information

§7909. Due Diligence

A. Before entering into a collaborative practice agreement with an APRN, a physician shall:

1. insure that he or she possesses the qualifications specified by this Chapter; and

2. have an understanding of the rules of this Chapter.

B. After signing a collaborative practice agreement with an APRN a physician shall confirm with the APRN that any required documentation concerning the collaborative practice has been submitted to the LSBN.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 44:273 (February 2018).

§7911. Eligibility; Required Components of Collaborative Practice Agreement

A. To be eligible to engage in collaborative practice with an APRN a physician shall:

1. be actively engaged in the provision of direct patient care in Louisiana;

2. practice in an area comparable in scope, specialty, or expertise to that of the APRN;

3. except as provided in §7911.A.5, have signed a collaborative practice agreement as described in R.S. 37:913(8) and (9) with an APRN that complies with the standards of practice prescribed by §§7915-7919 of this Chapter. In addition, a collaborating physician shall insure that the CPA includes:

a. a plan of accountability among the parties that addresses:

i. prescriptive authority of the APRN and the responsibilities of the collaborating physician;

ii. a plan for hospital and other healthcare institution admissions and privileges which provides that a collaborating physician must have hospital privileges at an institution before an APRN receives privileges at the same hospital or institution;

iii. arrangements for diagnostic and laboratory testing; and

iv. a plan for documentation of medical records;

b. clinical practice guidelines as required by R.S. 37:913(9)(b), documenting the types or categories or schedules of drugs available and generic substitution for prescription by the APRN and be:

i. mutually agreed upon by the APRN and collaborating physician;

ii. specific to the practice setting;

iii. maintained on site;

iv. reviewed and signed at least annually by the CP to reflect current practice;

c. availability of the collaborating physician when he or she is not physically present in the practice setting for consultation, assistance with medical emergencies, or patient referral;

d. confirming that in the event all collaborating physicians are unavailable, and there is no alternate collaborating physician(s), the APRN will not medically diagnose or prescribe;

e. documentation that patients are informed about how to access care when both the APRN and/or the collaborating physician are absent from the practice setting;

f. an acknowledgment of the mutual obligation and responsibility of the APRN and collaborating physician to insure that all acts of prescriptive authority are properly documented;

4. if the APRN has been granted prescriptive authority by the Louisiana State Board of Nursing that includes controlled substances; possess a current, unrestricted Louisiana controlled dangerous substance permit and a current, unrestricted registration to prescribe controlled

substances issued by the United States Drug Enforcement Administration; and

5. in the event all CPs at a practice site are unavailable, the CP may designate an alternate collaborating physician at the practice site to be available for consultation and collaboration provided the following conditions are met:

a. there is a formal, documented, approved and enforceable organizational policy that allows and provides for designation of an alternate collaborating physician;

b. the organizational policy establishes and provides for documenting such designation and such documentation shall be made available to board representatives when requested, including the dates of the designation and name of the alternate collaborating physician(s);

c. the alternate collaborating physician agrees to the provisions of the collaborative practice agreement previously signed by the collaborating physician(s);

d. the collaborating physician and APRN are responsible for insuring that the documented organization policy is established and that such policy and any ACP meet the requirements of this Chapter; and

e. the ACP is designated to collaborate with the APRN only at the same practice site as the designating CP.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 44:273 (February 2018).

§7913. Required Information

A. Each physician shall report to the board annually, as a condition to the issuance or renewal of medical licensure, whether or not he or she is engaged in collaborative practice with an APRN, along with such other information as the board may request.

B. The information required by this Section shall be reported in a format prepared by the board, which shall be made part of or accompany each physician's renewal application for medical licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 44:274 (February 2018).

Subchapter C. Standards of Practice

§7915. Responsibilities, Compensation Arrangements

A. A collaborating physician shall insure that the identity, contact information and availability of the collaborating physician(s) and APRN are available to patients of the collaborative practice.

B. When serving as the sole CP for an APRN at a practice site, the CP:

1. shall give no less than 30-days notice to the APRN when ending a collaborative practice agreement for predictable, voluntary reasons in order to provide for continuity of care of patients; and

2. work with the APRN to identify and enlist a physician to serve as alternate collaborating physician for unpredictable, involuntary reasons. A physician serving as alternate collaborating physician for unpredictable or involuntary reasons:

a. shall insure that the APRN notifies the LSBN within two business days of the commencement of service as an ACP;

b. may serve in such capacity for at least 30, but no more than 120, days to provide for continuity of care while the APRN secures another CP; and

c. may be excused from the requirements §7911.A.2 (e.g., practice in an area comparable in scope, specialty, or expertise of the APRN, unless following notification pursuant to §7915.B.2.a of this Section, the APRN advises the ACP that the collaborative practice has not been approved by LSBN).

C. In structuring any compensation arrangement or other financial relationship with an APRN, a collaborating physician shall be mindful that a CPA is not an option for an APRN; rather, it is a requirement of state law. Any attempt to exploit such requirement by way of compensation arrangements for performing no professional services, merely serving as a CP under a CPA, or for an amount that is not consistent with the FMV of the services provided to an APRN under a CPA shall be viewed as unprofessional conduct.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 44:274 (February 2018).

§7917. Limitations

A. A physician shall not collaborate with an APRN:

1. except in compliance with all applicable state and federal laws and regulations;

2. when the APRN and collaborating physician, or in the physician's absence an alternate collaborating physician, do not have the capability to be in contact with each other face-to-face, by telephone or other means of direct telecommunication;

3. who treats and/or utilizes controlled substances in the treatment of:

a. non-cancer-related chronic or intractable pain, as set forth in §§6915-6923 of the board's rules;

b. obesity, as set forth in §§6901-6913 of the board's rules;

c. one's self, spouse, child or any other family member; or

4. who distributes medication, other than free or gratuitous non-controlled substances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 44:274 (February 2018).

§7919. Continuous Quality Improvement; Board Access to Documents

A. A collaborating physician shall insure that copies of the collaborative practice agreement, clinical practice guidelines, organization policy and required designation documentation for an alternate collaborating physician are available at the practice site for examination, inspection and copying upon request by the board or its designated employees or agents.

B. A collaborating physician or alternate collaborating physician shall comply with and respond to requests by the board for personal appearances and information relative to his or her collaborative practice;

C. Employees or agents of the board may perform an on-site review of a collaborating physician or alternate

collaborating physician's practice at any reasonable time, without the necessity of prior notice, to determine compliance with the requirements of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 44:274 (February 2018).

Subchapter D. Sanctions

§7921. Effect of Violation

A. Any violation or failure to comply with the provisions of this Chapter shall be deemed unprofessional conduct and conduct in contravention of the board's rules, in violation of R.S. 37:1285(A)(13) and (30), respectively, as well as violation of any other applicable provision of R.S. 37:1285(A).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 44:275 (February 2018).

Vincent A. Culotta, Jr., M.D.
Executive Director

1802#029

RULE

Department of Health
Board of Nursing

Authorized Practice Registered Nurses and
Physician Collaboration (LAC 46:XLVII.Chapter 45)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:918, the Louisiana State Board of Nursing (LSBN) has amended Chapter 45, revising definitions and authorized practice under Title 46, Professional and Occupational Standards, Part XLVII, Sections 4505-4513. The rules change the administrative management of the collaboration that can exist between an advanced practice registered nurse (APRN) and his/her current and alternate collaborating physician(s). This change allows for the collaborating physician to delegate his/her responsibility to one or two other physicians in order to streamline approval processes and improve the meaningfulness of the agreement to the collaborating professionals. The change also adds or removes language from the following: (1) collaborative practice agreement; (2) practice site form; and (3) prescriptive authority application.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLVII. Nurses: Practical Nurses and Registered Nurses
Subpart 2. Registered Nurses
Chapter 45. Advanced Practice Registered Nurses
§4505. Definitions

* * *

Advanced Practice Registered Nurse Student—Repealed.

* * *

Alternate Collaborating Physician (*ACP*)—a physician designated by a collaborating physician (CP) with whom an APRN has been previously approved to collaborate by the board, who agrees to serve in this capacity, and is available to the APRN for consultation and collaboration as delineated in the collaborative practice agreement signed by the CP. The ACP shall be a physician actively engaged in clinical practice and the provision of direct patient care in Louisiana who holds a current and valid medical license issued by the Louisiana State Board of Medical Examiners. The ACP shall be engaged in clinical practice in the same or a practice comparable in scope, specialty or expertise to that of the APRN. Physicians otherwise authorized to practice in the state of Louisiana under provisions of federal law may be considered to serve as an ACP. Retired physicians are not eligible to serve as an ACP. The ACP shall collaborate with the APRN at a practice site(s) previously submitted to the board that is affiliated with the CP who formally designates the ACP. The ACP is not approved directly through processes of the board.

Approval—Repealed.

Approved Program—Repealed.

* * *

Attestation of APRN Collaborative Practice—a form provided by the board and required to be submitted to the board for review and approval as indicated in rules and procedures to validate that an APRN possesses and retains a collaborative practice agreement with a specified CP or dentist and signed by the APRN and the specified CP or dentist that is associated with a practice site submitted to the board.

* * *

Collaborating Physician—Repealed.

Collaborating Physician (*CP*)—a physician with whom an APRN has been approved to collaborate by the board, who is actively engaged in clinical practice and the provision of direct patient care in Louisiana, with whom the APRN has developed and signed a collaborative practice agreement for prescriptive and distributing authority, who holds a current and valid medical license issued by the Louisiana State Board of Medical Examiners (LSBME), and practices in accordance with rules of the LSBME. The CP shall be engaged in clinical practice in the same or a practice comparable in scope, specialty or expertise to that of the APRN. Physicians otherwise authorized to practice in the state of Louisiana under provisions of federal law may be considered to serve as a CP. Retired physicians are not eligible to serve as a CP.

* * *

Collaborative Practice Agreement—

1. a formal written statement/document addressing the parameters of the collaborative practice which are mutually agreed upon by the advanced practice registered nurse and one or more collaborating physicians or dentists. Dentists shall be given consideration to serve as a collaborating professional within a collaborative practice agreement only with CRNAs for services relative to anesthesia care. The collaborative practice agreement shall include but not be limited to the following provisions:

a. availability of the CP or dentist for consultation or referral, or both;

b. methods of management of the collaborative practice which shall include clinical practice guidelines;

c. coverage of the health care needs of a patient during any absence of the advanced practice registered nurse, physician, or dentist;

2. the APRN retains the collaborative practice agreement on site and attests to possessing and retaining such document by submitting an attestation to the board as required in rules and procedures.

* * *

Cooperating Agency—Repealed.

Course—Repealed.

Curriculum—Repealed.

Distance Education—Repealed.

Distance Education Technology—Repealed.

* * *

Faculty—Repealed.

* * *

Goals—Repealed.

* * *

Major Change in Curriculum—Repealed.

* * *

National Nursing Accrediting Body—Repealed.

National Professional Accrediting Organization—Repealed.

* * *

Objectives—Repealed.

Parent Institution—Repealed.

Philosophy—Repealed.

Population Focus—term referenced in the National Council for State Boards of Nursing's document entitled "Consensus Model for APRN Regulation: Licensure Accreditation, Certification, and Education" which refers to one of the areas of concentrated study and practice provided to a collection of specified individuals who have characteristics in common. A broad, population-based focus of study encompasses common problems and aspects of that group of patients and the likely co-morbidities, interventions, and responses to those problems. Examples include, but are not limited to neonatal, pediatric, women's health, adult, family, mental health, etc. A *population focus* is not defined as a specific disease/health problem or specific intervention.

Practice Site or *Site*—for the purposes of clarifying prescriptive authority and collaborative practices, including but not limited to the provisions for CPs and ACPs, *practice site* or *site* refers to a location identified in documentation submitted by the APRN to the board at which an APRN exercises prescriptive authority or otherwise engages in advanced practice registered nursing including but not limited to direct and indirect care of patients. A hospital and its clinics, ambulatory surgery center, nursing home, any facility or office licensed and regulated by the Department of Health, as well as a group or solo practice, which have more than one physical location shall be considered a *site* when the organizational policies and provisions provided by the managing entity are applicable to all affected locations including the policies delineated in §4513.D.1.f. Business entities that contract with facilities to provide services such as those provided by APRNs, may be considered a practice site separate from the facility depending upon the roles and responsibilities and agreements of the parties.

Preceptorship Experience—Repealed.

* * *

Program Head (*Administrative Director*)—Repealed.

* * *

Requirements—Repealed.

* * *

Survey—Repealed.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 27:724 (May 2001), amended LR 31:2013 (August 2005), LR 40:60 (January 2014), amended by the Department of Health, Board of Nursing, LR 44:275 (February 2018).

§4513. Authorized Practice

A. - D.1.c. ...

d. submit an application and *Attestation of APRN Collaborative Practice* on forms provided by the board with a non-refundable fee as set forth in LAC 46:XLVII.3341;

e. - e.v. ...

f. obtain and retain at the practice site a signed collaborative practice agreement on a form and template provided by the board and as defined in §4513.B.1, 2 and 3, with no more than two CPs per site which shall include, but not be limited to:

i. a plan of accountability among the parties that:

(a). defines the prescriptive authority of the APRN and the responsibilities of the collaborating physician or physicians;

(b). delineates a plan for hospital and other healthcare institution admissions and privileges which includes a statement that the collaborating physician must have said privileges at the same institution before an APRN can receive this determination at said institution;

(c). delineates mechanisms and arrangements for diagnostic and laboratory requests for testing; and

(d). delineates a plan for documentation of medical records;

ii. clinical practice guidelines as required by R.S. 37:913(9)(b) shall contain documentation of the types or categories or schedules of drugs available and generic substitution for prescription and be in accordance with current standards of care and evidence-based practice for the APRN specialty and functional role and be:

(a). mutually agreed upon by the APRN and collaborating physician;

(b). specific to the practice setting;

(c). maintained on site; and

(d). reviewed and signed at least annually by the APRN and physician to reflect current practice;

iii. documentation of the availability of the collaborating physician when the physician is not physically present in the practice setting. A collaborating physician shall be available to provide consultation as needed:

(a). physician shall be available face-to-face, by telephone, or by direct telecommunications for consultation, assistance with medical emergencies, or patient referral, as delineated in the collaborative practice agreement; and

(b). in the event all of the collaborating physicians for a practice site previously submitted to the board are unavailable, the collaborating physician for the practice site may designate an ACP to be available for consultation and collaboration provided the following conditions are met:

(i). there is a formal, documented, approved, and enforceable organizational policy that allows and provides for designation of an alternate collaborating physician;

(ii). the organizational policy establishes and provides for documenting in writing such designation and such documentation will be available to LSBN and LSBME representatives when requested including the dates of the designation and name of the ACP(s);

(iii). the designated ACP must agree to the provisions of the collaborative practice agreement previously signed by the CP(s) as attested to and recognized by the board;

(iv). the designated ACP must meet the provisions as defined in the definition of ACP in LAC:XLVII:4505;

(v). the CP and the APRN are responsible for ensuring the policy is established and that the policy and designated ACP meets requirements;

(vi.). the CP and APRN must have the authority to establish a policy at the practice site;

(vii.). the CP may designate an ACP only at practice sites which were submitted to the board by the APRN that are associated with the CP that wishes to designate an ACP. The CP and APRN are not authorized to designate or utilize an ACP at a practice site not associated with the CP as recorded by the board which is derived from submissions of the APRN including attestations and forms required by the board:

[a]. in the event all CPs are unavailable at a site, and there is no designated ACP as provided for in §4513.D.1.f.iii.(b), the APRN will not medically diagnose nor prescribe;

[b]. any deviation from §4513.D.1.f regarding the limit of no more than two CPs per site shall be submitted to the board for review and approval with any and all documentation requested;

iv. documentation shall be shown that patients are informed about how to access care when both the APRN and/or the collaborating physicians are absent from the practice setting; and

v. an acknowledgement of the mutual obligation and responsibility of the APRN and collaborating physicians to insure that all acts of prescriptive authority are properly documented;

g. collaborative practice agreements approved prior to April 1, 2017 are subject to additional review and, if directed by the board, APRNs shall revise previously approved collaborative practice agreements to comply with any and all provisions of this part including but not limited to the provision of an attestation and selection of no more than two CPs per site.

2. - 2.a. …

i. The board shall review the application, reapplication or renewal, the *Attestation of APRN Collaborative Practice* and all related materials and shall approve, modify, or deny the application, reapplication or renewal for prescriptive authority. An APRN with prescriptive authority approved by the board may prescribe drugs and therapeutic devices as recommended by clinical practice guidelines and the parameters of the collaborative practice agreement.

ii. - v. …

b. Controlled Substances. The board may authorize an APRN with prescriptive authority to prescribe or distribute controlled substances as defined, enumerated or included in federal or state statutes or regulations 21 CFR 1308.11-15, R.S. 40:964, on an individual practice basis. An APRN who is so authorized shall provide their Drug Enforcement Administration registration number on all written, electronic, oral, or faxed prescriptions for controlled substances shall comply with all scheduled drug prescription requirements in accordance with LAC 46:LIII.2511:

i. - i.(c). …

ii. any APRN authorized by the board to prescribe controlled substances shall comply with provisions in 21 U.S.C. §§821-831 including, but not limited to, obtaining and possessing an active Louisiana controlled dangerous substance license and Drug Enforcement Administration registration number prior to prescribing or distributing controlled substances;

iii. controlled substances which may be prescribed by an APRN shall include schedule II, III, IV and V. Controlled substances shall be limited to, consistent with, and exclusively within the parameters of the practice specialty of the collaborating physicians and in the APRN's licensed role and population focus. The APRN must have been approved by the board to prescribe and distribute non-controlled substances. Upon initial application for controlled substance privileges, the applicant must submit an application and *Attestation of APRN Collaborative Practice* on forms provided by the board;

iv. the APRN must obtain and retain at the practice site a signed collaborative practice agreement on a form and template provided by the board and as defined in §4513.B.1-3 and as per §4513.D.1.f with no more than two CPs per site. The collaborative practice agreement must clearly indicate that the controlled substances prescribed have been jointly agreed upon with the collaborating physician; The collaborative practice agreement shall delineate controlled substances utilization, which specifies the circumstances, limitations and extent to which such substances may be prescribed or distributed;

v. - xi. ...

3. Responsibilities; Unexpected Absence of Collaborating Physician

a. The APRN is responsible for ensuring that the CP and ACP meet all eligibility requirements to serve as a CP and ACP and that documentation has been provided to the board for review and approval in a timely manner and as required.

b. When an APRN has a single, sole CP for a practice site, the APRN may collaborate with the CP to identify an ACP prior to and in the potential event that the collaborative practice agreement ends for unpredictable or involuntary reasons directly affecting the CP (such as death, disability, incarceration, disappearance, unplanned relocation, etc.).

i. A physician serving as ACP for such unpredictable or involuntary reasons may serve in such capacity temporarily for at least 30, but no more than 120 days to provide for continuity of care of patients and to allow for the APRN to secure and submit an *Attestation of APRN Collaborative Practice* to the board.

ii. A physician serving as ACP for such unpredictable or involuntary reasons is exempt from the requirement to be engaged in clinical practice in the same or a practice comparable in scope, specialty or expertise to that of the APRN when appropriate referral and consultation resources are reasonably available.

iii. The APRN shall notify the board in writing within two business days if a physician is serving as ACP for unpredictable or involuntary reasons.

c. Per LAC 46:XLV.7915, when serving as the sole CP at a site, the CP shall give no less than 30-days notice when ending a collaborative practice agreement for predictable, voluntary reasons in order to provide for the care of patients.

4. Maintenance of Patient Records

a. Patient Record. An APRN who prescribes a controlled substance shall maintain a complete record of the examination, evaluation and treatment of the patient which must include documentation of the diagnosis and reason for prescribing controlled substances. The name, dose, strength, quantity of the controlled substance and the date that the controlled substance was prescribed must be documented in the record.

b. The Louisiana State Board of Nursing has the authority to conduct random audits of patient records, facility policies, and any other documents and elements related to the provision of patient care at practice sites where APRNs practice and/or exercise prescriptive authority.

5. Drug Maintenance, Labeling and Distribution Requirements

a. APRNs shall not receive samples of controlled substances. An APRN may receive and distribute pre-packaged medications or samples of non-controlled substances for which the APRN has prescriptive authority.

b. An APRN must distribute the medication. For the purpose of this regulation, "distribute" shall mean hand the pre-packaged medication to the patient or the patient's authorized agent.

c. All drug products which are maintained/stored at the site of practice of an APRN, shall be maintained/stored in the manufacturer's or re-packager's original package. The label of any container in which drugs are maintained must bear the drug name, strength, the manufacturer's control lot number and the expiration date.

d. All drug products shall be maintained, stored and distributed in such a manner as to maintain the integrity of the product.

6. Continued Competency for Prescriptive Authority. Each year an APRN with prescriptive authority shall obtain six contact hours of continuing education in pharmacotherapeutics in their advanced nursing role and population foci. Documentation of completion of the continuing education contact hours required for prescriptive authority shall be submitted at the request of the board in a random audit procedure at the time of the APRN's license renewal. In order for the continuing education program to be approved by the board, the program shall:

a. be provided by a board approved national certifying organization or provider approved by the board;

b. include content relevant to advanced practice nursing and the use of pharmacological agents in the prevention of illness, and the restoration and maintenance of health.

7. APRN prescriptive authority may be renewed after review and approval by the board.

8. Changes in Prescriptive Authority. The APRN shall notify the board in writing requesting approval of all changes regarding physicians and practice sites including the addition and deletion of any collaborating physicians within 30 days.

a. Prior to adding new collaborating physician(s) or dentists(s) and sites concurrently (i.e. new employment) to prescriptive authority privileges, the APRN shall notify the board in writing requesting approval on forms provided by the board including an *Attestation of APRN Collaborative Practice*. A collaborative practice agreement on a form and template provided by the board and signed by the APRN and CPs must be retained on site at all times.

b. Prior to requesting the addition or replacement of collaborating physicians or dentist(s) at a site that has previously been submitted to the board, the APRN shall notify the board in writing requesting approval on forms provided by the board including an *Attestation of APRN Collaborative Practice*. A collaborative practice agreement on a form and template provided by the board and signed by the APRN and CPs must be retained on site at all times.

c. Failure to abide by all provisions of this part may result in disciplinary action.

9. The board shall be responsible for maintaining a current up-to-date public list of APRNs who have authority to prescribe in the state.

10. The board shall supply whatever data is needed by the Office of Narcotics and Dangerous Drugs of the Department of Health.

11. An APRN shall demonstrate compliance with the board's rules relating to authorized practice, LAC 46:XLVII.4513.C.

12. Limitation

a. An APRN's prescriptive and distributing authority is personal to that individual APRN and is not delegable. An APRN shall not enter into any agreement, arrangement or contract with another health care provider, practitioner, person or individual which in any manner transfers any of the prescribing or distributing authority that the APRN derives as a result of approval by the board.

b. Only registered practitioners of medicine, dentistry, or veterinary medicine are authorized to compound and dispense drugs in accord with R.S. 37:1201.

c. Exclusion. Nothing herein shall require a CRNA to have a collaborative practice agreement to provide anesthesia care and ancillary services to patients in a hospital or other licensed surgical facility.

i. Anesthesia care includes modalities associated with the delivery of anesthesia. Anesthesia care provided by a CRNA shall be in accord with the educational preparation of that CRNA in compliance with R.S. 37:930(A)(3) and includes:

(a). the administration, selection, and prescribing of anesthesia related drugs or medicine during the perioperative period necessary for anesthesia care; and

(b). prescribing diagnostic studies, legend and controlled drugs, therapeutic regimens, and medical devices and appliances necessary for anesthesia care.

ii. Ancillary services provided by CRNAs shall be in accordance with R.S. 37:930(A)(3):

(a). shall include services provided by a CRNA in accord with the educational preparation of that CRNA;

(b). shall be pursuant to a consult for the service by a licensed prescriber if the services are not directly related to anesthesia care; and

(c). may include prescribing diagnostic studies, legend and controlled drugs, therapeutic regimens, and medical devices and appliances for assessment, administration or application while the patient is in the hospital or other licensed surgical facility in the state of Louisiana.

iii. Nothing herein shall provide for services by a CRNA which are otherwise prohibited by law.

d. Continuance. Those APRNs who have previously been granted prescriptive and distributing authority by the Joint Administrative Committee or the LSBN shall continue under these rules.

e. Reinstatement. An APRN who has been granted approval by the board for prescriptive and distributive authority and who has ceased practicing with prescriptive authority for more than 12 months may apply for reinstatement of such authority.

f. In the event that the time period is greater than 12 months but less than four years the APRN shall:

i. meet the requirements as set forth in LAC 46:XLVII.4513.D.1.a, b, and c; and

ii. provide evidence of six contact hours of continuing education in pharmacotherapeutics for each 12-month period of non-prescribing in their category and area of specialization. The APRN may obtain the required advanced pharmacotherapeutic hours through continuing education offerings. The required advanced pharmacotherapeutic hours may be non-lecture offerings or continuing medical education units (CMEs) provided that the offering documents the number of advanced pharmacotherapeutic hours in the educational offering. Pharmacotherapeutics hours must be delineated on the certificate. In order for the continuing education program to be approved by the board, the program shall:

(a). be provided by a board-approved national certifying organization or provider approved by the board; and

(b). include content relevant to advanced practice nursing and the use of pharmacological agents in the prevention of illness, and the restoration and maintenance of health.

g. In the event that the time period is greater than four years, the APRN shall meet the requirements as set forth in LAC 46:XLVII.4513.D.1.a-e.i.

13. Failure to abide by any provision of rules relative to prescriptive authority may result in formal disciplinary action. The board may suspend or revoke prescriptive authority privileges, including controlled substance privileges, for violations of the Nurse Practice Act and subsequent rules and regulations.

14. The requirements and directives for submission of a collaborative practice agreement noted in declaratory statements or opinions issued prior to April 1, 2017 are considered to have been met through submission of an *Attestation of APRN Collaborative Practice* and retaining of the collaborative practice agreement on site that meets the provisions of current rules and provisions detailed in the statement or opinion.

15. Termination of Prescriptive Privileges

a. Prescriptive privileges may be terminated for violation of any rules and regulations of the board.

b. Prescriptive authority will be designated as "inactive" when an APRN has no current collaborative practice agreement with a collaborating physician.

c. Prescriptive authority will be designated as "inactive" in the event the RN and/or APRN license is revoked, suspended, made inactive or becomes delinquent.

16. Financial Disclosure

a. The APRN is subject to the rules in LAC 46:XLVII.3605, Required Disclosure of Financial Interests.

17. Freedom of Choice

a. An APRN shall not be influenced in the prescribing of drugs, devices or appliances by a direct or indirect financial interest in a pharmaceutical firm, pharmacy or other supplier or other health care related business.

b. Patients are entitled to the same freedom of choice in selecting who will fill their prescription needs as they are in the choice of an APRN. The prescription is a written or electronic direction for a therapeutic or corrective agent. A patient is entitled to a copy of the APRN's prescription for drugs or other devices. The patient has a right to have the prescription filled wherever the patient wishes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K) and R.S. 37:1031-1034.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 10:598 (August 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 22:283 (April 1996), amended by the Department of Health and Hospitals, Board of Nursing and Board of Medical Examiners, LR 22:981 (October 1996), LR 25:1245 (July 1999), LR), amended by the Department of Health and Hospitals, Board of Nursing, 27:727 (May 2001), amended by the Department of Health and Hospitals, Board of Nursing and Board of Medical Examiners, LR 28:487 (March 2002), repromulgated LR 28:1205 (June 2002), amended by the Department of Health and Hospitals, Board of Nursing, LR 31:2023 (August 2005), LR 33:1870 (September 2007), LR 40:63 (January 2014), LR 40:2249 (November 2014), LR 42:572 (April 2016), amended by the Department of Health, Board of Nursing, LR 44:276 (February 2018).

Dr. Karen C. Lyon
Executive Director

1802#008

RULE

Department of Health
Bureau of Health Services Financing

Disproportionate Share Hospital Payments
Major Medical Centers
(LAC 50:V.2715)

The Department of Health, Bureau of Health Services Financing has adopted LAC 50:V.2715 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is

promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This rule is hereby adopted on the day of promulgation.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part V. Hospital Services
Subpart 3. Disproportionate Share Hospital Payments
Chapter 27. Qualifying Hospitals
§2715. Major Medical Centers Located in Central and Northern Areas of the State

A. Effective for dates of service on or after June 30, 2016, hospitals qualifying for payments as major medical centers located in the central and northern areas of the state shall meet the following criteria:

1. be a private, non-rural hospital located in Department of Health administrative regions 6, 7, or 8;

2. have at least 200 inpatient beds as reported on the Medicare/Medicaid cost report, Worksheet S-3, column 2, lines 1-18, for the state fiscal year ending June 30, 2015. For qualification purposes, inpatient beds shall exclude nursery and Medicare-designated distinct part psychiatric unit beds;

3. does not qualify as a Louisiana low-income academic hospital under the provisions of §3101; and

4. such qualifying hospital (or its affiliate) does have a memorandum of understanding executed on or after June 30, 2016 with Louisiana State University, School of Medicine, the purpose of which is to maintain and improve access to quality care for Medicaid patients in connection with the expansion of Medicaid in the state through the promotion, expansion, and support of graduate medical education and training.

B. Payment Methodology. Effective for dates of service on or after June 30, 2016, each qualifying hospital shall be paid a DSH adjustment payment which is the pro rata amount calculated by dividing their hospital specific allowable uncompensated care costs by the total allowable uncompensated care costs for all hospitals qualifying under this category and multiplying by the funding appropriated by the Louisiana Legislature in the applicable state fiscal year for this category of hospitals.

1. Costs, patient specific data and documentation that qualifying criteria is met shall be submitted in a format specified by the department.

2. Costs and lengths of stay shall be reviewed by the department for reasonableness before payments are made.

3. Aggregate DSH payments for hospitals that receive payment from this category, and any other DSH category, shall not exceed the hospital's specific DSH limit. If payments calculated under this methodology would cause a hospital's aggregate DSH payment to exceed the limit, the payment from this category shall be capped at the hospital's specific DSH limit.

4. A pro rata decrease, necessitated by conditions specified in §2501.B.1 above for hospitals described in this Section, will be calculated based on the ratio determined by dividing the hospital's uncompensated costs by the uncompensated costs for all of the qualifying hospitals described in this Section, then multiplying by the amount of disproportionate share payments calculated in excess of the federal DSH allotment.

a. Additional payments shall only be made after finalization of the Centers for Medicare and Medicaid Services' (CMS) mandated DSH audit for the state fiscal year. Payments shall be limited to the aggregate amount recouped from the qualifying hospitals described in this Section, based on these reported audit results. If the hospitals' aggregate amount of underpayments reported per the audit results exceeds the aggregate amount overpaid, the payment redistribution to underpaid hospitals shall be paid on a pro rata basis calculated using each hospital's amount underpaid, divided by the sum of underpayments for all of the hospitals described in this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 44:280 (February 2018).

Rebekah E. Gee MD, MPH
Secretary

1802#038

RULE

Department of Health
Bureau of Health Services Financing

Facility Need Review
Behavioral Health Services Providers
(LAC 48:I.Chapter 125)

The Department of Health, Bureau of Health Services Financing has amended LAC 48:I.Chapter 125 as authorized by R.S. 36:254 and R.S. 40:2116. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This rule is hereby adopted on the day of promulgation.

Title 48
PUBLIC HEALTH—GENERAL
Part I. General Administration
Subpart 5. Health Planning
Chapter 125. Facility Need Review
Subchapter A. General Provisions
§12501. Definitions

A. Definitions. When used in this Chapter the following terms and phrases shall have the following meanings unless the context requires otherwise.

* * *

Behavioral Health Services (*BHS*)—mental health services, substance abuse/addiction treatment services, or combination of such services, for adults, adolescents and children.

Behavioral Health Services Provider—a facility, agency, institution, person, society, corporation, partnership, unincorporated association, group, or other legal entity that provides behavioral health services or, presents itself to the public as a provider of behavioral health services.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:806 (August 1995), amended LR 25:1250 (July 1999), LR 28:2190 (October 2002), LR 30:1023 (May 2004), LR 32:845 (May 2006), LR 34:2611 (December 2008), amended by the Department of Health and Hospitals,

Bureau of Health Services Financing, LR 35:2437 (November 2009), LR 36:323 (February 2010), LR 38:1961 (August 2012), LR 41:135 (January 2015), LR 41:2636 (December 2015), LR 42:61 (January 2016), amended by the Department of Health, Bureau of Health Services Financing, LR 44:280 (February 2018).

§12503. General Information

A. - B. ...

C. The department will also conduct an FNR for the following provider types to determine if there is a need to license additional units, providers or facilities:

1. - 3. ...

4. hospice providers or inpatient hospice facilities;

5. pediatric day health care facilities; and

6. behavioral health services (BHS) providers that provide psychosocial rehabilitation (PSR) and/or community psychiatric support and treatment (CPST) services.

D. - F.4. ...

G. Additional Grandfather Provision. An approval shall be deemed to have been granted under FNR without review for HCBS providers, ICFs/DD, ADHC providers, hospice providers, BHS providers, and pediatric day health care centers that meet one of the following conditions:

1. ...

2. existing licensed ICFs-DD that are converting to the Residential Options Waiver;

3. - 5.c. ...

d. became licensed as a PDHC by the department no later than December 31, 2014;

6. behavioral health services providers that are licensed to provide PSR and/or CPST, or that have submitted a completed application for licensure as a BHS provider that includes PSR and/or CPST, prior to promulgation of this Rule; and

7. behavioral health services (BHS) providers that fall within the provisions of Act 33 of the 2017 Regular Session of the Louisiana Legislature, commonly referred to as accredited mental health rehabilitation providers, that submit a completed BHS provider licensing application by December 1, 2017 and become licensed by April 1, 2018.

H. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:808 (August 1995), amended LR 28:2190 (October 2002), LR 30:1483 (July 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 34:2612 (December 2008), amended LR 35:2437 (November 2009), LR 36:323 (February 2010), LR 38:1593 (July 2012), LR 38:1961 (August 2012), LR 41:136 (January 2015), LR 42:61 (January 2016), amended by the Department of Health, Bureau of Health Services Financing, LR 44:281 (February 2018).

Subchapter B. Determination of Bed, Unit, Facility or Agency Need

§12524. Behavioral Health Services Providers

A. Except as noted in Paragraph B below, no behavioral health services (BHS) providers or applicants seeking to provide psychosocial rehabilitation (PSR) and/or community psychiatric support and treatment (CPST) services shall be eligible to apply for licensure to provide PSR and/or CPST services unless the FNR Program has granted an approval for the issuance of a BHS provider license for such services. Once the FNR Program approval is granted, a BHS provider is eligible to apply for a BHS provider license to provide PSR and/or CPST services.

B. BHS providers who fall within the provisions of Act 33 of the 2017 Regular Session of the Louisiana Legislature, commonly referred to as accredited mental health rehabilitation providers, are required to submit a BHS provider licensing application by December 1, 2017 and become licensed by April 1, 2018.

1. Beginning December 2, 2017, such an "Act 33" BHS provider that failed to submit its completed licensing application by December 1, 2017, shall be subject to FNR and shall not be eligible to apply for licensure to provide PSR and/or CPST services unless the FNR Program has granted an approval for the issuance of a BHS provider license for such services. Once the FNR Program approval is granted, such a BHS provider is eligible to apply for a BHS provider license to provide PSR and/or CPST services.

2. Beginning April 2, 2018, such an "Act 33" BHS provider that submitted its completed licensing application by December 1, 2017, but failed to become licensed by April 1, 2018, shall be subject to FNR and shall not be eligible to apply for licensure to provide PSR and/or CPST services unless the FNR Program has granted an approval for the issuance of a BHS provider license for such services. Once the FNR Program approval is granted, such a BHS provider is eligible to apply for a BHS provider license to provide PSR and/or CPST services.

C. The service area for proposed or existing BHS providers shall be the parish in which the provider is licensed and parishes directly adjacent to said parish.

D. Determination of Need/Approval

1. The department shall review the FNR application to determine if there is a need for an additional BHS provider to provide PSR and/or CPST services in the service area.

2. The department shall grant FNR approval only if the FNR application, the data contained in the application and other evidence effectively establishes the probability of serious, adverse consequences to recipients' ability to access behavioral health PSR and/or CPST services if the provider is not allowed to be licensed.

3. In reviewing the application, the department may consider, but is not limited to, evidence showing:

a. the number of other BHS providers providing PSR and/or CPST services in the same geographic location and service area servicing the same population;

b. the number of members that the BHS provider is able to provide PSR and/or CPST services to; and

c. allegations involving issues of access to behavioral health PSR and/or CPST services.

4. The burden is on the applicant to provide data and evidence to effectively establish the probability of serious, adverse consequences to recipients' ability to access behavioral health PSR and/or CPST services if the provider is not granted approval to be licensed. The department shall not grant any FNR approvals if the application fails to provide such data and evidence.

E. Applications for approvals of BHS providers of PSR and/or CPST services submitted under these provisions are bound to the description in the application with regard to the type of services proposed, as well as to the site and location as defined in the application. FNR approval of such

providers shall expire if these aspects of the application are altered or changed.

F. Facility need review approvals for behavioral health PSR and/or CPST applicants are non-transferrable and are limited to the location and the name on the original licensee.

1. A BHS provider of PSR and/or CPST services undergoing a change of location in the same licensed region shall submit a written attestation of the change of location and the department shall re-issue the FNR approval with the name and new location. A BHS provider undergoing a change of location outside of the licensed region shall submit a new completed FNR application and required fee and undergo the FNR approval process.

2. A BHS provider of PSR and/or CPST services undergoing a change of ownership shall submit a new completed application and required fee to the department's FNR Program. FNR approval for the new owner shall be granted upon submission of the new application and proof of the change of ownership, which shall show the seller's or transferor's intent to relinquish the FNR approval.

3. Facility need review approval of a licensed BHS provider of PSR and/or CPST services shall automatically expire if the provider is moved or transferred to another party, entity or location without application to and approval by the FNR program.

4. Facility need review approved BHS providers of PSR and/or CPST shall become licensed no later than one year from the date of the FNR approval. Failure to meet any of the time frames in this section shall result in an automatic expiration of the FNR approval of the BHS provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 44:281 (February 2018).

Rebekah E. Gee MD, MPH
Secretary

1802#039

RULE

Department of Health
Bureau of Health Services Financing
and
Office for Citizens with Developmental Disabilities

Home and Community-Based Services Waivers
New Opportunities Waiver
(LAC 50:XXI.13931)

Editor's Note: Section 13931 is being repromulgated to correct a citation error. This Rule may be viewed in its entirety in the January 20, 2018 *Louisiana Register* on pages 50-58.

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities have amended LAC 50:XXI.Chapters 137-143 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXI. Home and Community-Based Services Waivers
Subpart 11. New Opportunities Waiver
Chapter 139. Covered Services
§13931. Adult Companion Care

A. Adult companion care services assist the participant to achieve and/or maintain the outcomes of increased independence, productivity and inclusion in the community. These services are designed for an individual who lives independently and can manage his/her own household with limited supports. The companion is a principal care provider chosen by the participant, who provides services in the participant's home and lives with the participant as a roommate. Adult companion care services are furnished through a licensed provider organization as outlined in the participant's CPOC. This service includes:

1. providing assistance with all of the activities of daily living as indicated in the participant's CPOC;

2. - 3. ...

B. Adult companion care services are arranged by provider organizations that are subject to licensure. The setting is the participant's home which should have been freely chosen by the participant from among non-disability specific settings and not owned or controlled by the provider. The companion is an employee or contractor of the provider organization and is responsible for providing limited, daily direct services to the participant.

1. ...

2. Services may not be provided by a family member who is the participant's spouse or legal guardian.

C. ...

1. The provider organization shall develop a written agreement as part of the participant's CPOC which defines all of the shared responsibilities between the companion and the participant. The written agreement shall include, but is not limited to:

1.a. - 3.b. ...

c. contacting the companion a minimum of once per week or as specified in the participant's comprehensive plan of care; and

3.d. - 4.a. ...

b. inclusion of any other expenses must be negotiated between the participant and the companion. These negotiations must be facilitated by the provider and the resulting agreement must be included in the written agreement and in the participant's CPOC.

D. Companion Responsibilities

1. The companion is responsible for:

a. participating in, and abiding by, the CPOC;

D.1.b. - E. ...

1. Adult companion care services may be authorized for up to 365 days per year as documented in the participant's CPOC.

F. Service Exclusions

1. ...

2. Participants receiving adult companion care services are not eligible for receiving the following services:

a. supported independent living;

b. - d. ...

G. Provider Qualifications. Providers must be licensed by the Department of Health as a home and community-based services provider and must meet the module specific requirements for the service being provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:77 (January 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 44:282 (January 2018), repromulgated LR 44:282 (February 2018).

Rebekah E. Gee MD, MPH
Secretary

1802#031

RULE

Department of Health
Bureau of Health Services Financing

Laboratory and Radiology Services
Termination of Coverage for Proton Beam
Radiation Therapy (LAC 50:XIX.4334)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:XIX.4334 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XIX. Other Healthcare Services
Subpart 3. Laboratory and Radiology Services
Chapter 43. Billing and Reimbursement
Subchapter B. Reimbursement
§4334. Radiology Services

A. - K.3. ...

L. Effective for dates of service on or after February 20, 2018, or upon promulgation of this Rule, the Medicaid Program terminates coverage and reimbursement for proton beam radiation therapy (PBRT) for recipients 21 years of age and older.

1. For recipients under the age of 21, coverage and reimbursement shall be provided when PBRT services are deemed medically necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 30:1026 (May 2004), amended LR 35:1898 (September 2009), amended LR 36:1248 (June 2010), LR 36:2563 (November 2010), LR 37:3029 (October 2011), LR 39:1284 (May 2013), LR 41:540 (March 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:283 (February 2018).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Rebekah E Gee MD, MPH
Secretary

1802#040

RULE

Department of Health
Bureau of Health Services Financing

Managed Care for Physical and Behavioral Health
Independent Review Process for Provider Claims
(LAC 50:I.3111)

The Department of Health, Bureau of Health Services Financing has adopted LAC 50:I.3111 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part I. Administration
Subpart 3. Managed Care for Physical and Behavioral Health
Chapter 31. General Provisions
§3111. Independent Review Process for Provider Claims

A. Right of Providers to Independent Review

1. Pursuant to Act 349 of the 2017 Regular Session of the Louisiana Legislature, for adverse determinations related to claims filed on or after January 1, 2018, a healthcare provider shall have a right to an independent review of the adverse action of the managed care organization (MCO).

2. For purposes of these provisions, adverse determinations shall refer to claims submitted by healthcare providers for payment for services rendered to Medicaid enrollees and denied by a MCO, in whole or in part, or a claim that results in recoupment of a payment from the healthcare provider.

B. Request for Reconsideration

1. A provider shall submit a written request for reconsideration to the MCO. The request shall identify the claim(s) in dispute, the reasons for the dispute, and any documentation supporting the provider's position or request by the MCO, within 180 days from one of the following dates:

a. the date on which the MCO transmits remittance advice or other notice electronically;

b. 60 days from the date the claim was submitted to the MCO if the provider receives no notice from an MCO, either partially or totally, denying the claim; or

c. the date on which the MCO recoups monies remitted for a previous claim payment.

2. The MCO shall acknowledge in writing its receipt of a reconsideration request submitted in accordance with §3111.B.1, within 5 calendar days after receipt of the

request, and render a final decision by providing a response to the provider within 45 calendar days from the date of receipt of the request for reconsideration, unless another time frame is agreed upon in writing by the provider and the MCO.

C. Independent Review Requirements

1. If the MCO upholds the adverse determination, or does not respond to the reconsideration request within the time frames allowed, the provider may file a written notice with the department requesting the adverse determination be submitted to an independent reviewer. The department must receive the written request from the provider for an independent review within 60 days from the date the provider receives the MCO's notice of the decision of the reconsideration request, or if the MCO does not respond to the reconsideration request within the time frames allowed, the last date of the time period allowed for the MCO to respond.

2. The provider shall include a copy of the written request for reconsideration with the request for an independent review. The address to be used by the provider for submission of the request shall be P.O. Box 91283, Bin 32, Baton Rouge, LA 70821-9283.

3. If the MCO reverses the adverse determination pursuant to a request for reconsideration, payment of the claim(s) in dispute shall be made no later than 20 days from the date of the MCO's decision.

4. Subject to approval by the department, a provider may aggregate multiple adverse determinations involving the same MCO when the specific reason for nonpayment of the claims aggregated involve a dispute regarding a common substantive question of fact or law.

5. Within 14 calendar days of receipt of the request for independent review, the independent reviewer shall request to be provided all information and documentation submitted for reconsideration regarding the disputed claim or claims within 30 calendar days.

6. If the independent reviewer determines that guidance on a medical issue from the department is required to make a decision, the reviewer shall refer this specific issue to the department for review and concise response to the request within 90 calendar days after receipt.

7. The independent reviewer shall examine all materials submitted and render a decision on the dispute within 60 calendar days. The independent reviewer may request in writing an extension of time from the department to resolve the dispute. If an extension of time is granted by the department, the independent reviewer shall provide notice of the extension to the provider and the MCO.

8. If the independent reviewer renders a decision requiring a MCO to pay any claims or portion of the claims, within 20 calendar days, the MCO shall send the provider payment in full along with 12 percent interest calculated back to the date the claim was originally denied or recouped.

9. Within 60 calendar days of an independent reviewer's decision, either party to the dispute may file suit in any court having jurisdiction to review the independent reviewer's decision to recover any funds awarded by the independent reviewer to the other party.

D. Independent Review Costs

1. The fee for conducting an independent review shall be paid to the independent reviewer by the MCO within 30 calendar days of receipt of a bill for services. A provider shall, within 10 days of the date of the decision of the independent reviewer, reimburse a MCO for the fee associated with conducting an independent review when the decision of the MCO is upheld. If the provider fails to submit payment for the independent review within 10 days from the date of the decision, the MCO may withhold future payments to the provider in an amount equal to the cost of the independent review, and the department may prohibit that provider from future participation in the independent review process.

2. If the MCO fails to pay the bill for the independent reviewer's services, the reviewer may request payment directly from the department from any funds held by the state that are payable to the MCO.

E. Independent Reviewer Selection Panel

1. The independent reviewer selection panel shall select and identify an appropriate number of independent reviewers and determine a uniform rate of compensation to be paid to each reviewer, not to exceed $2,000 per review.

2. The panel shall consist of the secretary or his/her duly designated representative, two provider representatives and two MCO representatives.

3. Each MCO shall utilize only independent reviewers who are selected in accordance with Act 349 of the 2017 Regular Session of the Louisiana Legislature, and shall comply with the provisions of this Section in the resolution of disputed adverse determinations.

F. Penalties

1. An MCO in violation of any provision governing the independent review process herein may be subject to a penalty of up to $25,000 per violation.

2. An MCO may be subject to an additional penalty of up to $25,000 if subject to more than 100 independent reviews annually and the percentage of adverse determinations overturned in favor of the provider as a result of an independent review is greater than 25 percent.

G. Independent Review Applicability

1. Independent review shall not apply to any adverse determination:

a. associated with a claim filed with an MCO prior to January 1, 2018, regardless of whether the claim is re-filed after that date;

b. associated with an adverse determination involved in litigation or arbitration;

c. not associated with a Medicaid enrollee.

2. Independent review does not otherwise prohibit or limit any alternative legal or contractual remedy available to a provider to contest the partial or total denial of a claim for payment for healthcare services. Any contractual provision executed between a provider and a MCO which seeks to limit or otherwise impede the appeal process as set forth in this Section shall be null, void, and deemed to be contrary to the public policy of this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 44:283 (February 2018).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and

Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Rebekah E. Gee MD, MPH
Secretary

1802#041

RULE

Department of Health
Bureau of Health Services Financing

Managed Care for Physical and Behavioral Health
Member Grievances and Appeals
(LAC 50:I.Chapter 37)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:I.Chapter 37 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part I. Administration
Subpart 3. Managed Care for Physical and Behavioral Health
Chapter 37. Grievance and Appeal Process
Subchapter A. Member Grievances and Appeals
§3703. Definitions

Action—Repealed.

1. - 5. Repealed.

Adverse Benefit Determination—any of the following:

1. the denial or limited authorization of a requested service, including determinations based on the type or level of service, requirements for medical necessity, appropriateness, setting, or effectiveness of a covered benefit;

2. the reduction, suspension, or termination of a previously authorized service;

3. the denial, in whole or in part, of payment for a service;

4. the failure to provide services in a timely manner, as defined by the state;

5. the failure of an MCO to act within the timeframes provided in 42 CFR §438.408(b)(1) and (2) regarding the standard resolution of grievances and appeals;

6. the denial of a member's request to dispute a financial liability, including cost sharing, copayments, premiums, deductible, coinsurance, and other member financial liabilities.

Appeal—a request for review of an adverse benefit determination as defined in this Section.

Grievance—an expression of dissatisfaction about any matter other than an adverse benefit determination. Grievances may include, but are not limited to:

1. ...

2. aspects of interpersonal relationships, such as rudeness of a provider or employee;

3. failure to respect the member's rights regardless of whether remedial action is requested; or

4. the member's rights to dispute an extension of time proposed by the MCO to make an authorization decision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1589 (June 2011), amended LR 41:939 (May 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:285 (February 2018).

§3705. General Provisions

A. The MCO must have a system in place for members that includes a grievance process, an appeal process, and access to the state fair hearing process once the MCO's appeal process has been exhausted.

B. Filing Requirements

1. Authority to File. A member, or a representative of his/her choice, including a provider acting on behalf of the member and with the member's written consent, may file a grievance and an MCO level appeal. Once the MCO's appeals process has been exhausted, a member or his/her representative, with the member's written consent, may request a state fair hearing.

a. ...

2. Filing Timeframes. The member, or a representative or provider acting on the member's behalf and with his/her written consent, may file an appeal within 60 calendar days from the date on the MCO's notice of adverse benefit determination.

3. Filing Procedures

a. ...

b. The member, or a representative or provider acting on the member's behalf and with the member's written consent, may file an appeal either orally or in writing. Oral appeals must be followed by a signed, written appeal unless the member requested an expedited appeal.

C. - C.1.b. ...

D. Grievance and Appeal Records

1. The MCO must maintain records of grievances and appeals. A copy of the grievance logs and records of the disposition of appeals shall be retained for 10 years. If any litigation, claim negotiation, audit, or other action involving the documents or records has been started before the expiration of the 10-year period, the records shall be retained until completion of the action and resolution of issues which arise from it or until the end of the regular 10-year period, whichever is later.

E. All state fair hearing requests shall be sent directly to the state designated entity.

1. - 1.f. Repealed.

F. The MCO will be responsible for promptly forwarding any adverse decisions to the department for further review and/or action upon request by the department or the MCO member.

G. The department may submit recommendations to the MCO regarding the merits or suggested resolution of any grievance or appeal.

H. Information to Providers and Subcontractors. The MCO must provide the information about the grievance system as specified in federal regulations to all providers and subcontractors at the time they enter into a contract.

I. Recordkeeping and Reporting Requirements. Reports of grievances and resolutions shall be submitted to the department as specified in the contract. The MCO shall not

modify the grievance system without the prior written approval of the department.

J. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1590 (June 2011), amended LR 41:939 (May 2015), LR 41:2368 (November 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:285 (February 2018).

§3707. Handling of Member Grievances and Appeals

A. In handling grievances and appeals, the MCO must meet the following requirements:

1. - 2. ...

3. ensure that the individuals who make decisions on grievances and appeals are individuals who:

a. were not involved in any previous level of review or decision-making, nor a subordinate of any such individual; and

b. if deciding on any of the following issues, are individuals who have the appropriate clinical expertise, as determined by the department, in treating the member's condition or disease:

A.3.b.i. - B. ...

1. The process for appeals must:

a. provide that oral inquiries seeking to appeal an action are treated as appeals (to establish the earliest possible filing date for the appeal) and must be confirmed in writing, unless the member or the provider requests expedited resolution;

b. ...

c. provide the member and his/her representative an opportunity, before and during the appeals process, to examine the member's case file, including medical records, any other documents and records, and any new or additional evidence considered, relied upon, or generated by the MCO during the appeals process. This information must be provided free of charge and sufficiently in advance of the resolution timeframe for appeals; and

1.d. - 3. ...

4. Failure to Make a Timely Decision

a. ...

b. If a determination is not made by the contractual time frames, the member's request will be deemed to have been exhausted and the member may initiate a state fair hearing.

5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1590 (June 2011), amended LR 41:940 (May 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:286 (February 2018).

§3709. Notice of Adverse Benefit Determination

A. ...

B. Content of Notice. The notice must explain the following:

1. the adverse benefit determination the MCO or its subcontractor has taken or intends to take;

2. the reasons for the adverse benefit determination, including the right of the member to be provided upon request and free of charge, reasonable access to and copies of all documents, records, and other information relevant to the member's adverse benefit determination;

3. ...

4. the member's right to request a state fair hearing after the MCO's one-level appeal process has been exhausted;

B.5. - D.3. ...

E. For service authorization decisions not reached within the timeframes specified in this Section, this constitutes a denial and is thus an adverse action on the date that the timeframes expire.

1. For expedited service authorization decisions where a provider indicates, or the MCO determines, that following the standard timeframe could seriously jeopardize the member's life, health, or ability to attain, maintain, or regain maximum function, the MCO must make an expedited authorization decision and provide notice as expeditiously as the member's health condition requires, but no later than 72 hours after receipt of the request for service.

2. The MCO may extend the 72-hour time period by up to 14 calendar days if the member or provider acting on behalf of the member requests an extension, or if the MCO justifies (to the department upon request) that there is a need for additional information and that the extension is in the member's interest.

F. The department shall conduct random reviews to ensure that members are receiving such notices in a timely manner.

F.1. - G. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1591 (June 2011), amended LR 41:940 (May 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:286 (February 2018).

§3711. Resolution and Notification

A. The MCO must resolve each grievance and appeal, and provide notice as expeditiously as the member's health condition requires, within the timeframes established in this Section. The MCO must provide written notice to all members who filed a grievance whether the grievance was filed with the MCO or the department.

B. Specific Timeframes

1. For standard disposition of a grievance and notice to the affected parties, the timeframe is established as 30 days, or the timeframe established by the department, not to exceed 90 days, from the day the MCO receives the grievance.

B.2. - D. ...

E. Format of Notice

1. The MCO shall follow the method specified by the department to notify a member of the disposition of a grievance.

2. For all appeals, the MCO must provide written notice of the resolution.

3. For notice of an expedited resolution, the MCO must provide written notice of the resolution and also make reasonable efforts to provide oral notice.

F. - F.2.c. ...

G. Requirements for State Fair Hearings

1. ...

2. If the member has exhausted the MCO's one-level appeal procedures, the member may initiate a state fair hearing within 120 days from the date of the MCO's notice of appeal resolution.

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:941 (May 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:286 (February 2018).

§3713. Expedited Resolution of Appeals

A. ...

B. If the MCO denies a request for expedited resolution of an appeal, it must:

1. transfer the appeal to the timeframe for standard resolution; and

2. make reasonable efforts to give the member prompt oral notice of the denial, and follow up within two calendar days with a written notice of the reason for the decision to extend the timeframe and inform the member of the right to file a grievance if he/she disagrees with the decision.

C. - E.2. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:941 (May 2015), amended by the Department of Health, Bureau of Health Services Financing LR 44:287 (February 2018).

§3715. Continuation of Services during the Pending MCO Appeal or State Fair Hearing [Formerly LAC 50:I.3711]

A. *Timely Filing*—filing on or before the later of the following:

1. within 10 calendar days of the MCO's mailing of the notice of adverse benefit determination; or

2. the intended effective date of the MCO's proposed adverse benefit determination.

B. Continuation of Benefits. The MCO must continue the member's benefits if the:

1. - 4. ...

5. member timely files for continuation of benefits.

C. ...

1. If, at the member's request, the MCO continues or reinstates the member's benefits while the appeal is pending, the benefits must be continued until one of following occurs:

a. the member withdraws the appeal or request for state fair hearing;

b. 10 calendar days pass after the MCO mails the notice providing the resolution of the appeal against the member, unless the member has requested a state fair hearing with continuation of benefits, within the 10-day timeframe, until a state fair hearing decision is reached; or

c. a state fair hearing entity issues a hearing decision adverse to the member.

d. Repealed.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1591 (June 2011), amended LR 41:942 (May 2015), amended by the Department of Health, Bureau of Health Services Financing LR 44:287 (February 2018).

§3717. Effectuation of Reversed Appeal Resolutions [Formerly LAC 50:I.3713]

A. ...

1. If the MCO or the state fair hearing entity reverses a decision to deny, limit, or delay services that were not furnished while the appeal was pending, the MCO must authorize or provide the disputed services promptly and as expeditiously as the member's health condition requires, but no later than 72 hours from the date it receives notice reversing the decision.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:1592 (June 2011), amended LR 41:942 (May 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:287 (February 2018).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Rebekah E. Gee MD, MPH
Secretary

1802#042

RULE

Department of Health
Bureau of Health Services Financing

Psychiatric Residential Treatment Facilities
Licensing Standards (LAC 48:I.Chapter 90)

The Department of Health, Bureau of Health Services Financing has amended LAC 48:I.Chapter 90 as authorized by R.S. 36:254 and R.S. 40:2009. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of publication.

Title 48
PUBLIC HEALTH—GENERAL
Part I. General Administration
Subpart 3. Licensing

Chapter 90. Psychiatric Residential Treatment Facilities (under 21)

Subchapter A. General Provisions

§9001. Purpose

A. The purpose of this Chapter 90 is to provide for the development, establishment and enforcement of statewide standards for the care of residents who are under 21 years of age in psychiatric residential treatment facilities (PRTFs) participating in the Medicaid Program, to ensure maintenance of these standards, and to regulate conditions in these facilities through a program of licensure which shall promote the health, safety and welfare of residents of PRTFs participating in the Medicaid Program.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2181-2191 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 30:54 (January 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:371 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:287 (February 2018).

§9003. Definitions

A. The following defines selected terminology used in connection with this Chapter 90.

* * *

Cessation of Business—provider is non-operational and/or has stopped offering or providing services to the community.

* * *

Department (LDH)—the Louisiana Department of Health.

* * *

Documentation—written evidence or proof, including signatures of appropriate staff and date, shall be maintained on site and available for review.

DSS—Repealed.

* * *

HSS—the Department of Health, Health Standards Section.

* * *

Mental Health-Related Field—academic training programs based on the principles, teachings, research and body of scientific knowledge of the *core mental health disciplines*. Programs which qualify include, but are not limited to sociology, criminal justice, nursing, marriage and family counseling, rehabilitation counseling, psychological counseling and other professional counseling. For any other program to qualify as a related field, there shall be substantial evidence that the academic program has a curriculum content in which at least 70 percent of the required courses for graduation are based on the knowledge base of the *core mental health disciplines*.

* * *

Mental Health Specialist (MHS)—a person who delivers direct care services under the direct supervision of a LMHP or MHP and who meets one of the following criteria, as documented by the provider:

a. has completed at least two years of education from an accredited college or university; or

b. has a high school diploma or equivalent and has completed two years of documented experience providing direct care services in a mental health, physical health, social services, educational or correctional setting.

c. - d. Repealed.

* * *

Non-Operational—the HCBS provider location is not open for business operation on designated days and hours as stated on the licensing application and business location signage.

* * *

OBH—the Department of Health, Office of Behavioral Health.

OCS—Repealed.

OPH—the Department of Health, Office of Public Health.

* * *

OYD—Repealed.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:54 (January 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:371 (February 2012), LR 39:2510 (September 2013), LR 42:277 (February 2016), amended by the Department of Health, Bureau of Health Services Financing, LR 44:288 (February 2018).

Subchapter B. Licensing

§9007. General Provisions

A. - G. ...

H. Plan Review. Construction documents (plans and specifications) are required to be submitted and approved by both the OSFM and the Department of Health as part of the licensing procedure and prior to obtaining a license.

1. - 1.a. ...

i. One set of the final construction documents shall be submitted to the OSFM for approval. The Fire Marshal's approval letter and final inspection shall be sent to the LDH.

ii. One set of the final construction documents shall be submitted to the OSFM for the LDH plan review along with the appropriate review fee and a "plan review application form" for approval.

b. - c.i. ...

ii. the latest LSUCCC adopted edition of the *International Building Code*; and

iii. the current licensing standards for psychiatric residential treatment facilities.

iv. Repealed.

d. Construction Document Preparation. Construction documents submitted to LDH shall be prepared only by a Louisiana licensed architect or licensed engineer as governed by the licensing laws of the state for the type of work to be performed. These documents shall be of an architectural or engineering nature and thoroughly illustrate the project that is accurately drawn, dimensioned, and contain noted plans, details, schedules and specifications. At a minimum the following shall be submitted:

i. - vi. ...

2. Waivers. The secretary of LDH may, within his/her sole discretion, grant waivers to building and construction guidelines which are not part of, or otherwise required under, the provisions of the state sanitary code. The facility shall submit a waiver request in writing to HSS. The facility shall demonstrate how patient safety and quality of care offered is not compromised by the waiver, and must demonstrate the undue hardship imposed on the facility if the waiver is not granted. The facility shall demonstrate their ability to completely fulfill all other requirements of service. The department will make a written determination of the requests.

a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:372 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:288 (February 2018).

§9009. Initial Licensing Application Process

A. ...

B. Licensed DCFS child residential facilities that are converting to PRTFs shall comply with all of the initial licensure requirements, except plan review, and may be eligible for the exception to the bedroom space requirement of this Chapter.

C. An applicant shall submit a completed initial licensing application packet to the department, which shall include:

1. ...

2. a copy of the approval letters of the architectural and LDH licensing facility plans for the PRTF from the OSFM, and any other office/entity designated by the department to review and approve the facility's architectural plans, if the facility shall go through plan review;

3. - 9. ...

D. If the initial licensing packet is incomplete when submitted, the applicant will be notified of the missing information and will have 90 days from receipt of the notification to submit the additional requested information. If the additional requested information is not submitted to the department within 90 days, the application will be closed. After an initial licensing application is closed, an applicant who is still interested in becoming a PRTF shall submit a new initial licensing packet with a new initial licensing fee to start the initial licensing process.

E. Once the initial licensing application packet has been approved by the department, notification of the approval shall be forwarded to the applicant. Within 90 days of receipt of the approval notification, the applicant shall notify the department that the PRTF is ready and is requesting an initial licensing survey. If an applicant fails to notify the department within 90 days, the initial licensing application shall be closed. After an initial licensing application has been closed, an applicant who is still interested in becoming a PRTF shall submit a new initial licensing packet with a new initial licensing fee to start the initial licensing process.

F. Applicants shall be in compliance with all appropriate federal, state, departmental or local statutes, laws, ordinances, rules, regulations and fees before the PRTF will be issued an initial license to operate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:373 (February 2012), amended LR 39:2510 (September 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 44:289 (February 2018).

§9011. Types of Licenses

A. The department shall have the authority to issue the following types of licenses.

1. - 2.a. ...

b. The facility shall submit a plan of correction to the department for approval and the provider shall be required to correct all such noncompliance or deficiencies prior to the expiration of the provisional initial license.

2.c. - 4.c.ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:373 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:289 (February 2018).

§9013. Deemed Status

A. A licensed PRTF may request deemed status from the department. The department may accept accreditation in lieu of a routine on-site licensing survey provided that:

1. ...

2. all services provided under the PRTF license shall be accredited; and

A.3. - D. ...

1. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:374 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:289 (February 2018).

§9017. Changes in Licensee Information or Personnel

A. ...

B. Any change regarding the PRTF's name, "doing business as" name, mailing address, phone number, or any combination thereof, shall be reported in writing to the department within five days of the change. Any change regarding the PRTF name or "doing business as" name requires a change to the facility license and the required fee for the issuance of an amended license.

C. - D.3. ...

E. Any request for a duplicate license shall be accompanied by the required fee.

F. ...

1. Written notice of intent to relocate shall be submitted to HSS when the plan review request is submitted to the department for approval.

2. Relocation of the facility's physical address results in a new anniversary date and the full licensing fee shall be paid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:375 (February 2012), amended LR 42:278 (February 2016), amended by the Department of Health, Bureau of Health Services Financing, LR 44:289 (February 2018).

§9019. Cessation of Business

A. Except as provided in §9089 of these licensing regulations, a license shall be immediately null and void if a PRTF becomes non-operational.

B. - D. ...

E. Prior to the effective date of the closure or cessation of business, the PRTF shall:

1. - 1.b. ...

c. the parent(s) or legal guardian or legal representative of each resident; and

2. provide for an orderly discharge and transition of all of the residents in the facility.

F. In addition to the advance notice of voluntary closure, the PRTF shall submit a written plan for the disposition of residents' medical records for approval by the department. The plan shall include the following:

1. ...

2. provisions that comply with federal and state laws on storage, maintenance, access, and confidentiality of the closed provider's residents' medical records;

3. an appointed custodian(s) who shall provide the following:

a. access to records and copies of records to the resident or authorized representative, upon presentation of proper authorization(s); and

F.3.b. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:375 (February 2012), amended LR 42:278 (February 2016), amended by the Department of Health, Bureau of Health Services Financing, LR 44:289 (February 2018).

§9021. Renewal of License

A. To renew a license, a PRTF shall submit a completed license renewal application packet to the department at least 30 days prior to the expiration of the existing current license. The license renewal application packet shall include:

A.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:376 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:290 (February 2018).

§9025. Notice and Appeal of License Denial, License Revocation, and Denial of License Renewal

A. Notice of a license denial, license revocation or denial of license renewal shall be given to the provider in writing.

B. The PRTF has a right to an informal reconsideration of the license denial, license revocation, or denial of license renewal. There is no right to an informal reconsideration of a voluntary non-renewal or surrender of a license by the provider.

1. The PRTF shall request the informal reconsideration within 15 calendar days of the receipt of the notice of the license denial, license revocation, or denial of license renewal. The request for informal reconsideration shall be in writing and shall be forwarded to the Health Standards Section.

2. The request for informal reconsideration shall include any documentation that demonstrates that the determination was made in error.

3. - 7. ...

C. The PRTF has a right to an administrative appeal of the license denial, license revocation, or denial of license renewal. There is no right to an administrative appeal of a voluntary non-renewal or surrender of a license by the provider.

1. The PRTF shall request the administrative appeal within 30 calendar days of the receipt of the notice of the results of the informal reconsideration of the license denial, license revocation, or denial of license renewal.

a. The facility may forego its rights to an informal reconsideration, and if so, the facility shall request the administrative appeal within 30 calendar days of the receipt of the notice of the license denial, license revocation, or denial of license renewal.

2. The request for administrative appeal shall be in writing and shall be submitted to the DAL or its successor. The request shall include any documentation that demonstrates that the determination was made in error and shall include the basis and specific reasons for the appeal.

3. If a timely request for an administrative appeal is received by the DAL or its successor, the administrative appeal of the license revocation or denial of license renewal shall be suspensive, and the facility shall be allowed to continue to operate and provide services until such time as the DAL issues a final administrative decision.

a. ...

4. Correction of a violation or a deficiency which is the basis for the license denial or revocation shall not be a basis for the administrative appeal.

D. ...

E. If a timely administrative appeal has been filed by the facility on a license denial, denial of license renewal, or license revocation, the Division of Administrative Law shall conduct the hearing pursuant to the Louisiana Administrative Procedure Act.

1. If the final DAL decision is to reverse the license denial, the denial of license renewal, or the license revocation, the facility's license will be re-instated or granted upon the payment of any licensing fees or other fees due to the department and the payment of any outstanding sanctions due to the department.

2. If the final DAL decision is to affirm the denial of license renewal or the license revocation, the facility shall discharge any and all residents receiving services according to the provisions of this Chapter. Within 10 days of the final agency decision, the facility shall notify the department's licensing section in writing of the secure and confidential location of where the residents' records will be stored.

F. - G.2. ...

3. The provider shall request the informal reconsideration in writing, which shall be received by the Health Standards Section within five calendar days of receipt of the notice of the results of the follow-up survey from the department.

4. The provider shall request the administrative appeal within 15 calendar days of receipt of the notice of the results of the follow-up survey from the department. The request for administrative appeal shall be in writing and shall be submitted to the Division of Administrative Law, or its successor.

H. - I.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:377 (February 2012), amended LR 42:278 (February 2016), amended by the Department of Health, Bureau of Health Services Financing, LR 44:290 (February 2018).

§9027. Complaint Surveys

A. - E. ...

F. LDH surveyors and staff shall be given access to all areas of the facility and all relevant files during any complaint survey. LDH surveyors and staff shall be allowed to interview any provider staff, resident, or participant, as necessary or required to conduct the survey.

G. A PRTF which has been cited with violations or deficiencies on a complaint survey has the right to request an informal reconsideration of the validity of the violations or deficiencies. The written request for an informal reconsideration shall be submitted to the department's Health Standards Section. The department shall receive the written request within 10 calendar days of the facility's receipt of the notice of the violations or deficiencies.

H. A complainant shall have the right to request an informal reconsideration of the findings of the complaint survey or investigation that resulted from his/her complaint. The written request for an informal reconsideration shall be submitted to the department's Health Standards Section. The department shall receive the written request within 30 calendar days of the complainant's receipt of the results of the complaint survey or investigation.

I. - J. ...

1. - 2. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:378 (February 2012), amended LR 42:279 (February 2016), amended by the Department of Health, Bureau of Health Services Financing, LR 44:290 (February 2018).

§9029. Statement of Deficiencies

A. - C.3. ...

4. Except as provided for complaint surveys pursuant to R.S. 40:2009.11 et seq., and as provided in this Chapter for license denials, license revocations, and denial of license renewals, the decision of the informal reconsideration team shall be the final administrative decision regarding the deficiencies. There is no administrative appeal right of such deficiencies.

5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:379 (February 2012), amended LR 42:279 (February 2016), amended by the Department of Health, Bureau of Health Services Financing, LR 44:291 (February 2018).

Subchapter C. Organization and Administration

§9033. Governing Body
[Formerly §9029]

A. The PRTF shall have either an effective governing body or individual(s) legally responsible for the conduct of the PRTF operations. No contracts/arrangements or other agreements may limit or diminish the responsibility of the governing body.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:59 (January 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:380 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:291 (February 2018).

§9035. Administrative Policies and Records
[Formerly §9031]

A. Every PRTF shall have policies that are clearly written and current. All policies shall be available for review by all staff and LDH personnel. All policies shall be available for review upon request by a resident or a resident's parent or legal guardian.

B. ...

C. The PRTF shall have policies governing:

1. - 6. ...

7. mandatory reporting of abuse or neglect;

8. - 11. ...

12. the photographing and audio or audio-visual recording of residents and clarification of the agency's prohibited use of social media to ensure that all staff, either contracted or directly employed, receive training relative to the restrictive use of social media;

13. all hazards risk assessment and emergency/disaster procedures, including the provision that when the PRTF has an interruption in services or a change in the licensed location due to an emergency situation, the PRTF shall notify the HSS no later than the next stated business day;

C.14. - D.1.i. ...

2. Notification of Facility Policy Regarding the Use of Restraint and Seclusion. At admission, the facility shall:

a. ...

b. communicate its restraint and seclusion policy in a language that the resident, or his or her parent(s) or legal guardian(s) understands (including American Sign Language, if appropriate) and when necessary, the facility shall provide interpreters or translators;

c. obtain an acknowledgment, in writing, from the resident, or in the case of a minor, from the parent(s) or legal guardian(s) that he or she has been informed of the facility's policy on the use of restraint or seclusion during an emergency safety situation. Staff shall file this acknowledgment in the resident's record; and

d. ...

i. The facility's policy shall provide contact information, including the phone number and mailing address, for the appropriate state protection and advocacy organization.

E. - E.1.e. ...

2. The facility policy shall prohibit:

a. shaking, striking, spanking or any cruel treatment;

b. - k. ...

3. The PRTF shall satisfy all of the requirements contained in federal and state laws and regulations regarding the use of restraint or seclusion, including application of time out.

F. Resident Abuse or Neglect

1. The provider shall have comprehensive written procedures concerning resident abuse or neglect including:

1.a. - 2. ...

3. Staff shall report any case of suspected resident abuse or neglect to both HSS and the DCFS, Child Welfare Division by no later than close of business the next business day after a case of suspected resident abuse or neglect. The report shall include:

a. - e. ...

4. In the case of a minor, the facility shall notify the resident's parent(s) or legal guardian(s) as soon as possible, and in no case later than 24 hours after the suspected resident abuse or neglect.

5. Staff shall document in the resident's record that the suspected resident abuse or neglect was reported to both HSS and the DCFS, Child Welfare Division, including the name of the person to whom the incident was reported. A copy of the report shall be maintained in the resident's record.

G. The facility shall report each serious occurrence to both HSS and, unless prohibited by state law, the DCFS, Child Welfare Division. Serious occurrences that shall be

reported include a resident's death, or a serious injury to a resident or a suicide attempt by a resident.

1. Staff shall report any serious occurrence involving a resident to both HSS and the DCFS, Child Welfare Division by no later than close of business the next business day after a serious occurrence. The report shall include the name of the resident involved in the serious occurrence, a description of the occurrence, and the name, street address, and telephone number of the facility. The facility shall conduct an investigation of the serious occurrence to include interviews of all staff involved, findings of the investigation, and actions taken as a result of the investigation.

2. In the case of a minor, the facility shall notify the resident's parent(s) or legal guardian(s) as soon as possible, and in no case later than 24 hours after the serious occurrence.

3. Staff shall document in the resident's record that the serious occurrence was reported to both HSS and the DCFS, Child Welfare Division, including the name of the person to whom the incident was reported. A copy of the report shall be maintained in the resident's record, as well as in the incident and accident report logs kept by the facility.

H. - L. ...

1. The PRTF shall ensure the confidentiality and security of resident records, including information in a computerized medical record system, in accordance with the HIPAA Privacy Regulations and any Louisiana state laws and regulations which provide a more stringent standard of confidentiality than the HIPAA Privacy Regulations. Information from, or copies of records may be released only to authorized individuals, and the PRTF shall ensure that unauthorized individuals cannot gain access to or alter resident records. Original medical records shall not be released outside the PRTF unless under court order or subpoena or in order to safeguard the record in the event of a physical plant emergency or natural disaster.

L.1.a. - M.3.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:60 (January 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:380 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:291 (February 2018).

Subchapter D. Human Resources

§9041. Personnel

[Formerly §9043]

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

B. There shall be a single organized professional staff that has the overall responsibility for the quality of all clinical care provided to residents, and for the ethical conduct and professional practices of its members, as well as for accounting to the governing body. The manner in which the professional staff is organized shall be consistent with the facility's documented staff organization and policies and shall pertain to the setting where the facility is located. The organization of the professional staff and its policies shall be approved by the facility's governing body.

C. The staff of a PRTF shall have the appropriate qualifications to provide the services required by its residents' comprehensive plans of care. Each member of the direct care staff may not practice beyond the scope of his/her license, certification or training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:63 (January 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:383 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:292 (February 2018).

§9043. Personnel Qualifications and Responsibilities

A. Staffing Definitions. All experience requirements are related to paid experience. Volunteer work, college work/study or internship related to completion of a degree cannot be counted as work experience. If experience is in a part-time position, the staff person shall be able to verify the amount of time worked each week. Experience obtained while working in a position for which the individual is not qualified may not be counted as experience.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:384 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:292 (February 2018).

§9045. Personnel Orientation and Training

A. - A.1. ...

2. Orientation includes, but is not limited to:

a. - b. ...

c. fire and disaster plans including evacuations;

d. - f. ...

g. personnel policy and procedure, including the prohibited use of social media. Such training shall, at a minimum, include confidentiality of resident information, preservation of resident dignity and respect, protection of resident privacy and personal and property rights;

h. detecting and mandatory reporting of resident abuse, neglect or misappropriation of resident's funds;

A.2.i. - B.3. ...

4. Staff training shall include training exercises in which staff members successfully demonstrate in practice the techniques they have learned for managing emergency safety situations.

5. Staff shall be trained and demonstrate competency before participating in an emergency safety intervention.

6. All training programs and materials used by the facility shall be available for review by HSS.

B.7. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:384 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:292 (February 2018).

§9047. Personnel Requirements

A. - C. ...

D. Staffing ratios listed above are a minimum standard. The PRTF shall have written policies and procedures that:

1. - 3.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR

38:385 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 43:329 (February 2017), amended by the Department of Health, Bureau of Health Services Financing, LR 44:292 (February 2018).

Subchapter E. Facility Operations

§9063. Admission, Transfer and Discharge Requirements

A. The written description of admissions policies and criteria shall be provided to the department upon request, and made available to the resident and his/her legal representative.

B. - D. ...

E. To be admitted into a PRTF, the individual shall have received certification of need from the department or the department's designee that recommends admission into the PRTF. The PRTF shall ensure that requirements for certification are met prior to treatment commencing. The certification shall specify that:

E.1. - G. ...

H. Voluntary Transfer or Discharge. Upon notice by the resident or authorized representative that the resident has selected another provider or has decided to discontinue services, the PRTF shall have the responsibility of planning for the resident's voluntary transfer or discharge. The transfer or discharge responsibilities of the PRTF shall include:

1. holding a transfer or discharge planning conference with the resident, family, support coordinator, legal representative and advocate, if such are known, in order to facilitate a smooth transfer or discharge, unless the resident declines such a meeting;

2. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:386 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:293 (February 2018).

§9065. Health Care and Nursing Services [Formerly §9081]

A. - C.16. ...

17. Abuses and losses of controlled substances shall be reported to the individual responsible for pharmaceutical services, the administrator, the Louisiana Board of Pharmacy, LDH Controlled Dangerous Substances Program and to the Regional Drug Enforcement Administration (DEA) office, as appropriate.

18. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:69 (January 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:386 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:293 (February 2018).

§9067. Delivery of Services [Formerly §9083]

A. - B.6. ...

C. The services provided by the PRTF shall involve active treatment.

1. The team of professionals who shall develop the comprehensive plan of care shall be composed of physician(s) and other personnel who are employed by, or who provide services to the recipient in the facility. The team shall be capable of assessing the resident's immediate and long-range therapeutic needs, personal strengths and liabilities, potential resources of the resident's family, capable of setting treatment objectives, and prescribing therapeutic modalities to achieve the plan's objectives. The team shall include, at a minimum, either:

a. - c. ...

2. The team shall also include one of the following:

a. - d. ...

4. The comprehensive plan of care is a written plan developed for each recipient to improve the recipient's condition to the extent that inpatient care is no longer necessary. The plan shall:

a. - c. ...

5. The plan shall be reviewed as needed, but at a minimum of every 30 days by the facility treatment team to determine that services being provided are, or were, required on an inpatient basis and recommend changes in the plan as indicated by the recipient's overall adjustment as an inpatient.

D. - F. ...

1. The program shall be appropriate to the needs and interests of residents and be directed toward restoring and maintaining optimal levels of physical and psychosocial functioning.

D.2. - H.7. ...

I. Each resident shall have a minimum of one face-to-face contact with a psychiatrist each month and additional contacts for individuals from special risk populations, and as clinical needs of the resident dictate.

J. - J.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:70 (January 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:388 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:293 (February 2018).

Subchapter F. Physical Environment

§9077. Interior Space [Formerly §9063]

A. - E. ...

1. Single rooms shall contain at least 80 square feet and multi-bed rooms shall contain at least 60 square feet per bed, exclusive of fixed cabinets, fixtures, and equipment.

2. - 12. ...

13. Each resident shall have his/her own bed. A resident's bed shall be longer than the resident is tall, no less than 30 inches wide, of solid construction and shall have a clean, comfortable, nontoxic fire retardant mattress.

E.14. - N. ...

1. The provider shall take all reasonable precautions to ensure that heating elements, including exposed hot water pipes, are insulated and installed in a manner that ensures the safety of all residents.

2. ...

3. All gas heating units and water heaters shall be vented adequately to carry the products of combustion to the outside atmosphere. Vents shall be constructed and

maintained to provide a continuous draft to the outside atmosphere in accordance with the recommended procedures of the American Gas Association Testing Laboratories, Inc.

4. All heating units shall be provided with a sufficient supply of outside air so as to support combustion without depletion of the air in the occupied room.

O. - Q.2.…

3. Each room shall be for single occupancy and contain at least 60 square feet. It shall be constructed to prevent resident hiding, escape, injury or suicide.

R. - U. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:66 (January 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:391 (February 2012), LR 39:2510 (September 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 44:293 (February 2018).

Subchapter G. Emergency Preparedness

§9083. Safety and Emergency Preparedness

A. The PRTF shall incorporate an all hazards risk assessment into the facility's emergency preparedness plan designed to manage the consequences of medical emergencies, power failures, fire, natural disasters, declared disasters or other emergencies that disrupt the facility's ability to provide care and treatment or threatens the lives or safety of the residents. The facility shall follow and execute its emergency preparedness plan in the event or occurrence of a disaster or emergency.

B. - B.1. ...

2. The facility's plan shall be submitted to the parish or local Office of Homeland Security and Emergency Preparedness (OHSEP) yearly and upon request of either of these offices and verification of this submittal maintained in the plan. Any recommendations by the parish or local OHSEP regarding the facility's plan shall be documented and addressed by the PRTF.

B.3. - N. ...

O. The facility's plan shall include how the PRTF will notify OHSEP and LDH when the decision is made to shelter in place and whose responsibility it is to provide this notification.

P. - P.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:394 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:294 (February 2018).

§9085. Emergency Plan Activation, Review, and Summary

A. ...

B. PRTFs shall conduct a minimum of 12 fire drills annually with at least one every three months on each shift. In addition to drills for emergencies due to fire, the facility shall conduct at least one drill per year for emergencies due to a disaster other than fire, such as storm, flood, and other natural disasters.

B.1. - D.…

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:395 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:294 (February 2018).

§9087. Notification of Evacuation, Relocation, or Temporary Cessation of Operations

A. - B. ...

C. In the event that a PRTF evacuates, temporarily relocates or temporarily ceases operations at its licensed location as a result of an evacuation order issued by the state, local or parish OHSEP, the PRTF shall immediately give notice to the Health Standards Section, the Office of Behavioral Health (OBH), and OHSEP by facsimile or email of the following:

1. - 2. ...

D. In the event that a PRTF evacuates, temporarily relocates or temporarily ceases operations at its licensed location for any reason other than an evacuation order, the PRTF shall immediately give notice to the Health Standards Section by facsimile or email of the following:

1. - 2. ...

E. If there are any deviations or changes made to the locations of the residents that were given to the Health Standards Section, OBH and OHSEP, then Health Standards, OBH, and OHSEP shall be notified of the changes within 48 hours of their occurrence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:396 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:294 (February 2018).

§9089. Authority to Re-Open After an Evacuation, Temporary Relocation or Temporary Cessation of Operation

A. - F.7. ...

G. Inactivation of Licensure due to a Non-Declared Disaster or Emergency

1. A PRTF in an area or areas which have been affected by a non-declared emergency or disaster may seek to inactivate its license, provided that the following conditions are met:

a. the PRTF shall submit written notification to the Health Standards Section within 30 days of the date of the non-declared emergency or disaster stating that:

i. the PRTF has experienced an interruption in the provisions of services as a result of events that are due to a non-declared emergency or disaster;

ii. the PRTF intends to resume operation as a PRTF agency in the same service area;

iii. the PRTF attests that the emergency or disaster is the sole causal factor in the interruption of the provision of services; and

iv. the PRTF's initial request to inactivate does not exceed one year for the completion of repairs, renovations, rebuilding or replacement of the facility.

NOTE: Pursuant to these provisions, an extension of the 30 day deadline for initiation of request may be granted at the discretion of the department.

b. the PRTF continues to pay all fees and costs due and owed to the department including, but not limited to, annual licensing fees and outstanding civil monetary penalties and/or civil fines; and

c. the PRTF continues to submit required documentation and information to the department, including but not limited to cost reports.

2. Upon receiving a completed written request to temporarily inactivate a PRTF license, the department shall issue a notice of inactivation of license to the PRTF.

3. Upon receipt of the department's approval of request to inactivate the agency's license, the PRTF shall have 90 days to submit plans for the repairs, renovations, rebuilding or replacement of the facility, if applicable, to OSFM and OPH as required.

4. The PRTF shall resume operating as a PRTF in the same service area within one year of the approval of renovation/construction plans by the OSFM and the OPH as required.

EXCEPTION: If the PRTF requires an extension of this timeframe due to circumstances beyond the agency's control, the department will consider an extended time period to complete construction or repairs. Such written request for extension shall show the agency's active efforts to complete construction or repairs and the reasons for request for extension of the agency's inactive license. Any approval for extension is at the sole discretion of the department.

5. Upon completion of repairs, renovations, rebuilding or replacement of the facility, a PRTF which has received a notice of inactivation of its license from the department shall be allowed to reinstate its license upon the following conditions being met:

a. the PRTF shall submit a written license reinstatement request to the licensing agency of the department;

b. the license reinstatement request shall inform the department of the anticipated date of opening and shall request scheduling of a licensing or physical environment survey, where applicable; and

c. the license reinstatement request shall include a completed licensing application with appropriate licensing fees.

6. Upon receiving a completed written request to reinstate a PRTF license, the department may conduct a licensing or physical environment survey. The department may issue a notice of reinstatement if the agency has met the requirements for licensure including the requirements of this Subsection.

7. No change of ownership of the PRTF shall occur until such PRTF has completed repairs, renovations, rebuilding or replacement construction and has resumed operations as a PRTF facility.

8. The provisions of this Subsection shall not apply to a PRTF which has voluntarily surrendered its license and ceased operation.

9. Failure to comply with any of the provisions of this Subsection shall be deemed a voluntary surrender of the PRTF license for licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:396 (February 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 44:294 (February 2018).

Subchapter H. Additional Requirements for Mental Health PRTFs

§9093. Personnel Qualifications, Responsibilities, and Requirements

A. A mental health PRTF shall have the following minimum personnel.

1. Administrator. The administrator shall have a Bachelor's degree from an accredited college or university in a mental health-related field, plus at least five years of related experience. The administrator is responsible for the on-site, daily implementation and supervision of the overall facility's operation commensurate with the authority conferred by the governing body.

1.a. - 2. ...

a. The clinical director shall be a physician holding an unrestricted license to practice medicine in Louisiana and who has the following:

i. ...

ii. if the license(s) is from another jurisdiction, the license(s) shall be documented in the employment record and shall also be unrestricted;

iii. ...

iv. satisfactory completion of a specialized psychiatric residency training program accredited by the Accreditation Council for Graduate Medical Education (ACGME), as evidenced by a copy of the certificate of training or a letter of verification of training from the training director, which includes the exact dates of training and verification that all ACGME requirements have been satisfactorily met. If the training was completed in a psychiatric residency program not accredited by the ACGME, the physician shall demonstrate that he/she meets the most current requirements as set forth in the American Board of Psychiatry and Neurology's board policies, rules and regulations regarding information for applicants for initial certification in psychiatry.

2.b. - 7. ...

B. If the PRTF is providing both mental health and substance abuse treatment, the PRTF shall also meet the staffing requirements for the resident's ASAM level required by the department, or the department's designee, in addition to the mental health PRTF requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:397 (February 2012), amended LR 39:2511 (September 2013), LR 42:279 (February 2016), amended by the Department of Health, Bureau of Health Services Financing, LR 44:295 (February 2018).

Subchapter I. Additional Requirements for Addictive Disorder PRTFs

§9097. Personnel Qualifications, Responsibilities, and Requirements for Addictive Disorder PRTFs

A. An addictive disorder PRTF shall have the following minimum personnel.

1. Administrator. The administrator shall have a bachelor's degree from an accredited college or university in a mental health-related field, plus at least five years of related experience. The administrator is responsible for the

on-site, daily implementation and supervision of the overall facility's operation commensurate with the authority conferred by the governing body.

a. Grandfathering Provision. For a facility with a current substance abuse license from LDH at the time of the promulgation of this final Rule, the current administrator may remain the administrator of the facility provided the following conditions are met.

1.a.i. - 2. ...

a. The clinical director shall be a physician holding an unrestricted license to practice medicine in Louisiana and who has the following:

i. ...

ii. if the license(s) is from another jurisdiction, the license(s) shall be documented in the employment record and shall also be unrestricted; and

iii. - iii.(b). ...

(c). an ABMS board-certified physician (non-psychiatrist) with ASAM certification and consultation with an ABPN board-certified psychiatrist. Proof of consultation shall be a current contract with a board-certified psychiatrist and written documentation of consults in the resident's medical record.

2.b. - 5.b. ...

6. Physician. The PRTF, except one that provides a social detoxification program only, shall have available a physician licensed in the state of Louisiana who shall assume 24-hour on-call medical responsibility for non-emergent physical needs of the facility's residents; the PRTF may have available, in place of the physician, a licensed advanced nurse practitioner who has a collaborative agreement with a physician or a physician's assistant who has a supervising physician and works under the licensed physician.

A.7. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2009.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:399 (February 2012), amended LR 39:2511 (September 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 44:295 (February 2018).

Rebekah E. Gee MD, MPH
Secretary

1802#043

RULE

Department of Health
Office of Public Health

Water Works Construction, Operation and Maintenance
(LAC 51:XII.Chapters 1, 2, and 3)

Under the authority of R.S. 40:4, 40:4.13, and 40:5 and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the state health officer, acting through the Louisiana Department of Health, Office of Public Health (LDH-OPH), adopts and amends Part XII (Water Supplies) of the Louisiana State Sanitary Code (LAC 51). When effective, the amendments to Part XII will assist LDH-OPH in ensuring the continued protection of the health of the public from contaminated drinking water through enforceable construction, operation and maintenance standards that address the proper design, operation and maintenance of public water systems.

The rulemaking is authorized under Act 292 and Act 488 of the Regular Legislative Sessions, 2013 and 2014, respectively. These Louisiana standards were developed and approved by the *Louisiana Standards for Water Works Construction, Operation, and Maintenance Committee* (a.k.a., "water committee") which was initially created by Act 292 of 2013. The *Recommended Standards for Water Works, 2012 Edition* (commonly referred to as the "Ten State Standards" and published by the Great Lakes—Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers) was used as the basis of this Rule and the text therein was modified by the water committee to develop a customized state version which, in certain instances, is more applicable to the South's climatic conditions and to Louisiana, in particular. The effective date of the Rule is proposed to be postponed until August 1, 2018 for the permitting of new public water systems or the modification to existing public water systems. The bulk of the Louisiana standards are contained in the following listed Subchapters (with the general subject matter listed in the same order as in the Ten State Standards).

Chapter 1.	General
Subchapter A.	Submission of Plans §§111-123;
Subchapter B.	General Design §§125-163;
Subchapter C.	Source Development §§165-169;
Subchapter D.	Treatment §§171-191;
Chapter 2.	Public Water System Construction, Operation and Maintenance
Subchapter A.	Chemical Application §§201-209;
Subchapter B.	Pumping Facilities §§211-223;
Subchapter C.	Finished Water Storage §§225-231;
Subchapter D.	Distribution System Piping and Appurtenances §§233-255; and
Subchapter F.	Waste Residuals §§257-275.

For these reasons set forth above, Part XII (Water Supplies) of the Louisiana State Sanitary Code (LAC 51:XII) is to be amended as follows.

Title 51
PUBLIC HEALTH—SANITARY CODE
Part XII. Water Supplies

Chapter 1. General

§101. Definitions
[formerly paragraph 12:001]

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

* * *

Average Daily Demand during the Month of Maximum Water Use—the largest volume of flow anticipated to occur during a calendar month, expressed as a daily average.

* * *

Engineer of Record—the Louisiana licensed professional engineer responsible for the submission of plans and specifications for an installation to be permitted by the state health officer under this Part.

* * *

Hospital—see LAC 51:XIX.101.

* * *

Ten State Standards—Repealed.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:258(B), R.S. 36:254 (B)(7), R.S. 40:4.A.(8), R.S. 40:4.13.D.(1)(2) , R.S. 40:5.A. (2)(3)(5)(6)(17)(20), and R.S. 40:1148.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1318 (June 2002), amended LR 28:2513 (December 2002), LR 30:1194 (June 2004), LR 30:2326 (October 2004), LR 35:484 (March 2009), LR 35:1240 (July 2009), LR 38:2375 (September 2012), LR 38:2793 (November 2012), LR 38:3232 (December 2012), amended by the Department of Health, Office of Public Health, LR 43:84 (January 2017), LR 44:296 (February 2018), effective August 1, 2018.

§105. Permit Requirements for a Potable Water Supply
[formerly paragraph 12:002-2]

A. No public water supply shall be constructed, operated or modified to the extent that the capacity, hydraulic conditions, functioning of treatment processes, or the quality of finished water is affected, without, and except in accordance with, a permit from the state health officer.

B. …

C. Submission of plans for maintenance and replacement of existing facilities in-kind shall not be required.

D. Detailed plans and specifications for the installation for which a permit is requested shall be submitted by the Engineer of Record or the person having responsible charge of a municipally owned public water supply or by the owner of a privately owned public water supply.

E. Effective August 1, 2018, the provisions set forth under LAC 51:XII.111-191 and 201-277, together with any additional requirements of the state health officer as set forth in this Part, shall be used as the basis of the design of any new public water system or any proposed new construction or modification to an existing public water system. After a permit by the state health officer has been issued, such system/modification shall be constructed, installed and maintained in accordance with said permit.

F. Permits required by this Section and any related letters issued by the state health officer or copy of letters issued to the state health officer concerning the review of related plans and specifications, as well as the related approved plans and specifications themselves, shall be permanently retained by the owner of the public water system including any subsequent or successor owner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(8), 40:4.13.D.(1)(2) and R.S. 40:5.A.(2)(3)(5)(6)(7)(17)(19).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1320 (June 2002), amended LR 38:2376 (September 2012), amended by the Department of Health, Office of Public Health, LR 44:297 (February 2018), effective August 1, 2018.

§107. Provision for Grandfather Systems
[formerly paragraph 12-002-3]

A. Permits issued and approvals of plans and specifications granted by the state health officer prior to August 1, 2018 shall remain valid as they pertain to the design of the public water supply, unless the revision of such is determined necessary by the state health officer.

B. Notwithstanding §107.A of this Part, every public water system shall undertake corrective action in accordance with §319.B and C of this Part regarding any significant deficiencies, as defined in §319.D of this Part, identified on a sanitary survey conducted by the state health officer.

C. The owner shall have the burden of proving that a public water system, and any modifications thereto or component parts thereof, was permitted by and conforms to plans and specifications approved by the state health officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(8), 40:4.13D.(1)(2) and R.S. 40:5.A.(2)(3)(5)(6)(7)(17)(19).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1320 (June 2002), amended by the Department of Health, Office of Public Health, LR 44:297 (February 2018), effective August 1, 2018.

Subchapter A. Submission of Plans

§111. General Requirements

A. All reports, final plans, specifications, and design criteria required by §105 of this Part shall be submitted at least 60 days prior to the date on which action by the state health officer is desired. Environmental assessments, and permits for construction, to take water, for waste discharges, for stream crossings, etc., may be required from other federal, state, or local agencies.

B. No approval for construction can be issued until final, complete, detailed plans and specifications have been submitted to the state health officer and found to be satisfactory.

C. Documents submitted for formal approval shall include but not be limited to:

1. engineer's report, where applicable;
2. summary of the design criteria;
3. operation requirements, where applicable;
4. general layout;
5. detailed plans;
6. specifications;
7. cost estimates;
8. documentation of adequate source of supply (e.g., water purchase contracts between water supplies, and/or inter-municipal agreements), where applicable;
9. evaluation of technical, managerial, and financial capacity where applicable:

a. public water systems are required by the Louisiana Department of Health, Office of Public Health (LDH-OPH) to demonstrate adequate capacity development under LAC 48:V.77, Subchapter B;

b. except as may otherwise be required under LAC 48:V.77.Subchapter B., the evaluation for existing public water systems shall include:

i. a discussion of the system's current technical capacity along with any project related changes with respect to operator certification requirements and the operator's ability to implement any system changes that may be required upon project completion;

ii. a discussion of the system's current overall management and how the system's management will be impacted by the project including but not limited to whether the system has an asset management plan and, if so, how the project components will be incorporated into that plan;

iii. a discussion of the water system's overall financial capacity along with user projected water rates including the system's outstanding obligations combined

with the anticipated debt from the current project under review and the overall operation and maintenance. If applicable, the financial capacity discussion should include details of any energy efficiency components included as part of the project along with the estimated long term cost and energy savings associated with them; and

iv. other additional information as required by the state health officer.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:297 (February 2018), effective August 1, 2018.

§113. Engineer's Report

A. The engineer's report for water supply system improvements shall, where applicable, present the following information.

1. General information, including:

a. description of the existing water works and sewerage facilities;

b. identification of the municipality or area served;

c. name and mailing address of the owner or official custodian; and

d. imprint of professional engineer's seal or conformance with engineering registration requirements of the Louisiana Professional Engineering and Land Surveying Board.

2. Extent of water supply system, including:

a. description of the nature and extent of the area to be served;

b. provisions for extending the water supply system to include additional areas;

c. appraisal of the future requirements for service, including existing and potential industrial, commercial, institutional, and other water supply needs.

3. Justification of the Project. Where two or more solutions exist for providing public water system facilities, each of which is feasible and practicable, discuss the alternatives. Give reasons for selecting the one recommended, including financial considerations, operational requirements, operator qualifications, reliability, and water quality considerations.

4. Soil, groundwater conditions, and foundation problems, including a description of:

a. the character of the soil through which water mains are to be laid;

b. foundation conditions prevailing at sites of proposed structures;

c. the approximate elevation of ground water in relation to subsurface structures.

5. Water use data, including:

a. a description of the population trends as indicated by available records, and the estimated population which will be served by the proposed water supply system or expanded system 20 years in the future in 5 year intervals or over the useful life of critical structures and/or equipment;

b. present water consumption and the projected average and maximum daily demands, including fire flow demand (Subchapter C);

c. present and/or estimated yield of the sources of supply;

d. unusual occurrences;

e. current percent of unaccounted water for the system and the estimated reduction of unaccounted for water after project completion if applicable, i.e., project is to replace aged water mains, leaking storage, or other improvements that will result in reduced water loss.

6. Flow requirements, including:

a. hydraulic analyses based on flow demands and pressure requirements (see §237.A)

b. fire flows, when fire protection is provided, meeting the recommendations of the Insurance Services Office or other similar agency for the service area involved.

7. Description of the proposed source or sources of water supply to be developed, the reasons for their selection, and provide information as follows:

a. Surface water sources, including:

i. hydrological data, stream flow and weather records;

ii. safe yield, including all factors that may affect it;

iii. maximum flood flow, together with approval for safety features of the spillway and dam from the state health officer;

iv. description of the watershed, noting any existing or potential sources of contamination (such as highways, railroads, chemical facilities, land/water use activities, etc.) which may affect water quality;

v. summarized quality of the raw water with special reference to fluctuations in quality, changing meteorological conditions, etc.

vi. source water protection issues or measures, including erosion and siltation control structures that need to be considered or implemented.

b. Groundwater sources, including:

i. sites considered;

ii. advantages of the site selected;

iii. elevations with respect to surroundings;

iv. probable character of formations through which the source is to be developed;

v. geologic conditions affecting the site, such as anticipated interference between proposed and existing wells;

vi. summary of source exploration, test well depth, and method of construction; placement of liners or screen; test pumping rates and their duration; water levels and specific yield; water quality;

viii. sources of possible contamination such as sewers and sewage treatment/disposal facilities, highways, railroads, landfills, outcroppings of consolidated water-bearing formations, chemical facilities, waste disposal wells, agricultural uses, etc.;

ix. wellhead protection measures being considered (see §169 of this Part).

8. Proposed treatment processes, including:

a. a summary establishing the adequacy of proposed processes and unit parameters for the treatment of the specific water under consideration. Bench scale test, pilot studies, or demonstrations may be required to establish adequacy for some water quality standards.

b. Alternative methods of water treatment and chemical use should be considered as a means of reducing waste handling and disposal problems.

9. Sewerage System Available. Describe the existing sewerage system and sewage treatment works, with special reference to their relationship to existing or proposed water supply system structures which may affect the operation of the water supply system, or which may affect the quality of the supply.

10. Waste disposal, including:

a. Discuss the various wastes from the water treatment plant, their volume, proposed treatment and points of discharge.

b. If discharging to a sanitary sewerage system, verify that the system, including any lift stations, is capable of handling the flow to the sewage treatment works and that the treatment works is capable and will accept the additional loading.

11. Automation, including:

a. supporting data justifying automatic equipment, including the servicing and operator training to be provided.

b. Manual override must be provided for any automatic controls.

c. Highly sophisticated automation may put proper maintenance beyond the capability of the plant operator, leading to equipment breakdowns or expensive servicing. Adequate funding shall be assured for maintenance of automatic equipment.

12. Project sites, including:

a. discussion of the various sites considered and advantages of the recommended ones;

b. the proximity of residences, industries, and other establishments;

c. any potential sources of pollution that may influence the quality of the supply or interfere with effective operation of the water supply system, such as sewage absorption systems, septic tanks, privies, cesspools, sink holes, sanitary landfills, refuse and garbage dumps, etc.

13. Financing, including:

a. estimated cost of integral parts of the system, broken down by dollar amount or percentages for source development, storage, distribution mains, pumping, transmission mains, treatment, and planning (including all soft costs);

b. detailed estimated annual cost of operation;

c. proposed methods to finance both capital charges and operating expenses.

d. Summarize planning for future needs and services.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:298 (February 2018), effective August 1, 2018.

§115. Plans

A. Plans for water supply system improvements shall, where applicable, provide the following:

1. general layout, including:

a. suitable title;

b. name of municipality, or other entity or person responsible for the water supply;

c. area or institution to be served;

d. scale;

e. north point;

f. datum used;

g. boundaries of the municipality or area to be served;

h. seal, signature and date of the Louisiana licensed professional engineer or in conformance with engineering registration requirements of the Louisiana Professional Engineering and Land Surveying Board;

i. imprint of professional engineer's seal or in conformance with engineering registration requirements of the Louisiana Professional Engineering and Land Surveying Board;

j. legible prints suitable for reproduction;

k. location and size of existing water mains;

l. location and nature of existing water supply structures and appurtenances affecting the proposed improvements, noted on one sheet, if possible;

2. detailed plans, including:

a. stream crossings, providing profiles with elevations of the stream bed and the normal and extreme high and low water levels except where submarine crossings are to be installed by means of directional drilling then the extreme high water level may be omitted;

b. profiles having a horizontal scale of not more than 100 feet to the inch and a vertical scale of not more than 10 feet to the inch, with both scales clearly indicated;

c. location and size of the property to be used for the groundwater development with respect to known references such as roads, streams, section lines, or streets;

d. topography and arrangement of present or planned wells or structures, with contour intervals not greater than two feet;

e. elevations of the highest known flood level, floor of the structure, upper terminal of protective casings and outside surrounding grade, using United States Coast and Geodetic Survey, United States Geological Survey or equivalent elevations where applicable as reference;

f. plat and profile drawings of well construction, showing diameter and depth of drill holes, casing and liner diameters and depths, grouting depths, elevations and other details to describe the proposed well completely. Upon completion submit record drawings reflecting geologic formations and water levels;

g. location of all existing and potential sources of pollution which may affect the water source or, underground treated water storage facilities;

h. size, length, and materials of proposed water mains;

i. location of existing or proposed streets; water sources, ponds, lakes, and drains; storm, sanitary, combined and house sewers; septic tanks, disposal fields and cesspools;

j. schematic flow diagrams and hydraulic profiles showing the flow through various plant units;

k. piping in sufficient detail to show flow through the plant, including waste lines;

l. locations of all chemical storage areas, feeding equipment and points of chemical application (see Subchapter A of Chapter 2 of this Part);

m. all appurtenances, specific structures, equipment, water treatment plant waste disposal units and points of discharge having any relationship to the plans for water mains and/or water supply structures;

n. locations of sanitary or other facilities, such as lavatories, showers, toilets, and lockers, when applicable or required by the state health officer;

o. locations, dimensions, and elevations of all proposed plant facilities;

p. locations of all sampling taps;

q. adequate description of any features not otherwise covered by the specifications.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:299 (February 2018), effective August 1, 2018.

§117. Specifications

A. Complete, detailed technical specifications for those applicable sanitary components shall be supplied for the proposed project, including:

1. a program for keeping existing water supply facilities in operation during construction of additional facilities so as to minimize interruption of service;

2. laboratory facilities and equipment, including the capacity to perform laboratory analyses of required tests;

3. the number and design of chemical feeding equipment (see §201 and §203 of this Part);

4. procedures for flushing, disinfection and testing, as needed, prior to placing the project in service;

5. materials or proprietary equipment for sanitary or other facilities including any necessary backflow or back-siphonage protection.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:300 (February 2018), effective August 1, 2018.

§119. Design Criteria

A. A summary of complete design criteria for those applicable sanitary components shall be submitted for the proposed project.

B. The summary shall contain but shall not be limited to the following:

1. long-term dependable yield of the source of supply;

2. reservoir surface area, volume, and a volume-versus-depth curve, if applicable;

3. area of watershed, if applicable;

4. estimated average and maximum day water demands for the design period;

5. number of proposed services;

6. fire fighting requirements;

7. flash mix, flocculation and settling basin capacities;

8. retention times;

9. unit loadings;

10. filter area and the proposed filtration rate;

11. backwash rate;

12. chemical feeder capacities and ranges;

13. minimum and maximum chemical application rates.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:300 (February 2018), effective August 1, 2018.

§121. Revisions to Approved Plans

A. Any substantial deviations from approved plans or specifications must be approved by the state health officer before such changes are made.

B. Substantial deviations include, but are not limited to deviations in:

1. capacity;

2. hydraulic conditions; and

3. operating units; the functioning of water treatment processes, or the quality of water to be delivered.

C. Revised plans or specifications should be submitted in time to permit the review and approval of such plans or specifications before any construction work, which will be affected by such changes, is begun.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:300 (February 2018), effective August 1, 2018.

§123. Additional Information Required

A. The state health officer may require additional information which is not part of the construction drawings, such as head loss calculations, proprietary technical data, copies of deeds, copies of contracts, etc.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:300 (February 2018), effective August 1, 2018.

Subchapter B. General Design

§125. Design Basis

A. The system including the water source and treatment facilities shall be designed for average daily flow of the maximum month.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:300 (February 2018), effective August 1, 2018.

§127. Plant Layout

A. Plant layout, at a minimum, shall consider the following:

1. functional aspects of the plant layout;

2. provisions for future plant expansion;

3. provisions for expansion of the plant waste treatment and disposal facilities;

4. access roads;

5. site grading;

6. site drainage;

7. walks;

8. driveways; and

9. chemical delivery.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:300 (February 2018), effective August 1, 2018.

§129. Building Layout

A. Building layout shall be designed to provide for:

1. adequate ventilation;
2. adequate lighting;
3. adequate heating;
4. adequate drainage;
5. dehumidification equipment, if necessary;
6. accessibility of equipment for operation, servicing, and removal;
7. flexibility of operation;
8. operator safety;
9. convenience of operation; and
10. if rooms are used for chemical storage and feed equipment use of a separate room to reduce hazards and dust problems.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:301 (February 2018), effective August 1, 2018.

§131. Location of Structures

A. The appropriate regulating authority must be consulted regarding any structure which is so located that normal or flood stream flows may be impeded.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:301 (February 2018), effective August 1, 2018.

§133. Electrical and Controls

A. Electrical equipment, electrical instrumentation and controls shall be located above grade, in areas not subject to flooding or protected from damage due to water inundation.

B. The design of all electrical work for new facilities or modifications to existing facilities shall conform to the applicable requirements of the State Uniform Construction Code, LAC 17:I and any other applicable local code(s) which may have stricter requirements.

C. Existing electrical equipment, electrical instrumentation and controls at facilities may remain provided they do not create an unsafe condition and do not reduce the reliability of the equipment or cause failure to system components.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:301 (February 2018), effective August 1, 2018.

§135. Standby Power

A. Dedicated standby power shall be provided by any community water supply and any non-community water supply serving a hospital so that water can be treated and/or pumped to the distribution system during power outages to meet the average daily demand during the month of maximum water use.

B. Carbon monoxide detectors should be installed where fuel-fired generators are housed.

C. Alternatives to dedicated standby power may be considered by the state health officer with proper justification.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:301 (February 2018), effective August 1, 2018.

§137. Laboratory Facilities

A. Each public water system shall have equipment and facilities or contracted services for the routine daily laboratory testing necessary to ensure the proper operation of the water supply system.

B. Laboratory equipment selection shall be based on:

1. the characteristics of the raw water source;
2. the complexity of the treatment process involved;
3. the contaminants or analytes for which monitoring is required or desired; and
4. the particular laboratory methodology and minimum accuracy to be performed for such contaminants or analytes.

C. Laboratory test kits which simplify procedures for making one or more tests may be acceptable.

D. An operator or chemist qualified to perform the necessary laboratory tests shall be required.

E. Other than those analytes allowed to be analyzed in a LDH-OPH Approved Chemical Laboratory/Drinking Water (see Chapter 15 of this Part), analyses conducted to determine compliance with drinking water regulations shall be performed in a LDH-OPH certified or a U. S. Environmental Protection Agency (EPA) certified laboratory in accordance with the requirements of this Part.

F. Persons designing and equipping laboratory facilities shall confer with the state health officer before beginning the preparation of plans or the purchase of equipment. Methods for verifying adequate quality assurances and for routine calibration of equipment shall be provided.

G. Testing Equipment. As a minimum, the following laboratory equipment shall be provided.

1. Surface water systems or groundwater under the direct influence of surface water (GWUDISW) systems shall have a nephelometric turbidimeter meeting the requirements of the approved turbidity methods in Chapter 11 of this Part.
2. Each surface water treatment plant or GWUDISW plant utilizing flocculation and sedimentation, including those which lime soften, shall have a pH meter, jar test equipment, and titration equipment for both hardness and alkalinity.
3. Each ion-exchange softening plant, and lime softening plant treating only groundwater shall have a pH meter and titration equipment for both hardness and alkalinity.
4. Each iron and/or manganese removal plant shall have test equipment capable of accurately measuring iron to a minimum of 0.1 milligrams per liter, and/or test equipment capable of accurately measuring manganese to a minimum of 0.05 milligrams per liter.
5. Public water systems which chlorinate shall have test equipment for determining both free and total chlorine residual by the applicable methods listed in Table 1 of §1105.C of this Part.

6. If a public water system adjusts its fluoride level, equipment shall be provided for measuring the quantity of fluoride in the water. Such equipment shall be subject to the approval of the state health officer.

7. Public water systems which feed poly and/or orthophosphates shall have test equipment capable of accurately measuring phosphates from 0.1 to 20 milligrams per liter or to 0.1 to 1.2 times the target dose whichever is less.

8. Public water systems that use chlorine dioxide shall have test equipment for determining both chlorine dioxide and chlorite residual by the applicable methods listed in Chapters 11 and 13 of this Part.

9. Surface water systems, GWUDISW systems, and any groundwater system required to or choosing to achieve a minimum CT value [residual disinfectant concentration ("C") times the contact time ("T") when the pipe, vessel, etc., is in operation] at or before the first customer shall have a method of measuring water temperature using a thermometer or thermocouple with a minimum accuracy of plus or minus 0.5 degrees Celsius (0.5°C).

H. Physical Facilities. Where laboratory facilities are provided each public water system shall provide:

1. sufficient bench space;
2. adequate ventilation;
3. adequate lighting;
4. storage room;
5. laboratory sink; and
6. auxiliary facilities (e.g., restroom facilities available on-site of the in-house lab for the operator, analyst, or chemist running the lab tests; special fire-proof cabinets for storing volatile reagents as may be required by the state fire marshal; special ventilation hoods as may be required by OSHA over the work area; refrigerator; Bunsen burner, stirrers; etc.);
7. air conditioning as deemed necessary.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:301 (February 2018), effective August 1, 2018.

§139. Monitoring Equipment

A. Water treatment plants shall be provided with equipment (including recorders, where applicable) to monitor the water as follows.

1. Plants treating ground water using iron removal and/or ion exchange softening shall have the capability to monitor and record free chlorine residual.

2. Ion exchange plants for nitrate removal shall continuously monitor and record the treated water nitrate level.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:302 (February 2018), effective August 1, 2018.

§141. Sample Taps

A. Sampling facilities shall be provided so that water samples can be obtained from each water source and from appropriate locations in each unit operation of treatment, and from the finished water.

B. Taps shall be consistent with sampling needs and shall not be of the petcock type.

C. Taps used for obtaining samples for bacteriological analysis:

1. shall be: of the smooth-nosed type without interior or exterior threads:
2. shall not be of the mixing type; and
3. shall not have a screen, aerator, or other such appurtenance.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:302 (February 2018), effective August 1, 2018.

§143. Facility Water Supply

A. The water treatment plant's service connection line and the finished water sample tap line shall both be supplied from a source of finished water at a point where all chemicals have been thoroughly mixed, and the required disinfectant contact time has been achieved (see §179.C of this Part).

B. In some cases the take off point of the water treatment plant's own service connection line and the finished water sample tap line may be downstream of the plant itself but at or before the first customer.

C. There shall be no cross-connections between the water treatment plant's service connection line or the finished water sample tap line and any piping, troughs, tanks, or other treatment units containing wastewater, treatment chemicals, raw or partially treated water.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:302 (February 2018), effective August 1, 2018.

§145. Wall Castings

A. Consideration shall be given to providing extra wall castings built into the structure to facilitate future uses whenever pipes pass through walls of concrete structures.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:302 (February 2018), effective August 1, 2018.

§147. Meters

A. All public water systems shall have an acceptable means of measuring the flow from: each source, the washwater, the recycled water and any blended water of different quality, and the finished water.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:302 (February 2018), effective August 1, 2018.

§149. Piping Color Code

A. Except for those systems that comply with Louisiana Revised Statute 40:4.12, a water supply system shall utilize the color scheme provided in Table 149.B below to facilitate the identification of above ground piping in treatment plants and pumping stations.

Table 149.B Piping Color Code	
Water Lines	
Raw or Recycle	Olive Green
Settled or Clarified	Aqua
Finished or Potable	Dark Blue
Chemical Lines	
Alum or Primary Coagulent	Orange
Ammonia	White
Carbon Slurry	Black
Caustic	Yellow with Green Band
Chlorine (Gas or Solution)	Yellow
Chlorine Dioxide	Yellow with Violet Band
Fluoride	Light Blue with Red Band
Lime Slurry	Light Green
Ozone	Yellow with Orange Band
Phosphate Compounds	Light Green with Red Band
Polymers or Coagulant Aids	Orange with Green Band
Potassium Permanganate	Violet
Soda Ash	Light Green with Orange Band
Sulfuric Acid	Yellow with Red Band
Sulfur Dioxide	Light Green with Yellow Band
Waste Lines	
Backwash Waste	Light Brown
Sludge	Dark Brown
Sewer (Sanitary or Other)	Dark Gray
Other	
Compressed Air	Dark Green
Gas	Red
Reclaimed Water	Purple
Other liquids	Light Gray with a label

B. Any nonpotable water lines considered as plumbing (e.g., piping and outlets conveying nonpotable water within an office building, restroom, or other structure normally served by finished, potable water) and located on the water supply system's property is required to be identified in accordance with the State Uniform Construction Code, LAC 17:I.

C. In lieu of the color coding of pipes as described above, all pipes may be painted similar colors as long as each and every pipe is banded and labeled at 5 foot intervals with the name of the liquid or gas clearly displayed on the pipe. Arrows indicating the direction of flow should be included in this labeling or utilize other methods approved by the state health officer.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:302 (February 2018), effective August 1, 2018.

§151. Disinfection

A. Water from new systems, or from any new part(s) of existing systems shall not be furnished for consumer's use until all wells, pipes, tanks, and equipment which can convey or store potable water are disinfected in accordance with AWWA procedures as required in §§169, 225, and 245 of this Part.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:303 (February 2018), effective August 1, 2018.

§153. Operation and Maintenance Manual

A. An operation and maintenance manual shall be supplied to the water supply system as part of any proprietary unit installed in the facility.

B. The manual shall provide:

1. a parts list;
2. a parts order form,
3. operator safety procedures; and
4. an operational trouble-shooting section.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:303 (February 2018), effective August 1, 2018.

§155. Operator Instruction

A. Provisions shall be made for operator instruction at the start-up of a plant or pumping station.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:303 (February 2018), effective August 1, 2018.

§157. Safety

A. Consideration shall be given to the safety of water plant personnel and visitors.

B. The design shall comply with all applicable safety codes and regulations that include, but are not limited to, the codes adopted under the authority of Act 12 of the 2005 First Extraordinary Session, State Fire Marshal regulations (see LAC 55:V), National Fire Protection Association (NFPA) standards, and federal Occupational Health and Safety Administration (OSHA) standards.

C. Items to be considered include, but are not limited to, noise arresters, noise protection, confined space entry, protective equipment and clothing, gas masks, safety showers and eye washes, handrails and guards, warning signs, smoke detectors, toxic gas detectors and fire extinguishers.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:303 (February 2018), effective August 1, 2018.

§159. Security

A. Security measures including but not limited to the requirements of §§315.A and 327.A.13 of this Part, shall be installed and instituted.

B. Design measures to help ensure the security of water system facilities shall be incorporated and, as a minimum, shall include a means to lock all exterior doorways, windows, gates and other entrances to source, production, treatment, pumping and water storage facilities.

C. Other measures may include signage, closed circuit monitoring, real-time water quality monitoring, and intrusion alarms, as well as safety measures to prevent tampering with any electronic, computer or other automated system which may operate or assist in the operation of the water supply system.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:303 (February 2018), effective August 1, 2018.

§161. Flood Protection

A. Other than surface water intakes, all critical water supply facilities shall be protected to at least the 100-year flood elevation.

B. The water supply system shall provide high water vehicles, boats, or other acceptable means and methods to be able to access, safely operate, and maintain its critical water supply facilities during floods or other high water events.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:304 (February 2018), effective August 1, 2018.

§163. Design; Other Considerations

A. Consideration shall be given to the design requirements of other federal, state, and local regulatory agencies for items including, but not limited to:

1. energy efficiency;
2. water conservation;
3. environmental impact;
4. safety requirements;
5. special designs for the handicapped;
6. plumbing and electrical codes; and
7. construction in the flood plain.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:304 (February 2018), effective August 1, 2018.

Subchapter C. Source Development

§165. General Requirements

A. In selecting the source of water supply to be developed, the designing engineer shall prove to the satisfaction of the state health officer and other applicable reviewing authorities that an acceptable source having an adequate quantity of water will be available, and that the water which is to be delivered to the consumers shall be adequately treated, when necessary or required, to meet the current requirements of the state health officer with respect to microbiological, physical, chemical and radiological qualities.

B. Each water supply system should take its raw water from the best available source which is economically reasonable and technically possible.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:304 (February 2018), effective August 1, 2018.

§167. Surface Water

A. A source water protection plan enacted for continued protection of the watershed from potential sources of contamination shall be provided as determined by the state health officer. Surface water includes sources of water supply such as, but not limited to:

1. all streams;
2. tributary streams;
3. drainage basins,
4. natural and man-made ponds and lakes; and
5. artificial reservoirs or impoundments.

B. Surface Water Quantity. The quantity of water at the source shall be adequate to meet the maximum projected water demand of the service area as shown by calculations based on a 1 in 50 year drought or the extreme drought of record, and should include consideration of multiple year droughts. Requirements for minimum flows downstream of the intake shall:

1. comply with requirements of the appropriate reviewing authority/authorities;
2. provide a reasonable surplus for anticipated growth;
3. be adequate to compensate for all losses such as silting, evaporation, seepage, etc; and
4. be adequate to provide ample water for other legal users of the source.

C. Surface Water Quality. A study shall be made of the factors, both natural and man-made, which may affect water quality in the water supply stream, river, lake or reservoir and shall include, but not be limited to:

1. determining possible future uses of impoundments or reservoirs;
2. determining degree of control of watershed by owner;
3. assessing degree of hazard to the supply posed by agricultural, domestic, industrial, or recreational activities in the watershed, which may generate toxic or harmful substances detrimental to treatment processes;
4. assessing all waste discharges (point source and non-point sources) and activities that could impact the water supply. The location of each waste discharge shall be shown on a scale map;
5. obtaining samples over a sufficient period of time to assess the microbiological, physical, chemical and radiological characteristics of the water;
6. assessing the capability of the proposed treatment process to reduce contaminants to applicable standards; and
7. consideration of currents, wind and ice conditions, salt water wedges/intrusion and the effect of confluencing streams.

D. Structures. Structures shall be designed in accordance with the following requirements.

1. The design of intake structures shall provide for:
   a. withdrawal of water from more than one level if quality varies with depth, as determined by the state health officer;
   b. separate facilities for release of less desirable water held in storage;
   c. inspection of manholes every 1000 feet for pipe sizes large enough to permit visual inspection;
   d. occasional cleaning of the inlet line;
   e. adequate protection against rupture by dragging anchors, ice, etc.;
   f. ports located above the bottom of the stream, lake or impoundment, but at sufficient depth to be kept submerged at low water levels;
   g. where shore wells are not provided, a diversion device capable of keeping large quantities of fish or debris from entering an intake structure; and

h. when buried surface water collectors are used, sufficient intake opening area must be provided to minimize inlet headloss. Particular attention should be given to the selection of backfill material in relation to the collector pipe slot size and gradation of the native material over the collector system.

2. Raw water pumping wells shall:

a. have motors and electrical controls located above grade, and protected from flooding as required by the state health officer;

b. be accessible;

c. be designed against flotation;

d. be equipped with removable or traveling screens before the pump suction well;

e. provide for introduction of chlorine or other chemicals in the raw water transmission main if necessary for quality control;

f. have intake valves and provisions for backflushing or cleaning by a mechanical device and testing for leaks, where practical;

g. have provisions for withstanding surges where necessary; and

h. be constructed in a manner to prevent intrusion of contaminants.

3. Off Stream Raw Water Storage Reservoirs. An off-stream raw water storage reservoir is a facility into which water is pumped during periods of good quality and high stream flow for future release to treatment facilities. The off-stream raw water storage reservoirs shall be constructed to assure that:

a. water quality is protected by controlling runoff into the reservoir;

b. dikes are structurally sound and protected against wave action and erosion;

c. intake structures and devices meet requirements of §167.D.1;

d. point of influent flow is separated from the point of withdrawal;

e. separate pipes are provided for influent to and effluent from the reservoir; and

f. a bypass line is provided around the reservoir to allow direct pumping to the treatment facilities.

E. Nuisance Plant or Animal. If it is determined that chemical treatment is warranted for the control of nuisance plants or animals treatment shall be in accordance with Subchapter D of Chapter 1 of this Part and shall be acceptable to the state commissioner of agriculture and the state health officer. In addition, the following requirements shall be met.

1. Chemical treatment shall be in accordance with the manufacturer's label and application instructions, the Louisiana Pesticide Law (R.S. 3:3201, et seq.) and its implementing rules and regulations [see LAC Title 7 (Agriculture and Animals), Part XXIII (Pesticides) including, but not limited to, Chapter 31 (Water Protection)], LAC Title 51 (Public Health—Sanitary Code) Part XII (Water Supplies).

2. Chemical treatment shall be performed in such a manner as to prevent a USEPA (or state-equivalent) maximum contaminant level of a primary drinking water contaminant to be exceeded in finished drinking water.

3. Any analyses of finished drinking water to confirm whether or not a USEPA (or state-equivalent) maximum contaminant level of a primary drinking water contaminant has been exceeded shall only be acceptable if the water sample is collected, transported and stored in accordance with USEPA-approved methods [see 40 CFR Part 136.3, Table II] and then analyzed by a LDH - Certified Chemical Laboratory/Drinking Water.

4. In all cases involving a pesticide application for nuisance plant or animal control, when the water being treated is a source of water supply, the final determination of the safety of finished drinking water shall be made exclusively by the state health officer

a. Facility safety items, including but not limited to ventilation, operator protective equipment, eyewashes/showers, cross connection control, etc. shall be provided;

b. Solution piping and diffusers shall be installed within the intake pipe or in a suitable carrier pipe.

c. Provisions shall be made to prevent dispersal of chemical into the water environment outside the intake. Diffusers shall be located and designed to protect all intake structure components;

d. A spare solution line should be installed to provide redundancy and to facilitate the use of alternate chemicals;

e. The chemical feeder shall be interlocked with plant system controls to shut down automatically when the raw water flow stops;

f. when alternative control methods are proposed for nuisance plant and animal control, appropriate piloting or demonstration studies, satisfactory to the state health officer, may be required.

F. Impoundments and Reservoirs. Site preparation of impoundments and reservoirs shall provide where applicable:

1. removal of brush and trees to high water elevation;

2. protection from floods during construction;

3. abandonment of all wells which will be inundated, in accordance with requirements of the Department of Natural Resources, Office of Conservation, and the state health officer.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:304 (February 2018), effective August 1, 2018.

§169. Groundwater

A. A groundwater source includes all water obtained from:

1. dug;

2. drilled;

3. bored or driven wells;

4. springs; and

5. infiltration lines.

B. Groundwater quantity shall conform to the following standards.

1. Source capacity. The total developed groundwater source capacity, unless otherwise specified by the state health officer, shall equal or exceed the design maximum day demand with the largest producing well out of service.

2. Number of sources. When groundwater is the only source of water supply for any community water supply or for any non-community water supply serving a hospital, a minimum of two approved and active groundwater wells (or, if not a second well, connection to another approved water supply of sufficient capacity) shall be provided, unless otherwise specified by the state health officer.

a. Each of these two groundwater wells (or, if not a second well, connection to another approved water supply of sufficient capacity) shall be maintained and regularly operated to ensure that each one can immediately supply safe drinking water into the system when the other fails.

b. Consideration should be given to locating redundant sources in different aquifers or different locations of an aquifer.

3. Standby power. To ensure continuous service provided by any community water supply and any non-community water supply serving a hospital when the primary power has been interrupted, a standby power supply shall be provided through a dedicated portable or in-place auxiliary power of adequate supply and connectivity. When automatic pre-lubrication of pump bearings is necessary, and an auxiliary power supply is provided, design shall assure that the pre-lubrication is provided when auxiliary power is in use.

C. Groundwater Quality shall conform to the following standards.

1. An assessment should be made of the factors, both natural and man-made, which may affect water quality in the well and aquifer. Such an assessment may include, obtaining samples over a sufficient period of time to assess the microbiological and physical characteristics of the water including dissolved gases, chemical, and radiological characteristics.

2. Unless LDH-OPH's exclusion criteria are met, a ground water under the direct influence of surface water (GWUDISW) determination acceptable to the state health officer shall be provided for all new wells.

a. Part of this determination shall include the proper submission of one or more 1 micron filters through which at least 500 gallons of produced groundwater being tested have passed at a regulated flow rate over a period of no more than a 24 hours.

b. Such filters shall be refrigerated, as appropriate, and delivered to a laboratory for the identification of insects or other macroorganisms, algae, rotifers and large diameter pathogens such as Giardia or Cryptosporidium [see USEPA's "Consensus Method for Determining Groundwaters under the Direct Influence of Surface Water Using Microscopic Particulate Analysis (MPA)"].

c. The laboratory utilized shall be recognized by the USEPA for such work and it shall identify such macroorganisms found on the filter and, in the case of Giardia or Cryptosporidium, whether any observed specimens were alive or dead.

d. In addition, the laboratory report shall indicate the overall risk as being either a low, medium, or high occurrence of such macroorganisms.

e. This information, in combination, with other factors mentioned under the definition of GWUDISW contained in Chapter 11 of this Part, shall be used by the state health officer in determining whether or not a new well will be deemed as a GWUDISW source.

3. Microbiological quality. After disinfection of each new, modified or reconditioned groundwater source, one or more water samples shall be submitted to a LDH-OPH-certified drinking water laboratory for microbiological analysis with satisfactory results reported to the state health officer prior to placing the well into service.

4. Physical, chemical and radiological characteristics. Every new, modified or reconditioned groundwater source shall be examined for applicable physical, chemical and radiological characteristics as required by the state health officer by tests of representative samples in a LDH-OPH certified drinking water laboratory, with results reported to the state health officer.

a. Samples shall be collected and analyzed at the conclusion of the test pumping procedure.

b. Field determinations of physical and chemical constituents or special sampling procedures may be required by the state health officer.

D. Groundwater location shall conform to the following requirements.

1. Well location. The state health officer shall be consulted prior to design and construction regarding proposed well location as it relates to required separation between existing and potential sources of contamination and groundwater development.

a. All ground water sources of water supply shall comply with the following requirements.

i. The ground surface within a safe horizontal distance of the source in all directions shall not be subject to flooding (as defined in Footnote 4 of a.ii below) and shall be so graded and drained as to facilitate the rapid removal of surface water. This horizontal distance shall in no case be less than 10 feet for potable water supplies.

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

Table 169.D.1.a.ii. Sources of Contamination	Distance in Feet
Septic tanks	50
Storm or sanitary sewer	50[1]
Cesspools, outdoor privies, oxidation ponds, subsurface absorption fields, pits, mechanical sewage treatment plants, etc.	100[2]
Another water-well	25[3]
Sanitary landfills, feed lots, manure piles, solid waste dumps and similar installations	100
Drainage canal, ditch or stream	50[4]

[1]This distance may be reduced to 30 feet if the sewer is of ductile iron with water-tight joints or pressure rated plastic pipe.

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

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

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

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

iv. There shall be no unauthorized pits or unfilled spaces below level of ground surface, any part of which is within 50 feet of such water supply, except properly constructed well, pump, or valve pits as covered under §329.A.4 of this Part.

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

b. A well shall be located far enough from a building to allow reworking or rehabilitation with a drilling rig. A well shall not be located below ground surface, such as in pits and basements, and shall not be located within the foundation of a building, except a building constructed solely to house pumping and water system equipment.

c. Groundwater development shall be in conformance with the applicable standards, laws, and regulations of the government agency or agencies having jurisdiction.

2. Continued sanitary protection of the well site from potential sources of contamination shall be provided by having a minimum 50-foot radius of ownership and a minimum 100-foot radius of control from the well head. The radius of control required beyond the minimum 50-foot radius of ownership shall be provided either through ownership, zoning, easements, leasing or other means acceptable to the state health officer which shall be maintained for the life of the well until the well is ultimately properly abandoned.

3. Wellhead Protection. Wellhead protection assessment for continued protection of the wellhead from potential sources of contamination shall be provided as determined by the state health officer.

E. General Well Construction. All wells constructed to serve a potable water supply shall be constructed in accordance with LAC 56, Part I, Water Wells. Drillers of wells that serve a potable water supply shall comply with these requirements pursuant to Louisiana Revised Statutes 38:2226, 38:3098-3098.8. In addition, the following requirements shall be met.

1. Drilling fluids and additives shall:

a. not impart any toxic substances to the water or promote bacterial contamination; and

b. be acceptable to the state health officer.

2. Minimum protected depths of drilled wells shall provide watertight construction to such depth as may be required by the state health officer, to:

a. exclude contamination; and

b. seal off formations that are, or may be, contaminated or yield undesirable water.

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

4. Polyvinyl Chloride Plastic (PVC). The state health officer may approve the use of PVC casing for all or for limited applications. PVC casing shall not be used at sites where permeation by hydrocarbons or degradation may occur.

5. Other Nonferrous Casing Materials. Approval of the use of any nonferrous material as well casing shall be subject to special determination by the state health officer prior to submission of plans and specifications. Nonferrous material proposed as a well casing must be resistant to the corrosiveness of the water and to the stresses to which it will be subjected during installation, grouting and operation.

6. Packers. Packers shall be of material that will not impart taste, odor, toxic substances or bacterial contamination to the well water. Lead packers shall not be used.

7. Screens. Screens shall be provided with a bottom plate or washdown bottom fitting of the same material as the screen.

8. Upper terminal well construction shall be in accordance with the following requirements.

a. In wells with pipe casings, the casings shall project at least 12 inches above ground level or the top of the cover or floor, and the cover or floor shall slope away from the well casing or suction pipe in all directions.

i. Dug well linings shall extend at least 12 inches above the ground surface and cover installed thereon. The cover shall be watertight, and its edges shall overlap and extend downward at least 2 inches over the walls or curbings of such wells.

ii. In flood-prone areas the top of the casing shall be at least two feet above the 100-year flood elevation, but in no case less than two feet above the ground surface.

b. Where a well house is constructed, the floor surface shall be at least six inches above the final ground elevation.

c. Sites subject to flooding shall be provided with an earth mound to raise the pumphouse floor to an elevation at least two feet above the 100-year flood elevation or other suitable protection as determined by the state health officer.

d. Protection from physical damage shall be provided as required by the state health officer.

e. The upper terminal shall be constructed to prevent contamination from entering the well.

f. Where well appurtenances protrude through the upper terminal, the connections to the upper terminus shall be mechanical or welded connections that are water tight.

9. Disinfection of every new, modified or reconditioned groundwater source shall:

a. be provided after completion of work, if a substantial period elapses prior to test pumping or placement of permanent pumping equipment;

b. be provided after placement of permanent pumping equipment; and

c. be done in accordance with AWWA C654 or method approved by the state health officer.

10. Well Abandonment. Abandoned water wells and well holes shall be plugged in accordance with LAC 56, Part I, Water Wells.

F. Testing and records shall comply with the following requirements.

1. Yield and Drawdown Tests shall:

a. be conducted in accordance with a protocol pre-approved by the reviewing authority;

b. be performed on every production well after construction or subsequent treatment and prior to placement of the permanent pump;

c. utilize methods clearly indicated in the project specifications;

d. be performed with a test pump with a capacity at least 1.5 times the flow anticipated at maximum anticipated drawdown;

e. shall provide, as a minimum, for continuous pumping for at least 24 hours at the design pumping rate or until stabilized drawdown has continued for at least six hours when test pumped at 1.5 times the design pumping rate, or as required by the state health officer;

f. provide the following data to be submitted to the state health officer:

i. test pump capacity-head characteristics;

ii. static water level;

ii. depth of test pump setting;

iii. time of starting and ending each test cycle; and

iv. the zone of influence for the well or wells;

g. provide a report which details recordings and graphic evaluation of the following at one hour intervals or less as may be required by the state health officer:

i. pumping rate;

ii. pumping water level;

iii. drawdown; and

iv. water recovery rate and levels;

h. at the discretion of the state health officer, more comprehensive testing may be required.

2. Plumbness and alignment shall conform to the following requirements.

a. Every well shall be tested for plumbness and alignment in accordance with AWWA Standard for Water Wells (A100).

b. The test method and allowable tolerance shall be clearly stated in the specifications.

c. If the well fails to meet these requirements, it may be accepted by the engineer if it does not interfere with the installation or operation of the pump or uniform placement of grout or affect long term integrity.

3. Geological data shall:

a. be determined from samples collected at 5-foot intervals and at each pronounced change in formation;

b. be recorded and submitted to the Louisiana Department of Natural Resources, Office of Conversation (DNR-OC) and the state health officer.

c. be supplemented with a driller's log, accurate geographical location such as latitude and longitude or GIS coordinates, and other information on accurate records of drill hole diameters and depths, assembled order of size and length of casing, screens and liners, grouting depths, formations penetrated, water levels, and location of any blast charges.

4. The owner of each well shall retain all records pertaining to each well, until the well has been properly abandoned.

G. Aquifer Types and Construction Methods. Aquifer types and construction methods shall conform to the following requirements.

1. Criteria for Sand or Gravel Wells

a. If clay or hard pan is encountered above the water bearing formation, the permanent casing and grout shall extend through such materials or at least 50 feet below the original ground elevation, whichever is lower.

b. If a sand or gravel aquifer is overlaid only by permeable soils the permanent casing and grout shall extend to at least 50 feet below original or final ground elevation, whichever is lower. Excavation of topsoil around the well casing should be avoided.

c. If a temporary surface casing is used, it shall be completely withdrawn.

d. If a permanent surface casing is used, it shall be grouted in place.

2. The following requirements shall apply to gravel pack materials.

a. Gravel pack materials shall

i. be sized based on sieve analysis of the formation; and

ii. be well-rounded particles, 95 percent siliceous material, that are smooth and uniform, free of foreign material, properly sized, washed and then disinfected immediately prior to or during placement.

b. Gravel pack installation shall:

i. be in one continuous operation.

ii. provide the material be placed in a manner that prevents segregation and gradation during placement.

c. The annular space between the well screen and the hole shall be adequate to allow proper placement of gravel pack.

d. Gravel refill pipes, when used, shall be Schedule 40 steel pipe incorporated within the pump foundation and terminated with screwed or welded caps at least 12 inches above the pump house floor.

e. Gravel refill pipes located in the grouted annular opening shall be surrounded by a minimum of 1 ½ inches of grout.

f. Gravel pack shall extend above the highest well screen with an allowance for settling.

g. Protection from leakage of grout into the gravel pack or screen shall be provided.

h. Permanent inner casing and outer casings shall meet requirements of §169.E.4 or 5 of this Part.

3. Radial collectors shall conform to the following:

a. Locations of all caisson construction joints and porthole assemblies shall be indicated.

b. The caisson wall shall be reinforced to withstand the forces to which it will be subjected.

c. Radial collectors shall be in areas and at depths approved by the state health officer.

d. Provisions shall be made to assure that radial collectors are essentially horizontal.

e. The top of the caisson shall be covered with a watertight floor.

f. All openings in the floor shall be curbed and protected from entrance of foreign material.

g. The pump discharge piping shall not be placed through the caisson walls. In unique situations where this is not feasible, a water tight seal must be obtained at the wall.

4. Infiltration lines should be considered only where geological conditions preclude the possibility of developing an acceptable drilled well.

a. The area around infiltration lines shall be under the control of the water purveyor for a distance acceptable to or required by the state health officer.

b. Flow in the lines shall be by gravity to the collecting well.

c. Water from infiltration lines shall be considered as groundwater under the direct influence of surface water unless demonstrated otherwise.

5. Limestone or sandstone wells, where the depth of unconsolidated formations is more than 50 feet, the permanent casing shall be firmly seated in uncreviced or unbroken rock.

a. Grouting requirements shall be determined by the state health officer.

b. Where the depth of unconsolidated formations is less than 50 feet, the depth of casing and grout shall be at least 50 feet or as determined by the state health officer.

6. Naturally flowing wells shall require special consideration by the state health officer where there is an absence of an impervious confining layer.

a. Flow shall be controlled. Overflows shall discharge at least 18 inches above grade and flood level, and be visible. Discharge shall be to an effective drainage structure.

b. Permanent casing and grout shall be provided.

c. If erosion of the confining bed appears likely, special protective construction may be required by the state health officer.

H. Well Pumps, Discharge Piping and Appurtenances. Well pumps, discharge piping and appurtenances shall conform to the following requirements.

1. Line Shaft Pumps. Wells equipped with line shaft pumps shall:

a. have the casing firmly connected to the pump structure or have the casing inserted into a recess extending at least one-half inch into the pump base;

b. have the pump foundation and base designed to prevent water from coming into contact with the joint; and

c. avoid the use of oil lubrication at pump settings less than 400 feet. Lubricants must meet NSF/ANSI Standard 61 or be approved by the state health officer.

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

i. Where pumps or pump motors are placed directly over the well, the pump or motor shall be supported on a base provided therefor. The well casing shall not be used to support pump or motor. This requirement shall not apply to submersible pumps/motors and single-pipe jet pumps/motors. The pump or motor housing shall have a solid watertight metal base without openings to form a cover for the well, recessed to admit the well casing or pump suction. The well casing or pump suction shall project into the base at least 1 inch above the bottom thereof, and at least 1 inch above the level of the foundation on which the pump rests. The well casing shall project at least 12 inches above ground level or the top of the floor.

ii. Where power pumps are not placed directly over the well, the well casing shall extend at least 12 inches above the floor of the pump house. In flood-prone areas the top of the casing shall extend at least two feet above the 100-year flood elevation, but in no case less than two feet above the ground surface. The annular space between the well casing and the suction pipe shall be closed by a sanitary well seal to prevent the entrance of contamination.

2. Submersible Pumps. Where a submersible pump is used:

a. the top of the casing shall be effectively sealed against the entrance of water under all conditions of vibration or movement of conductors or cables; and

b. the electrical cable shall be firmly attached to the riser pipe at 20 foot intervals or less.

3. Discharge Piping. The design criteria for discharge piping is as follows.

a. The discharge piping shall:

i. be designed to minimize friction loss;

ii. have control valves and appurtenances located above the pumphouse floor when an above-ground discharge is provided;

iii. be protected against the entrance of contamination;

iv. be equipped with a check valve in or at the well, a shutoff valve, a pressure gauge, and a means of measuring flow;

v. be equipped with a smooth nosed sampling tap located at a point before any treatment chemicals are applied. The sample tap shall be at least 18-inches above the floor to facilitate sample collection.

vi. where applicable, be equipped with an air release-vacuum relief valve located upstream from the check valve, with exhaust/relief piping terminating in a down-turned position at least 18 inches above the floor and covered with a 24 mesh corrosion resistant screen;

vii. be valved to permit test pumping and control of each well;

viii. have all exposed piping, valves and appurtenances protected against physical damage and freezing;

ix. be properly anchored to prevent movement, and be properly supported to prevent excessive bending forces;

x. be protected against surge or water hammer;

xi. conform to §235 of this Part; and

xii. be constructed so that it can be disconnected from the well or well pump to allow the well pump to be pulled.

b. The discharge piping should be provided with a means of pumping to waste, but shall not be directly connected to a sewer.

c. For submersible, jet and line shaft pumps, the discharge, drop or column piping inside the well shall:

i. conform to §235 of this Part; where such standards exist, or in the absence of such standards, conform to applicable product standards and be acceptable to the state health officer. Any lubricants, fittings, brackets, tape or other appurtenances shall meet NSF/ANSI Standards 60/61, where applicable;

ii. be capable of supporting the weight of the pump, piping, water and appurtenances and of withstanding the thrust, torque and other reaction loads created during pumping. The actions of fatigue from repeated starting and stopping of the pump shall be considered when choosing a pipe and fittings;

iii. be fitted with guides or spacers to center piping and well pump in the casing.

4. Pitless Well Units. Pitless well units shall conform to the following standards and requirements.

a. The state health officer must be contacted for approval of specific applications of pitless units.

b. Pitless units shall:

i. be shop-fabricated from the point of connection with the well casing to the unit cap or cover;

ii. be threaded or welded to the well casing;

iii. be of watertight construction throughout;

iv. be of materials and weight at least equivalent and compatible to the casing;

v. have field connection to the lateral discharge from the pitless unit of threaded, flanged or mechanical joint connection; and

vi. terminate at least 18 inches above final ground elevation or three feet above the 100-year flood level or the highest known flood elevation, whichever is higher, or as the state health officer directs.

c. The design of the pitless unit shall make provision for:

i. access to disinfect the well;

ii. a properly constructed casing vent meeting the requirements of §169.H.6 of this Part;

iii. facilities to measure water levels in the well (see §169.H.7);

iv. a cover at the upper terminal of the well that will prevent the entrance of contamination;

v. a contamination-proof entrance connection for electrical cable;

vi. an inside diameter as great as that of the well casing, up to and including casing diameters of 12 inches, to facilitate work and repair on the well, pump, or well screen; and

vii. at least one check valve within the well casing or in compliance with requirements of the state health officer.

d. If the connection to the casing is by field weld, the shop-assembled unit must be designed specifically for field welding to the casing. The only field welding permitted will be that needed to connect a pitless unit to the casing.

5. Pitless Adapters. Pitless adapters may be acceptable at the discretion of the state health officer. The use of any pitless adapter must be pre-approved by the state health officer.

6. Casing Vent. All potable water well casings shall be vented to atmosphere as provided below, with the exception that no vent will be required when single-pipe jet pumps are used.

a. All potable water well vents shall be so constructed and installed as to prevent the entrance of contamination.

b. All vent openings shall be piped water tight to a point not less than 24 inches above the 100-year flood elevation, but in no case less than 24 inches above the ground surface.

i. Such vent openings and extensions thereof shall be not less than 1/2 inch in diameter, covered with a 24 mesh, corrosion resistant screen with extension pipe firmly attached thereto.

ii. The openings of the vent pipes shall face downward and shall be screened to prevent the entrance of foreign matter.

7. Water Level Measurement. Provisions shall be made for periodic measurement of water levels in the completed well.

a. Where pneumatic water level measuring equipment is used it shall be made:

i. using corrosion-resistant materials attached firmly to the drop pipe or pump column; and

ii. in such a manner as to prevent entrance of foreign materials.

8. Liners may be acceptable at the discretion of the state health officer. The use of any liner must be pre-approved by the state health officer.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:305 (February 2018), effective August 1, 2018.

Subchapter D. Treatment

§171. General Requirements

A. The design of treatment processes and devices shall depend on evaluation of the nature and quality of the particular water to be treated, seasonal variations, the desired quality of the finished water and the mode of operation planned. Facilities shall be planned with future requirements in mind such as: tightened regulatory requirements, ability to obtain funding, potential growth, expansion and deterioration of existing facilities.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:310 (February 2018), effective August 1, 2018.

§173. Microscreening

A. Microscreening is a mechanical treatment process capable of removing suspended matter and organic loading from surface water by straining. It shall not be used in place of filtration or coagulation.

1. Design. Design criteria is as followed.

a. consideration shall be given to the following:

i. nature of the suspended matter to be removed;

ii. corrosiveness of the water;

iii. effect of chemicals used for pre-treatment;

iv. duplication of units for continuous operation during equipment maintenance;

v. provision of automated backwashing

b. shall provide:

i. a durable, corrosion-resistant screen;

ii. provisions to allow for by-pass of the screen;

iii. protection against back-siphonage when potable water is used for backwashing;

iv. proper disposal of backwash waters (See Subchapter F, §§257-275 of this Part).

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:310 (February 2018), effective August 1, 2018.

§175. Clarification Design

A. Clarification is generally considered to consist of any process or combination of processes which reduce the

concentration of suspended matter in drinking water prior to filtration.

B. Plants designed to treat surface water, groundwater under the direct influence of a surface water, or for the removal of a primary drinking water contaminant shall have the ability to meet the plant's average daily flow of the maximum month with one unit out of service. Design of the clarification process shall:

1. be constructed to permit units to be taken out of service without disrupting operation, and with drains or pumps sized to allow dewatering in a reasonable period of time;

2. provide multiple-stage treatment facilities when required by the state health officer; and

3. minimize hydraulic head losses between units to allow future changes in processes without the need for repumping.

C. Presedimentation. Waters containing high turbidity may require pretreatment, usually sedimentation, with or without the addition of coagulation chemicals.

1. Basin Design. Presedimentation basins should have hopper bottoms or be equipped with continuous mechanical sludge removal apparatus, and provide arrangements for dewatering.

2. Inlet. Incoming water shall be dispersed across the full width of the line of travel as quickly as possible to prevent short-circuiting.

3. Bypass. Provisions for bypassing presedimentation basins shall be included.

4. Detention Time. Detention shall consider removal requirements for the unit.

D. Coagulation. Coagulation refers to a process using coagulant chemicals and mixing by which colloidal and suspended material are destabilized and agglomerated into settleable or filterable flocs, or both. The engineer shall submit the design basis for the velocity gradient (G value) selected, considering the chemicals to be added and water temperature, color and other related water quality parameters. For surface water plants using direct or conventional filtration, the use of a primary coagulant is required at all times.

1. Mixing. The detention period should be instantaneous, but not longer than thirty seconds with mixing equipment capable of imparting a minimum velocity gradient (G) of at least 750 feet per second per feet (fps/ft). The design engineer should determine the appropriate G value and detention time through jar testing.

2. Equipment. Basins should be equipped with devices capable of providing adequate mixing for all treatment flow rates. Static mixing may be considered where the flow is relatively constant and will be high enough to maintain the necessary turbulence for complete chemical reactions.

3. Location. The coagulation and flocculation basin shall be as close together as practical.

4. Flow shall be determined at the point of coagulant dosing.

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

1. Basin Design. Inlet and outlet design shall minimize short-circuiting and destruction of floc. Basins shall be designed so that individual basins may be isolated without disrupting plant operation. A drain and/or pumps shall be provided to handle dewatering and sludge removal.

2. Detention. Detention shall account for regulatory requirements for the plant.

3. Equipment. Agitators shall be designed to provide variable peripheral speed of paddles ranging from 0.5 to 3.0 feet per second.

4. Other Designs. Variations or alternate designs can be submitted to the state health officer at any time.

5. Piping. Flocculation and sedimentation basins shall be as close together as practical. The velocity of flocculated water through pipes or conduits to settling basins shall be no less than 0.5 feet per second (fps) and no greater than 1.5 fps. Allowances must be made to minimize turbulence at bends and changes in direction.

F. Sedimentation. Sedimentation refers to a process that allows particles to settle by gravity and typically precedes filtration. The detention time for effective clarification is dependent upon a number of factors related to basin design and the nature of the raw water. The following criteria apply to the design of conventional gravity sedimentation units.

1. A minimum of four hours of settling time shall be provided. This may be reduced to two hours for lime-soda softening facilities treating only groundwater. Reduced detention time may also be approved when equivalent effective settling is demonstrated or when the overflow rate is not more than 0.5 gallons per minute [gpm] per square foot [sqft] (1.2 m/hr).

2. Inlet Devices. Inlets shall be designed to distribute the water equally and at uniform velocities. A baffle should be constructed across the basin close to the inlet end and should project several feet below the water surface to dissipate inlet velocities and provide uniform flows across the basin.

3. If flow is split, a means of measuring the flow to each train or unit shall be provided.

4. Velocity. The velocity through a sedimentation basin should not exceed 0.5 feet per minute. The basins shall be designed to minimize short-circuiting. Fixed or adjustable baffles shall be provided as necessary to achieve the maximum potential for clarification.

5. If flow is split, it is recommended that a means of modifying the flow to each train or unit be provided.

6. Outlet Devices. Outlet weirs or submerged orifices shall maintain velocities suitable for settling in the basin and minimize short-circuiting. The use of submerged orifices is recommended in order to provide a volume above the orifices for storage when there are fluctuations in flow. Outlet weirs and submerged orifices shall be designed as follows.

a. The rate of flow over the outlet weirs or through the submerged orifices shall not exceed 20,000 gallons per day per foot (250 m3/day/m) of the outlet launder or orifice circumference.

b. Submerged orifices located greater than three feet below the flow line shall be justified.

c. The entrance velocity through the submerged orifices shall not exceed 0.5 feet per second.

7. Overflow. An overflow weir or pipe designed to establish the maximum water level desired on top of the filters shall be provided. The overflow shall discharge by

gravity with a free fall. The discharge shall be equipped with monitoring equipment to annunciate the overflow or be installed at a location where the discharge can be observed.

8. Drainage. Sedimentation basins shall be provided with a means for dewatering. Basin bottoms shall slope toward the drain where mechanical sludge collection equipment is not required.

9. Flushing lines or hydrants shall be provided and shall be equipped with backflow prevention devices acceptable to the state health officer.

10. Sludge collection system shall be designed to ensure the collection of sludge from throughout the basin.

11. Sludge removal design shall provide that:

a. sludge pipes shall be not less than three inches in diameter and arranged to facilitate cleaning;

b. entrance to sludge withdrawal piping shall prevent clogging;

c. valves shall be operable from outside the tank;

d. the operator can observe and sample sludge being withdrawn from the unit.

G. Solids Contact Unit. Plants designed to treat surface water, groundwater under the direct influence of surface water or required to meet primary drinking water standards using solids contact shall have a minimum of two units. The clarifiers shall be designed for the average daily flow of the maximum month such that the plant's design capacity can be met with one unit out of service.

1. Operating equipment shall include:

a. adequate piping with suitable sampling taps or other means to sample sludge located to permit the collection of samples from various depths of the units; and

b. if flow is split, a means of measuring and modifying the flow to each unit.

2. Consideration shall be given to chemical feed location to ensure proper dosing and application.

3. A rapid mix device or chamber ahead of solids contact units may be required by the state health officer to assure proper mixing of the chemicals applied. Mixing devices within the unit shall be constructed to:

a. provide good mixing of the raw water with previously formed sludge particles; and

b. prevent deposition of solids in the mixing zone.

4. Flocculation. Flocculation equipment:

a. shall be adjustable (speed and/or pitch);

b. shall provide for coagulation in a separate chamber or baffled zone within the unit;

c. should provide a flocculation and mixing period of at least 30 minutes.

5. Sludge Concentrators. Large basins should have at least two sumps for collecting sludge located in the central flocculation zone.

6. Sludge removal design shall provide that:

a. sludge pipes are not less than three inches in diameter and so arranged as to facilitate cleaning;

b. entrance to sludge withdrawal piping shall prevent clogging;

c. valves shall be located outside the tank for accessibility, and

d. the operator may observe and sample sludge being withdrawn from the unit.

7. Criteria for backflow protection from cross-connections shall be as follows.

a. Blow-off outlets and drains shall terminate in a location with an acceptable air gap for backflow protection.

b. A backflow prevention device shall be included on potable water lines used to back flush sludge lines.

8. Detention Period. The detention time shall be established on the basis of the raw water characteristics, regulatory requirements and other local conditions that affect the operation of the unit.

9. Water Losses. Units shall be provided with controls to allow for adjusting the rate or frequency of sludge withdrawal.

10. Weirs or orifices. The units should be equipped with either overflow weirs or orifices constructed so that water at the surface of the unit does not travel over 10 feet horizontally to the collection trough.

a. Weirs shall be adjustable, and at least equivalent in length to the perimeter of the tank.

b. Weir loading shall not exceed:

i. 10 gpm per foot of weir length (120 L/min/m) for clarifiers;

ii. 20 gpm per foot of weir length (240 L/min/m) for softeners.

c. Where orifices are used the loading rates per foot of launder rates should be equivalent to weir loadings. Either shall produce uniform rising rates over the entire area of the tank.

11. Upflow Rates. Unless supporting data is submitted to the State Health Officer to justify rates exceeding the following, rates shall not exceed:

a. 1.0 gpm/sqft (2.4 m/hr) at the sludge separation line for units used for clarifiers;

b. 1.75 gpm/sqft (4.2 m/hr) at the slurry separation line, for units used for softeners.

H. Tube or Plate Settlers. Settler units consisting of variously shaped tubes or plates which are installed in multiple layers and at an angle to the flow may be used for sedimentation, following flocculation. Proposals for settler unit clarification must demonstrate satisfactory performance under on-site pilot plant conditions or documentation of full scale plant operation with similar raw water quality conditions as allowed by the state health officer prior to the preparation of final plans and specifications for approval.

1. General design criteria for tube or plate settlers is as follows.

a. Inlet and Outlet Considerations. Design to maintain velocities suitable for settling in the basin and to minimize short-circuiting. Plate units shall be designed to minimize maldistribution across the units.

b. Protection from Freezing. In areas where freezing occurs, consideration shall be given regarding sufficient freeboard.

c. Application Rate for Tubes. A maximum rate of 2 gallon per minute per square foot [gpm/sqft] of cross-sectional area (4.8 m/hr) for tube settlers, unless higher rates are successfully shown through pilot plant or in-plant demonstration studies.

d. Application Rates for Plates. A maximum plate loading rate of 0.5 gpm/sqft (1.2 m/hr), based on 80 percent of the projected horizontal plate area.

e. Flushing lines shall be provided to facilitate maintenance and must be properly protected against backflow or back siphonage.

f. Drain piping from the settler units shall be sized to facilitate a quick flush of the settler units and to prevent flooding other portions of the plant.

g. Placement. Modules shall be placed:

i. in zones of stable hydraulic conditions; and

ii. in areas nearest effluent launders for basins not completely covered by the modules.

h. Inlets and outlets shall conform to §175.F.2 and §175.F.6 of this Part.

i. The support system shall be able to carry the weight of the modules when the basin is drained plus any additional weight to support maintenance.

j. Provisions shall be made to allow the water level to be dropped, and a water or air jet system for cleaning the modules.

I. High Rate Clarification Processes. High rate clarification processes may be approved upon demonstrating satisfactory performance under on-site pilot plant conditions or documentation of full scale plant operation with similar raw water quality conditions as allowed by the state health officer.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

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§177. Filtration Design

A. Rapid Rate Gravity Filters. General design criteria for rapid rate gravity filters is as follows.

1. Pretreatment. The use of rapid rate gravity filters shall require pretreatment.

2. Rate of Filtration. The rate of filtration shall be determined through consideration of such factors as raw water quality, degree of pretreatment provided, filter media, water quality control parameters, and competency of operating personnel. Typical filtration rates range from 2 to 4 gpm/sqft. Maximum filtration rates for plants treating surface waters or ground water under the influence of surface water shall not exceed 3.0 gpm/sqft. For surface water treatment plants or GUISW with proposed filtration rates above 3.0 gpm/sqft, data from pilot testing shall be submitted to the state health officer for consideration and approval.

3. Number. Plants employing rapid rate gravity filters shall provide at least two filter units. The filters shall be capable of meeting the plant design capacity at the plants average daily flow of the maximum month with one filter unit removed from service. Where declining rate filtration is provided, the variable aspect of filtration rates, and the number of filters must be considered when determining the design capacity for the filters.

4. Structural Details and Hydraulics. The filter structure shall be designed to provide for:

a. vertical walls within the filter;

b. no protrusion of the filter walls into the filter media;

c. head room to permit normal inspection and operation;

d. minimum depth of filter box of 8.5 feet;

e. minimum water depth over the surface of the filter media of three feet;

f. trapped effluent to prevent backflow of air to the bottom of the filters;

g. prevention of floor drainage in to the filter;

h. prevention of flooding by providing overflow;

i. maximum velocity of treated water in pipe and conduits to filters of two feet per second;

j. cleanouts and straight alignment for influent pipes or conduits where solids loading is heavy, or following lime-soda softening;

k. washwater drain capacity to carry maximum flow;

l. handrails or walls around filter banks adjacent to normal walkways; and

m. construction to prevent cross connections and common walls between potable and non-potable water.

5. Washwater troughs should be constructed to have:

a. the bottom elevation above the maximum level of expanded media during washing;

b. a two-inch freeboard at the maximum rate of wash;

c. the top edge level and all at the same elevation;

d. spacing so that each trough serves the same number of square feet of filter area;

e. maximum horizontal travel of suspended particles to reach the trough not to exceed three feet;

f. means to exclude the loss of media when providing for concurrent air/high rate water backwashing; and

g. a two-inch freeboard at the main wash water gullet at the maximum rate of wash.

6. Filter Material. The granular filter media shall be in accordance with AWWA B100 and have the following characteristics:

a. a total depth of not less than 24 inches and generally not more than 30 inches;

b. a uniformity coefficient of the smallest material not greater than 1.65;

c. a minimum of 12 inches of media with an effective size range no greater than 0.45 mm to 0.55 mm unless specified otherwise per the following.

i. Anthracite shall have:

(a). an effective size of 0.45 mm - 0.55 mm with uniformity coefficient not greater than 1.65 when used alone;

(b). an effective size of 0.8 mm - 1.2 mm with a uniformity coefficient not greater than 1.7 when used as a cap; and

(c). an effective size for anthracite used as a single media on potable groundwater for iron and manganese removal only shall be a maximum of 0.8 mm (effective sizes greater than 0.8 mm may be approved based upon onsite pilot plant studies or other demonstration acceptable to the state health officer).

ii. Sand shall have:

(a). an effective size of 0.45 mm to 0.55 mm; and

(b). a uniformity coefficient of not greater than 1.65.

iii. High density sand shall have:

(a). an effective size of 0.2 to 0.3 mm;

(b). a uniformity coefficient of not greater than 1.65.

iv. Granular activated carbon (GAC) shall be in accordance with AWWA B604 and the design of shall meet the following:

(a). The media must meet the basic specifications for filter media as given in §177.A.6.a through §177.A.6.c of this Part.

(b). There shall be provisions for a free chlorine residual and adequate contact time in the water following the filters and prior to distribution (See §177.C and §177.D).

(c). There shall be means for periodic treatment of filter material for control of bacterial and other growth.

(d). Provisions shall be made for frequent replacement or regeneration. Regeneration of GAC shall be in accordance with AWWA B604.

v. Other Media. Other media will be considered based on experimental data and operating experience.

d. Characteristics of support media shall include the following.

i. Torpedo Sand. A three-inch layer of torpedo sand shall be used as a supporting media for filter sand where supporting gravel is used, and shall have:

(a). effective size of 0.8 mm to 2.0 mm; and

(b). uniformity coefficient not greater than 1.7.

ii. Gravel, when used as the supporting media shall consist of cleaned and washed, hard, durable, rounded silica particles and shall not include flat or elongated particles. The coarsest gravel shall be 2.5 inches in size when the gravel rests directly on a lateral system, and shall extend above the top of the perforated laterals. Not less than four layers of gravel shall be provided in accordance with the following size and depth distribution.

Table 175.A.6.e	
Size	**Depth**
3/32 to 3/16 inches	2 to 3 inches
3/16 to 1/2 inches	2 to 3 inches
1/2 to 3/4 inches	3 to 5 inches
3/4 to 1 ½ inches	3 to 5 inches
1 ½ to 2 ½ inches	5 to 8 inches

Reduction of gravel depths and other size gradations may be considered upon justification to the state health officer.

7. Filter bottoms and strainer systems. Departures from these standards may be acceptable for high rate filters and for proprietary bottoms. Porous plate bottoms shall not be used where iron or manganese may clog them or with waters softened by lime. The design of manifold-type collection systems shall:

a. ensure even distribution of washwater and even rate of filtration over the entire area of the filter;

b. provide the ratio of the area of the final openings of the strainer systems to the area of the filter at 0.003;

c. provide the total cross-sectional area of the laterals at twice the total area of the final openings;

d. provide the cross-sectional area of the manifold at 1.5 to 2 times the total area of the laterals;

e. lateral perforations without strainers shall be directed downward.

8. Filter media wash facilities are required except for filters used exclusively for iron, radionuclides, arsenic or manganese removal. Wash water systems shall be designed with:

a. water pressure per manufacturer's requirements;

b. a properly installed vacuum breaker or other approved device to prevent back siphonage if connected to the filtered or finished water system;

c. rate of flow of 2.0 gallons per minute per square foot of filter area (4.9 m/hr) with fixed nozzles or 0.5 gallons per minute per square foot (1.2 m/hr) with revolving arms if provided.

d. Air scouring. When provided, general design criteria for air scouring is as follows.

i. Air flow for air scouring the filter shall be 3-5 standard cubic feet per minute square foot of filter area (0.9-1.5 m3/min/m2) when the air is introduced in the underdrain; a lower air rate shall be used when the air scour distribution system is placed above the underdrains.

ii. When employing concurrent air scour and water back wash a method for avoiding excessive loss of the filter media during backwashing shall be provided.

iii. Air scouring shall be followed by a fluidization wash sufficient to re-stratify the media.

iv. Air shall be free from contamination.

v. Air scour distribution systems should be placed below the media and supporting bed interface; if placed at the interface the air scour nozzles shall be designed to prevent media from clogging the nozzles or entering the air distribution system.

vi. Piping for the air distribution system shall not be flexible hose which will collapse when not under air pressure and shall not be a relatively soft material which may erode at the orifice opening with the passage of air at high velocity.

vii. Air delivery piping shall not pass down through the filter media nor shall there be any arrangement in the filter design which would allow short circuiting between the applied unfiltered water and the filtered water.

viii. The backwash water delivery system must be capable of 15 gallons per minute per square foot of filter surface area (37 m/hr); however, when air scour is provided the backwash water rate must be variable and should not exceed 8 gallons per minute per square foot (20 m/hr) unless operating experience shows that a higher rate is necessary to remove scoured particles from filter media surfaces.

ix. The filter underdrains shall be designed to accommodate air scour piping when the piping is installed in the underdrain.

9. Appurtenances. The following shall be provided for every filter:

a. a means of sampling influent and effluent water sampling taps;

b. a meter indicating the instantaneous effluent rate of flow;

c. where used for surface water, provisions for filtering to waste with appropriate measures for cross connection control;

d. a flow rate controller capable of providing gradual rate increases when placing the filters back into operation; and

e. for surface water or systems using ground water under the direct influence of surface water with three or more filters, on-line turbidimeters shall be installed on the effluent line from each filter. All turbidimeters shall consistently determine and indicate the turbidity of the water in NTUs. Each turbidimeter shall report to a recorder that is

designed and operated to allow the operator to accurately determine the turbidity at least once every 15 minutes. Turbidimeters on individual filters should be designed to accurately measure low-range turbidities and have an alarm that will sound when the effluent level exceeds regulatory turbidity limits. It is recommended that turbidimeters be placed in a location that also allows measurement of turbidity during filter to waste.

10. Backwash. Provisions shall be made for washing filters as follows.

a. a minimum rate necessary to provide for a 50 percent expansion of the filter bed shall be provided with a minimum of 15 gpm/sqft. A reduced rate of 10 gallons per minute per square foot (24 m/hr) may be acceptable for full depth anthracite or granular activated carbon filters;

b. filtered water shall be used for backwashing filters;

c. washwater pumps shall be in duplicate unless an alternate means of obtaining washwater is available;

d. a washwater regulator or valve on the main washwater line to obtain the desired rate of filter wash with the washwater valves on the individual filters open wide;

e. a flow meter, preferably with a totalizer, on the main washwater line located so that it can be easily read by the operator during the washing process;

f. design to prevent rapid changes in backwash water flow;

g. automated systems shall be adjustable; and

h. appropriate measures for cross-connection control.

B. Rapid Rate Pressure Filters. The normal use of these filters is for iron and manganese removal. For raw water with iron concentration of 2 mg/L or greater consideration should be given to pretreatment prior to filtration. Pressure filters shall not be used in the filtration of surface or other polluted waters or following lime-soda softening.

1. Minimum criteria relative to rate of filtration, structural details and hydraulics, filter media, etc., provided for rapid rate gravity filters also apply to pressure filters where appropriate. At least two filter units shall be provided. The filters shall be capable of meeting the average daily flow of the maximum month with one filter unit removed from service.

2. Rate of Filtration. The rate shall not exceed six gallons per minute per square foot of filter area except where manufacturer's performance studies of the unit have demonstrated to the satisfaction of the state health officer that higher filtration rates are achievable. Consideration shall be given to backwash frequency and deteriorating water quality when selecting the filtration rate.

3. The filters shall be designed to provide for:

a. loss of head gauges on the inlet and outlet pipes of each filter;

b. an easily readable meter or flow indicator on each battery of filters;

c. filtration and backwashing of each filter individually;

d. minimum side wall shell height of five feet for vertical filters. A corresponding reduction in side wall height is acceptable where proprietary bottoms permit reduction of the gravel depth;

e. the top of the washwater collectors to be at least 18 inches above the surface of the media;

f. the underdrain system to efficiently collect the filtered water and to uniformly distribute the backwash water at a rate not less than 15 gallons per minute per square foot of filter area;

g. backwash flow indicators and controls that are easily readable while operating the control valves;

h. an air release valve on the highest point of each filter;

i. an accessible manhole of adequate size to facilitate inspection and repairs for filters 36 inches or more in diameter. Manholes should be at least 24 inches in diameter where feasible;

j. means to observe the wastewater during backwashing; and

k. construction to prevent cross-connection.

C. Diatomaceous Earth Filtration. The use of these filters may be considered for application to surface waters with low turbidity and low bacterial contamination.

1. Conditions of Use. Diatomaceous earth filters are expressly excluded from consideration for the following conditions:

a. bacteria removal;

b. color removal;

c. turbidity removal where either the gross quantity of turbidity is high or the turbidity exhibits poor filterability characteristics; and

d. filtration of waters with high algae counts.

2. Pilot Plant Study. Installation of a diatomaceous earth filtration system shall be preceded by a pilot plant study on the water to be treated.

a. Conditions of the study such as duration, filter rates, head loss accumulation, slurry feed rates, turbidity removal, bacteria removal, etc., must be approved by the state health officer prior to the study.

b. Satisfactory pilot plant results must be obtained prior to preparation of final construction plans and specifications.

c. The pilot plant study must demonstrate the ability of the system to meet applicable drinking water standards at all times.

3. Types of Filters. Pressure or vacuum diatomaceous earth filtration units will be considered for approval. However, the vacuum type is preferred for its ability to accommodate a design which permits observation of the filter surfaces to determine proper cleaning, damage to a filter element, and adequate coating over the entire filter area.

4. Treated water storage capacity in excess of normal requirements shall be provided to:

a. allow operation of the filters at a uniform rate during all conditions of system demand at or below the approved filtration rate, and

b. guarantee continuity of service during adverse raw water conditions without by-passing the system.

5. Number of Units. At least two units shall be provided. Where only two units are provided, each shall be capable of meeting the plant design capacity (normally the projected maximum daily demand) at the approved filtration rate. Where more than two filter units are provided, the

filters shall be capable of meeting the plant design capacity at the approved filtration rate with one filter removed from service.

6. Pre-coating criteria includes the following.

a. Application. A uniform precoat shall be applied hydraulically to each septum by introducing a slurry to the tank influent line and employing a filter-to-waste or recirculation system.

b. Quantity. Diatomaceous earth in the amount of 0.2 pounds per square foot of filter area (0.98 kg/m2) or an amount sufficient to apply a 1/8 inch coating should be used with recirculation.

7. A body feed system to apply additional amounts of diatomaceous earth slurry during the filter run is required to avoid short filter runs or excessive head losses.

a. Rate of body feed is dependent on raw water quality and characteristics and shall be determined in the pilot plant study.

b. Operation and maintenance can be simplified by providing accessibility to the feed system and slurry lines.

c. Continuous mixing of the body feed slurry is required.

8. Filtration criteria includes the following.

a. Rate of Filtration. The recommended nominal rate is 1.0 gallon per minute per square foot of filter area (2.4 m/hr) with a recommended maximum of 1.5 gallons per minute per square foot (3.7 m/hr). The filtration rate shall be controlled by a positive means.

b. Head Loss. The head loss shall not exceed 30 psi (210 kPa) for pressure diatomaceous earth filters, or a vacuum of 15 inches of mercury (-51 kPa) for a vacuum system.

c. Recirculation. A recirculation or holding pump shall be employed to maintain differential pressure across the filter when the unit is not in operation in order to prevent the filter cake from dropping off the filter elements. A minimum recirculation rate of 0.1 gallon per minute per square foot of filter area (0.24 m/hr) shall be provided.

d. Septum or Filter Element. The filter elements shall be structurally capable of withstanding maximum pressure and velocity variations during filtration and backwash cycles, and shall be spaced such that no less than one inch is provided between elements or between any element and a wall.

e. Inlet Design. The filter influent shall be designed to prevent scour of the diatomaceous earth from the filter element.

9. Backwash. A satisfactory method to thoroughly remove and dispose of spent filter cake shall be provided (see Subchapter F. §§257-275 of this Part).

10. The following appurtenances shall be provided for every filter:

a. a means of sampling for raw and filtered water;

b. loss of head or differential pressure gauge;

c. rate-of-flow indicator, preferably with totalizer;

d. a throttling valve used to reduce rates below normal during adverse raw water conditions;

e. evaluation of the need for body feed, recirculation, and any other pumps, in accordance with §217 of this Part; and

f. provisions for filtering to waste with appropriate measures for backflow prevention.

D. Slow Sand Filters. The use of these filters shall require prior engineering studies to demonstrate the adequacy and suitability of this method of filtration for the specific raw water supply.

1. Quality of Raw Water. Slow rate gravity filtration shall be limited to waters having maximum turbidities of 10 units and maximum color of 15 units; such turbidity shall not be attributable to colloidal clay. Microscopic examination of the raw water shall be made to determine the nature and extent of algae growths and their potential adverse impact on filter operations.

2. Number. At least two units shall be provided. Where only two units are provided, each shall be capable of meeting the plant design capacity (normally the projected maximum daily demand) at the approved filtration rate. Where more than two filter units are provided, the filters shall be capable of meeting the plant design capacity at the approved filtration rate with one filter removed from service.

3. Structural Details and Hydraulics. Slow rate gravity filters shall be so designed as to provide:

a. headroom to permit normal movement by operating personnel for scraping and sand removal operations;

b. adequate access hatches and access ports for handling of sand and for ventilation; and

c. an overflow at the maximum filter water level.

4. Rates of Filtration. The permissible rates of filtration shall be determined by the quality of the raw water and shall be on the basis of experimental data derived from the water to be treated. The nominal rate may be 45 to 150 gallons per day per square foot of sand area (1.8 - 6.1 m/day), with somewhat higher rates acceptable when demonstrated to the satisfaction of the approving authority.

5. Underdrains. Each filter unit shall be equipped with a main drain and an adequate number of lateral underdrains to collect the filtered water. The underdrains shall be placed as close to the floor as possible and spaced so that the maximum velocity of the water flow in the underdrain will not exceed 0.75 feet per second. The maximum spacing of laterals shall not exceed 3 feet if pipe laterals are used.

6. Filter material criteria shall be as follows.

a. Filter sand shall be placed on graded gravel layers for a minimum depth of 30 inches.

b. The effective size shall be between 0.15 mm and 0.30 mm. Larger sizes may be considered by the state health officer.

c. The uniformity coefficient shall not exceed 2.5.

d. The sand shall be cleaned and washed free from foreign matter.

e. The sand shall be rebedded when scraping has reduced the bed depth to no less than 19 inches. Where sand is to be reused in order to provide biological seeding and shortening of the ripening process, rebedding shall utilize a "throw over" technique whereby new sand is placed on the support gravel and existing sand is replaced on top of the new sand.

7. Filter Gravel. The supporting gravel should be similar to the size and depth distribution provided for rapid rate gravity filters (see §177.A.6.d.ii of this Part).

8. Depth of Water on Filter Beds. Design shall provide a depth of at least three to six feet of water over the sand. Influent water shall not scour the sand surface.

9. Control Appurtenances. Each filter shall be equipped with:

a. means of sampling influent and effluent water;

b. an indicating loss of head gauge or other means to measure head loss;

c. an indicating rate-of-flow meter. A means of controlling the rate of filtration and limiting the rate of filtration to a maximum rate shall be provided;

d. provisions for filtering to waste with appropriate measures for cross connection control; and

e. an effluent pipe designed to maintain the water level above the top of the filter sand.

10. [Ripening] Slow sand filters shall be operated to waste after scraping or rebedding during a ripening period until the filter effluent turbidity falls to consistently below the regulated drinking water standard established for the system.

E. Direct Filtration. Direct filtration, as used herein, refers to the filtration of a surface water following chemical coagulation and possibly flocculation but without prior settling. The nature of the treatment process will depend upon the raw water quality. A full scale direct filtration plant shall not be constructed without prior pilot studies which are acceptable to the state health officer. In-plant demonstration studies may be appropriate where conventional treatment plants are converted to direct filtration. Where direct filtration is proposed, an engineering report shall be submitted prior to conducting pilot plant or in-plant demonstration studies.

1. Engineering Report

a. In addition to the items considered in §113 of this Part, "Engineering Report", the report shall include a historical summary of meteorological conditions and of raw water quality with special reference to fluctuations in quality, and possible sources of contamination. The following raw water parameters shall be evaluated in the report:

i. color;

ii. turbidity;

iii. bacterial concentration;

iv. microscopic biological organisms;

v. temperature;

vi. total solids;

vii. general inorganic chemical characteristics; and

viii. additional parameters as required by the state health officer.

b. The report shall also include a description of methods and work to be done during a pilot plant study or, where appropriate, an in-plant demonstration study.

2. Pilot Plant Studies. After approval of the engineering report and pilot plant protocol, a pilot study or in-plant demonstration study shall be conducted. The study must be conducted over a sufficient time to treat all expected raw water conditions throughout the year. The pilot plant filter must be of a similar type and operated in the same manner as proposed for full scale operation. The pilot study must determine the contact time necessary for optimum filtration for each coagulant proposed. The study shall emphasize but not be limited to, the following items:

a. chemical mixing conditions including shear gradients and detention periods;

b. chemical feed rates;

c. use of various coagulants and coagulant aids;

d. flocculation conditions;

e. filtration rates;

f. filter gradation, types of media and depth of media;

g. filter breakthrough conditions;

h. adverse impact of recycling backwash water due to solids, algae, trihalomethane formation and similar problems;

i. length of filter runs;

j. length of backwash cycles;

k. quantities and make-up of the wastewater.

Prior to the initiation of design plans and specifications, a final report including the engineer's design recommendations shall be submitted to the state health officer.

3. Pretreatment. The final coagulation and flocculation basin design should be based on the pilot plant or in-plant demonstration studies augmented with applicable portions of §175.D, "Coagulation" and §175.E, "Flocculation" of this Part.

4. Filtration. Filters shall be rapid rate gravity filters with dual or mixed media. The final filter design shall be based on the pilot plant or in-plant demonstration studies and all portions of§177.A "Rapid rate gravity filters" of this Part. Pressure filters or single media sand filters shall not be used.

5. Appurtenances. The following shall be provided for every filter:

a. influent and effluent sampling taps;

b. an indicating loss of head gauge;

c. a meter indicating instantaneous rate of flow;

d. where used for surface water, provisions for filtering to waste with appropriate measures for cross connection control;

e. measures for providing gradual rate increases when placing the filters back into operation; and

f. for systems with three or more filters, on-line turbidimeters shall be installed on the effluent line from each filter. All turbidimeters shall consistently determine and indicate the turbidity of the water in NTUs. Each turbidimeter shall report to a recorder that is designed and operated to allow the operator to accurately determine the turbidity at least once every 15 minutes. Turbidimeters on individual filters should be designed to accurately measure low-range turbidities and have an alarm that will sound when the effluent level exceeds 0.3 NTU.

F. Deep Bed Rapid Rate Gravity Filters. Deep bed rapid rate gravity filters, as used herein, generally refers to rapid rate gravity filters with filter material depths equal to or greater than 48 inches. Filter media sizes are typically larger than those listed in §177.A.6.d of this Part.

1. Deep bed rapid rate filters may be considered based on pilot studies pre-approved by the state health officer.

2. The final filter design shall be based on the pilot plant studies and shall comply with all applicable portions of §177.A. of this Part. Careful attention shall be paid to the design of the backwash system which usually includes simultaneous air scour and water backwash at subfluidization velocities.

G. Biologically Active Filters. Biologically active filtration, as used herein, refers to the filtration of surface water (or a ground water with iron, manganese, ammonia or significant natural organic material) which includes the

establishment and maintenance of biological activity within the filter media.

1. Objectives of biologically active filtration may include control of disinfection byproduct precursors, increased disinfectant stability, reduction of substrates for microbial regrowth, breakdown of small quantities of synthetic organic chemicals, reduction of ammonia-nitrogen, and oxidation of iron and manganese. Biological activity can have an adverse impact on turbidity, particle and microbial pathogen removal, disinfection practices; head loss development; filter run times and distribution system corrosion. Design and operation should ensure that aerobic conditions are maintained at all times. Biologically active filtration often includes the use of ozone as a pre-oxidant/disinfectant which breaks down natural organic materials into biodegradable organic matter and granular activated carbon filter media which may promote denser biofilms.

2. Biologically active filters may be considered based on pilot studies pre-approved by the state health officer. The study objectives must be clearly defined and must ensure the microbial quality of the filtered water under all anticipated conditions of operation.

a. The pilot study shall be of sufficient duration to ensure establishment of full biological activity. The pilot study shall establish empty bed contact time, biomass loading, and/or other parameters necessary for successful operation as required by the state health officer.

3. The final filter design shall be based on the pilot plant studies and shall comply with all applicable portions of §177.A. of this Part.

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§179. Disinfection

A. Disinfection may be accomplished with gas and liquid chlorine, calcium or sodium hypochlorites, chlorine dioxide, chloramines, ozone, or ultraviolet light. Other disinfecting agents will be considered, providing reliable application equipment is available and testing procedures for a residual are recognized in "Standard Methods for the Examination of Water and Wastewater,". Disinfection is required for all water systems in accordance with §355 and §357 of this Part, other than those public water systems holding valid disinfection variance in accordance with §361 of this Part.

B. Chlorination. Design criteria for chlorination shall be as follows.

1. Chlorination Equipment Type. Solution-feed gas chlorinators or hypochlorite feeders of the positive displacement type shall be provided. (see §§201-209 “Chemical Application” of this Part).

2. Capacity. The chlorinator capacity shall be sufficient to comply with minimum chlorine residuals required in §355 and §357 of this Part. The equipment shall be of such design that it will operate accurately over the desired feeding range.

3. Standby Equipment. Standby equipment shall be available to replace/repair a critical unit unless an alternative is approved by the state health officer. Spare parts shall be readily available to replace parts subject to wear and breakage. If there is a large difference in feed rates between routine and emergency dosages, a gas metering tube should be provided for each dose range to ensure accurate control of the chlorine feed.

4. Automatic Switch-Over. Automatic switch-over of chlorine cylinders shall be provided to assure continuous disinfection.

5. Eductor. Each eductor shall be selected for the point of application with particular attention given to the quantity of chlorine to be added, the maximum injector water flow, the total discharge back pressure, the injector operating pressure, and the size of the chlorine solution line. Gauges for measuring water pressure and vacuum at the inlet and outlet of each eductor should be provided.

6. Injector/Diffuser. The chlorine solution injector/diffuser shall be compatible with the point of application to provide a rapid and thorough mix with all the water being treated.

C. Criteria for Contact Time and Point of Application

1. Due consideration shall be given to the contact time of the disinfectant in water with relation to pH, ammonia, taste-producing substances, temperature, bacterial quality, disinfection byproduct formation potential and other applicable factors. The disinfectant should be applied at a point which will provide adequate contact time (CT). All basins used for disinfection shall be designed to minimize short circuiting.

2. For treating surface waters and groundwaters under the direct influence of surface water, the system shall be designed to meet the CT standards set in Chapter 11 of this Part.

D. Residual Chlorine. Systems shall be designed to meet the minimum disinfectant residual per §355 and §357 of this Part.

E. Testing Equipment. Testing equipment used for compliance monitoring shall comply with approved analytical methods set forth in this Part.

F. Chlorinator Piping. Design criteria for chlorinator pipping shall be as follows.

1. Cross-Connection Protection. The chlorinator water supply piping shall be designed to prevent contamination of the treated water supply in accordance with the backflow prevention requirements set forth in §§344 and 346 of this Part.

2. Pipe Material. The pipes carrying elemental liquid or dry gaseous chlorine under pressure shall be Schedule 80 seamless steel tubing or other materials recommended by the Chlorine Institute. PVC is not acceptable upstream of the vacuum regulator. Vacuum piping for gaseous chlorine shall be polyethylene tubing or Schedule 80 PVC pipe. Rubber, Schedule 80 PVC, or polyethylene shall be used for chlorine solution piping and fittings.

G. Chloramination. Chloramination is an application of ammonia and chlorine at a proper mass ratio of chlorine to ammonia to produce a combined chlorine residual predominantly in form of monochloramine. Proper chlorine to ammonia ratio shall be maintained to prevent the formation of dichloramine and trichloramine which create taste and odor in drinking water.

1. Type. The chlorine system shall comply with the applicable requirements of §179.B. Ammonia systems shall supply either anhydrous ammonia, ammonium sulfate or

aqua ammonia in compliance with the requirements of §§201-209 "Chemical Application" of this Part.

2. Capacity. The ammonia supply system shall have sufficient capacity to comply with minimum disinfectant residuals required in §355 and §357 of this Part. The equipment shall be of such design that it will operate accurately over the desired feeding range.

3. Standby Equipment. Standby equipment shall be available to replace/repair a critical unit. Spare parts shall be made available to replace parts subject to wear and breakage.

4. Injector/Diffuser. The ammonia injector/diffuser shall be compatible with the point of application to provide a rapid and thorough mix with all the water being treated. If injectors are used, provisions for scale formation shall be considered.

a. Ammonia solution shall be fed through injectors/diffusers made of appropriate material installed per manufacturer's recommendations for even distribution of the solution. Materials containing copper shall not be used in contact with the ammonia.

5. Cross-Connection Protection. The aqua ammonia water supply piping shall be designed to prevent contamination of the treated water supply in accordance with the backflow prevention requirements set forth in §§344 and 346 of this Part.

6. Pipe Material. The pipes carrying anhydrous ammonia shall be black iron or stainless steel. Aqua (Aqueous) ammonia or ammonium sulfate piping shall be stainless steel, polyethylene tubing or schedule 80 PVC. Stainless steel, rubber, polyethylene tubing or PVC shall be used for aqueous ammonia solution piping and fittings.

H. Ozone

1. Design considerations include the following.

a. Ozonation systems are generally used for the purpose of disinfection, oxidation and microflocculation.

b. Bench scale studies shall be conducted to determine minimum and maximum ozone dosages for disinfection "CT" compliance and oxidation reactions. More involved pilot studies shall be conducted when necessary to document benefits and DBP precursor removal effectiveness. Consideration shall be given to multiple points of ozone addition. Pilot studies shall be conducted for all surface waters. Particularly sensitive measurements include gas flow rate, water flow rate, and ozone concentration.

c. Following the use of ozone, the application of a disinfectant which maintains a measurable residual will be required in order to ensure bacteriologically safe water is carried throughout the distribution system.

d. Furthermore, because of the more sophisticated nature of the ozone process a higher degree of operator maintenance skills and training is required. The ability to obtain qualified operators must be evaluated in selection of the treatment process. The necessary operator training shall be provided prior to plant startup. An operation and maintenance manual shall be provided and maintained onsite while the ozone unit is in operation.

2. Feed Gas Preparation. General design criteria for feed gas preparation shall be as follows.

a. Feed gas can be air, oxygen enriched air, or high purity oxygen. Sources of high purity oxygen include purchased liquid oxygen; on site generation using cryogenic air separation; or temperature, pressure or vacuum swing (adsorptive separation) technology. For high purity oxygen-feed systems, dryers typically are not required.

i. Air handling equipment on conventional low pressure air feed systems shall consist of an air compressor, water/air separator, refrigerant dryer, heat reactivated desiccant dryer, and particulate filters. Some "package" ozonation systems for small plants may work effectively operating at high pressure without the refrigerant dryer and with a "heat-less" desiccant dryer. The maximum dew point of -76ºF (-60ºC) will not be exceeded at any time.

b. Air compression. Design criteria for air compression shall be as follows.

i. Air compressors shall be of the liquid-ring or rotary lobe, oil-less, positive displacement type for smaller systems or dry rotary screw compressors for larger systems.

ii. The air compressors shall have the capacity to simultaneously provide for maximum ozone demand, provide the air flow required for purging the desiccant dryers (where required) and allow for standby capacity.

iii. Air feed for the compressor shall be drawn from a point protected from rain, condensation, mist, fog and contaminated air sources to minimize moisture and hydrocarbon content of the air supply.

iv. A compressed air after-cooler and/or entrainment separator with automatic drain shall be provided prior to the dryers to reduce the water vapor.

v. A back-up air compressor must be provided so that ozone generation is not interrupted in the event of a break-down.

c. Air drying. Design criteria for air drying shall be as follows.

i. Dry, dust-free and oil-free feed gas must be provided to the ozone generator. Dry gas is essential to prevent formation of nitric acid, to increase the efficiency of ozone generation and to prevent damage to the generator dielectrics. Sufficient drying to a maximum dew point of -76ºF (-60ºC) shall be provided at the end of the drying cycle.

ii. Drying for high pressure systems may be accomplished using heatless desiccant dryers only. For low pressure systems, a refrigeration air dryer in series with heat-reactivated desiccant dryers shall be used.

iii. A refrigeration dryer capable of reducing inlet air temperature to 40ºF (4ºC) shall be provided for low pressure air preparation systems.

iv. For heat-reactivated desiccant dryers, the unit shall contain two desiccant filled towers complete with pressure relief valves, two four-way valves and a heater. External type dryers shall have a cooler unit and blowers. The size of the unit shall be such that the specified dew point will be achieved during a minimum adsorption cycle time of 16 hours while operating at the maximum expected moisture loading conditions.

v. Multiple air dryers shall be provided so that the ozone generation is not interrupted in the event of dryer breakdown.

vi. Each dryer shall be capable of venting "dry" gas to the atmosphere, prior to the ozone generator, to allow start-up when other dryers are "on-line".

d. Air filters. Design criteria for air filters shall be as follows.

i. Air filters shall be provided on the suction side of the air compressors, between the air compressors and the dryers and between the dryers and the ozone generators.

ii. The filter before the desiccant dryers shall be of the coalescing type and be capable of removing aerosol and particulates larger than 0.3 microns in diameter. The filter after the desiccant dryer shall be of the particulate type and be capable of removing all particulates greater than 0.1 microns in diameter, or smaller if specified by the generator manufacturer.

e. Preparation piping. Piping in the air preparation system can be common grade steel, seamless copper, stainless steel or galvanized steel. The piping must be designed to withstand the maximum pressures in the air preparation system.

3. Ozone Generator. Design criteria for ozone generators shall be as follows.

a. Capacity. Design criteria for ozone generator capacity shall be as follows.

i. The production rating of the ozone generators shall be stated in pounds per day and kWhr per pound at a maximum cooling water temperature and maximum ozone concentration.

ii. The design shall ensure that the minimum concentration of ozone in the generator exit gas will not be less than 1 percent (by weight).

iii. Generators shall be sized to have sufficient reserve capacity so that the system does not operate at peak capacity for extended periods of time.

iv. The production rate of ozone generators will decrease as the temperature of the coolant increases. If there is to be a variation in the supply temperature of the coolant throughout the year, then applicable data shall be used to determine production changes due to the temperature change of the supplied coolant. The design shall ensure that the generators can produce the required ozone at maximum coolant temperature.

v. Appropriate ozone generator backup equipment must be provided.

b. Electrical. The generators can be low, medium or high frequency type. Specifications shall require that the transformers, electronic circuitry and other electrical hardware be proven, high quality components designed for ozone service.

c. Cooling. Adequate cooling shall be provided. The cooling water must be properly treated to minimize corrosion, scaling and microbiological fouling of the water side of the tubes. Where cooling water is treated, cross connection control shall be provided to prevent contamination of the potable water supply in accordance with the backflow prevention requirements in §§344 and 346 of this Part.

d. Materials. The ozone generator shell and tubes shall be constructed of Type 316L stainless steel.

4. Ozone Contactors. The selection or design of the contactor and method of ozone application depends on the purpose for which the ozone is being used.

a. Bubble Diffusers. Design criteria for bubble diffusers shall be as follows.

i. Where disinfection is the primary application a minimum of two contact chambers each equipped with baffles to prevent short circuiting and induce countercurrent flow shall be provided. Ozone shall be applied using porous-tube or dome diffusers.

ii. The minimum contact time shall be 10 minutes. A shorter contact time may be approved by state health officer.

iii. The contactor must be kept under negative pressure and sufficient ozone monitors shall be provided to protect worker safety. The secondary enclosure for the ozone contactor shall be open to the atmosphere.

iv. Large contact vessels made of reinforced concrete shall comply with ACI 350. All reinforcement bars shall be covered with a minimum of 2.0 inches of concrete. Smaller contact vessels can be made of stainless steel, fiberglass or other material which will be stable in the presence of residual ozone and ozone in the gas phase above the water level.

v. Where necessary a system shall be provided between the contactor and the off-gas destruct unit to remove froth from the air and return the other to the contactor or other location acceptable to the state health officer. If foaming is expected to be excessive, then a potable water spray system shall be placed in the contactor head space.

vi. All openings into the contactor for pipe connections, hatchways, etc. shall be properly sealed using welds or ozone resistant gaskets such as Teflon or Hypalon.

vii. Multiple sampling ports shall be provided to enable sampling of each compartment's effluent water and to confirm “CT” calculations.

viii. A pressure/vacuum relief valve shall be provided in the contactor and piped to a location where there will be no damage to the destruction unit.

ix. The diffusion system shall work on a countercurrent basis such that the ozone is fed at the bottom of the vessel and water is fed at the top of the vessel.

x. The depth of water in bubble diffuser contactors shall be a minimum of 18 feet. The contactor should also have a minimum of 3 feet of freeboard to allow for foaming.

xi. All contactors shall have provisions for cleaning, maintenance and drainage of the contactor. Each contactor compartment shall also be equipped with an access hatchway.

xii. Aeration diffusers shall be fully serviceable by either cleaning or replacement.

b. Other Contactors. Other contactors, such as the venturi or aspirating turbine mixer contactor, may be approved by the state health officer provided adequate ozone transfer is achieved and the required contact times and residuals can be met and verified.

5. Ozone Destruction Unit. Design criteria for ozone destruction unit shall be as follows.

a. A system for treating the final off-gas from each contactor shall be provided in order to meet safety and air quality standards. Acceptable systems include thermal destruction and thermal/catalytic destruction units.

b. The maximum allowable ozone concentration in the discharge is 0.1 ppm (by volume).

c. At least two units shall be provided which are each capable of handling the entire gas flow.

d. Exhaust blowers shall be provided in order to draw off-gas from the contactor into the destruct unit.

e. Catalysts shall be protected from froth, moisture and other impurities which may harm the catalyst.

f. The catalyst and heating elements shall be located where they can easily be reached for maintenance.

6. Piping Materials. Only low carbon 304L and 316L stainless steels shall be used for ozone service.

7. Joints and Connections. Design criteria for ozone joints and connections shall be as follows.

a. Connections on piping used for ozone service are to be welded where possible.

b. Connections with meters, valves or other equipment are to be made with flanged joints with ozone resistant gaskets, such as Teflon of Hypalon.

c. A positive closing plug or butterfly valve plus a leak-proof check valve shall be provided in the piping between the generator and the contactor to prevent moisture reaching the generator.

8. Instrumentation. Design criteria for ozone instrumentation shall be as follows.

a. Pressure gauges shall be provided at the discharge from the air compressor, at the inlet to the refrigeration dryers, at the inlet and outlet of the desiccant dryers, at the inlet to the ozone generators and contactors and at the inlet to the ozone destruction unit.

b. Electric power meters shall be provided for measuring the electric power supplied to the ozone generators. Each generator shall have a trip which shuts down the generator when the wattage exceeds a certain preset level.

c. Dew point monitors shall be provided for measuring the moisture of the feed gas from the desiccant dryers. Because it is critical to maintain the specified dew point, it is recommended that continuous recording charts be used for dew point monitoring which will allow for proper adjustment of the dryer cycle. Where there is potential for moisture entering the ozone generator from downstream of the unit or where moisture accumulation can occur in the generator during shutdown, post-generator dew point monitors shall be used.

d. Air flow meters shall be provided for measuring air flow from the desiccant dryers to each of other ozone generators, air flow to each contactor and purge air flow to the desiccant dryers.

e. Temperature gauges shall be provided for the inlet and outlet of the ozone cooling water and the inlet and outlet of the ozone generator feed gas, and, if necessary, for the inlet and outlet of the ozone power supply cooling water.

f. Water flow meters shall be installed to monitor the flow of cooling water to the ozone generators and, if necessary, to the ozone power supply.

g. Ozone monitors shall be installed to measure zone concentration in both the feed-gas and off-gas from the contactor and in the off-gas from the destruct unit. For disinfection systems, monitors shall also be provided for monitoring ozone residuals in the water. The number and location of ozone residual monitors shall be such that the amount of time that the water is in contact with the ozone residual can be determined.

h. A minimum of one ambient ozone monitor shall be installed in the vicinity of the contactor and a minimum of one shall be installed in the vicinity of the generator. Ozone monitors shall also be installed in any areas where ozone gas may accumulate.

9. Alarms. The following alarm/shutdown systems shall be considered at each installation:

a. dew point shutdown/alarm. This system should shut down the generator in the event the system dew point exceeds -76ºF (-60ºC);

b. ozone generator cooling water flow shutdown/alarm. This system should shut down the generator in the event that cooling water flows decrease to the point that generator damage could occur;

c. ozone power supply cooling water flow shutdown/alarm. This system should shut down the power supply in the event that cooling water flow decreases to the point that damage could occur to the power supply;

d. ozone generator cooling water temperature shutdown/alarm. This system should shutdown the generator if either the inlet or outlet cooling water exceeds a certain preset temperature;

e. ozone power supply cooling water temperature shutdown/alarm. This system should shutdown the power supply if either the inlet or outlet cooling water exceeds a certain preset temperature;

f. ozone generator inlet feed-gas temperature shutdown/alarm. This system should shutdown the generator if the feed-gas temperature is above a preset value;

g. ambient ozone concentration shutdown/alarm. The alarm should sound when the ozone level in the ambient air exceeds 0.1 ppm or a lower value chosen by the water supplier. Ozone generator shutdown should occur when ambient ozone levels exceed 0.3 ppm (or a lower value) in either the vicinity of the ozone generator or the contactor; and

h. ozone destruct temperature alarm. The alarm should sound when temperature exceeds a preset value.

10. Safety. Design criteria for ozone safety shall be as follows.

a. The maximum allowable ozone concentration in the air to which workers may be exposed must not exceed 0.1 ppm (by volume).

b. Emergency exhaust fans shall be provided in the rooms containing the ozone generators to remove ozone gas if leakage occurs.

c. A sign shall be posted indicating "No smoking, oxygen in use" at all entrances to the treatment plant. In addition, no flammable or combustible materials shall be stored within the oxygen generator areas.

I. Chlorine Dioxide. When choosing chlorine dioxide, consideration must be given to formation of the regulated byproducts and chlorite.

1. Chlorine Dioxide Generators. Chlorine dioxide generation equipment shall be factory assembled pre-engineered units with a minimum efficiency of 95 percent. The excess free chlorine shall not exceed five percent of the theoretical stoichiometric concentration required. Generators designed or intended to operate outside of this criteria shall require justification and be considered on a case-by-case

basis. Generator yield shall be defined as the ratio of chlorine dioxide generated to the theoretical stoichiometric maximum, as presented in EPA's Alternative Disinfectants and Oxidants Guidance Manual, Section 4.2.2 (EPA 815-R-99-014, April 1999).

a. Generators shall be designed, built and certified in compliance to NSF 61.

b. Bench scale testing shall be conducted to determine chlorine dioxide demand and decay kinetics for the specific water being treated in order to establish the correct design dose for required log inactivation compliance (if required), oxidation reactions, and chlorite generation.

c. An operation and maintenance manual (O&M) shall be provided. The O&M shall cover, at a minimum, operating instructions, identification and location of components, maintenance information and checklists; manufacturer's product information (including trouble shooting information, a parts list and parts order form, special tools, spare parts list, etc.) and a chlorine dioxide and chlorite residual monitoring action plan (RMAP). The RMAP shall identify actions to be taken by properly trained certified operators in the event that the chlorine dioxide residual or chlorite level meet or exceed specified maximum levels at specified testing locations (e.g., generator effluent, treatment units, point-of-entry).

d. Certified operators charged with handling and/or conducting chlorine dioxide and chlorite testing shall be properly trained on the production and testing equipment, the generator O&M manual, and the RMAP. Documentation of training shall be signed by the individual having responsible authority over the operators. Training documentation shall be provided to the OPH District Office and maintained on-site for review during sanitary surveys.

2. Feed and storage facilities. When chlorine gas and sodium chlorite are used feed and storage facilities shall comply with §209.A and §209.C of this Part, respectively. Sodium hypochlorite feed and storage facilities shall comply with §209.D of this Part. All chlorine dioxide feed and storage facilities shall comply with §179.I.5 and §179.I.6 of this Part.

3. Other design requirements shall include the following.

a. The design shall comply with all applicable portions of §179.B, §179.C, and §179.F of this Part.

b. Alarms shall be provided to indicate a lack of chemical (chlorine and sodium chlorite) or motive water flow.

4. Public Notification. Notification of a change in disinfection practices and the schedule for the changes shall be made known to the public; particularly to hospitals, kidney dialysis facilities, and fish breeders, as chlorine dioxide and its byproducts may have similar effects as chloramines.

5. Chlorine Dioxide Feed System. Design criteria for chlorine dioxide feed system shall be as follows.

a. Use fiberglass reinforced vinyl ester plastic (FRP) or high density linear polyethylene (HDLPE) tanks with no insulation.

b. If centrifugal pumps are used, provide Teflon packing material. Pump motors must be totally enclosed, fan-cooled, equipped with permanently sealed bearings, and equipped with double mechanical seals or other means to prevent leakage.

c. Provide chlorinated PVC, vinyl ester or Teflon piping material. Do not use carbon steel or stainless steel piping systems.

d. Provide glass view ports for the reactor if it is not made of transparent material.

e. All chlorite solutions shall have concentrations less than 30 percent. Higher strength solutions are susceptible to crystallization and stratification.

6. Chlorine Dioxide Storage Requirements. Design criteria for chlorine dioxide storage shall be as follows.

a. Chlorine dioxide storage and operating area shall conform to the following.

i. The chlorine dioxide facility shall be physically located in a separate room from other water treatment plant operating areas.

ii. The chlorine dioxide area shall have a ventilation system separate from other operating areas.

iii. Provision shall be made to ventilate the chlorine dioxide facility area and maintain the ambient air chlorine dioxide concentrations below the Permissible Exposure Limit (PEL).

(a). The ventilating fan(s) take suction near the floor, as far as practical from the door and air inlet, with the point of discharge so located as not to contaminate air inlets of any rooms or structures.

(b). Air inlets are provided near the ceiling.

(c). Air inlets and outlets shall be louvered.

(d). Separate switches for the fans are outside and near the entrance of the facility.

iv. There shall be observation windows through which the operating area can be observed from outside the room to ensure operator safety.

v. Manual switches to the light in the operating area shall be located outside the door to the room.

vi. An emergency shutoff control to shut flows to the generator shall be located outside the operating area.

vii. Gaseous chlorine feed to the chlorine dioxide generator shall enter the chlorine dioxide facility area through lines which can only feed to vacuum.

viii. There shall not be any open drains in the chlorine dioxide operating area.

J. Ultraviolet Light. Any Ultraviolet unit installed for treatment of cryptosporidium is required to meet the requirements of the USEPA's 2006 Ultraviolet Disinfection Guidance Manual.

K. Other disinfecting agents. Use of disinfecting agents other than those listed shall be approved by the state health officer prior to preparation of final plans and specifications.

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§181. Softening

A. Lime or Lime-Soda Process. Design standards for rapid mix, flocculation and sedimentation are in §175 of this Part. Additional consideration must be given to the following process elements.

1. Hydraulics. When split treatment is used, the bypass line should be sized to carry total plant flow, and an accurate means of measuring and splitting the flow shall be provided.

2. Rapid Mix. Rapid mix detention times should be instantaneous, but not longer than 30 seconds with adequate velocity gradients to keep the lime particles dispersed.

3. Stabilization. Equipment for stabilization of water softened by the lime or lime-soda process is required. (see §189 of this Part).

4. Sludge Collection. A means for sludge removal shall be provided in the sedimentation basin.

5. Sludge Disposal. Provisions shall be included for proper disposal of softening sludges. (see Subchapter F. §§257-275 of this Part).

B. Cation Exchange Process. Design criteria for cation exchange process shall be as follows.

1. Pre-treatment requirements. Iron, manganese, or a combination of the two, should not exceed 0.3 mg/L in the water as applied to the ion exchange resin. Pre-treatment is required when the content of iron, manganese, or a combination of the two, is one milligram per liter or more (see §187 of this Part). Waters having 5 units or more turbidity should not be applied directly to the cation exchange softener.

2. Design. The units may be of pressure or gravity type, of either an upflow or downflow design. Automatic regeneration based on volume of water softened shall be used unless manual regeneration is justified and is approved by the state health officer. A manual override shall be provided on all automatic controls.

3. Exchange Capacity. The design capacity shall be in accordance with the manufacturer's specifications for hardness removal.

4. Depth of Resin. The depth of the exchange resin shall not be less than three feet.

5. Flow Rates. The rate of softening shall not exceed seven gallons per minute per square foot of bed area and the backwash rate shall be between six and eight gallons per minute per square foot of bed area. Rate-of-flow controllers or the equivalent shall be installed for the above purposes.

6. Freeboard. The freeboard will depend upon the size and specific gravity of the resin and the direction of water flow. Adequate freeboard shall be provided to prevent loss of media during backwashing.

7. Underdrains and Supporting Gravel. The bottoms, strainer systems and support for the exchange resin shall conform to criteria provided for rapid rate gravity filters (see §177.A.6 and §177.A.7 of this Part).

8. Brine Distribution. Facilities should be included for even distribution of the brine over the entire surface of both upflow and downflow units.

9. Cross-Connection Control. Backwash, rinse and air relief discharge pipes shall be installed in such a manner as to prevent any possibility of back-siphonage.

10. Bypass Piping and Equipment. Bypass shall be provided around softening units to produce a blended water of desirable hardness. Totalizing meters shall be installed on the bypass line and on each softener unit. The bypass line shall have a shutoff valve and should have an automatic proportioning or regulating device.

11. Additional Limitations. When the applied water contains a chlorine residual, the cation exchange resin shall be a type that is not damaged by residual chlorine.

12. Sampling Taps. A means of collecting samples shall be provided for the collection of representative samples. If sample taps are provided, they shall be Smooth-nose type. The taps sampling locations shall be located to provide for sampling of the softener influent, effluent and blended water. The sampling locations for the blended water shall be at least 20 feet downstream from the point of blending.

13. Brine and Salt Storage Tanks. Design criteria for brine and salt storage tanks shall be as follows.

a. Salt dissolving or brine tanks and wet salt storage tanks shall be covered and must be corrosion-resistant.

b. The make-up water inlet shall be protected from back-siphonage.

c. Wet salt storage basins shall be equipped with manholes or hatchways for access and for direct dumping of salt from truck or railcar. Openings shall be provided with raised curbs and watertight covers having overlapping edges. Each cover shall be hinged on one side, and shall have locking device.

d. Overflows, where provided, shall be protected with corrosion resistant screens and must terminate with either a turned downed bend having a proper free fall discharge or a self-closing flap valve.

e. The salt shall be supported on graduated layers of gravel placed over a brine collection system.

14. Stabilization. Refer to §189 of this Part.

15. Waste Disposal. Suitable disposal shall be provided for brine waste (see Subchapter F. §§257-275 of this Part).

16. Construction Materials. Pipes and contact materials shall be resistant to the aggressiveness of salt. Steel and concrete must be coated with a non-leaching protective coating which is compatible with salt and brine.

17. Housing. Bagged salt and dry bulk salt storage shall be enclosed and separated from other operating areas in order to prevent damage to equipment.

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§183. Anion Exchange Treatment

A. Pre-Treatment Requirements. Iron, manganese or a combination of the two, should not exceed 0.3 mg/L in the water as applied to the ion exchange resin. Pre-treatment is required when a combination of iron and manganese exceeds 0.5 mg/L.

B. Design criteria for anion exchange treatment is as follows.

1. Anion exchange units are typically of the pressure type, down flow design. Automatic regeneration based on volume of water treated shall be used unless manual regeneration is justified and is approved by the state health officer. A manual override shall be provided on all automatic controls.

2. If a portion of the water is bypassed around the units and blended with treated water, the maximum blend ratio allowable must be determined based on the highest

anticipated raw water contaminant level. If bypassing is provided, a totalizing meter and a proportioning or regulating device or flow regulating valves shall be provided on the bypass line.

C. Number of Units. At least two units shall be provided. The treatment capacity shall be capable of producing the water at the average daily flow at the maximum month of the plant at a level below the MCL of the contaminant being removed, with one exchange unit out of service.

D. Type of Media. The anion exchange media shall be of the type required to for the contaminant being removed.

E. Flow Rates. The treatment flow rate should not exceed 5 gallons per minute per square foot of bed area (20 cm/minute down flow rate). The backwash flow rate should be approximately 4.0 to 6.0 gallons per minute per square foot of bed area (16 to 24 cm/minute rise rate). The regeneration rate should be approximately 1.0 gallon per minute per square foot of bed area (4 cm/minute rise rate) with a fast rinse approximately equal to the service flow rate.

F. Freeboard. Adequate freeboard shall be provided to accommodate the backwash flow rate of the unit.

G. Miscellaneous Appurtenances. Miscellaneous appurtenances shall include the following.

1. The system shall be designed to include an adequate under drain and supporting gravel system and brine distribution equipment.

2. Sample taps, and brine and salt storage shall be as required in §181.B.12 and §181.B.13 of this Part.

H. Cross Connection Control. Backwash, rinse and air relief discharge pipes shall be installed in such a manner as to prevent any possibility of back-siphonage.

I. Construction Materials. Pipes and contact materials must be resistant to the aggressiveness of salt. Plastic and red brass are acceptable materials. Steel and concrete shall be coated with a non-leaching protective coating which is compatible with salt and brine.

J. Housing. Bagged salt and dry bulk salt storage shall be enclosed and separated from other operating areas in order to prevent damage to equipment.

K. Preconditioning of the Media. Prior to startup of the equipment, the media shall be regenerated with no less than two bed volumes of water containing sodium chloride followed by an adequate rinse.

L. Waste Disposal. Suitable disposal must be provided for brine waste (see Subchapter F. §§257-275 of this Part).

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

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§185. Aeration

A. Aeration processes generally are used in two types of treatment applications. One is the transfer of a gas to water (e.g., adding oxygen to assist in iron and/or manganese removal) and is called gas absorption, or aeration. The second is the removal of gas from water (reduce or remove objectionable amounts of carbon dioxide, hydrogen sulfide, etc. or reduce the concentration of taste and odor-causing substances or removal of volatile organic compounds) and is classified as desorption or air stripping. The materials used in the construction of the aerator(s) shall meet NSF/ANSI 61 or be approved by the state health officer.

1. Natural Draft Aeration. Design shall provide:

a. perforations in the distribution pan 3/16 to 1/2 inches in diameter, spaced 1 to 3 inches on centers to maintain a six inch water depth;

b. for distribution of water uniformly over the top tray;

c. discharge through a series of three or more trays with separation of trays not less than 12 inches;

d. loading at a rate of 1 to 5 gallons per minute for each square foot of total tray area (2.5 - 12.5 m/hr);

e. trays with slotted, heavy wire (1/2 inch openings) mesh or perforated bottoms;

f. construction of durable material resistant to aggressiveness of the water and dissolved gases; and

g. protection from insects by 24-mesh screen when used in applications where the water will not be subject to open vessels in downstream treatment processes.

2. Forced or Induced Draft Aeration. Devices shall be designed to:

a. insure adequate counter current of air through the enclosed aerator column;

b. exhaust air directly to the outside atmosphere;

c. include a down-turned air outlet and inlet. Protection from insects by 24-mesh screen when used in applications where the water will not be subject to open vessels in downstream treatment processes;

d. be such that air introduced in the column shall be as free from obnoxious fumes, dust, and dirt as possible;

e. be such that sections of the aerator can be easily reached or removed for maintenance of the interior or installed in a separate aerator room;

f. provide loading at a rate of 1 to 5 gallons per minute for each square foot of total tray area (2.5 - 12.5 m/hr);

g. insure that the water outlet is adequately sealed to prevent unwarranted loss of air;

h. when trays are used, discharge through a series of five or more trays with separation of trays not less than six inches or as approved by the state health officer;

i. provide distribution of water uniformly over the top tray; and

j. be of durable material resistant to the aggressiveness of the water and dissolved gases.

3. Spray Aeration. Design shall provide:

a. a hydraulic head of between 5 - 25 feet;

b. nozzles, with the size, number, and spacing of the nozzles being dependent on the flowrate, space, and the amount of head available;

c. nozzle diameters in the range of 1 to 1.5 inches to minimize clogging; and

d. an enclosed basin to contain the spray. Any openings for ventilation, etc. shall be protected from insects by 24-mesh screen when used in applications where the water will not be subject to open vessels in downstream treatment processes.

4. Pressure Aeration. Pressure aeration shall be used for oxidation and biological filtration purposes only. Filters following pressure aeration must have adequate exhaust devices for release of air. Pressure aeration devices shall be designed to:

a. give thorough mixing of compressed air with water being treated; and

b. provide screened and filtered air, free of obnoxious fumes, dust, dirt and other contaminants.

5. Packed Tower Aeration. Packed tower aeration (PTA) which is also known as air stripping involves passing water down through a column of packing material while pumping air counter-currently up through the packing. PTA is used for the removal of volatile organic chemicals, trihalomethanes, carbon dioxide, and radon.

a. Process design for PTA includes the following.

i. The tower shall be designed to reduce contaminants to below the maximum contaminant level (MCL).

ii. The ratio of the packing height to column diameter should be at least 7:1 for the pilot unit and at least 10:1 for the full scale tower. The type and size of the packing used in the full scale unit shall be the same as that used in the pilot work.

iii. The minimum volumetric air to water ratio at peak water flow should be 25:1 and the maximum should be 80:1. Air to water ratios outside these ranges should not be used without prior approval from the state health officer.

iv. The design shall consider potential fouling problems from calcium carbonate and iron precipitation and from bacterial growth

b. Materials of Construction. The tower shall be constructed of a material that is suitable for contact with the water being treated. Packing materials shall be resistant to the aggressiveness of the water, dissolved gases and cleaning materials and shall be suitable for contact with potable water.

c. Water Flow System. Design of the water flow system includes the following.

i. Water should be distributed uniformly at the top of the tower using spray nozzles or orifice-type distributor trays that prevent short circuiting.

ii. A mist eliminator shall be provided above the water distributor system.

iii. A side wiper redistribution ring shall be provided at least every 10 feet in order to prevent water channeling along the tower wall and short circuiting.

iv. Sample taps shall be provided in the influent and effluent piping.

v. The effluent sump, if provided, shall have easy access for cleaning purposes and be equipped with a drain valve. The drain shall not be connected directly to any storm or sanitary sewer.

vi. A blow-off line should be provided in the effluent piping to allow for discharge of water/chemicals used to clean the tower.

vii. A means of measuring the water flow to each tower shall be provided.

viii. An overflow line shall be provided which discharges 12 to 14 inches above a splash pad or drainage inlet. Proper drainage shall be provided to prevent flooding of the area.

ix. Means shall be provided to prevent flooding of the air blower.

x. The water influent pipe should be supported separately from the tower's main structural support.

d. Air Flow System. Design of the air flow system includes the following.

i. The air inlet to the blower and the tower discharge vent shall be downturned and protected with a non-corrodible 24-mesh screen to prevent contamination from extraneous matter.

ii. The air inlet shall be in a protected location.

iii. A means of ensuring that air is being provided when water is being delivered to the air strippers shall be provided.

e. The following features shall be provided.

i. A sufficient number of access ports with a minimum diameter of 24 inches to facilitate inspection, media replacement, media cleaning and maintenance of the interior.

ii. A method of cleaning the packing material when fouling may occur.

iii. An acceptable alternative treatment shall be available during periods of maintenance and operation interruptions when used for treatment of a primary contaminant. No bypass shall be provided unless specifically approved by the state health officer.

iv. Disinfection application points ahead of the tower to control biological growth.

v. Adequate packing support to allow free flow of water and to prevent deformation with deep packing heights.

6. Other Methods of Aeration. Other methods of aeration may be used if applicable to the treatment needs. Such methods include but are not restricted to spraying, diffused air, cascades and mechanical aeration. The treatment processes shall be designed to meet the particular needs of the water to be treated and are subject to the approval of the state health officer.

7. Protection of Aerators. All aerators except those discharging to lime softening or clarification plants shall be protected from contamination by birds, insects, wind borne debris, rainfall and water draining off the exterior of the aerator.

8. Bypass. A bypass should be provided for all aeration units except those installed to comply with maximum contaminant levels.

9. Redundancy. Redundant equipment shall be provided for units installed to comply with the Safe Drinking Water Act primary contaminants, unless otherwise approved by the state health officer.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:324 (February 2018), effective August 1, 2018.

§187. Iron and Manganese Control

A. Iron and manganese control, as used herein, refers solely to treatment processes designed specifically for this purpose. The treatment process used will depend upon the character of the raw water. The selection of one or more treatment processes must meet specific local conditions as determined by engineering investigations, including chemical analyses of representative samples of water to be treated, and receive the approval of the state health officer. It may be necessary to operate a pilot plant in order to gather all information applicable to the design. Consideration should be given to adjusting pH of the raw water to optimize the chemical reaction.

1. Design elements for removal by oxidation, detention and filtration are as follows.

a. Oxidation. Oxidation may be by aeration, as indicated in §185 of this Part, or by chemical oxidation with chlorine, potassium permanganate, sodium permanganate, ozone or chlorine dioxide.

b. Reaction. A detention time shall be provided following aeration to insure that the oxidation reactions are as complete as possible. The reaction tank/detention basin shall be designed to prevent short circuiting. If a reaction tank/detention basin is provided, it shall be provided with an overflow, vent and access hatch in accordance with §225.I, §225.J, and §225.K of this Part.

c. Sedimentation. Sedimentation basins shall be provided when treating water with high iron and/or manganese (≥ 7*SMCL) content, or where chemical coagulation is used to reduce the load on the filters. Provisions for sludge removal shall be made.

d. Filtration. Filters shall be provided and shall conform to §177 of this Part.

2. For removal by the lime-soda softening process, see §181.A of this Part.

3. Removal by manganese coated media filtration. This process consists of a continuous or batch feed of potassium permanganate to the influent of a manganese coated media filter.

a. Provisions should be made to apply the permanganate as far ahead of the filter as practical and to a point immediately before the filter.

c. An anthracite media cap of at least six inches or more as required by the state health officer shall be provided over manganese coated media.

d. Normal filtration rate shall be based on the manufacturer's performance studies.

e. Sample taps shall be provided:

i. for the raw water;

ii. immediately ahead of filtration; and

iii. at the filter effluent.

4. Removal by Ion Exchange. This process of iron and manganese removal should not be used for water containing more than 0.3 milligrams per liter of iron, manganese or combination thereof. This process is not acceptable where either the raw water or wash water contains dissolved oxygen or other oxidants.

5. Sequestration by Polyphosphates. The total phosphate applied shall not exceed 10 mg/L as phosphate (PO4). Possible adverse effects on corrosion must be addressed when phosphate addition is proposed for iron sequestering.

a. Feeding equipment shall conform to the requirements of Subchapter A "Chemical Application" §201-§209 of this Part.

b. Polyphosphates shall not be applied ahead of iron and manganese removal treatment.

c. The phosphate feed point shall be located at least five feet ahead of the oxidant feed point.

6. Sequestration by Sodium Silicates. Sodium silicate sequestration of iron and manganese is appropriate only for groundwater supplies prior to air contact. On-site pilot tests are required to determine the suitability of sodium silicate for the particular water and the minimum feed needed. Rapid oxidation of the metal ions such as by chlorine or chlorine dioxide must accompany or closely precede the sodium silicate addition. Injection of sodium silicate more than 15 seconds after oxidation may cause detectable loss of chemical efficiency. Dilution of feed solutions much below five per cent silica as SiO2 should also be avoided for the same reason. Sodium silicate treatment may be less effective for sequestering manganese than for iron.

a. Sodium silicate addition is applicable to waters containing up to 2 mg/L of iron, manganese or combination thereof.

b. Chlorine residuals shall be maintained throughout the distribution system to prevent biological breakdown of the sequestered iron.

c. The amount of silicate added shall be limited to 20 mg/L as SiO2, but the amount of added and naturally occurring silicate shall not exceed 60 mg/L as SiO2.

d. Feeding equipment shall conform to the requirements of Subchapter A "Chemical Application" §201-§209 of this Part.

e. Sodium silicate shall not be applied ahead of iron or manganese removal treatment.

7. Sampling taps. Smooth-nosed sampling taps shall be provided for control purposes. A means of collecting samples shall be provided for each raw water source, each treatment unit influent and each treatment unit effluent.

8. Testing equipment shall be provided for all plants. Where polyphosphate sequestration is practiced, appropriate phosphate testing equipment shall be provided that meets the requirements of §137.G of this Part.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:325 (February 2018), effective August 1, 2018.

§189. Stabilization

A. Carbon Dioxide Addition. Where liquid carbon dioxide is used, adequate precautions shall be taken to prevent carbon dioxide from entering the plant from the recarbonation process.

1. Consideration shall be given to the installation of a carbon dioxide alarm system with light and audio warning, especially in low areas.

2. Recarbonation tanks shall be located outside or be sealed and vented to the outside with adequate seals and adequate purge flow of air to ensure workers safety.

a. Provisions shall be made for draining the recarbonation basin and removing sludge.

B. Acid Addition. Design elements for acid addition include the following.

1. Feed equipment shall conform to Subchapter A "Chemical Application" §201-§209 of this Part.

2. Adequate precautions shall be taken for operator safety, such as not adding water to the concentrated acid. (see §207 and §209 of this Part).

C. Phosphates. The feeding of phosphates may be applicable for sequestering calcium, for corrosion control, and in conjunction with alkali feed following ion exchange softening.

1. Feed equipment shall conform to Subchapter A "Chemical Application" §201-§209 of this Part.

2. Stock phosphate solution shall be kept covered and disinfected by carrying approximately 10 mg/L free chlorine

residual unless the phosphate is not able to support bacterial growth. Phosphate solutions having a pH of 2.0 or less may also be exempted from this requirement by the state health officer.

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§191. Taste and Odor Control

A. Powdered Activated Carbon. Design elements for powdered activated carbon (PAC) include the following.

1. Continuous agitation or resuspension equipment shall be provided to keep the carbon from depositing in the slurry storage tank.

2. Provision shall be made for adequate dust control.

3. The required rate of feed of carbon in a water treatment plant depends upon the tastes and/or odors involved, but provision should be made for adding from 0.1 milligrams per liter to at least 40 milligrams per liter.

4. Powdered activated carbon shall be handled as a potentially combustible material.

B. Granular Activated Carbon. Replacement of anthracite with granular activated carbon (GAC) may be considered as a control measure for geosmin and methyl isoborneol (MIB) taste and odors from algae blooms. Demonstration studies may be required by the state health officer. See §177.A.6.iv of this Part for application within filters.

C. Copper Sulfate and Other Copper Compounds. Continuous or periodic treatment of water with copper compounds to kill algae or other growths shall be controlled to prevent copper in excess of 1.0 milligrams per liter as copper in the plant effluent or distribution system. Care shall be taken to assure an even distribution of the chemical within the treatment area.

D. For aeration, see §185 of this Part.

E. Ozone. Ozonation can be used as a means of taste and odor control. Adequate contact time shall be provided to complete the chemical reactions involved. Ozone is generally more desirable for treating water with high threshold odors. (See §179.H of this Part)

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HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:327 (February 2018), effective August 1, 2018.

Chapter 2. Public Water System Construction, Operation and Maintenance

Subchapter A. Chemical Application

§201. General Requirements

A. General. Chemicals applied to treat potable drinking water shall meet the requirements of NSF/ANSI Standard 60 as certified by an ANSI-accredited testing agency.

B. Plans and Specifications. Plans and specifications shall be submitted for review and approval, as provided for in Chapter 1, Subchapter A of this Part, and shall include:

1. descriptions of feed equipment, including maximum and minimum feed ranges;

2. location of feeders, piping layout and points of application;

3. storage and handling facilities;

4. operating and control procedures including proposed application rates;

5. description of testing equipment; and

6. description of system including all tanks with capacities, (with drains, overflows, and vents), feeders, transfer pumps, connecting piping, valves, points of application, backflow prevention devices, air gaps, secondary containment, and safety eye washes and showers.

C. Chemical Application. Chemicals shall be applied to the water at such points and by such means as to:

1. assure maximum efficiency of treatment;

2. assure maximum safety to consumer;

3. provide maximum safety to operators;

4. assure satisfactory mixing of the chemicals with the water;

5. provide maximum flexibility of operation through various points of application, when appropriate; and

6. prevent backflow or back-siphonage between multiple points of feed through common manifolds.

D. General equipment design shall be such that:

1. feeders will be able to supply, at all times, the necessary amounts of chemicals at an accurate rate, throughout the range of feed;

2. chemical-contact materials and surfaces are resistant to the aggressiveness of the chemical solution;

3. corrosive chemicals are introduced in such a manner as to minimize potential for corrosion;

4. chemicals that are incompatible are not stored or handled together;

5. all chemicals are conducted from the feeder to the point of application in separate conduits;

6. chemical feeders are as near as practical to the feed point;

7. chemical feeders and pumps shall operate at no lower than 20 percent of the feed range unless two fully independent adjustment mechanisms such as pump pulse rate and stroke length are fitted then the pump shall operate at no lower than 10 percent of the rated maximum; and

8. gravity may be used where practical.

E. For each chemical the information submitted shall include:

1. documentation that the chemical is certified to NSF/ANSI Standard 60;

2. specifications for the chemical to be used;

3. purpose of the chemical;

4. proposed minimum non-zero, average and maximum dosages, solution strength or purity (as applicable), and specific gravity or bulk density;

5. method for independent calculation of amount fed daily; and

6. safety data sheet (SDS).

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

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§203. Feed Equipment

A. Feeder Redundancy. Where a chemical feed and booster pump is necessary for the protection of the supply, such as chlorination, coagulation or other essential

processes, a standby unit or a combination of units of sufficient size to meet capacity shall be provided to replace the largest unit when out of service.

1. A separate feeder shall be used for each chemical applied.

2. Spare parts shall be available on site for each type of feeder and chemical booster pump to replace parts which are subject to wear and damage.

B. Control. Feeders may be manually or automatically controlled.

1. Automatic controls shall be designed so as to allow override by manual controls.

2. Chemical feed rates shall be proportional to the flow stream being dosed.

3. A means to measure the flow stream being dosed shall be provided in order to determine chemical feed rates.

4. Provisions shall be made for measuring the quantities of chemicals used.

5. Weighing scales:

a. shall be provided for weighing cylinders at all plants utilizing chlorine gas;

b. shall be required for fluoride solution fed from supply drums or carboys;

c. should be provided for volumetric dry chemical feeders;

d. shall be capable of providing reasonable precision in relation to average daily dose; and

e. shall not be required for chlorine gas cylinders when used as a backup or standby source of chlorine gas.

6. Where conditions warrant, for example with rapidly fluctuating intake turbidity, coagulant and coagulant aid addition may be made according to turbidity, streaming current or other sensed parameter.

C. Dry Chemical Feeders. Dry chemical feeders shall:

1. measure chemicals volumetrically (see §203.B.5.c of this Part) or gravimetrically;

2. provide adequate solution/slurry water and agitation of the chemical at the point of placing in solution/slurry; and

3. completely enclose chemicals to reduce emission of dust to the operating room.

D. Positive Displacement Solution Feed Pumps. Positive displacement type solution feed pumps should be used to feed liquid chemicals.

1. Pumps shall be capable of operating at the required maximum rate against the maximum head conditions found at the point of injection.

2. Equipment utilized to readily measure feed rates in the pumped liquid shall be designed to handle the liquid being measured and shall be provided.

3. A pressure relief valve should be provided on the pump discharge line.

E. Siphon Control for Liquid Chemical Feeders. Liquid chemical feeders shall be such that chemical solutions cannot be siphoned or overfed into the water supply, by:

1. assuring discharge at a point of positive pressure;

2. providing vacuum relief;

3. providing a suitable air gap, or anti-siphon device; or

4. providing other suitable means or combinations as necessary.

F. Cross-connection control shall be provided to assure that:

1. the service water lines discharging to liquid storage tanks shall be properly protected from backflow as required by the state health officer;

2. chemical solutions or slurries cannot be siphoned through liquid chemical feeders into the water supply as required in §203.E of this Part;

3. no direct connection exists between any sewer and a drain or overflow from the liquid chemical feeder, liquid storage chamber or tank by providing that all drains terminate at least six inches or two pipe diameters, whichever is greater, above the overflow rim of a receiving sump, conduit or waste receptacle;

4. in the absence of other cross connection control measures, separate feeders shall be provided for chemical feed systems that have feed points at both unfiltered and filtered water locations such that all unfiltered water feed points are fed from one feeder, and that all filtered water feed points are fed from another feeder.

G. Location. Chemical feed equipment:

1. shall be readily accessible for servicing, repair, and observation of operation;

2. should be located in a separate room if hazards and dust problems may exist; and

3. should be conveniently located near points of application to minimize length of feed lines.

H. In-plant water supply shall be:

1. ample in quantity and adequate in pressure;

2. provided with means for measurement when preparing specific solution concentrations by dilution;

3. properly treated for hardness, when necessary;

4. properly protected against backflow; and

5. obtained from the finished water supply, or from a location sufficiently downstream of any chemical feed point to assure adequate mixing.

I. Supply and Storage of Chemicals. A minimum of 10 days of chemical supply shall be on site at all times that will allow the facility to satisfy a maximum average day demand for all ten days. Additional supply of chemicals that will not degrade is recommended. Chemicals for which the EPA has established a threshold quantity for risk management plan purposes need not be stored on site provided the system has a plan in place for effective timely deliveries of such chemicals.

1. Storage space shall:

a. be convenient and provide for efficient handling of chemicals;

b. have dry storage conditions; and

c. provide a minimum storage volume of 1.5 truck loads where purchase can only be made by truck load lots.

2. Storage tanks and pipelines for liquid chemicals shall be specified for use with individual chemicals and not used for different chemicals. Offloading areas shall be clearly labeled to prevent accidental cross-contamination.

3. Chemicals shall be stored in covered or unopened shipping containers, unless the chemical is transferred into an approved storage unit.

4. Liquid chemical storage tanks shall:

a. have a means to readily determine the volume of liquid retained in the storage tank; and,

b. have an overflow and a receiving basin capable of receiving accidental spills or overflows without uncontrolled discharge; a common receiving basin may be provided for each group of compatible chemicals, which provides sufficient containment volume to prevent accidental discharge in the event of failure of the largest tank.

J. Bulk Liquid Storage Tanks. Bulk liquid storage tanks shall comply with the following requirements:

1. A means which is consistent with the nature of the chemical stored shall be provided in a liquid storage tank to maintain a uniform chemical strength. Continuous agitation shall be provided to maintain slurries in suspension.

2. A means to assure continuity of chemicals to treat the water to comply with federal primary drinking water standards and state drinking water regulations shall be provided while servicing a liquid storage tank.

3. A means shall be provided to readily measure the liquid level in the liquid storage tank.

4. Liquid storage tanks shall have a lid. Large liquid storage tanks with access openings shall have such openings curbed and fitted with overhanging covers or, bolted and gasketed manways.

5. Subsurface locations for liquid storage tanks shall:

a. be free from sources of possible contamination; and

b. assure positive drainage away from the area for ground waters, accumulated water, chemical spills and overflows.

6. Overflow pipes, when provided, shall:

a. be turned downward, with the end screened;

b. have a free fall discharge; and

c. be located where noticeable.

7. Liquid storage tanks must be vented, but not through vents in common with other chemicals or day tanks. Acid storage tanks shall be vented to the outside atmosphere.

8. Each liquid storage tank shall be provided with a method to be drained.

9. Each liquid storage tank shall be protected against contamination by cross-connections.

10. Liquid storage tanks shall be located and secondary containment provided so that chemicals from equipment failure, spillage or accidental drainage shall not enter the water in conduits, treatment or storage basins. Secondary containment volumes shall be able to hold the volume of the largest storage tank. Piping shall be designed to minimize or contain chemical spills in the event of pipe ruptures.

K. Overfeed Protection. Overfeed protection shall be provided and comply with the following requirements.

1. A LDH-approved overfeed process control and/or procedure shall be provided for liquid chemical feeds. The process control and/or procedure must be in addition to the requirements of §203.E (siphon control) of this Part. When day tanks are used for overfeed protection, day tanks shall meet requirements of §203.K.3 of this Part.

2. Day tanks shall be provided when bulk storage of fluoride is used.

3. When day tanks are used, all day tanks shall meet all of the following requirements and requirements of §203.J of this Part, except that shipping containers do not require §203.J.6 (overflow pipes) and §203.J.8. (drain method) and day tanks do not require secondary containment.

a. Day tanks should hold no more than a 30 hour supply.

b. Day tanks shall be scale-mounted, or have a calibrated gauge painted or mounted on the side if liquid level can be observed in a gauge tube or through translucent sidewalls of the tank. In opaque tanks, a gauge rod may be used.

c. Except for fluorosilicic acid, hand pumps may be provided for transfer from a shipping container. A tip rack may be used to permit withdrawal into a bucket from a spigot.

d. A means which is consistent with the nature of the chemical solution shall be provided to maintain uniform chemical strength in a day tank. Continuous agitation shall be provided to maintain chemical slurries in suspension.

e. Tanks and tank refilling line entry points shall be clearly labeled with the name of the chemical contained.

f. Filling of day tanks shall not be automated, unless redundancy of controls is provided.

g. Where motor-driven transfer pumps are provided, an automated means to prevent an overflow shall be provided.

L. Feed Lines. Feed lines:

1. should be as short as possible;

2. should be of durable, corrosion-resistant material;

3. be easily accessible throughout the entire length;

4. be readily cleanable;

5. shall be protected from freezing;

6. should slope upward from the chemical source to the feeder when conveying gases;

7. shall be designed consistent with scale-forming or solids depositing properties of the water, chemical, solution or mixtures conveyed; and

8. should be color coded and labeled.

M. Handling. Carts, elevators and other appropriate means shall be provided for lifting chemical containers to minimize excessive lifting by operators.

1. Provisions shall be made for disposing of empty bags, drums, carboys, or barrels by an approved procedure which will minimize exposure to dusts.

2. Provisions shall be made for the proper transfer of dry chemicals from shipping containers to storage bins or hoppers, in such a way as to minimize the quantity of dust which may enter the room in which the equipment is installed. Control should be provided by use of:

a. vacuum pneumatic equipment or closed conveyor systems;

b. facilities for emptying shipping containers in special enclosures, and/or;

c. exhaust fans and dust filters.

3. Provision shall be made for measuring quantities of chemicals used to prepare feed solutions.

N. Housing. Housing of feed equipment shall comply with the following.

1. Floor surfaces shall be smooth and impervious, slip-proof and well drained.

2. Vents from feeders, storage facilities and equipment exhaust shall discharge to the outside atmosphere above grade and remote from air intakes.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:327 (February 2018), effective August 1, 2018.

§205. Chemicals

A. Chemical shipping containers shall be fully labeled to include:

1. chemical name, purity and concentration; and
2. supplier name and address.

B. Chemicals shall meet the appropriate ANSI/AWWA standards and/or be certified to NSF/ANSI Standard 60.

C. The state health officer may require assay of chemicals.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:330 (February 2018), effective August 1, 2018.

§207. Operator Safety

A. Special provisions shall be made for ventilation of chlorine feed and storage rooms.

B. Respiratory protection equipment shall:

1. meet the requirements of the National Institute for Occupational Safety and Health (NIOSH);
2. be available where chlorine gas is handled;
3. shall be stored at a convenient heated location, but not be stored inside any room where chlorine is used or stored; and
4. if compressed air is used shall have at least a 30 minute capacity.

C. Leak detection for chlorine gas. A bottle of concentrated ammonium hydroxide (56 per cent ammonia solution) shall be available for chlorine leak detection; where ton containers are used, a leak repair kit approved by the Chlorine Institute shall be provided. Where pressurized chlorine gas is present, continuous chlorine leak detection equipment is required and shall be equipped with both an audible alarm and a warning light.

D. Other protective equipment shall be provided as follows.

1. At least one pair of rubber gloves, a dust respirator of a type certified by NIOSH for toxic dusts, an apron or other protective clothing and goggles or face mask shall be provided for each operator on duty.
2. An appropriate deluge shower and eye washing device shall be installed where strong acids and alkalis are used or stored.
3. Other protective equipment should be provided as necessary.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:330 (February 2018), effective August 1, 2018.

§209. Specific Chemicals

A. Chlorine Gas. Chlorinators should be housed in a room separate from but adjacent to the chlorine storage room.

1. Chlorinator rooms should be heated to 60°F, and be protected from excessive heat. Cylinders and gas lines should be protected from temperatures above that of the feed equipment.
2. Both the chlorine gas feed and storage rooms should be located in a corner of the building on the prevailing downwind side of the building and be away from entrances, windows, louvers, walkways, etc.
3. If chlorine gas feed and storage is enclosed, the chlorine gas shall be separated from other operating areas. Both the feed and storage rooms shall be constructed so as to meet the following requirements:
   a. a shatter resistant inspection window shall be installed in an interior wall unless secondary containment is provided for chlorine gas;
   b. all openings between the rooms and the remainder of the plant shall be sealed;
   c. doors shall be equipped with panic hardware, assuring ready means of exit and opening outward only to the building exterior;
   d. a ventilating fan with a capacity to complete one air change per minute when the room is occupied; where this is not appropriate due to the size of the room, a lesser rate may be considered;
   e. the ventilating fan shall take suction near the floor and as great a distance as is practical from the door and air inlet, with the point of discharge located so as not to contaminate air inlets to any rooms or structures;
   f. air inlets with corrosion resistant louvers shall be installed near the ceiling;
   g. air intake and exhaust louvers shall facilitate airtight closure;
   h. separate switches for the ventilating fan and for the lights shall be located outside and at the inspection window. Outside switches must be protected from vandalism. A signal light indicating ventilating fan operation shall be provided at each entrance when the fan can be controlled from more than one point;
   i. vents from chlorinator and storage areas must be screened and discharge to the outside atmosphere, above grade;
   j. floor drains are discouraged. Where provided, the floor drains must discharge to the outside of the building and not be connected to other internal or external drainage systems; and
   k. provisions should be made to chemically neutralize chlorine gas where feed and/or storage is located near residential or developed areas in the event of any measured chlorine release. The equipment must be sized to treat the entire contents of the largest storage container on site.
4. Chlorine gas not stored in a room shall be:
   a. protected from direct sunlight and windblown debris;
   b. shielded from public view;
   c. located inside a fenced and secure area;
   d. secured in a fixed position, and
   e. all chlorine pipelines shall be under vacuum with no pressure chlorine lines allowed.
5. Chlorine gas feed systems shall be of the vacuum type and include the following.
   a. vacuum regulators on all individual cylinders in service; and
   b. service water to injectors/eductors shall be of adequate supply and pressure to operate feed equipment

within the needed chlorine dosage range for the proposed system.

6. Pressurized chlorine feed lines shall not carry chlorine gas beyond the chlorinator room.

7. Full and empty cylinders of chlorine gas shall meet the following requirements:

a. housed only in the chlorine storage room or designated area conforming with §209.A.4 of this Part;

b. isolated from operating areas;

c. restrained in position;

d. stored in locked and/or secure rooms separate from ammonia storage; and

e. protected from direct sunlight or exposure to excessive heat.

B. Acids and Caustics. Acids and caustics shall:

1. be kept in closed corrosion-resistant shipping containers or bulk liquid storage tanks; and

2. not be handled in open vessels, but should be pumped in undiluted form to and from bulk liquid storage tanks and covered day tanks or from shipping containers through suitable hoses, to the point of treatment.

C. Sodium chlorite for chlorine dioxide generation. Proposals for the storage and use of sodium chlorite shall be approved by the state health officer prior to the preparation of final plans and specifications. Provisions shall be made for proper storage and handling of sodium chlorite to eliminate any danger of fire or explosion associated with its powerful oxidizing nature.

1. Storage. The storage of sodium chlorite shall comply with the following.

a. Sodium chlorite shall be stored by itself in a separate room and preferably shall be stored in an outside building detached from the water treatment facility. It shall be stored away from organic materials because many materials will catch fire and burn violently when in contact with sodium chlorite.

b. The storage structures shall be constructed of noncombustible materials.

c. If the storage structure shall be located in an area where a fire may occur, water shall be available to keep the sodium chlorite area cool enough to prevent heat induced explosive decomposition of the sodium chlorite.

2. Handling. The criteria for handling of sodium chlorite is as follows.

a. Care should be taken to prevent spillage.

b. An emergency plan of operation should be available for the clean-up of any spillage.

c. Storage drums shall be thoroughly flushed to an acceptable drain prior to recycling or disposal.

3. Feeders. Feeders shall comply with the following requirements.

a. Positive displacement feeders shall be provided.

b. Tubing for conveying sodium chlorite or chlorine dioxide solutions shall be Type 1 PVC, polyethylene or materials recommended by the manufacturer.

c. Chemical feeders may be installed in chlorine rooms if sufficient space is provided or in separate rooms meeting the requirements of §209.A.3 of this Part.

d. Feed lines shall be installed in a manner to prevent formation of gas pockets and shall terminate at a point of positive pressure.

e. Check valves shall be provided to prevent the backflow of chlorine into the sodium chlorite line.

D. Sodium Hypochlorite. Sodium hypochlorite storage and handling procedures should be arranged to minimize the slow natural decomposition process of sodium hypochlorite either by contamination or by exposure to more extreme storage conditions. In addition, feed rates should be regularly adjusted to compensate for this progressive loss in chlorine content.

1. Storage. The storage of sodium hypochlorite shall comply with the following.

a. Sodium hypochlorite shall be stored in the original shipping containers or in sodium hypochlorite compatible bulk liquid storage tanks.

b. Storage containers or tanks shall be located out of the sunlight in a cool area and shall be vented to the outside of the building when enclosed.

c. Wherever reasonably feasible, stored sodium hypochlorite shall be pumped undiluted to the point of addition. Where dilution is utilized, deionized or softened water should be used.

d. Storage areas, tanks, and pipe work shall be designed to avoid the possibility of uncontrolled discharges.

e. Reusable sodium hypochlorite storage containers shall be reserved for use with sodium hypochlorite only and shall not be exposed to contamination.

2. Feeders. Sodium hypochlorite feeders shall comply with the following.

a. Positive displacement pumps with sodium hypochlorite compatible materials for wetted surfaces shall be used.

b. To avoid air locking in smaller installations, small diameter suction lines shall be used with foot valves and degassing pump heads as required.

c. In larger installations flooded suction shall be used with pipe work arranged to ease escape of gas bubbles.

d. Calibration tubes or mass flow monitors which allow for direct physical checking of actual feed rates shall be provided.

e. Injectors shall be made removable for regular cleaning where hard water is to be treated.

E. Ammonia. Ammonia for chloramine formation may be added to water either as a water solution of ammonium sulfate, or as aqua ammonia, or as anhydrous ammonia (purified 100 percent ammonia in liquid or gaseous form). Special provisions required for each form of ammonia are listed below.

1. Ammonium Sulfate. A water solution is made by addition of ammonium sulfate solid to water with agitation. The tank and dosing equipment contact surfaces should be made of corrosion resistant non-metallic materials. Provision should be made for removal of the agitator after dissolving the solid. The tank should be fitted with an air-tight lid and vented outdoors. The application point should be at the center of treated water flow at a location where there is high velocity movement.

2. Aqua Ammonia (ammonium hydroxide). When the exception criteria in §209.E.2.i of this Part is not met, Aqua ammonia feed pumps and storage shall be enclosed and separated from other operating areas. The aqua ammonia room shall conform to §209.A.3 of this Part and to the following:

a. corrosion resistant, closed, pressurized tank shall be used for bulk liquid storage and day tanks, vented through inert liquid traps to a high point outside;

b. an incompatible connector or lockout provisions shall be provided to prevent accidental addition of other chemicals to the bulk liquid storage tank(s);

c. the bulk liquid storage tank(s) should be designed to avoid conditions where temperature increases cause the ammonia vapor pressure over the aqua ammonia to exceed atmospheric pressure. Such provisions shall include either:

i. refrigeration or other means of external cooling, and/or;

ii. dilution and mixing of the contents with water without opening the bulk liquid storage tank.

d. An exhaust fan shall be installed to withdraw air from high points in the room and makeup air shall be allowed to enter at a low point.

e. The aqua ammonia feed pump, regulators, and lines shall be fitted with pressure relief vents discharging outside the building away from any air intake and with water purge lines leading back to the headspace of the bulk storage tank.

f. The application point should be placed in a region of rapid, preferably turbulent, water flow.

g. Provisions should be made for easy access for removal of calcium scale deposits from the injector.

h. Provision of a modestly-sized scrubber capable of handling occasional minor emissions should be considered.

i. An exception to the requirement for enclosing aqua ammonia shall be made when aqua ammonia is stored in a manner which satisfies all of the following criteria:

i. protection is provided from direct sunlight and windblown debris;

ii. shielded from public view;

iii. located inside a fenced and secured area, and

iv. secured in a fixed position.

3. Anhydrous Ammonia. Anhydrous ammonia is readily available as a pure liquefied gas under moderate pressure in cylinders or as a cryogenic liquid boiling at -15° Celsius at atmospheric pressure. The liquid causes severe burns on skin contact.

a. When the exception criteria in §209.E.3.i of this Part is not met, anhydrous ammonia storage and feed systems (including heaters where required) shall be enclosed and separated from other works areas and constructed of corrosion resistant materials. Bulk anhydrous ammonia storage tanks holding more than 500 gallons shall not be located in an enclosed area.

b. An emergency air exhaust system, as in §209.A.3 of this Part but with an elevated intake, shall be provided in the ammonia storage room.

c. Leak detection systems shall be provided in all areas through which ammonia is piped.

d. Special vacuum breaker/regulator provisions must be made to avoid potentially violent results of backflow of water into cylinders or storage tanks.

e. Carrier water systems of soft or pre-softened water may be used to transport ammonia to the application point and to assist in mixing.

f. The ammonia injector should use a vacuum eductor or should consist of a perforated tube fitted with a closely fitting flexible rubber tubing seal punctured with a number of small slits to delay fouling by lime or other scale deposits.

g. Provision should be made for the periodic removal of lime or other scale deposits from injectors and carrier piping.

h. Consideration should be given to the provision of an emergency gas scrubber capable of absorbing the entire contents of the largest anhydrous ammonia storage unit whenever there is a risk to the public as a result of potential ammonia leaks.

i. An exception to the requirement for enclosing anhydrous ammonia shall be made when anhydrous ammonia is stored in a manner which satisfies all of the following criteria:

i. protection is provided from direct sunlight and windblown debris;

ii. shielded from public view;

iii. located inside a fenced and secured area, and

iv. secured in a fixed position.

F. Potassium Permanganate. Design criteria for potassium permanganate is as follows.

1. A source of heated water should be available for dissolving potassium permanganate, and

2. mechanical mixers shall be provided.

G. Fluoride. Sodium fluoride, sodium silicofluoride and fluorosilicic acid shall conform to the applicable AWWA Standards and be certified to NSF/ANSI Standard 60. Other fluoride compounds which may be available shall be approved by the state health officer.

1. Storage. Design criteria for storage of fluoride compounds is as follows.

a. Fluoride chemicals should be isolated from other chemicals to prevent contamination.

b. Compounds shall be stored in covered or unopened shipping containers and should be stored inside a building.

c. Unsealed storage units for fluorosilicic acid should be vented to the atmosphere at a point outside any building. The vents to atmosphere shall be provided with a corrosion resistant 24 mesh screen.

d. Bags, fiber drums and steel drums should be stored on pallets.

2. Chemical Feed Equipment and Methods. Design criteria for chemical feed and methods for fluoride compounds is as follows.

a. At least two diaphragm operated anti-siphon devices shall be provided on all fluoride saturator or fluorosilicic acid feed systems.

i. one diaphragm operated anti-siphon device shall be located on the discharge side of the feed pump; and

ii. a second diaphragm operated anti-siphon device shall be located at the point of application unless a suitable air gap is provided.

b. A physical break box may be required in high hazard situations where the application point is substantially lower than the metering pump. In this situation, either a dual head feed pump or two separate pumps are required and the anti-siphon device at the discharge side of the pump may be omitted.

c. Scales, loss-of-weight recorders or liquid level indicators, as appropriate, accurate to within five percent of

the average daily change in reading shall be provided for chemical feeds.

d. Feeders shall be accurate to within five percent of any desired feed rate.

e. Fluoride compound shall not be added before lime-soda softening or ion exchange softening.

f. The point of application if into a horizontal pipe, shall be in the lower half of the pipe, preferably at a 45 degree angle from the bottom of the pipe and protrude into the pipe one third of the pipe diameter.

g. Except for constant flow systems, a device to measure the flow of water to be treated is required.

h. Water used for sodium fluoride dissolution shall be softened if hardness exceeds 75 mg/L as calcium carbonate.

i. Fluoride solutions shall be injected at a point of continuous positive pressure unless a suitable air gap is provided.

j. The electrical outlet used for the fluoride feed pump should have a nonstandard receptacle and shall be interconnected with the well or service pump, or have flow pacing as allowed by the state health officer,

k. Saturators should be of the upflow type and be provided with a meter and backflow protection on the makeup water line.

l. Consideration shall be given to providing a separate room for fluorosilicic acid storage and feed.

3. Secondary control systems for fluoride chemical feed devices shall be provided as a means of reducing the possibility for overfeed; these may include flow or pressure switches, break boxes, or other devices.

4. Personal protective equipment as outlined in §207.D of this Part shall be provided for operators handling fluoride compounds. Deluge showers and eye wash devices shall be provided at all fluorosilicic acid installations.

5. Dust control requirements are as follows.

a. Provision shall be made for the transfer of dry fluoride compounds from shipping containers to storage bins or hoppers in such a way as to minimize the quantity of fluoride dust which may enter the room in which the equipment is installed. The enclosure shall be provided with an exhaust fan and dust filter which places the hopper under a negative pressure. Air exhausted from fluoride handling equipment shall discharge through a dust filter to the outside atmosphere of the building.

b. Provision shall be made for disposing of empty bags, drums or barrels in a manner which will minimize exposure to fluoride dusts. A floor drain should be provided to facilitate the washing of floors.

6. Equipment shall be provided for measuring the quantity of fluoride in the water. Such equipment shall be subject to the approval of the state health officer.

H. Activated carbon is a potentially combustible material requiring isolated storage.

1. Storage facilities should be:

a. fire proof; and

b. equipped with explosion-proof electrical outlets, lights and motors in areas of dry handling.

2. Bags of powdered carbon should be stacked in rows with aisles between in such a manner that each bag is accessible for removal in case of fire.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:330 (February 2018), effective August 1, 2018.

Subchapter B. Pumping Facilities

§211. General

A. Pumping facilities shall be designed to maintain the sanitary quality of pumped water.

B. Subsurface pits or pump rooms and inaccessible installations should be avoided.

C. No pumping station shall be subject to flooding, unless critical components are protected from damage or contamination by inundation.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:333 (February 2018), effective August 1, 2018.

§213. Site Protection

A. The station's critical components that could be damaged or contaminated by inundation shall be:

1. elevated to a minimum of two foot above the 100-year flood elevation, or protected to such elevations including the use of a levee system;

2. readily accessible at all times unless permitted to be out of service for the period of inaccessibility;

3. graded around the station so as to lead surface drainage away from the station;

4. protected to prevent vandalism and entrance by animals or unauthorized persons. The pump station should be located within a secure area such as a locked building or fenced area;

5. labeled such that the pumps and valves in the station are tagged to correspond to the maintenance record and for proper identification.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:333 (February 2018), effective August 1, 2018.

§215. Pumping Stations

A. Both raw and finished water pumping stations shall:

1. be of durable construction, fire and weather resistant;

2. have any underground structure waterproofed

3. have all floors slope to a suitable drain in such a manner that the quality of the potable water will not be endangered;

4. provide a suitable outlet for drainage without allowing discharge across the floor, including pumping glands, vacuum air relief valves, etc.

B. A suction well is a component(s) designed to facilitate the suction of water by way of pump excluding intake structures, ground storage tanks and clearwells. Suction wells shall:

1. be watertight;

2. have floors sloped to permit removal of water and settled solids;

3. be covered or otherwise protected against contamination; and

4. have two pumping compartments or other means to allow the suction well to be taken out of service for inspection maintenance or repair.

C. Equipment servicing pump stations shall:

1. provide adequate facilities or other means for servicing or removal of pumps, motors or other heavy equipment; and

2. have openings in floors, roofs or wherever else needed for removal of heavy or bulky equipment.

D. Stairways or ladders shall:

1. be provided between all floors, and in dry pits or compartments which must be entered; and

2. conform to the applicable requirements of the state and local building codes.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:333 (February 2018), effective August 1, 2018.

§217. Pumps

A. Where necessary to meet minimum system requirements such as pressure, at least two pumping units shall be provided. With any pump out of service, the remaining pump or pumps shall be capable of providing the maximum design capacity of that station.

B. The pumping units shall:

1. have ample capacity to supply the peak demand against the required distribution system pressure without dangerous overloading;

2. be driven by prime movers able to meet the maximum horsepower condition of the pumps;

3. be provided with readily available spare parts and tools;

4. be served by control equipment that has proper heater and overload protection for air temperature encountered.

C. Prime water must not be of lesser sanitary quality than that of the water being pumped. Means shall be provided to prevent either backpressure or backsiphonage backflow. When an air-operated ejector is used, the screened intake shall draw clean air from a point at least 10 feet above the ground or other source of possible contamination, unless the air is filtered by an apparatus approved by the state health officer. Vacuum priming may be used.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:334 (February 2018), effective August 1, 2018.

§219. Booster Pumps

A. Booster pumps shall be located or controlled so that:

1. they will not produce negative pressure in their suction lines;

2. pumps taking suction from storage tanks shall be provided adequate net positive suction head;

3. pumps taking suction from ground storage tanks shall be equipped with automatic shutoffs or low pressure controllers as recommended by the pump manufacturer;

4. automatic or remote control devices shall have a range between the start and cutoff pressure which will prevent excessive cycling; and

5. a bypass is available.

B. Inline Booster Pumps. In addition to the other requirements of this section, inline booster pumps shall:

1. be accessible for servicing and repairs;

2. maintain inlet pressure installed in the distribution system as required in §237.A of this Part under all operating conditions;

3. maintain at least 20 psig (140 kPa) in the suction line under all operating conditions with automatic shutoff or low pressure controller, unless otherwise acceptable to the state health officer; and

4. have a bypass.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:334 (February 2018), effective August 1, 2018.

§221. Automatic and Remote Controlled Stations

A. All automatic stations shall:

1. be provided with automatic signaling apparatus which will report when the station is out of service; and

2. be electrically operated and controlled and shall have signaling apparatus of proven performance if remotely controlled.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:334 (February 2018), effective August 1, 2018.

§223. Appurtenances

A. Valves. Each pump shall have:

1. an isolation valve on the intake and discharge side of the pump to permit satisfactory operation, maintenance and repair of the equipment;

2. a positive-acting check valve on the discharge side between the pump and the shut-off valve;

a. If foot valves are necessary, they shall have a net valve area of at least 2 1/2 times the area of the suction pipe and they shall be screened.

b. Surge relief valves or slow acting check valves if used shall be designed to minimize hydraulic transients.

B. Piping. In general, piping shall:

1. be designed so that the friction losses will be minimized;

2. not be subject to contamination;

3. have watertight joints;

4. be protected against surge or water hammer and provided with suitable restraints where necessary; and

5. be designed such that each pump has an individual suction line or that the lines shall be so manifolded that they will insure similar hydraulic and operating conditions.

C. Gauges and Meters. The station shall have a flow rate indicator and totalizing meter, and a method of recording the total water pumped and station water pressure. Each pump:

1. shall have a standard pressure gauge on its discharge line;

2. shall have a compound gauge on its suction line;

D. Water Seals. Water seals shall not be supplied with water of a lesser sanitary quality than that of the water being pumped. Where pumps are sealed with potable water and are pumping water of lesser sanitary quality, the seal shall:

1. be provided with either an approved reduced pressure principle backflow preventer or a break tank open to atmospheric pressure; and

2. where a break tank is provided, have an air gap of at least six inches or two pipe diameters, whichever is greater, between the feeder line and the flood rim of the tank.

E. Controls. Pumps, their prime movers and accessories, shall be controlled in such a manner that they will operate at rated capacity without dangerous overload. Where two or more pumps are installed, provisions shall be made for alternations.

1. Motors shall be equipped with a non-reversing ratchet or other mechanical means to prevent backspin. If mechanical means are not provided, provisions shall be made to prevent energizing the motor in the event of a backspin cycle.

2. Electrical controls shall be located at least two feet above the 100-year flood elevation, but in no case less than two feet above the ground surface.

3. Equipment shall be provided or other arrangements made to prevent surge pressures from activating controls which switch on pumps or activate other equipment outside the normal design cycle of operation.

F. Standby Power. To ensure continuous service when the primary power has been interrupted, a power supply shall be provided from a standby or auxiliary source where necessary to maintain minimum 20 psig pressure throughout the system based on systems average hourly demand during the peak annual day.

1. If standby power is provided by onsite generators or engines, the fuel storage:

a. shall have a minimum supply of 72 hours; and

b. the fuel line must be designed to protect the water supply from contamination (see §135).

G. When automatic pre-lubrication of pump bearings is necessary and an auxiliary power supply is provided, design shall assure that pre-lubrication is provided when auxiliary power is in use, or that bearings can be lubricated manually before the pump is started.

H. All oil or grease lubricants which come into contact with the potable water shall be listed in NSF/ANSI Standard 60.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:334 (February 2018), effective August 1, 2018.

Subchapter C. Finished Water Storage

§225. General

A. The materials and designs used for finished water storage structures shall provide stability and durability as well as protect the quality of the stored water.

B. Steel structures shall be constructed in accordance with the American Water Works Association (AWWA) standards, incorporated by reference into these rules (see §277 for referenced standards) concerning steel tanks, standpipes, reservoirs, and elevated tanks wherever they are applicable. Other materials of construction are acceptable when properly designed to meet the requirements of this Subchapter.

C. Sizing. The following criteria applies to the sizing of storage facilities.

1. Storage facilities should have sufficient capacity, as determined from engineering studies, to meet domestic demands, and where fire protection is provided, fire flow demands.

2. The minimum storage capacity (or equivalent capacity) for systems not providing fire protection shall be equal to the average daily consumption.

a. This requirement may be reduced when the source and treatment facilities have sufficient capacity with standby power to supplement peak demands of the system.

3. Excessive storage capacity should be avoided to prevent potential water quality deterioration problems.

D. Location of Reservoirs. The following criteria applies to the location of reservoirs.

1. Ground level reservoirs shall be protected from contamination to a point two feet above the 100-year flood elevation requirements and from groundwater infiltration. Sewers, drains, standing water, and similar sources of possible contamination must be kept at least 50 feet from the reservoir. Gravity sewers constructed of water main quality pipe, pressure tested in place without leakage, may be used at distances greater than 20 feet but less than 50 feet.

2. The bottom of ground level reservoirs and standpipes should be placed at the normal ground surface. If the bottom of a storage reservoir shall be below the normal ground surface, at least 50 percent of the water depth must be above grade.

3. The top of a partially buried storage structure shall not be less than two feet above normal ground surface. Clearwells constructed under filters may be exempted from this requirement when the design provides adequate protection from contamination.

E. Protection from Contamination. All finished water storage structures shall have suitable watertight roofs which exclude birds, animals, insects, and excessive dust. The installation of appurtenances, such as antenna, shall be done in a manner that ensures no damage to the tank, coatings or water quality, or corrects any damage that occurred.

F. Protection from Trespassers. Fencing, locks on access manholes, and other necessary precautions shall be provided to prevent trespassing, vandalism, and sabotage. Consideration should be given to the installation of high strength, cut resistant locks or lock covers to prevent direct cutting of a lock.

G. Drains. No drain on a water storage structure may have a direct connection to a sewer or storm drain. The design shall allow draining the storage facility for cleaning or maintenance without causing loss of pressure in the distribution system.

H. Stored Water Age. Finished water storage designed to facilitate fire flow requirements and meet average daily consumption shall be designed to minimize stagnation and/or stored water age.

1. Consideration shall be given to separate inlet and outlet pipes, mechanical or similar mixing, or other acceptable means to prevent poor water circulation and long detention times that can lead to loss of disinfectant residual,

microbial growth, formation of disinfectant byproducts, taste and odor problems, and other water quality problems.

I. Overflow. Water storage structure overflow shall comply with the following.

1. All water storage structures shall be provided with an overflow which is brought down to an elevation between 12 and 24 inches above the ground surface, and discharges over a drainage inlet structure or a splash plate. No overflow may be connected directly to a sewer or a storm drain. All overflow pipes shall be located so that any discharge is visible.

2. Certain pre-stressed concrete tanks having an overflow opening installed on the top or side of the tank shall not be required to have an internal overflow pipe as long as each opening is covered with an "eyelid" that prevents contamination of the water in the tank. The discharge from such overflow openings shall still be required to discharge over a splash plate large enough to prevent erosion of the tank's foundation or any other support structures. Caution shall be taken to ensure that any overflow down the outside of the tank will not affect electrical or cause other safety concerns.

a. When an internal overflow pipe is used on elevated tanks, it should be located in the access tube. For vertical drops on other types of storage facilities, the overflow pipe should be located on the outside of the structure.

b. The overflow for a ground-level storage reservoir shall open downward and be screened with twenty- four mesh non-corrodible screen. The screen shall be installed within the overflow pipe at a location least susceptible to damage by vandalism.

c. The overflow for an elevated tank shall open downward and be screened with a four mesh, non-corrodible screen to keep out animals or insects. The screen should be installed within the overflow pipe at a location least susceptible to damage by vandalism.

d. The overflow pipe shall be of sufficient diameter to permit waste of water in excess of the filling rate.

J. Access. Finished water storage structures shall be designed with reasonably convenient access to the interior for cleaning and maintenance. At least two (2) manholes shall be provided above the waterline at each water compartment where space permits.

1. Elevated Storage or Dome Roof Structures shall comply with the following.

a. At least one of the access manholes shall be framed at least four inches above the surface of the roof at the opening. They shall be fitted with a solid water tight cover which overlaps the framed opening and extends down around the frame at least two inches, shall be hinged on one side, and shall have a locking device.

b. All other manholes or access ways shall be bolted and gasketed according to the requirements of the state health officer, or shall meet the requirements of Subparagraph a of this Paragraph.

2. Ground Level or Flat Roof Structures shall comply with the following.

a. Each manhole shall be elevated at least 24 inches above the top of the tank or the finished grade of the surrounding ground, whichever is higher.

b. Each manhole shall be fitted with a solid water tight cover which overlaps a framed opening and extends down around the frame at least two inches. The frame shall be at least four inches high. Each cover shall be hinged on one side, and shall have a locking device.

K. Vents. Finished water storage structures shall be vented. The overflow pipe shall not be considered a vent. Open construction between the sidewall and roof is not permissible. The vents:

1. shall prevent the entrance of surface water and rainwater;

2. shall exclude birds and animals;

3. should exclude insects and dust, as much as this function can be made compatible with effective venting;

4. shall, on ground-level structures, open downward with the opening at least 24 inches above the roof and be covered with twenty-four mesh non-corrodible screen. The screen shall be installed within the pipe at a location least susceptible to vandalism;

5. shall, on ground storage tanks, open downward with the opening at least 24 inches above the finished grade of the surrounding ground and be covered with twenty-four mesh non-corrodible screen. The screen shall be installed within the pipe at a location least susceptible to vandalism; and

6. shall, on elevated tanks and standpipes, open downward, and be fitted with either four mesh non-corrodible screen, or with finer mesh non-corrodible screen in combination with an automatically resetting pressure-vacuum relief mechanism, as required by the state health officer.

L. Roof and Sidewalls. The roof and sidewalls of all water storage structures shall be watertight with no openings except properly constructed vents, manholes, overflows, risers, drains, pump mountings, control ports, or piping for inflow and outflow. Particular attention shall be given to the sealing of roof structures which are not integral to the tank body.

1. Any pipes running through the roof or sidewall of a metal storage structure must be welded, or properly gasketed. In concrete tanks, these pipes shall be connected to standard wall castings which were poured in place during the forming of the concrete. These wall castings should have seepage rings imbedded in the concrete.

2. Openings in the roof of a storage structure designed to accommodate control apparatus or pump columns, shall be curbed and sleeved with proper additional shielding to prevent contamination from surface or floor drainage.

3. Valves and controls should be located outside the storage structure so that the valve stems and similar projections will not pass through the roof or top of the reservoir.

4. The roof of the storage structure shall be well drained. Downspout pipes shall not enter or pass through the reservoir. Parapets, or similar construction which would tend to hold water and snow on the roof, will not be approved unless adequate waterproofing and drainage are provided.

5. The roof of concrete reservoirs with earthen cover shall be sloped to facilitate drainage. Consideration should be given to installation of an impermeable membrane roof covering.

6. Reservoirs with pre-cast concrete roof structures must be made watertight with the use of a waterproof membrane or similar product.

M. The material used in construction of reservoirs shall be acceptable to the state health officer. Porous material, including wood and concrete block, are not suitable for potable water contact applications.

N. Safety must be considered in the design of the storage structure. The design shall conform to applicable laws and regulations of the area where the water storage structure is constructed.

1. Ladders, ladder guards, balcony railings, and safely located entrance hatches shall be provided where applicable.

2. Elevated tanks with riser pipes over eight inches in diameter shall have protective bars over the riser openings inside the tank.

3. Confined space entry requirements shall be considered.

O. Freezing. Finished water storage structures and their appurtenances, especially the riser pipes, overflows, and vents, shall be designed to prevent freezing which will interfere with proper functioning.

1. Equipment used for freeze protection that will come into contact with the potable water shall meet NSF/ANSI Standard 61 or be approved by the state health officer.

2. If a water circulation system is used, it is recommended that the circulation pipe be located separately from the riser pipe.

P. Internal Catwalk. Every catwalk over finished water in a storage structure shall have a solid floor with sealed raised edges, designed to prevent contamination from shoe scrapings and dirt.

Q. Silt Stop. The discharge pipes from water storage structures shall be located in a manner that will prevent the flow of sediment into the distribution system. Removable silt stops should be provided.

R. Grading. The area surrounding a ground-level structure shall be graded in a manner that will prevent surface water from standing within 50 feet of it.

S. Painting and/or cathodic protection. Proper protection shall be given to metal surfaces by paints or other protective coatings, by cathodic protective devices, or by both.

1. Paint systems shall meet NSF/ANSI Standard 61 and be acceptable to the state health officer. Interior paint must be applied, cured, and used in a manner consistent with the NSF/ANSI approval. After curing, the coating shall not transfer any substance to the water which will be toxic or cause taste or odor problems. Prior to placing in service, an analysis for volatile organic compounds is advisable to establish that the coating is properly cured. Consideration should be given to 100 percent solids coatings.

2. Wax coatings for the tank interior shall not be used on new tanks or in the rehabilitation of existing tanks. Old wax coating must be completely removed before using another tank coating.

3. Cathodic protection should be designed and installed by competent technical personnel, and a maintenance contract should be provided.

T. Disinfection. Finished water storage structures shall be disinfected in accordance with AWWA Standard C652-11 (see Table 277).

1. If bacteriological testing for coliform organisms is negative and chlorine residuals are at acceptable distribution system levels, the storage tank may be placed into service. If such testing shows the presence of coliform bacteria, the tank cannot be placed into service and repeat samples shall be taken until two consecutive samples, taken at 24-hour intervals, are negative. The tank shall not be placed into service until the sample results are satisfactory.

2. Disposal of heavily chlorinated water from the tank disinfection process shall be in accordance with Paragraph 4.3.5.1 of AWWA Standard C652-11 or in accordance with the requirements of the Louisiana Department of Environmental Quality (LDEQ) or other state or federal authorities, whichever is stricter.

U. Smooth-nosed sampling tap(s) or similar non-threaded stainless steel sampling taps shall be provided to facilitate collection of water samples for both bacteriological and chemical analyses. The sample tap(s) shall be easily accessible.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:335 (February 2018), effective August 1, 2018.

§227. Treatment Plant Storage

A. The applicable design standards of §225 shall be followed for plant storage.

B. Filter Washwater Tanks. Filter washwater tanks shall be sized, in conjunction with available pump units and finished water storage, to provide the backwash water required by §177.A.10 of this Part. Consideration shall be given to the backwashing of several filters in rapid succession.

C. Clearwell. Clearwell storage should be sized, in conjunction with distribution system storage, to relieve the filters from having to follow fluctuations in water use.

1. When finished water storage is used to provide disinfectant contact time (see §179.C) special attention shall be given to tank size and baffling (see §227.C.2)

2. To ensure adequate disinfectant contact time, sizing of the clearwell should include extra volume to accommodate depletion of storage during the nighttime for intermittently operated filtration plants with automatic high service pumping from the clearwell during non-treatment hours.

3. An overflow and vent shall be provided.

a. A minimum of two clearwell compartments shall be provided.

D. Finished or treated water must not be stored or conveyed in a compartment adjacent to untreated or partially treated water when the two compartments are separated by a single wall, unless approved by the state health officer.

E. Unless otherwise allowed by the state health officer, other treatment plant storage tanks/basins such as detention basins, backwash reclaim tanks, receiving basins and pump wet-wells for finished water shall be designed as finished water storage structures.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:337 (February 2018), effective August 1, 2018.

§229. Hydropneumatic Tank Systems

A. Pressure tanks shall meet ASME code requirements or an alternative approved by the state health officer. Any alternative must be rated to at least 1.5 times the maximum discharge pressure of the pump.

B. Location. The tank shall be located above normal ground surface.

C. System Sizing. The following criteria applies to the sizing of hydropneumatic systems.

1. The capacity of the wells and pumps in a hydropneumatic system shall be at least five times the average daily demand expressed in gallons per minute.

2. The gross volume of the hydropneumatic tank, in gallons, shall be at least ten times the capacity of the largest pump, rated in gallons per minute. For example, a 250 gpm pump shall be a minimum of 2,500 gallon pressure tank, unless other measures (e.g., variable speed drives in conjunction with the pump motors) are provided to meet the maximum demand.

3. Sizing of hydropneumatic storage tanks must consider the need for disinfectant contact time.

D. The hydropneumatic tank(s) shall have bypass piping to permit operation of the system while the tank is being repaired or painted.

E. Appurtenances. Each tank shall have an access manhole, a drain, and control equipment consisting of a pressure gauge, water sight glass, automatic or manual air blow-off, means for adding air, and pressure operated start-stop controls for the pumps.

1. A pressure relief valve shall be installed and be capable of handling the full pumpage rate of flow at the pressure vessel design limit.

2. Where practical the access manhole should be 24 inches in diameter. The water sight glass shall not be mandatory if an automated control to maintain the proper water-to-air ratio in the tank is provided.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:338 (February 2018), effective August 1, 2018.

§231. Distribution System Storage

A. The applicable design standards of §225 of this Part shall be followed for distribution system storage.

B. Pressures. The maximum variation between high and low levels in storage structures providing pressure to a distribution system should not exceed 30 feet. The minimum working pressure in the distribution system shall be 20 psi gauge and the normal working pressure should be approximately 60 to 80 psi gauge. When static pressures exceed 100 psi gauge, pressure reducing devices shall be provided on mains or as part of the meter setting on individual service lines in the distribution system.

C. Drainage. Finished water storage structures which provide pressure directly to the distribution system shall be designed so they can be isolated from the distribution system and drained for cleaning or maintenance without causing a loss of pressure in the distribution system. The storage structure drain shall discharge to the ground surface with no direct connection to a sewer or storm drain.

D. Level Controls. Adequate controls shall be provided to maintain levels in distribution system storage structures. Level indicating devices should be provided at a central location.

1. Pumps should be controlled from tank levels with the signal transmitted by telemetering equipment when any appreciable head loss occurs in the distribution system between the source and the storage structure.

2. Altitude valves or equivalent controls may be required for second and subsequent structures on the system.

3. Overflow and low-level warnings or alarms should be located where they will be under responsible surveillance 24 hours a day.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:338 (February 2018), effective August 1, 2018.

Subchapter D. Distribution System Piping and Appurtenances

§233. General

A. All potable water distribution systems shall be designed, constructed, and maintained so as to prevent leakage of water due to defective materials, improper jointing, corrosion, settling, impacts, freezing, or other causes.

B. Valves and blow-offs shall be provided so that necessary repairs can be made with a minimum interruption of service.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:338 (February 2018), effective August 1, 2018.

§235. Materials

A. Standard and Material Selection. Standard and material selection shall comply with the following.

1. Any solder or flux which is used in the installation or repair of any public water system or any plumbing in a residential or nonresidential facility providing water for human consumption shall be lead free (*i.e.*, shall not contain more than 0.2 percent lead).

2. Any pipe, pipe fitting, plumbing fitting, fixture, and any other appurtenance which is used in the installation or repair of any public water system or any plumbing in a residential or nonresidential facility providing water for human consumption shall be lead free (*i.e.*, shall not contain more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, fixtures, and any other appurtenances).

3. The lead free requirements referenced in §235.A.1 and 2 of this Subchapter shall not apply to:

a. leaded joints necessary for the repair of existing cast iron pipes;

b. pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial

processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or,

c. toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, fire hydrants, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.

B. Water Piping Quality. Quality of the piping materials shall comply with the following:

1. All potable water pipes, pipe related products and materials that join or seal pipes and pipe related products shall be evaluated and listed as conforming with a national consensus product (or material) standard, ASTM, AWWA, NSF/ANSI Standard 61, and/or NSF/ANSI 372.

2. Any solder or flux which is used in the installation or repair of any public water system or any plumbing in a residential or nonresidential facility providing water for human consumption shall be lead free (*i.e.*, shall not contain more than 0.2 percent lead).

3. The lead free requirements referenced in §235.B.2 of this Subchapter shall not apply to:

a. leaded joints necessary for the repair of existing cast iron pipes;

b. pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or,

c. toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, fire hydrants, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.

C. Permeation by Organic Compounds. Where distribution systems are installed in areas contaminated by organic compounds and such organic compounds are detected at levels that are known to pose a health risk:

1. pipe and joint materials which do not allow permeation of the organic compounds shall be used; and

2. non-permeable materials shall be used for all portions of the system including hydrant leads and service connections.

D. Used Materials. Water mains which have been used for the purpose of conveying potable water may be reused provided they meet the materials standard of §235 and have been restored substantially to their original condition.

E. Manufacturer approved transition joints shall be used between dissimilar piping materials.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:338 (February 2018), effective August 1, 2018.

§237. Distribution System Design

A. The system shall be designed to maintain a minimum pressure of 20 psig (140 kPa) at ground level at all points in the distribution system under all conditions of flow.

B. The minimum size of water main which provides for fire protection and serving fire hydrants shall be six-inch diameter. Larger size mains will be required if necessary to allow the withdrawal of the required fire flow while maintaining the minimum residual pressure specified in §237 of this Subchapter.

C. The minimum size of water main in the distribution system where fire protection is not to be provided shall be a minimum of 3 inch diameter. Any departure from minimum requirements shall be justified by hydraulic analysis and future water use, and may be considered only in special circumstances.

D. Dead end mains shall be equipped with a means to provide adequate flushing. No flushing device shall be directly connected to any sewer.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:339 (February 2018), effective August 1, 2018.

§239. Valves

A. Valve spacing shall not exceed one mile except for transmission mains 24 inches or larger.

B. Valve spacing shall not exceed five miles for transmission mains 24 inches or larger.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:339 (February 2018), effective August 1, 2018.

§241. Hydrants

A. Hydrant Leads. The hydrant lead shall be at least as large as the hydrant. For new construction and hydrant replacement, auxiliary valves shall be installed on all hydrant leads.

B. Hydrant Drainage. Where hydrant drains are not plugged, a gravel pocket or dry well shall be provided unless the natural soils will provide adequate drainage.

1. Hydrant drains shall not be connected to sanitary sewers or located within 6 feet of sanitary sewers, storm sewers, or storm drains and where allowed, shall be above the seasonal groundwater table.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:339 (February 2018), effective August 1, 2018.

§243. Air Relief Valves

A. At points in water mains where air can significantly accumulate provisions shall be made to remove the air by means of air relief valves.

B. When used, the open end of an air relief pipe from automatic valves shall be extended to at least one foot above grade and provided with a screened, downward-facing elbow.

C. Discharge piping from air relief valves shall not connect directly to any storm drain, storm sewer, or sanitary sewer.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:339 (February 2018), effective August 1, 2018.

§245. Installation of Water Mains

A. Specifications for installation of water mains shall incorporate the applicable provisions of the AWWA standards and/or manufacturer's recommended installation procedures including those specifications and requirements for bedding, cover and blocking.

B. Installed pipe shall be pressure tested and leakage tested in accordance with the appropriate AWWA Standards.

C. New, cleaned and repaired water mains shall be disinfected in accordance with AWWA Standard C651 (Disinfecting Water Mains) and are subject to the following additional provisions.

1. Water from new water mains shall not be furnished for consumer's use until tests performed by a laboratory certified by the state health officer have shown the new water mains to be free from contamination by coliform bacteria (following EPA approved procedures prescribed in Standard Methods for the Examination of Water and Wastewater, Nineteenth Edition).

2. After cutting into or repairing existing mains, the water shall be tested by a laboratory certified by the state health officer for coliform bacteria (following EPA approved procedures prescribed in Standard Methods for the Examination of Water and Wastewater, Nineteenth Edition) to determine the effectiveness of the disinfection procedure unless an alternate method is approve by the state health officer. If the direction of flow is unknown, then samples shall be taken on each side of the main break. If samples are E. coli/fecal coliform positive then the state health officer shall be notified. If samples are total coliform positive, then corrective action must be taken, and daily sampling shall continue until two consecutive samples are negative.

3. Samples shall not be collected from the new facilities until such new facilities have been disinfected as prescribed herein, and the chlorinated water thoroughly flushed from the system until such chlorine measurements are no higher than those generally prevailing in the distribution system.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:340 (February 2018), effective August 1, 2018.

§247. Separation Distances from Contamination Sources

A. Parallel installation. Water mains shall be laid at least 6 feet horizontally from any existing or proposed gravity sanitary or storm sewer, septic tank, or subsoil treatment system. This distance shall be measured edge to edge.

1. In cases where it is not practical to maintain a 6 foot separation, the state health officer may allow deviation on a case-by-case basis, if supported by data from the design engineer.

B. Crossings. Where water mains cross sewers, either above which is the preferred method, or below the sewer:

1. the water main shall be laid to provide a minimum vertical distance of 18 inches between the outside of the water main and the outside of the sewer.

2. there shall be one full length of water pipe so that both joints will be as far from the sewer as possible. Special structural support for the water and sewer pipes may be required by the state health officer.

C. Exception. When it is impossible to obtain the minimum specified separation distances, the state health officer shall specifically approve any variance from the requirements of §247.A and §247.B of this Subchapter and the following methods of installation may be used:

1. Installation of the water main closer to a sewer, provided that the water main is laid in a separate trench or on an undisturbed earth shelf located on one side of the sewer at such an elevation that the bottom of the water main is at least 18 inches above the top of the gravity sewer.

2. The sewer materials shall be water works grade 150 psi (1.0 Mpa) pressure rated pipe meeting AWWA standards or pipe approved by the state health officer and shall be pressure tested to ensure water tightness.

D. Force Mains. There shall be at least a 6 foot horizontal separation between water mains and sanitary sewer force mains. This measurement shall be from edge to edge. There shall be an 18 inch vertical separation at crossings as required in §247 of this Subchapter.

E. Sewer manholes. No water pipe shall pass through or come in contact with any part of a sanitary sewer manhole and shall be located at least 6 feet from sanitary sewer manholes.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:340 (February 2018), effective August 1, 2018.

§249. Surface Water Crossings

A. Above-water crossings or above-grade piping, if present shall be:

1. adequately supported and anchored;
2. protected from vandalism;
3. protected from foreseeable sources of damage;
4. protected from freezing by water velocity, heating trace systems and thermal insulation or other effective method; and
5. shall be placed so as to be accessible for repair or replacement.

B. Underwater crossings if present:

1. shall have over it a minimum cover of five feet unless otherwise approved by the state health officer; and

2. when crossing water courses which are greater than 15 feet in width measured at low flow, the following shall be provided:

a. the pipe shall be of special construction, having flexible, restrained or welded watertight joints;

b. valves shall be provided at both ends of water crossings within one half mile for less than 24 inch mains or within 2.5 miles for 24 inch for larger mains so that the section can be isolated for testing or repair; the valves shall be easily accessible, and not subject to flooding under normal conditions. All other mains, services, taps, hydrants, or other devices located inside of the limits of these isolation valves shall also have easily accessible isolation valve;

c. permanent taps or other acceptable means to allow the use of a small meter to determine leakage and obtain water samples on each side of the valve closest to the

supply source. Combination taps for both an air relief valve and a pressure tap are permissible provided the assembly meets the above criteria and the air relief valve can be isolated during the testing of the crossing.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:340 (February 2018), effective August 1, 2018.

§251. Interconnections

A. The approval of the state health officer shall be obtained for interconnections between potable water supplies.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:341 (February 2018), effective August 1, 2018.

§253. Water Services and Plumbing

A. Water services and plumbing shall conform to the applicable provisions of the State Uniform Construction Code, LAC 17:I.

B. Where permitted by the water supplier, booster pumps that are used to draw water from a water supply distribution system or are placed in a system to increase the line pressure, shall not reduce the pressure at the customer connection to less than 20 psi (pounds per square inch) gauge.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:341 (February 2018), effective August 1, 2018.

§255. Water Loading Stations

A. Water loading stations present special problems since the fill line may be used for filling both potable water vessels and other tanks or contaminated vessels.

B. For the purposes of preventing contamination of both the public water supply and any potable water vessels being filled, the following shall apply to the use and operation of water loading stations:

1. there shall be no backflow to the public water supply;

2. the piping arrangement shall be such as to prevent contamination from a hauling vessel being transferred to subsequent station users (see Figure 255); and

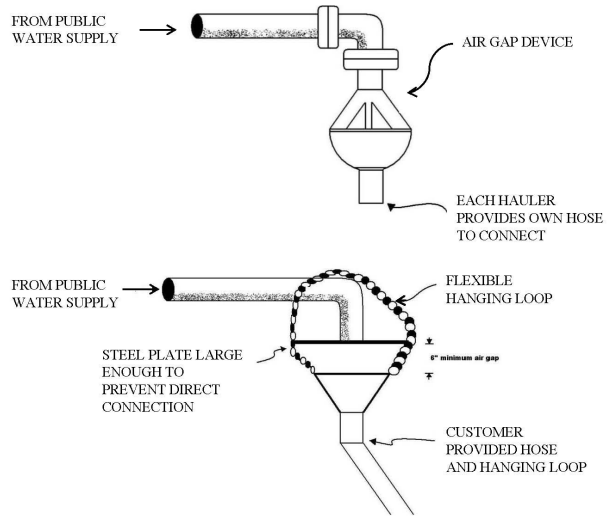
3. any and all portable hoses used for filling of water containers or other acceptable water vessels:

a. shall be fitted with a metal disk at the nozzle of the hose to prevent contact of nozzle with ground or floors.

b. shall be protected from dirt and contamination by storage in a tightly enclosed cabinet or acceptable storage container when not in use, and

c. shall be disinfected prior to use.

Figure 255. Acceptable Filling Device for Water Loading Station



AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:341 (February 2018), effective August 1, 2018.

Subchapter F. Waste Residuals

§257. General

A. All waste discharges shall be in accordance with all federal, state and/or local laws and ordinances. The requirements provided here shall, therefore, be considered minimum requirements as federal, state, and/or local water pollution control authorities may have more stringent requirements.

B. Provisions shall be made for proper disposal of water treatment plant wastes such as:

1. sanitary and laboratory wastes;
2. clarification sludge;
3. softening sludge;
4. iron sludge;
5. filter backwash water;
6. backwash sludge; and
7. brines, including softener and ion exchange regeneration wastes and membrane wastes.

C. Some regulatory agencies consider discharge from overflow pipes/outlets as discharge wastes. In locating sewer lines and waste disposal facilities, consideration shall be given to preventing potential contamination of the water supply.

D. Alternative methods of water treatment and chemical use should be considered as a means of reducing waste volumes and the associated handling and disposal problems.

E. Appropriate backflow prevention measures shall be provided on waste discharge piping as needed to protect the public water supply.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:341 (February 2018), effective August 1, 2018.

§259. Sanitary Waste

A. The sanitary waste from water treatment plants, pumping stations, and other waterworks installations shall receive treatment.

B. Waste from these facilities shall be discharged directly to a sanitary sewer system, when available and feasible, or to an adequate on-site waste treatment facility approved by the state health officer.

C. The appropriate federal, state, and local officials should be notified when designing treatment facilities to ensure that the local sanitary sewer system can accept the anticipated wastes.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:342 (February 2018), effective August 1, 2018.

§261. Brine Wastes

A. Waste from ion exchange, demineralization, and membrane plants, or other plants which produce a brine, may be disposed of by controlled discharge to a stream if adequate dilution is available. The Louisiana Department of Environmental Quality (hereinafter, LDEQ) may establish surface water quality requirements including rate of discharge and discharge parameters.

B. Except when discharging to large waterways, a surge tank of sufficient size should be provided to allow the brine to be discharged over a 24-hour period.

C. Where discharging to a sanitary sewer, a holding tank may be required to prevent the overloading of the sewer and/or interference with the waste treatment processes. The effect of brine discharge to sewage lagoons may depend on the rate of evaporation from the lagoons.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:342 (February 2018), effective August 1, 2018.

§263. Precipitative Softening Sludge

A. Sludge from plants using precipitative softening varies in quantity and in chemical characteristics depending on the softening process and the chemical characteristics of the water being softened. Recent studies show that the quantity of sludge produced is much larger than indicated by stoichiometric calculations. Sludge from plants using precipitative softening shall be treated and disposed of as follows.

1. Lagoons. The use of lagoons shall comply with the following.

a. Short term storage lagoons should be designed on the basis of 0.7 acres per million gallons per day per 100 mg/L of hardness removed based on a usable lagoon depth of 5 feet. This should provide about 2 1/2 years storage. At least 2 but preferably more lagoons shall be provided in order to give flexibility in operation. An acceptable means of final sludge disposal shall be provided. Provisions shall be made for convenient cleaning.

b. Long term lagoons should have a volume of at least four times that for short term storage lagoons.

c. The design of both short term and long term lagoons should provide for:

i. location free from flooding;

ii. when necessary, dikes, deflecting gutters or other means of diverting surface water so that it does not flow into the lagoons;

iii. a minimum usable depth of 5 feet;

iv. adequate freeboard of at least 2 feet;

v. adjustable decanting device;

vi. effluent sampling point;

vii. adequate safety provisions,

viii. parallel operation; and

ix. subsurface infiltration may be acceptable if approved by the appropriate reviewing authority/authorities.

2. The application of liquid lime or dewatered sludge to farm land should be considered as a method of ultimate disposal. Approval from the LDEQ shall be obtained if required.

3. Mixing of lime sludge with activated sludge waste as a means of co-disposal.

4. Disposal at a landfill either as a solid or liquid if the landfill can accept such waste, depending on LDEQ requirements.

5. Mechanical dewatering of sludge may be considered. Pilot studies on a particular plant waste are recommended. Mechanical dewatering should be preceded by sludge concentration and chemical pre-treatment.

6. Calcination of sludge may be considered. Pilot studies on a particular plant waste are recommended.

7. Discharge of lime sludge to sanitary sewers should be avoided since it may cause both liquid volume and sludge volume problems at the sewage treatment plant. This method shall be used only when the sewerage system has the capability to adequately handle the lime sludge.

B. Lime sludge drying beds shall not be used as a method of treating and/or disposing of sludge.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:342 (February 2018), effective August 1, 2018.

§265. Alum Sludge

A. Alum sludge can be discharged to a sanitary sewer. However, initiation of this practice shall depend on obtaining approval from the owner of the sanitary sewerage system as well as from the state health officer before final designs are made.

B. Mechanical concentration may be considered. A pilot study is recommended before the design of a mechanical dewatering installation.

C. Freezing changes the nature of alum sludge so that it can be used for fill. Acid treatment of sludge for alum recovery may be a possible alternative.

D. Lagoons. Lagooning may be used as a method of handling alum sludge. Lagoon size can be calculated using total chemicals used plus a factor for turbidity. Lagoons shall be designed to produce an effluent satisfactory to the LDEQ.

1. Lagoons, in addition, should provide for:

a. a location free from flooding;

b. where necessary, dikes, deflecting gutters or other means of diverting surface water so that it does not flow into the lagoon;

c. a minimum usable depth of 5 feet;

d. adequate freeboard of at least 2 feet;

e. adjustable decanting device;

f. effluent sampling point;

g. adequate safety provisions, and

h. a minimum of two cells, each with appropriate inlet/outlet structures to facilitate independent filling/dewatering operations.

E. Mechanical dewatering may be used as a method of handling alum sludge.

1. The successful use of mechanical dewatering depends on the characteristics of the alum sludge produced, as determined by site specific studies.

2. Mechanical dewatering shall be preceded by sludge concentration and chemical pre- treatment.

F. Alum sludge may be disposed of by land application either alone, or in combination with other wastes where an agronomic value has been determined, and disposal has been approved by the LDEQ if required.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:342 (February 2018), effective August 1, 2018.

§267. "Red Water" Waste

A. Waste filter wash water from iron and manganese removal plants shall be properly disposed of in accordance with one of the following methods:

1. Sand Filters. The sand filters should have the following features:

a. Total filter area shall be sufficient to adequately dewater applied solids. Unless the filter is small enough to be cleaned and returned to service in 1 day, two or more cells are required.

b. The "red water" filter shall have sufficient capacity to contain, above the level of the sand, the entire volume of wash water produced by washing all of the production filters in the plant, unless the production filters are washed on a rotating schedule and the flow through the production filters is regulated by true rate of flow controllers. Then sufficient volume shall be provided to properly dispose of the wash water involved.

c. Sufficient filter surface area should be provided so that, during any one filtration cycle, no more than 2 feet of backwash water will accumulate over the sand surface.

d. The filter shall not be subject to flooding by surface runoff or flood waters. Finished grade elevation shall be established to facilitate maintenance, cleaning and removal of surface sand as required. Flash boards or other non-watertight devices shall not be used in the construction of filter side walls.

e. The filter media should consist of a minimum of 12 inches of sand, 3 to 4 inches of supporting small gravel or torpedo sand, and 9 inches of gravel in graded layers. All sand and gravel should be washed to remove fines.

f. Filter sand should have an effective size of 0.3 to 0.5 mm and a uniformity coefficient not to exceed 3.5. The use of larger sized sands shall be justified by the designing engineer to the satisfaction of the state health officer.

g. The filter should be provided with an adequate under-drainage collection system to permit satisfactory discharge of filtrate.

h. Provision shall be made for the sampling of the filter effluent.

i. Overflow devices from "red water" filters shall not be permitted.

j. Where freezing is a problem, provisions should be made for freeze protection for the filters during the winter months.

k. "Red water" filters shall comply with the common wall provisions contained in §177 of this Part, which pertain to the possibility of contaminating treated water with unsafe water.

l. The state health officer shall be contacted for approval of any arrangement wherein a separate structure is not provided.

2. Lagoons. The lagoons shall have the following features:

a. be designed with a volume 10 times the total quantity of wash water discharged during any 24-hour period;

b. have a minimum usable depth of 3 feet;

c. have a length 4 times width, and the width at least 3 times the depth, as measured at the operating water level;

d. be designed such that the outlet is located at the end opposite the inlet;

e. have a weir overflow device at the outlet end with weir length equal to or greater than depth;

f. have provisions for the velocity to be dissipated at the inlet end; and

g. subsurface infiltration lagoons shall be acceptable only if approved by the appropriate reviewing authority/authorities.

3. Red water can be discharged to a community sewer. Approval of this method will depend on obtaining approval from the owner of the sewerage system as well as from the state health officer before final designs are made.

a. A surge tank is recommended to prevent overloading of the sewers.

b. Design shall prevent cross connections.

c. There shall be no common walls between potable and non-potable water compartments.

4. Red water may be discharged into surface water. However, the plant must have an NPDES (National Pollutant Discharge Elimination System) permit or other applicable discharge permit from the appropriate regulatory authority/authorities to dispose of backwash water into surface water.

5. Recycling of supernatant or filtrate from "red water" waste treatment facilities to the head end of an iron removal plant shall not be allowed except as approved by the state health officer.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:343 (February 2018), effective August 1, 2018.

§269. Waste Filter Wash Water

A. Backwash water from surface water treatment and lime softening plants should have suspended solids reduced to a level acceptable to the state health officer before being discharged to a backwash reclaim tank and recycled to the head of the plant.

1. The backwash reclaim holding tank shall:

a. contain the anticipated volume of waste water produced by the plant when operating at design capacity;

b. for plants having two filters, have a holding tank that will contain the total waste wash water from both filters calculated by using a 15 minute wash at 20 gallons per minute per square foot;

c. for plants having more than two filters, size the holding tank appropriately depending on the anticipated hours of operation.

B. Spent filter backwash water, thickener supernatant and liquids processes may be allowed by the state health officer to be recycled into the head of the plant, provided that:

1. compliance is achieved under the requirements of Subchapter G (Filter Backwash Recycling) of Chapter 11 (Surface Water Treatment Rule) of Part XII of this code;

2. the recycled water should be returned at a rate of less 10 percent of the instantaneous raw water flow rate entering the plant;

3. the recycled water should not be recycled when the raw water contains excessive algae, when finished water taste and odor problems are encountered, or when disinfection byproduct levels in the distribution system may exceed allowable levels. Particular attention shall be given to the presence of protozoans such as *Giardia* and *Cryptosporidium* concentrating in the waste water stream; and

4. water utilities may need to treat filter waste water prior to recycling to reduce pathogen population and improve coagulation or avoid reclaiming filter wash water given the increased risk to treated water quality.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:344 (February 2018), effective August 1, 2018.

§271. Radioactive Materials

A. Radioactive materials include, but are not limited to:

1. granulated activated carbon (GAC) used for radon removal;

2. radium adsorptive filter media;

3. ion-exchange regeneration waste from radium removal;

4. manganese greensand backwash solids from manganese removal systems,

5. precipitative softening sludges; and

6. reverse osmosis concentrates where radiological constituents are present.

B. The buildup of radioactive decay products of radon shall be considered and adequate shielding, ventilation, and other safeguards shall be provided for operators and visitors.

C. These materials may require disposal as radioactive waste in accordance with Nuclear Regulatory Commission regulations. Necessary approval shall be obtained from the LDEQ prior to disposal of all radioactive wastes if required.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:344 (February 2018), effective August 1, 2018.

§273. Arsenic Waste Residuals

A. Arsenic-bearing wastes, including but not limited to, filter backwash water and sludge, and adsorptive filter media from arsenic treatment facilities may be considered hazardous.

B. Necessary approval from LDEQ must be obtained prior to disposal of arsenic residual wastes if required.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:344 (February 2018), effective August 1, 2018.

§275. Other Approved Methods of Handling Waste

A. LDH, in coordination with other regulatory agencies may review and approve other methods of handling waste that are not specifically discussed in this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:344 (February 2018), effective August 1, 2018.

§277. Standards Reference Table

A. This Section contains the particular volume of standards or the specific standard with the designation, name and the edition of the standards cited within Chapters 1 and 2 of this Part. The particular designation/edition of the standards listed below shall be applied in relation to the citation within Chapter 1 and 2 of this Part.

Standard Designation	Section/Table
ACI 350-06, Code Requirements for Environmental Engineering Concrete Structures	179.H.4.a.iv
ASME Boiler & Pressure Vessel Code - Section VIII - Pressure Vessels - 2017	229.A
ASTM Volume 01.01 Steel—Piping, Tubing, Fittings - June 2017	235.B.1
ASTM Volume 01.02 Ferrous Castings, Ferroalloys - June 2017	235.B.1
ASTM Volume 04.05 Chemical-Resistant Nonmetallic Materials; Vitrified Clay Pipe; Concrete Pipe; Fiber-Reinforced Cement Products; Mortars and Grouts; Masonry; Precast Concrete - June 2017	235.B.1
ASTM Volume 08.04 Plastic Piping Systems - June 2017	235.B.1
AWWA Full Set Standards – June 2017	
Chemicals	205.B, 209.G
Disinfection of Wells	151.A, 169.E.9.c
Disinfection of Water-Storage Facilities	151.A, 225.T, 225.T.2, 225.T3
Disinfecting Water Mains	151.A, 245.C
Granular Activated Carbon	177.A.6.c.iv, 177.A.6.c.iv.d
Granular Filter Material	177.A.6
Pipe and Accessories	235.B.1, 245, 247.C.2

Standard Designation	Section/Table
Water Storage Tanks	225.B
Water Wells	169.F.2
EPA Alternative Disinfectants and Oxidants Guidance Manual - 1999	179.I.1
EPA Ultraviolet Disinfection Guidance Manual - 2006	179.H
NIOSH	207.B.1, 207.D.1
NSF/ANSI 60, Drinking Water Treatment Chemicals - Health Effects	169.H.3.c.i, 201.A, 201.E.1, 205.B, 209.G, 223.H
NSF/ANSI 61, Drinking Water System Components - Health Effects	169.H.1.c, 169.H.3.c.i, 179.I.1.a, 185.A, 225.O.1, 225.S.1, 235.B.1
NSF/ANSI 372, Drinking Water System Components - Lead Content	235.B.1
Standard Methods for the Examination of Water and Wastewater, 19th edition	179.A, 245.C.1, 245.C.2

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:344 (February 2018), effective August 1, 2018.

§279. Organization Reference Table

A. The following is a list by name and address of those agencies, associations, institutes and other entities that are referenced within Chapters 1 and 2 of this Part by name, initials or symbols. Further, other organizations may be listed, for convenience, whose technical and other services are made available as they may relate to the provisions contained within Chapters 1 and 2 of this Part.

ANSI	American National Standards Institute, Inc. 25 West 43rd Street, 4th Floor New York, New York 10036 Tel. (212) 642-4900; Fax (212) 398-0023 www.ansi.org
ASME	American Society of Mechanical Engineers Information Central - Orders/Inquiries P.O. Box 2300 Fairfield, New Jersey 07007-2300 Tel. (800) 843-2763 www.asme.org
ASTM International	American Society for Testing and Materials International 100 Barr Harbor Drive West Conshohocken, Pennsylvania 19428-2959 Tel. (610) 832-9500; Fax (610) 832-9555 www.astm.org
AWWA	American Water Works Association 6666 West Quincy Avenue Denver, Colorado 80235-3098 Tel. (303) 794-7711 or (800) 926-7337; Fax (303) 347-0804
NFPA	National Fire Protection Association 1 Batterymarch Park Quincy, Massachusetts 02169-9101 Tel. (617) 770-3000 or (800) 344-3555; Fax (800) 593-6372 www.nfpa.org
NSF	NSF International 789 N. Dixboro Road P.O. Box 130140 Ann Arbor, Michigan 48113-0140 Tel. (734) 769-8010 or (800) 673-6275; Fax (734) 769-0109 www.nsf.org

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4.A.(8), 40:4.13.D.(1)(2) and 40:5.A.(2)(3)(5)(6)(7)(17).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 44:345 (February 2018), effective August 1, 2018.

Chapter 3. Water Quality Standards

§319. Significant Deficiencies Identified in Sanitary Surveys

A. - C. …

D. For all public water systems, the following have been determined by the state health officer to be significant deficiencies and shall be corrected in accordance with §319.B of this Part:

1. §105.A, 105.B or 105.D of this Part;

2. - 14. …

15. For fluoride only, day tanks shall be provided where bulk storage of liquid chemical is provided, meet all the requirements of §203.J, hold no more than a 30-hour supply, and be scale mounted or have a calibrated gauge painted or mounted on the side if liquid levels can be observed in a gauge tube or through translucent sidewalls of the tank. In opaque tanks, a gauge rod extending above a reference point at the top of the tank, attached to a float can be used. The ratio of the area of the tank to its height shall be such that unit readings are meaningful in relation to the total amount of chemical fed during a day;

16. - 23. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8), 40:13.D.(1)(2) and R.S. 40:5.A.(2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 43:85 (January 2017), amended LR 44:345 (February 2018), effective August 1, 2018.

Jimmy Guidry, MD
State Health Officer
and
Rebekah E. Gee, MD, MPH
Secretary

1802#027

RULE

Department of Natural Resources
Office of the Secretary

Debts Owed to the Department of Natural Resources
(LAC 43:I.133)

The Department of Natural Resources, Office of the Secretary has promulgated LAC 43:I.133 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under R.S. 36:353 and the laws of the state of Louisiana. The Rule sets forth the process by which the Department of Natural Resources invoices applicable debts owed to it. Further, the Rule establishes a due date for applicable debts and the time delays in which a person may challenge such debts by requesting a public hearing before the Division of Administrative Law. Finally, the Rule establishes when an applicable debt owed to the Department of Natural Resources becomes "final" for purposes of R.S. 47:1676 and

can be forwarded to the Louisiana Office of Debt Recovery or to the Attorney General's Office for debt collection activities. The Rule does not apply to debts owed the Commissioner of Conservation, the State Mineral and Energy Board, federal loan or grant programs, the Fisherman's Gear Compensation Fund, or debts associated with the overpayment of active or separated DNR employees. This Rule is hereby adopted on the day of promulgation.

Title 43
NATURAL RESOURCES
Part I. Office of the Secretary
Subpart 1. General

§133. Debts Owed to the Department of Natural Resources

A. Applicability. This Section is applicable for all debts owed to the Department of Natural Resources (hereinafter referred to as "DNR"), with the following exceptions:

1. debts associated with mineral leases or operating agreements, or mineral production on State lands and water bottoms, or to any debts under the authority of the State Mineral and Energy Board;

2. debts associated with federal loans or grant programs, including but not limited to those issued, through the Home Energy Loan Program (HELP), Energy Fund, or the American Recovery and Reinvestment Act of 2009 (ARRA) Revolving Loan Fund;

3. debts other than those debts owed under the Oilfield Site Restoration Act (R.S. 30:80, et seq.) that are owed to the Office of Conservation or the Commissioner of Conservation,

4. debts owed the Fisherman's Gear Compensation Fund (R.S. 56:700.1, et seq.), or

5. debts associated with the overpayment of active or separated DNR employees.

B. Due Date of Applicable Debt

1. When an applicable debt is owed to DNR, DNR shall create an invoice for that debt. Among other things the invoice shall identify the amount of the debt owed to DNR and the individual, company, or organization that owes the invoiced debt to DNR. In the event that the applicable statutes or rules establish the date on which the invoiced debt is due, the invoiced debt amount shall be due to DNR on that date. When the applicable statutes or rules do not establish a date on which the invoiced debt is due, then the invoiced debt shall be due 60 days after the invoice is duly delivered to the party identified as owing the debt. In the event, the debt has been invoiced prior to the effective date of this regulation and there is no due date established by the applicable statute or regulation, then the debt amount shall be due 60 days after the effective date of this regulation.

2. For purposes of this Section, the invoice shall be deemed duly delivered upon:

a. receipt by the party identified as owing the debt if delivered in person;

b. if properly addressed, two days after deposit in the U.S. mail;

c. if properly addressed, one business day after it is sent by recognized commercial overnight courier service; or

d. if properly addressed, upon transmission if sent via email with confirmation of receipt.

3. For purposes of this Section, *properly addressed* means the invoice is addressed to the physical, mailing, or e-mail address that is:

a. registered by the party with the department or any of its offices or programs where such registration is required by applicable law or regulation;

b. provided by the party to the department or any of its offices or programs on an application or other agency form; or

c. if no other address exists, then any address otherwise provided by law.

C. Dispute of an Applicable Debt. In the event the party that is invoiced disputes the debt owed to DNR said party may request an administrative hearing in writing within 60 days after the invoice is duly delivered to said party. Such requests shall set forth the basis for the party's belief that it does not owe the debt to DNR. Such requests shall be addressed to DNR-Office of the Secretary, ATTN: DNR Debt Appeal, P.O. Box 94396, Baton Rouge, LA 70804-9396.

1. The request for an appeal of a debt will be deemed submitted to DNR on:

a. the date it is actually hand delivered to DNR;

b. if properly addressed, two days after deposit in the U.S. Mail; or

c. if properly addressed, one business day after it is sent by recognized commercial overnight courier service.

2. The administrative hearing shall be presided over by a Division of Administrative Law hearing officer and subject to the rules and requirements established by the Division of Administrative Law Act (R.S. 49:991-999.1).

D. Final Debts. Debts owed to DNR shall become final pursuant to R.S. 47:1676 either the day after the deadline to request an administrative hearing as set forth in Subsection C of this Section has passed and no request for an administrative hearing has been made, or when a final and un-appealable decision is made that the debt is owed to DNR by a competent administrative hearing officer or a court of competent jurisdiction.

E. Cost Recovery. Pursuant to R.S. 47:1676, when any debt owed to DNR becomes final then the debt shall be referred to the Office of Debt Recovery, Department of Revenue or to the Attorney General's office for collection in accordance with the agency participation agreement between the Department of Natural Resources, the Louisiana Department of Revenue, and the Louisiana Attorney General's Office that is then in effect.

F. Not a Replacement of the Judicial Review Process. Creation of the right set forth in Subsection C of this Section to request an administrative hearing to challenge whether a specific party owes a specific invoiced debt is not intended to replace or alter the judicial review process for challenging the validity of underlying regulations, orders, civil penalties, or other decisions properly challenged under other statutory authority, including but not limited to, R.S. 30:12, R.S. 49:962.1-965, R.S. 49:968, or R.S. 49:214.35.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:353(A)(3).

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 44:346 (February 2018).

Thomas F. Harris
Secretary

1802#032

RULE

Department of Public Safety and Corrections
Office of State Police

State Police Escort Fees (LAC 55:I.1101)

The Department of Public Safety and Corrections, Office of State Police, in accordance with R.S. 49:950 et seq., and R.S. 32:387 et seq., has amended rules that increase the state police escort fee schedule, which has not been amended since 1983. This Rule is hereby adopted on the day of promulgation.

Title 55
PUBLIC SAFETY
Part I. State Police
Chapter 11. State Police Escort Fees
§1101. Distance/Fees

A. Notice is hereby given that the Louisiana Department of Public Safety, pursuant to R.S. 32:387(B)(4) as amended, has adopted the following fee scale for the use of state police vehicles as escorts to vehicles moving over the highways of this state under special permits.

Distance Traveled by Escort Vehicle Fee	
0-49 miles	$100
50-99 miles	$125
100-199 miles	$150
200-299 miles	$175
300 and over miles	$200

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:387(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 9:15 (January 1983), Department of Public Safety and Corrections, Office of State Police amended LR 44:347 (February 2018).

Lt. Col. Jason Starnes
Chief Administrative Officer

1802#023

RULE

Department of Transportation and Development
Office of Operations

Toll Exemptions—LA 1 (LAC 70:XI.101)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 47:820.5.4 through 47:820.5.7, the Department of Transportation and Development, Office of Operations has amended Chapter 1 to allow the Louisiana Transportation Authority (LTA) to adjust the amount charged for a toll tag to students in school buses, the school bus, and the driver to reflect the cost incurred by LTA to purchase a toll tag. This amendment will allow those fees charged to students in school buses for a toll tag to be consistent with all other categories of exempt entities, as enumerated in §101. This Rule is hereby adopted on the day of promulgation.

Title 70
TRANSPORTATION
Part XI. Louisiana Transportation Authority
Chapter 1. Toll Exemptions—LA 1
§101. Exempt Entities

A. - A.5.e. …

6. Students in School Buses

a. - c. …

d. A reasonable fee shall be charged to offset the cost of the toll tags to reflect the actual costs incurred by the Department of Transportation and Development to purchase the toll tags.

6.e. - 9.d. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:820.5.4 and 820.5.5.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Transportation Authority, LR 38:2380 (September 2012), amended by the Department of Transportation and Development, Office of Operations, LR 41:560 (March 2015), LR 44:347 (February 2018).

Shawn Wilson, Ph.D.
Secretary

1802#020

RULE

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Black Bass—Daily Take, Size Limits and Possession Limits (LAC 76:VII.149)

The Wildlife and Fisheries Commission has amended the recreational harvest regulations for black bass (*Micropterus spp.*) on Caney Creek Reservoir in Jackson Parish, Louisiana (LAC 76:VII.149). The change removes the 15- to 19-inch protected slot limit and replaces it with a statewide daily take (creel limit) of 10 fish for black bass with no minimum length limit. This Rule is hereby adopted on the day of promulgation.

Title 76
WILDLIFE AND FISHERIES
Part VII. Fish and Other Aquatic Life
Chapter 1. Freshwater Sports and Commercial Fishing
§149. Black Bass Regulations—Daily Take and Size Limits

A. The Wildlife and Fisheries Commission establishes a statewide daily take (creel limit) of 10 fish for black bass. The possession limit shall be the same as the daily take on water and twice the daily take off water.

B. In addition, the commission establishes special size and daily take regulations for black bass on the following water bodies:

1. - 1.c.ii. Repealed.

2. - 7.a.v. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), R.S. 56:325(C), R.S. 56:326.3, and R.S. 56:673.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR:14:364 (June 1988), amended LR 17:277 (March 1991), repromulgated LR 17:488 (May 1991), amended LR 17:1122 (November 1991), LR 20:796 (July 1994), LR 23:1168 (September 1997), LR 24:505 (March 1998), LR 26:97 (January 2000), LR 28:104 (January 2002), LR 29:373 (March 2003), LR 30:2339 (October 2004), repromulgated LR 30: (October 2004), LR 30:2495 (November 2004), amended LR 37:2440 (August 2011), LR 39:1833 (July 2013), LR 40:803 (April 2014), LR 40:1558 (August 2014), LR 44:347 (February 2018).

Jack Montoucet
Secretary

1802#009

Notices of Intent

NOTICE OF INTENT

Department of Health
Bureau of Health Services Financing

Medicaid Provider Screening Application Fee
(LAC 50:I.1501)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:I.1501 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

In compliance with the requirements of the Affordable Care Act and 42 CFR 455.460, the Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing the screening and enrollment of Medicaid providers in order to collect an application fee for any providers that have not already been screened by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services or another state Medicaid agency.

Title 50
PUBLIC HEALTH—GENERAL
Part I. Administration
Subpart 1. General Provisions
Chapter 15. Provider Screening and Enrollment
§1501. General Provisions

A. - F.4. ...

G. Provider Screening Application Fee

1. In compliance with the requirements of the Affordable Care Act and 42 CFR 455.460, the department shall collect an application fee for provider screening prior to executing provider agreements from prospective or re-enrolling providers other than:

a. individual physicians or non-physician practitioners; and

b. providers who:

i. are enrolled in title XVIII of the Social Security Act;

ii. are enrolled in another state's title XIX or XXI plan; or

iii. have paid the applicable application fee to a Medicare contractor or another state.

2. The department shall return the portion of all fees collected which exceed the cost of the screening to CMS.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Management and Finance, LR 39:1051 (April 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that the submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, but may result in minimal costs to the provider to provide the same level of service due to the one-time screening application fee. It is anticipated that this proposed Rule will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Jen Steele, Bureau of Health Services, Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to inquiries regarding the proposed Rule. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the hearing.

Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, March 29, 2018 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be offered an opportunity to submit data, views or arguments either orally or in writing.

Rebekah E. Gee MD, MPH
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Medicaid Provider Screening Application Fee

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 17-18. It is anticipated that

$432 ($216 SGF and $216 FED) will be expended in FY 17-18 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will increase federal revenue collections by approximately $216 for FY 17-18, $91,040 in FY 18-19 and $91,040 for FY 19-20. However, any excess revenue collections above the application screening costs must be returned to the Centers for Medicare and Medicaid services (CMS). It is anticipated that $216 will be collected in FY 17-18 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This proposed Rule, in compliance with the requirements of the Affordable Care Act and 42 CFR 455.460, amends the provisions governing the screening and enrollment of Medicaid providers in order to collect an application fee for any providers that have not already been screened by CMS or another state Medicaid agency. The proposed Rule may result in a one-time, minimal cost to some providers applying for Medicaid enrollment. It is anticipated that implementation of this proposed rule will have no programmatic costs or benefits to the Medicaid Program in FY 17-18, FY 18-19 and FY 19-20 since the application fee will cover the screening costs incurred by the department and any portion collected in excess of the actual cost of the screening will be returned to CMS.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Jen Steele	Evan Brasseaux
Medicaid Director	Staff Director
1802#034	Legislative Fiscal Office

NOTICE OF INTENT

Bureau of Health Services Financing and Office of Aging and Adult Services

Nursing Facilities
Admissions and Continued Stay Criteria
(LAC 50:II.Chapter 5)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services propose to amend LAC 50:II.Chapter 5 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services propose to amend the provisions governing nursing facilities in order to revise and clarify the documentation requirements for medical certification of initial admissions and continued stay processes to ensure that these provisions are promulgated in a clear and concise manner in the *Louisiana Administrative Code*.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part II. Nursing Facilities
Subpart 1. General Provisions
Chapter 5. Admissions
§501. Preadmission Screening

A. Preadmission screening shall be performed for all individuals seeking admission to a Medicare or Medicaid-certified nursing facility, regardless of the source of payment for the nursing facility services or the individual's known diagnoses. The purpose of the preadmission screening and resident review (PASRR) process is to identify applicants or residents who have a diagnosis of serious mental illness or mental retardation (hereafter referred to as intellectual/developmental disability) and to determine whether these individuals require nursing facility services and/or specialized services for their mental condition.

1. - 1.c.iii. ...

2. An individual is considered to have intellectual/developmental disability if the individual meets the criteria as described in the *American Association on Intellectual and Developmental Disabilities' Manual on Intellectual Disability: Definition, Classification, and Systems of Supports*, 11th edition, or its successor.

a. *Intellectual/Developmental Disability* (*I/DD*)—a disability that originates before the age of 18 and is characterized by significant limitations in both intellectual functioning (reasoning, learning, problem solving) and adaptive behavior, which covers a range of everyday social and practical skills.

b. ...

B. A Medicaid-certified nursing facility shall not admit a person with a diagnosis of a serious mental illness or intellectual/developmental disability without a preadmission screening.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 36:1010 (May 2010), amended by the Department of Health, Bureau of Health Services Financingand the Office of Aging and Adult Services, LR 44:

§503. Medical Certification

A. Evaluative data for medical certification (level of care determination) must be submitted to the Office of Aging and Adult Services (OAAS) or its designee for all initial admissions to and requests for continued stays in Medicare or Medicaid-certified nursing facilities, regardless of payer source.

1. Initial Admissions

a. Required Documents. The following documents are required for initial admission to a nursing facility. These documents must not be dated more than 30 days prior to the date of admission:

i. a level of care eligibility tool (LOCET) assessment;

ii. a preadmission screening and resident review (level I PASRR) form completed by a qualified health care professional as defined by OAAS. The level 1 PASRR form must be signed and dated on the date that it is completed. The level I PASRR form addresses the specific identifiers of

MI or I/DD that indicate that a more in-depth evaluation is needed to determine the need for specialized services. The need for this in-depth assessment does not necessarily mean that the individual cannot be admitted to a nursing facility, only that the need for other services must be determined prior to admission;

(a). if the information on the level I PASRR indicates that the individual may have a diagnosis of MI and/or I/DD, and the individual meets the criteria for nursing facility level of care, the individual shall be referred to the Office of Behavioral Health or the Office for Citizens with Developmental Disabilities (the state's mental health and intellectual disability level II authorities) for a level II screening to determine if the individual requires the level of services provided by a nursing facility and whether specialized services are needed. Medical certification is not guaranteed for an individual who has been referred for a level II screening. A Medicare or Medicaid-certified nursing facility shall not admit an individual identified for a level II screening until the screening has been completed and a decision is made by the level II authority;

(b). if there is no indication on the level I PASRR or in other records that the individual may have a diagnosis of MI and/or I/DD and he/she meets the criteria for nursing facility level of care, OAAS may approve the individual for admission to the nursing facility;

iii. for nursing facility admission under a specialized level of care, additional documentation that supports the need for specialized care as outlined in the policies and procedures issued by the department; and

iv. OAAS or its designee may require the submittal of additional documentation for an admission at the department's discretion.

b. Vendor Payment. Once approval has been obtained, the individual must be admitted to the facility within 30 days of the date of the approval notice. The nursing facility shall submit a completed BHSF Form 148, within the timelines established in the policies and procedures by the department, to the local Medicaid eligibility office and OAAS indicating the anticipated payment source for the nursing facility services. Medicaid vendor payment shall not begin prior to the date that medical and financial eligibility is established, and shall only begin once the individual is actually admitted to the facility.

NOTE: Repealed.

2. Continued Stay Requests

a. Required documents. The following documents are required in order for OAAS or its designee to determine the need for continued services in a nursing facility.

i. a continued stay request form as issued by OAAS or its designee;

ii. documentation to support the request for continued stay as provided for in policies and procedures issued by the department. An MDS 3.0 conducted no more than 14 calendar days prior to the request shall be required. A LOCET will not be accepted as sufficient evidence of medical need for an individual who has been discharged for a period of less than 14 calendar days unless:

(a). there is additional supporting documentation deemed sufficient by the department demonstrating a change in status; or

(b). the individual is seeking admission to a facility different than the facility from which they were discharged; and

iii. additional documentation as required by the level II authorities.

b. Vendor payment. Medicaid payment shall be made in accordance with the Notice of Medical Certification (BHSF Form 142) issued by OAAS or the level II authority.

A.3. - D. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 36:1011 (May 2010), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 43:1179 (June 2017), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:

§507. Exempted Hospital Discharges

A. - A.3. ...

B. If prior to admission, the individual does not meet the criteria for an exempted hospital discharge, then the individual will be referred to the appropriate level II authority for an assessment.

1. Repealed.

C. If after admission it becomes apparent that a longer stay is required, the nursing facility must refer the individual to the appropriate level II authority for assessment within 30 days of the admission date.

1. Approval for the admission will continue to the fortieth calendar day from the date of admission pending the level II determination.

D. Exempted hospital discharges are only applicable for persons with MI and/or IDD. This exempted discharge does not apply to any other program or for transfers between nursing facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 36:1012 (May 2010), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to inquiries regarding this proposed Rule.

Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, March 29, 2018 at 9:30 a.m. in Room 173, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Rebekah E. Gee MD, MPH
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Nursing Facilities Admissions and Continued Stay Criteria

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

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 17-18. It is anticipated that $1,080 ($540 SGF and $540 FED) will be expended in FY 17-18 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed Rule will not affect revenue collections other than the federal share of the promulgation costs for FY 17-18. It is anticipated that $540 will be collected in FY 17-18 for the federal share of the expense for promulgation of this proposed rule and the final rule.

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

This proposed Rule amends the provisions governing nursing facilities in order to revise and clarify the documentation requirements for medical certification of initial admissions and continued stay processes to ensure that these provisions are promulgated in a clear and concise manner in the Louisiana Administrative Code. The proposed rule will benefit nursing facility providers by clearly identifying the specific documentation required for each process. It is anticipated that implementation of this proposed rule will not have economic costs to nursing facilities for FY 17-18, FY 18-19 and FY 19-20, since Medicaid payments for nursing facility services will remain at the current level.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Jen Steele
Medicaid Director
1802#035

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health
Bureau of Health Services Financing

Professional Services Program
Reimbursement Methodology
Supplemental Payments
(LAC 50:IX.15151 and 15153)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:IX.15151 and §15153 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing the Professional Services Program to revise the reimbursement methodology for supplemental payments to physicians and other professional service practitioners in order to align these provisions with the corresponding State Plan amendment approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services and to ensure that they are promulgated in a clear and concise manner in the *Louisiana Administrative Code*.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part IX. Professional Services Program
Subpart 15. Reimbursement
Chapter 151. Reimbursement Methodology
Subchapter F. Supplemental Payments
§15151. State-Owned or Operated Professional Services Practices

A. Qualifying Criteria. Effective for dates of service on or after February 21, 2017, in order to qualify to receive supplemental payments, physicians and other eligible professional service practitioners must be:

1. - 2. ...

3. employed by, or under contract to provide services in affiliation with, a state-owned or operated entity, such as a state-operated hospital or other state entity, including a state academic health system, which:

a. has been designated by the department as an essential provider. Essential providers include:

a.i. - b. ...

B. Qualifying Provider Types. For purposes of qualifying for supplemental payments under this Section, services provided by the following professional practitioners will be included:

1. - 3. ...

4. certified nurse anesthetists; and
5. dentists.
6. - 21. Repealed.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:544 (March 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1390 (July 2017), LR 44:

§15153. Non-State-Owned or Operated Professional Services Practices

A. Qualifying Criteria. Effective for dates of service on or after February 21, 2017, in order to qualify to receive supplemental payments, physicians and other eligible professional service practitioners must be:

1. - 2. ...

3. employed by, or under contract to provide services at a non-state owned or operated governmental entity and identified by the non-state owned or operated governmental entity as a physician that is employed by, or under contract to provide services at or in affiliation with said entity.

B. Qualifying Provider Types. For purposes of qualifying for supplemental payments under this Section, services provided by the following professional practitioners will be included:

1. - 2. ...
3. certified registered nurse practitioners; and
4. certified nurse anesthetists.
5. - 21. Repealed.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:544 (March 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1390 (July 2017), LR 44:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821—9030 or by email to MedicaidPolicy@la.gov. Ms. Steele is responsible for responding to inquiries regarding this proposed Rule.

Public Hearing

A public hearing on this proposed Rule is scheduled for Thursday, March 29, 2018 at 9:30 a.m. in Room 173, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Rebekah E. Gee MD, MPH
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Professional Services Program Reimbursement Methodology—Supplemental Payments

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

It is anticipated that implementation of this proposed rule will result in estimated state programmatic costs of approximately $5,869 for FY 17-18, $4,975 for FY 18-19 and $4,530 for FY 19-20. However, the state match shall be funded through an intergovernmental transfer of funds from the qualifying professional services providers with the exception of $323 for FY 17-18. It is anticipated that $540 ($270 SGF and $270 FED) will be expended in FY 17-18 for the state's administrative expense for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 63.34 percent in FY 17-18, and 64.23 in FY 18-19 and FY 19-20.

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

It is anticipated that the implementation of this proposed rule will increase federal revenue collections by approximately $9,944 for FY 17-18, $8,933 for FY 18-19 and $8,135 for FY 19-20. It is anticipated that $270 will be expended in FY 17-18 for the federal administrative expenses for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 63.34 percent in FY 17-18, and 64.23 in FY 18-19 and FY 19-20.

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

This proposed Rule amends the provisions governing the Professional Services Program to revise the reimbursement methodology for supplemental payments to physicians and other professional service practitioners in order to align these provisions with the corresponding State Plan amendment approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) and to ensure that they are promulgated in a clear and concise

manner in the Louisiana Administrative Code. This proposed Rule may impact providers since it revises the payments to professional practitioners that qualify for these supplemental payments to align with the CMS-approved qualifying provider types. It is anticipated that implementation of this proposed rule will have economic benefits to professional services providers and will increase programmatic expenditures for reimbursement for professional services by approximately $15,273 in FY 17-18, $13,908 for FY 18-19 and $12,665 FY 19-20.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this proposed rule will not have an effect on competition. However, the increase in payments may have a positive impact the financial standing of providers and could possibly cause an increase in employment opportunities.

Jen Steele	Evan Brasseaux
Medicaid Director	Staff Director
1802#037	Legislative Fiscal Office

NOTICE OF INTENT

Department of Natural Resources
Office of Conservation

Pipeline Safety
(LAC 43:XIII.Chapters 1-85 and V.301-305)

The Department of Natural Resources, Office of Conservation proposes to amend LAC 43:XIII and LAC 33 Part V Subpart 3 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana. The proposed rule changes are required as a part of the Department of Natural Resources certification agreement with the US Department of Transportation and are intended to adopt existing federal regulations as state regulations.

Title 43
NATURAL RESOURCES
Part XIII. Office of Conservation—Pipeline Safety
Subpart 1. General Provisions
Chapter 1. General
§105. Incorporation by Reference

A. …

B. To the extent consistent with this regulation, all persons shall be governed by the provisions of Parts 191, 192, 193, 199 and 40 of Part 49 of the *Code of Federal Regulations*, sometimes hereinafter referred to as the *Federal Code*, including all standards or specifications referenced therein, insofar as same are applicable and in effect on the date of this regulation, and by any deletions, additions, revisions, or amendments thereof, made after said date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:217 (April 1983), amended LR 10:509 (July 1984), LR 24:1306 (July 1998), LR 30:1219 (June 2004), LR 44:

Subpart 2. Transportation of Natural Gas and Other Gas by Pipeline [49 CFR Part 191]
Chapter 3. Annual Reports, Incident Reports and Safety Related Condition Reports [49 CFR Part 191]
§303. Definitions [49 CFR 191.3]

As used in Part XIII and in the PHMSA Forms referenced in this Part [49 CFR 191.3]:

* * *

Confirmed Discovery—means when it can be reasonably determined, based on information available to the operator at the time a reportable event has occurred, even if only based on a preliminary evaluation.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 11:255 (March 1985), amended LR 18:854 (August 1992), LR 20:442 (April 1994), LR 27:1536 (September 2001), LR 30:1221 (June 2004), LR 33:473 (March 2007), LR 38:110 (January 2012), LR 44:

§305. Telephonic Notice of Certain Incidents [49 CFR 191.5]

A. At the earliest practicable moment, within one hour after confirmed discovery, each operator shall give notice in accordance with Subsection B of this Section of each incident as defined in §303. [49 CFR191.5(a)]

B. Each notice required by Subsection A of this Section must be made to the National Response Center either by telephone to (800) 424- 8802 (in Washington, DC, 202 267-2675) or electronically at http:// www.nrc.uscg.mil and by telephone to the State of Louisiana to (225) 342-5505 or and must include the following information: [49 CFR 191.5(b)]

1. - 5. …

C. Within 48 hours after the confirmed discovery of an incident, to the extent practicable, an operator must revise or confirm its initial telephonic notice required in Subsection B of this Section with an estimate of the amount of product released, an estimate of the number of fatalities and injuries, and all other significant facts that are known by the operator that are relevant to the cause of the incident or extent of the damages. If there are no changes or revisions to the initial report, the operator must confirm the estimates in its initial report. [49 CFR191.5(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:218 (April 1983), amended LR 10:510 (July 1984), LR 11:255 (March 1985), LR 20:442 (April 1994), LR 30:1221 (June 2004), LR 38:110 (January 2012), LR 44:

§307. Report Submission Requirements [49 CFR 191.7]

A. General. Except as provided in Subsection B and Subsection E of this Section, an operator must submit each report required by this part electronically to the Pipeline and Hazardous Materials Safety Administration at http://portal.phmsa.dot.gov/pipeline unless an alternative

reporting method is authorized in accordance with Subsection D of this Section. [49 CFR 191.7(a)]

1. - 1.a. …

B. Exceptions. An operator is not required to submit a safety-related condition report (§325) electronically. [49 CFR 191.7(b)]

C. - D. …

E. National Pipeline Mapping System (NPMS). An operator must provide the NPMS data to the address identified in the NPMS operator standards manual available at www.npms.phmsa.dot.gov or by contacting the PHMSA geographic information systems manager at (202) 366-4595. [49 CFR 191.7(e)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:219 (April 1983), amended LR 10:510 (July 1984), LR 11:255 (March 1985), LR 20:442 (April 1994), LR 27:1536 (September 2001), LR 30:1221 (June 2004), LR 31:679 (March 2005), LR 33:473 (March 2007), LR 35:2800 (December 2009), LR 38:110 (January 2012), LR 44:

§322. National Registry of Pipeline and LNG Operators [49 CFR 191.22]

A. - C.1.a. …

b. construction of 10 or more miles of a new pipeline or replacement pipeline; or [49 CFR 191.22(c)(1)(ii)]

c. …

d. Reserved

e. Reversal of product flow direction when the reversal is expected to last more than 30 days. This notification is not required for pipeline systems already designed for bi-directional flow; or [49 CFR 191.22(c)(1)(v)]

f. A pipeline converted for service under § 514 of this chapter, or a change in commodity as reported on the annual report as required by § 317. [49 CFR 191.22(c)(1)(vi)]

C.2. - D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 38:112 (January 2012), amended LR 44:

§325. Filing Safety-Related Condition Reports [49 CFR 191.25]

A. Each report of a safety-related condition under §323.A must be filed concurrently (received by the commissioner and associate administrator, OPS) in writing within five working days (not including Saturday, Sunday, or federal holidays) after the day a representative of the operator first determines that the condition exists, but not later than 10 working days after the day a representative of the operator discovers the condition. Separate conditions may be described in a single report if they are closely related. Reports shall be mailed to the Commissioner of Conservation, Office of Conservation, PO Box 94275, Baton Rouge, LA 70804-9275 or may be transmitted by electronic mail to PipelineInspectors@la.gov and concurrently to the Office of Pipeline Safety Administration, U.S. Department of Transportation at InformationResourcesManager @dot.gov or by facsimile at (202) 366-7128. [49 CFR 192.125(a)]

B. - B.8. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 30:1223 (June 2004), amended LR 35:2800 (December 2009), LR 44:

§329. National Pipeline Mapping System [49 CFR 191.29]

A. Each operator of a gas transmission pipeline or liquefied natural gas facility must provide the following geospatial data to PHMSA for that pipeline or facility:

1. Geospatial data, attributes, metadata and transmittal letter appropriate for use in the National Pipeline Mapping System. Acceptable formats and additional information are specified in the NPMS Operator Standards Manual available at www.npms.phmsa.dot.gov or by contacting the PHMSA Geographic Information Systems Manager at (202) 366-4595. [49 CFR 191.29(a)(1)]

2. The name of and address for the operator. [49 CFR 191.29(a)(2)]

3. The name and contact information of a pipeline company employee, to be displayed on a public website, who will serve as a contact for questions from the general public about the operator's NPMS data. [49 CFR 191.29(a)(3)]

B. The information required in Subsection A of this Section must be submitted each year, on or before March 15, representing assets as of December 31 of the previous year. If no changes have occurred since the previous year's submission, the operator must comply with the guidance provided in the NPMS Operator Standards manual available at www.npms.phmsa.dot.gov or contact the PHMSA Geographic Information Systems Manager at (202) 366-4595. [49 CFR 191.29(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

Subpart 3. Transportation of Natural Gas or Other Gas by Pipeline: Minimum Safety Standards [49 CFR Part 192]

Chapter 5. General [49 CFR Part 192 Subpart A]

§503. Definitions [49 CFR 192.3]

A. As used in this Part:

* * *

Welder—a person who performs manual or semi-automatic welding.

Welding Operator—a person who operates machine or automatic welding equipment.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 30:1224 (June 2004), amended LR 31:679 (March 2005), LR 33:474 (March 2007), LR 35:2800 (December 2009), LR 38:112 (January 2012), LR 44:

§507. What Documents are Incorporated by Reference Partly or Wholly in this Part? [49 CFR 192.7]

A. This part prescribes standards, or portions thereof, incorporated by reference into this part with the approval of the Director of the Federal Register in 5 U.S.C. 552(a) and 1 CFR part 51. The materials listed in this section have the full

force of law. To enforce any edition other than that specified in this section, PHMSA must publish a notice of change in the FEDERAL REGISTER.

1. Availability of standards incorporated by reference. All of the materials incorporated by reference are available for inspection from several sources, including the following:

a. The Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. For more information contact 202-366-4046 or go to the PHMSA Web site at: http://www.phmsa.dot.gov/pipeline/regs.

b. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to the NARA Web site at: http://www.archives.gov /federal_register/code_of_federal_regulations/ibr_locations. html.

c. Copies of standards incorporated by reference in this part can also be purchased or are otherwise made available from the respective standards-developing organization at the addresses provided in the centralized IBR section below.

2. Reserved.

Source and Name of Referenced Material	Approved for Title 43 Reference
B. American Petroleum Institute (API), 1220 L Street NW., Washington, DC 20005, phone: 202-682-8000, http://api.org/.	
1. API Recommended Practice 5L1, "Recommended Practice for Railroad Transportation of Line Pipe," 7th edition, September 2009, (API RP 5L1).	§715.A
2. API Recommended Practice 5LT, "Recommended Practice for Truck Transportation of Line Pipe," First edition, March 2012, (API RP 5LT).	§715.C
3. API Recommended Practice 5LW, "Recommended Practice for Transportation of Line Pipe on Barges and Marine Vessels," 3rd edition, September 2009, (API RP 5LW).	§715.B
4. API Recommended Practice 80, "Guidelines for the Definition of Onshore Gas Gathering Lines," 1st edition, April 2000, (API RP 80).	§508.A
5. API Recommended Practice 1162, "Public Awareness Programs for Pipeline Operators," 1st edition, December 2003, (API RP 1162).	§§2716.A; 2716.B; 2716.C
6. API Recommended Practice 1165, "Recommended Practice for Pipeline SCADA Displays," First edition, January 2007, (API RP 1165).	§2731. C
7. API Specification 5L, "Specification for Line Pipe," 45th edition, effective July 1, 2013, (API Spec 5L).	§§705.E ; 912.A-E; 913; Item I of 5103
8. ANSI/API Specification 6D, "Specification for Pipeline Valves,"23rd edition, effective October 1, 2008, including Errata 1 (June 2008), Errata2 (/November 2008), Errata 3 (February 2009), Errata 4 (April 2010), Errata 5 (November 2010), Errata 6 (August 2011) Addendum 1 (October 2009), Addendum 2 (August 2011), and Addendum 3 (October 2012), (ANSI/API Spec 6D).	§1105.A
9. API Standard 1104, "Welding of Pipelines and Related Facilities," 20th edition, October 2005, including errata/addendum (July 2007) and errata 2 (2008), (API Std 1104).	§§1305.A; 1307.A; 1309.C; 1321.C;Item II, 5103.
C. ASME International (ASME), Three Park Avenue, New York, NY 10016, 800-843-2763 (U.S./Canada), http://www.asme.org/.	
1. ASME/ANSI B16.1-2005, "Gray Iron Pipe Flanges and Flanged Fittings: (Classes 25, 125, and 250)," August 31, 2006, (ASME/ANSI B16.1).	§1107.C
2. ASME/ANSI B16.5-2003, "Pipe Flanges and Flanged Fittings, "October 2004, (ASME/ANSI B16.5).	§§ 1107.A; 1509
3. ASME/ANSI B31G-1991 (Reaffirmed 2004), "Manual for Determining the Remaining Strength of Corroded Pipelines," 2004, (ASME/ANSI B31G	§§ 2137.C; 3333.A
4. ASME/ANSI B31.8-2007, "Gas Transmission and Distribution Piping Systems," November 30, 2007, (ASME/ANSI B31.8).	§§ 912.B; 2719.A
5. ASME/ANSI B31.8S-2004, "Supplement to B31.8 on Managing System Integrity of Gas Pipelines," 2004, (ASME/ANSI B31.8S-2004).	§§ 3303; 3307.A; 3307.B; 3311.A; 3311.A.9; 3311.A.11; 3311.A.12; 3311.A.13; 3313.A; 3313.B; 3313.C; 3317.A; 3317.B; 3317.C; 3317.D; 3317.E; 3321.A; 3323.B; 3325.B; 3327.B; 3327.C; 3329.B; 3333.C; 3335.A; 3335.B; 3337.C; 3339.A; 3345.A
6. ASME Boiler & Pressure Vessel Code, Section I, "Rules for Construction of Power Boilers 2007," 2007 edition, July 1, 2007, (ASME BPVC, Section I).	§ 1113.A
7. ASME Boiler & Pressure Vessel Code, Section VIII, Division 1 "Rules for Construction of Pressure Vessels," 2007 edition, July 1, 2007, (ASME BPVC, Section VIII, Division 1).	§§ 1113.A; 1113.B; 1113.D; 1125.B.3
8. ASME Boiler & Pressure Vessel Code, Section VIII, Division 2 "Alternate Rules, Rules for Construction of Pressure Vessels," 2007 edition, July 1, 2007, (ASME BPVC, Section VIII, Division 2).	§§1113.B; 1125.B.3
9. ASME Boiler & Pressure Vessel Code, Section IX: "Qualification Standard for Welding and Brazing Procedures, Welders, Brazers, and Welding and Brazing Operators," 2007 edition, July 1, 2007, ASME BPVC, Section IX.	§§ 1307.A; 1307.A; 5103 Item II
D. American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428, phone: (610) 832-9585, Web site: http://www.astm.org/.	
1. ASTM Designation: A 53/A53M-07"Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc Coated, Welded and Seamless" (September 1, 2007)	§§913; 5103 Item I
2. ASTM Designation: A106/A106M-08"Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service" (July 15, 2008)	§§913; 5103 Item I
3. ASTM A333/A333M-05 (2005) "Standard Specification for Seamless and Welded Steel Pipe for Low- Temperature Service"	§§913; 5103 Item I
4. ASTM A372/A372M-03 (reapproved 2008),"Standard Specification for Carbon and Alloy Steel Forgings for Thin-Walled Pressure Vessels" (March 1, 2008)	§1137.B
5. ASTM A381-96 (Reapproved 2005) "Standard Specification for Metal-Arc-Welded Steel Pipe for Use With High-Pressure Transmission Systems" (October 1, 2005).	§§ 913; 5103 Item I
6. ASTM A 578/A578M-96 (Re- approved 2001) ``Standard Specification for Straight-Beam Ultrasonic Examination of Plain and Clad Steel Plates for Special Applications"	§ 912.C

Source and Name of Referenced Material	Approved for Title 43 Reference
7. ASTM A671-06 "Standard Specification for Electric-Fusion-Welded Steel Pipe for Atmospheric and Lower Temperatures" (May 1, 2006)	§§ 913; 5103 Item I
8. ASTM A672-08 "Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures" (May 1, 2008)	§§ 913; 5103 Item I
9. ASTM A691-98 (Reapproved 2007)"Standard Specification for Carbon and Alloy Steel Pipe, Electric-Fusion-Welded for High- Pressure Service at High Temperatures" (November 1, 2007)	§§ 913; 5103 Item I
10. ASTM D638-03 "Standard Test Method for Tensile Properties of Plastics"	§§ 1513.A; 1513.B
11. ASTM D2513-87 "Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing, and Fittings"	§ 713.A
12. ASTM D2513-99 "Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing, and Fittings	§§ 1151.B; 1511.B; 1513.A; 5103 Item I
13. ASTM D 2517-00 "Standard Specification for Reinforced Epoxy Resin Gas Pressure Pipe and Fittings"	§§ 923.E; 1151.B; 1513.A; 5103 Item I
14. ASTM F1055-1998 "Standard Specification for Electrofusion Type Polyethylene Fittings for Outside Diameter Controller Polyethylene Pipe and Tubing"	§§ 1151.A; 1511.D; 1513.A; 5103 Item
15. ASTM D2517-00, "Standard Specification for Reinforced Epoxy Resin Gas Pressure Pipe and Fittings," (ASTM D 2517).	§ 1513.A
E. Gas Technology Institute (GTI), formerly the Gas Research Institute (GRI)), 1700 S. Mount Prospect Road, Des Plaines, IL 60018, phone: 847-768-0500, Web site: www.gastechnology.org.	
1. GRI 02/0057 (2002) "Internal Corrosion Direct Assessment of Gas Transmission Pipelines Methodology"	§ 3327.C
2. [Reserved]	
F. Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS), 127 Park St. NE., Vienna, VA 22180, phone: 703-281-6613, Web site: http://www.mss-hq.org/.	
1. MSS SP-44-2010, Standard Practice, "Steel Pipeline Flanges," 2010 edition, (including Errata (May 20, 2011)), (MSS SP-44), IBR approved for §192.147(a).	§ 1107.A
(2. [Reserved]	
G. NACE International (NACE), 1440 South Creek Drive, Houston, TX 77084: phone: 281-228-6223 or 800-797-6223, Web site: http://www.nace.org/Publications/.	
1. ANSI/NACE SP0502-2010, Standard Practice, "Pipeline External Corrosion Direct Assessment Methodology," revised June 24, 2010, (NACE SP0502), IBR approved for §§192.923(b); 192.925(b); 192.931(d); 192.935(b) and 192.939(a).	§§ 3323.B; 3325.B; 3331.D; 3335.B; 3339.A
(2. [Reserved]	
H. National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, Massachusetts 02169, phone: 1 617 984-7275, Web site: http://www.nfpa.org/.	
1. NFPA-30 (2012), "Flammable and Combustible Liquids Code," 2012 edition, June 20, 2011, including Errata 30-12-1 (September 27, 2011) and Errata 30-12-2 (November 14, 2011), (NFPA-30).	§2935.B
2. NFPA-58 (2004), "Liquefied Petroleum Gas Code (LP-Gas Code)," (NFPA-58).	§§ 511.A; 511.B; 511.C
3. NFPA-59 (2004), "Utility LP-Gas Plant Code," (NFPA-59).	§§ 511.A; 511.B; 511.C
4. NFPA-70 (2011), "National Electrical Code," 2011 edition, issued August 5, 2010, (NFPA-70).	§§ 1123.E; 1149.C

Source and Name of Referenced Material	Approved for Title 43 Reference
I. Pipeline Research Council International, Inc. (PRCI), c/o Technical Toolboxes, 3801 Kirby Drive, Suite 520, P.O. Box 980550, Houston, TX 77098, phone: 713-630-0505, toll free: 866-866-6766, Web site: http://www.ttoolboxes.com/. (Contract number PR-3-805.)	
1. AGA, Pipeline Research Committee Project, PR-3-805, "A Modified Criterion for Evaluating the Remaining Strength of Corroded Pipe," (December 22, 1989), (PRCI PR-3-805 (R-STRENG)).	§§ 2137.C; 3333.A; 3333.D
2. [Reserved]	
J. Plastics Pipe Institute, Inc. (PPI), 105 Decker Court, Suite 825 Irving TX 75062, phone: 469-499-1044, http://www.plasticpipe.org/.	
1. PPI TR-3/2008 HDB/HDS/PDB/SDB/MRS Policies (2008), "Policies and Procedures for Developing Hydrostatic Design Basis (HDB), Pressure Design Basis (PDB), Strength Design Basis (SDB), and Minimum Required Strength (MRS) Ratings for Thermoplastic Piping Materials or Pipe, " May 2008, IBR approved for §192.121.	§ 921

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 30:1226 (June 2004), amended LR 31:680 (March 2005), LR 33:474 (March 2007), LR 35:2801 (December 2009), LR 38:113 (January 2012), LR 44:

§509. What Requirements Apply to Gathering Lines? [49 CFR 192.9]

A. - D.6. …

7. conduct leakage surveys in accordance with §2906 using leak detection equipment and promptly repair hazardous leaks that are discovered in accordance with §2903(c). [49 CFR 192.9(d)(7)]

E. - E.3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:220 (April 1983), amended LR 10:511 (July 1984), LR 20:443 (April 1994), LR 21:821 (August 1995), LR 24:1307 (July 1998), LR 30:1227 (June 2004), LR 31:681 (March 2005), LR 33:477 (March 2007), LR 44:

§511. Petroleum Gas Systems [49 CFR 192.11]

A. Each plant that supplies petroleum gas by pipeline to a natural gas distribution system must meet the requirements of this Subpart and NFPA 58 and NFPA 59 (incorporated by reference, see §507). [49 CFR 192.11(a)]

B. Each pipeline system subject to this Subpart that transports only petroleum gas or petroleum gas/air mixtures must meet the requirements of this Subpart and of NFPA 58 and 59 (incorporated by reference, see §507). [49 CFR 192.11(b)]

C. In the event of a conflict between this Subpart and NFPA 58 and 59, NFPA 58 and NFPA 59 prevail. [49 CFR 192.11(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 9:220 (April 1983), amended LR 10:511 (July 1984), LR 20:443 (April 1994), LR 24:1307 (July 1998), LR 30:1227 (June 2004), LR 44:

§514. Conversion to Service Subject to this Part [49 CFR 192.14]

A. - B. …

C. An operator converting a pipeline from service not previously covered by this part must notify PHMSA 60 days before the conversion occurs as required by §322 of this Chapter. [49 CFR 192.14(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:220 (April 1983), amended LR 10:512 (July 1984), LR 30:1227 (June 2004), LR 44:

Chapter 7. Materials [49 CFR Part 192 Subpart B]

§705. Steel Pipe [49 CFR 192.55]

A. - D. …

E. New steel pipe that has been cold expanded must comply with the mandatory provisions of API Spec 5L. [49 CFR 192.55(e)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:220 (April 1983), amended LR 10:512 (July 1984), LR 27:1537 (September 2001), LR 30:1228 (June 2004), LR 44:

§709. Plastic Pipe [49 CFR 192.59]

A.- C.2. …

D. Rework and/or regrind material is not allowed in plastic pipe produced after March 6, 2015 used under this part. [49 CFR 192.59(d)]

E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:221 (April 1983), amended LR 10:512 (July 1984), LR 30:1229 (June 2004), LR 44:

§713. Marking of Materials [49 CFR 192.63]

A. …

1. as prescribed in the specification or standard to which it was manufactured, except that thermoplastic pipe and fittings made of plastic materials other than polyethylene must be marked in accordance with ASTM D 2513-87 (incorporated by reference, see §507); [49 CFR 192.63(a)(1)]

A.2 - D.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:221 (April 1983), amended LR 10:512 (July 1984), LR 18:854 (August 1992), LR 20:443 (April 1994), LR 24:1308 (July 1998), LR 30:1229 (June 2004), LR 38:114 (January 2012), LR 44:

§715. Transportation of Pipe [49 CFR 192.65]

A. Railroad. In a pipeline to be operated at a hoop stress of 20 percent or more of SMYS, an operator may not use pipe having an outer diameter to wall thickness ratio of 70 to 1, or more, that is transported by railroad unless the transportation is performed by API RP 5L1 (incorporated by reference, see §507) [49 CFR 192.65(a)]

B. Ship or Barge. In a pipeline to be operated at a hoop stress of 20 percent or more of SMYS, an operator may not use pipe having an outer diameter to wall thickness ratio of 70 to 1, or more, that is transported by ship or barge on both inland and marine waterways unless the transportation is performed in accordance with API RP 5LW (incorporated by reference, see §507). [49 CFR 192.65(b)]

C. Truck. In a pipeline to be operated at a hoop stress of 20 percent or more SMYS, an operator may not use pipe having an outer diameter to wall thickness ratio of 70 to 1, or more, that is transported by truck unless the transportation is performed in accordance with API RP 5LT (incorporated by reference, see §507). [49 CFR 192.7].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:221 (April 1983), amended LR 10:513 (July 1984), LR 20:444 (April 1994), LR 30:1229 (June 2004), LR 38:114 (January 2012), LR 44:

Chapter 9. Pipe Design [49 CFR Part 192 Subpart C]

§912. Additional Design Requirements for Steel Pipe Using Alternative Maximum Allowable Operating Pressure [49 CFR 192.112]

A. - A.1.a.iii. …

iv. The pipe must be manufactured using API Spec 5L, product specification level 2 (incorporated by reference, see §507) for maximum operating pressures and minimum and maximum operating temperatures and other requirements under this Section. [49 CFR 192.112(a)(4)]

b. - b.i. …

(a). API Spec 5L (incorporated by reference, see §507); or [49 CFR 192.112(b)(1)(i)]

(b). …

(c). Any correction factors needed to address pipe grades, pressures, temperatures, or gas compositions not expressly addressed in API Spec 5L, product specification level 2 or ASME B31.8 (incorporated by reference, see §507). [49 CFR 192.112(b)(1)(iii)]

ii. - ii.c. …

(d). Include fracture toughness testing that is equivalent to that described in supplementary requirements SR5A, SR5B, and SR6 of API Spec 5L (incorporated by reference, see §507) and ensures ductile fracture and arrest with the following exceptions: [49 CFR 192.112(b)(2)(iv)]

b.ii.(d).(i). - c.ii. …

(a). An ultrasonic test of the ends and at least 35 percent of the surface of the plate/coil or pipe to identify imperfections that impair serviceability such as laminations, cracks, and inclusions. At least 95 percent of the lengths of pipe manufactured must be tested. For all pipelines designed after December 22, 2008, the test must be done in accordance with ASTM A578/A578M Level B, or API Spec 5L paragraph 7.8.10 (incorporated by reference, see §507) or equivalent method, and either [49 CFR 192.112(c)(2)(i)]

c.ii.(b). - d. …

i. There must be a quality assurance program for pipe seam welds to assure tensile strength provided in API Spec 5L (incorporated by reference, see §507) for appropriate grades. [49 CFR 192.112(d)(1)]

d.ii. - e. …

i. All pipe to be used in a new pipeline segment installed after October 1, 2015, must be hydrostatically tested at the mill at a test pressure corresponding to a hoop stress of 95 percent SMYS for 10 seconds (incorporated by reference, see §507). [49 CFR 192.112(e)(1)]

ii. …

iii. Pipe in operation on or after December 22, 2008, but before October 1, 2015, must have been hydrostatically tested at the mill at a test pressure corresponding to a hoop stress of 95 percent SMYS for 10 seconds. The test pressure may include a combination of internal test pressure and the allowance for end loading stresses imposed by the pipe mill hydrostatic testing equipment as allowed by "ANSI/API Spec 5L" (incorporated by reference, see §507). [49 CFR 192.112(e)(3)]

f. - h.iii. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 35:2802 (December 2009), amended LR 38:115 (January 2012), LR 44:

§913. Longitudinal Joint Factor (E) for Steel Pipe [49 CFR 192.113]

A. The longitudinal joint factor to be used in the design formula in §905 is determined in accordance with the following table.

Specification	Pipe Class	Longitudinal Joint Factor (E)
ASTM A 53/A53M	Seamless	1.00
	Electric resistance welded	1.00
	Furnace butt welded	.60
ASTM A 106	Seamless	1.00
ASTM A 333/A 333M	Seamless	1.00
	Electric resistance welded	1.00
ASTM A 381	Double submerged arc welded	1.00
ASTM A 671	Electric fusion welded	1.00
ASTM A 672	Electric fusion welded	1.00
ASTM A 691	Electric fusion welded	1.00
API Spec 5L	Seamless	1.00
	Electric resistance welded	1.00
	Electric flash welded	1.00
	Submerged arc welded	1.00
	Furnace butt welded	.60
Other	Pipe over 4 inches (102 millimeters)	.80
Other	Pipe 4 inches (102 millimeters) or less	.60

B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:222 (April 1983), amended LR 10:514 (July 1984), LR 18:855 (August 1992), LR 20:444 (April 1994), LR 27:1538 (September 2001), LR 30:1231 (June 2004), LR 31:681 (March 2005), LR 44:

§923. Design Limitations for Plastic Pipe [49 CFR 192.123]

A. - E.1. …

2. the material is a polyethylene (PE) pipe as specified within ASTM D2513-09a (incorporated by reference, see §507); [49 CFR 192.123(e)(2)]

E.3. - F.3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:222 (April 1983), amended LR 10:515 (July 1984), LR 24:1308 (July 1998), LR 27:1538 (September 2001), LR 30:1231 (June 2004), LR 31:682 (March 2005), LR 33:478 (March 2007), LR 35:2804 (December 2009), LR 38:115 (January 2012), repromulgated LR 38:828 (March 2012), LR 44:

Chapter 11. Design of Pipeline Components [49 CFR Part 192 Subpart D]

§1105. Valves [49 CFR 192.145]

A. Except for cast iron and plastic valves, each valve must meet the minimum requirements of ANSI/API Spec 6D (incorporated by reference, see §507), or to a national or international standard that provides an equivalent performance level. A valve may not be used under operating conditions that exceed the applicable pressure-temperature ratings contained in those requirements [49 CFR 192.145(a)].

B. - E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:223 (April 1983), amended LR 10:515 (July 1984), LR 18:855 (August 1992), LR 27:1539 (September 2001), LR 30:1232 (June 2004), LR 31:682 (March 2005), LR 33:479 (March 2007), LR 38:115 (January 2012), LR 44:

§1107. Flanges and Flange Accessories [49 CFR 192.147]

A. Each flange or flange accessory (other than cast iron) must meet the minimum requirements of ASME/ANSI B16.5 and MSS SP 44. (incorporated by reference, see §507). [49 CFR 192.147(a)]

B. …

C. Each flange on a flanged joint in cast iron pipe must conform in dimensions, drilling, face and gasket design to ASME/ANSI B16.1 (incorporated by reference, see §507) and be cast integrally with the pipe, valve, or fitting. [49 CFR 192.147(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:223 (April 1983), amended LR 10:515 (July 1984), LR 18:856 (August 1992), LR 20:444 (April 1994), LR 30:1233 (June 2004), LR 44:

§1113. Components Fabricated by Welding [49 CFR 192.153]

A. Except for branch connections and assemblies of standard pipe and fittings joined by circumferential welds, the design pressure of each component fabricated by welding, whose strength cannot be determined, must be established in accordance with Paragraph UG-101 of the ASME Boiler and Pressure Vessel Code (BPVC) (Section VIII, Division 1) (incorporated by reference, see §507). [49 CFR 192.153(a)]

B. Each prefabricated unit that uses plate and longitudinal seams must be designed, constructed, and tested in accordance with section 1 of the ASME BPVC (Section VIII, Division 1 or Section VIII, Division 2) (incorporated by reference, see §507), except for the following: [49 CFR 192.153(b)]

B.1. - C. …

D. Except for flat closures designed in accordance with the ASME BPVC (Section VIII, Division 1 or 2), flat closures and fish tails may not be used on pipe that either operates at 100 psi (689 kPa) gage, or more, or is more than 3 inches (76 millimeters) nominal diameter. [49 CFR 192.153(d)]

E. A component having a design pressure established in accordance with subsection A or Subsection B of this Section and subject to the strength testing requirements of §2305.B must be tested to at least 1.5 times the MAOP. [49 CFR 192.153(e)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:223 (April 1983), amended LR 10:516 (July 1984), LR 20:444 (April 1994), LR 27:1539 (September 2001), LR 30:1234 (June 2004), LR 44:

§1123. Compressor Stations: Design and Construction [49 CFR 192.163]

A. - D. …

E. Electrical Facilities. Electrical equipment and wiring installed in compressor stations must conform to the NFPA-70, so far as that code is applicable. [49 CFR 192.163(e)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:224 (April 1983), amended LR 10:516 (July 1984), LR 20:445 (April 1994), LR 27:1539 (September 2001), LR 30:1235 (June 2004), LR 44:

§1125. Compressor Stations: Liquid Removal [49 CFR 192.165]

A. - B.2. …

3. be manufactured in accordance with Section VIII of the ASME Boiler and Pressure Vessel Code (BPVC) (incorporated by reference, see §507) and the additional requirements of §1113.E except that liquid separators constructed of pipe and fittings without internal welding must be fabricated with a design factor of 0.4, or less. [49 CFR 192.165(b)(3)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:224 (April 1983), amended LR 10:516 (July 1984), LR 30:1235 (June 2004), LR 44:

§1135. Pipe-Type and Bottle-Type Holders [49 CFR 192.175]

A. …

B. Each pipe-type or bottle-type holder must have minimum clearance from other holders in accordance with the following formula. [49 CFR 192.175(b)]

C = (3D x P x F)/(1000) in inches; (C=(3D x P x F/6,895) in millimeters in which:

C = minimum clearance between pipe containers or bottles in inches (millimeters);
D = outside diameter of pipe containers or bottles in inches (millimeters);
P = maximum allowable operating pressure, psi(kPa) gage;
F = design factor as set forth in §911 of this Subpart.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:225 (April 1983), amended LR 10:517 (July 1984), LR 27:1540 (September 2001), LR 30:1236 (June 2004), LR 44:

§1137. Additional Provisions for Bottle-Type Holders [49 CFR 192.177]

A. - B. …

1. A bottle-type holder made from alloy steel must meet the chemical and tensile requirements for the various grades of steel in ASTM A372/372M (incorporated by reference, see §507). [49 CFR 192.177(b)(1)]

2. - 5. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:225 (April 1983), amended LR 10:517 (July 1984), LR 18:856 (August 1992), LR 20:445 (April 1994), LR 27:1540 (September 2001), LR 30:1237 (June 2004), LR 44:

§1149. Vaults: Drainage and Waterproofing [49 CFR 192.189]

A. - B. …

C. Electrical equipment in vaults must conform to the applicable requirements of Class 1, Group D, of the National Electrical Code, NFPA-70 (incorporated by reference, see §507). [49 CFR 192.189(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:226 (April 1983), amended LR 10:518 (July 1984), LR 24:1309 (July 1998), LR 30:1238 (June 2004), LR 44:

§1151. Design Pressure of Plastic Fittings [49 CFR 192.191]

A. …

B. Thermoplastic fittings for plastic pipe must conform to ASTM D 2513-99 for plastic materials other than polyethylene or ASTM D2513-09a for polyethylene plastic materials. [49 CFR 192.191(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:226 (April 1983), amended LR 10:518 (July 1984), LR 30:1238 (June 2004), LR 38:115 (January 2012), LR 44:

Chapter 13. Welding of Steel in Pipelines [49 CFR Part 192 Subpart E]

§1305. Welding Procedures [49 CFR 192.225]

A. Welding must be performed by a qualified welder or welding operator in accordance with welding procedures qualified under section 5, section 12, or Appendix A of API Std 1104 (incorporated by reference, see §507) or Section IX of the ASME Boiler and Pressure Vessel Code (ASME BPVC) (incorporated by reference, see §507) to produce welds meeting the requirements of this Chapter. The quality of the test welds used to qualify welding procedures shall be determined by destructive testing in accordance with the applicable welding standard(s) [49 CFR 192.225(a)].

B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:228 (April 1983), amended LR 10:521 (July 1984), LR 30:1241 (June 2004), LR 31:683 (March 2005), LR 33:479 (March 2007), LR 44:

§1307. Qualification of Welders [49 CFR 192.227]

A. Except as provided in Subsection B of this Section, each welder or welding operator must be qualified in accordance with section 6, section 12, or appendix A of API

Std 1104 (incorporated by reference, see §507) or Section IX of the ASME Boiler and Pressure Vessel Code (ASME BPVC) (incorporated by reference, see §507). However, a welder or welding operator qualified under an earlier edition than listed in §507 may weld but may not re-qualify under that earlier edition [49 CFR 192.227(a)].

B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:229 (April 1983), amended LR 10:521 (July 1984), LR 24:1309 (July 1998), LR 30:1241 (June 2004), LR 31:683 (March 2005), LR 33:479 (March 2007), LR 44:

§1309. Limitations on Welders [49 CFR 192.229]

A. - C. …

1. may not weld on pipe to be operated at a pressure that produces a hoop stress of 20 percent or more of SMYS unless within the preceding 6 calendar months the welder has had one weld tested and found acceptable under the sections 6, section 9 or section 12 of API Std 1104 (incorporated by reference, see §507). Alternatively, welders or welding operators may maintain an ongoing qualification status by performing welds tested and found acceptable under the above acceptance criteria at least twice each calendar year, but at intervals not exceeding 7 1/2 months. A welder or welding operator qualified under an earlier edition of a standard listed in §507 of this Subpart may weld but may not re-qualify under that earlier edition [49 CFR 192.229(c)(1)]; and

C.2. - D.2.a. …

b. for a welder who works only on service lines 2 inches (51 millimeters) or smaller in diameter, the welder has had two sample welds tested and found acceptable in accordance with the test in Section III of §5105, Appendix C of this Subpart. [49 CFR 192.229(d)(2)(ii)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:229 (April 1983), amended LR 10:521 (July 1984), LR 24:1309 (July 1998), LR 27:1541 (September 2001), LR 30:1241 (June 2004), LR 31:683 (March 2005), LR 33:479 (March 2007), LR 44:

§1321. Inspection and Test of Welds [49 CFR 192.241]

A. - B.2. …

C. The acceptability of a weld that is nondestructively tested or visually inspected is determined according to the standards in section 9 of API Std 1104 (incorporated by reference, see §507). Appendix A of API Std 1104 may not be used to accept cracks. [49 CFR 192.241(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:230 (April 1983), amended LR 10:522 (July 1984), LR 24:1309 (July 1998), LR 27:1541 (September 2001), LR 30:1242 (June 2004), LR 31:683 (March 2005), LR 33:479 (March 2007), LR 44:

§1323. Nondestructive Testing [49 CFR 192.243]

A. - D.4. …

E. Except for a welder or welding operator whose work is isolated from the principal welding activity, a sample of each welders or welding operator's work for each day must be nondestructively tested, when nondestructive testing is required under §1321.B. [49 CFR 192.243(e)]

F. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:230 (April 1983), amended LR 10:522 (July 1984), LR 24:1309 (July 1998), LR 30:1242 (June 2004), LR 44:

Chapter 15. Joining of Materials Other Than by Welding [49 CFR Part 192 Subpart F]

§1511. Plastic Pipe [49 CFR 192.281]

A. - D. …

1. The adhesive must conform to ASTM D 2517 (incorporated by reference, see §507). [49 CFR 192.281(d)(1)]

D.2. - E.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:231 (April 1983), amended LR 10:523 (July 1984), LR 20:445 (April 1994), LR 24:1309 (July 1998), LR 30:1243 (June 2004), LR 38:116 (January 2012), LR 44:

§1513. Plastic Pipe: Qualifying Joining Procedures [49 CFR 192.283]

A. Heat Fusion, Solvent Cement, and Adhesive Joints. Before any written procedure established under §1503.B is used for making plastic pipe joints by a heat fusion, solvent cement, or adhesive method, the procedure must be qualified by subjecting specimen joints made according to the procedure to the following tests: [49 CFR 192.283(a)]

1. the burst test requirements of: [49 CFR 192.283(a)(1)]

a. in the case of thermoplastic pipe, paragraph 6.6 (Sustained Pressure Test) or paragraph 6.7 (Minimum Hydrostatic Burst Test) of ASTM D2513-99 for plastic materials other than polyethylene or ASTM D2513-09a (incorporated by reference, see §507) for polyethylene plastic materials; [49 CFR 192.283(a)(1)(i)]

A.1.b. - D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:231 (April 1983), amended LR 10:523 (July 1984), LR 20:445 (April 1994), LR 24:1310 (July 1998), LR 27:1541 (September 2001), LR 30:1244 (June 2004), LR 31:683 (March 2005), LR 33:479 (March 2007), LR 38:116 (January 2012), LR 44:

§1515. Plastic Pipe: Qualifying Persons to Make Joints [49 CFR 192.285]

A. - B.2.c.ii. …

C. A person must be re-qualified under an applicable procedure once each calendar year at intervals not exceeding 15 months or after any production joint is found unacceptable by testing under §2313. [49 CFR 192.285(c)]

D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:231 (April 1983), amended LR 10:524 (July 1984), LR 30:1244 (June 2004), LR 33:480 (March 2007), LR 44:

Chapter 17. General Construction Requirements for Transmission Lines and Mains [49 CFR Part 192 Subpart G]

§1705. Inspection: General [49 CFR 192.305]

A. Each transmission line or main must be inspected to ensure that it is constructed in accordance with this Subpart. An operator must not use operator personnel to perform a required inspection if the operator personnel performed the construction task requiring inspection. Nothing in this section prohibits the operator from inspecting construction tasks with operator personnel who are involved in other construction tasks. [49 CFR 192.305]

B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:232 (April 1983), amended LR 10:524 (July 1984), LR 20:446 (April 1994), LR 21:821 (August 1995), LR 30:1245 (June 2004), LR 44:

Chapter 19. Customer Meters, Service Regulators, and Service Lines [49 CFR Part 192 Subpart H]

§1931. Service Lines: Excess Flow Valve Performance Standards [49 CFR 192.381]

A. Excess flow valves (EFVs) to be used on service lines that operate continuously throughout the year at a pressure not less than 10 psi (69 kPa) gage must be manufactured and tested by the manufacturer according to an industry specification, or the manufacturer's written specification, to ensure that each valve will: [49 CFR 192.381(a)]

A.1. - E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 24:1311 (July 1998), amended LR 27:1543 (September 2001), LR 30:1250 (June 2004), LR 44:

§1933. Excess Flow Valve Customer Installation [49 CFR 192.383]

A. Definitions. As used in this Section: [49 CFR 192.383(a)]

* * *

Branched Service Line—a gas service line that begins at the existing service line or is installed concurrently with the primary service line but serves a separate residence.

* * *

B. Installation Required. An EFV installation must comply with the performance standards in §1931. After April 14, 2017, each operator must install an EFV on any new or replaced service line serving the following types of services before the line is activated:

1. a single service line to one SFR; [49 CFR 192.383(b)(1)]

2. a branched service line to a SFR installed concurrently with the primary SFR service line (i.e., a single EFV may be installed to protect both service lines); [49 CFR 192.383(b)(2)

3. a branched service line to a SFR installed off a previously installed SFR service line that does not contain an EFV; [49 CFR 192.383(b)(3)]

4. multifamily residences with known customer loads not exceeding 1,000 SCFH per service, at time of service installation based on installed meter capacity, and [49 CFR 192.383(b)(4)]

5. a single, small commercial customer served by a single service line with a known customer load not exceeding 1,000 SCFH, at the time of meter installation, based on installed meter capacity. [49 CFR 192.383(b)(5)

C. Exceptions to excess flow valve installation requirement. An operator need not install an excess flow valve if one or more of the following conditions are present: [49 CFR 192.383(c)]

1. the service line does not operate at a pressure of 10 psig or greater throughout the year; [49 CFR 192.383(c)(1)]

2. the operator has prior experience with contaminants in the gas stream that could interfere with the EFV's operation or cause loss of service to a customer [49 CFR 192.383(c)(2)]

3. an EFV could interfere with necessary operation or maintenance activities, such as blowing liquids from the line; or [49 CFR 192.383(c)(3)]

4. an EFV meeting performance standards in §1931 is not commercially available to the operator. [49 CFR 192.383(c)(4)]

D. Customer's right to request an EFV. Existing service line customers who desire an EFV on service lines not exceeding 1,000 SCFH and who do not qualify for one of the exceptions in Subsection C of this Section may request an EFV to be installed on their service lines. If an eligible service line customer requests an EFV installation, an operator must install the EFV at a mutually agreeable date. The operator's rate-setter determines how and to whom the costs of the requested EFVs are distributed. [49 CFR 192.383(d)]

E. Operator notification of customers concerning EFV installation. Operators must notify customers of their right to request an EFV in the following manner:

1. Except as specified in Subsection C and Paragraph E.5 of this Section, each operator must provide written or electronic notification to customers of their right to request the installation of an EFV. Electronic notification can include emails, Web site postings, and e-billing notices. [49 CFR 192.383(e)(1)]

2. The notification must include an explanation for the service line customer of the potential safety benefits that may be derived from installing an EFV. The explanation must include information that an EFV is designed to shut off the flow of natural gas automatically if the service line breaks. [49 CFR 192.383(e)(2)

3. The notification must include a description of EFV installation and replacement costs. The notice must alert the customer that the costs for maintaining and replacing an EFV may later be incurred, and what those costs will be to the extent known. [49 CFR 192.383(e)(3)]

4. The notification must indicate that if a service line customer requests installation of an EFV and the load does not exceed 1,000 SCFH and the conditions of Subsection C are not present, the operator must install an EFV at a mutually agreeable date. [49 CFR 192.383(e)(4)]

5. Operators of master-meter systems and liquefied petroleum gas (LPG) operators with fewer than 100 customers may continuously post a general notification in a prominent location frequented by customers. [49 CFR 192.383(e)(5)]

F. Operator evidence of customer notification. An operator must make a copy of the notice or notices currently in use available during PHMSA inspections or State inspections conducted under a pipeline safety program certified or approved by PHMSA under 49 U.S.C. 60105 or 60106. [49 CFR 192.383(f)]

G. Reporting. Except for operators of master-meter systems and LPG operators with fewer than 100 customers, each operator must report the EFV measures detailed in the annual report required by §311 of this Part. [49 CFR 192.383(g)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:1544 (September 2001), amended LR 30:1251 (June 2004), LR 38:116 (January 2012), LR 44:

§1935. Manual Service Line Shut-Off Valve Installation [49 CFR 192.385]

A. Definitions, as used in this Section.

Manual Service Line Shut-Off Valve—a curb valve or other manually operated valve located near the service line that is safely accessible to operator personnel or other personnel authorized by the operator to manually shut off gas flow to the service line, if needed. [49 CFR 192.385(a)]

B. Installation Requirement. The operator must install either a manual service line shut-off valve or, if possible, based on sound engineering analysis and availability, an EFV for any new or replaced service line with installed meter capacity exceeding 1,000 SCFH. [49 CFR 192.385(b)]

C. Accessibility and Maintenance. Manual service line shut-off valves for any new or replaced service line must be installed in such a way as to allow accessibility during emergencies. Manual service shut-off valves installed under this section are subject to regular scheduled maintenance, as documented by the operator and consistent with the valve manufacturer's specification. [49 CFR 192.385(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 44:

Chapter 21. Requirements for Corrosion Control [49 CFR Part 192 Subpart I]

§2137. Remedial Measures: Transmission Lines [49 CFR 192.485]

A. - B. …

C. Under Subsections A and B of this Section, the strength of pipe based on actual remaining wall thickness may be determined by the procedure in ASME/ANSI B31G (incorporated by reference, see §507) or the procedure in PRCI PR 3-805 (R-STRENG) (incorporated by reference, see §507). Both procedures apply to corroded regions that do not penetrate the pipe wall, subject to the limitations prescribed in the procedures. [49 CFR 192.485(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:237 (April 1983), amended LR 10:529 (July 1984), LR 24:1311 (July 1998), LR 27:1545 (September 2001), LR 30:1255 (June 2004), LR 44:

Chapter 23. Test Requirements [49 CFR Part 192 Subpart J]

§2303. General Requirements [49 CFR 192.503]

A. - D. …

E. If a component other than pipe is the only item being replaced or added to a pipeline, a strength test after installation is not required, if the manufacturer of component certifies that: [49 CFR 192.503(e)]

1. the component was tested to at least the pressure required for the pipeline to which it is being added; [49 CFR 192.503(e)(1)]

2. the component was manufactured under a quality control system that ensures that each item manufactured is at least equal in strength to a prototype and that the prototype was tested to at least the pressure required for the pipeline to which it is being added; or [49 CFR 192.503(e)(2)]

3. the component carries a pressure rating established through applicable ASME/ANSI, Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS) specifications, or by unit strength calculations as described in §1103. [49 CFR 192.503(e)(3)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:237 (April 1983), amended LR 10:530 (July 1984), LR 30:1256 (June 2004), LR 44:

§2305. Strength Test Requirements for Steel Pipeline to Operate at a Hoop Stress of 30 Percent or More of SMYS [49 CFR 192.505]

A. - B. …

C. Except as provided in Subsection D of this Section, the strength test must be conducted by maintaining the pressure at or above the test pressure for at least eight hours. [49 CFR 192.505(c)]

D. For fabricated units and short sections of pipe, for which a post installation test is impractical, a pre-installation strength test must be conducted by maintaining the pressure at or above the test pressure for at least four hours. [49 CFR 192.505(d)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:238 (April 1983), amended LR 10:530 (July 1984), LR 27:1545 (September 2001), LR 30:1256 (June 2004), LR 31:684 (March 2005), LR 44:

Chapter 27. Operations [49 CFR Part 192 Subpart L]

§2703. General Provisions [49 CFR 192.603]

A. - B. …

C. The administrator or the state agency that has submitted a current certification under the pipeline safety laws, (49 U.S.C. 60101 et seq.) with respect to the pipeline facility governed by an operator's plans and procedures may, after notice and opportunity for hearing as provided in 49 CFR 190.206 or the relevant state procedures, require the operator to amend its plans and procedures as necessary to provide a reasonable level of safety. [49 CFR 192.603(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:240 (April 1983), amended LR 10:532 (July 1984), LR 18:857 (August 1992), LR

21:821 (August 1995), LR 24:1312 (July 1998), LR 30:1260 (June 2004), LR 44:

§2720 Alternative Maximum Allowable Operating Pressure for Certain Steel Pipelines [49 CFR 192.620]

A. - C. …

1. For pipelines already in service, notify the PHMSA pipeline safety regional office where the pipeline is in service of its election with respect to a segment at least 180 days before operating at the alternative MAOP. For new pipelines, notify the PHMSA pipeline safety regional office of planned alternative MAOP design and operation at least 60 days prior to the earliest start date of either pipe manufacturing or construction activities. An operator must also notify a state pipeline safety authority when the pipeline is located in a state where PHMSA has an interstate agent agreement, or an intrastate pipeline is regulated by that state. [49 CFR 192.620(c)(1)]

C.2 - E.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 35:2807 (December 2009), amended LR 38:117 (January 2012), repromulgated LR 38:828 (March 2012), amended LR 44:

§2731. Control Room Management [49 CFR 192.631]

A. - B.2. …

3. a controller's role during an emergency, even if the controller is not the first to detect the emergency, including the controller's responsibility to take specific actions and to communicate with others; [49 CFR 192.631(b)(3)]

4. a method of recording controller shift-changes and any hand-over of responsibility between controllers; and [49 CFR 192.631(b)(4)]

5. The roles, responsibilities and qualifications of others with the authority to direct or supersede the specific technical actions of a controller. [49 CFR 192.631(b)(5)]

C. - H.3. …

4. training that will provide a controller a working knowledge of the pipeline system, especially during the development of abnormal operating conditions; [49 CFR 192.631(h)(4)]

5. for pipeline operating setups that are periodically, but infrequently used, providing an opportunity for controllers to review relevant procedures in advance of their application; [49 CFR 192.631(h)(5)]

6. Control room team training and exercises that include both controllers and other individuals, defined by the operator, who would reasonably be expected to operationally collaborate with controllers (control room personnel) during normal, abnormal or emergency situations. Operators must comply with the team training requirements under this paragraph by no later than January 23, 2018. [49 CFR 192.631(h)(6)]

I. - J.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 38:119 (January 2012), amended LR 44:

Chapter 29. Maintenance [49 CFR Part 192 Subpart M]

§2935. Compressor Stations: Storage of Combustible Materials [49 CFR 192.735]

A. …

B. Aboveground oil or gasoline storage tanks must be protected in accordance with NFPA-30 (incorporated by reference, see §507). [49 CFR 192.735(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:246 (April 1983), amended LR 10:538 (July 1984), LR 30:1270 (June 2004), LR 44:

§2940 Pressure Regulating, Limiting, and Overpressure Protection—Individual Service Lines Directly Connected To Production, Gathering, or Transmission Pipelines [49 CFR 192.740]

A. This Section applies, except as provided in Subsection C of this Section, to any service line directly connected to a production, gathering, or transmission pipeline that is not operated as part of a distribution system. [49 CFR 192.740(a)]

B. Each pressure regulating or limiting device, relief device (except rupture discs), automatic shutoff device, and associated equipment must be inspected and tested at least once every three calendar years, not exceeding 39 months, to determine that it is: [49 CFR 192.740(b)]

1. a controller's authority and responsibility to make decisions and take actions during normal operations; [49 CFR 192.740(b)(1)]

2. adequate from the standpoint of capacity and reliability of operation for the service in which it is employed; [49 CFR 192.740(b)(2)]

3. set to control or relieve at the correct pressure consistent with the pressure limits of § 192.197; and to limit the pressure on the inlet of the service regulator to 60 psi (414 kPa) gauge or less in case the upstream regulator fails to function properly; and [49 CFR 192.740(b)(3)]

4. properly installed and protected from dirt, liquids, or other conditions that might prevent proper operation. [49 CFR 192.740(b)(4)]

C. This section does not apply to equipment installed on service lines that only serve engines that power irrigation pumps. [49 CFR 192.740(b)(5)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 44:

Chapter 31. Operator Qualification [49 CFR Part 192 Subpart N]

§3105. Qualification Program [49 CFR 192.805]

A. - A.8. …

9. after December 16, 2004, notify the administrator or a state agency participating under 49 U.S.C. Chapter 601 if the operator significantly modifies the program after the administrator or state agency has verified that it complies

with this Section. Notifications to PHMSA may be submitted by electronic mail to InformationResources Manager@dot.gov, or by mail to ATTN: Information Resources Manager DOT/PHMSA/OPS, East Building, 2nd Floor, E22-321, New Jersey Avenue, S.E. Washington, DC 20590 and to Office of Conservation by electronic mail to PipelineInspectors@la.gov or by mail to Commissioner of Conservation, Office of Conservation, PO Box 94275, Baton Rouge, LA 70804-9275. [49 CFR 192.805(i)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:1550 (September 2001), amended LR 30:1272 (June 2004), LR 31:685 (March 2005), LR 33:482 (March 2007), LR 35:2811 (December 2009), LR 44:

Chapter 33. Gas Transmission Pipeline Integrity Management [49 CFR Part 192 Subpart O]

§3303. What Definitions Apply to this Chapter? [49 CFR 192.903]

A. The following definitions apply to this Chapter.

* * *

Potential Impact Radius (PIR)—the radius of a circle within which the potential failure of a pipeline could have significant impact on people or property. PIR is determined by the formula r = 0.69 * [square root of ($p*d^2$)], where 'r' is the radius of a circular area in feet surrounding the point of failure, 'p' is the maximum allowable operating pressure (MAOP) in the pipeline segment in pounds per square inch and 'd' is the nominal diameter of the pipeline in inches.

NOTE: 0.69 is the factor for natural gas. This number will vary for other gases depending upon their heat of combustion. An operator transporting gas other than natural gas must use Section 3.2 of ASME/ANSI B31.8S incorporated by reference, see §507) to calculate the impact radius formula.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1273 (June 2004), amended LR 31:685 (March 2005), LR 33:483 (March 2007), LR 35:2811 (December 2009), LR 44:

§3323. How Is Direct Assessment Used and for What Threats? [49 CFR 192.923]

A. General. An operator may use direct assessment either as a primary assessment method or as a supplement to the other assessment methods allowed under this Chapter. An operator may only use direct assessment as the primary assessment method to address the identified threats of external corrosion (EC), internal corrosion (IC), and stress corrosion cracking (SCC). [49 CFR 192.923(a)]

B. Primary Method. An operator using direct assessment as a primary assessment method must have a plan that complies with the requirements in: [49 CFR 192.923(b)]

1. §3325 and ASME/ANSI B31.8S (incorporated by reference, see §507), section 6.4, and NACE SP0502 (incorporated by reference, see §507) if addressing external corrosion (EC). [49 CFR 192.923(b)(1)]

2. §3327 and ASME/ANSI B31.8S (incorporated by reference, see §507), section 6.4, appendix B2, if addressing internal corrosion (IC). [49 CFR 192.923(b)(2)]

3. §3329 and ASME/ANSI B31.8S (incorporated by reference, see §5070, appendix A3, if addressing stress corrosion cracking (SCC). [49 CFR 192.923(b)(3)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1278 (June 2004), amended LR 38:121 (January 2012), LR 44:

§3325. What Are the Requirements for Using External Corrosion Direct Assessment (ECDA)? [49 CFR 192.925]

A. …

B. General Requirements. An operator that uses direct assessment to assess the threat of external corrosion must follow the requirements in this Section, in ASME/ANSI B31.8S (incorporated by reference, see §507), section 6.4, and in NACE SP0502 (incorporated by reference, see §507). An operator must develop and implement a direct assessment plan that has procedures addressing pre-assessment, indirect examination, direct examination, and post-assessment. If the ECDA detects pipeline coating damage, the operator must also integrate the data from the ECDA with other information from the data integration (§3317.B) to evaluate the covered segment for the threat of third party damage, and to address the threat as required by §3317.E.1 [49 CFR 192.925(b)].

1. Pre-assessment. In addition to the requirements in ASME/ANSI B31.8S section 6.4 and NACE SP0502, section 3, the plan's procedures for pre-assessment must include: [49 CFR 192.925(b)(1)]

a. …

b. the basis on which an operator selects at least two different, but complementary indirect assessment tools to assess each ECDA Region. If an operator utilizes an indirect inspection method that is not discussed in appendix A of NACE SP0502, the operator must demonstrate the applicability, validation basis, equipment used, application procedure, and utilization of data for the inspection method. [49 CFR 192.925(b)(1)(ii)]

2. Indirect Inspection. In addition to the requirements in ASME/ANSI B31.8S section 6.4 and NACE SP0502, section 4, the plan's procedures for indirect inspection of the ECDA regions must include: [49 CFR 192.925(b)(2)]

a. - d. …

3. Direct Examination. In addition to the requirements in ASME/ANSI B31.8S section 6.4 and NACE SP0502, section 5, the plan's procedures for direct examination of indications from the indirect examination must include: [49 CFR 192.925(b)(3)]

a. - b. …

i. corrosion defects are discovered that exceed allowable limits (section 5.5.2.2 of NACE SP0502; or [49 CFR 192.925(b)(3)(ii)(A)]

ii. root cause analysis reveals conditions for which ECDA is not suitable (section 5.6.2 of NACE SP0502; [49 CFR 192.925(b)(3)(ii)(B)]

c. …

d. criteria that describe how and on what basis an operator will reclassify and reprioritize any of the provisions that are specified in section 5.9 of NACE SP0502. [49 CFR 192.925(b)(3)(iv)]

4. Post Assessment and Continuing Evaluation. In addition to the requirements in ASME/ANSI B31.8S section 6.4 and NACE SP0502, section 6, the plan's procedures for post assessment of the effectiveness of the ECDA process must include: [49 CFR 192.925(b)(4)]

a. …

b. criteria for evaluating whether conditions discovered by direct examination of indications in each ECDA region indicate a need for reassessment of the covered segment at an interval less than that specified in §3339 (see appendix D of NACE SP0502. [49 CFR 192.925(b)(4)(ii)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1278 (June 2004), amended LR 31:687 (March 2005), LR 33:484 (March 2007), amended by the Department of Natural Resources, Office of Conservation, LR 38:121 (January 2012), LR 44:

§3331. How may confirmatory direct assessment (CDA) be used? [49 CFR 192.931]

A. - A.3. …

4. Defects Requiring Near-Term Remediation. If an assessment carried out under Paragraphs 2 or 3 of this Section reveals any defect requiring remediation prior to the next scheduled assessment, the operator must schedule the next assessment in accordance with NACE SP0502 (incorporated by reference, see §507), sections 6.2 and 6.3. If the defect requires immediate remediation, then the operator must reduce pressure consistent with §3333 until the operator has completed reassessment using one of the assessment techniques allowed in §3337. [49 CFR 192.931(d)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1281 (June 2004), amended by the Department of Natural Resources, Office of Conservation, LR 38:122 (January 2012), LR 44:

§3333. What Actions Must Be Taken to Address Integrity Issues? [49 CFR 192.933]

A. …

1. Temporary Pressure Reduction. If an operator is unable to respond within the time limits for certain conditions specified in this Section, the operator must temporarily reduce the operating pressure of the pipeline or take other action that ensures the safety of the covered segment. An operator must determine any temporary reduction in operating pressure required by this Section using ASME/ANSI B31G (incorporated by reference, see §507); Pipeline Research Council, International, PR–3–805 (R-STRENG) (incorporated by reference, see §507); or by reducing the operating pressure to a level not exceeding 80 percent of the level at the time the condition was discovered. An operator must notify PHMSA in accordance with §3349 if it cannot meet the schedule for evaluation and remediation required under subsection C of this Section and cannot provide safety through temporary reduction in operating pressure or other action. An operator must also notify a State pipeline safety authority when either a covered segment is located in a state where PHMSA has an interstate agent agreement, or an intrastate covered segment is regulated by that state. [49 CFR 192.933(a)(1)]

A.2. - D.1. …

a. a calculation of the remaining strength of the pipe shows a predicted failure pressure less than or equal to 1.1 times the maximum allowable operating pressure at the location of the anomaly. Suitable remaining strength calculation methods include ASME/ANSI B31G (incorporated by reference, see §507), PRCI PR-3-0805 (R-STRENG) (incorporated by reference, see §507) or an alternative equivalent method of remaining strength calculation. [49 CFR 192.933(d)(1)(i)];

D.1.b - D.3.c. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1281 (June 2004), amended LR 31:688 (March 2005), LR 33:485 (March 2007), LR 35:2812 (December 2009), LR 44:

§3335. What Additional Preventive and Mitigative Measures Must an Operator Take? [49 CFR 192.935]

A. - B.1.c. …

d. monitoring of excavations conducted on covered pipeline segments by pipeline personnel. If an operator finds physical evidence of encroachment involving excavation that the operator did not monitor near a covered segment, an operator must either excavate the area near the encroachment or conduct an above ground survey using methods defined in NACE SP0502 (incorporated by reference, see §507). An operator must excavate, and remediate, in accordance with ANSI/ASME B31.8S and §3333 any indication of coating holidays or discontinuity warranting direct examination [49 CFR 192.935(b)(1)(iv)].

B.2. - E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1282 (June 2004), amended LR 31:688 (March 2005), LR 33:485 (March 2007), amended by the Department of Natural Resources, Office of Conservation, LR 38:122 (January 2012), LR 44:

§3339. What Are the Required Reassessment Intervals? [49 CFR 192.939]

A. - A.1.a.i. …

ii. using the intervals specified for different stress levels of pipeline (operating at or above 30 percent SMYS) listed in ASME B31.8S (incorporated by reference, see §507), Section 5, Table 3. [49 CFR 192.939(a)(1)(ii)]

b. External Corrosion Direct Assessment. An operator that uses ECDA that meets the requirements of this Chapter must determine the reassessment interval according to the requirements in paragraphs 6.2 and 6.3 of NACE SP0502 (incorporated by reference, see §507) [49 CFR 192.939(a)(2)].

1.c. - 2.f. …

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1283 (June 2004), amended LR 31:688 (March 2005), LR 33:486 (March 2007), LR 38:122 (January 2012), LR 44:

§3349. How Does an Operator Notify PHMSA and the Louisiana Commissioner of Conservation? [49 CFR 192.949]

A. …

1. sending the notification by electronic mail to InformationResourcesManager@dot.gov; or [49 CFR 192.949(a)]

2. sending the notification by mail to ATTN: Information Resources Manager, DOT/PHMSA/OPS, East Building, 2nd Floor, E22-321, 1200 New Jersey Ave, SE, Washington, DC 20590. [49 CFR 192.949(b)]

B. Any notification required by §3349.A must be sent concurrently to the Commissioner of Conservation, Office of Conservation, Pipeline Safety Section, P.O. Box 94279 Baton Rouge, LA 70804-9275 or by electronic mail to PipelineInspectors@la.gov.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1286 (June 2004), amended LR 33:487 (March 2007), LR 35:2812 (December 2009), LR 44:

Chapter 35. Gas Distribution Pipeline Integrity Management (IM) [49 CFR Part 192 Subpart P]

§3503. What do the regulations in this chapter cover? [49 CFR 192.1003]

A. General. Unless exempted in Subsection B of this Section this subpart prescribes minimum requirements for an IM program for any gas distribution pipeline covered under this Chapter, including liquefied petroleum gas systems. A gas distribution operator, other than a master meter operator or a small LPG operator, must follow the requirements in §§3505-3513 of this Chapter. A master meter operator or small LPG operator of a gas distribution pipeline must follow the requirements in §3515 of this Chapter. [49 CFR 192.1003(a)]

B. Exceptions. This subpart does not apply to an individual service line directly connected to a transmission, gathering, or production pipeline. [49 CFR 192.1003(b)

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 38:123 (January 2012), LR 44:

Chapter 51. Appendices

§5101. Reserved.

Editor's Note: The text of this Section (§5101) has been moved to §507 of this Part.

§5103. Appendix B—Qualification of Pipe

I. Listed Pipe Specifications

ANSI/API Specification 5L—Steel pipe, "API Specification for Line Pipe" (incorporated by reference, see §507)

ASTM A 53/A53M—Steel pipe, "Standard Specification for Pipe, Steel Black and Hot-Dipped, Zinc-Coated, welded and Seamless"(incorporated by reference, see §507)

ASTM A106/A106M—Steel pipe, "Standard Specification for Seamless Carbon Steel Pipe for High temperature Service" (incorporated by reference, see §507)

ASTM A333/A333M—Steel pipe, "Standard Specification for Seamless and Welded Steel Pipe for Low Temperature Service" (incorporated by reference, see §507)

ASTM A 381—Steel pipe, "Standard specification for Metal-Arc-Welded Steel Pipe for Use with High-Pressure Transmission Systems" (incorporated by reference, see §507)

ASTM A671/A671M—Steel pipe, "Standard Specification for Electric-Fusion-Welded Pipe for Atmospheric and Lower Temperatures" (incorporated by reference, see §507)

ASTM A672/A672M—Steel pipe, "Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures" (incorporated by reference, see §507)

ASTM A691/A691M—Steel pipe, "Standard Specification for Carbon and Alloy Steel Pipe, Electric-Fusion-Welded for High Pressure Service at High Temperatures" (incorporated by reference, see §507)

ASTM D2513-99—"Thermoplastic pipe and tubing, "Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing, and Fittings" (incorporated by reference, see §507)

ASTM D2513-09a—Polyethylene thermoplastic pipe and tubing, "Standard Specification for Polyethylene (PE) gas Pressure Pipe, Tubing, and Fittings", (incorporated by reference, see §507)

II. - III.C.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 10:541 (July 1984), amended LR 18:859 (August 1992), LR 27:1551, 1552 (September 2001), LR 30:1287 (June 2004), LR 31:689 (March 2005), LR 33:487 (March 2007), LR 35:2813 (December 2009), amended by the Department of Natural Resources, Office of Conservation, LR 38:125 (January 2012), LR 44:

Subpart 4. Drug and Alcohol Testing

Chapter 63. Drug Testing [49 CFR Part 192 Subpart B]

§6300. Purpose [49 CFR 199.100]

A. …

B. The administrator or the state agency that has submitted a current certification under the pipeline safety laws (49 U.S.C. 60101 et seq.) With respect to the pipeline facility governed by an operator's plans and procedures may, after notice and opportunity for hearing as provided in LS-R.S. 30:6(G) and 8, require the operator to amend its plans and procedures as necessary to provide a reasonable level of safety. [49 CFR 199.101(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:751-757, redesignated as R.S. 30:701-707 and R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 16:134 (February 1990), repromulgated LR 16:533 (June 1990), amended LR 18:852 (August 1992), LR 21:826 (August 1995), LR 24:1306 (July 1998), LR 27:1554 (September 2001), LR 30:1293 (June 2004), LR 44:

§6305. Drug Tests Required [49 CFR 199.105]

A. - A.1. …

2. Post-Accident Testing [49 CFR 199.105(b)]

a. As soon as possible but no later than 32 hours after an accident, an operator must drug test each surviving covered employee whose performance of a covered function either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. An

operator may decide not to test under this Subparagraph but such a decision must be based on specific information that the covered employee's performance had no role in the cause(s) or severity of the accident. [49 CFR 199.105(b)(1)]

b. If a test required by this section is not administered within the 32 hours following the accident, the operator must prepare and maintain its decision stating the reasons why the test was not promptly administered. If a test required by Paragraph B.1 of this Section is not administered within 32 hours following the accident, the operator must cease attempts to administer a drug test and must state in the record the reasons for not administering the test. [49 CFR 199.105(b)(2)]

A.3. - A.6. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:751-757.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 16:135 (February 1990), repromulgated LR 16:533 (June 1990), amended LR 21:826 (August 1995), repromulgated LR 21:955 (September 1995), amended LR 27:1554 (September 2001), LR 30:1294 (June 2004), LR 44:

§6311. Retention of Samples and Additional Testing [49 CFR 199.111]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:751-757.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 16:136 (February 1990), repromulgated LR 16:535 (June 1990), amended LR 21:827 (August 1995), LR 27:1555 (September 2001), LR 30:1295 (June 2004), repealed LR 44:

§6317. Recordkeeping [49 CFR 199.117]

A. - A.4. …

5. Records of decisions not to administer post-accident employee drug tests must be kept for at least 3 years [49 CFR 199.117(a)(5)]

B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:751-757, redesignated as R.S. 30:701-707 and R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 21:828 (August 1995), amended LR 30:1296 (June 2004), LR 33:488 (March 2007), LR 35:2813 (December 2009), LR 44:

§6319. Reporting of Anti-Drug Testing Results [49 CFR 199.119]

A. Each large operator (having more than 50 covered employees) must submit an annual Management Information System (MIS) report to PHMSA of its anti-drug testing using the MIS form and instructions as required by 49 CFR part 40 (at §40.26 and appendix H to part 40), not later than March 15 of each year for the prior calendar year (January 1 through December 31). The Administrator may require by notice in the PHMSA Portal (https://portal.phmsa.dot.gov/phmsaportallanding) that small operators (50 or fewer covered employees), not otherwise required to submit annual MIS reports, to prepare and submit such reports to PHMSA. [49 CFR 199.119(a)].

B. Each report required under this section must be submitted electronically at http://damis.dot.gov. An operator may obtain the user name and password needed for electronic reporting from the PHMSA Portal (https://portal.phmsa.dot.gov/phmsaportallanding). If electronic reporting imposes an undue burden and hardship, the operator may submit a written request for an alternative reporting method to the Information Resources Manager, Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. The request must describe the undue burden and hardship. PHMSA will review the request and may authorize, in writing, an alternative reporting method. An authorization will state the period for which it is valid, which may be indefinite. An operator must contact PHMSA at 202-366-8075, or electronically to informationresourcesmanager@dot.gov to make arrangements for submitting a report that is due after a request for alternative reporting is submitted but before an authorization or denial is received. [49 CFR 199.119(b)].

C. - F. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:751-757, redesignated as R.S. 30:701-707 and R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 21:828 (August 1995), amended LR 30:1296 (June 2004), LR 33:488 (March 2007), LR 35:2813 (December 2009), LR 44:

Chapter 65. Alcohol Misuse Prevention Program [49 CFR Part 192 Subpart C]

§6525. Alcohol Tests Required [49 CFR 199.225]

A. - A.1. …

a. As soon as practicable following an accident, each operator must test each surviving covered employee for alcohol if that employee's performance of a covered function either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. The decision not to administer a test under this section must be based on.specific information that the covered employee's performance had no role in the cause(s) or severity of the accident. [49 CFR 199.225(a)(1)]

1.b. - 2.c. …

d.i. If a test required by this Section is not administered within two hours following the determination under Subparagraph 2.b of this Section, the operator shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this Section is not administered within eight hours following the determination under Subparagraph 2.b of this Section, the operator shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test. Records shall be submitted to PHMSA upon request of the administrator. [49 CFR 199.225(b)(4)(i)]

A.2.d.ii. - A.5. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:751-757, redesignated as R.S. 30:701-707 and R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 21:830 (August 1995), amended LR 30:1298 (June 2004), LR 44:

§6527. Retention of Records [49 CFR 199.227]

A. - B.3. …

4. Three years. Records of decisions not to administer post- accident employee alcohol tests must be kept for a minimum of three years. [49 CFR 199.227(b)(4)]

C. - C.6.d. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:751-757, redesignated as R.S. 30:701-707 and R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 21:832 (August 1995), amended LR 30:1299 (June 2004), LR 44:

§6529. Reporting of Alcohol Testing Results [49 CFR 199.229]

A. Each large operator (having more than 50 covered employees) must submit an annual MIS report to PHMSA of its alcohol testing results using the MIS form and instructions as required by 49 CFR part 40 (at § 40.26 and appendix H to part 40), not later than March 15 of each year for the prior calendar year (January 1 through December 31). The Administrator may require by notice in the PHMSA Portal (https://portal.phmsa.dot.gov/phmsaportallanding) that small operators (50 or fewer covered employees), not otherwise required to submit annual MIS reports, to prepare and submit such reports to PHMSA. [49 CFR 199.229(a)]

B. …

C. Each report required under this section must be submitted electronically at http://damis.dot.gov. An operator may obtain the user name and password needed for electronic reporting from the PHMSA Portal (https://portal.phmsa.dot.gov/phmsaportallanding). If electronic reporting imposes an undue burden and hardship, the operator may submit a written request for an alternative reporting method to the Information Resources Manager, Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. The request must describe the undue burden and hardship. PHMSA will review the request and may authorize, in writing, an alternative reporting method. An authorization will state the period for which it is valid, which may be indefinite. An operator must contact PHMSA at 202-366-8075, or electronically to informationresourcesmanager@dot.gov to make arrangements for submitting a report that is due after a request for alternative reporting is submitted but before an authorization or denial is received. [49 CFR 199.229(c)]

D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:751-757, redesignated as R.S. 30:701-707 and R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 21:832 (August 1995), amended LR 30:1300 (June 2004), LR 35:2813 (December 2009), LR 44:

Subpart 5. Liquefied Natural Gas Facilities: Federal Safety Standards

Chapter 67. General [49 CFR Part 193 – Subpart A]

§6701. Scope of Part [49 CFR 193.2001]

A. This part prescribes safety standards for LNG facilities used in the transportation of gas by pipeline that is subject to the pipeline safety laws (49 U.S.C. 60101 et seq.) and LAC 43:XIII.Subpart 3. [49 CFR 193.2001(a)]

B. This part does not apply to:

1. LNG facilities used by ultimate consumers of LNG or natural gas; [49 CFR 193.2001(b)(1)]

2. LNG facilities used in the course of natural gas treatment or hydrocarbon extraction which do not store LNG; [49 CFR 193.2001(b)(2)]

3. in the case of a marine cargo transfer system and associated facilities, any matter other than siting pertaining to the system or facilities between the marine vessel and the last manifold (or in the absence of a manifold, the last valve) located immediately before a storage tank; [49 CFR 193.2001(b)(3)]

4. any LNG facility located in navigable waters (as defined in Section 3(8) of the Federal Power Act [16 U.S.C. 796(8)]. [49 CFR 193.2001(b)(4)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§6705. Applicability [49 CFR 193.2005]

A. Regulations in this part governing siting, design, installation, or construction of LNG facilities (including material incorporated by reference in these regulations) do not apply to LNG facilities in existence or under construction when the regulations go into effect. [49 CFR 193.2005(a)]

B. If an existing LNG facility (or facility under construction before March 31, 2000 is replaced, relocated or significantly altered after March 31, 2000, the facility must comply with the applicable requirements of this part governing, siting, design, installation, and construction, except that:

1. the siting requirements apply only to LNG storage tanks that are significantly altered by increasing the original storage capacity or relocated; and [49 CFR 193.2005(b)(1)]

2. to the extent compliance with the design, installation, and construction requirements would make the replaced, relocated, or altered facility incompatible with the other facilities or would otherwise be impractical, the replaced, relocated, or significantly altered facility may be designed, installed, or constructed in accordance with the original specifications for the facility, or in another manner subject to the approval of the commissioner. [49 CFR 193.2005(b)(2)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§6707. Definitions [49 CFR 193.2007]

A. As used in this part: [49 CFR 193.2007]

Commissioner—the commissioner of conservation or any person to whom he has delegated authority in the matter concerned.

Ambient Vaporizer—a vaporizer which derives heat from naturally occurring heat sources, such as the atmosphere, sea water, surface waters, or geothermal waters.

Cargo Transfer System—a component, or system of components functioning as a unit, used exclusively for transferring hazardous fluids in bulk between a tank car, tank truck, or marine vessel and a storage tank.

Component—any part, or system of parts functioning as a unit, including, but not limited to, piping, processing equipment, containers, control devices, impounding systems, lighting, security devices, fire control equipment, and communication equipment, whose integrity or reliability is necessary to maintain safety in controlling, processing, or containing a hazardous fluid.

Container—a component other than piping that contains a hazardous fluid.

Control System—a component, or system of components functioning as a unit, including control valves and sensing, warning, relief, shutdown, and other control devices, which is activated either manually or automatically

to establish or maintain the performance of another component.

Controllable Emergency—an emergency where reasonable and prudent action can prevent harm to people or property.

Design Pressure—the pressure used in the design of components for the purpose of determining the minimum permissible thickness or physical characteristics of its various parts. When applicable, static head shall be included in the design pressure to determine the thickness of any specific part.

Determine—make an appropriate investigation using scientific methods, reach a decision based on sound engineering judgment, and be able to demonstrate the basis of the decision.

Dike—the perimeter of an impounding space forming a barrier to prevent liquid from flowing in an unintended direction.

Emergency—a deviation from normal operation, a structural failure, or severe environmental conditions that probably would cause harm to people or property.

Exclusion Zone—an area surrounding an LNG facility in which an operator or government agency legally controls all activities in accordance with LAC 43:XIII.6957 and LAC 43:XIII.6959 for as long as the facility is in operation.

Fail-Safe—a design feature which will maintain or result in a safe condition in the event of malfunction or failure of a power supply, component, or control device.

g—the standard acceleration of gravity of 9.806 meters per second^2 (32.17 feet per second^2).

Gas—except when designated as inert, means natural gas, other flammable gas, or gas which is toxic or corrosive.

Hazardous Fluid—gas or hazardous liquid.

Hazardous Liquid—LNG or a liquid that is flammable or toxic.

Heated Vaporizer—a vaporizer which derives heat from other than naturally occurring heat sources.

Impounding Space—a volume of space formed by dikes and floors which is designed to confine a spill of hazardous liquid.

Impounding System—includes an impounding space, including dikes and floors for conducting the flow of spilled hazardous liquids to an impounding space.

Liquefied Natural Gas or *LNG*—natural gas or synthetic gas having methane (CH_4) as its major constituent which has been changed to a liquid.

LNG Facility—a pipeline facility that is used for liquefying natural gas or synthetic gas or transferring, storing, or vaporizing liquefied natural gas.

LNG Plant—an LNG facility or system of LNG facilities functioning as a unit.

m^3—a volumetric unit which is one cubic meter, 6.2898 barrels, 35.3147 ft.^{3}, or 264.1720 U.S. gallons, each volume being considered as equal to the other.

Maximum Allowable Working Pressure—the maximum gage pressure permissible at the top of the equipment, containers or pressure vessels while operating at design temperature.

Normal Operation—functioning within ranges of pressure, temperature, flow, or other operating criteria required by this part.

Operator—a person who owns or operates an LNG facility.

Person—any individual, firm, joint venture, partnership, corporation, association, state, municipality, cooperative association, or joint stock association and includes any trustee, receiver, assignee, or personal representative thereof.

Pipeline Facility—new and existing piping, rights-of-way, and any equipment, facility, or building used in the transportation of gas or in the treatment of gas during the course of transportation.

Piping—pipe, tubing, hoses, fittings, valves, pumps, connections, safety devices or related components for containing the flow of hazardous fluids.

Storage Tank—a container for storing a hazardous fluid.

Transfer Piping—a system of permanent and temporary piping used for transferring hazardous fluids between any of the following: Liquefaction process facilities, storage tanks, vaporizers, compressors, cargo transfer systems, and facilities other than pipeline facilities.

Transfer System—includes transfer piping and cargo transfer system.

Vaporization—an addition of thermal energy changing a liquid to a vapor or gaseous state.

Vaporizer—a heat transfer facility designed to introduce thermal energy in a controlled manner for changing a liquid to a vapor or gaseous state.

Waterfront LNG Plant—an LNG plant with docks, wharves, piers, or other structures in, on, or immediately adjacent to the navigable waters of the United States or Puerto Rico and any shore area immediately adjacent to those waters to which vessels may be secured and at which LNG cargo operations may be conducted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§6709. Rules of Regulatory Construction [49 CFR 193.2009]

A. As used in this Part:

Includes—including but not limited to; [49CFR 193.2009(a)(1)]

May—is permitted to or is authorized to; [49 CFR 193.2009(a)(2)]

May Not—is not permitted to or is not authorized to; and [49 CFR 193.2009(a)(3)]

Shall or Must—used in the mandatory and imperative sense. [49 CFR 193.2009(a)(4)].

B. In this Part:

1. words importing the singular include the plural; and [49 CFR 193.2009(b)(1)]

2. words importing the plural include the singular. [49 CFR 193.2009(b)(2)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§6711. Reporting [49 CFR 193.2011]

A. Incidents, safety-related conditions, and annual pipeline summary data for LNG plants or facilities must be reported in accordance with requirements of Chapter 3 of Subpart 2. [75 FR 72906, Nov. 26, 2010] [49 CFR 193.2011]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§6713. What documents are incorporated by reference partly or wholly in this part? [49 CFR 193.2013]

A. This Part prescribes standards, or portions thereof, incorporated by reference into this part with the approval of the Director of the *Federal Register* in 5 U.S.C. 552(a) and 1 CFR part 51. The materials listed in this section have the full force of law. To enforce any edition other than that specified in this section, PHMSA must publish a notice of change in the *Federal Register*. [49 CFR 193.2013(a)]

1. Availability of standards incorporated by reference. All of the materials incorporated by reference are available for inspection from several sources, including the following:

a. the Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. For more information contact 202-366-4046 or go to the PHMSA Web site at:http://www.phmsa.dot.gov/pipeline/regs. [49 CFR 193.2013(a)(1)(i)]

b. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to the NARA Web site at:http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html; [49 CFR 193.2013(a)(1)(ii)]

c. copies of standards incorporated by reference in this part can also be purchased or are otherwise made available from the respective standards-developing organization at the addresses provided in the centralized IBR section below; [49 CFR 193.2013(a)(1)(iii)]

2. American Gas Association (AGA), 400 North Capitol Street NW., Washington, DC 20001, and phone: 202-824-7000, Web site: http://www.aga.org/; [49 CFR 193.2013(b)]

a. American Gas Association, "Purging Principles and Practices," 3rd edition, June 2001, (Purging Principles and Practices), IBR approved for §§7713.B and 7713.C, 7717, and 7715.A; [49 CFR 193.2013(b)(1)]

b. [Reserved] [49 CFR 193.2013(b)(2)]

3. American Petroleum Institute (API), 1220 L Street NW., Washington, DC 20005, and phone: 202-682-8000, Web site: http://api.org/; [49 CFR 193.2013(c)]

a. API Standard 620, "Design and Construction of Large, Welded, Low-pressure Storage Tanks," 11th edition, February 2008 [including addendum 1 (March 2009), addendum 2 (August 2010), and addendum 3 (March 2012)], (API Std 620), IBR approved for §§7101.B; 7321.B; [49 CFR 193.2013(c)(1)]

b. [Reserved]; [49 CFR 193.2013(c)(2)]

4. American Society of Civil Engineers (ASCE), 1801 Alexander Bell Drive, Reston, VA 20191, (800) 548-2723, 703 295-6300 (international), Web site: http://www.asce.org; [49 CFR 193.2013(d)]

a. ASCE/SEI 7-05, "Minimum Design Loads for Buildings and Other Structures" 2005 edition (including supplement No. 1 and Errata), (ASCE/SEI 7-05), IBR approved for §6967.B; [49 CFR 193.2013(d)(1)]

b. [Reserved]; [49 CFR 193.2013(d)(2)]

5. ASME International (ASME), Three Park Avenue, New York, NY 10016. 800-843-2763 (U.S/Canada), Web site:http://www.asme.org/; [49 CFR 193.2013(e)]

a. ASME Boiler and Pressure Vessel Code, Section VIII, Division 1: "Rules for Construction of Pressure Vessels," 2007 edition, July 1, 2007, (ASME BPVC, Section VIII, Division 1), IBR approved for §7321.A; [49 CFR 193.2013(e)(1)]

b. [Reserved]; [49 CFR 193.2013(e)(2)]

6. Gas Technology Institute (GTI), formerly the Gas Research Institute (GRI), 1700 S. Mount Prospect Road, Des Plaines, IL 60018, phone: 847-768-0500, Web site: www.gastechnology.org; [49 CFR 193.2013(f)]

a. GRI-96/0396.5, "Evaluation of Mitigation Methods for Accidental LNG Releases, Volume 5: Using FEM3A for LNG Accident Consequence Analyses," April 1997, (GRI-96/0396.5), IBR approved for §6959.A; [49 CFR 193.2013(f)(1)]

b. GTI-04/0032 LNGFIRE3: "A Thermal Radiation Model for LNG Fires" March 2004, (GTI-04/0032 LNGFIRE3), IBR approved for §6957.A; [49 CFR 193.2013(f)(2)]

c. GTI-04/0049 "LNG Vapor Dispersion Prediction with the DEGADIS 2.1: Dense Gas Dispersion Model for LNG Vapor Dispersion," April 2004, (GTI-04/0049), IBR approved for §6959.A; [49 CFR 193.2013(f)(3)]

7. National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, MA, 02169 phone: 617-984-7275, Web site: http://www.nfpa.org/; [49 CFR 193.2013(g)]

a. NFPA-59A (2001), "Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG)," (NFPA-59A-2001), IBR approved for §§6719.A, 6951, 6957, 6959 introductory text and 6959.C, 7101.A, 7301, 7303, 7501, 7721, 7939.A, and 8301; [49 CFR 193.2013(g)(1)]

b. NFPA 59A (2006), "Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG)," 2006 edition, approved August 18, 2005, (NFPA-59A-2006), IBR approved for §§7101.B and 7321.B. [49 CFR 193.2013(g)(2)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§6717. Plans and Procedures [49 CFR 193.2017]

A. Each operator shall maintain at each LNG plant the plans and procedures required for that plant by this part. The plans and procedures must be available upon request for review and inspection by the commissioner. In addition, each change to the plans or procedures must be available at the LNG plant for review and inspection within 20 days after the change is made. [49 CFR 193.2017(a)]

B. The associate administrator or the state agency that has submitted a current certification under the pipeline safety laws, (49 U.S.C. 60101 et seq.) with respect to the pipeline facility governed by an operator's plans and procedures may, after notice and opportunity for hearing as provided in 49 CFR 190.206 or the relevant state procedures, require the operator to amend its plans and procedures as necessary to provide a reasonable level of safety. [49 CFR 192.603(c)]

C. Each operator must review and update the plans and procedures required by this part:

1. when a component is changed significantly or a new component is installed; and [49 CFR 193.2017(c)(1)]

2. at intervals not exceeding 27 months, but at least once every two calendar years. [49 CFR 193.2017(c)(2)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§6719. Mobile and Temporary LNG Facilities [49 CFR 193.2019]

A. Mobile and temporary LNG facilities for peakshaving application, for service maintenance during gas pipeline systems repair/alteration, or for other short term applications need not meet the requirements of this part if the facilities are in compliance with applicable sections of NFPA-59A-2001 (incorporated by reference, see LAC 43:XIII.6713). [49 CFR 193.2019(a)]

B. The commissioner must be provided with a location description for the installation at least two weeks in advance, including to the extent practical, the details of siting, leakage containment or control, firefighting equipment, and methods employed to restrict public access, except that in the case of emergency where such notice is not possible, as much advance notice as possible must be provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

Chapter 69. Siting Requirements [49 CFR Part 193 Subpart B]

§6951. Scope [49 CFR 193.2051]

A. Each LNG facility designed, constructed, replaced, relocated or significantly altered after March 31, 2000 must be provided with siting requirements in accordance with the requirements of this part and of NFPA-59A-2001 (incorporated by reference, see LAC 43:XIII.6713). In the event of a conflict between this part and NFPA-59A-2001, this part prevails. [49 CFR 193.2051]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§6957. Thermal Radiation Protection [49 CFR 193.2057]

A. Each LNG container and LNG transfer system must have a thermal exclusion zone in accordance with section 2.2.3.2 of NFPA-59A-2001 (incorporated by reference, see LAC 43:XIII.6713) with the following exceptions.

1. The thermal radiation distances must be calculated using Gas Technology Institute's (GTI) report or computer model GTI-04/0032 LNGFIRE3: A Thermal Radiation Model for LNG Fires (incorporated by reference, see LAC 43:XIII.6713). The use of other alternate models which take into account the same physical factors and have been validated by experimental test data may be permitted subject to the Commissioner's approval. [49 CFR 193.2057(a)]

2. In calculating exclusion distances, the wind speed producing the maximum exclusion distances shall be used except for wind speeds that occur less than 5 percent of the time based on recorded data for the area. [49 CFR 193.2057(b)]

3. In calculating exclusion distances, the ambient temperature and relative humidity that produce the maximum exclusion distances shall be used except for values that occur less than five percent of the time based on recorded data for the area. [49 CFR 193.2057(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§6959. Flammable Vapor-Gas Dispersion Protection [49 CFR 193.2059]

A. Each LNG container and LNG transfer system must have a dispersion exclusion zone in accordance with sections 2.2.3.3 and 2.2.3.4 of NFPA-59A-2001 (incorporated by reference, see §6713) with the following exceptions.

1. Flammable vapor-gas dispersion distances must be determined in accordance with the model described in the GTI-04/0049, "LNG Vapor Dispersion Prediction with the DEGADIS 2.1 Dense Gas Dispersion Model" (incorporated by reference, see §6713). Alternatively, in order to account for additional cloud dilution which may be caused by the complex flow patterns induced by tank and dike structure, dispersion distances may be calculated in accordance with the model described in the Gas Research Institute report GRI-96/0396.5 (incorporated by reference, see §6713), "Evaluation of Mitigation Methods for Accidental LNG Releases. Volume 5: Using FEM3A for LNG Accident Consequence Analyses". The use of alternate models which take into account the same physical factors and have been validated by experimental test data shall be permitted, subject to the Commissioner's approval. [49 CFR 193.2059(a)]

2. The following dispersion parameters must be used in computing dispersion distances.

a. Average gas concentration in air = 2.5 percent. [49 CFR 193.2059(b)(1)]

b. Dispersion conditions are a combination of those which result in longer predicted downwind dispersion distances than other weather conditions at the site at least 90 percent of the time, based on figures maintained by National Weather Service of the U.S. Department of Commerce, or as an alternative where the model used gives longer distances at lower wind speeds, Atmospheric Stability (Pasquill Class) F, wind speed = 4.5 miles per hour (2.01 meters/sec) at reference height of 10 meters, relative humidity = 50.0 percent, and atmospheric temperature = average in the region. [49 CFR 193.2059(b)(2)]

c. The elevation for contour (receptor) output H = 0.5 meters. [49 CFR 193.2059(b)(3)]

d. A surface roughness factor of 0.03 meters shall be used. Higher values for the roughness factor may be used if it can be shown that the terrain both upwind and downwind of the vapor cloud has dense vegetation and that the vapor cloud height is more than ten times the height of the obstacles encountered by the vapor cloud. [49 CFR 193.2059(b)(4)]

3. The design spill shall be determined in accordance with section 2.2.3.5 of NFPA-59A-2001 (incorporated by reference, see §6713). [49 CFR 193.2059(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§6967. Wind Forces [49 CFR 193.2067]

A. LNG facilities must be designed to withstand without loss of structural or functional integrity:

1. the direct effect of wind forces; [49 CFR 193.2067(a)(1)]

2. the pressure differential between the interior and exterior of a confining, or partially confining, structure; and [49 CFR 193.2067(a)(2)]

3. in the case of impounding systems for LNG storage tanks, impact forces and potential penetrations by wind borne missiles. [49 CFR 193.2067(a)(3)]

B. The wind forces at the location of the specific facility must be based on one of the following:

1. for shop fabricated containers of LNG or other hazardous fluids with a capacity of not more than 70,000 gallons, applicable wind load data in ASCE/SEI 7 (incorporated by reference, see §6713). [49 CFR 193.2067(b)(1)]

2. for all other LNG facilities:

a. an assumed sustained wind velocity of not less than 150 miles per hour, unless the Commissioner finds a lower velocity is justified by adequate supportive data; or [49 CFR 193.2067(b)(2)(i)]

b. the most critical combination of wind velocity and duration, with respect to the effect on the structure, having a probability of exceedance in a 50-year period of 0.5 percent or less, if adequate wind data are available and the probabilistic methodology is reliable. [49 CFR 193.2067(b)(2)(ii)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

Chapter 71. Design [49 CFR Part 193 Subpart C]

§7101. Scope [49 CFR 193.2101]

A. Each LNG facility designed after March 31, 2000 must comply with the requirements of this part and of NFPA-59A-2001 (incorporated by reference, see LAC 43:XIII.6713). If there is a conflict between this Part and NFPA-59A-2001, the requirements in this part prevail. [49 CFR 193.2101(a)]

B. Each stationary LNG storage tank must comply with Section 7.2.2 of NFPA-59A-2006 (incorporated by reference, see LAC 43:XIII.6713) for seismic design of field fabricated tanks. All other LNG storage tanks must comply with API Std-620 (incorporated by reference, see LAC 43:XIII.6713) for seismic design. [49 CFR 193.2101(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7119. Records [49 CFR 193.2119]

A. Each operator shall keep a record of all materials for components, buildings, foundations, and support systems, as necessary to verify that material properties meet the requirements of this part. These records must be maintained for the life of the item concerned. [49 CFR 193.2119]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7155. Structural Requirements [49 CFR 193.2155]

A. The structural members of an impoundment system must be designed and constructed to prevent impairment of the system's performance reliability and structural integrity as a result of the following:

1. the imposed loading from:

a. full hydrostatic head of impounded LNG; [49 CFR 193.2155(a)(1)(i)]

b. hydrodynamic action, including the effect of any material injected into the system for spill control; [49 CFR 193.2155(a)(1)(ii)]

c. the impingement of the trajectory of an LNG jet discharged at any predictable angle; and [49 CFR 193.2155(a)(1)(iii)]

d. anticipated hydraulic forces from a credible opening in the component or item served, assuming that the discharge pressure equals design pressure; [49 CFR 193.2155(a)(1)(iv)]

2. the erosive action from a spill, including jetting of spilling LNG, and any other anticipated erosive action including surface water runoff, ice formation, dislodgement of ice formation, and snow removal; [49 CFR 193.2155(a)(2)]

3. the effect of the temperature, any thermal gradient, and any other anticipated degradation resulting from sudden or localized contact with LNG; [49 CFR 193.2155(a)(3)]

4. exposure to fire from impounded LNG or from sources other than impounded LNG; [49 CFR 193.2155(a)(4)]

5. if applicable, the potential impact and loading on the dike due to:

a. of the component or item served or adjacent components; and [49 CFR 193.2155(a)(5)(i)]

b. the LNG facility adjoins the right-of-way of any highway or railroad, collision by or explosion of a train, tank car, or tank truck that could reasonably be expected to cause the most severe loading. [49 CFR 193.2155(a)(b)(ii)]

B. An LNG storage tank must not be located within a horizontal distance of one mile (1.6 km) from the ends, or 1/4 mile (0.4 km) from the nearest point of a runway, whichever is longer. The height of LNG structures in the vicinity of an airport must also comply with Federal Aviation Administration requirements in 14 CFR Section 1.1. [49 CFR 193.2155(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7161. Dikes, General [49 CFR 193.2161]

A. An outer wall of a component served by an impounding system may not be used as a dike unless the outer wall is constructed of concrete. [49 CFR 193.2161]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7167. Covered Systems [49 CFR 193.2167]

A. A covered impounding system is prohibited except for concrete wall designed tanks where the concrete wall is an outer wall serving as a dike. [49 CFR 193.2167]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7173. Water Removal [193.2173]

A. Impoundment areas must be constructed such that all areas drain completely to prevent water collection. Drainage pumps and piping must be provided to remove water from collecting in the impoundment area. Alternative means of draining may be acceptable subject to the commissioner's approval. [49 CFR 193.2173(a)]

B. The water removal system must have adequate capacity to remove water at a rate equal to 25 percent of the maximum predictable collection rate from a storm of 10-year frequency and 1-hour duration, and other natural causes. For rainfall amounts, operators must use the "Rainfall Frequency Atlas of the United States" published by the National Weather Service of the U.S. Department of Commerce. [49 CFR 193.2173(b)]

C. Sump pumps for water removal must:

1. be operated as necessary to keep the impounding space as dry as practical; and [49 CFR 193.2173(c)(1)]

2. if sump pumps are designed for automatic operation, have redundant automatic shutdown controls to prevent operation when LNG is present. [49 CFR 193.2173(c)(2)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7181. Impoundment Capacity: LNG Storage Tanks [49 CFR 193.2181]

A. Each impounding system serving an LNG storage tank must have a minimum volumetric liquid impoundment capacity of:

1. 110 percent of the LNG tank's maximum liquid capacity for an impoundment serving a single tank; [49 CFR 193.2181(a)]

2. 100 percent of all tanks or 110 percent of the largest tank's maximum liquid capacity, whichever is greater, for the impoundment serving more than one tank; or [49 CFR 193.2181(b)]

3. if the dike is designed to account for a surge in the event of catastrophic failure, then the impoundment capacity may be reduced to 100 percent in lieu of 110 percent. [49 CFR 193.2181(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7187. Nonmetallic Membrane Liner [49 CFR 193.2187]

A. A flammable nonmetallic membrane liner may not be used as an inner container in a storage tank [49 CFR 193.2187]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

Chapter 73. Construction [49 CFR Part 193 Subpart D]

§7301. Scope [49 CFR 193.2301]

A. Each LNG facility constructed after March 31, 2000 must comply with requirements of this part and of NFPA-59A-2001 (incorporated by reference see LAC 43:XIII.6713). In the event of a conflict between this part and NFPA-59A-2001, this part prevails. [49 CFR 193.2301]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7303. Construction Acceptance [49 CFR 193.2303]

A. No person may place in service any component until it passes all applicable inspections and tests prescribed by this subpart and NFPA-59A-2001 (incorporated by reference, see LAC 43:XIII.6713). [49 CFR 193.2303]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7304. Corrosion Control Overview [49 CFR 193.2304]

A. Subject to Subparagraph B of this Section, components may not be constructed, repaired, replaced, or significantly altered until a person qualified under LAC 43:XIII.8107(c) reviews the applicable design drawings and materials specifications from a corrosion control viewpoint and determines that the materials involved will not impair the safety or reliability of the component or any associated components. [49 CFR 193.2304(a)]

B. The repair, replacement, or significant alteration of components must be reviewed only if the action to be taken:

1. involves a change in the original materials specified; [49 CFR 193.2304(b)(1)]

2. is due to a failure caused by corrosion; or [49 CFR 193.2304(b)(2)]

3. is occasioned by inspection revealing a significant deterioration of the component due to corrosion. [49 CFR 193.2304(b)(3)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7321. Nondestructive Tests [49 CFR 193.2321]

A. The butt welds in metal shells of storage tanks with internal design pressure above 15 psig must be nondestructively examined in accordance with the ASME Boiler and Pressure Vessel Code (BPVC) (Section VIII, Division 1) (incorporated by reference, see LAC 43:XIII.6713), except that 100 percent of welds that are both longitudinal (or meridional) and circumferential (or latitudinal) of hydraulic load bearing shells with curved surfaces that are subject to cryogenic temperatures must be nondestructively examined in accordance with the ASME BPVC (Section VIII, Division 1). [49 CFR 193.2321(a)]

B. For storage tanks with internal design pressures at 15 psig or less, ultrasonic examinations of welds on metal containers must comply with the following:

1. section 7.3.1.2 of NFPA Std-59A-2006, (incorporated by reference, see LAC 43:XIII.6713); [49 CFR 193.2321(b)(1)]

2. appendices C and Q of API Std 620, (incorporated by reference, see LAC 43:XIII.6713); [49 CFR 193.2321(b)(2)]

C. Ultrasonic examination records must be retained for the life of the facility. If electronic records are kept, they must be retained in a manner so that they cannot be altered by any means; and [49 CFR 193.2321(c)]

D. The ultrasonic equipment used in the examination of welds must be calibrated at a frequency no longer than eight hours. Such calibrations must verify the examination of welds against a calibration standard. If the ultrasonic equipment is found to be out of calibration, all previous weld inspections that are suspect must be reexamined. [49 CFR 193.2321(d)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

Chapter 75. Equipment [49 CFR Part 193 Subpart E]

§7501. Scope [49 CFR 193.2401]

A. After March 31, 2000, each new, replaced, relocated or significantly altered vaporization equipment, liquefaction equipment, and control systems must be designed, fabricated, and installed in accordance with requirements of this part and of NFPA-59A-2001. In the event of a conflict between this part and NFPA-59A-2001 (incorporated by reference, see LAC 43:XIII.6713), this part prevails. [49 CFR 193.2401]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7541. Control Center [49 CFR 193.2441]

A. Each LNG plant must have a control center from which operations and warning devices are monitored as required by this part. A control center must have the following capabilities and characteristics.

1. It must be located apart or protected from other LNG facilities so that it is operational during a controllable emergency. [49 CFR 193.2441(a)]

2. Each remotely actuated control system and each automatic shutdown control system required by this part must be operable from the control center. [49 CFR 193.2441(b)]

3. Each control center must have personnel in continuous attendance while any of the components under its control are in operation, unless the control is being performed from another control center which has personnel in continuous attendance. [49 CFR 193.2441(c)]

4. If more than one control center is located at an LNG Plant, each control center must have more than one means of communication with each other center. [49 CFR 193.2441(d)]

5. Each control center must have a means of communicating a warning of hazardous conditions to other locations within the plant frequented by personnel. [49 CFR 193.2441(e)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7545. Sources of Power [49 CFR 193.2445]

A. Electrical control systems, means of communication, emergency lighting, and firefighting systems must have at least two sources of power which function so that failure of one source does not affect the capability of the other source. [49 CFR 193.2445(a)]

B. Where auxiliary generators are used as a second source of electrical power:

1. they must be located apart or protected from components so that they are not unusable during a controllable emergency; and [49 CFR 193.2445(b)(1)]

2. fuel supply must be protected from hazards. [49 CFR 193.2445(b)(2)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

Chapter 77. Operations [49 CFR Part 193 Subpart F]

§7701. Scope [49 CFR 193.2501]

A. This subpart prescribes requirements for the operation of LNG facilities. [49 CFR 193.2501]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7703. Operating Procedures [49 CFR 193.2503]

A. Each operator shall follow one or more manuals of written procedures to provide safety in normal operation and in responding to an abnormal operation that would affect safety. The procedures must include provisions for:

1. monitoring components or buildings according to the requirements of LAC 43:XIII.7707; [49 CFR 193.2503(a)]

2. startup and shutdown, including for initial startup, performance testing to demonstrate that components will operate satisfactory in service; [49 CFR 193.2503(b)]

3. recognizing abnormal operating conditions; [49 CFR 193.2503(c)]

4. purging and inerting components according to the requirements of LAC 43:XIII.7717; [49 CFR 193.2503(d)]

5. in the case of vaporization, maintaining the vaporization rate, temperature and pressure so that the resultant gas is within limits established for the vaporizer and the downstream piping; [49 CFR 193.2503(e)]

6. in the case of liquefaction, maintaining temperatures, pressures, pressure differentials and flow rates, as applicable, within their design limits for:

a. boilers; [49 CFR 193.2503(f)(1)]

b. turbines and other prime movers; [49 CFR 193.2503(f)(2)]

c. pumps, compressors, and expanders; [49 CFR 193.2503(f)(3)]

d. purification and regeneration equipment; and [49 CFR 193.2503(f)(4)]

e. equipment within cold boxes; [49 CFR 193.2503(f)(5)]

7. cooldown of components according to the requirements of LAC 43:XIII.7705. [49 CFR 193.2503(g)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7705. Cooldown [49 CFR 193.2505]

A. The cooldown of each system of components that is subjected to cryogenic temperatures must be limited to a rate and distribution pattern that keeps thermal stresses within design limits during the cooldown period, paying particular attention to the performance of expansion and contraction devices. [49 CFR 193.2505(a)]

B. After cooldown stabilization is reached, cryogenic piping systems must be checked for leaks in areas of flanges, valves, and seals. [49 CFR 193.2505(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7707. Monitoring Operations [49 CFR 193.2507]

A. Each component in operation or building in which a hazard to persons or property could exist must be monitored to detect fire or any malfunction or flammable fluid that could cause a hazardous condition. Monitoring must be accomplished by watching or listening from an attended control center for warning alarms, such as gas, temperature, pressure, vacuum, and flow alarms, or by conducting an inspection or test at intervals specified in the operating procedures. [49 CFR 193.2507]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7709. Emergency Procedures [49 CFR 193.2509]

A. Each operator shall determine the types and places of emergencies other than fires that may reasonably be expected to occur at an LNG plant due to operating malfunctions, structural collapse, personnel error, forces of nature, and activities adjacent to the plant. [49 CFR 193.2509(a)]

B. To adequately handle each type of emergency identified under Subsection A of this Section and each fire emergency, each operator must follow one or more manuals of written procedures. The procedures must provide for the following:

1. responding to controllable emergencies, including notifying personnel and using equipment appropriate for handling the emergency; [49 CFR 193.2509(b)(1)]

2. recognizing an uncontrollable emergency and taking action to minimize harm to the public and personnel, including prompt notification of appropriate local officials of the emergency and possible need for evacuation of the public in the vicinity of the LNG plant; [49 CFR 193.2509(b)(2)]

3. coordinating with appropriate local officials in preparation of an emergency evacuation plan, which sets forth the steps required to protect the public in the event of an emergency, including catastrophic failure of an LNG storage tank; [49 CFR 193.2509(b)(3)]

4. cooperating with appropriate local officials in evacuations and emergencies requiring mutual assistance and keeping these officials advised of:

a. the LNG plant fire control equipment, its location, and quantity of units located throughout the plant; [49 CFR 193.2509(b)(4)(i)]

b. potential hazards at the plant, including fires; [49 CFR 193.2509(b)(4)(ii)]

c. communication and emergency control capabilities at the LNG plant; and [49 CFR 193.2509(b)(4)(iii)]

d. the status of each emergency. [49 CFR 193.2509(b)(4)(iv)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7711. Personnel Safety [49 CFR 193.2511]

A. Each operator shall provide any special protective clothing and equipment necessary for the safety of personnel while they are performing emergency response duties. [49 CFR 193.2511(a)]

B. All personnel who are normally on duty at a fixed location, such as a building or yard, where they could be harmed by thermal radiation from a burning pool of impounded liquid, must be provided a means of protection at that location from the harmful effects of thermal radiation or a means of escape. [49 CFR 193.2511(b)]

C. Each LNG plant must be equipped with suitable first-aid material, the location of which is clearly marked and readily available to personnel. [49 CFR 193.2511(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7713. Transfer Procedures [49 CFR 193.2513]

A. Each transfer of LNG or other hazardous fluid must be conducted in accordance with one or more manuals of written procedures to provide for safe transfers. [49 CFR 193.2513(a)]

B. The transfer procedures must include provisions for personnel to:

1. before transfer, verify that the transfer system is ready for use, with connections and controls in proper positions, including if the system could contain a combustible mixture, verifying that it has been adequately purged in accordance with a procedure which meets the requirements of "Purging Principles and Practices (incorporated by reference, see §6713)"; [49 CFR 193.2513(b)(1)]

2. before transfer, verify that each receiving container or tank vehicle does not contain any substance that would be incompatible with the incoming fluid and that there is sufficient capacity available to receive the amount of fluid to be transferred; [49 CFR 193.2513(b)(2)]

3. before transfer, verify the maximum filling volume of each receiving container or tank vehicle to ensure that expansion of the incoming fluid due to warming will not result in overfilling or overpressure; [49 CFR 193.2513(b)(3)]

4. when making bulk transfer of LNG into a partially filled (excluding cooldown heel) container, determine any differences in temperature or specific gravity between the LNG being transferred and the LNG already in the container and, if necessary, provide a means to prevent rollover due to stratification; [49 CFR 193.2513(b)(4)]

5. verify that the transfer operations are proceeding within design conditions and that overpressure or overfilling does not occur by monitoring applicable flow rates, liquid levels, and vapor returns; [49 CFR 193.2513(b)(5)]

6. manually terminate the flow before overfilling or overpressure occurs; and [49 CFR 193.2513(b)(6)]

7. deactivate cargo transfer systems in a safe manner by depressurizing, venting, and disconnecting lines and conducting any other appropriate operations. [49 CFR 193.2513(b)(7)]

C. In addition to the requirements of Subparagraph B of this Section, the procedures for cargo transfer must be located at the transfer area and include provisions for personnel to:

1. be in constant attendance during all cargo transfer operations; [49 CFR 193.2513(c)(1)]

2. prohibit the backing of tank trucks in the transfer area, except when a person is positioned at the rear of the truck giving instructions to the driver; [49 CFR 193.2513(c)(2)]

3. before transfer, verify that:

a. each tank car or tank truck complies with applicable regulations governing its use; [49 CFR 193.2513(c)(3)(i)]

b. all transfer hoses have been visually inspected for damage and defects; [49 CFR 193.2513(c)(3)(ii)]

c. each tank truck is properly immobilized with chock wheels, and electrically grounded; and [49 CFR 193.2513(c)(3)(iii)]

d. each tank truck engine is shut off unless it is required for transfer operations; [49 CFR 193.2513(c)(3)(iv)]

4. prevent a tank truck engine that is off during transfer operations from being restarted until the transfer lines have been disconnected and any released vapors have dissipated; [49 CFR 193.2513(c)(4)]

5. prevent loading LNG into a tank car or tank truck that is not in exclusive LNG service or that does not contain a positive pressure if it is in exclusive LNG service, until after the oxygen content in the tank is tested and if it exceeds 2 percent by volume, purged in accordance with a procedure that meets the requirements of "Purging Principles and Practices (incorporated by reference, see LAC 43:XIII.6713)". [49 CFR 193.2513(c)(5)]

6. verify that all transfer lines have been disconnected and equipment cleared before the tank car or tank truck is moved from the transfer position; and [49 CFR 193.2513(c)(6)]

7. verify that transfers into a pipeline system will not exceed the pressure or temperature limits of the system. [49 CFR 193.2513(c)(7)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7715. Investigations of Failures [49 CFR 193.2515]

A. Each operator shall investigate the cause of each explosion, fire, or LNG spill or leak which results in:

1. death or injury requiring hospitalization; or [49 CFR 193.2515(a)(1)]

2. property damage exceeding $10,000. [49 CFR 193.2515(a)(2)]

B. As a result of the investigation, appropriate action must be taken to minimize recurrence of the incident. [49 CFR 193.2515(b)]

C. If the commissioner investigates an incident, the operator involved shall make available all relevant information and provide reasonable assistance in conducting the investigation. Unless necessary to restore or maintain service, or for safety, no component involved in the incident may be moved from its location or otherwise altered until the investigation is complete or the investigating agency otherwise provides. Where components must be moved for operational or safety reasons, they must not be removed from the plant site and must be maintained intact to the extent practicable until the investigation is complete or the investigating agency otherwise provides. [49 CFR 193.2515(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7717. Purging [49 CFR 193.2517]

A. When necessary for safety, components that could accumulate significant amounts of combustible mixtures must be purged in accordance with a procedure which meets the provisions of the "Purging Principles and Practices (incorporated by reference, see LAC 43:XIII.6713)" after being taken out of service and before being returned to service. [49 CFR 193.2517]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7719. Communication Systems [49 CFR 193.2519]

A. Each LNG plant must have a primary communication system that provides for verbal communications between all operating personnel at their work stations in the LNG plant. [49 CFR 193.2519(a)]

B. Each LNG plant in excess of 70,000 gallons (265,000 liters) storage capacity must have an emergency communication system that provides for verbal communications between all persons and locations necessary for the orderly shutdown of operating equipment and the operation of safety equipment in time of emergency. The emergency communication system must be independent of and physically separated from the primary communication system and the security communication system under LAC 43:XIII.8509. [49 CFR 193.2519(b)]

C. Each communication system required by this part must have an auxiliary source of power, except sound-powered equipment. [49 CFR 193.2519(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7721. Operating Records [49 CFR 193.2521]

A. operator shall maintain a record of results of each inspection, test and investigation required by this subpart. For each LNG facility that is designed and constructed after March 31, 2000 the operator shall also maintain related inspection, testing, and investigation records that NFPA-59A-2001 (incorporated by reference, see LAC 43:XIII.6713) requires. Such records, whether required by this part or NFPA-59A-2001, must be kept for a period of not less than five years. [49 CFR 193.2521]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

Chapter 79. Maintenance [49 CFR Part 193 Subpart G]

§7901. Scope [49 CFR 193.2601]

A. This subpart prescribes requirements for maintaining components at LNG plants. [49 CFR 193.2601]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7903. General [49 CFR 193.2603]

A. Each component in service, including its support system, must be maintained in a condition that is compatible with its operational or safety purpose by repair, replacement, or other means. [49 CFR 193.2603(a)]

B. An operator may not place, return, or continue in service any component which is not maintained in accordance with this subpart. [49 CFR 193.2603(b)]

C. Each component taken out of service must be identified in the records kept under §193.2639. [49 CFR 193.2603(c)]

D. If a safety device is taken out of service for maintenance, the component being served by the device must be taken out of service unless the same safety function is provided by an alternate means. [49 CFR 193.2603(d)]

E. If the inadvertent operation of a component taken out of service could cause a hazardous condition, that component must have a tag attached to the controls bearing the words "do not operate" or words of comparable meaning. [49 CFR 193.2603(e)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7905. Maintenance Procedures [49 CFR 193.2605]

A. Each operator shall determine and perform, consistent with generally accepted engineering practice, the periodic inspections or tests needed to meet the applicable requirements of this subpart and to verify that components meet the maintenance standards prescribed by this subpart. [49 CFR 193.2605(a)]

B. Each operator shall follow one or more manuals of written procedures for the maintenance of each component, including any required corrosion control. The procedures must include:

1. the details of the inspections or tests determined under Subsection A of this Section and their frequency of performance; and [49 CFR 193.2605(b)(1)]

2. a description of other actions necessary to maintain the LNG plant according to the requirements of this Subpart. [49 CFR 193.2605(b)(2)]

3. each operator shall include in the manual required by Subsection B of this Section instructions enabling personnel who perform operation and maintenance activities to recognize conditions that potentially may be safety-related conditions that are subject to the reporting requirements of LAC 43:XIII.313 of this Subchapter. [49 CFR 193.2605(b)(3)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7907. Foreign Material [49 CFR 193.2607]

A. The presence of foreign material, contaminants, or ice shall be avoided or controlled to maintain the operational safety of each component. [49 CFR 193.2605(a)]

B. LNG plant grounds must be free from rubbish, debris, and other material which present a fire hazard. Grass areas on the LNG plant grounds must be maintained in a manner that does not present a fire hazard. [49 CFR 193.2605(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7909. Support Systems [49 CFR 193.2609]

A. Each support system or foundation of each component must be inspected for any detrimental change that could impair support. [49 CFR 193.2609]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7911. Fire Protection [49 CFR 193.2611]

A. Maintenance activities on fire control equipment must be scheduled so that a minimum of equipment is taken out of service at any one time and is returned to service in a reasonable period of time. [49 CFR 193.2611(a)]

B. Access routes for movement of fire control equipment within each LNG plant must be maintained to reasonably provide for use in all weather conditions. [49 CFR 193.2611(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7913. Auxiliary Power Sources [49 CFR 193.2613]

A. Each auxiliary power source must be tested monthly to check its operational capability and tested annually for capacity. The capacity test must take into account the power needed to start up and simultaneously operate equipment that would have to be served by that power source in an emergency. [49 CFR 193.2613]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7915. Isolating and Purging [49 CFR 193.2615]

A. Before personnel begin maintenance activities on components handling flammable fluids which are isolated for maintenance, the component must be purged in accordance with a procedure which meets the requirements of "Purging Principles and Practices (incorporated by reference, see LAC 43:XIII.6713)"; unless the maintenance procedures under LAC 43:XIII.7905 provide that the activity can be safely performed without purging. [49 CFR 193.2615(a)]

B. If the component or maintenance activity provides an ignition source, a technique in addition to isolation valves (such as removing spool pieces or valves and blank flanging the piping, or double block and bleed valving) must be used to ensure that the work area is free of flammable fluids. [49 CFR 193.2615(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7917. Repairs [49 CFR 193.2617]

A. Repair work on components must be performed and tested in a manner which:

1. as far as practicable, complies with the applicable requirements of Subpart D of this part; and [49 CFR 193.2617(a)(1)]

2. assures the integrity and operational safety of the component being repaired. [49 CFR 193.2617(a)(2)]

B. For repairs made while a component is operating, each operator shall include in the maintenance procedures under LAC 43:XIII.7905 appropriate precautions to maintain the safety of personnel and property during repair activities. [49 CFR 193.2617(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7919. Control Systems [49 CFR 193.2619]

A. Each control system must be properly adjusted to operate within design limits. [49 CFR 193.2619(a)]

B. If a control system is out of service for 30 days or more, it must be inspected and tested for operational capability before returning it to service. [49 CFR 193.2619(b)]

C. Control systems in service, but not normally in operation, such as relief valves and automatic shutdown devices, and control systems for internal shutoff valves for bottom penetration tanks must be inspected and tested once each calendar year, not exceeding 15 months, with the following exceptions.

1. Control systems used seasonally, such as for liquefaction or vaporization, must be inspected and tested before use each season. [49 CFR 193.2619(c)(1)]

2. Control systems that are intended for fire protection must be inspected and tested at regular intervals not to exceed 6 months. [49 CFR 193.2619(c)(2)]

D. Control systems that are normally in operation, such as required by a base load system, must be inspected and tested once each calendar year but with intervals not exceeding 15 months. [49 CFR 193.2619(d)]

E. Relief valves must be inspected and tested for verification of the valve seat lifting pressure and reseating. [49 CFR 193.2619(e)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7921. Testing Transfer Hoses [49 CFR 193.2621]

A. Hoses used in LNG or flammable refrigerant transfer systems must be:

1. tested once each calendar year, but with intervals not exceeding 15 months, to the maximum pump pressure or relief valve setting; and [49 CFR 193.2621(a)]

2. visually inspected for damage or defects before each use. [49 CFR 193.2621(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7923. Inspecting LNG Storage Tanks [49 CFR 193.2623]

A. Each LNG storage tank must be inspected or tested to verify that each of the following conditions does not impair the structural integrity or safety of the tank:

1. foundation and tank movement during normal operation and after a major meteorological or geophysical disturbance; [49 CFR 193.2623(a)]

2. inner tank leakage; [49 CFR 193.2623(b)]

3. effectiveness of insulation; [49 CFR 193.2623(c)]

4. frost heave. [49 CFR 193.2623(d)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7925. Corrosion Protection [49 CFR 193.2625]

A. Each operator shall determine which metallic components could, unless corrosion is controlled, have their integrity or reliability adversely affected by external, internal, or atmospheric corrosion during their intended service life. [49 CFR 193.2625(a)]

B. Components whose integrity or reliability could be adversely affected by corrosion must be either:

1. protected from corrosion in accordance with LAC 43:XIII.7927 through LAC 43:XIII.7935, as applicable; or [49 CFR 193.2625(b)(1)]

2. inspected and replaced under a program of scheduled maintenance in accordance with procedures established under LAC 43:XIII.7905. [49 CFR 193.2625(b)(2)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7927. Atmospheric Corrosion Control [49 CFR 193.2627]

A. Each exposed component that is subject to atmospheric corrosive attack must be protected from atmospheric corrosion by:

1. material that has been designed and selected to resist the corrosive atmosphere involved; or [49 CFR 193.2627(a)]

2. suitable coating or jacketing. [49 CFR 193.2627(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7929. External Corrosion Control: Buried or Submerged Components [49 CFR 193.2629]

A. Buried or submerged component that is subject to external corrosive attack must be protected from external corrosion by:

1. material that has been designed and selected to resist the corrosive environment involved; or [49 CFR 193.2629(a)(1)]

2. the following means:

a. an external protective coating designed and installed to prevent corrosion attack and to meet the requirements of §192.461 of this chapter; and [49 CFR 193.2629(a)(2)(i)]

b. a cathodic protection system designed to protect components in their entirety in accordance with the requirements of LAC 43:XIII.2115 of this chapter and placed in operation before October 23, 1981, or within 1 year after the component is constructed or installed, whichever is later. [49 CFR 193.2629(a)(2)(ii)]

B. Where cathodic protection is applied, components that are electrically interconnected must be protected as a unit. [49 CFR 193.2629(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7931. Internal Corrosion Control [49 CFR 193.2631]

A. Each component that is subject to internal corrosive attack must be protected from internal corrosion by:

1. material that has been designed and selected to resist the corrosive fluid involved; or [49 CFR 193.2631(a)]

2. suitable coating, inhibitor, or other means. [49 CFR 193.2631(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7933. Interference Currents [49 CFR 193.2633]

A. Each component that is subject to electrical current interference must be protected by a continuing program to minimize the detrimental effects of currents. [49 CFR 193.2633(a)]

B. Each cathodic protection system must be designed and installed so as to minimize any adverse effects it might cause to adjacent metal components. [49 CFR 193.2633(b)]

C. Each impressed current power source must be installed and maintained to prevent adverse interference with communications and control systems. [49 CFR 193.2633(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7935. Monitoring Corrosion Control [49 CFR 193.2635]

A. Corrosion protection provided as required by this subpart must be periodically monitored to give early recognition of ineffective corrosion protection, including the following, as applicable.

1. Each buried or submerged component under cathodic protection must be tested at least once each calendar year, but with intervals not exceeding 15 months, to determine whether the cathodic protection meets the requirements of §192.463 of this chapter. [49 CFR 193.2635(a)]

2. Each cathodic protection rectifier or other impressed current power source must be inspected at least 6 times each calendar year, but with intervals not exceeding 2 1/2 months, to ensure that it is operating properly. [49 CFR 193.2635(b)]

3. Each reverse current switch, each diode, and each interference bond whose failure would jeopardize component protection must be electrically checked for proper performance at least 6 times each calendar year, but with intervals not exceeding 2 1/2 months. Each other interference bond must be checked at least once each calendar year, but with intervals not exceeding 15 months. [49 CFR 193.2635(c)]

4. Each component that is protected from atmospheric corrosion must be inspected at intervals not exceeding 3 years. [49 CFR 193.2635(d)]

5. If a component is protected from internal corrosion, monitoring devices designed to detect internal corrosion, such as coupons or probes, must be located where corrosion is most likely to occur. However, monitoring is not required for corrosion resistant materials if the operator can demonstrate that the component will not be adversely affected by internal corrosion during its service life. Internal corrosion control monitoring devices must be checked at least two times each calendar year, but with intervals not exceeding 7 1/2 months. [49 CFR 193.2635(e)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7937. Remedial Measures [49 CFR 193.2637]

A. Prompt corrective or remedial action must be taken whenever an operator learns by inspection or otherwise that atmospheric, external, or internal corrosion is not controlled as required by this subpart. [49 CFR 193.2637]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§7939. Maintenance Records [49 CFR 193.2639]

A. Each operator shall keep a record at each LNG plant of the date and type of each maintenance activity performed on each component to meet the requirements of this part. For each LNG facility that is designed and constructed after March 31, 2000 the operator shall also maintain related periodic inspection and testing records that NFPA-59A-2001 (incorporated by reference, see LAC 43:XIII.6713) requires. Maintenance records, whether required by this part or NFPA-59A-2001, must be kept for a period of not less than five years. [49 CFR 193.2639(a)]

B. Each operator shall maintain records or maps to show the location of cathodically protected components, neighboring structures bonded to the cathodic protection system, and corrosion protection equipment. [49 CFR 193.2639(b)]

C. Each of the following records must be retained for as long as the LNG facility remains in service:

1. each record or map required by Subsection B of this Section. [49 CFR 193.2639(c)(1)]

2. records of each test, survey, or inspection required by this subpart in sufficient detail to demonstrate the adequacy of corrosion control measures. [49 CFR 193.2639(c)(2)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

Chapter 81. Personnel Qualifications and Training [49 CFR Part 193 Subpart H]

§8101. Scope [49 CFR 193.2701]

A. This subpart prescribes requirements for personnel qualifications and training.

[45 FR 9219, Feb. 11, 1980] [49 CFR 193.2701]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§8103. Design and Fabrication [49 CFR 193.2703]

A. For the design and fabrication of components, each operator shall use:

1. with respect to design, persons who have demonstrated competence by training or experience in the design of comparable components; [49 CFR 193.2703(a)]

2. with respect to fabrication, persons who have demonstrated competence by training or experience in the fabrication of comparable components. [49 CFR 193.2703(b)] [45 FR 9219, Feb. 11, 1980]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§8105. Construction, Installation, Inspection, and Testing [49 CFR 193.2705]

A. Supervisors and other personnel utilized for construction, installation, inspection, or testing must have demonstrated their capability to perform satisfactorily the assigned function by appropriate training in the methods and equipment to be used or related experience and accomplishments. [49 CFR 193.2705(a)]

B. Each operator must periodically determine whether inspectors performing construction, installation, and testing duties required by this part are satisfactorily performing their assigned functions. [49 CFR 193.2705(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§8107. Operations and Maintenance [49 CFR 193.2707]

A. Each operator shall utilize for operation or maintenance of components only those personnel who have demonstrated their capability to perform their assigned functions by:

1. successful completion of the training required by LAC 43:XIII.8113 and LAC 43:XIII.8117; and [49 CFR 193.2707(a)(1)]

2. experience related to the assigned operation or maintenance function; and [49 CFR 193.2707(a)(2)]

3. acceptable performance on a proficiency test relevant to the assigned function. [49 CFR 193.2707(a)(3)]

B. A person who does not meet the requirements of Subsection A of this Section may operate or maintain a component when accompanied and directed by an individual who meets the requirements. [49 CFR 193.2707(b)

C. Corrosion control procedures under LAC 43:XIII.7905(b), including those for the design, installation, operation, and maintenance of cathodic protection systems, must be carried out by, or under the direction of, a person qualified by experience and training in corrosion control technology. [49 CFR 193.2707(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§8109. Security [49 CFR 193.2709]

A. Personnel having security duties must be qualified to perform their assigned duties by successful completion of the training required under LAC 43:XIII.8115. [49 CFR 193.2709]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§8111. Personnel Health [49 CFR 193.2711]

A. Each operator shall follow a written plan to verify that personnel assigned operating, maintenance, security, or fire protection duties at the LNG plant do not have any physical condition that would impair performance of their assigned duties. The plan must be designed to detect both readily observable disorders, such as physical handicaps or injury, and conditions requiring professional examination for discovery. [49 CFR 193.2711]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§8113. Training: Operations and Maintenance [49 CFR 193.2713]

A. Each operator shall provide and implement a written plan of initial training to instruct:

1. all permanent maintenance, operating, and supervisory personnel:

a. about the characteristics and hazards of LNG and other flammable fluids used or handled at the facility, including, with regard to LNG, low temperatures, flammability of mixtures with air, odorless vapor, boiloff characteristics, and reaction to water and water spray; [49 CFR 193.2713(a)(1)(i)]

b. about the potential hazards involved in operating and maintenance activities; and [49 CFR 193.2713(a)(1)(ii)]

c. to carry out aspects of the operating and maintenance procedures under LAC 43:XIII.7703 and LAC 43:XIII.7905 that relate to their assigned functions; and [49 CFR 193.2713(a)(1)(iii)]

2. all personnel:

a. to carry out the emergency procedures under LAC 43:XIII.7709 that relate to their assigned functions; and [49 CFR 193.2713(a)(2)(i)]

b. to give first-aid; and [49 CFR 193.2713(a)(2)(ii)]

3. all operating and appropriate supervisory personnel—

a. to understand detailed instructions on the facility operations, including controls, functions, and operating procedures; and [49 CFR 193.2713(a)(3)(i)]

b. to understand the LNG transfer procedures provided under LAC 43:XIII.7713. [49 CFR 193.2713(a)(3)(ii)]

B. A written plan of continuing instruction must be conducted at intervals of not more than two years to keep all personnel current on the knowledge and skills they gained in the program of initial instruction. [49 CFR 193.2713(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§8115. Training: Security [49 CFR 193.2715]

A. Personnel responsible for security at an LNG plant must be trained in accordance with a written plan of initial instruction to:

1. recognize breaches of security; [49 CFR 193.2715(a)(1)]

2. carry out the security procedures under LAC 43:XIII.8503 that relate to their assigned duties; [49 CFR 193.2715(a)(2)]

3. be familiar with basic plant operations and emergency procedures, as necessary to effectively perform their assigned duties; and [49 CFR 193.2715(a)(3)]

4. recognize conditions where security assistance is needed. [49 CFR 193.2715(a)(4)]

B. A written plan of continuing instruction must be conducted at intervals of not more than two years to keep all personnel having security duties current on the knowledge and skills they gained in the program of initial instruction. [49 CFR 193.2715(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§8117. Training: Fire Protection [49 CFR 193.2717]

A. All personnel involved in maintenance and operations of an LNG plant, including their immediate supervisors, must be trained according to a written plan of initial instruction, including plant fire drills, to:

1. know the potential causes and areas of fire; [49 CFR 193.2717(a)(1)]

2. know the types, sizes, and predictable consequences of fire; and [49 CFR 193.2717(a)(2)]

3. know and be able to perform their assigned fire control duties according to the procedures established under LAC 43:XIII.7709 and by proper use of equipment provided under LAC 43:XIII.8301. [49 CFR 193.2717(a)(3)]

B. A written plan of continuing instruction, including plant fire drills, must be conducted at intervals of not more than two years to keep personnel current on the knowledge and skills they gained in the instruction under Subsection A of the Section. [49 CFR 193.2717(b)]

C. Plant fire drills must provide personnel hands-on experience in carrying out their duties under the fire emergency procedures required by §193.2509. [49 CFR 193.2717(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§8119. Training: Records [49 CFR 193.2719]

A. Each operator shall maintain a system of records which:

1. provide evidence that the training programs required by this subpart have been implemented; and [49 CFR 193.2719(a)(1)]

2. provide evidence that personnel have undergone and satisfactorily completed the required training programs. [49 CFR 193.2719(a)(2)]

B. Records must be maintained for one year after personnel are no longer assigned duties at the LNG plant. [49 CFR 193.2719(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

Chapter 83. Fire Protection [49 CFR Part 193 Subpart I]

§8301. Fire Protection [49 CFR 193.2801]

A. Each operator must provide and maintain fire protection at LNG plants according to sections 9.1 through 9.7 and section 9.9 of NFPA-59A-2001 (incorporated by reference, see LAC 43:XIII.6713). However, LNG plants existing on March 31, 2000, need not comply with provisions on emergency shutdown systems, water delivery systems, detection systems, and personnel qualification and training until September 12, 2005. [49 CFR 193.2801]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

Chapter 85 Security[49 CFR Part 193 Subpart J]

§8501. Scope [49 CFR 193.2901]

A. This subpart prescribes requirements for security at LNG plants. However, the requirements do not apply to existing LNG plants that do not contain LNG. [49 CFR 193.2901]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§8503. Security Procedures [49 CFR 193.2903]

A. Each operator shall prepare and follow one or more manuals of written procedures to provide security for each LNG plant. The procedures must be available at the plant in accordance with LAC 43:XIII.6717 and include at least:

1. a description and schedule of security inspections and patrols performed in accordance with §193.2913; [49 CFR 193.2903(a)]

2. a list of security personnel positions or responsibilities utilized at the LNG plant; [193.2903(b)]

3. a brief description of the duties associated with each security personnel position or responsibility; [49 CFR 193.2903(c)]

4. instructions for actions to be taken, including notification of other appropriate plant personnel and law enforcement officials, when there is any indication of an actual or attempted breach of security; [49 CFR 193.2903(d)]

5. methods for determining which persons are allowed access to the LNG plant; [49 CFR 193.2903(e)]

6. positive identification of all persons entering the plant and on the plant, including methods at least as effective as picture badges; and [49 CFR 193.2903(f)]

7. liaison with local law enforcement officials to keep them informed about current security procedures under this section. [49 CFR 193.2903(g)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§8505. Protective Enclosures [49 CFR 193.2905]

A. The following facilities must be surrounded by a protective enclosure:

1. storage tanks; [49 CFR 2905(a)(1)]

2. impounding systems; [49 CFR 2905(a)(2)]

3. vapor barriers; [49 CFR 2905(a)(3)]

4. cargo transfer systems; [49 CFR 2905(a)(4)]

5. process, liquefaction, and vaporization equipment; [49 CFR 2905(a)(5)]

6. control rooms and stations; [49 CFR 2905(a)(6)]

7. control systems; [49 CFR 2905(a)(7)]

8. fire control equipment; [49 CFR 2905(a)(8)]

9. security communications systems; and [49 CFR 2905(a)(9)]

10. alternative power sources. [49 CFR 2905(a)(10)]

B. The protective enclosure may be one or more separate enclosures surrounding a single facility or multiple facilities.

C. Ground elevations outside a protective enclosure must be graded in a manner that does not impair the effectiveness of the enclosure. [49 CFR 193.2905(b)]

D. Protective enclosures may not be located near features outside of the facility, such as trees, poles, or buildings, which could be used to breach the security. [49 CFR 193.2905(c)]

E. At least two accesses must be provided in each protective enclosure and be located to minimize the escape distance in the event of emergency. [49 CFR 193.2905(d)]

F. Each access must be locked unless it is continuously guarded. During normal operations, an access may be unlocked only by persons designated in writing by the operator. During an emergency, a means must be readily available to all facility personnel within the protective enclosure to open each access. [49 CFR 193.2905(e)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§8507. Protective Enclosure Construction [49 CFR 193.2907]

A. A protective enclosure must have sufficient strength and configuration to obstruct unauthorized access to the facilities enclosed. [49 CFR 193.2907(a)]

B. Openings in or under protective enclosures must be secured by grates, doors or covers of construction and fastening of sufficient strength such that the integrity of the protective enclosure is not reduced by any opening. [49 CFR 193.2907(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§8509. Security Communications [49 CFR 193.2909]

A. A means must be provided for:

1. prompt communications between personnel having supervisory security duties and law enforcement officials; and [49 CFR 193.2909(a)]

2. direct communications between all on-duty personnel having security duties and all control rooms and control stations. [49 CFR 193.2909(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§8511. Security Lighting [49 CFR193.2911]

A. Where security warning systems are not provided for security monitoring under LAC 43:XIII.8513, the area around the facilities listed under LAC 43:XIII.8505(a) and each protective enclosure must be illuminated with a minimum in service lighting intensity of not less than 2.2 lux (0.2 ft^c) between sunset and sunrise. [49 CFR 193.2911]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§8513. Security Monitoring [49 CFR 193.2913]

A. Each protective enclosure and the area around each facility listed in LAC 43:XIII.8505(a) must be monitored for the presence of unauthorized persons. Monitoring must be by visual observation in accordance with the schedule in the security procedures under LAC 43:XIII.8503(a) or by security warning systems that continuously transmit data to an attended location. At an LNG plant with less than 40,000 m^3 (250,000 bbl) of storage capacity, only the protective enclosure must be monitored. [49 CFR 193.2913]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§8515. Alternative Power Sources [49 CFR 193.2915]

A. An alternative source of power that meets the requirements of LAC 43:XIII.7545 must be provided for security lighting and security monitoring and warning systems required under LAC 43:XIII.8511 and LAC 43:XIII.8513. [49 CFR 193.2915]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

§8517. Warning Signs [49 CFR 193.2917]

A. Warning signs must be conspicuously placed along each protective enclosure at intervals so that at least one sign is recognizable at night from a distance of 30m (100 ft.) from any way that could reasonably be used to approach the enclosure. [49 CFR 193.2917(a)]

B. Signs must be marked with at least the following on a background of sharply contrasting color. The words "NO TRESPASSING," or words of comparable meaning. [49 CFR 193.2917(b)] [Amdt. 193-2, 45 FR 70409, Oct. 23, 1980, as amended at 47 FR 32720, July 29, 1982]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:551.C.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 44:

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Wastes and Hazardous Materials
Subpart 3. Natural Resources
Chapter 301. Transportation of Hazardous Liquids by Pipeline [49 CFR Part 195]
Subchapter A. General [49 CFR Part 195 Subpart A]

§30105. Definitions [49 CFR 195.2]

A. As used in this Subpart:

* * *

Confirmed Discovery—when it can be reasonably determined, based on information available to the operator at the time a reportable event has occurred, even if only based on a preliminary evaluation.

* * *

In-Line Inspection (ILI)—inspection of a pipeline from the interior of the pipe using an in-line inspection tool. Also called intelligent or smart pigging.

In-Line Inspection Tool or Instrumented Internal Inspection Device—a device or vehicle that uses a non-destructive testing technique to inspect the pipeline from the inside. Also known as intelligent or smart pig.

* * *

Hazardous Liquid—petroleum, petroleum products, anhydrous ammonia, or ethanol.

* * *

Significant Stress Corrosion Cracking—a stress corrosion cracking (SCC) cluster in which the deepest crack, in a series of interacting cracks, is greater than 10 percent of the wall thickness and the total interacting length of the cracks is equal to or greater than 75 percent of the critical length of a 50 percent through-wall flaw that would fail at a stress level of 110 percent of SMYS.

* * *

Welder—a person who performs manual or semi-automatic welding.

Welding Operator—a person who operates machine or automatic welding equipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:861 (August 1992), LR 21:815 (August 1995), LR 27:1523 (September 2001), LR 28:83 (January 2002), LR 29:2805 (December 2003), LR 31:675 (March 2005), LR 33:467 (March 2007), LR 38:99 (January 2012), LR 44:

§30107. Matter Incorporated by Reference in Whole or in Part [49 CFR 195.3]

A. This part prescribes standards, or portions thereof, incorporated by reference into this part with the approval of the Director of the *Federal Register* in 5 U.S.C. 552(a) and 1 CFR part 51. The materials listed in this section have the full force of law. To enforce any edition other than that specified in this section, PHMSA must publish a notice of change in the Federal Register.

1. Availability of standards incorporated by reference. All of the materials incorporated by reference are available for inspection from several sources, including the following:

a. The Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. For more information contact 202-366-4046 or go to the PHMSA Web site at: http://www.phmsa.dot.gov/pipeline/regs.

b. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to the NARA Web site at: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

c. Copies of standards incorporated by reference in this part can also be purchased from the respective standards-developing organization at the addresses provided in the centralized IBR section below.

Source and Name of Referenced Material	Approved for Title 33 Reference
B. American Petroleum Institute (API), 1220 L Street NW., Washington, DC 20005, phone: 202-682-8000, http://api.org/.	
1. API Publication 2026, "Safe Access/Egress Involving Floating Roofs of Storage Tanks in Petroleum Service," 2nd edition, April 1998 (reaffirmed June 2006) (API Pub 2026).	§ 30405
2. API Recommended Practice 5L1, "Recommended Practice for Railroad Transportation of Line Pipe," 7th edition, September 2009, (API RP 5L1).	§ 30207.A
3. API Recommended Practice 5LT, "Recommended Practice for Truck Transportation of Line Pipe," First edition, March 12, 2012, (API RP 5LT).	§ 30207.C
4. API Recommended Practice 5LW, "Recommended Practice Transportation of Line Pipe on Barges and Marine Vessels," 3rd edition, September 2009, (API RP 5LW).	§ 30207.B
5. ANSI/API Recommended Practice 651, "Cathodic Protection of Aboveground Petroleum Storage Tanks," 3rd edition, January 2007, (ANSI/API RP 651).	§§ 30565.A; 30573.D
6. ANSI/API Recommended Practice 652, "Linings of Aboveground Petroleum Storage Tank Bottoms," 3rd edition, October 2005, (API RP 652).	§ 30207.B
7. API Recommended Practice 1130, "Computational Pipeline Monitoring for Liquids: Pipeline Segment," 3rd edition, September 2007, (API RP 1130).	§ 30207.B
8. API Recommended Practice 1162, "Public Awareness Programs for Pipeline Operators," 1st edition, December 2003, (API RP 1162).	§§ 30440.A; 30440.B; 30440.C
9. API Recommended Practice 1165, "Recommended Practice for Pipeline SCADA Displays," First edition, January 2007, (API RP 1165).	§ 30446.C
10. API Recommended Practice 1168, "Pipeline Control Room Management," First edition, September 2008, (API RP 1168).	§§ 30446.C; 30446.F
11. API Recommended Practice 2003, "Protection against Ignitions Arising out of Static, Lightning, and Stray Currents," 7th edition, January 2008, (API RP 2003).	§ 30405.A
12. API Recommended Practice 2350, "Overfill Protection for Storage Tanks in Petroleum Facilities," 3rd edition, January 2005, (API RP 2350).	§ 30428.C
13. API Specification 5L, "Specification for Line Pipe," 45th edition, effective July 1, 2013, (ANSI/API Spec 5L).	§§ 30161.B; 30161.E
14. ANSI/API Specification 6D, "Specification for Pipeline Valves," 23rd edition, effective October 1, 2008, (including Errata 1 (June 2008), Errata 2 (November 2008), Errata 3 (February 2009), Errata 4 (April 2010), Errata 5 (November 2010), and Errata 6 (August 2011); Addendum 1 (October 2009), Addendum 2 (August 2011), and Addendum 3 (October 2012)); (ANSI/API Spec 6D).	§ 30173.D
15. API Specification 12F, "Specification for Shop Welded Tanks for Storage of Production Liquids," 12th edition, October 2008, effective April 1, 2009, (API Spec 12F).	§§ 30189.B; 30205.B; 30264.B; 30264.E; 30307.A; 30565; 30549.D
16. API Standard 510, "Pressure Vessel Inspection Code: In-Service Inspection, Rating, Repair, and Alteration," 9th edition, June 2006, (API Std 510).	§§ 30205.B; 30432.C
17. API Standard 620, "Design and Construction of Large, Welded, Low-Pressure Storage Tanks," 11th edition February 2008 (including addendum 1 (March 2009), addendum 2 (August 2010), and addendum 3 (March 2012)), (API Std 620).	§§ 30189.B; 30205.B; 30264.B; 30264.E; 30307.B; 30565; 30579.D
18. API Standard 650, "Welded Steel Tanks for Oil Storage," 11th edition, June 2007, effective February 1, 2012, (including addendum 1 (November 2008), addendum 2 (November 2009), addendum 3 (August 2011), and errata (October 2011)), (API Std 650).	§§ 30189.B; 30205.B; 30264.B; 30264.E; 30307.C; 30307.D; 30565; 30579.D
19. API Standard 653, "Tank Inspection, Repair, Alteration, and Reconstruction," 3rd edition, December 2001, (including addendum 1 (September 2003), addendum 2 (November 2005), addendum 3 (February 2008), and errata (April 2008)), (API Std 653).	§§ 30205.B; 30307.D; 30432.B
20. API Standard 1104, "Welding of Pipelines and Related Facilities," 20th edition, October 2005, (including errata/addendum (July 2007) and errata 2 (2008), (API Std 1104)).	§§ 30446.C; 30446.F
21. ANSI/API Standard 2000, "Venting Atmospheric and Low-pressure Storage Tanks," 6th edition, November 2009, (ANSI/API Std 2000).	§ 30264.E
22. API Standard 2510, "Design and Construction of LPG Installations," 8th edition, 2001, (API Std 2510).	§§ 30189.B; 30205.B; 30264.B; 30307.E; 30428.C; 30432.C

Source and Name of Referenced Material	Approved for Title 33 Reference
23. API Standard 1163, "In-Line Inspection Systems Qualification" Second edition, April 2013, (API Std 1163).	§ 30591
C. ASME International (ASME), Two Park Avenue, New York, NY 10016, 800-843-2763 (U.S/Canada), Web site: http://www.asme.org/.	
1. ASME/ANSI B16.9-2007, "Factory-Made Wrought Buttwelding Fittings," December 7, 2007, (ASME/ANSI B16.9).	§ 30175.A
2. ASME/ANSI B31G-1991 (Reaffirmed 2004), "Manual for Determining the Remaining Strength of Corroded Pipelines," 2004, (ASME/ANSI B31G).	§§ 30452.H; 30587; 30588.C
3. ASME/ANSI B31.4-2006, "Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids" October 20, 2006, (ASME/ANSI B31.4).	§§ 30165.A; 30452.H
4. ASME/ANSI B31.8-2007, "Gas Transmission and Distribution Piping Systems," November 30, 2007, (ASME/ANSI B31.8).	§§ 30111.A; 30406.A
5. ASME Boiler & Pressure Vessel Code, Section VIII, Division 1, "Rules for Construction of Pressure Vessels," 2007 edition, July 1, 2007, (ASME BPVC, Section VIII, Division 1).	§§ 30181; 30307.E
6. ASME Boiler & Pressure Vessel Code, Section VIII, Division 2, "Alternate Rules, Rules for Construction of Pressure Vessels," 2007 edition, July 1, 2007, (ASME BPVC, Section VIII, Division 2).	§ 30307.E
7. ASME Boiler & Pressure Vessel Code, Section IX: "Qualification Standard for Welding and Brazing Procedures, Welders, Brazers, and Welding and Brazing Operators," 2007 edition, July 1, 2007, (ASME BPVC, Section IX).	§ 30222.A
D. American Society for Nondestructive Testing, P.O. Box 28518, 1711 Arlingate Lane, Columbus, OH 43228. https://asnt.org.	
1. ANSI/ASNT ILI-PQ-2005(2010), "In-line Inspection Personnel Qualification and Certification" reapproved October 11, 2010, (ANSI/ ASNT ILI-PQ).	§ 30591
2. [Reserved]	
E. American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 119428, phone: 610-832-9585, Web site: http://www.astm.org/.	
1. ASTM A53/A53M-10, "Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless," approved October 1, 2010, (ASTM A53/A53M).	§ 30161.E
2. ASTM A106/A106M-10, "Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service," approved April 1, 2010, (ASTM A106/A106M).	§ 30161.E
3. ASTM A333/A333M-11, "Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service," approved April 1, 2011, (ASTM A333/A333M	§ 30161.E
4. ASTM A381-96 (Reapproved 2005), "Standard Specification for Metal-Arc Welded Steel Pipe for Use with High-Pressure Transmission Systems," approved October 1, 2005, (ASTM A381).	§ 30161.E
5. ASTM A671/A671M-10, "Standard Specification for Electric-Fusion-Welded Steel Pipe for Atmospheric and Lower Temperatures," approved April 1, 2010, (ASTM A671/A671M	§ 30161.E
6. ASTM A672/A672M-09, "Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures," approved October 1, 2009, (ASTM A672/A672M	§ 30161.E
7. ASTM A691/A691M-09, "Standard Specification for Carbon and Alloy Steel Pipe, Electric-Fusion-Welded for High-Pressure Service at High Temperatures," approved October 1, 2009, (ASTM A691).	§ 30161.E
F. Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS), 127 Park St. NE., Vienna, VA 22180, phone: 703-281-6613, Web site: http://www.mss-hq.org/.	
1. MSS SP-75-2008 Standard Practice, "Specification for High-Test, Wrought, Butt-Welding Fittings," 2008 edition, (MSS SP 75), IBR approved for §195.118(a).	§ 30175.A
2. [Reserved]	
G. NACE International (NACE), 1440 South Creek Drive, Houston, TX 77084, phone: 281-228-6223 or 800-797-6223, Web site: http://www.nace.org/Publications/.	
1. NACE SP0169-2007, Standard Practice, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems" reaffirmed March 15, 2007, (NACE SP0169).	§§ 30571; 30573
2. ANSI/NACE SP0502-2010, Standard Practice, "Pipeline External Corrosion Direct Assessment Methodology," June 24, 2010, (NACE SP0502).	§ 30588.B
3. ACE SP0102-2010, "Standard Practice, Inline Inspection of Pipelines" revised March 13, 2010, (NACE SP0102).	§ 30591
4. NACE SP0204-2008, "Standard Practice, Stress Corrosion Cracking (SSC) Direct Assessment Methodology" reaffirmed September 18, 2008, (NACE SP0204).	§ 30588.C
H. National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, MA 02169, phone: 617-984-7275, Web site: http://www.nfpa.org/.	
1. NFPA-30 (2012), "Flammable and Combustible Liquids Code," including Errata 30-12-1 (9/27/11), and Errata 30-12-2 (11/14/11), 2012 edition, copyright 2011, (NFPA-30).	§ 30264.B
2. [Reserved]	
I. Pipeline Research Council International, Inc. (PRCI), c/o Technical Toolboxes, 3801 Kirby Drive, Suite 520, P.O. Box 980550, Houston, TX 77098, phone: 713-630-0505, toll free: 866-866-6766, Web site: http://www.ttoolboxes.com/.	
1. AGA Pipeline Research Committee, Project PR-3-805 "A Modified Criterion for Evaluating the Remaining Strength of Corroded Pipe," December 22, 1989, (PR-3-805 (RSTRING)). IBR approved for §§195.452(h); 195.587; and 195.588(c).	§§ 30587; 30588.C
2. [Reserved]	

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 20:439 (1994), LR 21:815 (August 1995), LR 24:1313 (1998), LR 27:1523 (September 2001), LR 29:2806 (December 2003), LR 31:676 (March 2005), LR 33:467 (March 2007), LR 35:2792 (December 2009), LR 38:100 (January 2012), LR 44:

§30111. Conversion to Service Subject to This Subpart [49 CFR 195.5]

A. - A.1. …

a. testing the pipeline in accordance with ASME/ANSI B31.8 (incorporated by reference, see §507), Appendix N, to produce a stress equal to the yield strength; and [49 CFR 195.5(a)(1)(i)]

A.1.b. - C. …

D. An operator converting a pipeline from service not previously covered by this part must notify PHMSA 60 days before the conversion occurs as required by §30146. [49 CFR 195.5(d)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 21:816 (August 1995), LR 29:2808 (December 2003), LR 44:

§30127. Telephonic Notice of Certain Accidents [49 CFR 195.52]

A. Notice Requirements. At the earliest practicable moment within one hour following discovery, of a release of the hazardous liquid or carbon dioxide transported resulting in an event described in §30125, but no later than one hour after confirmed discovery, the operator of the system shall give notice, in accordance with §30127.B of any failure that: [49 CFR 195.52(a)]

1. - 5. …

B. Information Required. Each notice required by Subsection A of this Section must be made to the National Response Center either by telephone to (800) 424-8802 (in Washington, DC, (202) 267-2675) or electronically at http://www.nrc.uscg.mil and by telephone to the State of Louisiana to (225) 342-5505 and must include the following information: [49 CFR 195.52(b)]

B.1. - C. …

D. New Information. Within 48 hours after the confirmed discovery of an accident, to the extent practicable, an operator must revise or confirm its initial telephonic notice required in Subsection B of this Section with a revised estimate of the amount of product released, location of the failure, time of the failure, a revised estimate of the number of fatalities and injuries, and all other significant facts that are known by the operator that are relevant to the cause of the accident or extent of the damages. If there are no changes or revisions to the initial report, the operator must confirm the estimates in its initial report. [49 CFR 195.52(d)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:863 (August 1992), LR 20:440 (April 1994), LR 21:816 (August 1995), LR 29:2811 (December 2003), LR 35:2795 (December 2009), LR 38:103 (January 2012), LR 44:

§30135. Filing Safety-Related Condition Reports [49 CFR 195.56]

A. Each report of a safety-related condition under §30133.A must be filed (received by the commissioner and administrator) in writing within five working days (not including Saturday, Sunday, or federal holidays) after the day a representative of the operator first determines that the condition exists, but not later than 10 working days after the day a representative of the operator discovers the condition. Separate conditions may be described in a single report if they are closely related. Reports may be transmitted by electronic mail to InformationResourcesManager@dot.gov, or by facsimile at (202) 366-7128 and to the Commissioner of Conservation by electronic mail to PipelineInspectors@la.gov. [49 CFR 195.56(a)]

B. - B.8. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:863 (August 1992), LR 20:440 (April 1994), LR 28:85 (January 2002), LR 29:2812 (December 2003), LR 35:2795 (December 2009), LR 44:

§30139. Filing Offshore Pipeline Condition Reports [49 CFR 195.57]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2812 (December 2003), amended LR 33:468 (March 2007), LR 35:2795 (December 2009), LR 44:

§30140. Report Submission Requirements [49 CFR 195.58]

A. - A.1.a. …

B. Exceptions. An operator is not required to submit a safety-related condition report (§30135) electronically. [49 CFR 195.58 (b)]

C. - D. …

E. National Pipeline Mapping System (NPMS). An operator must provide NPMS data to the address identified in the NPMS Operator Standards Manual available at www.npms.phmsa.dot.gov or by contacting the PHMSA Geographic Information Systems Manager at (202) 366-4595. [49 CFR 195.58(e)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2812 (December 2003), amended LR 33:469 (March 2007), LR 35:2795 (December 2009), LR 38:104 (January 2012), LR 44:

§30143. National Pipeline Mapping System [49 CFR 195.61]

A. Each operator of a hazardous liquid pipeline facility must provide the following geospatial data to PHMSA for that facility:

1. geospatial data, attributes, metadata and transmittal letter appropriate for use in the National Pipeline Mapping System. Acceptable formats and additional information are specified in the NPMS Operator Standards manual available at www.npms.phmsa.dot.gov or by contacting the PHMSA Geographic Information Systems Manager at (202) 366-4595; [49 CFR 195.61(a)(1)]

2. the name of and address for the operator; [49 CFR 195.61(a)(2)]

3. the name and contact information of a pipeline company employee, to be displayed on a public website, who will serve as a contact for questions from the general public about the operator's NPMS data. [49 CFR 195.61(a)(3)]

B. This information must be submitted each year, on or before June 15, representing assets as of December 31 of the previous year. If no changes have occurred since the previous year's submission, the operator must refer to the information provided in the NPMS Operator Standards manual available at www.npms.phmsa.dot.gov or contact the PHMSA Geographic Information Systems Manager at (202) 366-4595. [49 CFR 195.61(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 44:

§30146. National Registry of Pipeline and LNG Operators [49 CFR 195.64]

A. - C.1.a. …

b. construction of 10 or more miles of a new hazardous liquid or carbon dioxide pipeline; [49 CFR 195.64(c)(1)(ii)]

c. reversal of product flow direction when the reversal is expected to last more than 30 days. This notification is not required for pipeline systems already designed for bi-directional flow; or [49 CFR 195.64(c)(1)(iii)]

d. A pipeline converted for service under § 30111, or a change in commodity as reported on the annual report as required by §30124. [49 CFR 195.64(c)(1)(iv)]

C.2. - D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 38:104 (January 2012), LR 44:

Subchapter C. Design Requirements [49 CFR Part 195 Subpart C]

§30161. Internal Design Pressure [49 CFR 195.106]

A. - D. …

E. The seam joint factor used in §30161.A is determined in accordance with the following standards incorporated by reference (see §30107). [49 CFR 195.106(e)(1)]

Specification	Pipe Class	Seam Joint Factor
ASTM A53	Seamless	1.00
	Electric resistance welded	1.00
	Furnace lap welded	0.80
	Furnace butt welded	0.60
ASTM A106/	Seamless	1.00
ASTM A333/A333M	Seamless	1.00
	Welded	1.00
ASTM A381	Double submerged arc welded	1.00
ASTM A671/A671M	Electric fusion welded	1.00
ASTM A672/A672M	Electric fusion welded	1.00
ASTM A691/A691M	Electric fusion welded	1.00
ANSI /API 5L	Seamless	1.00
	Electric resistance welded	1.00
	Electric flash welded	1.00
	Submerged arc welded	1.00
	Furnace lap welded	0.80
	Furnace butt welded	0.60

2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 20:441 (April 1994), LR 21:817 (August 1995), LR 27:1525 (September 2001), LR 29:2814 (December 2003), repromulgated LR 30:259 (February 2004), LR 44:

§30173. Valves [49 CFR 195.116]

A. - A.3. …

4. Each valve must be both hydrostatically shell tested and hydrostatically seat tested without leakage to at least the requirements set forth in Section 11 of ANSI/API 6D (incorporated by reference, see §30107). [49 CFR 195.116(d)]

5. - 6.d.….

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:864 (August 1992), LR 29:2816 (December 2003), LR 33:469 (March 2007), LR 35:2796 (December 2009), LR 38:105 (January 2012), LR 44:

§30175. Fittings [49 CFR 195.118]

A. Butt-welding type fittings must meet the marking, end preparation, and the bursting strength requirements of ASME/ANSI B16.9 or MSS SP-75 (incorporated by reference, see §30107). [49 CFR 195.118(a)]

B. - C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 20:441 (April 1994), LR 29:2816 (December 2003), LR 44:

§30177. Passage of Internal Inspection Devices [49 CFR 195.120]

A. Except as provided in Subsections B and C of this Section, each new pipeline and each replacement of line pipe, valve, fitting or other line component in a pipeline must be designed and constructed to accommodate the passage of an In-Line Inspection tool, in accordance with NACE SP0102-2010, Section 7(incorporated by reference, see §30107). [49 CFR 195.120(a)]

B. - C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 21:817 (August 1995), LR 27:1526 (September 2001), LR 29:2816 (December 2003), LR 44:

§30181. Closures [49 CFR 195.124]

A. Each closure to be installed in a pipeline system must comply with the 2007 ASME Boiler and Pressure Vessel Code (BPVC) (Section VIII, Division 1) (incorporated by reference, see §30107) and must have pressure and temperature ratings at least equal to those of the pipe to which the closure is attached. [49 CFR 195.124]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 29:2816 (December 2003), LR 44:

§30189. Design and Construction of Above Ground Breakout Tanks [49 CFR 195.132]

A. - B. …

1. Shop-fabricated, vertical, cylindrical, closed top, welded steel tanks with nominal capacities of 90 to 750 barrels (14.3 to 119.2 m^3) and with internal vapor space pressures that are approximately atmospheric must be designed and constructed in accordance with API Spec 12F (incorporated by reference, see §30107). [49 CFR 195.132(b)(1)]

2. Welded, low-pressure [i.e., internal vapor space pressure not greater than 15 psig (103.4 kPa)], carbon steel tanks that have wall shapes that can be generated by a single vertical axis of revolution must be designed and constructed

in accordance with API Std 620(incorporated by reference, see §30107). [49 CFR 195.132(b)(2)]

3. Vertical, cylindrical, welded steel tanks with internal pressures at the tank top approximately atmospheric pressures [i.e., internal vapor space pressures not greater than 2.5 psig (17.2 kPa), or not greater than the pressure developed by the weight of the tank roof] must be designed and constructed in accordance with API Std 650 (incorporated by reference, see §30107). [49 CFR 195.132(b)(3)]

4. High pressure steel tanks [i.e., internal gas or vapor space pressures greater than 15 psig (103.4 kPa)] with a nominal capacity of 2000 gallons (7571 liters) or more of liquefied petroleum gas (LPG) must be designed and constructed in accordance with API Std 2510(incorporated by reference, see §30107). [49 CFR 195.132(b)(4)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 27:1526 (September 2001), amended LR 29:2817 (December 2003), LR 44:

§30191. CPM Leak Detection [49 CFR 195.134]

A. This Section applies to each hazardous liquid pipeline transporting liquid in single phase (without gas in the liquid). On such systems, each new computational pipeline monitoring (CPM) leak detection system and each replaced component of an existing CPM system must comply with section 4.2 of API RP 1130 (incorporated by reference, see §30107) in its design and with any other design criteria addressed in API RP 1130 for components of the CPM leak detection system. [49 CFR 195.134]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:1526 (September 2001), amended LR 29:2817 (December 2003), LR 44:

Chapter 302. Transportation of Hazardous Liquids by Pipeline—Construction [49 CFR Part 195 Subpart D]

§30204. Inspection—General Error! Bookmark not defined. **[49 CFR 195.204]**

A. Inspection must be provided to ensure the installation of pipe or pipeline systems in accordance with the requirements of this Chapter. Any operator personnel used to perform the inspection must be trained and is qualified in the phase of construction to be inspected. An operator must not use operator personnel to perform a required inspection if the operator personnel performed the construction task requiring inspection. Nothing in this section prohibits the operator from inspecting construction tasks with operating personnel who are involved in other construction tasks. [49 CFR 195.204]

B. Each operator shall notify the Pipeline Safety Section of the Office of Conservation, Louisiana Department of Natural Resources, by electronic mail at PipelineInspectors@la.gov of proposed pipeline construction at least seven days prior to commencement of said construction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2817 (December 2003), repromulgated LR 30:260 (February 2004), LR 44:

§30205. Repair, Alteration and Reconstruction of Aboveground Breakout Tanks That Have Been in Service [49 CFR 195.205]

A. …

B. After October 2, 2000, compliance with Subsection A of this Section requires the following: [49 CFR 195.205(b)]

1. For tanks designed for approximate atmospheric pressure, constructed of carbon and low alloy steel, welded or riveted, and non-refrigerated; and for tanks built to API Std 650 (incorporated by reference, see §30107) or its predecessor Standard 12C; repair, alteration and reconstruction must be in accordance with API Standard Std 653 (except section 6.4.3) (incorporated by reference, see §30107). [49 CFR 195.205(b)(1)]

2. For tanks built to API Spec 12F (incorporated by reference, see §30107) or API Std 620 (incorporated by reference, see §30107), the repair, alteration, and reconstruction must be in accordance with the design, welding, examination, and material requirements of those respective standards. [49 CFR 195.205(b)(2)]

3. For high pressure tanks built to API Std 2510 (incorporated by reference, see §30107), repairs, alterations, and reconstruction must be in accordance with API Std 510 (incorporated by reference, see §30107). [49 CFR 195.205(b)(3)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2818 (December 2003), LR 44:

§30207. Transportation of Pipe [49 CFR 195.207]

A. Railroad. In a pipeline operated at a hoop stress of 20 percent or more of SMYS, an operator may not use pipe having an outer diameter to wall thickness ratio of 70 to 1, or more, that is transported by railroad unless the transportation is performed in accordance with API RP 5L1 (incorporated by reference, see §30107). [49 CFR 195.207(a)]

B. Ship or Barge. In a pipeline operated at a hoop stress of 20 percent or more of SMYS, an operator may not use pipe having an outer diameter to wall thickness ratio of 70 to 1, or more, that is transported by ship or barge on both inland and marine waterways, unless the transportation is performed in accordance with API RP 5LW (incorporated by reference, see §30107). [49 CFR 195.207(b)]

C. *Truck*. In a pipeline to be operated at a hoop stress of 20 percent or more of SMYS, an operator may not use pipe having an outer diameter to wall thickness ratio of 70 to 1, or more, that is transported by truck unless the transportation is performed in accordance with API RP 5LT (incorporated by reference, see §30107).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 38:105 (January 2012), LR 44:

§30214. Welding Procedures [49 CFR 195.214]

A. Each welder or welding operator must be qualified in accordance with section 6, section 12, Appendix A or Appendix B of API Std 1104 (incorporated by reference, see §30107), or section IX of the ASME Boiler and Pressure Vessel Code (ASME BPVC), (incorporated by reference, see

§ 30107). The quality of the test welds used to qualify the welding procedure shall be determined by destructive testing [49 CFR 195.214(a)].

B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2818 (December 2003), amended LR 31:677 (March 2005), LR 33:469 (March 2007), LR 44:

§30222. Welders—Qualification of Welders [49 CFR 195.222]

A. Each welder or welding operator must be qualified in accordance with Section 6 or 12 of API Std 1104 (incorporated by reference, see §30107) or Section IX of the ASME Boiler and Pressure Vessel Code (BPVC), (incorporated by reference, see §30107) except that a welder or welding operator qualified under an earlier edition than listed in §30107 may weld but may not re-qualify under that earlier edition [49 CFR 195.222(a)].

B. No welder or welding operator may weld with a particular welding process unless, within the preceding six calendar months, the welder or welding operator has: [49 CFR 195.222(b)]

1. engaged in welding with that process; and [49 CFR 195.222(b)(1)]

2. had one weld tested and found acceptable under section 9 or appendix A of API Std 1104 (incorporated by reference, see §30107). [49 CFR 195.222(b)(2)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2818 (December 2003), amended LR 31:677 (March 2005), LR 33:469 (March 2007), LR 44:

§30228. Welds and Welding Inspection: Standards of Acceptability [49 CFR 195.228]

A. …

B. The acceptability of a weld is determined according to the standards in Section 9 or Appendix A of API Std 1104. Appendix A of API Std 1104 may not be used to accept cracks. [49 CFR 195.228(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2819 (December 2003), amended LR 31:677 (March 2005), LR 35:2796 (December 2009), LR 44:

§30234. Welds: Nondestructive Testing [49 CFR 195.234]

A. - C. …

D. During construction, at least 10 percent of the girth welds made by each welder and welding operator during each welding day must be nondestructively tested over the entire circumference of the weld. [49 CFR 195.234(d)]

E. - G. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2819 (December 2003), amended LR 44:

§30264. Impoundment, Protection against Entry, Normal/Emergency Venting or Pressure/Vacuum Relief for Aboveground Breakout Tanks [49 CFR 195.264]

A. - B. …

1. For tanks built to API Spec 12F, API Std 620, and others (such as API Standard 650(or its predecessor Standard 12C)), the installation of impoundment must be in accordance with the following sections of NFPA-30 (incorporated by reference, see §30107): [49 CFR 195.264(b)(1)]

a. impoundment around a breakout tank must be installed in accordance with Section 22.11.2; and [49 CFR 195.264(b)(1)(i)]

b. impoundment by drainage to a remote impounding area must be installed in accordance with Section 22.11.1. [49 CFR 195.264(b)(1)(ii)]

2. For tanks built to API Std 2510(incorporated by reference, see §30107), the installation of impoundment must be in accordance with Section 5 or 11 of API Std 2510. [49 CFR 195.264(b)(2)]

C. - E. ...

1. Normal/emergency relief venting installed on atmospheric pressure tanks built to API Spec 12F must be in accordance with section 4, and Appendices B and C, of API Spec 12F (incorporated by reference, see §30107). [49 CFR 195.264(e)(1)]

2. Normal/emergency relief venting installed on atmospheric pressure tanks (such as those built to API Std 650 or its predecessor Standard 12C) must be in accordance with API Std 2000 (incorporated by reference, see §30107). [49 CFR 195.264(e)(2)]

3. Pressure-relieving and emergency vacuum relieving devices installed on low pressure tanks built to API Std 620 must be in accordance with Section 9 of API Std 620 (incorporated by reference, see §30107) and its references to the normal and emergency venting requirements in API Std 2000 (incorporated by reference, see §30107). [49 CFR 195.264(e)(3)]

4. Pressure and vacuum-relieving devices installed on high pressure tanks built to API Std 2510 must be in accordance with sections 7 or 11 of API Std 2510 (incorporated by reference, see §30107). [49 CFR 195.264(e)(4)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2821 (December 2003), amended LR 33:470 (March 2007), LR 35:2797 (December 2009), LR 38:105 (January 2012), LR 44:

Chapter 303. Transportation of Hazardous Liquids by Pipeline—Pressure Testing [49 CFR Part 195 Subpart E]

§30307. Pressure Testing Aboveground Breakout Tanks [49 CFR 195.307]

A. For aboveground breakout tanks built to API Spec 12F (incorporated by reference, see §30107) and first placed in service after October 2, 2000, pneumatic testing must be in accordance with section 5.3 of API Spec 12 F. [49 CFR 195.307(a)]

B. For aboveground breakout tanks built to API Std 620 (incorporated by reference, see §30107) and first placed in service after October 2, 2000, hydrostatic and pneumatic testing must be in accordance with section 7.18 of API Std 620. [49 CFR 195.307(b)]

C. For aboveground breakout tanks built to API Std 650 (incorporated by reference, see §30107) and first placed in service after October 2, 2000, testing must be in accordance with sections 7.3.5 and 7.3.6 of API Standard 650 (incorporated by reference, see §30107). [49 CFR 195.307(c)]

D. For aboveground atmospheric pressure breakout tanks constructed of carbon and low alloy steel, welded or riveted, and non-refrigerated; and tanks that are returned to service after October 2, 2000, and are built to API Std 650 or its predecessor Standard 12C; the necessity for the hydrostatic testing of repair, alteration, and reconstruction is covered in section 12.3 of API Standard 653. [49 CFR 195.307(d)]

E. For aboveground breakout tanks built to API Std 2510 (incorporated by reference, see §30107) and first placed in service after October 2, 2000, pressure testing must be in accordance with 2007 ASME Boiler and Pressure Vessel Code (BPVC), (Section VIII, Division 1 or 2). [49 CFR 195.307(e)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2823 (December 2003), amended LR 33:470 (March 2007), LR 38:105 (January 2012), LR 44:

Chapter 304. Transportation of Hazardous Liquids by Pipeline—Operation and Maintenance 49 CFR Part 195 Subpart F]

§30405. Protection against Ignitions and Safe Access/Egress Involving Floating Roofs [49 CFR 195.405]

A. After October 2, 2000, protection provided against ignitions arising out of static electricity, lightning, and stray currents during operation and maintenance activities involving aboveground breakout tanks must be in accordance with API RP 2003 (incorporated by reference, see §30107), unless the operator notes in the procedural manual [§30402.C] why compliance with all or certain provisions of API RP 2003 is not necessary for the safety of a particular breakout tank. [49 CFR 195.405(a)]

B. The hazards associated with access/egress onto floating roofs of in-service aboveground breakout tanks to perform inspection, service, maintenance or repair activities (other than specified general considerations, specified routine tasks or entering tanks removed from service for cleaning) are addressed in API Pub 2026 (incorporated by reference, see §30107). After October 2, 2000, the operator must review and consider the potentially hazardous conditions, safety practices and procedures in API Pub 2026 for inclusion in the procedure manual [§30402.C]. [49 CFR 195.405(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2826 (December 2003), amended LR 44:

§30406. Maximum Operating Pressure [49 CFR 195.406]

A. - A.1. …

a. eighty percent of the first test pressure that produces yield under section N 5.0 of appendix N of ASME/ANSI B31.8 (incorporated by reference, see §507), reduced by the appropriate factors in §30161.A and E; or [49 CFR 195.406(a)(1)(i)]

A.1.b. - B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2826 (December 2003), amended LR 44:

§30428. Overpressure Safety Devices and Overfill Protection Systems [49 CFR 195.428]

A. - B. …

C. Aboveground breakout tanks that are constructed or significantly altered according to API Standard 2510 after October 2, 2000, must have an overfill protection system installed according to Section 7.1.2 of API Standard 2510. Other aboveground breakout tanks with 600 gallons (2271 liters) or more of storage capacity that are constructed or significantly altered after October 2, 2000, must have an overfill protection system installed according to API Recommended Practice 2350 (incorporated by reference, see §30107). However, operators need not comply with any part of API Recommended Practice 2350 for a particular breakout tank if the operator notes in the manual required by §30402 why compliance with that part is not necessary for safety of the tank. [49 CFR 195.428(c)]

D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2828 (December 2003), amended LR 44:

§30432. Inspection of In-Service Breakout Tanks [49 CFR 195.432]

A. …

B. Each operator must inspect the physical integrity of in-service atmospheric and low-pressure steel above-ground breakout tanks according to API Std 653 (except section 6.4.3, Alternative Internal Inspection Interval) (incorporated by reference, see §30107). However, if structural conditions prevent access to the tank bottom, its integrity may be assessed according to a plan included in the operations and maintenance manual under 30402.C.3. The risk-based internal inspection procedures in API Std 653, section 6.4.3 cannot be used to determine the internal inspection interval. [49 CFR 195.432(b)]

1. operators who established internal inspection intervals based on risk-based inspection procedures prior to March 6, 2015 must re-establish internal inspection intervals based on API Std 653, section 6.4.2 (incorporated by reference, see §30107). [49 CFR 195.432(b)(1)]

a. if the internal inspection interval was determined by the prior risk-based inspection procedure using API Std 653, section 6.4.3 and the resulting calculation exceeded 20 years, and it has been more than 20 years since an internal inspection was performed, the operator must complete a new

internal inspection in accordance with §30402.B.1 by January 5, 2017. [49 CFR 195.432(b)(1)(i)]

b. if the internal inspection interval was determined by the prior risk-based inspection procedure using API Std 653, section 6.4.3 and the resulting calculation was less than or equal to 20 years, and the time since the most recent internal inspection exceeds the re-established inspection interval in accordance with §30402.B.1, the operator must complete a new internal inspection by January 5, 2017. [49 CFR 195.432(b)(1)(ii)]

c. if the internal inspection interval was not based upon current engineering and operational information (i.e., actual corrosion rate of floor plates, actual remaining thickness of the floor plates, etc.), the operator must complete a new internal inspection by January 5, 2017 and re-establish a new internal inspection interval in accordance with §30402.B.1. [49 CFR 195.432(b)(1)(iii)]

C. Each operator must inspect the physical integrity of in-service steel aboveground breakout tanks built to API Std 2510 (incorporated by reference, see §30107) according to Section 6 of API Std 510 (incorporated by reference, see §30107). [49 CFR 195.432(c)]

D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2829 (December 2003), amended LR 38:106 (January 2012), LR 44:

§30440. Public Awareness [49 CFR 195.440]

A. - B.1.…

C. The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety. [49 CFR 195.440(c)]

D. - I. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2829 (December 2003), amended LR 33:470 (March 2007), LR 35:2797 (December 2009), LR 38:106 (January 2012), LR 44:

§30444. CPM Leak Detection [49 CFR 195.444]

A. Each computational pipeline monitoring (CPM) leak detection system installed on a hazardous liquid pipeline transporting liquid in single phase (without gas in the liquid) must comply with API RP 1130 in operating, maintaining, testing, record keeping, and dispatcher training of the system. [49 CFR 195.444]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2830 (December 2003), amended LR 44:

§30446. Control Room Management [49 CFR 195.446]

A. - B.2. …

3. a controller's role during an emergency, even if the controller is not the first to detect the emergency, including the controller's responsibility to take specific actions and to communicate with others; [49 CFR 195.446(b)(3)]

4. a method of recording controller shift-changes and any hand-over of responsibility between controllers; and [49 CFR 195.446(b)(4)]

5. The roles, responsibilities and qualifications of others who have the authority to direct or supersede the specific technical actions of controllers. [49 CFR 195.446(b)(5)]

C. - H.3. …

4. training that will provide a controller a working knowledge of the pipeline system, especially during the development of abnormal operating conditions; [49 CFR 195.446(h)(4)]

5. for pipeline operating setups that are periodically, but infrequently used, providing an opportunity for controllers to review relevant procedures in advance of their application; and [49 CFR 195.446(h)(5)]

6. Control room team training and exercises that include both controllers and other individuals, defined by the operator, who would reasonably be expected to operationally collaborate with controllers (control room personnel) during normal, abnormal or emergency situations. Operators must comply with the team training requirements under this Paragraph no later than January 23, 2018. [49 CFR 195.446(h)(6)]

I. - J.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 38:106 (January 2012), amended LR 44:

§30452. Pipeline Integrity Management in High Consequence Areas [49 CFR 195.452]

A. - A.2. …

3. Category 3 includes pipelines constructed or converted after May 29, 2001, and low-stress pipelines in rural areas under § 30118 [49 CFR 195.452(a)(3)]

4. Low stress pipelines as specified in § 30118. [49 CFR 195.452(a)(4)]

B. - C.1.a. …

i. In-Line Inspection tool or tools capable of detecting corrosion and deformation anomalies, including dents, gouges, and grooves. For pipeline segments that are susceptible to cracks (pipe body and weld seams), an operator must use an in-line inspection tool or tools capable of detecting crack anomalies. When performing an assessment using an In-Line Inspection Tool, an operator must comply with §30591; [49 CFR 195.452(c)(1)(i)(A)]

C.1.a.ii. - H.4. …

a. Immediate Repair Conditions. An operator's evaluation and remediation schedule must provide for immediate repair conditions. To maintain safety, an operator must temporarily reduce operating pressure or shut down the pipeline until the operator completes the repair of these conditions. An operator must calculate the temporary reduction in operating pressure using the formulas referenced in Clause H.4.a.ii of this Section. If no suitable remaining strength calculation method can be identified, an operator must implement a minimum 20 percent or greater operating pressure reduction, based on actual operating pressure for two months prior to the date of inspection, until the anomaly is repaired. An operator must treat the following conditions as immediate repair conditions: [49 CFR 195.452(h)(4)(i)]

i. …

ii. a calculation of the remaining strength of the pipe shows a predicted burst pressure less than the established maximum operating pressure at the location of the anomaly. Suitable remaining strength calculation methods include, but are not limited to, ASME/ANSI B31G (incorporated by reference, see §30107) and PRCI PR-3-805 (R-STRENG) (incorporated by reference, see §30107). [49 CFR 195.452(h)(4)(i)(B)]

a.iii. - c.iii. …

iv. a calculation of the remaining strength of the pipe shows an operating pressure that is less than the current established maximum operating pressure at the location of the anomaly. Suitable remaining strength calculation methods include, but are not limited to, ASME/ANSI B31G and PRCI PR-3-805 (R-STRENG).[49 CFR 195.452(h)(4)(iii)(D)]

H.4.c.v. - J.5. …

a. In-Line Inspection tool or tools capable of detecting corrosion and deformation anomalies, including dents, gouges, and grooves. For pipeline segments that are susceptible to cracks (pipe body and weld seams), an operator must use an in-line inspection tool or tools capable of detecting crack anomalies. When performing an assessment using an in-line inspection tool, an operator must comply with § 30591; [49 CFR 195.452(j)(5)(i)]

J.5.b. - K. …

L. What records must an operator keep to demonstrate compliance? [49 CFR 195.452(l)]

1. An operator must maintain, for the useful life of the pipeline, records that demonstrate compliance with the requirements of this subpart. At a minimum, an operator must maintain the following records for review during an inspection: [49 CFR 195.452(l)(1)]

L.1.a. - M. …

1. sending the notification by electronic mail to InformationResourcesManager@dot.gov and Pipeline.inspectors@la.gov ; or [49 CFR 195.452 (m)(1)]

2. sending the notification to the Information Resources Manager, Office of Pipeline Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590, and to the Commissioner of Conservation, Pipeline Safety Section, P.O. Box 94275, Baton Rouge, LA 70804-9275. [195.452(m)(2)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2830 (December 2003), amended LR 30:1216 (June 2004), LR 33:471 (March 2007), LR 35:2797 (December 2009), LR 38:108 (January 2012), LR 44:

Chapter 305. Transportation of Hazardous Liquids by Pipeline—Qualification of Pipeline Personnel [49 CFR Part 195 Subpart G] and Corrosion Control [49 CFR Part 195 Subpart H]

Subchapter A. Qualification of Pipeline Personnel [49 CFR Part 195 Subpart G]

§30505. Qualification Program [49 CFR 195.505]

A. - A.8. …

9. after December 16, 2004, notify the administrator or a state agency participating under 49 U.S.C. Chapter 601 if the operator significantly modifies the program after the administrator or state agency has verified that it complies with this Section. Notifications to PHMSA may be submitted by electronic mail to InformationResources Manager@dot.gov and to Louisiana Office of Conservation at Pipeline.inspectors@la.gov, or mail to ATTN: Information Resources Manager DOT/PHMSA/OPS, East Building, 2nd Floor, E22-321, New Jersey Avenue, S.E. Washington, DC 20590, and to the Commissioner of Conservation, Pipeline Safety Section, P.O. Box 94275, Baton Rouge, LA 70804-9275. [49 CFR 195.505(i)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2835 (December 2003), amended LR 33:471 (March 2007), LR 35:2798 (December 2009), LR 44:

Subchapter B. Corrosion Control [49 CFR Part 195 Subpart H]

§30565. How do I install cathodic protection on breakout tanks? [49 CFR 195.565]

A. After October 2, 2000, when you install cathodic protection under §30563.A to protect the bottom of an aboveground breakout tank of more than 500 barrels (79.5 m^3) capacity built to API Spec 12F (incorporated by reference, see §30107), API Std 620 (incorporated by reference, see §30107), or API Std 650 (incorporated by reference, see §30107) or API Std 650's predecessor, Standard 12C, you must install the system in accordance with ANSI/API RP 651 (incorporated by reference, see §30107). However, you don't need to comply with ANSI/API RP 651 when installing any tank for which you note in the corrosion control procedures established under §30402.C.3 why compliance with all or certain provisions of API RP 651 is not necessary for the safety of the tank. [49 CFR 195.565]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2837 (December 2003), amended LR 44:

§30571. What criteria must I use to determine the adequacy of cathodic protection? [49 CFR 195.571]

A. Cathodic protection required by this Subchapter must comply with one or more of the applicable criteria and other considerations for cathodic protection contained in paragraphs 6.2.2, 6.2.3, 6.2.4, 6.2.5 and 6.3 in NACE SP 0169 (incorporated by reference, see §30107). [49 CFR 195.571]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2838 (December 2003), amended LR 33:472 (March 2007), LR 38:108 (January 2012), LR 44:

§30573. What must I do to monitor external corrosion control? [49 CFR 195.573]

A. - C. …

* * *

D. Breakout Tanks. You must inspect each cathodic protection system used to control corrosion on the bottom of an aboveground breakout tank to ensure that operation and maintenance of the system are in accordance with API RP 651 (incorporated by reference, see §30107). However, this inspection is not required if you note in the corrosion control procedures established under §30402.C.3 why compliance with all or certain operation and maintenance provisions of API RP 651 is not necessary for the safety of the tank. [49 CFR 195.573(d)]

E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2838 (December 2003), amended LR 33:472 (March 2007), LR 35:2798 (December 2009), LR 38:108 (January 2012), LR 44:

§30579. What must I do to mitigate internal corrosion? [49 CFR 195.579]

A. - C. …

D. Breakout Tanks. After October 2, 2000, when you install a tank bottom lining in an aboveground breakout tank built to API Spec 12F (incorporated by reference, see §30107), API Std 620(incorporated by reference, see §30107), API Std 650 (incorporated by reference, see §30107), or API Std 650's predecessor, Standard 12C, you must install the lining in accordance with API RP 652 (incorporated by reference, see §30107). However, you don't need to comply with API RP 652 when installing any tank for which you note in the corrosion control procedures established under §30402.C.3 why compliance with all or certain provisions of API RP 652 is not necessary for the safety of the tank. [49 CFR 195.579(d)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2839 (December 2003), amended LR 44:

§30587. What methods are available to determine the strength of corroded pipe? [49 CFR 195.587]

A. Under §30585, you may use the procedure in ASME/ANSI B31G, (incorporated by reference, see §30107) or in PRCI PR-3-805 (R-STRENG) (incorporated by reference, see §30107) to determine the strength of corroded pipe based on actual remaining wall thickness. These procedures apply to corroded regions that do not penetrate the pipe wall, subject to the limitations set out in the respective procedures. [49 CFR 195.587]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2840 (December 2003), amended LR 44:

§30588. What standards apply to direct assessment? [49 CFR 195.588]

A. - B.5.b. …

C. If you use direct assessment on an onshore pipeline to evaluate the effects of stress corrosion cracking, you must develop and follow a Stress Corrosion Cracking Direct Assessment plan that meets all requirements and recommendations of NACE SP0204-2008 (incorporated by reference, see § 30107) and that implements all four steps of the Stress Corrosion Cracking Direct Assessment process including pre- assessment, indirect inspection, detailed examination and post- assessment. As specified in NACE SP0204-2008, Section 1.1.7, Stress Corrosion Cracking Direct Assessment is complementary with other inspection methods such as in-line inspection or hydrostatic testing and is not necessarily an alternative or replacement for these methods in all instances. In addition, the plan must provide for: [49 CFR 195.588(c)]

1. data gathering and integration. An operator's plan must provide for a systematic process to collect and evaluate data to identify whether the conditions for stress corrosion cracking are present and to prioritize the segments for assessment in accordance with NACE SP0204- 2008, Sections 3 and 4, and Table 1. This process must also include gathering and evaluating data related to SCC at all sites an operator excavates during the conduct of its pipeline operations (both within and outside covered segments) where the criteria in NACE SP0204-2008 indicate the potential for Stress Corrosion Cracking Direct Assessment. This data gathering process must be conducted in accordance with NACE SP0204-2008, Section 5.3, and must include, at a minimum, all data listed in NACE SP0204-2008, Table 2. Further, an operator must analyze the following factors as part of this evaluation: [49 CFR 195.588(c)(1)]

a. the effects of a carbonate-bicarbonate environment, including the implications of any factors that promote the production of a carbonate-bicarbonate environment such as soil temperature, moisture, factors that affect the rate of carbon dioxide generation, and/or cathodic protection; [49 CFR 195.588(c)(1)(i)]

b. the effects of cyclic loading conditions on the susceptibility and propagation of SCC in both high-pH and near-neutral-pH environments; [49 CFR 195.588(c)(1)(ii)]

c. the effects of variations in applied cathodic protection such as overprotection, cathodic protection loss for extended periods, and high negative potentials; [49 CFR 195.588(c)(1)(iii)]

d. the effects of coatings that shield cathodic protection when disbonded from the pipe; [49 CFR 195.588(c)(1)(iv)]

e. other factors that affect the mechanistic properties associated with SCC including but not limited to operating pressures, high tensile residual stresses, and the presence of sulfides; [49 CFR 195.588(c)(1)(v)]

2. indirect inspection. In addition to the requirements and recommendations of NACE SP0204-2008, Section 4, the plan's procedures for indirect inspection must include provisions for conducting at least two different, but complementary, indirect assessment electrical surveys, and the basis on the selections as the most appropriate for the pipeline segment based on the data gathering and integration step; [49 CFR 195.588(c)(2)]

3. direct examination. In addition to the requirements and recommendations of NACE SP0204-2008, section 5, the plan's procedures for direct examination must provide for conducting a minimum of four direct examinations within the SCC segment at locations determined to be the most likely for SCC to occur; [49 CFR 195.588(c)(3)]

4. remediation and mitigation. If any indication of SCC is discovered in a segment, an operator must mitigate the threat in accordance with one of the following applicable methods: [49 CFR 195.588(c)(4)]

a. non-significant SCC, as defined by NACE SP0204-2008, may be mitigated by either hydrostatic testing in accordance with Subparagraph B.4.ii of this Section, or by grinding out with verification by Non-Destructive Examination (NDE) methods that the SCC defect is removed and repairing the pipe. If grinding is used for repair, the remaining strength of the pipe at the repair location must be determined using ASME/ANSI B31G or RSTRENG (incorporated by reference, see §30107) and must be sufficient to meet the design requirements of Subpart C of this Part; [49 CFR 195.588(c)(4)(i)]

b. significant SCC must be mitigated using a hydrostatic testing program with a minimum test pressure between 100 percent up to 110 percent of the specified minimum yield strength for a 30-minute spike test immediately followed by a pressure test in accordance with Subpart E of this Part. The test pressure for the entire sequence must be continuously maintained for at least 8 hours, in accordance with subpart E of this part. Any test failures due to SCC must be repaired by replacement of the pipe segment, and the segment retested until the pipe passes the complete test without leakage. Pipe segments that have SCC present, but that pass the pressure test, may be repaired by grinding in accordance with Subparagraph C.4.i of this Section; [49 CFR 195.588(c)(4)(ii)]

5. Post assessment. In addition to the requirements and recommendations of NACE SP0204-2008, sections 6.3, periodic reassessment, and 6.4, effectiveness of Stress Corrosion Cracking Direct Assessment, the plan's procedures for post assessment must include development of a reassessment plan based on the susceptibility of the operator's pipe to Stress Corrosion Cracking as well as on the behavior mechanism of identified cracking. Factors to be considered include, but are not limited to: [49 CFR 195.588(c)(5)]

a. evaluation of discovered crack clusters during the direct examination step in accordance with NACE SP0204-2008, sections 5.3.5.7, 5.4, and 5.5; [49 CFR 195.588(c)(5)(i)]

b. conditions conducive to creation of the carbonate-bicarbonate environment; [49 CFR 195.588(c)(5)(ii)]

c. conditions in the application (or loss) of cathodic protection that can create or exacerbate SCC; [49 CFR 195.588(c)(5)(iii)]

d. operating temperature and pressure conditions; [49 CFR 195.588(c)(5)(iv)]

e. cyclic loading conditions; [49 CFR 195.588(c)(5)(v)]

f. conditions that influence crack initiation and growth rates; [49 CFR 195.588(c)(51)(vi)]

g. the effects of interacting crack clusters; [49 CFR 195.588(c)(5)(vii)]

h. the presence of sulfides; and [49 CFR 195.588(c)(5)(viii)]

i. conditions conducive to creation of the carbonate-bicarbonate environment. [49 CFR 195.588(c)(5)(ix)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 33:472 (March 2007), amended LR 35:2799 (December 2009), LR 38:108 (January 2012), LR 44:

§30591. In-Line Inspection of Pipelines [49 CFR 195.591]

A. When conducting in-line inspection of pipelines required by this part, each operator must comply with the requirements and recommendations of API Std 1163, Inline Inspection Systems Qualification Standard; ANSI/ASNT ILI-PQ, Inline Inspection Personnel Qualification and Certification; and NACE SP0102-2010, Inline Inspection of Pipelines (incorporated by reference, see §30107). An in-line inspection may also be conducted using tethered or remote control tools provided they generally comply with those sections of NACE SP0102-2010 that are applicable. [49 CFR 195.591(a)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:703.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 44:

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 poverty as described in R.S. 49:973.

Small Business Analysis

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

Provider Impact Statement

This 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 or USPS only, until 4 p.m., April 4, 2018, at Office of Conservation, Executive Division, P.O. Box 94275, Baton Rouge, LA 70804-9275; or Office of Conservation, Executive Division, 617 North Third Street, Room 931, Baton Rouge, LA 70802. Reference Docket No. 18-002. All inquiries should be directed to John Adams at the above addresses or by phone to (225) 342-7889. No preamble was prepared.

Public Hearing

In accordance with the laws of the state of Louisiana, and with reference to the provisions of Title 30 of the Louisiana Revised Statutes of 1950, a public hearing will be held in the La Belle Room located on the first floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA, at 9 a.m. on March 29, 2018.

Richard P. Ieyoub
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Pipeline Safety

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

The proposed rule changes are not anticipated to have any implementation costs to the state or local governmental units at this time. The proposed rule changes include additional requirements for direct assessment for Hazardous Liquid operators, excess flow valve (EFV) requirements, manual service line shut-off valve requirements, pressure regulating / over pressure protection changes, and enhanced rules for inspection of break out tanks. The proposed rule changes are required as a part of the Department of Natural Resources certification agreement with the US Department of Transportation and it is anticipated the Office of Conservation will be able to be enforce these regulations using existing staff.

However, the addition of "Subpart 5. Liquefied Natural Gas Facilities" may require additional staff at some unknown time in the future. Currently, only one intrastate liquefied natural gas facility is proposed and can be inspected using the Office of Conservation's current staff. In the event additional intrastate natural gas facilities are constructed in the future, DNR may require additional staff. These costs are anticipated to be offset by inspection fees for the new operators and federal reimbursements.

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

There is no immediate anticipated effect on revenue collections of state and local government units. In the event additional intrastate natural gas facilities are constructed in the future, DNR will collect additional inspection fees that will be used to offset costs incurred by DNR.

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

The proposed rule changes implement federal regulations that will directly impact regulated pipeline operators and liquefied natural gas operators. These changes have already been implemented by pipeline and liquefied natural gas operators; therefore, the proposed rule changes are not anticipated to have an immediate economic impact to the regulated community. However, to the extent additional liquefied natural gas facilities are constructed in the future, these operators will owe inspection fees to DNR in addition to any other expenses associated with the construction of these facilities.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

Gary P. Ross	John D. Carpenter
Deputy Commissioner	Legislative Fiscal Officer
1802#045	Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety
Office of State Police

Federal Motor Carrier Safety and Hazardous Materials
(LAC 33:V.10303)

The Department of Public Safety and Corrections, Office of State Police, in accordance with R.S. 49:950 et seq., and R.S. 32:1501 et seq., gives notice of its intent to amend its rules regulating motor carrier safety and hazardous materials by updating the revision date of the adopted federal motor carrier regulations to January 1, 2018.

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Wastes and Hazardous Materials
Subpart 2. Department of Public Safety and Corrections—Hazardous Materials
Chapter 103. Motor Carrier Safety and Hazardous Materials
§10303. Federal Motor Carrier Safety and Hazardous Materials

A. The following federal motor carrier safety regulations and hazardous materials regulations promulgated by the United States Department of Transportation, revised as of January 1, 2018, and contained in the following parts of 49 CFR as now in effect or as hereafter amended, are made a part of this Chapter.

Hazardous Material Regulations	
Part 107	Hazardous Materials Program Procedures
Part 171	General Information, Regulations, and Definitions
Part 172	Hazardous Materials Table, Special Provisions, and Hazardous Materials Communications, Emergency Response Information, and Training Requirements
Part 173	Shippers—General Requirements for Shipments and Packagings
Part 177	Carriage by Public Highways
Part 178	Specifications for Packagings
Part 180	Continuing Qualification and Maintenance of Packagings

Motor Carrier Safety Regulations	
Part 355	Compatibility of State Laws and Regulations Affecting Interstate Motor Carrier Operations
Part 360	Fees for Motor Carrier Registration and Insurance
Part 365	Rules Governing Applications for Operating Authority
Part 367	Standards for Registration with States
Part 373	Receipts and Bills
Part 374	Passenger Carrier Regulations
Part 375	Transportation of Household Goods in Interstate Commerce: Consumer Protection Regulations
Part 376	Lease and Interchange of Vehicles
Part 379	Preservation of Records
Part 382	Controlled Substances and Alcohol Use and Testing
Part 383	Commercial Driver's License Standards; Requirements and Penalties
Part 384	State Compliance with Commercial Driver's License Program
Part 385	Safety Fitness Procedures
Part 386	Rules of Practice for Motor Carrier, Broker, Freight Forwarder and Hazardous Materials Proceedings
Part 387	Minimum Levels of Financial Responsibility for Motor Carriers
Part 388	Cooperative Agreements with States
Part 389	Rulemaking Procedures-Federal Motor Carrier Safety
Part 390	Federal Motor Carrier Safety Regulations; General
Part 391	Qualifications of Drivers
Part 392	Driving of Commercial Motor Vehicles
Part 393	Parts and Accessories Necessary for Safe Operation
Part 395	Hours of Service of Drivers
Part 396	Inspection, Repair, and Maintenance
Part 397	Transportation of Hazardous Materials; Driving and Parking Rules

AUTHORITY NOTE: Promulgated in accordance with R.S. 32: 1501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 14:31 (January 1988), amended LR 17:1115 (November 1991), LR 19:351 (March 1993), LR 20:58 (January 1994), LR 24:956 (May

1998), LR 24:2321 (December 1998), LR 29:711 (May 2003), LR 30:447 (March 2004), LR 32:641 (April 2006), LR 34:882 (May 2008), amended by the Department of Public Safety and Corrections, Office of State Police, Transportation and Environmental Safety Section, LR 37:1613 (June 2011), LR 38:1417 (June 2012), amended by the Department of Public Safety and Corrections, Office of State Police, LR 40:371 (February 2014), LR 42:280 (February 2016), amended by the Department of Public Safety and Corrections, Office of State Police, Transportation and Environmental Safety Section, LR 43:537 (March 2017), LR 44:

Family Impact Statement

1. The effect of this Rule on the stability of the family. This Rule should not have any effect on the stability of the family.

2. The effect of this Rule on the authority and rights of parents regarding the education and supervision of their children. This Rule should not have any effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect of this Rule on the functioning of the family. This Rule should not have any effect on the functioning of the family.

4. The effect of this Rule on family earnings and family budget. This Rule should not have any effect on family earnings and family budget.

5. The effect of this Rule on the behavior and personal responsibility of children. This Rule should not have any effect on the behavior and personal responsibility of children.

6. The effect of this Rule on the ability of the family or local government to perform the function as contained in the proposed Rule. This Rule should not have any effect on the ability of the family or local government to perform the function as contained in the proposed rules.

Poverty Impact Statement

The impact of the proposed Rule on child, individual, or family poverty has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on poverty in relation to individual or community asset development as provided in the LA R.S. 49:973.

The agency has considered economic welfare factors and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on poverty.

Small Business Analysis

The impact of the proposed Rule on small businesses has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act.

The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Paul Schexnayder, Post Office Box 66614, Baton Rouge, LA 70896. Written comments will be accepted through March 15, 2018.

Jason Starnes
Chief Administrative Officer

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Federal Motor Carrier Safety and Hazardous Materials

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

The proposed rule changes will not impact state or local governmental expenditures. The proposed rule changes update the revision date of adopted federal motor carrier regulations to January 1, 2018 from the previous revision date of November 1, 2016.

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

The proposed rule changes will not affect revenue collections for state or local governmental units.

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

The proposed rule changes will not result in any costs or economic benefits to affected persons or non-governmental entities.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will not affect competition and employment.

Jason Starnes	Evan Brasseaux
Chief Administrative Officer	Staff Director
1802#023	Legislative Fiscal Office

NOTICE OF INTENT

Department of Transportation and Development
Office of Multimodal Commerce

State Safety Oversight for Rail Fixed Guideway Public Transportation Systems (LAC 70:IX.Chapter 15)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 48:214, that the Department of Transportation and Development, Office of Multimodal Commerce, State Safety Oversight Division proposes a new rule State Safety Oversight for Rail Fixed Guideway Public Transportation Systems. The new rule is the state safety oversight program standard (SSOPS) required by 49 CFR Part 674, published by the Federal Transit Administration (FTA), to oversee the implementation of the safety plan of any rail transit agency (RTA) operating

a rail fixed guideway public transportation system (RFGPTS) in the state of Louisiana.

Title 70
TRANSPORTATION
Part IX. Intermodal Transportation
Chapter 15. State Safety Oversight for Rail Fixed Guideway Public Transportation Systems

§1501. Introduction

A. The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), signed on December 18, 1991, required the Federal Transit Administration (FTA) to create a first-ever State-managed safety and security oversight program for rail fixed guideway public transportation systems (RFGPTS) not regulated by the Federal Railroad Administration. In each successive Act following ISTEA, including the Transportation Equity Act for the 21st Century (TEA-21), signed on June 9, 1998, and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), signed on August 10, 2005, the state safety oversight (SSO) program was continued, setting the stage for the safety and programmatic advances required under the Moving Ahead for Progress in the 21st Century Act (MAP–21) signed July 6, 2012 and continued under the Fixing America's Surface Transportation Act (FAST Act), signed on December 4, 2015.

B. On March 16, 2016, FTA issued the 49 CFR Part 674 final rule. This rule reflects the requirements of 49 U.S.C. section 5329(e), and directs states to strengthen their authorities to oversee and enforce safety requirements and to prevent and mitigate accidents on the RFGPTS in their jurisdictions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R Part 674; 49 U.S.C. § 5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:

§1503. Program Management

A. Authority. The State of Louisiana re-designated the Louisiana Department of Transportation and Development (LADOTD) as the state safety oversight agency (SSOA) for Louisiana in 2014. This enabling authority is found at Louisiana Revised Statute 48:214. The SSOA authority applies to any Rail Transit Agency (RTA) operating a RFGPTS in Louisiana. References to the RTA or RFGPTS do not apply to one specific RTA, but to any RTA operating in Louisiana.

NOTE: The New Orleans Regional Transit Authority is the only RTA/RFGPTS currently subject to oversight in the State of Louisiana.

B. Policies That Govern SSOA Activities. The SSO program is administered by the state safety oversight program manager. The program manager is responsible for carrying out the policies enumerated in the state safety oversight program standard (SSOPS) and the specific activities and objectives provided in the Procedures Manual. The SSOA program is currently administered through the Office of Multimodal Commerce at the LADOTD and supported by the commissioner of multimodal commerce, the deputy commissioner of multimodal commerce, and the freight and passenger rail development statewide program manager. The SSOA program manager and any staff or contractors will meet the training requirements of the public transportation safety certification training program.

C. SSOA Reporting Requirements. On or before March 15th of each year, the SSOA will submit the following material to the Louisiana Governor's Office, the RTA Board of Commissioners, and the FTA:

1. the SSOPS and the accompanying procedures manual, with an indication of any changes to those documents during the preceding 12 months;
2. evidence that each of its employees and contractors has completed the requirements of the public transportation safety certification training program, or, if in progress, the anticipated completion date of the training;
3. a publicly available report that summarizes its oversight activities for the preceding 12 months, describes the causal factors of accidents identified through investigation, and identifies the status of corrective actions, changes to the RTA safety plan, and the level of effort by the SSOA in carrying out its oversight activities;
4. a summary of the triennial audits completed during the preceding 12 months, and the RTAs' progress in carrying out corrective action plans (CAP) arising from triennial audits (if conducted);
5. evidence that the SSOA has reviewed and approved any changes to the RTA safety plan during the preceding 12 months; and
6. a certification that the SSOA is in compliance with the requirements 49 CFR Part 674.

D. RTA Reporting Requirements. On or before February 15th of each year, the RTA will submit the following material in a report to the SSOA:

1. the safety plan, with an indication of any changes to that document during the preceding 12 months;
2. a report on all internal safety audits performed during the preceding calendar year to include, a listing of the internal safety audits conducted the previous calendar year, an updated schedule for audits that will be conducted in the current three-year cycle, and a status of all findings, recommendations and corrective actions resulting from the audits conducted the previous calendar year;
3. a report listing all reportable accidents and unacceptable hazards identified during the previous 12-month period that describes any causal factors identified through investigation, and identifies the status of corrective actions;
4. a certification that the RTA is in compliance with this SSOPS and any federal rules applicable to its safety plan.

E. SSOA and RTA Communications. The SSOA will maintain on-going communications with the RTA regarding safety related aspects of the RFGPTS. To facilitate communications, the SSOA will attend monthly meetings to discuss the status of accident/incident/event investigations, open CAPs, identified unacceptable hazards, and other safety related topics. In addition, the SSOA will participate in safety related training and other events and will conduct on-site inspections. The inspections may include, but not be limited to; reviewing and approving accident investigation procedures and reports; reviewing monthly construction reports, as appropriate; and collecting and reviewing other data as leading indicators of safety related events to identify mitigation measures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R Part 674; 49 U.S.C. § 5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:

§1505. SSOPS Development

A. This SSOPS was developed in compliance with 49 CFR Part 674 and aspects of the previous Louisiana State Standard developed under 49 CFR Part 659. This SSOPS is a policy document and is hereby adopted into Louisiana Administrative Code: Title 70 Part IX. This SSOPS, along with Louisiana Revised Statutes 48:214, give the SSOA the necessary authority to administer the enhanced oversight of RFGPTS in Louisiana as envisioned in 49 CFR Part 674. An accompanying procedures manual has been created to address changes in industry standards, safety related guidance from FTA, and general procedural or administrative changes to standard operating practices between the SSOA and RTA. The creation of the procedures manual reduces the legislative and administrative burden on the SSOA.

B. Review and Revision. The SSOPS policy document and procedures manual are reviewed at least annually. Any changes to either document are submitted to FTA (and as appropriate to the RTA) for review with the annual report by March 15th of each year. Additionally, changes in procedures may be addressed at any time as needed.

C. Minimum Safety Standards. The SSOPS policy document, along with the Louisiana Revised Statutes 48:214, provides the SSOA the necessary authority to develop any rules and/or regulations necessary to enforce minimum safety standards of operation by RFGPTS operators in the state of Louisiana. Much like FTA's public transportation safety program does not outline those minimum standards, but does so in the national public transportation safety plan, this policy document requires all Louisiana RTA's to meet or exceed any nationally recognized safety standards for operating rail fixed guideway public transportation systems. The SSOA procedures manual will contain any minimum safety standards deemed necessary beyond those developed by the RTA to facilitate safe operations or published by the FTA in the national public transportation safety plan or those developed by industry recognized leaders such as the American Public Transportation Association (APTA), etc. The SSOA will provide written notice of updates posted in the procedures manual and all Louisiana RTA's will be required to adhere to those rules and procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R Part 674; 49 U.S.C. § 5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:

§1507. Program Policy and Objectives

A. The SSOA provides oversight and technical assistance to the RTA and evaluates the effectiveness of that agency's safety plan implementation. Through participation in safety meetings, reviewing investigations of accidents/ incidents/events, the SSOA will provide guidance and input to the RTA safety implementation program, which is wholly owned by and implemented by the RTA. In addition to the SSOA program policy stated in this section, the SSOA has specific objectives associated with the program's implementation that will be listed in the procedures manual. Those objectives may change based on specific oversight needs for an RTA, industry standards revisions, or guidance from FTA. The program objectives will be reviewed annually and updated as appropriate in the procedures manual. The SSOA is responsible for investigating any allegations of a RTAs non-compliance with its agency safety plan. To assist in the effectiveness of the SSOA mission, the RTA will grant full access to fixed guideway safety related records, personnel, and facilities at the RTA. If, during the course of inspections, observations, analysis, interviews or other SSOA activities, potential unacceptable hazardous conditions are identified, the SSOA will discuss the concerns directly with RTA safety staff and management and may require development of a corrective action plan. These risk-related concerns will typically find resolution at this level of discussion and interaction. If the situation is an immediate safety risk, the RTA is directed to implement any necessary action to mitigate that risk with proper and timely notification to the SSOA. In addition, the SSOA will work closely with the RTA to monitor issue resolution to assure the corrective action does not create unintended risks. If the SSOA identifies and communicates potential unacceptable hazardous conditions to the RTA staff as indicated above, and either the corrective action or the timeliness of the action is not acceptable to the SSOA, the following escalation protocols will be implemented.

1. Escalation Level I. If after an appropriate period of time, determined in writing by the SSOA, a similar pattern of risk related activity, previously communicated to the RTA, is observed, a formal letter will be sent to the RTA safety management system (SMS) executive/lead. The letter will describe the risk concerns with a formal request to respond to the letter with an explanation of how the RTA plans to address the identified concerns. If the explanation from the RTA is reasonable/acceptable, the concerns and responses are documented and the SSOA will continue risk monitoring. If the RTA determines that the identified risk concern needs additional attention, the SSOA will require the RTA to develop an appropriate corrective action plan.

2. Escalation Level II. The Louisiana Revised Statutes 48:214 provides direction to each RTA regarding the requirement for a formal safety program and requires the SSOA to, "Direct the operator of a fixed guideway rail system to correct a safety hazard by a specified date and time." If the RTA does not comply with direction stemming from Escalation Level I, a formal letter from the commissioner of multi-modal commerce to the RTA Accountable Executive reiterating the risk concerns with a request to respond to the letter including an explanation of how the RTA plans to address the identified concerns. If the explanations from the RTA are reasonable/acceptable and a reasonable timetable established, the concerns and responses are documented and the SSOA will continue risk monitoring. If the RTA determines that the identified risk concern needs additional attention, the SSOA will require the RTA to develop an appropriate corrective action plan.

3. Escalation Level III. If at any time during Escalation Level II, the identified risk concerns cannot be resolved due to a lack of communication or responsiveness from the RTA, the Statute requires that the SSOA, "Take legal action in a court of competent jurisdiction to compel an

operator of a fixed guideway rail system to correct a safety hazard, or to prevent the operation of all or part of a fixed guideway rail system that the office has determined to be unsafe."

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R Part 674; 49 U.S.C. § 5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:

§1509. Oversight of RTA Safety Plans and Internal Safety Reviews

A. RTA Safety Plan Review. The RTA is required to develop and submit a safety plan to the SSOA for its review and written approval. The safety plan must be compliant with the SSOPS, any federal rules (i.e. 49 U.S.C. 5329(d)) specifically addressing RTA safety plans, any specific guidance found in the SSOA procedures manual, and other guidance provided through FTAs national public transportation safety plan. The SSOA may require changes to safety plan based on changes in federal or state requirements, audit results, inspections, investigations, or findings based on safety data analysis. After written notification from the SSOA for safety plan modifications, the RTA and SSOA will determine a reasonable timeline for completing the revision(s). The RTA must assess its safety plan annually and revise it as needed to reflect changes in the organization, procedures, equipment, facilities, and operating environment. The RTA must submit any revisions to the SSOA to ensure compliance with the SSOPS. The SSOA will complete a compliance review of the safety plan within 30 calendar days of receipt, or notify the RTA if additional time is needed. If the RTA safety plan complies with the SSOPS and other guidance as necessary, the SSOA will issue a written approval of the safety plan (along with appropriate checklists) and request that the RTA send a final copy of the safety plan with appropriate signatures and other endorsements as required. The safety plan and any revisions to the safety plan must be approved by the RTA Board of Commissioners and signed by a designee of the RTA Board of Commissioners. The approved RTA safety plan remains in effect until another such safety plan or revisions to the existing safety plan is/are submitted and approved in accordance with this SSOPS. If the SSOA determines that the submitted safety plan does not meet the requirements of the SSOPS or other appropriate guidance, a written rejection of the safety plan will be sent to the RTA along with a description (comments and appropriate checklists) of necessary changes to gain approval. The RTA will make such changes in an expeditious manner, unless otherwise specified in the rejection letter. The RTA may request a meeting with the SSOA to discuss the safety plan review comments. In the event the RTA objects to a noted deficiency or requested change from the SSOA, a written notice of the objections and suggested alternatives will be provided to the SSOA within 30 days. Both the SSOA and the RTA must agree on an appropriate course of action or the SSOA will follow the escalation procedures.

B. RTA Internal Reviews. The RTA must develop and document a process for the performance of on-going internal safety audits that assess the elements and implementation of the RTA safety plan. Each element of the safety plan must be audited at least once during a three-year cycle. The audit process must at a minimum; describe a process used by the RTA to determine if all identified elements of the safety plan are performing as intended; determine if areas of non-compliance and hazards are being identified in a timely manner; ensure that all elements are being reviewed in an on-going manner and over a three-year cycle; and, ensure that no unit leads its own internal audit. The RTA will notify the SSOA in writing at least 30 days prior to any internal audit and will provide audit checklists, procedures, and other documents as necessary. The RTA will coordinate any comments on the checklists and schedule with the SSOA. On or before February 15th of each year, the RTA will submit a report detailing all internal safety audits performed during the preceding calendar year. The report, signed by the RTA accountable executive, must contain at a minimum; a listing of the internal safety audits conducted the previous calendar year; an updated schedule for audits that will be conducted in the current three-year cycle; a status of all findings; and, recommendations and corrective actions resulting from the audits conducted the previous calendar year. The SSOA will review and approve the internal audit report submitted by the RTA prior to submission to the FTA each year on or before March 15th.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R Part 674; 49 U.S.C. § 5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:

§1511. Triennial SSOA Audits

A. Audit Procedures. In addition to on-going inspections, investigations, and examinations of RTA safety implementation procedures, the SSOA will conduct an on-site audit of the RTA's implementation of its safety program at least once during each three-year cycle. The SSOA and RTA may agree that the SSOA will conduct its audit on an ongoing basis over the three-year cycle. The three-year audit will be a comprehensive review and evaluation of the effectiveness of the RTA safety plan and other standard operating procedures. The audit will generally be conducted prior to the FTA triennial audit of the SSOA Program. In anticipation of a three-year audit of the RTA safety program, the SSOA will establish an audit team and audit schedule; develop audit checklists for use during the audit, provide the RTA with written notification of the audit schedule 60 days in advance, and offer the RTA an opportunity to schedule a pre-audit meeting to ensure clarity of SSOA audit objectives. The SSOA will provide the RTA with the list of team members and audit checklists 30 days in advance of the audit. The audit is intended to be an open and collaborative process with the RTA with the primary goal of improving safety procedures documentation and implementation at the RTA.

B. Audit Findings. A list of audit findings will be incorporated into an audit tracking matrix. The matrix will provide the findings and any comments developed by the SSOA necessary to clarify the intent of the finding. The matrix will be used to track any findings to resolution.

C. Audit Report. Any findings established during a triennial audit will be documented in a draft written report along with recommendations for improvements (including recommended CAPs) to the safety plan or other documentation related to the effectiveness of the RTA safety plan and safe operations of the RFGPTS. The RTA will have an opportunity to comment on the content of the report,

including the findings and recommendations prior to the SSOA publishing the final audit report. If the RTA has alternative methods to address the recommendations provided by the SSOA in the draft audit report, the SSOA will consider those and initiate dialogue as appropriate. The SSOA review team will make revisions, if appropriate to the goals of the audit, and will distribute the final audit report. Corrective actions required, as a result of the audit, will be managed through the corrective action process. The SSOA will transmit final audit reports to the FTA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R Part 674; 49 U.S.C. § 5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:

§1513 Accident Notification

A. Requirements

1. The SSOA requires the RTA to report the following accidents (reportable accident):

a. fatality (occurring at the scene or within 30 days following the accident).

b. one or more persons suffering serious injury (Serious injury means any injury which:

c. requires hospitalization for more than 48 hours, commencing within 7 days from the date of the injury was received;

d. results in a fracture of any bone (except simple fractures of fingers, toes, or nose);

e. causes severe hemorrhages, nerve, muscle, or tendon damage;

f. involves any internal organ; or

g. involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface).

h. a collision involving a rail transit vehicle.

i. a runaway train.

j. an evacuation for life safety reasons.

k. any derailment of a rail transit vehicle, at any location, at any time, whatever the cause.

2. In any instance in which the RTA is required to notify the Federal Railroad Administration (FRA) of an accident as defined by 49 CFR §225.5 (i.e., shared use of the general railroad system trackage or corridors), the RTA must also notify the SSOA and FTA of the accident within the same time frame as required by the FRA. The RTA will also be required to report any accident meeting the criteria and thresholds developed by the FTA and published as rule (i.e. 49 CFR Appendix to Part 674) or guidance under the national public transportation safety plan or other reporting guidelines. These will be published and communicated to the RTA through the SSOA procedure's manual.

B. Methodology and Content: Two-Hour Notification. The RTA shall notify the SSOA and FTA within two hours of a reportable accident. Notification shall be via email (or if unavailable, via telephone with follow-up email) or other electronic notification method described in the procedure's manual. The two-hour notification will contain the following information:

1. unique accident identification number (YYMMDD operator badge number, if more than one crash occurs on one day, the time will be added in 24-hour format as shown: YYMMDD HHMM operator badge number. All follow up information associated with a reportable accident will contain the unique accident identification number.);

2. sender (caller) name;

3. transit system name;

4. type of accident (e.g., which accident criteria prompted the accident report to the SSOA);

5. time and date of the accident;

6. the location of the accident;

7. transit vehicle identifying information, including route, direction, vehicle number, block number, etc.;

8. information about any other vehicles involved;

9. number of injuries (persons requiring immediate medical attention away from the scene);

10. number of fatalities;

11. estimated property damage, if available;

12. a brief description of the accident;

13. a description of accident investigation activities completed and anticipated in the short term;

14. preliminary determination of accident cause, if available; and

15. NTSB determination, if available.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R Part 674; 49 U.S.C. § 5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:

§1515. Investigations

A. The SSOA must investigate or require an investigation of any reportable accident and is ultimately responsible for the sufficiency and thoroughness of all investigation reports, whether conducted by the SSOA, the RTA, or a third party. Investigations can be conducted by the SSOA, be delegated to the RTA by the SSOA, or conducted jointly by the SSOA and RTA.

1. RTA Investigations. In most cases, the SSOA requires the RTA to investigate their own accidents and the SSOA will conduct an independent review of the RTA's findings of causation. When conducting an accident investigation on behalf of the SSOA, investigations are performed in accordance with accident investigation procedures developed by the RTA and approved by the SSOA. The RTA will develop accident investigation procedures that meet or exceed all rules, guidance or industry standards associated with investigation procedures, including this SSOPS. Accident investigation procedures will be reviewed annually by the RTA against industry standards and updated as appropriate and necessary. During accident investigations conducted by the RTA, the SSOA will provide any technical assistance or guidance requested by the RTA in support of the accident investigation.

2. SSOA Investigations. If the SSOA determines that it will conduct its own investigation, the SSOA will inform the RTA of its decision to conduct or participate in an investigation, will use investigation personnel other than those employed or utilized by the RTA, and will use the RTA's approved investigation procedures. SSOA investigation personnel will have the proper investigation training and expertise as outlined in the public transportation certification training program. The RTA will be provided with a list of SSOA investigation team members. The SSOA investigation team will arrive at the RTA as soon as practicable. The SSOA investigation team will wait until the RTA and/or other emergency response personnel have secured the scene before commencing its investigation. The SSOA reserves the right to request that the RTA preserve the

scene to the maximum extent feasible until arrival and start of the investigation. All SSOA investigation personnel will be granted authority to access records, materials, data, analysis, and other information which is pertinent to the investigation. The RTA is expected to provide the SSOA investigation team with the resources and information necessary to conduct the investigation in an effective and efficient manner.

3. Joint Investigations. The SSOA may request joint participation in an investigation. In such cases, the RTA will cooperate to the extent practicable in preserving the scene until SSOA investigation team members arrive. The SSOA investigation team will observe or participate in field analysis, operational surveys, interviews, record checks, data analysis, and other on-site and off-site tasks that may be necessary for a comprehensive investigation. The SSOA investigation team will observe or participate in assessing physical evidence of the scene and document the environmental and physical factors of the scene through measurements, diagrams, and photographs. As part of the investigation, the SSOA investigation team will observe or participate in assessing compliance with operating rules and procedures; conducting follow up interviews (if required); analyzing employee records and the results of post-accident drug and alcohol tests; and conducting vehicle and equipment inspections. If the SSOA investigation team requires information or analysis which is not readily available, or which may require additional resources by the RTA, it will request this information or analysis in a written request to the RTA.

4. National Transportation Safety Board (NTSB) Investigations. In any instance in which a safety event on the RTA's RFGPTS is the subject of an investigation by the NTSB, the SSOA will participate in the investigation and will evaluate whether the findings or recommendations by the NTSB require CAP development by the RTA, and if so, the SSOA will order the RTA to develop and carry out the CAP.

5. Reporting. All accident investigations will result in a formal investigation report. Accident reports will describe the investigation activities; identify the factors that caused or contributed to the accident; and set forth a CAP, as necessary or appropriate. In most cases, the RTA will conduct investigations of their own accidents and will be required to produce a final accident investigation report within 30 days of the accident, unless delayed by circumstances (e.g. unresolved medical reports) or missing information (e.g. incomplete police reports). The RTA will provide a monthly accident log update detailing the status of all investigations through closure and adoption by the SSOA. Upon submission of a final accident investigation report by the RTA, the SSOA will conduct an independent review of the findings of causation and either provide acceptance and adoption of the report in a timely manner or ask for additional information or analysis. In cases where the SSOA does not believe that adequate investigation into the cause of an accident has been performed, it may conduct its own investigation. In cases where the SSOA decides to conduct its own investigation, the SSOA will produce an accident investigation report within 30 days of the accident, unless delayed by circumstances (e.g. unresolved medical reports) or missing information (e.g. incomplete police reports). The final accident report will be provided to the RTA for review and concurrence. If the RTA does not concur with the SSOA's report, the RTA may submit a written dissent of the report, which the SSOA may include in the final report. In cases where the SSOA and RTA conduct a joint accident investigation, both agencies will collaborate on investigation, analysis, and determination of causal or contributing factors. Both agencies will also collaborate on developing the final accident investigation report. Upon completion, the SSOA will adopt the final report. In special circumstances, the FTA may conduct an independent investigation of an accident or review the findings of causation contained in an accident report. The SSOA and RTA will cooperate, to the extent practicable, with the FTA's investigation and provide support for findings and recommendations.

6. Corrective Actions. If a final investigation report contains findings and/or recommendations for addressing deficiencies or unsafe conditions identified during the investigation process, the RTA will be responsible for developing appropriate CAPs. The SSOA will review and approve or ask for revisions to CAPs as appropriate. If, after reviewing an investigation report not resulting in a CAP and the SSOA determines that a CAP was necessary or appropriate, the SSOA will communicate the need to develop the CAP to the RTA.

7. Records Confidentiality. The Louisiana Public Records Act, also known as Louisiana's Sunshine Law, was enacted by the State Legislature in 1940, and is currently provided for in R.S. 44:1 et seq. Under Louisiana's Sunshine Law, the SSOA generally cannot legally protect the confidentiality of accident investigation reports from discovery except when the report contains sensitive security information, or when otherwise exempted for in law, jurisprudence, and/or R.S. 44:1 et seq. \Anyone can request public records and no purpose is required. There are no restrictions on what can be done with the public documents once a records requester has them in hand. The custodian of the records must respond to requests within three business days.

Examples of Exemptions: Pending criminal litigation; juvenile status offenders; sexual offense victims; security procedures; trade secrets; and some public employee information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R Part 674; 49 U.S.C. § 5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:

§1517. Corrective Action Plans

A. The SSOA's primarily concern is the safety of the travelling public using a RFGPTS. Corrective action plans are an integral part of ensuring safety. The SSOA will work with the RTA to ensure that corrective actions are implemented in a timely fashion and corrective actions are commensurate to the severity of the potential safety related hazard.

1. Development

a. CAPs may be identified and developed through a number of processes and procedures including: accident investigation reports developed by the RTA, SSOA, FTA or NTSB; internal safety audits conducted by the RTA; three-year audits conducted by the SSOA or FTA; or the RTA hazard management program. CAPs may be identified by

other activities as well and may be initiated by RTA or required by the SSOA. In any instance where the RTA must develop and carry out a CAP, the SSOA will review and approve the CAP before the RTA carries out the plan; however, an exception may be made for immediate or emergency corrective actions that must be taken to ensure immediate safety, provided that the SSOA has been given timely notification, and the SSOA provides subsequent review and approval. A CAP must describe, specifically, the actions the RTA will take to minimize, control, correct, or eliminate the risks and hazards identified by the CAP, the schedule for taking those actions, and the individuals responsible for taking those actions.

b. The SSOA will notify RTA of its approval or rejection of a corrective action plan within 15 calendar days of receiving the CAP. In the event the SSOA rejects a CAP, the reasons and recommended revisions will be stated in writing. RTA shall submit a revised CAP to the SSOA no later than 15 calendar days following the rejection. If the RTA does not agree with the proposed revisions, the SSOA and RTA shall meet to resolve differences regarding the CAP. In any instance in which a safety event on the RTA's RFGPTS is the subject of an investigation by the NTSB, the SSOA will evaluate whether the findings or recommendations by the NTSB require CAP development by the RTA, and if so, the SSOA will order the RTA to develop and carry out the CAP.

2. Tracking. The RTA must periodically report to the SSOA on its progress in carrying out the CAP. The SSOA will monitor the RTA's progress in carrying out the CAP through unannounced, on-site inspections, or any other means the SSOA deems necessary or appropriate. CAPs shall be tracked by using the following naming convention. Each CAP name shall begin with: YY-##. The first CAP for a year shall be 01 and the numbers shall increase one-by-one through the year. The following year, the numbers shall begin again at 01. CAPs shall be entered into the RTA CAP log upon creation and remain on the log the entire calendar year even after closure. CAP progress is tracked during monthly meetings.

3. Closure. Implementation of CAPs may require timeline adjustments. The SSOA should be informed of any implementation schedule changes and review the reasons for those changes. CAPs will be acknowledged as closed by the SSOA once supporting documentation is provided by the RTA and review and/or inspection is conducted by the SSOA. The SSOA will provide the RTA with timely written acceptance of a CAP closure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R Part 674; 49 U.S.C. § 5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:

§1519. Annual Reporting to FTA: SSOA Reporting Requirements

A. On or before March 15th of each year, the SSOA will submit the following material to the Louisiana Governor's Office, the RTA Board of Commissioners, and the FTA (submitted electronically through a specified reporting system):

1. the SSOPS and the accompanying procedures manual, with an indication of any changes to those documents during the preceding 12 months;

2. evidence that each of its employees and contractors has completed the requirements of the public transportation safety certification training program, or, if in progress, the anticipated completion date of the training;

3. a publicly available report that summarizes its oversight activities for the preceding 12 months, describes the causal factors of accidents identified through investigation, and identifies the status of corrective actions, changes to the RTA safety plan, and the level of effort by the SSOA in carrying out its oversight activities;

4. a summary of the triennial audits completed during the preceding 12 months, and the RTAs' progress in carrying out corrective action plans arising from triennial audits (if conducted);

5. evidence that the SSOA has reviewed and approved any changes to the RTA safety plans during the preceding 12 months; and

6. a certification that the SSOA is in compliance with the requirements 49 CFR Part 674.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R Part 674; 49 U.S.C. § 5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:

§1521. Procedures Manual Content

A. Program Policies and Objectives

1. The policy statement of the Louisiana SSO program. The Louisiana Department of Transportation and Development's State Safety Oversight Program is responsible for the development and implementation of an effective and comprehensive state safety oversight program to ensure that all rail fixed guideway public transportation systems in its jurisdiction fully define and implement a safety program that is compliant with all applicable state and federal rules and regulations.

2. The objectives for the SSO program include the following:

a. developing and maintaining an SSO program meeting the federal and state requirements, including 49 CFR Part 674;

b. assuring that SSO program staff and contractors meet training and qualification requirements outlined in the public transportation safety certification training program interim provisions;

c. providing oversight and technical assistance to the RTA in developing, maintaining, evaluating and implementing a safety program wholly owned by the RTA, not the state of Louisiana;

d. working cooperatively with the RTA and FTA SSO program, to improve system safety performance and reduce system safety risk to as low as reasonably practical;

e. ensuring RTA conducts investigations and internal audits as required, and participating as appropriate (SSOA may choose to lead, participate in, or conduct independent investigations, audits or inspections);

f. ensuring RTA executive staff fully support the safety principles and methods of safety management systems (SMS) as the basis for enhancing the safety of public transportation;

g. ensuring RTA safety staff and contractors meet training and qualifications outlined in the public transportation safety certification training program interim provisions;

h. participating in safety meetings;

i. ensuring that investigations are conducted to determine causality, reviewing investigations of accidents/incidents/events as appropriate;

j. providing guidance and input to the RTA safety implementation program;

k. investigating any allegations of an RTAs non-compliance with their safety plan.

B. Minimum Safety Standards. RTA system safety and security related documents in effect January 2018.

Document	Current Version
System Safety Program Plan/Agency Safety Plan (SSPP/ASP)	October 2017
Security and Emergency Preparedness Plan (SEPP)	June 2017
Hurricane Emergency Preparedness Plan (HEPP)	June 2017
Emergency Action Plan (EAP)	October 2014
Continuity of Operations Plan (COOP) (in revision)	April 2016
Right-of-Way Worker Protection Plan	July 2017
Safety and Security Certification Program Plan	August 2017
Transit Asset Management Plan	In development
Streetcar Operator Manual	2016
Dispatchers Training Manual	2016
Rail Maintenance Plan (Power, Track Fleet) (in revision)	June 2016
RTA SOPs	In effect January 2018

C. Safety Plan Review

1. RTA system safety program plan must be compliant with 49 CFR Part 659.

2. RTA public transportation agency safety plan must be compliant with 49 CFR Part 673 one year after it becomes final rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:214; 49 C.F.R Part 674; 49 U.S.C. § 5329.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Commerce, LR 44:

Family Impact Statement

Implementation of this proposed Rule should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability, and autonomy. Specifically:

1. The implementation of this proposed Rule will have no known or foreseeable effect on the stability of the family.

2. The implementation of this proposed Rule will have no known or foreseeable effect on the authority and rights of parents regarding the education and supervision of their children.

3. The implementation of this proposed Rule will have no known or foreseeable effect on the functioning of the family.

4. The implementation of this proposed Rule will have no known or foreseeable effect on the family earnings and family budget.

5. The implementation of this proposed Rule will have no known or foreseeable effect on the behavior and personal responsibility of children.

6. The implementation of this proposed Rule will have no known or foreseeable effect on the ability of the family or local government to perform this function.

Poverty Impact Statement

The implementation of this proposed Rule should not have any known or foreseeable impact on child, individual, or family poverty in relation to individual or community asset development as defined by R.S. 49:973. Specifically,

1. The implementation of this proposed Rule will have no known or foreseeable effect on household income, assets, and financial security.

2. The implementation of this proposed Rule will have no known or foreseeable effect on early childhood development and preschool through postsecondary education development.

3. The implementation of this proposed Rule will have no known or foreseeable effect on employment and workforce development.

4. The implementation of this proposed Rule will have no known or foreseeable effect on taxes and tax credits.

5. The implementation of this proposed Rule will have no known or foreseeable effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The implementation of this proposed Rule on small businesses, as defined in the Regulatory Flexibility Act, has been considered. The proposed Rule is not expected to have a significant adverse impact on small businesses. The department, consistent with health, safety, environmental, and economic welfare factors, has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of the proposed statutes while minimizing the adverse impact of the Rule on small businesses.

Provider Impact Statement

The implementation of this proposed Rule does not have any known or foreseeable impact on a provider as defined by House Concurrent Resolution No. 170 of the 2014 Regular Session of the Louisiana State Legislature. Specifically:

1. The implementation of this proposed Rule does not have any known or foreseeable impact on the staffing level requirements or qualifications required to provide the same level of service.

2. The implementation of this proposed Rule does not have any known or foreseeable impact on the total direct and indirect effect on the cost to a provider to provide the same levels of service.

3. The implementation of this proposed Rule does not have any known or foreseeable impact on the overall effect on the ability of a provider to provide the same level of service.

Public Comments

All interested persons so desiring shall submit oral or written data, views, comments, or arguments no later than 20 days from the date of publication of this notice of intent to Kevin Lawson, State Safety Oversight Program Manager, Department of Transportation and Development, P.O. Box 94245, Baton Rouge, LA 70804-9245. Telephone (225) 379-3032.

Shawn Wilson, Ph.D.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: State Safety Oversight for Rail Fixed Guideway Public Transportation Systems

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

There are no estimated implementation costs or savings to state or local governmental units associated with the proposed Rule. The Louisiana Department of Transportation and Development (LADOTD) was designated as the State Safety Oversight Agency (SSOA) for rail fixed guideway public transportation systems (RFGPTS) in the state, in accordance with 49 U.S.C. 5329(e) and by legislation enacted in 2014 under Louisiana Revised Statute 48:214.

The proposed Rule adopts the State Safety Oversight Program Standard (SSOPS) required by 49 CFR Part 674 State Safety Oversight, Final Rule, published by the Federal Transit Administration (FTA) with an effective date of April 15, 2016, and a compliance date of April 15, 2019.

If the rule is not promulgated and the SSO program is not certified by April 15, 2019, the FTA will withhold all Chapter 53 funding from the State of Louisiana until the state is certified. Louisiana Chapter 53 funding for 2019 is projected to be $65,058,832. The proposed Rule must be promulgated prior to the certification submission deadline. The submission deadline for certification is September 30, 2018, while the preferred submission deadline is April 15, 2018.

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

There is no anticipated effect on revenue collections of state or local governmental units as a result of this proposed Rule.

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

There are no anticipated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of this proposed Rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment as a result of this proposed Rule.

Shawn Wilson, Ph.D.	Evan Brasseaux
Secretary	Staff Director
1802#011	Legislative Fiscal Office

Potpourri

POTPOURRI

Department of Children and Family Services
Division of Child Welfare

Public Hearing—Substantive Changes to Notice of Intent
Chafee Foster Care Independence Program and Young
Adult Program (LAC 67:V.3901)

The department is seeking to incorporate changes to LAC 67:V.3901 which was originally included in the Notice of Intent published in the November 20, 2017, edition of the Louisiana Register. These changes are being incorporated as a result of the following: A reference to service youth as young as age 13 needed to be changed to age 14, as the federal funding source does not allow for use of the funds for children under the age of 14; and the need to further clarify Native American youth and OJJ youth, as referenced, only applied to those populations of youth considered to be in foster care. In addition, the Native American youth must be from a federally recognized tribe.

In accordance with the R.S. 49:968(H)(2), a public hearing on proposed substantive changes will be held on March 27, 2018, at 9 a.m. at the Department of Children and Family Services, Iberville Building, 627 North Fourth Street, Seminar Room 1-127, Baton Rouge, LA. The changes are incorporated into the following Notice of Intent:

Title 67
SOCIAL SERVICES
Part V. Child Welfare
Subpart V. Foster Care
Chapter 39. Chafee Foster Care Independence Program

§3901. Chafee Foster Care Independence Program

A. The Department of Children and Family Services, Child Welfare Division will provide a Chafee Foster Care Independence Program (CFCIP) to assist youth in making preparations for living independently, including, but not limited to résumé writing, budgeting, banking and other financial skills, and conflict management skills. The CFCIP provides opportunities for youth to interact with other youth from similar backgrounds, and to receive supportive services until 26 years of age, with the exception of educational assistance via the Chafee Educational and Training Voucher (ETV), which is available until 23 years of age if the youth meets eligibility requirements.

B. The DCFS will provide CFCIP services based upon the availability of funds, up to the maximum allowable amount funded by the federal Chafee Act, in compliance with the requirements of the program, and the varying identified needs of each youth.

C. Eligibility for the CFCIP is limited to youth who meet the requirements of the program and is based on the availability of federal funding. Participants should be either: DCFS foster youth from 14 years of age to age 18; foster youth who aged out of foster care from 18 to 26 years old; foster youth who were adopted from foster care after 16 years of age and prior to the youth's 18th birthday for services up to 26 years of age; Office of Juvenile Justice youth from 14 up to 18 years of age and youth who age out of OJJ foster care at 18 up to 26 years of age; youth in a court ordered and DCFS subsidized guardianship from foster care initiated after 16 years of age and prior to the youth's 18th birthday for services up to 26 years of age; and/or, Native American (from a federally recognized tribe) youth in foster care from 14 up to 18 years of age and Native American (from a federally recognized tribe) youth who age out of state or federal tribal foster care at age 18 up to 26 years of age who were in state or tribal custody. Youth in a secure placement only with OJJ (detention, jail, etc.) are not eligible for services provided by Chafee funds.

D. The allowable services and activities must be purposefully planned by the foster care worker or Chafee contract provider and the youth to meet specific needs that have been identified and addressed in the youth's transitional living plan. The allowable services may include: training delivered by Chafee Independent Living Providers contracted with DCFS to prepare youth for living independently; an assessment of independent living skills to identify which skills are needed and a written individualized transitional living plan, based on the assessment; a monetary payment/stipend upon completing the CFCIP coursework and questionnaire, if resources allow; assistance with obtaining an independent living arrangement and/or housing; case management services; and, assistance with educational expenses, which could include educational and training voucher services, with need being determined by contracted providers.

AUTHORITY NOTE: Promulgated in accordance with 42. USC. 677 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 35:2205 (October 2009), amended by the Department of Children and Family Services, Child Welfare Section, LR 44:

§3903. Young Adult Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with DSS Statutes R.S. 36:471 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 35:2205 (October 2009), repealed by the Department of Children and Family Services, Child Welfare Section, LR 44:

Marketa Garner Walters
Secretary

1802#022

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, La. R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
Caddo Oil Co., Inc.	Wildcat-No La Shreveport Dist	S	Tremont Lumber Co B	001	80519
Fortunate Energy, LLC	Charenton	L	E J Robicheaux	001	184649
Fortunate Energy, LLC	Charenton	L	E J Robicheaux	002	184650
Fortunate Energy, LLC	Charenton	L	E J Robicheaux	003	185032
Fortunate Energy, LLC	Charenton	L	E J Robicheaux	004	188896
Fortunate Energy, LLC	Charenton	L	E J Robicheaux	005	189465
Fortunate Energy, LLC	Charenton	L	E J Robicheaux swd	001	971120
Legacy Operating Co-Carrollton	Larose	L	W A Jones Et Al	001	210217(29)
Oryx Energy Company	Delhi	M	Delhi Mengel Ugr su;Delhi ut	206-1	31872
Oryx Energy Company	Delhi	M	Delhi Mengel Ugr su;Delhi ut	213-1	31966

Richard P. Ieyoub
Commissioner

1802#026

POTPOURRI

Department of Public Safety and Corrections
Oil Spill Coordinator's Office

LWMIWCB Crude Oil Discharges
Notice of Availability of a Final Restoration Plan

Action: Notice of availability of a Final Restoration Plan (FRP) for LOSCO NRDA case files: #LA2003_0302_0716 [Lake Washington 2003]; #LA2003_1202_1200 [Mendicant Island 2003]; and #LA2005_0419_1950 [West Champagne Bay 2005], collectively referred to as LWMIWCB.

Agencies: Louisiana Oil Spill Coordinator's Office, Department of Public Safety and Corrections (LOSCO); Louisiana Department of Environmental Quality (LDEQ); Louisiana Department of Natural Resources (LDNR); Louisiana Department of Wildlife and Fisheries (LDWF); and Louisiana Coastal Protection and Restoration Authority (CPRA), referred to herein as the "Trustees."

Summary: Notice is hereby given that a document entitled, "Final Restoration Plan Lake Washington (2003), Mendicant Island (2003), and West Champagne Bay (2005)" is available to the public. The FRP presents the Trustees restoration plan for compensating the public for injuries to natural resources and services resulting from the three incidents. The Trustees' have selected their preferred restoration alternative to create coastal herbaceous wetlands near Lost Lake, Terrebonne Parish, Louisiana.

Interested members of the public are invited to view the FRP via the internet at http://www.losco.state.la.us (look under Newsflash/current news for LWMIWCB Final Restoration Plan Available) or by requesting a copy of the documents from Chuck Armbruster at the address provided below:

Charles K. Armbruster
Louisiana Oil Spill Coordinator's Office
Department of Public Safety and Corrections
P.O. Box 66614 Mail Slip B15
Baton Rouge, LA 70896
(225) 925-6606
Charles.Armbruster@la.gov

For Further Information: Contact Chuck Armbruster at (225) 925-6606 or by email at charles.armbruster@la.gov.

Supplementary Information: The public was provided an opportunity to review and comment on the Draft Restoration Plan (DRP) during the public comment period, which extended from November 20, 2017 to December 20, 2017. Public review is consistent with all federal and state laws and regulations that apply to the Natural Resource Damage Assessment (NRDA) process, including the Oil Pollution Act of 1990 (OPA) (33 USC 2701 *et seq.*) and the Louisiana Oil Spill Prevention and Response Act of 1991 (OSPRA) (La. Rev. Stat. 30:2451 *et seq.*). The Trustees did not receive comments during the public comment period and are moving forward with implementing the FRP.

Marty J. Chabert
Oil Spill Coordinator

1802#019

POTPOURRI

Workforce Commission
Office of Workers' Compensation Administration

Weekly Compensation Benefits Limits

Pursuant to R.S. 23:1202, and based on the statewide average weekly wage as determined by the Louisiana Workforce Commission, the following limits shall apply to weekly compensation benefits for claimants injured during the period September 1, 2017 through August 31, 2018.

Average Weekly Wage	Maximum Compensation	Minimum Compensation	Mileage Reimbursement
$870.00	$653.00	$174.00	* .53 cents per mile
*Effective July 1, 2016 the mileage reimbursement is $0.53 per mile pursuant to R.S. 23:1203(D).			

This information updates R.S. 23:1202 of the Louisiana Workers Compensation Act.

	Average Weekly Wage	Maximum Comp	Minimum Comp
Sept 1, 1999-Aug 31, 2000	512.47	384.00	102.00
Sept 1, 2000-Aug 31, 2001	517.93	388.00	104.00
Sept 1, 2001-Aug 31, 2002	530.43	398.00	106.00
Sept 1, 2002-Aug 31, 2003	554.31	416.00	111.00
Sept 1, 2003-Aug 31, 2004	572.53	429.00	114.00
Sept 1, 2004-Aug 31, 2005	584.40	438.00	117.00
Sept 1, 2005-Aug 31, 2006	605.46	454.00	121.00
Sept 1, 2006-Aug 31, 2007	637.19	478.00	127.00
Sept.1, 2007-Aug 31, 2008	696.00	522.00	139.00
Sept. 1, 2008-Aug. 31, 2009	728.10	546.00	146.00
Sept. 1, 2009-Aug. 31, 2010	768.83	577.00	154.00
Sept. 1, 2010-Aug. 31, 2011	772.18	579.00	154.00
Sept. 1, 2011-Aug. 31, 2012	789.00	592.00	158.00
Sept. 1, 2012-Aug. 31, 2013	807.07	605.00	161.00
Sept. 1, 2013-Aug. 31, 2014	825.54	619.00	165.00
Sept. 1, 2014-Aug. 31, 2015	839.76	630.00	168.00
Sept. 1, 2015-Aug. 31, 2016	865.31	649.00	173.00
Sept. 1, 2016-Aug. 31, 2017	876.00	657.00	175.00
Sept. 1, 2017-Aug. 31, 2018	870.00	653.00	174.00

Actual wages are to be paid if the wages are less than the minimum.

Approved mileage rate as of July 1, 2017 is $0.53 per mile.

Sheral Kellar
Director

1802#012

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