

## Laura Almond

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**From:** Laura Almond  
**Sent:** Thursday, June 3, 2021 1:38 PM  
**To:** 'apa.senatepresident@legis.la.gov'; 'apa.s-envq@legis.la.gov';  
'apa.housespeaker@legis.la.gov'; 'apa.h-natr@legis.la.gov'  
**Cc:** Chuck Brown; Bijan Sharafkhani; Courtney Burdette; Deidra Johnson; Amy Troxler;  
Rachael Mathews  
**Subject:** Summary Report for WQ109  
**Attachments:** WQ109NoticeofIntent.pdf

Tracking:	Recipient	Delivery
	'apa.senatepresident@legis.la.gov'	
	'apa.s-envq@legis.la.gov'	
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	Chuck Brown	Delivered: 6/3/2021 1:38 PM
	Bijan Sharafkhani	Delivered: 6/3/2021 1:38 PM
	Courtney Burdette	Delivered: 6/3/2021 1:38 PM
	Deidra Johnson	Delivered: 6/3/2021 1:38 PM
	Amy Troxler	Delivered: 6/3/2021 1:38 PM
	Rachael Mathews	Delivered: 6/3/2021 1:38 PM

June 3, 2021

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: Summary Report for Proposed Rule WQ109  
Requirements for Credits  
(LAC 33:IX.2619.H)  
Proposed on April 20, 2021**

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*. Neither oral nor written comments were received. No changes have been made to the proposed rule since the report provided for in R.S. 49:968(B) was submitted. Attached is the Notice of Intent for informational purposes. The original proposed rule was previously provided to you and is not being resubmitted with this report.

***We would appreciate it if you would acknowledge receipt of this message by return email.*** Please contact Laura Almond at (225) 219-3981 if you have any questions regarding this material.

Sincerely yours,

Courtney J. Burdette  
General Counsel

This concludes this transmission.

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

**Laura Almond**

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**From:** Laura Almond  
**Sent:** Thursday, June 3, 2021 1:46 PM  
**To:** 'apa.h-agri@legis.la.gov'; 'apa.s-agri@legis.la.gov'  
**Cc:** Chuck Brown; Bijan Sharafkhani; Courtney Burdette; Deidra Johnson; Amy Troxler; Rachael Mathews  
**Subject:** FW: Summary Report for WQ109  
**Attachments:** WQ109NoticeofIntent.pdf

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	Chuck Brown	Delivered: 6/3/2021 1:46 PM
	Bijan Sharafkhani	Delivered: 6/3/2021 1:46 PM
	Courtney Burdette	Delivered: 6/3/2021 1:46 PM
	Deidra Johnson	Delivered: 6/3/2021 1:46 PM
	Amy Troxler	Delivered: 6/3/2021 1:46 PM
	Rachael Mathews	Delivered: 6/3/2021 1:46 PM

June 3, 2021

The Honorable Stewart Cathey, Jr., Chairman  
c/o Committee Staff  
Senate Committee on Agriculture, Forestry, Aquaculture, and Rural Development

The Honorable Jack McFarland, Chairman  
c/o Committee Staff  
House Committee on Agriculture, Forestry, Aquaculture and Rural Development

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Courtney J. Burdette  
General Counsel

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

## NOTICE OF INTENT

Department of Environmental Quality  
Office of the Secretary  
Legal Affairs and Criminal Investigations Division

### Requirements for Credits (LAC 33:IX.2619.H) (WQ109)

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.2619.H (WQ109).

The proposed Rule will include a revision to the Water Quality Trading (WQT) program at LAC 33:IX.2619.H to allow eligibility consideration of water quality benefits obtained from public conservation funds. This rulemaking is necessary to provide credit eligibility consideration of water quality benefits from public conservation funded projects in the WQT program unless otherwise prohibited by the terms and conditions of the public funded project. In LAC 33:IX.2619.H, eligibility to generate credits with public conservation funds, even when it is allowed by the funding source, is not currently considered. The use of public conservation funding sources can be critical to implementing larger projects and broader watershed improvement strategies, thereby increasing the potential for improved water quality. Eligibility of credits generated with public conservation funds, when allowed by the funding source, encourages participation in the WQT program and remains consistent with the goal of water quality improvement. The basis and rationale for this Rule are to incorporate eligibility considerations for public conservation funded projects. This has the potential to support WQT on a broader scale, thereby accelerating efforts to restore and improve water quality. 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. 49:978.1 - 978.8.

#### **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 WQ109. Such comments must

be received no later than June 1, 2021, 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 WQ109. These proposed regulations are available on the Internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

### **Public Hearing**

A public hearing will be held on May 25, 2021, 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.

Courtney J. Burdette  
General Counsel