

NOTICE OF INTENT

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

Correction to LAC 33:IX.7117. Appendix I
(LAC 33:IX.7117) (WQ098ft)

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.7117 (Log #WQ098ft).

This Rule is identical to federal regulations found in 40 CFR 122, Appendix I, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3985 or P.O. Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the Rule. This Rule will be promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

This Rule includes East Baton Rouge Parish as an unincorporated urbanized area greater than 100,000, but less than 250,000 according to the 1990 Decennial Census by the Bureau of the Census. This information can be found at 64 FR 68849, December 8, 1999. The US Environmental Protection Agency finalized the Phase II stormwater regulations on December 8, 1999, to address discharges of storm water from small municipal separate storm sewer systems (MS4s). As part of this rule, EPA also updated the list of designated Phase I MS4s, which are included in 40 CFR 122, Appendix I. This update includes the addition of unincorporated area of East Baton Rouge Parish as a Phase I MS4. The incorporated area of Baton Rouge was previously listed in the 1990 Phase I storm water rule. LDEQ subsequently adopted the Phase II stormwater regulations in the rule, log number WQ039, finalized on October 20, 2000. Updates to LAC 33:IX.7117 (the corresponding section to 40 CFR 122, Appendix I) were inadvertently omitted from the 2000 rule. The current Rule will correct that omission. The basis and rationale for this Rule are to mirror existing federal regulations, ensuring LDEQ's ability to issue and enforce LPDES permit requirements for the East Baton Rouge parish MS4. 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.

Provider Impact Statement

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

Public Hearing

A public hearing will be held on August 28, 2018, 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.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by WQ098ft. Such comments must be received no later than August 28, 2018, 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 deidra.johnson@la.gov. The comment period for this rule ends on the same date as the public hearing. Copies of this proposed regulation 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 WQ098ft. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

This proposed regulation is 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
General Counsel

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

Subpart 2. The Louisiana Pollutant Discharge Elimination System (LPDES) Program

Chapter 71. Appendices

§7117. Appendix I—Parishes with Unincorporated Urbanized Areas Greater than 100,000, But Less than 250,000

A. According to the Latest Decennial Census for the State of Louisiana by the Bureau of Census

~~Unincorporated Urbanized Parish~~ — Jefferson

~~Population~~ ————— 140,836

<u>Table 1.</u>	
<u>Unincorporated Urbanized Parish</u>	<u>Population</u>
<u>East Baton Rouge</u>	<u>102,539</u>
<u>Jefferson</u>	<u>140,836</u>

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), repromulgated by the Office of Environmental Assessment, Environmental Planning Division, LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45: