

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Water Quality regulations, LAC 33:IX.1123.C.3.Table 3 (Log #WQ042).

The numerical dissolved oxygen criteria for two Water Quality Management Subsegments in the Ouachita Basin (Beaucoup Creek, 081503, and Middle Fork Bayou D'Arbonne, 080610) and two subsegments in the Vermillion-Teche Basin (Bayou Cocodrie, 060201, and Cocodrie Lake, 060102) are being revised. Use Attainability Analyses of these subsegments have determined that naturally dystrophic critical periods for dissolved oxygen occur during parts of each year. While these water bodies exhibit naturally occurring seasonal variations in dissolved oxygen, no changes in designated uses are proposed. As part of the Louisiana Water Quality Management Plan, the State publishes a list of priority water bodies biennially under the Clean Water Act section 305(b). In accordance with the Clean Water Act section 303(d), water bodies are placed on a list of priority water bodies when assessment methodology indicates that they do not meet applicable water quality standards. After further review and assessment, some of these water bodies may be prioritized for fieldwork, Use Attainability Analyses, and Total Maximum Daily Load development. Until a Use Attainability Analysis is conducted to determine attainable uses and criteria, a Total Maximum Daily Load based upon national criteria may be inappropriate for many water bodies. Beaucoup Creek (081503), Middle Fork Bayou D'Arbonne (080610), Bayou Cocodrie (060201), and Cocodrie Lake (060102) have been classified as the highest priority on Louisiana's 303(d) list. Use Attainability Analyses have been conducted for these water bodies to determine the appropriate dissolved oxygen criteria. The Use Attainability Analyses present the required information for site-specific dissolved oxygen water quality standards revisions in accordance with state and federal water quality regulations, policies, and guidance. The basis and rationale for this rule are to establish site-specific criteria for these subsegments developed as a result of the Use Attainability Analyses conducted for the sites.

This proposed rule meets an exception listed in R.S. 30:2019 (D) (2) and R.S. 49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on January 24, 2002, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Persons commenting should reference this proposed regulation by WQ042. Such comments must be received no later than January 31, 2002, at 4:30 p.m., and should be sent to Patsy Deaville, Regulation Development Section, Box 82178, Baton Rouge, LA 70884-2178 or to FAX (225) 765-0389. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Regulation Development Section at (225) 765-0399 for pricing information. Check or money order is required in advance for each copy of WQ042.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.
Assistant Secretary

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality

Chapter 11. Surface Water Quality Standards

§1123. Numerical Criteria and Designated Uses

* * *

[See Prior Text In A – C.2]

3. Designated Uses. The following are the category definitions of Designated Uses that are used in Table 3 under the subheading “DESIGNATED USES.”

A – Primary Contact Recreation

B – Secondary Contact Recreation

C – Propagation of Fish and Wildlife

L – Limited Aquatic Life and Wildlife Use

D – Drinking Water Supply

E – Oyster Propagation

F – Agriculture

G – Outstanding Natural Resource Waters

Numbers in brackets (e.g. [1]) – refer to endnotes listed at the end of the table.

Table 3.

Numerical Criteria and Designated Uses

A - primary contact recreation; B - secondary contact recreation; C - propagation of fish and wildlife; D - drinking water supply; E - oyster propagation; F - agriculture; G - outstanding natural resource waters; L - limited aquatic life and wildlife use

Code	Stream Description	Designated Uses	Criteria						
			CL	SO ₄	DO	pH	B A C	°C	TDS
	ATCHAFALAYA RIVER BASIN (01)								
*** [See Prior Text In 010101 – 050901]									
	VERMILION-TECHE RIVER BASIN (06)								
*** [See Prior Text In 060101]									
060102	Cocodrie Lake	A B C	10	5	5.0 [19]	6.0- 8.5	1	32	100
060201	Bayou Cocodrie - from U.S. Hwy. 167 to the Bayou Boeuf - Cocodrie Diversion Canal (Scenic)	A B C G	45	35	5.0 [19]	6.0- 8.5	1	32	100
*** [See Prior Text In 060202 –070601]									

Table 3.

Numerical Criteria and Designated Uses

A - primary contact recreation; B - secondary contact recreation; C - propagation of fish and wildlife; D - drinking water supply; E - oyster propagation; F - agriculture; G - outstanding natural resource waters; L - limited aquatic life and wildlife use

Code	Stream Description	Designated Uses	Criteria						
			CL	SO ₄	DO	pH	B A C	°C	TDS
	OUACHITA RIVER BASIN (08)								
*** [See Prior Text In 080101-080609]									
080610	Middle Fork of Bayou D'Arbonne - From origin to Bayou D'Arbonne Lake (Scenic)	A B C G	50	15	5.0 [20]	6.0- 8.5	1	32	200
*** [See Prior Text In 080701 – 081502]									
081503	Beaucoup Creek - Headwaters to Castor Creek	A B C	25	25	5.0 [21]	6.0- 8.5	1	32	100
*** [See Prior Text In 081504-120806]									

ENDNOTES:

[See Prior Text In [1] – [18](c)]

[19] Designated Naturally Dystrophic Waters Segment; Seasonal DO Criteria: 5 mg/l November – March, 3.5 mg/l April – October.

[20] Designated Naturally Dystrophic Waters Segment; Seasonal DO Criteria: 5 mg/l October – June, 3 mg/l July – September.

[21] Designated Naturally Dystrophic Waters Segment; Seasonal DO Criteria: 5 mg/l October – June, 2.5 mg/l July – September.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 15:738 (September 1989), amended LR 17:264 (March 1991), LR 20:431 (April 1994), LR 20:883 (August 1994), LR 21:683 (July 1995), LR 22:1123 (November 1996), LR 24:1926 (October 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2401 (December 1999), LR 27:289 (March 2001), LR 28**

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES LOG #: WQ042

Person Preparing Statement: Jennifer Lindquist Dept.: Environmental Quality Phone: (225) 765-0246 Office: Environmental Assessment Return Address: PO Box 82178 Title: Revised Dissolved Oxygen Criteria for Beaucoup Creek, Middle Fork Bayou D'Arbonne, Bayou Cocodrie, and Cocodrie Lake (LAC 33:IX.1123) Baton Rouge, LA 70884-2178

Date Rule Takes Effect: Upon Promulgation

SUMMARY (Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

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

No significant effect of this proposed rule on state or local governmental expenditures is expected.

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

No significant effect on state or local governmental revenue collections is anticipated.

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

No significant costs and/or economic benefits to directly affected persons or non-governmental groups are anticipated.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No significant effect on competition and employment is anticipated.

Signature of Agency Head or Designee

LEGISLATIVE FISCAL OFFICER OR DESIGNEE

James H. Brent, Ph.D., Assistant Secretary Typed Name and Title of Agency Head or Designee

Date of Signature LFO 7/1/94

Date of Signature

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

The following information is requested in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

A. Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The numerical dissolved oxygen criteria for two Water Quality Management Subsegments in the Ouachita Basin [Beaucoup Creek (081503) and Middle Fork Bayou D'Arbonne (080610)] and two subsegments in the Vermilion-Teche Basin [Bayou Cocodrie (060201) and Cocodrie Lake (060102)] are being revised. Use Attainability Analyses of these subsegments have determined that naturally dystrophic critical periods for dissolved oxygen occur during parts of each year. While these water bodies exhibit naturally occurring seasonal variations in dissolved oxygen, no changes in designated uses are proposed. The recommended dissolved oxygen criteria changes are:

Beaucoup Creek (081503)	5.0 mg/L October through June 2.5 mg/L July through September
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Middle Fork Bayou D'Arbonne (080610)	5.0 mg/L October through June 3.0 mg/L July through September
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Bayou Cocodrie (060201)	5.0 mg/L November through March 3.5 mg/L April through October
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Cocodrie Lake (060102)	5.0 mg/L November through March 3.5 mg/L April through October
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B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

As part of the Louisiana Water Quality Management Plan, the State publishes a list of priority water bodies biennially under the Clean Water Act Section 305(b). In accordance with the Clean Water Act Section 303(d), water bodies are placed on a list of priority water bodies when assessment methodology indicates that they do not meet applicable water quality standards. After further review and assessment, some of these water bodies may be prioritized for fieldwork, Use Attainability Analyses, and Total Maximum Daily Load development. Until a Use Attainability Analysis is conducted to determine attainable uses and criteria, a Total Maximum Daily Load based upon national criteria may be inappropriate for many water bodies.

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C. Compliance with Act II of the 1986 First Extraordinary Session

(1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

The proposed rule will not result in any increase in the expenditure of funds to the state.

2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

- (a) _____ Yes. If yes, attach documentation.
- (b) _____ No. If no, provide justification as to why this rule change should be published at this time.

This is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

There is no anticipated increase (decrease) in costs to implement the proposed rule.

COSTS	FY 01-02	FY 02-03	FY 03-04
PERSONAL SERVICES	0	0	0
OPERATING EXPENSES	0	0	0
PROFESSIONAL SERVICES	0	0	0
OTHER CHARGES	0	0	0
EQUIPMENT	0	0	0
TOTAL	0	0	0
MAJOR REPAIR & CONSTR.	0	0	0
POSITIONS(#)	0	0	0

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

This is not applicable.

3. Sources of funding for implementing the proposed rule or rule change.

This is not applicable.

SOURCE	FY 01-02	FY 02-03	FY 03-04
STATE GENERAL FUND	0	0	0
AGENCY SELF-GENERATED	0	0	0
DEDICATED	0	0	0
FEDERAL FUNDS	0	0	0
OTHER (Specify)	0	0	0
TOTAL	0	0	0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

The Department currently has sufficient funds to implement the amendment.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

No significant impact is anticipated on local governmental units, including adjustments in workload and paperwork requirements.

2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.

No significant effect on any sources of funding of local governmental units is anticipated to result from the implementation of the proposed rule.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

There is no anticipated increase (decrease) in revenues from the proposed rule.

REVENUE INCREASE/DECREASE	FY 01-02	FY 02-03	FY 03-04
STATE GENERAL FUND	0	0	0
AGENCY SELF-GENERATED	0	0	0
RESTRICTED FUNDS*	0	0	0
FEDERAL FUNDS	0	0	0
LOCAL FUNDS	0	0	0
TOTAL	0	0	0

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

This is not applicable.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

No significant effect on directly affected persons or non-governmental groups is anticipated.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

No significant impact on receipts and/or income is anticipated.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

No significant impact on competition and employment is anticipated.