NOTICE OF INTENT

Department of Environmental Quality

Office of the Secretary

Legal Affairs and Criminal Investigations Division

Cross Lake and Cross Bayou Stream Descriptions

(LAC 33:IX.1123, Table 3) (WQ106)

 Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Water Quality regulations, LAC 33:IX.1123, Table 3 (WQ106).

 The proposed Rule will include a revision to the stream descriptions to include tributaries for Cross Bayou and Cross Lake, Subsegment Codes 100309 and 100310, in Table 3 of LAC 33:IX.1123.

The rulemaking is necessary so that tributaries in the Louisiana portion of the Cross Lake watershed have the "drinking water supply" designation applied. Cross Lake is the City of Shreveport's drinking water source. Cross Lake is fed by several very small tributaries within its 256 square mile watershed area. Cross Lake essentially does not have any constant flowing sources into its watershed, so the Lake relies almost exclusively upon rainfall events for replenishment. During prolonged dry weather conditions, it is not unusual for there to be virtually no natural flow into the lake from its tributaries. Under the circumstances described here, contaminants discharged into any of Cross Lake's tributaries can potentially have a direct and disproportionally significant impact on the lake, in some cases virtually no different from a direct discharge to the lake itself. Cross Lake and Cross Bayou are designated as "drinking water supply" in Table 3 of LAC 33:IX:1123. LAC 33:IX.111 l(A) states that the drinking water supply designation does not apply to a designated water body's tributaries "unless so specified". Because tributaries are not specified in the stream descriptions for Cross Lake and Cross Bayou, the drinking water supply designation does not currently apply to tributaries in those subsegments. The basis and rationale for this Rule are to ensure the proper protection of the City of Shreveport's drinking water supply from Cross Lake. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

This Rule has no known impact on small business as described in R.S. 49:965.2 - 965.8.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Comments**

 All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by WQ106. Such comments must be received no later than July 2, 2020, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Affairs and Criminal Investigations Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of WQ106. These proposed regulations are available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

**Public Hearing**

A public hearing will be held on June 25, 2020, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

 These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

 Herman Robinson

 General Counsel

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality

Subpart 1. Water Pollution Control

Chapter 11. Surface Water Quality Standards

**§1123. Numerical Criteria and Designated Uses**

| **Table 3. Numerical Criteria and Designated Uses** |
| --- |
| **A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish And Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use;****D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters** |
| **Code** | **Stream Description** | **Designated Uses** | **Numerical Criteria** |
| **CL** | **SO4** | **DO** | **pH** | **BAC** | **°C** | **TDS** |
| \* \* \* |
| **Red River Basin (10)** |
| \* \* \* |
| 100309 | Cross Bayou―From Texas state line to Cross Lake; includes tributaries | A B C D F | 75 | 25 | 5.0 | 6.0-8.5 | 1 | 32 | 150 |
| 100310 | Cross Lake; includes tributaries | A B C D F | 75 | 25 | 5.0 | 6.0-8.5 | 1 | 32 | 150 |
| \* \* \* |

 A. — E. …

 ENDNOTES [1]. — [25]. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 15:738 (September 1989), amended LR 17:264 (March 1991), LR 20:431 (April 1994), LR 20:883 (August 1994), LR 21:683 (July 1995), LR 22:1130 (November 1996), LR 24:1926 (October 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2405 (December 1999), LR 27:289 (March 2001), LR 28:462 (March 2002), LR 28:1762 (August 2002), LR 29:1814, 1817 (September 2003), LR 30:1474 (July 2004), amended by the Office of Environmental Assessment, LR 30:2468 (November 2004), LR 31:918, 921 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:815, 816, 817 (May 2006), LR 33:832 (May 2007), LR 34:1901 (September 2008), LR 35:446 (March 2009), repromulgated LR 35:655 (April 2009), amended LR 36:2276 (October 2010), amended by the Office of the Secretary, Legal Division, LR 41:2603 (December 2015), LR 42:737 (May 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:1178 (September 2019), LR 46:

FISCAL AND ECONOMIC IMPACT STATEMENT

FOR ADMINISTRATIVE RULES LOG #: WQ106

Person

Preparing Lacey Gotreaux

Statement: Lacey.Gotreaux@la.gov Dept.: Environmental Quality

 (email address)

Phone: (225) 219-3316 Office: Environmental Assessment

Return Rule

Address: 602 North Fifth Street Title: Cross Lake and Cross Bayou Stream

 Baton Rouge, La 70820 Descriptions (LAC 33:IX.1123, Table 3)

Date Rule

 Takes Effect: Upon Promulgation

SUMMARY

(Use complete sentences)

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

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

There is no impact on expenditures of the Department of Environmental Quality as a result of the proposed rule change revising the stream descriptions to include tributaries for Cross Bayou and Cross Lake in Shreveport, LA.

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

 There is no estimated increase or decrease in revenues anticipated from the proposed rule.

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

There will be no significant costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups from the proposed rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule.

 Signature of Agency Head or Designee Legislative Fiscal Officer or Designee

Herman Robinson, General Counsel

Typed Name and Title of Agency Head or Designee

Date of Signature Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT

FOR ADMINISTRATIVE RULES

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

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

The proposed rule will include a revision to the stream descriptions to include tributaries for Cross Bayou and Cross Lake, Subsegment Codes 100309 and 100310, in Table 3 of LAC 33:IX.1123.

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

The rulemaking is necessary so that tributaries in the Louisiana portion of the Cross Lake watershed have the “drinking water supply” designation applied. Cross Lake is the City of Shreveport’s drinking water source. Cross Lake is fed by several very small tributaries within its 256 square mile watershed area. Cross Lake essentially does not have any constant flowing sources into its watershed, so the lake relies almost exclusively upon rainfall events for replenishment. During prolonged dry weather conditions, it is not unusual for there to be virtually no natural flow into the lake from its tributaries. Under the circumstances described here, contaminants discharged into any of Cross Lake’s tributaries can potentially have a direct and disproportionally significant impact on the lake, in some cases virtually no different from a direct discharge to the lake itself. Cross Lake and Cross Bayou are designated as “drinking water supply” in Table 3 of LAC 33:IX.1123. LAC 33:IX.1111 (A) states that the drinking water supply designation does not apply to a designated water body’s tributaries “unless so specified”. Because tributaries are not specified in the stream descriptions for Cross Lake and Cross Bayou, the drinking water supply designation does not currently apply to tributaries in those subsegments.

C. Compliance with Act 11 of the 1986 First Extraordinary Session

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

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

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

(a) Yes. If yes, attach documentation.

(b) No. If no, provide justification as to why this rule change should be published at this time.

 This question is not applicable.

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**WORKSHEET**

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

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

No increase or decrease in costs to implement the proposed action.

**COSTS FY 20 FY 21 FY 22**

Personal Services 0 0 0

Operating Expenses 0 0 0

Professional Services 0 0 0

Other Charges 0 0 0

Equipment 0 0 0

Major Repairs & Constr. 0

**TOTAL 0 0 0**

**POSITIONS (#) 0 0 0**

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

 This question is not applicable.

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

**SOURCE FY 20 FY 21 FY 22**

State General Fund 0 0 0

Agency Self-Generated 0 0 0

Dedicated 0 0 0

Federal Funds 0 0 0

Other (Specify) 0 0 0

TOTAL 0 0 0

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

No additional funds are required to implement the proposed rule.

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

 PROPOSED.

 1. Provide an estimate of the anticipated impact of the proposed action on local governmental units,

 including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There are no significant impacts on local governmental units anticipated on the promulgation of the proposed rule.

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

 The above statement is not applicable.

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**WORKSHEET**

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

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

No increase or decrease in revenues is anticipated from the proposed action.

**REVENUE INCREASE/DECREASE FY 20 FY 21 FY 22**

State General Fund 0 0 0

Agency Self-Generated 0 0 0

Dedicated Funds\* 0 0 0

Federal Funds 0 0 0

Local Funds 0 0 0

**TOTAL 0 0 0**

\*Specify the particular fund being impacted.

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

 This question is not applicable.

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

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

There are no costs and/or economic benefits to directly affected persons or non-governmental groups.

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

No impact on receipts or income of the affected persons or non-governmental groups is expected.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

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

There will be no impact on competition and employment in the public and private sectors resulting from this proposed rule.