

Rules

RULE

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Adoption Awareness (LAC 28:CXV.2347)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted revisions to *Bulletin 741—Louisiana Handbook for School Administrators*, §2347, Health Education. The revision to §2347 results from Act 571 of the 2006 Louisiana Legislative Session, which requires that adoption awareness be included in Health Education or any other course determined by BESE to be more appropriate. Adoption awareness shall include instruction on the benefits of adoption for families wishing to add a child, for potential adoptees, and for persons who are pregnant or who have a child for whom they are unable to care.

Title 28 EDUCATION

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 23. Curriculum and Instruction

§2347. Health Education

A. The health education course offerings shall be as follows.

Course Title(s)	Units
Health Education	1/2

B. Cardiopulmonary resuscitation (CPR) shall be taught.

C. Health Education shall include instruction in adoption awareness. Adoption awareness shall include instruction on the benefits of adoption for families wishing to add a child, for potential adoptees, and for persons who are pregnant or who have a child for whom they are unable to care.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4; R.S. 17:263.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1296 (June 2005), amended LR 33:817 (May 2007).

Weegie Peabody
Executive Director

0705#011

RULE

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for Nonpublic School Administrators—Adoption Awareness (LAC 28:LXXIX.2301)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended Nonpublic Bulletin 741, *Louisiana*

Handbook for Nonpublic School Administrators, §2301, General. The revision to §2301 results from Act 571 of the 2006 Louisiana Legislative Session, which requires that adoption awareness be required instruction in nonpublic high schools in a manner that is the sole discretion of the nonpublic high school. Adoption awareness shall include instruction on the benefits of adoption for families wishing to add a child, for potential adoptees, and for persons who are pregnant or who have a child for whom they are unable to care.

Title 28 EDUCATION

Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators

Chapter 23. High School Program of Studies

§2301. General

A. The high school shall provide a comprehensive college preparatory and/or vocational curriculum.

B. Adoption awareness shall be required instruction in nonpublic high schools in a manner that is the sole discretion of the nonpublic high school. Adoption awareness shall include instruction on the benefits of adoption for families wishing to add a child, for potential adoptees, and for persons who are pregnant or who have a child for whom they are unable to care.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:263; R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2353 (November 2003), amended LR 31:3085 (December 2005), LR 33:817 (May 2007).

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RULE

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Educational Leader (LAC 28:CXXXI.240, 703, 705, and 707)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 746—Louisiana Standards for State Certification of School Personnel*: §240, Educational Leader Practitioner (Residency) Program, §703, Introduction, §705, Educational Leader Certificate Level 1, and §707, Educational Leader Certificate Level 2. This policy changes the type and level of the teaching certificate required to be certified as an Educational Leader Level 1 and also changes the required number of years of teaching experience from five to three years. The new policy will also allow for two new alternate paths of certification for

Educational Leader Level 1 applicants. The revised policy will enhance the current educational leadership certification policy and will allow individuals to pursue certification as an educational leader through multiple standards-based, research-based pathways.

**Title 28
EDUCATION**

**Part CXXXI. Bulletin 746—Louisiana Standards for
State Certification of School Personnel**

**Chapter 2. Louisiana Teacher Preparation Programs
§240. Educational Leader Practitioner (Residency)
Program**

A. State-approved private providers and Louisiana colleges or universities may choose to offer an Educational Leader Practitioner (Residency) Program for purposes of certifying successful candidates for Educational Leader Level 1 certification. Educational Leader Practitioner Program providers must submit a program proposal to the Louisiana Department of Education, Division of Certification and Preparation. Programs will be reviewed for adherence to program guidelines, and those meeting guidelines will be recommended to the Board of Elementary and Secondary Education for approval status. The Educational Leader Practitioner Program is a streamlined certification path that combines intensive coursework and practical, on-the-job experience.

1. Admission to the Program. Program providers work with local educational agency or state/district-approved charter school personnel to identify Educational Leader Practitioner Program candidates who will be employed by the local educational agency or approved charter school (hereinafter referred to as hiring authority). For admission, candidates must:

- a. possess a baccalaureate degree from an accredited university;
- b. have three years of K-12 teaching experience and demonstrate strong knowledge of instruction through a rigorous screening process by an approved program provider in partnership with one or more hiring authorities;
- c. hold or be eligible to hold a valid Louisiana Type B or Level 2 teaching certificate or have a comparable level out-of-state teaching certificate;
- d. meet other non-course requirements established by the approved leader practitioner program:
 - i. candidates will be chosen using a rigorous selection process designed to determine the potential of candidates as school leaders. The screening process for each cohort will involve a multi-phase process that includes, as a minimum, a written application, recommendations, and interviews.

2. Leader Preparation (First Summer)

a. All leader practitioner candidates will participate in an initial summer institute training that will build skills in the areas of instructional, organizational, and personal leadership. The *Standards for Educational Leaders in Louisiana* will serve as the basis of the curriculum. The summer institute will provide a balanced curriculum that includes learning opportunities grounded in practical experience, theory, and research. Topics to be addressed include but are not limited to the following: Leading with a Vision, Using Data to Lead School Improvement, Creating and Leading Effective School Teams, Building a High-

Performance Learning Culture and Professional Learning Communities, and Leading and Learning with Technology. Acquired knowledge and skills will be utilized in the planning of residency experiences with a residency supervisor, who is assigned by the program provider. In addition, participants will begin developing their portfolio and Educational Leadership Development plan.

b. The summer session will include a minimum of 135 contact hours (or 9 credit hours).

3. Principal Residency and Support (School Year)

a. Candidates assume positions as administrative interns (with responsibilities equivalent to that of an Assistant Principal). The hiring authority pays the candidate's salary.

b. Interns will serve in at least two different schools, and will experience a full range of activities associated with all phases of school administration. In school experiences should provide for a minimum of 125 days in the school.

c. During the school year, candidates participate in weekly sessions provided by the program provider and in four seminars (two during the first semester and two during the second semester) that address immediate needs of the practitioner leader. Weekly sessions and seminars should provide for a minimum of 60 contact hours (or 4 credit hours).

d. Practitioner leaders receive one-on-one supervision through a residency supervisor provided by the program providers.

e. Practitioner leaders will receive support from a school-based principal mentor identified by the hiring authority and the program provider, and a principal coach provided by the program provider. Hiring authorities and providers will collaborate to identify appropriate site for placement of an intern at a school and with a strong principal who serves as the school-based mentor. Additionally, the provider identifies and trains principal coaches (e.g., former principals, retired principals) who support one or more candidates.

4. Leader Preparation (Second Summer)

a. All leader practitioner candidates will participate in a follow-up summer institute training that will continue to build skills in the areas of instructional and organizational leadership. The *Standards for Educational Leaders in Louisiana* will serve as the basis of the curriculum. The summer institute will provide a balanced curriculum that includes learning opportunities grounded in practical experience, theory, and research. Topics to be addressed include but are not limited to the following: Leading a Focused Drive toward Student Achievement, Organizing the Learning Environment, and Ethical Leadership. In addition, program participants will finalize their portfolio and Educational Leadership Development plan.

b. The summer session will include 135 contact hours (or 9 credit hours).

i. An approved program provider may choose to provide a portion of the second summer curriculum and contact hours during the first summer or academic school year.

ii. A minimum of 45 contact hours (or 3 credit hours) must be provided during the second summer.

iii. The provider must provide evidence that the curriculum topics have all been addressed and that the required contact hours/credit hours have been met by the end of the second summer.

5. Practitioner Leader Performance Review (Mid-Year and End of Program)

a. Program providers, mentor principals, and principal coaches form teams to review mid-year performance of practitioner leaders and determine the extent to which the practitioner leader has demonstrated educational leadership proficiency. If weaknesses are cited, teams will identify additional types of support to address areas of needs.

b. Program providers, mentor principals, and principal coaches form teams to review end-of-program performance of practitioner leaders and determine the extent to which the aspiring leader has demonstrated educational leadership proficiency and readiness for the Educational Leader Level 1 certification.

6. Total Hours Required. Minimum of 330 contact hours of coursework (22 credit hours) and minimum of 125 days serving as practitioner leader (administrative intern).

7. Passage of School Licensure Exam. Have a passing score on the School Leaders Licensure Assessment (SLLA) in accordance with state requirements.

8. Program requirements must be met by the end of the second summer session. For certification purposes, approved providers will submit signed statements to the Department of Education indicating that the student completing the Educational Leader Practitioner Program performance-based certification path met the following requirements:

a. passed the School Leaders Licensure Assessment;

b. completed all program coursework (summers and school year) and the residency;

c. completed prescriptive plans (if weaknesses were demonstrated);

d. demonstrate readiness for the educational leader based on performance against the *Standards for Educational Leaders in Louisiana* and approved program provider indicators of skills needed for educational leader success;

e. completed an Educational Leadership Development plan (an individualized learning plan that outlines areas of development in each of the *Standards for Educational Leaders in Louisiana*;

f. completed a portfolio demonstrating skills needed to collaborate with teachers and use data to increase student achievement; successfully observe, evaluate, and provide feedback to teachers to improve student achievement; and lead the school or a portion of the school through a change process that helps to build a positive school community.

9. On-Going Support (Second and Third Year). Program providers will give support services to educational leaders who have completed the practitioner leader program and are serving as school leaders during their second and third years in the program. Support services are coordinated with the state-administered Louisiana Education Leaders Induction Program and include regular visits to their schools

from a successful, veteran principal who provides feedback and coaching and leads regular cohort meetings.

10. Professional License. Upon completion of all requirements of the program, the candidate will receive an Educational Leader Level 1 license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:818 (May 2007)

Chapter 7. Administrative and Supervisory Credentials

Subchapter A. The Educational Leadership Certification Structure—Effective July 1, 2006

§703. Introduction

A. The Educational Leadership Certification structure, effective July 1, 2006, provides for four levels of leader certification: Teacher Leader; Educational Leader Level 1; Educational Leader Level 2; and Educational Leader Level 3. The Teacher Leader Endorsement is an option for a teacher to be identified as a teacher leader; it is not a state required credential for a specific administrative position. The Educational Leader Level 1 license is an entry-level license for individuals seeking to qualify for school and/or district leadership positions (e.g., assistant principals, principals, parish or city supervisors of instruction, supervisors of child welfare and attendance, special education supervisors, or comparable school/district leader positions). An individual moves from a Level 1 to a Level 2 license upon completion of the Educational Leader Induction Program and the required years of experience. The Level 3 license qualifies an individual for employment as a district superintendent.

B. Educational leadership preparation programs, induction programs, and continuing learning units required for re-licensure are aligned with the following state and national standards:

1. Standards for Educational Leaders in Louisiana;
2. Interstate School Leaders License Consortium [ISLLC] Standards for School Leaders; and
3. Educational Leadership Constituent Council [ELCC] Standards for Advanced Programs in Educational Leadership, the standards used by the National Council for the Accreditation of Colleges of Teachers Evaluation [NCATE] for university program reviews.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1822 (October 2006), amended LR 33:819 (May 2007).

§705. Educational Leader Certificate Level 1

A. This is the certification authorization needed by those who fill school and district educational leadership positions (e.g., assistant principal, principal, parish or city supervisor of instruction, supervisor of child welfare and attendance, special education supervisor, or comparable school/district leader positions). This endorsement is valid for five years and is renewable every five years based upon successful completion and verification of required continuing learning units. An Educational Leader Certificate Level 1 may be obtained through either a master's degree path or through an alternate path.

1. Master's Degree Path. To receive an entry-level certificate in educational leadership, the candidate must:

a. hold or be eligible to hold a valid Louisiana Type B or Level 2 teaching certificate or have a comparable level out-of-state teaching certificate and three years of teaching experience in his/her area of certification;

b. complete a competency-based graduate degree preparation program in the area of educational leadership from a regionally accredited institution of higher education; and

c. have a passing score on the School Leaders Licensure Assessment (SLLA), in accordance with state requirements.

2. Alternate Path 1. Three alternate paths are available to individuals seeking an Educational Leader Certificate Level 1. The Alternate Path 1 is for persons who already hold a master's degree and are seeking to add Educational Leader certification to a valid teaching certificate:

a. hold or be eligible to hold a valid Louisiana Type B or Level 2 teaching certificate or have a comparable level out-of-state teaching certificate and three years of teaching experience in his/her area of certification;

b. have previously completed a graduate degree program from a regionally accredited institution of higher education;

c. meet competency-based requirements, as demonstrated by completion of an individualized program of educational leadership from a regionally accredited institution of higher education. An individualized program will be developed based on a screening of each candidate's competencies upon entering into the graduate alternative certification program; and

d. have a passing score on the School Leaders Licensure Assessment (SLLA) in accordance with state requirements.

3. Alternate Path 2. Three alternate paths are available to individuals seeking an Educational Leader Certificate Level 1. The Alternate Path 2 is for persons who already hold a master's degree in education and are seeking to add Educational Leader certification to a valid teaching certificate:

a. hold or be eligible to hold a valid Louisiana Type B or Level 2 teaching certificate or have a comparable level out-of-state teaching certificate and three years of teaching experience in his/her area of certification;

b. have previously completed a graduate degree program in education from a regionally accredited institution of higher education;

c. provide documented evidence of leadership experiences (240 clock hours or more) at the school and/or district level; and

d. have a passing score on the School Leaders Licensure Assessment (SLLA) in accordance with state requirements.

4. Alternate Path 3. Three alternate paths are available to individuals seeking an Educational Leader Certificate Level 1. The Alternate Path 3 is for persons who already hold a baccalaureate degree from a regionally accredited institution of higher education and are seeking to add Educational Leader certification to a valid teaching certificate through a competency-based educational leader practitioner (residency) program (See Chapter 2, §240):

a. hold or be eligible to hold a valid Louisiana Type B or Level 2 teaching certificate or have a comparable level out-of-state teaching certificate and three years of teaching experience in his/her area of certification;

b. demonstrate strong knowledge of instruction through a rigorous screening process by an approved program provider;

c. complete a competency-based educational leader practitioner/residency preparation program in the area of educational leadership from a state-approved private provider or a regionally accredited institution of higher education; and

d. have a passing score on the School Leaders Licensure Assessment (SLLA) in accordance with state requirements.

5. Renewal Requirements. For purposes of maintaining a valid endorsement, holders of an Educational Leader Level 1 endorsement are required to complete 150 continuing learning units of professional development consistent with the Individual Professional Growth Plan (IPGP) over a five-year time period. The starting date of the five-year cycle depends on the type of teaching certificate that the individual holds.

a. If an individual holds a Louisiana Professional Teaching Certificate Level 2, then the renewal date is tied to the renewal date on the professional teaching certificate.

b. If an individual holds a Louisiana Type B Teaching Certificate or a comparable level out-of-state teaching certificate, then the renewal time period begins with the date of issue of the Educational Leader Level 1 endorsement.

6. Upon employment as a school/district educational leader, an individual with an Educational Leader Level 1 endorsement must enroll in the state-approved Educational Leader Induction Program under the direction of the Louisiana Department of Education. Once employed as a school/district educational leader, the individual has three years to complete the induction program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1823 (October 2006), amended LR 33:819 (May 2007).

§707. Educational Leader Certificate Level 2

A. This endorsement is valid for five years and is renewable every five years based upon successful completion and verification of required continuing learning units.

1. To receive an Educational Leader Certificate Level 2, the individual must:

a. hold a valid Level 1 Educational Leader certificate, Louisiana provisional principal certification, or comparable level out-of-state educational leader certificate;

b. have three years of teaching experience in his/her area(s) of certification;

c. have completed the Educational Leader Induction Program under the administration of the Louisiana Department of Education:

i. the induction period begins upon the candidate's first full-time administrative appointment (permanent or acting) as an assistant principal, principal, parish or city supervisor of instruction, supervisor of child

welfare and attendance, or comparable school/district leader position;

ii. the Educational Leader Induction Program must be completed within a three-year period;

d. have three years of educational leadership experience at the level of assistant principal or above.

2. Renewal Requirements. For purposes of maintaining a valid endorsement, holders of an Educational Leader Level 2 endorsement are required to complete 150 continuing learning units of professional development consistent with the Individual Professional Growth Plan (IPGP) over a five-year time period. The starting date of the five-year cycle depends on the type of teaching certificate that the individual holds.

a. If an individual holds a Louisiana Professional Teaching Certificate Level 2, then the renewal date is tied to the renewal date on the professional teaching certificate.

b. If an individual does not hold a Louisiana Professional Teaching Certificate Level 2, but does hold an Educational Leader Level 1 endorsement, then the renewal date is tied to the renewal date on the Educational Leader Level 1 endorsement.

c. If an individual holds neither a Louisiana Professional Teaching Certificate Level 2 nor an Educational Leader Level 1 endorsement, then the renewal time period begins with the date of issue of the Educational Leader Level 2 endorsement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1823 (October 2006), amended LR 33:820 (May 2007).

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RULE

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Special Education Program Deadline Extension (LAC 28:CXXXI.225 and 231)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted revisions to *Bulletin 746—Louisiana Standards for State Certification of School Personnel*, §225. Minimum Requirements for Approved Early Interventionist Special Education Birth to Five Years Program, and §231. Introduction. This policy extends the deadline date from January 1, 2007, to July 1, 2007, for special education programs in Early Interventionist Special Education Birth to Five Years, Significant Disabilities, Hearing Impaired, and Visually Impaired. This extension will allow campuses to continue offering their existing special education programs during spring 2007. This extension will provide students additional time to complete the special education programs currently in place. This policy change is requested so that university programs in special education areas can be reviewed for approval.

Title 28

EDUCATION

Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel

**Chapter 2. Louisiana Teacher Preparation Programs
Subchapter A. Traditional Teacher Preparation Programs**

§225. Minimum Requirements for Approved Early Interventionist Special Education Birth to Five Years Program: Adopted November 18, 2004; Effective July 1, 2007

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1789 (October 2006), amended LR 33:821 (May 2007).

Subchapter B. Alternate Teacher Preparation Programs

§231. Introduction

A. - D. ...

1. July 1, 2007—last date for candidates to be accepted into Post-Baccalaureate Programs.

2. August 31, 2010—last date for candidates who are already in Post-Baccalaureate Programs to complete those programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 (A)(10), (11), (15); R.S. 17:7(6); R.S. 17:10; R.S. 17:22(6); R.S. 17:391.1-391.10; R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1790 (October 2006), amended LR 33:821 (May 2007).

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0705#008

RULE

**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division**

**Abrasive Blasting Emissions
(LAC 33:III.1323, 1325, 1327,
1329, 1331, and 1333)(AQ249)**

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 has adopted the Air regulations, LAC 33:III.1323, 1325, 1327, 1329, 1331, and 1333 (Log #AQ249).

This rule is intended to reduce particulate matter emissions from any facility that engages in or contracts to provide abrasive blasting and that is classified under a Standard Industrial Classification (SIC) Code beginning with 34, 35, or 37, or under SIC Code 1622 or 1721. The current rule is vague and not consistently followed. This rule clarifies the existing regulation by specifying the following standards of performance for abrasive blasting: prohibited materials and methods that cannot be used in abrasive blasting activities; requirement to control emissions through either enclosure or establishment of Best Management Practices; maintenance of control equipment; and

recordkeeping requirements. Abrasive blasting is a common practice in Louisiana and is not currently regulated in a consistent manner. Many of the complaints received by the department are related to abrasive blasting emissions. This situation can be ameliorated by setting clear performance standards that apply equally to all businesses that engage in abrasive blasting. The basis and rationale for this rule are to improve air quality by reducing particulate matter emissions.

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.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 13. Emission Standards for Particulate Matter

Subchapter F. Abrasive Blasting

§1323. Emissions from Abrasive Blasting

A. Purpose. The purpose of this Subchapter is to reduce particulate matter emissions from facilities that engage in abrasive blasting.

B. Scope. This Subchapter applies to any facility or contractor in the state that engages in or contracts to provide on-site abrasive blasting and that is classified under a Standard Industrial Classification (SIC) Code beginning with 34, 35, or 37 or under SIC Code 1622 or 1721.

C. Compliance. Compliance with these regulations does not eliminate the requirement to comply with any other state or federal regulation or any specific condition of a permit granted by the department.

1. Any new facility that is constructed after promulgation of these regulations shall comply with all of the requirements of this Subchapter before operation may commence.

2. Existing affected facilities shall comply with all of the requirements of this Subchapter as soon as practicable, but no later than one year after promulgation of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:822 (May 2007).

§1325. Definitions

A. Terms used in this Subchapter are defined in LAC 33:III.111 with the exception of the terms specifically defined below.

Abrasive Material (Abrasives, Abrasive Media)—any material used in abrasive blasting operations including, but not limited to, sand, slag, steel shot/grit, garnet, CO₂, or walnut shells.

Abrasive Blasting—the operation of cleaning or preparing a surface by forcibly propelling a stream of abrasive material against the surface.

Abrasive Blasting Equipment—any equipment utilized in abrasive blasting operations.

Emission Control Equipment—any device or contrivance, operating procedure, or abatement scheme, including, but not limited to, filters, ventilation systems, shrouds, or best management practices, that prevents or

reduces the emission of air contaminants from blasting operations.

Enclose—to place tarps, shrouds, or a solid structure on all sides and above an area used for abrasive blasting, or to fully surround a structure to be blasted.

Hydroblasting—abrasive blasting using high-pressure liquid as the propelling force or as the active cleaning agent.

Indoor Abrasive Blasting—abrasive blasting conducted inside of a permanent building equipped with a particulate matter collection system.

Nuisance—any condition of the ambient air beyond the property line of the emission source that is offensive to the senses, or that causes or constitutes an obstruction to the free use of property, so as to unreasonably interfere with the comfortable enjoyment of life or property. In determining whether or not a nuisance exists, the department may consider factors including, but not limited to, the following:

- a. the frequency of the emission;
- b. the duration of the emission;
- c. the intensity and offensiveness of the emission;
- d. the number of persons impacted;
- e. the extent and character of the detriment to the complainant; and
- f. the source's ability to prevent or avoid harm.

Shade Factor—for shrouds, the percent of area impermeable to particles 100 grit or greater, or to sunlight.

Shroud or Tarp—a device that is designed to enclose or surround the blasting activity to minimize the atmospheric dispersion of fine particulates and direct that material to a confined area for subsequent removal and disposal.

Surround—to place tarps, shrouds, or a solid structure on all sides of an area used for abrasive blasting.

Wet Abrasive Blasting—abrasive blasting with the addition of water to the air abrasive stream.

Vacuum Blasting—abrasive blasting in which a seal is maintained between the assembly and the blasting surface, thereby allowing the spent abrasive, surface material, and dust to be immediately collected by a vacuum device, equipped with a high efficiency (at least 95 percent) particulate filtration system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:822 (May 2007).

§1327. Blasting Operations

A. Abrasive Materials and Methods

1. Material derived from hazardous, toxic, medical, and/or municipal waste is prohibited from use as abrasive material.

2. Abrasives shall contain less than 10 percent (by weight) of fines that would pass through a No. 80 sieve as documented by the supplier. If supplier documentation is not provided for weight percent of fines in abrasive material, samples shall be taken according to ASTM standard ASTM D 75-87, reapproved 1992, before initial use.

3. Abrasives shall not be reused for abrasive blasting unless they meet the requirements of Paragraph A.2 of this Section.

B. The following abrasives and blasting methods are exempt from the provisions of Paragraph A.2 of this Section and LAC 33:III.1329.A and F and LAC 33:III.1333.A.4-5:

1. abrasive blasting using iron or steel shot/grit;

2. abrasive blasting using CO₂;
3. hydroblasting or wet abrasive blasting;
4. vacuum blasting; and
5. abrasive blasting using other abrasives, as approved

by the department on a case-by-case basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:822 (May 2007).

§1329. Performance Standard

A. Affected facilities shall either:

1. fully enclose the item, or surround the structure, to be blasted; or
2. prepare and implement a best management practices (BMP) plan as described in LAC 33:III.1331.

B. Blast cabinet exhaust shall be re-circulated to the cabinet or vented to emission control equipment.

C. If tarps are used to confine emissions due to abrasive blasting, the tarps shall:

1. have overlapping seams to prevent leakage of particulate matter;
2. have a shade factor of 80 percent or greater; and
3. be repaired prior to use if any single tear greater than 1 foot in length is present or if tears greater than 6 inches in length each are present.

D. If blasting is performed in a permanent building with a particulate matter collection system, the collection system shall be exhausted through effective control equipment with a particulate matter outlet grain loading of 0.05 gr/dscf or less, as documented by the control equipment manufacturer or demonstrated by performance testing.

E. When abrasive blasting is performed over waters of the state, blasting material or visible floating solids shall be prevented from reaching waters of the state or minimized to the maximum extent possible as specified in the facility and/or activity BMP or in accordance with the LPDES permit program.

F. Abrasive blasting activities shall not create a nuisance.

G. The facility shall maintain stockpiles of new and/or spent abrasive material in a manner that will minimize fugitive airborne emissions. Measures to minimize emissions shall include, but not be limited to, the following:

1. covering stockpiled material;
2. wetting stockpiled material; or
3. keeping stockpiled material in containers.

H. All emission control equipment shall be used and diligently maintained in proper working order according to the manufacturer's specifications whenever any emissions are being generated that can be controlled by the facility, even if the ambient air quality standards in affected areas are not exceeded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:823 (May 2007).

§1331. Best Management Practices (BMP) Plans

A. Facilities that decide to use a BMP plan to comply with this Subchapter shall comply with all the requirements of this Section.

B. A complete copy of the BMP plan shall be kept at the facility and be made available to authorized representatives of the department upon request. Plans need not be submitted to the department unless requested by an authorized representative of the department.

C. Each facility shall have a designated person who is accountable for the implementation and effectiveness of the BMP plan.

D. Amendment of BMP Plan

1. After review of the plan, the department may require the owner/operator of the facility to amend the plan if the plan does not prevent nuisances and/or adverse off-site impacts.

2. The plan shall be amended whenever physical or operational modification of the facility renders the existing plan inadequate. The amendment shall be implemented prior to or concurrent with the facility modification.

E. Periodic Review of BMP Plan. The owner/operator of a facility shall review the plan every three years to determine if the plan adequately reduces nuisances and adverse off-site impacts. If it is determined that the plan is not adequate, the plan shall be amended within 90 days of the review to include more effective emission prevention and control technology.

F. Contents of BMP Plan. The BMP plan shall be prepared in accordance with sound engineering practices and must be site-specific. The plan information shall be presented in the following sequence:

1. the name, mailing address, and location of the facility;
2. the name of the operator of the facility;
3. the date and year of initial facility operation;
4. a description of the facility, including an indication of any nearby recreational areas, residences, or other structures not owned or used solely by the facility, and their distances and directions from the facility;
5. a description of any nearby waters of the state that may be affected, their distances and directions from the facility, and how emissions to those waters will be prevented or minimized;
6. a statement of the facility's procedures for preventing nuisances and/or adverse off-site impacts, including a description of any emission control equipment;
7. a statement of the facility's capability and procedures for taking corrective actions and/or countermeasures when nuisances and/or adverse off-site impacts occur;
8. written procedures for self-monitoring and self-inspection of the facility;
9. personnel training records as required by this Subchapter; and
10. signatures of responsible officials.

G. Provisions for personnel training shall be included in the BMP plan as follows.

1. Any employee and/or contractor conducting abrasive blasting shall be trained on proper abrasive blasting methods, proper handling of abrasive and spent material and floatable solids, the facility's plan, and good housekeeping practices for the facility.

2. Employees and contractors shall receive training pertaining to the plan at least once a year or when significant changes are made to the plan that affect their activities.

3. Employees, contractors, and customer representatives shall be instructed not to dispose of abrasive, spent, or floatable materials to air and water bodies or to drains, drainage channels, or trenches that lead to water bodies.

4. Contractors shall be notified of and required to perform in accordance with the provisions of the plan applicable to activities related to their contract.

H. Inspections and Records

1. The BMP plan shall be reviewed every three years to ensure that the plan meets the requirements of this Subchapter. Records of this review shall be signed or initialed by the person conducting the review, and an appropriate supervisor or the facility designee, and shall be retained for a minimum of three years.

2. In addition to other recordkeeping and reporting requirements of this Section, the following records should be maintained on the facility premises:

a. self-inspection reports prepared in accordance with Paragraph F.8 of this Section;

b. documentation of employee and contractor training, including dates, subjects, and hours of training and a list of attendees with signatures.

I. Verification by the Department. Facilities to which this Subchapter applies may be inspected by an authorized representative of the department to ensure implementation and adequacy of the facility's BMP plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:823 (May 2007).

§1333. Recordkeeping and Reporting

A. The facility owner/operator shall maintain the following records on the facility premises at all times, and present them to an authorized representative of the department upon request:

1. permit application approval records and the facility's permit to construct/operate, where applicable;

2. a description of the type of *emission control equipment*, as defined in LAC 33:III.1325, employed at the facility;

3. descriptions and diagrams showing the locations of blasting operations on-site;

4. a monthly record of abrasive material usage, including:

a. for new material, weight percent of fines in abrasive material *per* the manufacturer;

b. if abrasive material is being reused, weight percent of fines as determined by sampling. For the purpose of determining weight percent of fines in abrasive material, samples shall be taken according to ASTM standard ASTM D 75-87, reapproved 1992;

5. applicable results, and data derived from results, of containment, ventilation, air, soil, fines, and other monitoring activities;

6. records of how spent material is handled, recycled, reused, or disposed of, including the names of, and any manifests or receipts from, any off-site facilities that accept the spent material; and

7. for abrasive blasting that is performed outside of a full enclosure or a blast cabinet, the following:

a. visual observations of particulate matter emissions, recorded at commencement of, and prior to ending of, operations less than four hours in duration, and every four hours for operations greater than four hours in duration;

b. observations of wind direction, recorded simultaneously with the observations required in Subparagraph A.7.a of this Section;

c. a daily record of actual operating times when such blasting is performed, based on a 24-hour clock.

B. Records required by this Subchapter or any BMP plan used to attain compliance with this Subchapter shall be maintained on a 36-month rolling basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:824 (May 2007).

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Executive Counsel

0705#042

RULE

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Syngenta Crop Protection Delisting Petition (LAC 33:V.4999)(HW094P)

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 has amended the Hazardous Waste regulations, LAC 33:V.4999.Appendix E (Log #HW094P).

Syngenta Crop Protection, Inc., is petitioning to exclude from hazardous waste regulations (delist) ash and scrubber water, derived from on-site incineration of listed hazardous wastes from crop protection product production and product distribution. The delisting program is regulated by LAC 33:V.105, which includes a formal rulemaking process. The applicants who wish to remove a waste from the list of hazardous wastes must submit a petition and satisfy all requirements of LAC 33:V.105. The exclusion applies only to incinerator ash and incinerator scrubber water resulting from incineration conducted at Syngenta's St. Gabriel facility. The department has reviewed Syngenta's petition and found it satisfies the delisting requirements. The department used the Delisting Risk Assessment Software (DRAS) in the evaluation of the impact of the petitioned waste on human health and the environment.

Syngenta operates a multi-purpose incinerator (MPI). The MPI is permitted for the incineration of hazardous waste. Incinerator ash and scrubber water are generated following the incineration of hazardous and nonhazardous waste. Syngenta's wastes include EPA hazardous waste codes F001-F005 and F024, K157-K159, and all P and U codes. Syngenta's choice of conditional delisting is based on the operational merits of incineration as a waste management option. Incinerator ash and scrubber water do not contain detectable concentrations of organic constituents. Based on

the information submitted by Syngenta, the results of the analytical data, and the results from the DRAS, there was no obvious adverse effect on human health or the environment. The basis and rationale for this rule are to grant the petition on an evaluation of waste-specific information provided by the petitioner.

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.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 49. Lists of Hazardous Wastes

§4999. Appendices—Appendix A, B, C, D, and E

Appendix A. - Appendix D. ...

Appendix E. Wastes Excluded under LAC 33:V.105.M

A. - B.3.b. ...

Table 1 - Wastes Excluded
[See Prior Text in Dupont Dow Elastomers, LLC, Laplace, LA – BFI Waste Systems of Louisiana LLC, Colonial Landfill, Sorrento, LA, (4)]

Table 1 - Wastes Excluded
Syngenta Crop Protection, Inc., St. Gabriel, LA
Incinerator ash, at a maximum annual generation rate of 3,600 cubic yards per year, and incinerator scrubber water, at a maximum annual generation rate of 420,000 cubic yards per year (approximately 85 million gallons per year), result from incineration at the Syngenta Crop Protection, Inc., facility in St. Gabriel, Louisiana. Syngenta’s waste stream includes the United States Environmental Protection Agency (USEPA) hazardous waste codes F001-F005, F024, K157-K159, and all P and U codes. The constituents of concern for these waste codes are listed in LAC 33:V.4901. This exclusion applies only to incinerator ash and incinerator scrubber water resulting from incineration conducted at Syngenta’s St. Gabriel facility. Syngenta must implement a testing and management program that meets the following conditions for the exclusion to be valid.
(1). Testing Sample collection and analyses, including quality control (QC) procedures, must be performed according to methods described in Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods, EPA Publication Number SW-846, as incorporated by reference in LAC 33:V.110.
(1)(A). Inorganic Testing During the first 12 consecutive months of this exclusion, Syngenta must collect and analyze one monthly composite sample of the incinerator ash and two grab samples of the scrubber water. Composite samples of incinerator ash must be composed of one grab sample from each of two different days during a representative week of operation. The grab samples of scrubber water must be collected on two different days during a representative week of operation. The monthly samples must be analyzed for the constituents listed in condition (3)(A) prior to disposal of the source incinerator ash and scrubber water. Syngenta must report to the department the unit operating conditions and analytical data (reported in milligrams per liter), including quality control information. If the department and Syngenta concur that the analytical results obtained during the 12 monthly testing periods have been significantly below the delisting levels in condition (3)(A), Syngenta may replace the inorganic testing required in condition (1)(A) with the inorganic testing required in condition (1)(B). Condition (1)(A) shall remain effective until this concurrence is reached.

Table 1 - Wastes Excluded
Syngenta Crop Protection, Inc., St. Gabriel, LA
(1)(B). Subsequent Inorganic Testing After concurrence by the department, Syngenta may substitute the following testing conditions for those in condition (1)(A). Syngenta must continue to monitor operating conditions and analyze quarterly samples representative of normal operations. Syngenta must report to the department the unit operating conditions and analytical data (reported in milligrams per liter), including quality control information. Composite samples of incinerator ash must be composed of one grab sample from each of two different days during a representative week of operation, during the first month of each quarterly period. The grab samples of scrubber water must be collected on two different days during a representative week of operation, during the first month of each quarterly period. These quarterly representative samples of incinerator ash and scrubber water must be analyzed for the constituents listed in condition (3)(A) prior to disposal of the source incinerator ash and scrubber water. If delisting levels for any inorganic constituents listed in condition (3)(A) are exceeded in any quarterly sample, Syngenta must re-institute testing as required in condition (1)(A). Syngenta may, at its discretion, analyze incinerator ash composite samples or scrubber water grab samples gathered more frequently than quarterly to demonstrate that smaller batches of waste are nonhazardous.
(1)(C). Organic Testing During the first 12 consecutive months of this exclusion, Syngenta must collect and analyze monthly one grab sample of incinerator ash and one grab sample of scrubber water. These monthly representative grab samples must be analyzed for the constituents listed in condition (3)(B) prior to disposal of the source incinerator ash and scrubber water. Syngenta must report to the department the incinerator operating conditions and analytical data (reported in milligrams per liter), including quality control information. If the department and Syngenta concur that the analytical results obtained during the 12 monthly testing periods have been significantly below the delisting levels in condition (3)(B), Syngenta may replace the organic testing required in condition (1)(C) with the organic testing required in condition (1)(D). Condition (1)(C) shall remain effective until this concurrence is reached.
(1)(D). Subsequent Organic Testing After concurrence by the department, Syngenta may substitute the following testing conditions for those in condition (1)(C). Syngenta must continue to monitor operating conditions and analyze one quarterly grab sample of incinerator ash and one quarterly grab sample of scrubber water representative of normal operations. Syngenta must report to the department the unit operating conditions and analytical data (reported in milligrams per liter), including quality control information. These quarterly representative grab samples of incinerator ash and scrubber water must be collected during the first month of each quarterly period and analyzed for the constituents listed in condition (3)(B) prior to disposal of the source incinerator ash and scrubber water. If delisting levels for any organic constituents listed in condition (3)(B) are exceeded in the quarterly sample, Syngenta must re-institute testing as required in condition (1)(C). Syngenta may, at its discretion, analyze incinerator ash composite samples or scrubber water grab samples gathered more frequently than quarterly to demonstrate that smaller batches of waste are nonhazardous.
(2). Waste Holding and Handling Syngenta must treat the incinerator ash and scrubber water as hazardous wastes until the verification testing is completed, as specified in conditions (1)(A) - (1)(D), and the incinerator ash and scrubber water have satisfied the delisting criteria, as specified in condition (3). If the levels of constituents in the samples of incinerator ash and scrubber water are below all of the applicable levels set forth in condition (3), then the incinerator ash and scrubber water thereby become nonhazardous solid wastes and may be managed and disposed of in accordance with all applicable solid waste regulations. If hazardous constituent levels in any monthly composite or other representative sample equal or exceed any of the delisting levels set in condition (3), the incinerator ash and scrubber water must be managed and disposed of in accordance with Subtitle C of RCRA until the incinerator ash and scrubber water meet the delisting levels. Syngenta must repeat the analyses for the constituents listed in conditions (3)(A) and (3)(B) prior to disposal.

Table 1 - Wastes Excluded
Syngenta Crop Protection, Inc., St. Gabriel, LA
(3). Delisting Levels Concentrations in conditions (3)(A) and (3)(B) must be measured in an extract from the waste samples by the method specified in LAC 33:V.4903.E. All leachable concentrations in the waste extract must be less than the following levels (all units are milligrams per liter).
(3)(A). Inorganic Constituents (all units are milligrams per liter) antimony—0.15; arsenic—0.50; barium—39.0; cadmium—0.11; chromium—5.0; copper—0.50; lead—5.0; nickel—20.0; vanadium—15; and zinc—200.
(3)(B). Organic Constituents (all units are milligrams per liter) acetone—26.0; benzene—0.05; carbon tetrachloride—0.18; chloroform—0.14; 1,2-dichlorobenzene—0.77; hexachlorobenzene—0.13; nitrobenzene—0.14; pentachlorobenzene—0.04; pyridine—0.26; toluene—10.0; toxaphene—89; and vinyl chloride—0.05.
(4). Changes in Operating Conditions If Syngenta significantly changes the operating conditions specified in the petition, Syngenta must notify the department in writing. After receipt of written approval by the department, Syngenta must re-institute the testing required in conditions (1)(A) and (1)(C) for a minimum of four consecutive months. Syngenta must report unit operating conditions and test data required by conditions (1)(A) and (1)(C), including quality control data, obtained during this period no later than 60 days after the changes take place. After written notification by the department, Syngenta may replace testing conditions (1)(A) and (1)(C) with (1)(B) and (1)(D). Syngenta must fulfill all other requirements in condition (1).
(4)(A). Processing Equipment Syngenta may elect to change processing equipment based on operational performance and economic considerations. In the event that Syngenta changes operating equipment, Syngenta must re-institute processing and initiate testing required in conditions (1)(A) and (1)(C) for a minimum of four consecutive months. Syngenta must report unit operating conditions and test data required in conditions (1)(A) and (1)(C), including quality control data, obtained during this period, no later than 60 days after the changes take place. Following written notification by the department, Syngenta may replace testing conditions (1)(A) and (1)(C) with (1)(B) and (1)(D). Syngenta must fulfill all other requirements in condition (1).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, LR 20:1000 (September 1994), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:944 (September 1995), LR 22:830 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2397 (December 1999), LR 26:2509 (November 2000), LR29:1084 (July 2003), repromulgated LR 29:1475 (August 2003), amended by the Office of Environmental Assessment, LR 30:2464 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:445 (March 2007), LR 33:825 (May 2007).

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0705#044

RULE

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Water Quality Standards Triennial Revision
(LAC 33:IX.1101, 1105, 1109, 1111, 1113,
1115, 1119, 1121, and 1123)(WQ054)

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 has amended the Water Quality regulations, LAC 33:IX.1101, 1105, 1109, 1111, 1113, 1115, 1119, 1121, and 1123 (Log #WQ054).

This rule will fulfill the department's obligation to review and revise, as necessary, and at least once every three years, the state's water quality standards, pursuant to 40 CFR 131.20. This revision of LAC 33:IX.Chapter 11 includes: addition, removal, and revision of definitions; minor revisions of the designated use descriptions; reformatting of the toxics criteria table; revision of human health toxics criteria, as necessary, according to an in-depth review of the most recent research, calculations, and methods; revision of water body subsegment descriptions; addition and removal of water body subsegments based on a recent review of the Louisiana coastline; addition of "Drinking Water Source" as a designated use for all water body subsegments with public water supply intakes; and grammar and spelling corrections. A notice for the corresponding revision of Volume 3 of the Water Quality Management Plan was published in the Potpourri section of the December 20, 2006, edition of the *Louisiana Register*. The basis and rationale for this rule are to carry out the purpose of the Clean Water Act and maintain water quality standards for the protection of surface 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. This rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality

Subpart 1. Water Pollution Control

Chapter 11. Surface Water Quality Standards

§1101. Introduction

A. - B.3. ...

C. The water quality standards described in this Chapter are applicable to surface waters of the state and are utilized through the wasteload allocation and permit processes, to

develop effluent limitations for point source discharges to surface waters of the state. They can also form the basis for implementing the best management practices for control of nonpoint sources of water pollution.

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 20:883 (August 1994), amended by the Office of the Secretary, Legal Affairs Division, LR 33:826 (May 2007).

§1105. Definitions

Acute Toxicity—any lethal or deleterious effect on representative sensitive organisms that results from a single dose or exposure of a chemical or mixture of chemicals within a short period of time, usually less than 96 hours.

Artificial Heat—heat derived from unnatural sources, such as power plants and other industrial cooling processes.

Assimilation Capacity—Repealed.

Background Condition—a concentration of a substance in a particular environment that is indicative of minimal influence by human (anthropogenic) sources.

Biological Succession—Repealed.

Brackish Water—surface water (creeks, bayous, rivers, lakes, estuaries) having an average salinity of 2 parts per thousand or greater and less than 10 parts per thousand; does not apply to wetland interstitial salinity regime.

Chronic Toxicity—toxicity that, after long-term exposure, exerts sublethal negative effects on, or is lethal to, representative, sensitive organisms.

Clean Techniques—an integrated system of sample collection and laboratory analytical procedures designed to detect concentrations of trace metals below criteria levels and eliminate or minimize inadvertent sample contamination that can occur during traditional sampling practices.

Estuary—an area where freshwater systems and saltwater systems interact. Such areas can extend from coastal areas into inland rivers and streams as far as the limit of tidal influence or as far as the saltwater wedge reaches. Estuarine salinities are variable and influenced by physical (i.e., tide, sedimentation, precipitation), chemical (i.e., variable salinities), and biological (i.e., vegetation, faunal populations) factors.

Excepted Use—a water body classification reflecting natural conditions and/or physical limitations that preclude the water body from meeting its designated use(s). Such classifications include, but are not limited to, man-made waters, naturally dystrophic waters, and intermittent streams.

Fresh Warmwater Biota—aquatic life species whose populations typically inhabit waters with warm temperatures (seasonal averages above 20°C, 68°F) and low salinities (less than 2 parts per thousand), including, but not limited to, black basses and freshwater sunfish and catfish and characteristic freshwater aquatic invertebrates and wildlife.

Fresh Water—surface water (creeks, bayous, rivers, lakes) having an average salinity of less than 2 parts per thousand; does not apply to wetland interstitial salinity regime.

Freshwater Swamps and Marshes—Repealed in WQ068, March 2007.

g/L—grams per liter.

Harmonic Mean Flow—a statistical value used to calculate permit limits where 7Q10 flow is not appropriate. This calculation is intended for positive numbers and non-zero values, thereby, precluding the use of negative flow values. The formula is as follows:

$$\frac{1}{H} \equiv \frac{1}{n} \cdot \sum_{n} \frac{1}{x_i}$$

where:

H = harmonic mean

n = number of samples

x = actual samples

Intermediate Marshes—Repealed in WQ068, March 2007.

Intermittent Stream—Repealed.

Intermittent Streams—streams that provide water flow continuously during some seasons of the year but little or no flow during the drier times of the year.

Man-Made Watercourse—Repealed.

Man-Made Water Body—a body of water that has been anthropogenically created or altered and is used primarily for drainage, conveyance, or retention of water for purposes of irrigation, transportation, sanitation, flood relief, water diversion, or natural resource extraction. The physical and hydrological characteristics of man-made water bodies are not conducive to the establishment of a balanced population of aquatic biota or to the full support of recreational activities.

Marine Water—of, relating to, or found in surface waters with average salinities greater than or equal to 10 parts per thousand; does not apply to wetland interstitial salinity regime.

Marine Water Biota—Repealed.

µg/L—micrograms per liter.

mg/L—milligrams per liter.

ng/L—nanograms per liter.

Nonpoint Source—a diffuse source of water pollution that does not discharge through a point source, but instead, flows freely across exposed natural or man-made surfaces such as agricultural or urban runoff and runoff from construction, mining, or silviculture activities that are not regulated as point sources.

Person—any individual, municipality, public or private corporation, partnership, firm, the United States Government and any agent or subdivision thereof, or any other juridical person, which shall include, but not be limited to, trusts, joint stock companies, associations, the State of Louisiana, political subdivisions of the state, commissions, and interstate bodies.

Process Heat—heat derived from unnatural sources such as power plants and other industrial cooling processes.

Receiving Waters—the waters of the state into which an effluent is, or may be, discharged.

Saline Marshes—Repealed in WQ068, March 2007.

* * *

ug/L—Repealed.

Ultra-Clean Techniques—Repealed.

Use Attainability Analysis (UAA)—a structured scientific assessment of the factors (chemical, physical, biological, and economic) affecting the attainment of designated water uses in a water body. Recommendations for the revision of the water quality standards may be based upon a *use attainability analysis*.

* * *

Water Body Exception Classification—a water body classification indicating natural conditions and/or physical limitations that preclude the water body from meeting water quality criteria. Classifications include, but are not limited to, man-made water bodies, naturally dystrophic waters, and intermittent streams.

Water Pollution—the introduction into the waters of the state by any means, including dredge-and-fill operations, of any substance in a concentration that tends to degrade the chemical, physical, biological, or radiological integrity of such waters, including, but not limited to, the discharge of brine from salt domes that are located on the coastline of Louisiana and the Gulf of Mexico into any waters off said coastline and extending there from three miles into the Gulf of Mexico.

* * *

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).

§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. - B.3.f. ...

C. Water Body Exception Classification. Some water bodies may qualify for a water body exception classification. This classification will be made on a case-by-case basis. Whenever data indicate that a water body exception classification is warranted, the department will recommend the exception to the administrative authority for approval. In all cases where exceptions are proposed, the concurrence of the Water Quality Protection Division Director of the EPA must be obtained and the opportunity for public participation must be provided during the exceptions review process. The general criteria of these standards shall apply to all water bodies classified as a water body exception except where a particular water body is specifically exempted. A use attainability analysis may be conducted to gather data

necessary to justify a water body exception classification. If such a classification is justified, applicable water uses and water quality criteria will be established. Exceptions are allowed for the following three categories of water bodies.

C.1. - J.6. ...

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 10:746 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 17:966 (October 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2546 (November 2000), LR 29:557 (April 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 33:457 (March 2007), LR 33:828 (May 2007).

§1111. Water Use Designations

A. There are seven water uses designated for surface waters in Louisiana: agriculture, drinking water supply, fish and wildlife propagation, outstanding natural resource waters, oyster propagation, primary contact recreation, and secondary contact recreation. Designated uses assigned to a subsegment apply to all water bodies (listed water body and tributaries/distributaries of the listed water body) contained in that subsegment unless unique chemical, physical, and/or biological conditions preclude such uses. However, the designated uses of drinking water supply, outstanding natural resource waters, and/or oyster propagation apply only to the water bodies specifically so designated in LAC 33:IX.1123, Table 3, and not to any tributaries or distributaries to such water bodies. The water use designations are defined as follows.

Agriculture—the use of water for crop spraying, irrigation, livestock watering, poultry operations, and other farm purposes not related to human consumption.

Drinking Water Supply—the use of water for human consumption and general household use. Surface waters designated as drinking water supplies are specifically so designated in LAC 33:IX.1123, Table 3; this designation does not apply to their tributaries or distributaries unless so specified.

Fish and Wildlife Propagation—the use of water for aquatic habitat, food, resting, reproduction, cover, and/or travel corridors for any indigenous wildlife and aquatic life species associated with the aquatic environment. This use also includes the maintenance of water quality at a level that prevents damage to indigenous wildlife and aquatic life species associated with the aquatic environment and contamination of aquatic biota consumed by humans. The use subcategory of *limited aquatic life and wildlife* recognizes the natural variability of aquatic habitats, community requirements, and local environmental conditions. *Limited aquatic life and wildlife* use may be designated for water bodies having habitat that is uniform in structure and morphology, with most of the regionally expected aquatic species absent, low species diversity and richness, and/or a severely imbalanced trophic structure. Aquatic life able to survive and/or propagate in such water bodies includes species tolerant of severe or variable environmental conditions. Water bodies that might qualify for the *limited aquatic life and wildlife* use subcategory include intermittent streams, and naturally dystrophic and man-made water bodies with characteristics including, but

not limited to, irreversible hydrologic modification, anthropogenically and irreversibly degraded water quality, uniform channel morphology, lack of channel structure, uniform substrate, lack of riparian structure, and similar characteristics making the available habitat for aquatic life and wildlife suboptimal.

Outstanding Natural Resource Waters—water bodies designated for preservation, protection, reclamation, or enhancement of wilderness, aesthetic qualities, and ecological regimes, such as those designated under the Louisiana Natural and Scenic Rivers System or those designated by the department as waters of ecological significance. Characteristics of *outstanding natural resource waters* include, but are not limited to, highly diverse or unique instream and/or riparian habitat, high species diversity, balanced trophic structure, unique species, or similar qualities. This use designation shall apply only to those water bodies specifically so designated in LAC 33:IX.1123, Table 3 and not to their tributaries or distributaries unless so specified.

Oyster Propagation—the use of water to maintain biological systems that support economically important species of oysters, clams, mussels, or other mollusks so that their productivity is preserved and the health of human consumers of these species is protected. This use designation shall apply only to those water bodies specifically so designated in LAC 33:IX.1123, Table 3 and not to their tributaries or distributaries unless so specified.

Primary Contact Recreation—any recreational or other water contact activity involving prolonged or regular full-body contact with the water and in which the probability of ingesting appreciable amounts of water is considerable. Examples of this type of water use include swimming, skiing, and diving.

Secondary Contact Recreation—any recreational or other water contact activity in which prolonged or regular full-body contact with the water is either incidental or accidental, and the probability of ingesting appreciable amounts of water is minimal. Examples of this type of water use include fishing, wading, and boating.

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 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division LR 25:2401

(December 1999), LR 26:2546 (November 2000), LR 30:1473 (July 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:828 (May 2007).

§1113. Criteria

A. - C.6.a. ...

b. The criteria for protection of aquatic life are based on acute and chronic concentrations in fresh and marine waters (see LAC 33:IX.1105) as specified in the EPA criteria documents and are developed primarily for attainment of the fish and wildlife propagation use. Where a specific numerical criterion is not derived in EPA criteria documents, a criterion is developed by applying an appropriate application factor for acute and chronic effects to the lowest LC50 value for a representative Louisiana species. The application of either freshwater toxics criteria or marine toxics criteria in brackish waters will be determined by the average salinity of the water body (see LAC 33:IX.1105). In cases where the average salinity is 2 parts per thousand or greater and less than 10 parts per thousand, the more stringent criteria will be used unless an alternative site-specific criterion is developed (as described in EPA-822-R-02-047, November 2002).

c. ...

d. Metals criteria are based on dissolved metals concentrations in ambient waters. Hardness values are averaged from two-year data compilations contained in the latest Louisiana Water Quality Data Summary or other comparable data compilations or reports. Metals criteria have been developed for both fresh and marine waters, but not brackish waters. The application of either freshwater metals criteria or marine metals criteria in brackish waters will be determined by the average salinity of the water body (see LAC 33:IX.1105). In cases where the average salinity is 2 parts per thousand or greater and less than 10 parts per thousand, the more stringent criteria will be used unless an alternative site-specific criterion is developed (as described in EPA-822-R-02-047, November 2002).

e. ...

f. The use of clean techniques may be required to definitively assess ambient levels of some pollutants (e.g., EPA Method 1669 for metals) or to assess such pollutants when numeric or narrative water quality standards are not being attained. *Clean techniques* are defined in LAC 33:IX.1105.

Table 1
Numerical Criteria for Specific Toxic Substances
(In micrograms per liter (µg/L))

Toxic Substance	Aquatic Life Protection						Human Health Protection	
	Freshwater		Marine Water		Brackish Water		Drinking Water Supply ¹	Non-Drinking Water Supply ²
	Acute	Chronic	Acute	Chronic	Acute	Chronic		
Aldrin	3.00	--	1,300	--	1,300	--	4x10 ⁻⁵	4x10 ⁻⁵
Benzene	2,249	1,125	2,700	1,350	2,249	1,125	0.58	6.59
Benzidine	250	125	--	--	250	125	8x10 ⁻⁵	1.7x10 ⁻⁴
Bromodichloromethane	--	--	--	--	--	--	0.52	6.884
Bromoform (Tribromomethane)	2,930	1,465	1,790	895	1790	895	3.9	34.7
Carbon Tetrachloride (Tetrachloromethane)	2,730	1,365	15,000	7,500	2,730	1,365	0.22	1.2
Chlordane	2.40	0.0043	0.090	0.0040	.090	0.0040	1.9x10 ⁻⁴	1.9x10 ⁻⁴
Chloroform (Trichloromethane)	2,890	1,445	8,150	4,075	2,890	1,445	5.3	70
2-Chlorophenol	258	129	--	--	258	129	0.10	126.4

Table 1
Numerical Criteria for Specific Toxic Substances
(In micrograms per liter (µg/L))

Toxic Substance	Aquatic Life Protection						Human Health Protection	
	Freshwater		Marine Water		Brackish Water		Drinking Water Supply ¹	Non-Drinking Water Supply ²
	Acute	Chronic	Acute	Chronic	Acute	Chronic		
3-Chlorophenol	--	--	--	--	--	--	0.10	--
4-Chlorophenol	383	192	535	268	383	192	0.10	--
Cyanide	45.9	5.4	1.0	--	1.0	--	663.8	12,844
DDE	52.5	10.5000	0.700	0.1400	0.700	0.1400	1.9x10 ⁻⁴	1.9x10 ⁻⁴
DDT	1.10	0.0010	0.130	0.0010	0.130	0.0010	1.9x10 ⁻⁴	1.9x10 ⁻⁴
Dibromochloromethane	--	--	--	--	--	--	0.39	5.08
1,2-Dichloroethane (EDC)	11,800	5,900	11,300	5,650	11,300	5,650	0.36	6.8
1,1-Dichloroethylene	1,160	580	22,400	11,200	1,160	580	0.05	0.58
2,4-Dichlorophenoxyacetic acid (2,4-D)	--	--	--	--	--	--	100.00	--
2,3-Dichlorophenol	--	--	--	--	--	--	0.04	--
2,4-Dichlorophenol	202	101	--	--	202	101	0.30	232.6
2,5-Dichlorophenol	--	--	--	--	--	--	0.50	--
2,6-Dichlorophenol	--	--	--	--	--	--	0.20	--
3,4-Dichlorophenol	--	--	--	--	--	--	0.30	--
1,3-Dichloropropene	606	303	79	39.5	79	39.5	0.33	5.51
Dieldrin	0.2374	0.0557	0.710	0.0019	0.2374	0.0019	5x10 ⁻⁵	5x10 ⁻⁵
Endosulfan	0.22	0.0560	0.034	0.0087	0.034	0.0087	0.47	0.64
Endrin	0.0864	0.0375	0.037	0.0023	0.037	0.0023	0.26	0.26
Ethylbenzene	3,200	1,600	8,760	4,380	3,200	1,600	247	834
Heptachlor	0.52	0.0038	0.053	0.0036	0.053	0.0036	7x10 ⁻⁵	7x10 ⁻⁵
Hexachlorobenzene	--	--	--	--	--	--	2.5x10 ⁻⁴	2.5x10 ⁻⁴
Hexachlorobutadiene ³	5.1	1.02	1.6	0.32	1.6	0.32	0.09	0.11
Hexachlorocyclohexane (gamma BHC; Lindane)	5.30	0.21	0.160	--	0.160	--	0.11	0.20
Methyl chloride (Chloromethane)	55,000	27,500	27,000	13,500	27,000	13,500	--	--
Methylene chloride (Dichloromethane)	19,300	9,650	25,600	12,800	19,300	9,650	4.4	87
Phenol (Total) ⁴	700	350	580	290	580	290	5.00	50.0
Polychlorinated Biphenyls, Total (PCBs)	2.00	0.0140	10.000	0.0300	2.00	0.0140	5.59x10 ⁻⁵	5.61x10 ⁻⁵
TDE (DDD)	0.03	0.0060	1.250	0.2500	0.03	0.0060	2.7x10 ⁻⁴	2.7x10 ⁻⁴
2,3,7,8-Tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD) ⁵	--	--	--	--	--	--	0.71x10 ⁻⁶	0.72x10 ⁻⁶
1,1,2,2-Tetrachloroethane	932	466	902	451	902	451	0.16	1.8
Tetrachloroethylene	1,290	645	1,020	510	1,020	510	0.65	2.5
Toluene	1,270	635	950	475	950	475	6,100	46,200
Toxaphene	0.73	0.0002	0.210	0.0002	0.210	0.0002	2.4x10 ⁻⁴	2.4x10 ⁻⁴
1,1,1-Trichloroethane	5,280	2,640	3,120	1,560	3,120	1,560	200.0	--
1,1,2-Trichloroethane	1,800	900	--	--	1,800	900	0.56	6.9
Trichloroethylene	3,900	1,950	200	100	200	100	2.8	21
2-(2,4,5-Trichlorophenoxy) propionic acid (2,4,5-TP; Silvex)	--	--	--	--	--	--	10.00	--
Vinyl Chloride (Chloroethylene)	--	--	--	--	--	--	2.37x10 ⁻²	0.45

¹ Applies to surface water bodies designated as a Drinking Water Supply and also protects for primary and secondary contact recreation and fish consumption.

² Applies to surface water bodies not designated as a Drinking Water Supply and protects for primary and secondary contact recreation and fish consumption.

³ Includes Hexachloro-1,3-butadiene.

⁴ Total phenol as measured by the 4-aminoantipyrine (4AAP) method.

⁵ Advances in scientific knowledge concerning the toxicity, cancer potency, metabolism, or exposure pathways of toxic pollutants that affect the assumptions on which existing criteria are based may necessitate a revision of dioxin numerical criteria at any time. Such revisions, however, will be accomplished only after proper consideration of designated water uses. Any proposed revision will be consistent with state and federal regulations.

Table 1A
Numerical Criteria for Metals and Inorganics
(In micrograms per liter (µg/L) or parts per billion (ppb))

Toxic Substance	Aquatic Life Protection						Human Health Protection
	Freshwater		Marine Water		Brackish Water ^f		Drinking Water Supply ^a
	Acute	Chronic	Acute	Chronic	Acute	Chronic	
Arsenic ^c	339.8	150	69.00	36.00	69	36	10.0
Chromium III (Tri) ^{b,c}	Acute: $e^{(0.8190[\ln(\text{hardness})] + 3.6880)} \times 0.316$ Chronic: $e^{(0.8190[\ln(\text{hardness})] + 1.5610)} \times 0.86$		515.00	103.00	*	*	50.0
Chromium VI (Hex) ^c	16	11	1,100	50.00	16	11	50.0
Zinc ^{b,c}	Acute: $e^{(0.8473[\ln(\text{hardness})] + 0.8604)} \times 0.978$ Chronic: $e^{(0.8473[\ln(\text{hardness})] + 0.7614)} \times 0.986$		90	81	*	*	5,000
Cadmium ^{b,c}	Acute: $e^{(1.1280[\ln(\text{hardness})] - 1.6774)} \times (1.136672 - [\ln(\text{hardness})(0.041838)])$ Chronic: $e^{(0.7852[\ln(\text{hardness})] - 3.4900)} \times (1.101672 - [\ln(\text{hardness})(0.041838)])$		45.35	10.00	*	*	10.0
Copper ^{b,c}	Acute: $e^{(0.9422[\ln(\text{hardness})] - 1.3844)} \times 0.960$ Chronic: $e^{(0.8545[\ln(\text{hardness})] - 1.3860)} \times 0.960$		3.63	3.63	*	*	1000
Lead ^{b,c}	Acute: $e^{(1.2730[\ln(\text{hardness})] - 1.4600)} \times (1.46203 - [\ln(\text{hardness})(0.145712)])$ Chronic: $e^{(1.2730[\ln(\text{hardness})] - 4.7050)} \times (1.46203 - [\ln(\text{hardness})(0.145712)])$		209	8.08	*	*	50.0
Mercury ^c	2.04 ^d	0.012 ^c	2 ^d	0.025 ^c	2 ^d	0.012 ^c	2.0
Nickel ^{b,c}	Acute: $e^{(0.8460[\ln(\text{hardness})] + 3.3612)} \times 0.998$ Chronic: $e^{(0.8460[\ln(\text{hardness})] + 1.1645)} \times 0.997$		74	8.2	*	*	--

* For hardness-dependent criteria, values are calculated using average hardness (mg/L CaCO₃) from two-year data compilations contained in the latest Louisiana Water Quality Data Summary or other comparable data compilations or reports, as described in LAC 33:IX.1113.C.6.

^a Applies to surface water bodies designated as Drinking Water Supply and also protects for primary and secondary contact recreation and fish consumption.

^b Hardness-dependent criteria for freshwater are based on the natural logarithm formulas multiplied by conversion factors (CF) for acute and chronic protection. The minimum and maximum hardness values used for criteria calculation are 25 mg/L and 400 mg/L CaCO₃, as specified in 40 CFR 131.36.

^c Freshwater and saltwater metals criteria are expressed in terms of the dissolved metal in the water column. The standard was calculated by multiplying the previous water quality criteria by a conversion factor (CF). The CF represents the EPA-recommended conversion factors found in EPA-822-R-02-047, November 2002.

^d Conversion factor is from: Office of Water Policy and Technical Guidance on Interpretation and Implementation of Aquatic Life Metals Criteria, October 1, 1993. Factors were expressed to two decimal places.

^e It is not appropriate to apply CF to chronic value for mercury because it is based on mercury residues in aquatic organisms rather than toxicity.

^f According to LAC 33:IX.1113.C.6.d, the most stringent criteria (freshwater or marine) will be used.

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 17:967 (October 1991), repromulgated LR 17:1083 (November 1991), amended LR 20:883 (August 1994), LR 24:688 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2402 (December 1999), LR 26:2547 (November 2000), LR 27:289 (March 2001), LR 30:1474 (July 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:457 (March 2007), LR 33:829 (May 2007).

§1115. Application of Standards

A. - A.1. ...

2. An established water quality value (criterion) represents the general or numerical concentration limit or characteristic of a constituent in a water body segment that is allowed by the state. For some toxic substances, however, criteria provide both acute and chronic limits for the protection of aquatic life in fresh and marine waters, and separate limits for the protection of human health. Criteria apply at all times, except where natural conditions cause them to be exceeded or where specific exemptions in the standards apply. Water uses, pollution sources, natural conditions, and the water quality criteria are all considered in the department's determination of appropriate permit limits for each wastewater discharge to a water body.

A.3. - C.7.c. ...

8. For chloride, sulfate, and total dissolved solids, criteria are to be met below the point of discharge after complete mixing. Because criteria are developed over a long-term period, harmonic mean flow will be applied for mixing.

9. - Table 2b. ...

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 17:967 (October 1991), repromulgated LR 17:1083 (November 1991), amended LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2403 (December 1999), LR 26:2548 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:831 (May 2007).

§1119. Implementation Plan for Antidegradation Policy

A. - A.2. ...

B. Implementation of Louisiana's Water Quality Management Process

1. Procedures and methods by which the Antidegradation Policy is implemented are described in 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.

2. ...

a. The state establishes the water quality standards specified in this Chapter to reflect the goals for individual water bodies and provide the legal basis for antidegradation and for water pollution control. This Chapter also defines and designates water uses and criteria to protect them.

b. ...

c. Water quality monitoring data and water body conditions are continually assessed to identify problem areas and assist in the development of water quality management plans and standards. The biennial Louisiana Water Quality Integrated Report is the state's principal tool in water quality assessment and identifies areas of water quality degradation.

B.2.d. - C.2. ...

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."

4. If a 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 activity if it will cause degradation of these waters. For these purposes, *degradation* is defined as a statistically significant difference at the 90 percent confidence interval from existing physical, chemical, and biological conditions. Existing discharges of treated sanitary wastewater may be allowed if no reasonable alternative discharge location is available or if the discharge existed before the designation as an outstanding natural resource water body.

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 by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2548 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:831 (May 2007).

§1121. Regulation of Toxic Substances Based on the General Criteria

A. - A.2. ...

B. Effluent Characterization/Toxicity Testing and/or Instream Assessment

1. When determining the need for limits based on water quality, the Office of Environmental Services, Water Permits Division, may identify data needs and request that the permittee submit additional data along with the application. Permits may be placed into three categories:

1.a. - 3.b.iii.(c). ...

4. For water bodies whose designated use is as a drinking water supply, the department will calculate the in-stream concentration for all discharged pollutants for which EPA has promulgated a maximum contaminant level (MCL). The permittee will be required to submit to the Office of Environmental Services, Water Permits Division, sufficient effluent characterization data to make these calculations. Where dilution calculations indicate that in-stream concentrations may exceed the MCL requirements at appropriate flow conditions, the permittee may be required to conduct in-stream chemical monitoring or monitoring at the water supply.

5. To protect human health by eliminating chronic exposure to potentially toxic amounts of pollutants from aquatic species consumed by humans, the department will calculate the in-stream concentrations of all applicable pollutants for which EPA has published human health criteria in the Quality Criteria for Water, 1986, EPA 440/5-86-001, or subsequent revisions. The permittee will be required to submit to the Office of Environmental Services, Water Permits Division, sufficient effluent characterization data to make these calculations. For operational considerations, if dilution calculations show that after mixing, a suspected carcinogen would be present in the receiving water body at a concentration associated with a 10⁻⁶ risk level, in-stream chemical monitoring may be required of the appropriate dischargers. The department will list the water body as a priority water body and develop a wasteload allocation or make other consideration for it.

C. - E.2. ...

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 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2404 (December 1999), LR 26:2548 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2507 (October 2005), LR 33:832 (May 2007).

§1123. Numerical Criteria and Designated Uses

A. Designated Water Quality Management Basins

Basin Name	Basin Number
Atchafalaya River Basin	01
Barataria Basin	02
Calcasieu River Basin	03
Lake Pontchartrain Basin	04
Mermentau River Basin	05
Vermilion-Teche River Basin	06
Mississippi River Basin	07
Ouachita River Basin	08
Pearl River Basin	09
Red River Basin	10
Sabine River Basin	11
Terrebonne Basin	12

B. Explanation of Water Body Code Number. The water body subsegment number and unique water body identification code are designated as follows:

AABBCC-XXX

where:

- AA = Water Quality Management Basin Number
- BB = Segment Number
- CC = Subsegment Number

XXX = A minimum of three digits Unique Water Body Identification Code (If a Unique Water Body Identification Code is not identified for a particular Subsegment, then all water bodies within that Subsegment have the same designated uses and numerical criteria.)

Example:

090207-5112 = Water Body Subsegment and Identification Code for Morgan Bayou

where:

09 = Pearl River Management Basin

0902 = Segment 0902 of the Pearl River Management Basin

090207 = Subsegment 090207 of Pearl River Management Basin Segment 02

5112 = Four-digit Unique Water Body Identification Code for Morgan Bayou

C. Numerical Criteria Unit Definitions

1. Parameter Abbreviations. The following abbreviations of water quality parameters are used in Table 3 under the subheading "Numerical Criteria."

Abbreviation	Parameter
CL	Chlorides in mg/L
SO ₄	Sulfates in mg/L
DO	Dissolved Oxygen in mg/L
pH	Range of pH Units
BAC	Bacterial Criteria (See Below)
°C	Temperature in Degrees Centigrade (°C)
TDS	Total Dissolved Solids in mg/L
N/A	Not Available at Present

2. Bacterial Criteria (BAC)

a. The code numbers associated with the following designated uses are used in Table 3 under the Numerical Criteria subheading "BAC."

Code	Designated Use
1	Primary Contact Recreation
2	Secondary Contact Recreation
3	Drinking Water Supply
4	Oyster Propagation

b. The code number identified under the Numerical Criteria subheading "BAC" in Table 3 represents the most stringent bacterial criteria that apply to each individual subsegment. Where applicable, additional less stringent bacterial criteria also apply, depending on the designated uses of the subsegment. The specified numeric bacterial criteria for each designated use listed in this Paragraph can be found in LAC 33:IX.1113.C.

D. Designated Uses. The following notations for water use designations are used in Table 3 under the subheading "Designated Uses."

Notation	Designated Use
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

E. Endnotes. Numbers in brackets, e.g. [1], in Table 3 refer to endnotes listed at the end of the table.

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 ₄	DO	pH	BAC	°C	TDS
Atchafalaya River Basin (01)									
010101	Atchafalaya River Headwaters and Floodplain—From Old River Control Structure to Simmesport; includes Old River Diversion Channel, Lower Red River, Lower Old River	A B C	65	70	5.0	6.5-8.5	1	33	440
010201	Atchafalaya River Mainstem—From Simmesport to Whiskey Bay Pilot Channel at mile 54	A B C D	65	70	5.0	6.5-8.5	1	33	440
010301	West Atchafalaya Basin Floodway—From Simmesport to Butte LaRose Bay and Henderson Lake	A B C	65	70	5.0	6.5-8.5	1	33	440
010401	East Atchafalaya Basin and Morganza Floodway South to I-10 Canal	A B C	65	70	5.0	6.5-8.5	1	33	440
010501	Lower Atchafalaya Basin Floodway—From Whiskey Bay Pilot Channel at mile 54 to US-90 bridge in Morgan City; includes Grand Lake and Six-Mile Lake	A B C D	65	70	5.0	6.5-8.5	1	33	440
010502	Intracoastal Waterway (ICWW)—Morgan City-Port Allen Route from Bayou Sorrel Lock to Morgan City	A B C D	65	70	5.0	6.5-8.5	1	33	440
010601	Crow Bayou, Bayou Blue, and Tributaries	A B C	80	50	5.0	6.0-8.5	1	32	350
010701	Bayou Teche—From Berwick to Wax Lake Outlet	A B C D	80	50	5.0	6.0-8.5	1	32	350
010801	Atchafalaya River—From ICWW south of Morgan City to Atchafalaya Bay; includes Sweetwater Lake and Bayou Shaffer	A B C	500	150	5.0	6.5-9.0	1	35	1,000
010802	Wax Lake Outlet—From US-90 bridge to Atchafalaya Bay; includes Wax Lake	A B C	500	150	5.0	6.5-9.0	1	35	1,000
010803	Intracoastal Waterway—From Bayou Boeuf Lock to Bayou Sale; includes Wax Lake Outlet to US-90	A B C	65	70	5.0	6.0-8.5	1	32	440
010901	Atchafalaya Bay and Delta and Gulf Waters to the State three-mile limit	A B C E	N/A	N/A	5.0	6.5-9.0	4	32	N/A

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 ₄	DO	pH	BAC	°C	TDS
Barataria Basin (02)									
020101	Bayou Verret, Bayou Chevreuil, Bayou Citamon, and Grand Bayou	A B C F	65	50	5.0	6.0-8.5	1	32	430
020102	Bayou Boeuf, Halpin Canal, and Theriot Canal	A B C F	500	150	5.0	6.0-8.5	1	32	1,000
020103	Lake Boeuf	A B C	500	150	5.0	6.0-8.5	1	32	1,000
020201	Bayou Des Allemands--From Lac Des Allemands to old US-90 (Scenic)	A B C G	600	100	5.0	6.0-8.5	1	32	1,320
020202	Lac Des Allemands	A B C	600	100	5.0	6.0-8.5	1	32	1,320
020301	Bayou Des Allemands--From US-90 to Lake Salvador (Scenic)	A B C G	600	100	5.0	6.0-8.5	1	32	1,320
020302	Bayou Gauche	A B C	600	100	5.0	6.0-8.5	1	32	1,320
020303	Lake Cataouatche and Tributaries	A B C	500	150	5.0	6.0-8.5	1	32	1,000
020303-001	Luling Wetland--Forested wetland located 1.8 miles south of US-90 at Luling, east of the Luling wastewater treatment pond, bordered by Cousin Canal to the west and Louisiana Cypress Lumber Canal to the south	B C	[23]	[23]	[23]	[23]	2	[23]	[23]
020304	Lake Salvador	A B C	600	100	5.0	6.0-8.5	1	32	1,320
020401	Bayou Lafourche--From Donaldsonville to ICWW at Larose	A B C D	70	55	5.0	6.0-8.5	1	32	500
020402	Bayou Lafourche--From ICWW at Larose to Yankee Canal (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	32	N/A
020403	Bayou Lafourche--From Yankee Canal and saltwater barrier to Gulf of Mexico (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	32	N/A
020501	Sauls, Avondale, and Main Canals	A B C	65	50	5.0	6.0-8.5	1	32	430
020601	Intracoastal Waterway--From Bayou Villars to Mississippi River (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A
020701	Bayou Segnette--From headwaters to Bayou Villars	A B C	600	100	5.0	6.0-8.5	1	32	1,320
020801	Intracoastal Waterway--From Larose to Bayou Villars and Bayou Barataria (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A
020802	Bayou Barataria and Barataria Waterway--From ICWW to Bayou Rigolettes (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A
020901	Bayou Rigolettes and Bayou Perot to Little Lake (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
020902	Little Lake (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
020903	Barataria Waterway (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A
020904	Wilkinson Canal and Wilkinson Bayou (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
020905	Bayou Moreau (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
020906	Bay Rambo (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
020907	Bay Sansbois, Lake Judge Perez, and Bay De La Cheniere (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
021001	Lake Washington, Bastian Bay, Adams Bay, Scofield Bay, Coquette Bay, Tambour Bay, Spanish Pass, and Bay Jacques (Estuarine)	A B C E	N/A	N/A	4.0	6.5-8.5	4	35	N/A
021101	Barataria Bay; includes Caminada Bay, Hackberry Bay, Bay Batiste, and Bay Long (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
021102	Barataria Basin Coastal Bays and Gulf Waters to the State three-mile limit	A B C E	N/A	N/A	5.0	6.5-9.0	4	32	N/A
Calcasieu River Basin (03)									
030101	Calcasieu River--From headwaters to LA-8	A B C F	65	35	5.0	6.0-8.5	1	32	225
030102	Calcasieu River--From LA-8 to the Rapides-Allen Parish line (Scenic)	A B C F G	65	35	5.0	6.0-8.5	1	32	225
030103	Calcasieu River--From Rapides-Allen Parish line to Marsh Bayou (Scenic) [10]	A B C F G-[10]	65	35	5.0	6.0-8.5	1	32	225
030103-04075	Kinder Ditch--From headwaters of unnamed tributary to confluence with Calcasieu River	B C	65	35	3.0	6.0-8.5	1	32	225
030104	Mill Creek--From headwaters to Calcasieu River	A B C	60	60	5.0	6.0-8.5	1	32	250
030201	Calcasieu River--From Marsh Bayou to saltwater barrier (Scenic) [11]	A B C F G-[11]	350	40	[1]	6.0-8.5	1	32	500
030301	Calcasieu River and Ship Channel--From saltwater barrier to Moss Lake; includes Ship Channel, Coon Island Loop, and Clooney Island Loop (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	35	N/A
030302	Lake Charles	A B C	N/A	N/A	5.0	6.0-8.5	1	35	N/A
030303	Prien Lake	A B C	N/A	N/A	5.0	6.0-8.5	1	35	N/A
030304	Moss Lake (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	35	N/A
030305	Contraband Bayou (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	35	N/A
030306	Bayou Verdine (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	35	N/A
030401	Calcasieu River--From below Moss Lake to the Gulf of Mexico; includes Ship Channel and Monkey Island Loop (Estuarine)	A B C E	N/A	N/A	4.0	6.0-8.5	4	35	N/A
030402	Calcasieu Lake	A B C E	N/A	N/A	5.0	6.0-8.5	4	32	N/A
030403	Black Lake (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	35	N/A
030501	Whiskey Chitto Creek--From headwaters to southern boundary of Fort Polk Military Reservation	A B C	20	20	5.0	6.0-8.5	1	30	150

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 ₄	DO	pH	BAC	°C	TDS
030502	Whiskey Chitto Creek—From the southern boundary of Fort Polk Military Reservation to the Calcasieu River (Scenic)	A B C G	20	20	5.0	6.0-8.5	1	30	150
030503	Six Mile Creek—East and West Forks from headwaters to the southern boundary of Fort Polk Military Reservation	A B C	20	20	5.0	6.0-8.5	1	30	150
030504	Six Mile Creek—East and West Forks from the southern boundary of Fort Polk Military Reservation to Whiskey Chitto Creek (Scenic)	A B C G	20	20	5.0	6.0-8.5	1	30	150
030505	Ten Mile Creek—From headwaters to Whiskey Chitto Creek (Scenic)	A B C G	20	20	5.0	6.0-8.5	1	30	150
030506	Bundicks Creek—From headwaters to Bundicks Lake	A B C	20	20	5.0	6.0-8.5	1	30	150
030507	Bundicks Lake	A B C	20	20	5.0	6.0-8.5	1	30	150
030508	Bundicks Creek—From Bundicks Lake to Whiskey Chitto Creek	A B C	20	20	5.0	6.0-8.5	1	30	150
030601	Barnes Creek—From headwaters to Little Barnes Creek	B C	60	60	[2]	6.0-8.5	2	30	150
030602	Barnes Creek—From Little Barnes Creek to Calcasieu River	A B C	60	60	5.0	6.0-8.5	1	32	250
030603	Marsh Bayou—From headwaters to Calcasieu River	A B C	60	60	5.0	6.0-8.5	1	32	250
030701	Bayou Serpent	A B C F	250	75	5.0	6.0-8.5	1	32	300
030702	English Bayou—From headwaters to Calcasieu River	A B C F	250	75	[3]	6.0-8.5	1	32	300
030801	West Fork Calcasieu River—From confluence with Beckwith Creek and Hickory Branch to mainstem of Calcasieu River	A B C F	250	75	[3]	6.0-8.5	1	34	500
030802	Hickory Branch—From headwaters to West Fork Calcasieu River	A B C F	250	75	5.0	6.0-8.5	1	32	500
030803	Beckwith Creek—From headwaters to West Fork Calcasieu River	A B C F	25	25	5.0	6.0-8.5	1	32	100
030804	Little River—From headwaters to West Fork Calcasieu River	A B C	250	75	[3]	6.0-8.5	1	34	500
030805	Indian Bayou—From headwaters to West Fork Calcasieu River	A B C F	250	75	[3]	6.0-8.5	1	34	500
030806	Houston River—From Bear Head Creek at LA-12 to West Fork Calcasieu River	A B C F	250	75	[3]	6.0-8.5	1	32	500
030806-554700	Houston River Canal—From one mile west of LA-388 to Houston River	A B C D F	250	75	[3]	6.0-8.5	1	32	500
030807	Bear Head Creek—From headwaters to Houston River at LA-12	A B C	250	75	5.0	6.0-8.5	1	32	500
030901	Bayou D'Inde—From headwaters to Calcasieu River (Estuarine)	A B C	N/A	N/A	4.0	6.5-8.5	1	35	N/A
031001	Bayou Choupique—From headwaters to ICWW (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	35	N/A
031002	Intracoastal Waterway—From West Calcasieu River Basin boundary to Calcasieu Lock (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	35	N/A
031101	Intracoastal Waterway—From Calcasieu Lock to East Calcasieu River Basin boundary	A B C	250	75	5.0	6.5-9.0	1	32	500
031201	Calcasieu River Basin Coastal Bays and Gulf Waters to the State three-mile limit	A B C E	N/A	N/A	5.0	6.0-9.0	4	32	N/A
Lake Pontchartrain Basin (04)									
040101	Comite River—From Little Comite Creek and Comite Creek at Mississippi state line to Wilson-Clinton Hwy.	A B C	25	10	5.0	6.0-8.5	1	32	150
040102	Comite River—From Wilson-Clinton Hwy. to White Bayou (Scenic)	A B C G	25	10	5.0	6.0-8.5	1	32	150
040103	Comite River—From White Bayou to Amite River	A B C	25	10	5.0	6.0-8.5	1	32	150
040201	Bayou Manchac—From headwaters to Amite River	A B C	25	10	5.0	6.0-8.5	1	32	150
040301	Amite River—From Mississippi state line to LA-37 (Scenic)	A B C G	25	10	5.0	6.0-8.5	1	32	150
040302	Amite River—From LA-37 to 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	5.0	6.0-8.5	1	32	150
040304	Grays Creek—From headwaters to Amite River	A B C	25	10	5.0	6.0-8.5	1	32	150
040305	Colyell Creek; includes tributaries and Colyell Bay	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	4.0 [9]	6.0-8.5	1	30	500
040402	Amite River Diversion Canal—From Amite River to Blind River	A B C	25	10	5.0	6.0-8.5	1	32	150
040403	Blind River—From headwaters to Amite River Diversion Canal (Scenic)	A B C G	250	75	3.0 [9]	6.0-8.5	1	30	500
040404	New River—From headwaters to New River Canal	A B C	250	75	5.0	6.0-8.5	1	30	500
040501	Tickfaw River—From Mississippi state line to LA-42 (Scenic)	A B C G	10	5	5.0	6.0-8.5	1	30	55
040502	Tickfaw River—From LA-42 to Lake Maurepas	A B C	10	5	5.0	6.0-8.5	1	30	55
040503	Natalbany River—From headwaters to Tickfaw River	A B C	30	20	5.0	6.0-8.5	1	30	150
040504	Yellow Water River—From headwaters to Ponchatoula Creek	A B C	30	20	5.0	6.0-8.5	1	30	150
040505	Ponchatoula Creek and Ponchatoula River	A B C	30	20	5.0	6.0-8.5	1	30	150
040601	Pass Manchac—From Lake Maurepas to Lake Pontchartrain	A B C	1,600	200	5.0	6.5-9.0	1	32	3,000
040602	Lake Maurepas	A B C	1,600	200	5.0	6.0-8.5	1	32	3,000
040603	Selsers Creek—From headwaters to South Slough	A B C	30	20	5.0	6.0-8.5	1	30	150
040604	South Slough; includes Anderson Canal to I-55 borrow pit	A B C	30	20	5.0	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 I-55,	B C	[23]	[23]	[23]	[23]	2	[23]	[23]

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 ₄	DO	pH	BAC	°C	TDS	
	extending to North Pass to the south and Tangipahoa River to the east									
040701	Tangipahoa River-From Mississippi state line to I-12 (Scenic)	A B C G	30	10	5.0	6.0-8.5	1	30	140	
040702	Tangipahoa River-From I-12 to Lake Pontchartrain	A B C	30	10	5.0	6.0-8.5	1	30	140	
040703	Big Creek-From headwaters to Tangipahoa River	A B C	20	20	5.0	6.0-8.5	1	30	140	
040704	Chappepeela Creek-From LA-1062 to Tangipahoa River	A B C G	20	20	5.0	6.0-8.5	1	30	140	
040801	Tchefuncte River-From headwaters to Bogue Falaya River; includes tributaries (Scenic)	A B C G	20	10	5.0	6.0-8.5	1	30	110	
040802	Tchefuncte River-From Bogue Falaya River to LA-22 (Scenic)	A B C G	850	135	5.0	6.0-8.5	1	30	1,850	
040803	Tchefuncte River-From LA-22 to Lake Pontchartrain (Estuarine)	A B C	850	135	4.0	6.0-8.5	1	30	1,850	
040804	Bogue Falaya River-From headwaters to Tchefuncte River (Scenic) [12]	A B C G-[12]	20	10	5.0	6.0-8.5	1	30	110	
040805	Chinchuba Swamp Wetland-Forested wetland located 0.87 miles southwest of Mandeville, southeast of Sanctuary Ridge, and north of Lake Pontchartrain	B C	[23]	[23]	[23]	[23]	2	[23]	[23]	
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 LA-22, and the east by Sanctuary Ridge	B C	[23]	[23]	[23]	[23]	2	[23]	[23]	
040901	Bayou LaCombe-From headwaters to US-190 (Scenic)	A B C G	30	30	5.0	6.0-8.5	1	30	150	
040902	Bayou LaCombe-From US-190 to Lake Pontchartrain (Scenic) (Estuarine)	A B C G	835	135	4.0	6.0-8.5	1	32	1,850	
040903	Bayou Cane-From headwaters to US-190 (Scenic)	A B C G	30	30	5.0	6.0-8.5	1	30	150	
040904	Bayou Cane-From US-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 LA-433	A B C	250	100	5.0	6.0-8.5	1	32	500	
040906	Bayou Liberty-From LA-433 to Bayou Bonfouca (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-433	A B C	250	100	5.0	6.0-8.5	1	32	500	
040908	Bayou Bonfouca-From LA-433 to Lake Pontchartrain (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	32	N/A	
040909	W-14 Main Diversion Canal-From headwaters to Salt Bayou	A B C-[4]	N/A	N/A	[4]	6.0-8.5	1	32	N/A	
040910	Salt Bayou-From headwaters to Lake Pontchartrain (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	32	N/A	
040911	Grand Lagoon; includes associated canals (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	32	N/A	
041001	Lake Pontchartrain-West of US-11 bridge (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	32	N/A	
041002	Lake Pontchartrain-East of US-11 bridge (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	32	N/A	
041101	Bonnet Carre Spillway	A B C	250	75	5.0	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	4.0	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	4.0	6.0-8.5	1	32	N/A	
041203	Duncan Canal-From headwaters to Lake Pontchartrain; also called Parish Line Canal (Estuarine)	A B C	N/A	N/A	4.0	6.5-8.5	1	32	N/A	
041301	Bayou St. John (Scenic) (Estuarine)	A B C G	N/A	N/A	4.0	6.0-8.5	1	32	N/A	
041302	Lake Pontchartrain Drainage Canals in Jefferson and Orleans Parishes (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	32	N/A	
041401	New Orleans East Leveed Water Bodies (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	32	N/A	
041501	Inner Harbor Navigation Canal-From Mississippi River Lock to Lake Pontchartrain (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A	
041601	Intracoastal Waterway-From Inner Harbor Navigation Canal to Chef Menteur Pass (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A	
041701	The Rigolets (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	32	N/A	
041702	Bayou Sauvage-From New Orleans hurricane protection levee to Chef Menteur Pass; includes Chef Menteur Pass (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	32	N/A	
041703	Intracoastal Waterway-From Chef Menteur Pass to Lake Borgne (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	32	N/A	
041704	Lake St. Catherine	A B C	N/A	N/A	5.0	6.5-9.0	1	32	N/A	
041801	Bayou Bienvenue-From headwaters to hurricane gate at MRGO (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A	
041802	Bayou Chaperon (Scenic)(Estuarine)	A B C G	N/A	N/A	4.0	6.5-9.0	1	35	N/A	
041803	Bashman Bayou-From headwaters to Bayou Dupre (Scenic) (Estuarine)	A B C G	N/A	N/A	4.0	6.5-9.0	1	35	N/A	
041804	Bayou Dupre-From Lake Borgne Canal to Terre Beau Bayou (Scenic) (Estuarine)	A B C G	N/A	N/A	4.0	6.5-9.0	1	35	N/A	
041805	Lake Borgne Canal-From Mississippi River siphon at Violet to Bayou Dupre; also called Violet Canal (Scenic) (Estuarine)	A B C G	N/A	N/A	4.0	6.5-9.0	1	35	N/A	
041806	Pirogue Bayou-From Bayou Dupre to New Canal (Scenic) (Estuarine)	A B C G	N/A	N/A	4.0	6.5-9.0	1	35	N/A	
041807	Terre Beau Bayou-From Bayou Dupre to New Canal (Scenic)	A B C G	N/A	N/A	4.0	6.5-9.0	1	35	N/A	

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Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO ₄	DO	pH	BAC	°C	TDS
	(Estuarine)								
041808	New Canal (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A
041809	Poydras-Verret Marsh Wetland–Forested and marsh wetland located 1.5 miles north of St. Bernard, south of Violet Canal, and northeast of Forty Arpent Canal	B C	[17]	[17]	[17]	[17]	2	[17]	[17]
041901	Mississippi River Gulf Outlet (MRGO)–From ICWW to Breton Sound at MRGO mile 30	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
042001	Lake Borgne	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
042002	Bayou Bienvenue–From Bayou Villere to Lake Borgne (Scenic) (Estuarine)	A B C E G	N/A	N/A	4.0	6.5-9.0	4	35	N/A
042003	Bayou La Loutre–From MRGO to Eloi Bay (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
042004	Bayou Bienvenue–From MRGO to Bayou Villere (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
042101	Bayou Terre Aux Boeufs (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
042102	River Aux Chenes; also called Oak River (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
042103	Bayou Gentilly–From Bayou Terre Aux Boeufs to Petit Lake (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
042104	Petit Lake	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
042105	Lake Lery	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
042201	Chandeleur Sound	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
042202	California Bay and Breton Sound	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
042203	Bay Boudreau	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
042204	Drum Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
042205	Morgan Harbor	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
042206	Eloi Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
042207	Lake Fortuna	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
042208	Bay Gardene, Black Bay, Lost Bayou, American Bay, and Bay Crabe	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
042209	Lake Pontchartrain Basin Coastal Bays and Gulf Waters to the State three-mile limit	A B C E	N/A	N/A	5.0	6.5-9.0	4	32	N/A
Mermentau River Basin (05)									
050101	Bayou Des Cannes–From headwaters to Mermentau River	A B C F	90	30	[16]	6.0-8.5	1	32	260
050103	Bayou Mallet–From headwaters to Bayou Des Cannes	A B C F	90	30	[16]	6.0-8.5	1	32	260
050201	Bayou Plaquemine Brule–From headwaters to Bayou Des Cannes	A B C F	90	30	[16]	6.0-8.5	1	32	260
050301	Bayou Nezpique–From headwaters to Mermentau River; includes intermittent portion of Beaver Creek [2]	A B C F	90	30	[16]	6.0-8.5	1	32	260
050303	Castor Creek–From headwaters to Bayou Nezpique	A B C	90	30	[16]	6.0-8.5	1	32	260
050304	Bayou Blue–From headwaters to Bayou Nezpique	A B C	90	30	[16]	6.0-8.5	1	32	260
050401	Mermentau River–From headwaters to Lake Arthur	A B C F	90	30	[16]	6.0-8.5	1	32	260
050402	Lake Arthur and Lower Mermentau River to Grand Lake	A B C	90	30	5.0	6.0-8.5	1	32	260
050501	Bayou Queue de Tortue–From headwaters to Mermentau River	A B C F	90	30	[16]	6.0-8.5	1	32	260
050601	Lacassine Bayou–From headwaters to Grand Lake	A B C F	90	10	[16]	6.0-8.5	1	32	400
050602	Intracoastal Waterway–From Calcasieu River Basin Boundary to Mermentau River	A B C F	250	75	5.0	6.5-9.0	1	32	500
050603	Bayou Chene–From headwaters to Lacassine Bayou; includes Bayou Grand Marais	A B C F	90	10	5.0	6.5-9.0	1	32	400
050701	Grand Lake	A B C F	250	75	5.0	6.5-9.0	1	32	500
050702	Intracoastal Waterway–From Mermentau River to Vermilion Locks	A B C F	250	75	5.0	6.0-9.0	1	32	500
050703	White Lake	A B C F	250	75	5.0	6.5-9.0	1	32	500
050801	Mermentau River–From Catfish Point Control Structure to Gulf of Mexico (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
050802	Big Constance Lake; includes associated water bodies (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A
050901	Mermentau River Basin Coastal Bays and Gulf Waters to the State three-mile limit	A B C E	N/A	N/A	5.0	6.5-9.0	4	32	N/A
Vermilion-Teche River Basin (06)									
060101	Spring Creek–From headwaters to Cocodrie Lake (Scenic)	A B C G	10	5	5.0	6.0-8.5	1	30	100
060102	Cocodrie Lake	A B C	10	5	[19]	6.0-8.5	1	32	100
060201	Bayou Cocodrie–From US-167 to Bayou Boeuf-Cocodrie Diversion Canal (Scenic)	A B C G	45	35	[19]	6.0-8.5	1	32	100
060202	Bayou Cocodrie–From Cocodrie Diversion Canal to Bayou Boeuf	A B C	45	35	5.0	6.0-8.5	1	32	100
060203	Chicot Lake	A B C	90	30	5.0	6.0-8.5	1	32	260
060204	Bayou Courtableau–From headwaters to West Atchafalaya Borrow Pit Canal	A B C	65	70	[22]	6.0-8.5	1	32	440
060206	Indian Creek and Indian Creek Reservoir	A B C D	10	5	5.0	6.0-8.5	1	32	100
060207	Bayou des Glaises Diversion Channel/West Atchafalaya	A B C	100	75	5.0	6.0-8.5	1	32	500

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 ₄	DO	pH	BAC	°C	TDS	
	Borrow Pit Canal—From Bayou des Glaises to Bayou Courtableau									
060208	Bayou Boeuf—From headwaters to Bayou Courtableau	A B C	45	35	5.0	6.0-8.5	1	32	100	
060209	Irish Ditch and Big Bayou—From unnamed ditch to Irish Ditch No. 1 to Big Bayou to Irish Ditch No. 2 to Bayou Rapides	B C	45	35	[2]	6.0-8.5	2	32	100	
060210	Bayou Carron	A B C	40	30	5.0	6.0-8.5	1	32	220	
060211	West Atchafalaya Borrow Pit Canal—From Bayou Courtableau to Henderson; includes Bayou Portage	A B C	65	70	5.0	6.0-8.5	1	32	440	
060212	Chatlin Lake Canal and Bayou DuLac—From Alexandria to Bayou des Glaises Diversion Canal; includes a portion of Bayou DeGlaises	A B C	45	35	5.0	6.0-8.5	1	32	100	
060301	Bayou Teche—From headwaters at Bayou Courtableau to Keystone Locks and Dam	A B C	65	70	5.0	6.0-8.5	1	32	440	
060401	Bayou Teche—From Keystone Locks and Dam to Charenton Canal	A B C	80	50	5.0	6.0-8.5	1	32	350	
060501	Bayou Teche—From Charenton Canal to Wax Lake Outlet	A B C D	80	50	5.0	6.0-8.5	1	32	350	
060601	Charenton Canal—From Charenton Floodgate to ICWW; includes Bayou Teche from Charenton to Baldwin	A B C D	250	75	5.0	6.0-8.5	1	32	500	
060701	Tete Bayou	A B C	80	50	5.0	6.0-8.5	1	32	350	
060702	Lake Fausse Point and Dauterive Lake	A B C	80	50	5.0	6.0-8.5	1	32	350	
060703	Bayou Du Portage	A B C	80	50	5.0	6.0-8.5	1	32	350	
060801	Vermilion River—From headwaters to LA-3073 bridge	A B C F	230	70	5.0	6.0-8.5	1	32	440	
060801-001	Cote Gelee Wetland—Forested wetland located in Lafayette Parish, two miles east of Broussard, two miles northeast of US-90, and west of Bayou Tortue	B C	[23]	[23]	[23]	[23]	2	[23]	[23]	
060802	Vermilion River—From LA-3073 bridge to ICWW	A B C F	230	70	[6]	6.0-8.5	1	32	440	
060803	Vermilion River Cutoff—From ICWW to Vermilion Bay (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A	
060804	Intracoastal Waterway—From Vermilion Lock to one-half mile west of Gum Island Canal (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A	
060805	Breaux Bridge Swamp—Forested wetland in St. Martin Parish, one-half mile southwest of Breaux Bridge, southeast of LA-94, west of Bayou Teche, east of Vermilion River, and north of Evangeline and Ruth Canals; also called Cyprière Perdue Swamp	B C	[5]	[5]	[5]	[5]	2	[5]	[5]	
060806	Cypress Island Coulee Wetland—Forested wetland located in St. Martin Parish, two miles west of St. Martinville, one-half mile north of LA-96, west of Bayou Teche, and east of Vermilion River	B C	[23]	[23]	[23]	[23]	2	[23]	[23]	
060901	Bayou Petite Anse—From headwaters to Bayou Carlin (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A	
060902	Bayou Carlin—From Lake Peigneur to Bayou Petite Anse; also called Delcambre Canal (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A	
060903	Bayou Tigre—From headwaters to Bayou Petite Anse (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A	
060904	New Iberia Southern Drainage Canal—From headwaters to ICWW (Estuarine)	A B L-[24]	N/A	N/A	[24]	6.5-9.0	[24]	35	N/A	
060906	Intracoastal Waterway—From New Iberia Southern Drainage Canal to Bayou Sale (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A	
060907	Franklin Canal	A B C	250	75	5.0	6.0-8.5	1	35	500	
060908	Spanish Lake	A B C	250	75	5.0	6.0-8.5	1	32	500	
060909	Lake Peigneur	A B C	N/A	N/A	5.0	6.5-9.0	1	35	N/A	
060910	Boston Canal; includes associated canals (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A	
060911	Dugas Canal—By Tiger Lagoon Oil and Gas Field (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A	
061001	West Cote Blanche Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A	
061002	East Cote Blanche Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A	
061101	Bayou Petite Anse—From Bayou Carlin at its confluence with Bayou Tigre to ICWW (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A	
061102	Intracoastal Waterway—From one-half mile west of Gum Island Canal to New Iberia Southern Drainage Canal (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A	
061103	Freshwater Bayou Canal—From one-half mile below ICWW to control structure (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A	
061104	Vermilion Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A	
061105	Marsh Island (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	4	35	N/A	
061201	Vermilion-Teche River Basin Coastal Bays and Gulf Waters to the State three-mile limit	A B C E	N/A	N/A	5.0	6.0-9.0	4	32	N/A	
Mississippi River Basin (07)										
070101	Mississippi River—From Arkansas state line to Old River Control Structure	A B C	75	120	5.0	6.0-9.0	1	32	400	

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 ₄	DO	pH	BAC	°C	TDS
070102	Gassoway Lake	A B C	75	120	5.0	6.0-8.5	1	32	400
070103	Marengo Bend—Portion within the Louisiana state line	A B C D	250	75	5.0	6.0-8.5	1	32	500
070201	Mississippi River—From Old River Control Structure to Monte Sano Bayou	A B C D	75	120	5.0	6.0-9.0	1	32	400
070202	Raccourci Old River	A B C	100	75	5.0	6.0-8.5	1	32	500
070203	Devil's Swamp Lake and Bayou Baton Rouge	A B C	75	120	5.0	6.0-8.5	1	32	400
070301	Mississippi River—From Monte Sano Bayou to Head of Passes	A B C D	75	120	5.0	6.0-9.0	1	32	400
070401	Mississippi River Passes—Head of Passes to Mouth of Passes; includes all passes in the birdfoot delta (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
070501	Bayou Sara—From Mississippi state line to Mississippi River	A B C	100	75	5.0	6.0-8.5	1	32	500
070502	Thompson Creek—From Mississippi state line to Mississippi River	A B C	100	75	5.0	6.0-8.5	1	32	500
070503	Capitol Lake	A B C	75	120	5.0	6.0-8.5	1	32	400
070504	Monte Sano Bayou—From US-61 to Mississippi River [7], [8]	B L	[7]	[7]	3.0	6.0-9.0	1	35 [8]	[7]
070505	Tunica Bayou—From headwaters to Mississippi River	A B C	100	75	5.0	6.0-8.5	1	32	500
070601	Mississippi River Basin Coastal Bays and Gulf Waters to the State three-mile limit	A B C E	N/A	N/A	5.0	6.5-9.0	4	32	N/A
Ouachita River Basin (08)									
080101	Ouachita River—From Arkansas state line to Columbia Lock and Dam	A B C D	160	35	[15]	6.0-8.5	1	33	350
080102	Bayou Chauvin—From headwaters to Ouachita River	A B C	160	35	5.0	6.0-8.5	1	33	350
080201	Ouachita River—From Columbia Lock and Dam to Jonesville	A B C	160	50	5.0	6.0-8.5	1	33	400
080202	Bayou Louis—From headwaters to Ouachita River	A B C	250	75	5.0	6.0-8.5	1	32	500
080203	Lake Louis	A B C	250	75	5.0	6.0-8.5	1	32	500
080301	Black River—From Jonesville to Corps of Engineers (USACE) Control Structure at Mile 25	A B C	95	20	5.0	6.0-8.5	1	32	265
080302	Black River—From USACE Control Structure to Red River	A B C	95	20	5.0	6.0-8.5	1	32	265
080401	Bayou Bartholomew—From Arkansas state line to Ouachita River (Scenic to Dead Bayou)	A B C G	55	35	5.0	6.0-8.5	1	32	420
080501	Bayou de L'Outre—From Arkansas state line to Ouachita River (Scenic)	A B C G	250	45	5.0	6.0-8.5	1	33	500
080601	Bayou D'Arbonne—From headwaters to Lake Claiborne	A B C D	50	15	5.0	6.0-8.5	1	32	200
080602	Lake Claiborne	A B C D	50	15	5.0	6.0-8.5	1	32	200
080603	Bayou D'Arbonne—From Lake Claiborne to Bayou D'Arbonne Lake	A B C	50	15	5.0	6.0-8.5	1	32	200
080604	Bayou D'Arbonne Lake	A B C	50	15	5.0	6.0-8.5	1	32	200
080605	Bayou D'Arbonne—From Bayou D'Arbonne Lake to Ouachita River (Scenic)	A B C G	50	15	5.0	6.0-8.5	1	32	200
080606	Cypress Creek—From headwaters to Bayou D'Arbonne; includes Colvin Creek	A B C	65	10	5.0	6.0-8.5	1	32	160
080607	Corney Bayou—From Arkansas state line to Corney Lake (Scenic)	A B C G	160	25	5.0	6.0-8.5	1	32	300
080608	Corney Lake	A B C	160	25	5.0	6.0-8.5	1	32	300
080609	Corney Bayou—From Corney Lake to Bayou D'Arbonne Lake (Scenic)	A B C G	160	25	5.0	6.0-8.5	1	32	300
080610	Middle Fork Bayou D'Arbonne—From headwaters to Bayou D'Arbonne Lake (Scenic)	A B C G	50	15	[20]	6.0-8.5	1	32	200
080701	Bayou Desiard and Lake Bartholomew; also called Dead Bayou	A B C D	25	25	5.0	6.0-8.5	1	32	100
080801	Cheniere Creek—From headwaters to Cheniere Brake Lake	A B C	25	25	5.0	6.0-8.5	1	32	100
080802	Cheniere Brake Lake	A B C	25	25	5.0	6.0-8.5	1	32	100
080901	Boeuf River—From Arkansas state line to Ouachita River	A B C	105	45	5.0	6.0-8.5	1	32	430
080902	Bayou Bonne Idee—From headwaters to Boeuf River	A B C	20	10	5.0	6.0-8.5	1	32	180
080903	Big Creek—From headwaters to Boeuf River; includes Big Colewa Bayou	A B C	230	75	5.0	6.0-8.5	1	32	635
080904	Bayou Lafourche—From near Oakridge to Boeuf River near Columbia	A B C	500	200	5.0	6.0-8.5	1	32	1,500
080905	Turkey Creek—From headwaters to Turkey Creek Cutoff; includes Turkey Creek Cutoff, Big Creek, and Glade Slough	B C	250	75	[2]	6.0-8.5	2	32	500
080906	Turkey Creek—From Turkey Creek Cutoff to Turkey Creek Lake	A B C	250	75	5.0	6.0-8.5	1	32	500
080907	Turkey Creek Lake; includes outfall to Boeuf River	A B C	250	75	5.0	6.0-8.5	1	32	500
080908	Lake LaFourche	A B C	250	75	5.0	6.0-8.5	1	32	500
080909	Crew Lake	A B C	250	75	5.0	6.0-8.5	1	32	500
080910	Clear Lake	A B C	250	75	5.0	6.0-8.5	1	32	500
080911	Woolen Lake	A B C	250	75	5.0	6.0-8.5	1	32	500
080912	Tisdale Brake and Stalkinghead Creek—From headwaters to Little Bayou Boeuf	B L	500	200	[13]	6.0-8.5	2	32	1,500
081001	Bayou Macon—From Arkansas state line to Tensas River	A B C	50	55	5.0	6.0-8.5	1	32	380
081002	Joe's Bayou—From headwaters to Bayou Macon	A B C	250	75	5.0	6.0-8.5	1	32	500

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Code	Stream Description	Designated Uses	Numerical Criteria						
			CL	SO ₄	DO	pH	BAC	°C	TDS
081003	Deer Creek–From headwaters to Boeuf River	B L	105	45	[13]	6.0-8.5	2	32	430
081101	Lake Providence	A B C	25	25	5.0	6.0-8.5	1	32	150
081201	Tensas River–From headwaters to Jonesville; includes Tensas Bayou	A B C	45	30	5.0	6.0-8.5	1	32	500
081202	Lake St. Joseph	A B C	25	25	5.0	6.0-8.5	1	32	150
081203	Lake Bruin	A B C D	25	25	5.0	6.0-8.5	1	32	150
081301	Little River–From Archie Dam to Ouachita River	A B C	95	10	5.0	6.0-8.5	1	32	265
081401	Dugdemona River–From headwaters to Big Creek	A B C	250	750	[14]	6.0-8.5	1	32	2,000
081402	Dugdemona River–From Big Creek to Little River	A B C	250	750	5.0	6.0-8.5	1	32	2,000
081501	Castor Creek–From headwaters to Little River	A B C	25	25	5.0	6.0-8.5	1	32	100
081502	Chatham Lake	A B C	25	25	5.0	6.0-8.5	1	32	100
081503	Beaucoup Creek–From headwaters to Castor Creek	A B C	25	25	[21]	6.0-8.5	1	32	100
081504	Flat Creek–From headwaters to Castor Creek	A B C	25	25	5.0	6.0-8.5	1	32	100
081505	Caney Lake	A B C	25	25	5.0	6.0-8.5	1	32	100
081601	Little River–From Castor Creek-Dugdemona confluence to Bear Creek (Scenic)	A B C G	250	500	5.0	6.0-8.5	1	33	1,000
081601-556716	Georgetown Reservoir	A B C G D	250	500	5.0	6.0-8.5	1	33	1,000
081602	Little River–From Bear Creek to Catahoula Lake (Scenic)	A B C G	50	75	5.0	6.0-8.5	1	33	260
081603	Catahoula Lake	A B C	50	75	5.0	6.0-8.5	1	33	260
081604	Catahoula Lake Diversion Canal–From Catahoula Lake to Black River	A B C	50	75	5.0	6.0-8.5	1	33	260
081605	Little River–From Catahoula Lake to Dam at Archie	A B C	50	75	5.0	6.0-8.5	1	33	260
081606	Fish Creek–From headwaters to Little River (Scenic)	A B C G	50	75	5.0	6.0-8.5	1	33	260
081607	Trout Creek–From headwaters to Little River (Scenic)	A B C G	50	75	5.0	6.0-8.5	1	33	260
081608	Big Creek–From headwaters to Little River (Scenic)	A B C D G	50	75	5.0	6.0-8.5	1	33	260
081609	Hemphill Creek–From headwaters to Catahoula Lake; includes Hair Creek	A B C	50	75	5.0	6.0-8.5	1	33	260
081610	Old River–From Catahoula Lake to Little River	A B C	250	75	5.0	6.0-8.5	1	32	500
081611	Bayou Funny Louis–From headwaters to Little River	A B C	50	75	5.0	6.0-8.5	1	33	260
Pearl River Basin (09)									
090101	Pearl River–From Mississippi state line to Pearl River Navigation Canal	A B C	20	15	5.0	6.0-8.5	1	32	180
090102	East Pearl River–From Holmes Bayou to I-10	A B C	20	15	5.0	6.0-8.5	1	32	180
090103	East Pearl River–From I-10 to Lake Borgne (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	35	N/A
090104	Peters Creek–From headwaters to Pearl River	A B C	20	30	5.0	6.0-8.5	1	30	150
090105	Pearl River Navigation Canal–From Pools Bluff to Lock No. 3	A B C	20	15	5.0	6.0-8.5	1	32	180
090106	Holmes Bayou–From Pearl River to West Pearl River (Scenic)	A B C G	20	15	5.0	6.0-8.5	1	32	180
090107	Pearl River–From Pearl River Navigation Canal to Holmes Bayou	A B C	20	15	5.0	6.0-8.5	1	32	180
090201	West Pearl River–From headwaters to Holmes Bayou (Scenic)	A B C G	20	15	5.0	6.0-8.5	1	32	180
090202	West Pearl River–From Holmes Bayou to The Rigolets; includes east and west mouths (Scenic)	A B C G	90	20	5.0	6.0-8.5	1	32	235
090202-5126	Morgan River–From Porters River to West Pearl River (Scenic)	A B C G	90	20	5.0	6.0-8.5	1	32	235
090203	Lower Bogue Chitto–From Pearl River Navigation Canal to Wilsons Slough	A B C	15	10	5.0	6.0-8.5	1	32	105
090204	Pearl River Navigation Canal–From below Lock No. 3	A B C	15	10	5.0	6.0-8.5	1	32	105
090205	Wilson Slough–From Bogue Chitto to West Pearl River (Scenic)	A B C G	15	10	5.0	6.0-8.5	1	32	105
090206	Bradley Slough–From Bogue Chitto to West Pearl River (Scenic)	A B C G	15	10	5.0	6.0-8.5	1	32	105
090207	Middle Pearl River and West Middle Pearl River–From West Pearl River to Little Lake	A B C	90	20	5.0	6.0-8.5	1	32	235
090207-5112	Morgan Bayou–From headwaters near I-10 to Middle River	A B C	90	20	5.0	6.0-8.5	1	32	235
090208	Little Lake (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	32	N/A
090301	Pushpatapa Creek–From headwaters and tributaries at Mississippi state line to Pearl River floodplain (Scenic)	A B C G	15	12	5.0	6.0-8.5	1	35	105
090401	Bogue Lusa Creek–From headwaters to Pearl River floodplain	A B C	30	45	5.0	6.0-8.5	1	32	300
090501	Bogue Chitto River–From Mississippi state line to Pearl River Navigation Canal (Scenic)	A B C G	15	10	5.0	6.0-8.5	1	35	105
090502	Big Silver Creek–From headwaters to Bogue Chitto River	A B C	15	10	5.0	6.0-8.5	1	35	105
090503	Little Silver Creek–From headwaters to Bogue Chitto River	A B C	15	10	5.0	6.0-8.5	1	35	105
090504	Lawrence Creek–From headwaters to Bogue Chitto River	A B C	15	10	5.0	6.0-8.5	1	35	105
090505	Bonner Creek–From headwaters to Bogue Chitto River	A B C	15	10	5.0	6.0-8.5	1	35	105
090506	Thigpen Creek–From headwaters to Bogue Chitto River	A B C	15	10	5.0	6.0-8.5	1	35	105

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 ₄	DO	pH	BAC	°C	TDS
Red River Basin (10)									
100101	Red River–From Arkansas state line to US-165 in Alexandria	A B C D F	185	110	5.0	6.0-8.5	1	34	780
100201	Red River–From US-165 to Old River Control Structure Outflow Channel	A B C D	185	110	5.0	6.0-8.5	1	34	780
100202	Little River–From headwaters to Old River near Marksville	A B C	250	75	5.0	6.0-8.5	1	32	500
100203	Old River; includes associated water bodies in Spring Bayou WMA; also called LaVielle Riviere	A B C	250	75	5.0	6.0-8.5	1	32	500
100301	Black Bayou–From Texas state line to LA-1 at Black Bayou Lake	A B C F	250	25	5.0	6.0-8.5	1	33	500
100302	Black Bayou Lake–From LA-1 to spillway	A B C	250	25	5.0	6.0-8.5	1	33	500
100303	Black Bayou–From spillway at Black Bayou Lake to Twelve Mile Bayou	A B C	250	25	5.0	6.0-8.5	1	33	500
100304	Twelve Mile Bayou–From headwaters to Red River	A B C D F	175	75	5.0	6.0-8.5	1	32	500
100305	Mahlin Bayou and McCain Creek–From headwaters to Twelve Mile Bayou	B L	175	75	[14]	6.0-8.5	2	32	500
100306	Kelly Bayou–From Arkansas state line to Black Bayou	A B C F	90	40	5.0	6.0-8.5	1	33	665
100307	Caddo Lake–From Texas state line to spillway; includes James Bayou	A B C D F	120	35	5.0	6.0-8.5	1	34	325
100308	Paw Paw Bayou–From Texas state line to Cross Lake; includes tributaries	A B C D F	75	25	5.0	6.0-8.5	1	32	150
100309	Cross Bayou–From Texas state line to Cross Lake	A B C D F	75	25	5.0	6.0-8.5	1	32	150
100310	Cross Lake	A B C D F	75	25	5.0	6.0-8.5	1	32	150
100401	Bayou Bodcau–From Arkansas state line to Red Chute Bayou at Cypress Bayou confluence	A B C F	250	75	5.0	6.0-8.5	1	32	800
100402	Red Chute Bayou–From Cypress Bayou to Flat River	A B C	250	75	[14]	6.0-8.5	1	32	800
100403	Cypress Bayou–From headwaters to Cypress Bayou Reservoir	A B C D F	100	25	5.0	6.0-8.5	1	32	300
100404	Cypress Bayou Reservoir	A B C D F	100	25	5.0	6.0-8.5	1	32	300
100405	Black Bayou–From headwaters to spillway at Black Bayou Reservoir; includes Black Bayou Reservoir	A B C D F	100	25	5.0	6.0-8.5	1	32	300
100406	Flat River–From headwaters to Loggy Bayou	A B C	250	75	5.0	6.0-8.5	1	32	300
100501	Bayou Dorcheat–From Arkansas state line to Lake Bistineau (Scenic)	A B C F G	250	25	5.0	6.0-8.5	1	33	440
100502	Lake Bistineau	A B C F	250	25	5.0	6.0-8.5	1	33	440
100503	Caney Creek–From headwaters to Bayou Dorcheat; excludes Caney Lake	A B C F	250	75	5.0	6.0-8.5	1	32	500
100504	Caney Lake	A B C F	250	75	5.0	6.0-8.5	1	32	500
100505	Loggy Bayou–From Lake Bistineau dam to Flat River	A B C F	75	35	5.0	6.0-8.5	1	32	250
100506	Loggy Bayou–From Flat River to Red River	A B C F	250	75	5.0	6.0-8.5	1	32	800
100601	Bayou Pierre–From headwaters to Bayou Pierre	A B C F	150	75	5.0	6.0-8.5	1	32	500
100602	Boggy Bayou–From headwaters to Wallace Lake	A B C F	150	75	5.0	6.0-8.5	1	32	500
100603	Wallace Lake	A B C F	150	75	5.0	6.0-8.5	1	32	500
100604	Wallace Bayou–From Wallace Lake to Bayou Pierre	A B C F	150	75	5.0	6.0-8.5	1	32	500
100605	Clear Lake and Smithport Lake; includes old Edwards Lake	A B C F	250	75	5.0	6.0-8.5	1	32	500
100606	Bayou Pierre–From Sawing Lake to Red River	A B C F	150	75	5.0	6.0-8.5	1	32	500
100701	Black Lake Bayou–From headwaters to one mile north of confluence with Leatherman Creek	A B C F	26	9	5.0	6.0-8.5	1	32	79
100702	Black Lake Bayou–From one mile north of Leatherman Creek to Black Lake (Scenic)	A B C F G	26	9	5.0	6.0-8.5	1	32	79
100703	Black Lake and Clear Lake	A B C D F	26	9	5.0	6.0-8.5	1	32	79
100704	Kepler Creek–From headwaters to Kepler Lake	A B C F	25	25	5.0	6.0-8.5	1	32	79
100705	Kepler Lake	A B C F	25	25	5.0	6.0-8.5	1	32	79
100706	Kepler Creek–From Kepler Lake to Black Lake Bayou	A B C F	25	25	5.0	6.0-8.5	1	32	79
100707	Castor Creek–From headwaters to Black Lake Bayou	A B C	26	9	5.0	6.0-8.5	1	32	79
100708	Castor Creek Tributary–From headwaters to Castor Creek	B C	26	9	[2]	6.0-8.5	2	32	79
100709	Grand Bayou–From headwaters to Black Lake Bayou	A B C D	26	9	5.0	6.0-8.5	1	32	79
100710	Grand Bayou Tributary–From headwaters to Grand Bayou	B C	26	9	[2]	6.0-8.5	2	32	79
100801	Saline Bayou–From headwaters near Arcadia to Saline Lake (Scenic)	A B C F G	110	20	5.0	6.0-8.5	1	32	250
100802	Saline Lake	A B C F	110	20	5.0	6.0-8.5	1	32	250
100803	Saline Bayou–From Saline Lake to Red River	A B C F	110	20	5.0	6.0-8.5	1	32	250
100804	Saline Bayou Tributary–From headwaters to Saline Bayou near Arcadia	B C	110	20	[2]	6.0-8.5	2	32	250
100901	Nantaches Creek–From headwaters to Nantaches Lake	A B C F	25	25	5.0	6.0-8.5	1	32	100
100902	Nantaches Lake	A B C F	25	25	5.0	6.0-8.5	1	32	100
100903	Bayou Nantaches–From Nantaches Lake to Red River	A B C F	25	25	5.0	6.0-8.5	1	32	100
101001	Sibley Lake	A B C D F	25	25	5.0	6.0-8.5	1	32	100
101101	Cane River–From above Natchitoches to Red River	A B C D F	25	25	5.0	6.0-8.5	1	32	100
101102	Kisatchie Bayou–From headwaters to Kisatchie National Forest	A B C F	25	25	5.0	6.0-8.5	1	32	100

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 ₄	DO	pH	BAC	°C	TDS
101103	Kisatchie Bayou–From Kisatchie National Forest to Old River (Scenic)	A B C F G	25	25	5.0	6.0-8.5	1	32	100
101201	Cofite Reservoir	A B C	50	25	5.0	6.0-8.5	1	32	200
101301	Rigolette Bayou–From headwaters to Red River	A B C F	25	25	5.0	6.0-8.5	1	32	100
101302	Iatt Lake	A B C F	25	25	5.0	6.0-8.5	1	32	100
101303	Iatt Creek–From headwaters to Iatt Lake	A B C F	25	25	5.0	6.0-8.5	1	32	100
101401	Buhlow Lake near Pineville	A B C	100	50	5.0	6.0-8.5	1	32	250
101501	Big Saline Bayou–From Catahoula Lake to Saline Lake	A B C	250	75	5.0	6.0-8.5	1	32	500
101502	Saline Lake	A B C	250	75	5.0	6.0-8.5	1	32	500
101504	Saline Bayou–From Larto Lake to Saline Lake (Scenic)	A B C G	45	10	5.0	6.0-8.5	1	32	165
101505	Larto Lake	A B C	45	10	5.0	6.0-8.5	1	32	165
101506	Big Creek–From headwaters to Saline Lake	A B C	45	10	5.0	6.0-8.5	1	32	165
101601	Bayou Cocodrie–From Little Cross Bayou to Wild Cow Bayou (Scenic)	A B C F G	250	75	5.0	6.0-8.5	1	32	500
101602	Cocodrie Lake	A B C	250	75	5.0	6.0-8.5	1	32	500
101603	Lake St. John	A B C	250	75	5.0	6.0-8.5	1	32	500
101604	Lake Concordia	A B C	250	75	5.0	6.0-8.5	1	32	500
101605	Bayou Cocodrie–From Lake Concordia to LA-15	A B C	250	75	5.0	6.0-8.5	1	32	500
101606	Bayou Cocodrie–From Wild Cow Bayou to Red River	A B C	250	75	5.0	6.0-8.5	1	32	500
101607	Bayou Cocodrie–From LA-15 to Little Cross Bayou	B L	250	75	[13]	6.0-8.5	2	32	500
Sabine River Basin (11)									
110101	Toledo Bend Reservoir–From Texas-Louisiana state line to Toledo Bend Dam	A B C D F	120	60	5.0	6.0-8.5	1	34	500
110201	Sabine River–From Toledo Bend Dam to Old River below Sabine Island WMA	A B C D	120	60	5.0	6.0-8.5	1	33	500
110202	Pearl Creek–From headwaters to Sabine River (Scenic)	A B C D G	120	60	5.0	6.0-8.5	1	33	500
110301	Sabine River–From Old River below Sabine Island WMA to Sabine Lake (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	35	N/A
110302	Black Bayou–From Pirogue Ditch to Sabine Lake (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	32	N/A
110303	Sabine Lake (Estuarine)	A B C E	N/A	N/A	4.0	6.0-8.5	4	35	N/A
110304	Sabine Pass (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
110401	Bayou Toro–From headwaters to LA-473	A B C	25	25	5.0	6.0-8.5	1	32	150
110402	Bayou Toro–From LA-473 to Sabine River	A B C	25	25	5.0	6.0-8.5	1	32	150
110501	West Anacoco Creek–From headwaters to Vernon Lake	A B C	15	10	5.0	6.0-8.5	1	32	90
110502	East Anacoco Creek–From headwaters to Vernon Lake	A B C	15	10	5.0	6.0-8.5	1	32	90
110503	Vernon Lake	A B C	15	10	5.0	6.0-8.5	1	32	90
110504	Bayou Anacoco–From Vernon Lake to Anacoco Lake	A B C	15	10	5.0	6.0-8.5	1	32	90
110505	Anacoco Lake	A B C	15	10	5.0	6.0-8.5	1	32	90
110506	Bayou Anacoco–From Anacoco Lake to Cypress Creek	A B C	15	10	5.0	6.0-8.5	1	32	90
110507	Bayou Anacoco–From Cypress Creek to Sabine River	A B C	150	300	5.0	6.0-8.5	1	32	1,000
110601	Vinton Waterway–From Vinton to ICWW (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	35	N/A
110602	Black Bayou–From ICWW to Pirogue Ditch (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	35	N/A
110701	Sabine River Basin Coastal Bays and Gulf Waters to the State three-mile limit	A B C E	N/A	N/A	5.0	6.5-9.0	4	32	N/A
Terrebonne Basin (12)									
120102	Bayou Poydras–From headwaters to Bayou Choctaw	A B C	250	75	5.0	6.0-8.5	1	32	500
120103	Bayou Choctaw–From Bayou Poydras to Bayou Grosse Tete	A B C	250	75	5.0	6.0-8.5	1	32	500
120104	Bayou Grosse Tete–From headwaters to ICWW near Wilbert Canal	A B C	25	25	5.0	6.0-8.5	1	32	200
120105	Chamberlin Canal–From Chamberlin to Bayou Choctaw	A B C	250	75	5.0	6.0-8.5	1	32	500
120106	Bayou Plaquemine–From Plaquemine Lock to ICWW	A B C	250	75	5.0	6.0-8.5	1	32	500
120107	Upper Grand River and Lower Flat River–From headwaters to ICWW	A B C	250	75	5.0	6.0-8.5	1	32	500
120108	False River	A B C	25	25	5.0	6.0-8.5	1	32	200
120109	Intracoastal Waterway–From Port Allen Locks to Bayou Sorrel Locks	A B C D	60	40	5.0	6.0-8.5	1	32	300
120110	Bayou Cholpe–From headwaters to Bayou Choctaw	A B C	25	25	5.0	6.0-8.5	1	32	200
120111	Bayou Maringouin–From headwaters to East Atchafalaya Basin Levee	A B C	25	25	5.0	6.0-8.5	1	32	200
120201	Lower Grand River and Belle River–From Bayou Sorrel Lock to Lake Palourde; includes Bay Natchez, Lake Natchez, Bayou Milhomme, and Bayou Long	A B C	60	40	5.0	6.0-8.5	1	32	300
120202	Bayou Black–From ICWW to Houma	A B C D	85	40	5.0	6.0-8.5	1	32	500
120203	Bayou Boeuf–From Lake Palourde to ICWW	A B C D	250	75	5.0	6.0-8.5	1	32	500
120204	Lake Verret and Grassy Lake	A B C	100	75	5.0	6.0-8.5	1	32	350
120205	Lake Palourde	A B C D	100	75	5.0	6.0-8.5	1	32	350
120206	Grand Bayou and Little Grand Bayou–From headwaters to Lake Verret	A B C	60	40	5.0	6.0-8.5	1	32	300

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 ₄	DO	pH	BAC	°C	TDS
120207	Thibodaux Swamp—Forested wetland located in Lafourche and Terrebonne Parishes, 6.2 miles southwest of Thibodaux, east of Terrebonne-Lafourche Drainage Canal, and north of Southern Pacific Railroad; also called Pointe Au Chene Swamp	B C	[5]	[5]	[5]	[5]	2	[5]	[5]
120208	Bayou Ramos Swamp Wetland—Forested wetland located 1.25 miles north of Amelia in St. Mary Parish, south of Lake Palourde	B C	[18]	[18]	[18]	[18]	2	[18]	[18]
120301	Bayou Terrebonne—From Thibodaux to ICWW in Houma	A B C	540	90	5.0	6.0-8.5	1	32	1,350
120302	Company Canal—From Bayou Lafourche to ICWW	A B C D F	500	150	5.0	6.5-9.0	1	32	1,000
120303	Lake Long	A B C	500	150	5.0	6.5-9.0	1	32	1,000
120304	Intracoastal Waterway—From Houma to Larose	A B C D F	250	75	5.0	6.5-9.0	1	32	500
120401	Bayou Penchant—From Bayou Chene to Lake Penchant	A B C G	500	150	5.0	6.5-9.0	1	32	1,000
120402	Bayou Chene—From ICWW to Bayou Penchant	A B C	250	75	5.0	6.5-8.0	1	32	500
120403	Intracoastal Waterway—From Bayou Boeuf Locks to Bayou Black in Houma; includes segments of Bayous Boeuf, Black, and Chene	A B C D F	250	75	5.0	6.5-8.5	1	32	500
120404	Lake Penchant	A B C	500	150	5.0	6.5-9.0	1	32	1,000
120405	Lake Hache and Lake Theriot	A B C	500	150	5.0	6.0-8.5	1	32	1,000
120406	Lake de Cade	A B C E	N/A	N/A	5.0	6.0-9.0	4	35	N/A
120501	Bayou Grand Caillou—From Houma to Bayou Pelton	A B C	500	150	5.0	6.0-8.5	1	32	1,000
120502	Bayou Grand Caillou—From Bayou Pelton to Houma Navigation Canal (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
120503	Bayou Petit Caillou—From Bayou Terrebonne to LA-24 bridge	A B C E	500	150	5.0	6.0-9.0	4	32	1,000
120504	Bayou Petit Caillou—From LA-24 bridge to Boudreaux Canal (Estuarine)	A B C E	N/A	N/A	4.0	6.0-9.0	4	32	N/A
120505	Bayou Du Large—From Houma to Marmande Canal	A B C	500	150	5.0	6.5-9.0	1	32	1,000
120506	Bayou Du Large—From Marmande Canal to one-half mile north of St. Andrews Mission (Estuarine)	A B C E	N/A	N/A	4.0	6.0-9.0	4	35	N/A
120507	Bayou Chauvin—From Ashland Canal to Lake Boudreaux (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	32	N/A
120508	Houma Navigation Canal—From Bayou Pelton to one mile south of Bayou Grand Caillou (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
120509	Houma Navigation Canal—From Houma to Bayou Pelton	A B C D	500	150	5.0	6.0-8.5	1	32	1,000
120601	Bayou Terrebonne—From Houma to Company Canal (Estuarine)	A B C	445	105	4.0	6.0-9.0	1	32	1,230
120602	Bayou Terrebonne—From Company Canal to Humble Canal (Estuarine)	A B C E	5,055	775	4.0	6.5-9.0	4	32	10,000
120603	Company Canal—From ICWW to Bayou Terrebonne	A B C	500	150	5.0	6.5-9.0	1	32	1,000
120604	Bayou Blue—From ICWW to Grand Bayou Canal	A B C	445	105	5.0	6.5-9.0	1	32	1,000
120605	Bayou Pointe Au Chien—From headwaters to St. Louis Canal	A B C	445	105	5.0	6.5-9.0	1	32	1,000
120606	Bayou Blue—From Grand Bayou Canal to Bully Camp Canal (Estuarine)	A B C	5,055	775	4.0	6.5-9.0	1	32	10,000
120701	Bayou Grand Caillou—From Houma Navigation Canal to Caillou Bay (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
120702	Bayou Petit Caillou—From Boudreaux Canal to Houma Navigation Canal (Estuarine)	A B C E	N/A	N/A	4.0	6.0-9.0	4	32	N/A
120703	Bayou Du Large—From one-half mile north of St. Andrews Mission to Caillou Bay (Estuarine)	A B C E	N/A	N/A	4.0	6.0-9.0	4	35	N/A
120704	Bayou Terrebonne—From Humble Canal to Lake Barre (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
120705	Houma Navigation Canal—From one-half mile south of Bayou Grand Caillou to Terrebonne Bay (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
120706	Bayou Blue—From Bully Camp Canal to Lake Raccourci (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
120707	Lake Boudreaux	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
120708	Lost Lake and Four League Bay	A B C E	N/A	N/A	5.0	6.0-9.0	4	35	N/A
120709	Bayou Petite Caillou—From Houma Navigation Canal to Terrebonne Bay	A B C E	N/A	N/A	5.0	6.0-9.0	4	32	N/A
120801	Caillou Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
120802	Terrebonne Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
120803	Timbalier Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
120804	Lake Barre	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
120805	Lake Pelto	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
120806	Terrebonne Basin Coastal Bays and Gulf Waters to the State three-mile limit	A B C E	N/A	N/A	5.0	6.5-9.0	4	32	N/A

ENDNOTES:

[1] – [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).

Herman Robinson, CPM
Executive Counsel

0705#045

RULE

**Office of the Governor
Division of Administration
Office of Telecommunications Management**

Telecommunications Coordinator (LAC 4:IX.303)

In accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755, and the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Office of Telecommunications Management hereby amends LAC Title 4, Part IX, Chapter 3, Section 303, Telecommunications Coordinator. In accordance with Act 1183 of 1999, the Office of the Governor, Division of Administration, Office of Telecommunications Management has given written consideration to the proposed Rule's impact on family.

Title 4

ADMINISTRATION

Part IX. Telecommunications

Chapter 3. State Agencies' Responsibilities

§303. Telecommunications Coordinator

A. All agencies shall appoint one or more representatives to be designated as the agency Telecommunications Coordinator(s). The Telecommunications Coordinator shall be recognized by the Office of Telecommunications Management as the agency's authorized representative for approving and coordinating telecommunications activity. The appointment of the Telecommunications Coordinator authorizes that person, on behalf of the agency, to make changes and additions for telecommunications equipment and services and to obligate related funds. Communications concerning policy and operating procedures will be directed to agencies through their respective Telecommunications Coordinator(s). As multiple Telecommunications Coordinators may be appointed to represent an agency, a Telecommunications Coordinator may be designated to have responsibility for voice only, data only, or both voice and data.

B. Training designed to instruct the Telecommunications Coordinator on the procedural aspects of interfacing with the Office of Telecommunications Management and the design and operation of various telecommunications systems will be furnished by the Office of Telecommunications Management upon request by agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:140, R.S. 39:141, R.S. 39:143, R.S. 39:1751, R.S. 39:1752, R.S. 39:1753, R.S. 39:1754, and R.S. 39:1755.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Telecommunications Management, LR 6:722 (December 1980), repromulgated LR 10:80 (February 1984), amended LR 17:267 (March 1991), LR 25:1624 (September 1999), LR 33:844 (May 2007).

Derald Kirkland
Director

0705#080

RULE

**Office of the Governor
Division of Administration
Racing Commission**

Protective Helmets and Safety Vests (LAC 35:I.309)

The Louisiana State Racing Commission has amended LAC 35:I.309 "Protective Helmets and Safety Vests," to provide for safety vest requirements of anyone riding horses, in addition to jockeys in a race.

Title 35

HORSE RACING

Part I. General Provisions

Chapter 3. General Rules

§309. Protective Helmets and Safety Vests

A. All persons exercising or schooling horses are compelled to wear protective helmets recommended by the stewards and approved by the commission, and a safety vest designed to provide shock-absorbing protection to the upper body, as evidenced by a label with a rating of five, by the British Equestrian Trade Association. This shall also apply to association outriders and pony riders in post parade. Anyone failing to comply with this requirement may be fined or suspended.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:423 (December 1976), amended LR 3:19 (January 1977), LR 4:271 (August 1978), amended by the Office of the Governor, Division of Administration, Racing Commission, LR 33:844 (May 2007).

Charles A. Gardiner III
Executive Director

0705#015

RULE
Office of the Governor
Division of Administration
Racing Commission

Racing a Horse under Investigation (LAC 35:I.1733)

The Louisiana State Racing Commission has amended LAC 35:I.1733 "Racing a Horse under Investigation," to revise the penalty portion of the Rule.

Title 35
HORSE RACING
Part I. General Provisions
Chapter 17. Corrupt and Prohibited Practices
§1733. Racing a Horse under Investigation

A. When a report as described in §1729 is received from the state chemist, the state steward shall immediately advise the trainer of his rights to have the "split" portion of the sample tested at his expense. The stable shall remain in good standing pending a ruling by the stewards, which shall not be made until the split portion of the original sample is confirmed positive by a laboratory chosen by the trainer from a list of referee laboratories. The horsemen's bookkeeper shall not release any affected purse monies until the results of the split portion of the sample are received by the commission. If the penalty options as described in §1737 and §1797 include a redistribution of the purse or a referral to the commission the horse allegedly to have been administered any such drug or substance shall not be allowed to enter or race during the investigation, and until the completion of the stewards' hearing.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, promulgated by the Department of Commerce, Racing Commission, LR 2:449 (December 1976), amended LR 3:45 (January 1977), LR 4:287 (August 1978), LR 7:262 (May 1981), LR 9:755 (November 1983), amended by the Department of Economic Development, Racing Commission, LR 18:367 (April 1992), LR 23:951 (August 1997), LR 24:1682 (September 1998), amended by the Office of the Governor, Division of Administration, Racing Commission, LR 33:845 (May 2007).

Charles A. Gardiner III
Executive Director

0705#013

RULE
Office of the Governor
Division of Administration
Racing Commission

Testing for Dangerous Substance Abuse (LAC 35:I.1791)

The Louisiana State Racing Commission has amended LAC 35:I.1791 "Testing for Dangerous Substance Abuse," to revise third violation penalties of the Rule (Paragraph D.4), with additional rehabilitation requirements.

Title 35
HORSE RACING
Part I. General Provisions
Chapter 17. Corrupt and Prohibited Practices
§1791. Testing for Dangerous Substance Abuse

A. - D3. ...

4. For a licensed person's third violation, he shall be suspended up to a maximum of 15 years and denied access to all racetracks, off-track wagering facilities and approved training facilities in Louisiana. His/her reinstatement may be allowed upon proof of enrollment and continued attendance in a commission approved drug rehabilitation program with a minimum of one year stay in a halfway house, at which he/she must attain the highest level of Recovery Dynamics, Step 12 of an AA/NA program, and otherwise submit proof he/she is currently and has been drug-free. In addition, he/she must sign a consent agreement with stipulations as determined by the commission.

D5. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 13:289 (May 1987), amended by Department of Economic Development, Racing Commission, LR 15:620 (August 1989), LR 16:394 (May 1990), LR 17:172 (February 1991), LR 17:648 (July 1991), amended by the Office of the Governor, Division of Administration, Racing Commission, LR 33:845 (May 2007).

Charles A. Gardiner III
Executive Director

0705#016

RULE
Office of the Governor
Division of Administration
Racing Commission

Total Dissolved Carbon Dioxide Testing (LAC 35:I.1720)

The Louisiana State Racing Commission has amended LAC 35:I.1720 "Total Dissolved Carbon Dioxide Testing," to revise the penalty portion of the rule.

Title 35
HORSE RACING
Part I. General Provisions
Chapter 17. Corrupt and Prohibited Practices
§1720. Total Dissolved Carbon Dioxide Testing

A. - B3. ...

4. In the event a sample drawn from a horse contains an amount of TCO₂ which exceeds the levels described above, the following penalties shall apply.

a. ...

b. The second time the laboratory reports an excessive TCO₂ level, the stewards shall suspend the trainer for the duration of the race meeting plus 10 days or for a period not to exceed six months, whichever is greater, the purse shall be redistributed and the case referred to the commission.

4.c. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Adopted by the Department of Economic Development, Racing Commission LR 26:1992 (September 2000), amended by the Office of the Governor, Division of Administration, Racing Commission, LR 32:1221 (July 2006), LR 33:845 (May 2007).

Charles A. Gardiner III
Executive Director

0705014

RULE

**Department of Health and Hospitals
Board of Dentistry**

Licensure and Fees

(LAC 46:XXXIII.306, 415, 419, 706, 710, and 1506)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and particularly R.S. 37:760(8), the Department of Health and Hospitals, Board of Dentistry has amended LAC 46:XXXIII.306, 415, 419, 706, 710, and 1506.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XXXIII. Dental Health Profession

Chapter 3. Dentists

**§306. Requirements of Applicants for Licensure by
Credentials**

A. - A.2. ...

3. has been in active practice, while possessing a nonrestricted license in another state, by working full-time as a dentist at a minimum of 1,000 hours per year for the preceding three years before applying for licensure in Louisiana or full-time dental education as a teacher for a minimum of three years immediately prior to applying for licensure; or has completed a two-year general dentistry residency program or successfully completed a residency program in one of the board recognized dental specialties as defined in §301; the applicant completing the residency program must apply for licensure within 180 days of graduation from said specialty program or fellowship or work full-time as a dentist for three years before licensure;

a. the requirement of practicing full-time as a dentist at a minimum of 1,000 hours per year for the preceding three years may be waived if the applicant agrees to teach full-time for two years in an accredited dental education program within the state of Louisiana. However, this license shall be rescinded should the dentist fail to complete his or her two year agreement with the school or institution;

A.4. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and R.S. 37:768.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:739 (July 1992), amended LR 21:571 (June 1995), LR 22:23 (January 1996), LR 23:1528 (November 1997), LR 24:1114 (June 1998), LR 25:513 (March 1999), LR 26:692 (April 2000), LR 26:1612 (August

2000), repromulgated LR 27:1893 (November 2001), amended LR 28:1777 (August 2002), LR 30:2305 (October 2004), LR 31:927 (April 2005), LR 32:243 (February 2006), LR 33:846 (May 2007).

**Chapter 4. Fees and Costs
Subchapter C. Fees for Dentists**

§415. Licenses, Permits, and Examinations (Dentists)

A. For processing applications for licensure, permits, and examinations, the following non-refundable fees shall be payable in advance to the board:

1. ...
 - a. **Licensing of dental applicants who have successfully completed an examination administered by another jurisdiction which is accepted by the board** **\$300**
2. - 17. ...
18. retired volunteer dental license \$50
19. application and permitting for enteral conscious sedation office permit \$100
20. application and permitting for enteral conscious sedation personal permit \$100
21. renewal of enteral conscious sedation permit for adult patients \$50
22. renewal of enteral conscious sedation permit for pediatric patients \$50

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and R.S. 37:795.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 14:792 (November 1988), amended LR 16:566 (June 1990), LR 18:741 (July 1992), LR 23:1526 (November 1997), LR 24:1115 (June 1998), LR 25:1478 (August 1999), LR 26:691 (April 2000), LR 28:1778 (August 2002), LR 32:243 (February 2006), LR 33:846 (May 2007).

Subchapter D. Fees for Dental Hygienists

§419. Licenses, Permits and Examinations (Dental Hygienist)

A. For processing applications for licensure, permits, and examinations, the following fees shall be payable in advance to the board:

1. ...
 - a. **Licensing of dental hygiene applications who have successfully completed an examination administered by another jurisdiction which is accepted by the board** **\$150**
2. - 11. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760 (8) , R.S. 37:768, and R.S. 37:795.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 14:792 (November 1988), amended LR 16:566 (June 1990), LR 18:741 (July 1992), LR 23:1527 (November 1997), LR 24:1115 (June 1998), LR 25:1478 (August 1999), LR 26:691 (April 2000), LR 28:1778 (August 2002), LR 32:243 (February 2006), LR 33:846 (May 2007).

Chapter 7. Dental Hygienists

**§706. Requirements of Applicants for Licensure by
Credentials (Hygienists)**

A. - A.2. ...

3. has been in active practice or full-time dental hygiene education for a minimum of one year immediately prior to applying for licensure:

a. the requirement of practicing full-time as a dental hygienist at a minimum of one thousand hours per year for the preceding year may be waived if the applicant agrees to teach full-time for two years in an accredited dental

education program within the state of Louisiana. However, this license shall be rescinded should the dental hygienist fail to complete his or her two year agreement with the school or institution;

A.4. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:760(8) and R. S. 37:768.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 18:737 (July 1992), amended LR 21:570 (June 1995), LR 22:23 (January 1996), LR 24:1117 (June 1998), LR 25:513 (March 1999), LR 26:692 (April 2000), LR 26:1613 (August 2000), repromulgated LR 27:1894 (November 2001), amended LR 28:1778 (August 2002), LR 33:846 (May 2007).

§710. Administration of Local Anesthesia for Dental Purposes

A. - F. ...

G. A licensed dental hygienist who has demonstrated competence to the satisfaction of the board may qualify for a special endorsement and may undertake the administration of local anesthesia by:

1. providing satisfactory documentation via affidavit provided by the board evidencing the administration of local anesthesia for a period of not less than six months upon a minimum of fifty patients with no adverse complications;

2. substantiating the adequacy of training via affidavit provided by the board in the administration of local anesthesia; and

3. agreeing in writing via affidavit provided by the board to administer local anesthesia as provided by these rules.

H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1292 (July 1998), amended LR 25:1476 (August 1999), LR 26:1613 (August 2000), repromulgated LR 27:1894 (November 2001), amended LR 27:1892 (November 2001), LR 28:1779 (August 2002), LR 30:2306 (October 2004), LR 33:847 (May 2007).

Chapter 15. Anesthesia/Analgesia Administration

§1506. Conscious Sedation with Enteral Drugs

A. - D. ...

E. For adult patients, the licensee must provide proof of current certification in cardiopulmonary resuscitation Course "C," Basic Life Support for the Health Care Provider as defined by the American Heart Association or is equivalent. For pediatric patients, the licensee must provide proof of current certification in Pediatric Life Support (PALS), or its equivalent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760 (8) and R.S. 37:793

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:659 (June 1994), amended LR 22:1216 (December 1996), LR 32:244 (February 2006), LR 33:847 (May 2007).

C. Barry Ogden
Executive Director

0704#057

RULE

Department of Health and Hospitals Board of Veterinary Medicine

Continuing Veterinary Medicine Education (LAC 46:LXXXV.Chapter 4)

Editor's Note: The following Rule is being repromulgated to correct a codification error. The original Rule may be viewed on pages 648-649 of the April 20, 2000 *Louisiana Register*.

The Louisiana Board of Veterinary Medicine has amended LAC 46:LXXXV.400, 403, 405, 409, and 413 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953 et seq., and the Louisiana Veterinary Practice Act, R.S. 37:1569. This text has been amended to alter the requirements and program approval of continuing veterinary medicine education for annual renewal of veterinary medicine license, from 16 credits hours per year to 20 credit hours per year with an expansion in the nature and substance of acceptable credit hours, in order to maintain and improve professional competencies for the health, welfare, and safety of the citizens and animals of Louisiana. This Rule becomes effective, after promulgation, for the period of time (July 1, 2007-June 30, 2008) for the 2008-2009 annual license renewal and every annual license renewal period thereafter.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXXV. Veterinarians

Chapter 4. Continuing Veterinary Education

§400. Definitions

Contact Participation—physical attendance at seminars, lectures, conferences, or workshops.

Continuing Veterinary Education—approved, accredited experience obtained from participation in post graduate veterinary studies, institutes, seminars, lectures, conferences, workshops, and other authorized forms of educational experiences so as to maintain and improve professional competencies for the health, welfare, and safety of the citizens and animals of Louisiana.

Continuing Veterinary Education Units—units of measure approved by the Louisiana Board of Veterinary Medicine for the purpose of accreditation of various continuing education activities. One continuing education unit is equivalent to one hour of activity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19:1427 (November 1993), LR 33:648 (April 2007), repromulgated LR 33:847 (May 2007).

§403. Continuing Veterinary Education Requirements

A. A minimum of 20 actual hours is required each fiscal year (July 1 through June 30) as a prerequisite for annual renewal of a license. Hours may be taken from:

1. any pre-approved program as described in §409;
2. ...

3. the 20 hour requirement for annual renewal of a license may be taken in any combination of the following board approved programs: clinical, alternative, regulatory, practice management, and/or research.

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated as §405 by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19:1427 (November 1993), LR 23:1147 (September 1997), LR 28:1208 (June 2002), LR 33:649 (April 2007), repromulgated LR 33:847 (May 2007).

§405. Exceptions and Exemptions

A. A licensee who fails to obtain the required approved minimum of 20 hours within the prescribed 12-month period will not meet the requirements for renewal of his license. Such a license shall expire on September 30 for any licensee who does not timely and properly comply with the annual continuing education requirement. Thereafter, a licensee may apply for renewal of his expired license, however, he shall be unable to lawfully practice veterinary medicine until such time as the requirements for renewal have been met and documented to the satisfaction of the board. Any late fees and/or fines assessed by the board shall be paid before the renewal is issued.

B. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19:1428 (November 1993), LR 23:1147 (September 1997), LR 29:1478 (August 2003), LR 33:649 (April 2007), repromulgated LR 33:848 (May 2007).

§409. Approved Continuing Education Programs

A. ...

1. All units or hours from contact participation programs listed on the pre-approved list of the board shall be accepted.

2. The list of programs for which pre-approval has been granted will be updated as needed and published annually by the board.

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19:1428 (November 1993), LR 33:649 (April 2007), repromulgated LR 33:848 (May 2007).

§413. Non-Compliance

A. - D. ...

E. The promulgation of rule amendments by the board published in the *Louisiana Register* on April 20, 2007 shall become effective for the period of time (July 1, 2007-June 30, 2008) for the 2008-2009 annual license renewal and every annual license renewal period thereafter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated as by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:225 (March 1990), amended LR 19:1428 (November 1993), LR 33:649 (April 2007), repromulgated LR 33:848 (May 2007).

Wendy D. Parrish
Administrative Director

0705#096

RULE

Department of Health and Hospitals Office of Public Health

Retail Food Establishments (LAC 51:XXIII.305, 1307, 1311, 1901, 1911, and 3505)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the state health officer acting through the Department of Health and Hospitals, Office of Public Health, Center for Environmental Health Services, pursuant to the authority in R.S. 40:4(A)(1)(a), R.S. 40:5, R.S. 40:5.5, and R.S. 40:5.5.1 amends Title 51 (Public Health—Sanitary Code), Part XXIII (Retail Food Establishments). The specific Sections amended are §§305, 1307, 1311, 1901, 1911, and 3505. One purpose of such amendments will be to amend the code requirements so that they comport with the requirements of Act 647 of the 1999 Regular Session, Act 370 of the 2003 Regular Session, and Act 608 of the 2004 Regular Session. The substance of these particular legislative Acts relate to exempting certain types of food establishments from compliance with the Food Safety Certificate requirements. Another purpose for amending the code requirements is so that it comports with the requirements of Act 384 of the 2006 Regular Session. The substance of this particular Legislative Act requires food establishments which have a self-service buffet to post a sign encouraging patrons to wash their hands prior to self-service and defines what types of food establishments are exempt therefrom. In addition, these amendments will assist in clarifying other food establishment regulations as well as assisting in the effort to conform Louisiana's retail food establishment regulations with the latest recommendations of the 2001 United States Food and Drug Administration (FDA) Model Food Code.

Title 51

PUBLIC HEALTH—SANITARY CODE

Part XXIII. Retail Food Establishments

Chapter 3. General Requirements

§305. Food Safety Certification

[formerly paragraph 23:002-2]

A. The owner or a designated employee of each food establishment shall hold a "food safety certificate" from the department exclusively on behalf of that food establishment. The certificate shall be required to be renewed every five years.

1. For the purposes of this Section and §1901.D only, the term *food establishment* as defined in §101 of this Part shall additionally not include the following:

- a. private clubs where food is prepared and served exclusively for member consumption;
- b. religious or charitable food sales;
- c. any establishment that heats or prepares boudin or sausage for personal consumption;
- d. a bar or lounge that serves beverages only;
- e. temporary and seasonal establishments;
- f. nursing facilities;
- g. public, private, or parochial schools;
- h. elderly nutrition meal sites which do not prepare meals; and

i. child care facilities.

2. The owner or a designated food service employee of a child care facility shall be required to complete one hour of food safety training each year as part of the three hours of mandatory yearly training required under the requirements of LAC 51:XXI.301.A.9. When the owner or a designated food service employee of a child care facility holds a valid Food Safety Certificate issued under the provisions of this Section, the holder of said certificate will be credited with three years of the mandatory yearly training required under LAC 51:XXI.301.A.9.

B. - C.3.a. ...

b. a \$25 fee for each certificate.

EXCEPTION: All state and local government employees are exempt from this fee.

C.4. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1)(a), R.S. 40:5(2)(3)(5)(7)(15)(17)(19)(21), and R.S. 40:5.5(C)(D)(E)(F)(G).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:316 (February 2002), amended LR 28:1409 (June 2002), LR 33:848 (May 2007).

Chapter 13. Temperature

§1307. Hot Holding Temperatures

[formerly paragraph 22:09-4]

A. Food stored for hot holding and service shall be held at a temperature of 135°F (57°C) or higher with the exception of roast beef. If roast beef is cooked in accordance with §1305.A.6 of this Chapter the minimum hot holding temperature shall be 130°F (54°C).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1)(a) and R.S. 40:5(2)(3)(5)(7)(15)(17)(19)(21).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:320 (February 2002), amended LR 28:1414 (June 2002), LR 33:849 (May 2007).

§1311. Cooling

[formerly paragraph 22:09-6]

A. - A.7. ...

B. Cooked potentially hazardous food shall be cooled:

1. to 70°F (21°C) from 135°F (57°C) within two hours of cooking or hot holding; and

B.2. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1)(a) and R.S. 40:5(2)(3)(5)(7)(15)(17)(19)(21).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:320 (February 2002), amended LR 28:1414 (June 2002), LR 33:849 (May 2007).

Chapter 19. Food Display and Service

§1901. General

[formerly paragraph 22:12-1]

A. - C. ...

D. Food establishments which have a self-service buffet shall provide a sign posted at the location of the self-service buffet which encourages individuals to wash their hands prior to serving themselves. This requirement shall not be applicable to those types of food establishments which are not included in the definition of *food establishment* as per §§101.A and 305.A.1 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1)(a), R.S. 40:5(2)(3)(5)(7)(15)(17)(19)(21), and R.S. 40:5.5.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:323 (February 2002), amended LR 28:1417 (June 2002), LR 33:849 (May 2007).

§1911. Special Requirements for Highly Susceptible Populations

A. - A.2.b.ii. ...

3. the following foods may not be served or offered for sale in a ready to eat form:

a. raw animal foods such as raw fish, raw-marinated fish, raw molluscan shellfish, and steak tartare;

b. a partially cooked animal food such as lightly cooked fish, rare meat, soft cooked eggs that are made from raw shell eggs, and meringue; and

c. raw seed sprouts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1)(a) and R.S. 40:5(2)(3)(5)(7)(15)(17)(19)(21).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:323 (February 2002), amended LR 28:1417 (June 2002), LR 33:849 (May 2007).

Chapter 35. Insects and Rodent Control

§3505. Openings

[formerly paragraph 22:24-3]

A. Openings to a portion of the building that is part of the food establishment, or retail food store/market, or to the outdoors shall be protected against the entry of insects and rodents by:

A.1. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1)(a), R.S. 40:5(2)(3)(5)(7)(15)(17)(19)(20)(21), and R.S. 40:4(A)(9).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:331 (February 2002), amended LR 28:1425 (June 2002), LR 33:849 (May 2007).

Frederick P. Cerise, M.D., M.P.H.
Secretary

0705#083

RULE

Department of Health and Hospitals Office of Public Health

Seafood Preparation and Handling
(LAC 51:IX.305 and 323)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the state health officer acting through the Department of Health and Hospitals, Office of Public Health, Center for Environmental Health Services, pursuant to the authority in R.S. 40:4(A)(1), R.S. 40:4(A)(6), R.S. 40:5, and R.S. 40:5.3, amended Title 51, Part IX (Marine and Fresh Water Animal Food Products). The proposed changes will result in code provisions which are consistent with the National Shellfish Sanitation Program (NSSP) Model Ordinance. The NSSP is the federal/state cooperative program recognized by the U.S. Food and Drug Administration (FDA) and the Interstate Shellfish Sanitation Conference (ISSC) for the sanitary control of shellfish produced and sold for human consumption.

Title 51
PUBLIC HEALTH—SANITARY CODE
Part IX. Marine and Fresh Water Animal Food
Products

Chapter 3. Preparation and Handling of Seafood for Market

§305. Sewage Disposal on Shellfish Boats
[formerly paragraph 9:007]

A. Owners of all vessels in which persons are engaged in the handling of shellfish from the planting or growing grounds, shall provide their vessels with suitable receptacles of adequate size and type having a capacity of at least 2 gallons for each person on the boat, in which the extract, both solid and liquid, of persons using such boats, shall be received. The contents of such receptacles shall be disposed of either by means of the sewerage system of a municipality, by incineration, or by burial in the ground at points sufficiently removed from the banks of streams or tidal waters to prevent the pollution of the waters thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(1), R.S. 40:4(A)(6), R.S. 40:5(2)(3)(5)(7)(9)(15)(17)(19)(20)(21), and R.S.40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1302 (June 2002), amended LR 33:850 (May 2007).

§323. Tags
[formerly paragraph 9:051]

- A. - B.3 ...
4. harvest area as defined by Office of Public Health;
5. - 6.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5(2)(3)(5)(7)(15)(17)(19)(20)(21), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1308 (June 2002), amended LR 28:1591 (July 2002), amended LR 33:850 (May 2007).

Frederick P. Cerise, M.D., M.P.H.
Secretary

0705#082

RULE

Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing

All Inclusive Care for the Elderly
(LAC 50:XXIII.501, 505 and 1301)

The Department of Health and Hospitals, Office of the Secretary, Office of Aging and Adult Services has amended LAC 50:XXIII.501, 505 and 1301 in the Medical, Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXIII. All Inclusive Care for the Elderly

Chapter 5. Recipient Enrollment

§501. Eligibility

- A. - C.6. ...

D. A PACE organization shall assess the potential participant to ensure that he or she can be cared for appropriately in a community setting and that he or she meets all requirements for PACE eligibility.

- E. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:247 (February 2004), amended LR 33:850 (May 2007).

§505. Disenrollment

A. A PACE organization shall submit proposed denial of enrollment determinations of applicants for health and safety reasons and all involuntary disenrollments of participants to DHH for review prior to notifying applicants/participants of such adverse decisions. The department shall review denials of PACE enrollment eligibility and disenrollments in a timely manner.

- B. - B.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:247 (February 2004), amended LR 33:850 (May 2007).

Chapter 13. Reimbursement

§1301. Payment

- A. - B. ...

C. Medicaid payment to a PACE organization on behalf of a Medicaid-eligible participant shall be a prospective monthly capitated amount that is equal to or less than the amount that would otherwise have been paid under the state plan if the participant was not enrolled under the PACE program.

1. Initially, each site specific upper payment limit shall be calculated for each state fiscal year using service area data, by zip code, from actual paid fee-for-service claims for populations who are age 55 or older in nursing facilities and in home and community based waiver and state plan services that utilize nursing facility level of care and serve people age 55 or older.

2. Site specific upper payment limits and Medicaid premiums for PACE shall be periodically calculated in accordance with the approved state plan methodology for such calculation, including trending of historical data. Premiums for every PACE organization in the state will be based on upper payment limits.

3. ...

4. No retroactive capitated payments shall be made.

- D. - D.2. ...

E. Medicaid payment to a PACE organization shall be made for each Medicaid-eligible participant who is identified on Medicaid files as linked to the PACE provider and is enrolled for the subsequent month.

1. Enrolled participants are those who have signed an enrollment agreement and who have been linked by Medicaid to the PACE provider.

- E.2. - I. ...

J. A Medicaid PACE participant, who is in a nursing facility reimbursed by PACE on his/her behalf, shall be responsible for payment of patient liability.

1. ...

2. The patient liability obligation for Medicaid participants begins the day it is determined by the PACE provider that the nursing facility stay is permanent.

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:250 (February 2004), amended LR 33:850 (May 2007).

Implementation of the provisions of this Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Frederick P. Cerise, M.D., M.P.H.
Secretary

0705#097

RULE

Department of Public Safety and Corrections Corrections Services

Inmate Mail and Publications (LAC 22:I.313)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Department of Public Safety and Corrections, Corrections Services, hereby repeals the contents of §313, entitled "Correspondence and Packages: Adult Inmates" and re-promulgates it with the title of "Inmate Mail and Publications".

Certain publications have indicated that the inmate mail system has not been effectively monitored. As a result, threats of inmates identified as terrorist and other high-risk inmates are using the mail and verbal communications to conduct terrorist or criminal activities while incarcerated. Therefore, the department determined that failure to adopt an amended version of this regulation as an Emergency Rule would have resulted in a negative impact on the public's health safety and welfare. Therefore, the Emergency Rule was adopted on January 5, 2007. This publication gives notice of the department's intent to make the Rule final, pursuant to R.S. 49:950 et seq.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part I. Corrections

Chapter 3. Adult and Juvenile Services

Subchapter A. General

§313. Inmate Mail and Publications

A. Purpose. To establish the secretary's policy regarding inmate mail privileges, including publications, at all adult institutions.

B. Applicability. Chief of operations, assistant secretary, regional wardens, and wardens. It is each warden's responsibility to implement this regulation and convey its contents to the inmate population and affected employees.

C. Notice. Staff at each reception and diagnostic center or unit handling initial reception and diagnostic functions shall inform each inmate in writing promptly after arrival of the department's policy for handling of inmate mail, utilizing

the Notification of Mail Handling form. This form will be filed in the inmate's record.

1. The current inmate population in DPS&C facilities is required to complete Attachment A upon the issuance of this revision to department regulations.

2. Pending full implementation of the canteen/package initiative, institutions are authorized to follow the existing regulation concerning packages.

D. Definitions

DPS&C Facility—includes, for the purpose of this regulation, state operated prison facilities, Winn Correctional Center and Allen Correctional Center.

Farm Mail Correspondence—inmate to inmate mail when housed at the same institution.

Indigent Inmates—those who do not have sufficient funds in the appropriate account(s) at the time of their request for indigent services and/or supplies to fully cover the cost of the requested services or supplies.

Nudity—pictorial depiction of buttocks, genitalia or female breasts (with the nipple or areola exposed).

Privileged Correspondence—mail to or from—

- a. identifiable courts;
- b. identifiable prosecuting attorneys;
- c. identifiable probation and parole officers, Parole Board and Pardon Board;
- d. state and local executive officers;
- e. identifiable attorneys;
- f. secretary, deputy secretary, chief of staff, undersecretary, assistant secretary, other officials and administrators of grievance systems of the department;
- g. local, state, or federal law enforcement agencies and officials.

Publication—book, booklet, pamphlet, or similar document, or a single issue of a magazine, periodical, newsletter, newspaper, magazine/newspaper clipping, article printed from the Internet, plus other materials addressed to a specific inmate such as advertising brochures, flyers, and catalogs.

Sexually Explicit Material—any book, pamphlet, magazine, or printed matter however reproduced, which contains any picture, photograph, drawing or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct, sadomasochistic abuse, bestiality and homosexuality. Explicit sexual material also includes that which contains detailed verbal descriptions or narrative accounts of deviant sexual behavior. (A publication will not be prohibited solely because it contains pictorial nudity that has a medical, educational or anthropological purpose).

Sexually Explicit Features—the publication contains depictions of nudity or sexually explicit conduct on a routine or regular basis or promotes itself based upon such depictions in the case of individual one-time issues. A publication will not be prohibited solely because it contains pictorial nudity that has a medical, educational or anthropological purpose.

E. Policy. It is the secretary's policy that inmates may communicate with persons or organizations subject to the limitations necessary to protect legitimate penological objectives, (including but not limited to deterrence of crime, rehabilitation of inmates, maintenance of internal/external security of an institution, or maintenance of an environment

free of sexual harassment), to prevent the commission of a crime, or to protect the interests of crime victims.

F. Inmate Correspondence. Inmates may write and receive letters subject to the following provisions.

1. Frequency. There shall be no limit placed on the number of letters an inmate may write or receive at personal expense and no limit placed on the length, language, or content except when there is reasonable belief that limitation is necessary to protect public safety, or institutional order, including restrictions relative to what may be reasonably stored in space provided and security. Inmates in segregation can write and receive letters on the same basis as inmates in general population.

2. Timely Handling. All mail, incoming and outgoing, shall be handled without unjustified delay. Letters should generally not be held more than 48 hours. This does not prohibit the holding of mail for inmates who are temporarily absent from the institution and does not include weekends and holidays or emergency situations. When mail is received for an inmate who has been transferred to another institution or released, the institution where the mail is received should attempt to forward the mail to him. The collection and distribution of mail is never to be delegated to an inmate. Mail will be given directly to the receiving inmate by an employee.

3. Correspondence. An inmate may write to anyone except:

a. victim of any criminal offense for which the inmate has been convicted or for which disposition is pending, except in accordance with specific procedures established by the warden in conjunction with the Crime Victims Services Bureau;

b. any person under the age of 18 when the person's parent or guardian objects verbally or in writing to such correspondence;

c. any person whom the inmate is restrained from writing to by court order;

d. any person who has provided a verbal or written request to not receive correspondence from an inmate;

e. any other person, when prohibiting such correspondence is generally necessary to further the substantial interests of security, order, or rehabilitation.

4. Costs of Correspondence. Each inmate shall pay personal mailing expenses, except an indigent inmate. An indigent inmate shall have access to postage necessary to send two personal letters per week, postage necessary to send out approved legal mail on a reasonable basis and basic supplies necessary to prepare legal documents. A record of such access shall be kept and the indigent inmate's account shall reflect the cost of the postage and supplies as a debt owed in accordance with department regulations. Stationary, envelopes and stamps shall be available for purchase in the canteen.

5. Outgoing General Correspondence and Farm Mail

a. Review, Inspection and Rejection. Outgoing general correspondence and farm mail shall not be sealed by the inmate and may be read and inspected by staff. The objectives to be accomplished in reading outgoing mail differ from the objectives of inspection. In the case of inspection, the objective is primarily to detect contraband. The reading of mail is intended to reveal, for example, escape plots, plans to commit illegal acts, or plans to violate

institution rules or other security concerns. Outgoing general correspondence and farm mail may be restricted, confiscated, returned to the inmate, retained for further investigation, referred for disciplinary proceeding or forwarded to law enforcement officials, if review discloses correspondence or materials which contain or concern:

i. the transport of contraband in or out of the facility;

ii. plans to escape;

iii. plans for activities in violation of facility or department rules;

iv. information which, if communicated, would create a clear and present danger of violence and physical harm to a human being;

v. letters or materials written in code or a foreign language when the inmate understands English, (unless the warden or designee determines that the recipient is not fluent in English);

vi. mail which attempts to forward unauthorized correspondence to a third party;

vii. threats to the safety and security of staff, other inmates or the public, facility order or discipline or rehabilitation, (including racially inflammatory material);

viii. sexually explicit material;

ix. other general correspondence for which rejection is reasonably related to a legitimate penological interest.

b. Notice of Rejection. The inmate sender shall be notified within three working days, in writing, of the correspondence rejection and the reason therefore on the Incoming/Outgoing General Correspondence and Farm Mail Notice of Rejection form. Any further delay in notification will be based on ongoing investigation which would be compromised by notification. Rejections are appealable through the Administrative Remedy Procedure.

c. Limitations on Restrictions. Any restrictions imposed on outgoing general correspondence and farm mail shall be unrelated to the suppression of expression and may not be restricted solely based on unwelcome or unflattering opinions. Communication of malicious, frivolous, false, and/or inflammatory statements or information, the purpose of which is reasonably intended to harm, embarrass, or intimidate an employee, visitor, guest or inmate will be rejected. This shall not apply to information and/or statements communicated for the express purpose of obtaining legal assistance.

d. Procedures for Mailing. Outgoing general correspondence and farm mail shall be inserted into the envelope and left unsealed by the inmate. All outgoing correspondence shall include:

i. a complete legible name and address of the party the correspondence is being sent to;

ii. the inmate's name, DOC number, housing unit, and the address of the institution which shall be written or typed on the upper left hand corner of the envelope. Drawings, writing, and marking on envelopes, other than return and sending address, are not permitted. All outgoing general correspondence shall be stamped in the mailroom to indicate it originates in a correctional institution.

6. Incoming General Correspondence

a. Review, Inspection, and Rejection. All incoming general correspondence must contain the return address of

the sender and the name and DOC number of the inmate. All mail to inmates must indicate that the sender is aware that the intended recipient is an inmate. All incoming general correspondence shall be opened and inspected for contraband, cash, checks, and money orders and is subject to being read. Any stick on label or stamp may be removed if it appears to contain contraband. All incoming general correspondence may be rejected if such review discloses correspondence or material(s) which would reasonably jeopardize legitimate penological interests, including, but not limited to, material(s) which contain or concern:

- i. the transport of contraband in or out of the facility;
- ii. plans to escape;
- iii. plans for activities in violation of facility or department rules;
- iv. plans for criminal activity;
- v. violations of this regulation or unit rules;
- vi. letters or materials written in code;
- vii. threats to the safety and security of staff, other inmates, or the public, facility order, or discipline, or rehabilitation, (including racially inflammatory material);
- viii. sexually explicit material;
- ix. greeting cards larger than 8" x 10" and greeting cards containing electronic or other non-paper parts, cards constructed in such a way as to permit concealment of contraband;
- x. other general correspondence for which rejection is reasonably related to a legitimate penological interest:

(a). incoming general correspondence containing any of the foregoing may be restricted, confiscated, returned to the sender, retained for further investigation, referred for disciplinary proceedings or forwarded to law enforcement officials.

b. Notice of Rejection. The inmate shall be notified within three working days, in writing, of the correspondence rejection and the reason therefore on the Incoming/Outgoing General Correspondence and Farm Mail Notice of Rejection form. Any further delay in notification will be based on ongoing investigation which would be compromised by notification. Rejections are appealable through the Administrative Remedy Procedure.

7. Monetary Remittances

a. Incoming. Funds cannot be sent to inmates from other inmates or the families of other inmates. Funds cannot be sent to inmates from ex-inmates or their families, or employees and their families, except to purchase hobbycraft items properly supported by a hobbycraft agreement. Funds cannot be sent to inmates from unidentifiable sources. Exceptions to the above are only allowed with prior approval of the warden.

i. Money from permissible sources may be accepted in the following forms:

- (a). postal, bank, or commercially issued moneyorders;
- (b). government checks;
- (c). bank cashier checks;
- (d). checks drawn on federal, state, and local governments, political subdivisions, or public officials;
- (e). checks drawn on reputable commercial accounts;

(f). Automated Clearing House (ACH) transfers generated by authorized vendors approved by the secretary, such as Western Union.

ii. Money will not be accepted in the following forms.

(a). Cash received in the mail will be returned to the sender via regular or certified mail or agency check (type dependent on the amount of cash to be mailed).

(b). Personal checks received in the mail will be returned to the sender via regular mail.

(c). Checks payable to multiple parties will be returned to the sender via regular mail. (If approved by the warden or designee, the inmate may endorse the check prior to its return).

b. Upon discovery of cash, personal or multiple party checks in the mail, the inmate will be sent a Monetary Remittances Notice of Rejection form within three working days describing the contents of the mail, the date of its receipt and advising that he has seven working days to provide return postage. If return postage is not provided within seven working days, the postage will be provided by the unit. The inmate's banking account will be charged if funds are available. If funds are not available, a debt owed will be established pursuant to department regulations.

8. Identification of Privileged Correspondence: It is the responsibility and duty of institutional staff to verify the legitimacy of the official listed on the envelope. For purposes of this regulation, "identifiable" means that the official or legal capacity of the addressee is listed on the envelope and is verifiable. If not, then the letter is to be treated as general correspondence and an appropriate inquiry made into the inmate's intent in addressing the envelope as privileged mail.

9. All outgoing privileged correspondence shall include:

a. a complete legible name and address of the party the correspondence is being sent to;

b. the inmate's name, DOC number, housing unit, and the address of the institution on the upper left hand corner of the envelope. Drawings, writing, and marking on envelopes, other than return and sending address, are not permitted. All outgoing privileged correspondence shall be stamped in the mailroom to indicate it originates in a correctional institution:

i. outgoing privileged correspondence may be posted sealed, and will not be opened and inspected without express authorization from the warden or deputy warden as specified in Subsection F (11).

10. Incoming Privileged Correspondence. All incoming privileged correspondence must contain the return address of the sender and the name and DOC number of the inmate. All incoming privileged correspondence shall be opened in the presence of the inmate to whom it is addressed and inspected for the presence of cash, checks, money orders and contraband and to verify as unobtrusively as possible, that the correspondence does not contain material that is not entitled to the privilege. It may be opened and inspected outside the inmate's presence in the circumstances outlined in Paragraph F.11 of this regulation.

a. Inspection and Rejection: When, in the course of inspection, cash, checks, or money orders are found, they shall be removed and forwarded to the business office who

will verify the legitimacy of the transaction in accordance with department regulations.

b. If material is found that does not appear to be entitled to the privilege or if any of the circumstances outlined in Paragraph F.11 exist, the mail may be restricted, confiscated, returned to sender, retained for further investigation, referred for disciplinary proceedings or forwarded to law enforcement officials.

c. Notice of Rejection. The inmate shall be notified within three working days, in writing, of the correspondence rejection and the reason therefore on the Privileged Correspondence Notice of Rejection form describing the reason for the rejection and advising that he has seven working days to determine the disposition of the correspondence. Rejections are appealable through the Administrative Remedy Procedure.

d. Accidental Opening. If privileged correspondence is opened accidentally, outside the presence of the inmate, the envelope shall be immediately stapled or taped closed and the envelope marked "Accidentally Opened" along with the date and employee's initials. An unusual occurrence report will be completed.

11. Mail Precautions. The wardens and deputy wardens are authorized to open and inspect incoming and outgoing privileged mail outside the inmate's presence in the following circumstances:

a. letters that are unusual in appearance or appear different from mail normally received or sent by the individual or public entity;

b. letters that are of a size or shape not customarily received or sent by the individual or public entity;

c. letters that have a city and/or state postmark that is different from the return address;

d. letters that are leaking, stained, or emitting a strange or unusual odor or have a powdery residue;

e. when reasonable suspicion of illicit activity has resulted in a formal investigation and such inspection has been authorized by the secretary or designee.

12. Inmate Organizations: Inmate organizations must pay the postage costs for all of their outgoing mail. All outgoing mail must be approved by the inmate organization sponsor.

G. Procedures for Publications

1. Publications (see definition in Subsection D.) may be read and inspected to discover contraband and unacceptable depictions and literature. Unless otherwise provided by the rules of the institution, all printed matter must be received directly from the publisher. Multiple copies of publications for any one individual inmate are not allowed. Samples inserted in publications will be removed prior to delivery. Upon the effective date of the canteen/package initiative, books must be purchased through the canteen and will no longer be allowed to be sent through the mailroom.

2. Newspaper and magazine clippings (xerox copies allowed) as well as articles printed from the internet are considered publications for the purpose of review pursuant to this regulation. However, they are not required to originate from the publisher. A limit of five clippings/articles may be received within a piece of regular correspondence and the quantity received may be further limited by what can be reasonably reviewed for security reasons in a timely

manner. Multiple copies of the same clippings/articles for any one individual inmate are not allowed. Inclusion of clippings/articles in regular correspondence may delay the delivery.

3. Refusal of Publications: Printed material shall only be refused if it interferes with legitimate penological objectives (including but not limited to deterrence of crime, rehabilitation of inmates, maintenance of internal/external security of an institution or maintenance of an environment free of sexual harassment), or if the refusal is necessary to prevent the commission of a crime or to protect the interests of crime victims. This would include but not be limited to the following described categories.

a. Security Issues

i. Maps, road atlas, etc., that depict a geographic region that could reasonably be construed to be a threat to security;

ii. writings that advocate, assist or are evidence of criminal activity or facility misconduct;

iii. instructions regarding the ingredients or manufacturing of intoxicating beverages or drugs;

iv. information regarding the introduction of, or instructions in the use, manufacture, storage, or replication of weapons, explosives, incendiaries, escape devices or other contraband;

v. instructs in the use of martial arts;

vi. racially inflammatory material or material that could cause a threat to the inmate population, staff, and security of the facility;

vii. writings which advocate violence or which create a danger within the context of a correctional facility.

b. Sexually Explicit Material. It is well established in corrections that sexually explicit material causes operational concerns. It poses a threat to the security, good order and discipline of the institution and can facilitate criminal activity. Examples of the types of behavior that result from sexually explicit material include non-consensual sex, sexual molestation of other inmates or staff, masturbation or exposing themselves in front of staff and inappropriate touching or writing to staff or other forms of sexual harassment of staff and/or inmates.

i. Sexually explicit material can portray women (or men) in dehumanizing, demeaning and submissive roles, which, within an institutional setting, can lead to disrespect and the sexual harassment of female (or male) correctional staff. Lack of respect and control in dealing with inmates can endanger the lives and safety of staff and inmates.

ii. The viewing of sexually explicit material undermines the rehabilitation of offenders as it can encourage deviant, criminal sexual behavior. Additionally, once sexually explicit material enters an institution, it is impossible to control who may view it. When viewed by an incarcerated sex offender, it can undermine or interrupt rehabilitation efforts.

iii. Publications that depict nudity or sexually explicit conduct on a routine or regular basis or promotes itself based upon such depictions in the case of individual one time issues will not be allowed.

c.i When screening publications for acceptability, the following categories shall be utilized:

(a). Category 1—presumption of non-acceptability;

(b). Category 2—those that need to be reviewed on a case-by-case basis prior to allowing them to be delivered to the recipient and subject to review by the regional warden;

(c). Category 3—presumption of acceptability.

ii. Publications can be added, deleted or moved from one category to another at the discretion of the secretary at any time.

iii. When an institution receives a Category 2 publication which has not already been ruled on by the regional wardens, the mailroom will send the inmate a Notice of Pending Review of Publication form and forward the publication to their regional warden who will determine acceptability. When an institution suspends delivery of an issue of a Category 3 publication, the regional warden is notified. The mailroom will send the inmate a Notice of Pending Review of Publication form. The regional wardens will determine if the publication should be moved to Category 2. When magazines are received that are not currently listed, the regional warden will be notified.

d. Procedures When Publication Is Refused. The inmate shall be notified within three working days of the refusal and the reason therefore on the Publications Notice of Rejection form describing the reason for the rejection and advising that he has seven working days to determine the publication's disposition. Rejections are appealable through the administrative remedy procedure. The institution should retain possession of the disputed item(s) until the exhaustion of administrative and judicial review.

H. Procedures for Photographs, Digital or Other Images

1. Inmates will not be allowed to receive or possess photographs or digital or other images that interfere with legitimate penological objectives (including but not limited to deterrence of crime, rehabilitation of inmates, maintenance of internal/external security of an institution, or maintenance of an environment free of sexual harassment), or to prevent the commission of a crime or to protect the interests of crime victims. This includes photographs, digital or other images which expose the genitals, genital area (including pubic hair), anal area, cheeks of the buttocks or female breasts (or breasts which are designed to imitate female breasts). These areas must be covered with garments which cannot be seen through.

2. Lingerie will not normally be acceptable whether transparent or not. Swimwear will only be acceptable if the overall context of the picture is reasonably related to activities during which swimwear is normally worn. Suggestive poses alone may be sufficient cause of rejection regardless of the type of clothing worn.

3. Each institution shall develop a procedure that serves to reasonably restrict an inmate's possession of multiple copies of the same photograph or digital or other image.

4. Hard backed and laminated photographs or digital or other images that are subject to alteration or modification may be rejected.

5. The term "photograph" includes other images such as those created by a digital imaging device or e-mails.

6. The inmate shall be notified within three working days, in writing, of the photograph rejection and the reason therefore on the Photographs Notice of Rejection form

describing the reason for the rejection and advising that he has seven working days to determine the photograph's disposition. Rejections are appealable through the Administrative Remedy Procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:833(A), *Guajardo v. Esteile*, 580 F.2d 748 (5th Cir. 1978).

HISTORICAL NOTE: Promulgated by the Department of Corrections, Office of Adult Services, LR 5:4 (January 1979), amended LR 10:803 (October 1984), LR 11:360 (April 1985), amended by the Department of Public Safety and Corrections, Corrections Services, LR 33:851 (May 2007).

Richard L. Stalder
Secretary

0705#078

RULE

Department of Public Safety and Corrections Corrections Services

Prison Enterprises—Responsibilities and Functions (LAC 22:I.1101)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), the Louisiana Department of Public Safety and Corrections, Corrections Services, has adopted Section 1101, Responsibilities and Functions of Prison Enterprises, as a final Rule.

The purpose of the aforementioned regulation is to establish and outline the functions and responsibilities of the Division of Prison Enterprises.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part I. Corrections

Chapter 11. Prison Enterprises

§1101.

A. Purpose—to establish and outline the functions and responsibilities of the Division of Prison Enterprises.

B. Applicability—chief of operations, undersecretary, assistant secretary, wardens, the Director of Prison Enterprises and the Director of Probation and Parole. Each unit head shall ensure that appropriate procedures are in place to comply with the provisions of this regulation.

C. Definitions

Agriculture—cultivation of soil, production of crops, raising of livestock and management of natural resources.

Aquacultural—cultivation of natural produce of water such as fish and shellfish and their by-products.

Crops—food and fiber products that cover a broad range of goods from both processed and unprocessed bulk commodities. This includes but is not limited to soybeans, corn, wheat, rice, cotton, vegetables grasses and their by-products.

Industrial Enterprise—a manufacturing, distribution, production, assembly or warehousing operation that accommodates the direct or indirect exchange of goods.

Livestock—animals reared in an agricultural setting to make or produce food or to be used for labor and their by-products. This includes but is not limited to cattle, bulls, pigs, horses and birds.

Marketing—the process or technique of promoting, selling and distributing a product or service.

Open Market—the area of economic activity in which buyers and sellers come together and the forces of supply and demand affect prices, including agreements entered into by private treaty.

Service Industries—provision of inmate services for labor such as janitorial, bulk mailings, assembly and other labor-intensive work that utilizes Prison Enterprises' resources to accommodate customer requests.

Silvicultural—controlling the establishment, growth, composition, health and quality of forests and woodlands and their by-products through management, harvest and planting.

D. Policy

1. It is the secretary's policy that the Division of Prison Enterprises is responsible for developing and implementing policy and procedures for agricultural, aquacultural, crops, industrial enterprises, livestock, marketing, service industries and silvicultural programs that will utilize the department's resources to lower the cost of incarcerating inmates, provide work opportunities for inmates, and provide products and services to state and local agencies other political subdivisions, open market customers and other targeted customers.

E. General

1. The Director of Prison Enterprises is responsible for the following:

a. establishment and operation of all agricultural, aquacultural, crops, industrial enterprises, livestock, marketing, service industries and silvicultural programs;

b. development of budgets and plans of operation for all Prison Enterprises programs within the state;

c. procurement of all raw goods, supplies, commodities, breeding livestock, inventories, services, studies or experimental work in accordance with the Louisiana Procurement Code, Procurement of Services Rules and Regulations, executive orders, rules established by administrative law and all other applicable state and federal law;

d. purchase of commodities, including but not limited to agriculture commodities, prison industry commodities, and other commodities available from other state, federal and foreign governmental agencies in accordance with R.S. 15:1157(C);

e. sale of all Prison Enterprises products, commodities, livestock, and services through appropriate venues, including but not limited to direct sales to non-profit entities, governmental entities (i.e., other local, parish, state, federal and foreign governments), sealed bids, open market sales, private entities, auctions and other targeted customers in accordance with R.S. 15:1157(C).

2. Functional supervision at the field level relative to interface with unit activities and security requirements will be under the jurisdiction of the warden in accordance with ACA Standard 4-4006.

3. All funds received from the sale of products and services shall be deposited immediately upon receipt into the state treasury.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1156.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the Secretary, LR 33:855 (May 2007).

Richard L. Stalder
Secretary

0705#079

RULE

**Department of Public Safety and Corrections
Gaming Control Board**

Imposition of Sanctions; Enforcement Actions;
Advertising; Video Draw Poker Devices
(LAC 42:VII.2325, 2927; IX.2919, 4103;
XI.2407; XIII.2325 and 2927)

The Louisiana Gaming Control Board has amended LAC 42:VII.2325, Penalty Schedule, VII.2927, Advertising, IX.2919, Advertising Mandatory Signage, IX.4103, Enforcement Actions of the Board, XI.2407, Operation of Video Draw Poker Devices, III.2325, Penalty Schedule, 2927, Advertising, in accordance with R.S. 27:15 and 24, and the Administrative Procedure Act, R.S. 49:950 et seq.

Title 42

LOUISIANA GAMING

**Part VII. Pari-Mutuel Live Racing Facility Slot Machine
Gaming**

**Chapter 23. Compliance, Inspections and
Investigations**

§2325. Sanctions

A. - D. ...

E. Penalty Schedule

Section Reference	Description	Base Fine	Proscription Period (months)
* * *			
2927	Advertising	\$1,000	18
* * *			

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:1321 (June 2000), amended LR 27:2255 (December 2001), LR 28:1028 (May 2002), repromulgated LR 28:2371 (November 2002), amended LR 29:362 (March 2003), LR 31:1603 (July 2005), LR 33:856 (May 2007).

Chapter 29. Operating Standards

§2927. Advertising

A.

B. All letters accompanying the toll-free telephone number shall be in capital letters and the same size as the toll-free telephone number. The toll-free telephone number and letters shall appear in conspicuous and legible type in contrast by typography, layout, or color with all other printed material on the advertisement.

C. Exterior print advertising, including but not limited to billboards, shall display the toll-free telephone number and all accompanying letters in a rectangle. The rectangle shall comprise an area equal to 1/10 of the entire advertisement's

height and extend across the entire width of the advertisement. The toll-free telephone number and accompanying letters must be sized to utilize the entire area within the rectangle. In the case of billboards, the rectangle containing the toll-free telephone number shall be a part of the billboard itself and not a separate add-on to the frame.

D. Interior print advertising, including but not limited to posters, banners and other forms of advertising intended to be viewed from within the licensed establishment and/or designated gaming area shall display the toll-free telephone number and all accompanying letters in a rectangle. The rectangle shall comprise an area equal to 1/20 of the entire advertisement's height and extend across the entire width of the advertisement. The toll-free telephone number and accompanying letters must be sized to utilize the entire area within the rectangle.

E. Print advertising which is handheld or which is customarily viewed by the person holding the advertisement, including but not limited to newspapers, flyers, coupons and other forms of advertising shall display the toll-free telephone number and all accompanying letters in a rectangle. The rectangle shall comprise an area equal to 1/20 of the entire advertisement's height and extend across the entire width of the advertisement. The toll-free telephone number and accompanying letters must be sized to utilize the entire area within the rectangle.

F. A licensee which is required to display the toll-free telephone number may seek approval from the Division for particular forms of print advertising on an individual basis. In those instances where the licensee seeks approval, the Division may in its discretion, approve the print advertisement in writing. The approved advertisement shall conform to the Division's written approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:765 (April 2000), amended LR 33:856 (May 2007).

Part IX. Landbased Casino Gaming

Subpart 1. Economic Development and Gaming Corporation

Chapter 29. Operating Standards Generally

§2919. Advertising; Mandatory Signage

A.

B. All letters accompanying the toll-free telephone number shall be in capital letters and the same size as the toll-free telephone number. The toll-free telephone number and letters shall appear in conspicuous and legible type in contrast by typography, layout, or color with all other printed material on the advertisement.

C. Exterior print advertising, including but not limited to billboards, shall display the toll-free telephone number and all accompanying letters in a rectangle. The rectangle shall comprise an area equal to 1/10 of the entire advertisement's height and extend across the entire width of the advertisement. The toll-free telephone number and accompanying letters must be sized to utilize the entire area within the rectangle. In the case of billboards, the rectangle containing the toll-free telephone number shall be a part of the billboard itself and not a separate add-on to the frame.

D. Interior print advertising, including but not limited to posters, banners and other forms of advertising intended to

be viewed from within the licensed establishment and/or designated gaming area shall display the toll-free telephone number and all accompanying letters in a rectangle. The rectangle shall comprise an area equal to 1/20 of the entire advertisement's height and extend across the entire width of the advertisement. The toll-free telephone number and accompanying letters must be sized to utilize the entire area within the rectangle.

E. Print advertising which is handheld or which is customarily viewed by the person holding the advertisement, including but not limited to newspapers, flyers, coupons and other forms of advertising shall display the toll-free telephone number and all accompanying letters in a rectangle. The rectangle shall comprise an area equal to 1/20 of the entire advertisement's height and extend across the entire width of the advertisement. The toll-free telephone number and accompanying letters must be sized to utilize the entire area within the rectangle.

F. A licensee which is required to display the toll-free telephone number may seek approval from the division for particular forms of print advertising on an individual basis. In those instances where the licensee seeks approval, the division may in its discretion, approve the print advertisement in writing. The approved advertisement shall conform to the division's written approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1953 (October 1999), amended LR 26:335 (February 2000), LR 33:857 (May 2007).

Chapter 41. Enforcement Actions

§4103. Enforcement Actions of the Board

- A. - B.
- C. Penalty Schedule

Section Reference	Description	Base Fine	Proscription Period (months)

2919	Advertising	\$1,000	18

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1974 (October 1999), amended LR 26:2307 (October 2000), LR 27:2255 (December 2001), repromulgated LR 28:344 (February 2002), amended LR 28:1029 (May 2002), LR 29:362 (March 2003), LR 29:2507 (November 2003), LR 31:1605 (July 2005), LR 33:857 (May 2007).

Part XI. Video Poker

Chapter 24. Video Draw Poker

§2407. Operation of Video Draw Poker Devices

- A. - C.2.e. ...
- D. Advertising
 - 1. - 4. ...

5. All letters accompanying the toll-free telephone number shall be in capital letters and the same size as the toll-free telephone number. The toll-free telephone number and letters shall appear in conspicuous and legible type in contrast by typography, layout, or color with all other printed material on the advertisement.

6. Exterior print advertising, including but not limited to billboards, shall display the toll-free telephone number and all accompanying letters in a rectangle. The rectangle shall comprise an area equal to 1/10 of the entire advertisement's height and extend across the entire width of the advertisement. The toll-free telephone number and accompanying letters must be sized to utilize the entire area within the rectangle. In the case of billboards, the rectangle containing the toll-free telephone number shall be a part of the billboard itself and not a separate add-on to the frame.

7. Interior print advertising, including but not limited to posters, banners and other forms of advertising intended to be viewed from within the licensed establishment and/or designated gaming area shall display the toll-free telephone number and all accompanying letters in a rectangle. The rectangle shall comprise an area equal to 1/20 of the entire advertisement's height and extend across the entire width of the advertisement. The toll-free telephone number and accompanying letters must be sized to utilize the entire area within the rectangle.

8. Print advertising which is handheld or which is customarily viewed by the person holding the advertisement, including but not limited to newspapers, flyers, coupons and other forms of advertising shall display the toll-free telephone number and all accompanying letters in a rectangle. The rectangle shall comprise an area equal to 1/20 of the entire advertisement's height and extend across the entire width of the advertisement. The toll-free telephone number and accompanying letters must be sized to utilize the entire area within the rectangle.

9. A licensee which is required to display the toll-free telephone number may seek approval from the division for particular forms of print advertising on an individual basis. In those instances where the licensee seeks approval, the division may in its discretion, approve the print advertisement in writing. The approved advertisement shall conform to the division's written approval.

10. The Penalty for any violation of this Section shall be \$500.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:582 (June 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:85 (January 1999), LR 27:205 (February 2001), LR 30:267 (February 2004), repromulgated LR 30:441 (March 2004), amended LR 33:857 (May 2007).

Part XIII. Riverboat Gaming

Subpart 2. State Police Riverboat Gaming Division

Chapter 23. Compliance, Inspections and Investigations

§2325. Imposition of Sanctions

A. - D. ...

E. Penalty Schedule

Section Reference	Description	Base Fine	Proscription Period (Months)

2927	Advertising	\$1,000	18

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 26.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:1318 (June 2000), LR 27:2255 (December 2001), LR 28:1029 (May 2002), LR 29:363 (March 2003), LR 31:1606 (July 2005), LR 33:858 (May 2007).

Chapter 29. Operating Standards

§2927. Advertising

A. ...

B. All letters accompanying the toll-free telephone number shall be in capital letters and the same size as the toll-free telephone number. The toll-free telephone number and letters shall appear in conspicuous and legible type in contrast by typography, layout, or color with all other printed material on the advertisement.

C. Exterior print advertising, including but not limited to billboards, shall display the toll-free telephone number and all accompanying letters in a rectangle. The rectangle shall comprise an area equal to 1/10 of the entire advertisement's height and extend across the entire width of the advertisement. The toll-free telephone number and accompanying letters must be sized to utilize the entire area within the rectangle. In the case of billboards, the rectangle containing the toll-free telephone number shall be a part of the billboard itself and not a separate add-on to the frame.

D. Interior print advertising, including but not limited to posters, banners and other forms of advertising intended to be viewed from within the licensed establishment and/or designated gaming area shall display the toll-free telephone number and all accompanying letters in a rectangle. The rectangle shall comprise an area equal to 1/20 of the entire advertisement's height and extend across the entire width of the advertisement. The toll-free telephone number and accompanying letters must be sized to utilize the entire area within the rectangle.

E. Print advertising which is handheld or which is customarily viewed by the person holding the advertisement, including but not limited to newspapers, flyers, coupons and other forms of advertising shall display the toll-free telephone number and all accompanying letters in a rectangle. The rectangle shall comprise an area equal to 1/20 of the entire advertisement's height and extend across the entire width of the advertisement. The toll-free telephone number and accompanying letters must be sized to utilize the entire area within the rectangle.

F. A licensee which is required to display the toll-free telephone number may seek approval from the division for particular forms of print advertising on an individual basis. In those instances where the licensee seeks approval, the division may in its discretion, approve the print advertisement in writing. The approved advertisement shall conform to the division's written approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended

by the Department of Public Safety and Corrections, Gaming Control Board, LR 33:858 (May 2007).

H. Charles Gaudin
Chairman

0705#021

RULE

Department of Public Safety and Corrections Office of State Police

Reporting Requirements for Category 3 or Higher Hurricane (LAC 33:V.11101, 11103, and 11105)

Under the authority of R.S. 32:1504, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has adopted regulations for reporting requirements of hazardous materials for Category 3 or higher hurricane in LAC 33:V.Subpart 2, 11101, 11103, and 11105 (Log #DPS001).

This Rule provides a process for the reporting of information regarding hazardous materials that are in transit and/or temporarily stored at a facility and that could present a threat to human health and the environment if compromised during a Category 3 or higher hurricane. Hurricanes Katrina and Rita illustrated the need to be able to accurately account for all hazardous material in this state especially in times of emergency. The state must be aware of the exact nature, quantities, and location of all hazardous materials in this state prior to any potential release under these circumstances. This Rule is being promulgated by the Department of Public Safety in collaboration with the Department of Environmental Quality. The basis and rationale for this Rule are to protect public health and the environment during times of emergency. This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 2. Department of Public Safety and Corrections—Hazardous Materials

Chapter 111. Reporting Requirements for Category 3 or Higher Hurricane

§11101. Purpose

A. The purpose of this Chapter is to establish procedures for the reporting of information regarding hazardous materials that are in transit and/or temporarily stored at a facility and that could present a threat to human health and the environment if compromised during a Category 3 or higher hurricane.

AUTHORITY NOTE: Promulgated in accordance with R.S.32:1504.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 33:859 (May 2007).

§11103. Applicability

A. This Chapter applies to all persons who are engaged in the transportation of hazardous materials by railcars, vessels, or barges, or the temporary storage of hazardous materials in any storage vessel not permanently attached to the ground, that is within the confines of a parish affected, or

projected to be affected, by a Category 3 or higher hurricane for which a mandatory evacuation order has been issued.

AUTHORITY NOTE: Promulgated in accordance with R.S.32:1504.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 33:859 (May 2007).

§11105. Requirements for Reporting

A. Notification shall be given to the DPS, via electronic submittal, to the 24-hour Louisiana Emergency Hazardous Materials Hotline email address at emergency@la.gov within 12 hours of a mandatory evacuation order issued by the proper parish authorities.

B. Definitions

Hazardous Materials—those materials listed on the EHS list, 40 CFR Part 355, Appendix A.

Temporary Storage—the containment of hazardous materials in a container that is portable. This provision does not cover those hazardous materials that are stored in pipelines or any other storage vessel permanently attached to the ground.

C. Mechanism and Responsibilities

1. Within 12 hours of an order of evacuation issued by local parish authorities, persons subject to the provisions of this Chapter shall report the following:

a. the exact nature of, and the type, location, and relative fullness of the container (i.e., full, half-full, or empty) of all hazardous materials that are located within a parish subject to the evacuation order;

b. the primary and secondary contact person's phone, e-mail, and fax number; and

c. whether the facility will be sufficiently manned such that post-event assessments will be performed by company personnel (as soon as safely practicable) and that any releases and/or hazardous situations will be reported in accordance with existing Louisiana Department of Environmental Quality (LDEQ) and State Police reporting requirements.

2. For those materials that are stored, it shall be necessary to only report those hazardous materials that were not reported in the annual Superfund Amendments and Reauthorization Act (SARA) inventory report and those that are in excess of what is typically stored at the facility.

3. Within a reasonable period of time, persons subject to the provisions of this Chapter shall perform a post-event assessment of those hazardous materials that were actually present in the affected area and to what degree, if any, those materials were compromised by said event and their current condition.

4. Both the DPS and Louisiana Department of Environmental Quality (LDEQ) shall have access to this information.

D. This Chapter does not extinguish any obligation or supersede any other federal or state law requiring reporting of information on hazardous materials.

AUTHORITY NOTE: Promulgated in accordance with R.S.32:1504.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 33:859 (May 2007).

Jill P. Boudreaux
Acting Undersecretary

0705#043

RULE

Department of Revenue Policy Services Division

Exemption from Tax on Corporations (LAC 61:I.1140)

Under the authority of R.S. 47:287.501, R.S. 47:1511, R.S. 47:287.785 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division amends LAC 61:I.1140 to disallow the exemption of unrelated business taxable income of organizations meeting the qualification of I.R.C. Sections 501 and 401(a) and to remove the requirement that certain banks be organized under the laws of the state of Louisiana.

Due to the exclusive error of the Department of Revenue, non-profit organizations with unrelated business taxable income in Louisiana have not been taxed on that income. The department will begin taxing this unrelated business taxable income as required by R.S. 47:287.501 beginning January 1, 2008. The department will also, in keeping with proper statutory construction, remove the requirement that banks subject to the "shares tax" be organized under the laws of the state of Louisiana to qualify for the exemption.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 11. Income: Corporation Income Tax §1140. Exemption from Tax on Corporations

A. Generally, organizations meeting the qualifications included under I.R.C. Sections 501 and 401(a) are exempt from federal and Louisiana income tax liability.

B. However, organizations meeting the qualifications under I.R.C. Sections 501 and 401(a) are not exempt from taxation on unrelated business taxable income or income not included under I.R.C. Sections 501 and 401(a) for federal income tax purposes. Since unrelated business taxable income is not exempt from federal income tax, it is not exempt from Louisiana income tax. The Department of Revenue will begin enforcing this requirement of R.S. 47:287.501 for all taxable periods beginning on and after January 1, 2008.

C. Exceptions

1. Mutual savings banks, national banking corporations, building and loan associations, and savings and loan associations are wholly exempt from the tax imposed by this Chapter regardless of where they are organized.

2. Banking corporations, regardless of where they are organized, which are required by other laws of this state to pay a tax for their shareholders, or whose shareholders are required to pay a tax on their shares of stock are also wholly exempt. Banking corporations, other than those described above, are not exempt from the corporation income tax.

D. An organization claiming a total or partial exemption under R.S. 47:287.501(A) as an organization described in I.R.C. Sections 501 or 401(a) is required to file an income tax return in the same manner as any other corporation. To claim a partial exemption, the organization must submit a copy of the Internal Revenue Service ruling establishing its

exempt status under I.R.C. Sections 501 or 401(a) with its return, report any income subject to federal income tax on its Louisiana return, and include with the return a statement that all income not reported on the Louisiana return is exempt from federal income tax under I.R.C. Sections 501 or 401(a). To claim a total exemption the organization must submit a copy of the Internal Revenue Service ruling establishing its exempt status under I.R.C. Sections 501 or 401(a) with its return and include with its return a statement that none of its income was subject to federal income tax.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.501.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:108 (February 1988), repromulgated by the Department of Revenue, Policy Services Division, LR 30:485 (March 2004), amended LR 33:860 (May 2007).

Cynthia Bridges
Secretary

0705#069

RULE

Department of Revenue Policy Services Division

Issuance and Cancellation of a Lien; Fees (LAC 61:I.5302)

Under the authority of R.S. 47:295, R.S. 47:1511, R.S. 47:1577, and R.S. 47:1578 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division has amended LAC 61:I.5302 to clarify when the secretary may release certain property subject to the recorded lien. Additionally, this Rule restricts taxpayers to only one approved offer in compromise in a 10-year period and require offers in compromise applications to be accompanied by a nonrefundable payment of at least 10 percent of the amount offered.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 53. Miscellaneous Fees

§5302. Issuance and Cancellation of a Lien; Fees

A. - C.3. ...

4. when the amount paid to the secretary in partial satisfaction of the liability is not less than the value of the interest of the state of Louisiana in the part of the property to be released or the secretary determines that the interest of the state of Louisiana in the part to be released has no value. This provision is subject to approval by the Board of Tax Appeals.

D. - E. ...

F. Offers in Compromise

1. The secretary will only accept one offer from any applicant in a 10-year period.

2. A nonrefundable payment of at least 10 percent of the amount offered must accompany an Offer in Compromise application.

G. The department shall assess a fee against the taxpayer for the filing of a tax lien and the cancellation of a lien. The

amount of the fee to be assessed against the taxpayer shall be determined according to the amount charged the department by the parish in which the lien is filed. In the event a lien is filed in more than one parish for the same taxes, each lien shall be treated separately and the total charges per parish for the liens shall be assessed against the taxpayer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:295, R.S. 47:1511, R.S. 47:1577, and R.S. 47:1578.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 28:347 (February 2002), amended LR 30:1045 (May 2004), LR 33:860 (May 2007).

Cynthia Bridges
Secretary

0705#007

RULE

Department of Revenue Policy Services Division

Partnerships Composite Returns and Payments (LAC 61:I.1401)

Under the authority of R.S. 47:201.1 and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division amends LAC 61.I.1401.

The purpose of this Rule is to change the requirement to withhold when the partner in a partnership is a partnership itself. This change will prevent such partnerships from being included on composite returns. It is the opinion of the department that this change will enhance compliance with this Rule.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 14. Income: Partnerships

§1401. Partnerships Composite Return Requirement, Composite Payment Requirements, Exceptions

A. Definitions. For the purpose of this rule, the following terms are defined.

Corporation—an entity that is treated as a corporation for state income tax purposes as set forth in R.S. 47:287.11(A).

Engaging in Activities in This State—having payroll, sales, or tangible property in this state, or intangible property with a Louisiana business situs.

Individual Return—a Louisiana personal income tax return or a Louisiana fiduciary income tax return.

Nonresident—any person not domiciled, residing in, or having a permanent place of abode in Louisiana.

Partner—a member or partner of an association that is treated as a partnership for state income tax purposes, including but not limited to, a member in a limited liability company or a partner in a general partnership, a partnership in commendam, or a registered limited liability partnership. A partner is the ultimate owner of a partnership interest; therefore someone holding or managing a partnership interest on behalf of another, such as a broker, is not a partner for purposes of this rule.

Partnership—any association that is treated as a partnership for state income tax purposes including, but not limited to, a general partnership, partnership in commendam, a registered limited liability partnership, or a limited liability company. Because of R.S. 47:287.11(A), the above listed business associations that do not elect to be taxed as corporations for federal income tax purposes are treated as partnerships for Louisiana income tax purposes.

B. Persons to be Included in a Composite Return

1. Partnerships engaging in activities in this state that have nonresident partners are required to file a composite partnership return unless:

a. all nonresident partners are corporations, partnerships or tax exempt trusts; or

b. all nonresident partners, other than corporations, partnerships and tax exempt trusts, have a valid agreement on file with the Department of Revenue in which the partner has agreed to file an individual return and pay income tax on all income derived from or attributable to sources in this state.

2. Unless otherwise provided herein, corporate partners and partners, who are themselves partnerships, cannot be included in composite returns filed by a partnership. These partners must file all applicable Louisiana tax returns, and must report all Louisiana source income, including income from the partnership in those returns.

3. Resident partners, other than corporations, partnerships and tax-exempt trusts, may be included in a composite return.

C. Composite Return Requirements

1. All nonresident partners, other than partners that are corporations, partnerships or tax-exempt trusts, who were partners at any time during the taxable year and who do not have a valid agreement on file with the Department of Revenue must be included in the composite partnership return.

2. The due date of the composite return is the due date set forth for all income tax returns other than corporate returns.

3. A schedule must be attached to the composite return that includes the following information for every nonresident partner in the partnership:

a. the name of the partner;

b. the address of the partner;

c. the taxpayer identification number of the partner;

d. the partner's distributive share; and

e. whether or not that partner has an agreement on file with the Department of Revenue to file an individual return on his or her own behalf.

4. If a resident partner is included in the partnership's composite return, a schedule must be attached to the composite return that includes the following information for every resident partner included in the partnership composite return:

a. the name of the partner;

b. the address of the partner;

c. the taxpayer identification number of the partner;

d. the partner's distributive share.

5. The filing of a true, correct, and complete partnership composite return will relieve any nonresident partner properly included in the composite return from the

duty to file an individual return, provided that the nonresident partner does not have any income from Louisiana sources other than that income reported in the composite return. Inclusion in a partnership composite return shall not relieve a resident partner of the obligation to file a Louisiana income tax return.

6. Filing requirement the first year the partnership is subject to the composite return rules and issuance of special identification number. Every partnership that engages in activities in this state and that has nonresident partners will make an initial filing with the department.

a. Each partnership that is required to file a composite return will file its first composite return and make its first composite payment by the composite return due date. The partnership will be issued an identification number by the department upon its initial filing. This identification number shall be used on all partnership correspondence with the department, including subsequent composite returns filed by that partnership.

b. Each partnership that is not required to file a composite return because all its partners have filed agreements to file on their own behalf, must make an initial filing in which it files all agreements with the Department of Revenue by the composite return due date. The partnership will be issued an identification number by the department upon its initial filing. This identification number shall be used on all partnership correspondence with the department, including the filing of additional agreements.

D. Composite Payment Requirement

1. All partnerships engaging in activities in this state that have nonresident partners that are not corporations, partnerships or tax-exempt trusts shall make composite payments on behalf of all of their nonresident partners, other than corporate partners and partners, who are themselves partnerships, who do not file an agreement to file an individual return and pay Louisiana income tax.

2. The composite payment is due on the earlier of the date of filing of the composite return or the due date of the composite return, without regard to extensions of time to file. An extension of time to file the composite return does not extend the time to pay the composite payment.

3. Each partner's share of the composite payment is the maximum tax rate for individuals multiplied by the partner's share of partnership income that was derived from or attributable to sources in this state. This computation applies whether or not the partnership income is distributed.

4. The composite payment to be made by the partnership is the sum of each partner's share of the composite payment for all partners included in the composite return.

5. For a nonresident partner whose only Louisiana income is from the partnership, amounts paid by the partnership on that partner's behalf will be treated as a payment of that partner's Louisiana individual income tax liability.

6. If a partner has any Louisiana source income in addition to the income from the partnership, amounts paid by the partnership on that partner's behalf will be treated as an advance payment of the tax liability shown on that partner's individually filed return.

E. Nonresident Partner's Agreement to File an Individual Return

1. No composite return or composite payment is required from a partnership on behalf of a partner who has a valid agreement on file with the Department of Revenue in which the partner has agreed to file an individual return and pay income tax on all income derived from or attributable to sources in this state.

2. The partner will execute the agreement and transmit the agreement to the partnership, on or before the last day of the month following the close of the partnership's taxable year.

3. The partnership will file the original agreement with the composite return filed for that taxable year. The partnership must keep a copy of the agreement on file.

4. The agreement must be in writing, in the form of an affidavit and must include all of the following:

a. a statement that the taxpayer is a nonresident partner or member;

b. the partner's name;

c. the partner's address;

d. the partner's Social Security number or taxpayer identification number;

e. the name of the partnership;

f. the address of the partnership;

g. the partnership's federal taxpayer identification number;

h. a statement that the taxpayer agrees to timely file a Louisiana individual income tax return and make payment of Louisiana individual income tax;

i. a statement that the taxpayer understands that the Louisiana Department of Revenue is not bound by the agreement if the taxpayer fails to abide by the terms of the agreement;

j. the statement that "under penalties of perjury, I declare that I have examined this affidavit and agreement and to the best of my knowledge, and belief, it is true correct and complete;" and

k. the signature of the partner.

5. Once an agreement is signed by the partner, transmitted to the partnership, and the partnership has filed the agreement with the Department of Revenue, the agreement will continue in effect until the partner or the Department of Revenue revokes the agreement, or the partner is no longer a partner in the partnership.

6. The agreement may be revoked by either the partner or the Department of Revenue as follows.

a. The partner may revoke the agreement at will. However, this revocation does not become effective until the first partnership tax year following the partnership tax year in which the revocation is transmitted to the partnership. The partner must send written notice of the revocation to the partnership. The partnership will forward the notice to the Department of Revenue. The partner may execute a new agreement, in the manner set forth in this Subsection, at any time.

b. The Department of Revenue may revoke the agreement only if the partner fails to comply with the terms of the agreement. This revocation is prospective only with respect to the partnership, and does not become effective

until the first partnership tax year following the partnership tax year in which the revocation is transmitted to the partnership. The Department of Revenue must send written notice of the revocation to the partner and the partnership. The notice will be mailed to the partnership at the address given in the last return or report filed by the partnership. The notice will be mailed to the partner at the address provided in the agreement. If the Department of Revenue revokes an agreement, the department may refuse to accept a subsequent agreement by that partner, unless the partner can show that the revocation was in error.

F. A partnership making a composite return and payment must furnish the following information to all partners included in the composite return:

1. the identification number that was issued to the partnership by the department under Subparagraph C.6.b above;
2. the amount of the payment made on the partner's behalf;
3. a statement that the amount paid on the partner's behalf can be used as an advance payment of that partner's Louisiana individual income tax liability for the same tax period;
4. the mailing address of the Louisiana Department of Revenue; and
5. the world wide web address of the Louisiana Department of Revenue, www.rev.state.la.us.

G. Additional Provisions for Publicly Traded Partnerships

1. A publicly traded partnership that is not treated as a corporation for federal income tax purposes may elect, with the prior approval of the secretary:

- a. not to accept agreements filed by partners under the provisions of Paragraph B.4 or Subsection E above; and
- b. to include all partners in its composite return and composite payment required by this Section, including corporations and tax-exempt trusts.

2. This election must be applied for in writing and approved in writing by the secretary. Once approval is granted, the election will remain in effect until revoked by the partnership.

3. The composite payment to be made by the publicly traded partnership is the sum of each partner's share of the composite payment for all partners. Each partner's share of the composite payment is the maximum individual income tax rate multiplied by the partner's share of partnership income that was derived from or attributable to sources in this state. This computation applies whether or not the partnership income is distributed.

4. Inclusion in a partnership composite return filed by a publicly traded partnership shall not relieve resident partners, corporate partners, or nonresident partners who have other Louisiana source income of the obligation to file all applicable Louisiana tax returns, and report all Louisiana source income, including income from the partnership.

H. Nothing in this regulation shall restrict the secretary's authority to otherwise provide for efficient administration of the composite return and composite payment requirements of R.S. 47:201.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:201.1 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 28:868 (April 2002), amended LR 33:861 (May 2007).

Cynthia Bridges
Secretary

0705#068

RULE

Department of Transportation and Development Office of Weights and Standards

Violation Ticket Review Committee
(LAC 73:I.1201 and 1216)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Transportation and Development hereby amends Chapter 12 of Title 73 entitled "Violation Ticket Review Committee", in accordance with R.S. 32:389.

Title 73

WEIGHTS, MEASURES AND STANDARDS

Part I. Weights and Standards

Chapter 12. Violation Ticket Review Committee

§1201. Composition of Violation Ticket Review Committee

A. One representative of the Office of Management and Finance to be appointed by the undersecretary of management and finance.

B. One representative of the DOTD Legal Section to be appointed by the general counsel.

C. One representative of the Office of Operations to be appointed by the assistant secretary.

D. Four representatives of the Office of Engineering to be appointed by the chief engineer.

E. The DOTD Weights and Standards Administrator or his designee shall be a non-voting member.

F. Four of seven voting members present is a quorum.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:389 (D).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Weights, Measures and Standards, LR 22:372 (May 1996), amended LR 28:522 (March 2002), LR 33:863 (May 2007).

§1216. Consideration by Review Panel

A. - C. ...

D. The review panel shall be convened upon the motion of the chairman a minimum of every 90 days. The department shall provide all information necessary or required concerning the tickets reviewed by the review panel. The protestor, upon his request, may appear at the meetings of the review panel.

E. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:389 (D).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Weights, Measures and Standards, LR 22:372 (May 1996), amended LR 28:523 (March 2002), LR 33:863 (May 2007).

Johnny B. Bradberry
Secretary

0705#059

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Bait—Special Dealer's Permit (LAC 76:VII.329)

The Wildlife and Fisheries Commission has amended LAC 76:VII.329, which provides for a special bait dealer's permit program. Authority to establish these regulations is vested in the commission by R.S. 56:497(C).

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery §329. Special Bait Dealer's Permit

A. Policy. The special bait dealer's permit is intended solely for the benefit of the recreational fishing public which desires to use live shrimp and live croaker as bait during the closed season between the spring and fall shrimp seasons. Its purpose is to allow the uninterrupted operation of those commercial establishments which sell live bait shrimp and live croaker to the fishing public during the spring and fall shrimp season. The permit is not intended for the direct use of recreational fishermen, charter boats, commercial fishermen who sell dead shrimp or croaker, or for any other entity which may wish to catch shrimp or croaker for their own use during the closed season.

B. Application

1. Applications for the special bait dealer's permit will be accepted from January 1 through April 30 of each year. All applications should be mailed to the department via certified mail.

2. Applications will be accepted only from the owner of an existing business which sells or plans to sell live bait to recreational fishermen.

3. Applications must be notarized and made on forms provided by the department; all information requested must be provided before the application will be processed.

4. Applicants must show proof of having acquired all necessary licenses and permits before the permit will be issued. This includes, if relevant, boat registration, vessel license, gear license, commercial fishing licenses, and name of fisherman; wholesale/retail seafood dealers license, state sales tax number, and a copy of the applicant's and the fisherman's valid drivers license. A background check for wildlife violations of the applicant and the fisherman will be made. Any person convicted of any Class 2 or greater wildlife or fisheries violation within the previous three years prior to the date of application shall not qualify to obtain a special bait dealer's permit or be onboard any vessel engaged in permitted activities.

5. Beginning in 2008, applicant must post a \$1,000 cash bond before the permit is issued. This bond will be forfeited if the permittee, his employee, or his contractor violates any provision of the rules and regulations concerning the special bait dealer's permit or if the permittee, his employee, or his contractor violates any

commercial fishing law or regulation while operating under the permit.

6. Before the permit is issued an agent of the department must inspect the facilities of the applicant and verify that the applicant is operating a commercial establishment which sells live shrimp or live croaker to the fishing public for use as bait, and that the applicant does have facilities to maintain live shrimp or croaker. Notice to the public must be posted that live bait shrimp or croaker are available for sale. The applicant must have onshore facilities, including tanks with a minimum capacity of 500 gallons, available to hold live shrimp or live croaker. These tanks must have provisions for aeration and/or circulation of the water in which live shrimp or croaker are held prior to sale. In determining total tank capacity of onshore facilities, the agent shall not count any tank with a capacity of less than 50 gallons.

7. Only the applicant, his designated employee, or his contractor may operate under the permit. At the time of application, the applicant will specify the vessel and who will be working under the permit. Should the vessel or these persons change, the applicant shall submit an amended application listing the vessel or those persons and be in receipt of an approved amended permit before the new vessel or persons operate under the permit. The permit is not transferable to any other person or vessel. The entire original permit must be carried on the vessel while in operation.

8. No person shall transfer any shrimp or croaker taken under a permit from one vessel to another.

C. Operations

1. Only the vessel and captains listed in the permit shall be used with the permit. Live wells, aeration tanks, and other vessel facilities to maintain live shrimp or croaker must be carried on or built into this vessel; it must be used for both taking and transporting the live shrimp or croaker. The vessel must have a minimum of one compartment or tank with a minimum capacity of 50 gallons. No other vessel may be used under the permit. Signs which identify the vessel as working under the special bait dealer's permit shall be posted on the vessel. These signs shall be visible from either side of the vessel and from the air; the word "BAIT" and the permit number shall be placed on these signs in letters at least 12 inches high.

2. Permitted gear is limited to one trawl not to exceed 25 feet along the cork line 33 feet along the lead line or two skimmer nets having an individual net frame size not more than 12 and 1/2 feet measured horizontally or 12 feet measured vertically or 17 feet 4 inches measured diagonally. These are the only gears which can be used or carried aboard the permitted vessel while the vessel is operating under the permit; no other commercial fishing gear may be on the vessel when it is being used under permit.

3. No more than 2 gallons of dead shrimp or croaker or combination thereof may be aboard the vessel while it is operating under the permit. All dead shrimp or croaker or combination thereof in excess of 2 gallons must be immediately returned to the water. Shrimp or croaker dying

in onshore holding facilities may be sold for bait use only, in lots not to exceed 16 ounces in weight.

4. Bait shrimp or croaker may be taken only from official sunrise to official sunset; no night fishing is allowed under this permit.

5. The entire original permit must be in the possession of the person operating the vessel while it is engaged in taking shrimp or croaker under the terms of the permit.

6. Each time the permit is used the permittee must notify the department by contacting the communications section on the designated toll free telephone number provided on the permit and recording the confirmation number received. Before the vessel departs the dock under the permit, the department must be advised of the time of departure and the sub-basin code corresponding to the department's trip ticket sub-basin map in which trawling or skimming will take place; immediately after the permitted vessel returns to the dock the department must be notified of the time of return by contacting the communications section on the designated toll free telephone number provided on the permit.

7. The permittee shall maintain an up-to-date record of the activities conducted under the permit on forms provided by the department for that purpose. These records shall be kept onboard the vessel and made available for inspection by agents of the department upon request by said agents at any time and shall include the permittee's name and permit number, date, departure time, fishing location, gear used, confirmation number, return time, and number of live shrimp or live croaker harvested. All applicable record information shall be completed before fishing operations begin. In addition, any agent of the department shall be allowed to make an on site inspection of any facilities operating under the permit, at any time. Permittee shall submit to the department, not later than September 1 following the live bait season, this record of permit activities on forms provided by the department. Nothing herein this Section shall exempt the permittee from trip ticket reporting requirements as provided for in R.S. 56:306.4.

D. Penalties

1. No person shall violate any provision of this Section. Violations of any provision of this Section shall constitute a Class 4 violation as defined in R.S. 56:34.

AUTHORITY NOTE: Promulgated in accordance with LA R.S. 56:326.3 and 56:497(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, and Wildlife and Fisheries Commission, LR 3:210 (April, 1977), amended LR 15:867 (October, 1989), LR 19:215 (February, 1993), LR 23:86 (January, 1997), LR 33:864 (May 2007).

Earl P. King, Jr.
Chairman

0705#028

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Paddlefish (LAC 76:VII.137)

The Wildlife and Fisheries Commission has amended the following Section on paddlefish (*Polyodon spathula*) in portions of Louisiana. Authority to establish these regulations is vested in the commission by R.S. 56:497(C).

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishing

§137. Paddlefish

A. The incidental take and possession of paddlefish (*Polyodon spathula*), commonly called spoonbill catfish, shall be regulated by the following provisions. Paddlefish as referred herein shall include roe and any parts thereof.

1. Properly licensed recreational fishermen using legal recreational gear may take paddlefish as per the following provisions. No person shall take or possess paddlefish in violation of any of the provisions herein.

a. Area—the taking or possession of paddlefish is closed in all saltwater areas of the state and in border waters shared with Texas.

b. All possessed paddlefish must be dead. The possession or transportation of live paddlefish is prohibited.

c. All paddlefish possessed on the waters of the state shall be maintained intact.

d. No person shall possess paddlefish eggs on the waters of the state which are not fully attached to the fish.

e. Daily Take and Possession Limit—the daily take and possession limit of paddlefish is two per person.

f. Maximum Size Limit—all paddlefish greater than 30 inches (lower jaw fork length) must be returned to the water immediately. Lower jaw fork length is the distance from the tip of the lower jaw to the mid-line of the caudal fin.

2. The commercial take and possession of paddlefish is prohibited. No person shall purchase, sell, barter, exchange or trade or attempt to purchase, sell, barter or trade paddlefish, their eggs or parts thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), R.S. 56:325.C. and R.S. 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 12:368 (June 1986), LR 15:868 (October 1989), amended by the Department of Wildlife and Fisheries, Office of Fisheries, LR 18:978 (September 1992), amended by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 33:865 (May 2007).

Bryant O. Hammett, Jr.
Secretary

0705#029