

Title 33
ENVIRONMENTAL QUALITY
Part IX. Water Quality
Subpart 1. Water Pollution Control

Chapter 21. ~~Municipal Facilities~~Clean Water State Revolving Loan Fund

Subchapter A. Clean Water State Revolving Fund

§2101. Introduction to the Clean Water State Revolving Fund (CWSRF)

A. The 1972 amendments to the Federal Water Pollution Control Act of 1956, commonly referred to as the Clean Water Act, provided for a strong federal role in the construction of publicly owned wastewater treatment works by increasing the level of federal aid and expanding the federal grant share to 75 percent in an effort to increase the pace of wastewater treatment facility construction and eliminate the backlog of needed facilities. Congress intended that states and municipalities eventually assume full responsibility for financing, building, operating, maintaining, and replacing their treatment facilities.

B. The 1977 amendments to the Clean Water Act ~~began~~begin shifting the responsibility to state and local governments by authorizing the U.S. Environmental Protection Agency (EPA) to delegate most of its construction grants management functions to the states. The 1981 Amendments further reduced the federal role by reducing the annual federal authorization by half, reducing the federal grant share, narrowing the eligible funding categories, and reducing the eligible treatment capacity to that required to meet existing needs.

C. The 1987 amendments to the Clean Water Act set forth a schedule and mechanism for completing the transition to full state and municipal responsibility. ~~The U.S. Environmental Protection Agency~~EPA continued to have the authority to allot funds to states for the award of grants to municipalities to construct wastewater treatment facilities through Federal Fiscal Year (FY) 1990. A new authority ~~was~~has been created in the amendments that allowed EPA to make grants to capitalize ~~State Water Pollution Control~~Revolving Funds (SRFs)Clean Water State Revolving Funds (CWSRF)s, the primary purpose of which is ~~will~~

~~be~~ to provide loans and other financial assistance to municipalities for the construction of wastewater treatment facilities. Beginning in FY 1987, states were able to ~~may~~ exercise an option to use a portion of their annual construction grants allotments for the capitalization of ~~SRF~~CWSRFs. The last year in which funds ~~were~~will be appropriated for direct project funding through construction grants ~~was~~will be FY 1990; ~~S~~separate appropriations for CWSRF capitalization grants ~~were~~ are authorized from FY 1989 through FY 1994. ~~Thereafter, the states and municipalities have the sole responsibility for providing financing to meet the enforceable requirements of the act. Although Congress has continued to provide funding beyond FY 1994 at its discretion, the funding for CWSRFs may stop.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 13:742 (December 1987), repromulgated LR 14:862 (December 1988), amended by the Office of the Secretary, Legal Division, LR 40:**.

§2103. Authority

A. Act 349 of the 1986 Regular Session of the Louisiana Legislature enacted R.S. 30:2011(D)(4), 2074(A)(4) and (B)(6), and 2078 relative to the Louisiana Environmental Quality Act. Those subsections were amended by Act 296 in the 2010 Regular Session of the Louisiana Legislature. Together, Acts 349 and 296 established the CWSRF; authorized the Secretary administrative authority of the Department of Environmental Quality to apply for and accept certain grants for the ~~planning, design, construction and rehabilitation of wastewater treatment facilities~~CWSRF; provided for matching funds; requires that money received through such grants and state matching funds be deposited into the ~~municipal facilities revolving loan fund~~CWSRF; ~~establishes the municipal facilities revolving loan fund~~; provided for the use, capitalization, investment, and disposition of the funds; provided for an exemption to certain public bond trust restrictions; and provided for related matters.

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HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 13:742 (December 1987), repromulgated LR 14:862 (December 1988), amended by the Office of the Secretary, Legal Division, LR 40:**.

§2105. Definitions

Act—Act 349 of the 1986 Louisiana Legislature enacting R.S. 30:2011(D)(4), 2074(A)(4) and (B)(6), and 2078 relative to the Louisiana Environmental Quality Act, and/or Act 296 of the 2010 Regular Session of the Louisiana Legislature, amending R.S. 30:2011(D)(4), 2074(A)(4) and (B)(6), and 2078.

Administrative Authority—the secretary of the department or his/her designee.

Allowable Cost—those project costs that are eligible, reasonable, necessary, and allocable to the project; permitted by the appropriate federal cost principles, and approved in the loan agreement. ~~May also be referred to as "Eligible Cost."~~

Applicant—~~any municipality, as defined, that submits an application for financial assistance in accordance with these rules and regulations.~~ political subdivision, agency, commission of the state, or private entity allowed by federal act or federal regulation, that submits an application for financial assistance in accordance with these regulations.

* * *

Cost—~~as applied to wastewater treatment,~~ the cost of acquisition and construction; the cost of all land, rights-of-way, property rights, easements, franchise rights and interests required by the department for such acquisition and construction; the cost of all machinery, furnishings, and equipment; all financing charges, and interest prior to and during construction; the cost of all engineering services and all expenses of research and development with respect to ~~wastewater treatment facilities~~ eligible projects; the cost of all legal services and expenses; the cost of all plans, specifications, land surveying and estimates of cost and revenues; all working capital and other expenses necessary or incident to determining the feasibility or practicability of acquisition or construction of any such project; all administrative expenses and such other expenses as may be necessary or

incident to the acquisition or construction of the project, the financing of such acquisition or construction, including the amount authorized in the resolution of the department providing for the issuance of ~~wastewater treatment~~ revenue bonds to be paid into any special funds from the proceeds of such bonds; and the financing of the placing of any such project in operation.

* * *

Eligible Recipient—a political subdivision, public trust, agency or commission of the state, or a private entity as allowed by the federal act and/or federal regulations.

* * *

Federal Act—the Federal Water Pollution Control Act Amendments of 1972, known as the Clean Water Act, as amended, 33 U.S.C. § 1245 et seq. (1972).

* * *

Financial Capability—the applicant shall demonstrate an unencumbered and sufficient future revenue stream to meet the annual debt service of the loan being provided by the CWSRF as determined by the administering authority. Sufficiency of a future revenue stream may be determined by examining audited financial statements, review of future net income based on increased user fees, and/or approval of the funding by the Louisiana State Bond Commission.

Initiation of Operation—for wastewater treatment projects, the date operations of the treatment works are initiated or are capable of being initiated, whichever is earlier.

* * *

Loan Program Agreement—a contractual arrangement by and between a municipality and the state acting by and through the department, providing for loans to such municipality for the purpose of paying the cost of construction of ~~wastewater facilities~~ eligible projects.

Municipality—a city, town, village, district, parish, Native American tribe, or an authorized Native American tribal organization, or public body ~~created under state law~~ having jurisdiction over transport, treatment, and/or disposal of sewage, industrial waste, other waste.

* * *

Person—~~any individual, partnership, firm, corporation, company, cooperative, association, society, trust, or any other business unit or entity, including any state or federal agency.~~Repealed.

Pollution—

1. the discharge, release, escape, deposit or disposition, directly or indirectly, of treated or untreated sewage, industrial wastes, or other wastes, of whatever kind or character, in or near any water of the state, in such condition, manner or quantity, as does, will, or is likely to contaminate or substantially contribute to the alteration of the physical, chemical or biological properties of any such waters, if such contamination or alteration where ~~an person~~ applicant only contributes thereto, is to such an extent as to make any of such waters:

1.a. – 2. ...

Program Loans—loans made to ~~a municipality~~ an applicant by the state which are required to be repaid pursuant to a loan program agreement.

Project Completion—~~as defined by EPA, the date operations of the treatment works are initiated or are capable or being initiated, whichever is earlier.~~ the date a project is complete and accepted by the owner. For wastewater treatment projects, the project completion is the initiation of operation date.

Replacement—~~expenditures for~~ obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

~~Secretary—the Secretary of the Louisiana Department of Environmental Quality.~~Repealed.

* * *

~~User Charge—a charge levied on users of a treatment works for the cost of operation and maintenance, including replacement or loan payment.~~

~~Wastewater—any water containing sewage, industrial wastes, or other wastes of contaminants derived from the prior use of such water, and shall include without limiting the generality of the foregoing, surface water of the type storm sewers are designed to collect and dispose of.~~

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AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 13:742 (December 1987), repromulgated LR 14:862 (December 1988), amended by the Office of the Secretary, Legal Division, LR 40:**.

§2107. Eligibility for Participation in Program

A. ~~Eligibility for Participation.~~Loans may be made only to ~~municipalities~~eligible recipients as defined in LAC 33:IX.2105 for the construction of ~~wastewater facilities~~ as defined in LAC 33:IX.2105 necessary to serve the population designated in the approved planning area for the ~~municipality~~ as defined in LAC 33:IX.2105, or to an ~~applicant~~ as defined in LAC 33:IX.2105 to implement an approved nonpoint source management plan. Loans to applicants may be used to develop and implement estuary conservation and management plans.

B. ~~Allowable/Eligible Costs.~~Not ~~every~~ all ~~costs~~ as defined in LAC 33:IX.2105 associated with an applicant's wastewater treatment project may be an ~~allowable cost~~ as defined in LAC 33:IX.2105 for loan participation. ~~Consideration for loans may be limited to projects for secondary treatment or more stringent treatment, or any cost effective alternative thereto, new interceptors and appurtenances, and infiltration/inflow correction. Funds may be used to address water quality problems due to discharges of combined stormwater and~~

~~sanitary sewer overflows, which are not otherwise eligible. Collectors are not eligible unless (1) the collector is needed to assure the total integrity of the treatment works; or (2) adequate capacity exists at the facility.~~

~~Additional Allowable~~ cost determinations are based on applicable law and regulations ~~must, of course, be made on a project by project basis.~~ Allowable costs may include those listed in LAC 33:IX.2121-Appendix 1 to of these rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 13:742 (December 1987), repromulgated LR 14:862 (December 1988), amended by the Office of the Secretary, Legal Division, LR 40:**.

§2109. Priority System

A. The state's *priority system* as defined in LAC 33:IX.2105 ~~(see LAC 33:IX.2123-Appendix 2),~~ and the criteria contained therein, will be used to generate an annual project priority list. The project priority list will consist of an ordered listing of all projects submitted by applicants that are expected to qualify for and participate in the ~~municipal facilities revolving loan fund~~ CWSRF program.

~~B. Determination of Priority for Participation in the Program. Any municipality that has the authority under applicable law to undertake a wastewater facility project and desires to apply for a loan may submit a completed Pre-Application Form (RF-100) to the Office of Environmental Services. Such projects shall be included on the next fiscal year's state project priority list in accordance with the priority system.~~

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§2111. Application ~~for Loan~~ Process for Funding

A. Any potential applicant applying for a project loan shall first submit a completed preapplication form and associated documentation to the department. All qualified projects for which a preapplication is

submitted shall be included on the next fiscal year's project priority list in accordance with the S.T.E.T. priority system.

~~A-B. An application shall only be accepted from a municipality that is within the fundable limits Applicants selected by the department to be tentatively funded for loan assistance for in the current fiscal year; shall be notified in writing and that has met all of its prerequisite requirements.~~

~~B. Application Fee. Applicants shall be required to remit an application fee to the department at the time of application submission. The fee for the filing, review, and processing of the application shall be 1/10 of 1 percent of the loan amount requested with a minimum and maximum fee of \$500 and \$10,000, respectively.~~

~~C. Pre Application Conference. A pre application conference shall be scheduled for each prospective applicant. The conference shall be held jointly between:~~

- ~~1. the authorized or designated representative of the municipality;~~
- ~~2. the consultant representing the municipality; and~~
- ~~3. representatives of the department. This conference shall be held for the purpose of:~~
 - ~~a. distribution of application forms;~~
 - ~~b. detailing the contents of the application;~~
 - ~~c. discussing the rules and regulations, procedures, and responsibilities under the~~

~~municipal facilities revolving loan fund program.~~

~~D-C. Application Package. An applicant notified by the department for tentative funding shall submit a completed application package must be submitted to the department for review and approval. The contents of the application shall be consistent with the information detailed in the pre-application form on conference. The application package shall include all application forms and schedules required by the department and documents~~

necessary to demonstrate the necessity, and benefits, and costs associated with the project. Supporting documents may include, but are not limited to, the following:

1. feasibility studies, engineering reports, and environmental impact evaluations required by LAC 33:IX.2125;
2. project plans and specifications;
3. financial information (possibly including project schedules, financial audits, copies of ordinances, State Bond Commission approval, and other required forms); and
4. other documents that may be deemed necessary by the department.

D. Once all required information is received and approved by the department, a loan may be awarded.

~~E. Facilities Plan. Facilities planning consists of those necessary plans and studies which directly relate to construction of treatment works. Facilities planning will demonstrate the need of the proposed facility. Through a systemic evaluation of feasible alternatives, it will also demonstrate that the selected alternative is cost effective, i.e., is the most economical means of meeting established effluent and water quality goals while recognizing environmental and other nonmonetary conditions. The facility plan shall address the following items:~~

- ~~1. projects apply best practicable waste treatment technology;~~
- ~~2. alternative waste techniques be considered in project design;~~
- ~~3. innovative and alternative treatment technologies must be studied and applicants shall take into account opportunities to make more efficient use of energy and resources;~~
- ~~4. applicant shall analyze the potential recreation and open space opportunities in the planning of the proposed facility.~~

~~F. — Plans and Specifications. The applicant shall submit plans and specifications to the Office of Environmental Services for review to ensure the proposed project meets minimum technical and administrative requirements of federal and state law, is biddable and constructable and will satisfy discharge requirements in accordance with the project's National Pollution Discharge Elimination System (NPDES) and/or State Pollutant Discharge Elimination System permit.~~

~~G. — Project Schedule. A timetable specifying the dates of key project events including, but not limited to, public notices of proposed procurement actions, contract awards, issuance of notice to proceed with building, completion of building, and initiation of operation.~~

~~H. — Environmental Information Document. A written analysis describing the environmental impacts, including secondary impacts, of the proposed wastewater facility. This document must be of sufficient scope to enable an environmental review to be approved by the department. The applicant must comply with all environmental laws and executive orders as applicable to the existing environment in the project planning area (see LAC 33:IX.2125.Appendix 3 — State Environmental Review Process).~~

~~I. — Financial and Management Capability. The applicant is required to submit to the Office of Environmental Services sufficient information to demonstrate its legal, institutional, managerial, and financial capability to ensure the adequate building, operation, maintenance of the facility, and debt repayment of the loan.~~

~~J. — Plan of Operation. This plan should be in the form of a descriptive chronological schedule which provides a timetable for the preparation and submission of required documents and for actions to be taken by the applicant during construction. The plan will include, but not be limited to, the following:~~

- ~~1. — operation and maintenance manual;~~
- ~~2. — emergency operating program;~~
- ~~3. — personnel training and operator certification;~~

~~4. adequate budget;~~

~~5. operational reports;~~

~~6. laboratory testing needs;~~

~~7. operation and maintenance program.~~

~~K. Infiltration/Inflow Analysis. A written analysis must be submitted demonstrating that the existing sewer system is not or will not be subject to excessive infiltration/inflow.~~

~~L. User Charge System. The applicant shall develop a municipally enacted financial management system which provides for collection of revenues from users in proportion to their use. Collected revenues must be sufficient to offset the costs of operation, maintenance, and replacement of equipment (O, M, and R) and debt repayment. The user charge system shall be enacted, maintained, and enforced, throughout the life of the project.~~

~~M. Sewer Use Ordinance. The applicant shall enact, maintain, and enforce for the life of the project, a sewer use ordinance that satisfies the following content requirements:~~

~~1. prohibits new inflow sources;~~

~~2. requires that new sewers and connections be properly designed and constructed;~~

~~3. prohibits introduction of toxic and/or hazardous wastes into the sewers in an amount or concentration that would cause a violation of any industrial discharge permit or pretreatment program, endangers the public's safety or the physical integrity of the system which may cause violations of the municipality's NPDES permit or precludes the selection of the most cost effective alternative for treatment, reuse and sludge disposal;~~

~~4. prohibits introduction of toxic and/or hazardous wastes into the sewers in an amount or concentration that endangers the public's safety or the physical integrity of the system which may cause violations of the~~

~~municipality's NPDES permit or precludes the selection of the most cost-effective alternative for treatment, reuse and sludge disposal;~~

~~5. assurances must be provided that all existing residences will connect to the sewer system within a reasonable time after project completion;~~

~~6. assurances that wastewater introduced into the treatment works will not cause violation of effluent or water quality limitations.~~

~~N. Sludge Management Plan. The applicant shall submit a plan to the Office of Environmental Services that complies with the Department of Environmental Quality rules and regulations.~~

~~O. Value Engineering. A value engineering (VE) study is a specialized cost control technique which identifies unnecessary high cost in a project and recommends more economical means of satisfying performance requirements without sacrificing quality or reliability. A VE study is required for all projects whose estimated building costs are more than \$10 million.~~

~~P. Water Quality Management Plan. Effluent from the proposed wastewater treatment facility must be in compliance with the state of Louisiana water quality management plan. The applicant must enact a resolution indicating its understanding of the designated management agency process and its willingness to proceed with implementation of designated responsibilities.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

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§2113. Loans

A. ~~Loan Conditions.~~Loans shall be made only to eligible applicants ~~municipalities~~ that:

1. meet the requirements of *financial capability* as defined in LAC 33:IX.2105 set by the department to ~~en~~assure sufficient revenues to operate and maintain the facility for its useful life and to repay the loan;
2. ~~provide~~possess an ~~user charge system as a dedicated~~ acceptable ~~repayment~~ source of revenue for repayment of the loan. ~~The user charge system must satisfy the requirements of LAC 33:IX.2111.L;~~ ~~An a~~Acceptable sources of revenue for municipalities may include; charges as defined in LAC 33:IX.2105, sales taxes, property taxes, other sources of revenue that may be legally dedicated, and revenue that is deemed acceptable by the department;
3. agree to operate and maintain the wastewater facility so that the facility will function properly over the design life of the facility, which shall not be ~~not~~ less than 20 years; ~~the term of the loan~~;
4. agree to properly maintain financial records, ~~and to conduct~~allow an audit of the project's financial records by a certified public accountant, and to make these records available to the department upon request;
5. provide a written assurance, signed by an attorney, that the applicant ~~municipality~~ has proper title, easement and right-of-way to the property upon or through which the ~~wastewater facility for~~ funding project is to be constructed or extended; and
6. agree to provide a written notice to the department of completion and start of operation of the facility project; and
7. ensure that the expenditure of funds by loan recipients for *construction* as defined in LAC 33:IX.2105 or other eligible project costs ~~shall~~ould begin within six months after entering into a binding commitment or on a more stringent time frame as may be required by financing agreements. Failure by the loan recipient to start the expenditure of funds within one year after entering into a binding commitment will result in the withdrawal of all financial assistance from the ~~municipal facilities revolving loan fund~~ CWSRF.

~~B. Engineering Service. Any wastewater facility constructed with a loan obtained through the municipal facilities revolving loan fund must be designed by a professional engineer who is registered in the state of Louisiana.~~

~~CB. Loan Period. Loans shall be made for a period of time not to exceed 2030 years.~~

~~DC. Loan Repayment. Loan repayments of the principal and interest installments will be set by the department in the executed loan agreement. Interest payments on the amount drawn shall begin with the first installment due within one year following the loan closing completion of project construction. Principal repayments shall begin within one year following completion of the project, but no later than three years after the loan closing. The department will establish the loan repayment schedule in accordance with the terms of the loan agreement.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

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§2115. Project Construction of Wastewater Facility Project

A. The applicant shall comply with all state and federal laws, rules and regulations related to construction of the project. These items shall include, but shall not be limited to:

1. – 3. ...
4. Davis-Bacon Act (40 U.S.C. § 3141 et seq.) and related acts (if applicable);
5. performance and payment bonds as defined in LAC 33:IX.2105;
6. noncompetitive procurement; and
7. ...

B. Any ~~wastewater facility~~project constructed in whole or in part with funds obtained with a loan through the ~~municipal facilities revolving loan fund~~CWSRF shall be constructed in accordance with the plans and specifications approved by the department. Any deviation from the approved plans and specifications shall be approved by the department separately through the use of addenda and/or change orders.

1. ~~Addenda.~~The applicant may issue, prior to bid opening, addenda to correct errors, to clarify information in bidding documents or to incorporate the current wage rate determination. The addenda shall be issued in a reasonable time prior to the deadline for the receipt of bids and the applicant shall insure that the addenda have been issued to each bidder.

2. ~~Change Orders.~~The applicant shall be responsible for negotiation of construction contract change orders. During negotiations with the contractor, the applicant or, if authorized, his engineer shall:

a. – c. ...

d. submit to the ~~Office of Environmental Services~~department all change orders for review and approval.

C. ~~Bid Proposals.~~The applicant shall submit to the ~~department~~Office of Environmental Services for review a complete statement of work to be performed, the terms and conditions of the proposed contract to be awarded, a clear explanation of the methods of bidding and of evaluating bid prices and the limits of work for each item on the proposal form.

D. ~~Inspection of Works, Books, and Records.~~From the time of first submission of the loan application, throughout all stages of construction, and at any time while financial assistance from the CWSRF ~~municipal facilities revolving loan fund~~ to the applicant is outstanding, the department, through its duly authorized representative, shall have the right to inspect any and all projects, and any and all incidental works, areas, facilities and premises otherwise pertaining to the project for which the application is made. The department shall further have the same right of inspection to inspect any and all books, accounts, records,

contracts or other instruments, documents or information possessed by the applicant or entity representing the applicant which relate to the receipt, deposit and/or expenditure of financial assistance funds or to the planning, design, construction and operation of any facilities which may have been constructed as a result of such financial assistance. By submittal of a loan application to the department, the applicants shall be deemed to consent and agree to the right of reasonable inspection and all applicants shall allow the department all necessary and reasonable access and opportunity for such purposes.

E. ~~Project Completion, Final Inspection and Audit.~~ The applicant shall provide the department with a written notification Upon completion of any project for which financial assistance is provided through the ~~Municipal Facilities Revolving Loan Fund, CWSRF,~~ the applicant shall provide the department with written notification. ~~or upon project completion should notification not be provided as required herein, t~~ The department shall conduct a final on-site inspection of the project and an audit of any and all financial assistance funds furnished to the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

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§2119. Miscellaneous

A. ~~Annual Audit.~~ The department Office of Management and Finance shall conduct have an annual audit conducted ~~or have conducted, an annual audit on~~ of the fiscal operation of the ~~revolving loan fund~~ CWSRF for submission to the governor and the legislature.

B. ~~Use of Application Fees.~~ All application fees remitted by loan applicants shall be deposited into the general account of the municipal facilities revolving loan fund for reinvestment and leveraging to perpetuate the revolving loan fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

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§2121. Appendix 1—Allowable Costs

A. Allowable costs as defined in LAC 33:IX.2105 may include, but may not be limited to, the following:

1. – 3. ...

4. facilities planning directly related to ~~the~~ treatment works;

5. – 11. ...

12. a reasonable inventory of laboratory chemicals and/or other supplies necessary to initiate ~~plant~~ operations of the project;

~~13. — development and preparation of an operation and maintenance manual;~~

~~14. — a plan of operation, in accordance with guidance issued by the department;~~

~~13.~~ start-up services for new treatment works, in accordance with guidance issued by the department;

~~14.~~ project identification signs, if necessary;

~~15.~~ development of a municipal pre-treatment program and purchase of monitoring equipment and construction of facilities to be used by the municipal treatment works in the pre-treatment program; and

~~16.~~ costs of complying with procurement requirements; ~~and~~

~~19. reasonable costs of public participation incurred by the applicant which are identified in a public participation work plan, or which are otherwise approved by the department, shall be allowable.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 13:742 (December 1987), repromulgated LR 14:862 (December 1988), amended by the Office of the Secretary, Legal Division, LR 40:**.

Subchapter B. Clean Water State Revolving Fund Priority System

§2123. Introduction to the Clean Water State Revolving Fund (CWSRF) Priority System

§2123. Appendix 2 Construction Grants Priority System

A. Introduction

~~1. On October 18, 1972, the Federal Water Pollution Control Act Amendments became Public Law 92-500.~~

~~PL-92-500 was amended by PL-95-217, the Clean Water Act of 1977, and most recently by PL-97-117, the Municipal Wastewater Treatment Construction Grant amendments of 1981.~~

~~2. The primary aim of the Act is to "restore and maintain the chemical, physical, and biological integrity of the Nation's water." By July 1988, wherever possible, water quality is to be suitable for recreational contact and for protection and propagation of fish and wildlife. In addition, the Act emphasized the special need for controlling or eliminating discharges of toxic pollutants. These national goals will be implemented by two programs. The first is a system of federal grants to plan and construct publicly owned waste treatment plants. Secondly, a permit program has been established and geared to restricting pollutant discharges from point sources: that is, from factories, municipalities, and large agricultural operations where pollutants enter the nation's water through an outfall pipe, sewer, or other conduit.~~

~~3. With regard to the construction of municipal waste facilities, the Clean Water Act in Section 204(a)(3), requires that: "Before approving grants for any project for any treatment works...the administrator shall~~

~~determine that such works have been certified by the appropriate state water pollution control agency as entitled to priority over such other works in the state..."~~

~~4. In implementing this requirement the Environmental Protection Agency (EPA), Construction Grants Regulations, 40 CFR 35.2015(a) states: "The regional administrator will award grant assistance from annual allotments to projects on a state project priority list developed in accordance with an approved state priority system. The state priority system and list must be designed to achieve optimum water quality management consistent with the goals and requirements of the Act..."~~

~~5. 40 CFR 35.2015(e) states: "The state's annual project priority list is an ordered listing of projects for which the state expects federal financial assistance. The priority list contains two portions: the fundable portion, consisting of those projects anticipated to be funded from funds available for obligation; and the planning portion, consisting of projects anticipated to be funded from future authorized allotments."~~

~~6. To this end, the Louisiana Department of Environmental Quality has derived the state of Louisiana construction grants priority system.~~

~~7. This system provides an orderly approach to the funding of municipal waste treatment facilities under the Clean Water Act and fulfills the requirements of the Act and the applicable federal regulations.~~

~~B. List of Stream Segments and Segment Priority Numbers~~

~~1. Most effective use of water quality management assets in achieving state and national goals requires that management emphasis be directed at the most important problem areas first. The priority of management effort is intended to give more consideration of those areas where the most significant stream standards violations occur due to municipal discharges.~~

~~2. The state of Louisiana is divided into 12 water quality management basins which exhibit distinct hydrologic characteristics. Each designated basin is divided into stream segments which exhibit common reactions to stresses, i.e., pollutants. The stream segmentation for Louisiana is contained in the state's areawide~~

water quality management plans submitted under Section 208 of the Act. The stream segment descriptions for each hydrologic basin are included as Table A-2.

3. In order to provide the basis for directing the management effort for water quality, each stream segment is ranked according to its relative pollution index. The priority ranking is determined by a mathematical formula giving weighted consideration to the most important water quality aspects of stream management severity of the pollution problem, population affected, needs and uses for which the water in the streams are classified, now and in the future. The values from each of the category classifications, from Table A-1, are multiplied together to produce the stream segment priority ranking number.

4. A list of the stream segments and their segment priority numbers for the appropriate fiscal year is included in Table A-2.

5. The stream priority list is used as the base for the later determination of the construction grants project priority ratings.

Table A-1	
Segment Priority Ranking Multipliers	
Category-Classification	Multiplier
Severity	
Water Quality Limited Segment— 3 parameters violated	3.0
Water Quality Limited Segment— 2 parameters violated	2.5

Water Quality Limited Segment— 1 parameter violated	2.0
Effluent Limited Segment— presently in violation	1.5
Effluent Limited Segment— not in violation	1.0
Population	
Major metropolitan area (SMSA)	2.0
Urban/Industrial area	1.5
Rural/Agricultural area	1.0
Needs and Uses	
Used as public water supply	3.0
Used for/or discharges into shellfish culture area	3.0
Used for water contact sports (primary)	2.0
Fish and wildlife propagation	1.5
Used for water contact sports (secondary)	1.5
Industrial water supply or other uses	1.0

Formula:

~~Severity Multiplier x Population Multiplier x
Needs and Uses Multiplier = Segment Priority
Number~~

Table A-2					
Atchafalaya River Basin (01)					
Seg. ID	Description	WQ	Criteria Number	Priority Number	Remarks
010 4	Atchafalaya River from headwaters (Barbre Landing) to Mi. 118, including tributaries and W. Atchafalaya Borrow Pit Canal, except 0103	EL	010010/20	1.5 x 1.0 x 3.0 =4.5	In violation below Simmesport Public Water Supply Source
010 3	N/S Intracoastal Waterway from Bayou Sorrel to Morgan City Main Channel	EL	010040	1.0 x 1.0 x 3.0 =3.0	Public Water Supply Source
010 5	E/W Intracoastal Waterway from Bayou Boeuf Lock to Wax Lake Outlet main channel	EL	010050	1.0 x 1.5 x 3.0 =4.5	Patterson-Berwick-Bayou Vista Urban Industrial Area-shellfish impact
010 7	Lower Atchafalaya River below Mi. 118 to mouth and including all tributaries	EL	010030	1.5 x 1.5 x 3.0 =6.75	In Violation, Morgan City Urban Industrial Area-shellfish impact

Table A-2					
Atchafalaya River Basin (01)					
0109	Wax Lake Outlet from Six Mile Lake to Atchafalaya Bay and tributaries including Intracoastal Waterway from Bayou Sale Ridge to Wax Lake Outlet	EL	010060	1.0 x 1.0 x 3.0 = 3.0	Shellfish Impact
0111	Atchafalaya Bay and adjacent coastal waters	EL	010070	1.0 x 1.0 x 3.0 = 3.0	Shellfish Impact

Barataria Bay Basin (02)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks
0204	Bayou Chevreuil and tributaries and Bayou Boeuf and tributaries including Lake Boeuf and Bayou L'Ours	EL	020010/20	1.0 x 1.5 x 2.0 = 3.0	Drains Donaldsonville Vic. Urban Industrial Area Primary Water Contact Sports
0203	Lac Des Allemands, Bayou Des Allemands, Lake Salvador, Lake Cataouatche and all related tributaries above Intracoastal Waterway	EL	020030/40/ 50/60	1.5 x 2.0 x 2.0 = 6.0	In Violation at B: Segnette, New Orleans SMSA Primary Water Contact Sports

Barataria Bay Basin (02)					
Seg. ID	Description	WQ	Criteria Number	Priority Number	Remarks
0205	E/W Intracoastal Waterway from Larose to the Mississippi River, (including the Harvey Canal)	EL	020100	1.5 x 2.0 x 2.0 =6.0	In Violation at Harvey Canal New Orleans SMSA Primary Water Contact Sports
0207	Lower Barataria Bay estuarine area (along the Intracoastal Waterway) including Bayou Rigolets, Barataria Waterway, Little Lake and Barataria Bay, related tributaries and adjacent coastal waters	EL	020070/80/90	1.0 x 1.0 x 3.0 =3.0	Shellfish Culture Area

Calcasieu River Basin (03)					
Seg. ID	Description	WQ	Criteria Number	Priority Number	Remarks
0304	Calcasieu River from headwaters to Oakdale including tributaries	EL	030010*	1.5 x 1.0 x 2.0 =3.0	In Violation of Oakdale Primary Water Contact Sports

Calcasieu River Basin (03)					
Seg. ID	Description	WQ	Criteria Number	Priority Number	Remarks
0303	Mill Creek from headwaters to Calcasieu River including all tributaries	WQ	030020	3.0 x 1.5 x 1.5 =6.75	DO, Coliform, TDS Violations Elizabeth Urban Industrial Area- Secondary Water Contact Sports
0305	Six Mile and Ten Mile Creeks from headwaters to Whiskey Chitto Creek including tributaries	EL	030040/50	1.0 x 1.0 x 2.0 =2.0	Primary Water Contact Sports
0307	Whiskey Chitto and Bundieks Creek from headwaters to Calcasieu River including tributaries	WQ	030030/60	2.5 x 1.5 x 2.0 =7.5	Coliforms and DO Violations DeRidder- Ft. Polk Urban- Industrial Area- Primary Water Contact Sports
0309	Barnes Creek and Marsh Bayou from headwaters to Calcasieu River including tributaries	EL	030070**	1.0 x 1.0 x 2.0 =2.0	Primary Water Contact Sports

Calcasieu River Basin (03)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks
0311	English Bayou and Bayou Serpent from headwaters to Calcasieu River including tributaries	EL	030080**	1.5 x 2.0 x 2.0 = 6.0	Coliforms Violations Calcasieu SMSA Primary Water Contact Sports
0313	Calcasieu River mainstem from Oakdale to Saltwater Barrier above Lake Charles	WQ	030010*	3.0 x 2.0 x 3.0 = 18.0	Coliforms, DO, TDS Violations Calcasieu SMSA Shellfish Area Tributary
0315	Calcasieu River mainstem from Saltwater Barrier to Gulf of Mexico including Lake Charles, Prien Lake, Calcasieu Lake, Calcasieu Pass, East and West Fork	WQ	030090/150	3.0 x 2.0 x 3.0 = 18.0	Coliforms, DO, Oils, T&O Violations Calcasieu SMSA Shellfish Culture

Calcasieu River Basin (03)					
Seg. ID	Description	WQ	Criteria Number	Priority Number	Remarks
0317	West Fork Calcasieu River, Beckwith Creek, and Houston River including all tributaries from headwaters to their confluence with Houston River and including Indian Bayou and tributaries	EL	030100*/11 0/ 120/130	1.0 x 2.0 x 2.0 = 4.0	Calcasieu SMSA Primary Water Contact Sports
0319	West Fork Calcasieu River from Houston River to Calcasieu River mainstem	WQ	030100*	3.0 x 2.0 x 3.0 = 18.0	DO, Coliforms, T&O, Violation Calcasieu SMSA Shellfish Impact
0321	E/W Intracoastal Waterway from Sabine River to Calcasieu Lock	EL	030160	1.0 x 1.0 x 1.5 = 1.5	Secondary Water Contact Sports
0323	Bayou D'Inde from headwaters to Calcasieu River	WQ	030140	3.0 x 2.0 x 3.0 = 18.0	DO, Coliforms, T&O, Oils, Violations- Calcasieu SMSA Shellfish Impact

Calcasieu River Basin (03)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks
0325	Lower Calcasieu River estuarine area including Black Lake, Black Bayou and Bayou Choupique, except Calcasieu Lake	EL	030170*	1.0 x 1.0 x 3.0 =3.0	Shellfish Impact
* WQ Criteria Segment included in one or more WQ Management Segment					
** Includes area(s) which did not have a specific WQ Criteria Number					

Lake Pontchartrain Basin (04)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks
0401	Comite River from Mississippi State line to the Amite River including tributaries	EL	040010	1.0 x 2.0 x 2.0 =4.0	Baton Rouge SMSA Primary Water Contact Sports

Lake Pontchartrain Basin (04)					
Seg. ID	Description	WQ	Criteria Number	Priority Number	Remarks
040 2	Bayou Manchac to confluence with Amite River, including Dawson Creek, Ward Creek, Bayou Braud and other tributaries	EL	040030	1.5 x 2.0 x 1.5 = 4.5	Presently listed as EL, but receives runoff waters from major metropolitan areas
040 3	Amite River from Mississippi State line to Lake Maurepas including all tributaries except 0402 and 0404	EL	040020	1.5 x 2.0 x 2.0 = 6.0	Baton Rouge-Denham Springs industrial area-Primary Water Contact Sports, frequent DO Violations
040 4	Bayou Conway, Bayou Black, and Blind River and related tributaries to Lake Maurepas	EL	040040	1.5 x 1.5 x 2.0 = 4.5	Primary Water Contact Sports-Blind River Scenic Stream
040 5	Tickfaw River from Mississippi State line to Lake Maurepas including Pontchatoula River, Natalbany River and all other tributaries	EL	040050/60	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports

Lake Pontchartrain Basin (04)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks
0407	Lake Maurepas and tributaries including Pass Manchac	EL	040070/80	1.0 x 1.0 x 2.0 =2.0	Primary Water Contact Sports
0409	Tangipahoa River from the Mississippi State line to Lake Pontchartrain including all tributaries	EL	040090/100	1.0 x 1.0 x 2.0 =2.0	Primary Water Contact Sports
0411	Tehefuncte River from headwaters to Lake Pontchartrain including Bogue Falaya River and all other tributaries	EL	0400110/120	1.0 x 1.0 x 2.0 =2.0	Primary Water Contact Sports
0413	Bayou Lacombe from headwaters to Lake Pontchartrain including tributaries and related watershed	EL	040130	1.0 x 1.5 x 1.5 =2.25	Lacombe Vic. Urban- Industrial Area Secondary Water Contact Sports

Lake Pontchartrain Basin (04)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks
0415	Bayou Bonfouca from headwaters to Lake Pontchartrain including tributaries	EL	040140	1.0 x 1.5 x 1.5 = 2.25	Slidell Vic. Urban-Industrial Area Secondary Water Contact Sports
0417	Lake Pontchartrain including minor tributaries: Bayou Castine, Chinchuba, and Cane	WQ	040150/160	2.0 x 2.0 x 3.0 = 12.0	Coliforms and DO Violations New Orleans SMSA Shellfish Culture
0419	Lake Catherine, Rigolets and Chef Menteur and ancillary water bodies including Intracoastal Waterway from Chef Menteur Pass to Rigolets Pass	EL	040180/190	1.5 x 2.0 x 3.0 = 9.0	Coliforms in Violation New Orleans SMSA Shellfish Culture
0421	Inner Harbor Navigation Canal from Mississippi River to Lake Pontchartrain	WQ	040170	2.0 x 2.0 x 1.5 = 6.0	Coliforms in Violation New Orleans SMSA Secondary Water Contact Sports

Lake Pontchartrain Basin (04)					
Seg. ID	Description	WQ	Criteria Number	Priority Number	Remarks
0423	E/W Intracoastal Waterway from Inner Harbor Navigation Canal to Chef Menteur Pass	WQ	040200	2.0 x 2.0 x 3.0 =12.0	Coliforms in Violation New Orleans SMSA Shellfish Culture
0425	Mississippi Gulf Outlet from Intracoastal Waterway to Breton Sound and tributaries including Bayou Bienvenue and Bayou Dupre	WQ	040210	2.0 x 2.0 x 3.0 =12.0	Coliforms in Violation New Orleans SMSA Shellfish Culture
0427	Coastal waters of Pontchartrain Basin including Lake Borne, Mississippi Sound, and numerous lakes and embayments in the coastal marshes of St. Bernard Parish	EL	040220/290	1.0 x 2.0 x 3.0 =6.0	New Orleans SMSA Shellfish Culture

Mermentau-Vermilion-Teche Basin (05)					
Seg. ID	Description	WQ	Criteria Number	Priority Number	Remarks

Mermentau-Vermilion-Teche Basin (05)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks
050 1	Bayous Nezpique, Des Cannes, and Mallett from headwaters to confluence at Mermentau River including all tributaries	EL	050010/20/ 30	1.5 x 1.0 x 2.0 =3.0	Coliform Violation Primary Water Contact Sports
050 3	Bayou Plaquemine Brule from headwaters to confluence with Mermentau River including all tributaries	EL	050020/40	1.5 x 1.0 x 2.0 =3.0	Excessive DO and Nitrogen Violations- Primary Water Contact Sports
050 4	Bayou Queue de Tortue from headwaters to confluence with Mermentau River	EL	050050	1.5 x 1.0 x 2.0 =3.0	Excessive DO Violations Primary Water Contact Sports
050 5	Mermentau River from Mermentau, Louisiana, to Grand Lake including Lake Arthur and tributaries	EL	050060	1.0 x 1.5 x 2.0 =3.0	Lake Arthur Jennings Urban Industrial Area- Primary Water Contact Sports

Mermentau-Vermilion-Teche Basin (05)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks
0507	Lacassine Bayou from headwaters to Grand Lake and tributaries including Lake Misere, Bayou Misere and E/W Intracoastal Waterway, west of the Mermentau River	EL	050070/260 *	1.0 x 1.0 x 2.0 =2.0	Primary Water Contact Sports
0509	Grand Lake and White Lake, including Old Intracoastal Waterway west of Schooner Bayou Control Structures, Intracoastal Waterway between Vermilion Lake and Mermentau River; and tributaries	EL	050080	1.0 x 1.0 x 2.0 =2.0	Primary Water Contact Sports
0511	Coastal Waters south of Hwy. 82 from Belle Isle Canal to Mermentau River	EL	050100/110 **	1.0 x 1.0 x 3.0 =3.0	Shellfish Culture

Mermentau-Vermilion-Teche Basin (05)					
Seg. ID	Description	WQ	Criteria Number	Priority Number	Remarks
0513	Mermentau River below Catfish Point Control Structures (Grand Isle) including Upper and Lower Mud Lake and tributaries	EL	050090	1.0 x 1.0 x 3.0 =3.0	Shellfish Culture
0515	Vermilion River from headwaters to I-10 bridges above Lafayette, Louisiana, including all tributaries	EL	050120*	1.5 x 1.5 x 2.0 =4.5	Coliform Violation Opelousas Urban-Industrial Area
0517	Vermilion River mainstream from I-10 bridges to Intracoastal Waterway	WQ	050120*	2.5 x 2.0 x 2.0 =10.0	Coliform and DO Violations Lafayette SMSA Primary Water Contact Sports
0519	Vermilion River tributaries within the reach from I-10 bridges to Intracoastal Waterway	EL	050120*	1.5 x 1.5 x 2.0 =4.5	Bacteria Violations Lafayette Urban-Industrial Area-Primary Water Contact Sports

Mermentau-Vermilion-Teche Basin (05)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks
052 4	Vermilion Bay estuarine area including E/W Intracoastal Waterway, Charenton Canal, Cote Blanche Bay and related tributaries from Vermilion River Sale Bridge and adjacent coastal waters	EL	05130- 150/222/23 0-260*	1.0 x 1.0 x 3.0 =3.0	Shellfish Culture
052 3	Cocodrie Lake and tributaries including Spring Creek and upper Cocodrie Bayou	EL	050160/170	1.0 x 1.0 x 2.0 =2.0	Primary Water Contact Sports
052 5	Headwaters of Bayou Teche to Southern Pacific Railroad Bridge at Breaux Bridge including Cocodrie, Bayou, Bayou Boeuf, Bayou Courtableau, Darbonne Bayou and all other tributaries	EL	050181/190 */200	1.0 x 1.5 x 3.0 =4.5	Breaux Bridge, St. Martinville, Urban-Industrial Area Public Water Supply Source Downstream

Mermentau-Vermilion-Teche Basin (05)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks
052 7	Bayou Teche from Southern Pacific Railroad Bridge at Breaux Bridge to Keystone Lock and Dam	W Q	050190*	2.5 x 1.5 x 3.0 =11.25	St. Martinville Urban-Industrial Area- Coliform, DO Violations Public Water Supply Source
052 9	Bayou Teche from Keystone Lock and Dam to Charenton Drainage Canal	W Q	050120	2.5 x 1.5 x 3.0 =11.25	New Iberia Urban-Industrial Area- Coliforms and DO Violations Public Water Supply Source
053 1	Bayou Teche from Charenton Drainage Canal to Wax Lake Outlet	EL	050220	1.0 x 1.5 x 3.0 =4.5	Baldwin-Franklin Urban-Industrial Area- Public Water Supply Source
053 3	Loreauville Canal, Lake Fausse Point, Charenton Canal and related tributaries	EL	050211/221	1.5 x 1.0 x 2.0 =3.0	Bacteria Violations- Primary Water Contact Sports
* WQ Criteria Segment included in one or more WQ Management Segment					
** Includes area(s) which did not have a specific WQ Criteria Number					

Mississippi River above Old River (06)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks
060 0	Mississippi River from Arkansas State Line to Old River Control Structure	EL	060010	1.0 x 1.5 x 1.5 = 2.25	Vicksburg-Natchez-Vidalia Urban-Industrial Area Secondary Water Contact Sports

Mississippi River below Old River (07)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks
070 1	Mississippi River from Old River Control Structure to Huey P. Long Bridge above New Orleans	W Q	070020/30	2.0 x 2.0 x 3.0 = 12.0	Taste and Odor Violation Baton Rouge and New Orleans SMSA Public Water Supply Source

Mississippi River below Old River (07)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks
070 3	Bayou Sara and Thompson Creek from Mississippi State Line to Mississippi River and related tributaries	EL	070040/50	1.5 x 1.5 x 2.0 = 4.5	Coliform Violations St. Francisville Urban-Industrial Area- Primary Water Contact Sports
070 5	Mississippi River from Huey P. Long Bridge to Head of Passes	WQ	070060	2.5 x 2.0 x 3.0 = 15.0	Coliforms and Taste and Odor Violations- New Orleans SMSA- Water Supply and Shellfish Impact
070 7	Mississippi River from Head of Passes to Mouth of Passes	EL	070070	1.5 x 1.0 x 3.0 = 4.5	Coliform Violations Shellfish Impact
070 9	Mississippi River adjacent estuarine area and coastal waters	EL	070080/150	1.5 x 1.5 x 3.0 = 6.75	Coliform Violations Belle Chasse, Buras, Empire, Venice Urban- Industrial Area

Ouachita River Basin (08)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks

Ouachita River Basin (08)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks
080 1	Ouachita River mainstem from Arkansas State Line to Columbia Lock	W Q	080010	2.5 x 2.0 x 3.0 =15.0	DO, Chlorides Violations Monroe SMSA Monroe Water Supply Source
080 3	Bayou Bartholomew from Arkansas State Line to Ouachita River including all tributaries and also including eastern tributaries to the mainstem of the Ouachita River above the confluence of Bayou Bartholomew	EL	080020**	1.5 x 1.5 x 3.0 =6.75	In Violation, Bastrop Urban Industrial Area Public Water Supply Source
080 5	Bayou L'Outre from Arkansas State Line to Ouachita River including all tributaries	W Q	080030	2.0 x 2.0 x 1.5 =6.0	Chlorides in Violation Monroe SMSA- Secondary Water Contact Sports
080 7	Western tributaries to the mainstem of the Ouachita River above the confluence of the Bayou L'Outre	EL	**	1.0 x 1.0 x 2.0 =2.0	Primary Water Contact Sports

Ouachita River Basin (08)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks
0809	Bayou D'Arbonne from headwaters to the Ouachita River including Cypress Creek, Corney Bayou, Lake D'Arbonne and other tributaries	EL	080040/50/60/70	1.5 x 2.0 x 2.0 =6.0	Bacteria Violations Monroe SMSA- Primary Water Contact Sports
0811	Bayou deSiard, origin to mouth and related watershed	EL	080080	1.0 x 2.0 x 2.0 =4.0	Monroe SMSA- Primary Water Contact Sports
0813	Ouachita River mainstem from Columbia to Jonesville, Louisiana, also including Rawson Creek and B. Louis and tributaries	EL	080090/150	1.0 x 1.5 x 3.0 =4.5	Columbia-Jonesville Urban-Industrial Area- Public Water Supply Source
0815	Boeuf River from Arkansas State Line to Ouachita River including Big Creek, Bayou Bonne Idee, Turkey Creek and other tributaries	EL	080100/110/120/140	1.0 x 1.0 x 2.0 =2.0	Primary Water Contact Sports

Ouachita River Basin (08)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks
0817	Bayou Lafourche from origin to Ouachita River including tributaries	EL	080130	1.0 x 2.0 x 1.5 =3.0	Monroe-SMSA- Secondary Water Contact Sports
0819	Tensas River from Arkansas State Line to Jonesville including all tributaries and Joe's Bayou (distributary)	EL	080160- 200/220	1.0 x 1.0 x 2.0 =2.0	Secondary Water Contact Sports
0821	Bayou Macon from Arkansas State Line to Tensas River including tributaries	EL	080210	1.5 x 1.0 x 2.0 =3.0	Coliforms Violations- Primary Water Contact Sports
0823	Dugdemona River from headwaters to Little River including all tributaries	EL	080240	1.5 x 1.0 x 1.5 =2.25	Coliforms Violations Secondary Water Contact Sports
0824	Cheniere Creek and related tributaries including Cheniere Brake, Wiolders Creek, and Rogers Creek	EL	080010	1.0 x 1.0 x 2.0 =2.0	Primary Water Contact Sports

Ouachita River Basin (08)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks
0825	Bayou Castor from headwaters to Little River including Chatham Lake and all tributaries	EL	080250/260/270	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports
0827	Little River from origin to Ouachita River including Fish Creek, Trout Creek, Big Creek, Old River, Catahoula Lake and all other tributaries	EL	080230/280-330	1.5 x 1.0 x 3.0 = 4.5	Chlorides Violations- Public Water Supply Source
0829	Black River mainstem from origin to Red River	EL	080290/300	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports
** Includes area(s) which did not have a specific WQ Criteria Number					

Pearl River Basin (09)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks
0901	Pearl River from Mississippi State Line to I-10 bridges (includes West Pearl and West Middle Pearl) and tributaries	EL	090010	1.5 x 1.0 x 2.0 = 3.0	Bacteria Violations- Primary Water Contact Sports

Pearl River Basin (09)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks
0903	Pushapatapa Creek from headwaters to Pearl River including all tributaries	EL	090020/30	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports
0905	Bogue Lusa Creek from headwaters to Pearl River including all tributaries	EL	090040/50	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports
0907	Bogue Chitto River from Mississippi State Line to Pearl River including all tributaries	EL	090060	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports
0909	Pearl River from I 10 bridges to Lake Borne including all related watershed	EL	090070	1.0 x 1.5 x 2.0 = 3.0	Pearl River-Picayune Urban Industrial Area- Primary Water Contact Sports

Red River Basin (10)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks

Red River Basin (10)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks
100 1	Red River from Arkansas State Line to U.S. Hwy. 165 at Alexandria, Louisiana	EL	100010*	1.5 x 2.0 x 3.0 = 9.0	Bacteria Violation Shreveport SMSA- Public Water Supply Source
100 3	Red River from U.S. Hwy. 165 at Alexandria, Louisiana to Head of Atchafalaya River	EL	100010*	1.5 x 2.0 x 2.0 = 6.0	Bacteria Violation Alexandria SMSA- Primary Water Contact Sports
100 5	Twelve Mile Bayou from origin to Red River including Black Bayou, Kelly Bayou, Caddo Lake and James Bayou	EL	100020-60/80	1.5 x 2.0 x 3.0 = 9.0	Bacteria Violation Shreveport SMSA- Public Water Supply Source
100 7	Cross Lake and tributaries	EL	100070	1.0 x 2.0 x 3.0 = 6.0	Shreveport SMSA- Water Supply Reservoir
100 9	Red Chute and Bodeau Bayous from Arkansas State Line to Loggy Bayou and tributaries	EL	100130/140	1.0 x 2.0 x 1.5 = 3.0	Shreveport SMSA- Secondary Water Contact Sports

Red River Basin (10)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks
1011	Bayou Dorchest and Loggy Bayou including Lake Bistineau and tributaries	EL	100090/120	1.5 x 1.5 x 1.5 = 3.375	DO Violation Minden-Cotton Valley-Springhill Urban-Industrial Area-Secondary Water Contact Sports
1013	Bayou Pierre from headwaters to Red River including Boggy Bayou and Wallace Lake and all other tributaries	EL	100150	1.5 x 2.0 x 1.5 = 4.5	DO Violation-Shreveport SMSA-Secondary Water Contact Sports
1015	Black Lake Bayou and tributaries from headwaters to Saline Bayou including Black and Clear Lakes	EL	100180	1.0 x 1.5 x 2.0 = 3.0	Primary Water Contact Sports-Black Lake Bayou Scenic Stream
1016	Saline Bayou from headwaters to Red River including Saline Lake	EL	100170	1.5 x 1.5 x 2.0 = 4.5	Frequent DO Violations-Saline Bayou Scenic Stream
1017	Bayou Nantaches from headwaters to Red River including tributaries	EL	100200	1.5 x 1.0 x 2.0 = 3.0	Bacteria Violations Primary Water Contact Sports

Red River Basin (10)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks
1019	Rigolets Bayou from headwaters to Red River including Lake Iatt and tributaries	EL	100220	1.5 x 1.0 x 1.5 = 2.25	Bacteria Violations Fish and Wildlife Propagation
1024	Sibley Lake and tributaries	EL	100210*	1.5 x 1.5 x 2.0 = 4.5	Bacteria Violations Natchitoches Urban- Industrial Area- Primary Water Contact Sports
1023	Cane River from Sibley Lake to Red River including Kisatchie Bayou and all tributaries and Bayou Jean de Jean from headwaters to Red River including Cotile Reservoir and all tributaries	EL	100210*/240/ 250	1.0 x 2.0 x 2.0 = 4.0	Alexandria SMSA- Primary Water Contact Sports
1025	Big Larto Bayou and tributaries including Larto Lake, Saline Bayou, Saline Lake and Big Creek	EL	100260/270/2 80	1.5 x 1.0 x 1.5 = 2.25	Bacteria Violations Secondary Water Contact Sports

Red River Basin (10)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks
1027	Bayou Cocodrie from origin to Red River at Acme Control Outlet including Cocodrie Lake, Dismal Swamp and all related watershed	EL	100310/330	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports
* WQ Criteria Segment included in one or more WQ Management Segment					

Sabine River Basin (11)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks
1101	Bayou Castor from headwaters to mouth	WQ	**	2.5 x 1.0 x 3.0 = 7.5	Bacteria and DO Violations Public Water Supply Source
1103	Toledo Bend Reservoir and tributaries from Texas State Line to Toledo Bend Dam, except 1101	EL	110010	1.5 x 1.0 x 3.0 = 4.5	Bacteria Violations- Public Water Supply Source

Sabine River Basin (11)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks
1105	Sabine River from Toledo Bend Dam to Sabine River Authority of Texas Pump Station near Merryville including tributaries except 1107, 1109 and 1111	W Q	110020	2.0 x 1.0 x 2.0 = 4.0	Oxygen Violations- Primary Water Contact Sports
1107	Bayou Toro from headwaters to Sabine River below Toledo Bend Dam including all tributaries	EL	110030	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports
1109	Anacoco Creek from headwaters to confluence with Cypress Creek including all tributaries	EL	11040/50*	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports
1111	Anacoco Creek mainstem from Cypress Creek to Sabine River	W Q	110050	2.5 x 1.0 x 2.0 = 5.0	Oxygen and Bacteria Violations Primary Water Contact Sports
1113	Sabine River from Sabine River Authority of Texas Pump Station to Morgan's Bluff and all related tributaries	EL	110060	1.0 x 1.0 x 1.5 = 1.5	Fish and Wildlife Propagation

Sabine River Basin (11)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks
1115	Sabine River from Morgan's Bluff to Gulf of Mexico and all tributaries and adjacent coastal waters	EL	110070-100	1.0 x 1.0 x 3.0 = 3.0	Shellfish Culture
* WQ Criteria Segment included in one or more WQ Management Segment					
** Includes area(s) which did not have a specific WQ Criteria Number					

Terrebonne Basin (12)					
Seg. ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks
1201	Lower Grand River watershed from headwaters to Bayou Sorrell Lock including Bayou Grosse Tete and False River Lake and other tributaries	EL	120090/110/1 20/140	1.0 x 1.5 x 2.0 = 3.0	Port Allen-North Plaquemines Urban-Industrial Area- Primary Water Contact Sports

Terrebonne Basin (12)					
Se g. ID	Description	W Q	WQ Criteria Number	Priority Number	Remarks
12 03	Terrebonne Basin above Bayou Black Ridge and Little Bayou Black Ridge including Grand River, Belle River, Lake Verret, Lake Palourde, and Lake Bayou Black and tributaries	EL	120010/20/30 /100/150	1.5 x 2.0 x 3.0 = 9.0	Bacteria Violations Houma-Thibodaux SMSA Public Water Supply Source
12 05	Terrebonne Basin above Bayou Blue Ridge including E/W Intracoastal Waterway from Houma to Larose, Bayou Blue, Bayou Grand Coteau and tributaries	EL	120040*/60*	1.5 x 2.0 x 3.0 = 9.0	Bacteria Violations Houma-Thibodaux SMSA Shellfish Culture
12 07	Bayou Lafourche from Donaldsonville to Larose	EL	120280	1.0 x 2.0 x 3.0 = 6.0	Houma-Thibodaux SMSA Public Water Supply Source

Terrebonne Basin (12)					
Se g. ID	Description	W Q	WQ Criteria Number	Priority Number	Remarks
12 09	West Terrebonne coastal zone south and west of Bayou Black Ridge and Bayou du Large Ridge including E/W Intracoastal Waterway from Bayou Boeuf to Houma, Lake de Cade, Lake Merchant, Bayou Junop and adjacent coastal waters	EL	120040*/50/1 90	1.0 x 1.0 x 3.0 = 3.0	Shellfish Culture
121 1	Middle Terrebonne coastal zone between Bayou du Large Ridge and Bayou Terrebonne Ridge including Bayou Grand Caillou, Houma Navigation Canal, Bayou Petit Caillou and Bayou Terrebonne and Lake Pelto and adjacent coastal waters except	EL	120060* 80/160- 180/230/240	1.5 x 2.0 x 3.0 = 9.0	Bacteria Violations Houma-Thibodaux SMSA Shellfish Culture
1213					

Terrebonne Basin (12)					
Segment ID	Description	WQ	WQ Criteria Number	Priority Number	Remarks
12 13	Estuarine area south of Lake Boudreaux bounded by Houma Navigation Canal, Bay Long, Bay Lucien and Bayou Terrebonne	W Q	**	2.5 x 2.0 x 3.0 = 15.0	Bacteria and DO Violations Houma- Thibodaux SMSA Shellfish Culture
12 15	East Terrebonne coastal zone between Bayou Blue Ridge and Bayou Lafourche Ridge including Bayou Barre, Lake Barre, Bayou Jean LaCroix, Lake Felicity and Bayou Blue, Lake Racourci, and Timbalier Bay adjacent coastal waters	EL	120250-290	1.0 x 1.0 x 3.0 = 3.0	Shellfish Culture
* WQ Criteria Segment included in one or more WQ Management Segment					
** Includes area(s) which did not have a specific WQ Criteria Number					

~~C. Municipal List by Priority Rank~~

~~1. In conjunction with the ranking of the stream segments of the state of Louisiana in priority order to facilitate the direction of management emphasis, each municipality that has requested consideration for federal funding is ranked as to its propensity to pollute. This ranking of municipalities forms an important water quality management tool.~~

~~2. The priority number for each municipality considered is composed of three factors, the stream segment priority number, the municipality adjustment factor and the population adjustment factor. These three factors are added together to form the project priority number.~~

~~3. The municipality adjustment factor is based on the contribution to the pollution load of the stream segment by the specific discharge and the existing condition of the facilities relating to the discharges. Appropriate values from each of the category classifications in Table B-1 are multiplied together to produce the municipality adjustment factor.~~

~~4. The population adjustment factor is the latest decennial Census population of the municipality or sewerage district (estimated) $\times 10^{-6}$.~~

~~5. It is expected that many municipalities having specific priority numbers, and contemplating individual projects, will join into multi-municipal projects as the result of the areawide or regional approach to waste management problems. Where several such municipalities join together in a single project, the priority number of the joint project shall be the same as that of the participating municipality with the highest priority number and shall be adjusted for the resultant increase in population. These joint approaches to waste treatment problems shall be designated as "projects" on the priority list.~~

6. ~~The priority number for a municipality may be re-evaluated and adjusted whenever new information is made available. Such information may result from facilities planning, water quality analysis, etc.~~

7. ~~Any municipality that believes that its priority number was calculated erroneously, or that the situation used as the basis for calculating its priority number has undergone a significant change not avoidable or correctable by the municipality, may request that its priority number be recalculated. Any such requests should include the reasons that the municipality believes the priority number to be in error.~~

Table B-1	
Municipality Adjustment Factor	
Category-Classification	Multiplier
Contribution	
An independent cause of WQ Criteria violation	3
Contributes or could be contributing to an existing criteria violation	2
No existing WQ violation	1
Facility	
Existing discharge/with no treatment	5
Up grade inadequate treatment facilities	4

Table B-1	
Municipality Adjustment Factor	
Excessive infiltration bypass problems	3
New Collection and disposal facility required	2
Adequate treatment extend collection lines	1
Has secondary or best practicable treatment (BPT) or increased volume only	
<p>Formula:</p> $\frac{\text{Contribution Multiplier} \times \text{Facility Multiplier}}{\text{Municipality Adjustment Factor} \times \text{Municipality Project Number} + \text{Stream Segment Priority Number} + \text{Municipality Adjustment Factor} + \text{Population Adjustment Factor}} =$	

D. Construction Grants Priority List and Project Priority List

1. Upon receipt of a request by the authorized representative of a municipality, the proposed project is placed on the construction grants priority list. Projects normally proceed in three steps: Step 1 facility planning, Step 2 design and Step 3 construction. The Clean Water Act allows grants only for Step 3, or for Step 2 + 3 where regulations allow for a combined Step 2 and Step 3 grant. Only proposed Step 3 and 2 + 3 grants will be listed on the Priority List; however, the amount shown may include an estimated amount for reimbursement for

~~eligible planning and design for those projects that have not previously received federal funds for such work. Subject to EPA requirements, multiple Step 3's may be assigned to a large project, based on a request by the grantee, on a comparison of project cost and funds available, or on other factors that may require delayed funding for portions of a project. The priority list is used in establishing priority for the funding of sewage treatment works under the Clean Water Act.~~

~~2. Request for inclusion on the construction grants priority list must include the following information:~~

~~a. project name;~~

~~b. _____ name and address of authorized representative;~~

~~c. description of the proposed treatment works;~~

~~d. population to be served;~~

~~e. federal grant amount;~~

~~f. the best estimated total grant eligible cost for the following categories:~~

~~_____ i. _____ secondary treatment;~~

~~_____ ii. _____ more stringent treatment;~~

~~_____ iii. _____ new interceptors;~~

~~_____ iv. _____ innovative technology;~~

~~_____ v. _____ alternative technology;~~

~~g. _____ U.S. congressional district;~~

~~h. _____ map of proposed planning area;~~

~~i. consulting engineer.~~

~~3.—It is the responsibility of each authorized project representative to maintain current and accurate information for his/her project, and to submit any revised or updated project information to the Office of Environmental Services each year for use in preparing the project priority list. Only project information received by April 1 will be considered for inclusion on the next fiscal year's project priority list.~~

~~4.—The grant amount shown on the list will be the expected share of those items of work that are eligible for federal participation. Eligibility of specific items and the federal share of any eligible work will be based on the latest federal requirements in effect at the time the list is prepared. Should these requirements be changed subsequent to preparation of the list, all projects on the list will be adjusted as required. The monetary amount of each item will be based on the latest information supplied by the grantee in accordance with LAC 33:IX.2123.D.2. The governor of the state of Louisiana may, at his discretion, reduce the federal share uniformly for all grants awarded subsequent to his action in order to more effectively utilize the limited funds available.~~

~~5.a. The state of Louisiana construction grants project priority list is divided into two portions:~~

~~i. — the fundable portion; and~~

~~ii. — the planning portion.~~

~~b.i. — The fundable portion includes those project steps expected to be awarded federal assistance grants during the fiscal year of the list.~~

~~ii. — The planning portion includes those project steps expected under anticipated federal allotments to receive funding during the next four fiscal years after the fiscal year of the list.~~

~~6.—The construction grants project priority list is prepared by considering projects in several categories for funding. All projects in a high priority category will be funded before any projects in a lower priority category are funded. Within each category projects will be considered for funding in order of the priority ranking of the individual project. The several categories that are considered are as follows:~~

~~a. projects required to modify or replace innovative and alternative projects in accordance with provisions of 40 CFR 35.2032(e);~~

~~b. projects or portions of projects which qualify as innovative or alternative technology, as long as the reserve for innovative/alternative technology grant increases has not been exhausted. The decision of which projects or portions of projects qualify for inclusion in this category of funding will be made by the department in accordance with the latest guidelines and policy promulgated by the Environmental Protection Agency;~~

~~c. projects which are required for completion of an ongoing project that has already received Step 3 funding and that will not result in an operable treatment system without the additional funds. To qualify as an ongoing project, the work for which additional funds are required must be specifically identified within the scope of work for the project for which Step 3 or 2 + 3 grant assistance was previously awarded. This scope of work will be established when the original Step 3 or 2 + 3 grant application is reviewed by the department;~~

~~d. all other projects that do not meet either of the above conditions.~~

~~7. The limit of federal assistance funds for the list shall be determined by the appropriated funds less the reserves as provided for in Subsection E of this Section.~~

~~8. The state of Louisiana construction grants project priority list hearing, during which the department will present, for public comment and discussion, the next year's project priority list, will be held annually. This public hearing is to be held as soon after preparation of the list as possible, preferably, during the first full week in June, at a date, time, and place determined by the department. The public hearing will be advertised in accord with the provisions of 40 CFR Part 25.~~

~~9. The state of Louisiana construction grants project priority list will be made available for inspection not less than 30 days prior to the scheduled public hearing. It is the responsibility of each grantee to examine all the information listed for his/her project for accuracy. Any errors or omissions should be reported to the department~~

~~prior to the public hearing. Applications for grant assistance which deviate substantially from the proposed grant contained on the list might not be processed.~~

~~10. A project may be moved from the fundable portion of the list to the planning portion (bypassed) if it is determined that the project will not be ready to proceed during the funding year.~~

~~11. If cash flow of the program permits, either through project bypasses or the release of additional federal assistance funds, or if for any other reason it is determined by the department that additional federal funds are available for encumbrance, projects from the planning portion of the list which are ready for funding and which have completed the priority list public participation requirements will be advanced to the fundable portion of the list. Individual projects will be advanced, in accordance with provisions of LAC 33:IX.2123.D.6 until the available federal funding is consumed.~~

~~12. If insufficient projects meeting the criteria of LAC 33:IX.2123.C.11 for advancement from the planning to the fundable portion of the list are available to consume the additional federal funds, the department may conduct a public hearing on a revised list containing projects which have not met priority list public hearing requirements.~~

~~13. The project priority list will be submitted to the U.S. Environmental Protection Agency for their review and acceptance as soon as possible after the public hearing held pursuant to the list.~~

~~14. A pre application conference will be held for each applicant.~~

~~a. The conference will be held jointly between:~~

~~i. — the authorized representative of the municipality;~~

~~ii. — the consultant representing the municipality; and~~

~~iii. — representatives of the department.~~

~~b. — There cannot be dual representation by any parties.~~

~~15. This conference is held for the purpose of distributing the appropriate U.S. Environmental Protection Agency's application forms and regulations and to discuss with each prospective applicant the procedures, regulations, and responsibilities under the construction grants program.~~

~~16. The department will schedule pre application conferences at times and places most suitable to all parties. Every effort will be made to hold the pre application conferences as soon as all prerequisite work has been completed and the project is on the fundable portion of the current fiscal year's project priority list.~~

~~17. Prospective applicants for municipal construction grants who do not complete and return the application forms to the department for the EPA grant within 90 calendar days of their pre application conference lose their eligibility for these federal assistance funds as determined by the applicable fiscal year's priority system.~~

~~18. Those application forms returned to prospective applicants due to incompleteness must be finalized and returned to the department within 30 days of the receipt of the returned application, or the project shall lose the eligibility for the federal assistance funds as determined by the applicable fiscal year's priority system.~~

~~19. "Loss of eligibility" as used in these paragraphs is the loss of position on the state of Louisiana construction grants priority list for the current fiscal year. Projects which lose eligibility for funds under the previous paragraphs will be considered on the next revision to the construction grants priority list.~~

~~20. Those projects that have already received federal assistance for Step 1 or Step 2 work must complete and submit the required grant documents to the Office of Environmental Services within the time period allotted. Failure to submit the required documents or a request for a time extension by the scheduled project completion date may result in the removal of the project from the fundable portion of the project priority list.~~

~~21. Those projects which have not received federal assistance for Step 1 or Step 2 work may be required to complete this work prior to award of a Step 2 or 2 + 3 grant. In such cases the prospective grantee must submit an expected completion date for Step 1 and Step 2 work and an anticipated amount that will be eligible for reimbursement at the time of Step 3 or 2 + 3 grant award. This information is to be used for planning purposes~~

~~only. No grant for Step 3 or 2 + 3 work will be placed on the fundable portion of the project priority list for any municipality that is performing Step 1 and 2 work without a grant award until evidence of substantial completion of Step 1 or 2 work (i.e., submission of the facility plan and/or plans and specifications) has been provided.~~

~~22.a. After the award of a construction assistance grant a change of scope, such as the addition of new construction items, will not be grant eligible unless:~~

- ~~i. the change of scope involves the development of a pretreatment program; or~~
- ~~ii. the change of scope involves tasks for start up services, or engineering performance; or~~
- ~~iii. the change of scope is necessary to result in an operable treatment works due to an oversight and not to replace faulty construction or equipment already funded; or~~
- ~~iv. the change of scope is necessary due to changes in federal or state requirements.~~

~~b. All other changes in scope must be evaluated in a facility plan and placed on the project priority list for ranking.~~

~~23. Projects which are eligible for participation in the municipal facilities revolving loan fund, but not the construction grants program, will also be placed on the construction grants priority list and identified as eligible for loan participation only. Projects which are eligible for participation in the revolving loan fund program may be added to the construction grants priority list at any time during the funding year.~~

~~E. Reserves Related to the Priority List. In accordance with the provisions of 40 CFR 35.2020 the following reserves are allowed or required.~~

~~1. Reserves for State Management Assistance Grants~~

~~a. Each state may request that the regional administrator reserve, from the state's annual allotment, up to 4 percent of the state's allotment based on the amount authorized to be appropriated or \$400,000, whichever is~~

~~greater, for state management assistance grants under 40 CFR Part 35, Subpart A. Grants may be made from these funds to cover the costs of administering activities delegated or scheduled to be delegated to the state. Funds reserved for this purpose that are obligated by the end of the allotment period will be added to the amounts last allotted to the state. These funds shall be immediately available for obligation to projects in the same manner and to the same extent as the last allotment.~~

~~b.——— This reserve is optional and will be implemented as necessary to provide funds for state management of the construction grants program.~~

~~2. Reserve for Innovative and Alternative Technology Project Grant Increase~~

~~a. Each state shall reserve not less than 4 percent nor more than 7 1/2 percent from its annual allotment to increase the federal share of grant awards by an amount of 20 percent of the eligible cost, not to exceed 85 percent of the eligible cost of construction projects under 40 CFR 35.2032 for projects which use innovative or alternative wastewater treatment processes and techniques. Of this amount not less than 1/2 of 1 percent of the state's allotment shall be set aside to increase the federal grant share for projects utilizing innovative processes and techniques.~~

~~b.——— This reserve is mandatory. To avoid loss of funds, projects that qualify as "innovative" or "alternative" technology will be placed on the fundable portion of the project priority list, ahead of other projects in accordance with provisions of LAC 33:IX.2123.D.6. These funds will be assigned first to projects which qualify for funding from the reserve for alternative systems for small communities then to other projects using innovative or alternative technology.~~

~~3. Reserve for Grant Increases~~

~~a. The state shall set aside a portion of the total funds available during the priority list year for grant increases for projects which have been awarded assistance and which need additional funds to complete. No grant increase will be made using these reserve funds that is in excess of 25 percent of the original grant amount~~

~~or \$250,000, whichever is less; nor will two or more increases to the same grant be awarded in one fiscal year that would constitute a total increase larger than these amounts must be included on the fundable portion of the project priority list and will be subject to provisions of Subsection D of this Section.~~

~~b.——— This reserve is optional and will be implemented to the extent that the state deems necessary to provide for anticipated increases for previously funded projects.~~

~~4. Reserve for Advances of Allowance~~

~~a. Each state shall reserve a reasonable portion of its annual allotment, not to exceed 10 percent for advances of allowance under 40 CFR 35.2025. The regional administrator may waive this reserve requirement where a state can demonstrate that such a reserve is not necessary because no new facilities planning or design work requiring an advance and resulting in Step 3 grant awards is expected to begin during the period of availability of the annual allotment.~~

~~b.——— Only projects that meet all of the following criteria may receive advance funding from this reserve fund:~~

~~i.——— The construction portion of the project must appear within the five year planning portion of the priority list.~~

~~ii.——— The advance is to perform facility planning (Step 1) or design (Step 2) work that has not been previously funded.~~

~~iii.——— If the advance is intended for design work (Step 2), the project does not meet the eligibility requirements for a Step 2 + 3 grant.~~

~~iv.——— The applicant is a small community.~~

~~e. Should such an advance be made, and the potential grant applicant, for any reason, does not obtain a grant for construction within a period of five years, the state may seek repayment under Section 3 of PL-97-117.~~

~~d. — This reserve is mandatory.~~

~~5. Reserve for Alternative System for Small Communities~~

~~a. Each state with 25 percent or more rural population (as determined by population estimates of the Bureau of Census) shall reserve 4 percent of the state's annual allotment, for alternatives to conventional treatment works for small communities. The governor of any nonrural state may reserve up to 4 percent of the state's allotment for the same purpose.~~

~~b. — This reserve is mandatory.~~

~~6. Reserve for Water Quality Management~~

~~a. The state shall set aside from each allotment for each fiscal year an amount not to exceed 1 percent of the allotted amount or \$100,000, whichever amount is the greater. Such sums shall be used to make grants to the states to carry out water quality management planning authorized under Section 205(j) of the Act.~~

~~b. — This reserve is mandatory.~~

~~7. Reserve for Nonpoint Source Pollution Management~~

~~a. Each state shall reserve the greater of \$100,000 or 1 percent of its annual allotment. The state is required to obligate the first \$100,000 of this reserve annually for development and implementation of nonpoint source pollution management programs or forfeit the unobligated balance of that first \$100,000 to reallocation. Where the reserve for any state exceeds \$100,000, funds in excess of the mandatory \$100,000 may be used by the state for any purposes defined under Title II of the Act.~~

~~b. — This reserve is mandatory.~~

~~F. — Alphabetical Sequence List. In order to facilitate locating projects included on the state of Louisiana construction grants priority list, an alphabetical sequence list has been developed. This list is composed of all~~

~~projects included on the construction grants priority list, in alphabetical order, rather than priority number. This list is provided only to facilitate identification of projects by cross-referencing between lists.~~

A. Introduction

1. On October 18, 1972, the Federal Water Pollution Control Act Amendments became Public Law 92-500. PL 92-500 was amended by PL 95-217, the Clean Water Act of 1977, PL 97-117, the Municipal Wastewater Treatment Construction Grant Amendments of 1981, and by PL 100-4 (Water Quality Act of 1987).

2. The primary aim of the *federal act* as defined in LAC 33:IX.2105 is to “restore and maintain the chemical, physical, and biological integrity of the nation's water.” The federal act states the goal of suitable water quality for recreational contact, and for protection and propagation of fish and wildlife. In addition, the federal act emphasizes the need for controlling or eliminating discharges of toxic pollutants through the control of point and nonpoint sources of *pollution* as defined in LAC 33:IX.2105. A permit program has been established to restrict pollutant discharges from factories, municipalities, and large agricultural operations. The permit program has been expanded to include pollutants entering the nation’s water through nonpoint sources, including stormwater runoff from municipalities, factories, agricultural operations, and other sources that do not require NPDES permits.

3. The Water Quality Act of 1987 added Title VI to the Clean Water Act, which provided for a program of low interest loans. Section 603(c) of the federal act states that the amounts of funds available to each state water pollution control revolving fund shall be used only for providing financial assistance:

a. to any *municipality* as defined in the LAC 33:IX.2105, intermunicipal, interstate, or state agency for *construction* as defined in the LAC 33:IX.2105 of publicly owned treatment works as defined in section 212 of the Clean Water Act;

b. for the implementation of a management program established under section 319 of the Clean Water Act; and

c. for development and implementation of a conservation and management plan under section 320 of the Clean Water Act.

4. Section 603(g) of the federal act states that the state may provide financial assistance with the state revolving loan fund only if a construction project as described in subsection (c)(1) is on the state's priority list under section 216 of the federal act. Assistance may be provided regardless of the rank of a project on the list. Section 603(g) of the federal act does not require that a project for the implementation of a management program established under section 319 of the federal act, and for development and implementation of a conservation and management plan under section 320 of the federal act shall be on the state's priority list to receive financial assistance. These projects shall be included on the priority list and assigned priority ratings in accordance with LAC 33:IX.2123.C.7.

5. Section 603(c) of the federal act states that after public comment and review, each state shall prepare an annual plan identifying the intended uses of the money to its revolving loan fund.

6. The department has established the State of Louisiana CWSRF Priority System due to the federal requirements of the program.

7. This system provides a priority list of publicly owned treatment works projects that meet the definition in section 212 of the federal act, and provides for the selection of eligible projects to be included on the annual intended use plan (IUP) for each year.

B. List of Stream Subsegments and Subsegment Priority Numbers

1. The priority of the program's management is to give more importance to the areas where significant problems occur.

2. The state of Louisiana is divided into 12 water quality management basins which exhibit distinct hydrologic characteristics. Each designated basin is divided into stream segments and subsegments which exhibit common reactions to stresses (e.g., pollutants). The stream segmentation for Louisiana is contained in the area-wide *water quality management plans* as defined in LAC 33:IX.2105 and submitted under section 303(e) of the federal act.

3. In order to direct the water quality management effort, each stream subsegment is ranked according to its designated uses and the degree to which they are supported. The values from each of the category classifications, from Table B-1 of this Section, are multiplied together to produce a stream subsegment

priority number. If a subsegment has multiple designated uses, the single highest product of a designated use and degree of support shall be utilized as the stream subsegment priority number.

4. Information on designated uses and degree of support is taken from the latest approved Louisiana water quality inventory integrated report, which may be found on the department’s website.

5. The stream priority list is used as the base for the later determination of the project priority ratings.

<u>TABLE B-1:</u> <u>Subsegment Priority Ranking Multipliers</u>	
<u>Designated Uses</u>	<u>Multiplier</u>
<u>Shellfish Propagation</u>	<u>20</u>
<u>Sole Source Drinking Water Supply</u>	<u>15</u>
<u>Outstanding Natural Resource</u>	<u>10</u>
<u>Primary Contact Recreation</u>	<u>5</u>
<u>Secondary Contact Recreation</u>	<u>5</u>
<u>Fish and Wildlife Propagation</u>	<u>5</u>
<u>Agriculture</u>	<u>5</u>
<u>Limited Aquatic Wildlife Use</u>	<u>2</u>
<u>Degree of Support</u>	<u>Multiplier</u>
<u>Not Supported</u>	<u>5</u>
<u>Partially Supported</u>	<u>4</u>
<u>Fully Supported but Threatened</u>	<u>3</u>
<u>Fully Supported</u>	<u>2</u>
<u>Formula:</u>	
<u>Designated Uses X Degree of Support =</u> <u>Stream Subsegment Priority Number</u>	

C. List by Priority Rank

1. In conjunction with the priority of the stream subsegments of the state of Louisiana, each municipality that requests consideration for funding is rated by its ability to comply with the federal act.

2. The priority rating for each municipality being considered for a loan is composed of the stream subsegment priority rating and the municipality factor. These numbers are added together to form the basic project priority rating.

3. The municipality factor is the summation of the category factor and the pollution reduction factor. The category factor depends on the age of a particular treatment or collection system within a project area.

a. The category factor value for treatment system only projects shall be obtained from Table C-1 of this Section.

b. The category factor value for collection system projects shall be obtained from Table C-2 of this Section.

c. The category factor value for treatment and collection system projects shall be the higher values from Table C-1 or C-2 of this Section and shall be used to calculate the municipality factor.

d. The pollution reduction factor value is an indication of the ability to reduce the pollution discharged into the receiving waters, and shall be obtained from Table C-3 of this Section.

Table C-1				
Treatment System Category Factor				
<u>Age of Treatment Plant</u>	<u>Type of Treatment Plant</u>			
	<u>Mechanical Plant</u>	<u>Aerated Lagoon</u>	<u>Stabilization Pond</u>	<u>Other</u>
<u>0 - 5 years</u>	<u>2</u>	<u>1</u>	<u>0</u>	<u>0</u>
<u>6 - 10 years</u>	<u>4</u>	<u>2</u>	<u>1</u>	<u>0</u>
<u>11 - 15 years</u>	<u>6</u>	<u>4</u>	<u>2</u>	<u>1</u>
<u>16 - 20 years</u>	<u>8</u>	<u>5</u>	<u>3</u>	<u>1</u>
<u>Over 20 years</u>	<u>10</u>	<u>7</u>	<u>4</u>	<u>2</u>

Table C-2 Collection System Category Factor	
<u>Age of Collection System</u>	<u>Points</u>
<u>0 - 10 years</u>	<u>2</u>
<u>11 - 20 years</u>	<u>4</u>
<u>21 - 30 years</u>	<u>6</u>
<u>31 - 40 years</u>	<u>8</u>
<u>Over 40 years</u>	<u>10</u>

Table C-3 Pollution Reduction Factor				
<u>Present Treatment Level</u>	<u>Future Level of Treatment</u>			
	<u>Secondary</u>	<u>Advanced (BOD≥20)</u>	<u>Advanced (20>BOD≥10)</u>	<u>Advanced (BOD<10)</u>
<u>Raw (from existing outfall)</u>	<u>80</u>	<u>90</u>	<u>90</u>	<u>100</u>
<u>Less than Secondary</u>	<u>60</u>	<u>70</u>	<u>80</u>	<u>90</u>
<u>Secondary</u>	<u>20*</u>	<u>60</u>	<u>70</u>	<u>80</u>
<u>Advanced (BOD≥20)</u>	<u>N/A</u>	<u>20*</u>	<u>60</u>	<u>70</u>
<u>Advanced (20>BOD≥10)</u>	<u>N/A</u>	<u>N/A</u>	<u>20*</u>	<u>60</u>
<u>Advanced (BOD<10)</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>20*</u>
<u>Unsewered (no outfall)</u>	<u>30</u>	<u>40</u>	<u>50</u>	<u>60</u>
<u>N/A- No reduction in pollution discharge anticipated</u>				<u>20</u>
<u>* If no change to treatment, but increase in capacity, change 20 to 40</u>				
<u>Formula: Category Factor + Pollution Reduction Factor = Municipality Factor</u>				

4. A separate municipality factor shall be determined for each treatment facility and the collection system within its service area. When two or more treatment facilities are included in a single project, the municipality factor for the project will be the weighted average, according to population served for all treatment facilities included in the project regardless of whether they are in the same or different municipalities.

<u>Basic Project Priority Rating = Stream Subsegment Priority Rating + Municipality Factor</u>
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5. The priority rating for a municipality may be reconsidered and adjusted when new information is made available. Information may result from water quality analysis, facility planning, etc.

6. Any municipality may request a reconsideration of its priority rating. Such a request shall include the reason(s) the municipality believes the priority rating is incorrect.

7. Projects for the implementation of a management program established under section 319 of the Federal Act, and for development and implementation of a conservation and management plan under section 320 of the Federal Act, shall be assigned a stream subsegment priority number based on the most impacted by the project. These projects shall also be assigned an additional factor based on the ability of the project to reduce pollution in receiving waters. This factor shall be assigned by the department based on evaluation of individual project applications and shall not exceed 100 points. The basic priority rating for projects under sections 319 and 320 of the Federal Act are detailed in the equation below.:

$\text{Basic Project Priority Rating} = \text{Stream Subsegment Priority Rating} + \text{Additional Assigned Factor}$

D. CWSRF Priority List

1. Upon receipt of a request by the authorized representative of an applicant, the basic priority rating will be determined and the proposed project shall be placed on the CWSRF priority list.

2. For public entities only, requests for inclusion on the CWSRF priority list shall include:
a. a resolution from the governing authority designating a project representative and authorizing him/her to submit preapplication material;

b. a completed preapplication; and

c. a map of the proposed planning area.

3. It is the responsibility of each authorized project representative to maintain current and accurate information for his/her project, and to submit any revised or updated project information to the department each year. The information will be used to prepare the CWSRF priority list.

4. The loan amount shown on the list shall be the estimated amount of the items eligible for loan assistance. Eligibility of specific items shall be based on the latest federal requirements in effect at the time the list is prepared. Should these requirements be changed subsequent to preparation of the list, all projects on the list shall be adjusted accordingly. The monetary amount of each item shall be based on the latest information supplied by the authorized project representative in accordance with Paragraph D.2 of this Section.

5. Projects normally proceed by facility planning, design, and construction. Projects that have completed facility planning and design, and are ready to begin construction may be considered for funding. Projects shall be awarded points in addition to the basic priority rating based on the readiness to proceed to construction in accordance with the Table D.1 of this Section.

Table D.1.	
<u>Milestone</u>	<u>Points</u>
<u>Project has completed facility planning and planning documents have been approved</u>	<u>1000</u>
<u>The plan and design for the project has been completed, and the specifications have been approved</u>	<u>2000</u>

6. Assistance may be offered in several phases to large projects upon request by the authorized project representative. Assistance is based on a comparison of project cost and funds available, or other factors that may require delayed funding for portions of a project. Each phase of a project shall be listed separately on the CWSRF priority list. All phases shall have the same basic priority rating, but each phase will have its own points awarded based on readiness to proceed.

7. The CWSRF priority list shall include all projects that have requested funding assistance, ranked in priority order, regardless of the amount of funds available. The priority list shall be used for the later preparation of the CWSRF Intended Use Plan.

8. Projects on the CWSRF priority list shall be selected to receive funds from the amount expected to be available in accordance with Paragraph E.2 of this Section, less any reserves established in accordance with Subsection F of this Section.

9. The department shall provide public notice of the CWSRF priority list by publishing the availability of the list in the official state journal and by placing the notice on the DEQ website. The public shall have 30 days from the publication date of the notice to provide written comments to the department. After the end of the 30 day comment period, the department shall hold a public hearing on the CWSRF priority list. The department shall consider all comments received and make any changes deemed necessary. Afterwards, the department shall submit the CWSRF priority list to the EPA.

10. Any project or project phase shall be removed from the CWSRF priority list once funding for the project or project phase has been provided through the CWSRF. The project or project phase shall be removed after it been constructed using another source of funds.

11. Any project request without written communication with the department and no presentation of progress toward prerequisites to funding for a period of five years shall be deemed to be an inactive project and may be removed from the CWSRF priority list. Prior to removal of an inactive project from the CWSRF priority list, the department shall contact the project representative in writing to inform him/her of the impending removal.

12. The CWSRF priority list is divided into the fundable portion and the future funding portion. The fundable portion includes those projects expected to be awarded assistance during the fiscal year in which the list was prepared. The future funding portion includes those projects expected to receive funding in future fiscal years.

13. A project may be moved from the fundable portion to the future funding portion of the list, if the department determines that the project will not be ready to proceed during the funding year. The department shall contact the project representative in writing to advise him/her of the impending decision to move the project to the future funding list. The applicant shall have 30 days to present updated information to avoid being moved to the future funding list.

14. Projects from the future funding portion of the list that have completed the priority list public participation requirements may advance to the fundable portion of the list if program funding allows, or if additional funds are available. Individual projects shall advance in accordance with the provisions of Paragraph D.8 of this Section, until the available federal funding is consumed if additional funds are available.

15. If the actual amount available during the year is less than the projected amount expected to be available in accordance with Paragraph E.2 of this Section, and it is not possible to fund all projects on the fundable portion of the priority list, then those projects selected last for inclusion on the priority list will be moved from the fundable portion of the list to the future funding portion until the remaining projects can be funded with the available funds.

16. If granting the additional funds would result in insufficient funds for the remaining projects on the fundable portion, the additional funds shall not be granted. The project contact may request that additional funds be added to the future funding portion of the project.

E. Intended Use Plan (IUP)

1. An is prepared for each state fiscal year (SFY), and it details the intended use of amounts expected to be available to the CWSRF during the SFY. These intended uses shall include loans for projects and other allowable uses of the fund. This includes, but is not limited to, repayment of bonds as defined in LAC 33:IX.2105 issued by the fund, loan guarantees, insurance for local obligations, and payment of allowable costs of administering the fund. The priority list from Subsection D of this Section is an integral component of the IUP.

2. On July 1 of each year the *administrative authority* as defined in LAC 33:IX.2105, or his/her designee, shall determine the loan amount expected to be available for projects in the current SFY.
3. Of the amount expected to be available in accordance with Paragraph E.2 of this Section, certain amounts shall be reserved in accordance with Subsection F of this Section.
4. Projects shall be included on the current CWSRF priority list that have met public participation requirements and have been submitted to the EPA in order to be selected for the IUP. Projects on the proposed CWSRF priority list may be selected for the proposed IUP, provided that both the proposed priority list and IUP meet public participation requirements and are accepted by the EPA.
5. The department shall provide a CWSRF IUP public notice by publishing it in the official state journal and by placing the notice on the DEQ website. The public shall have 10 business days from the publication of the notice to provide written comments to the department. After the end of the 10 business-day comment period, the department may hold a public hearing on the CWSRF IUP. The department shall consider all comments received and make any changes deemed necessary.
6. The CWSRF IUP shall be submitted to the EPA for review and approval after the public comment period has expired.

F. Reserves Related to the IUP

1. Reserves for State Management Assistance
 - a. The state may set aside a portion of the total funds available during each SFY for use by the department in fulfilling its obligations to manage the CWSRF program.
 - b. The reserve shall be limited to the amount authorized by federal law as a percentage of each federal capitalization grant.
2. Reserve for Loans for Facilities Planning and Design
 - a. The state may set aside a portion of the total funds available during the SFY for loans to applicants for facilities planning and design.

b. The reserve is limited to applicants who meet all of the following conditions.

i. The construction portion of the project shall appear within the five year planning portion of the IUP.

ii. The loan shall be used to perform facility planning or design work that has not been previously funded.

iii. The applicant certifies that it does not have the financial capability to complete facility planning and design work without financial assistance.

c. The reserve shall be implemented only to the extent that the department deems necessary to provide assistance to applicants who are unable to complete facilities planning and design work without assistance. Applicants are expected to receive assistance for construction when facility planning and design work are completed. This reserve shall not exceed 10 percent of the funds available, in accordance with Paragraph E.2 of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 17:342 (December 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2551 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2508 (October 2005), LR 33:2164 (October 2007), amended by the Office of the Secretary, Legal Division, LR 40:**.

Subchapter C. State Environmental Review Process

§2125. Appendix 3—State Environmental Review Process **Introduction to the State Environmental Review Process**

A.—~~General. As required by the provisions of Section 602(b)(6) of the 1987 Amendments to the Clean Water Act, the department shall conduct an interdisciplinary environmental review consistent with the National Environmental Policy Act of the project proposed for funding through the municipal facilities revolving loan fund. This review will ensure that the project will comply with the applicable local, state, and federal laws and department rules relating to the protection and enhancement of the environment. Based upon the staff's review,~~

~~the secretary, or his duly authorized representative, will make formal determinations regarding the potential social and environmental impacts of the proposed project. As necessary, the determination will include mitigative provisions as a condition of financial assistance for building and no financial assistance will be provided until a final environmental determination has been made. Nothing in these rules shall prohibit any public, private or governmental party from seeking administrative or legal relief from the determinations of the department. Potential applicants to the municipal facilities revolving loan fund should obtain guidance from the staff regarding the scope of the environmental review to be conducted by the department and the environmental information that the applicant will be required to submit to the Office of Environmental Services in support of the proposed project.~~

~~1. Basic Environmental Determination. There are three basic environmental determinations that will apply to projects proposed to be implemented with assistance from the municipal facilities revolving loan fund. These are: a determination to categorically exclude a project from a formal environmental review; a finding of no significant impact (FNSI) based upon a formal environmental review supported by an environmental information document (EID); and a determination to provide or not to provide financial assistance based upon a record of decision following the preparation of an environmental impact statement (EIS). The appropriate determination will be based on the following criteria:~~

~~a. The categorical exclusion determination applies to categories of projects that have shown over time not to entail significant impacts on the quality of the human environment.~~

~~i. Projects which meet the following criteria may be categorically excluded from formal environmental review requirements:~~

~~(a). The project is directed solely toward minor rehabilitation of existing facilities, functional replacement of equipment, or toward the construction of related facilities adjoining the existing facilities that do~~

~~not affect the degree of treatment or the capacity of the works (i.e., infiltration and inflow correction, rehabilitation of existing equipment and structures, and the construction of small structures on existing sites).~~

~~(b).—The project is in a community of less than 10,000 population and is for minor expansions or upgrading of existing treatment works or on-site disposal systems are proposed.~~

~~ii.——Categorical exclusions will not be granted for projects that entail:~~

~~(a).—the construction of new collection lines;~~

~~(b).—a new discharge or relocation of an existing discharge;~~

~~(c).—a substantial increase in the volume or loading of pollutants;~~

~~(d).—providing capacity for a population 30 percent or greater than the existing population;~~

~~(e).—known or expected impacts to cultural resources, threatened or endangered species, or other environmentally sensitive areas; and~~

~~(f).—the construction of facilities that are known or expected to be not cost effective or are likely to cause significant public controversy.~~

~~iii.——The department may exclude, by amendment to these rules, other categories of projects for which there is sufficient documentation demonstrating that they are not likely to have significant effects on the quality of the human environment.~~

~~b.——The FNSI will be based upon an environmental review by the staff supported by an EID prepared by the applicant in conformance with guidance developed by the department. Based upon its review, the staff will prepare an environmental assessment (EA) resulting in the issuance of either a FNSI or a public notice that the preparation of an EIS will be required. All applicants whose projects do not meet the criteria for either a categorical exclusion or EIS will be required to prepare an EID. The secretary's, or his duly authorized~~

~~representative's, issuance of a FNSI will be based upon an EA documenting that the potential environmental impacts will not be significant or that they may be mitigated without extraordinary measures.~~

~~e. The record of decision may only be based upon an EIS in conformance with the format and guidelines described in LAC 33:IX.2125.B.3. An EIS will be required when the secretary, or his duly authorized representative, determines any of the following:~~

~~i. — the project will significantly affect the pattern and type of land use or growth and distribution of the population;~~

~~ii. — the effects of the project's construction or operation will conflict with local or state laws or policies;~~

~~iii. — the project may have significant adverse impacts upon:~~

~~(a). — wetlands;~~

~~(b). — floodplains;~~

~~(c). — threatened and endangered species or their habitats;~~

~~(d). — cultural resources including parklands, preserves, other public lands or areas of recognized scenic, recreational, agricultural, archeological or historic value;~~

~~iv. — the project will displace population or significantly alter the characteristics of existing residential areas;~~

~~v. — the project may directly or indirectly (i.e., through induced development) have significant adverse effect upon local ambient air quality, local noise levels, surface and groundwater quality or quantity, fish, shellfish, wildlife or their natural habitats;~~

~~vi. — the project may generate significant public controversy;~~

~~vii. — the treated effluent will be discharged into a body of water where the present classification is too lenient or is being challenged as too low to protect present or recent uses, and the effluent will not be of sufficient quality to meet the requirements of those uses.~~

~~2. — Other Determinations That Are Required of the Department~~

~~a. Recognizing that a project may be altered at some time after an environmental determination on the project has been issued, the secretary, or his duly authorized representative, will provide that, prior to approval, the plans and specifications, loan application, and related documents will be examined for consistency with the environmental determination. If inconsistencies are found, the secretary, or his duly authorized representative, may revoke a categorical exclusion and require the preparation of an EID or an EIS, consistent with the criteria of Paragraph A.1 of this Section, or require the preparation of amendments to an EID or supplements to an EIS, as appropriate. Based upon the staff's review of the amended project, the secretary, or his duly authorized representative, will:~~

- ~~i. — reaffirm the original determination through the issuance of a public notice or statement of finding;~~
- ~~ii. — issue a FNSI for a project for which a categorical exclusion has been revoked, or issue a public notice that the preparation of an EIS will be required;~~
- ~~iii. — issue an amendment to a FNSI, or revoke a FNSI and issue a public notice that the preparation of an EIS will be required; or~~
- ~~iv. — issue a supplement to a record of decision, or revoke a record of decision and issue a public notice that financial assistance will not be provided.~~

~~b. — When five or more years have elapsed between the last environmental determination and the submittal of an application to the fund, the secretary, or his duly authorized representative, will re-evaluate the project, environmental conditions and public views, and prior to approval of the application, proceed in~~

accordance with

~~LAC 33:IX.2125.A.2.a.~~

~~3.—Other Determinations That Are Available to the Department~~

~~a.—An applicant may request advance authority to construct part of the proposed wastewater treatment project prior to completion of the necessary environmental review when the part of the project will:~~

~~i. — immediately remedy a severe public health, water quality or environmental problem;~~

~~ii. — not preclude any reasonable alternatives identified for the complete system;~~

~~iii. — not cause significant or indirect environmental impacts including those which cannot be acceptably mitigated without completing the entire project; and~~

~~iv. — not be highly controversial.~~

~~b. — Based upon the review of the information required by LAC 33:IX.2125.B, the secretary, or his duly authorized representative, will issue a FNSI so conditioned as to prohibit construction of the remainder of the project until a complete environmental review has been performed and a subsequent environmental determination has been issued.~~

~~c.—The department, through the secretary, or his duly authorized representative, may choose to accept determinations made by EPA in previously issued FNSIs in lieu of conducting a formal environmental review when the proposed project will not cause adverse impacts to the environment and is not highly controversial.~~

~~B.—Environmental Information Required by the Department. A minimum of two copies of all information required in this Subsection will be submitted to the department.~~

~~1.—Applicants seeking a categorical exclusion will provide the department with sufficient documentation to demonstrate compliance with the criteria of~~

~~LAC 33:IX.2125.A.1.a.i. At a minimum, this consists of:~~

~~a. a brief, complete description of the proposed project and its costs;~~

~~b. — a statement indicating that the project is cost effective and that the applicant is financially capable of constructing, operating and maintaining the facilities; and~~

~~c. a plan map or maps of the proposed project showing:~~

- ~~i. — the location of all construction areas;~~
- ~~ii. — the planning area boundaries; and~~
- ~~iii. — any known environmentally sensitive areas.~~

~~2. An EID must be submitted by those applicants whose proposed projects do not meet the criteria for a categorical exclusion and for which the secretary, or his duly authorized representative, has made a preliminary determination that an EIS will not be required. The secretary, or his duly authorized representative, will provide guidance on both the format and contents of the EID to potential applicants prior to initiation of facilities planning.~~

~~a. At a minimum, the contents of an EID will include:~~

- ~~i. — the purpose and need for the project;~~
- ~~ii. — the environmental setting of the project and the future of the environment without the project;~~
- ~~iii. — the alternatives to the project as proposed and their potential environmental impacts;~~
- ~~iv. — a description of the proposed project;~~
- ~~v. — the potential environmental impacts of the project as proposed including those which cannot be avoided;~~
- ~~vi. — the relationship between the short term uses of man's environmental and the maintenance and enhancement of long term productivity;~~

- ~~vii. — any irreversible and irretrievable commitments of resources to the proposed project;~~
- ~~viii. — a description of public participation activities conducted, issues raised, and changes to the project which may be made as a result of the public participation process; and~~
- ~~ix. — documentation of coordination with appropriate governmental agencies.~~

~~b. — Prior to the applicant's adoption of the facilities plan, the applicant will hold a public hearing on the proposed project and the EID, and provide the department with a verbatim transcript of the hearing. The secretary, or his duly authorized representative, will provide guidance to the applicant regarding the contents of the hearing notice and of the hearing. The hearing will be advertised at least 30 days in advance in local newspaper of general circulation. Concurrent with the advertisement, a notice of the public hearing and availability of the documents will be sent to all local, state, and federal agencies and public and private parties that may have an interest in the proposed project. Included with the transcript will be a list of all attendees, and written testimony, and the applicant's responses to the issues raised.~~

~~c. The applicant will make copies of the EID available to all federal, state, and local agencies and others with an interest in the project. The secretary, or his duly authorized representative, will provide guidance to the applicant regarding coordination requirements.~~

~~3. The format of an EIS will encourage sound analysis and clear presentation of alternatives, including the no action alternative and the selected alternative, and their environmental, economic and social impacts. The following format must be followed by the applicant unless the secretary, or his duly authorized representative, determines there are compelling reasons to do otherwise.~~

~~a. A cover sheet identifying the applicant, the project(s), the program through which financial assistance is requested, and the date of publication.~~

~~b. — An executive summary of the critical issues of the EIS in sufficient detail that the reader may become familiar with the proposed project and its cumulative effects. The summary will include:~~

- ~~i. a description of the existing problem;~~
 - ~~ii. a description of each alternative;~~
 - ~~iii. a listing of each alternatives potential environmental impacts, mitigative measures and any areas of controversy; and~~
 - ~~iv. any major conclusions.~~
- ~~e. The body of the EIS, which will contain the following information:~~
- ~~i. A complete and clear description of the purpose and need for the proposed project that clearly identifies its goals and objectives.~~
 - ~~ii. A balanced description of each alternative considered by the applicant. The description will include the size and location of the facilities and pipelines, land requirements, and construction schedules. The alternative of no action will be discussed and the applicant's preferred alternative(s) will be identified. Alternatives that are eliminated from examinations will be presented with the reasons for their elimination.~~
 - ~~iii. A description of the alternatives available to the department including:
 - ~~(a). providing financial assistance to the proposed project;~~
 - ~~(b). requiring that the proposed project be modified prior to providing financial assistance to reduce adverse impacts, or providing assistance with conditions requiring the implementation of mitigative measures; and~~
 - ~~(c). not providing financial assistance.~~~~
 - ~~iv. A description of the alternatives available to other local, state, and federal agencies which may have the ability to issue or deny a permit, provide financial assistance or otherwise effect or have an interest in any of the alternatives.~~

~~v. — A description of the affected environment and environmental consequences of each alternative. The affected environment on which the evaluation of each alternative will be based includes, as a partial listing, hydrology, geology, air quality, noise, biology, socioeconomic, land use, and cultural resources of the facilities planning area. The department will provide guidance, as necessary, to the applicant regarding the evaluation of the affected environment. The discussion will present the total impacts of each alternative in a manner that will facilitate comparison. The effects of the no action alternative must be included to serve as a baseline for comparison of the adverse and beneficial impacts of the other alternatives. A description of the existing environment will be included in the no action section to provide background information. The detail in which the affected environment is described will be commensurate with the complexity of the situation and the significance of the anticipated impacts.~~

~~d. — The draft EIS will be provided to all local, state and federal agencies and public groups with an interest in the proposed project and be made available to the public for review. The final EIS will include all objections and suggestions made before and during the draft EIS review process, along with the issues of public concern expressed by individuals or interested groups. The final EIS must include discussions of any such comments pertinent to the project or the EIS. All commenters will be identified. If a comment has led to a change in either the project or the EIS, the reason should be given. The department will always endeavor to resolve any conflicts that may have arisen, particularly among permitting agencies, prior to the issuance of the final EIS. In all cases, the comment period will be no less than 45 days.~~

~~e. Material incorporated into an EIS by reference will be organized to the extent possible into a supplemental information document and be made available for public review upon request. No material may be incorporated by reference unless it is reasonably available for inspection by interested persons within the comment periods specified in LAC 33:IX.2125.B.3.d and B.3.g.iv.~~

~~f. When an EIS is prepared by contractors, either in the service of the applicant or the department, the department will independently evaluate the EIS prior to issuance of the record of decision and take~~

~~responsibility for its scope and contents. The department staff who undertake this evaluation will be identified under the list of preparers along with those of the contractor and any other parties responsible for the content of the EIS.~~

~~g. — The public participation required for an EIS is extensive; but should, depending upon the nature and scope of the proposed project, be supplemented by the applicant. The following requirements represent the minimum allowable to the applicant and the department.~~

~~i. — Upon making the determination that an EIS will be required of a proposed project, the department will publish in the *Louisiana Register* and distribute a notice of intent to prepare an EIS.~~

~~ii. — As soon as possible after the notice of intent has been issued, the department will convene a meeting of the affected federal, state and local agencies, the applicant, and other interested parties to determine the scope of the EIS. A notice of this scoping meeting may be incorporated into the notice of intent or prepared as in~~

~~LAC 33:IX.2125.B.2.b except that in no case will the notification period be less than 45 days. As part of the scoping meeting the department will, at a minimum:~~

~~(a). — determine the significance of issues for and the scope of those significant issues to be analyzed in depth in the EIS;~~

~~(b). — identify the preliminary range of alternatives to be considered;~~

~~(c). — identify potential cooperating agencies and determine the information or analyses that may be needed from cooperating agencies or other parties;~~

~~(d). — discuss the method for EIS preparation and the public participation strategy;~~

~~(e). — identify consultation requirement of other laws and regulations;~~

~~(f).—determine the relationship between the preparation of the EIS and the completion of the facilities plan and any necessary arrangements for coordination of the preparation of both documents.~~

~~iii.—Following the scoping process the secretary, or his duly authorized representative, will begin the identification and evaluation of all potentially viable alternatives to adequately address the range of issues developed in the scoping. A summary of this including a list of the significant issues identified will be provided to the applicant and other interested parties. Preparation of the EIS will be done, at the discretion of the department: directly, by its own staff; by consultants to the department; or by a consultant, contracted by the applicant subject to approval by the department. In the latter two cases, the consultant will be required to execute a disclosure statement prepared by the department signifying they have no financial or other conflicting interest in the outcome of the project. Both the draft EIS and final EIS will be distributed and made available for public review in a fashion consistent with the requirements of LAC 33:IX.2125.B.2.b except that the advertisement and comment period for the public participation will be no less than 45 days. The department will publish, in the *Louisiana Register* and a newspaper(s) of general circulation in the project area, a notice of availability of the EIS giving locations at which it will be available for public review at least 45 days prior to making any environmental determination.~~

~~C.—Environmental Review by the Department~~

~~1.—When the secretary, or his duly authorized representative, has determined that an applicant's proposed project may be excluded from a formal environmental review or has determined that a categorical exclusion is to be rescinded, the secretary, or his duly authorized representative, will prepare a public notice of the determination to categorically exclude the project and stating the availability of supporting documentation for public inspection. The notice will be published in a local newspaper of community wide circulation by the applicant. The department, concurrent with the publication, will distribute the notice to all interested parties.~~

~~2.—An environmental review of the proposed project, supported by the applicant's EID, will be conducted by the secretary, or his duly authorized representative, to determine whether any significant impacts are anticipated and whether any changes may be made in the proposed project to eliminate significant adverse impacts. As part of this review, the secretary, or his duly authorized representative, may require the applicant to submit additional information or undertake additional public participation and coordination to support its environmental determination. Based on the environmental review, the secretary, or his duly authorized representative, will prepare an environmental assessment, describing:~~

- ~~a. the purpose and need for the proposed project;~~
- ~~b. ——— the proposed project, including its costs;~~
- ~~c. the alternatives considered and the reasons for their rejection or acceptance;~~
- ~~d. ——— the existing environment;~~
- ~~e. any potential adverse impacts and mitigative measures; and~~
- ~~f. any proposed conditions to the provision of financial assistance and any means provided for the monitoring of compliance with the conditions.~~

~~3.—Based upon this environmental assessment, the secretary, or his duly authorized representative, will issue a FNSI or a notice of intent to prepare an EIS. The FNSI will include a brief description of the proposed project, its costs, any mitigative measures required of the applicant as a condition of its receipt of financial assistance, and a statement to the effect that comments supporting or disagreeing with the FNSI may be submitted for consideration by the department. The environmental assessment will be attached when mitigative measures are specified by conditions of the financial assistance. The FNSI will be distributed to all parties, governmental entities, and agencies that may have an interest in the proposed project. No action regarding approval of the facilities plan or the provision of financial assistance will be taken by the department for at least 30 days after the issuance of the FNSI.~~

~~4. Following the comment period and public hearings on the final EIS and at the time of the decision to approve the facilities plan or to provide or deny financial assistance to the proposed project, the secretary, or his duly authorized representative, will prepare a concise public record of decision. The record of decision will describe those mitigative measures to be taken which will make the selected alternative environmentally acceptable.~~

~~5. In accordance with LAC 33:IX.2125.A.2.a, b and A.3, the department will conduct environmental reviews and issue public notices or amended determinations, as appropriate.~~

GUIDELINES FOR LOUISIANA REVOLVING LOANS

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~~Check the appropriate blank for the following questions. — If the answer is yes to any question, include a brief discussion of the topic and describe any mitigative measures to be taken.~~

~~YES — NO~~

~~Are there any geologic structures or formations in the project planning area that have a direct influence on ground or surface water?~~

~~Will the project involve major irreversible changes in land use patterns — destruction of forest, wetlands, prime agricultural land, etc. — of a sizeable area in the project planning area?~~

~~Is the proposed project site located in a 100-year floodplain?~~

~~Will the proposed project serve currently undeveloped areas located in a 100-year floodplain?~~

~~Does the project include a state approved sludge management plan?~~

~~Will the project cause alteration to land forms, streams, or natural drainage patterns?~~

~~Will area water courses be affected by siltation and sedimentation?~~

~~Will there be any dredging, tunneling, or trenching that will affect areas water courses?~~

~~Will the project cause any damage to area vegetation, including trees?~~

~~Does the project include clearing land by using herbicides, defoliants, blasting, cutting, or burning?~~

~~Will the project result in soil or vegetative spoil to be disposed of in a landfill or by another permitted procedure? If yes, indicate compliance with local, state, and federal regulation.~~

~~Will any proposed structures interfere with or obstruct scenic views and/or create an eyesore in residential areas?~~

~~Will the project result in significant changes in the rate, density, or type of development in the surrounding community?~~

~~Was a public hearing held to explain the project and present the proposed user charge to the community? Include a transcript of the public hearing and a copy of notice for the meeting at least one month prior to the hearing.~~

~~Has the project obtained a Coastal Use Permit or a Consistency Determination from the Coastal Zone Management Division, Louisiana Department of Natural Resources?~~

~~(Required only if project is within the shaded area of the Coastal Zone Map included with the List of Commenting Agencies.)~~

~~To document your answers to the four questions below, provide comment letters from the appropriate agencies on the attached list of commenting agencies.~~

~~Will the proposed project cause any adverse effects to any unique or sensitive wildlife habitats?~~

~~Are there any endangered or threatened species in the project area that would be adversely affected by the project?~~

~~Are there any historical sites in the project area that might be adversely affected by the project?~~

~~Are there any cultural or archeological resources in the area that would be adversely affected by the project?~~

~~Along with any elaborations on the above questions, discuss the following issues in relation to the proposed project:~~

~~If land application of effluent or sludge is proposed, describe the soil and slope characteristics of the proposed site and any factors that might contribute to the contamination of groundwater.~~

~~If any part of the project is being planned in a 100-year floodplain then the following procedures in accordance with Executive Order 11900 must be followed. It must be demonstrated that no direct or indirect impacts upon floodplains will result from the project unless it can be shown that there is no practicable alternative or that no significant impacts—increased flood evaluations, danger to public health and safety, or damage to the natural functions of the floodplains—will result from the action. Consult the EPA Construction Grants Program Floodplain Guidelines. Consider and discuss alternatives to avoid construction within the floodplain. Demonstrate by analyzing environmental, cost, and technical factors that no practicable alternative to construction in the floodplain exists. If no alternatives are practicable, describe the measures to be taken to minimize potential harm to the floodplain. Include comment letters from the Army Corps of Engineers and the Federal Emergency Management Agency.~~

~~If construction is to take place in wetlands, show that no practical alternatives to construction in the wetlands exist. Indicate what portion of the facility will occupy the wetlands and describe measures to minimize harm to the wetlands. Include comment letters from U.S. Fish and Wildlife Service.~~

~~Indicate how NPDES requirements will be complied with should the need for bypassing sewage arise during construction.~~

~~If any construction will occur in a waterway, consult with the Corps of Engineers concerning the need for a Section 404 Permit. Include a comment letter from the Corps of Engineers.~~

~~Specify measures to be taken to control dust during construction.~~

~~Specify precautions to be taken to protect area residents and wildlife from construction related noise. Demonstrate compliance with OSHA standards.~~

~~Identify possible odor sources and discuss their effects on the area surrounding the treatment plant. Describe any mitigative measures to be taken to lessen and/or prevent odor problems.~~

~~If incineration is to be used, specify the measures to be taken to comply with air quality standards.~~

~~Discuss possible insect problems and control programs. If pesticides are to be used, discuss their potential effects on water quality and nontarget species.~~

~~If development in the surrounding area will be affected, describe the effect on public services such as water supply, further wastewater treatment needs, public utilities, transportation facilities, solid waste disposal facilities, etc. Describe any possible effects of increased growth on floodplains, wetlands, critical wildlife habitats, prime or unique agricultural land, threatened or endangered species, and any other environmentally sensitive areas.~~

~~Include a map of the planning area. Show the location of the proposed treatment system, the effluent discharge point, any floodplains and/or wetlands, any cultural or historic sites, and any unique wildlife habitats in the area.~~

A. The state environmental review process (SERP) provides the policy for conducting environmental reviews of construction projects that are funded by federal funds in Louisiana's CWSRF. The reviews shall be consistent with the requirements of the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4321 et seq., as implemented by the Council on Environmental Quality (CEQ) NEPA Regulations (40 CFR Parts 1500 - 1508). Pursuant to the 1987 Amendments to the Clean Water Act, the United States Environmental Protection Agency (EPA) specified that state agencies may either develop or revise their own environmental review methods. They may also adopt and apply the procedures of 40 Code of Federal Regulations (CFR) Part 6. The CWSRF has adopted the procedures as outlined in 40 CFR Part 6 – *Procedures for Implementing the National Environmental Policy Act and Assessing the Environmental Effect Abroad of EPA Actions.*

B. All terminology used in this document is consistent with the terms defined in 40 CFR Part 1508 (CEQ NEPA Regulations). The following definitions are provided for clarity.

Environmental Information Document (EID)—any written analysis prepared by an applicant, or their authorized representative, describing the environmental impacts of a proposed project. This document shall be of sufficient scope to enable the CWSRF to identify potentially significant environmental concerns and the associated potential impacts of the proposed project.

Environmental Review—the process whereby an evaluation is undertaken by the CWSRF to determine whether a proposed project may have a significant impact on the environment.

Preliminary Engineering Report (PER)—any written study prepared by an applicant, or their authorized representative, describing the need and recommendations for new, expanded, or upgraded wastewater facilities. The documents shall include a study of any socioeconomic, environmental, or other

unique features. It shall include; a forecast of planning area future conditions a detailed economic analysis for each principal alternative, and a description of the process, design flow, effluent limits, cost, and plan for implementation of the proposed wastewater treatment works.

C. The department shall conduct a NEPA-type review of construction projects proposed for funding through the CWSRF, if required. This review shall be conducted as early as possible in project formulation to ensure that all projects comply with applicable local, state, and federal laws, and departmental rules relating to the protection and enhancement of the environment. Based upon the department's review, it shall make a formal determination regarding the potential social and environmental impacts of the proposed project. The determination shall include any necessary mitigation measures as a condition of financial assistance. No financial assistance shall be provided until a final environmental determination has been made. Any public, private, or governmental entity shall be allowed to seek any administrative or legal review provided by law from the department determinations. Applicants to the CWSRF shall obtain guidance from the department regarding the scope of the environmental review to be conducted, and the environmental information the applicant is required to submit in support of the proposed project. Applicants are strongly encouraged to consult with the department in the early stage of project formulation. This consultation is to determine whether a project is eligible to be categorically excluded from a substantive environmental review, determine alternatives to the proposed project for evaluation, and/or identify potential environmental issues which may impact its application.

1. The determinations that will apply to construction projects proposed to be implemented include a determination to:

- a. issue a categorical exclusion (CE);
- b. issue a finding of no significant impact (FONSI); or
- c. require an environmental impact statement (EIS).

2. A project may be categorically excluded from a substantive environmental review if the project fits within a category of actions identified in Subparagraph C.2.c of this Section that are eligible for exclusion and the project does not involve any extraordinary circumstances identified in Subparagraph C.2.d of this Section. Applicants are not required to prepare an environmental information document (EID) or Preliminary Engineering Report (PER) for projects that are being considered for CE. An environmental assessment (EA) is not required if the project is categorically excluded.

a. If a project is determined to be categorically excluded, a written CE determination shall be prepared by the department and published in the official parish journal at the location of the project. The CE determination constitutes a final decision of the administrative authority.

b. The department may identify categories of actions that do not individually, cumulatively over time, or in conjunction with other actions, have a significant effect on the quality of the human environment. These do not include projects that provide a capacity to serve a population 30 percent greater than the existing population, that directly or indirectly involve upgrading, or that extend infrastructure systems primarily for the purposes of future development.

c. Department-identified CEs include, but may not be limited to:

i. actions at facilities involving routine facility maintenance, repair, and groundskeeping; minor rehabilitation, restoration, renovation, or revitalization of existing facilities; replacement as defined in LAC 33:IX.2105, of equipment; acquisition and installation of equipment (including equipment needed solely for purposes of emergency preparedness); or construction of new minor ancillary facilities adjacent to or on the same property as existing facilities;

ii. actions relating to existing infrastructure systems (i.e., sewer systems, drinking water supply systems, and stormwater systems that include combined sewer overflow systems) that involve minor upgrading, minor expansion of system capacity or rehabilitation (i.e., functional replacement) of the existing system and system components, (i.e., sewer collection network and treatment system; the system to

collect, treat, store, and distribute drinking water; and stormwater systems, including combined sewer overflow systems) or construction of new minor ancillary facilities adjacent to or on the same property as existing facilities. This category does not include actions that:

(a). involve new or relocated discharges to surface or ground water;

(b). will likely result in the substantial increase in the volume or the loading of pollutant to the receiving water;

(c). will provide capacity to serve a population 30 percent greater than the existing population;

(d). are not supported by the state, other regional growth plan, or strategy; or

(e). directly or indirectly involve or relate to upgrading or extending infrastructure systems primarily for the purposes of future development; and

iii. actions in unsewered communities involving the replacement of existing on-site systems, providing the new on-site systems do not result in substantial increases in the volume of discharge, or the loadings of pollutants from existing sources, or relocating an existing discharge.

d. Extraordinary circumstances that would preclude issuance of a CE include, but are not limited to, the following:

i. the proposed project is likely to have potentially significant environmental impacts on the quality of the human environment either individually or cumulatively over time;

ii. the proposed project is likely to have disproportionately high and adverse human health or environmental effects on any community including minority communities, low income communities, or federally-recognized Native American tribal communities;

iii. the proposed project is likely to significantly affect federally listed, threatened, endangered species, or their critical habitat;

iv. the proposed project is likely to significantly affect national natural landmarks or any property with nationally significant architectural, historic, prehistoric, archeological, or cultural value, including but not limited to, property listed on or eligible for the National Register of Historic Places;

v. the proposed project is likely to significantly affect environmentally important natural resource areas such as wetlands, floodplains, significant agricultural lands, aquifer recharge zones, coastal zones, barrier islands, wild and scenic rivers, and significant fish or wildlife habitat;

vi. the proposed project is likely to cause significant adverse air quality effects;

vii. the proposed project is likely to have a significant effect on the pattern, type of land use (i.e., industrial, commercial, agricultural, recreational, or residential), growth and distribution of population including altering the character of existing residential areas, or not consistent with state government, local government, or federally-recognized Native American tribe approved land use plans, or federal land management plans;

viii. the proposed project is likely to cause significant public controversy about a potential environmental impact of the proposed project; and

ix. the proposed project is likely to conflict with federal, state, local government, federally-recognized Native American tribe, federal environmental, resource protection, or land use laws or regulations.

e. A CE determination shall be rescinded if:

i. the proposed project no longer complies with the applicable 40 CFR Part 6 criteria for CE due to project changes, or

ii. new information involves or relates to at least one of the extraordinary circumstances, or otherwise indicates serious environmental issues exist.

f. When the department has determined that a CE is to be rescinded based upon this criteria, the department shall prepare a notice of intent (NOI) to rescind the CE previously applied to the project and require the preparation of an EID or EIS.

3. A FONSI may be prepared based on a proposed project's EA, which will be prepared based on a substantive environmental review conducted by the department and supported by an EID prepared in conjunction with the facility plan (FP) prepared by the applicant. If the EA supports the finding that the proposed project will not have a significant effect on the human environment or includes any commitments to mitigation that render the impacts of the proposed project insignificant, then the administrative authority will issue a FONSI. If the EA does not support a FONSI, then an EIS shall be prepared.

4. An EIS may be required based on a proposed project's EA, which will be prepared based on a substantive environmental review conducted by the department and supported by an EID prepared in conjunction with the PER prepared by the applicant. An EIS may also be required without an EA when the proposed project is deemed a major action significantly affecting the quality of the human environment. A project normally requires an EIS if the administrative authority determines:

a. the project will significantly affect the pattern and type of land use (i.e., industrial, commercial, recreational, or residential), or growth and distribution of the population;

b. the proposed project is inconsistent with federal, state, local government, federally-recognized Native American tribe, or federal environmental, resource protection, or land-use laws and management plans for protection of the environment;

c. the project is likely to significantly affect environmentally important resources such as:

i. wetlands;

ii. significant agricultural lands;

iii. aquifer recharge zones;

- iv. threatened and endangered species or their habitats;
- v. coastal zones;
- vi. barrier islands;
- vii. wild and scenic rivers;
- viii. significant fish or wildlife habitat;
- ix. national natural landmarks; and/or
- x. any property on or eligible for the National Register of Historic Places; or

d. the project is likely to directly or indirectly, through induced development, involve uncertain environmental effects, produce significant cumulative impacts in conjunction with other government projects, or have significant adverse effects upon local ambient air quality, local noise levels, surface water reservoirs, or navigation projects.

5. Amended Projects, Previous Environmental Determinations, and Usage of Other Relevant Environmental Documents by the Department

a. In the event that changes are made to a project after an environmental determination has been issued, the administrative authority shall, prior to approval, examine the plans and specifications, loan application, and related documents for consistency with the environmental determination.

Based upon the department's review of the amended project, the administrative authority shall:

- i. reaffirm and amend, as necessary, the original determination through the issuance of a statement of findings;
- ii. rescind a CE and issue a NOI that the preparation of an EID or an EIS will be required;
- iii. revise a FONSI and make available to the public;
- iv. rescind a FONSI and issue a NOI that the preparation of an EIS will be required;

v. revise a record of decision (ROD) associated with an EIS and make available to the public; or

vi. rescind a ROD via the issuance of a NOI that financial assistance will not be provided.

b. The administrative authority may accept and adopt previous NEPA environmental determinations (i.e., CE, EA/FONSI, and EIS/ROD) issued within the last five years with the submittal of an application to the CWSRF. Acceptance of previous environmental determinations shall be affirmed through the issuance of a statement of findings. Otherwise, the administrative authority shall re-evaluate the project, environmental conditions, public views, and may reaffirm the original environmental determination, or have a new environmental review conducted in accordance with Subsection A of this Section.

c. The administrative authority may review relevant planning, decision making, and/or environmental review documents to determine if the proposed project or any of its alternatives have previously been considered. The department may adopt the existing document, or incorporate by reference, any pertinent part of that document.

6. Construction Prior to Environmental Review

a. An applicant may, at the applicant's risk, commence construction of part of the proposed project prior to completion of the necessary environmental review when that part of the project will:

i. immediately remedy a severe public health, water quality, or environmental problem;

ii. not preclude any identified reasonable alternatives;

iii. not cause significant direct or indirect environmental impacts including those which cannot be acceptably mitigated without completing the entire project;

iv. not be significantly controversial concerning a potential environmental impact; and

v. all other parts of the proposed project remain subject to the completion of the environmental review process prior to construction.

b. The administrative authority shall make a determination of eligibility for work performed under Subparagraph C.6.a of this Section after submittal, approval of the PER, and completion of the environmental review. There is no guarantee that work undertaken prior to the loan award will be eligible for funding.

D. Environmental Information Requirements

1. A minimum of one copy of the information required in this Subsection shall be submitted to the department by the applicant.

a. Categorical Exclusions (CE). Applicants seeking a CE shall provide the department with sufficient documentation to demonstrate compliance with the criteria listed under Subparagraph C.2.c. of this Section. If requested by the administrative authority the applicant shall submit additional information to support the application of a CE to the applicant's project and/or whether any extraordinary circumstance applies. At a minimum, additional information consists of:

i. a brief description of the proposed project, including maps and drawings;

ii. a brief description of the no action alternative;

iii. a statement specifying the department-identified CE, as listed in Subparagraph C.2.c of this Section which applies to the proposed project; and

iv. a statement that no extraordinary circumstances, as identified in Subparagraph C.2.d of this Section, apply to the proposed project.

b. Environmental Information Documents (EID). An EID is not required when the project is categorically excluded and does not involve extraordinary circumstances, or when the project has already been determined to require the preparation of an EIS. Otherwise, the applicant shall submit an EID that provides sufficient information for the administrative authority to undertake an environmental review and

prepare either an EA/FONSI and/or request the preparation of an EIS for the project. The EID may be incorporated into the PER or submitted separately, and the administrative authority shall provide guidance to applicants on both the format and contents of the EID.

i. Contents. At a minimum the contents of the EID shall include:

(a). the purpose and need for the project;

(b). the existing environmental setting of the project;

(c). the alternatives to the project, including the no action alternative;

(d). a description of the proposed project;

(e). the potential environmental impacts of the proposed project,

including those which cannot be avoided;

(f). a description of public participation activities conducted, issues raised, and changes to the project which may be made as a result of the public participation process; and

(g). documentation of coordination with appropriate governmental agencies.

ii. Availability to the Public. At least 30 days in advance of submittal and availability of the PER and EID, the applicant shall provide a public notice of the availability of the PER and EID for public review and comment in a newspaper of general circulation in the project area. The applicant shall make the PER and EID available to all federal, state, local agencies, the affected public, and others that may have previously expressed an interest in the project. A public hearing may be required by the department if there is substantial public interest in conducting a hearing, or a hearing is requested by another agency with jurisdiction over the proposed project. In the event that a public hearing is required, the administrative authority shall provide guidance to the applicant regarding the contents of the public hearing notice and of the public hearing. The public hearing and the availability of the PER for public review shall be advertised by the applicant at least 30 days in advance in the newspaper of general circulation in the project area. Following the

public hearing the applicant shall provide the department with a verbatim transcript of the hearing, a copy of the public hearing notice with proof of publication, a list of all applicants and agencies notified of the public hearing, a list of all attendees, and responses to any substantive comments received.

c. Environmental Impact Statements (EIS). In the event that an EIS is required, the applicant shall provide sound analysis and clear presentation of alternatives, including the no action alternative, the selected alternative, and their environmental, economic, and social impacts. The administrative authority may request the applicant to prepare an EIS without first undertaking an EA. The EIS format shall be followed by the applicant unless the administrative authority determines otherwise. The EIS format shall include:

i. a cover sheet identifying the applicant, the project(s), and the program through which financial assistance is requested; and

ii. an executive summary of the critical issues of the EIS in sufficient detail that the reader may become familiar with the proposed project and its cumulative effects. The summary shall include:

(a) a description of the existing problem;

(b) a description of each alternative, including the no action alternative;

(c) a listing of each alternative's potential environmental impacts, mitigation measures, and any areas of concern; and

(d) any conclusions.

iii. The body of the EIS shall contain the following information:

(a) a complete and clear description of the purpose and need for the proposed project that clearly identifies its goals and objectives;

(b) a discussion of alternatives including, but not limited to:

(i). a balanced description of each alternative considered by the applicant including the no action alternative;

(ii). description including the size and location of the facilities, water lines, land requirements, and construction schedules; and

(iii). the preferred alternative identified, and any alternatives that are eliminated from examination along with the reasons for their elimination;

(c). a description of the alternatives available to the department including:

(i). providing financial assistance to the proposed project;

(ii). requiring that the proposed project be modified prior to providing financial assistance with conditions requiring the implementation of mitigation measures; and

(iii). not providing financial assistance to the proposed project;

(d). a description of the alternatives available to other local, state, and federal agencies which may have the ability to issue or deny a permit, provide financial assistance, or otherwise affect or have an interest in any of the alternatives; and

(e). a description of the affected environment and environmental impacts of each alternative, including, but not limited to:

(i). The alternative evaluation of the affected environment, which shall be based on, but not be limited to: hydrology, geology, air quality, noise, biology, socioeconomic factors, land use, and cultural resources of the planning area;

(ii). analysis of the total impact of each alternative in a manner that will facilitate comparison;

(iii). the effect of the no action alternative to serve as a baseline for comparison of the adverse and beneficial impacts of the other alternatives; and

(iv). description of the existing environment in the no action section for background information.

iv. The draft EIS shall be public noticed for a period of 30 days. The final EIS shall include a list of comments, a list of commenters, a commenter key, responses, and the final decision(s) of the department on any such comments pertinent to the project or the EIS.

v. Material incorporated by reference into an EIS shall be organized to the extent possible into a supplemental information document and be made available for public review upon request. No material may be incorporated by reference unless it is reasonably available for inspection by interested applicants within the comment periods specified in Clause D.1.c.iv of this Section and Subclause D.1.c.vii.(b.) of this Section.

vi. When an EIS is prepared by contractors either for the department or the applicant, the department shall independently evaluate the EIS prior to issuance of the record of decision and take responsibility for its scope and contents. The department staff who reviews this evaluation shall be identified under the list of preparers, along with those of the contractor, and any other parties responsible for the content of the EIS.

vii. Public participation required for an EIS shall be conducted by the department, but may be supplemented by the applicant depending upon the nature and scope of the proposed project. The following requirements represent the minimum allowable to the applicant and the department.

(a). As soon as practicable, and in accordance with Subparagraph E.2.c of this Section, the department shall convene a scoping meeting of the affected federal, state, and local agencies; the applicant; and other interested parties to determine the scope of the EIS after a determination has been made that an EIS is required. As part of the scoping meeting the department shall, at a minimum:

(i). determine the significant issues and the scope of analysis required of those issues in the EIS;

- (ii). identify the preliminary range of alternatives to be considered;
- (iii). identify potential cooperating agencies and determine the information or analyses that may be needed from cooperating agencies or other parties;
- (iv). discuss the method of EIS preparation and the public participation strategy;
- (v). identify consultation requirements of other laws and regulations; and
- (vi). determine the relationship between the preparation of the EIS and the completion of the PER, and any necessary arrangements for coordination of the preparation of both documents.

(b). Following the scoping process the administrative authority shall begin the identification and evaluation of all potential available alternatives to adequately address the range of issues developed in the scoping process. A summary, including a list of the significant issues identified, shall be provided to the applicant and other interested parties. Preparation of the EIS shall be done at the discretion of the department, by the staff, consultants to the department, or a consultant contracted by the applicant subject to approval by the department. When a consultant is used for the preparation of the EIS, the consultant shall be required to execute a disclosure statement signifying it has no financial or other conflicting interest in the outcome of the project. Both the draft EIS and the final EIS shall be distributed and made available for public review in a manner consistent with the requirements of Clause D.1.b.ii of this Section. The department shall publish, in the *Louisiana Register* and a newspaper(s) of general circulation in the project area, a notice of availability of the final EIS giving locations at which it will be available for public review for at least 30 days prior to making the decision to provide or deny financial assistance to the proposed project.

(c). At the time of its decision to provide or deny financial assistance to the proposed project, the administrative authority shall prepare a concise public ROD that shall:

(i). include a brief description of the proposed project and all alternatives considered in the EIS, specifying the alternative that was considered to be environmentally preferable;

(ii). clearly state the decision being made and provide an explanation behind the decision; and

(iii). identify, if necessary, any commitments to mitigation.

E. Environmental Reviews and Determinations

1. A substantial environmental review resulting in the preparation of an EA is required for proposed projects that are expected to result in environmental impacts and where the significance of the impacts is not known. An EA is not required if the proposed project is categorically excluded, or if the administrative authority has determined that an EIS is required. The environmental review, supported by the applicant's EID and PER, shall be conducted by the administrative authority to determine whether any significant environmental impacts are anticipated and whether any changes may be made to the proposed project in order to eliminate significant adverse environmental impacts. As part of the review, the administrative authority may require the applicant to submit additional information or undertake additional public participation and coordination to support its environmental determination. Based on the environmental review, the administrative authority shall prepare an EA that provides sufficient information and analysis for determining whether to issue a FONSI or require the preparation of an EIS. The EA shall include:

a. a brief discussion of the:

i. need for the proposed project;

ii. alternatives considered, including the no action alternative;

iii. existing environment; and

iv. environmental impacts of the proposed project;
b. identification and description of any mitigation measures considered, including any mitigation measures that shall be adopted to ensure the action will not have significant impacts; and
c. incorporation of documents by reference, if appropriate, including the EID and PER for the proposed project.

2. Based on the EA, the administrative authority shall issue a FONSI or a NOI to prepare an EIS.

a. The FONSI shall include a brief description of:
i. the proposed project;
ii. any mitigation measures required of the applicant as a condition of its receipt of financial assistance; and
iii. a statement to the effect that comments supporting or opposing with the FONSI may be submitted for consideration by the department.

b. The FONSI and EA shall be distributed to all public and private parties, governmental entities, and agencies that have previously expressed an interest in the proposed project. The availability of the FONSI and EA shall be public noticed in a newspaper of general circulation in the project area and invite the affected public to review and provide comments. The public notice initiates the required 30 day public comment period. No action regarding approval of the PER or the provision of financial assistance shall be taken by the department until the end of the public comment period.

c. The NOI to prepare an EIS shall include a brief description of the:
i. proposed project and possible alternatives;
ii. department's proposed scoping process (see Clause D.1.c.vii of this Section) including an invitation for comments and suggestions on the scope of the EIS, if available, when, and where any scoping meeting will be held; and

iii. name and contact information for the applicant's representative designated by the department to answer questions about the proposed project and the EIS.

d. The NOI to prepare an EIS shall be public noticed in a newspaper of general circulation in the project area and shall be distributed to all public and private parties, governmental entities, and agencies that have previously expressed an interest in the proposed project. Distribution of the NOI begins the scoping process for the EIS, which shall allow for a public comment period of 30 days. The department shall announce the location, date, and time of any scoping meetings in the NOI, or by other appropriate means, at least 15 days before the scoping meeting is held.

F. Cross-Cutting Environmental Laws

1. All projects receiving funding from the CWSRF shall comply with the following nonexclusive applicable laws respecting the human environment:

- a. Archeological and Historic Preservation Act, as amended;
- b. Clean Air Act, as amended;
- c. Clean Water Act, as amended;
- d. Coastal Barrier Resources Act, as amended;
- e. Coastal Zone Management Act, as amended;
- f. Endangered Species Act, as amended;
- g. Environmental Justice, Executive Order 12898, as amended;
- h. Farmland Protection Policy Act, as amended;
- i. Fish and Wildlife Coordination Act, as amended;
- j. Floodplain Management, Executive Order 11988, as amended;
- k. National Historic Preservation Act, as amended;
- l. Protection of Wetlands, Executive Order 11990, as amended;
- m. Safe Drinking Water Act, as amended;

n. Demonstration Cities and Metropolitan Development Act, as amended;

o. Wild and Scenic Rivers Act, as amended; and

p. Wilderness Act, as amended.

2. Because particular federal, state, and/or local agencies are charged with enforcement and/or permitting required under these laws, applicants shall be provided guidance regarding agency contact information and consultation. The department shall require appropriate coordination and project planning with these agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 14:862 (December 1988), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2551 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2509 (October 2005), LR 33:2165 (October 2007) amended by the Office of the Secretary, Legal Division, LR 40:**.