

## NOTICE OF INTENT

Department of Environmental Quality  
Office of the Secretary  
Legal Division

Dissolved Oxygen Criteria Revisions for Eastern Lower Mississippi River Alluvial Plains  
(LMRAP) Ecoregion  
(LAC 33:IX.1123.Table 3) (WQ091)

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.1123.Table 3 (WQ091).

The dissolved oxygen (DO) criteria are being revised, where appropriate, in water quality subsegments in the eastern Lower Mississippi River Alluvial Plains (LMRAP) Ecoregion based on an ecoregion approach; Table 3 in LAC 33:IX.1123 is being revised accordingly. The proposed DO criteria revisions are the result of the findings presented in the Use Attainability Analysis of Inland Rivers and Streams in the Eastern Lower Mississippi River Alluvial Plains Ecoregion for Review of Dissolved Oxygen Water Quality Criteria, which was technically approved by EPA Region 6 on November 25, 2013. Except where the DO criteria have previously been revised, the current Louisiana DO water quality standards are the nationally-recommended criteria of 5 mg/L for freshwater and marine waters, and 4 mg/L for estuarine waters. However, natural, physical conditions (e.g., lack of slope, low flow, and high temperature) in Louisiana prevent many Louisiana water bodies from attaining the nationally-recommended DO standards. The eastern LMRAP Ecoregion is one such area where levels of DO in surface waters are naturally low and the nationally-recommended DO criteria are not attainable throughout the year. Therefore, based on the findings presented in the above referenced Use Attainability Analysis (UAA), the DO criteria for inland streams are being revised to 2.3 mg/L for the months of March through November; for the months of December through February the DO criteria for inland streams will remain as 5.0 mg/L.

Boundaries for 42 subsegments within the eastern LMRAP, the Southern Plains Terrace and Flatwoods, the Terrace Uplands, and the Coastal Deltaic Marshes Ecoregions are being refined based on watersheds; these boundary refinements resulted in the delineation of 21 new subsegments. In addition, descriptions to some subsegments are also being revised, as necessary. These changes are reflected in the revisions to Table 3 in LAC 33:IX.1123.

Supporting documentation for the proposed rule consists of two documents: 1) Use Attainability Analysis of Inland Rivers and Streams in the Eastern Lower Mississippi River Alluvial Plains Ecoregion for Review of Dissolved Oxygen Water Quality Criteria; and 2) Louisiana Water Quality Standards Ecoregions: For Use in Ecologically-Driven Water Quality Standards. The supporting documents for the proposed rule can be viewed at <http://www.deq.louisiana.gov/portal/DIVISIONS/WaterPermits/WaterQualityStandardsAssessment.aspx>. Subsegment delineations can be viewed using the LDEQ Interactive Mapping Application (LIMA) at <http://map.deq.state.la.us/>. Additionally, at this time a potpourri is being noticed in the Louisiana Register to announce an update to the Water Quality Management Plan Volume 4: Basin and Subsegment Boundaries. Inaccurate water quality criteria can result in

erroneous use impairment decisions that impact many of the state's water quality programs (i.e., assessments, total maximum daily load determinations, wastewater permitting, and implementation of best management practices). Therefore, it is important to establish appropriate and protective dissolved oxygen (DO) criteria that support fish and wildlife propagation. A Use Attainability Analysis (UAA) was conducted to inform the development of ecoregion-based DO criteria in the eastern portion of the Lower Mississippi River Alluvial Plains (LMRAP) Ecoregion. The eastern LMRAP UAA is a continuation of the process which began with a Memorandum of Agreement (MOA) in 2008 between the U.S. Environmental Protection Agency and LDEQ that resulted in the Use Attainability Analysis of Barataria and Terrebonne Basins for Revision of Dissolved Oxygen Water Quality Criteria. The basis and rationale for this proposed rule are to protect waters of the state by establishing appropriate and protective dissolved oxygen criteria that support fish and wildlife propagation. 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.

This rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

This rule has no known impact on poverty as described in R.S. 49:973.

This rule has no known impact on providers as described in HCR 170 of 2014.

A public hearing will be held on July 29, 2015, 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.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by WQ091. Such comments must be received no later than August 5, 2015, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-4068 or by e-mail to [deidra.johnson@la.gov](mailto:deidra.johnson@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 WQ091. 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).

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.

Herman Robinson, CPM  
Executive Counsel

**Title 33  
ENVIRONMENTAL QUALITY  
Part IX. Water Quality  
Subpart 1. Water Pollution Control**

**Chapter 11. Surface Water Quality Standards**

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

A. Designated-Water Quality Management Basins and Ecoregions

1. Basins

Basin Name	Basin Number
* * *	

2. Ecoregions

<u>Ecoregion Name</u>	<u>Abbreviation</u>
<u>Atchafalaya River Ecoregion</u>	<u>AR</u>
<u>Coastal Chenier Marshes Ecoregion</u>	<u>CCM</u>
<u>Coastal Deltaic Marshes Ecoregion</u>	<u>CDM</u>
<u>Gulf Coastal Prairie Ecoregion</u>	<u>GCP</u>
<u>Lower Mississippi River Alluvial Plains Ecoregion</u>	<u>LMRAP</u>
<u>Mississippi River Ecoregion</u>	<u>MR</u>
<u>Pearl River Ecoregion</u>	<u>PR</u>
<u>Red River Alluvium Ecoregion</u>	<u>RRA</u>
<u>Sabine River Ecoregion</u>	<u>SR</u>
<u>South Central Plains Flatwoods Ecoregion</u>	<u>SCPF</u>
<u>South Central Plains Southern Tertiary Uplands Ecoregion</u>	<u>SCPSTU</u>
<u>South Central Plains Tertiary Uplands Ecoregion</u>	<u>SCPTU</u>
<u>Southern Plains Terrace and Flatwoods Ecoregion</u>	<u>SPTF</u>
<u>Terrace Uplands Ecoregion</u>	<u>TU</u>
<u>Upper Mississippi River Alluvial Plains Ecoregion</u>	<u>UMRAP</u>

B. – E. ...

<b>Table 3. Numerical Criteria and Designated Uses</b>
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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 <sub>4</sub>	DO	pH	BAC	°C	TDS
<b>Atchafalaya River Basin (01)</b>									
* * *									
<b>Lake Pontchartrain Basin (04)</b>									
040101	Comite River– From Little Comite Creek and Comite Creek at Mississippi state line to Wilson- Clinton Highway-	A B C	25	10	5.0	6.0- 8.5	1	32	150
040102	Comite River– From Wilson- Clinton Highway: to White Bayou (Scenic)	A B C G	25	10	5.0	6.0- 8.5	1	32	150
* * *									
040201	Bayou Manchac– From headwaters to Amite River	A B C	25	10	<u>2.3</u> <u>Mar.-</u> <u>Nov.:</u> <u>5.0</u> <u>Dec.-</u> <u>Feb.</u>	6.0- 8.5	1	32	150
<u>040202</u>	<u>Ward Creek–From</u> <u>headwaters to</u> <u>confluence with</u> <u>Dawson Creek</u>	<u>A B C</u>	<u>25</u>	<u>10</u>	<u>5.0</u>	<u>6.0-</u> <u>8.5</u>	<u>1</u>	<u>32</u>	<u>150</u>
040301	Amite River–From Mississippi state line to La. Highway A-37 (Scenic)	A B C G	25	10	5.0	6.0- 8.5	1	32	150

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D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters

Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO <sub>4</sub>	DO	pH	BAC	°C	TDS
040302	Amite River–From La. Highway A-37 to LMRAP Ecoregion boundary Amite River Diversion Canal	A B C	25	10	5.0	6.0-8.5	1	32	150
040303	Amite River–From Amite River Diversion Canal to Lake Maurepas	A B C	25	10	<u>2.3</u> <u>Mar.-</u> <u>Nov.;</u> <u>5.0</u> <u>Dec.-</u> <u>Feb.</u>	6.0-8.5	1	32	150
* * *									
040305	<del>Colyell Creek;</del> <del>includes tributaries and Colyell Bay;</del> includes Colyell Creek and Middle Colyell Creek– From Hood Road to Colyell Bay	A B C	25	10	<u>2.3</u> <u>Mar.-</u> <u>Nov.;</u> <u>5.0</u> <u>Dec.-</u> <u>Feb.</u>	6.0-8.5	1	32	150
<u>040306</u>	<u>Amite River–From LMRAP Ecoregion boundary to Amite River Diversion Canal</u>	<u>A B C</u>	<u>25</u>	<u>10</u>	<u>2.3</u> <u>Mar.-</u> <u>Nov.;</u> <u>5.0</u> <u>Dec.-</u> <u>Feb.</u>	<u>6.0-8.5</u>	<u>1</u>	<u>32</u>	<u>150</u>
<u>040307</u>	<u>West Colyell Creek–From headwaters to Hood Road</u>	<u>A B C</u>	<u>25</u>	<u>10</u>	<u>5.0</u>	<u>6.0-8.5</u>	<u>1</u>	<u>32</u>	<u>150</u>
<u>040308</u>	<u>Middle Colyell Creek–From headwaters to Hood Road</u>	<u>A B C</u>	<u>25</u>	<u>10</u>	<u>5.0</u>	<u>6.0-8.5</u>	<u>1</u>	<u>32</u>	<u>150</u>

**Table 3. Numerical 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 <sub>4</sub>	DO	pH	BAC	°C	TDS
040309	Colyell Creek— From headwaters to confluence with, and including, Little Colyell Creek	A B C	25	10	5.0	6.0- 8.5	1	32	150
040401	Blind River—From Amite River Diversion Canal to mouth at Lake Maurepas (Scenic)	A B C G	250	75	2.3 Mar.- Nov.; 4.0 Dec.- Feb. [9]	6.0- 8.5	1	30	500
040402	Amite River Diversion Canal— From Amite River to Blind River	A B C	25	10	2.3 Mar.- Nov.; 5.0 Dec.- Feb.	6.0- 8.5	1	32	150
040403	Blind River—From headwaters to Amite River Diversion Canal (Scenic)	A B C G	250	75	2.3 Mar.- Nov.; 3.0 Dec.- Feb. [9]	6.0- 8.5	1	30	500
040404	New River—From headwaters to New River Canal	A B C	250	75	2.3 Mar.- Nov.; 5.0 Dec.- Feb.	6.0- 8.5	1	30	500
040501	Tickfaw River— From Mississippi state line to La. A- Highway 42 (Scenic)	A B C G	10	5	5.0	6.0- 8.5	1	30	55

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D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters

Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO <sub>4</sub>	DO	pH	BAC	°C	TDS
040502	<u>Blood Tickfaw River</u> —From headwaters to <u>George White Road LA-42 to Lake Maurepas</u>	A B C	10	5	5.0	6.0-8.5	1	30	55
040503	<u>Natalbany River</u> —From headwaters to <u>La. Highway 22</u> <u>Tickfaw River</u>	A B C	30	20	5.0	6.0-8.5	1	30	150
* * *									
040505	<u>Ponchatoula Creek</u> —From headwaters to <u>La. Highway 22</u> <u>and Ponchatoula River</u>	A B C	30	20	5.0	6.0-8.5	1	30	150
<u>040506</u>	<u>Tickfaw River</u> —From <u>La. Highway 42</u> to <u>Lake Maurepas</u>	<u>A B C</u>	<u>10</u>	<u>5</u>	<u>2.3</u> <u>Mar.-</u> <u>Nov.;</u> <u>5.0</u> <u>Dec.-</u> <u>Feb.</u>	<u>6.0-8.5</u>	<u>1</u>	<u>30</u>	<u>55</u>
<u>040507</u>	<u>Natalbany River</u> —From <u>La. Highway 22</u> to <u>Tickfaw River</u>	<u>A B C</u>	<u>30</u>	<u>20</u>	<u>2.3</u> <u>Mar.-</u> <u>Nov.;</u> <u>5.0</u> <u>Dec.-</u> <u>Feb.</u>	<u>6.0-8.5</u>	<u>1</u>	<u>30</u>	<u>150</u>
<u>040508</u>	<u>Ponchatoula Creek</u> —From <u>La. Highway 22</u> to <u>Natalbany River</u>	<u>A B C</u>	<u>30</u>	<u>20</u>	<u>2.3</u> <u>Mar.-</u> <u>Nov.;</u> <u>5.0</u> <u>Dec.-</u> <u>Feb.</u>	<u>6.0-8.5</u>	<u>1</u>	<u>30</u>	<u>150</u>

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A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish And Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use;  
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Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO <sub>4</sub>	DO	pH	BAC	°C	TDS
040601	Pass Manchac– From Lake Maurepas to Lake Pontchartrain; <u>includes</u> <u>interlacustrine</u> <u>waters from North</u> <u>Pass to Mississippi</u> <u>River levee</u>	A B C	1,600	200	<u>2.3</u> <u>Mar.-</u> <u>Nov.;</u> <u>5.0</u> <u>Dec.-</u> <u>Feb.</u>	6.5- 9.0	1	32	3,000
* * *									
040603	Selsers Creek– From headwaters to <u>Sisters Road</u> <u>South</u> <u>Slough</u>	A B C	30	20	5.0	6.0- 8.5	1	30	150
040604	South Slough; includes Anderson Canal to <u>Interstate</u> <u>Highway -55</u> borrow pit <u>canal</u>	A B C	30	20	<u>2.3</u> <u>Mar.-</u> <u>Nov.;</u> <u>5.0</u> <u>Dec.-</u> <u>Feb.</u>	6.0- 8.5	1	30	150
040604- 001	South Slough Wetland–Forested freshwater and brackish marsh located 1.4 miles south of Ponchatoula, directly east of <u>Interstate Highway</u> <u>-55</u> , extending to North Pass to the south and Tangipahoa River to the east	B C	[23]	[23]	[23]	[23]	2	[23]	[23]

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Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO <sub>4</sub>	DO	pH	BAC	°C	TDS
040605	<u>Mississippi Bayou and associated canals; includes Dutch Bayou, Reserve Relief Canal and Hope Canal</u>	<u>A B C</u>	<u>1,600</u>	<u>200</u>	<u>2.3</u> <u>Mar.-</u> <u>Nov.;</u> <u>5.0</u> <u>Dec.-</u> <u>Feb.</u>	<u>6.0-</u> <u>8.5</u>	<u>1</u>	<u>32</u>	<u>3,000</u>
040606	<u>Selsers Creek—From Sisters Road to South Slough</u>	<u>A B C</u>	<u>30</u>	<u>20</u>	<u>2.3</u> <u>Mar.-</u> <u>Nov.;</u> <u>5.0</u> <u>Dec.-</u> <u>Feb.</u>	<u>6.0-</u> <u>8.5</u>	<u>1</u>	<u>30</u>	<u>150</u>
040701	Tangipahoa River—From Mississippi state line to <u>Interstate Highway -12 (Scenic)</u>	A B C G	30	10	5.0	6.0-8.5	1	30	140
040702	Tangipahoa River—From <u>Interstate Highway -12</u> to Lake Pontchartrain	A B C	30	10	<u>2.3</u> <u>Mar.-</u> <u>Nov.;</u> <u>5.0</u> <u>Dec.-</u> <u>Feb.</u>	6.0-8.5	1	30	140
* * *									
040704	Chappepeela Creek—From <u>La. Highway A-1062</u> to Tangipahoa River	A B C G	20	20	5.0	6.0-8.5	1	30	140
040705	<u>Bedico Creek—From headwaters to Tangipahoa River</u>	<u>A B C</u>	<u>30</u>	<u>10</u>	<u>2.3</u> <u>Mar.-</u> <u>Nov.;</u> <u>5.0</u> <u>Dec.-</u> <u>Feb.</u>	<u>6.0-</u> <u>8.5</u>	<u>1</u>	<u>30</u>	<u>140</u>

**Table 3. Numerical Criteria and Designated Uses**

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Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO <sub>4</sub>	DO	pH	BAC	°C	TDS
040801	Tchefuncte River– From headwaters to <u>US Highway 190</u> <del>Bogue Falaya River</del> ; includes tributaries (Scenic)	A B C G	20	10	5.0	6.0- 8.5	1	30	110
040802	<u>Ponchitolawa Creek</u> <del>Tchefuncte River</del> –From headwaters <del>Bogue Falaya River</del> to <u>US Highway 190</u> <del>LA-22</del> (Scenic)	A B C G	850	135	5.0	6.0- 8.5	1	30	1,850
040803	Tchefuncte River– From <u>La. Highway A-22</u> to Lake Pontchartrain (Estuarine)	A B C	850	135	4.0	6.0- 8.5	1	30	1,850
* * *									
040806	East Tchefuncte Marsh Wetland– Freshwater and brackish marsh located just west of Mandeville, bounded on the south by Lake Pontchartrain, the west by Tchefuncte River, the north by <u>La. Highway A-22</u> , and the east by Sanctuary Ridge	B C	[23]	[23]	[23]	[23]	2	[23]	[23]

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Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO <sub>4</sub>	DO	pH	BAC	°C	TDS
040807	<u>Tchefuncte River–From US Highway 190 to Bogue Falaya River; includes tributaries (Scenic)</u>	<u>A B C G</u>	<u>20</u>	<u>10</u>	<u>2.3</u> <u>Mar.-</u> <u>Nov.;</u> <u>5.0</u> <u>Dec.-</u> <u>Feb.</u>	<u>6.0-</u> <u>8.5</u>	<u>1</u>	<u>30</u>	<u>110</u>
040808	<u>Tchefuncte River–From Bogue Falaya River to La. Highway 22 (Scenic)</u>	<u>A B C G</u>	<u>850</u>	<u>135</u>	<u>2.3</u> <u>Mar.-</u> <u>Nov.;</u> <u>5.0</u> <u>Dec.-</u> <u>Feb.</u>	<u>6.0-</u> <u>8.5</u>	<u>1</u>	<u>30</u>	<u>1,850</u>
040809	<u>Black River–From headwaters to La. Highway 22</u>	<u>A B C</u>	<u>850</u>	<u>135</u>	<u>2.3</u> <u>Mar.-</u> <u>Nov.;</u> <u>5.0</u> <u>Dec.-</u> <u>Feb.</u>	<u>6.0-</u> <u>8.5</u>	<u>1</u>	<u>30</u>	<u>1,850</u>
040901	<u>Bayou LaCombe–From headwaters to Interstate Highway 12US-190 (Scenic)</u>	<u>A B C G</u>	<u>30</u>	<u>30</u>	<u>5.0</u>	<u>6.0-</u> <u>8.5</u>	<u>1</u>	<u>30</u>	<u>150</u>
040902	<u>Bayou LaCombe–From CDM Ecoregion boundaryUS-190 to Lake Pontchartrain (Scenic) (Estuarine)</u>	<u>A B C G</u>	<u>835</u>	<u>135</u>	<u>4.0</u>	<u>6.0-</u> <u>8.5</u>	<u>1</u>	<u>32</u>	<u>1,850</u>
040903	<u>Bayou Cane–From headwaters to US Highway -190 (Scenic)</u>	<u>A B C G</u>	<u>30</u>	<u>30</u>	<u>2.3</u> <u>Mar.-</u> <u>Nov.;</u> <u>5.0</u> <u>Dec.-</u> <u>Feb.</u>	<u>6.0-</u> <u>8.5</u>	<u>1</u>	<u>30</u>	<u>150</u>

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Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO <sub>4</sub>	DO	pH	BAC	°C	TDS
040904	Bayou Cane–From CDM Ecoregion boundaryUS 190 to Lake Pontchartrain (Scenic) (Estuarine)	A B C G	N/A	N/A	4.0	6.0-8.5	1	32	N/A
040905	Bayou Liberty–From headwaters to LMRAP Ecoregion boundaryLA 433	A B C	250	100	5.0	6.0-8.5	1	32	500
040906	Bayou Liberty–From La. Highway A-433 to Bayou Bonfouca; includes Bayou de Chien (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	32	N/A
040907	Bayou Bonfouca–From headwaters to La. Highway A-433	A B C	250	100	<u>2.3</u> <u>Mar.-</u> <u>Nov.;</u> <u>5.0</u> <u>Dec.-</u> <u>Feb.</u>	6.0-8.5	1	32	500
040908	Bayou Bonfouca–From CDM Ecoregion boundaryLA 433 to Lake Pontchartrain (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	32	N/A
* * *									
040912	Bayou LaCombe–From Interstate Highway 12 to US Highway 190 (Scenic)	A B C G	<u>30</u>	<u>30</u>	<u>2.3</u> <u>Mar.-</u> <u>Nov.;</u> <u>5.0</u> <u>Dec.-</u> <u>Feb.</u>	<u>6.0-</u> <u>8.5</u>	<u>1</u>	<u>30</u>	<u>150</u>

**Table 3. Numerical 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 <sub>4</sub>	DO	pH	BAC	°C	TDS
<u>040913</u>	<u>Bayou LaCombe--From US Highway 190 to CDM Ecoregion boundary (Scenic) (Estuarine)</u>	<u>A B C G</u>	<u>835</u>	<u>135</u>	<u>2.3</u> <u>Mar.-</u> <u>Nov.;</u> <u>4.0</u> <u>Dec.-</u> <u>Feb.</u>	<u>6.0-</u> <u>8.5</u>	<u>1</u>	<u>32</u>	<u>1850</u>
<u>040914</u>	<u>Bayou Cane--From US Highway 190 to CDM Ecoregion boundary (Scenic) (Estuarine)</u>	<u>A B C G</u>	<u>N/A</u>	<u>N/A</u>	<u>2.3</u> <u>Mar.-</u> <u>Nov.;</u> <u>4.0</u> <u>Dec.-</u> <u>Feb.</u>	<u>6.0-</u> <u>8.5</u>	<u>1</u>	<u>32</u>	<u>N/A</u>
<u>040915</u>	<u>Bayou Liberty--From LMRAP Ecoregion boundary to La. Highway 433</u>	<u>A B C</u>	<u>250</u>	<u>100</u>	<u>2.3</u> <u>Mar.-</u> <u>Nov.;</u> <u>5.0</u> <u>Dec.-</u> <u>Feb.</u>	<u>6.0-</u> <u>8.5</u>	<u>1</u>	<u>32</u>	<u>500</u>
<u>040916</u>	<u>Bayou Paquet--From headwaters to Bayou Liberty (Estuarine)</u>	<u>A B C</u>	<u>N/A</u>	<u>N/A</u>	<u>2.3</u> <u>Mar.-</u> <u>Nov.;</u> <u>4.0</u> <u>Dec.-</u> <u>Feb.</u>	<u>6.0-</u> <u>8.5</u>	<u>1</u>	<u>32</u>	<u>N/A</u>
<u>040917</u>	<u>Bayou Bonfouca--From La. Highway 433 to CDM Ecoregion boundary (Estuarine)</u>	<u>A B C</u>	<u>N/A</u>	<u>N/A</u>	<u>2.3</u> <u>Mar.-</u> <u>Nov.;</u> <u>4.0</u> <u>Dec.-</u> <u>Feb.</u>	<u>6.0-</u> <u>8.5</u>	<u>1</u>	<u>32</u>	<u>N/A</u>
* * *									
<u>041002</u>	<u>Lake Pontchartrain--East of US Highway -11 bridge (Estuarine)</u>	<u>A B C E</u>	<u>N/A</u>	<u>N/A</u>	<u>4.0</u>	<u>6.5-</u> <u>9.0</u>	<u>4</u>	<u>32</u>	<u>N/A</u>

<b>Table 3. Numerical Criteria and Designated Uses</b>									
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 <sub>4</sub>	DO	pH	BAC	°C	TDS
041101	Bonnet Carre Spillway	A B C	250	75	<u>2.3</u> <u>Mar.-</u> <u>Nov.;</u> 5.0 <u>Dec.-</u> <u>Feb.</u>	6.0- 8.5	1	30	500
041201	Bayou Labranche– From headwaters to Lake Pontchartrain (Scenic) (Estuarine)	A B C G	N/A	N/A	<u>2.3</u> <u>Mar.-</u> <u>Nov.;</u> 4.0 <u>Dec.-</u> <u>Feb.</u>	6.0- 8.5	1	32	N/A
041202	Bayou Trepagnier– From Norco to Bayou Labranche (Scenic) (Estuarine)	A B C G	N/A	N/A	<u>2.3</u> <u>Mar.-</u> <u>Nov.;</u> 4.0 <u>Dec.-</u> <u>Feb.</u>	6.0- 8.5	1	32	N/A
* * *									
<u>041204</u>	<u>Bayou Traverse–</u> <u>From headwaters to</u> <u>LMRAP Ecoregion</u> <u>boundary</u> (Estuarine)	<u>A B C</u>	<u>N/A</u>	<u>N/A</u>	<u>4.0</u>	<u>6.0-</u> <u>8.5</u>	<u>1</u>	<u>32</u>	<u>N/A</u>
* * *									

## ENDNOTES:

[1] – [8] ...

[9] The sSite-Sspecific DO Ccriteriaon has been revised to incorporate ecoregionally-based critical period DO criteria.

[10] – [24] ...

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:\*\*.

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES      LOG #: WQ091

Person Preparing Statement:	<u>Sandra Stephens</u>	Dept.:	<u>Environmental Quality</u>
Phone:	<u>(225) 219-3218</u>	Office:	<u>Environmental Services</u>
Return Address:	<u>602 North Fifth Street</u> <u>Baton Rouge, LA 70820</u>	Rule Title:	<u>Dissolved Oxygen Criteria Revisions for Eastern Lower Mississippi River Alluvial Plains (LMRAP) Ecoregion (LAC 33:IX.1123)</u>
		Date Rule Takes Effect:	<u>Upon Promulgation</u>

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 will be no significant implementation costs or savings to state or local governmental units resulting from the proposed rule. The rulemaking is necessary in order to incorporate the revised dissolved oxygen (DO) criteria into the water quality regulations. The proposed revisions are the result of the findings presented in the Use Attainability Analysis (UAA) of Inland Rivers and Streams in the Eastern Lower Mississippi River Alluvial Plains Ecoregion for Review of Dissolved Oxygen Water Quality Criteria.

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

There is no estimated effect on revenue collections of state or local governmental units resulting from the proposed rule.

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

There will be no significant costs and/or economic benefits to directly affected persons or non-governmental groups resulting from the proposed rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment due to the proposed rule.

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

\_\_\_\_\_  
Legislative Fiscal Officer or Designee

Herman Robinson, CPM, Executive Counsel  
Typed Name and Title of Agency Head or Designee

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

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

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).

The dissolved oxygen (DO) criteria is being revised, where appropriate, in subsegments located in the eastern Lower Mississippi River Alluvial Plains (LMRAP) Ecoregion. Subsegment boundaries within the eastern LMRAP, Southern Plains Terrace and Flatwoods, Terrace Uplands, and Coastal Deltaic Marshes Ecoregions are being refined based on watersheds. The boundary refinements result in the delineation of 21 new subsegments. Additionally, descriptions to some subsegments are being revised, while other errors and inconsistencies in subsegment boundaries have been addressed. Errors and inconsistencies include topological errors and updating boundaries to more closely match current physical conditions. Table 3 in LAC 33:IX.1123 is being revised to reflect these revisions.

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

The rulemaking is necessary in order to incorporate the revised dissolved oxygen (DO) criteria into the water quality regulations. The proposed revisions are the result of the findings presented in the Use Attainability Analysis (UAA), *Use Attainability Analysis of Inland Rivers and Streams in the Eastern Lower Mississippi River Alluvial Plains Ecoregion for Review of Dissolved Oxygen Water Quality Criteria*. Based on the findings presented in the UAA, the DO criteria for inland streams are being revised to 2.3 mg/L for the months of March through November; for the months of December through February the DO criteria for inland streams will remain as 5.0 mg/L for non-estuarine streams and 4.0 mg/L for estuarine streams.

- C. 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.

The question 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?

There is no anticipated increase or decrease in costs to implement the proposed action.

COSTS	FY14-15	FY15-16	FY16-17
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.

The proposed rule change is anticipated to have no fiscal impact to state governmental units.

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

SOURCE	FY14-15	FY15-16	FY16-17
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 above statement is not applicable.

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.

The proposed rule change is anticipated to have no fiscal impact to local governmental units.

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

The above statement is not applicable.

## 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 increase or decrease in revenues is anticipated from the proposed action.

REVENUE INCREASE/DECREASE	FY14-15	FY15-16	FY16-17
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-
TOTAL	-0-	-0-	-0-

\*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 question 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.

There are no costs and/or economic benefits to directly affected persons or non-governmental groups.

- 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.

There will be no impact on receipts and/or income resulting from this proposed rule change.

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