



State of Louisiana
 Department of Environmental Quality



April 10, 2002

M.J. "Mike" Foster
 Governor

Contact Jim Friloux for more information: (225) 765-0735; e-mail: jim_f@deq.state.la.us

J. Dale Givens
 Secretary

Consent Decree Pushes Back Deadline For State TMDL Development

A consent decree settlement reached between the Environmental Protection Agency (EPA) and the plaintiffs (Sierra Club and the Louisiana Environmental Action Network), pushes back the deadline of finishing all Total Maximum Daily Loads (TMDLs) for Louisiana water bodies that are not meeting established water quality standards from 2007 until 2011.

The Federal District Court for the Eastern District of Louisiana in New Orleans, in its October, 1999 ruling, originally set the deadline for completion of all Louisiana TMDLs for the end of the calendar year 2007. The Fifth Circuit Court of Appeals in New Orleans vacated that ruling in its July 2001 decision, forcing the District Court to reconsider the case. Last week, the Federal District Court signed the consent decree between the EPA and the plaintiffs.

In accordance with this consent decree, the EPA and DEQ will complete all of the TMDLs for the Calcasieu and Ouachita River basins by the new May 31, 2002 deadline and the department has already begun TMDL work for the Barataria and Terrebonne basins. The Mermantau and Vermilion-Teche basin evaluations were completed in 1999.

DEQ, by the authority of EPA, continues to set all water quality standards for the state and assesses the quality of the state's waters based upon those standards. Through this assessment, DEQ identifies water bodies thought to be impaired as required by Section 303 (d) of the Clean Water Act.

The agency strives to protect the waters of the state through testing and setting scientifically appropriate water quality standards. DEQ then establishes TMDLs for the waters that are not meeting water quality standards. TMDLs are then used as a basis for establishing wastewater discharge limits and goals for nonpoint source controls. DEQ will continue working on TMDLs according to the extended timeline set forth by the consent decree.

Old Schedule

Basins	Year of completion
Mermentau/Vermilion-Teche	1999
Calcasieu/Ouachita	2001
Barataria/Terrebonne	2003
Red/Sabine	2005
Pontchartrain	2006
Mississippi/Atchafalaya/Pearl	2007

New Schedule

Basin	Date Work Will Be Initiated	State Target Completion Date	EPA Backstop Due Date
Barataria (154)	March 31, 2002	March 31, 2004	March 31, 2005
Terrebonne (369)	March 31, 2003	March 31, 2007	March 31, 2008
Sabine (10)	March 31, 2005	March 31, 2007	March 31, 2008
Red (174)	March 31, 2005	March 31, 2007	March 31, 2008
Pearl (42)	March 31, 2006	March 31, 2008	March 31, 2009
Atchafalaya (29)*	March 31, 2006	March 31, 2009	March 31, 2010
Mississippi (64)*	March 31, 2006	March 31, 2010	March 31, 2011
Pontchartrain (309)*	March 31, 2007	March 31, 2011	March 31, 2012

* Water body/pollutant combinations listed for “Toxic Pollutants” within the Atchafalaya, Pontchartrain, and Mississippi basins will be addressed within the first two years following the date work is initiated in each such basin. “Toxic Pollutants” are defined as those pollutants listed in 40 C.F.R. § 401.15. Water body/pollutant combinations generically listed under descriptions that may include Toxic Pollutants, for example, including but not limited to, those listed for “metals”, “priority organics”, or “priority inorganics”, will be evaluated to establish the individual pollutant(s) of concern within the generic description, and treated as Toxic Pollutants only to the extent that the individual pollutants of concern fall within the definition of Toxic Pollutants provided above.

###