

## NOTICE OF INTENT

Department of Environmental Quality  
Office of Environmental Assessment  
Environmental Planning Division

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.1113.C.6, Table 1 and 1123.C.3, Table 3 (Log #WP036).

Site specific criteria and designated uses have been established for Poydras-Verret Marsh Wetland based on a scientific study conducted from the summer of 1995 through the summer of 1997, and for Bayou Ramos Swamp based on an 18-month characterization study conducted from the spring of 1995 through the summer of 1996. Results for each study are summarized in the Use Attainability Analysis (UAA) reports for the Poydras-Verret Marsh Wetland and for Bayou Ramos Swamp. Two new subsegments and criteria are being proposed. Water quality management subsegment has been delineated as 041809, Poydras-Verret Marsh Wetland, located 1.5 miles north of St. Bernard, Louisiana in St. Bernard Parish, south of Violet Canal and northeast of Forty Arpent Canal. Another subsegment is delineated as 120208 for Bayou Ramos Swamp, a forested wetland located 1.25 miles north of Amelia, Louisiana in St. Mary Parish, south of Lake Palourde. Both of these wetlands are classified as naturally dystrophic water bodies (LAC 33:IX.1109.C.3). Wetland faunal assemblages for fish and macroinvertebrates, and above-ground wetland productivity (tree, grass, and/or marsh grass productivity), are determined to be the appropriate criteria for the Poydras-Verret Marsh Wetland (041809). Faunal species diversity and abundance, naturally occurring litter fall or stem growth, and the dominance index or stem density of bald cypress are determined to be the appropriate criteria for the Bayou Ramos Swamp (120208). Designated uses are secondary contact recreation and fish and wildlife propagation. All other general and numerical criteria not specifically excepted in LAC 33:IX.1123, Table 3, shall apply. In addition, footnote numbers will be corrected for 2,3,7,8-tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD) in LAC 33:IX.1113.C.6, Table 1. A superfluous footnote will be removed from the Toxic Substance column. Also, the footnote number in the Human Health Protection for Drinking Water Supply column will be changed to reflect the appropriate footnote reference. The basis and rationale for this proposed rule are to establish site specific criteria and designated uses for the Poydras-Verret Marsh Wetland (subsegment 041809) and for Bayou Ramos Swamp (subsegment 120208) developed as a result of the UAAs conducted for the sites.

This proposed rule meets an exception listed in R.S. 30:2019 (D) (3) and R.S.49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on January 25, 2001, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. 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 Patsy Deaville at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Persons commenting should reference this proposed regulation by WP036. Such comments must be received no later than February 1, 2001, at 4:30 p.m., and should be sent to Patsy Deaville, Regulation Development Section, Box 82178, Baton Rouge, LA 70884-2178 or to FAX (225) 765-5095. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Regulation Development Section at (225) 765-0399 for pricing information. Check or money order is required in advance for each copy of WP036.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.  
Assistant Secretary

**TITLE 33**  
**ENVIRONMENTAL QUALITY**  
**PART IX. WATER QUALITY REGULATIONS**

**Chapter 11. Surface Water Quality Standards**

**§1113. Criteria**

\* \* \*

[See Prior Text in A – C.6.e]

f. The use of clean or ultra-clean techniques may be required to definitively assess ambient levels of some pollutants (e.g., EPA method 1669 for metals) or to assess such pollutants when numeric or narrative water quality standards are not being attained. Clean and ultra-clean techniques are defined in LAC 33:IX.1105.

TABLE 1 NUMERICAL CRITERIA FOR SPECIFIC TOXIC SUBSTANCES (In micrograms per liter (µg/L) or parts per billion (ppb) unless designated otherwise)						
Toxic Substance	Aquatic Life Protection				Human Health Protection	
	Freshwater		Marine Water		Drinking Water Supply <sup>1</sup>	Non-Drinking Water Supply <sup>2</sup>
	Acute	Chronic	Acute	Chronic		
Pesticides and PCB's						
* * *						
[See Prior Text in Aldrin – Hexachlorobutadiene <sup>6</sup> ]						
Other Organics						
2,3,7 8-Tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD) <sup>4</sup>	--	--	--	--	0.71 ppq <sup>82</sup>	0.72 ppq
Metals and Inorganics						
* * *						
[See Prior Text in Arsenic - Cyanide]						

\* \* \*

[See Prior Text in Note 1 – Table 1-A. Conversion Factors for Dissolved Metals<sup>a</sup>. Note d]

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

**PROPOSED RULE/December 20, 2000**

**WP036**

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 25:2401 (December 1999), LR 26:2547 (November 2000), LR \*\*

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

\* \* \*

[See Prior Text in A - C.2]

3. Designated Uses. The following are the category definitions of Designated Uses that are used in Table 3 under the subheading “DESIGNATED USES.”

- A – Primary Contact Recreation
- B – Secondary Contact Recreation
- C – Propagation of Fish and Wildlife
- L – Limited Aquatic Life and Wildlife Use
- D – Drinking Water Supply
- E – Oyster Propagation
- F – Agriculture
- G – Outstanding Natural Resource Waters

Numbers in brackets (e.g. [1]) – refer to endnotes listed at the end of the table.

Table 3. Numerical Criteria and Designated Uses									
Code	Stream Description	Designated Uses	Criteria						
			CL	SO <sub>4</sub>	DO	pH	BAC	°C	TDS
	ATCHAFALAYA RIVER BASIN (01)								
* * *									
[See Prior Text in 010101 – 041808]									
<u>041809</u>	<u>Poydras-Verret Marsh Wetland- forested and marsh wetland located 1.5 miles north of St. Bernard, Louisiana in St. Bernard Parish – south of Violet Canal, and northeast of Forty Arpent Canal</u>	<u>B C</u>	[17]	[17]	[17]	[17]	<u>2</u>	[17]	[17]
* * *									
[See Prior Text in 041901 – 120207]									
<u>120208</u>	<u>Bayou Ramos Swamp Wetland – forested wetland located 1.25 miles north of Amelia, Louisiana in St. Mary Parish – south of Lake Palourde</u>	<u>B C</u>	[18]	[18]	[18]	[18]	<u>2</u>	[18]	[18]
* * *									
[See Prior Text in 120301 – 120806]									

ENDNOTES:

\* \* \*

[See Prior Text in [1] – [16]]

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

- (a) No more than 50% 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% reduction in the total above-ground wetland productivity as measured by tree, shrub, and/or marsh grass productivity.

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

- (a) No more than 20% 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% decrease in abundance.

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 22:1123 (November 1996), LR 24:1926 (October 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2401 (December 1999), LR \*\*

FISCAL AND ECONOMIC IMPACT STATEMENT

FOR ADMINISTRATIVE RULES LOG #: WP036

Person

Preparing

Statement: Kristine Pintado

Dept.: Environmental Quality

Phone: (225) 765-0246

Office: Environmental Assessment

Return

Address: P.O. Box 82178

Rule

Title: Corrections of Typographical Errors in Table 1 and Criteria and Designated Uses for the Poydras-Verret Wetland and Bayou Ramos Swamp (LAC 33:IX.1113 and 1123)

Baton Rouge, La 70884-2178

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)**

No significant effect of this proposed rule on state or local governmental expenditures is anticipated.

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

No significant effect on state or local governmental revenue collections is anticipated.

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

No significant costs and/or economic benefits to directly affected persons or non-governmental groups are anticipated.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

No significant effect on competition and employment is anticipated.

\_\_\_\_\_  
Signature of Agency Head or Designee

LEGISLATIVE FISCAL OFFICER OR DESIGNEE

Dr. James H. Brent, PhD, Assistant Secretary  
Typed Name and Title of Agency Head  
or Designee

\_\_\_\_\_  
Date of Signature

Date of Signature

LFO 7/1/94

**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).

Site specific criteria and designated uses have been established for Poydras-Verret Marsh Wetland based on a scientific study conducted from the summer of 1995 through the summer of 1997, and for Bayou Ramos Swamp based on an 18-month characterization study conducted from the spring of 1995 through the summer of 1996. Results for each study are summarized in the Use Attainability Analysis (UAA) reports for the Poydras-Verret Marsh Wetland and for Bayou Ramos Swamp. Two new subsegments and criteria are being proposed. Water quality management subsegment has been delineated as 041809, Poydras-Verret Marsh Wetland – located 1.5 miles north of St. Bernard, Louisiana in St. Bernard Parish, south of Violet Canal and northeast of Forty Arpent Canal. Another subsegment is delineated as 120208 for Bayou Ramos Swamp, a forested wetland located 1.25 miles north of Amelia, Louisiana in St. Mary Parish- south of Lake Palourde. Both of these wetlands are classified as naturally dystrophic water bodies (See LAC 33:IX.1109.C.3). Wetland faunal assemblages for fish and macroinvertebrates, and above-ground wetland productivity (tree, grass, and/or marsh grass productivity), are determined to be the appropriate criteria for the Poydras-Verret Marsh Wetland (041809). Faunal species diversity and abundance; naturally occurring litter fall or stem growth; and the dominance index or stem density of bald cypress are determined to be the appropriate criteria for the bayou Ramos Swamp (120208). Designated uses are secondary contact recreation and fish and wildlife propagation. All other general and numerical criteria not specifically excepted in LAC 33:IX.1123, Table 3 shall apply.

In addition, the footnote numbers need to be corrected for 2,3,7,8-tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD) in LAC 33:IX.1113.C.6, Table 1. A superfluous footnote will be removed from the Toxic Substance column. Also, the footnote number in the Human Health Protection for Drinking Water Supply column will be changed to reflect the appropriate number.

- B. 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 to establish protective site-specific criteria and designated uses for the Poydras-Verret Marsh Wetland (subsegment 041809) and Bayou Ramos Swamp (subsegment 120208) in Louisiana's water quality standards. A UAA was conducted for each wetland in accordance with state and federal water quality regulations, policies, and guidance to develop site-specific criteria and designated uses for the wetland.

Also, from time to time revisions to the water quality standards may produce typographical or renumbering errors that must be corrected in the regulations. In this case, the footnote number for 2,3,7,8-tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD) contained in LAC 33:IX.1113.C.6, Table 1 was not updated during the last revision to the water quality standards. Therefore, this error is being corrected.

C. Compliance with Act II 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 increase in the expenditure of funds to the state.

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 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 significant increase/decrease in costs to implement this rule is anticipated.

COSTS	FY 00-01	FY 01-02	FY 02-03
PERSONAL SERVICES	0	0	0
OPERATING EXPENSES	0	0	0
PROFESSIONAL SERVICES	0	0	0
OTHER CHARGES	0	0	0
EQUIPMENT	0	0	0
TOTAL	0	0	0
MAJOR REPAIR & CONSTR.	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 is not applicable.

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

This is not applicable.

SOURCE	FY 00-01	FY 01-02	FY 02-03
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?

The Department currently has sufficient funds to implement the amendment.

**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.

No significant impact is anticipated on local governments, including adjustments in workload and paperwork requirements.

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

No significant effect on any sources of funding of local governmental units is anticipated to result from the implementation of the proposed rule.

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**WORKSHEET**

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

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

No significant increase/decrease in revenues is anticipated.

REVENUE INCREASE/DECREASE	FY 00-01	FY 01-02	FY 02-03
STATE GENERAL FUND	0	0	0
AGENCY SELF-GENERATED	0	0	0
RESTRICTED FUNDS*	0	0	0
FEDERAL FUNDS	0	0	0
LOCAL FUNDS	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>

\*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 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.

No significant effect on directly affected persons or non-governmental groups is anticipated.

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 significant impact on receipts and/or income is anticipated.

**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.

No significant impact is anticipated on competition and employment in the public and private sectors.