

**TITLE 33  
ENVIRONMENTAL QUALITY  
Part IX. Water Quality**

**Subpart 1. Water Pollution Control**

**Chapter 11. Surface Water Quality Standards**

**§1105. Definitions**

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*Degradation*—a lowering of water quality, as demonstrated by data analysis, water quality models, or other scientifically defensible method.

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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 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2401 (December 1999), LR 26:2545 (November 2000), LR 29:557 (April 2003), LR 30:1473 (July 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:456 (March 2007), LR 33:827 (May 2007), LR 35:445 (March 2009), amended by the Office of the Secretary, Legal Division, LR 40:0000 (November 2014).

**§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 categories, compliance schedules and variances, short-term activity authorization, errors, severability, revisions to standards, and sample collection and analytical procedures are described.

A. Antidegradation Policy

1. State policy is that all waters of the state, including interstate, intrastate, and coastal waters, and any portions thereof, whose existing quality exceeds the specifications of

the approved water quality standards or otherwise supports an unusual abundance and diversity of fish and wildlife resources, such as waters of national and state parks and refuges, will be maintained at their existing high quality. After completion of appropriate analysis and after completion of the public participation processes outlined in the Water Quality Management Plan and the Continuing Planning Process, ~~the~~ state may choose to allow lower water quality in waters that exceed the standards to accommodate justifiable economic and/or social development in the areas in which the waters are located, but not to the extent of violating the established water quality standards. ~~Appropriate use attainability analyses will be required before any lowering of water quality will be allowed.~~ No such changes, however, will be allowed if they impair ~~interfere with or become injurious to~~ the existing water uses. No lowering of water quality will be allowed in waters where ~~standards for the~~ designated water uses are not currently being attained.

2. ~~The administrative authority will not approve any wastewater discharge or certify any activity for federal permit that would impair water quality or use of state waters.~~ Waste discharges shall ~~must~~ comply with applicable state and federal laws for the attainment of water quality goals. Any new, existing, or expanded point source or nonpoint source discharging into state waters, including any land clearing which is the subject of a federal permit application, shall ~~will~~ be required to provide the necessary level of waste treatment to protect state waters as determined by the administrative authority. Further, the highest statutory and regulatory requirements shall be achieved for all existing point sources and best management practices (BMPs) for nonpoint sources. Additionally, no degradation shall be allowed in high-quality waters designated as ~~that constitute~~ *outstanding natural resources waters*, as defined in LAC 33:IX.1111.A, ~~such as waters in the Louisiana Natural and Scenic Rivers System or waters of~~

~~ecological significance as designated by the department. Waters included in the Louisiana Natural and Scenic Rivers System, under the administration of the Louisiana Department of Wildlife and Fisheries, will be considered by the department for designation as outstanding natural resource waters. Those water bodies presently designated as outstanding natural resources waters are listed in LAC 33:IX.1123. The administrative authority shall not approve any wastewater discharge or certify any activity for federal permit that would impair water quality or use of state waters, including waters in the Natural and Scenic Rivers System that are waters of the state.~~

A.3. – J.6. ...

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### **§1119. Implementation Plan for Antidegradation Policy**

#### **A. Summary and Purpose**

1. As stated in LAC 33:IX.1109.A of these regulations, the Antidegradation Policy provides a legal framework for the basic maintenance and protection of all designated water uses. It also outlines methods that the state uses to protect state waters from water quality degradation and some of the state and federal rules and regulations that authorize them.

2. ...

#### **B. Implementation of Louisiana's Water Quality Management Process**

1. Procedures and methods by which the Antidegradation Policy is implemented are described in this Section~~several documents produced under the Water Quality~~

~~Management (WQM) Process ("The Water Quality Standards (WQS)," "The Water Quality Integrated Report," and "The Continuing Planning Process"). These documents are available from the department. Additional implementation procedures may be incorporated into the Water Quality Management Plan after appropriate public participation and intergovernmental coordination.~~

2. – 2.g. ...

C. Specific Implementation Procedures for the Antidegradation Policy. The antidegradation policy is implemented by ensuring that for all new or increased discharges~~activities~~ which may impact water quality and are permitted by the state, or for which there must be a permit on which the state comments, consideration is given to requirements of the policy. The basic principle of the policy is that water quality criteria specified in the standards shall not be exceeded and that designated uses will not be adversely impacted.

1. ...

2. If a new or increased~~such~~ activity will impact water quality by either a point or nonpoint source discharge of pollutants, the state shall ensure that the activity will not impair~~interfere with or become injurious to~~ the existing uses. If water quality will be degraded, the state shall ensure that an analysis consistent with the antidegradation policy is completed, and the intergovernmental coordination and public participation provisions of the state's Continuing Planning Process are met. In the case of state or federal wastewater discharge permits, intergovernmental coordination and public participation may be accomplished through public notice of the permit. As with any permitted discharge to a water body not designated as an outstanding natural resource water, some change in existing water quality may occur; however, existing uses shall be maintained.

~~3. If the public has not been informed of the possible lowering of water quality and has had no opportunity to comment on it, then the state shall ensure that the public is provided that opportunity. In the case of state or federal wastewater discharge permits, this may be accomplished by including notice of the possible lowering of water quality in the public notice of the permit. If the location and load proposed in the discharge permit has been previously reviewed by the public as part of the water quality management plan, additional public notice is not required. When public notice of the permit is required, the following language will be included.~~

~~"During the preparation of this permit, it has been determined that this discharge will have no adverse impact on the existing uses of the receiving water body. As with any discharge, however, some change in existing water quality may occur."~~

34. If a new or increased wastewater discharge or activity is proposed for an outstanding natural resource water body, ~~as defined by this Chapter,~~ the administrative authority shall not approve that discharge or activity if it will cause degradation, as defined in LAC 33:IX.1105, of these waters body. ~~For these purposes, *degradation* is defined as a statistically significant difference at the 90 percent confidence interval from existing physical, chemical, and biological conditions. A facility identified by the administrative authority as having an unpermitted discharge will be required to apply for an LPDES permit in accordance with LAC 33:IX.2501.A. The unpermitted discharge may be permitted if the discharge existed before the designation as an outstanding natural resource water body. Additionally, an eExisting unpermitted discharges of treated sanitary wastewater may also be permitted ~~allowed~~ if no reasonable alternative discharge location is available ~~or if the discharge existed before the designation as an outstanding natural resource water body.~~~~

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