

APPENDIX F:

Public Comments on the 2016 Integrated Report and Louisiana Department of Environmental Quality's Response to Comments

The following is a compilation of all comments received regarding the 2016 Integrated Report (IR), along with the Louisiana Department of Environmental Quality's (LDEQ) response to those comments. Based on comments by the U.S. Environmental Protection Agency (USEPA), Region 6, four minor changes to the 2016 IR were made that affect Louisiana's §303(d) list. The changes are included in the responses below.

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL SERVICES
WATER PERMITS DIVISION

PUBLIC COMMENTS RESPONSE SUMMARY

2016 INTEGRATED REPORT ON WATER QUALITY IN LOUISIANA:
SECTION 303(d) LIST

AGENCY INTEREST (AI) NO. 169294

May 20, 2016

The Louisiana Department of Environmental Quality published a public notice of the draft Rationale for the "2016 Integrated Report on Water Quality in Louisiana: Section 303(d) List" on March 2, 2016 in *The Town Talk*, *The Advocate*, *The Courier*, *The Advertiser*, *The American Press*, *The News-Star*, *The Times-Picayune*, *The Times*, and on the LDEQ Public Participation Group, Public Notice webpage. The initial public notice ended on April 1, 2016; however, based on a request from the public, the comment period was extended to May 2, 2016.

The draft IR Rationale and §303(d) List was available for review on the LDEQ Website and on the LDEQ's Electronic Document Management System (EDMS).¹ The LDEQ received written comments on the draft IR Rationale and §303(d) List by email.

ISSUE #1

The USEPA commented on removal of the suspected cause of "oil and grease" from the 2016 IR for subsegment LA070203_00 – Devil's Swamp Lake and Bayou Baton Rouge, asking for LDEQ's justification for the removal. (USEPA, Region 6)

LDEQ RESPONSE TO ISSUE #1

On further review LDEQ found that removal of "oil and grease" as a suspected cause of impairment on LA070203_00 was based on information derived from an ambient monitoring site determined to be unrepresentative of the subsegment for the 2008 IR and subsequent IRs. Therefore, LDEQ has returned "oil and grease" as a suspected impairment on LA070203_00 for the 2016 IR. The suspected impairment was placed in IR Category (IRC) 4b, which was also used for the 2014 IR.

ISSUE #2

USEPA commented on the use of IRC 3 for the following three subsegments and suspected causes.

Subsegment Number	Subsegment Description	Suspected Cause
LA010701_00	Bayou Teche-From Berwick to Wax Lake Outlet	Sulfates
LA081604_00	Catahoula Lake Diversion Canal-From Catahoula Lake to Black River	Total Dissolved Solids
LA090207_00	Middle Pearl River and West Middle Pearl River-From West Pearl River to Little Lake	Turbidity

USEPA requested that LDEQ change the IRC code for these suspected causes of impairment from IRC 3 to IRC 5 until such time as the parameters are assessed as fully supported, or a TMDL or TMDL-Alternative has been completed. (USEPA, Region 6)

LDEQ RESPONSE TO ISSUE #2

The three suspected causes of impairment were placed in IRC 3 by LDEQ due to the suspected sources of “natural sources,” “freshets or major flooding,” and/or “transfer of water from an outside watershed.” In each case the suspected source of the criteria failures was believed to be due to natural conditions or other short-term natural factors, not anthropogenic sources subject to a TMDL. Due to the four-year rotating water quality monitoring process used by LDEQ, it is thought that data being collected from October 2015 – September 2016 may result in these suspected causes being removed with the 2018 IR. Therefore, LDEQ has chosen to keep all three suspected causes in IRC 3 until such time as new data has been collected and evaluated for the 2018 IR.

ISSUE #3

Place subsegment LA120806_00 (Coastal Terrebonne) in IRC 5 for low dissolved oxygen (DO), as well as for nutrients and algae. (Gulf Restoration Network (GRN))

LDEQ RESPONSE TO ISSUE #3

As noted in the 2016 IR Rationale, LDEQ assessed LA120806_00 for DO using long-standing and USEPA approved assessment protocols to evaluate the DO results obtained from its December 2014 – November 2015 Gulf DO study. This is the same protocol used to assess LA021102_00 and LA070601_00 as suspected of impairment for low DO (See response to issue #4). Results of the 2016 IR assessment for LA120806_00 found that only 6.0% of samples collected under the temporally and spatially comprehensive study were below the subsegment criterion of 5.0 mg/L. All datasets cited by this comment were limited to short periods, a few weeks at most, during the expected worst case period of time. Thus they did not adequately represent all seasons as does the LDEQ Gulf DO study dataset. While possible arguments can be

made regarding interactions among various causes or sources of the low DO readings, the fact remains that based on the quarterly dataset evaluated by LDEQ the assessment requirements for full support of DO were met. As a result, LDEQ will continue to report LA120806_00 as fully supported for DO.

LDEQ does not currently have numerical criteria for nutrients or algae; therefore, it does not assess for these parameters.

ISSUE #4

Subsegments LA070601_00 (Coastal Mississippi) and LA021102_00 (Coastal Barataria) inappropriately changed from IRC 5 to IRC 5RC. Request they be placed in IRC 5. Include nutrients and algae as impairments. (Gulf Restoration Network)

LDEQ RESPONSE TO ISSUE #4

Suspected impairments placed in IRC 5RC are considered “on the §303(d) list” and are therefore within the guidance set by USEPA. LDEQ is currently working on dissolved oxygen criteria revisions for coastal waters of Louisiana, making IRC 5RC the most appropriate IR category.

LDEQ does not currently have numerical criteria for nutrients or algae; therefore, it does not assess for these parameters.

ISSUE #5

IRC 5RC and IRC 5-Alt (5-Alternative) waterbodies must be included on Louisiana’s §303(d) list (Gulf Restoration Network)

LDEQ RESPONSE TO ISSUE #5

Suspected causes of impairment categorized as IRC 5RC and IRC 5-Alt are clearly included on Louisiana’s §303(d) list. Use of these two categories is based on guidance developed by USEPA and the States. This guidance is known as the *Long-Term Vision for Assessment, Restoration, and Protection under the Clean Water Act Section 303(d) Program* (“the Vision”) (<https://www.epa.gov/tmdl/new-vision-cwa-303d-program-updated-framework-implementing-cwa-303d-program-responsibilities>, and https://www.epa.gov/sites/production/files/2015-07/documents/acwa_qa.pdf). The Vision’s prioritization protocols are described in the 2016 IR Rationale and final 2016 IR. Descriptions of IRC 5RC and IRC 5-Alt were provided in the following areas of the Rationale, which describe the two categories and the relationship to Louisiana’s §303(d) list.

On page 5, Table 1, of LDEQ’s 2016 IR Rationale the IR category description for IRC 5 includes the statement, “WIC exists for one or more uses, and a TMDL is required for the *specific WIC* cited. **IRC 5 and its subcategories represent Louisiana’s §303(d) list.**” All emphasis is included in the public noticed IR Rationale and final 2016 IR.

The first paragraph of page 16 of the Rationale states, “In accordance with CWA §303(d) and federal regulations, LDEQ *listed waters* as impaired and *requiring TMDL development (IRC 5,*

IRC 5RC, and IRC 5-Alt; see table 1) if sufficient data of appropriate quality were available (Emphasis added).

Page 34 includes two statements which, when read in context for the page, indicate suspected impairments in IRC 5RC are part of Louisiana's §303(d) list. The two statements are, "All water body impairment combinations in IRCs 5 or *IRC 5RC and not previously identified under the §303(d) Vision protocols* were prioritized as follows." and again, "WICs listed in *IRC 5RC were assigned low priority for TMDL development* to allow LDEQ time to evaluate the need for updated criteria." (All emphasis added). Prioritization of impairments indicates inclusion on Louisiana's §303(d) list.

It is clear from the 2016 IR Rationale and the previous discussion that IRC 5RC and IRC 5-Alt are subcategories of IRC 5 and are, therefore, on the §303(d) list. For added clarity Table 1 of the Rationale, which is also present in the final 2016 IR, was modified to include the statement, "**IRC 5RC and IRC 5-Alt water bodies are a part of Louisiana's §303(d) list.**"

ISSUE #6

IRC 5-Alt is not necessary and could be detrimental to the TMDL program. (Gulf Restoration Network)

LDEQ RESPONSE TO ISSUE #6

IRC 5-Alt is included in the current guidance developed by USEPA and States. The guidance is known as the *Long-Term Vision for Assessment, Restoration, and Protection under the Clean Water Act Section 303(d) Program* ("the Vision") (<https://www.epa.gov/tmdl/new-vision-cwa-303d-program-updated-framework-implementing-cwa-303d-program-responsibilities>, and https://www.epa.gov/sites/production/files/2015-07/documents/acwa_qa.pdf). As noted in response to comment 5, suspected causes of impairment assigned to IRC 5-Alt are on the §303(d) list.

ISSUE #7

Waterbodies have been removed from the §305(b)/§303(d) report without adequate explanation. (Gulf Restoration Network)

LDEQ RESPONSE TO ISSUE #7

Removal of all suspected impairments previously identified in the 2014 IR but found to be no longer impaired for the 2016 IR was based on data and assessment protocols outlined in the 2016 IR Rationale provided for public notice. LDEQ's assessment protocols used for the 2016 IR have not been substantially changed for over 25 years and should be well known to the public. As in previous IR cycles, given the number of water bodies to be assessed, along with the quantity of data analyzed for each water body, it is not feasible to provide a detailed summary of each suspected impairment removal. The public had access to both the data used for the 2016 IR and

the assessment protocols; therefore, it had the opportunity to analyze the data in exactly the same manner as was used by LDEQ.

In addition to routine ambient monitoring data assessments for the 2016 IR, five different pesticides (Carbofuran, DDT, Fipronil, Toxaphene, and Methoxychlor) were removed from the 2016 IR. Removal of these pesticides was based on data collected by LDEQ's Nonpoint Source (NPS) Program and assessment protocols found in Table 2 of the 2016 IR Rationale. Extensive sampling was conducted over the course of approximately one year on subsegments previously reported as impaired for pesticides. Review of the data showed only one detection of one pesticide among 126 samples analyzed for five pesticides. This NPS data and assessment is the reason for removal of the pesticides noted in Table 1 of GRNs comments. While not mentioned in the Rationale, this study and the results are discussed in the final 2016 IR.

Issue # 8

Assimilation wetlands should be assessed. (Gulf Restoration Network)

LDEQ RESPONSE TO ISSUE #8

LDEQ is in the process of developing a robust and accurate assessment methodology to be used in future Integrated Reports.

¹ EDMS stands for Electronic Document Management System, the LDEQ's electronic repository of official records that have been created or received by the LDEQ. Employees and members of the public can search and retrieve documents stored in the EDMS via this web application. (See <http://edms.deq.louisiana.gov/app/doc/querydef.aspx>.)