

Title 33
ENVIRONMENTAL QUALITY
Part IX. Water Quality

Chapter 23. The LPDES Program

Subchapter M. Criteria Applicable to Cooling Water Intake Structures Under Section 316(b) of the Act

§2522. What Special Definitions Apply to this Subchapter?

Minimum Ambient Source Water Surface Elevation—~~repealed, the elevation of the 7Q10 flow for freshwater streams or rivers, the conservation pool level for lakes or reservoirs, or the mean low tidal water level for estuaries or oceans. The 7Q10 flow is the lowest average seven consecutive day low flow with an average frequency of one in ten years determined hydrologically. The conservation pool is the minimum depth of water needed in a reservoir to ensure proper performance of the system relying upon the reservoir. The mean low tidal water level is the average height of the low water over at least 19 years.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1768 (August 2002), LR 29:

§2523. As an Owner or Operator of a New Facility, What Must I Do to Comply with this Subchapter?

A.—B.4.a. ...

b. based on information submitted by any fishery management agency(ies) or other relevant information, there are migratory and/or sport or commercial species of impingement concern to the state administrative authority ~~or any fishery management agency(ies)~~ that pass through the hydraulic zone of influence of the cooling water intake structure; or

c. it is determined by the state administrative authority, based on information submitted by any fishery management agency(ies) or other relevant information, ~~or any fishery management agency(ies)~~ that the proposed facility, after meeting the technology-based performance requirements in Paragraphs B.1, 2, and 3 of this Section, would still contribute unacceptable stress to the protected species, critical habitat of those species, or species of concern.

5.—5.a. ...

b. based on information submitted by any fishery management agency(ies) or other relevant information, there are, or would be, undesirable cumulative stressors affecting entrainable life stages of species of concern to the state administrative authority ~~or any fishery management agency(ies)~~, and it is determined by the state administrative authority ~~or any fishery~~

~~management agency(ies)~~ that the proposed facility, after meeting the technology-based performance requirements in Paragraphs B.1, 2, and 3 of this Section, would still contribute unacceptable stress to the protected species, critical habitat of those species, or to these species of concern.

B.6.—C.3.a. ...

b. based on information submitted by any fishery management agency(ies) or other relevant information, there are migratory and/or sport or commercial species of impingement concern to the state administrative authority ~~or any fishery management agency(ies)~~ that pass through the hydraulic zone of influence of the cooling water intake structure; or

c. it is determined by the state administrative authority, based on information submitted by any fishery management agency(ies) or other relevant information, ~~or any fishery management agency(ies)~~ that the proposed facility, after meeting the technology-based performance requirements in Paragraphs C.1 and 2 of this Section, would still contribute unacceptable stress to the protected species, critical habitat of those species, or species of concern.

C.4.—D.1. ...

a. Except as specified in Subparagraph D.1.b of this Section, this demonstration must include a showing that the impacts to fish and shellfish, including important forage and predator species, within the watershed will be comparable to those that would result if you were to implement the requirements of Paragraphs B.1 and 2 of this Section. This showing may include consideration of impacts other than impingement mortality and entrainment, including measures that will result in increases in fish and shellfish, but it must demonstrate comparable performance for species that the state administrative authority, in consultation with national, state, or tribal fishery management agencies with responsibility for fisheries potentially affected by your cooling water intake structure, identifies as species of concern. In identifying such species, the state administrative authority may consider information provided by any fishery management agency(ies) along with data and information from other sources.

D.1.b.—E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1769 (August 2002), LR 29:

§2524. May Alternative Requirements Be Authorized?

A.—A.1. ...

2. the state administrative authority determines that data specific to the facility indicate that compliance with the requirement at issue would result in compliance costs wholly out of proportion to those EPA considered in establishing the requirement at issue or would result in significant adverse impacts on local air quality, significant adverse impacts on local water resources ~~not addressed under LAC 33:IX.2523.D.1.a~~ other than impingement or entrainment, or significant adverse impacts on local energy markets;

3. the alternative requirement requested is no less stringent than justified by the wholly out of proportion cost or the significant adverse impacts on local air quality, significant adverse impacts on local water resources ~~not addressed under LAC 33:IX.2523.D.1.~~ other than impingement or entrainment, or significant adverse impacts on local energy markets; and

A.4.—B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1771 (August 2002), LR 29: