APPENDIX G:

Public Comments on the 2004 Integrated Report and LDEQ's Response to Comments

The following table is a compilation of all comments received regarding the 2004 Integrated Report, along with LDEQ's response to those comments. Any changes made to the 2004 Integrated Report based on public comments are noted in the column entitled, "Summary of LDEQ Responses."

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Boise; The Louisiana Forestry Association (Submitted identical comments)		1. Citing recent studies (most likely that of Ph. D. student Michael Kaller of the School of Renewable Natural Resources at Louisiana State University), Boise and LFA claim that swine are negatively affecting the water quality of Mill Creek and suggest the source of impairment should be listed as 'Grazing in Riparian Zones'. 2. Boise and LFA question whether the dissolved oxygen criteria is appropriate for Mill Creek due to the results of the aforementioned studies that suggest "fish assemblages appear to be doing well despite very low measured DO levels." 3. Citing the aforementioned research, Boise and LFA claim that numerous heavy hardwood leaf packs discovered on the stream bottom are natural sources of impairment.	1. LDEQ is aware that swine can have an effect on the water quality of a stream but was unaware that this stream was affected in such a manner. However, LDEQ believes an appropriate source of impairment in this case should be listed as 'Wildlife Other than Waterfowl.' Based on information received from LDEQ's regional staff, all other relevant sources of impairment listed in the IR for this stream will remain. 2. LDEQ is aware of many studies showing the inappropriateness of the 5 mg/L dissolved oxygen criterion in place for many water bodies in the state. LDEQ is attempting to revise dissolved oxygen criteria wherever revision is appropriate, through the Use Attainability Analysis and Site-Specific Criteria process. However, such revisions are subject to EPA Region 6 approval. Thus far, EPA Region 6 has been reluctant to approve such revisions, citing a lack of evidence supporting such revisions. 3. LDEQ acknowledges that the decomposition of detritus can affect the water quality of streams. LDEQ investigates and considers all possible sources of impairment when assessing the surface waters of Louisiana. This is evident by LDEQ's inclusion of "Natural Conditions - Water Quality Standards Use Attainability Analyses Needed."
Gulf Restoration Network (GRN)		1. GRN applauds LDEQ's "efforts to make the Clean Water Act Sections 303(d) and 305(b) process more integrated and user-friendly for the public" and "the addition of Appendix A in the IR Rationale." 2. In order for the public to conveniently view those subsegments listed as Category 5, GRN suggests supplementing the IR with an addendum that includes only those subsegments listed as Category 5 waters. 3. GRN requests that the 305(b) report be available at the beginning of the comment period for the IR.	1. Thank you for the comment. 2. LDEQ is in the process of combining the ∋305(b) Report and the ∋303(d) List as the "Integrated Report" and is continuously striving to develop a format that is concise and informative. LDEQ agrees that this would be a beneficial addition to the report and has made the suggested change in the final *2004 Integrated Report*. 3. Because LDEQ is working to combine the ∋305(b) Report and ∋303(d) List, LDEQ will attempt to have additional information that is

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		4. GRN requests LDEQ to include a notation whether the TMDL was written by LDEQ or U. S. EPA. 5. Reiteratively, GRN requests, "some sort of timeline should be developed to ensure that TMDL effectiveness is monitored so that their implementation leads to actual water quality improvement." GRN suggests the expected date of a TMDL implementation and a section explaining the process whereby a water body could be listed again after a TMDL has been implemented should be included in the IR. 6. Though listed in the 2002 ∋303(d) list, GRN was unable to find – in the IR or its addendums – any listing of or justification for the delisting of: Bayou Manchac (040201) for total dissolve solids, Selsers Creek (040603) for lead, Lake Pontchartrain (041001) for total fecal coliforms, Bayou Teche (060401) for copper, and Red River (100101) for sulfates. 7. GRN asks for additional information regarding removal of "taste and odor" listings for Comite River (040103), Amite River (040302), Grays Creek (040304, Blind River (040401), Capital Lake (070503), and Bayou Maringouin (120111). Also asked clarification of "taste and odor" status for Comite River (040102), Bayou Petit Caillou (120504 and 120702). 8. Regarding Flat River (100406) for organic enrichment/low DO and nutrients, Lake Bistineau (100502) for organic enrichment/low DO, and Loggy Bayou (100506) organic enrichment/low DO and nutrients, GRN believes it is "inappropriate to now declare these waters attaining based on 1998 305(b) data." GRN suggests, "these waters should be placed back in Category 5 or reassessed using more recent DO data." 9. For those impaired subsegments whose source of impairment is natural conditions, GRN suggests they remain listed as Category 5 until a use attainability analysis determines that natural conditions are indeed the cause of impairment. 10. Based on previous data, GRN believes Rigolette Bayou (101301), Bayou Cocodrie (101607), Black Bayou Lake (100302), and Lake Edwards and Smithport Lake (100605) should be moved from Category 3 to Category 5 for mercury. 11. Based on listings in previous reports, GRN believes that Lake Pontchartrain Drainage Canals (041302) and Bayou Bienvenue	List, LDEQ will attempt to have additional information that is contained in the ∋305(b) Report available at the beginning of the comment period for the IR. However, the most pertinent information for ∋303(d) purposes was contained in the Rationale made available for public notice and reproduced for the final *2004 Integrated Report*. The remaining text assembled for ∋305(b) purposes but not contained in the Rationale, while valuable information, does not relate directly to assessment or listing procedures. Therefore, LDEQ does not feel compelled to include this information in the public notice Rationale. 4. LDEQ acknowledges that this additional piece of information would be helpful to the public. However, the current format for the 2004 IR is already straining the capabilities of including all pertinent information on one, easy to read, document. Therefore, LDEQ cannot make the requested change at this time, but will attempt to add this in future reports. TMDL development information is available on the LDEQ Website at: http://www.deq.state.la.us/technology/tmdl/index.htm. 5. Implementation of TMDLs is expected to begin immediately after they are developed through the development of new permits as they come up for renewal or through permitting of new facilities. In addition, LDEQ leads the nation in the development of implementation plans for nonpoint source related impairments. LDEQ continually monitors the water quality of those surface waters in which TMDLs are implemented as part of its rotating ambient surface water quality monitoring program. This information is then used to assess whether those streams are meeting their criteria and attaining their uses following implementation of the TMDL. If water bodies are not found to be meeting their criteria and attaining their uses, they will continue to be considered impaired, and the causes and sources of impairment may be reconsidered. However, due to the extreme variability in a water body's ability to recover it is impossible to set a reasonable fixed timeline for achieving designated use support. 6. **Bayou Manchac (040201) for total dissolve solids** – this listing was inadvertently not included in the ADB system. It has been included in the final 2004 IR. **Selsers Creek (040603) for lead** – this subsegment was not listed for lead in the 2002 Integrated Report

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		(041801) should be placed in Category 5 for nutrients (nitrate/nitrite and total phosphorus). 12. Based on Mississippi's ∋303(d) list, GRN requests that LDEQ reevaluate subsegments 070101 and 070201. 13. Providing new comments and referencing previously submitted comments about the 2002 ∋303(d) list, GRN believes "The language of Louisiana's water quality criteria, EPA's recommendations, and sound science do not support the exclusive use of the "25% rule" as interpreted by DEQ" and that those subsegments "that were removed from either the 1999 or 2002 Impaired Waters Lists solely based on the "25% rule" should be added to Category 5 of the 2004 IR until additional sampling is conducted in which at least 5 samples are collected within a 30 day period." 14. GRN expressed concern that subsegments listed as having insufficient data to make an assessment for metals should be listed in IR Category 5 until such time as data has been collected. 15. GRN believes the changes made to the statewide monitoring schedule are positive. 16. GRN asked that LDEQ, "begin to collect the required minimum of 5 samples collected within a 30-day period for fecal coliform assessment." 17. Because LDEQ was given data from the Lake Pontchartrain Basin Foundation, GRN requests that LDEQ assess those subsegments related to the data from LPBF. GRN believes "that wherever possible, available data should be used to make assessments whether or not it is the scheduled time."	lead in the 2002 Integrated Report. **Lake Pontchartrain (041001) for total fecal coliforms** – this listing was inadvertently missing from the ADB system because ambient testing showed full support of fecal coliform criteria. However, the listing should have been maintained due to the south-shore swimming advisory for Lake Pontchartrain. The listing for total fecal coliform has been included in the final 2004 IR. **Bayou Teche (060401) for copper** – this water body was found to be fully supporting the copper criteria based on clean-technique sampling and should have been placed in the Category 1 Addendum. This WIC has been added to the Category 1 Addendum. **Red River (100101) for sulfates** – sulfates are listed in the 2004 IR as IR Category 3. This category is being used for this and other WICs where a criteria failure occurred, but some form of natural conditions are believed to be the sole source of the criteria failure. The Category 1 addendum has been modified to reflect this status. 7. Taste and odor listings for Comite River (040103), Amite River (040302), Grays Creek (040304, Blind River (040401), Capital Lake (070503), and Bayou Maringouin (120111) were changed to Category 1 based on a survey of field staff responsible for collecting ambient samples on these water bodies. In each case the field staff indicated there were no odor problems associated with the water bodies. "Taste" is not an issue because none of the water bodies are designated for drinking water use. Regarding Comite River (040102), Bayou Petit Caillou (120504 and 120702) these subsegments were inadvertently not listed for "taste and odor" in the 2004 ADB and subsequent IR report. During development of the 2004 IR this category was added to the ADB system as a new suspected cause of impairment. Prior to this, the category had been placed in the addendum. "Taste and odor" has been added to the ADB and subsequent IR for these three subsegments, and will be reevaluated during future ambient sampling events. 8. These three subsegments were also fully supporting the DO criteria based on the 2004 assessment cycle, using data collected between 1997 and 2002. 2002 was the year in which these subsegments were sampled under the rotating ambient sampling program. Therefore, these assessments are as current as possible. The Category 1 Addendum was

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			modified to reflect this more recent sampling. 9. Each of the subsegments noted by GRN in this comment have been evaluated by LDEQ regional personnel familiar with the area and determined to be unimpacted or minimally impacted by anthropogenic sources of impairment. Placement in Category 3 requires additional monitoring to determine if other sources are affecting the area or if the suspected cause of impairment is no longer present. This additional monitoring will take place as part of LDEQ's ambient sampling program. TMDLs for these subsegments are not required until 2007 or 2011, during which time additional data should become available for new assessments in 2006, 2008, or 2010. 10. These subsegments were found to be not meeting criteria for mercury during the course of LDEQ's ambient sampling program. It is LDEQ's standard practice, as noted in the IR Rationale, to use the ambient sampling program as a screening for metals sampling and assessment. Final assessments will be made following clean-technique metals sampling, which is scheduled for the near future. TMDLs for these four subsegments are not required until 2007. Therefore, new assessments for mercury will be available well before the need for TMDL development. If the subsegments are found to be impaired for mercury following the clean-technique sampling, they will be changed to IR Category 5 for mercury. 11. These subsegments were inadvertently recorded as impaired for DO in the 2002 and draft 2004 IR. Nutrients were correctly removed as an impairment based on the 2002 IR data assessment. A review of the 2002 IR data assessments indicated that DO was fully supported for these subsegments. The WIC for DO on these subsegments has been removed and the fish and wildlife propagation use support changed to fully supporting. 12. LDEQ respectfully disagrees with Mississippi's assessment of the Mississippi River (Louisiana subsegments 070101 and 070201) and will not add these four impairments to the subsegments. With regard to low DO, given the size and flow of the Mississippi River it is virtually impossible for low DO to be a problem. With regard to nutrients, while it may be true that the river is carrying a relatively high load of nutrients, it is also true that the nutrients are not impacting the river

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			itself. This is evident from the lack of DO or algal problems. In addition, it is these same nutrients, when placed in South Louisiana wetlands, which are necessary for the development of much needed new wetlands in the area. With regard to pesticides, while U.S. Geological Survey data has shown springtime spikes for pesticides due to spring runoff from fields in the Midwest, their information also showed that these pesticides rarely exceed drinking water criteria, and are effectively removed during water treatment. In addition, LDEQ conducted a three-year study of Mississippi River fishes and found there was no need for a fish consumption advisory due to pesticides or any other chemical. Finally, with regard to sedimentation, given the high flow of the river it is virtually impossible for sedimentation to occur anywhere within the river channel. Sedimentation may occur outside of the channel following spring floods, however, this form of sedimentation is essential to the natural development of wetlands both inside the levees and outside the levees in South Louisiana. 13. No changes to the bacteria assessments developed for the 2004 Louisiana Integrated Report will be made, because LDEQ developed and knows the intent of its regulations. In addition there is legal precedence supporting LDEQ's ability to interpret its own regulations. Even though U. S. EPA does not list this method in its guidance, it does not mean that the method is 'unacceptable' or 'not scientifically sound.' In addition, U.S. EPA approved LDEQ's bacteria criteria at the time of promulgation. LDEQ, according to its regulations and resources, continuously strives to establish the best possible sampling scheme and assessment methods in order to make precise and accurate assessments and to ensure the protection of the surface waters of the state. LDEQ is currently in the process of reviewing its bacteria criteria as defined in ERC 33:IX.1113.C.5 in order to determine whether any revision of the criteria is warranted. 14. The placement of WICs (for metals) in IR Category 3 when there were only three samples available for assessment will be maintained for the 2004 IR. This process was agreed upon during discussions with EPA Region 6. The use of only four samples a year for assessment of metals is supported by the fact that past analysis of metals data, during the period in which metals were tested monthly instead of quarterly,

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			demonstrated a low degree of variability from year to year and season to season. The process of only sampling for metals four times during our ambient sampling program was also agreed upon with EPA Region 6. LDEQ is in the process of revising its sampling protocols to ensure a minimum of four samples are collected from every subsegment during its sampling rotation. 15. Thank you for the comment. 16. This portion of ERC 33:IX.1113.C.5 et seq. does not place a requirement upon LDEQ, only an option for additional sampling and assessment procedures. Economic and personnel constraints preclude sampling at this level of intensity for all water bodies in the state, hence the use of one sample per month as a screening tool for possible sewage related problems. Please also see GRN response number 13. 17. LDEQ will consider this data along with data collected by LDEQ when new assessments are developed for the Pontchartrain Basin. As noted in the rationale, new assessments for 2004 were only developed for the Atchafalaya, Red, and Sabine River Basins and subsegments with long-term trend sites. Also, TMDLs for the Pontchartrain Basin are not due to be completed until 2011. Therefore, there is ample time to incorporate the LPBF data into new assessments for 2006, 2008, and or 2010.
Lake Pontchartrain Basin Foundation (LPBF)		1. "LPBF appreciates the opportunity to contribute water quality data obtained through our Water Quality Monitoring Program to the 2004 Integrated Report. The Foundation encourages other entities conducting quality assured water monitoring to submit data to this process." 2. LPBF suggests removing "drought-related impacts" as the source of impairment for subsegments in the Lake Pontchartrain Basin. 3. Based on their data, LPBF suggests listing Bayou Bonfouca (040908) and Bayou Liberty (040906) as impaired because counts of total fecal coliforms exceed primary contact limits.	1. Thank you for the comment. 2. The 2004 assessments showing "drought" were based on data collected during the drought in the 2002 assessment cycle. These assessments were carried forward to 2004 and will be maintained until new data has been collected for revised assessments. 3. LDEQ will consider this data along with data collected by LPBF when new assessments are developed for the Pontchartrain Basin. As noted in the rationale, new assessments for 2004 were only developed for the Atchafalaya, Red, and Sabine River Basins and subsegments with long-term trend sites. Also, TMDLs for the Pontchartrain Basin are not due to be completed until 2011. Therefore, there is ample time to incorporate the LPBF data into new assessments for 2006, 2008, and or 2010. Please also see GRN comment number 17.

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