NOTICE OF INTENT

Department of Environmental Quality

Office of the Secretary

Legal Affairs Division

Water Quality Standards Triennial Revision

(LAC 33:IX.1109, 1113, and 1123) (WQ111)

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.1109, 1113, and 1123 (WQ111).

The proposed Rule will revise Chapter 11 of the Water Quality regulations for clarification. The 2021 Triennial Review Report of Findings document identified several sections in Chapter 11 with errors. Throughout Chapter 11, units expressed in terms of milligrams per liter use the abbreviation (mg/L). An abbreviation was found having (mg/l) in Section 1109. Section 1113 incorrectly implies numeric criteria may be adopted based on the absence of data. Table 1 of Section 1113 has the endrin freshwater chronic criterion listed with a missing digit. Table 3 of Section 1123 has a missing designated use, an extraneous designated use, and incorrectly listed temperature criterion. These errors will be corrected with this Rule. The Water Quality Management Plan, Volume 3 was updated in July 2022, resulting in the need to update verbiage in Sections 1109 and 1113. This action is required in order to fulfill the department's obligation to review and revise the state's water quality standards, pursuant to 40 CFR 131.20, as necessary, at least once every three years. The basis and rationale for this proposed Rule are to conform to Section 303(c) of the Clean Water Act, and to maintain and protect state waters. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(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. 49:974.1-8.

**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 WQ111. Such comments must be received no later than March 8, 2023, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed regulation may 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 WQ111. The proposed regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

**Public Hearing**

A public hearing will be held via Zoom on February 28, 2023, at 1:30 p.m. Interested persons are invited to attend and submit oral comments via PC, Mac, Linux, iOS or Android at https://deqlouisiana.zoom.us/j/87838155152?pwd=OWs2eDZUQnByc3gzb2VOa1Z5WXg3Zz09, or by telephone at (636) 651-3182 using the conference code 725573. 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.

The proposed regulation is 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.

Courtney J. Burdette

Executive Counsel

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part IX. Water Quality**

**Subpart 1. Water Pollution Control**

**Chapter 11. Surface Water Quality Standards**

**§1109. Policy**

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

A. — C.2.d. …

3. Naturally Dystrophic Waters

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

C.3.b. — K.4.d. …

e. Additional or site-specific criteria may be necessary to protect other existing or beneficial uses identified by the administrative authority. The following site-specific criteria have been approved by the administrative authority for wastewater assimilation projects.

i. Luling Wetland, South Slough Wetland, Chinchuba Swamp Wetland, East Tchefuncte Marsh Wetland, Cypress Island Coulee Wetland, and Cote Gelee Wetland - Designated Naturally Dystrophic Waters Segment. The following criteria are applicable: no more than 20 percent reduction in the total above-ground wetland productivity, as measured by tree, shrub, and/or marsh grass productivity.

ii. Poydras-Verret Marsh Wetland - Designated Naturally Dystrophic Waters Segment. One or more of the following criteria are applicable:

(a). no more than 50 percent reduction in the wetlands faunal assemblage total abundance, total abundance of dominant species, or the species richness of fish and macroinvertebrates, minimum of five replicate samples per site; p = 0.05; and/or

(b). no more than 20 percent reduction in the total above-ground wetland productivity as measured by tree, shrub, and/or marsh grass productivity.

iii. Breaux Bridge Swamp and Thibodaux Swamp - Designated Naturally Dystrophic Waters Segment. One or more of the following criteria are applicable:

(a). no more than 20 percent decrease in naturally occurring litter fall or stem growth;

(b). no significant decrease in the dominance index or stem density of bald cypress; and/or

(c). no significant decrease in faunal species diversity and no more than a 20 percent decrease in biomass.

iv. Bayou Ramos Swamp Wetland - Designated Naturally Dystrophic Waters Segment. One or more of the following criteria are applicable:

(a). no more than 20 percent decrease in naturally occurring litter fall or stem growth;

(b). no significant decrease in the dominance index or stem density of bald cypress; and/or

(c). no significant decrease in faunal species diversity and no more than a 20 percent decrease in abundance.

5. — 6. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 17:966 (October 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2546 (November 2000), LR 29:557 (April 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 33:457 (March 2007), LR 33:828 (May 2007), amended by the Office of the Secretary, Legal Division, LR 40:2243 (November 2014), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:1546 (November 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 49:

**§1113. Criteria**

A. — B.12.a. …

b. ~~Assessment of Biological Integrity for~~ Wetlands Approved for Wastewater Assimilation Projects Pursuant to the Water Quality Management Plan, Volume 3, Section 10, Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards. The biological integrity for wetlands approved for wastewater assimilation projects will be determined in accordance with procedures set forth in the Water Quality Management Plan, Volume 3 and in accordance with site-specific permit requirements. An LPDES permit identifies the requirements and conditions, including biological (or vegetative) criteria, that determine compliance with the permit. Upon permit issuance, the permittee will be required to conduct ongoing physical, chemical, and biological measurements to ensure the health of the wetland. Wetland biological integrity will be guided by above-ground wetland vegetative productivity with consideration given to floral diversity. Due to effluent addition, the discharge area of a wetland shall have no more than a 20 percent reduction in the rate of total above-ground wetland productivity ~~over a five-year period~~ as compared to a reference area, unless site-specific criteria are established through the permitting process, in accordance with the Water Quality Management Plan, Volume 3. Measurements may include, but are not limited to, sampling in the discharge and reference areas. The discharge area is the area of a wetland directly affected by effluent addition. For each location, the discharge area will be defined by the volume of discharge. The reference area is the wetland area that is nearby and similar to the discharge area but that is not affected by effluent addition. Above-ground productivity is a key measurement of overall ecosystem health in the wetlands of south Louisiana. Primary productivity is dependent on a number of factors, and the methods for measurement of above-ground productivity and floral diversity are found in the current Water Quality Management Plan, Volume 3, Section 10, Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards.

B.13. — C.6. …

a. Numeric criteria for specific toxic substances are mostly derived from the following publications of the Environmental Protection Agency: Water Quality Criteria, 1972 (commonly referred to as the "Blue Book"; Quality Criteria for Water, 1976 (commonly referred to as the "Red Book"; Ambient Water Quality Criteria, 1980 (EPA 440/5-80); Ambient Water Quality Criteria, 1984 (EPA 440/5-84-85); and Quality Criteria for Water, 1986—with updates (commonly referred to as the "Gold Book"). Natural background conditions, however, are also considered. These toxic substances are selected for criteria development because of their known ~~or suspected~~ occurrence in Louisiana waters and potential threat to attainment of designated water uses.

b. — f. …

| **Table 1**  **Numeric Criteria for Specific Toxic Substances**  **[In micrograms per liter (μg/L)]** | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Toxic Substance**  **Chemical Abstracts Service (CAS) Registry Number** | **Aquatic Life Protection** | | | | | | **Human Health Protection** | |
| **Freshwater** | | **Marine Water** | | **Brackish Water** | | **Drinking  Water Supply1** | **Non-Drinking Water Supply2** |
| **Acute** | **Chronic** | **Acute** | **Chronic** | **Acute** | **Chronic** |
| \* \* \* | | | | | | | | |
| Endosulfan7  115-29-7 | 0.22 | 0.0560 | 0.034 | 0.0087 | 0.034 | 0.0087 | 0.47 | 0.64 |
| Endrin  72-20-8 | 0.0864 | 0.03575 | 0.037 | 0.0023 | 0.037 | 0.0023 | 0.26 | 0.26 |
| Ethylbenzene  100-41-4 | 3,200 | 1,600 | 8,760 | 4,380 | 3,200 | 1,600 | 247 | 834 |
| \* \* \* | | | | | | | | |

\* \* \*

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 17:967 (October 1991), repromulgated LR 17:1083 (November 1991), amended LR 20:883 (August 1994), LR 24:688 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2402 (December 1999), LR 26:2547 (November 2000), LR 27:289 (March 2001), LR 30:1474 (July 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:457 (March 2007), LR 33:829 (May 2007), LR 35:446 (March 2009), amended by the Office of the Secretary, Legal Division, LR 42:736 (May 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:1188 (September 2019), LR 46:1550 (November 2020), LR 48:1498 (June 2022), amended by the Office of the Secretary, Legal Affairs Division LR 49:

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

A. — E. …

| **Table 3. Numeric 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** |
| **Atchafalaya River Basin (01)** | | | | | | | | | |
| \* \* \* | | | | | | | | | |
| **Barataria Basin (02)** | | | | | | | | | |
| \* \* \* | | | | | | | | | |
| 020304 | Lake Salvador | A B C | 600 | 100 | 3.3 April-Sept.;  5.0 Oct.-Mar. | 6.0-8.5 | 1 | 32 | 1,320 |
| ~~020305~~ | ~~Luling Wetland—Forested wetland located 1.8 miles south of US Highway 90 at Luling, east of the Luling wastewater treatment pond, bordered by Cousin Canal to the west and Louisiana Cypress Lumber Canal to the south~~ | ~~B C~~ | ~~[23]~~ | ~~[23]~~ | ~~[23]~~ | ~~[23]~~ | ~~2~~ | ~~[23]~~ | ~~[23]~~ |
| 020401 | Bayou Lafourche―From Donaldsonville to ICWW at Larose | A B C D | 70 | 55 | 2.3 Mar.-Nov.;  5.0 Dec.-Feb. | 6.0-8.5 | 1 | 32 | 500 |
| \* \* \* | | | | | | | | | |
| **Calcasieu River Basin (03)** | | | | | | | | | |
| \* \* \* | | | | | | | | | |
| **Lake Pontchartrain Basin (04)** | | | | | | | | | |
| \* \* \* | | | | | | | | | |
| 040606 | Selsers Creek—From Sisters Road to South Slough | A B C | 30 | 20 | 2.3 Mar.-Nov.; 5.0 Dec.-Feb. | 6.0-8.5 | 1 | 30 | 150 |
| ~~040607~~ | ~~South Slough Wetland—Forested freshwater and brackish marsh bounded to the north by South Slough, west by Interstate Highway 55 borrow pit canal, and south by North Pass~~ | ~~B C~~ | ~~[23]~~ | ~~[23]~~ | ~~[23]~~ | ~~[23]~~ | ~~2~~ | ~~[23]~~ | ~~[23]~~ |
| 040701 | Tangipahoa River—From Mississippi state line to Interstate Highway 12 (Scenic) | A B C G | 30 | 10 | 5.0 | 6.0-8.5 | 1 | 30 | 140 |
| \* \* \* | | | | | | | | | |
| 040804 | Bogue Falaya River―From headwaters to Tchefuncte River (Scenic) [12] | A B C G [12] | 20 | 10 | 5.0 | 6.0-8.5 | 1 | 30 | 110 |
| ~~040805~~ | ~~Chinchuba Swamp Wetland―Forested wetland located 0.87 miles southwest of Mandeville, southeast of Sanctuary Ridge, and north of Lake Pontchartrain~~ | ~~B C~~ | ~~[23]~~ | ~~[23]~~ | ~~[23]~~ | ~~[23]~~ | ~~2~~ | ~~[23]~~ | ~~[23]~~ |
| ~~040806~~ | ~~East Tchefuncte Marsh Wetland—Freshwater and brackish marsh, bounded on the south by Lake Pontchartrain, west by Tchefuncte River, north by La. Highway 22, and east by Sanctuary Ridge~~ | ~~B C~~ | ~~[23]~~ | ~~[23]~~ | ~~[23]~~ | ~~[23]~~ | ~~2~~ | ~~[23]~~ | ~~[23]~~ |
| 040807 | Ponchitolawa Creek—From headwaters to US Highway 190 | A B C | 850 | 135 | 5.0 | 6.0-8.5 | 1 | 30 | 1,850 |
| \* \* \* | | | | | | | | | |
| 041808 | New Canal (Estuarine) | A B C | N/A | N/A | 4.0 | 6.5-9.0 | 1  [25] | 35 | N/A |
| ~~041809~~ | ~~Poydras-Verret Marsh Wetland― Forested and marsh wetland located 1.5 miles north of St. Bernard, south of Violet Canal, and northeast of Forty Arpent Canal~~ | ~~B C~~ | ~~[17]~~ | ~~[17]~~ | ~~[17]~~ | ~~[17]~~ | ~~2~~ | ~~[17]~~ | ~~[17]~~ |
| 041901 | Mississippi River Gulf Outlet (MRGO)—From ICWW to Breton Sound at MRGO mile 30 | A B C E | N/A | N/A | 5.0 | 6.5-9.0 | 4  [25] | 35 | N/A |
| \* \* \* | | | | | | | | | |
| **Mermentau River Basin (05)** | | | | | | | | | |
| \* \* \* | | | | | | | | | |
| 050603 | Bayou Chene―From headwaters to Lacassine Bayou; includes Bayou Grand Marais | A B C F | 90 | 10 | [16] | 6.5-9.0 | 1 | 32~~3~~ | 400 |
| \* \* \* | | | | | | | | | |
| **Vermilion-Teche River Basin (06)** | | | | | | | | | |
| \* \* \* | | | | | | | | | |
| 060804 | Intracoastal Waterway—From Vermilion Lock to 1/2 mile west of Gum Island Canal (Estuarine) | A B C | N/A | N/A | 4.0 | 6.5-9.0 | 1  [25] | 35 | N/A |
| ~~060805~~ | ~~Breaux Bridge Swamp—Forested wetland in St. Martin Parish, 1/2 mile southwest of Breaux Bridge, southeast of La. Highway 94, west of Bayou Teche, east of Vermilion River, and north of Evangeline and Ruth Canals; also called Cyprière Perdue Swamp~~ | ~~B C~~ | ~~[5]~~ | ~~[5]~~ | ~~[5]~~ | ~~[5]~~ | ~~2~~ | ~~[5]~~ | ~~[5]~~ |
| ~~060806~~ | ~~Cypress Island Coulee Wetland—Forested wetland located in St. Martin Parish, 2 miles west of St. Martinville, 1/2 mile north of La. Highway 96, west of Bayou Teche, and east of Vermilion River~~ | ~~B C~~ | ~~[23]~~ | ~~[23]~~ | ~~[23]~~ | ~~[23]~~ | ~~2~~ | ~~[23]~~ | ~~[23]~~ |
| ~~060807~~ | ~~Cote Gelee Wetland—Forested wetland located in Lafayette Parish, 2 miles east of Broussard, 2 miles northeast of US Highway 90, and west of Bayou Tortue~~ | ~~B C~~ | ~~[23]~~ | ~~[23]~~ | ~~[23]~~ | ~~[23]~~ | ~~2~~ | ~~[23]~~ | ~~[23]~~ |
| 060901 | Bayou Petite Anse—From headwaters to Bayou Carlin (Estuarine) | A B C | N/A | N/A | 4.0 | 6.5-9.0 | 1  [25] | 35 | N/A |
| \* \* \* | | | | | | | | | |
| 061105 | Marsh Island (Estuarine) | A B C E | N/A | N/A | 4.0 | 6.5-9.0 | 4  [25] | 35 | N/A |
| \* \* \* | | | | | | | | | |
| **Mississippi River Basin (07)** | | | | | | | | | |
| \* \* \* | | | | | | | | | |
| **Ouachita River Basin (08)** | | | | | | | | | |
| \* \* \* | | | | | | | | | |
| 081612 | Georgetown Reservoir | A B C D ~~G~~ | 250 | 500 | 5.0 | 6.0-8.5 | 1 | 33 | 1,000 |
| **Pearl River Basin (09)** | | | | | | | | | |
| \* \* \* | | | | | | | | | |
| **Red River Basin (10)** | | | | | | | | | |
| \* \* \* | | | | | | | | | |
| **Sabine River Basin (11)** | | | | | | | | | |
| \* \* \* | | | | | | | | | |
| **Terrebonne Basin (12)** | | | | | | | | | |
| \* \* \* | | | | | | | | | |
| 120206 | Grand Bayou and Little Grand Bayou―From headwaters to Lake Verret | A B C | 60 | 40 | 2.3 Mar.-Nov.;  5.0 Dec.-Feb. | 6.0-8.5 | 1 | 32 | 300 |
| ~~120207~~ | ~~Thibodaux Swamp―Forested wetland located in Lafourche and Terrebonne Parishes, 6.2 miles southwest of Thibodaux, east of Terrebonne-Lafourche Drainage Canal, and north of Southern Pacific Railroad; also called Pointe Au Chene Swamp~~ | ~~B C~~ | ~~[5]~~ | ~~[5]~~ | ~~[5]~~ | ~~[5]~~ | ~~2~~ | ~~[5]~~ | ~~[5]~~ |
| ~~120208~~ | ~~Bayou Ramos Swamp Wetland―Forested wetland located 1.25 miles north of Amelia in St. Mary Parish, south of Lake Palourde~~ | ~~B C~~ | ~~[18]~~ | ~~[18]~~ | ~~[18]~~ | ~~[18]~~ | ~~2~~ | ~~[18]~~ | ~~[18]~~ |
| 120301 | Bayou Terrebonne―From Thibodaux to ICWW in Houma | A B C | 540 | 90 | 2.3 Mar.-Nov.;  5.0 Dec.-Feb. | 6.0-8.5 | 1 | 32 | 1,350 |
| \* \* \* | | | | | | | | | |

ENDNOTES:

[1]. — [4]. …

[5] ~~Designated Naturally Dystrophic Waters Segment. The following criteria are applicable:~~

~~(a) No more than 20 percent decrease in naturally occurring litter fall or stem growth;~~

~~(b) No significant decrease in the dominance index or stem density of bald cypress;~~

~~(c) No significant decrease in faunal species diversity and no more than a 20 percent decrease in biomass.~~Reserved

[6]. — [16]. …

[17] ~~Designated Naturally Dystrophic Waters Segment. The following criteria are applicable:~~

~~(a) No more than 50 percent reduction in the wetlands faunal assemblage total abundance, total abundance of dominant species, or the species richness of fish and macroinvertebrates, minimum of five replicate samples per site; p = 0.05.~~

~~(b) No more than 20 percent reduction in the total above-ground wetland productivity as measured by tree, shrub, and/or marsh grass productivity.~~Reserved

[18] ~~Designated Naturally Dystrophic Waters Segment. The following criteria are applicable:~~

~~(a) No more than 20 percent decrease in naturally occurring litter fall or stem growth;~~

~~(b) No significant decrease in the dominance index or stem density of bald cypress;~~

~~(c) No significant decrease in faunal species diversity and no more than a 20 percent decrease in abundance.~~Reserved

[19]. — [22]. …

[23] ~~Designated Naturally Dystrophic Waters Segment. The following criteria apply: no more than 20% reduction in the total above-ground wetland productivity as measured by tree, shrub, and/or marsh grass productivity.~~Reserved

[24]. — [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 46:1087 (August 2020), LR 46:1555 (November 2020), LR 47:876 (July 2021), amended by the Office of the Secretary, Legal Affairs Division, LR 49:

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**FOR ADMINISTRATIVE RULES**

Person

Preparing Jamie Phillippe

Statement: Jamie.Phillippe@la.gov Dept.: Environmental Quality

Phone: (225) 219-0944 Office: Environmental Assessment

Return Rule

Address: 602 North Fifth Street Title: Water Quality Standards Triennial

Baton Rouge, LA 70802 Revision (LAC 33:IX.1109, 1113, and 1123)

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 are no estimated implementation costs or savings to state or local governmental units as a result of the proposed rule changes. The proposed rule change updates and makes various corrections to Chapter 11 of the Water Quality regulation.

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

The proposed rule change is not anticipated to have any impact on the revenues of state or local governmental units.

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

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

Signature of Agency Head or Designee Legislative Fiscal Officer or Designee

Courtney J. Burdette, Executive Counsel

Typed Name & Title of Agency Head or Designee

Date of Signature Date of Signature

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**FOR ADMINISTRATIVE RULES**

The following information is required 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.

1. 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 change updates and makes various corrections to Chapter 11 of the Water Quality regulation for clarification. The 2021 Triennial Review Report of Findings document identified several sections in Chapter 11 with errors. Throughout Chapter 11, units expressed in terms of milligrams per liter use the abbreviation (mg/L); one use of it was found having (mg/l) in Section 1109. Section 1113 incorrectly implies numeric criteria can be adopted based on an absence of data. Table 1 of Section 1113 has the endrin freshwater chronic criterion listed with a missing digit. Table 3 of Section 1123 has three errors: one missing designated use, one extraneous designated use and one incorrectly listed temperature criterion. These errors will be corrected in this rule. Additionally, in July 2022, the Water Quality Management Plan, Volume 3 was updated, resulting in the need to update verbiage in Sections 1109 and 1113.

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

This action is required in order to fulfill the department’s obligation to review and revise, as necessary, at least once every three years, the state’s water quality standards, pursuant to 40 CFR 131.20.

1. 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 change will not result in any 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

**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?

**COSTS FY 23 FY 24 FY 25**

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 0 0

**TOTAL 0 0 0**

**POSITIONS (#) 0 0 0**

1. 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.

There are no anticipated costs or savings to the department to implement the proposed rule change.

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

**SOURCE FY 23 FY 24 FY 25**

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

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

The agency has sufficient funds to implement the proposed action.

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 is no anticipated impact on local governmental units, including adjustments in workload and paperwork requirements.

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

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?

**REVENUE INCREASE/DECREASE FY 23 FY 24 FY 25**

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.

1. 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.

There is no anticipated effect on revenue collections as a result of the proposed rule change.

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**WORKSHEET**

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

A. What persons, small businesses, 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.

1. 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.

There is no impact on receipts and/or income resulting from this proposed rule.

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