

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division

Naturally Dystrophic Waters Performance-Based Standards
(LAC 33:IX.1105 and 1109) (WQ046)

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.1105 and 1109 (WQ046).

The rule is intended to modify the process by which waters of the state are characterized as naturally dystrophic and to make consistent the process by which site-specific water quality standards are set for naturally dystrophic waters. EPA has encouraged the department to use performance-based standards as described in the preamble noticed in the *Federal Register* on April 27, 2000 (Volume 65, Number 82), *EPA Review and Approval of State and Tribal Water Quality Standards* (40 CFR Part 131). The department is now proposing to adopt performance-based standards to characterize and set water quality standards for naturally dystrophic waters of the state.

This action proposes to replace the language in LAC 33:IX.1109.C.3.a to cite the scientific methodology that the department will use to characterize and set criteria for naturally dystrophic waters. The methodology that is referenced in the proposed rule change will be included in the Water Quality Management Plan/Continuing Planning Process, Volume 9, *Water Quality Standards Documentation and Implementation*, and is subject to the public review process. The Water Quality Management Plan/Continuing Planning Process, Volume 9, *Water Quality Standards Documentation and Implementation* is being created and publicly noticed in conjunction with this rulemaking. (A copy of the proposed Volume 9 can be obtained with the proposed rule.) The language in LAC 33:IX.1109.C.3.b is proposed to be deleted. EPA will have the opportunity to ensure that technical issues are adequately addressed when the state adopts the performance-based standards. The state will no longer need to obtain separate approval from EPA for criteria derived through an approved performance-based approach.

The language from the current rule regarding wastewater discharge (LAC 33:IX.1109.C.3.c - d) that is proposed to be deleted in this action will be modified and moved to the Water Quality Management Plan/Continuing Planning Process, Volume 3, Section 2, *Permitting Guidance Document for Implementing the Louisiana Surface Water Quality Standards, Application of Numerical Standards and Use Attainability*. This document is available at <http://www.deq.state.la.us/permits/permitguide-wqmp.pdf>. This change to the Water Quality Management Plan/Continuing Planning Process is also being publicly noticed in conjunction with this rulemaking.

LAC 33:IX.1109.C contains excepted use categories of water bodies, including naturally dystrophic waters. EPA has encouraged the department to adopt criteria associated with the excepted use categories. The department has been gathering data on a site-specific basis to support appropriate criteria changes on naturally dystrophic waters that protect the contact

recreation and fish and wildlife propagation uses on these waters. The department now has enough data from site-specific Use Attainability Analyses conducted in accordance with state and federal regulations to support the adoption of an updated and consistent scientific methodology by which to set appropriate criteria for naturally dystrophic waters. Adoption of this methodology will streamline the time-consuming Use Attainability Analysis process the department currently uses to adjust criteria and continue to protect the contact recreation and fish and wildlife propagation uses on these waters as required by the Clean Water Act. The basis and rationale for the proposed rule and Water Quality Management Plan/Continuing Planning Process revisions are to streamline the procedure to evaluate naturally dystrophic waters while maintaining scientific validity.

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 on this proposed rule and the Water Quality Management Plan/Continuing Planning Process revisions will be held on November 25, 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. Attendees should report directly to the hearing location for DEQ visitor registration, instead of to the security desk in the DEQ Headquarters building. Should individuals with a disability need an accommodation in order to participate, contact Lynn Wilbanks at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulation and Water Quality Management Plan/Continuing Planning Process revisions. Persons commenting should reference this proposed regulation by WQ046. Such comments must be received no later than December 2, 2002, at 4:30 p.m., and should be sent to Lynn Wilbanks, Regulation Development Section, Box 82178, Baton Rouge, LA 70884-2178 or to FAX (225) 765-0389 or by e-mail to lynnw@deq.state.la.us. Copies of this proposed regulation can be purchased by contacting the DEQ Records Management Section at (225) 765-0843. Check or money order is required in advance for each copy of WQ046.

This proposed regulation and the proposed Water Quality Management Plan/Continuing Planning Process, Volume 9, *Water Quality Standards Documentation and Implementation* are 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; 1823 Highway 546, West Monroe, LA 71292; 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; 111 New Center Drive, 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

§1105. Definitions

* * *

Naturally Dystrophic Waters—waters which are stained with organic material and which are low in dissolved oxygen because of natural conditions. ~~See LAC 33:IX.1109.C.3.~~

* * *

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 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2401 (December 1999), LR 26:2545 (November 2000), LR 29:**.

§1109. Policy

Water quality standards policies concerned with the protection and enhancement of water quality in the state are discussed in this Section. Policy statements on antidegradation, water use, water body exception categories, compliance schedules and variances, short-term activity authorization, errors, severability, revisions to standards, and sample collection and analytical procedures are described.

A. - C.2.d. ...

3. Naturally Dystrophic Waters. *Naturally dystrophic waters* are defined in LAC 33:IX.1105. Water bodies shall be designated as *naturally dystrophic waters* and assigned appropriate water quality criteria according to the procedure in the department’s current Water Quality Management Plan/Continuing Planning Process.

a. ~~Naturally dystrophic waters are defined as waters which receive large amounts of natural organic material largely of terrestrial plant origin, are commonly stained by the decomposition of such organic material, and are low in dissolved oxygen because of natural conditions. Only those water bodies primarily affected by natural sources of oxygen-demanding substances or naturally occurring cycles of oxygen depletion will be considered for classification as naturally dystrophic waters. These water bodies typically include or are surrounded by wetlands (such as bottomland hardwood forests, freshwater swamps and marshes, or intermediate, brackish, or saline marshes) and have sluggish, low gradient flows most of the year. Naturally dystrophic water bodies, though seasonally deficient in dissolved oxygen, may fully support fish and wildlife propagation and other water uses. Low dissolved oxygen concentrations (less than 5 mg/l) may occur seasonally during the warmer months of the year in naturally dystrophic water bodies.~~

~~b. — No water body may be classified as naturally dystrophic without the approval of both the administrative authority and the EPA. A use attainability analysis may be conducted to gather data to document the characteristics of a naturally dystrophic water body. Modified dissolved oxygen criteria and/or seasonal periods may be applicable if supported by the use attainability analysis. Applicable general and numerical criteria not specifically excepted shall remain applicable to designated naturally dystrophic water bodies.~~

~~c. — A wastewater discharge may be proposed into an approved, designated naturally dystrophic water body only if the discharge will not by itself or in conjunction with other discharges cause impairment of the applicable designated uses nor cause exceedance of any applicable general and site specific criteria in the receiving water body, as determined in the exception approval process, nor cause exceedance of any applicable general and site specific criteria in LAC 33:IX.1113 and 1123 in any water body which receives water from the naturally dystrophic water body.~~

~~d. — A wastewater discharge may be proposed for an approved, designated naturally dystrophic water body in a wetland only if the discharge will not by itself, or in conjunction with other discharges, cause inundation of the receiving area such that regeneration of characteristic vegetative species would be significantly reduced, will not significantly modify species composition of the receiving area, and will not increase biological succession of the receiving area above naturally occurring levels. Natural background conditions and significant changes will be determined through use attainability analyses.~~

D. - I.4. ...

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 10:746 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 17:966 (October 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2546 (November 2000), LR 29:**.

STATE OF LOUISIANA
WATER QUALITY MANAGEMENT PLAN
VOLUME 1
THE CONTINUING PLANNING PROCESS

Volume 8: Total Maximum Daily Loads and Wasteload Allocations

Volume 8 of the Water Quality Management Plan contains the State Effluent Limitations Policy, Area Wide Policies, TMDLs and TMDL procedures and wasteload allocations. This volume of the WQMP identifies facilities affected by wasteload allocations or TMDLs and the corresponding discharge limits assigned in the permits. The volume is updated as TMDLs are approved by EPA or on an as-needed basis. Documents for the volume are maintained by the Environmental Technology Division, Office of Environmental Assessment and are available in their office or on the LDEQ web site at: www.deq.state.la.us under Technology, Total Maximum Daily Load Program (TMDL), Louisiana Water Quality Management Plan – Volume 8 and Louisiana TMDL Technical Procedures. Other descriptive information for this volume and the TMDL program are contained on the website as well. A supplemental overview of this volume is contained later within the CPP.

Volume 9: Surface Water Quality Standards Documentation and Implementation Procedures

The Louisiana Surface Water Quality Standards (WQS) are contained in Volume 2: Water Quality Regulations of the Water Quality Management Plan/Continuing Planning Process (WQMP/CPP). The WQS are specifically found in Chapter 11 of the regulations as LAC 33:IX.1101. The WQS contain policy statements for meeting the purposes of WQS, designated water uses for state water bodies and criteria to protect designated water uses. To meet the intent of the WQS, documentation and implementation procedures are developed and housed in this volume of the WQMP/CPP. Various sections of the WQS regulation will require documentation and implementation procedures to be developed. One example is for Water Body Exception Categories, LAC 33:IX.1109.C. Appropriate procedures will be added to this volume as they are developed. The Office of Environmental Assessment, Environmental Planning Division will maintain this volume and it will be made available on the Department's website at: www.deq.state.la.us under Planning.

Background

STATE OF LOUISIANA
WATERQUALITY MANAGEMENT PLAN
VOLUME 3
PERMITTING GUIDANCE DOCUMENT FOR IMPLEMENTING
LOUISIANA SURFACE WATER QUALITY STANDARDS

2. Application of Numerical Standards and Use Attainability

Numerical criteria as specified in LAC 33:IX.1113.C will be applied for the appropriate designated water use(s) on each water body. Both aquatic life and human health criteria as specified in LAC 33:IX.1113.C will be reviewed and the most stringent applied for the corresponding designated use on each water body. In cases where no numerical criteria are specified, regulation of toxic substances will follow LAC 33:IX.1121. The appropriate criteria will be applied to the specified waterbodies and to their tributaries, distributaries, and interconnected streams and water bodies if they are not specifically named, unless it can be shown through a use attainability analysis that unique chemical, physical, and/or biological conditions indicate that the uses designated are not appropriate and/or that site specific criteria based on appropriate uses can be developed. Those water bodies designated as intermittent streams, man-made watercourses, naturally dystrophic waters, wetlands, or waterbodies with site-specific criteria may be excluded from some numerical criteria as specified in LAC 33:IX.1123 and/or LAC 33:IX.1113.C. A wastewater discharge may be proposed into these water bodies if the discharge will not by itself or in conjunction with other discharges cause impairment of applicable designated uses nor cause any exceedance of any applicable general and numerical criteria in any water body which receives a discharge from these water bodies. A wastewater discharge may be proposed into a wetland if the discharge will not by itself, or in conjunction with other discharges, cause inundation of the receiving area such that regeneration of characteristic vegetative species would be significantly reduced, and will not increase biological succession above naturally occurring levels. Background conditions and changes will be determined through site-specific studies. Numerical criteria applied to named water bodies to specifically protect their use as drinking water supplies, oyster propagation, or outstanding natural resource waters will not apply to tributaries and distributaries of these water bodies unless so specified. In addition, the variance procedure specified in LAC 33:IX.1109.D may be used to temporarily suspend criteria or to provide time to research site specific criteria on case-by-case basis.

STATE OF LOUISIANA
WATER QUALITY MANAGEMENT PLAN
VOLUME 9
WATER QUALITY STANDARDS DOCUMENTATION AND IMPLEMENTATION

DOCUMENTATION and IMPLEMENTATION of NATURALLY DYSTROPHIC WATERS

The following conditions are used to designate a water body as a Naturally Dystrophic Water:

1. Dissolved oxygen concentrations naturally fall below 5 mg/L seasonally due to decomposition of organic matter, photooxidation, and low flows.
2. The water is stained a dark brown color due to natural release of tannins and lignins from decaying organic matter. True color exceeds 50 Pt-Co units at some time during the calendar year.

The following conditions are commonly found in Naturally Dystrophic Waters and may be used to support the designation of a water body as Naturally Dystrophic:

1. Runoff from backwater flooding and/or vegetated wetlands, including bottomland hardwood forests, freshwater swamps and marshes, or intermediate, brackish, or saline marshes, drains into the water body and contributes organic matter. Visual observation or appropriate maps and/or aerial photographs and satellite imagery can be utilized to determine the presence of wetlands.
2. The water body has gradient/slope of less than 10 feet per mile.
 - a. The general method to determine slope is to measure the length of the stream segment for which slope will be calculated, determine elevation at the upstream and downstream ends of that length, and divide the elevation difference by the stream length (“rise over run”). It can be expressed in any of several standard notations, such as feet per mile, meters per kilometer, or a percentage. Use of GIS technology for measurements and use of electronic spreadsheet software for calculations are recommended to minimize human error in measuring, transcription, and calculation.
 - b. Using GIS software, plot the monitoring sites, streams, and National Elevation Dataset (NED). Using the NED, create 10-foot contours for the areas of interest. For each site:
 - c. Determine the value of the contour line closest upstream and downstream to the site and enter the two values into a spreadsheet. Set up an equation in the spreadsheet to determine the difference in elevation between the upstream and the downstream contours.
 - d. Determine the distance between the two contour lines along the stream using the GIS software measuring tool, and enter that value into the spreadsheet.

- e. Set up an equation in the spreadsheet to divide the difference in elevation by the distance between the two contour lines to get the estimated slope.
- f. If desired, set up an equation to convert the slope to other units of measure.
3. Sluggish, low flows and/or periodically stagnant conditions typically occur during the summer and fall months. Flows may fall below 7Q10 and zero flow may be recorded. Flows may be determined from:
 - a. U.S. Geological Survey (USGS) gauge data.
 - b. State and/or federal agency survey data.
 - c. Estimated from *Analysis of the Low-Flow Characteristics of Streams in Louisiana*, USGS, 1985.
 - d. Published in *Low-Flow on Streams in Louisiana*, LDEQ, March 2000.
 - e. Other scientifically valid methodology.
4. The water has a high organic matter content that contributes to TOC greater than 10 mg/L concentrations at some time during the calendar year.
5. pH may be depressed below 7 due to humic acids produced by decaying organic matter.

The following criteria will apply to water bodies that are designated Naturally Dystrophic Waters unless other site-specific criteria have been adopted. In accordance with 40 CFR 131.13 and LAC 33:IX:1115.B criteria will apply only when flows are greater than the critical flow as defined in LAC 33:IX:1115.C.

- < pH will fall in the range of 5.0 to 9.0.
- < **Chloride, Sulfate, and Total Dissolved Solids** criteria will remain as in current regulations unless a site-specific study is conducted and alternate criteria are promulgated.
- < The **Dissolved Oxygen** criteria will be calculated using this methodology if the water body is minimally impacted by point and/or nonpoint sources:

The attainable seasonal DO criteria are calculated in the following manner. Summary statistics (including minimum, mean, maximum, 25th percentiles, and median values) for monthly DO measurements are calculated from all available ambient data that meet minimum data quality requirements as described in LDEQ's *Quality Assurance Project Plan for the Ambient Water Quality Monitoring Network*. Multiple sites within a subsegment are aggregated for statistical purposes. The monthly medians are used to identify the critical seasons, which are characterized by periods of higher temperatures and lowered levels of DO.

The DO criterion for the critical season is the 25th percentile of historical data. It is calculated by aggregating all available data for each month of the critical season for a particular subsegment, and calculating the 25th percentile DO concentration. The median of the 25th percentiles for each month in the critical season is taken as the attainable criterion concentration. The DO criterion for the rest of the year will remain 5.0 mg/L.

If the water body is impacted by point and/or nonpoint sources, the dissolved oxygen criteria will be established using a reference approach.

An appropriate reference water body or reach of a water body will be selected. The reference reach will have the following characteristics: typical of the region, a perennial habitat for the aquatic community, least-impacted by man, no hydromodification, minimal point and/or nonpoint source impacts. A reference reach may be an ecoregion reference stream, an engineering reference stream, or other appropriate water body.

- < **Temperature** criteria will remain as in current regulations unless a site-specific study is conducted and alternate criteria are promulgated.
- < **Bacteria** criteria will remain as in current regulations unless a site-specific study is conducted and alternate criteria are promulgated.
- < **Toxic Substances** criteria will remain as in current regulations unless a site-specific study is conducted and alternate criteria are promulgated.

These criteria associated with Naturally Dystrophic Waters are general and may not be appropriate for every Naturally Dystrophic water body. In the circumstance that a water body is still listed as impaired after being designated Naturally Dystrophic, a site-specific study will be conducted to determine the source of impairment or to determine the appropriate designated uses and criteria.

REFERENCES

Cole, G.A. 1983. *Textbook of Limnology*. Third edition. Waveland Press, Prospect Heights, IL.

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U.S. Environmental Protection Agency. 1986. *Ambient Water Quality Criteria for Dissolved Oxygen*. April 1986.

U.S. Environmental Protection Agency. 1994. *Water Quality Standards Handbook: Second Edition*. August 1994.

U.S. Geological Survey (USGS). 1985. *Analysis of the Low-Flow Characteristics of Streams in Louisiana*. Water Resources Technical Report No. 35.

Wetzel, R.G. 1983. *Limnology*. Second edition. Saunders College Publishing, Philadelphia.

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES LOG #: WQ046**

Person Preparing Statement: Jennifer Lindquist Dept.: Environmental Quality

Phone: (225) 765-0246 Office: Environmental Assessment

Return Address: PO Box 82178 Rule Title: Naturally Dystrophic Waters
Baton Rouge, LA 70884-2178 Performance-Based Water
Quality Standards (LAC
33:IX.1105 and 1109)

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 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 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 costs and/or economic benefits to directly affected persons or non-governmental groups are anticipated.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No 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

Date of Signature

LFO 7/1/94

**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 rule is intended to modify the process by which waters of the state are characterized as naturally dystrophic and to make consistent the process by which site-specific water quality standards are set for naturally dystrophic waters. EPA has encouraged the department to use performance-based standards as described in the preamble noticed in the *Federal Register* on April 27, 2000 (Volume 65, Number 82), *EPA Review and Approval of State and Tribal Water Quality Standards* (40 CFR Part 131). The department is now proposing to adopt performance-based standards to characterize and set water quality standards for naturally dystrophic waters of the state.

This action proposes to replace the language in LAC 33:IX.1109.C.3.a to cite the scientific methodology that the department will use to characterize and set criteria for naturally dystrophic waters. The methodology that is referenced in the proposed rule change will be included in the Water Quality Management Plan/Continuing Planning Process, Volume 9, *Water Quality Standards Documentation and Implementation*, and is subject to the public review process. The Water Quality Management Plan/Continuing Planning Process, Volume 9, *Water Quality Standards Documentation and Implementation* is being created and publicly noticed in conjunction with this rulemaking. The language in LAC 33:IX.1109.C.3.b is proposed to be deleted. EPA will have the opportunity to ensure that technical issues are adequately addressed when the state adopts the performance-based standards. The state will no longer need to obtain separate approval from EPA for criteria derived through an approved performance-based approach.

The language from the current rule regarding wastewater discharge (LAC 33:IX.1109.C.3.c - d) that is proposed to be deleted in this action will be modified and moved to the Water Quality Management Plan/Continuing Planning Process, Volume 3, Section 2, *Permitting Guidance Document for Implementing the Louisiana Surface Water Quality Standards, Application of Numerical Standards and Use Attainability*. This document is available at <http://www.deq.state.la.us/permits/permitguide-wqmp.pdf>. This change to the Water Quality Management Plan/Continuing Planning Process is also being publicly noticed in conjunction with this rulemaking.

B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

LAC 33:IX.1109.C contains excepted use categories of water bodies, including naturally dystrophic waters. EPA has encouraged the department to adopt criteria associated with the excepted use categories. The department has been gathering data on a site-specific basis to support appropriate criteria changes on naturally dystrophic waters that protect the contact recreation and fish and wildlife propagation uses on these waters. The department now has enough data from site-specific Use Attainability Analyses conducted in accordance with state and federal regulations to support the adoption of an updated and consistent scientific methodology by which to set appropriate criteria for naturally dystrophic waters. Adoption of this methodology will streamline the time-consuming Use

Attainability Analysis process the department currently uses to adjust criteria and continue to protect the contact recreation and fish and wildlife propagation uses on these waters as required by the Clean Water Act. The basis and rationale for the proposed rule and Water Quality Management Plan/Continuing Planning Process revisions are to streamline the procedure to evaluate naturally dystrophic waters while maintaining scientific validity.

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 02-03 | FY 03-04 | FY 04-05 |
|------------------------|----------|----------|----------|
| 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 02-03 | FY 03-04 | FY 04-05 |
|-----------------------|----------|----------|----------|
| 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 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 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 02-03 | FY 03-04 | FY 04-05 |
|---------------------------|----------|----------|----------|
| 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 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 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 impact on competition and employment is anticipated.