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Executive Orders

ADDENDUM TO EXECUTIVE ORDER EWE-79-4 ISSUED MAY 3, 1979

BY VIRTUE of the power vested in me and acting under the authority of Article 4, Section 5(A) and (J) of the Louisiana Constitution of 1974 and the Louisiana Disaster Act of 1974, I, EDWIN EDWARDS, do hereby extend the effect of Executive Order EWE-79-4 for an indefinite period not to exceed thirty days from this date.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 5th day of June, A.D. 1979.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-79-5

WHEREAS the Louisiana Educational Television Authority was created by Act 13 of 1971 for the purpose of making the benefits of educational and public television and radio available to and promoting their use by inhabitants of Louisiana; and

WHEREAS that Act empowers the Authority to lease, purchase, construct, own, operate, manage, and be the licensee of educational and public television and radio stations, production centers, and other related equipment and facilities for the production and/or transmission of open circuit, closed circuit, and any other transmission means necessary to achieve the purpose of the law; and

WHEREAS said stations, production centers, and transmission means, for reasons of necessity and/or convenience, are identified by various designations such as WLPB-TV, KLTM, KLTS, Louisiana Public Broadcasting, LPB, Louisiana Health Television Network, LHTN, LETA, et al.

NOW, THEREFORE, I EDWIN EDWARDS, by virtue of the authority vested in me as Governor of the State of Louisiana, do hereby authorize the Louisiana Educational Television Authority to conduct business in the name of its various existing services and/or sub-entities, whether designated by title, letter combination or acronym, as well as in the name of any future entities and/or services which may be created for the purpose of fulfilling the legislative mandate, and I hereby direct all state departments, agencies, boards, and commissions to recognize said entity and/or service designations of the Louisiana Educational Television Authority for the conduct of business both within state government and in the private sector.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 18th day of May, A.D. 1979.

Edwin Edwards
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture Office of Agricultural and Environmental Sciences

It has been determined that two serious and destructive diseases of sugar cane, Sugar Cane Rust, (*Puccinia melanocephala* Syd.) and Sugar Cane Smut, (*Ustilago scitaminea* Syd.) are now present in the continental limits of the United States. These diseases are not now known to occur in Louisiana and are capable of causing severe losses to the sugar cane industry in the state if they become established.

In order to prevent the introduction and spread within the state and to eradicate these diseases if they are introduced, the Louisiana Department of Agriculture, under authority of Section 1732 of Part II of Chapter 12 of Title 3 of the Revised Statutes of 1950, does hereby promulgate the following Emergency Quarantine and Regulations declaring pests; agent or inspector; inspection; control and eradication authority; quarantine area; regulated products; conditions governing shipment control and eradication measures; penalties; revision; and effective date.

Sugar Cane Rust and Sugar Cane Smut Regulation

I. Pests: Sugar Cane Rust, *Puccinia melanocephala* Syd. and Sugar Cane Smut, *Ustilago scitaminea* Syd.

II. Agent or Inspector: An authorized representative of the Commissioner of the Louisiana Department of Agriculture.

III. Inspection, Control and Eradication Authority:

a. Agents of the Louisiana Department of Agriculture shall be allowed entrance onto any property or premise to determine if the pests exist on such and to take such action as, in the judgment of the State Entomologist, is necessary to control or eradicate the pests wherever found.

b. No person, firm or corporation shall in any way interfere with an agent of the Louisiana Department of Agriculture in carrying out the provisions of this regulation, or interfere with the application of suppressive measures for the control and eradication of the Sugar Cane Rust and/or Sugar Cane Smut should they be introduced into the State of Louisiana.

IV. Quarantined Area: Regulated area—Any area outside the State of Louisiana.

V. Regulated Products: Sugar cane plants, stalks, cuttings, seed and any other part thereof and the same products of the genus *Erianthus*.

VI. Conditions Governing Shipment of Regulated Products:

a. Regulated products from the regulated area are prohibited entry into the State of Louisiana unless each shipment is accompanied by a special permit issued by the Louisiana State Entomologist. A special permit will be issued only after regulated products are treated in a manner approved by the State Entomologist.

VII. Control and Eradication Measures: Regulated products shipped into the State of Louisiana in violation of this regulation are subject to destruction or return to the point of origin at the discretion of the State Entomologist.

VIII. Penalties: Any person, firm, or corporation found guilty of violating the provisions of this Quarantine and Regulation is subject to the penalties provided by Section 1736 of Part III of Chapter 12 of Title 3 of the Louisiana Revised Statutes of 1950.

IX. Revision: This regulation may be revised or amended at any time as conditions and circumstances warrant.

X. **Effective Date:** The above regulation shall become effective on and after June 5, 1979.

Richard Carlton, State Entomologist
Office of Agricultural and
Environmental Sciences

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Management and Finance

Rules and Sliding Billing Scale for Programs Operated By The Office of Mental Health and Substance Abuse, Office of Mental Retardation, and Office of Human Development

Effective July 1, 1979, the Department of Health and Human Resources (DHHR), Office of Management and Finance, has exercised those powers conferred by the emergency provisions of the Administrative Procedures Act, R.S. 49:953B, to amend the rules and regulations previously determining the fees to be charged for residential services provided by state administered mental hospitals, schools for the retarded, and private facilities utilized by the Office of Human Development, and to include charges for evaluation services when provided by the Office of Human Development.

I. **Admissions. State Hospitals, Schools, and Private Programs Where OHD Funds are Utilized toward the Cost of Care—**Admissions for treatment shall be made available to all appropriate residents of the State of Louisiana. Residency shall be established by a permanent legal address within the state and an expressed intention to live within the state in the future when this in not in opposition to applicable state and federal regulations. Persons seeking treatment in a facility or by a program shall furnish all information requested by that program and, if different, the DHHR agency responsible for placement decisions.

II. **General Regulations.**

A. **Schedule for Charges—**Billing for services rendered will be sent at least quarterly to the client or his responsible person in accordance with the applicable fee schedule, based on the total family income and the number of dependents as defined in Section IV. There shall be adequate documentation of the information used in establishing the fee, which shall become a permanent part of the client's record.

B. **Failure to Provide Information—**A person responsible for the payment of charges for services rendered who refuses to supply the information necessary for an accurate determination of the required rate of charges for services rendered shall be presumed to be able to pay the full cost of services rendered and shall be billed accordingly. Any person who is potentially eligible for medical assistance benefits from any federal or state program who refuses to apply for and follow through with application for said benefits shall be presumed to be able to pay the full cost of services rendered and shall be billed accordingly or, in the case of voluntary, nonemergent services, may be refused DHHR assistance, dependent upon individual program policies. Updated information shall be supplied by the responsible party to DHHR of any change in income, employment, or family composition, which may result in an adjusted fee. A periodic check, no less than annually, will be made with the responsible party to make fee adjustments as necessary for continuing services to a client.

C. **Insurance—**An insurance company that the responsible party alleges has issued a policy or contract covering the charges

for treatment and services rendered shall be billed the full cost of services rendered. Billings shall be made directly to the insurer by the treating facility after securing execution of the forms necessary, including an assignment of benefits to the treatment facility, by the responsible person. The responsible party shall be billed in accordance with the applicable fee schedule up to the amount of charges not covered and paid by insurance. If the responsible person refuses to execute the forms necessary to assign the benefits under the policy alleged by him to cover the charges for treatment and services rendered and the forms necessary to file an insurance claim in accordance with that policy, that responsible party shall be presumed to be able to pay at the full cost of services rendered and shall be billed accordingly or, in the case of voluntary, non-emergent services, may be refused DHHR assistance, dependent upon individual program policies.

D. **Medical Assistance—**All persons eligible to receive medical assistance benefits from any federal or state program shall be eligible for free treatment provided the program as administered has agreed to cover the appropriate services for treatment. In the event that the program does not cover the appropriate services for treatment, the responsible party shall be charged and billed in accordance with these rules and regulations.

E. **Third Party Cases and Release of Information—**Upon receipt of a letter from an attorney or an insurance company requesting a patient's records, that attorney or company shall be sent, within thirty days from the receipt, a bill for charges applicable to that patient. At the same time as the mailing of that bill, a copy of that patient's file pertaining to charges for services and their collection, as well as a copy of the requesting letter, shall be forwarded to the Office of Central Collection of the Department of Health and Human Resources in Baton Rouge. Patient's records are not to be released until a properly executed consent by the patient, parent, or guardian is received and the fee for copies of records is paid in advance, except to any office of the Department of Health and Human Resources for the purpose of facilitating the meeting of its responsibilities.

F. **Exceptions—**The Secretary or his designee(s) will be authorized to approve exceptions to the fee schedule, for documented reasons such as other excessive emergency or medical costs, family hardships resulting in unusual and unexpected expenses, etc.

III. **Other Applicable Income, Earned and Unearned, in State Schools and Hospitals and in Private Residential Placements Receiving Financial Support from the Office of Human Development.**

A. DHHR payments shall be made to supplement the basic contribution as determined by the sliding fee schedule, plus amounts or benefits available to the client from other sources, such as social security, supplemental security income, veteran's benefits, special education, and vocational rehabilitation, as well as private insurance.

B. Upon admission to a residential facility, procedures will generally be initiated which may lead to the payment of benefits on behalf of the client directly to a DHHR program or the treating facility. Except for some portion which may be assigned to the client's account based on his identified needs, the remainder of the benefits available shall apply toward the cost of care at the facility. Any amount remaining above the cost of care shall return to the client's personal account or family.

C. A portion of the income which a client may earn while residing in the treatment facility will be applied toward the cost of care if it exceeds a basic amount which may be allowed for the client's personal expenses or savings.

D. If the income for a family, from which the contribution by the responsible party is determined according to the fee schedule, includes benefits of the client's which are applied

toward the cost of care and the client allowance, the amount of these benefits may be deducted from the income of the family. The client may still be considered a dependent when referring to the fee schedule since the responsible party will still be contributing toward the cost of care and still have some extra expenses in regard to the client.

E. If benefits from these other available sources are not able to be made directly to the DHHR program or residential facility, the recipient of the benefits may be held responsible for payment of the applicable benefits to the appropriate DHHR program.

IV. Definitions.

A. **Gross Income:** The monthly sum of income received from sources identified by the U.S. Census bureau in computing the median income and defined in the Code of Federal Regulations, Volume 45, Section 228.66.

B. **Adjusted Income:** As used herein means the gross family income during the most current calendar year, as defined above, with deductions from the total family gross income of \$1,000 for each person dependent on that income and of federal and state income taxes paid on that income.

C. **Dependent:** As used herein, means all persons dependent on the household income as accepted by the Internal Revenue Service (IRS) for federal income tax purposes. In the case of a minor not claimed as a dependent for income tax purposes, the parents are still responsible for a contribution based on the fee schedule but may increase the dependent deductions by the client(s) in question.

D. **Family:** For purposes of establishing fees under these procedures, the basic family unit is defined as consisting of one or more adults and children, if any, related by blood, marriage, or adoption, and residing in the same household. Where related adults, other than spouses, or unrelated adults reside together, each will be considered a separate family, unless they are included as part of the family unit for federal income tax reporting purposes. Children living with nonlegally responsible relatives, emancipated minors, and children living under the care of unrelated persons will be considered a member of the family, if any, that claims that child as a dependent for federal income tax purposes. In maternity homes, minors seen without the consent and knowledge of parents or legal guardians will be considered as separate family units and will be charged according to the minor's own income whether the source is allowance or earnings.

E. **Responsible Persons:** As used herein, the client's parents or guardians if the client is under the age of eighteen unless someone else claims the client as a dependent for federal income tax purposes, in which case it is that person. If the client is over eighteen, he is responsible for his contribution based on his gross family income and allowed deductions, unless he is claimed as a dependent for income tax purposes, in which case the claimant becomes responsible for the fee toward the cost of care based on the claimant's family income.

F. **DHHR Residential Facilities and Out-Of-Home Placements:** State mental hospitals and schools for the retarded, in-patient treatment facilities, and out-of-home care programs operated or partially funded by the Office of Mental Health and Substance Abuse, Office of Mental Retardation, or Office of Human Development, including foster care, group home care, and DHHR placement of delinquent children and children in need of supervision.

V. Fee Determination for DHHR Residential Facilities and Out-Of-Home Care.

The monthly fee for these services, as defined above, shall be determined according to formulas based on the Louisiana median income and applicable state and federal regulations. Families with an adjusted income of less than fifty percent of the state median income adjusted for the number of dependents will be provided with service at no charge. If the service provided is funded through Title XX, any fee determination will conform to the applicable Title XX Comprehensive Annual Services Plan for the state. DHHR will develop sliding fee schedules based on these formulas and furnish them to all appropriate agencies and persons requesting them. These schedules will be revised as the official state median income changes. Adjustments of the median income for family size shall be computed according to the method utilized for Title XX eligibility determination described in the Code of Federal Regulations, Volume 45, Section 228.60 (d)(2).

A. Public and private psychiatric hospital placements funded by DHHR shall utilize the following formula for the first sixty days of placement, not to exceed the actual cost of care. This fee will not be collected from one family for more than sixty days in any consecutive twelve-month period. In computing the fee to be charged, DHHR, will round the actual fees for these services to the nearest dollar.

Adjusted Family Income as a Percent of the State Median Income based on Family Size	Fee as a Percent of Adjusted Income
Under 50%	none
50-54.9%	10%
55-59.9%	12%
60-64.9%	14%
65-69.9%	16%
70-74.9%	18%
75-79.9%	20%
80-84.9%	22%
85-89.9%	24%
90-94.9%	26%
95-99.9%	28%
100-104.9%	30%
105-109.9%	32%
110-114.9%	34%
115-119.9%	36%
120-124.9%	38%
125-129.9%	40%
130-134.9%	42%
135-139.9%	44%
140-144.9%	46%
145-149.9%	48%
150% and over	50% of adjusted income, not to exceed cost of care

B. Out-of-home residential and treatment programs operated or partially funded by the Office of Mental Retardation and Office of Human Development, and public or private psychiatric hospital placements of more than sixty days duration in a twelve-month period which are operated or partially funded by the Office of Mental Health and Substance Abuse or the Office of Human Development, shall utilize the following formula for each family member in placement, not to exceed the cost of care and when collection of this fee is not in violation of other state or federal regulations. It is understood that this fee is assessed for care and treatment only, not an educational component that is available to all children free of charge. If the service provided is funded through Title XX, any fee determination will conform to the applicable Title XX Comprehensive Annual Services Plan for the state.

**Adjusted Family Income
as a Percent of
the State Median Income
based on Family Size**

Under 50%
50-54.9%
55-59.9%
60-64.9%
65-69.9%
70-74.9%
75-79.9%
80-84.9%
85-89.9%
90-94.9%
95-99.9%
100-104.9%
105-109.9%
110-114.9%
115-119.9%
120-124.9%
125-129.9%
130-134.9%
135-139.9%
140-144.9%
145-149.9%

150% and above

**Fee as a Percent
of Adjusted Income**

none
3%
3.35%
3.70%
4.05%
4.40%
4.75%
5.10%
5.45%
5.80%
6.15%
6.50%
6.85%
7.20%
7.55%
7.90%
8.25%
8.60%
8.95%
9.30%
9.65%
10% of adjusted family
income, not to exceed
cost of care

**Gross Family Income as a
Percent of Median Income
Adjusted for Family Size**

50-54.9%
55-59.9%
60-64.9%
65-69.9%
70-74.9%
75-79.9%
80-84.9%
85-89.9%
90-94.9%
95-99.9%
100-104.9%
105-109.9%
110-114.9%
115-119.9%
120-124.9%
125-129.9%
130-134.9%
135-139.9%
140-144.9%
145-149.9%
150% and above

**Fee as a Percent
of Cost**

4% of cost
8%
12%
16%
20%
25%
30%
35%
40%
45%
50%
55%
60%
65%
70%
75%
80%
85%
90%
95%
100%

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

Rules

RULES

Department of Commerce Racing Commission

IV. OHD Evaluation Services.

All persons provided evaluation services under the auspices of the Office of Human Development (OHD) shall be assessed a fee for each chargeable service when the family income is above fifty percent of the state median income for that family size. Chargeable services provided through the (proposed) OHD Client Evaluation Program may include various types of evaluations and treatment services necessary to determine the need for a restrictive placement or to prevent the need for a more restrictive placement. These services will be offered only when not available through another publicly funded resource. If the service is funded through Title XX, any fee assessed shall conform to the appropriate Title XX Comprehensive Annual Services Plan for the state. The cost of these services upon which the fee will be assessed will be determined by OHD as part of the project approval process when private providers submit proposals and budgets for funding consideration, and will be based upon the cost of the service computed for collections under Title XIX when that cost is available. The responsible person will be notified of the base cost and agree to their required contribution prior to the provision of the service when possible. Persons whose gross family income is less than one-half of the current state median income adjusted for family size will be eligible for services without charge. Persons whose gross family income is more than one hundred fifty percent of the current state median income adjusted for family size will be charged the full cost of services provided. Adjustment of the median income for family size shall be computed according to the method utilized for Title XX eligibility determination described in the Code of Federal Regulations, Volume 45, Section 228.60 (d)(2). In computing the fee to be charged, DHHR will round the actual fees for these services to the nearest quarter dollar. Between these two levels, fees will be adjusted in accordance with the following formula:

Delete LAC 11-6:25.7 which read, "No maiden five years old or older shall be allowed to start."

* * * *

Amend LAC 11-6:33.6 to read:

§33.6 Coupled entries are permitted in exacta races, except that entries therein having separate bona fide owners and the same trainer may be split for betting purposes, notwithstanding the provisions of LAC 11-6:25.32.

* * * *

Amend LAC 11-6:45.7 to read:

§45.7 Title to a claimed horse shall be vested in the successful claimant at the time the horse leaves the paddock. The successful claimant shall then become the owner of the horse whether he be alive or dead, sound or unsound or injured at any time after leaving the paddock, during the race or after. However, the successful claimant may request on the claim blank at the time he makes his claim that the horse be tested for the presence of equine infectious anemia via a Coggins test. Should this test prove positive, it shall be cause for a horse to be returned to his previous owner and barred from racing in the State of Louisiana. The expense of the Coggins test and the maintenance of the horse during the period requested for the test, shall be absorbed by the successful claimant. If such a test is requested the claimed horse will be sent to the retention barn of the Louisiana State Racing Commission where the State Veterinarian will draw a blood sample, which sample shall be sent to a laboratory approved by the Louisiana Livestock Sanitary Board for the conduct of such test.

Albert M. Stall, Chairman
Racing Commission

RULES

Board of Trustees for State Colleges and Universities

Part IX. Athletic Policies

1. Amend 9.5 A, Subsection 9 to read as follows:

9. If a student-athlete has served in the armed forces or on an official church mission for a minimum of eighteen months, the Subsection 5 of Section 9.5A of Part IX is waived for the period of service.

2. Amend 9.5 A, by adding as Subsection 17, the following:

17. A junior college graduate or a junior college transfer is eligible upon registration when he meets the National Collegiate Athletic Association (NCAA) requirements regarding the junior college rules.

3. Amend 9.7 D, to read as follows:

D. An institution shall be limited to a total of ten coaches for men's sports of football, basketball, baseball, and track; the number of part-time coaches shall not exceed the applicable national association limitations on athletic staff. The directors of athletics and athletic trainers shall not be included in this total unless they are participating in the coaching activities of those four sports. However, each institution shall be permitted to adjust its staff in terms of recruiting, coaching and other assigned duties provided that: (1) those changes do not require the additional expenditures of state funds and (2) they are within the NCAA policies as they pertain to staff limitations. If any changes are made or proposed to any staff system in the individual institutions, those changes must be presented to and approved by the Board.

Bill Junkin, Executive Director
Board of Trustees for State Colleges and Universities

RULES

Board of Elementary and Secondary Education

Rule 1.00.30c (Replaces existing policy)—The Board adopted additions to *Policy and Procedure Manual* relative to Board advisory councils.

Rules and Procedures for Standing Advisory Councils of the Board

Unless contrary to federal or state laws, the following rules and procedures shall apply to all advisory councils appointed by the Board.

Composition—Unless otherwise provided by law, each standing or permanent advisory council of the Board shall be created by Board policy. The policy shall determine the size of the council membership, the number of persons to be appointed by each Board member, and the persons, organizations, affiliations, or interest groups to be represented on the council.

Unless required by law, no member of the Board shall be a member of an advisory council.

Term of office; vacancies.

Terms—Members appointed to standing advisory councils shall serve two-year overlapping terms. All appointments are subject to ratification by the Board. Removals, however, are not subject to Board ratification, and a council member may be removed without cause by the Board member making the appointment.

Beginning with 1979, persons appointed to and serving on advisory councils shall begin to serve two-year staggered terms. To this effect, all Council appointments in existence as of

January 1, 1979, shall be made or reaffirmed by June 30, 1979. At that time one-half of the membership appointed to each Council shall serve one-year terms, terminating June 30, 1980; one-half of the appointed membership shall serve two-year terms, terminating June 30, 1981. Thereafter, all members appointed to advisory councils shall serve two-year overlapping terms. To initiate the staggered terms, Board members shall draw lots to determine which appointees shall serve one-year terms if each Board member has only one appointee. If each Board member has two or more appointees, then the Board member shall designate which appointees will serve one or two years.

Vacancies—A vacancy in an appointed position shall occur if an appointee, for any reason, fails to serve the full extent of his two-year term. Appointments to fill vacancies shall be considered interim appointments, and such appointments shall be for the unexpired portion of the original two-year term. Interim appointments to fill vacancies shall be ratified by the Board.

Should the term of any Board member terminate for any reason, appointments by the member to advisory councils shall also terminate; the new Board member shall then fill vacancies for any unexpired term and, thereafter, shall make appointments on a regularly scheduled basis.

Meetings—Each standing advisory council shall meet whenever necessary in order to consider referrals from the Board. Special meetings shall be on call of the Board, and emergency meetings may be called at the discretion of the staff director.

When possible, regular meeting dates shall be standardized and shall be determined by the chairperson of the council in consultation with the staff director. In January and June of each year the chairperson of each council shall present to the director a tentative schedule of meeting dates for the ensuing six months; the director shall give final approval to the schedule and shall approve all subsequent amendments. When meeting dates cannot be regularly scheduled, the chairperson of each council shall set each meeting date in consultation with the staff director.

Special meetings shall be held at such times as are named in the Board calls. The staff Director shall set the dates and times of emergency meetings.

Notices of council meetings shall be mailed to council members by the Board staff at least ten days in advance of a meeting. Minutes of each Council meeting shall be mailed to Council members within two weeks of the meeting of the Council.

Officers—Each advisory council shall select from among its membership a chairperson and a vice-chairperson. Election shall be annually and the councils shall report election results to the Board. This includes the Title IV advisory council which shall take a straw vote to select a chairperson and report the results to the Board.

Expenses—All members of the advisory councils, including salaried public employees, shall be entitled to reimbursement for actual travel expenses and may submit requests for reimbursement for such expenses in accordance with the regulations promulgated by the State Commissioner of Administration.

The Board will abide by the rules set forth by the State Ethics Commission which allows salaried public employees to receive per diem payments as long as they are on annual leave.

Proxies—Any person serving on an advisory council who cannot attend a given meeting may appoint a person to attend as his proxy. No proxy shall have voting privileges. Any council member who is absent from regular meetings for three consecutive times may not be represented by a proxy.

A proxy, in order to receive reimbursement for travel and other expenses, must present a form letter signed by the council chairman to the Board's staff director. The form letter must be one devised for that purpose by the Board staff.

Competency Based Education Plan

Quorum—The quorum for each advisory council shall be a majority of the total appointed membership. In counting the membership needed for a quorum, proxies may be counted. When there are insufficient members present to establish a quorum, *Robert's Rules of Order* relative to "Emergency Quorum" shall be followed for the conduct of business.

Procedures; Reports—In all particulars, except for those listed in these rules and procedures, the business in advisory councils shall be conducted according to *Robert's Rules of Order*, and in particular with "procedure in Small Boards," Rule 48.

Every motion passed by an advisory council whether or not made as a recommendation to the Board, shall be made as a main motion and must be seconded. All motions must be voted on with a show of hands, and roll call votes may be requested by any of the membership in attendance at a meeting.

Each advisory council shall present reports of its meetings to the Board. If a report contains a substantive recommendation for Board action, the chairperson or a designee of the Department or Board staff shall be present at the Board meeting to present the report.

At the discretion of the Board, advisory council reports may be referred to standing committees of the Board for further review and public hearing. Any such report so referred to a committee shall be returned to the Board with a recommendation from the committee for final Board action.

Functions—In general, the function of an advisory council is to advise the Board in the discharge of its policy-making supervisory control and budgetary duties and responsibilities. Advisory councils shall deal exclusively with matters referred to them by the Board. The director shall transmit the reports to the Board as recommended by the council.

Specific functions of the advisory councils are determined by the creating policy.

The following councils are created:

1. Parish Superintendents Advisory Council.
2. Competent Authority Credentials Council.
3. Teacher Certification Advisory Council.
4. Textbook and Media Advisory Council.
5. Federal Programs Advisory Council.
6. State Advisory Council for Vocational and Technical Education.
7. Adult Education Advisory Council.
8. Title IV State Advisory Council.
9. Teacher Certification Appeals Council.

Staffing—The Board staff shall serve as secretariat to the advisory councils of the Board. Secretarial services shall include the preparation of agenda and minutes, both of which shall be prepared according to regular office procedures of the Board. The staff director shall supply each Council with a staff person who shall serve as an aide to the chairperson of the Council and as a representative of the staff director for the purpose of coordinating activities of the advisory councils and the standing committees of the Board. Minor research projects may be prepared for advisory councils by the Board staff, provided the staff director approves the project in advance of its being undertaken and after its completion.

Staff assistance from employees of the Department of Education may be secured by advisory councils only on a directive from the Superintendent of Education and in response to a request to the Superintendent from the State Board of Elementary and Secondary Education. The standing arrangement shall be such that the Board may request blanket permission for Departmental staff to undertake projects, or it may request specific permission for the undertaking of specific tasks.

* * * *

Rule 4.01.60—The Board approved the Competency Based Education Plan as presented by the Department of Education.

Editor's note: What follows is a summary of the contents of the Competency-Based Education Plan. The complete Plan will not be published in the Louisiana Register in accordance with R.S. 49:954.1C. Copies of the plan may be obtained from the Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804.)

A paramount educational concern in the 1970s is the belief by many citizens that a significant number of students enrolled in the nation's schools are failing to acquire the basic skills deemed necessary to function in today's society. Despite the present educational system encompassing twelve years of attendance and the satisfactory completion of requirements for a certain number of selected Carnegie units ("credits"), students who have completed these requirements do not always have the assurance that they have acquired the necessary competencies for successful living. The move toward competency-based education programs over the country has been brought about as a result of the nation's demand for more accountability among its school personnel.

An equally significant educational concern of the 1970s is that of the taxpayer who sees the costs of schooling rising sharply, while at the same time he views the declining quality of education. Many people, unwilling to concede that additional money is the answer, want a better accounting of the money that is presently allocated to education. A recent Gallup poll indicates that by a two-to-one majority, Americans think that the quality of education in the nation's schools is declining.

Reasons cited for this need for accountability include:

- . . . Declining scores on college board entrance examinations as well as declining scores on other well-known aptitude and basic skills tests.
- . . . Growth in the number of remedial courses for beginning college students.
- . . . Complaints from parents that students are not acquiring minimum skills in our schools.
- . . . Complaints from the leaders of business and industry that students are graduating from high school and college without mastery of the competencies required for success in the world of work.
- . . . Concerns expressed by students themselves that they are not getting a quality education.

Louisiana is among the growing number of states that have implemented a minimum competency program in reading, writing, and mathematics. The Competency-Based Education Plan that we are proposing for the public schools of Louisiana, however, is far more encompassing than a minimum competency program. Competency-based education is not restricted to assessment alone. Competency-based education has been defined by some as, "a statement of desired student performance representing a demonstrated ability to apply knowledge, understanding, and/or skills assumed to contribute to success in life role functions."

The proposed Louisiana Competency-Based Education Plan attempts to design a school curriculum that will fit the needs of the individual students in Louisiana schools. This procedure is in contrast to past educational practices where attempts were made so often without success to make the child's needs fit the curriculum. The proposed Louisiana Competency-Based Education Plan will provide a total curriculum based on assessed student needs.

The Louisiana Competency-Based Education Plan requires a commitment from the students, the parents, the local education agency (LEA) units, the Louisiana State Department of Education, the colleges and the universities, the Board of Elementary and Secondary Education, and the Legislature—a commitment to guarantee each student in the schools of Louisiana an opportunity

to achieve all that he is capable of achieving. The Louisiana Competency-Based Education Plan is designed to coordinate the provisions of those Legislative Acts and Resolutions (see Appendix) related specifically to accountability and to competency-based education into a total program. This plan provides for a uniform and consistent statewide system of education in the State of Louisiana and has among its primary purposes the development of a total, sequentially structured instructional program that focuses on the fundamental academic and life skills needed to function effectively in society. This curriculum, based on clearly delineated measurable performance objectives, ensures curricular validity, thereby making instructional validity a logical next step.

The proposed Louisiana Competency-Based Education Plan emphasizes existing statewide priorities established by the Legislature, the Superintendent, and the State Department of Education. The plan addresses community and parental concerns as well. The proposed plan will include provisions for the development of specific standards for all schools, for local systems, and for the State Department of Education. In keeping with the provisions of Legislative Act 621 of the 1977 Regular Session, as a priority, the proposed plan has brought about the establishment of basic uniform statewide skills and concepts for grades kindergarten through 12 in the areas of reading, writing, and mathematics; has identified measurable performance objectives which will lead directly to the achievement of pupil proficiencies; and has developed evaluative instruments that provide the evaluation required.

Further, the proposed Louisiana Competency-Based Education Plan emphasizes instructional planning and development and is designed to upgrade the quality of instructional programs and services for students in Louisiana's public schools. The major components of the proposed Louisiana Competency-Based Education Plan include, but are not limited to:

- . . . Comprehensive and systematic statewide plan for improving achievement in the basic skills of reading, mathematics, and writing.
- . . . Course of study—including individual disciplines—with skills, concepts, and general content by grade levels for all subjects.
- . . . Statewide literacy assessment program beginning at the second grade level with diagnostic intervention and individually prescribed educational programs for those students who need special help.
- . . . School personnel evaluation—a plan that calls for the maximum use of the provisions of both Legislative Acts 10 and 718 of the 1978 Regular Session in the areas of continued inservice education (The strengthening of these Acts will broaden teacher competencies immeasurably).
- . . . Professional staff development.
- . . . School and program (course) accreditation with on-site monitoring (This will bring more sophisticated classroom and school management).
- . . . Coordination and involvement of programs and resources from all areas, including Titles I and IV, Vocational Education, Special Education, Adult Education, colleges, and universities.
- . . . Regional service centers.
- . . . Master plan for statewide inservice education.
- . . . Dissemination of information.
- . . . Teacher certification.
- . . . Alternative programs for deficient students.

. . . Remediation programs such as SPUR (Special Plan Upgrading Reading).

The proposed Louisiana Competency-Based Education Plan, operating on the umbrella concept, and based on comprehensive planning and coordination of services, guarantees a move toward excellence in education. Total implementation of the program with the State Department of Education assuming a more directive and a stronger leadership role as outlined in Bulletin 1456, *Administrative Structure of Louisiana's Education System*, will result in an improved curriculum, improved instruction, and mastery learning. The proposed Louisiana Competency-Based Education Plan, when fully implemented, should restore to the Louisiana public school system, the confidence of the parents, of the taxpayers, of the officials in institutions of higher learning, of the prospective employers, and of the students themselves.

Based on coordination and comprehensive planning; coordinating the roles of the State Department of Education, the LEA units, the universities, and the community; establishing the state goals for education; developing curricular programs based on needs assessment and evaluation; developing student competencies; providing professional staff development; and disseminating educational information statewide, the proposed Louisiana Competency Based Education Plan should ensure excellence in education for every public school in the State of Louisiana.

Appendix

. . . Senate Concurrent Resolution 125 of the 1977 Regular Session concerns the feasibility of establishing a statewide required standard curriculum for elementary grades in the state.

. . . Legislative Act 10 of the 1978 Regular Session mandates the establishment of an inservice education program for the professional improvement of all teachers in the parish and city school systems in Louisiana.

. . . Legislative Act 9 of the First Extraordinary Session of 1977 mandates that all educational personnel be evaluated periodically.

. . . Legislative Act 718 of the 1978 Regular Session provides a continuing, tuition free, education program for all teachers.

. . . House Concurrent Resolution 135 of the 1978 Regular Session requests a feasibility study on establishing regional centers of the State Department of Education at various locations throughout the state.

. . . House Concurrent Resolution 186 of the 1978 Regular Session calls for a competency-based education plan for the public elementary and secondary schools of Louisiana.

. . . Legislative Act 754 of the 1977 Regular Session contains the regulations for implementing the provisions of landmark legislation, the Education for All Handicapped Children Act, Public Law 94-142, the major components of which are:

1. Locating and giving priority to the most severely disabled children.
2. Evaluating with parents and special education advisors, the learning levels of each child and developing an individual education program to meet these needs.
3. Placing each child in the least restricted environment possible.
4. Evaluating the child's progress periodically and making necessary revisions.
5. Providing for due process procedures.

Louisiana Literacy Assessment Program

Year	Grade 2	Grade 3	Grade 4	Grade 6	Grade 8	Grade 11	Grade 11/12
77-78			Reading Assessment		Reading Assessment	Reading Assessment	

Louisiana Literacy Assessment Program

Year	Grade 2	Grade 3	Grade 4	Grade 6	Grade 8	Grade 11	Grade 11/12
78-79			Reading (2) Math (1)		Reading (2) Math (1)	Reading (2) Math (1)	
79-80	Diagnostic Intervention Assessment w/ Individual Discrepancy Report		Reading (3) Math (2) Writing (1)		Reading (3) Math (2) Writing (1) ***	Reading (3) Math (2) Writing (1)	
80-81	Repeat 79-80	Assessment, D.I. Individual Discrepancy Report			Functional Literacy Test D.I. w/I.D.R.	Assessment	
81-82	Repeat 79-80	Assessment P./R.		Assessment P./R.	F.L.T. D.I. w/I.D.R.	Assessment	
82-83	Repeat 79-80	Assessment P./R.		Assessment P./R.	F.L.T. D.I. w/P./R.	Assessment	
83-84	Repeat 79-80	Assessment P./R.		Assessment P./R.	F.L.T. D.I. w/P./R.	F.L.T. Pass/Fail	
84-85	Repeat 79-80	Assessment P./R.		Assessment P./R.	F.L.T. D.I. w/P./R.	F.L.T. P./F.	F.L.T. P./F.

***The Board of Elementary and Secondary Education had directed Grade 8 Pass/Fail in 1979-80. At the request of the State Department of Education this date has been set at 1982-83, with D.I./I.D.R. testing beginning in 1980-81.

Assessment = Use of presently available tests with necessary modifications.
P./R. = A decision to promote or intervene in regular progression with alternate educational programs.

* * * *

Rule 6.00.00—The Board adopted an equal opportunity statement as follows: In compliance with Title VI, Title IX and Section 504 of the Rehabilitation Act of 1973 this education agency upholds the following policy: This is an equal opportunity agency and is dedicated to a policy of nondiscrimination in employment or training. Qualified persons, applicants, or employees will not be excluded from any course or activity because of age, race, creed, color, sex, relation, national origin, or qualified handicap.

Rule 4.01.70—The Board approved a registry of approved project evaluators. Agencies within Louisiana elementary and secondary communities who are seeking evaluation services would select their evaluators from the registry. An entry into the registry would be completed by the submission of credentials to the Office of Research and Development to be recommended to the Board of Elementary and Secondary Education for approval. These approved firms or agencies are for contracted, designed evaluations only and the individual who performs the evaluation must meet the criteria and be approved. The Board also approved the plan of action as follows:

1. Persons or firms who wish to be contractors to perform evaluations in parishes or in the Department of Education should present their corporate or personal credentials to the Assistant Superintendent for Research and Development.

2. These credentials will be reviewed by the Assistant Superintendent, the Assistant Director for Evaluation, the Director of Research, the Supervisor of Title I Evaluation.

3. These reviews will look specifically for: (a) professional courses in tests and measurement research and/or evaluation design, statistical analysis, instrument development, computer uses; (b) the applicant should show background in education and public school work; (c) past experience (if any) in evaluation should be presented and samples of work attached.

Rule 3.01.51.1 (Replaces existing policy)—The Board amended Bulletin 741, *Handbook for School Administrators*, "Standards for State Approval of Nonpublic Schools," page 2, under B, paragraph 3, to read as follows:

Those teachers who have taught for a period of at least five years prior to September 1, 1977, may be retained in a school, provided they were employed in that school during the school year 1978-79 and provided their teaching performance is satisfactory. However, these teachers are only eligible to teach in the subject areas of experience as listed prior to September 1, 1977. A list of these teachers and their subject areas of experience must be submitted to the State Department of Education upon request. Upon retirement or replacement, these teachers must be replaced with degreed teachers eligible under the nonpublic school standards.

James V. Soileau, Executive Director
Board of Elementary and Secondary Education

RULE

Department of Health and Human Resources Office of Family Security

Effective July 1, 1979, the Department of Health and Human Resources, Office of Family Security, has adopted revisions to the *Standards for Payment to Skilled Nursing Facilities and Intermediate Care Facilities I and II*. The revisions to this document provide the Medical Assistance Program with needed policy clarifications and effects improved patient care and program management.

Because of the length of the material that is affected by this notice the Department of the State Register has elected to omit publication of the Standards in accordance with R.S. 49:954.1C. Copies of this material may be secured from the Office of Family Security, Planning and Policy Formulation Section, Box 44065, Baton Rouge, Louisiana 70804.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULE

Department of Health and Human Resources Office of Family Security

Effective July 1, 1979, the Department of Health and Human Resources, Office of Family Security, has adopted policy that will increase the fee for a complete upper and lower denture from \$350 to \$450.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULE

Department of Health and Human Resources Office of Human Development

The Department of Health and Human Resources has adopted the Title XX Comprehensive Annual Services Program Plan (CASP) for the program year July 1, 1979 through June 30, 1980.

The CASP provides for social services to individuals and families which are directed toward the goals of achieving or maintaining self-support and self-sufficiency, preventing or remedying neglect, abuse, or exploitation, providing community or home based care, and securing referral or admission for institutional care. The services included in the plan (with a brief description) are: Adoption (pre-placement services to termination of parental rights); Counseling (assessment, evaluation and appropriate therapy services); Day Care for Adults and Children (direct care for a portion of the twenty-four hour day); Education, Training and Treatment (evaluation, counseling, arrangements, Day Development Training referrals); Employment Services (assessment, placement, job development); Family Aide Services (in home sitter type respite services); Family Education and Training (for families with handicapped persons); Family Planning (counseling educational, medical services); Foster Care (evaluation, placement counseling); Health Related (arrangements for receiving and utilizing necessary health services); Home delivered and Congregate Meals (food preparation, delivery of meals); Home Management (instruction, training, counseling); Homemaker (direct personal and home care); Housing Improvement (counseling, advocacy, minor home

repairs); Information and Referral (assessment, information, referrals, follow-up); Protective Services for Adults and Children (assessment, evaluation, direct service program, arrangement and referral); Recreational (outreach, referral, arrangements, and follow-up); Residential (direct care treatment, and on a twenty-four hour basis); Respite Services Out of Home (temporary care for the handicapped); and Transportation (travel to and from pertinent community resources).

The following persons are eligible for services:

(1) Recipients of Aid to Families with Dependent Children (AFDC) and those persons whose needs were taken into account in determining the needs of AFDC recipients.

(2) Recipients of Supplemental Security Income benefits or state supplemental payments.

(3) Persons whose gross monthly income is not more than 57.8 percent of the state's median income for a family of four adjusted by family size. A family of four with a gross monthly income of \$795 is eligible for services. In addition, persons whose income does not exceed 115 percent of the state's median income adjusted for family size are eligible for Family Aide Services; Family Education and Training; and Respite Services Out of the Home. However, a fee is charged for these specific services when the family's gross monthly income exceeds 57.8 percent of the state's median income adjusted for family size.

(4) All persons are eligible for protective services and information and referral services regardless of their income.

(5) Persons are eligible on a group basis for any service (except child day care services) provided that seventy-five percent of the group are members of families with monthly income of not more than ninety percent of the state's median income, adjusted for family size.

The Title XX State Plan (CASP) for the program year July 1, 1979 - June 30, 1980, has been published and is available without charge upon written or telephone request to: Public Assistance Line, Division of Administration, Box 44095, Capitol Station, Baton Rouge, Louisiana 70804, Telephone 1-800-272-9868 (8:00 a.m. - Noon and 1:00 p.m. - 5:00 p.m.)

The Department of the State Register has chosen to omit publication of the Plan in accordance with R.S. 49:954.1C.

The Complete Plan is available for Public Review and/or distribution at each Parish Office and Sub-Office of the Office of Human Development, Monday through Friday from 8:30 a.m. to 4:00 p.m. Applications for services will be accepted at the above offices during the same hours.

Public comments are available for public review at the Office of Human Development, 1755 Florida Street, Baton Rouge, Louisiana 70802.

Melvin Meyers, Jr., Assistant Secretary
Office of Human Development

Notices of Intent

NOTICE OF INTENT

Governor's Special Commission on Education Services Loan/Grant Division

The Loan/Grant Division of the Governor's Special Commission on Education Services intends to amend its policies and procedures for inclusion of the following:

1. Act 83 of the 1977 Louisiana Legislature, which changed the name of the Commission from Louisiana Higher Education Assistance Commission to the Loan/Grant Division, Governor's Special

Commission on Education Services, effective February 19, 1978, and published in Volume 4, Number 1, of the *Louisiana Register*, January 20, 1978;

2. Executive Order EWE-76-11, dated July 16, 1976, which referred to academic and other exceptions in the state guaranteed student loan program for vocational students attending proprietary business schools, and published in the *Louisiana Register*, Volume 2, Number 8, on August 20, 1976;

3. Certain provisions of Public Law 94-482, effective October 13, 1976, which increased the rate of the special allowance, eliminated discharge in bankruptcy on student loans, and permitted students to request accelerated repayment provisions on student loans;

4. Act 589 of the 1978 Louisiana Legislature, effective September 8, 1978, which increased the amount of the annual and cumulative student loans which may be guaranteed for graduate students;

5. Certain provisions of Public Law 95-566, effective October 15, 1978, which removed income limitation for student loans to qualify for federal interest benefits.

A copy of the proposed changes will be available for inspection at the office of the Commission, 721 Government Street, Baton Rouge, Louisiana, until July 5, 1979. Persons who desire to do so may submit comments or suggestions in writing to Mr. Richard W. Petrie, Director, Loan/Grant Division, Governor's Special Commission on Education Services, Box 44127, Baton Rouge, Louisiana 70804.

Richard W. Petrie, Director
Loan/Grant Division

NOTICE OF INTENT

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education intends to adopt as policy the following at its July 26, 1979, meeting:

1. Elementary and Secondary Education Act (ESEA) Title IV State Plan for Fiscal Years October 1, 1979-June 30, 1983.

2. ESEA Title I Monitoring and Enforcement Plan for Fiscal Years 1980 - 1982.

3. Alternate Post-Baccalaureate State Certification Program for Secondary School Teachers.

4. Adult Education State Plan for Fiscal Years 1979 - 1982.

5. State Plan for Administration of Vocational Education for Fiscal Year 1980.

6. Bulletin 1213, *Minimum Standards for School Busses in Louisiana - Revised 1979*.

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., July 11, 1979, at the following address: State Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804. James V. Soileau is the person responsible for responding to inquiries about the proposed rules.

James V. Soileau, Executive Director
Board of Elementary and Secondary Education

NOTICE OF INTENT

**Office of the Governor
Office of Science, Technology and Environmental Policy
and
Department of Health and Human Resources
Office of Health Services and
Environmental Quality
Bureau of Environmental Services**

The Governor's Office of Science, Technology and Environmental Policy is coordinating for the Department of Health and Human Resources, public hearings statewide to review and receive comments on the new proposed state Solid Waste Management Plan and preliminary list of open dumps located within Louisiana, pursuant to their program development requirements for the Resource Conservation and Recovery Act.

Copies of the list and plan will be available for public inspection after July 13, 1979. Interested persons should contact Mr. Vemon C. Parker, Section Chief, Bureau of Environmental Services, Box 60630, New Orleans, Louisiana, 70160, between the hours of 8:30 a.m. and 4:30 p.m.

Written comments may be submitted prior to the hearings at the aforementioned address and must be postmarked not later than August 10, 1979. Oral comments may be submitted during the following hearings:

New Orleans, August 13, 1979, 7:00 p.m., City Hall Room 1E04, 1300 Perdido Street.

Baton Rouge, August 14, 2:00 p.m., Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North 4th Street.

Lake Charles, August 15, 7:00 p.m., Police Jury Room, Parish Governmental Building, 1015 Pithon Street.

Alexandria, August 16, 10:00 a.m., Council Chambers, City Hall, 928 Third Street.

Monroe, August 16, 7:00 p.m., Council Chambers, City Hall, Civic Center Expressway.

Shreveport, August 17, 2:00 p.m., Council Chambers, City Hall, 1234 Texas Street.

Lafayette, August 20, 2:00 p.m., Old Police Jury Meeting Room, Parish Courthouse, Buchanan Street.

Thibodaux, August 21, 10:00 a.m., Second Floor Meeting Room, City Hall, West 2nd Street.

Lee W. Jennings, Executive Director
Office of Science, Technology and
Environmental Quality

Vemon C. Parker, Section Chief
Bureau of Environmental Services

NOTICE OF INTENT

**Office of Governor
Office of Science, Technology,
and Environmental Policy**

The Governor's Office of Science, Technology and Environmental Policy (OSTEP) will hold a public hearing on August 14, 1979, at 7:00 p.m., in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana, to discuss the proposed Toxic Substances Control Act application for Fiscal Year 1980 submitted to the Environmental Protection Agency on May 25, 1979, and the proposed work program for Fiscal Year 1980 Resource Conservation and

Recovery Act grant application submitted to the Environmental Protection Agency (EPA) for continued funding.

Interested persons may obtain copies of the applications (now available for inspection) by writing or visiting the OSTEP office located at 5790 Florida Blvd., P. O. Box 44066, Baton Rouge, Louisiana 70804.

Oral comments may be presented at the hearing and written comments will be accepted if submitted to the above address prior to August 10, 1979. Lee W. Jennings is the person within the agency responsible for responding to inquiries about the applications.

This hearing is held in cooperation with other state agencies affected by the State/EPA Agreement.

Lee W. Jennings, Executive Director
Office of Science, Technology
and Environmental Policy

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, proposes to adopt, effective August 1, 1979, policy in regard to reimbursement for emergency medical transportation outside the provider's geographical base rate region. Reimbursement, not to exceed twenty-five miles, will be made for travel outside the provider's geographical base rate region. The Office of Family Security will establish the reimbursement rate. In exceptional situations state office may approve payment for mileage in excess of twenty-five miles if evidence is submitted by the provider which clearly establishes that the hospital is the nearest one with appropriate facilities for the necessary care.

Interested persons may submit written comments on the proposed policy changes through July 5, 1979 at the following address: Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr. Roberts is the person responsible for responding to inquiries about the proposed rule.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security proposes to adopt as policy the clarification by the Social Security Administration of additional exclusions to be used when determining countable income for Medicaid eligibility. The clarification excludes from the definition of income any assistance provided, in cash or in-kind, under any governmental program where the purpose of the program is to make medical care or medical services available to the recipient. Cash payments from the Veterans Administration for Aide and Attendant services would be excluded from income when determining eligibility for Medicaid. However, the Aide and Attendant payments shall be considered third party resource and available to be applied to the cost of institutional care and for the in-home service for which it is intended. This clarification was transmitted to the state via Dallas Regional Medical Services Letter Number 79-21.

Interested persons may submit written comments on the proposed policy changes through July 5, 1979 at the following address: Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr. Roberts is the person responsible for responding to inquiries about the proposed rule.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

NOTICE OF INTENT

**Department of Health and Human Resources
Office of Family Security**

Beginning June 1, 1979, the Department of Health and Human Resources, Office of Family Security, proposes to adopt a policy to allow standard deductions from gross earnings for expenses incidental to employment for Long Term Care patients, employed in intermediate care facilities for the mentally retarded (ICF/MR) activity centers. The proposed policy will read as follows:

Long Term Care patients who have earned income (except public ICF/MR activity center earnings) shall be eligible for a standard deduction from their gross earned income to allow for incidental expenses related to their employment. The amounts allowed in the standard deductions include both personal and nonpersonal expenses which are incurred because of extra need and upkeep due to employment or self-employment, such as required deductions for withholding taxes and social security deductions, required union dues and retirement deductions, tools, supplies, uniforms, work gloves, goggles, and special shoes.

The amount of standard deduction is based on the amount of gross earnings as is specified by the following chart.

Gross earnings from employment or profit from self-employment	If employed, deduct	If self-employed, deduct
\$ 0 to \$ 29.99	\$ 9.00	\$ 9.00
30.00 to 44.99	11.00	11.00
45.00 to 69.99	12.00	12.00
70.00 to 119.99	15.00	14.00
120.00 to 199.99	28.00	25.00
200.00 and over	30.00	30.00

If the recipient claims expenses higher than the standard deduction and can document the claim, the actual documented expenses are to be used in arriving at net income.

The cost of transportation is not included in the above standard deduction amount. If free transportation to employment is not available the actual cost of transportation shall be deducted.

Long term care patients with earnings from sheltered workshops participation are eligible for a twenty dollar monthly protected income allowance. This twenty dollar disregard is deducted from gross earnings as the first step in determining earned income to be applied in computing long term care applicable income. The appropriate standard deduction for the gross earnings is then deducted.

Interested persons may submit written comments on the proposed policy changes through July 5, 1979, at the following address: Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr. Roberts is the person responsible for responding to inquiries about the proposed rule.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

NOTICE OF INTENT

Department of Health and Human Resources Office of Health Services and Environmental Quality

(Editor's Note: This Notice of Intent rescinds and replaces the Notice of Intent published in the April 20 edition of the Louisiana Register.)

The Department of Health and Human Resources, Office of Health Services and Environmental Quality, proposes to adopt rules establishing a system of priorities whereby communities requesting federal assistance for the construction of wastewater treatment facilities will be ranked with respect to one another. These rules will be known collectively as the "State of Louisiana Construction Grants Priority System" and will be used to determine eligibility for federal assistance.

The proposed rules are being enacted pursuant to the requirements of the Administrative Procedures Act of Louisiana as amended and to comply with provisions of 40 CFR 35.915(a).

The proposed rules will be presented at a public hearing on July 10, 1979, at 9:00 a.m. in the auditorium of the Louisiana State Library, 760 Riverside Mall, Baton Rouge, Louisiana. Interested persons may submit comments at the public hearing or may submit written comments to Mr. James F. Coerver, Director, Department of Health and Human Resources, Office of Health Services and Environmental Quality, Box 60630, New Orleans, Louisiana 70160. Written comments will be received until July 15, 1979.

At the same public hearing the Department will present, for public review and comment, the proposed Fiscal Year 1980 Construction Grants Project List and proposed revisions to the Fiscal Year 1979 Project List.

Copies of the State of Louisiana Construction Grants Priority System, the proposed Fiscal Year 1980 Project List, and any significant revisions proposed to the Fiscal Year 1979 Project List will be available for public review at least thirty days prior to the hearing at the Department of Health and Human Resources, Office of Health Services and Environmental Quality, 325 Loyola Avenue, Room 403, New Orleans, Louisiana and in regional offices as follows: Region 2, 353 North 12th Street, Baton Rouge, Louisiana; Region 3, 801 East 7th Street, Thibodaux, Louisiana; Region 4, 302 Jefferson Street, Room 512, Lafayette, Louisiana; Region 5, 1000 Walters Street, Lake Charles, Louisiana; Region 6, 2001 McArthur Drive, Building 3, Alexandria, Louisiana; Region 7, 1525 Fairfield, Shreveport, Louisiana; Region 8, 1505 North 19th Street, Monroe, Louisiana.

The Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500) provide for federal assistance to communities for the construction of municipal wastewater treatment works. There are generally insufficient federal funds available to provide funding for all the communities that request federal assistance. The State of Louisiana Construction Grants Priority System is the vehicle whereby these communities are ranked in priority sequence so that the available federal funds can be allocated to those communities having the greatest need.

The original version of the Priority System was prepared to meet the requirements of the Federal Water Pollution Control Act and the applicable federal regulations as originally written. The Priority System has been used since 1975 even though it was never officially promulgated as rules of the department.

The Clean Water Act of 1977 (P.L. 95-217) made amendments to the Federal Water Pollution Control Act which resulted in revisions to the applicable federal regulations. These in turn necessitate that revisions be made to the State's Priority System.

The Priority System included in this report consists of the original Priority System which has been revised to comply with the latest

federal regulations and to provide better management of the Construction Grants Program.

It is proposed that this version of the State of Louisiana Construction Grants Priority System be adopted as rules of the Department of Health and Human Resources.

The State of Louisiana Construction Grants Priority System is a revision of an existing document of the same title. Those changes incorporated in this revision are summarized below:

Introduction: Minor revisions were made to the quotations from the federal regulations to incorporate changes in the wording made by the Federal Government.

Section A: No change.

Section B: No change.

Section C: This section was rewritten so that the method of selection of projects for funding will comply with the latest federal regulations and provide for better management of the grants program.

Section D: The original Section D, which explained methods of managing the current project list was revised and incorporated into the new Section C. A new Section D was written to explain the various reserves relating to the priority list and the method of applying these reserves to the current project list.

Section E: No change.

Section F: No change.

Louisiana's R.S. 40 Chapter 1 provides that the Department of Health and Human Resources shall exercise exclusive control over municipal sewage in the state. As a part of this responsibility the Department acts as administrator of the Construction Grants Program in Louisiana for the U. S. Environmental Protection Agency. The State of Louisiana Construction Grants Priority System is the document whereby individual cities, towns, and other authorized entities are assigned priority points and are ranked against one another based on the need for sewage facilities. The system is used as the basis to determine which of the communities will receive federal assistance each year.

In December of 1977, Congress passed Public Law 95-217, The Clean Water Act of 1977. This Act was an amendment to public Law 92-500, The Federal Water Pollution Control Act. As a result of these amendments, the U. S. Environmental Protection Agency made amendments to the federal regulations that provide for Grants for Construction of Treatment Works (40 CFR 35 Subpart E). These amendments were incorporated in the regulations published in Part III of Volume 43, No. 188 of the *Federal Register* for September 27, 1978, beginning on page 44,049 and in Volume 43, No. 183, September 20, 1978, beginning on page 44,251.

The proposed revisions to the State of Louisiana Construction Grants Priority System are intended to comply with the provisions of 40 CFR 35.915 (pp. 44056-44059), and to provide better management of the grants program.

Construction Grants Priority System

Introduction

On October 18, 1972, the Federal Water Pollution Control Act Amendments became Public Law 92-500. P. L. 92-500 was amended by P. L. 95-217, The Clean Water Act of 1977, which became effective on October 1, 1978.

The primary aim of the Act is to "restore and maintain the chemical, physical and biological integrity of the nation's water." By July, 1983, wherever possible, water quality is to be suitable for recreational contact and for protection and propagation of fish and wildlife. To achieve these objectives, the Act establishes a national goal that discharges of pollutants be eliminated by 1985. In addition, the Act emphasizes the special need for controlling or eliminating discharges of toxic pollutants. These national goals will be implemented by two programs. The first is an expanded system of Federal grants to plan and construct publicly owned waste treatment plants. Secondly, a permit program will be established

and geared to restricting pollutant discharges from point sources—that is, from factories, municipalities and large agricultural operations where pollutants enter the nation’s water through an outfall pipe, sewer or other conduit.

With regard to the construction of municipal waste facilities, the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500), in Section 204(a) (3), requires that:

Before approving grants for any project for any treatment works. . . the Administrator shall determine that such works have been certified by the appropriate State water pollution control agency as entitled to priority over such other works in the State. . .

In implementing this requirement the Environmental Protection Agency (EPA), Construction Grant Regulations, 40 CFR 35.915, states:

Construction grants will be awarded from allotments according to the State priority list, based on the approved State priority system. The State priority system and list must be designed to achieve optimum water quality management consistent with the goals and requirements of the Act. . .

40 CFR 35.915(b) states:

The State shall maintain a listing, including costs by category, of all needed treatment works.

40 CFR 35.915(c) states:

The State shall prepare and submit annually a ranked priority listing of projects for which Federal assistance is expected during the five-year planning period starting at the beginning of the next fiscal year. The list’s fundable portion shall include those projects planned for award during the first year of the five-year period (hereinafter called the funding year). The fundable portion shall not exceed the total funds expected to be available during the year less all applicable reserves. The list’s planning portion shall include all projects outside the fundable portion that may, under anticipated allotment levels, receive funding during the five-year period.

To this end, the Louisiana Department of Health and Human Resources, Office of Health Services and Environmental Quality, has derived the State of Louisiana Construction Grants Priority System.

This System provides an orderly approach to the funding of municipal waste treatment facilities under The Clean Water Act and fulfills the requirements of P.L. 92-500 as amended and the applicable federal regulations.

The System will be included as Attachment A, to the Section 106, Water Pollution Control Program Plan for each fiscal year.

Section A

List of Stream Segments and Segment Priority Numbers

1. Most effective use of water quality management assets in achieving state and national goals requires that management em-

phasis be directed at the most important problem areas first. To that end, the priority of management effort must be first directed to the water quality limited stream segments and thereafter to the effluent limited segments.

2. The State of Louisiana is divided into twelve water quality management basins which exhibit distinct hydrologic characteristics. These basins conform generally with the boundaries of the U. S. Environmental Protection Agency’s STORET Basins WG-01, SE-43, SM-16, SM-17 and SSM-20. Table A-1 lists the twelve Water Quality Management Basins as designated in Louisiana.

Table A-1

**State of Louisiana
Designated River Basin**

- Atchafalaya River Basin (01)
- Barataria Bay Basin (02)
- Calcasieu River Basin (03)
- Lake Pontchartrain Basin (04)
- Mermentau-Vermilion-Teche Basin (05)
- Mississippi River Above Old River (06)
- Mississippi River Below Old River (07)
- Ouachita River Basin (08)
- Pearl River Basin (09)
- Red River Basin (10)
- Sabine River Basin (11)
- Terrebonne Basin (12)

3. Each designated basin is divided into stream segments, which segments exhibit common reaction to stresses, i.e., pollutants. The stream segmentation for Louisiana is determined in the State’s Continuing Planning Process submitted under Section 303 (e) of the 1972 Act. The stream segment descriptions for each hydrologic basin are included as Table A-3.

4. In order to provide the basis for directing the management effort for water quality, each stream segment is ranked according to its relative pollution index. This pollution index indicates the priority ranking of each individual stream segment. The priority ranking is determined by a mathematical formula giving weighted consideration to the most important water quality aspects of stream management—severity of the pollution problem, population affected, needs and uses for which the waters in the streams are classified, now and in the future. The values from each of the category classifications, from Table A-2, are multiplied together to produce the stream segment priority ranking number.

5. A list of the stream segments and their segment priority number for the appropriate fiscal year is included in Table A-3.

6. The stream segment priority list is used as the base for the later determination of the Municipality/Permitting List (Section B), and the Construction Grants Priority List (Section C).

**Table A-2
Segment Priority Ranking Multipliers**

	Category-Classification	Multiplier
Severity	Water Quality Limited Segment—3 parameters violated	3.0
	Water Quality Limited Segment—2 parameters violated	2.5
	Water Quality Limited Segment—1 parameter violated	2.0
	Effluent Limited Segment presently in violation	1.5
	Effluent Limited Segment not in violation	1.0
Population	Major metropolitan area (SMSA)	2.0
	Urban/industrial area	1.5
	Rural/agricultural area	1.0
Needs and Uses	Used as public water supply	3.0
	Used for/or discharges into shellfish culture area	3.0
	Used for water contact sports (primary)	2.0
	Fish and wildlife propagation	1.5
	Used for water contact sports (secondary)	1.5
	Industrial water supply or other uses	1.0

Formula: Severity Multiplier X Population Multiplier X Needs and Uses Multiplier = Segment Priority Number.

Table A-3

ATCHAFALAYA RIVER BASIN (01)

<u>Seq. ID</u>	<u>Description</u>	<u>WQ</u>	<u>WQ Criteria No.</u>	<u>Priority No.</u>	<u>Remarks</u>
01A	Atchafalaya River from headwaters (Barbre Landing) to Mi 118, including tributaries and W. Atchafalaya Borrow Pit Canal, except Segment 01B	EL	010010/20	1.5 X 1.0 X 3.0 = 4.5	In Violation Below Simmesport Public Water Supply Source
01B	N/S Intracoastal Waterway from Bayou Sorrel to Morgan City Main Channel	EL	010040	1.0 X 1.0 X 3.0 = 3.0	Public Water Supply Source
01C	E/W Intracoastal Waterway from Bayou Boeuf Lock to Wax Lake Outlet - main channel	EL	010050	1.0 X 1.5 X 3.0 = 4.5	Patterson-Berwick-Bayou Vista Urban-Industrial Area Shellfish Impact
01D	Lower Atchafalaya River below Mi 118 to mouth and including all tributaries	EL	010030	1.5 X 1.5 X 3.0 = 6.75	In Violation, Morgan City Urban-Industrial Area, Shellfish Impact
01E	Wax Lake Outlet from Six Mile Lake to Atchafalaya Bay and tributaries including Intracoastal Waterway from Bayou Sale Ridge to Wax Lake Outlet	EL	010060	1.0 X 1.0 X 3.0 = 3.0	Shellfish Impact
01F	Atchafalaya Bay and adjacent coastal waters	EL	010070	1.0 X 1.0 X 3.0 = 3.0	Shellfish Impact

BARATARIA BAY BASIN (02)

02A	Bayou Chevreuil and tributaries and Bayou Boeuf and tributaries including Lake Boeuf and Bayou L'Ours	EL	020010/20	1.0 X 1.5 X 2.0 = 3.0	Drains Donaldsonville Vic. Urban-Industrial Area Primary Water Contact Sports
02B	Lac Des Allemands, Bayou Des Allemands, Lake Salvador, Lake Cataouatche and all related tributaries above Intracoastal Waterway	EL	020030/40/50/60	1.5 X 2.0 X 2.0 = 6.0	In Violation at B. Segnette, New Orleans SMSA Primary Water Contact Sports

Continuation of BARATARIA BAY BASIN (02)

<u>Seq. ID</u>	<u>Description</u>	<u>WQ</u>	<u>WQ Criteria No.</u>	<u>Priority No.</u>	<u>Remarks</u>
02C	E/W Intracoastal Waterway from Larose to the Mississippi River, (including the Harvey Canal)	EL	020100	1.5 X 2.0 X 2.0 = 6.0	In Violation at Harvey Canal New Orleans SMSA Primary Water Contact Sports
02D	Lower Barataria Bay estuarine area (along the Intracoastal Waterway) including Bayou Rigoletts, Barataria Waterway, Little Lake and Barataria Bay, related tributaries and adjacent coastal waters	EL	020070/80/90	1.0 X 1.0 X 3.0 = 3.0	Shellfish Culture Area
CALCASIEU RIVER BASIN (03)					
03A	Calcasieu River from headwaters to Oakdale including tributaries	EL	030010*	1.5 X 1.0 X 2.0 = 3.0	In Violation at Oakdale Primary Water Contact Sports
03B	Mill Creek from headwaters to Calcasieu River including all tributaries	WQ	030020	3.0 X 1.5 X 1.5 = 6.75	DO, Coliform, TDS Violation Elizabeth Urban-Industrial Area Secondary Water Contact Sports
03C	Six Mile and Ten Mile Creeks from headwaters to Whiskey Chitto Creek including tributaries	EL	030040/50	1.0 X 1.0 X 2.0 = 2.0	Primary Contact Water Sports
03D	Whiskey Chitto and Bundicks Creeks from headwaters to Calcasieu River including tributaries	WQ	030030/60	2.5 X 1.5 X 2.0 = 7.5	Coliforms and DO Violations DeRidder-Ft. Polk Urban-Industrial Area Primary Water Contact Sports
03E	Barnes Creek and Marsh Bayou from headwaters to Calcasieu River including tributaries	EL	030070**	1.0 X 1.0 X 2.0 = 2.0	Primary Water Contact Sports
03F	English Bayou and Bayou Serpent from headwaters to Calcasieu River including tributaries	EL	030080**	1.5 X 2.0 X 2.0 = 2.0	Coliforms Violation Calcasieu SMSA Primary Water Contact Sports
03G	Calcasieu River mainstem from Oakdale to Saltwater Barrier above Lake Charles	WQ	030010*	3.0 X 2.0 X 3.0 = 18.0	Coliforms, DO, TDS Violations Calcasieu SMSA Shellfish Area Tributary

Continuation of CALCASIEU RIVER BASIN (03)

<u>Seg. ID</u>	<u>Description</u>	<u>WQ</u>	<u>WQ Criteria No.</u>	<u>Priority No.</u>	<u>Remarks</u>
03H	Calcasieu River mainstem from Saltwater Barrier to Gulf of Mexico including Lake Charles, Prien Lake, Calcasieu Lake, Calcasieu Pass, East and West Fork	WQ	030090/150	3.0 X 2.0 X 3.0 = 18.0	Coli, DO, Oil, T & O Violations - Calcasieu SMSA Shellfish Culture
03I	West Fork-Calcasieu River, Beckwith Creek, and Houston River including all tributaries from headwaters to their confluence with Houston River and including Indian Bayou and tributaries	EL	030100*/110/120/130	1.0 X 2.0 X 2.0 = 4.0	Calcasieu SMSA Primary Water Contact Sports
03J	West Fork-Calcasieu River from Houston River to Calcasieu River - mainstem	WQ	030100*	3.0 X 2.0 X 3.0 = 18.0	DO, Coliforms, T & O, Violations Calcasieu SMSA Shellfish Impact
03K	E/W Intracoastal Waterway from Sabine River to Calcasieu Lock	EL	030160	1.0 X 1.0 X 1.5 = 1.5	Secondary Water Contact Sports
03L	Bayou D'Inde from headwaters to Calcasieu River	WQ	030140	3.0 X 2.0 X 3.0 = 18.0	DO, Coliforms, T & O, Oils Violations - Calcasieu SMSA Shellfish Impact
03M	Lower Calcasieu River estuarine area including Black Lake, Black Bayou and Bayou Choupique, except Calcasieu L	EL	030170**	1.0 X 1.0 X 3.0 = 3.0	Shellfish Impact

LAKE PONTCHARTRAIN BASIN (04)

04A	Comite River from Mississippi State line to the Amite River including tributaries	EL	080010	1.0 X 2.0 X 2.0 = 4.0	Baton Rouge SMSA Primary Water Contact Sports
04B	Amite River from Mississippi State line to Lake Maurepas including all tributaries; Bayou Manchac from headwaters to Lake Maurepas including all tributaries and Blind River from headwaters to Lake Maurepas including all tributaries	EL	080020/30/40	1.5 X 1.5 X 2.0 = 6.0	In Violation Vic. Denham Springs Baton Rouge - Denham Springs Industrial Area Primary Water Contact Sports

Continuation of LAKE PONTCHARTRAIN BASIN (04)

<u>Seq. ID</u>	<u>Description</u>	<u>WQ</u>	<u>WQ Criteria No.</u>	<u>Priority No.</u>	<u>Remarks</u>
04C	Tickfaw River from Mississippi State line to Lake Maurepas including Pontchatoula River, Natalbany River and all other tributaries	EL	080050/60	1.0 X 1.0 X 2.0 = 2.0	Primary Water Contact Sports
04D	Lake Maurepas and tributaries including Pass Manchac	EL	080070/80	1.0 X 1.0 X 2.0 = 2.0	Primary Water Contact Sports
04E	Tangipahoa River from the Mississippi River to Lake Pontchartrain including all tributaries	EL	080090/100	1.0 X 1.0 X 2.0 = 2.0	Primary Water Contact Sports
04F	Tchefuncte River from headwaters to Lake Pontchartrain including Bogue Falaya River and all other tributaries	EL	0800110/120	1.0 X 1.0 X 2.0 = 2.0	Primary Water Contact Sports
04G	Bayou Lacombe from headwaters to Lake Pontchartrain including tributaries and related watershed	EL	080130	1.0 X 1.5 X 1.5 = 2.25	Lacombe Vic. Urban-Industrial Secondary Water Contact Sports
04H	Bayou Bunfouca from headwaters to Lake Pontchartrain including tributaries	EL	080140	1.0 X 1.5 X 1.5 = 2.25	Slidell Vic. Urban-Industrial Secondary Water Contact Sports
04I	Lake Pontchartrain including minor tributaries: Bayou Castine, Chinchuba, and Cane	WQ	080150/160	2.0 X 2.0 X 3.0 = 12.0	Coliforms & DO Violations New Orleans SMSA Shellfish Culture
04J	Lake Catherine, Rigolets and Chef Menteur Pass and ancillary waterbodies including Intracoastal Waterway from Chef Menteur to Rigolets Pass	EL	080180/190	1.5 X 2.0 X 3.0 = 9.0	Coliforms in Violation New Orleans SMSA Shellfish Culture
04K	Inner Harbor Navigation Canal from Mississippi River to Lake Pontchartrain	WQ	080170	2.0 X 2.0 X 1.5 = 6.0	Coliforms in Violation New Orleans SMSA Secondary Water Contact Sports
04L	E/W Intracoastal Waterway from Inner Harbor Navigation Canal to Chef Menteur Pass	WQ	080200	2.0 X 2.0 X 3.0 = 12.0	Coliforms in Violation New Orleans SMSA Shellfish Culture

Continuation of LAKE PONTCHARTRAIN BASIN (04)

<u>Seq. ID</u>	<u>Description</u>	<u>WQ</u>	<u>WQ Criteria No.</u>	<u>Priority No.</u>	<u>Remarks</u>
04M	Mississippi Gulf Outlet from Intracoastal Waterway to Breton Sound and tributaries including Bayou Bienvenue and Bayou Dupre	WQ	080210	2.0 X 2.0 X 3.0 = 12.0	Coliforms in Violation New Orleans SMSA Shellfish Culture
04N	Coastal waters of Pontchartrain Basin including Lake Borne, Mississippi Sound, and numerous lakes and embayments in the control marshes of the St. Bernard Parish	EL	080220-290	1.0 X 2.0 X 3.0 = 6.0	New Orleans SMSA Shellfish Culture
MERMENTAU-VERMILION-TECH BASIN (05)					
05A	Bayous Nezpique, Des Cannes and Mallett from headwaters to confluence at Mermentau River including all tributaries	EL	040010/20/30	1.5 X 1.0 X 2.0 = 3.0	Coliform Violation Primary Water Contact Sports
05B	Bayous Plaquemine Brule and Queue de Tortue from headwaters to confluence with Mermentau River including all tributaries	EL	040040/50	1.0 X 1.0 X 2.0 = 2.0	Primary Water Contact Sports
05C	Mermentau River from Mermentau, Louisiana, to Grand Lake including Lake Arthur and tributaries	EL	040060	1.0 X 1.5 X 2.0 = 3.0	Lake Arthur - Jennings Urban-Industrial Area Primary Water Contact Sports
05D	Lacassine Bayou from headwaters to Grand Lake and tributaries including Lake Misere, Bayou Misere and E/W Intracoastal Waterway, west of the Mermentau River	EL	040070/260*	1.0 X 1.0 X 2.0 = 2.0	Primary Water Contact Sports
05E	Grand Lake and White Lake, including Old Intracoastal Waterway west of Schooner Bayou Control Structures, Intracoastal Waterway between Vermilion Lake and Mermentau River; and tributaries	EL	040080	1.0 X 1.0 X 2.0 = 2.0	Primary Water Contact Sports
05F	Coastal waters south of Highway 82 from Belle Isle Canal to Mermentau River	EL	040100/110**	1.0 X 1.0 X 3.0 = 3.0	Shellfish Culture

Continuation of MERMENTAU-VERMILION-TECHE BASIN (05)

<u>Seq. ID</u>	<u>Description</u>	<u>WQ</u>	<u>WQ Criteria No.</u>	<u>Priority No.</u>	<u>Remarks</u>
05G	Mermentau River below Catfish Point Control Structures (Grand Isle) including Upper and Lower Mud Lake, and tributaries	EL	040090	1.0 X 1.0 X 3.0 = 3.0	Shellfish Culture
05H	Vermilion River from headwaters to Interstate 10 Bridges above Lafayette, Louisiana, including all tributaries	EL	040120*	1.5 X 1.5 X 2.0 = 4.5	Coliform Violation Opelousas Urban-Industrial Area
05I	Vermilion River mainstem from Interstate 10 Bridges to Intracoastal Waterway	WQ	040120*	2.5 X 2.0 X 2.0 = 10.0	Coliforms and DO Violations Lafayette SMSA Primary Water Contact Sports
05J	Vermilion River tributaries within the reach from Interstate 10 Bridges to Intracoastal Waterway	EL	040120*	1.5 X 1.5 X 2.0 = 4.5	Bacteria Violations Lafayette Urban-Industrial Area Primary Water Contact Sports
05K	Vermilion Bay estuarine area including E/W Intracoastal Waterway, Charenton Canal, Cote Blanche Bay and related tributaries from Vermilion River to Bayou Sale Ridge and adjacent coastal waters	EL	040130-150/222/ 230-250*	1.0 X 1.0 X 3.0 = 3.0	Shellfish Culture
05L	Cocodrie Lake and tributaries including Spring Creek and upper Cocodrie Bayou	EL	040160/170	1.0 X 1.0 X 2.0 = 2.0	Primary Water Contact Sports
05M	Headwaters to Bayou Teche to Southern Pacific Railroad Bridge at Breaux Bridge including Cocodrie Bayou, Bayou Boeuf, Bayou Courtableau, Darbonne Bayou and all other tributaries	EL	040180/190*/200	1.0 X 1.5 X 3.0 = 4.5	Breaux Bridge, St. Martinville, Urban-Industrial Area Public Water Supply Source Downstream
05N	Bayou Teche from Southern Pacific Railroad Bridge at Breaux Bridge to Keystone Lock and Dam	WQ	040190*	2.5 X 1.5 X 3.0 = 11.25	St. Martinville Urban-Industrial Area Coliforms and DO Violations Public Water Supply Source
05O	Bayou Teche from Keystone Lock and Dam to Charenton Drainage Canal	WQ	040210	2.5 X 1.5 X 3.0 = 11.25	New Iberia Urban-Industrial Area Coliforms and DO Violations Public Water Supply Source
05P	Bayou Teche from Charenton Drainage Canal to Wax Lake Outlet	EL	040220	1.0 X 1.5 X 3.0 = 4.5	Baldwin-Franklin Urban-Industrial Area Public Water Supply Source

Continuation of MERMONTAU-VERMILION-TECHE BASIN (05)

<u>Seq. ID</u>	<u>Description</u>	<u>WQ</u>	<u>WQ Criteria No.</u>	<u>Priority No.</u>	<u>Remarks</u>
05Q	Loreauville Canal, Lake Fausse Point, Charenton Canal and related tributaries	EL	040211/221	1.5 X 1.0 X 2.0 = 3.0	Bacteria Violations Primary Water Contact Sports
MISSISSIPPI RIVER ABOVE OLD RIVER (06)					
06A	Mississippi River from Arkansas State line to Old River Control Structure	EL	050010	1.0 X 1.5 X 1.5 = 2.25	Vicksburg-Natchez-Vidalia Urban-Industrial Area Secondary Contact Sports
MISSISSIPPI RIVER BELOW OLD RIVER (07)					
07A	Mississippi River from Old River Control Structure to Huey P. Long Bridge above New Orleans	WQ	050020/30	2.0 X 2.0 X 3.0 = 12.0	Taste and Odor Violations Baton Rouge and New Orleans SMSA Public Water Supply Source
07B	Bayou Sara and Thompson Creek from Mississippi State line to Mississippi River and related tributaries	EL	050040/50	1.5 X 1.5 X 2.0 = 4.5	Coliform Violations St. Francisville Urban-Industrial Area Primary Water Contact Sports
07C	Mississippi River from Huey P. Long Bridge to Head of Passes	WQ	050060	2.5 X 2.0 X 3.0 = 15.0	Coliforms and Taste and Odors New Orleans SMSA Water Supply and Shellfish Impact
07D	Mississippi River from Head of Passes to Mouth of Passes	EL	050070	1.5 X 1.0 X 3.0 = 4.5	Coliform Violations Shellfish Impact
07E	Mississippi River adjacent estuarine area and coastal waters	EL	050080-150	1.5 X 1.5 X 3.0 = 6.75	Coliform Violations Belle Chasse, Buras, Empire, Venice Urban-Industrial Area Shellfish Culture
OUACHITA RIVER BASIN (08)					
08A	Ouachita River mainstem from Arkansas State line to Columbia Lock	WQ	060010	2.5 X 2.0 X 3.0 = 15.0	DO, Chlorides Violations Monroe SMSA Monroe Water Supply Source
08B	Bayou Bartholomew from Arkansas State line to Ouachita River including all tributaries and also including eastern tributaries to the mainstem of the Ouachita River above the confluence of Bayou Bartholomew	EL	060020**	1.5 X 1.5 X 3.0 = 6.75	In Violation Bastrop Urban-Industrial Area Public Water Supply Source

Continuation of GUACHITA RIVER BASIN (08)

<u>Seq. ID</u>	<u>Description</u>	<u>WQ</u>	<u>WQ Criteria No.</u>	<u>Priority No.</u>	<u>Remarks</u>
08C	Bayou L'Outre from Arkansas State line to Ouachita River including all tributaries	WQ	060030	2.0 X 2.0 X 1.5 = 6.0	Chlorides in Violation Monroe SMSA Secondary Contact Water Sports
08D	Western tributaries to the mainstem of the Ouachita River above the confluence of the Bayou L'Outre	EL	**	1.0 X 1.0 X 2.0 = 2.0	Primary Water Contact Sports
08E	Bayou D'Arbonne from headwaters to Ouachita River including Cypress Creek, Corney Bayou, Lake D'Arbonne and other tributaries	EL	060040/50/60/70	1.5 X 2.0 X 2.0 = 6.0	Bacteria Violations Monroe SMSA Primary Water Contact Sports
08F	Bayou DeSaird, origin to mouth and related watershed	EL	060080	1.0 X 2.0 X 2.0 = 4.0	Monroe SMSA Primary Contact Water Sports
08G	Ouachita River mainstem from Columbia to Jonesville, Louisiana, also including Rawson Creek and B. Louis and tributaries	EL	060090/150	1.0 X 1.5 X 3.0 = 4.5	Columbia-Jonesville Urban-Industrial Area Public Water Supply Source
08H	Bouef River from Arkansas State line to Ouachita River including Big Creek, Bayou Bone Idee, Turkey Creek and other	EL	60100/110/120/140	1.0 X 1.0 X 2.0 = 2.0	Primary Water Contact Sports
08I	Bayou Lafourche from origin to Ouachita River including tributaries	EL	060130	1.0 X 2.0 X 1.5 = 3.0	Monroe SMSA Secondary Contact Water Sports
08J	Tensas River from Arkansas State line to Jonesville including all tributaries and Joes' Bayou (distributary)	EL	060160-200/220	1.0 X 1.0 X 2.0 = 2.0	Secondary Water Contact Sports
08K	Bayou Macon from Arkansas State line to Tensas River including tributaries	EL	060210	1.5 X 1.0 X 2.0 = 3.0	Coliforms Violations Primary Water Contact Sports
08L	Dugdemona River from headwaters to Little River including all tributaries	EL	060240	1.5 X 1.0 X 1.5 = 2.25	Coliforms Violations Secondary Water Contact Sports
08M	Bayou Castor from headwaters to Little River including Chatham Lake and all tributaries	EL	060250/260/270	1.0 X 1.0 X 2.0 = 2.0	Primary Water Contact Sports

Continuation of OUACHITA RIVER BASIN (08)

<u>Seg. ID</u>	<u>Description</u>	<u>WQ</u>	<u>WQ Criteria No.</u>	<u>Priority No.</u>	<u>Remarks</u>
08N	Little River from origin to Ouachita River including Fish Creek, Trout Creek Big Creek, Old River, Catahoula Lake and all other tributaries	EL	060230/280-330	1.5 X 1.0 X 3.0 = 4.5	Chlorides Violations Public Water Supply Source
08O	Black River Mainstem from origin to Red River	EL	090290/300	1.0 X 1.0 X 2.0 = 2.0	Primary Water Contact Sports
PEARL RIVER BASIN (09)					
09A	Pearl River from Mississippi State line to Interstate Highway 10 Bridges (includes West Pearl and West Middle Pearl) and tributaries	EL	070010	1.5 X 1.0 X 2.0 = 3.0	Bacteria Violations Primary Water Contact Sports
09B	Pushepatapa Creek from headwaters to Pearl River including all tributaries	EL	070020/30	1.0 X 1.0 X 2.0 = 2.0	Primary Water Contact Sports
09C	Bogue Lusa Creek from headwaters to Pearl River including all tributaries	EL	070040/50	1.0 X 1.0 X 2.0 = 2.0	Primary Water Contact Sports
09D	Bogue Chitto River from Mississippi State line to Pearl River including all tributaries	EL	070060	1.0 X 1.0 X 2.0 = 2.0	Primary Water Contact Sports
09E	Pearl River from Interstate 10 Bridges to Lake Borne including all related watershed	EL	070070	1.0 X 1.5 X 2.0 = 3.0	Pear River-Picayune Urban-Industrial Area Primary Water Contact Sports
RED RIVER BASIN (10)					
10A	Red River from Arkansas State line to US Highway 165 at Alexandria, Louisiana	EL	090010*/230	1.5 X 2.0 X 3.0 = 9.0	Bacteria in Violation Shreveport SMSA Public Water Supply Source
10B	Red River from US Highway 165 at Alexandria Louisiana, to Head of Atchafalaya River	EL	090010*/090330	1.5 X 2.0 X 2.0 = 6.0	Bacteria in Violation Alexandria SMSA Primary Water Contact Sports

Continuation of RED RIVER BASIN (10)

<u>Seg. ID</u>	<u>Description</u>	<u>WQ</u>	<u>WQ Criteria No.</u>	<u>Priority No.</u>	<u>Remarks</u>
10C	Twelve Mile Bayou from origin to Red River including Black Bayou, Kelly Bayou, Caddo Lake and James Bayou	EL	090020-60/80	1.5 X 2.0 X 3.0 = 9.0	Bacteria in Violation Shreveport SMSA Public Water Supply Source
10D	Cross Lake and tributaries	EL	090070	1.0 X 2.0 X 3.0 = 6.0	Shreveport SMSA Water Supply Reservoir
10E	Red Chute and Bodcau Bayous from Arkansas State line to Loggy Bayou and tributaries	EL	090130/140	1.0 X 2.0 X 1.5 = 3.0	Shreveport SMSA Secondary Water Contact Sports
10F	Bayou Dorcheat and Loggy Bayou including Lake Bistineau and tributaries	EL	090090/120	1.5 X 1.5 X 1.5 = 3.375	DO in Violation Minden-Cotton Valley-Springhill Urban-Industrial Area Secondary Water Contact Sports
10G	Bayou Pierre from headwaters to Red River including Boggy Bayou and Wallace Lake and all other tributaries	EL	090150	1.5 X 2.0 X 1.5 = 4.5	DO in Violations Shreveport SMSA Secondary Water Contact Sports
10H	Saline River and Saline Bayou from headwaters to Red River including Black Lake Bayou, Black Lake, Saline Lake, Kepler Creek and all other tributaries	EL	090160-190	1.5 X 1.0 X 2.0 = 3.0	Bacteria Violations Primary Water Contact Sports
10I	Bayou Nantaches from headwaters to Red River including tributaries	EL	090200	1.5 X 1.0 X 2.0 = 3.0	Bacteria Violations Primary Water Contact Sports
10J	Rigolette Bayou from headwaters to Red River including Lake Iatt and tributaries	EL	090220	1.5 X 1.0 X 1.5 = 2.25	Bacteria Violations Fish and Wildlife Propagation
10K	Sibley Lake and tributaries	EL	090210*	1.5 X 1.5 X 2.0 = 4.5	Bacteria Violations, Natchitoches Urban-Industrial Area Primary Water Contact Sports
10L	Cane River from Sibley Lake to Red River including Kisatchie Bayou and all tributaries and Bayou Jean de Jean from headwaters to Red River including Cotile Reservoir and all tributaries	EL	090210*/240/250	1.0 X 2.0 X 2.0 = 4.0	Alexandria SMSA Primary Water Contact Sports

Continuation of RED RIVER BASIN (10)

<u>Seq. ID</u>	<u>Description</u>	<u>WQ</u>	<u>WQ Criteria No.</u>	<u>Priority No.</u>	<u>Remarks</u>
10M	Big Larto Bayou and tributaries including Larto Lake, Saline Bayou, Saline Lake and Big Creek	EL	090260/270/280	1.5 X 1.0 X 1.5 = 2.25	Bacteria Violations Secondary Water Contact Sports
10N	Bayou Cocodrie from origin to Red River at Acme Control Outlet including Cocodrie Lake, Dismal Swamp and all related watershed	EL	090310/330	1.0 X 1.0 X 2.0 = 2.0	Primary Water Contact Sports
SABINE RIVER BASIN (11)					
11A	Bayou Castor from headwaters to mouth	WQ	**	2.5 X 1.0 X 3.0 = 7.5	Bacteria and DO Violations Public Water Supply Source
11B	Toledo Bend Reservoir and tributaries from Texas State line to Toledo Bend Dam, except 11A	EL	100010	1.5 X 1.0 X 3.0 = 4.5	Bacteria Violations Public Water Supply Source
11C	Sabine River from Toledo Bend Dam to Sabine River Authority of Texas Pump Station near Merryville including tributaries except 11D, 11E and 11F	WQ	100020	2.0 X 1.0 X 2.0 = 4.0	Oxygen Violations Primary Water Contact Sports
11D	Bayou Toro from headwaters to Sabine River below Toledo Bend Dam including all tributaries	EL	100030	1.0 X 1.0 X 2.0 = 2.0	Primary Water Contact Sports
11E	Anacoco Creek from headwaters to confluence with Cypress Creek including all tributaries	EL	10040/50*	1.0 X 1.0 X 2.0 = 2.0	Primary Water Contact Sports
11F	Anacoco Creek mainstem from Cypress Creek to Sabine River	WQ	100050	2.5 X 1.0 X 2.0 = 5.0	Oxygen and Bacteria Violations Primary Water Contact Sports
11G	Sabine River from Sabine River Authority of Texas Pump Station to Morgan's Bluff and all related watershed	EL	100060	1.0 X 1.0 X 1.5 = 1.5	Fish and Wildlife Propagation
11H	Sabine River from Morgan's Bluff to Gulf of Mexico and all tributaries and adjacent coastal waters	EL	100070-100	1.0 X 1.0 X 3.0 = 3.0	Shellfish Culture

TERREBONNE BASIN (12)

<u>Seg. ID</u>	<u>Description</u>	<u>WQ</u>	<u>WQ Criteria No.</u>	<u>Priority No.</u>	<u>Remarks</u>
12A	Lower Grand River watershed from headwaters to Bayou Sorrell Lock including Bayou Grosse Tete and False River Lake and other tributaries	EL	110090/110/120/ 140	1.0 X 1.5 X 2.0 = 3.0	Port Allen - N. Plaquemines Urban-Industrial Area Primary Water Contact Sports
12B	Terrebonne Basin above Bayou Black Ridge and Little Bayou Black Ridge including Grand River, Belle River, Lake Verrett, Lake Palourde, and Lake Bayou Black and tributaries	EL	110010/20/30/100/ 150	1.5 X 1.5 X 3.0 = 6.75	Bacteria Violations Houma-Thibodaux Urban-Industrial Area Public Water Supply Source
12C	Terrebonne Basin above Bayou Blue Ridge including E/W Intracoastal Waterway from Houma to Larose, Bayou Blue, Bayou Grand Coteau and tributaries	EL	110040*/60*	1.5 X 1.5 X 3.0 = 6.75	Bacteria Violations Houma Urban-Industrial Area Shellfish Culture
12D	Bayou Lafourche from Donaldsonville to Larose	EL	110280	1.0 X 1.5 X 3.0 = 4.5	Donaldsonville-Thibodaux-Raceland Urban-Industrial Area Public Water Supply Source
12E	West Terrebonne coastal zone south and west of Bayou Black Ridge and Bayou du Large Ridge including E/W Intracoastal Waterway from Bayou Boeuf to Houma, Lake De Cade, Lake Merchant, Bayou Junop and adjacent coastal waters	EL	11040*/50/190- 220	1.0 X 1.0 X 3.0 = 3.0	Shellfish Culture
12F	Middle Terrebonne coastal zone between Bayou du Large Ridge and Bayou Terrebonne Ridge including Bayou Grand Caillou, Houma Navigation Canal, Bayou Petit Caillou and Bayou Terrebonne and Lake Pelto and adjacent coastal waters except segment 12G	EL	11060*-80/160-180/ 230/240	1.5 X 1.5 X 3.0 = 6.75	Bacteria Violations Houma Urban-Industrial Area Shellfish Culture
12G	Estaurine area south of Lake Boudreaux bounded by Houma Navigation Canal, Bay Long, Bay Lucien and Bayou Terrebonne	WQ	**	2.5 X 1.5 X 3.0 = 11.25	Bacteria and DO Violations Houma Urban-Industrial Area Shellfish Culture
12H	East Terrebonne coastal zone between Bayou Blue Ridge and Bayou Lafourche Ridge including Bayou Barre, Lake Barre, Bayou Jean La Croix, Lake Felicity and Bayou Blue, Lake Raccourei and Timbalier Bay and adjacent coastal waters	EL	110250-290	1.0 X 1.0 X 3.0 = 3.0	Shellfish Culture

* WQ Criteria Segment included in one or more WQ Management Segment

** Includes area(s) which did not have a specific WQ Criteria Number

Section B
Municipality/Permitting List by Priority Rank

1. In conjunction with the ranking of the stream segments of the State of Louisiana in priority order to facilitate the direction of management emphasis, the ranking of the significant municipal dischargers for the state form an important water quality management tool. Through this ranking procedure, all dischargers contributing to water quality degradation are identified and ranked as to their propensity to pollute.

2. The segment priority ranking system (Section A) forms the base or starting point for determining the priority ranking on the Municipality/Permitting List. The numerical value of the priority for the segment into which each municipality discharges is adjusted by a series of additive factors to determine its municipality/permitting priority number value. These factors are based on the contribution to the pollution load of the stream segment by the specific discharge, the existing condition of the facilities relating to the discharger, and the population adjustment factor. One adjustment factor from each category classification from Table B-1 is added to the segment ranking priority number to determine the municipality's priority number. The population adjustment factor is the 1970 Census population of the municipality or sewerage district (estimated) X 10⁻⁶.

3. The segment priority ranking system used incorporates all of the various pollution factors. It results in a significant dischargers list which can be used both to rank the dischargers and to indicate their relative priority for permitting. A list used for such purposes is designated as the Municipality/Permitting List.

4. Under exceptional circumstances and upon concurrence of the Louisiana Department of Health and Human Resources and the Regional Administrator of the United States Environmental Protection Agency, a special additive factor of a lump sum of fifteen priority points may be applied to an individual project priority score. The circumstances under which such an adjustment apply are strictly limited to genuine emergency situations calling for the immediate consummation of a project ahead of the schedule deter-

mined by the normal priority allocation system. Such extraordinary situations include:

A. Projects required to restore facilities damaged or destroyed by catastrophic acts of nature, or to provide for the immediate rehabilitation of densely populated areas devastated by such catastrophes.

B. Projects specifically required of a municipality by a formal enforcement action pursuant to Public Law 92-500.

C. Projects required to abate communicable disease outbreaks, or to prevent disease where physical, social, and economic conditions make disease transmission unavoidable without the project. These conditions must be explicitly verified by a competent public health authority.

5. It is expected that many municipalities having specific priority numbers, and contemplating individual projects, will join into multimunicipal projects as the result of the areawide or regional approach to waste management problems. Where several such municipalities join together in a single project, the stream priority number of the joint project shall be the same as that of the participating municipality with the highest priority number, the highest contribution and facility numbers, and is adjusted for the resultant increase in population. These joint approaches to waste treatment problems shall be designated as "projects" on the Municipality/Permitting List.

6. Utilization of the stream segment ranking priority number as the base figure provides a means of funding high priority projects from effluent limited, as well as water quality limited segments.

7. A Municipality/Permitting List is prepared and includes the priority numbers of all incorporated municipalities, sewerage districts, unincorporated areas, and proposed projects in the state. This list constitutes a total inventory of all municipal dischargers. The Municipality/Permitting List for the appropriate Fiscal Year is Attachment C-1 to the Section 106, Water Pollution Control Program Plan.

8. The Municipality/Permitting List shall be used as the basis for the issuance of permits to discharge under the National Pollutant Discharge Elimination System (NPDES).

Table B-1
Municipality/Permitting List Adjustment Factors

	Category-Classification	Additive Factor
Contribution	Discharges into WQL Segment	3
	An independant cause of WQ criteria violations in EL segment	2
	Contributes or could contribute to WQ violation	1
	No contribution to present pollution load	0
Facility	Existing discharge. No treatment	5
	Upgrade inadequate treatment facilities	3
	Excessive infiltration bypass problem	2
	New collection and disposal facility required	1
	Adequate treatment-ex and collection lines. Has secondary or best practicable treatment (BPT) or increased volume only	0
Special Factor	Determined necessity or critical public health problem	15
Or Industrial	(Listed elsewhere)	

Formula: Stream Segment Priority Number + Contribution Factor + Facility Factor + Population of Project Area × 10⁻⁶ = Municipality/Permitting Priority Number.

Section C
Construction Grants Priority List

1. Upon receipt of a request by the authorized representative of a municipality which is ranked on the Municipality/Permitting List (Section B), the project is placed on the Construction Grants Priority List. At this time the project is divided into steps. Generally the project is divided into steps one, two and three, representing respectively, Facility Planning, Plans and Specifications, and the Construction portions of the project. As an aid in the management of large projects, and with the concurrence of the Department of Health and Human Resources (DHHR), multiple step twos and threes (up to nine of each) may be assigned to a project. For small projects as defined in 40 CFR 35.909, a step two plus three will be assigned in place of the generally used individual steps two and three.

This list determines the priority for funding of sewage treatment works under Title II of Public Law 92-500.

2. Requests for inclusion on the next particular fiscal year's Construction Grants Priority List will be received by DHHR until the close of business on February 14 or the last working day prior thereto. The request to be considered must include the following information:

- A. Project Name.
- B. Name and address of authorized representative.
- C. Description of the proposed treatment works.
- D. Population to be served.
- E. Federal grant amount for each step.
- F. For steps two, three and two plus three the best estimate total grant eligible cost for the following categories:
 1. Innovative processes.
 2. Alternative technology.
 3. Secondary treatment.
 4. More stringent treatment.
 5. Infiltration and inflow analysis.
 6. Rehabilitation.
 7. New collectors
- G. U. S. Congressional District.
- H. Map of proposed planning area.
- I. Consulting Engineer.

Incomplete requests, or requests received after that day, will not be considered until the next formal revision to the List.

3. The State of Louisiana Construction Grants Priority List is divided into two portions: (1) the fundable portion and (2) the planning portion. The fundable portion includes those project steps expected to be awarded federal assistance grants during the fiscal year of the List. The planning portion includes those project steps expected under anticipated federal allotments to receive funding during the next four fiscal years after the fiscal year of the List.

4. The limit of federal assistance funds for the list shall be determined by the appropriated funds less the reserves as provided for in 40 CFR 35.915-1.

5. The State of Louisiana Construction Grants Priority List Public Hearing, during which DHHR will present, for public comment and discussion, the next year's List, will be held annually. This public hearing is to be held as soon after the appropriation of the Title II funds as possible, preferably during the first full week in April, at a date, time, and place determined by DHHR. The public hearing will be advertised in accord with the provisions of Section 101, of the Federal Water Pollution Control Act of 1972, as amended.

6. A project may be moved from the fundable portion of the list to the planning portion (bypassed) if it is determined that the project will not be ready to proceed during the funding year.

7. If cash flow of the program permits, either through project bypasses or the release of additional federal assistance funds, or if

for any other reason it is determined by the DHHR that additional federal funds are available for encumbrance, projects from the planning portion of the list which are ready for funding and which have completed the priority list public participation requirements will be advanced to the fundable portion of the list. Individual projects, in order of their priority number, will be advanced until the available federal funding is consumed.

8. If insufficient projects meeting the criteria of paragraph 7 for advancement from the planning to the fundable portion of the list are available to consume the additional federal funds, the DHHR may conduct a public hearing on a revised list containing projects which have not met priority list public hearing requirements.

9. Each grantee may allow up to twenty-five percent of its funds for projects or portions of projects in the following categories: sewer system replacement or major rehabilitation, new collectors and appurtenances, and new interceptors and appurtenances.

If the funds intended for the above categories exceed twenty-five percent of the total funds allocated to a grantee, then justification must be submitted to demonstrate that the proposed work in these categories is necessary to comply with an enforceable requirement of the Act (40 CFR 35.915(g)). Two or more projects which will discharge into a single treatment facility will be treated as a single project for purposes of compliance with this paragraph.

The State will review the fundable portion of the Priority List to determine whether the total amount of funds allocated to the three categories exceeds twenty-five percent of the total allocation to the state. If such proves to be the case, then the state will review the justification submitted by the municipality to determine which projects do not meet the enforceable requirements of the Act. After making this determination, those projects that do not meet the enforceable requirements of the Act will be removed from the Priority List until the total funds allocated to the three referenced categories does not exceed twenty-five percent of the total funds allocated to the state. Any deletions from the List will be made in reverse priority sequence (i.e. the lowest ranking project will be removed first). If, after removing all projects that are not necessary to meet an enforceable requirement of the Act, the funds allocated to the three referenced categories still exceed twenty-five percent of the total funds allocated to the state, the List will be submitted to the EPA along with justification for those projects that submitted acceptable justification.

10. The Construction Grants Priority List for the appropriate fiscal year is Attachment B-1 to the Section 106, Water Pollution Control Program Plan.

11. The Priority List will be submitted to the U. S. Environmental Protection Agency for their approval as soon as possible after the public hearing held pursuant to the Priority List.

12. Upon receipt of approval of the U. S. Environmental Protection Agency, the authorized representatives of these projects will be notified of their eligibility for federal assistance funds.

13. A pre-application conference will be held for the eligible applicants. The conference will be held jointly between (1) the authorized representative of the municipality, (2) the consultant representing the town, (3) representatives of DHHR, and (4) representatives of the U. S. Environmental Protection Agency. There cannot be dual representation by any parties.

14. This conference is held for the purpose of distributing the appropriate U. S. Environmental Protection Agency's application forms and regulations and to discuss with each prospective applicant the procedures, regulations, and responsibilities under the Construction Grants Program.

15. DHHR will schedule pre-application conferences at times and places most suitable to all parties and if necessary will re-schedule pre-application conferences for prospective applicants unable to meet at the original time. Every effort will be expended to hold the pre-application conferences within thirty days of the

approval of the Project List by the U. S. Environmental Protection Agency.

16. Prospective applicants for municipal construction grants who do not complete and return the application forms to DHHR for the initial EPA grant step within ninety calendar days of their pre-application conference lose their eligibility for these federal assistance funds as determined by the applicable fiscal year's priority system.

17. Those application forms returned to prospective applicants due to incompleteness must be finalized and returned to DHHR within thirty days of the receipt of the returned application, or the project shall lose the eligibility for the federal assistance funds as determined by the applicable fiscal year's priority system.

18. Projects whose authorized representatives and/or consulting engineers miss three scheduled pre-application conferences lose the eligibility for federal assistance funds as determined by the applicable fiscal year's priority system.

19. Projects must complete and return the application forms for the next grant step within sixty days of the EPA approval of the previous grant step (re: approval of Facilities Plan or Plans and Specifications) or lose the continuing eligibility for the federal assistance funds as determined by the applicable fiscal year's priority system.

20. Loss of eligibility as used in these paragraphs is the loss of position on the State of Louisiana Construction Grants Priority List for the current fiscal year. Projects which lose eligibility for funds under the previous paragraphs may re-file a letter of intent to proceed with the project at any time, and will be considered on the next revision to the Construction Grants Priority List.

21. As a result of loss of eligibility for funds during the course of a project, and upon re-filing a letter of intent to proceed with the project, the new priority number for the project will be calculated with regard to the stream conditions and population existing at the time of the new filing.

22. In order to assure that the step three and step two phases of projects proceed with minimum delay, priority numbers from the Municipality/Permitting List will be adjusted as follows when compiling the Priority List:

Step	Priority Number Adjustment Factor
1	0
2	100
2+3	100
3	200

Section D

Reserves Related to the Priority List

In accordance with the provisions of 40 CFR 35.915-1 the following reserves are allowed or required:

(a) Reserve for State management assistance grants. The state may (but need not) propose that the Regional Administrator set aside from each allotment a reserve not to exceed two percent or \$400,000, whichever is greater, for State management assistance grants under subpart F of this part. Grants may be made from these funds to cover the reasonable costs of administering activities delegated to a state. Funds reserved for this purpose that are not obligated by the end of the allotment period will be added to the amounts last allotted to a state. These funds shall be immediately available for obligation to projects in the same manner and to the same extent as the last allotment. This reserve is optional and will be implemented when the state accepts delegation under Section 205(g) of the Act.

(b) Reserve for innovative and alternative technology project grant increase. Each state shall set aside from its annual allotment a specific percentage to increase the Federal share of grant awards from seventy-five percent to eighty-five percent of the eligible cost of construction (under § 35.908(b) (1)) for construction projects

which use innovative or alternative waste water treatment processes and techniques. The set-aside amount shall be two percent of the state's allotment for each of fiscal years 1979 and 1980, and three percent for fiscal year 1981. Of this amount not less than one-half of one percent of the state's allotment shall be set aside to increase the federal grant share for projects utilizing innovative processes and techniques. Funds reserved under this section may be expended on projects for which facilities plans were initiated before fiscal year 1979. These funds shall be reallocated if not used for this purpose during the allotment period.

This reserve is mandatory.

To avoid loss of funds under provisions of 40 CFR 35.915-1(b) those projects that qualify for increased funding, and if at least fifty percent of the total project cost is for innovative or alternative technology, will be funded, ahead of other projects on the List, until the reserve is exhausted.

(c) Reserve for grant increases. The state shall set aside not less than five percent of the total funds available during the priority list year for grant increases (including) any funds necessary for development of municipal pre-treatment programs) for projects awarded assistance under §35.935-11. This reserve is mandatory, however these funds may be released to fund additional projects if not required to fund grant increases.

(d) Reserve for step 1 and step 2 projects. The state may (but need not) set aside up to ten percent of the total funds available in order to provide grant assistance to step 1 and step 2 projects that may be selected for funding after the final submission of the project priority list. This reserve is optional and may be implemented by the state as the need arises.

(e) Reserve for alternative systems for small communities. Each state with a rural population of twenty-five percent or more (as determined by population estimates of the Bureau of Census) shall set aside an amount equal to four percent of the state's annual allotment, beginning with the fiscal year 1979 allotment. The set-aside amount shall be used for funding alternatives to conventional treatment works for small communities. The Regional Administrator may authorize, at the request of the Governor of any nonrural state, a reserve of up to four percent of that state's allotment for alternatives to conventional treatment works for small communities. For the purposes of this paragraph, the definition of a small community is any municipality with a population of 3,500 or less, or highly dispersed sections of larger municipalities, as determined by the Regional Administrator. This reserve is mandatory.

To avoid loss of funds under provisions of 40 CFR 35.915-1(e) those projects that qualify under the above provision, and if at least fifty percent of the total project cost is for an alternative system for a small community, will be funded, ahead of other projects on the list, until the reserve is exhausted.

Section E

Alphabetical Sequence List

1. In order to facilitate locating projects included on either the State of Louisiana Municipality/Permitting List or the State of Louisiana Construction Grants List, an Alphabetical Sequence List has been developed. This list is composed of all projects included on the Municipality/Permitting List and hence on the Construction Grants Priority List, in alphabetical order, rather than priority number order. This list is provided only to facilitate identification of projects by cross-referencing between lists.

2. The Alphabetical Sequence List for the appropriate fiscal year is Attachment C-2 of the Section 106, Water Pollution Control Program Plan.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

NOTICE OF INTENT

Department of Health and Human Resources Office of Human Development

The Department of Health and Human Resources, Office of Human Development, intends to adopt rules necessary to implement the provisions of Act 786 of the 1978 session of the Louisiana Legislature, which requires that there shall be established in the Office of Human Development a client placement division which

shall have the responsibilities and authority including, but not limited to the following:

- (i) To assess or arrange for the assessment of the needs of each client.
- (ii) To provide or arrange for the provision of comprehensive diagnosis and evaluation services as the needs of each client warrant.
- (iii) To develop comprehensive service plans for each client.
- (iv) To assign responsibilities for providing services, and for providing funding for such services.
- (v) To place clients in the setting most appropriate to the client's needs including any nonresidential, and institutional programs operated by the Department of Health and Human Resources, as well as programs operated by other public or private agencies with which the Department of Health and Human Resources enters into contractual or purchase or services arrangements.
- (vi) To periodically review the progress of clients, and to modify the client's service plan as warranted.
- (vii) To terminate services to the client, except that in the case of clients who have been placed in the custody of the Department of Health and Human Resources by judicial commitment or court order, the court of proper jurisdiction shall retain the authority to terminate custody by the Department of Health and Human Resources and to vest or revert such custody in another individual or agency.

Copies of the proposed rules and procedures necessary for implementation of the above noted statutory provision may be obtained by writing to Mr. Don R. Fuller, Director, Division of Evaluation and Services, Office of Human Development, Box 44065, Baton Rouge, Louisiana 70804.

Interested persons may submit written comments until 4:30 p.m., July 9, 1979, to the above address.

Melvin Meyers, Jr., Assistant Secretary
Office of Human Development

NOTICE OF INTENT

Department of Natural Resources Department of Health and Human Resources Department of Wildlife and Fisheries and Office of the Governor Office of Science, Technology and Environmental Policy

The above cited agencies hereby give notice that a public hearing will be held in Baton Rouge on the draft State/EPA Agreement, August 14, 1979, 7:00 p.m. in the Mineral Board Hearing Room, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana.

The State/EPA Agreement draft document, which will be the subject of the hearing, is intended to set forth the responsibilities of the state environmental programs that are provided federal financial assistance under the following federal environmental laws: the Clean Water Act, including state water pollution control and planning activities in the Water Pollution Control Division of the Department of Wildlife and Fisheries, and municipal waste water

treatment pollution control program in the Department of Health and Human Resources; the Safe Drinking Water Act, including the program for supervision of public drinking water supplies in the Department of Health and Human Resources and the Underground Injection Control program in the Department of Natural Resources; and the Resource Conservation and Recovery Act, including the programs for solid and hazardous waste management planning in the Office of Science, Technology and Environmental Policy, the Hazardous Waste Management Program in the Department of Natural Resources, and the solid waste management program in the Department of Health and Human Resources.

Interested persons may obtain a copy of the draft State/EPA Agreement at 625 North Fourth Street, Basement, Room 11, Baton Rouge, Louisiana, between the hours of 8:00 a.m. and 4:30 p.m. on or after July 13, 1979. Copies of the draft State/EPA Agreement will be available for inspection in the program offices of the other affected state programs. Persons wishing to obtain a copy of the draft may request a copy in writing to the Department of Natural Resources, P. O. Box 44396, Baton Rouge, Louisiana 70804, to the attention of Ms. Jan Wilson.

Interested persons will be afforded opportunity to submit comments and views on this draft State/EPA Agreement in writing or verbally. Written comments should be directed to Secretary William C. Huls at the above mailing address in the Department of Natural Resources. Persons desiring to present comments at the public hearing are encouraged to notify Secretary Huls in advance of the public hearing. Opportunity to present comments will also be afforded at the public hearing August 14.

William C. Huls, Secretary
Department of Natural Resources

NOTICE OF INTENT

Department of Public Safety Office of State Fire Protection

The Department of Public Safety, Office of Fire Protection, proposes to adopt the following rules relative to modular structures. Interested persons may submit written comments through July 5, 1979, to Daniel L. Kelly, State Fire Marshal, or Clinton R. Dobson, Administrator, Mobile Home Division, 9131 Interline Avenue, Building C, Baton Rouge, Louisiana 70809. Mr. Dobson is the person responsible for responding to inquiries about the proposed rules.

Modular Structures

1. Modular Structures definition: A modular structure is any type of watercraft, movable or structure erected in the State of Louisiana which does not come within the definition of a mobile home as set forth in the Mobile Home Act, Act 281 of 1974, R.S. 51:911.21 et seq. but which contains hidden appliances, such as wiring, which are manufactured into the product at a factory rather than on site and which are therefore impractical or impossible to inspect on site when erected or constructed in Louisiana.

2. Applicability of the Fire Marshal's Act: All of the provisions of the Louisiana State Fire Marshal's Act: R.S. 40:1561, et seq. shall apply to modular structures. Accordingly, it shall be required that plans and specifications be submitted to the Fire Marshal's office for each and every modular structure prior to its erection or construction in the State of Louisiana. Failure to submit plans and specifications to the Office of State Fire Marshal shall, upon detection, result in immediate closure and a cease and desist order from the use of said structure.

3. Requirements for Hidden Appliances: All hidden appliances, such as wiring, gas piping, and any and all other items which are normally available for inspection visually by a Louisiana State Fire Marshal deputy but because of the fact that the modular structure is manufactured in a factory are not available to visual inspection, must contain a certificate from a licensed Louisiana engineer or architect that it meets all of the requirements of the Louisiana State Fire Marshal's Act prior to erection or construction in the State of Louisiana.

Daniel J. Kelly
State Fire Marshal

NOTICE OF INTENT

Department of Transportation and Development

Notice is hereby given that the Louisiana Department of Transportation and Development intends to modify the existing specifications on kerosene to increase the maximum allowable sulphur content from 0.125% to 0.25% as authorized and in accordance with R.S. 51:784. The Secretary will accept written comments regarding the revision of this specification until 4:15 p.m., July 9, 1979, at the following address: Mr. H.B. Rushing, P.E., Materials Engineer, Louisiana Department of Transportation and Development, Box 44245, Baton Rouge, Louisiana 70804.

George A. Fischer, Secretary
Department of Transportation
and Development

NOTICE OF INTENT

Department of Urban and Community Affairs Office of Community Services Indian Housing Authority

Notice is hereby given that the Louisiana Indian Housing Authority intends to consider the proposed policies, rules, and regulations listed below, at its regular July 18, 1979, meeting which will be held at 10:00 a.m., in the Mineral Board Room of the Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana:

1. Adopt a Louisiana Indian Housing Authority assistance application form.
2. Adopt a statement of policies governing admission to rental and mutual help projects.
3. Adopt an estimated 1979 payment schedule for the mutual help housing assistance program form.
4. Adopt a form for contract for mutual help accounting services.

Copies of the proposed policies, rules, and regulations are available, without charge, upon written or telephone request. Telephone (504) 925-3728, (8:00 a.m. to 4:00 p.m.), Monday through Friday, or write to Louisiana Indian Housing Authority, Box 44455, Baton Rouge, Louisiana 70804. The proposed policies, rules, and regulations are available for public review at the Department of Urban and Community Affairs, 5790 Florida Boulevard, Baton Rouge, Louisiana, Monday through Friday, from 8:00 a.m. to 4:00 p.m.

Interested persons may submit written comments on the proposed policies, rules, and regulations from June 20, 1979, through July 9, 1979, to Andrew Armstrong, Chairman, Louisiana Indian Housing Authority, Box 44455, Baton Rouge, Louisiana 70804.

Andrew Armstrong, Chairman
Indian Housing Authority

NOTICE OF INTENT

Department of Wildlife and Fisheries Stream Control Commission

Notice is hereby given that the Department of Wildlife and Fisheries and the Louisiana Stream Control Commission will hold a public hearing in the Red River Room, LSU Union Building, Baton Rouge, Louisiana, on July 25, 1979, beginning at 7:00 p.m.

A draft of the State of Louisiana initial Water Quality Management Plan Summary Report prepared in accordance with and partial fulfillment of Section 208 of the Federal Water Pollution Control Act as amended (Public Law 92-500 and 95-217) and other pertinent federal regulations will be presented and explained.

Copies of the Water Quality Management Summary Report are available for inspection and may be seen in every main parish library of the State of Louisiana and in every district office of the Louisiana Department of Wildlife and Fisheries, as well as the office of the Louisiana Stream Control Commission in the Geology Building, Room 135, on the Louisiana State University Campus, Baton Rouge, Louisiana.

Persons who desire to do so may submit data for use or argument relative to the proposed Water Quality Management Plan Summary Report or relative to the process employed to consider the plan either orally or in writing at the public hearing, or may submit written materials within ten days after the hearing to the Louisiana Stream Control Commission, Drawer FC, University Station, Baton Rouge, Louisiana 70893, telephone AC504, 342-6363. Persons requiring additional information may contact Mr. Robert A. Lafleur, Chief of the Water Pollution Control Division and Executive Secretary to the Louisiana Stream Control Commission, at the above address or telephone number.

Subsequent to the hearing referenced herein the Louisiana Department of Wildlife and Fisheries may, providing no substantive changes are required, submit the proposed plan to the Governor for certification to the United States Environmental Protection Agency, or, if substantial changes are warranted, make any necessary changes and after another public hearing process, submit the revised plan to the Governor for certification.

Robert A. Lafleur, Secretary
Stream Control Commission

Potpourri

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security will hold a public hearing in regard to proposed policy affecting the Medical Assistance Program. This policy was published as a Notice of Intent on page 125 in the Volume 5, Number 5, May 20, 1979 edition of the *Louisiana Register*. The Department of Health and Human Resources proposes to add this policy to its Medical Assistance program manual which instructs staff as to Medical Assistance program operation. The policy provides for a lock-in mechanism to insure against misutilization of medical assistance program benefits. Title XIX recipients, whose records show a pattern of misutilization, will be placed in a lock-in program in which they are able to receive physician and pharmacy services from specified providers of such services. The legal author-

ity for this public hearing is R.S. 49:951 et seq., the Louisiana Administrative Procedures Act, which allows for a public hearing on any policy change, deletion or addition when such a hearing is requested by twenty-five people. Ms. Bonnie Smith, Medical Assistance Program Administrator has been designated by Mr. Alvis Roberts, Assistance Secretary, Office of Family Security to act as chairperson for the public hearing. The hearing will be held at 9:00 a.m. in the Mineral Board Room of the Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana on June 27, 1979.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

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