

Laura Almond

From: Laura Almond
Sent: Tuesday, June 6, 2023 1:27 PM
To: 'apa.h-natr@legis.la.gov'; 'apa.housespeaker@legis.la.gov'; 'apa.s-envq@legis.la.gov'; 'apa.senatepresident@legis.la.gov'
Cc: Roger Gingles; Jonathan McFarland; Courtney Burdette; Jill Clark; Deidra Johnson; William Little; Nathan Mills; Jamie Phillippe
Subject: Interim Summary Report for WQ111
Attachments: WQ111 rule language with amendments.pdf; WQ111 Interim Response to Comments.pdf

Tracking:	Recipient	Delivery
	'apa.h-natr@legis.la.gov'	
	'apa.housespeaker@legis.la.gov'	
	'apa.s-envq@legis.la.gov'	
	'apa.senatepresident@legis.la.gov'	
	Roger Gingles	Delivered: 6/6/2023 1:27 PM
	Jonathan McFarland	Delivered: 6/6/2023 1:27 PM
	Courtney Burdette	Delivered: 6/6/2023 1:27 PM
	Jill Clark	Delivered: 6/6/2023 1:27 PM
	Deidra Johnson	Delivered: 6/6/2023 1:27 PM
	William Little	Delivered: 6/6/2023 1:27 PM
	Nathan Mills	Delivered: 6/6/2023 1:27 PM
	Jamie Phillippe	Delivered: 6/6/2023 1:27 PM

June 6, 2023

The Honorable Eddie Lambert, Chairman
c/o Tyler McCloud, Attorney
Senate Committee on Environmental Quality

The Honorable Jean-Paul Coussan, Chairman
House Committee on Natural Resources and Environment
c/o Committee Staff

RE: Interim Summary Report for Proposed Rule WQ111
Water Quality Standards Triennial Revision
LAC 33:IX.1109, 1113, and 1123
Proposed on January 20, 2023

Pursuant to the Louisiana Administrative Procedure Act, the Louisiana Department of Environmental Quality is submitting a report regarding the above-referenced proposed rule, which was published in the *Louisiana Register*. Comments were received. Amendments have been made to the proposed rule. Attached are computer files comprising the interim summary report.

We would appreciate it if you would acknowledge receipt of this message by return email. Please contact Laura Almond at (225) 219-3985 if you have any questions regarding this material.

Sincerely yours,

Courtney J. Burdette
Executive Counsel

This concludes this transmission.

Laura Almond
Environmental Project Specialist
Louisiana Department of Environmental Quality
Legal Affairs Division
(225) 219-3985

Laura Almond

From: APA - House Natural Res <apa.h-natr@legis.la.gov>
Sent: Tuesday, June 6, 2023 1:27 PM
To: Laura Almond
Subject: Request received

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Natural Resources, Louisiana House.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.

Laura Almond

From: APA - Senate Environment <apa.s-envq@legis.la.gov>
Sent: Tuesday, June 6, 2023 1:27 PM
To: Laura Almond
Cc: APA - Senate Environment
Subject: Request received

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Environment, Louisiana Senate.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.

Laura Almond

From: APA - House Speaker <apa.housespeaker@legis.la.gov>
Sent: Tuesday, June 6, 2023 1:27 PM
To: Laura Almond
Cc: APA - HOUSE SPEAKER
Subject: Request received

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

ELECTRONIC RECEIPT FROM THE OFFICE OF THE SPEAKER

Your Administrative Procedure Act (APA) submission has been received by the Office of the Speaker, Louisiana House of Representatives.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.

Laura Almond

From: APA - Senate President <APA.senatepresident@legis.la.gov>
Sent: Tuesday, June 6, 2023 1:27 PM
To: Laura Almond
Cc: APA - Request Senate
Subject: Request received

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

ELECTRONIC RECEIPT FROM THE OFFICE OF THE PRESIDENT

Your Administrative Procedure Act (APA) submission has been received by the Office of the President, Louisiana Senate.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.

Laura Almond

From: Microsoft Outlook
To: apa.h-natr@legis.la.gov; apa.housespeaker@legis.la.gov; apa.s-envq@legis.la.gov; 'apa.senatepresident@legis.la.gov'
Sent: Tuesday, June 6, 2023 1:27 PM
Subject: Relayed: Interim Summary Report for WQ111

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

apa.h-natr@legis.la.gov (apa.h-natr@legis.la.gov)

apa.housespeaker@legis.la.gov (apa.housespeaker@legis.la.gov)

apa.s-envq@legis.la.gov (apa.s-envq@legis.la.gov)

'apa.senatepresident@legis.la.gov' (apa.senatepresident@legis.la.gov)

Subject: Interim Summary Report for WQ111



Interim Summary
Report for WQ1...

Laura Almond

From: Microsoft Outlook
To: Jonathan McFarland
Sent: Tuesday, June 6, 2023 1:27 PM
Subject: Delivered: Interim Summary Report for WQ111

Your message has been delivered to the following recipients:

Jonathan McFarland (Jonathan.McFarland@LA.GOV)

Subject: Interim Summary Report for WQ111



Interim Summary
Report for WQ1...

Laura Almond

From: Microsoft Outlook
To: Deidra Johnson
Sent: Tuesday, June 6, 2023 1:27 PM
Subject: Delivered: Interim Summary Report for WQ111

Your message has been delivered to the following recipients:

[Deidra Johnson \(Deidra.Johnson@LA.GOV\)](mailto:Deidra.Johnson@LA.GOV)

Subject: Interim Summary Report for WQ111



Interim Summary
Report for WQ1...

Laura Almond

From: Microsoft Outlook
To: Jamie Phillippe
Sent: Tuesday, June 6, 2023 1:27 PM
Subject: Delivered: Interim Summary Report for WQ111

Your message has been delivered to the following recipients:

Jamie Phillippe (Jamie.Phillippe@LA.GOV)

Subject: Interim Summary Report for WQ111



Interim Summary
Report for WQ1...

Laura Almond

From: Microsoft Outlook
To: Nathan Mills
Sent: Tuesday, June 6, 2023 1:27 PM
Subject: Delivered: Interim Summary Report for WQ111

Your message has been delivered to the following recipients:

Nathan Mills (Nathan.Mills@LA.GOV)

Subject: Interim Summary Report for WQ111



Interim Summary
Report for WQ1...

Laura Almond

From: Microsoft Outlook
To: Roger Gingles
Sent: Tuesday, June 6, 2023 1:27 PM
Subject: Delivered: Interim Summary Report for WQ111

Your message has been delivered to the following recipients:

[Roger Gingles \(Roger.Gingles@la.gov\)](mailto:Roger.Gingles@la.gov)

Subject: Interim Summary Report for WQ111



Interim Summary
Report for WQ1...

Laura Almond

From: Microsoft Outlook
To: Jill Clark
Sent: Tuesday, June 6, 2023 1:27 PM
Subject: Delivered: Interim Summary Report for WQ111

Your message has been delivered to the following recipients:

Jill Clark (Jill.Clark@la.gov)

Subject: Interim Summary Report for WQ111



Interim Summary
Report for WQ1...

Laura Almond

From: Microsoft Outlook
To: Courtney Burdette
Sent: Tuesday, June 6, 2023 1:27 PM
Subject: Delivered: Interim Summary Report for WQ111

Your message has been delivered to the following recipients:

Courtney Burdette (Courtney.Burdette@LA.GOV)

Subject: Interim Summary Report for WQ111



Interim Summary
Report for WQ1...

Laura Almond

From: Microsoft Outlook
To: William Little
Sent: Tuesday, June 6, 2023 1:27 PM
Subject: Delivered: Interim Summary Report for WQ111

Your message has been delivered to the following recipients:

William Little (William.Little@la.gov)

Subject: Interim Summary Report for WQ111



Interim Summary
Report for WQ1...

**Interim Comment Summary Response & Concise Statement
2021 Triennial Review
LAC 33:IX.1109, 1113, and 1123
Log Number WQ111**

Concise statement arguments:

FOR: [The reason supporting WHY the suggestion in the comment should be adopted by DEQ. Usually this is the commenter's perspective.]

AGAINST: [The reason WHY the department feels the suggestion should NOT be adopted.]

COMMENT 1: Louisiana must comply with United States Environmental Protection Agency (USEPA) criteria or justify why criteria are less stringent or missing.

FOR/AGAINST: The department agrees with the comment; no arguments are necessary.

RESPONSE 1: The Louisiana Department of Environmental Quality (LDEQ) published the Triennial Review Report of Findings document which includes a complete listing of all USEPA 304(a) criteria recommendations and the agency's actions for each substance, including calculation justifications. The document can be accessed at the following website: <https://www.deq.louisiana.gov/page/triennial-review>

COMMENT 2: EPA has put forward criteria for multiple pollutants. The following are pollutants that EPA recommends that LDEQ has not adopted: Acrolein, Silver, Suspended Solids, Turbidity, Sulfide-Hydrogen Sulfide, and Tributyltin (TBT). We request these criteria to be added to Louisiana's water quality standards. If they are not added, an adequate justification should be given.

FOR: The department should adopt water quality criteria for acrolein, silver, suspended solids, turbidity, sulfide-hydrogen sulfide, and TBT in WQ111.

AGAINST: The department has water quality criteria for turbidity; criteria for acrolein, silver, suspended solids, sulfide-hydrogen sulfide, and TBT were not warranted in WQ111.

- RESPONSE 2: As part of the 2021 Triennial Review, the department reviewed available water quality data for EPA's 304(a) new and updated criteria recommendations published since May 30, 2000. Following EPA guidance, "Supplemental Information: New or Updated CWA Section 304(a) Criteria Recommendations Published since May 30, 2000" (EPA-B20-B-15-002), criteria recommendations prior to this date were not reviewed and deemed low priority. EPA criteria recommendation published before May 30, 2000, include: silver (1980), suspended solids (1986), and sulfide-hydrogen sulfide (1986). The department has water quality criteria for turbidity (see LAC 33:IX.1113.B.9). According to the Triennial Review Report of Findings, acrolein and TBT have no data to warrant action in WQ111 and will be reevaluated with the next triennial review. Additionally, a multi-year monitoring project to collect acrolein and TBT data is underway.
- COMMENT 3: Further, EPA submitted a memo on April 14, 2016 which outlined criteria that needed to be addressed or updated. We request that LDEQ adopt these criteria.
- FOR: The department should adopt criteria for toxic substances listed in EPA's April 14, 2016, memo in WQ111.
- AGAINST: The department already has valid criteria for toxic substances listed in EPA's April 14, 2016, memo.
- RESPONSE 3: Criteria values listed in EPA's April 14, 2016 memo were generated using default data inputs for average Americans that differ from average Louisianans. Examples of these variable data inputs include fish consumption rate and average adult body weight. Additionally, the department is reviewing EPA's bioaccumulation factor (BAF) methodology for calculating Human Health Criteria (HHC). The department develops criteria to reflect local conditions.
- COMMENT 4: EPA has not approved the repeal of Louisiana's ammonia numeric criteria, the criteria must be placed back into Louisiana's Water Quality Criteria.
- FOR: LDEQ should adopt numeric freshwater ammonia criteria in WQ111.
- AGAINST: Adoption of numeric freshwater ammonia criteria is not warranted in WQ111.
- RESPONSE 4: LDEQ's freshwater ammonia numeric criteria were rescinded on

June 20, 2022, as part of rulemaking WQ110. WQ110 was the first step in LDEQ's ongoing rulemakings to adopt a new or revised freshwater ammonia numeric criteria in compliance with applicable state rulemaking procedures. The department is actively working on the adoption of freshwater ammonia numeric criteria into regulation through a separate rulemaking action (tentatively assigned rule WQ112).

COMMENT 5: LDEQ should adopt EPA recommended recreational water quality criteria for two cyanotoxins (microcystins and cylindrospermopsin).

FOR: The department should adopt water quality criteria for microcystins and cylindrospermopsin in WQ111.

AGAINST: Adoption of microcystins and cylindrospermopsin is not warranted in WQ111.

RESPONSE 5: The evaluation of microcystins and cylindrospermopsin recreational criteria is ongoing; it will not be part of WQ111. Additionally, a multi-year pilot study involving the collection of cylindrospermopsin and microcystin data, along with complimentary water quality parameters and satellite imagery, is underway.

COMMENT 6: All 304(a) criteria recommendations must be adopted.

FOR: The department should adopt all 304(a) criteria recommendations in WQ111.

AGAINST: The department adopts 304(a) criteria recommendations based on needs justification, sufficient data, and consideration of site-specific conditions.

RESPONSE 6: Please see Response 1.

COMMENT 7: Adoption of older 304(a) criteria recommendation for methylmercury (measured in fish tissue) must be considered and reviewed. The argument that methylmercury is already measured in mercury samples is not sufficient.

FOR: The department should adopt methylmercury in WQ111.

AGAINST: Adoption of methylmercury is not warranted in WQ111.

RESPONSE 7: The department is evaluating adoption of methylmercury HHC, but it will either be part of the next triennial review or a separate rule; it will not be part of WQ111.

COMMENT 8: We hope LDEQ continues to reevaluate HHC using the bioaccumulation factor (BAF) methodology. Completion of this effort is critical to the protection of the drinking water supply for all Louisianans.

FOR/AGAINST: The department agrees with the comment; no arguments are necessary.

RESPONSE 8: The department appreciates the support.

COMMENT 9: For 31 subsegments in the Lake Pontchartrain Basin, LDEQ has not proposed changes in this triennial review to the currently-applicable water quality standards. On February 25, 2019, a federal court vacated LDEQ's site-specific dissolved oxygen (DO) standard for these 31 waterbodies and remanded the matter to EPA for further proceedings. LDEQ should list the applicable water quality standard for these 31 waters as 5.0 mg/L for freshwaters and 4.0 mg/L for estuarine waters.

FOR: Dissolved oxygen (DO) criteria of 5.0 mg/L for freshwater and 4.0 mg/L for estuarine waters in 31 subsegments located in the eastern Lower Mississippi River Alluvial Plain (eLMRAP) ecoregion, which were identified in an order rendered against the EPA, et al. in Federal District Court on February 25, 2019, should be included in WQ111.

AGAINST: DO criteria for 31 eLMRAP subsegments, which were identified in an order rendered against the EPA, et al. in Federal District Court on February 25, 2019, should not be included in WQ111.

RESPONSE 9: The department acknowledges the order rendered against the USEPA, et al. in Federal District Court on February 25, 2019, concerning DO criteria in 31 subsegments (hereafter, eLMRAP DO criteria). As mentioned, the court remanded the matter to EPA for further proceedings. The department is awaiting action from USEPA regarding eLMRAP DO criteria. Until EPA acts, the dissolved oxygen criteria in these 31 subsegments is 5.0 mg/L for freshwaters and 4.0 mg/L for estuarine waters. Upon action by the EPA pursuant to the Court's remand, if/when it is necessary to revise eLMRAP DO criteria, the department will pursue rulemaking

separately from WQ111.

COMMENT 10: *E. coli* are better indicators of poor water quality and fecal contamination versus fecal coliform. Revising designated uses of fresh surface water bacteria to *E. coli* would be more protective to public health. We also understand that this suggested revision may be considered outside of scope of the current Triennial Review proposed changes, but we hope that the LDEQ will consider this suggested edit as an additional way to strengthen the standard and better protect public health.

FOR: The department should adopt *E. coli* recreational criteria in WQ111.

AGAINST: Adoption of *E. coli* recreational criteria is not warranted in WQ111.

RESPONSE 10: The evaluation of *E. coli* recreational criteria is ongoing; it will not be part of WQ111. Additionally, the department is exploring a data collection effort for *E. coli*.

COMMENT 11: We suggest utilizing the bacteria indicator *E. coli* be applied Statewide for all fresh water.

FOR: The department should adopt *E. coli* recreational criteria in WQ111.

AGAINST: Adoption of *E. coli* recreational criteria is not warranted in WQ111.

RESPONSE 11: Please see Response 10.

COMMENT 12: In reference to §1109.K.4.e.(ii-iv): In each of these subsections, there is a phrase added that states: "One or more of the following criteria are applicable:" followed by the listing of 2-3 criteria statements that limit the degree of vegetative degradation allowed in the identified wetlands. This appears to be a change to the WQS.

FOR: The proposed verbiage at §1109.K.4.e.(ii-iv) changes the existing water quality standard requires sound scientific rationale to justify this change.

AGAINST: The proposed verbiage at §1109.K.4.e.(ii-iv) does not change the existing water quality standard.

RESPONSE 12: The Department agrees this verbiage was an unintentional change to the WQS and will issue an amended proposed rule to remove

“one or more of” from these citations.

**Interim Comment Summary Response & Concise Statement
2021 Triennial Review
LAC 33:IX.1109, 1113, and 1123
Log Number WQ111**

<u>COMMENT #</u>	<u>SUGGESTED BY</u>
01 – 09	Matt Rota & Jasmine Moll, Healthy Gulf
10	Jody Frymire, IDEXX Water
11	Karen Roy, Petroleum Laboratories, Inc.
12	Mike Schaub, US Environmental Protection Agency

Comments reflected in this document are repeated verbatim from the written submittal.

Total Commenters: 04
Total Comments: 12

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) may occur seasonally during the warmer months of the year in naturally dystrophic water bodies.

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 t~~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 t~~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~~ 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 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. 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 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.

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 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 Supply	Non-Drinking Water Supply
	Acute	Chronic	Acute	Chronic	Acute	Chronic		

Endosulfan ⁷ 115-29-7	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	SO ₄	DO	pH	BAC	EC	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
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
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
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
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	400

Vermillion-Tche River Basin (06)									

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	SO ₂	DO	pH	BAC	°C	TDS
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
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	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
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] Reserved
- [6]. — [16]. ...
- [17] Reserved
- [18] Reserved
- [19]. — [22]. ...
- [23] 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: