Final Comment Summary Response & Concise Statement
2016 Triennial Review
LAC 33:IX. 1101, 1105, 1107, 1109, 1113, 1115, 1119, 1121, and 1123
Log Number WQ097S

Concise statement arguments:

FOR: [The reason supporting WHY the suggestion in the comment should be adopted by DEQ. Usually this is the commenter's perspective.]

AGAINST: [The reason WHY the department feels the suggestion should NOT be adopted.]

COMMENT 1: LCA submits that the first sentence of proposed LAC 33:IX.1109.C.3.a should be revised to read as follows:

a. Naturally dystrophic waters ~~are~~ include waters that receive large amounts of natural organic material largely of terrestrial plant origin, are commonly stained by the decomposition of such organic material, and are low in dissolved oxygen because of natural conditions.

FOR/AGAINST: The department agrees with the comment; no arguments are necessary.

RESPONSE 1: The department concurs the word "are" in this citation is extraneous. The department will correct it in a subsequent rule.

COMMENT 2: §1105: LDEQ added the word "will" to the definition of Pollutant Minimization Program. EPA supports this change.

FOR/AGAINST: The department agrees with the comment; no arguments are necessary.

RESPONSE 2: The department appreciates the support.

COMMENT 3: §1109 A.2.a: LDEQ removed the phrase "on a waterbody-by-waterbody basis" from this provision as the lone requirement to provide for public notice and comment. While not required when identifying waters for antidegradation protection on a parameter-by-parameter basis, EPA supports LDEQ's election to provide for

public notice and comment under either approach.

FOR/AGAINST: The department agrees with the comment; no arguments are necessary.

RESPONSE 3: The department appreciates the support.

COMMENT 4: §1109.C: LDEQ clarified that a use attainability analysis (UAA) shall be conducted to justify a water body exception classification if an accompanying downgrade of a 101(a)(2) use and application of less stringent criteria is being proposed. EPA supports this change. However, please note that if a 101(a)(2) use remains unchanged, but there is a revision of criteria being proposed, that still requires the submission of a criterion revision justification to EPA (sometimes called a use assessment) to support this revision. While similar to a UAA, it is not strictly called a UAA as defined in 40 CFR §131.10. No such documentation is required for the establishment of a waterbody exception if no uses or criteria are being established or amended.

FOR/AGAINST: The department agrees with the comment; no arguments are necessary.

RESPONSE 4: The department appreciates the support and acknowledges the situations when a UAA is or is not required for a criteria revision.

COMMENT 5: §1109.C.3.a: LDEQ modified the first sentence of this provision to clarify those water conditions that constitute a naturally dystrophic water (NDW). EPA supports this change. However, we note that the Louisiana Register erroneously includes the word "are" in the phrase "Naturally dystrophic waters ***are*** [sic] include waters that receive large amounts of natural organic material…" {emphasis added}

FOR/AGAINST: The department agrees with the comment; no arguments are necessary.

RESPONSE 5: Please see the response to Comment #1.

COMMENT 6: §1109.C.3.d: LDEQ rephrased this provision to better differentiate between those conditions that must be met when a wastewater discharge to a NDW in a wetland is proposed from those conditions required of proposed wastewater discharges to NDWs in general, as described in §1109.C.3.c. EPA supports this change.

FOR/AGAINST: The department agrees with the comment; no arguments are necessary.

RESPONSE 6: The department appreciates the support.

COMMENT 7: §1109.E.1: LDEQ removed a comma from this provision. EPA supports this change.

FOR/AGAINST: The department agrees with the comment; no arguments are necessary.

RESPONSE 7: The department appreciates the support.

COMMENT 8: §1109.E.1.a.iii: LDEQ changed a reference §1109.E.1.d.i to §1109.E.1.a.i. EPA supports this change.

FOR/AGAINST: The department agrees with the comment; no arguments are necessary.

RESPONSE 6: The department appreciates the support.

COMMENT 9: §1113, Table 1, Footnotes 6 and 7: EPA supports the addition of these footnotes to this table, the inclusion of the term PCB in Footnote 6, and the added CAS registry numbers in Footnotes 6 and 7.

FOR/AGAINST: The department agrees with the comment; no arguments are necessary.

RESPONSE 6: The department appreciates the support.

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COMMENT #	SUGGESTED BY
01	M. Dwayne Johnson, c/o Louisiana Chemical Association
02-09	Mike Schaub, US Environmental Protection Agency

Comments reflected in this document are repeated verbatim from the written submittal.

Total Commenters: 02
Total Comments: 09