

# Table of Contents

## Title 56 PUBLIC WORKS

### Part I. Water Wells

Chapter 1. Registering Water Wells.....	1
§101. Authorization.....	1
§103. Purpose.....	1
§105. Registration of Water Wells and Holes Completed on or after November 1, 1985.....	1
§107. Registration of Water Wells Completed Prior to November 1, 1985.....	3
§109. Use of Information Obtained from Registration Forms.....	3
§111. Enforcement Actions.....	3
§113. Definitions.....	4
§115. References.....	7
§117. Water Well Registration (Long Form).....	8
§119. Water Well Registration (Short Form).....	10
Chapter 3. Water Well Construction.....	11
§301. Preamble.....	11
§303. Purpose.....	12
§305. Approval of Plans and Specifications for Public Water Supply Systems.....	12
§307. Licensing Requirements.....	12
§309. Registration Requirements.....	13
§311. Variance Requests.....	13
§313. Minimum Distance Requirements for Locating a Water Well.....	13
§315. Location in Relation to Possible Sources of Contamination.....	13
§317. Location in Relation to Levees.....	13
§319. Location in Relation to Flood Water.....	14
§321. Location in Relation to Buildings and Other Structures.....	14
§323. Drilling and Construction.....	14
§325. Casing.....	16
§327. Screen.....	18
§329. Methods and Standards for Cementing the Annular Space.....	19
§331. Well Development and Disinfection.....	20
§333. Standards for Miscellaneous Appurtenances.....	21
§335. Enforcement Actions.....	22
Chapter 5. Plugging and Sealing of Abandoned Water Wells and Holes.....	22
§501. Organization.....	22
§503. Purpose.....	23
§505. General Rules and Regulations.....	23
§507. Abandoned Water Wells and Holes That Shall Be Plugged.....	23
§509. Exemptions.....	23
§511. Licensing Requirements.....	24
§513. Variance Requests.....	24
§515. Submission of Water Well Plugging and Abandonment Forms (DNR-GW-2).....	24
§516. Water Well Plugging and Abandonment Form (DNR-GW-2).....	24
§517. Responsibility of the Owner.....	25
§519. Failure of the Owner to Plug an Abandoned Water Well.....	25
§521. Responsibilities of the Contractor.....	26

## Table of Contents

§523.	Site Inspection by the Department Representatives .....	26
§525.	Availability of Water Well Data.....	26
§527.	Regulations for Determining Status of Wells or Holes and for Determining Plugging Responsibility .....	26
§529.	Plugging and Filler Materials .....	28
§531.	Methods and Standards for Plugging Abandoned Water Wells and Holes.....	28
§533.	Enforcement Actions .....	30
Chapter 7.	Installing Control Devices on Free Flowing Water Wells.....	30
§701.	Authorization .....	30
§703.	Purpose .....	30
§705.	General Rules and Regulations .....	31
§707.	Responsibility of the Owner .....	31
§709.	Responsibility of the Department .....	31
§711.	Failure of Responsible Party to Install a Control Device .....	31
§713.	Enforcement Actions .....	31

### **Part III. Flood Control and Water Management**

#### **Subpart 1. Water Resources and Flood Control**

Chapter 1.	Funding of Water Resources.....	33
Subchapter A.	Priorities for Funding of Water Resources Projects .....	33
§101.	Purpose of Rule .....	33
§103.	Definitions .....	33
§105.	Priority Policy.....	34
§107.	Eligible Sponsors of Projects.....	34
§109.	Annual Report .....	34
§111.	Regional Reports .....	34
§113.	Projects Eligible for Priority of Funding.....	35
§115.	Projects Excluded from Priority of Funding .....	35
§117.	Project Costs Eligible for Priority Funding.....	35
§119.	Project Costs Not Eligible for Priority Funding.....	35
§121.	Applications for Priority of Funding .....	35
Subchapter B.	Project Priority Ranking System.....	36
§123.	General Overview.....	36
§125.	Base Priority Value.....	36
§127.	Priority Value Points for Comparative Benefits.....	36
§129.	Priority Value Points to "Needing and Deserving" Projects .....	37
§131.	Regional Priority Ranking.....	37
§133.	Ranking of Projects by the Office of Public Works .....	37
§135.	Verification of Need .....	37
§137.	Conservation of Resources Required .....	37
§139.	Accurate Cost Estimates Required .....	38
§141.	Regulatory Agency Approvals .....	38
Chapter 3.	Statewide Flood Control Program .....	38
Subchapter A.	Procedures for Implementing Statewide Flood Control Program .....	38
§301.	Sequence.....	38
Subchapter B.	Pre-Application Evaluation.....	40
§303.	Pre-Application Review and Evaluation Procedure .....	40
Subchapter C.	Evaluation of Proposed Projects and Distribution of Funds.....	41
§315.	Project Evaluation Procedure .....	41
§317.	Project Application Review and Public Hearings .....	43

## Table of Contents

§319.	Distribution of Funds.....	43
§321.	Redistribution Procedure .....	44
§323.	Legislative Process .....	44
§325.	Construction and Operation.....	44
Subchapter D.	Rural Grant Opportunity Program .....	44
§327.	Eligibility .....	44
Chapter 5.	Funding Applications.....	45
§501.	Guidelines and Procedures for Applications for State Funding Assistance .....	45
Chapter 7.	Dam Safety Program.....	45
Subchapter A.	Dam Safety .....	45
§701.	Introduction .....	45
§703.	Purpose .....	45
§705.	Glossary .....	46
§707.	Applicability .....	47
§709.	Permitting .....	47
§711.	Submittals .....	48
§713.	Design.....	48
§715.	Construction .....	50
§717.	Maintenance and Operations .....	50
§719.	Inspections.....	51
§721.	Enforcement .....	51
§723.	Existing Structures.....	51
§725.	Emergency Preparedness Plan.....	51
§727.	References .....	52
Subchapter B.	Figures and Forms .....	52
§729.	Appendix 1, Structures—Approved Permit .....	52
§731.	Appendix 2, Structures—Chief Engineer Review.....	52
§733.	Appendix 3—Procedural Sequence.....	52
§735.	Appendix 4—Pond Data Sheet.....	53
§737.	Appendix 5—Notice of Application .....	53
§739.	Appendix 6—Minimum Required Submittals.....	53
§741.	Appendix 7—Letter of Intent .....	54
§743.	Appendix 8—Letter of "Notice of Completion and As-Built Drawings" .....	54
§745.	Appendix 9—Letters of No Objection and Other Permits .....	55
§747.	Appendix 10—Minimum Hydrologic and Hydraulic Submittals to Establish Impact Classification and Inflow Design Flood (IDF).....	55
Chapter 9.	Hurricane Flood Control Protection Program Rules.....	55
§901.	Framework for Receipt and Evaluations of Funding Applications .....	55
<b>Subpart 2. Port Construction and Development Priority Program</b>		
Chapter 21.	Louisiana Port Construction and Development Priority Program .....	57
§2101.	Definitions [Formerly §2103] .....	57
§2103.	Creation of Priority Program [Formerly §2101].....	57
§2105.	Program Procedures .....	59
§2107.	Program Requirements .....	60
§2109.	Application.....	62
§2111.	Evaluation .....	70
§2113.	Distribution of Funds .....	71
§2115.	Reimbursement .....	71

## Table of Contents

Chapter 23.	Port Design-Build Pilot Program .....	72
§2301.	Purpose.....	72
§2303.	Applicability .....	72
§2305.	Approval Process .....	72
§2307.	Project Limits.....	73
<b>Part V. Capital Area Ground Water Conservation Commission</b>		
Chapter 1.	Water Well Registration in the Capital Area Ground Water Conservation District.....	75
§101.	Water Wells That Shall Be Registered.....	75
§103.	Registration of Water Wells Used in Connection With Petroleum Production .....	75
§105.	Exemptions .....	75
§107.	Registration of Water Wells Completed on or After July 1, 1975 .....	75
§109.	Responsibility for and Procedures for Registering Water Wells.....	75
§111.	Registration of Water Wells Completed Prior to July 1, 1975.....	76
§113.	Responsibility for and Procedures for Registering Inventoried Water Wells Whose Records are Available to the State.....	76
§115.	Responsibility for and Procedures for Registering Water Wells Which Have Not Been Inventoried .....	76
§117.	Registration of Reworked Wells .....	76
§119.	Test Holes .....	77
§121.	Observation Wells .....	77
§123.	Use of Information .....	77
§125.	Definitions .....	77
Chapter 3.	Plugging and Sealing of Abandoned Water Wells and Holes in the Capital Area Ground Water Conservation District .....	78
§301.	Purpose .....	78
§303.	General Rules and Requirements .....	78
§305.	Exemptions .....	79
§307.	Effective Date .....	79
§309.	Status of Wells Abandoned Prior to Effective Date .....	79
§311.	Filing of Water Well Abandonment and Plugging Form (LDPW-GW-2).....	79
§313.	Adequacy of Plugging an Abandoned Water Well or Hole .....	80
§315.	Inspection .....	80
§317.	Contractor .....	80
§319.	Availability of Well Data .....	80
§321.	Regulations and Standards for Plugging and Sealing a Well or Hole and for Determining Responsibility.....	80
§323.	Active Well.....	81
§325.	Abandoned Well.....	81
§327.	Inactive Well .....	81
§329.	Observation Well.....	81
§331.	Abandoned Hole.....	82
§333.	Failure of Responsible Party to Plug and Seal an Abandoned Water Well or Hole .....	82
Chapter 5.	Regulations and Standards for Plugging and Sealing Abandoned Drilled Water Wells and Holes .....	82
§501.	General .....	82
§503.	Preliminary Work .....	82
§505.	Temporary Cover.....	83
§507.	Plugging and Fill Materials .....	83
§509.	Methods and Standards for Plugging Abandoned Drilled Water Well and Hole.....	83

## Table of Contents

§511.	Exceptions .....	83
§513.	Plugging and Sealing.....	83
§515.	Surface Plug.....	84
§517.	Bridge Plug.....	84
§519.	Methods of Plugging a Drilled Water Well.....	84
§521.	Wells Less Than 50 Feet in Depth .....	84
§523.	Wells Greater Than 50 Feet in Depth and Where One or More Fresh Water Aquifer is Penetrated .....	84
§525.	Wells Where One or More Saline Water Aquifers Have Been Penetrated .....	84
§527.	A Well From Which Some of the Casing Has Been Removed.....	84
§529.	Gravel Packed Well.....	85
§531.	Well Where More Than One Aquifer is Screened .....	85
§533.	The Plugging of an Abandoned Drilled Hole.....	85
§535.	Definitions .....	85
Chapter 7.	Rules and Regulations for Metering and/or Recording the Yield of Water Wells .....	86
§701.	Authority.....	86
§703.	Purpose .....	86
§705.	Exclusions.....	86
§707.	Measuring Well Yield .....	87
§709.	Records .....	87
§711.	Variance.....	87
Chapter 9.	Water Well Permits and Plans .....	87
§901.	Authority and Purpose.....	87
§903.	Exempt Wells [Formerly §907 and §909].....	87
§905.	Applicability of Requirement for Permits and Plans.....	87
§907.	When a Permit is Required [Formerly §903] .....	88
§909.	Failure to Comply.....	88
§911.	Revocation of Previous Rules [Formerly §905].....	88
Chapter 11.	Determination of and Payment of Accounts .....	88
§1101.	Purpose.....	88
§1103.	Applicability .....	88
§1105.	Billing Schedule.....	88
§1107.	Pumpage Fee.....	88
§1109.	Determination of When an Account Is Delinquent .....	88
§1111.	Violation Penalty .....	89
§1113.	Civil Suit and Jurisdiction.....	89



**Title 56**  
**PUBLIC WORKS**  
**Part I. Water Wells**

**Chapter 1. Registering Water Wells**

**§101. Authorization**

A. The Louisiana Department of Transportation and Development, Office of Public Works revised the rules, regulations and standards for water well registration, construction, plugging and abandonment, installation of control devices on free flowing wells and licensing of water well contractors and other drillers under the authority given in R.S. 38:2091-38:3098.8.

B. Effective January 1, 2010, in accordance with Act 437 of 2009, The Department of Natural Resources, Office of Conservation, hereafter referred to as "department," is responsible for registering water wells and holes in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3091-38:3098.8.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:950 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:906 (March 2011), LR 37:3527 (December 2011).

**§103. Purpose**

A. The purpose of the rules, regulations and procedures for registering water wells and holes, stated herein, is to ensure that water wells and holes are properly constructed; to collect, catalog and store water well construction and drilling data; and to gather data on water resources of the state. The data obtained from the registration forms are stored on computer files and are readily available for use by hydrologists, engineers, geologists, drillers and others who are involved in the administration, development, protection, and the wise use of the ground water resources of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2091-38:3098.8.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:950 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

**§105. Registration of Water Wells and Holes  
Completed on or after November 1, 1985**

A. The contractor who drills or constructs a well or hole on or after November 1, 1985 shall be responsible for registering that well or hole by submitting to the department a completed water well registration Form within 30 calendar days after completing such well or hole. Registration

requirements shall apply to all water wells, regardless of yield or use, including but not limited to, public supply, domestic, irrigation/agriculture, power generation, rig-supply, observation, dewatering, monitoring, and heat pump supply wells, as well as test holes, abandoned pilot holes, and heat pump holes. For glossary of terms, refer to §113 of this Chapter.

B. Exemption from Registration. The following wells and holes shall be exempt from registration requirements:

1. wells producing saline water in connection with oil or gas production;
2. driven wells or wells dug by use of hand auger;
3. geotechnical boreholes.

C. Water Well Registration Long Form (DNR-GW-1). The Water Well Registration Long Form (DNR-GW-1) shall be used to register the following types of wells and holes:

1. community public supply wells;
2. noncommunity public supply wells;
3. industrial wells;
4. irrigation/agricultural wells;
5. power generation wells;
6. observation wells;
7. dewatering wells;
8. test holes.

For long form instructions see §117.

D. Water Well Registration Short Form (DNR-GW-1S). The Water Well Registration Short Form (DNR-GW-1S) shall be used to register the following types of wells and holes:

1. domestic wells;
2. rig-supply wells;
3. monitoring wells;
4. heat pump supply wells;
5. heat pump holes (closed loop system);
6. abandoned pilot holes.

For short form instructions see §119.

**E. Submission of Water Well Registration Forms**

1. The contractor who drills a well or hole shall complete and submit to the department the original copy of the Water Well Registration Form within 30 calendar days after each well or hole has been completed. The owner's

copy shall be sent to the owner immediately after completion of the work and the contractor shall retain the contractor's copy for his files.

2. For registration purposes only, the department considers a well or hole completed when it is accepted by the owner or when the contractor has moved his equipment from the site, whichever comes first. Acceptance by the owner or removal of equipment from the site by the contractor does not imply, in any way, acceptance or approval by the state of Louisiana. The department, after reviewing applicable records and/or inspection of the well site, can cause the owner and/or the contractor to do whatever additional work is necessary to bring the well or hole up to standards. The expense for the additional work shall be borne by the owner or the contractor, as the case may be.

3. For the purpose of registering heat pump holes only, one form (DNR-GW-1S) Short Form per project (site) will suffice. Under item marked "remarks," materials and method used to seal the holes shall be indicated. Driller's log description of cuttings should be the typical formations encountered at the site.

4. Registration forms may be submitted to the department on a monthly basis as long as the 30-day limitation is not exceeded. Forms that are illegible, have incomplete items, lack a sketch or directions to the well, do not include latitudinal and longitudinal coordinates or have not been signed and dated will be rejected by the department and will be returned to the contractor for correction and resubmittal. It is the responsibility of the contractor to see to it that the submitted registration forms are actually received by the department.

5. Each registration form shall be personally signed and dated by the contractor who is responsible for drilling the well or hole. For convenience of the contractor, affidavits filed by the contractor to authorize office personnel to sign forms on his behalf will be accepted by the department.

6. Upon receipt of the registration forms, the department will review and process each form, including field inspection, if necessary, and will assign an identification number to each well after which the well is considered registered. The well data will then be entered into the computerized data file and, upon request, the owner and/or the contractor will be informed of the fact of registration and of the assigned identification number.

F. Copies of Available Data Which Shall Be Attached to Registration Forms. The water well contractor who is responsible for drilling a public supply, industrial or power generation water well or test hole, shall attach to the registration form copies of the following items (if available for transmittal) to the department:

1. electrical log or other borehole geophysical log;
2. mechanical analysis of the drill cuttings;
3. chemical analysis of the water;
4. aquifer test results.

#### G. Registration of Reworked Water Wells

1. Registered wells that are reworked (e.g., removing and replacing the screen; redeveloping the well) need not be registered a second time unless the screen setting is altered or a liner is installed inside the original casing. If the registered well, after reworking, obtains water from an aquifer different from that reported on the original registration form, another registration form shall be submitted by the contractor within 30 calendar days after completion of the work.

2. If an unregistered well is reworked, deepened or changed in any manner or if screen setting is altered, the proper registration form (DNR-GW-1 or DNR-GW-1S) shall be submitted to the department by the contractor no later than 30 calendar days after the work has been completed. Failure to file the proper registration form may result in enforcement actions including the assessment of civil penalties in accordance with the authority of the commissioner of conservation.

H. Registration of Subcontracted Water Wells. When a water well contractor agrees to construct a water well for a customer but subcontracts the work to another water well contractor, the following registration procedure shall govern:

1. the subcontractor who drills the well shall keep an accurate record of the pertinent data to be used in completing the registration form; however, the name and license number of the original contractor must be shown on the upper right-hand corner of the registration form, and it is the original contractor who is responsible for signing and transmitting the form to the department in accordance with the procedures outlined in §105.E. The subcontractor may write his or his company's name and license number at the space designated for "remarks."

#### I. Registration of Rig-Supply Water Wells

1. In order to register a rig-supply water well, each registration form must be accompanied by a copy of the "registered" permit plat reflecting the section, township, range and the distances from the section lines to the location of the well (oil, gas, injection, etc.). The plat will be used by the department to verify the latitude and longitude of the well. The water well contractor who drilled the water well shall obtain a copy of the plat from the company in charge of the drilling of the oil or gas well (lessee) or from the operator of the oil or gas drilling rig and shall attach it to the registration form for transmittal to the department. Alternatively, the water well contractor may send the registration form to the lessee with appropriate instructions for them to attach the plat to the registration form and transmit it to the department.

2. The lessee or the operator shall furnish the water well contractor with the required plat in a timely manner so that the 30-day limitation for water well registration is not exceeded.

J. Registration of Monitoring Wells. Although construction of monitoring wells for facilities regulated by the Department of Environmental Quality (DEQ) requires

approval from DEQ prior to construction, they shall be registered with the Office of Conservation, like all other water wells, as part of the state's effort to catalog well sites and to collect and provide data on the geohydrological system. In order to register a monitoring well, the drilling contractor, in addition to completing all items on the Water Well Registration Short Form (DNR-GW-1S), must also complete the spaces provided for the latitude and longitude of the well location, as well as the section, township and range.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3091-38:3098.8.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:950 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:906 (March 2011), LR 37:3527 (December 2011).

#### **§107. Registration of Water Wells Completed Prior to November 1, 1985**

A. Because many water wells have already been inventoried by the department, the procedures for registering wells completed prior to November 1, 1985 are dependent on whether or not the wells have been inventoried and their records are available to the department.

B. Registration of Inventoried Water Wells Completed Prior to November 1, 1985 Whose Records Are Available to the Department

1. The department will obtain from available data a listing, by owner, of wells and pertinent data. A copy of the list will either be sent to the owner for checking and updating, or will be checked and updated by a representative of the department with assistance from the owner.

2. If the list is sent to the owner for checking and updating, the owner shall be responsible for updating the list by indicating the current status of each registered well, by adding wells not on the list and by indicating wells that have been abandoned. The owner shall then certify the list as current and correct and shall return the list to the department within 30 calendar days after receiving the list. When the corrected and certified list is received by the department, the wells added to the list by the owner shall be inventoried and registered by a representative of the department.

3. If, in the opinion of the department, a visit or telephone contact by a representative of the department is preferable and more convenient to the owner than sending a list of wells, a field visit or telephone contact will be made by a representative of the department. After the data are verified and the well locations are checked, any well not on the list will be inventoried and registered by the representative of the department.

4. Upon request, the owner will be sent an updated listing of registered wells for which he is responsible.

C. Registration of Water Wells Completed Prior to November 1, 1985 Which Have Not Been Inventoried and Whose Records Are Not Available to the Department

1. All wells used to supply a public water system regardless of yield, and all other water wells capable of producing more than 50,000 gallons per day, which were constructed on or after July 1, 1975, shall be registered by the owner by completing a water well registration long form (DNR-GW-1) for each well and sending them to the department for verification and registration within 90 calendar days after the effective date of these regulations.

2. The owner may register any uninventoried water well, not covered under Item A of the form, by completing an appropriate registration form and sending it to the department for verification and registration.

3. The department's representative may contact the owner to obtain well data and check and verify the location of wells that have not been inventoried and whose records are not on file with the department. After receiving the pertinent data and locating the wells, the department will register the wells accordingly.

4. The owner shall make available any needed data for registering uninventoried wells and shall permit access to the well sites. Upon request, the owner will be informed of the fact of registration and of the assigned identification number.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3091-38:3098.8.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:951 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:907 (March 2011).

#### **§109. Use of Information Obtained from Registration Forms**

A. Information obtained from registration forms will be available to all persons upon request. The well data will be coded and entered into the department's computerized data file and will be integrated with water well data systems operated by other governmental agencies and research groups, as needed. Copies of the registration forms or computerized listings of the registered wells should fulfill the need of water districts, commissions or other state agencies; thus eliminating the need for a second set of registration forms.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:2091-38:3098.8.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:952 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

#### **§111. Enforcement Actions**

A. Provisions addressing enforcement of this Chapter appear in R.S. 38:3096, as follows.

1. Whoever knowingly and willingly violates a provision of this Chapter, or a rule, regulation or order of the director or a board hereunder, shall be subject to a civil penalty of not more than \$1,000 a day for each day of violation and for each act of violation if a penalty for the violation is not otherwise provided in this Chapter.

a. The place of suit to recover this penalty shall be selected by the director or board, as may be appropriate, in the district court of the parish in which any one of the defendants resides, or in the district court of the parish where the violation took place.

b. Suit shall be at the direction of the director or board, as may be appropriate, and shall be instituted and conducted in his or its name by the attorney general or by the district attorney of the district under the direction of the attorney general.

2. Whoever knowingly and willfully aids or abets a person in the violation of a provision of this Chapter, or in any rule, regulation or order made hereunder shall be subject to the same penalties provided herein for the principal violator.

B. Falsification of Documents. Falsification of documents to evade regulations, as well as penalties for said falsifications, appears in R.S. 38:3095 as follows.

1. No person shall, for the purpose of evading this Chapter or any rule, regulation or order made thereunder:

a. make, or cause to be made, any false entry or statement of fact in any report required to be made by this Chapter, or by any rule, regulation or order made hereunder; or

b. make, or cause to be made, any false entry in an account, record or memorandum kept by any person in connection with the provisions of this Chapter or of any rule, regulation or order made thereunder; or

c. remove out of the jurisdiction of the state or destroy or mutilate, alter, or by any other means, falsify any book, record or the paper pertaining to the matters regulated by this Chapter, or by any rule, regulation or order made thereunder.

2. Whoever violates this Section shall be fined not more than \$5,000 or imprisoned not more than six months or both.

3. The penalty provision for falsification of documents required under the provisions of this Chapter are therefore criminal in nature and will be enforced through the district attorney having jurisdiction where said violation occurs. It should also be noted that utilization of the United States Mail in the falsification of documents constitutes a violation of Title 18 of the United States Code (Mail Fraud), and such violations will be referred to the, appropriate United States Attorney.

C. Appeals. An alleged violator may appeal any order of the department by requesting a hearing. The hearing request must be made to the department, in writing, within

30 calendar days of the original order and must be sent by "Certified Mail-Return Receipt Requested." After receiving the request, the department will arrange a hearing to determine what other remedial action will serve to effect compliance with the rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2091-38:3098.8.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:952 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

### §113. Definitions

A. Glossary of Terms. Letter in parentheses is the number of the reference found in §115 which is the source of the definition.

*Abandoned Well*—a well is considered to be abandoned if:

- a. its use has been permanently discontinued;
- b. its pumping equipment has been permanently removed;
- c. the well is in such a state of disrepair that it cannot be used to supply water, and/or has the potential for transmitting surface contaminants into the aquifer;
- d. the well poses potential health or safety hazards; or
- e. the well is in such a condition that cannot be placed in the active, standby or inactive status.

*Active Well*—a well is considered to be active if it is an operating well used to supply water.

*Annular Space*—the space between the drill hole and the well casing.

*Aquifer*—a formation, group of formations, or a part of a formation that contains sufficient saturated material to yield significant quantities of water to wells. (E)

*Aquifer Test*—aquifer or pumping tests are made in water wells to obtain information about the performance and efficiency of the well being pumped, and/or to obtain data from which the hydraulic characteristics of the aquifer can be calculated. The test made to determine hydraulic characteristics of an aquifer is usually referred to as *aquifer test*.

*Artesian (Confined Ground Water)*—when the water level rises above the top of the aquifer which the well taps, the aquifer is assumed to be *artesian*. An artesian well flows only when the water level is above land surface. (E)

*Assistant Secretary*—the Assistant Secretary of the Office of Conservation, Department of Natural Resources, or his designee.

*Bacteriological Analysis*—this analysis, usually for drinking water, consists of a laboratory report indicating the

presence or absence of coliform bacteria in a given water sample, as determined by laboratory procedure.

*Bentonite Slurry*—a mixture of bentonite and water, weighing not less than 9 pounds per gallon.

*Casing*—a tubular retaining structure, generally metal or PVC which is installed in a drilled, bored, driven, or augured hole to maintain the well opening.

*Cement-Bentonite Slurry*—a mixture of cement, bentonite and water, consisting of not more than 8 percent bentonite by dry weight of cement and a maximum of 10 gallons of water per sack (94 pounds) of cement. Additives, in the approved and proper ratio, may be added to the slurry if required.

*Chemical Analysis*—a chemical analysis is usually a report of dissolved minerals in the water and the water's physical properties, such as temperature and color. The minimum chemical properties that are usually determined are hardness, specific conductance, hydrogen-ion concentration (pH), dissolved solids, chloride, bicarbonate, iron, fluoride and nitrate.

*Coarse Ground Bentonite*—a processed bentonite used to seal well casings and to plug holes. Coarse ground bentonite is placed by pouring from surface or pumping from the bottom to surface. An approved inorganic polymer may be used to retard swelling of the bentonite.

*Community Public Supply Water Well*—a public supply well which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. A community public supply well may be owned by a municipality or community, a water district, a corporation, a private individual or by a local, state or federal governmental agency.

*Contaminant*—any undesirable physical, chemical, biological, or radiological substance or matter in water. (F)

*Contamination*—any introduction into water of microorganisms, chemicals, wastes, or waste-water in a concentration that makes the water unfit for its intended use. (D)

*Contractor*—the word *contractor* in these regulations is used to refer to any person, firm or corporation who is licensed to engage in the business of drilling, reworking or installing water wells, monitoring wells, heat pump wells or holes, geotechnical boreholes, and/or plugging and abandoning wells or holes, excluding oil and gas wells.

*Department*—the Louisiana Department of Natural Resources, Office of Conservation.

*Dewatering Well*—a water well installed to dewater an aquifer or lower a water table in order to allow construction or mining activities.

*Disinfection*—the killing of a large proportion of microorganisms in or on a substance with the probability that all pathogenic microorganisms will be killed.

*Ditch*—a man-made excavation dug to convey surface water for drainage purposes or irrigation.

*Director or a Board*—see *Assistant Secretary*.

*Domestic Well*—a water well used exclusively to supply the household needs of the owner/lessee and his family. Uses may include drinking, cooking, washing, sanitary purposes, lawn and garden watering and caring for pets.

*Drawdown*—the difference, usually in feet, between the static (nonpumping) water level and the pumping level in a well after the well has been pumped for a specified period of time.

*Drill Cuttings*—samples of the material obtained during drillings and are the source of lithologic information needed for proper selection of screen openings. A principal objective of drilling test holes is to obtain samples. (A)

*Driller*—see *Contractor*.

*Drilling*—the word *drilling* in these regulations is used to refer to the drilling, boring, coring, driving or augering of a well or hole.

*Drilling Contractor*—see *Contractor*.

*Driller's Log*—a driller's log is the driller's description of the geologic strata encountered, their thickness and depth. (A)

*Drilling Mud*—a fluid composed of water and clay (either native clay or a combination of native and commercial clays) used in drilling operations to remove cuttings from the hole, to clean and cool the bit, to reduce friction between the drill stem and the sides of the hole, to seal the sides of the hole, to prevent caving, bridging or loss of circulation, and to prevent the interchange of water between aquifers. When permitted, drilling mud may be used as filler or plugging material, provided it weighs not less than 9 pounds per gallon.

*Electrical Log*—a record of the resistivity of the subsurface formations and the contained fluid and spontaneous potentials generated in the borehole, both plotted in terms of depth below some datum, such as land surface. Similar logs commonly made in boreholes are the induction logs. Other borehole geophysical logs that also may be available are the gamma ray, caliper and neutron logs.

*Flood Prone Area*—an area subject to a 100-year flood level as established by the administering agency for the Federal Flood Insurance Program.

*Free Flowing Water Well*—an artesian well which flows, under natural conditions, at or above the ground surface.

*Geopressured Aquifer*—a term used for an aquifer, especially in the Gulf Coast Area, in which the fluid pressure exceeds the normal hydrostatic pressure of 0.465 pounds per square inch per foot of depth. (B)

*Geotechnical Borehole*—an exploratory borehole drilled, augured, bored or cored to obtain soil samples to be analyzed for chemical and/or physical properties.

*Geothermal*—pertaining to the internal heat of the earth.

*Gravel-Packed Well*—a well in which properly graded gravel or coarse sand is hydraulically placed in the area immediately surrounding the screen or slotted pipe used as a screen to increase the effective diameter of the well, to stabilize the aquifer and to prevent sand from entering the well.

*Ground Water*—water percolating below the earth's surface.

*Health Hazard*—any condition that may create a danger to public health and well being.

*Heat Pump Hole*—a hole drilled to install piping for an earth-coupled water source heat pump system, also known as a vertical closed-loop system.

*Heat Pump Supply Well*—a water well which supplies ground water to a heat pump heat exchanger.

*Industrial Well*—a well used to supply water for plants that manufacture, process or fabricate a product. The water may or may not be incorporated into the product being manufactured. The water is usually used to cool machinery, to provide sanitary facilities for employees, to air condition the plant, and water grounds at the plant. Water used for mining or processing ore, such as gravel, is included in the industrial category.

*Inactive Well*—a well is considered to be inactive if it is not presently operating but is maintained in such a way that it can be put back in operation with a minimum of effort to supply water.

*Irrigation/Agricultural Well*—a well used for irrigating cultivated plants, for watering stock, for crawfish and catfish farming, and for similar agricultural activities. Most irrigation wells supply water for farm crops, but this category also includes wells that are used for watering parks, golf courses, cemeteries and wells which are used exclusively for watering lawns in urban areas.

*Lessee*—see *Owner*.

*Monitoring Well*—a well used to obtain hydrologic and water quality data, usually installed at or near a known or potential source of ground water contamination.

*Neat Cement*—a mixture of cement and water, consisting of not more than 5 gallons of water per sack (94 pounds) of cement.

*Noncommunity Public Supply Well*—a public supply water well which serves either fewer than 15 service connections or fewer than 25 year-round residents or no year-round residents. Examples of the former case are small public water supplies for mobile home parks, subdivisions, etc. which fall below the 15 connections/25 persons criteria for community water supplies. The latter case includes public water supplies which serve no year-round residents,

such as bars and lounges, motels, camps, office buildings, restaurants, rest stops, service stations, recreational facilities, schools, commercial establishments, etc.

*Observation Well*—a well used by the owner, by governmental agencies, or by an appropriate engineering or research organization to obtain information on the water resources of an area.

*Owner*—individual, corporation, association, partnership, institution or governmental agency who is either the legal owner of the property on which the well or hole is located or is holding a long-term lease on the property.

*Permeability*—a measure of the relative ease with which porous media can transmit a liquid under a potential gradient. Sands have a higher permeability than clays.

*Pilot Hole*—a hole drilled with the intent to install casing and to produce water. It is usually of a smaller diameter than the proposed well and has to be reamed to a larger diameter for the installation of casing and screen.

*Plumbness*—the variation with depth of the center line of the well from a vertical line drawn through the center of the well at the top of the casing. (C)

*Pollution*—a condition created by harmful or objectionable material in water. (D)

*Potable Water*—water whose bacteriological, physical and chemical properties make it suitable for human consumption.

*Power Generation Well*—a well used to supply water for generation of any type of power.

*Private Well*—see *Domestic Well*.

*Public Supply Water Well*—a well which provides water for drinking, cooking or washing use by the public, or transients, or by persons other than the immediate family of the owner of the supply. A public supply water well may be either a community water well or a noncommunity water well.

*Pump-Down Method*—a positive displacement method for placing grout or slurry material by pumping or forced injection by air pressure.

*Pumping Test*—see *Aquifer Test*.

*Pumping Water Level*—the water level in a well which is being pumped, usually expressed in feet above or below a specific datum, such as land surface.

*PVC Well Casing*—a polyvinyl chloride plastic pipe conforming to current AWWA Standard A-100 and/or ASTM F-480 Standard for water well casing.

*Registered Permit Plat*—a land surveyor's plat showing section, township, range, and the distances from the section lines to the location of the well (oil, gas, injection, etc). The permit plat is submitted to the Office of Conservation with the oil or gas well permit application.

*Registered Well*—an inventoried well that has been assigned an identification number by the department and whose records are available.

*Relief Well*—any well drilled for the sole purpose of relieving the hydrostatic pressure inside a levee system during times of high water.

*Reworking Water Well*—rehabilitation or modification of a water well to increase its efficiency, restore its capacity, and/or improve its water quality. Methods of reworking water wells include removing and replacing the screen, regravelling packing the screen, placing a new screen within the old screen, placing a liner pipe within the old casing or redeveloping a well by surging, acidizing, jetting, etc.

*Rig-Supply Well*—a water well drilled at an oil or gas drilling site to supply water for drilling and/or other oil field related activities.

*Saline Water*—water with a dissolved solids content of 1,000 milligrams per liter (parts per million) or more.

*Sanitary Seal*—a suitable threaded, flanged, or welded water-tight cap or compression seal installed at the top of the well casing so as to prevent the entrance of contaminated water or other objectionable material into the well.

*Sanitary Sewer*—an underground conduit that conveys domestic, commercial or industrial sewage.

*Screen*—a structural tubular retainer, usually metal or PVC, used to support the hole in unconsolidated material with openings which are selected on the basis of adopted standards, and which allows sand free water to flow freely into the well in ample quantities and with a minimum loss of head. In agricultural wells, slotted pipe is sometimes used as a screen.

*Seepage*—the slow movement of water and/or other fluids through the soil into the subsurface.

*Septic Tank*—an underground water-tight tank which receives sewage.

*Specific Capacity*—the rate of discharge of water from a well divided by the drawdown of water level within the well for a specified period of continuous pumping of the well. It is usually expressed as "gallons per minute per foot of drawdown after (specified) hours of continuous pumping."

*Standby Well*—a well is considered to be a standby if it is used in emergencies or occasionally used to supply water.

*Static Water Level*—static water level is the nonpumping water level in a well that has not been in operation for a period of time and is usually expressed in feet above or below a specified datum, such as land surface.

*Stream*—a natural channel or water course which conveys surface and subsurface runoff.

*Storm Sewer*—an underground conduit used for covering surface water.

*Subsidence*—a local mass movement that involves principally the downward settling or sinking of the earth's surface with little or no horizontal motion. (B)

*Subsurface Absorption Fields*—an underground area containing a bedding of aggregate with distribution lines to permit disposal of septic tank effluent.

*Test Hole*—a temporary exploratory borehole drilled for the sole purpose of obtaining geologic, hydrologic and water quality data.

*Test Well*—see *Test Hole*.

*Underground Injection*—the subsurface emplacement of fluids by well injection. (F)

*Underground Water*—see *Ground Water*.

*Uniformity Coefficient*—the uniformity coefficient is the number expressing the ratio of the 40 percent size of the material to its 90 percent size. Size refers to the percentage by weight retained on a given sieve.

*Vent (Breather Pipe)*—a screened outlet at the upper end of the well casing to allow equalization of air pressure in the well and the escape of gases.

*Water Well Contractor*—see *Contractor*.

*Well Cap*—a removable, usually water-tight device used to cover an opening into the well casing and is threaded, bolted or otherwise attached to the casing to prevent easy entry by other than the owner and to prevent the entrance of any contaminant or other objectionable material into the well.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3098 -38:3098.8.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 1:969 (May 1975), amended LR 11:971 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

### **§117. Water Well Registration (Long Form)**

A. The Water Well Registration Long Form (DNR-GW-1) and detailed instructions for properly completing the form are available by contacting department staff at (225) 342-8244 or by accessing the department's website at [www.dnr.louisiana.gov/gwater](http://www.dnr.louisiana.gov/gwater). The long form consists of a set of three copies. The first copy (marked DNR copy) is to be mailed by the water well contractor within 30 calendar days after the well has been completed to:

Department of Natural Resources  
Office of Conservation  
P.O. Box 94275  
Baton Rouge, La 70804-9275

B. The second copy of the form is to be retained by the water-well contractor for his files, and the third copy is to be given to the well owner immediately upon completion of the work. The commissioner will consider and encourages the electronic submission of registration, data or reports required under this Section.

C. Although most of the information needed to complete the form is available to the water well contractor, the following explanation will provide clarification of intent for selected items and uniformity of reporting.

D. Owner Information. List the name of the legal owner of the property on which the well is located or the person or company holding a long-term lease on the property. If the owner or lessee is an individual, list first and last names and middle initial of individual. List area code and telephone number of owner in the spaces provided.

1. Address. The address should be that of the owner. If the well is owned by an industry, the local address of the firm is preferred in order that additional data on the well may be easily obtained by the state or a regional water district or commission.

2. Owner's Well Number. Many cities, institutions, industrial plants, and large farms have their own system of designating or identifying wells by number and/or name. This information is useful when locating the well and should be entered on the form.

E. Well Location. List the parish where the well is located, including the nearest town, city, etc., and give directions to the well site. The location of the well should be described in detail and as accurately as possible so that the well can be easily located by the department's staff or field inspector. Please include a detailed map or sketch on the back of the original form, showing location of well with reference to roads, railroads, buildings, etc. Use an (X) to indicate location of the well. Show location of nearest existing well(s), if any nearby, by marking (Os), and approximate distance between wells. Determine the well's

Global Positioning System (GPS) location and record the GPS longitude and latitude coordinates onto the form.

F. Well Information. Required data are available from water well contractor's and/or engineer's report.

G. Casing and Screen Information. Required data are available from water well contractor's and/or engineer's report. By type of screen indicate whether it is "bar lug" rib type, slotted pipe, etc. State whether casing is plastic or metal. Indicate the depth to which the annular space was cemented and state method of cementing.

H. Water Level and Yield Information. Most of the information entered on the form can usually be obtained from the water well contractor's or engineer's report. Except for "static water level," the terms need no explanation. Static water level is "the nonpumping water level in a well that has not been in operation for a period of time and is usually expressed in feet above or below a specified datum, such as land surface." The owner should be able to provide information on proposed use and pumping rate.

I. Use of Well. The principal purpose for which water from the well is used should be indicated where appropriate on the form. If water is used for more than one purpose, only the principal or primary use should be shown. If the planned use of water is unknown or does not fit one of the specified uses, this should be noted in the space marked "other." Following are explanations of the terms used on the well registration form to indicate the principal use of water from a well.

1. Irrigation/Agricultural. Refers to the use of water to irrigate cultivated plants, to water stock, for crawfish and catfish farming, and for similar agricultural activities. Most irrigation wells supply water for farm crops, but this category also includes wells that are used for watering parks, golf courses, and cemeteries. Occasionally a home owner in an urban area has a well used solely for watering a lawn. This well also should be in the agricultural and irrigation category.

2. Industrial. Includes plants that manufacture, process or fabricate a product. The water may or may not be incorporated into the product being manufactured. Industrial water may be used to cool machinery, to provide sanitary facilities for employees, to air-condition the plant, and water grounds at the plant. Water used for mining or to process ore such as gravel pits is included in the industrial category. Planning and water-use needs can be implemented by dividing this category into the following standard industrial categories that predominate in Louisiana. Indicate the principal category of industrial use on the form where appropriate. The categories are defined as follows:

a. Food and Kindred Products. This group includes establishments manufacturing foods and beverages for human consumption and certain related products, such as manufactured ice, vegetable oils, animal fats and oils, and prepared feeds for animals and fowl.

b. Textile Mill Products. This major group includes establishments engaged in performing any of the following operations:

- i. preparation of fiber and subsequent manufacturing of yarn, thread, braids, twine and cordage;
- ii. manufacturing broad woven fabric, narrow woven fabric, knit fabric, and carpets and rugs from yarn;
- iii. dyeing and finishing fiber, yarn, fabric, and knit apparel;
- iv. coating, waterproofing, or otherwise treating fabric;
- v. the integrated manufacture of knit apparel or other finished articles from yarn; and
- vi. the manufacture of felt goods, lace goods, bonded-fiber fabrics, and miscellaneous textiles.

c. Lumber and Wood Products (except furniture). This major group includes sawmills, lath mills, shingle mills, cooperage stock mills, planing mills, and plywood and veneer mills engaged in producing lumber and wood basic materials; and establishments engaged in manufacturing finished articles made entirely or mainly of wood or wood substitutes.

d. Paper and Allied Products. This major group includes the manufacture of pulp from wood and other cellulose fibers and rags; the manufacture of paper and paperboard; and the manufacture of paper and paperboard into converted products such as paper coated paper bags, paper boxes and envelopes.

e. Chemicals and Allied Products. This major group includes establishments manufacturing products by predominantly chemical processes. Establishments classified in this major group manufacture three general classes of products:

- i. basic chemicals such as acids, alkalies, salt, and organic chemicals;
- ii. chemical products to be used in further manufacture such as synthetic fibers, plastic materials, dry colors, and pigments;
- iii. finished chemical products to be used for ultimate consumption such as drugs, cosmetics and soaps; or to be used as materials or supplies in other industries such as paints, fertilizers, explosives. The mining of natural rock salt is classified in mining industries. Establishments primarily engaged in manufacturing nonferrous metals and high percentage ferroalloys are classified in the primary metals category and baking powder; other leavening compounds and starches in the food and kindred products category. Establishments primarily engaged in packaging, repackaging, and bottling of purchased chemical products are classified in traded industries of the standard industrial categories. Plastic materials and synthetic rubber are included in this category.

f. Petroleum Refining and Related Industries. This major group includes establishments engaged in petroleum refining, manufacturing paving and roofing materials, and compounding lubricating oils and greases from purchased materials. Establishments manufacturing and distributing gas to consumers are classified in public utilities industries, and those primarily engaged in producing coke and by-products in primary metals category.

g. Primary Metal Industries. This major group includes establishments engaged in the smelting and refining of ferrous and non ferrous metals; in the manufacture of castings, forgings, and other basic products of ferrous and nonferrous metals, and in the manufacture of nails, spikes, and insulated wire and cable. This major group also includes the production of coke.

h. Other. Please name the principal industrial output from the industry if not listed in the industrial categories on the form.

3. Public Supply. Refers to a well which provides water for drinking, cooking, or washing use by the public or transients, or by persons other than immediate family of the owner of the supply. A public supply water well may either be a community water well or a noncommunity water well, as follows.

a. Community Public Supply Water Well. A public supply well which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. A community public supply well may be owned by a municipality or community, a water district, a corporation, a private individual or by a local, state or federal governmental agency.

b. Noncommunity Public Supply Well. A public supply water well which serves either fewer than 15 service connections or fewer than 25 year-round residents or no year-round residents. Examples of the former case are small public water supplies for mobile home parks, subdivisions, etc., which fall below the 15 connections/25 persons criteria for community water supplies. The latter case includes public water supplies which serve no year-round residents, such as bars and lounges, motels, camps, office buildings, restaurants, rest stops, service stations, recreational facilities, schools, commercial establishments, etc.

c. Because public supply use includes many categories of use, requirements for planning and water-use surveys require a further break-down of this use; thus, public supply use is divided into the following categories: (A list is provided on the registration form (refer to §117) so that the user may select the appropriate category of public supply use.)

d. Municipal. This category includes all wells used to supply the drinking, sanitation, and other needs of an urban area, e.g., Lake Charles, Ruston, etc. The well is generally owned by a utility company, a municipality or private individual.

e. Rural. The wells are used for the drinking, sanitation, and other needs of a rural area. Such systems

generally are operated by a local water district or by private individuals.

f. Commercial

i. Wells that are used principally to supply a motel, hotel, restaurant, office complex, swimming pool, ice rink or other recreational facility; drive-in, trailer park or public summer camp.

ii. Where water is used commercially in the making of bottled drinks, the wells are in this category.

g. Therapeutic. Water that is used primarily for bathing and/or drinking and is purported to have therapeutic value is in this category. Water that is bottled and sold falls into this category, mainly because of its claimed therapeutic value.

h. Institutional/Government. Refers to wells used specifically in the maintenance and operation of an institution such as large schools, churches, universities, hospitals, rest homes, penal institutions, and other governmental installations.

i. Other. A well that is used for a purpose that does not fit into the above categories. Give details.

4. Power Generation. Refers to a well used to supply water for generation of any type or power.

5. Dewatering Well. This is a water well installed to de-water an aquifer or lower a water table in order to allow construction or mining activities.

6. Observation. Refers to a well used by the owner, by governmental agencies, or by an appropriate engineering or research organization to obtain information on the water resources of an area.

7. Test Hole. An exploratory borehole drilled to obtain geologic, hydrologic and water quality data.

8. Other. A well that is used for the purpose that does not fit into either the above categories or those listed on the short form (DNR-GW-1S).

J. Available Information. Please indicate where appropriate on the form whether the specified logs or data were collected; if so, attach copies to the registration form for transmittal to the department.

K. Abandonment Information. If the well is new, specify whether or not it replaces an existing well. The water well contractor is responsible for informing the owner of the well of state regulations requiring plugging of abandoned wells. This item is intended to serve as a reminder.

L. Remarks. This space can be used for presenting any other pertinent information, such as name of consulting engineer, screen openings, pump information, name of subcontractor, etc.

M. Driller's Log. Give a description of the materials encountered and depth. If space on front of the form is insufficient, continue driller's log on reverse side of original

form or attach a copy of the driller's log to the original form to be transmitted to the department.

1. After completing the form, list the name of the water well contracting company and the license number on the space provided. Sign and date the form and mail the original to the department at the address listed on the form within 30 calendar days after the well has been completed. The owner's copy shall be given to the owner immediately upon completion of the work. The contractor's copy shall be retained by the contractor for his files.

2. If there are any questions, please call or write:

Louisiana Department of Natural Resources  
Office of Conservation  
P.O. Box 94275  
Baton Rouge, LA 70804-9275  
Phone: (225) 342-8244

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### **§119. Water Well Registration (Short Form)**

A. The Water Well Registration Short Form (DNR-GW-1S) and detailed instructions for properly completing the form are available by contacting department staff at 225-342-8244 or by accessing the department's website at [www.dnr.louisiana.gov/gwater](http://www.dnr.louisiana.gov/gwater). The short form consists of a set of three copies. The first copy (marked DNR copy) is to be mailed by the water well contractor within 30 calendar days after the well has been completed to: Louisiana Department of Natural Resources, Office of Conservation, P.O. Box 94275, Baton Rouge, LA 70804-9275.

B. The second copy of the form shall be retained by the water well contractor for his files and the third copy shall be given to the well owner immediately upon completion of the work. The commissioner will consider and encourages the electronic submission of registration, data or reports required under this section.

C. Although most of the information needed to complete the form is available to the water well contractor, the following explanation will provide clarification of intent for selected items and uniformity of reporting:

1. Use of Well. The principal purpose for which the well is used should be indicated by checking the appropriate box on the form. If the well is used for more than one purpose, only the principal or primary use should be shown.

a. Domestic Well. A water well used exclusively to supply the household needs of the owner/lessee and his family. Uses may include drinking, cooking, washing, sanitary purposes, lawn and garden, watering and caring for pets.

b. **Rig Supply Well.** A water well drilled at an oil or gas drilling site to supply water for drilling and/or other field related activities.

c. **Monitoring Well.** A well used to obtain hydrologic and water quality data, usually installed at or near a known or potential source of ground water contamination.

d. **Heat Pump Supply.** A water well which supplies ground water to a heat pump heat exchanger.

e. **Heat Pump Hole.** A hole drilled to install piping (tubing) material for an earth-coupled water source heat pump system, also known as a vertical closed-loop system.

f. **Abandoned Pilot Hole.** A hole drilled with the intent to install casing and to produce water but had to be abandoned because of problems related to drilling operations or encountering unsatisfactory formations.

g. **Other.** A well used for a purpose that does not fit into either the above categories or those requiring a long form (DNR-GW-1).

2. **Owner Information.** List the name of the legal owner of the property on which the well is located or the person or company holding a long-term lease on the property. If the owner or lessee is an individual, list first and last names and middle initial of individual. List area code and telephone number of owner in the spaces provided.

3. **Owner's Address.** List full and correct address of the owner.

4. **Owner's Well Number.** List name or number the well owner has assigned to the well.

5. **Well Information.** List in appropriate spaces, completion date of well, depth of hole, depth of well, static water level, casing type, size and length, screen size, type and length, the depth to which the casing was cemented, and cementing method used.

6. **Well Location.** List the parish where the well is located, including the nearest town, city, etc., and give directions to the well site. The location of the well should be described in detail and as accurately as possible so that the well can be easily located by the department's staff or field inspector. Please include a detailed map or sketch on the back of the original form showing the location of the well with reference to roads, railroads, buildings, etc. Use an (X) to indicate location of the well. Show location of nearest existing well(s), if any nearby, by making (Os) and approximate distance between wells. Determine the well's Global Positioning System (GPS) location and record the GPS longitude and latitude coordinates onto the form. For rig-supply wells, attach a "registered" permit plat (see §105.I) and for monitoring wells, complete spaces provided for the section, township and range (see §105.J).

7. **Remarks.** This space can be used for presenting any other information, such as screen openings, pump information, problems encountered during drilling, name

and license number of water-well subcontractors, method and materials used to seal heat pump hole, etc.

8. **Driller's Log.** List in the space provided a description of the materials encountered and depth. If space on front of the form is insufficient, continue driller's log on reverse side of original form or attach a copy of the driller's log to the original form to be transmitted to the department.

9. **Heat Pump Holes.** List average depth of holes and number of holes drilled at the site. Indicate type of tubing material used by checking appropriate box. Method and materials used to seal holes shall be stated under item marked "remarks."

10. **Abandonment Information.** If the well is new, specify whether or not it replaces an existing well. The water well contractor is responsible for informing the owner of the well of state regulations requiring plugging of abandoned wells.

D. After completing the form, list the name of the water well contracting company and the license number on the spaces provided. Sign and date the form and mail the original to the department at the address listed on the form within 30 calendar days after the well has been completed. The owner's copy shall be given to the owner immediately upon completion of the work. The contractor's copy shall be retained by the contractor for his files.

E. If there are any questions or you need assistance, please call or write to:

Louisiana Department of Natural Resources  
Office of Conservation  
P.O. Box 94275  
Baton Rouge, LA 70804-9275  
Phone: (225) 342-8244

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3098-38:3098.8.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:974 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:908 (March 2011).

## Chapter 3. Water Well Construction

### §301. Preamble

A. As announced in the October 1985 issue of the *Louisiana Register*, the rules, regulations and standards for constructing water wells and holes were prepared by the Louisiana Department of Transportation and Development (DOTD), Office of Public Works, in accordance with R.S. 38:3091 through 38:3098.8. Effective January 1, 2010, in accordance with Act 437 of 2009, The Department of Natural Resources, Office of Conservation, hereafter referred to as *department*, is responsible for water well construction in Louisiana.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3091-R.S. 38:3098.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:952 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:909 (March 2011), LR 37:3527 (December 2011).

### **§303. Purpose**

A. The purpose of the rules, regulations, and standards stated herein is to minimize the chances of contaminating the state's ground water resources via improperly constructed water wells and holes and to minimize health and safety hazards associated with construction of wells and holes. The rules, regulations and standards shall apply to all water wells and holes, including but not limited to, public supply, domestic, irrigation/agriculture, industrial, power generation, rig-supply, observation, dewatering, monitor, and heat pump supply, as well as pilot holes, test holes, geotechnical boreholes and heat pump holes (closed loop system). For glossary of terms refer to §113.A of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3091-R.S. 38:309.8.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:952 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

### **§305. Approval of Plans and Specifications for Public Water Supply Systems**

A. R.S. 38:3094(A)(3), authorizes the department to:

"Establish regulations governing standards for the construction of all water wells drilled after the effective date of this Act..."

B. R.S. 40:4(A)(8), of Section 4 (Sanitary Code) states:

"In order to protect the public against disease from water supplied for drinking, culinary, and ablutionary purposes, the state health officer shall prepare and promulgate all rules and regulations necessary to insure that water supplied to the public by public water supplies is obtained from safe and sanitary sources and that such sources are properly protected; is treated, stored and conveyed in a safe and sanitary manner; and is safe and potable for human use..."

C. In accordance with these legislative directives, the rules, regulations and standards governing construction of public supply water wells were prepared by the DOTD in close cooperation with the Louisiana Department of Health and Hospitals, Office of Public Health (LDHH-OPH), and they are intended to eliminate duplication of efforts and requirements by the two agencies, thereby minimizing cost and optimizing operating efficiencies.

D. Part XII of the State Sanitary Code (LAC 51:XII) requires that no public water supply shall be constructed, operated or modified without review and approval of the state health officer. Detailed plans and specifications shall be submitted to the appropriate Department of Health and Hospitals regional office by the person having responsible charge for a municipally owned water supply or by the owner of a privately owned public water supply for review

and approval before construction, modification, or operation of such system has commenced.

E. The water well contractor shall construct the well in accordance with the applicable provisions of this Chapter and shall submit a Water Well Registration Long Form (DNR-GW-1) to the department within 30 calendar days after completing the well, as required by Subsection B of the rules, regulations and procedures for registering water wells and holes.

F. All questions relating to the quality of water, as it pertains to its effect on human health, shall be referred by the owner, engineer or water well contractor to the following:

Department of Health and Hospitals  
Office of Public Health  
P. O. Box 4489  
Baton Rouge, LA 70821-4489  
Phone: (225) 342-7499

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3091-R.S. 38:309.8.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:952 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended Department of Natural Resources, Office of Conservation, LR 37:909 (March 2011), LR 37:3527 (December 2011).

### **§307. Licensing Requirements**

A. The following wells and holes shall be drilled or constructed by a licensed contractor (driller) who is duly licensed by the department in accordance with the rules and regulations stated in LAC 46:LXXXIX:

1. all water wells, regardless of use or type;
2. monitoring wells;
3. heat pump wells and holes;
4. geotechnical boreholes;
5. test holes and pilot holes.

B. Additionally, reworking of water wells, as well as plugging and abandoning wells and holes, excluding oil and gas wells, shall also be undertaken by a licensed contractor.

C. Drillers operating in the state of Louisiana should, as a best management practice, carry minimum coverage for liability insurance for drilling operations engaged by their company.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3091-R.S. 38:309.8.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:953 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:3528 (December 2011).

**§309. Registration Requirements**

A. Every water well or hole drilled in the state of Louisiana shall be registered with the department in accordance with the requirements of LAC 56:I.Chapter 1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3091-R.S. 38:309.8.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:953 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

**§311. Variance Requests**

A. Requests to vary from the rules, regulations and standards for constructing water wells and holes shall be addressed to the department as follows:

Louisiana Department of Natural Resources  
Office of Conservation  
P.O. Box 94275  
Baton Rouge, LA 70804-9275  
Phone: (225) 342-8244

B. The request must demonstrate that compliance is impractical and must outline a satisfactory alternative. The department may prescribe, in writing, alternate requirements that are equivalent to the regulations and standards stated herein relating to the protection of aquifer and prevention of ground water contamination.

C. Requests to vary from the provisions of the State Sanitary Code (LAC 51) relating to the sanitary features of the public supply water systems, and for questions related to the quality of water as it pertains to human health, shall be addressed to the following:

Department of Health and Hospitals  
Office of Public Health  
P. O. Box 4489  
Baton Rouge, LA 70821-4489  
Phone: (225) 342-7499

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3091-R.S. 38:309.8.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:953 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:910 (March 2011).

**§313. Minimum Distance Requirements for Locating a Water Well**

A. Provided that all other applicable rules and regulations are complied with, the minimum distance requirements for locating a water well shall be in accordance with the following Sections.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3091-R.S. 38:309.8.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:953 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:3528 (December 2011).

**§315. Location in Relation to Possible Sources of Contamination**

A. The horizontal distance between any water well and any possible sources of contamination shall be as great as possible but in no case less than the following minimum distances.

Possible Sources of Contamination	Minimum Distance (in feet)
Septic Tanks	50
Storm or Sanitary Sewer	50 <sup>1</sup>
Cesspools, outdoor privies, oxidation ponds, subsurface absorption fields, pits, etc.	100 <sup>2</sup>
Sanitary landfills, feed lots, manure piles, solid-waste dumps and similar installations	100
Another water well	25 <sup>3</sup>
Drainage canal, ditch, stream, pond or lake	50 <sup>4</sup>

<sup>1</sup>This distance may be reduced to 30 feet if the sewer is of cast iron with leaded joints or schedule 40 plastic pipe with water-tight joints.  
<sup>2</sup>For domestic water wells, this distance may be reduced to 50 feet.  
<sup>3</sup>This minimum distance requirement does not take into consideration the effects of interference from pumping nearby wells in the same aquifer.  
<sup>4</sup>Horizontally measured from the water edge to the well at the highest water level which may have occurred in a 10 year period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3091-R.S. 38:309.8.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:953 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:3528 (December 2011).

**§317. Location in Relation to Levees**

A. Wells or holes as defined in Part I, except relief wells, shall not be drilled within 250 feet of the levees [R.S. 38:225(6)]. The department interprets this statute to mean that the well or wells shall be at least 250 feet from the land side toe of the levee. For this agency to consider any exception to the above, written approval from the appropriate local authorities such as levee boards or the Corps of Engineers is necessary and should be submitted with the variance request.

B. When wells are to be drilled within 1,500 feet of any state or federal flood control levee or structure, the owner or driller must first obtain permission from the appropriate levee board. The Corps of Engineers requires that drilling commence and casing be set and cemented in place to a specified depth while the stage of the Mississippi River is below 11.0 feet National Geodetic Vertical Datum (NGVD) on the Carrollton Gage, New Orleans, Louisiana, unless a waiver to this restriction is granted. Requests to vary from their requirements must be sent to the appropriate levee board and the Corps of Engineers. For specific information concerning river stages and drilling wells near levees, the owner, engineer or water well contractor should contact the following:

U.S. Army, Corps of Engineers  
New Orleans District  
Box 60267  
New Orleans, LA 70160

Phone: (504) 862-2204

U.S. Army, Corps of Engineers  
Vicksburg District  
Box 60  
Vicksburg, MS 39180-0060  
Phone: (601) 634-5000

C. Requirements for relief wells located within 250 feet from the land side toe of the levee include:

1. Written approval from the Corps of Engineers and the local levee authority, if applicable, and;

2. Minimum construction standards for grouting down to at least 10 feet from the ground surface and a one-way check valve.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3091-R.S. 38:309.8.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:953 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:3528 (December 2011).

### **§319. Location in Relation to Flood Water**

A. Locations subject to flooding should be avoided, if possible. If a reasonable alternate site does not exist, the well may be constructed in flood-prone areas provided the top of the casing is at least 2 feet above the highest flood level which may have occurred in a 10-year period but in no case less than 2 feet above the ground surface, except when located in coastal areas along the Gulf of Mexico prone to direct impact of storm surge events. Wells with a casing size of 4 inches or less located in coastal areas prone to direct impact of storm surge events shall be constructed with:

1. well casing material strength of S/40 PVC or greater and a maximum casing height of 24 inches above ground surface;

2. protective casing material strength of S/80 PVC or greater with a diameter size providing a minimum 3 inch space between the well casing outer diameter and the outer diameter of the protective casing;

3. protective casing height of 20 to 22 inches above ground surface and a minimum depth below ground surface to 38 inches or greater;

4. spacing between the protective casing and the well casing filled with Portland cement; and

5. grouting down to a depth of at least 50 feet below ground surface.

B. Well piping shall be constructed with a check valve or other appropriate apparatus to prevent introduction of surface water into the casing in the event of damage to the external piping or pressure tanks.

C. All rig-supply water wells must be properly capped between the time the well is completed and the time the well is put into water production at the site. The cap shall be watertight and securely attached to prevent easy entry by

other than the owner and to prevent the introduction of flood waters or contaminants into the well.

D. Flood information may be obtained from the U.S. Geological Survey or the administering agency of the Federal Insurance Program (i.e., municipality, police jury, regional planning authorities or the Department of Urban and Community Affairs).

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3091-R.S. 38:3098.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:953 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:910 (March 2011), LR 37:3528 (December 2011).

### **§321. Location in Relation to Buildings and Other Structures**

A. A well shall be located far enough from a building to allow reworking or rehabilitation with a drilling rig. A well shall not be located below ground surface, such as in pits and basements, and shall not be located within the foundation of a building, except a building constructed solely to house pumping and water system equipment.

B. For drilling rig supply wells, if the well is located on the constructed work pad for drilling operations or within the ring levee system, it must be surrounded with four protective corner posts. If the well is located outside the ring levee system and will be transferred for some other future use or will not be plugged and abandoned within six months of completion of associated oil and gas well drilling activity, it must be surrounded by four protective corner posts. The corner posts shall be constructed of four inch diameter metal pipe not less than schedule 40 and shall be concreted below the ground surface not less than four feet and shall extend above the ground surface not less than three feet.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3091-R.S. 38:3098.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:954 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended LR 37:3526 (December 2011).

### **§323. Drilling and Construction**

A. Geologic conditions in Louisiana permit the use of two methods of drilling: the rotary method and reverse circulation method. Regardless of the method used, every precaution should be taken to prevent ground water contamination during drilling operations.

B. Water used in drilling operations shall be potable or chlorinated to prevent contamination of water-bearing formations.

C. When drilling a hole the contractor shall:

1. prior to the commencement of any construction on a new water well, the drilling contractor shall confirm that the office of conservation has received and responded to water well installation notification as required in LAC 43:VI.701.B;

2. record the hole diameter and any changes in size of hole;

3. record (driller's log) the depth and thickness of the formations penetrated;

4. record any unusual occurrences, such as loss of circulation, cave-ins, etc. (In the event the unusual occurrence is observable evidence of naturally occurring methane gas, natural gas or similar sub-surface gas, such as bubbling drilling mud or gas venting at the well bore or other nearby surface location or feature, the contractor shall report such event verbally to the Environmental Division of the Office of Conservation within 24 hours.); and

5. collect representative samples (drill cuttings) from each potential aquifer.

D. The contractor shall properly maintain all materials, tools, and drilling equipment and shall take all measures necessary to minimize health and safety hazards and to prevent movement of surface water and contaminants into the drilled hole or well.

E. An approved portable toilet shall be located at the drilling site if other restroom facilities are not available.

F. The mud pit shall be so constructed and maintained as to minimize the contamination of the drilling mud.

G. During a temporary shutdown for more than 24 hours, safeguards shall be taken to prevent possible contamination and damage. The well or hole shall be covered or capped to prevent entry by other than the contractor; it shall be clearly marked, and shall not be a safety hazard.

H. Alignment and Plumbness. The hole shall be drilled reasonably straight and plumb in order to:

- a. avoid encroachment on neighboring property;
- b. prevent intersection with other wells and holes;
- c. prevent damage to screen while being set;
- d. prevent damage to pumping equipment; and
- e. allow for lowering the pump to the desired depth.

I. The contractor shall exercise reasonably straight and plumb. Testing for plumbness and alignment are described in Section 8 and Appendix C of the current *American Water Works Association Standards for Water Wells* (AWWA A-100), as well as in Article 51 of the United States Environmental Protection Agency's *Manual of Water Well Construction Practices*.

#### J. Drilling of Test Holes and Pilot Holes

1. A test hole is usually drilled to the base of the fresh water or to the bottom of the sand to be tested. Test holes are drilled primarily to:

a. determine the exact depth and thickness of the fresh-water bearing sands (aquifers);

b. collect drill cuttings for determining screen slot openings and the best location for the screen; and

c. collect quality and quantity of water data that can be used to design the well and select a pump and motor.

2. During the drilling operation, the contractor shall take the necessary precautions to prevent the contamination of any aquifer and the exchange of waters between aquifers.

3. When the drilling of a pilot hole or a test hole is temporarily suspended and the rig moves away from the drilling site, the hole shall be considered an abandoned hole unless drilling operations are resumed within 30 calendar days of the initial date of suspension of drilling or an extension, in writing, is granted by the department. During the "shut down" period, a mud column of sufficient weight and height shall be maintained in the hole at all times to prevent seepage of surface water and foreign materials into any aquifer and to prevent interaquifer movement of water. Additionally, the hole shall be capped and the immediate area shall be conspicuously marked to protect and warn the public. The cap shall be sufficiently strong and anchored to prevent easy and unintentional entry.

4. If the drilled test hole is deeper than the interval to be tested, the contractor shall use cement-bentonite slurry to set a plug extending from the bottom of the hole upward to a depth within 20 feet of the bottom of the proposed screen setting or to the top of clay or shale layer underlying the sand to be tested. A sufficient period of time shall be allotted for the cement to set before development begins. If sands were not penetrated below the bottom of the sand to be screened, heavy drilling mud or bentonite slurry may be used in lieu of cement-bentonite slurry to plug the bottom of the hole.

5. If another aquifer at a shallower depth is to be tested, the contractor shall use cement-bentonite slurry to set a plug extending upward from the top of the plug, previously placed in the bottom of the hole, to within 20 feet of the depth where the bottom of the test screen is to be set in the shallower aquifer, or to the top of the clay or shale layer underlying the shallower sand to be tested.

6. Abandoned pilot holes and test holes shall be plugged in accordance with requirements of §531, respectively.

#### K. Drilling of Heat Pump Holes (Closed Loop-System)

1. Heat pump holes shall be constructed in accordance with the pertinent provisions of this Chapter in order to protect freshwater aquifers from surface contamination and to prevent movement of water of objectionable quality from one aquifer to another.

2. Piping, casing or tubing materials shall conform to the applicable ASTM standards for polyvinyl chloride (PVC), polyethylene (PE), or polybutylene (PB) plastics and shall be installed and joined according to manufacturer's recommendations.

3. If used, antifreeze compounds shall be nontoxic and approved for use by the U.S. Environmental Protection Agency.

4. The entire depth of the closed loop heat pump holes shall be sealed in accordance with requirements of §531 within 30 calendar days after completion of drilling operations.

5. Service manifold should be protected from external forces as recommended by the manufacturer, designer and/or local building codes.

#### L. Drilling of Monitoring Wells

1. Monitoring wells shall be constructed in accordance with the pertinent provisions of this Chapter in order to protect freshwater aquifers from surface contamination and to prevent movement of water of objectionable quality from one aquifer to another.

2. To prevent the introduction of extraneous compounds into the formation water, the use of drilling mud in the monitoring wells is discouraged.

3. Monitoring wells shall be cased and the casing shall be strong enough to resist the forces imposed during and after installation, including reaction upon the casing by natural or foreign constituents or contamination.

4. The entire annular space of the monitoring wells shall be sealed with cement-bentonite slurry, unless specified otherwise by the Department of Environmental Quality (DEQ). Prior to cementing, flushing of the annular space with water will be necessary when obstructions are present or suspected. Coarse ground bentonite or bentonite pellets shall be placed between and the sand pack and the cement-bentonite slurry. The ground surface around the well shall be covered with a concrete slab at least 4 inches thick, extending at least 2 1/2 feet from the well in all directions. The surface of the slab shall be sloped to drain away from the well.

5. Monitoring wells shall be covered with a protective cover or cap.

6. Abandoned monitoring wells shall be plugged in accordance with requirements of §531.

Note: Construction of Monitoring Wells for facilities regulated by the department of Environmental Quality (DEQ) require approval from DEQ prior to construction.

#### M. Drilling of Geotechnical Boreholes

1. Boreholes shall be drilled in accordance with pertinent provisions of this Chapter in order to protect the fresh-water aquifers from surface contamination and to prevent movement of water of objectionable quality from one aquifer to another.

2. Geotechnical boreholes shall be plugged in accordance with requirements of §531 within 30 calendar days after the termination of drilling and sampling operations.

NOTE: Drilling of geotechnical boreholes for facilities regulated by the Department of Environmental Quality (DEQ) require special consideration by that department.

#### N. Reworking of Water Wells

1. Rehabilitation or modification of water wells shall be accomplished in accordance with the provisions of this Chapter of the rules, regulations and standards for water well drilling in order to protect the fresh-water aquifers from contamination.

O. The following operations shall be considered as reworking water wells and shall require a water well contractor's license.

1. removing and replacing screen;
2. replacing gravel pack around screen;
3. placing a new screen within the old screen;
4. placing a liner pipe within the old casing;
5. redeveloping a well by surging, adicizing, jetting, etc.

P. When a well is reworked or the sanitary seal is removed, the drop pipe, jet line or column pipe, pump/motor, etc., shall be cleaned and the well shall be disinfected in accordance with Chapter XII of the State Sanitary Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3091-38:309.8.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:954 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:910 (March 2011), amended by the Department of Natural Resources, Office of Conservation, LR 37:910 (March 2011), LR 37:3528 (December 2011), LR 38:2932 (November 2012).

#### §325. Casing

A. An appropriate casing shall be installed in every water well to prevent the wall of the hole from collapsing, to house the pump, and to convey the water to the surface.

B. General Criteria. The selection of casing is dependent upon a number of factors that shall be considered when designing and installing a well. Following are some of the factors.

1. The casing shall be strong enough to resist the forces imposed during installation and other forces that can be expected after installation.

2. The casing shall be of adequate diameter to accommodate the pump and convey the required quantity of water.

3. Joints of metal casing shall have threaded couplings or be welded to ensure water tightness for the entire length of the casing.

4. The casing shall be reasonably plumb and straight. The plumbness and alignment of the casing shall be checked in accordance with accepted practices.

5. The casing shall be installed so as to seal off water-bearing formations that contain undesirable water and to prevent water from the surface and other aquifers from entering the well.

C. Materials. The casing materials commonly used in Louisiana are metal and plastic. Concrete, clay tile, wood, fiberglass, and other synthetic casings have been used in the past in some areas for specific applications.

D. Metal Casing. Steel is the material most frequently used for well casing in drilled wells. The three principal classifications of steel used for water well casing are as follows.

1. Standard and Line Pipe. This material shall meet one of the following standard specifications, including the latest revision thereof:

- a. API Spec. 5A, "Specifications for Casing, Tubing and Drill Pipe;"
- b. API Spec. 5L, "Specifications for Line Pipe;"
- c. API Spec. 5LX, "Specifications for High-Test Line Pipe;"
- d. ASTM A53, "Specifications for Pipe, Steel, Black and Hot Dipped, Zinc-Coated, Welded and Seamless Steel Pipe;"
- e. ASTM A120 "Standard Specifications for Pipe, Steel, Black and Hot Dipped Zinc-Coated (Galvanized) Welded and Seamless Steel Pipe for Ordinary Uses;"
- f. ASTM A134, "Standard Specifications for Pipe Steel, Fusion (Arc)—Welded Steel Pipe (Sizes NPS 16 and over);"
- g. ASTM A135, "Standard Specifications for Electric-Resistant Steel Pipe;"
- h. ASTM A139, "Standard Specifications for Electric-Fusion (Arc)—Welded Steel Pipe (Sizes 4 inches and over);"
- i. ASTM A211, "Standard Specifications for Spiral-Welded Steel or Iron Pipe;"
- j. AWWA C201, "AWWA Standard for Fabricated Electrically Welded Steel Pipe;"
- k. AWWA C202, "Tentative Standard for Mill Type Steel Water Pipe;"
- l. Underwriters Laboratories Standard 888.

2. Structural Steel. This material shall meet one of the following specifications of the American Society for Testing and Material, including latest revision thereof:

- a. ASTM A36, "Standard Specification for Structural Steel;"
- b. ASTM A242, "Standard Specification for High-Strength Low-Alloy Structural Steel;"
- c. ASTM 570-79, "Standard Specifications for Hot-Rolled Carbon Steel Sheet and Strip, Structural Quality;"

d. ASTM A283, "Standard Specifications for Low and Intermediate Tensile Strength Carbon Steel Plates, Shapes and Bars;"

e. ASTM A441, "Standard Specification for High-Strength Low-Alloy Structural Manganese Vanadium Steel."

(Abbreviations used are:

API—American Petroleum Institute;

ASTM—American Society for Testing and Materials;

AWWA—American Water Works Association.)

3. High Strength Carbon Steel. At present, there is no standard specification concerning this material; however, products are marked whose chemical and physical properties are similar. The material shall contain mill markings which will identify the manufacturer and specify that the material is well casing steel that complies with the chemical and physical properties as published by the manufacturer.

E. Plastic Casing. Thermoplastic well casing pipe may be used for well construction if it complies with the requirements and restrictions of this Section.

F. Pipe and Material Specifications

1. The thermoplastic well casing pipe and couplings shall be new polyvinyl chloride (PVC) material produced in accordance with the current AWWA Standard A-100 and ASTM F-480 standard, except that the impact standards of the current ASTM D-2241 may be substituted.

2. PVC material shall be designated as PVC 1120 or PVC 1220 and shall include an ultra-violet degradation inhibitor in its formulation.

3. Solvent cement shall conform to the current ASTM D-2564 standard.

4. Pipe may be joined by threaded joints, integral bell pipe or one piece couplings. Solvent-weld tapered bell and spigot joints shall meet current ASTM specification D-2672.

G. Casing Wall Thickness and Diameters

1. The pipe shall have a standard dimension ratio (SDR) of 26, 21, or 17, and shall be equivalent to at least Schedule 40 or 80, depending upon use, construction techniques, depths and strength requirements.

2. Casing collapse pressures recommended by the manufacturer shall not be exceeded in any phase of well construction. Due consideration shall be given to extreme conditions that may result from the use of high density cement grouts, high pressure cement grouting and high temperature from the heat of hydration in cement grouts.

3. Where threaded joints are used, wall thickness shall not be less than the equivalent of Schedule 80.

H. Marking and Approval

1. The well casing pipe and couplings shall be marked in accordance with the current ASTM F-480 standard.

2. Where applicable, the well casing pipe, couplings, cement, primer and other compounds shall be evaluated and

listed as conforming with both ANSI/NSF Standard 14 and ANSI/NSF Standard 61.

3. The pipe shall be marked with the nominal size standard dimension ratio or schedule, type of material, either the designation "PVC 1120" or "PVC 1220", the wording "well casing", designation "ASTM F-480", manufacturers name or trademark, and the NSF-WC designation.

#### I. Storage

1. The pipe and couplings shall be stored in a manner to minimize exposure to ultraviolet radiation.

2. The pipe shall be stored in a manner to prevent deformation, sagging or bending.

#### J. Assembly and Installation

1. Joining techniques, including procedures for cutting, joint cleaning and priming, application of solvent cement, assembly and hardening time for solvent cement joints, shall be in accordance with the manufacturer's recommendations, and/or ASTM Standard D2855.

2. The well casing shall not be subjected to excessive forces and it may not be driven, pushed or forced into the formation.

3. PVC casing may be used to any depth, provided that allowable head differential (AHD) and hydraulic collapse pressure resistance (HCPR) are not exceeded. The well casing diameter and SDR or schedule shall be selected based on Appendix "L" of AWWA Standard A-100 and/or the manufacturer's recommendations for collapse pressure under extreme conditions.

4. PVC casing shall not be allowed to support the weight of the pump/motor (excluding submersible and single-pipe jet pump) and its related piping. The pump/motor, etc. shall be supported on a concrete base provided therefor.

5. Exposed PVC casings shall be protected from ultraviolet degradation by appropriate coatings as recommended by the manufacturer.

K. Height of Casing. Well casing shall project at least one foot above ground level, pump-house floor, or the top of concrete slab. For wells in areas subject to flooding, refer to §319.A. The ground surface or concrete slab around the well shall be sloped to drain away from the well in all directions.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3091-R.S. 38:309.8.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:955 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:3529 (December 2011).

### §327. Screen

A. Every water well shall be provided with an appropriate screen. It shall be the responsibility of the driller to determine the type of screen required, screen material, slot

openings, entrance velocity, screen length and setting, and whether or not the well is to be gravel packed.

B. Type of Screen. The type of screen used is governed by cost, the contractor's experience with handling a specific type of screen, water quality, length of screen required, proposed well yield, and the required structural strength of the screen. The screen selected shall be strong enough to withstand external pressures and vertical load due to the weight of drill stem used to set the screen and the casing above the screen, if set in one continuous string.

C. Screen Material. The type of screen material is generally dependent upon cost and the quality of water to be pumped. If the water contains a relatively high concentration of carbon dioxide, dissolved solids or hydrogen sulfide, corrosion-resistant materials should be used in the construction of the screen. If a corrosive environment is present, the screen should be made entirely of the same material, and the lap or extension pipe (for not less than 5 feet) above the screen and blank pipe, if used, should be made of the same material as the screen. The likelihood of corrosion and encrustation can also be decreased by maintaining the entrance velocity within acceptable limits, 0.1 foot per second or less.

D. Among metal alloys available with varying degrees of corrosion resistance are the stainless steels which combine nickel and chromium with steel and the various copper-based alloys. Manufacturers can be expected to provide advice on the type of metal or metal alloys that should be used if supplied with the results of a water analysis. Nonmetal screens made of polyvinyl chloride (PVC) have been used as an alternative when corrosive conditions exist.

E. In contrast to "corrosive waters", encrusting waters are usually alkaline, have excessive carbonate hardness and contain iron and/or manganese. Encrustation, which reduces the open area of the screen and the specific capacity of the well, is the deposition of undesirable material about the screen openings. Efficient well development, which will decrease excessive head losses or pressure differentials across the face of the screen, will minimize the precipitation of encrusting minerals.

F. Screen Slot Openings. The selection of the screen openings, which shall be based on the results of mechanical analysis of the formation samples collected during drilling, is dependent upon the percentage of material that will be allowed to pass through the openings in the development process. Generally, the percentage of material that will be permitted to pass through the screen openings is related to the intended use of the water. Although proper screen selection and well development should eliminate the pumping of sand during normal operations, cyclic pumping and increased pumping rates sometimes cause a well to yield some sand. Sand pumping by wells used to supply public and domestic water systems cannot be tolerated, whereas some sand in water used for irrigation is generally acceptable. Other factors involved in the selection of the slot openings are the uniformity of the material, the uniformity

coefficient, the type of overlying sediments and the desired entrance velocity.

G. Properly designed slot openings should allow the water to flow freely from the formation into the pump area while preventing clogging and sanding.

H. Entrance Velocity. To minimize the potential for encrustation, corrosion and "sanding", the entrance velocity should not exceed 0.1 foot per second. The entrance velocity is calculated by dividing the yield expressed in cubic feet per second (gallons per minute divided by 448.8 equals cubic feet per second) by the total area of the screen openings in square feet. The total area of the screen openings is the area of the openings provided per foot of screen multiplied by the length of screen in feet. Most manufacturers provide tables listing the open area for screen diameter and slot openings.

I. Screen Length. The length of the screen is influenced by cost, aquifer thickness, desired well yield and the estimated pumping level. The screen length should represent a compromise between cost and well efficiency. Well yield is more effectively increased by increasing the length of the screen than by proportionally increasing the diameter.

J. Screen Setting. Installation of the screen should be based upon an evaluation of all data collected during drilling and a detailed interpretation of the driller's and geophysical logs, if available. Care should be exercised to avoid damaging any part of the screen and to ensure that the setting is correct.

#### K. Gravel Pack

1. If the interval to be screened consists of a fine uniform sand or consists of thin alternating layers of fine, medium and coarse sand, it may be desirable to gravel pack the screen. The objectives of gravel packing are to increase the permeability of the material in the zone immediately surrounding the screen, to minimize the chances of sand pumping, to reduce the entrance velocity at the face of the screen, to reduce the chances of error where a screen is set opposite alternating beds of sand of different grain size and clay, and to allow the installation of a small diameter screen in relatively thick aquifers.

2. If required, a properly graded gravel pack shall be selected based upon an evaluation of the sieve analysis for the sands in the formation. The uniformity coefficient (see §113 of this Chapter for glossary of terms) of the selected gravel pack material should be 2.5 or less. The gravel envelope, usually 3 to 8 inches thick, should consist of clean, well-rounded siliceous material that will permit the selection of screen openings that will retain 90 percent or more of the gravel pack material by size. Limestone and shale shall not be used as a gravel pack.

L. Formation Stabilization. If the hole drilled to accommodate the screen is much larger (4 inches or more) than the diameter of the well screen, it is sometimes necessary to stabilize the extension pipe with a material such as sand or gravel to prevent caving or slumping of silt, sand, and clay from above the aquifer. Formation stabilization should not be confused with gravel packing. In contrast to

gravel packing, the material used as the formation stabilizer is not specially graded. In addition, commercially available equipment, such as shale packers or metal-petal baskets, are commonly used to prevent sloughing or caving into the producing formation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3091-R.S. 38:3098.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:956 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:910 (March 2011), amended by the Department of Natural Resources, Office of Conservation, LR 37:910 (March 2011), LR 37:3529 (December 2011).

### §329. Methods and Standards for Cementing the Annular Space

A.1. The methods and materials employed to cement the annular space between the well casing and the borehole generally depend upon:

- a. local geohydrologic conditions; and
- b. type of well construction.

2. The primary reasons for sealing, cementing or grouting the annular space are as follows:

- a. to protect the aquifer from surface contamination;
- b. to increase the life of the well by protecting the casing against exterior corrosion; and
- c. to prevent movement of water of objectionable quality from one aquifer to another.

B. Methods for Cementing the Annular Space. The following regulations shall apply to all water wells, regardless of use or type.

1. Annular space shall be sealed with cement-bentonite slurry, which is a mixture of cement, bentonite and water, consisting of not more than 8 percent bentonite by dry weight of the cement, and a maximum of 10 gallons of water per sack (94 pounds) of cement. Additives, in the approved and proper ratio, may be added to the slurry if required. If the slurry is to be prepared in the field, it is recommended that the bentonite be added after cement and water are thoroughly mixed. Sodium bentonite with a minimum porosity of  $10^{-8}$  may also be used.

2. Neat cement, which is a mixture of cement and water consisting of not more than 5 gallons of water per sack (94 pounds) of cement, may be used in lieu of cement-bentonite slurry.

3. Cement-bentonite slurry shall be placed in the annular space in a continuous operation from bottom of the space to be cemented, up to the ground surface. Slurry shall be placed by the circulation or pump-down method unless specified otherwise. The pump-down method may include the "Halliburton" method, inner string cementing, or positive placement-exterior method. The selected method should

ensure uniform coverage of slurry throughout the annular space.

4. A suitable cement retainer, packer, shale trap, boot or plug shall be secured to the casing at the appropriate depth to prevent leakage or migration of the slurry into the bottom of the well.

5. The cement-bentonite slurry shall fill a minimum annular space of 1 1/2 inches for 4-inch and smaller wells, and a minimum of 2 inches for 6-inch and larger wells. For cementing methods using a "tremie" or "grouting pipe" placed in the annular space, sufficient space should be provided to accommodate the tremie pipe.

6. If a conductor pipe is used, it shall be cemented in place and the annular space between the well casing and the conductor pipe shall be made watertight by grouting with cement-bentonite slurry from bottom of the conductor pipe to the ground surface.

7. If one or more sands between the ground surface and the production sand contain saline water and/or water of objectionable quality, the annular space between the well casing and the hole shall be sealed with cement-bentonite slurry, at a minimum, to a depth of not less than 20 feet below the deepest sand containing the water of objectionable quality unless full depth cementing is required by §329.C.

#### C. Standards for Cementing the Annular Space

1. Community public supply wells shall be cemented to their full depth from the top of the producing aquifer to the ground surface.

2. Noncommunity public supply wells shall be cemented from a minimum depth of 50 feet to the ground surface.

3. Industrial and power generation wells shall be cemented to their full depth from the top of the producing aquifer to the ground surface.

4. Observation wells shall be cemented from a minimum depth of 50 feet to the ground surface.

5. Irrigation/agricultural wells shall be cemented from a minimum depth of 10 feet to the ground surface, using the pump-down or the gravity method with or without the tremie pipe.

6. Rig-supply wells shall be cemented from a minimum depth of 50 feet to the ground surface.

7. Monitoring wells shall be cemented along the entire length of the casing unless specified otherwise by the Department of Environmental Quality.

8. Dewatering wells, other than drive-point type, shall be cemented from a minimum depth of 50 feet to the ground surface.

9. Domestic wells shall be cemented from a minimum depth of 10 feet to the ground surface using the pump-down or the gravity method with or without the tremie pipe. A suitable cement retainer, such as a shale trap or boot, as required by §329.B.4, shall be attached to the casing at the

10-foot minimum depth. The use of empty cement sacks in lieu of shale trap or boot shall not be allowed. A long metal rod shall be used to rod the cement slurry to ensure uniform coverage around the casing.

10. Heat pump supply wells for private homes shall be cemented in accordance with requirements for domestic wells; for apartment buildings and other commercial establishments, in accordance with requirements for noncommunity public supply wells, and for industrial plants, in accordance with requirements for industrial wells.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3091-R.S. 38:309.8.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:957 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:3529 (December 2011).

### §331. Well Development and Disinfection

A. Purpose and Methods of Development. The principal purposes of well development are as follows:

1. to remove silt, sand, drilling mud, and other materials that may retard the flow of water toward and into the well;

2. to correct any damages to, or clogging of, the water bearing formation that may have occurred during drilling; and

3. to stabilize the material around the screen so that the well will yield clear "sand free" water.

B. The following methods used in developing, redeveloping or conditioning a well are acceptable:

1. surging with a plunger or piston while jetting using air lift;

2. jetting with water, also known as crosswashing;

3. backwashing or surging by alternately starting and stopping the pump;

4. using chemicals designed for developing or redeveloping a well;

5. over-pumping.

C. The use of explosives is prohibited. Water used for well development shall be potable or chlorinated to prevent contamination of water-bearing formations.

#### D. Criteria for Development

1. A well should be developed at a yield of 1.5 times the proposed pumping rate and, if possible, it should continue until the observed specific capacity is the same, or nearly the same, as the theoretical specific capacity. Adequately developed wells should be "sand free" and should have fewer encrustation problems if the operating pumping rate is about two-thirds the developed rate, the entrance velocity is 0.1 foot per second or less, and the head differential across the face of the screen is at a minimum.

2. The acceptable amount of sand per unit volume should be between recommended ratios of 1 ounce of sand per 8,000 gallons of water (about 1 milligram per liter) and one ounce per 100 gallons of water (80 milligrams per liter), depending on the use of water. Because of the possibility of damage by sand to plumbing fixtures and industrial equipment and products, the tolerance for sand in water used for public supply, domestic and most industrial purposes is low and should not exceed 5 milligrams per liter. Many wells that are used for public water supply systems have an acceptable ratio of "no sand." The well owner should specify the acceptable limits of the "sand free" water with equal consideration given to the use of the water, the desired production rate, costs, and well development.

E. Development of Gravel-Packed Wells. The successful development of a gravel-packed well is dependent upon the grading of the gravel, the method of development, and thickness of the skin of the relatively impervious drilling mud filter cake which is "plastered" on the wall of the hole and is between the water-bearing formation, and the emplaced gravel. Because it concentrates energy in small areas, the jetting or cross washing method is usually the most effective in developing gravel-packed wells.

#### F. Chemicals Used in the Development Process

1. Glassy polyphosphate chemicals, if used strictly in accordance with the manufacturer's recommendation, will aid in the development or redevelopment process by reducing the gel-like properties of the drilling mud and by dispersing the clay particles that are on the sand grains.

2. The appropriate ratio of chemicals to water in the well is usually specified by the manufacturer. The mixture should be allowed to stand in the well for at least one hour, or the period of time recommended by the manufacturer of the chemical, before development starts. It should be noted that the polyphosphate should not be allowed to remain in the well for too long (several days). If the chemicals converted to the glassy orthophosphate state, any clay in suspension could be deposited, perhaps out of reach of any further removal, resulting in permanent reduction in yield.

3. Chemicals used in the development process shall either meet the standards of the American Water Works Association or be approved for use by the U.S. Environmental Protection Agency (EPA).

4. Disinfection of Wells. All new wells and existing wells in which repair work has been done shall be disinfected before being put into use, in accordance with Part XII of the State Sanitary Code (LAC 51:XII), if water is to be used for human drinking, cooking, washing or other potable purposes. Negative bacteriological analysis of water, performed by the Louisiana Department of Health and Hospitals, Office of Public Health (LDHH-OPH) or by a laboratory certified by the state health officer, shall be required for all public supply and domestic water wells.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3091-R.S. 38:309.8.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR

1:249 (May 1975), amended LR 11:958 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:910 (March 2011), LR 37:3529 (December 2011).

### §333. Standards for Miscellaneous Appurtenances

A. Vent (Breather Pipe). Vents are required for all public supply water wells and are recommended for use on wells used for other purposes. Vents shall be so constructed and installed as to prevent the entrance of contaminants into the well. Vent openings shall be piped water-tight to a point at least 2 feet above the highest flood level which may have occurred in a 10-year period, but in no case less than 1 foot above the top of the well casing. Such vent openings and extensions thereof should not be less than 1/2 inch in diameter, with extension pipe firmly attached thereto. In all cases wherein a well's casing terminates less than 2 feet above the highest flood level which may have occurred in a 10-year period (such as along coastal areas as allowed under §319.A), the vent pipe opening shall continue to be required to terminate at least 2 feet above the highest flood level which may have occurred in a 10-year period. The openings of the vent pipes shall be turned downward and screened to prevent the entrance of insects, foreign matter and other contaminants. Vents will not be required when single-pipe jet pumps are used.

B. Sampling Tap. All public supply and domestic water wells shall be provided with a readily accessible faucet or tap on the well discharge line at the well head for the collection of water samples. The faucet or tap shall be of the smooth nozzle type and turned downward.

#### C. Concrete Slab

1. When concrete slabs are placed around water wells at ground surface, they should be at least 4 inches thick and extending at least 2 1/2 feet from the well in all directions. The surface of the slab shall be sloped to drain away from the well. The top of the casing shall be at least 1 foot above the top of the slab (see §319.A for flood prone areas). Prior to the slab installation, the contractor shall seal the annular space in accordance with §329. The placement of a slab shall not be considered a substitute for the placement of cement-bentonite slurry in the annular space between the hole and the casing.

2. For wells where a slab is not provided, the ground surface surrounding the well shall be compacted and graded to drain water away from the well.

D. Sanitary Seals. A water-tight sanitary seal shall be installed at the top of the casing for all water wells to prevent the entrance of contaminated water or other objectionable material into the well. Sanitary seals shall be constructed of a durable material such as cast iron, steel, aluminum, high impact plastic, neoprene, or a combination thereof. If a vent and/or an electrical conduit enter the well casing through the sanitary seal the openings shall be made water-tight.

E. Pump/Motor Base. To prevent transmission of vibration to the well casing, all surface-mounted pumps/motors (excluding submersible and single-pipe jet pumps/motors) shall be supported by a concrete base, pier or foundation. The well casing shall not be used to support the weight of the surface-mounted pump/motor, except as noted above. Foundations may either be split pier type or solid pedestal type. For solid pedestal foundations, the well casing shall project at least 1 inch above the level of the foundation.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3091-R.S. 38:3098.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:959 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:910 (March 2011), LR 37:3530 (December 2011).

### **§335. Enforcement Actions**

A. Provisions addressing enforcement of this Chapter appear in R.S. 38:3097.3, as follows.

1. Whoever knowingly and willfully violates a provision of this Chapter, or a rule, regulation, or order of the director or a board made hereunder, shall be subject to a civil penalty of not more than \$1,000 a day for each day of violation and for each act of violation if a penalty for the violation is not otherwise provided in this Chapter.

a. The place of suit to recover this penalty shall be selected by the director or board, as may be appropriate, in the district court of the parish of the residence of any one of the defendants, or in the district court of the parish where the violation took place.

b. Suit shall be at the direction of the director or board, as may be appropriate, and shall be instituted and conducted in his or its name by the attorney general or by the district attorney of the district under the direction of the attorney general.

2. Whoever knowingly and willfully aids or abets a person in the violation of a provision of this Chapter, or in any rule, regulation, or order made hereunder, shall be subject to the same penalties provided herein for the principal violator.

B. Falsification of Documents. Falsification of documents to evade regulations, as well as penalties for said falsifications, appears in R.S. 38:3095, as follows.

1. No person shall, for the purpose of evading this Chapter, or any rule, regulation, or order made thereunder:

a. make or cause to be made any false entry or statement of fact in any report required to be made by this Chapter or by any rule, regulation, or order made hereunder; or

b. make or cause to be made any false entry in an account, record, or memorandum kept by any person in

connection with the provisions of this Chapter or of any rule, regulation or order made thereunder; or

c. remove out of the jurisdiction of the state, or destroy or mutilate, alter, or by any other means falsify any book, record, or other paper pertaining to the matters regulated by this Chapter or by any rule, regulation, or order made thereunder.

2. Whoever violates this Section shall be fined not more than \$5,000 or imprisoned not more than six months or both.

C. The penalty provision for falsification of documents required under the provisions of this Part are therefore criminal in nature and will be enforced through the district attorney having jurisdiction where said violation occurs. It should also be noted that utilization of the United States Mail in the falsification of documents constitutes a violation of Title 18 of the United States Code (Mail Fraud), and such information will be referred to the appropriate United States attorney.

D. Appeals. An alleged violator may appeal any order of the department by requesting a hearing. The hearing request must be made to the department, in writing, within 30 calendar days of the original order and must be sent by "Certified Mail-Return Receipt Requested." After receiving the request, the department will arrange a hearing to determine what other remedial action will serve to effect compliance with the rules and regulations.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3091-R.S. 38:309.8.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:959 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:3530 (December 2011).

## **Chapter 5. Plugging and Sealing of Abandoned Water Wells and Holes**

### **§501. Organization**

A. As announced in the October 1985 issue of the *Louisiana Register*, the rules, regulations and standards, stated herein, were prepared by the Louisiana Department of Transportation and Development, Office of Public Works, in accordance with R.S. 38:3091-38:3097. Effective January 1, 2010, in accordance with Act 437 of 2009, The Department of Natural Resources, Office of Conservation, hereafter referred to as "department," is responsible for registering water wells and holes in Louisiana.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3091-R.S. 38:3097.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:959 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of

Conservation, LR 37:911 (March 2011), LR 37:3530 (December 2011).

### **§503. Purpose**

A. The purpose of the rules, regulations and standards for plugging abandoned water wells and holes, stated herein, is to protect the ground water resources of the state from surface contamination, to prevent movement of water from one aquifer to another, to prevent the entrance of objectionable materials and wastes into aquifers via open or improperly sealed water wells and holes, and to minimize health and safety hazards associated with abandoned wells and holes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2091-R.S. 38:3097.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:960 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

### **§505. General Rules and Regulations**

A. In 1972, the Louisiana Legislature enacted State Act 535, which authorized the authorizing agency to promulgate reasonable rules and regulations relating to the plugging of abandoned water wells. Section A-6 of this Act (R.S. 38:3094) states that the authorizing agency shall:

"Require that all abandoned wells be reported and sealed with approved standards and to establish such standards."

B. Accordingly, the rules, regulations and standards for plugging abandoned water wells and holes stated herein were prepared in response to this legislative directive and were developed in coordination with other state agencies that are also concerned with the protection of the water resources of the state. The regulations and standards are intended to provide for restoration, as nearly as possible, of those subsurface and surface conditions that existed prior to drilling, boring, digging or augering activities; taking into account any changes that may have occurred as a result of "natural stresses."

C. These regulations and standards do not preempt but instead complement the rules and regulations of the Louisiana Department of Natural Resources, Office of Conservation, related to plugging and abandonment of oil, gas, saltwater, saltwater disposal, waste disposal and injection wells, and the rules and regulations of the Department of Environmental Quality related to plugging of monitoring wells and geotechnical boreholes associated with waste activities. These regulations and standards are also important as guidelines for other state agencies when promulgating and enforcing their plugging regulations and standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3091-R.S. 38:3097.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:960 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of

Conservation, LR 37:911 (March 2011), LR 37:3530 (December 2011).

### **§507. Abandoned Water Wells and Holes That Shall Be Plugged**

A. The rules, regulations and standards for plugging abandoned water wells and holes shall apply to all abandoned water wells and holes including, but not limited to, public supply, domestic, irrigation/agriculture, industrial, power generation, rig-supply, observation, dewatering, monitoring, and heat pump supply, as well as abandoned pilot holes, test holes, geotechnical boreholes, and heat pump holes (closed loop system). Abandoned or improperly plugged wells or holes could act as conduits for transmitting contaminants from the surface down to the water-bearing sands and thereby contaminate the state's ground water resources. For glossary of terms, refer to §113.A of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2091-R.S. 38:3097.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:960 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

### **§509. Exemptions**

A. The following wells and holes are exempted from the provisions of the rules, regulations and standards stated herein:

1. saline-water wells associated with secondary recovery operations;
2. brine wells;
3. oil and gas wells and holes;
4. injection wells;
5. geothermal and geopressured holes associated with production of oil and gas; and
6. waste disposal wells.

B. Although the cited activities are not covered by R.S. 38:3094, they are not exempted or excepted by state law; therefore, persons, firms, corporations or others dealing with the cited activities should contact the appropriate regulating agencies for further information and should take any and all action necessary to protect the water resources of the state from contamination. The exclusion of these activities from these regulations does not in any way remove or establish legal liability for health and safety hazards, contamination, or pollution problems alleged to be caused by persons engaged in the activities cited in Subsection A of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2091-R.S. 38:3097.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:960 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), LR 37:3530 (December 2011).

**§511. Licensing Requirements**

A. State Act 715 of 1980 (R.S. 38:3098), as amended by State Act 313 of 1984, requires that every person, firm or corporation desiring to engage in the business of plugging and abandoning wells or holes, excluding oil and gas wells, in the state of Louisiana shall obtain a license from the department in accordance with the rules and regulations stated in LAC 46:LXXXIX.

B. Accordingly, plugging of abandoned water wells and holes must be conducted by a qualified contractor who is duly licensed by the department, with the following exceptions.

1. Nothing in this Chapter shall prevent a person who has not obtained a license, pursuant thereto, from plugging a domestic water well on his own or leased property which is his permanent residence, or was intended for use only for watering livestock on his farm; however, that person shall comply with all rules, regulations and standards for plugging such wells or holes, including the submission of plugging and abandonment forms.

2. In addition to the domestic wells referred to in §511.B.1, a person may plug an abandoned well or hole on his own or leased property provided that the person has the required equipment and knowledge for properly plugging the well or hole, in accordance with the rules, regulations, and standards stated herein, to the satisfaction of the department, and provided that the person has obtained departmental approval for plugging the well or hole himself, and provided that such approval is obtained prior to the beginning of the plugging operation. The owner shall complete and submit a Water Well Plugging and Abandonment Form (DNR-GW-2) to the department within 30 calendar days after completion of the plugging operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3091-R.S. 38:3097.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:960 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:911 (March 2011).

**§513. Variance Requests**

A. Because of variable hydrologic conditions, differences in well construction, depth, and size, and the irregular occurrence of saltwater sands, the rules, regulations and standards stated herein cannot cover every possible situation. For cases where compliance with the rules, regulations, and standards stated in this Chapter is impractical, the owner, engineer, or the water well contractor may request a variance and/or clarification on methods specified. Such requests shall be addressed to the department as follows:

Louisiana Department of Natural Resources  
Office of Conservation  
P.O. Box 94275  
Baton Rouge, LA 70804-9275  
Phone: (225) 342-5562

B. The request must be in writing, must demonstrate that compliance is impractical and must outline a satisfactory alternative. The department may prescribe, in writing, alternate requirements that are equivalent to the regulations and standards stated herein relating to the protection of aquifer and prevention of ground water contamination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3091-R.S. 38:3097.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:960 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended Department of Natural Resources, Office of Conservation, LR 37:911 (March 2011), LR 37:3531 (December 2011).

**§515. Submission of Water Well Plugging and Abandonment Forms (DNR-GW-2)**

A. The contractor who plugs an abandoned well or hole shall complete and submit to the department the original copy of the Water Well Plugging and Abandonment Form (DNR-GW-2) within 30 calendar days after the completion of the work. The owner's copy shall be sent to the owner immediately after completion of the work, and the contractor shall retain the contractor's copy for his files. For reporting purposes only, the department considers the work completed when the work is accepted by the owner or when the contractor has moved his equipment from the site; whichever comes first. Acceptance by the owner or removal of equipment from the site by the contractor does not imply, in any way, acceptance or approval by the state of Louisiana. The department, after inspection of the site and records (refer to §523), can require the owner and/or the contractor to do whatever additional work is necessary to properly plug and seal a hole or well in accordance with the standards stated herein. The expense for the additional work shall be borne by the owner and/or the contractor, as the case may be.

B. For the purpose of reporting the plugging of abandoned geotechnical boreholes, the drilling contractor shall certify annually at license renewal time, that all boreholes drilled by his firm have been plugged in accordance with requirements of §531.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2091-R.S. 38:3097.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:960 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:911 (March 2011).

**§516. Water Well Plugging and Abandonment Form (DNR-GW-2)**

A. The Water Well Plugging and Abandonment form (DNR-GW-2) and detailed instructions for properly completing the form are available by contacting department staff at 225-342-8244 or by accessing the department's

website at [www.dnr.louisiana.gov/gwater](http://www.dnr.louisiana.gov/gwater). Form DNR-GW-2 consists of a set of three copies.

1. The first copy (marked DNR copy) is to be mailed by whoever plugs the well or hole within 30 calendar days after plugging operations have been completed to:

Louisiana Department of Natural Resources  
Office of Conservation  
P.O. Box 94275  
Baton Rouge, LA 70804-9275

B. In regard to the other copies of the form, the following procedure shall be followed.

1. If the well is plugged by a water well contractor, he shall retain the second copy of the completed form for his files and shall give the third copy to the owner/lessee immediately upon completion of the plugging operation.

2. If the well is plugged by the owner/lessee (see §511), the second and third copies of the completed form shall be retained by the owner/lessee for his files.

C. The commissioner will consider and encourages the electronic submission of registration, data or reports required under this Section.

D. The following explanation will provide clarification of intent for selected items and uniformity of reporting.

1. Owner Information. List the name of the legal owner of the property on which the well is located or the person or company holding a long-term lease on the property. If the owner or lessee is an individual, list first and last names and middle initial of individual.

a. Address. The address should be that of the owner. If the well is owned by an industry, the local address of the firm is preferred in order that additional data on the well may be easily obtained by the state or a regional water district or commission.

b. Owner's Well Number. Many cities, institutions, industrial plants, and large farms have their own systems of designating or identifying wells by numbers and/or name. This information is useful when locating the well and should be entered on the form.

2. Well Location. List the parish where the well is located, including the nearest town, city, etc., and give directions to the well site. The location of the well should be described in detail and as accurately as possible so that the well can be easily located by the department's field inspector. Please include a detailed map or sketch on the back of the original form showing the location of the well with reference to roads, railroads, building, etc. Use an (X) to indicate location of the well. Show location of nearest existing well(s), if any nearby, by making (O's) and approximate distance between wells. Determine the well's Global Positioning System (GPS) location and record the GPS longitude and latitude coordinates onto the form. For rig-supply wells, attach a "registered" permit plat (see §105.I) and for monitoring wells, complete spaces provided for the section, township and range (see §105.J).

3. Well Information. Required data are available from water well contractor's or engineer's report.

4. Plugging Procedure. Describe, in detail, the method and materials used to plug the well or hole. Give amount of cement, bentonite, and water used. Give any other useful information, such as name of cementing company used, if any, sounded depth, any obstructions or problems encountered during plugging, size and length of casing removed or left in hole, etc. If necessary, attach another sheet or use reverse side of form to give details.

5. Remarks. Use this space to present any other pertinent information. For example, if the present owner is different than the person who had the well drilled, give the name of the initial owner.

E. Certification that the work was performed in accordance with applicable rules and regulations must be signed and dated or the form will be returned for proper completion.

F. If there are any questions, please call or write to:

Louisiana Department of Natural Resources  
Office of Conservation  
P.O. Box 94275  
Baton Rouge, LA 70804-9275  
Phone: (225) 342-5562

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3091-3097.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 11:976 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:911 (March 2011).

## **§517. Responsibility of the Owner**

A. Unless specified otherwise in the rules and regulations stated herein, it shall be the responsibility of the owner to have an abandoned water well properly plugged and sealed in accordance with methods and standards stated in §531 within 90 calendar days after abandonment. If the owner fails to plug an abandoned well within the 90-day time period, enforcement procedures, as outlined in §519, will be initiated by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2091-R.S. 38:3097.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:961 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

## **§519. Failure of the Owner to Plug an Abandoned Water Well**

A. When the owner fails to plug an abandoned water well within the time period specified in §517, the department, upon receiving information on the existence of such well, will order the owner to plug the well within 30 calendar days after receipt of the order.

B. If the owner fails to comply within the 30-day time period or does not offer, in writing, an acceptable alternative

time interval for plugging the well, the owner will be considered in violation of R.S. 38:3094, which permits a civil penalty of not more than \$1,000 a day for each day of violation and for each act of violation.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:2091-R.S. 38:3097.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:961 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

#### **§521. Responsibilities of the Contractor**

A. The contractor who agrees to plug an abandoned well or hole for the owner shall be fully responsible for plugging the well or hole in accordance with the rules, regulations and standards stated herein. He is also responsible for completing and submitting a plugging and abandonment form (DNR-GW-2) to the department within 30 calendar days after completion of the plugging operation. The contractor shall also be responsible for informing the owner of the necessity of plugging and sealing any other water well or hole on the property that may have been previously abandoned or which may be abandoned in the future.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3091-R.S. 38:3097.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:961 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:912 (March 2011).

#### **§523. Site Inspection by the Department Representatives**

A. The department may order, at any time, that the site of an abandoned water well or hole be inspected by department representatives to determine whether the work has been satisfactorily completed in accordance with the standards stated herein and as stated on the Water Well Plugging and Abandonment Form (DNR-GW-2). The owner and/or the contractor shall make all records available to the representatives of the department and the owner shall allow representatives to enter the property and visit the site(s).

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3091-R.S. 38:3097.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:961 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:912 (March 2011).

#### **§525. Availability of Water Well Data**

A. The drilling and construction records for a water well or test hole may be obtained from the owner, from the water well contractor, and/or from the following:

Louisiana Department of Natural Resources  
Office of Conservation  
P.O. Box 94275

Baton Rouge, LA 70804-9275  
Phone: (225) 342-8244

B. Reports and/or information on hydrology, geology, the occurrence of saline water-bearing and fresh water-bearing sands and quality of water may be obtained from the above-named governmental agencies and/or the following:

Louisiana Geological Survey  
3097 Energy, Coastal and Environmental Bldg.  
Louisiana State University  
Baton Rouge, LA 70803

C. Information on monitoring wells may be obtained from the owner, the water well contractor, the engineer, the Department of Natural Resources, as listed above, and/or from the following agency:

Department of Environmental Quality  
Galvez Bldg.  
602 North Fifth Street  
Baton Rouge, LA 70802

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3091-R.S. 38:3097.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:961 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:912 (March 2011), LR 37:3531 (December 2011).

#### **§527. Regulations for Determining Status of Wells or Holes and for Determining Plugging Responsibility**

A. Following are the regulations for determining the status of a drilled, bored, cored, augered or driven water well or hole and for determining the party responsible for plugging abandoned wells and holes.

1. Active Status. A well is considered to be active if it is an operating well used to supply water.

2. Standby Status. A well is considered to be standby if it is used in emergencies or occasionally used to supply water.

3. Inactive Status. A well is considered to be inactive if it is not presently operating but is maintained in such a way that it can be put back in operation, with a minimum of effort, to supply water. Before a well can be put in inactive status, the owner shall present evidence to the department as to the condition of the well and as to his intentions to use the well in the future, as well as obtaining the department's written approval. As evidence of intentions, the owner shall be responsible for properly maintaining the well in such a way that:

a. the well and the annular space between the hole and casing shall have no defects that will permit the seepage of surface water into the well;

b. the well is clearly marked and is not a safety hazard;

c. the well is adequately capped in such a manner as to prevent easy entry by other than the owner;

d. the area surrounding the well is kept clear of waste and debris;

e. if the pump and/or motor have been removed for repair, replacement, etc., the well is adequately capped to prevent injury to people and to prevent the entrance of any contaminant or other objectionable material;

f. the well is not used for disposal or injection of trash, garbage, sewage, waste water and/or storm runoff; and

g. the well is easily accessible for routine maintenance and periodic inspection.

4. **Abandoned Wells.** A well is considered to be abandoned if its use has been permanently discontinued; its pumping equipment has been permanently removed; the well is in such a state of disrepair that it cannot be used to supply water and/or has the potential for transmitting surface contaminants into an aquifer; the well poses potential health or safety hazards, or the well is in such a condition that cannot be placed in the active, standby or inactive status. The owner of an abandoned well shall be responsible for plugging such a well in accordance with methods and standards stated in §531, within 90 calendar days from the initial date of abandonment. If the owner fails to plug an abandoned well within the 90-day time period, enforcement procedures, as outlined in §519, will be initiated by the department.

#### 5. Abandoned Rig-Supply Water Wells

a. A water well drilled at an oil or gas drilling site to supply water for drilling activities shall be considered an abandoned well immediately after the termination of the oil or gas drilling-operations and removal of the rig from the site. The company in charge of the drilling of the oil or gas well (lessee) shall be responsible for plugging the abandoned water well, in accordance with §531, within 30 calendar days after the termination of oil or gas drilling operations and removal of the rig from the site.

b. If the ownership of the water well is to be conveyed to the landowner in lieu of plugging and abandoning the well, the well must conform to the requirements for active or inactive status. The ownership transfer must be made through a legal document advising the landowner of his responsibilities and obligations to properly maintain the well, including the proper plugging of the well when it is abandoned and no longer needed for water production activities. The company (lessee) shall provide the department with a copy of the transfer document within 30 calendar days after the transfer of the ownership. Upon receiving the document, the department will send a letter to the new owner requesting well use information and advising him/her of the appropriate regulations. The owner is required to respond within 30 calendar days, stating intended use and requesting an appropriate status, as outlined in §527.

6. **Observation Wells.** A well is considered to be an observation well if it is used by the owner, by governmental agencies, or by an appropriate engineering or research organization to obtain information on the water resources of an area. Observation wells shall be covered with an

appropriate cap or cover to prevent unauthorized use or entry and to prevent entry of contaminants. It shall be the responsibility of the owner, organization or agency making the observations to prevent entry of any foreign materials or water into observation wells and to keep the surrounding area clear of waste, water, debris and other materials.

7. A well shall not be used for any injection or recharge studies until a permit is obtained in accordance with existing orders rules and regulations of the Department of Natural Resources, Office of Conservation.

8. An inactive water well may be used as an observation well; however, when it is no longer needed for observation purposes and the owner does not intend to convert it to an active status, the well shall be considered abandoned. The owner shall be responsible for plugging the abandoned well in accordance with Methods and Standards, stated in §531, within 90 calendar days after abandonment, unless agreement with the agency or organization which used the well for observation clearly delegates the plugging responsibility to the agency or organization.

9. A well constructed solely for observation purposes by an owner, a governmental agency, or an engineering or research organization, must be converted to an active, inactive or standby status when no longer needed for observation purposes, otherwise it shall be considered abandoned. It shall be the responsibility of the owner, agency or organization who installed the well to plug the abandoned well in accordance with methods and standards, stated in §531, within 90 calendar days after abandonment.

#### 10. Abandoned Pilot Holes and Test Holes

a. A pilot hole, drilled with the intent to install casing and produce water, shall be considered an abandoned hole immediately after the termination of the drilling operations if the hole is not cased and/or a well is not developed or constructed. It shall be the water-well contractor's responsibility to plug the abandoned hole, in accordance with §531, within 30 calendar days after the termination of the drilling operations.

b. A test hole, drilled to obtain geologic, hydrologic and water-quality data shall be considered an abandoned hole immediately after the completion of all testing operations. The agency or the contractor in charge of the exploratory work is responsible for plugging the abandoned hole in accordance with §531, within 30 calendar days after the termination of drilling operations.

11. **Abandoned Geotechnical Boreholes.** A hole, drilled, bored, cored or augered to obtain soil samples to be analyzed for chemical and/or physical properties shall be considered abandoned immediately after the completion of the drilling and sampling operations. It shall be the drilling contractor's responsibility to plug the abandoned hole in accordance with methods and standards stated in §531 within 30 calendar days after the termination of drilling and sampling operations.

12. **Abandoned Heat Pump Holes (Closed Loop System).** A hole drilled to install piping for an earth-coupled

water source heat system shall be considered an abandoned hole if the piping is not installed and/or the hole is not plugged by the drilling contractor in accordance with methods and standards, stated in §531, within 30 calendar days after completion of drilling operations. It shall be the drilling contractor's responsibility to plug the abandoned hole in accordance with methods and standards, stated in §531, within 30 calendar days after the hole is considered abandoned.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:2091-R.S. 38:3097.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:961 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

## **§529. Plugging and Filler Materials**

### **A. Plugging Material**

1. It is recognized that no material is completely impervious; however, experience and tests have shown that cement-bentonite slurry has a low permeability, good sealing properties, and low shrinkage factor, so as to be preferred for use when plugging an abandoned water well or hole. Cement-bentonite slurry is a mixture of cement, bentonite, and water, consisting of not more than 8 percent bentonite by dry weight of the cement and a maximum of 10 gallons of water per sack (94 pounds) of cement. Additives, in the approved and proper ratio, may be added to the slurry, if required. If the slurry is to be prepared in the field it is recommended that the bentonite be added after cement and water are thoroughly mixed.

2. Neat cement, which is a mixture of cement and water, consisting of not more than 5 gallons of water per sack (94 pounds) of cement, may be used as plugging material in lieu of cement-bentonite slurry.

3. When permitted by the methods and standards stated in §531, heavy drilling mud or bentonite slurry, weighing not less than 9 pounds per gallon, may be used as plugging material. The plugging material shall be free of foreign and organic additives.

**B. Filler Material.** When permitted by the methods and standards stated in §531, heavy drilling mud or bentonite slurry, weighing not less than 9 pounds per gallon, coarse ground bentonite or clean sand may be used as filler material. The filler material shall be free of foreign and organic additives.

**C. Calculations to Verify Adequacy of Plugging Materials.** To assure an abandoned water well or hole is plugged and sealed properly and that there has been no "jamming" or "bridging" of the material, verification calculations and measurements shall be made by the contractor to determine whether the volume of the material placed in the well or hole at least equals the volume of the casing or hole plugged and/or filled. When bridge plugs are used, sufficient time shall be allowed for the material to set. Any measurements and calculations made in setting and verifying the location of the plug shall be made available to

the department upon request. The department shall be solely responsible for determining whether a well or hole is satisfactorily plugged or sealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:2091-R.S. 38:3097.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:962 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

## **§531. Methods and Standards for Plugging Abandoned Water Wells and Holes**

**A.** The following methods and standards shall be used for the plugging of abandoned water wells and holes. If there is a need for variance from these regulations and/or clarification is required, departmental approval shall be obtained in writing, before the plugging operation is begun. For variance requests, refer to §513.

**B. Methods and Standards for Plugging Abandoned Water Wells.** The following methods and standards shall apply to all abandoned water wells, regardless of use or type.

**C. Removal of Obstructions from the Well.** Before the plugging operation is begun, the drilling and construction records for the well should be obtained and studied (see §525). An investigation of the well shall be made to determine if there is any obstruction in the well that would interfere with the plugging operation. Any obstruction in the well shall be removed, using an acceptable method, before initiating the plugging operation.

**D. Cutting off the Top of the Casing.** In areas subject to subsidence and/or farming, the top of the casing shall be cut off a minimum of 3 feet below the surface of the ground before plugging operation begins. After filling the well with cement-bentonite slurry, the excavation above the top of the cement plug shall be filled with compacted soil to minimize future hazards to farming equipment, etc. In other areas, the top of the casing shall be cut off at or below the ground surface. Under no circumstances shall the top of the casing protrude above the surface of ground.

**E. Plugging Material for the Screen.** The screen or the area opposite the production aquifer (as in open hole construction) may be filled with filler materials specified in §529.B in lieu of cement-bentonite slurry.

**F. Plugging Method.** The entire well shall be plugged with cement-bentonite slurry from bottom of the well up to the ground surface using the pump-down method, preferably in one continuous operation. Placement of plugging material by pouring or dropping through the water shall not be permitted.

**G. Annular Space.** If the annular space of the abandoned well is not already sealed, the plugging material shall be brought up to the surface and allowed to spill over the top of the casing and into the annulus, sealing the annular space between the casing and the borehole. If the annular space is already sealed, the plugging material shall be brought up to the ground surface, unless specified otherwise.

H. Temporary Shut Down. When plugging of an abandoned water well or hole is temporarily suspended, such as overnight shut down or awaiting material, the well or hole shall be covered and the immediate area conspicuously marked to protect and warn the public. The cover shall be sufficiently strong and anchored to prevent easy or unintentional entry. The well or hole shall be sealed to prevent the seepage of surface water and foreign material into the well or hole.

I. Areas of Confirmed Contamination. In areas of confirmed ground water or soil contamination, the entire well shall be plugged with cement-bentonite slurry. The annular space of the well, if not already sealed, shall be sealed by perforating or ripping the casing and forcing cement-bentonite slurry under pressure into the annular space and surrounding formation to prevent the entry of contaminated fluids into an aquifer and to prevent the movement of water from one aquifer to another.

J. Areas of Potential Contamination. In areas of potential ground water or soil contamination, the entire well shall be plugged with cement-bentonite slurry. It is recommended that the annular space of the well, if not already sealed, be perforated or ripped and cement-bentonite slurry forced under pressure into the annular space and surrounding formation to safeguard against any possible entry of contaminated fluids into an aquifer and to prevent the movement of water from one aquifer to another.

K. Plugging of Abandoned Water Well from Which Some or All of the Casing Has Been Removed

1. If the casing remaining is in the upper part of the well, the well shall be sounded to determine the amount, if any, of "cave in." The part of the hole filled with "cave in" material shall be reamed or drilled out of the original depth of the well and then the entire hole shall be plugged with cement-bentonite slurry from the bottom, up to the ground surface, using the pump-down method.

2. If the casing (including the screen) remaining is in the lower part of the well, the well and hole shall be completely filled with cement-bentonite slurry from the bottom up to the ground surface, using the pump-down method.

3. If all the casing and screen is removed, the hole for the entire original depth of the well shall be plugged with cement-bentonite slurry from the bottom, up to the ground surface, using the pumpdown method.

L. Plugging of Abandoned Monitoring Wells. The entire well shall be plugged with cement-bentonite slurry from bottom of the well, up to the ground surface, using the pump-down method.

NOTE: Plugging of abandoned monitoring wells associated with facilities regulated by the Department of Environmental Quality (DEQ) require approval from DEQ prior to actual plugging.

M. Plugging of Abandoned Dug or Augered Wells. Domestic dug or augered wells shall be plugged from bottom of the well up to the ground surface with cement-bentonite slurry or with local fill material such as silt, sand,

clay, native soil, or a mixture thereof. If local fill material is used, it should be allowed to settle, and then permanently capped with cement or compacted clay.

N. Plugging of Abandoned Holes. If the hole penetrates an aquifer containing saline water, the entire hole shall be plugged with cement-bentonite slurry from bottom of the hole, up to the ground surface using the pump-down method; otherwise, the hole shall be plugged in accordance with §531.O.-R.2

O. Plugging of Abandoned Pilot Holes

1. The entire hole shall be plugged with cement-bentonite slurry from bottom of the hole, up to the ground surface, using the pumpdown method.

NOTE: If an aquifer (see §113.A for definitions) is not penetrated, the hole shall be plugged with either cement-bentonite slurry or bentonite slurry from bottom of the hole, up to a depth of 25 feet below the ground surface and then the upper 25 feet of the hole shall be plugged with cement-bentonite slurry, using the pump-down method.

P. Plugging of Abandoned Test Holes. An abandoned test hole shall be plugged with cement-bentonite slurry from bottom of the hole, up to the ground surface, using the pump-down method. If the casing cannot be removed, in addition to plugging the entire casing with cement-bentonite slurry, the annular space must also be cemented as per requirements of §527 or as approved by the department.

Q. Plugging of Abandoned Geotechnical Boreholes

1. The entire hole shall be plugged with cement-bentonite slurry from bottom of the hole, up to the ground surface, using the pumpdown method; or

2. The hole shall be plugged with bentonite slurry from bottom of the hole, up to a depth of 25 feet below the ground surface and then the upper 25 feet of the hole shall be plugged with cement-bentonite slurry, using the pump-down method.

3. For boreholes of 25 feet or less, drill cuttings from the original hole may be used to plug the hole in lieu of cement-bentonite slurry, provided that an aquifer is not penetrated and provided that a concrete cylinder is pushed into the hole to form a permanent seal at the ground surface.

NOTE: Plugging of geotechnical borehole associated with facilities regulated by the Department of Environmental Quality (DEQ) require approval from that department prior to actual plugging.

R. Plugging of Heat Pump Holes (Closed Loop System)

1. The entire hole shall be plugged with cement-bentonite slurry from bottom of the hole, up to the bottom of the horizontal trench, using the pump-down method; or

2. The hole shall be plugged with bentonite slurry from bottom of the hole, up to a depth of 25 feet below the bottom of the horizontal trench and then the upper 25 feet of the hole shall be plugged with cement-bentonite slurry, using the pump-down method.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3091-R.S. 38:3097.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:963 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:913 (March 2011).

### **§533. Enforcement Actions**

A. Provisions addressing enforcement of this Chapter appear in R.S. 38:3097.3, as follows:

1. Whoever knowingly and willingly violates a provision of this Chapter, or a rule, regulation or order of the director or a board hereunder, shall be subject to a civil penalty of not more than \$1,000 a day for each day of violation and for each act of violation if a penalty for the violation is not otherwise provided in this Chapter.

a. The place of suit to recover this penalty shall be selected by the director or board, as may be appropriate, in the district court of the parish in which any one of the defendants resides, or in the district court of the parish where the violation took place.

b. Suit shall be at the discretion of the director or board as may be appropriate and shall be instituted and conducted in his or its name by the attorney general or by the district attorney of the district under the direction of the attorney general.

2. Whoever knowingly and willfully aids or abets a person in the violation of a provision of this Chapter, or in any rule, regulation or order made hereunder shall be subject to the same penalties provided herein for the principal violator.

B. Falsification of Documents. Falsification of documents to evade regulations, as well as penalties for said falsifications, appears in R.S. 38:3095 as follows.

1. No person shall, for the purpose of evading this Chapter or any rule, regulation or order made thereunder:

a. make, or cause to be made, any false entry or statement of fact in any report required to be made by this Chapter, or by any rule, regulation or order made hereunder; or

b. make, or cause to be made, any false entry in an account, record or memorandum kept by any person in connection with the provisions of this Chapter or of any rule, regulations or order made thereunder; or

c. remove out of the jurisdiction of the state or destroy or mutilate, alter, or by any other means, falsify any book, record, or of the paper pertaining to the matters regulated by this Chapter, or by any rule, regulation or order made thereunder.

2. Whoever violates this Subsection shall be fined not more than \$5,000 or imprisoned not more than six months or both.

3. The penalty provision for falsification of documents required under the provisions of this Chapter are

therefore criminal in nature and will be enforced through the district attorney having jurisdiction where said violation occurs. It should also be noted that utilization of the United States Mail in the falsification of documents constitutes a violation of Title 18 of the United States Code (Mail Fraud), and such violations will be referred to the appropriate United States attorney.

C. Appeals. An alleged violator may appeal any order of the department by requesting a hearing. The hearing request must be made to the department, in writing within 30 calendar days of the original order and must be sent by "Certified Mail/Return Receipt Requested". After receiving the request, the department will arrange a hearing to determine what other remedial action will serve to effect compliance with the rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2091-R.S. 38:3097.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:964 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:3531 (December 2011).

## **Chapter 7. Installing Control Devices on Free Flowing Water Wells**

### **§701. Authorization**

A. As announced in the October 1985 issue of the *Louisiana Register*, the rules and regulations, stated herein, were prepared by the Louisiana Department of Transportation and Development, Office of Public Works, in accordance with R.S. 38:3094(7)(A). Effective January 1, 2010, in accordance with Act 437 of 2009, The Department of Natural Resources, Office of Conservation, hereafter referred to as "department," is responsible for registering water wells and holes in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3094.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 11:964 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:913 (March 2011), LR 37:3531 (December 2011).

### **§703. Purpose**

A. The purpose of the rules and regulations, stated herein, is to conserve the ground water resources of the state by requiring that the owner install control devices on free flowing water wells (for glossary of terms, refer to §113.A of this Chapter) the owner shall install a flow control device on each free flowing water well in accordance with the rules and regulations stated in this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3094.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR

11:964 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:3531 (December 2011).

#### **§705. General Rules and Regulations**

A. The rules and regulations, stated herein, apply to all free flowing water wells. A free flowing well is an artesian well which is allowed to flow, under natural conditions, at or above the land surface.

B. Exemptions. The following water wells are exempt from the provisions of this Chapter:

1. free flowing water wells in existence prior to January 1, 2012; however, wells reworked after January 1, 2012 shall not be exempt;

2. water wells producing saline water in connection with oil and gas production.

C. Wells In a State of Disrepair or Nonuse. If a water well is in such a state of disrepair that it cannot be used and a control device cannot be installed, it shall be considered abandoned and shall be plugged by the owner in accordance with the provisions of Chapter 5 of this Part, entitled "Rules, Regulations and Standards for Plugging Abandoned Water Wells and Holes."

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3094.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 11:965 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:3531 (December 2011).

#### **§707. Responsibility of the Owner**

A. The owner shall be the party responsible for installing a flow control device on each free flowing water well.

B. The owner shall allow representatives of the department to enter the property and visit the well site to verify the installation of a control device, or inspect the completed work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3094.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 11:965 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:3532 (December 2011).

#### **§709. Responsibility of the Department**

A. At the request of a parish police jury or other governmental entity, the department may make a survey to locate and report on the location of free flowing water wells.

B. The department may enter into a financial cooperative agreement with the parish police jury or other governmental entity to have control devices installed on those free flowing water wells which produce over 25,000 gallons per day.

C. The department shall, in no way, be held responsible for a well "sanding up" or failing to yield water after a control device is installed on the well.

D. The department, upon receiving information on the existence of a free flowing water well, shall proceed as follows:

1. if a control device is required, the department will issue an order to the owner to require the installation of a control device on the well within 90 calendar days from the date of the said order. When the installation of the control device is completed, the owner shall apprise the department, in writing, within 30 calendar days after completion of work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3094.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 11:965 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended by the Department of Natural Resources, Office of Conservation, LR 37:3532 (December 2011).

#### **§711. Failure of Responsible Party to Install a Control Device**

A. If the owner fails to comply with the department's order concerning installation of a control device within the 90-day time period or does not offer, in writing, an acceptable alternative time interval for installing such a device, the owner will be considered in violation of R.S. 38:3094(A)(7), which permits a civil penalty of not more than \$1,000 a day for each day of violation and for each act of violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3094.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 11:965 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

#### **§713. Enforcement Actions**

A. Provisions addressing enforcement of this Chapter appear in Louisiana Revised Statute 38:3096, as follows.

1. Whoever knowingly and willfully violates a provision of this Section, or a rule, regulation, or order of the director or a board hereunder, shall be subject to a civil penalty of not more than \$1,000 a day for each day of violation and for each act of violation, if a penalty for the violation is not otherwise provided in this Section.

a. The place of suit to recover this penalty shall be selected by the director or board, as may be appropriate, in the district court of the parish of the residence of any one of the defendants, or in the district court of the parish where the violation took place.

b. Suit shall be at the direction of the director or board, as may be appropriate, and shall be instituted and conducted in his or its name by the attorney general or by the district attorney of the district under the direction of the attorney general.

c. Whoever knowingly and willfully aids or abets a person in the violation of a provision of this section, or in any rule, regulation, or order made hereunder, shall be subject to the same penalties provided herein for the principal violator.

B. Falsification of Documents. Falsification of documents to evade regulations, as well as penalties for said falsifications, appears in R.S. 38:3095 as follows.

1. No person shall for the purpose of evading this Chapter, or any rule, regulation, or order made thereunder:

a. make or cause to be made any false entry or statement of fact in any report required to be made by this Chapter or by any rule, regulation, or order made hereunder; or

b. make or cause to be made false entry in an account, record, or memorandum kept by any person in connection with the provisions of this Chapter or of any rule, regulation, or order made thereunder; or

c. remove out of the jurisdiction of the state, or destroy or mutilate, alter, or by any other means falsify any book, record, or other paper pertaining to the matters regulated by this Chapter or by any rule, regulation, or order made thereunder.

2. Whoever violates this Section shall be fined not more than \$5,000 or imprisoned not more than six months or both.

3. The penalty provisions for falsification of documents required under the provisions of this Chapter are therefore criminal in nature and will be enforced through the district attorney having jurisdiction where said violation occurs. It should also be noted that utilization of the United States Mail in the falsification of documents constitutes a violation of Title 18 of the United States Code (Mail Fraud), and such violations will be referred to the appropriate United States attorney.

C. Appeals. An alleged violator may appeal any order of the department by requesting a hearing. The hearing request must be made to the department, in writing, within 30 calendar days of the original order and must be sent by "Certified Mail-Return Receipt Requested". After receiving the request, the department will arrange a hearing to determine what other remedial action will serve to effect compliance with the rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3094.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 11:965 (October 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

**Title 56**  
**PUBLIC WORKS**  
**Part III. Flood Control and Water Management**  
**Subpart 1. Water Resources and Flood Control**

**Chapter 1. Funding of Water Resources**

**Subchapter A. Priorities for Funding of Water Resources Projects**

**§101. Purpose of Rule**

A. This rule establishes procedures by which governmental entities may nominate water supply and water pollution control projects for priority of funding through specific legislative appropriation for the purposes indicated in R.S. 38:32B(11). The rule also defines the procedures by which the Office of Public Works (OPW) shall rank in priority order of funding the various projects nominated by governmental entities, based on the recommendations (Regional Reports) of the state's eight regional planning commissions. OPW shall submit an annual report of this recommended project priority ranking to the governor, the house Committee on Transportation, Highways and Public Works and the senate Committee on Transportation, Highways and Public Works, and the Joint Legislative Committee on the Budget by January 15 of each calendar year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:30 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:883 (September 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

**§103. Definitions**

A. The following terms shall have the meanings ascribed to them in this rule.

*Annual Report*—the report submitted by January 15 of each calendar year by the Office of Public Works to the governor and committees of the legislature pursuant to the requirements of R.S. 38:34, which report contains a ranking in priority order for funding the various water resources projects of governmental entities based on the recommendations (Regional Reports) of the state's eight regional planning commissions.

*Construction*—entering into a contract for erection or physical placement of materials, piping, earthwork or buildings which constitute a project as defined in these regulations.

*Entity*—any municipality, parish, special district or other political subdivision or combination thereof having the authority to own and operate a project.

*Fiscal Year*—the state fiscal year during which priority of funding is recommended for projects in the annual report by the Office of Public Works. Fiscal year refers to the time period beginning on the July 1 following the date on which an annual report is submitted, and ending on June 30 of the following calendar year.

*OPW*—the Office of Public Works of the Department of Transportation and Development.

*Planning Commission*—one of the state's eight regional planning commissions created pursuant to the authorization provided in Subpart C of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950.

*Project*—

a. any engineering undertaking or work to conserve and develop surface or subsurface water resources of the state for any useful and lawful purpose by the acquisition, improvement, extension, or construction of water storage projects and filtration and treatment plants;

b. any system necessary to distribute water from storage to points of distribution or filtration and treatment plants;

c. any facility for the distribution of water from storage or filtration and treatment plants to wholesale or retail purchasers;

d. any sewerage system to improve or develop sewage treatment, collection, or distribution capabilities consistent with provisions of R.S. 38:32.

*Regional Report*—the report submitted by September 16 of each year by each of the state's eight regional planning commissions to the Office of Public Works, which report contains a list of projects recommended for funding during the fiscal year beginning on the following July 1, and which report ranks in order of priority those projects needing and deserving of project funding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:30 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:883 (September 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

**§105. Priority Policy**

A. It is intended that the project priority evaluation and rating system provided for in this rule shall support the objective of the Louisiana Water Resources Program to provide an adequate and safe supply of water to Louisiana users through a policy and program addressing the short term and long term availability of and need for water. The priority system is to be used to allocate scarce state resources to the most worthy projects, and thereby assist entities in obtaining for their constituencies needed water supply and water pollution control facilities.

B. The provision of assistance by the state is not intended to supplant any responsibilities delegated to entities for the construction, operation and maintenance of water supply and water pollution control facilities. It is expected that entities shall continue to provide such facilities where needed and to pay for them to the extent of their capabilities. State assistance is intended as a source of funds for projects which otherwise lack sufficient local, federal and private funding, and as an incentive to provide water resource facilities needed to achieve statewide water resources program objectives.

C. Entities sponsoring projects are expected to seek and use federal grant assistance for project construction to the fullest extent such funds are available or expected to become available. It is specifically intended that priority funds shall not pay project cost share eligible for payment through federal grant assistance programs.

D. Entities are expected to finance water supply and sewerage projects without capital outlay assistance from the state to the extent of their capabilities. Entities should use ad valorem taxes, revenues generated from the project and private donations to obtain an optimum level of capital funds from local sources. The maximum level of state grant assistance under the program is 25 percent of the project construction costs.

E. The priority system is intended to achieve an equitable and fair distribution of any available funds considering needs of the area to be served by projects and the benefits to be realized in comparison to the needs of other areas requesting assistance. Past and present effort by entities to limit waste and conserve water are considered in priority assessment.

F. Entities may not obtain priority for funding of projects which provide facilities that over extend technical and financial capability to operate and maintain properly. Priority based on need shall not accrue to an entity because of negligence in the operation and maintenance of existing facilities, or failure to control wastage through appropriate water conservation measures such as consumer metering, leak control, etc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:30 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:883 (September 1985),

repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

**§107. Eligible Sponsors of Projects**

A.. Any entity may request that one or more projects be considered and ranked in priority order by the planning commission having jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:30 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:883 (September 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

**§109. Annual Report**

A. By not later than January 15 of each calendar year, OPW shall prepare an annual report to the governor, the house Committee on transportation, Highways and Public Works, and the Joint Legislative Committee on the Budget. The annual report shall contain a list of projects ranked in priority order of funding, a statement of project needs and benefits and the rationale for priority ranking.

B. The list of projects ranked in priority order shall be based on the priority ranking system described in these regulations, and the regional reports received each year from the planning commissions.

C. The prospective time period during which the annual report requests priority of funding for the various projects listed therein is during the state fiscal year which begins on the July 1 following the annual report filing date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:30 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:883 (September 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

**§111. Regional Reports**

A. Upon notification by OPW, the planning commissions shall prepare and submit to OPW by September 16 of each year a regional report. The regional report shall contain a list of projects located within the jurisdiction of the planning commission ranked in the priority order of funding recommended by the commission along with application forms and supporting documents for each project listed in the regional report.

B. On or about March 1 of each year, each planning commission shall solicit project proposals (applications) from entities within the planning commission's area of jurisdiction, and establish deadlines for the receipt of applications and supporting documents for projects to be included in the current regional report.

C. Planning commissions shall return to applicant entities any incomplete or incorrect project applications. Planning commissions may defer listing in the regional report any projects with inadequate application information.

D. Projects in the regional report shall be ranked by the planning commission in the order of priority of funding recommended by the commission beginning with the project most needing and deserving of funding. Comparative ranking of projects by the planning commission shall be according to the priority system described in these regulations using guidelines acceptable to and approved by OPW.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:30 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:884 (September 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

### **§113. Projects Eligible for Priority of Funding**

A. All projects in the Annual Report of OPW are eligible for priority of funding during the subject fiscal year depending upon the amount of funds, if any, which may be appropriated for the purpose.

B. Projects properly included and ranked in a regional report may be included in an annual report and thus be eligible for priority of funding.

C. A project eligible for priority of funding may be a part or phase of a multi-part construction program extending several years into the future. Each project (phase) for which priority of funding is requested must be able to provide the benefits claimed in the application.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:30 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:884 (September 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

### **§115. Projects Excluded from Priority of Funding**

A. The following projects are not eligible for inclusion in an annual report:

1. projects eligible for funding under the Hazardous Waste "Superfund" Program;
2. projects eligible for funding under the Statewide Flood Control Program;
3. projects listed in a previous Annual Report and for which a state grant under the provisions of Act 625 of 1983 has already been offered;
4. projects for which there is an incomplete or incorrect application including supporting documents;
5. projects which are not included in a regional report of a regional planning commission.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:30 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:884 (September 1985),

repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

### **§117. Project Costs Eligible for Priority Funding**

A. The following project costs are eligible for priority of funding in the annual report:

1. project costs related to the achievement of the water resource management purposes for which priority ranking is established in the annual report;
2. the construction costs of a project including architectural and engineering costs for preparing construction plans and specifications;
3. the cost of acquiring land necessary to construct a project. The state of Louisiana shall receive a lien against the proceeds of any subsequent sale of land so acquired in an amount equal to the percent of state cost-share at purchase.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:30 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:884 (September 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

### **§119. Project Costs Not Eligible for Priority Funding**

A. The following costs are not eligible for priority funding:

1. construction costs for facilities not needed to achieve the water resources management purposes for which priority ranking is established in the annual report;
2. operation and maintenance costs, ordinary repairs, laboratory services and facilities planning.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:30 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:884 (September 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

### **§121. Applications for Priority of Funding**

A. Entities desiring priority of funding for proposed projects may file requests with the planning commission in whose area of jurisdiction an applicant entity is located (see following list). The annual filing deadline with the regional planning commissions is June 30. The application for each project should be on a form and in the format approved by OPW, and shall contain all of the essential information prescribed in program guidelines and procedures published by OPW.

<b>The Eight Regional Planning Commissions and the Parishes within the Respective Geographic Areas</b>	
<b>District Number 1: New Orleans Regional Planning Commission</b>	
Jefferson	Orleans
St. Tammany	Plaquemines
St. Bernard	
<b>District Number 2: Capital Economic Development District Council, Inc. and Capital Regional Planning Commission</b>	

<b>The Eight Regional Planning Commissions and the Parishes within the Respective Geographic Areas</b>	
Ascension	Pointe Coupee
East Baton Rouge	St. Helena
East Feliciana	Tangipahoa
Iberville	Washington
Livingston	West Baton Rouge
West Feliciana	
District Number 3: South Central Planning and Development Commission	
Assumption	St. James
Lafourche	St. John the Baptist
St. Charles	Terrebonne
District Number 4: Evangeline Economic and Planning District Council, Inc.	
Evangeline	St. Landry
Lafayette	Vermilion
St. Martin	Acadia
St. Mary	Iberia
District Number 5: Imperial Calcasieu Regional Planning and Development Commission	
Allen	Cameron
Beauregard	Jefferson Davis
Calcasieu	
District Number 6: Kisatchie-Delta Regional Planning and Development District	
Winn	Vernon
Grant	Concordia
LaSalle	Catahoula
Rapides	Avoyelles
District Number 7: The Coordinating and Development Corporation	
Bienville	Lincoln
Bossier	Natchitoches
Caddo	Red River
Claiborne	Webster
DeSoto	Sabine
District Number 8: North Delta Regional Planning and Development District, Inc.	
Caldwell	Ouachita
East Carroll	Richland
Franklin	Tensas
Jackson	Union
Madison	West Carroll
Morehouse	

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:30 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:884 (September 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

## Subchapter B. Project Priority Ranking System

### §123. General Overview

A. The following procedures shall be used by the Office of Public Works and the Regional Planning Commissions to rank projects in descending order of priority. Priority rank will be determined by the numerical value of points assessed to each project according to the urgency of need (base value) with additional priority value points added thereto for comparative benefits to be realized, the ability of the entity sponsor to finance without capital assistance, economic needs and other considerations in the project area, past measures by the entity to limit waste and conserve water,

and the relationship and consistency of the project to the state's policy for water resources management.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:30 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:885 (September 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

### §125. Base Priority Value

A. Each project for which a request for priority is received by a planning commission is given a base priority point value depending on the urgency of need. Situations involving an acute and serious threat to community health and safety shall receive highest base point numerical values. The table shall be used for determining the base priority point value of each project.

<b>Base Priority Value Table*</b>		
<b>Order of Need</b>	<b>Project</b>	<b>Priority Value Points</b>
1st	Immediate and Substantial Hazards in Community Drinking Water Systems:	
	a. Quality Hazards [Acute and Serious exceedance of the maximum contaminant level (MCL), or structural defect which cause immediate jeopardy of serious MCL violations, such as bacteria, heavy metals and organic toxins, but not slight exceedance of fluoride, chloride and dissolved solids MCLs]	4 to 4.9
	b. Quantity Hazards [acute and serious drinking water shortages endangering health of community].	3 to 3.9
2nd	Immediate Community Needs [Water Supply or sewerage facilities to correct an existing water quality standards violation or high risk of system failure]	2 to 2.9
3rd	Short Range Community Needs [Water Supply or sewerage facilities for community development]	1.5 to 1.9
4th	Long Range Water Resources Projects [Flow augmentation, aquifer recharge, impoundments, land treatment, barriers, etc.]	1 to 1.4
*Complete details available upon request from the Office of Public Works.		

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:30 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:885 (September 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

### §127. Priority Value Points for Comparative Benefits

A. To the base priority value indicated for each project according to the preceding table is added additional numerical value for each of the following purposes:

1. an amount not to exceed 1.0 in value, representing the ratio of persons benefitted directly by the project per \$100 of total project cost (including federal grant cost share, if any). This additive value factor encourages projects with the greatest public benefit;

2. a bonus in the amount of 10 times the decimal value by which the federal, local and other non-state shares of the project cost exceed 75 percent of the total project construction costs. For example, a project with 90 percent federal and local funding would receive a bonus of  $10 \times (0.90 - 0.75) = 1.5$  points. This bonus encourages and rewards a maximum use of available federal, entity and private funding resources.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:30 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:885 (September 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

#### **§129. Priority Value Points to "Needing and Deserving" Projects**

A. After determining project priority value for each candidate project according to the base priority value table found in §125, each planning commission shall then consider the relative merits of each project requesting funding, including past and present measures to conserve and use wisely the locally available water resources. The relative needs of each project entity, including local unemployment rates, median family income and prospective economic benefits accruing from the project shall also be considered. Each planning commission may then add to the priority value score of four projects in the region:

1. 4.0 points for the most needing and deserving project;
2. 3.0 points for the second most needing and deserving project;
3. 2.0 points for the third most needing and deserving project;
4. 1.0 point for the fourth most needing and deserving project.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:30 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:885 (September 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

#### **§131. Regional Priority Ranking**

A. Each planning commission shall then rank all projects in priority order beginning with the project having the highest total priority point score and ending with the lowest. In the event of tie scores, lower cost projects shall be ranked ahead of higher cost projects. This list of projects in the recommended order of priority for funding shall be included in the regional report.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:30 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:885 (September 1985),

repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

#### **§133. Ranking of Projects by the Office of Public Works**

A. OPW, upon receipt of the regional reports containing recommended project priority ranking from the planning commissions, shall rank all recommended projects in priority order according to priority value. OPW may add up to 4.0 priority value points on one or more of the nominated projects so as to achieve priority ranking order that is consistent with overall state water resources management plans and to insure that a minimum of 5 percent and a maximum of 30 percent of the recommended priority project funds in each fiscal year is allocated to projects in each of the eight planning commission districts. OPW shall also add priority value points to specific projects, if necessary, so that the first projects in priority order on the list are one project from each of the eight regional planning districts nominating projects for priority of funding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:30 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:885 (September 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

#### **§135. Verification of Need**

A. The application of an entity claiming project priority due to an immediate and substantial hazard in the community drinking water system shall contain a certificate from the state health officer or his duly authorized representative verifying existence of the hazard. Any entity claiming priority due to violation of a state or federal water quality standard or criterion shall provide, in the application for priority of funding, statements or other documentation from the appropriate state or federal regulatory agencies verifying the conditions claimed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:30 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:885 (September 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

#### **§137. Conservation of Resources Required**

A. Planning commissions and OPW shall give full consideration to past and present efforts by an entity to limit waste and conserve water in comparing need for a requested project with other requested projects.

B. Entities requesting priority of funding for a project shall provide assurance in the application for assistance that all appropriate water conservation measures will be taken, including consumer usage metering, service charges based on usage, leak detection and control systems, ordinances requiring use of water conserving plumbing fixtures and valves, etc.

C. An entity experiencing an acute or immediate need due to neglect, wastage or failure of entity to properly maintain existing facilities, shall not receive high priority base value due to the hazard thus created.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:30 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:885 (September 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

### **§139. Accurate Cost Estimates Required**

A. Entities requesting priority of funding shall provide accurate estimates of project costs.

B. The state shall retain the entire amount of overestimated state and local project costs up to the total amount of any state grant.

C. Any grant monies retained by the state may be used to increase grants to other funded priority projects which encounter actual project construction costs exceeding estimated costs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:30 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:885 (September 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

### **§141. Regulatory Agency Approvals**

A. Entities requesting project priority shall assure compliance with all state and federal rules and regulations applicable to a project of the type undertaken, including those pertaining to financing, construction, maintenance and operator certification. No state grant funds shall flow to a project unless all required approvals and permits, including preconstruction permits, are obtained by the entity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:30 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 11:885 (September 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

## **Chapter 3. Statewide Flood Control Program**

### **Subchapter A. Procedures for Implementing Statewide Flood Control Program**

#### **§301. Sequence**

A. This Section describes the sequence of events involved in implementing the Statewide Flood Control Program. The sequence begins and ends each year during the Regular Session of the Legislature. Specific procedures are described briefly in this Section and are presented more fully

in the pre-application, application, and evaluation of proposed projects and distribution of funds sections of this document.

1. Pre-Application and Resolution. Sponsoring authorities are to complete the pre-application, and must submit their completed pre-applications and resolutions to the Department of Transportation and Development, Office of Engineering, Public Works and Water Resources (DOTD) not later than 4 p.m. on May 1. Pre-applications received after May 1 will not be eligible for the program in the current year, but will be eligible for review during the next year. Pre-applications must include documentation of the flooding problem in order to be considered.

2. Evaluation Committee Review of Pre-Applications (May 1-June 1)

a. Pre-applications will be reviewed and screened by the Evaluation Committee. The reasons for the review are to determine whether there is documented evidence of flood

damages; whether the sponsoring authority is requesting DOTD assistance in preparing the full application; whether the proposed solution (if such a solution has been developed at this time) is eligible for funding under this program; and whether the sponsoring authority is willing to assume responsibility for its share of the cost, including new rights-of-way, operation and maintenance costs, and other obligations, within 4 years of acceptance into the program.

b. Ineligible projects under this program will include those which:

- i. do not reduce existing flood damages;
- ii. encourage additional development of flood prone areas;
- iii. increase the likelihood of upstream, downstream, or adjacent flood problems;
- iv. have a total construction cost of less than \$100,000; or
- v. primary purpose is to provide protection against coastal storm surges.

c. All pre-applications that are determined to be ineligible by the Evaluation Committee will be returned with appropriate comments by June 1. All eligible pre-applications will remain on file until a formal application is submitted or for a period of four subsequent funding years. The pre-application evaluation criteria for DOTD assistance are described in the Pre-Application Section.

d. Pre-applications that have been determined to be eligible and that may move on to the application stage include:

- i. pre-applications submitted by sponsoring authorities with a population of more than 50,000;
- ii. pre-applications from sponsoring authorities to receive assistance from DOTD in the application stage;
- iii. pre-applications from sponsoring authorities eligible for assistance from DOTD in the application stage that cannot be handled by DOTD in time for the current funding year that chose to prepare their own applications.

iv. pre-applications from sponsoring authorities seeking participation in the Rural Grant Opportunity Program must meet the requirements of Subchapter D. §327

e. Pre-applications in the third group may be processed in the application stage by DOTD in time for the next year's funding. Applications on which DOTD initiates work will receive increased priority for assistance in application preparation in the following funding years. The sponsoring authorities need not wait for DOTD assistance. However, they may prepare and submit their own applications.

f. At the end of the pre-application review period, applicants will be notified of the status of their pre-applications. The sponsoring authorities seeking DOTD assistance in preparing an application will be informed by letter whether they:

- i. will receive DOTD assistance in time for the current funding cycle; or
- ii. will not receive assistance at this time and must compete for assistance again the following year.

g. Authorities completing their own applications may automatically move into the application stage unless the proposed solution is not eligible as a project under the program. If the proposed solution is not consistent with the program's objectives, the Evaluation Committee may suggest alternative solutions which must be addressed in order for the application to be eligible.

### 3. Application Preparation (June 1-October 1)

a. Applications may be submitted anytime between June 1 and October 1, but must be received by DOTD no later than 4 p.m. October 1, in order to be considered for funding during the upcoming legislative session. Applications received after this deadline will not be eligible for the current year's program. Applications for which pre-applications were received and approved from the previous year(s) may also be accepted during this period, provided all other procedures and deadlines have been met and four years have not elapsed since the pre-application submittal.

b. On request, DOTD will prepare applications for eligible sponsoring authorities to the extent possible. All applications must adhere to the methodologies described in the instructions contained in the Statewide Flood Control Procedures Manual.

### 4. Evaluation Committee Review of Applications (October 1-April 1)

a. During this six-month period, the Evaluation Committee will review and evaluate all completed applications in order to make recommendations to the Joint Legislative Committee on Transportation, Highways, and Public Works (Joint Legislative Committee) for funding. Applications will be divided into urban and rural categories. Applications for projects in the eleven urban areas comprise the urban category, as shown in the Figure 1, and compete against all other urban projects for funding. All other applications will be grouped by funding district as shown in Figure 2. Proposed projects will be evaluated and ranked based on criteria established by the Evaluation Committee.

b. Projects recommended to the Joint Legislative Committee will include a mix of those occurring in each rural funding district as well as those for urban areas of the state. The method for allocating funding percentages within each district and the method for allocating total program funds to the various districts are presented in Subchapter D, Evaluation of Proposed Projects and Distribution of Funds.



**Figure 1. Statewide Flood Control Program Urban Areas Funding Group**

5. Public Hearings (February-March). As part of the application evaluation process, the Joint Legislative Committee will hold public hearings in locations convenient to each funding district. The purpose of the hearings will be to receive comments from the public on the preliminary recommendations of the Evaluation Committee. After the hearings, the Evaluation Committee will incorporate public comments into its evaluation, complete the project evaluations, complete the project evaluations, and submit a priority ordered list of projects to the Joint Legislative Committee.

6. Legislative Process (March-Regular Session). From the list of projects recommended by the Evaluation Committee, the Joint Legislative Committee will recommend to the legislature a construction program to be funded during the regular session. Projects recommended by the Evaluation Committee but not funded will remain active and will automatically be included in the recommended projects for the next year and receive additional points in the evaluation scoring procedure. Applications for projects that are not recommended will be returned to the sponsoring authorities with reasons for rejection.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:90 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Office of Public Works, LR 5:561 (May 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended LR 35:2849 (December 2009), LR 46:1235 (September 2020).

## **Subchapter B. Pre-Application Evaluation**

### **§303. Pre-Application Review and Evaluation Procedure**

A. The Evaluation Committee will be responsible for the review and evaluation of pre-applications. The reasons for reviewing and evaluating the pre-applications are to determine the following:

1. whether there is documented evidence of flood damages under existing conditions;
2. whether the sponsoring authority is requesting DOTD assistance in preparing the full application;
3. whether the proposed solution (if one has been developed) appears to be eligible for funding under this program;
4. whether the sponsoring authority is willing to assume responsibility for its share of the cost within 4 years of acceptance into the program.

B. If the applicant fails to adequately document that flood damages have occurred, the Evaluation Committee will not evaluate the pre-application and will notify the sponsoring authority accordingly.

C. Because of time and manpower constraints, DOTD will not be able to provide immediate assistance to all sponsoring authorities requesting assistance in the application stage.

D. Projects from sponsoring authorities seeking DOTD assistance in preparing applications will be scored and ranked with points awarded in the following manner.



**Figure 1. Statewide Flood Control Program Funding Districts for Rural Projects**

1. Time elapsed since initial request was made—add 1.0 point for each year up to four years since the initial request was made.
2. Local support—add up to 1.0 point for letters from the entire respective legislative delegation on file.
3. Existence of applicable surveying and engineering information within the DOTD files—add 1.0 point if vertical control has been established over the project area; 1.0 more point if no additional cross sections need to be taken; and add 1.0 more point if engineering calculations and the design are complete.

4. Severity of flooding problem documented—add the appropriate number of points based on the following document information.

Value	Occurrence	Points
0.1 point for each building damaged	x	=
0.1 point for each 300 acres flooded	Number of	
0.1 point for each landowner affected	occurrences in	
	past 10 years	
2.0 points for loss of life		

NOTE: Priorities will be established for each funding district effective June 1 of each year. The Office of Public Works will identify pre-applications for which it will try to complete applications during June 1 through October 1 application preparation period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:90 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 5:562 (May 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended LR 35:2851 (December 2009), LR 46:1236 (September 2020).

## Subchapter C. Evaluation of Proposed Projects and Distribution of Funds

### §315. Project Evaluation Procedure

A. The Evaluation Committee will compile a priority ranked list for the projects in each rural district and projects within urban areas each funding year. For evaluation purposes, the project classifications concern the characteristics of the benefitted area, not the design criteria or the contributing drainage area. The two project classifications are urban and rural. The urban category includes projects located in the Shreveport, Monroe, Alexandria, Lake Charles, Lafayette, Baton Rouge, Houma, Hammond, New Orleans, Mandeville-Covington, and Slidell urban areas as shown in Figure 1 above. The rural category includes every other project that is not within a classified urban area. The evaluation will be based on a combination of rating procedures described hereinafter.

B. The priority ranking of each project will be based on multiplying the scores of Parts A and B of the Application Evaluation Forms. Using the combined scores, the Evaluation Committee will produce a program priority list. The priority list will be forwarded to the Joint Legislative Committee on Transportation, Highways and Public Works.

#### C. Procedure for Application Evaluation Form—Part A

1. The Evaluation Committee will review each application and score it according to the following categories and maximum points.

- a. Documentation of Flood Problem—20 maximum points
- b. Local Support—5 maximum points
- c. Technical Feasibility—45 maximum points

d. Prevention of Loss of Life and Improved Public Safety—5 maximum points

e. Environmental Effects and Impact on Development—15 maximum points

f. Projects Recommended but not Funded—10 maximum points

2. The following guidelines will be used by the Evaluation Committee to rate applications to the Statewide Flood Control Program. This scoring procedure pertains to projects which meet the legislative intent of the program. Projects which are technically unsound, cause unreasonable flooding in other areas, cause unacceptable or unmitigable environmental damages or otherwise do not meet the objectives of the program will not be scored.

a. Documentation of Flood Problem (20-point maximum). This category takes into consideration the adequacy of documentation which demonstrates the existence and severity of flood damages.

b. Local Support (5-point maximum). This category takes into consideration the following:

i. letters of support on file from the respective legislative delegation;

ii. no letters of objection from public officials, neighboring authorities, citizens' groups, etc.;

iii. multiple sponsorship.

c. Technical Feasibility (45-point maximum). This category takes into consideration the following:

i. completeness of project design;

ii. due consideration of alternatives (structural and nonstructural);

iii. compatibility of the project to other federal, state, and local projects;

iv. impact on flooding in areas upstream, downstream, and adjacent to the benefitted area.

d. Prevention of Loss of Life (5-point maximum). This category takes into consideration the following:

i. historical losses of life that may have been prevented by the project;

ii. the degree of success of the project at maintaining access to vital services (e.g., hospitals) and protection of evacuation routes.

e. Environmental Effects and Impact on Development (15-point maximum). This category takes into consideration the following:

i. no letters of objection from public agencies;

ii. no impact on special historical, archeological, geological features, or environmentally sensitive areas;

iii. not in a wetlands area;

iv. effectiveness of the project in relation to encroachment into flood prone area (i.e., 100-year flood plain).

f. Projects Recommended but Not Funded (10-point maximum). Add points for each year (up to a four-year maximum) that the proposed project has been on the list of recommended projects but has not received funding.

#### D. Procedure for Application Evaluation Form—Part B

1. Ratings are computed on the basis of potential damage reductions associated with the design flood and do not include efforts to annualize benefits and costs. The same formula is to be used for rural and urban projects, and appears below.

$$\text{Part B Score} = \frac{\text{Total Damages}}{\text{Total Construction Cost}} \times \frac{90}{90 - (\text{PLM} - 10)}$$

where PLM = percent local match

\*Total damages are any damages from the design storm which will be prevented by the flood control project including: agricultural crop and land damages; agricultural building damages; damages to residential, commercial, public, and other buildings; damages to roads; damages to buildings; and damages to industries.

2. For applications to the Rural Grant Opportunity Program, the following formula is used.

$$\text{Part B Score} = \frac{\text{Total Damages}}{\text{Total Construction Cost}}$$

3. In the Part B scoring process, projects are separated into their appropriate categories (i.e., rural or urban).

E. Example of Evaluations. The Evaluation Committee will calculate the scores from Parts A and B to derive the total score for each project. The priority ranking will be determined by multiplying the scores from Parts A and B for each project. In the following example hypothetical information is used to compare three projects.

1. Part A. The three projects are first scored using the Application Evaluation Form—Part A. Results for the three projects are summarized in the following table. Projects are given both a raw score and a final score. The project with the highest raw score is awarded 100 points and competing projects are awarded points based on the ratio of their raw scores to the raw score of the highest scored project multiplied by 100.

#### 2. Part B

a. The following tables demonstrate the Part B evaluation procedure for the same three projects (assumed to be in the same rural district). The benefits data presented in the first table would be taken from the applications.

b. The damage reductions and cost data for each category shown in the following table are used to compute the raw scores shown in the table for Part B scoring. The Part B scores will then be used to obtain a final score.

Tabulation of Project Points Credited for Part A				
Category	Maximum Points	Project Points Credited		
		Flat River	Danville	Sunnyvale
Documentation of Flood Problem	20	12	17	13
Local Support	5	4	5	4
Technical Feasibility	45	36	40	27
Prevention of Loss of Life and Improved Public Safety	5	3	3	2
Environmental Effects and Impact on Development	15	1	3	2
Projects Recommended but not Funded	10	2.5	0	0
RAW SCORE	100	58.5	68	48
FINAL SCORE*		86	100	71

\*The project with the highest raw score receives 100 points. The other projects receive a percentage of 100 based on their raw score relative to the project with the highest raw score.

Tabulation of Costs and Benefits			
Category	Project Damage Reduction (Dollars)		
	Flat River	Danville	Sunnydale
Agricultural Acres	118,746	600,000	40,000
Residences	4,797,000	1,000,000	350,000
C and I Buildings		50,000	1,100,000
Other Buildings		100,000	700,000
Farm Structures		200,000	100,000
TOTAL DAMAGE REDUCTION	4,915,746	1,950,000	2,290,000
CONSTRUCTION COST	1,300,000	550,000	700,000

Part B Scoring			
Scoring Category	Flat River	Danville	Sunnydale
Raw Score			
Total Damages =	\$4,915,746	\$1,950,000	\$2,290,000
Construction Cost	\$1,300,000	\$550,000	\$700,000
or	3.78	3.55	3.27
Additional Funding Adjustment =			
90	90	90	90
90 - (PLM - 10)	90 - (40 - 10)	90 - (10 - 10)	90 - (10 - 10)
or	1.50	1.00	1.00
Adjusted Score = Raw Score x Additional Funding Adjustment	5.67	3.55	3.27

\*In this case Flat River contributed 40% (greater than the minimum) local match and therefore receives a higher score.

#### 3. Priority Score

a. The point totals from Parts A and B are multiplied in the following table to establish scores for the priority ranking of projects to be recommended for funding.

Form	Final Priority Scores		
	Project		
	Flat River	Danville	Sunnydale
Part A	86	100	71
Part B	5.67	3.55	3.27
Total	488	355	232
Rank	1	2	3

b. If these three applications were in the same district, the Evaluation Committee would recommend them for funding in the following order:

- i. Flat River;
- ii. Danville; and
- iii. Sunnydale.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:90 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 5:574 (May 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended LR 35:2852 (December 2009), LR 46:1237 (September 2020).

### **§317. Project Application Review and Public Hearings**

A. The Flood Control Project Evaluation Committee will review applications between October 1 and the following April 1. During the review period, the Joint Legislative Committee on Transportation, Highways, and Public Works will conduct public hearings to solicit comments on projects being considered for funding and will determine the venue for the hearings.

B. During this time, the Evaluation Committee will also receive from the Joint Legislative Committee on Transportation, Highways, and Public Works a projected funding level for the construction program of the coming year.

C. Based on the information gathered at the public hearings and the application evaluations, the Evaluation Committee will submit a list of recommended projects to the Joint Legislative Committee, on the basis of the distribution of funds described below.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:90 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 5:577 (May 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended LR 35:2854 (December 2009), LR 46:1239 (September 2020).

### **§319. Distribution of Funds**

A. Maximum Statewide Flood Control Program participation is \$5,000,000 per project, unless the secretary of DOTD authorizes a project to be undertaken in excess of \$5,000,000 due to the receipt of one-time funds.

B. The distribution of program funds is based on a two-tiered system consisting of:

1.a. the eleven major urban areas in Louisiana as shown in Figure 1 (§301); and,

b. the five funding districts shown in Figure 2 (§303);

2. 45 percent of total program funds is allocated to project areas within the eleven designated urban areas as shown in Figure 1 (§301). Projects within urban areas must compete for funding with projects from all urban areas. Urban funding shall be distributed evenly among urban jurisdictions with outstanding funding obligations;

3. 55 percent of total program funds is allocated to rural projects in the five funding districts as shown in Figure 2 (§303). The formula for distributing funds among the five districts is as follows:

District's Percent of Available Funding =

$[0.50 \times (\text{District's Percent of State's Rural Land Area})] +$

$[0.50 \times (\text{District's Percent of State's Rural Population})]$

4. The following table presents the funding allocation percentage for each of the five districts.

Table 1 Funding Allocations for Rural Projects by Funding District			
Funding District	Percent of State Total		
	Rural Land Area	Rural Population	Funding Allocation
Northwest	28.589	25.745	27.167
Northeast	19.644	13.948	16.796
Southwest	18.199	18.537	18.368
South Central	16.907	22.824	19.866
Southeast	16.661	18.964	17.803
State Total	100.0	100.0	100.0

5. The total annual funding provided to projects under the Rural Grant Opportunity Program shall not exceed 25 percent of the total annual funding provided to the Statewide Flood Control Program.

C. The Evaluation Committee will make its recommendations for projects within the limitations of the funding projections for the coming year and in accordance with the distributions presented in Table 1 of this Chapter. Table 2 of this Chapter presents the funding distribution for a hypothetical \$50 million construction program allocation.

AUTHORITY NOTE: promulgated in accordance with R.S. 38:90 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 5:577 (May 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended LR 35:2854 (December 2009), LR 46:1239 (September 2020).

**§321. Redistribution Procedure**

A. In the event that there are an insufficient number of approved projects in a particular rural district, the available funds will be redistributed to the other rural districts.

B. All excess funds shall be redistributed to other districts on a pro rata basis based on each funding district's percentage of rural project funds (Table 4 of this chapter).

C. If funds allocated to the five funding districts are remaining after all approved rural projects have been funded, any remaining funds may then be used to fund approved but unfunded projects in urban areas.

D. If funds allocated to urban areas are remaining after all approved urban projects have been funded, any remaining funds may then be used to finance rural projects and shall be allocated in the same fashion as any funds initially allocated to these districts.

E. In the event that funds become available due to the expiration of the four-year period allowed sponsoring authorities to generate local matching funds, those funds previously set aside will be redistributed in the same manner as described above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:90 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 5:578 (May 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended LR 35:2855 (December 2009), LR 46:1239 (September 2020).

**§323. Legislative Process**

A. The Joint Legislative Committee on Transportation, Highways and Public Works will submit to the legislature a construction program. As specified by Act 351 of 1982, the legislature may delete any project that it believes was not selected in accordance with the guidelines of the Act. The legislature may not make any additions or substitutions to the construction program.

B. Projects recommended by the Evaluation Committee but not funded by the legislature will remain on the Evaluation Committee's recommendation list for a period of up to four years. These projects must compete with all other remaining projects from previous funding years (up to four years) and new projects in subsequent funding years. However, projects recommended but not funded will be awarded 2.5 points (10 points maximum) for each year since the first filing of the project application.

Table 2 Example Distribution of Funds for Hypothetical \$10 Million Construction Program		
District	Total	District Total
Urban Areas	\$4,500,000	--
Rural Districts	\$5,500,000	--
Northwest		\$1,494,185
Northeast		\$923,780
Southwest		\$1,010,240
South Central		\$1,092,630

Table 2 Example Distribution of Funds for Hypothetical \$10 Million Construction Program		
District	Total	District Total
Southeast		\$979,165
Total	\$10,000,000	\$5,500,000

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:90 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 5:578 (May 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended LR 35:2855 (December 2009), LR 46:1240 (September 2020).

**§325. Construction and Operation**

A. Each sponsoring authority designated as a recipient of program funds must enter into an agreement with DOTD prior to the initiation of construction of a project and awarding of funds. This agreement stipulates what must be followed during all construction phases of the project, operation and maintenance, as well as the sponsoring authorities' obligations under R.S. 38:91. Policies and procedures that must be adhered to are detailed in the *Statewide Flood Control Program Procedural Manual for Funded Projects* made available to all sponsoring authorities designated to receive program funding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:90 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 5:579 (May 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended LR 35:2855 (December 2009), LR 46:1240 (September 2020).

## Subchapter D. Rural Grant Opportunity Program

**§327. Eligibility**

A. This Section describes the requirements of eligibility for participation in the Rural Grant Opportunity Program.

1. In order to be considered for the Rural Grant Opportunity Program, the authority shall also submit a resolution declaring its financial inability to satisfy the local match requirement of R.S. 38:90.9(A)(4). The resolution shall include a sworn affidavit executed by the authority's private certified public accountant certifying that, after an examination of the authority's financial records, monies are not available out of the accumulated unreserved earnings generated by the authority to meet the local match requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:90.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Engineering, LR 46:1240 (September 2020).

## Chapter 5. Funding Applications

### §501. Guidelines and Procedures for Applications for State Funding Assistance

#### A. Statewide Flood Control Program

1. The requests for Statewide Flood Control Program funds far exceed the amount of money made available each year. In an effort to best utilize the available funds, the following time schedules shall be incorporated into project development.

Task	Maximum Time, Years
1. Execution of Agreement Between DOTD and Sponsor	1/2
2. Application of Permits	1
3. Submittal of Preliminary Plans	2
4. Submittal of Draft Final Plans, Specifications and Cost Estimate	3
5. Acquisition of Rights-of-Way Permits and Utility Relocation and Securing the Funding for the Sponsor's Portion of the Project	3 1/2
6. Advertising for Bids and Awarding of Contract	4

2. If an approved project is authorized to be separated into multiple phases, all subsequent phases must have been advertised for bids within three years of the final acceptance resolution of the previous phase.

3. The date of the letter from the chairman of the Flood Control Evaluation Committee advising the sponsor that his project has been funded shall be used as the beginning point in determining the amount of time that has elapsed.

4. In the event a task or phase is not completed within the maximum time allotted, the agreement between DOTD and the sponsor shall be canceled and the state funds that were allocated for the proposed project shall be reallocated.

5. If the sponsor wishes to continue with the project, the sponsor shall be required to submit an updated application. If the sponsor fails to submit an updated application within two years of the date the agreement was canceled, the sponsor will be deemed to have abandoned the project and it will be removed from the program.

6. The updated application will be treated as a new application and must follow the same programmatic procedures for applying for funding.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:90.1 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Office of Public Works, LR 1:249 (May 1975), amended LR 12:533 (August 1986), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), LR 46:1240 (September 2020).

## Chapter 7. Dam Safety Program

### Subchapter A. Dam Safety

**\*Editor's Note:** The name of the agency, The Public Works and Flood Control Directorate of the Department of Transportation and Development (DOTD), has changed to The Public Works and Hurricane Flood Protection Division of the Louisiana Department of Transportation and Development.

#### §701. Introduction

A. The \*Public Works and Flood Control Directorate of the Department of Transportation and Development (DOTD) serves as the Water Resources agency for the state of Louisiana, providing engineering and technical support for the orderly planning and development of programs and projects related to flood control, drainage, irrigation, water diversions, reservoirs, navigation, port development, hurricane protection, coastal engineering, and management and development of water resources.

B. R.S. 38:21-28 legislation provides for a Dam Safety and Regulatory Program. The \*Public Works and Flood Control Directorate is charged with the responsibility for administering the program. The program is operated by the DOTD's Water Resources Design and Development Section, with administrative and enforcement authority vested in the Director of the Public Works and \*Flood Control Directorate.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:24.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Office of Public Works, LR 22:1234 (December 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

#### §703. Purpose

A. The purpose of R.S. 38:21-28 is to recognize the inherent dangers posed by impoundments of significant volumes of water, and to require that owners of structures which impound water (or other liquids) assume the responsibility for that danger by ensuring that such structures are designed, constructed, and maintained so as to minimize the risk to life and property. Regardless of the circumstances of failure, the owner is ultimately responsible for loss of life and property damages that may occur from the failure of his dam. \*The Department of Transportation and Development, Public Works and Flood Control Directorate, is charged with the responsibility for developing and enforcing a regulatory program to ensure that public safety and welfare is not compromised by the presence of dams or other impoundment facilities. The Louisiana Dam Safety Program defines the minimum standards for the design, construction, operation, and maintenance of dams in the state of Louisiana, and the DOTD has the responsibility and the authority to enforce the standards of the program. This rule documents the minimum standards for design, construction, operation and maintenance of dams and impoundment structures and the policies for the enforcement of those standards.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:24.

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## §705. Glossary

*Abutments*—those portions of the valley sides which underlie and support the dam structure, and are usually also considered to include the valley sides immediately upstream and downstream from the dam.

*Auxiliary or Emergency Spillway*—a secondary spillway designed to operate only during unusually large storm events. Louisiana's Dam Safety Program defines "unusually large storm events" as being equal to the 100 year storm event or larger.

*Baffle Blocks*—blocks constructed in a stilling basin to dissipate the energy of fast flowing water.

*Berm*—a horizontal step in a sloping profile. The berm is usually constructed with a slight slope for drainage purposes. The berm is often referred to as a seepage or stability berm.

*Blanket Drain*—a horizontal pervious zone located downstream of the impervious core. This zone is often referred to as a sand blanket.

*Breach*—an eroded opening through a dam that drains the reservoir. A controlled breach is an intentionally constructed opening. An uncontrolled breach is an unintentional opening that allows uncontrolled discharge from the reservoir.

*Chimney Drain*—a vertical pervious zone located just downstream of the impervious core. The chimney drain is usually constructed with a sand material.

*Cofferdam*—a temporary structure enclosing all or part of the construction area so that the construction can proceed in the dry.

*Conduit*—a closed channel to convey discharges through or under a dam. The conduit can be a reinforced concrete pipe, a corrugated metal pipe or a single or multi-barrel reinforced concrete box culvert.

*Crest Length of Dam*—the length of the top of dam. This length includes the spillway(s) and other appurtenant structures. The crest length of dam is basically the length from where the top of dam terminates on one abutment to a similar point on the other abutment.

*Cutoff Trench*—an impervious barrier built into the foundation to reduce seepage under the dam. A cutoff wall or slurry wall could be used as a seepage barrier. The slurry wall is relatively thinner in the horizontal direction when compared to a clay core cutoff trench.

*Dam*—any artificial barrier, including appurtenant works, which does or will impound or divert water or any other liquid substance.

*Downstream Slope*—the inclined surface of an embankment dam that faces away from the reservoir.

*Drawdown Structure*—a low-level outlet which can be used to lower the reservoir below normal pool stage. This may be necessary for lake management purposes, routine repairs or dam safety purposes.

*Earthfill Dam*—a dam constructed predominantly of fine-grained material. Earthfill dams are also known as rolled fill dams where material is placed in layers and compacted by using rollers or rolling equipment.

*End Sill*—the area at the upstream and downstream end of the stilling basin base slab.

*Foundation of Dam*—the natural material on which the dam is placed.

*Heel of Dam*—the junction of the upstream slope with the foundation. The heel of the dam is often referred to as the upstream toe.

*Impervious Core*—a zone of low permeability material. This zone is the water or seepage barrier and is often referred to as the clay core.

*Intake Structure*—the structure placed at the beginning of an outlet works waterway. The intake structure establishes the ultimate drawdown level of the reservoir by the position of its opening(s) to the outlet works. Intake structures may be vertical or inclined towers (drop inlets).

*Maximum Cross Section of Dam*—cross section of a dam at the point where the height of the dam is at its maximum.

*Maximum Storage Capacity*—the capacity at maximum storage is the volume in the reservoir in acre-feet when the level in the reservoir is at top of dam elevation.

*Non-Overflow Wall*—a wall which is usually constructed parallel to the spillway crest at an elevation equal to the top of dam elevation. This wall is not designed to be overtopped and are often referred to as a closed dam section.

*Normal Pool Stage*—the water level at the dam to which water may rise under normal operating conditions and for uncontrolled spillways is defined as the lowest crest elevation of the principal spillway. This does not include flood surcharge.

*Outlet Gate*—a gate on the drawdown structure or spillway which is used to control the outflow of water.

*Piping*—the progressive internal erosion of an embankment, foundation, or abutment material. The erosion (piping) begins on the downstream side and progresses upstream.

*Primary or Principal Spillway*—the first used spillway during flood flows.

*Probable Maximum Flood (PMF)*—the flood that may be expected from the most severe combination of critical meteorologic conditions that are possible in the region.

*Retaining/Training Walls*—walls which are usually constructed perpendicular to the spillway crest. Retaining walls are walls which support an overturning load. Training walls are walls which confine or guide the flow of water. In

many instances, these walls serve both purposes and can be referred to as either a retaining or training wall.

*Riprap*—a layer of large uncoursed stones, broken rock or precast blocks placed in a random fashion on the upstream slope of the dam and stilling basin outlets. Riprap is a flexible type of slope protection which will deform if material is displaced from beneath.

*Riser*—a type of drop inlet spillway with a vertical section of metal or concrete pipe that allows the reservoir to rise to a predetermined level before water flows into the pipe.

*Slope Protection*—protection against wave action or erosion. The two most common types of slope protection, are riprap and soil cement.

*Sluice*—a low-level opening for releasing water from a dam.

*Soil Cement*—a well compacted mixture of soil, portland cement and water that produces a hard pavement. Soil cement is usually placed in horizontal layers. Soil cement is a rigid type of slope protection which attempts to span voids.

*Spillway Crest*—the overflow section or top of weir section of the spillway.

*Stilling Basin*—a basin constructed to dissipate the energy of fast flowing water. The stilling basin area is located just downstream of the spillway crest between the training/retaining walls.

*Structural Height*—the distance between the lowest point in the excavated foundation and the top of the dam.

*Surcharge/Flood Surcharge*—the volume or space between normal pool and the maximum design water level.

*Tailwater*—the level of water immediately downstream of the dam.

*Toe of Dam*—the junction of the downstream slope with the foundation. The toe of the dam is often referred to as the downstream toe.

*Top of Dam/Crown*—the uppermost surface of the dam. The top of dam can also be referred to as the crest of the dam. When the term "crest" is used, it must be specified that it is the "crest of the dam" and not the "crest of the spillway."

*Uncontrolled or Ungated Spillways*—spillways where the flows over the spillway crest are controlled only by the elevation of the spillway crest. This type of spillway is often referred to as a fixed crest spillway. *Normal Pool Stage* for uncontrolled spillways is defined as the lowest crest elevation of the principal spillway.

*Upstream Slope*—the inclined surface of an embankment dam that is in contact with the reservoir.

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## §707. Applicability

A. The regulations of this program will govern the construction, enlargement, alteration or repair, maintenance and operation of all dams as defined by R.S. 38:21-28. The terms *dam* and *impoundment structure* are used interchangeably and shall mean the embankment, spillway(s), outlet works and other attendant parts. Included are all artificial barriers together with all appurtenant works which impound or divert water or any other liquid and which are:

1. 25 feet or more in height and have an impounding capacity at maximum storage greater than 15 acre-feet, (See §729, Appendix 1); or
2. have an impounding capacity at maximum storage of 50 acre-feet or more and are greater than 6 feet in height (See §729, Appendix 1).

B. All barriers which are 6 feet or more in height with maximum storage capacities of 15 acre-feet or more must be submitted to the DOTD for review (See §731, Appendix 2). The height of a dam is measured from the natural bed of the stream or watercourse at the downstream toe of the barrier, or if it is not across a stream or watercourse, the height from the lowest elevation of the outside limit of the barrier, to the top of the dam.

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## §709. Permitting

A. Application for Permit. Written approval for construction from the DOTD will be required prior to constructing any new impoundment structure or commencing any structural modifications to existing impoundment structures. Permit forms may be obtained from the Director, \*Public Works and Flood Control Directorate, Louisiana Department of Transportation and Development, Box 94245, Baton Rouge, LA, 70804-9245. The permitting process is intended to ensure that new structures and modifications to existing structures are designed and constructed in accordance with the requirements documented herein. (See §733, Appendix 3.)

B. National Resources Conservation Service (NRCS), formally called Soil Conservation Service (SCS). The approval process may be abbreviated if dams meet the requirements of "Pond Standard 378" of the National Resources Conservation Service *National Handbook for Conservation Practices* and the National Resources Conservation Service's engineering staff provides the design, layout, and construction inspection. In this case, the National Resources Conservation Service will certify that the dam design and construction meets the requirements of "Pond Standard 378" and they will provide the DOTD with the Pond Data Sheet, a map showing the location of the pond, and a letter signed by the owner of the dam (See §735,

Appendix 4). The National Resources Conservation Service will agree to periodically inspect the structure to ensure that "Pond Standard 378" is being maintained, and to inform the DOTD if the structure ever falls below "Pond Standard 378."

C. **Public Hearings.** After an application has been filed and accepted, the public in the affected locale will be notified by publication in the local news publication. The Director of Public Works and Flood Control will prepare a notice, assigning a date and place for a public hearing of the application. The notice will contain information describing the application and the name and address of the applicant (See §737, Appendix 5). It will be the applicant's responsibility to have the notice published once a week for two consecutive weeks in the official journal of the parish in which the project will be constructed, and shall provide notarized proof of publication on or before the hearing date. The applicant will bear the cost of the publication. The DOTD will conduct the public hearing, and the applicant will be required to attend to describe the nature and purpose of the proposed project and to answer questions.

D. **Issuance of a Permit.** An "Impoundment Permit/Certificate of Completion" shall be issued for all dams, both existing and new construction. The "Impoundment Permit/Certificate of Completion" is not transferable. The owner of a dam must notify the DOTD 30 days prior to transferring ownership of the dam, and must return the "Impoundment Permit/Certificate of Completion" to the DOTD.

E. **Failure to Obtain Approval.** If, prior to beginning construction, the owner fails to obtain approval, the owner will be cited and fined under the statutory authority of R.S. 38:28. Also, the lake may be ordered to be drained until all approvals have been obtained.

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### **§711. Submittals**

A. All designs for work to be permitted under the program will be submitted for review and approval with all necessary supportive documentation (See §739, Appendix 6). Normally it is expected that an owner or prospective owner will establish contact with the DOTD to apply for a permit to construct or modify a dam. An example of a letter notifying the DOTD of intent to construct or modify a dam is provided (See §741, Appendix 7). In some cases, however, structures are built and water is impounded without the knowledge or approval of the DOTD. When such structures are discovered, the owners will be contacted by the DOTD and required to furnish documentation that their structure meets the safety requirements of the program. In either case, the applicant shall be guided by the Water Resources Design and Development Section throughout the review and approval process. The documentation required shall be formal engineering designs and calculations, supported by

sufficient field information, and certified by a professional civil engineer registered to practice in Louisiana. Because each step in the design of a dam is dependant upon the quality of the design judgments made in the previous steps, the applicant is advised to coordinate each of the design stages identified in the next Section with the DOTD review team prior to proceeding to the next step.

B. After general designs have been approved, the applicant may proceed with plans and specifications, which will also require approval before construction can begin. Plans and specifications will be of professional engineering detail and quality and will include all information and directions necessary to construct the dam in accordance with the design intent.

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### **§713. Design**

A. The proper design of a dam involves a complex combination of engineering applications. It is not within the scope or intent of this document, nor will it be the practice of the staff of the DOTD, to instruct in the detailed procedures for the design of a dam. All dams and impoundment structures to be permitted under this program will be designed by a professional civil engineer(s), registered by the Louisiana State Board of Registration for Professional Engineers and Land Surveyors. The registered civil engineer will certify the designs and plans by professional seal. Designs must conform to nationally recognized standards, further explained in the following Paragraphs and in the Appendices. The completed design package will state the intended design life of the structure, and will include the operations and maintenance procedures necessary to ensure that the structure will function as designed for its stated design life.

B. Failure of an impoundment structure and the instantaneous release of large volumes of water is referred to as a dam breach. It is the primary risk associated with dams, and is the fundamental reason for the state to assume regulatory authority over dams through the Louisiana Dam Safety Program. Breaching may occur during fair weather due to the cumulative effects of erosion or seepage, or it may occur as a result of stresses caused by excess water produced during a storm event. The hydraulic and hydrologic (H and H) design will determine which of the two scenarios poses the greater hazard, the volume of water which is likely to be released, and the rate of flow.

C. It is the H and H design which determines the volumes and flow rates with which the impoundment structure(s) must contend. The geotechnical and structural designs must ensure that the impoundment structure(s) can safely accommodate the hydraulic forces imposed by the conditions predicted by the H and H design. Following are the sequential steps which are necessary in any

dam/impoundment structure design, and each step must be documented with design calculations and all supporting data, certified by a Registered Professional Civil Engineer:

1. Hydrology and Hydraulics (H and H) Design
  - a. Impact (Hazard) Classification.
  - b. Determination of controlling design condition and associated storm runoff.
  - c. Setting of spillway and stilling basin widths and elevations, top of embankment elevation, and normal pool stage.
2. Structural and Geotechnical Design of Embankment, Spillways, and Drawdown Structures
3. Development and Documentation of Operations and Maintenance Procedures

NOTE: For the purpose of the Dam Safety Program, the *Emergency Spillway* shall be defined as being overtopped by the 100-year storm or greater and the *Principal Spillway* shall be defined as being overtopped by a storm less than the 100-year storm.

#### D. Hydrology and Hydraulics (H and H) Design

1. Before the structural design of the dam can begin, the requirements of hydraulic capacity must be determined. The height of the dam, the amount of freeboard above normal pool elevation, the size and capacity of the principle and emergency spillways, must all be designed to balance the hydrological and hydraulic properties of the location of the reservoir. A properly designed drawdown structure, capable of reducing the stage of the reservoir at a suitable rate in the event of emergency, must also be designed to meet the capacity requirements of the site.

2. H and H design begins with the Impact Classification (also referred to as Hazard Classification in some texts) of the dam. The Impact Classification is determined by an evaluation of the probable maximum impacts of a dam breach. Low impact structures are those for which, because of size and/or location, little or no significant damage to life or property is likely to result from a failure of the structure. Significant impact structures are those which could cause appreciable damage to property or could pose possible threat to human life in the event of failure. High impact structures are those for which failure would cause excessive property damage or make loss of human life likely.

NOTE: The inflow design flood (IDF) is determined by the various Hydrograph Methods after the precipitation amount is developed. The major source of precipitation data is the National Weather Service (NWS). The DOTD has final authority for approval of the method to be utilized to determine the IDF.

Table 1. Impact Classification and Inflow Design Flood			
Impact Category	Potential Loss of Life	Potential Economic Loss	Minimum Inflow Design (IDF)
Low	Not Likely	Minimal	50-Yr. Freq.
Significant	Possible	Appreciable	100-Yr. Freq.
High	Likely	Excessive	1/2 PMF

3. Further guidance in assessing the potential hazards and associated impact classification for dams may be found in the publication referred to in §727. It is the responsibility of the owner/applicant to establish impact classification, and all dams will be considered to be of High Impact potential until demonstrated to be otherwise by a documented analysis provided by the applicant. The proposed impact classification must be supported by sufficient analysis and documentation, and the DOTD will have final authority for assigning Impact Classification.

4. Having established the Impact Classification for the structure, the next step is to establish the magnitude of the meteorological event on which the entire design is to be based. Dams must be designed to be able to safely withstand the passage of a flood of design magnitude. The Inflow Design Flood (IDF) is the largest storm event to be considered in the design of the structure, and the magnitude of the storm event for which the IDF is computed is related to the Impact Classification. The values shown for IDF in Table I are minimums, and the storm event to be used as the IDF will be determined by a site specific analysis. For low impact structures, the primary consideration is the protection against loss of the dam and its benefits in the event of failure, while for significant and high impact structures, adequate protection of life and property must be assured.

5. For dams classified as high impact, the IDF is defined as the flood event above which a breach of the dam does not increase hazard to downstream interests. The upper limit of the IDF for high impact structures is the Probable Maximum Flood (PMF), which is the flood which may be expected from the most severe combination of critical meteorological and hydrological conditions which are reasonably possible. While the PMF is the upper limit for the IDF, the IDF for high impact dams may be an event of smaller magnitude, depending upon an incremental hazard assessment. The incremental assessment is a routing of floods of increasingly larger magnitude through the structure and downstream channel reaches, comparing conditions with and without a dam failure, until a flood magnitude is reached for which the dam failure condition does not appreciably increase the hazard potential.

6. Dams classified as having significant impacts may or may not require a formal incremental hazard evaluation, depending upon the extent of existing and potential downstream development, the size of the reservoir, and the type and use of the dam. The upper limit of the IDF for significant impact structures is the PMF.

7. For dams with low impact classification, the incremental hazard evaluation is not required, and the IDF can be based upon factors related to loss of service of the dam, potential maintenance costs, etc., but with the 50-year frequency storm being the minimum design event.

8. The Water Resources Design and Development Section should be a partner in establishing the IDF, and designs should not proceed until agreement has been reached between the DOTD and the owner's engineer on the choice of the IDF. Establishing the IDF is the foundation for the

entire design process, since the dam must be designed to safely pass and/or contain the IDF. A guideline for performing the incremental hazard evaluation necessary to establish the IDF is provided in the publication referred to in Subsection N.

9. How the IDF is to be safely passed by the dam structure and the stability of the dam against the long-term effects of hydrostatic forces is the subject of the balance of the design effort, including the general configuration of the dam; length, elevation, and composition of principal and emergency spillways; storage capacity above normal pool elevation; erosion protection; and stability design. The most practical way of assuring the integrity of the dam during an IDF is to provide a concrete spillway which is capable of carrying the peak flow of the storm. Principal spillways are normally sized to carry flows from all but the largest of storms, with emergency spillways, which are not normally armored, functioning only during major storm events. If the peak flow from the IDF can be contained within the principal and emergency spillways, the stability of the dam is not likely to be threatened by the erosive action of water flowing over the embankment. The designer may wish to balance the relative economy of providing spillway capacity versus storage capacity above normal pool stage. But, if design calculations indicate that the embankment will be overtopped by the IDF, provisions must be included in the design to prevent the embankment from failing under the erosive forces of the overtopping flows.

#### E. Geotechnical Design

1. It is essential to the stability of the structure that the material used in the impoundment structure, as well as the foundation and adjoining earth have the necessary structural properties to withstand the hydrostatic forces required by the design, that potential for destructive seepage is identified and appropriately dealt with, and that the surfaces of the structure are adequately protected from surface erosion.

2. Field investigations shall be adequate to define the soils and ground water conditions with respect to stability and seepage control. Stability analysis should consider after-construction conditions, based on the undrained shear strength parameters determined by laboratory tests. Long-term steady seepage, partial pool, and rapid drawdown analyses should also be performed, using shear properties appropriate to the subject materials and minimum safety factors shown in the following Table.

<b>Table 2. Factor of Safety for Stability Analysis</b>	
<b>Analysis Condition</b>	<b>Factor of Safety</b>
Rapid Drawdown	1.25
Partial Pool	1.40
Steady Seepage	1.40
After Construction	1.30
Earthquake	1.15

6. Structural Design. Structural Designs are to be prepared in accordance with generally accepted structural engineering practices such as those of the American Concrete Institute, the American Institute of Steel Construction and the American Institute of Timber

Construction. Components of the spillway or other appurtenant structures shall be designed to resist the most critical loading combination of dead loads plus live loads that may occur during its construction or design life. Some of the loads which must be considered in the design are: buoyancy forces, sliding forces, hydrostatic uplift forces, bearing forces, overturning forces, water drag forces, wing drag forces, gate-lifting and closing forces, soil and water pressure forces, impact forces, uniform and point live load forces, etc. The minimum factors of safety for buoyancy and sliding shall be 1.5 and 2.0, respectively. The overturning analysis must indicate that the resultant force falls within the center 1/3 of the base. The minimum factor of safety for pile design shall be 2.0.

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#### §715. Construction

A. It will be the owner's responsibility to ensure by the presence of professional construction supervision personnel that the structure is built in strict compliance with the approved designs and specifications. Adequate records shall be maintained to document that all materials and construction procedures meet or exceed those specified. The owner shall report on the construction to the DOTD. The work of construction, enlargement, alteration, repair or removal of a dam or reservoir for which approved application, designs, plans and specifications are required shall be under the responsible charge of a registered civil engineer. Upon completion of the work and prior to the impoundment of water, the engineer shall certify that all work has been done in compliance with the approved plans and specifications (See §743, Appendix 8).

B. During construction, periodic inspections may be made by representatives of the DOTD. The owner will be required to provide such works or tests as may be needed to disclose sufficient information to enable the DOTD to determine that conformity with approved plans and specifications is being maintained. Inspections made by the DOTD are "limited inspections" and do not relieve the owner or the owner's engineer from their responsibilities for conformance to accepted designs and procedures.

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#### §717. Maintenance and Operations

A. Once in service, the integrity of the impoundment structure must be sustained by regular maintenance, in accordance with the approved operations and maintenance document provided by the designer. The Operations and

Maintenance Manual should contain forms and schedules for records and documentation of inspections, maintenance procedures, and repairs. The owner will be responsible for certifying, through properly documented records, to the DOTD that the required periodic inspections have been made, for correcting any deficiencies revealed during such inspections, and for maintaining records of all operations and maintenance activities, as well as of original construction and any subsequent modifications.

B. An Emergency Preparedness Plan is required for all dams and reservoirs. The plan shall comply with the guidelines of the current issue of Louisiana's *Emergency Action Plan Guidelines*, available from the DOTD's Director of Public Works and Flood Control. The Emergency Preparedness Plan will be a condition of the permit for the project, and it will be the owner's responsibility to implement the provisions of the plan in the event of emergency.

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#### **§719. Inspections**

A. The DOTD will periodically inspect every dam in the jurisdiction of the program. The purpose of the DOTD inspections is to ascertain whether the structure is being properly maintained in accordance with the approved operations and maintenance procedures. The DOTD inspections are "limited inspections" and do not relieve the owner of responsibility to perform and document periodic inspections. If an inspection by the DOTD reveals that a dam is unsafe or in danger of becoming unsafe, the DOTD, through the Director of Public Works and Flood Control, shall direct the owner to take whatever action is necessary to restore the dam to its design condition.

B. The owner has the primary responsibility for insuring the safe condition of the structure by regular maintenance and periodic inspection. The owner is required to immediately inform the Director of Public Works and Flood Control of any unusual circumstances or occurrences which may affect the condition or safety of the reservoir. Also, the director will be notified prior to any planned draw downs of the reservoir.

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#### **§721. Enforcement**

A. If any dam or impoundment structure is determined to be unsafe, the Director of Public Works and Flood Control, pursuant to R.S. 38:21-28, shall direct any such repairs or remediations for a dam or impoundment structure as he

deems necessary to insure that life and property are not unduly threatened by the impoundment. such remedial action may include:

1. direction that the water level behind the structure be lowered to a safe level; or
2. that the impoundment be completely drained until all necessary corrections to the structure have been made.

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#### **§723. Existing Structures**

A. All dams constructed or under construction prior to promulgation of these Rules will be reviewed to assess their disposition under the program regulations. Each dam is unique and must be judged on the basis of its own particular set of circumstances. Based on the circumstances of each individual case, a judgment will be made of what modifications or repairs are necessary to meet program standards. It is the intent of the program to eventually have every dam upgraded to meet program standards. The DOTD will be the sole judge of whether an existing deficiency creates an unacceptable risk to the general public. While it is not the intent of this program to lower the standards for existing dams, the DOTD recognizes that it is not practical to require all dam owners to immediately retrofit their structures to meet new minimum Inflow Design Flood standards.

B. An "Impoundment Permit" is required for existing dams and will be issued after reviewing all historical data (designs, plans, specifications, operation and maintenance records, etc.) and performing a technical inspection (or inspections) to adequately assess the safety of the dam. The owner shall provide all historical data, if available.

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#### **§725. Emergency Preparedness Plan**

A. An Emergency Preparedness Plan is required for all dams and reservoirs both existing and new construction. The plan will comply with the guidelines of the current issue of Louisiana's *Emergency Action Plan Guidelines*, available from the Director of Public Works and Flood Control, and shall be submitted as a necessary component of the maintenance and operating procedures and as a condition of the permitting process. It is the owner's responsibility to assure that the provisions of the Emergency Action Plan are implemented in the event of an emergency situation.

B. A breach analysis is required to develop the emergency preparedness plan. The breach analysis will

establish the magnitude of the inundated area (inundation map), peak flood elevations and arrival times of the peak flood elevations at critical locations. The worst case scenario breaching event will be somewhere between the "sunny day" breach and that event above which a breach of the dam does not increase hazard to downstream interests. If the dam owner prefers to perform only one breach analysis rather than performing incremental analyses to discover the worst case scenario breaching event, he may perform a breach analysis where the tail water is at the average annual elevation and the reservoir is at maximum design surcharge.

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A. Jerrold W. Gotzmer, William C. Jenkins, Ramon G. Lee, Joseph R. McCormick, Harvey H. Richardson, and David L. Sveum, *Training Aids for Dam Safety, Module: Evaluation of Hydrologic Adequacy, Interagency Committee on Dam Safety* (Available from: Louisiana Transportation Research Center, 4101 Gourrier, Baton Rouge, LA 70808, telephone (225) 767-9131).

B. Peter G. Grey, Terry G. Fairbanks, Tasso Schmigall, and Charles D. Wagner, *Training Aids for Dam Safety, Module: Evaluation of Hydraulic Adequacy, Interagency Committee on Dam Safety* (Available from: Louisiana Transportation Research Center, 4101 Gourrier, Baton Rouge, LA 70808, telephone (225) 767-9131).

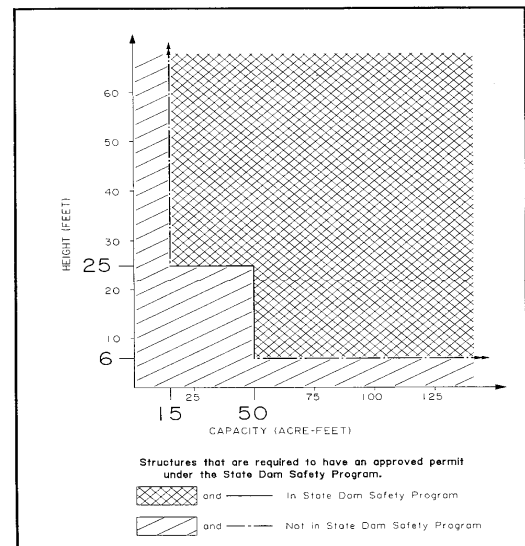
**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:24.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Office of Public Works, LR 22:1240 (December 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

## Subchapter B. Figures and Forms

### §729. Appendix 1, Structures—Approved Permit

A. Structures that are required to have an approved permit under the State Dam Safety Program.

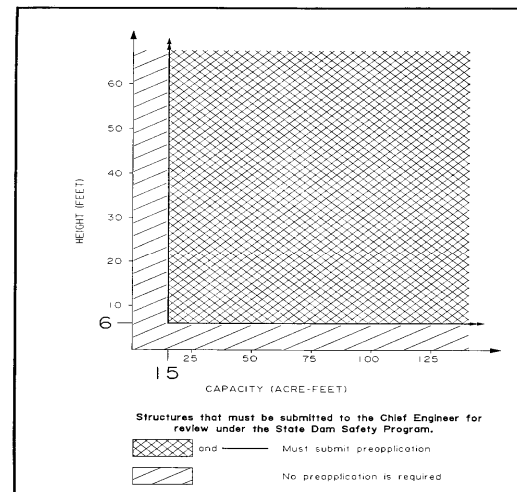


**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:24.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Office of Public Works, LR 22:1240 (December 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

### §731. Appendix 2, Structures—Chief Engineer Review

A. Structures that must be submitted to the Chief Engineer for review under the State Dam Safety Program.



**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:24.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Office of Public Works, LR 22:1240 (December 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

### §733. Appendix 3—Procedural Sequence

A. Applicant or his Engineer submits "Letter of Intent."

B. Applicant or his Engineer submits "Pre-Application for Construction of Dam."

C. Applicant publishes "Notice of Application" and a "Public Hearing(s)" is (are) held.

D. Applicant or his Engineer submits "Designs, Plans and Specifications" as follows and submits "Application for Construction of Dams."

1. "Impact (Hazard) Classification.
2. Determination of controlling design condition and associated storm runoff.
3. Setting of spillway and stilling basin widths and elevations, top of embankment elevation, and normal pool stage.
4. Plans, Specifications, Designs and other Submittals.

E. The DOTD issues "Approval or Denial of Application"; Approval is an "Approval for Construction."

F. Construction begins; Applicant or his Engineer performs "Construction Inspections."

G. If "Deficiencies" are found by the DOTD, Applicant or Applicant's Engineer; then the Applicant or his Engineer shall correct the deficiencies.

H. Supervision of Construction by the Owner.

I. Applicant or his Engineer submits "Notice of Completion" and "As-Built Drawings" and revised "Application for construction of Dam."

J. The DOTD issues "Certificate of Completion/Impoundment Permit."

K. Applicant or his Engineer submits "Maintenance and Operation Procedures" for the DOTD's approval.

L. Applicant or his Engineer submits "Emergency Preparedness Plan" for the DOTD's approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:24.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 22:1241 (December 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

### §735. Appendix 4—Pond Data Sheet

Date: \_\_\_\_\_

Dam Safety Administrator  
Louisiana DOTD  
P. O. Box 94245, Capitol Station  
Baton Rouge, Louisiana 70804-9245

RE: Pond Construction

I am aware that the design, construction and operation of all dams within Louisiana is regulated by the Rules and Regulations for Dam Safety Program as developed by the State of Louisiana, Department of Transportation and Development. I am also aware of the liability that is associated with owning a dam.

Since I am receiving design and construction assistance from the National Resources Conservation Service, the dam described below is excluded from the approval process outlined in the Dam Safety Regulations. However, if for some reason (such as a land use change) the dam no longer comes

within the criteria of the National Resources Conservation Service National Handbook for Conservation Practices-Standard 378, I agree to modify the structure if necessary to comply with the requirements of the Dam Safety Regulations. I also agree to allow access for inspection of this structure.

Sincerely,

OWNER

DAM LOCATION:  
DESCRIPTION:

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:24.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 22:1241 (December 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

### §737. Appendix 5—Notice of Application

Pursuant to the Rules and Regulations of the Louisiana Dam Safety Program as established by R.S. 38:21-28 interested parties are hereby notified that a "Letter of Intent" and a "Pre-Application for Construction of Dam" have been received by the DOTD Public Works and \*Flood Control Directorate to construct the proposed Dam and Reservoir Pre-Application Number PA \_\_\_\_\_ located in Section \_\_\_\_\_, Township \_\_\_\_\_, Range \_\_\_\_\_, Parish \_\_\_\_\_.

Applicant:

(Name)  
(Address)  
(Phone)

Purpose and Brief Description of Dam:

All interested parties are hereby notified that a public hearing on the application will be held at \_\_\_\_ p.m. on \_\_\_\_ at \_\_\_\_\_.

Any interested party shall have the right to request a public hearing on the application. Requests for additional public hearings must be in writing and must be submitted no later than the close of the public hearing on \_\_\_\_\_. Letters must state, with particularity, the reasons for holding a public hearing, applicant's name and pre-application number. On receiving a written request for an additional hearing(s) within the time limits set forth in this notice, the DOTD Public Works and \*Flood Control Directorate shall set a date, time and place for conducting a hearing on the application. During the hearings, any interested party shall have the right to protest the application and to appear and present evidence and testimony in support of such protest.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:24.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 22:1241 (December 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

### §739. Appendix 6—Minimum Required Submittals

A. All structural, geotechnical, hydrologic and hydraulic design calculations. An engineer's report shall also be submitted which summarizes the design analyses and shall include, but is not limited to, the following:

1. Formulas, methods and basic data assumptions used in the designs.

2. List of all pertinent design codes.

3. Summary tables which list design load cases, computed design factors of safety and required factors of safety as specified in these rules and regulations or required by pertinent design codes.

4. All other information which aided in evaluating the design, supported assumptions and conclusions, and will facilitate an independent review.

B. Plans with sufficient details to construct all features of the dam in accordance with the design intent. Also, the plans shall include details to construct a permanent reference mark (bench mark) near, but separate from, the project. The exact location and elevation above mean sea level must be noted on the "as-built" plans.

C. Specifications with sufficient details to construct all features of the dam in accordance with the design intent. The specifications shall also provide that the plans and specifications may not be changed without prior written approval by the DOTD.

D. Document(s) to show proof of ownership.

E. An inspection plan specific to the construction activity. The inspection plan is to detect deficiencies or situations that may result in a threat to life and property.

F. An emergency action plan specific to the construction activity. The inspection plan in Item 5 is part of the emergency action plan under this Item.

G. If the applicant has an agreement or contract with another entity who will be responsible for the operation and maintenance of the dam, the applicant must provide copies of the agreement or contract document(s).

H. If the applicant is constructing the dam for the specific purpose of transferring ownership to a homeowners' association, a landowners' association, or any other entity, the applicant must provide a document which clearly states his intent, i.e., a dam which is constructed for a subdivision development where ownership will be transferred to a homeowners' association.

I. All other "Permits" required to construct the dam and "Letters of No Objection" which were obtained from various regulatory entities.

J. "As-Built" plans.

K. "Operation and Maintenance Manual".

L. "Emergency Preparedness Plan".

NOTE: The applicant should submit two copies of all preliminary submittals. The applicant must submit five copies of all final submittals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:24.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 22:1241 (December 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

## §741. Appendix 7—Letter of Intent

Purpose: To notify the Louisiana Dam Safety Program of the applicant's intent to construct, enlarge, alter, repair or remove a dam within the state.

Address To: Louisiana Dam Safety Program

Louisiana Department of Transportation  
and Development  
Public Works and Flood Control  
Directorate  
Box 94245  
Baton Rouge, LA 70804-9245

Contents:

- 1) Name of proposed or existing dam
- 2) Purpose of dam:
- 3) Owner's:  
Name:  
Address:  
Telephone:
- 4) Location of dam (section, township, range, parish).
- 5) Brief description of proposed dam construction, enlargement, alteration, repair or removal.
- \*6) Height of Dam (height in feet from top of dam to lowest point at downstream toe of dam).
- \*7) Reservoir Capacity (volume in acre-feet with water at top of dam).

NOTE: \*Items 6 and 7 can be approximated at this time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:24.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 22:1242 (December 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

## §743. Appendix 8—Letter of "Notice of Completion and As-Built Drawings"

Purpose: To notify the Louisiana Dam Safety Program that the construction of the subject project is complete and to certify that said construction was done in accordance with the approved designs, plans, drawings and specifications.

From: Applicant's Consulting Engineering Firm (letter must be signed and sealed by a Registered Professional Civil Engineer licensed in the State of Louisiana).

Address to: Louisiana Dam Safety Program  
Louisiana Department of Transportation and Development  
Public Works and \*Flood Control Directorate  
Box 94245  
Baton Rouge, LA 70804-9245

NOTE: As-Built Drawings must be received by the DOTD Public Works and \*Flood Control Directorate within 30 days after completion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:24.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 22:1242 (December 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

#### **§745. Appendix 9—Letters of No Objection and Other Permits**

A. The applicant must forward copies of the pre-application to the appropriate state, federal and local agencies to obtain letters of no objection and/or permits as required by these agencies. Copies of the letters of no objection and permits must be submitted to the Louisiana Dam Safety Program as part of the applicant's application under this program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:24.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 22:1242 (December 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

#### **§747. Appendix 10—Minimum Hydrologic and Hydraulic Submittals to Establish Impact Classification and Inflow Design Flood (IDF)**

A. Since the required submittals may vary for each dam, it is recommended that applicant or his engineer obtain copies of references Number 1 and 2 of the Dam Safety Rules and Regulations. After reviewing these documents, the applicant or his engineer is advised to contact the Dam Safety Program of the Water Resources Design and Development Section of the DOTD for further guidance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:24.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 22:1242 (December 1985), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005).

### **Chapter 9. Hurricane Flood Control Protection Program Rules**

#### **§901. Framework for Receipt and Evaluations of Funding Applications**

A. Applications are to be prepared in accordance with the provisions of R.S. 38:244.

B. Applications may be submitted beginning November 1, 2006, to Hurricane Flood Protection Program, 8900 Jimmy Wedell Drive, Baton Rouge, LA 70807.

C. The Office of Public Works, Hurricane Flood Protection and Intermodal Transportation shall evaluate the applications in accordance with the provisions of R.S. 38:244 with points established as follows.

1. Documentation of Flood Problem—20 points maximum.
2. Local Support—5 points maximum.
3. Technical Feasibility—45 points maximum.
4. Prevention of Loss of Life and Improved Public Safety—5 points maximum.

5. Environmental Effects and Impact on Development—15 points maximum.

6. Projects Recommended But Not Funded—10 points maximum.

D. The following guidelines will be used by the Evaluation Committee to rate applications to the program. This scoring procedure pertains to projects which meet the legislative intent of the program. Projects that are engineeringly unsound, cause unreasonable flooding in other areas, cause unacceptable or unmitigable environmental damages or otherwise do not meet the objectives of the program will not be scored.

1. Documentation of the Flood Problem category takes into consideration the adequacy of documentation which demonstrates the existence and severity of risk of flood damages from hurricanes.

2. Local Support category takes into consideration the following:

- a. letters of support on file from the respective legislative delegation;
- b. no letters of objection from public officials, neighboring authorities, citizens groups, etc.; and
- c. multiple sponsorship.

3. Technical Feasibility category takes into consideration the following:

- a. completeness of project design;
- b. due consideration of alternatives (structural and non-structural);
- c. compatibility of the project to other federal, state and local projects; and
- d. impact on flooding in areas upstream, downstream and adjacent to the benefited area.

4. Prevention of Loss of Life category takes into consideration the following:

- a. historical losses of life that may have been prevented by the project; and
- b. the degree of success of the project at maintaining access to vital services such as hospitals, and protection of evacuation routes.

5. Environmental Effects and Impact on Development category takes into consideration the following:

- a. no letters of objection from public agencies;
- b. no impact on special historical, archeological, geological features, or environmentally sensitive areas; and
- c. effectiveness of the project in relation to encroachment into flood prone area (i.e., 100 year floodplain).

6. In the Projects Recommended but not Funded category, points may be added for each year (up to a four

## PUBLIC WORKS

year maximum) that the proposed project has been on the list of recommended projects but has not received funding.

### E. Procedure for Application Evaluation Form—Part B

1. Ratings are computed on the basis of potential damage reductions associated with the design flood and do not include efforts to annualize benefits and costs.

$$\text{Part B Score} = \frac{\text{Total Damages*}}{\text{Total Construction Cost}} \times \frac{90}{90 - (\text{PLM } 10)}$$

PLM = percent local match

\*Total damages are any damages from the design storm which will be prevented by the project including agricultural crop and land damages, agricultural building damages, damages to residential, commercial, public and other buildings; damages to roads, damages to buildings, and damages to industries.

### F. Application Evaluation Form—Total Score

1. The score from Paragraph C is multiplied by the score in Paragraph E to obtain a total score. This score is an

absolute score and not a score relative to when the application was submitted.

G. A recommended list of projects shall be submitted to the Coastal Protection and Restoration Authority and public hearings will be held as required.

H. Upon funding by the Legislature, the Office of Public Works, Hurricane Flood Protection and Intermodal Transportation will enter into funding agreements with the sponsors establishing the duties and responsibilities of each and providing program funds not to exceed the amount made available by the legislature.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:241-248.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 33:535 (March 2007).

## Title 56 PUBLIC WORKS

### Part III. Flood Control and Water Management

#### Subpart 2. Port Construction and Development Priority Program

#### Chapter 21. Louisiana Port Construction and Development Priority Program

##### **§2101. Definitions** **[Formerly §2103]**

*Committee*—Joint Legislative Committee on Transportation, Highways and Public Works.

*Council*—Legislative Audit Advisory Council.

*Deep Draft Port*—a port capable of accommodating vessels of at least 25 feet of draft and of engaging in foreign commerce.

*Department*—the Louisiana Department of Transportation and Development.

*Joint Legislative Committee*—see *Committee*.

*Port*—a harbor town or city where ships may take on or discharge cargo.

*Port Authority*—the governing body of any port area or port, harbor, and terminal district.

*Procedural Manual*—a manual entitled, Louisiana Port Construction and Development Priority Program Procedural Manual for Funded Projects, which is used to implement projects funded by the program.

*Program*—Louisiana Port Construction and Development Priority Program.

*Project*—that activity that derives benefits to the state after an investment of program and port funds. The port funds may include federal monies.

*Project Agreement*—the agreement between the department and port authority that states the authorities and responsibilities of each party in implementing a project that is funded in part by the Louisiana Port Construction and Development Program. The format is as shown in the procedural manual.

*Shallow Draft Port*—a port that is not capable of accommodating vessels of 25 feet of draft or is not engaged in foreign commerce.

*Total Project*—that activity that derives benefits to the state after an investment of program, port, and other public and private funds.

*Transportation Trust Fund*—a fund created by a constitutional amendment passed by the voters on October 7,

1989 which dedicated \$16 of the gasoline/motor fuel tax to construction and maintenance of state and federal highways and bridges, statewide flood control, ports, airports, transit, state police for traffic control, and parish roads.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:3451-3463.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Flood Control and Water Management, LR 17:274 (March 1991), amended LR 18:750 (July 1992), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), LR 34:1039 (June 2008).

##### **§2103. Creation of Priority Program** **[Formerly §2101]**

###### **A. Creation of Priority Program**

1. The Louisiana Port Construction and Development Priority Program was created by Act 452 of the 1989 Regular Session. Before this program, the state funded ports projects through the Capital Outlay Program without requiring any feasibility studies. From 1977 to 1984 Louisiana expended more funds for ports than any other state in the union. For this period Louisiana spent \$25,985,000 on shallow draft ports and \$173,424,000 on deep draft ports for a total of \$199,409,000.<sup>1</sup>

2. The creation of the Port Construction and Development Priority Program changed the method by which Louisiana participated in port improvements. The feasibility of proposed port projects must now be determined and the projects must be prioritized. The source of state funds for the Louisiana Port Construction and Development Priority Program is the Transportation Trust Fund. Revenue accrues to the Transportation Trust Fund through the collection of taxes placed on the sale of gasoline.

3. In general, the purpose of a priority program is to disburse funds to projects that have the highest prospects of success as determined by objective standards such as technical and financial feasibility and overall impacts. A priority program also defines the standards by which these projects are evaluated and provides the mechanisms to conduct the evaluation according to an accepted methodology. Moreover, a priority program's application process may serve as a means to determine whether proposed projects are even eligible for funding under the program as well as provide the basis for maintaining a current inventory of facilities that can be used for future purposes.

4. The components of a typical priority program includes legislative authorization, a set of rules and

regulations governing the program's implementation, an application process, an evaluation procedure, a prioritization of projects, funding, and finally implementation.

5. With regard to Louisiana's port priority program, many of the overall requirements and procedures are similar to other priority programs. However, Louisiana's program specifically emphasizes the need of equitable rationalization of state expenditures in order to avoid duplication of port infrastructure. In addition, because ports are dynamic economic entities, Louisiana's port priority program provides for rigorous analysis of forecasted project benefits in order to ensure the overall impact of the project on the state will be positive, providing maximum benefits for the state. Finally, because effective project implementation is as important to the success of the program as project prioritization, the Louisiana port priority program stipulates strict procedures for the planning and construction of funded projects as well as the operation of maintenance of the completed project.

#### B. Port Project Evaluation Methodology

1. R.S. 34:3451 et seq., requires that the Department of Transportation and Development (department) develop procedures for review and a methodology to evaluate port projects which are seeking state funds.

2. Procedures to review and evaluate port project applications for funding shall be submitted to the Joint Legislative Committee on Transportation, Highways and Public Works. Before implementing these procedures, the approval of the committee shall be obtained in accordance with the Administrative Procedure Act.

3. The department may contract with the Louisiana State University National Ports and Waterways Institute for any of the duties associated with the development of the port priority program. These activities may include but are not limited to the development, review, and evaluation of plans and specifications and the development of the port program list. However, the final determination of the port priority list shall remain with the department and the Joint Legislative Committee as provided by Act 452.

4. An inventory of ports, navigable waterways, and water transportation facilities shall be maintained. Both private and public facilities shall be included. Information such as location, capacities, and capabilities shall be included. The department shall also serve as a clearinghouse for inquiries for ports and waterways information.

5. Each year, the department shall prepare a summary report of financial requirements for expanding or renovating existing ports and waterways facilities and constructing new ones. The financial requirements shall be separated into state, federal, local and private funds required.

#### C. Program Procedures

1. Any port authority may submit an application for funding to the department except as provided below. Applications shall be submitted by the first of March, June, September and December of each calendar year for

consideration in the following fiscal year. The application shall include a description of the project, demonstration of immediate need, preliminary design, cost estimate, and a description of the project area.

2. Except as provided herein, port authorities cannot submit an application if any of the following are true.

a. On the recommended construction program, the port authority has a balance of Louisiana's funding share equal to or more than the single project maximum legislative funding authority established by the department.

b. The application to be submitted will cause the port authority to have a balance of Louisiana's funding share greater than the single project maximum legislative funding authority established by the department.

c. The port authority has a project that may be canceled under Section VI, Distribution of Funds.

3. If a port authority or its application meets one of the aforementioned factors, it may submit an informal application by December 1 and request that it be reviewed and evaluated in the event that the department has not received sufficient project applications to meet the estimated funding level for the fiscal year. Projects submitted under this provision will receive a lesser priority than other projects on the list. If more than one port authority submits an application under this provision, then the applications that were submitted as informal with the highest evaluation scored will be recommended in their order of score until the estimated funding level has been met. The remaining applications will not be eligible for the Recommended Construction Program.

4. The Louisiana Department of Transportation and Development shall review the applications. Applications shall not be subjected to a formal review and evaluation until the information required in the application has been submitted. Applications shall also be reviewed by any appropriate state agencies.

5. The act provides for the submittal of a list of recommended projects in prioritized order to the Joint Legislative Committee. The committee will hold public hearings to obtain public input concerning the priority list. After the hearings and before the convening of the regular session, the department shall prepare a recommended construction program for the coming fiscal year and submit it to the joint legislative committee. When the recommended construction program is presented to the legislature for funding, the legislature cannot add any projects to the program.

6. Upon funding by the legislature, the department shall enter into an agreement with the port authority to participate in the construction of the project. The port authority shall provide 10 percent local match for the cost of constructing the project, and shall furnish all lands, easements, rights-of-ways, and spoil disposal areas at no cost to the state unless said items are critical to the project. The port authority also shall operate and maintain the facility without cost to the state.

7. Port authorities domiciled in a parish with a population of 50,000 or more shall be responsible for the preparation of plans and specifications, for letting of bids for construction, and for construction observation. Port authorities domiciled in a parish with a population less than 50,000 may request the department to prepare plans and specifications, to let the project for bids, and to observe construction. The engineer that prepared the plans will inspect the work and certify that the project complies with the plans and specifications upon completion.

8. All contracts for construction shall be advertised and awarded in accordance with R.S. 38:2212 et seq.

9. Projects which are funded by this program shall begin in the fiscal year that the appropriation is made. Execution of an agreement with the department and receipt of preliminary plans by the department shall indicate that the project has begun. These preliminary construction plans differ from the plans submitted in the application in that they are more advanced.

D. Auditing Funds. Funds shall be audited biannually by legislative auditor or certified public accountant in accordance with R.S. 24:513(A) and distributed in accordance with R.S. 24:516(A). The audit shall include an investigation of any failure to comply with the recommendations of the department in planning, design, and construction of the port project. Port authorities shall certify annually that the funds made available have been expended according to law.

E. Misuse of Funds. The legislative auditor shall report any misuse of funds to the Legislative Audit Advisory Council. The council shall determine if in fact funds have been misused. If funds have been misused, the council will instruct the state treasurer to suspend the distribution of funds. The council shall also advise the local district attorney of the misuse. The district attorney will take appropriate actions.

<sup>1</sup>Port and Waterways Institute, Louisiana Statewide Ports Assessment, 2 vols., (Baton Rouge: Louisiana State University, 1986), 11, 88.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:3451-3463.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Flood Control and Water Management, LR 17:274 (March 1991), amended LR 18:749 (July 1992), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), LR 34:1040 (June 2008).

## **§2105. Program Procedures**

### **A. Application**

1. Any Louisiana port authority may submit an application for funding to the department, except as provided below. Applications may be submitted on a quarterly basis to the department no later than the first of March, June, September and December of each calendar year for consideration of funding or funding obligation authority in the following fiscal years. The application shall include a description of the project, demonstration of immediate need,

benefits to be derived, preliminary design, cost estimate, and a description of the project area.

2. Except as provided herein, port authorities cannot submit an application if any of the following are true.

a. On the recommended construction program, the port authority has a balance of Louisiana's funding share equal to or more than the single project maximum Legislative Funding Authority established by the department.

b. The application to be submitted will cause the port authority to have a balance of Louisiana's funding share greater than the single project maximum Legislative Funding Authority established by the department.

c. The port authority has a project that may be canceled under Section VI, Distribution of Funds.

3. If a port authority or its application meets one of the aforementioned factors, it may submit an informal application by December 1 and request that it be reviewed and evaluated in the event that the department has not received sufficient project applications to meet the estimated funding level for the fiscal year. Projects submitted under this provision will receive a lesser priority than other projects on the list. If more than one port authority submits an application under this provision, then the applications that were submitted as informal with the highest evaluation scores will be recommended in their order of score until the estimated funding level has been met. The remaining applications will not be eligible for the Recommended Construction Program.

B. Review and Evaluation of Applications. The Louisiana Department of Transportation and Development shall review the applications. Only applications which are complete, as determined by the department, shall be reviewed and evaluated. Applications shall also be reviewed by any appropriate state agencies.

### **C. List of Recommended Projects and Public Hearings**

1. After receipt of applications by the department, the applications shall be reviewed. Only applications which are complete shall be evaluated and prioritized. Each quarter the department shall prepare furnish a prioritized list of projects, based on the applications received for that quarter, to the Joint Legislative Committee. Only projects that have met all program requirements as described herein under "Program Requirements" will be recommended. Multi-year projects that have been partially funded by the program shall receive higher priority than new projects in the next funding cycle. The Joint Legislative Committee will receive the prioritized list of projects from the department for each of the first three quarters of the year and shall call a public hearing within 30 days of receiving the list in order to receive public testimony regarding any project on the list. At such hearing, the joint committee will vote to accept, reject or modify the list. Each quarter, the department shall reprioritize the list of projects to reflect the cumulative list of projects recommended by the department.

2. After application recommendations for the last quarter are made, the department shall submit the final Port Construction and Development Priority Program to the joint committee for approval. Multi-year projects that have been funded by the program shall receive higher priority than new projects.

3. Prior to the convening of the regular session of the legislature, the Joint Legislative Committee shall hold a public hearing for the purpose of reviewing the final program for the ensuing fiscal year. Prior to such hearing, the department shall publish the appropriate official notice in the necessary journals. Projects recommended but not funded will be included in the list of recommended projects for the following year and will receive priority over newly funded projects.

#### D. Construction Program

1. After reviewing the public input, the Joint Legislative Committee shall recommend to the legislature a construction program prepared by the department from the list of recommended projects. Projects recommended but not funded will be included in the list of recommended projects for the following year. If a recommended project remains unfunded after four years and has not begun construction under the reimbursement provisions set forth in the Section on "reimbursement" and the port authority still desires to proceed with the project, a new application will be required.

#### E. Project Agreements

1. Funded Projects Agreements. Prior to the commencement of any work, the port authority shall enter into a project agreement with the department whereby the port authority agrees to the following:

- a. to provide at least 10 percent local match for the cost of constructing the project;
- b. agrees to obtain all necessary permits for project construction;
- c. agrees to furnish all lands, easements, rights of way, and spoil disposal areas necessary to construct and maintain the project without cost to the state, unless said items are critical to the project; and
- d. agrees to assume all maintenance and operations costs and future alterations as may be required without cost to the state and agrees to implement the project in accordance with the procedures manual. The port authority shall not use state funds from any source in providing its local match.

2. Reimbursement Project Agreements. If program funds are not sufficient to provide funding for a project recommended by the department and approved by the Joint Legislative Committee and the port authority desires to construct the project with other funding and be reimbursed when the program funds are available, then a reimbursement agreement must be executed with the department prior to the commencement of any work. By executing this agreement, the port authority certifies that:

a. it has sufficient resources to finance 100 percent of the project cost through completion or through completion of an approved phase;

b. it agrees to furnish all lands, easements, rights of way, and spoil disposal areas necessary to construct and maintain the project without cost to the state, unless said items are critical to the project; and

c. it agrees to assume all maintenance and operations costs and future alterations as may be required without cost to the state and agrees to implement the project in accordance with the procedures manual. (See also the Section entitled "Reimbursement".)

F. Project Implementation. Upon executing the project agreement for funding with the department, the port authority shall insure that the Louisiana Port Construction and Development Priority Program Procedures Manual for Funded Projects is adhered to in the preparation of the plans and specifications, advertising for bids, awarding of a contract and construction observation. This manual will be made available to all port authorities designed to receive program funds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:3451-3463.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Flood Control and Water Management, LR 16:695 (August 1990), amended LR 18:751 (July 1992), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended LR 34:1041 (June 2008).

### §2107. Program Requirements

A. General Requirements. In order for the department to be able to adequately assess the merits of the proposed project, applications must be complete and verifiable. The responsibility to provide complete, accurate, and documented data on each project, as defined herein, rests solely with the port authority submitting the applications for funding.

#### B. Specific Requirements

##### 1. Project and Total Project

a. For purposes of this program, a "project" is that activity that derives benefits to the state after an investment of program and port funds. "Project" refers to that portion of the total project for which the port is seeking program funds from the department. The amount of program funds required is used in calculating the cost benefit ratio which is used for ranking projects.

b. The "total project" is that activity that derives benefits to the state after an investment of program, port and other public and private funds and its cost is used to determine if the requirement for a minimum cost benefit ratio of one is met except as provided herein in references to benefit-cost ratio for projects with a private investment equal to or greater than the program share. The "total project" includes all improvements that are necessary for both the public and private sectors in order to derive the benefits identified in the application.

## 2. Local Match

a. Each port authority shall provide a local match of at least 10 percent of the cost of constructing the project. Funds obtained from federal or other non-state sources (i.e., private donations) may be used for the local match. State funds cannot be used as local matching funds. Prior to advertisement for bids, verifiable evidence shall be submitted indicating that all non-program funds are in hand or are readily available.

b. A port authority may provide a local match greater than 10 percent. Since the state's investment is the cost in calculating the benefit-cost ratio, the cost/benefit will be greater if the port elects to provide a larger local match. A higher cost/benefit will result in a higher evaluation score.

## 3. Land Acquisition

a. Land acquisition shall be eligible for funding only when in the judgment of the department it is an integral component of a project and critical to its development. Land acquisition that is not a critical component of a project or that is intended to be used for future expansion of port facilities is not eligible for funding. An application must be developed which presents costs, benefits and other data for the total project.

## 4. Port-Owned or Public Land

a. Port improvements funded through the Port Construction and Development Priority Program shall be built, installed, and/or implemented only on port-owned lands or public lands. Public lands are lands owned by public organizations which are authorized by law to perform governmental functions.

b. Prior to advertisement for bids, port authorities shall submit verifiable evidence that they either own the land or they have entered into an agreement with the public body that owns the land.

5. Number of Applications. An application shall be prepared for each project. If a port authority submits more than one application in a given quarter, the port authority shall prioritize them for review purposes. The top priority project shall be labeled "Priority One" on the title sheet of the application. The next priority project shall be labeled "Priority Two", etc. Due to time constraints and available personnel to evaluate the applications, the department may restrict the evaluation to only the top two priority projects per port in a given application year.

6. Types of Projects. The types of projects that shall be funded by the program shall be limited to the construction, improvement, capital facility rehabilitation, and expansion of publicly-owned port facilities including intermodal facilities and maritime-related industrial park infrastructure development, such as wharves, cargo handling capital equipment, utilities, railroads, primary access road, and buildings which can be shown to be integral components of any port project submitted for funding.

7. Navigation Projects. Funding from the program will not be integrated with or used for the state sponsorship (state

matching basis for federal appropriation) for new construction and/or maintenance dredging on federally authorized navigable waterways.

8. Project Commencement. At the application state, projects must be developed sufficiently to allow them to commence within the fiscal year that they are funded. Execution of the project agreement with the department and receipt of preliminary plans by the department shall constitute commencement. Preliminary plans at this stage must be more advanced than plans submitted with the application. Projects that do not commence within the fiscal year that they are funded will result in forfeiture of program funds.

## 9. Forfeiture of Program Funds

a. If a port authority does not execute the project agreement furnished by the department and return it to the department within 90 days of being mailed to the port authority, then the state funds authorized from the Port Construction and Development Priority Program may be forfeited.

b. If a project is not commenced within the fiscal year that it is funded, then the state funds authorized by the program may be forfeited. A project is considered to have commenced upon delivering the executed project agreement and the preliminary plans to the department. Preliminary plans submitted with the application shall not meet this requirement.

c. If a project is canceled due to not beginning construction within the time frames provided for under the Section on distribution of funds, program funds may be forfeited. Projects which are canceled and program funds forfeited in this manner shall be treated in accordance with the provisions of R.S. 34:3456(A).

d. Advertising a project for bids to construct the project prior to obtaining written notice from the department may result in forfeiture of program funds.

10. Selling Lands, Facilities, etc. Should a port authority sell or dispose of any lands, facilities, etc., that have been funded in part by the Port Construction and Development Priority Program, then the port authority shall reimburse the department for the percentage of project life remaining at the time of the sale. The project life shall be 20 years for structures and 10 years for equipment unless a different period of time is specified in the evaluation of the project.

11. Maintenance. The port authority is responsible for maintenance and will structure its revenue rates to adequately fund maintenance costs. The port authority may execute an agreement with a tenant providing for maintenance of the project to be funded by the tenant. If such an agreement is executed, then the expenses used for the evaluation of the project will be reduced as explained herein in the Section entitled "Minimum Return on the State's Investment."

12. **Discount Rate.** The discount rate used in the evaluation process shall be based on the interest rate paid on 20-year U.S. Treasury Inflation Protected Securities (TIPS) which is currently 2.375. The rate will be evaluated every two years and may be adjusted by agreement between the department and the Ports Association of Louisiana (PAL). The adjusted rate will be available from the department upon request.

13. **Minimum Return on State's Investment.** The minimum rate of return for the state's investment shall be the discount rate as stated herein. This evaluation shall be based on no growth. In calculating the rate of return for this criteria, the cost shall be the total program funds invested. The benefits for this calculation shall be the port revenues less expenses associated with the proposed project. Expenses shall include maintenance and expected operational costs. Generally, the minimum allowance for expenses will be no less than the project cost divided by the project life. If the port authority executes a conditional lease with the tenant and the tenant provides all maintenance, then the minimum expense may be one-half of the project cost divided by the project life. Also, see "Private Investment." The evaluation period shall be the life of the project. If the port sells bonds in order to finance all or a portion of the private investment, only revenues in excess of debt service, operating expenses and satisfaction of bond buyer reserve accounts may be used to determine the return on the state's investment. The minimum rate of return is calculated without growth and without additional inflation. The port should establish its fees based upon inflation and market conditions.

14. **Benefit-Cost Ratio.** Only projects that have a benefit-cost ratio equal to one or more shall be funded by the Port Construction and Development Priority Program. In calculating the B/C for this criteria, the cost is the total investment, both public and private, required to implement the total project and derive the benefits. For projects that have a private investment that is equal to or greater than the amount of program funds required, the project may be exempted from this requirement. If exempted the project must meet a program benefit-cost ratio equal to one or more. The cost for the program benefit-cost ratio is equal to the amount of program funds required for the project.

#### 15. Monitoring

a. For five years after completion of a project funded by the Port Construction and Development Priority Program, the port authority shall submit to the department a report comparing the actual benefits derived with the estimated benefits associated with the project. This report shall be submitted in accordance with the current edition of the Louisiana Port Construction and Development Priority Program Procedures Manual for Funded Projects. The source of data for the actual benefits shall include audited financial statements and other statements from the port authority. Significant deviations will be noted and proposed corrective actions, if needed, will be indicated. The report shall be certified true and correct by the executive director of the port authority.

b. Port authorities that do not comply with this provision will be ineligible to participate in the program until they are determined to be in compliance by the department. The department may audit the reports at program expense.

16. **Private Investment.** If the private investment exceeds the program investment, then the deduction for expenses may be reduced by the factor derived by dividing the program investment by the private investment. Also, refer to Section 14 "Benefit-Cost Ratio" for possible exemptions to the benefit-cost ratio required for funding.

#### 17. Conditional Projects

a. Projects that meet all of the following conditions may be considered conditional projects:

- i. the project must have a total project cost of at least \$15 million;
- ii. the private investment must meet or exceed the program share;
- iii. the participation of the private sector is contingent upon the availability of program funds, and
- iv. the application must demonstrate that all parties worked diligently to submit a complete proposal, but due to factors beyond their control, private sector/local share of funding is not assured.

b. A project that meets the above criteria may be evaluated as having immediate need if all other program requirements are met except the availability of the local and/or private share. If it meets all other requirements and is incorporated into the priority list recommended to the legislature, it will be designated as a conditional project. The sponsor will have 18 months from the date of the letter from the department notifying them of the project's funding to submit documentation that arrangements for the private sector and local share have been finalized. If after 18 months the documentation has not been submitted to and approved by the department, project funding will be withdrawn. If the sponsor desires to seek funding for the project, it will have to submit a new application and compete as a new project. The department may limit funding for these projects to a token amount based on availability of funding.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 34:3451-3463.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Division of Flood Control and Water Management, LR 18:751 (July 1992), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended LR 34:1042 (June 2008).

### **§2109. Application**

#### **A. General Instructions**

1. Applications may be submitted to the department quarterly no later than the first of March, June, September and December of each calendar year for consideration for funding the following fiscal year. Contact the Office of Public Works, Hurricane Floods Protection and Intermodal

Transportation for the current address. The application shall be submitted in the format as shown and as follows:

Number of copies: Original and three copies  
Time: Before 4 p.m. on the 1st of March,  
June, September and December

B. Contents. All pages in the application shall be numbered and the application shall be bound. Applications shall be submitted in the following format.

#### Application Format

All applications submitted for funding through the Port Construction and Development Priority Program shall be prepared in accordance with the following format:

1. Title Page
  - a. Parish
  - b. Project Name
  - c. Priority
  - d. Application Title
  - e. Name of Port Authority
  - f. Legislative Delegation
  - g. Preparer
  - h. Date
2. Description of Proposed Project
  - a. Nature and Goals
  - b. Funds Requested
  - c. Alternatives
  - d. Adequacy of Components
3. Demonstration of Immediate Need for Project
  - a. Cargo History
  - b. Market Analyses
    - i. Extrapolation from Past Trends
    - ii. Diverted Cargo
    - iii. Generated Cargo
    - iv. Origins/Destinations
    - v. Cargo Handling Revenue
  - c. Industrial Development
  - d. Prospective Industrial Tenants
  - e. Letters of Commitment
  - f. Other Factors
4. Preliminary Design, Plans and Cost Estimate
  - a. Design Criteria
  - b. Design Calculations
  - c. Preliminary Construction Plans
  - d. Cost Estimate
  - e. Progress Schedule
5. Determination of Benefits to the State
  - a. Revenues and Expenses
  - b. Number of Jobs
  - c. Payroll Benefits

- d. Spin-off Benefits of Payroll
- e. Shipping Costs
- f. Other Benefits
- g. Benefits-Costs Tabulation
6. Description of Project Area
7. Impacts of Implementing Proposed Project
8. Master Plan for Port
9. Other Information
  - a. Funding Sources
  - b. Local Share
  - c. Multi-Year Projects
  - d. Permits

#### Attachments

- A. Resolution
- B. Design Criteria
- C. Design Calculations
- D. Engineering Report
- E. Layout of Existing and Proposed Facilities
- F. Preliminary Construction Plans
- G. Financial Statements
- H. Cargo Tonnage
- I. Port's Master Plan
- J. Commenting Agencies
- K. Other Attachments

1. Title Page. The title page of the application shall be as follows.

a. Parish. In the upper right hand corner of the title page indicate the name of the parish in which the project is proposed to be built.

b. Project Name. Directly below the parish name, enter the project name. The name should have some identifying characteristic of the work that is proposed and should not be an exact duplicate of a project name used in a previous year. If the application is for an extension of a previous project, then the same project name may be used if additional information is incorporated into the name such as Phase 1, Phase 11, etc.

c. Priority. If more than one application is submitted, then indicate the priority directly under the parish. The top priority project should be indicated as "Priority One".

d. Application Title. Approximately one-third from the top of the page and centered place the title, "Application to Louisiana Port Construction and Development Priority Program".

e. Name of Port Authority. In the middle of the page from the top indicate the legal name of the port authority, address, telephone and fax numbers, and authorized representative.

f. Legislative Delegation. In the lower one-third of the page, provide the names and district numbers of the senators and representatives within whose districts the project is proposed.

g. Preparer. If different from the authorized representative, provide the name, address, telephone, and fax number of the person who prepared the application.

h. Date. Centered at the bottom of the page, state the month and year in which the application was submitted.

## 2. Description of Proposed Project

a. Nature and Goals. Provide a narrative description of the proposed project and the total project. The descriptions are to be in sufficient detail to clearly convey the purpose, design, and major components of the project and the total project.

b. Funds Requested. Indicate the amount of funds needed for the project and the total project. Also show the expected funding sources such as programs, port authority, federal, and other. If the project will be implemented in two years, the amounts needed for each year shall be shown.

c. Alternatives. Discuss alternatives, and state the reason they were not selected. At least one alternative solution shall be discussed and developed in sufficient detail to ensure that the proposed project was selected as the result of an objective analysis. Explain why the proposed project was selected over the alternatives.

d. Adequacy of Components. New port projects often create operational bottlenecks in supporting infrastructure such as access roads, warehouses, and yard spaces. Identify all the components necessary to derive the benefits stated. Go from a logical terminus, through the port to another logical terminus. For example, the discussion of the necessary project components may begin in the gulf, go through the navigational channels to the port, unload at the port, reload at the port onto a railroad car, and from the rail spur to a main line. A trucking operation may terminate at a state highway that is capable of handling the added traffic satisfactorily. Indicate whether these components are existing or proposed. For all existing components, discuss the adequacy of the components. For all proposed components, indicate what is proposed, by whom, when, and what is the estimated cost. Verifying documentation may be included in §2109.B.

3. Demonstration of Immediate Need for Project. Provide a demonstration of the immediate need for the project and supply supporting documentation. This portion of the application is extremely important. Most of the information provided in this section are forecasts and estimates. Therefore, sufficient attention should be given to adequately communicate and document the need for the proposed port project through detailed market analyses and commitments by port users to utilize the expanded project facilities.

a. Cargo History. Indicate the total cargo and revenue cargo that was handled by the port in the last five

years. List the cargo by type (bulk, break-bulk, neo-bulk, containers) and volumes. Analyze trends of cargo growth and the underlying reasons. Establish the level of utilization of existing facilities in relation to cargo volumes handles. If congestion was experienced, identify facility bottlenecks and describe how they were overcome. Also indicate the sources of all data.

i. If the project is expected to be leased to a tenant, then the cargo history is for the tenant and not the port. If the tenant has no cargo history or will only move a minimal amount of cargo, the port's history may be listed. However, information regarding both the tenant's business history and their business plan should be included to support the project.

ii. Provide a summary in this section of the application. A detailed list of cargo history shall be provided as Attachment H (see §2109.B).

b. Market Analyses. Forecast the cargo which will use the project for the next 10 years. List the type of cargo and volumes expected, along with the market analysis and estimate of the market share. Cargo forecasts and market analyses have to be complete with detailed underlying assumptions and justifications. If cargo forecasts exceed historical trends, provide justification in terms of significant economic and technological developments occurring in the ports service area. If the port facility expansion is in response to increased demand from new industries locating in the area, these location decisions have to be substantiated by comparative cost analyses. As port projects cover diverse types of investments, it is difficult to provide exact industry norms to cover all situations. Some general guidelines on cargo forecasts are provided in this section. These must be considered as general industry norms. Variation from these norms must be analyzed and justified. If the project is expected to be leased to a tenant which does not specialize in cargo movement, then the market analyses is for the tenant's business and not the port's cargo. This also applies to the following: extrapolation from past trends, diverted cargo, generated cargo, origins and destinations, and cargo handling revenue.

i. Extrapolation from Past Trends. The simplest method of cargo forecasting is to extrapolate from past trends, making whatever adjustments that may be necessary to take into account change that are likely to modify these trends. National projections for waterborne commerce, by major commodity types, are shown below. These growth estimates are to be used to forecast traffic growth unless adequate justification is provided to support any deviation. If a particular commodity is not included in Figure 1 then use the total waterborne commerce trend.

National Projections of Waterborne Traffic by Major Commodities to Year 2000			
Commodity Group	Growth Estimate (Percent/Year)		
	High	Medium	Low
Total Waterborne Commerce	2.00	1.60	0.90
Coal		1.80	
Petroleum		1.40	

National Projections of Waterborne Traffic by Major Commodities to Year 2000			
Commodity Group	Growth Estimate (Percent/Year)		
	High	Medium	Low
Agricultural Chemicals	3.10	1.50 - 3.00	1.90
Industrial Chemicals	3.50	2.80	1.70
Metallic Ores	2.60	2.20	1.80
Nonmetallic Minerals	0.50 - 1.50	0.50	(1.60)
Stone and Clay	2.60	2.20	1.80
Fish Products	0.75	(1.10)	(2.40)
Farm Products	3.10	2.40 - 2.90	0.90
Lumber	2.30	0.30 - 1.70	0.60 - 0.80

Figure 1. National Projections of Waterborne Traffic, by Major Commodities, to Year 2000 Source: *Status of the Inland Waterways*, U.S. Army Corps of Engineers, Institute of Water Resources, Ft. Belvoir, Virginia, July 1987. Note: Negative Values are in parentheses

ii. **Diverted Cargo.** Cargo may be diverted to a port facility either from other modes of transportation or from other routes. As cargo diversion can occur due to cost differentials in competing modes or routes, comparative cost studies must be presented to justify these cargo flows. If cargo diversion occurs due to establishment of new industries at the waterfront, these location decisions have to be analyzed and justified.

iii. **Generated Cargo.** New industrial and agricultural developments in an area can increase output and these developments may translate into new traffic. In such cases, these sources must be identified and new cargo must be analyzed in terms of volumes, origins and destinations. The total traffic generated must be distributed to different transport modes based on cost considerations.

iv. **Origins/Destinations.** Identify the major origins, routes, and destinations of the forecasted cargos which will use the project. Indicate what route the goods would move if the project is not built. Would the cargo be routed to another facility at the port, via another port in Louisiana, via a port outside of Louisiana, or via a non-water transport means?

c. **Cargo Handling Revenue.** Once the new cargo has been forecast, the revenue to be derived may be estimated. Use existing port tariff rates to make these estimates.

d. **Industrial Development.** What new industrial development would result from the project; without the project, where would this development otherwise occur?

e. **Prospective Industrial Tenants.** List prospective industrial tenants, indicate if confidential. If tenants are to be located at the waterfront, sufficient reasons have to be provided that such a location is critical to their operations.

f. **Letters of Commitment.** Include letters of commitment from users, indicate if confidential. Discuss whether commitments have already been made in terms of investments and planning and what other assurances (for example, executed lease agreements) are available to the port that the commitments will be met. If the viability of the project depends on these commitments, sensitivity analyses should be conducted to analyze the alternatives available to the port in the event the commitments are not met by the

port users. The inclusion of the following types of information into the letter will be useful:

- i. the amount that the user/tenant is willing to pay for use of the project;
  - ii. anticipated cargo tonnages;
  - iii. number of jobs created/saved by the project;
  - iv. amount of investment the user is expecting to make on the project; and
  - v. length of time to which the user is willing to commit.
- g. **Other Factors.** Discuss other factors that may justify the proposed project.

4. **Preliminary Design, Plans and Cost Estimate.** To further describe the proposed port improvement, provide a brief discussion of the design, preliminary plans, and cost estimate. The level of detail of the design, plans, and cost estimate should be adequate to allow developing final plans in approximately six to eight months since a construction contract should be awarded within one year of project funding.

a. **Design Criteria.** The design criteria needed to obtain the stated benefits are to be submitted as Attachment B (see §2109.B).

b. **Design Calculations.** Design calculations are to be submitted as Attachment C (see §2109.B).

c. **Preliminary Construction Plans.** The plans shall be included as Attachment F (see §2109.B) The level of detail shall be sufficient to conceptually convey the project components and requirements.

d. **Cost Estimate.** The detailed cost estimate for the project shall identify construction costs, land, mitigation, engineering, legal and administration. Recurring maintenance costs shall also be estimated and included in this section. The estimate should also detail the costs of equipment and construction activities to at least the level to allow verification of the estimate. For each component, provide the description, quantity, unit of measure and unit price. Avoid the use of lump sum where possible.

i. In addition to the above, estimates of related investments made by the industrial tenants also have to be included to take into account the cost of the total project. If, for example, an industrial development is anticipated consequent to the project and benefits are claimed, associated costs should also be included as total project costs. The estimate should be of similar detail to that required for the portion of the project to be funded by the program.

e. **Progress Schedule.** Provide an anticipated progress schedule for plan preparation and construction of the project, by phases if applicable. Indicate the beginning and ending dates for both.

#### 5. Determination of Benefits to the State

a. General. Benefits from the proposed project will be evaluated from the state's point of view, which includes the taxpayer's point of view and the port's point of view. All of the benefit will not be derived until the investment for the total project has been made and all of the necessary components are adequate. Estimating these benefits is a key element in the application process. Sufficient attention should be given to substantiate procedures adopted in quantifying benefits and in providing supporting documents. Overall, benefit estimates should be logical, verifiable, and based on sound judgment and acceptable industry norms. Claimed benefits will be adjusted to conform to industry norms unless adequate justification is provided. In order to make a proper allocation of funds among the requests, it is necessary to have a clear understanding of each project's expected net benefits to the state. The term *net benefits* means the difference in the benefits to be derived "with the project" and those to be derived "without the project". For example, when port improvements are implemented, there is usually a higher level of facility costs, mostly for construction. This is offset by the benefits including a reduced level of other costs (vessel operating costs, cargo handling costs, maintenance costs, etc.). There may be an increase in economic activities, improved (or worsened) environmental consequence, etc. All of these benefits are relative, i.e., they are based on the spread between what would happen with the new project vs. what would happen without the new project. In other words, to determine the benefits, it is necessary to evaluate the cargo flow projection, transportation costs savings, impact on other Louisiana ports, etc., without the project as well as with the project. Only then can the costs and gains under both scenarios be compared. The difference is the net benefits to be derived.

b. Revenues and Expenses. Estimate the port revenues for both with and without project conditions. Also estimate the operating expenses with and without the proposed project (e.g., labor, utilities, etc.). These estimates have to be based on present and future port tariff rates to conform to industry norms. Only projects that will realize the minimum return on the state's investment as defined herein will be funded by the program.

c. Number of Jobs. Indicate the number of permanent jobs that would be created and/or existing jobs saved from implementing the project. How many of these jobs are port related and how many are industrial jobs, what is the total payroll for each; without the project, where would these jobs otherwise be created? Do not include temporary jobs created by construction activities. The estimate of number of new jobs created shall conform to industry norms such as capital investment/worker and volume of cargo handled/worker and number of employees per firm. If jobs are displaced elsewhere in the state, these jobs shall be subtracted from the jobs created or saved by the project. Figure 2 below indicates the employment profile for major port related industries in Louisiana. The average number of employees per firm provides the typical characteristics of a firm. It should be noted that a large percentage of firms employ less than 50 workers. Therefore, employment estimates must be justified on a case-by-case basis analyzing the nature of operations of the prospective industrial tenants. In general, it is likely that ports in rural areas with less populations support smaller firms and the few large firms are supported by large metropolitan areas. There may be exceptions to this general rule.

Classification of Commercial Firms in Louisiana By Employment Size												
Industry Category	Number of Employees	Number of Firms	Average Employee Per Firm	Number of Firms by Employee Size								
				1 - 4	5 - 9	10 - 19	20 - 49	50 - 99	100 - 249	250 - 499	500 - 999	1000+
Agricultural Services, Forestry and Fishing	5,093	919	6	593	215	77	27	5	1	1	0	0
Mining	55,505	1,731	32	753	273	254	234	96	75	36	7	3
Manufacturing	163,435	3,664	45	1,254	677	616	537	259	200	74	32	15
Lumber and Wood Products	11,400	653	17	276	157	116	64	14	19	7	0	0
Paper and Allied Products	10,820	56	193	4	3	7	6	11	11	7	6	1
Chemical and Allied Products	23,840	235	101	58	28	37	32	29	23	17	7	4
Petroleum and Coal Products	9,793	57	172	13	4	5	12	4	9	4	4	2
Stone, Clay and Glass Products	5,116	211	24	53	40	53	44	15	5	0	1	0
Fabricated Metal Products	10,675	300	36	99	54	59	50	18	13	4	2	1
Trucking and Warehousing	19,148	1,309	15	668	230	187	153	49	17	4	0	0
Water Transportation	20,520	856	24	360	174	132	99	45	35	9	1	1
Water Transportation Services	14,276	665	21	262	151	109	78	35	24	5	1	0
Marine Cargo Handling	6,031	104	58	23	21	19	15	8	12	5	1	0
Towing and Tugboat	4,862	292	17	96	76	55	44	15	6	0	0	0
Marinas	665	66	10	35	16	9	3	2	1	0	0	0
Other	2,718	203	13	108	38	26	16	10	5	0	0	0
Transportation Services	5,401	538	10	294	152	52	29	6	4	0	0	1
Freight Transportation	3,011	199	15	100	55	25	14	3	1	0	0	1
Railroad Car Rental	17	5	3	4	1	0	0	0	0	0	0	0
Miscellaneous	754	48	18	18	12	8	6	3	1	0	0	0

Figure 2. Classification of Commercial Firms in Louisiana By Employment Size. Source: *County Business Patterns, 1988 Louisiana*, U.S. Department of Commerce, Bureau of the Census, Oct. 1990

Figure 2. Classification of Commercial Firms in Louisiana By Employment Size. Source: *County Business Patterns, 1988 Louisiana*, U.S. Department of Commerce, Bureau of the Census, Oct. 1990

d. Payroll Benefits. Standard payroll estimates provided in Figure 3 shall be used in estimating payroll benefits in order to equitably evaluate applications for

funding through the program. The department will adjust the payroll and spin-off benefits for inflation using the U.S. Department of Labor's Consumer Price Index. If job benefits

are assumed to continue unchanged into the future, than an implication is made that those individuals employed as a result of the project would not otherwise find employment. This is not reasonable, as employment will ebb and flow over time. As true net benefits from employment diminish over time, the payroll benefits resulting from the project have to be allowed to decay in a linear fashion annually, reaching zero at the end of the project life.

<b>Figure 3. Average Annual Earnings by Category for Port Related Industries</b>	
<b>Work Category</b>	<b>Average Annual Earnings</b>
Managerial (11 - 3071)	\$60,400
Supervisory, Stevedore and Skilled Workers (53 - 1031)	46,300
Factory Workers (51 - 2041)	31,500
Clerical, Unskilled and Misc. (53 - 7062)	18,600
Source: Louisiana Department of Labor 1st Quarter of 2005	

e. **Spin-Off Benefits of Payroll.** New payroll generated by the project results in spin-off benefits in the local economy. In order to calculate the spin-off benefits, assume that they are equal to the payroll benefits directly created or maintained by the project. If a project will have \$100,000 payroll benefits in a year, then the spin-off benefits also equal \$100,000. Spin-off benefits will also decay in a linear fashion annually, reaching zero at the end of its project life.

f. **Shipping Costs.** If the proposed project will alter shipping costs, identify these costs with and without the project. Cost estimates should conform to general industry norms.

g. **Other Benefits.** Identify any other benefits that would result from the project.

h. **Benefits-Costs Tabulation.** Tabulate the project's benefits and costs over the project's life. Remember that all the benefits will not be derived until all of the components that are identified in "Adequacy of Components" are implemented and are adequate.

6. **Description of Project Area.** Provide a narrative description of the project area. The description shall include the location of the existing port, navigable waterways to the port, rail and highway access, location of neighboring ports competing for cargo, unemployment rate, land use adjacent to the port, and soil conditions in and around the port. Identify all major commodities which are handled by competing ports.

#### 7. Impacts of Implementing Proposed Project

a. An assessment of the impacts associated with the implementation of the proposed project shall be submitted. Usually the economic, environmental, and other impacts shall be identified. A detailed environmental assessment is not required by this program but may be required to obtain certain permits.

b. The economic impacts may be indicated by the number of permanent jobs created or saved and the annual payroll resulting from the proposed port improvement. This

information is reported in §2109.B.5, "Determination of Benefits to the State."

c. The environmental impacts shall be identified as to the effects on the following:

- i. water quality;
- ii. habitat modification;
- iii. fish and wildlife resources;
- iv. cultural, historical, and archeological features.

d. Any other impact(s) shall also be identified. The impact of the proposed project on other ports in the state, (e.g., diversion of cargoes or industrial activities, etc., from other state's ports) shall be stated.

e. If the project is expected to generate over one hundred inbound and outbound trips in an hour or more than 750 trips a day, then a traffic impact study with comments from the Metropolitan Planning Organization and/or the Regional Planning Commission is required. Said study is to identify adverse impacts on the transportation network and to mitigate negative impacts.

f. The assessment is to indicate whether the impacts are short-term or long-term, direct or indirect, and adverse or beneficial. Applicants may seek comments from appropriate state and federal agencies.

8. **Master Plan for Port.** Discuss how the proposed project complies with the port's master plan or why it does not. Indicate when the master plan was adopted by the port authority. Copies of the master plan are to be submitted with the application as Attachment I. (Refer to Page Application 22, I. Port's Master Plan.)

#### 9. Other Information

a. **Funding Sources:** Identify all sources and amounts of funding, such as port, program, federal, state, parish, private and other. Clearly indicate if any type of bonds will be sold to assist in financing the project. Indicate if an application for other funds has been submitted and if a commitment has been received. Provide a status of the port authorities' 10 percent local match.

b. **Multi-Year Projects.** If the project will require more than one year to complete, summarize the anticipated investment schedule required for full completion of the proposed project.

c. **Permits.** List all necessary permits, indicate the status of permit acquisition, and indicate project compliance with permit requirements.

#### C. Attachments

1. **Resolution.** Provide certified copies of the resolution adopted by the port authority similar to the sample resolution in the appendix indicating that the port authority is knowledgeable and is agreeable to its duties and responsibilities in participating in the Port Development and Construction Priority Program.

2. Design Criteria. Include the design criteria necessary to properly design the project.

3. Design Calculations. Include the design calculations and soil investigations; the level of detail of the design should be sufficient to allow the award of a construction contract within the year of funding.

4. Engineering Report. Provide copies of the engineering report and geotechnical report, if applicable.

5. Layout of Existing and Proposed Facilities. Submit a layout of existing and proposed facilities.

6. Preliminary Construction Plans. Enclose preliminary construction plans in sufficient detail to allow the award of a construction contract within a year of funding.

7. Financial Statements. Provide financial statements for the last five years. The financial statements shall show assets, liabilities, profit and loss and include the accountant's letter transmitting the statement to the port authority and notes of explanation.

8. Cargo Tonnage. List the total amount of cargo by commodity for the port for the same periods covered by the financial statements. The commodity classification shall be the commodity classification for domestic waterborne commerce.

9. Port's Master Plan. The port's master plan is to be submitted with the application. If the port does not have a master plan, then it should submit a layout of existing facilities and an explanation why the port does not have a master plan. If the port has submitted a current copy with an application that was recommended by the department in the last three years, the port does not have to submit a master plan.

10. Commenting Agencies. Letters of comment from appropriate state and federal agencies responding to applicant's solicitation of views, if appropriate.

11. Other Attachments. Any other attachments that may be helpful in evaluating the proposed project may be included as other attachments.

#### Information Sources

Information and data that may be useful in estimating the costs and benefits and in completing the project application is available from a number of sources. Some of these sources are local records from engineers, marketing surveys conducted by private firms, local industry performance standards, and performance records of the port. Selected references from federal, state, and local agencies are listed and described below.

*Louisiana Labor Market Information*, Louisiana Department of Employment and Training, Baton Rouge, Louisiana. A monthly publication providing the following labor market information by parishes and by major metropolitan statistical areas (MSA) in Louisiana:

1. the Louisiana economic situation;
2. non-agricultural wage and salary employment;
3. average hours and earnings in manufacturing;

4. consumer price index;
5. employment and payroll trends.

*Directory of Louisiana Manufacturers*, Louisiana Department of Economic Development, Baton Rouge, Louisiana. Presents data on the following:

1. companies located in Louisiana and products manufactured;
2. companies employing more than 250 workers;
3. manufacturers of specific products in Louisiana by standard industrial classification (SIC) codes;
4. parent firms of companies.

U.S. Army Corps of Engineers, *Waterborne Commerce of the United States*, Part 1-5, Department of the Army, Water Resources Support Center, Fort Belvoir, Virginia. The data collected in this publication consists of vessel and cargo movement information reported to the Corps of Engineers by carriers engaged in commercial transportation of goods on the navigable waterways and international trade and also international trade data provided by the Bureau of the Census. Part 2 of this publication covers waterways and harbors in the Gulf Coast and Mississippi River System. Current issues of this publication can be obtained from the Commander, U.S. Army Engineers District, Box 60267, New Orleans, LA 70160-0267.

#### U.S. Army Corps of Engineers, Other Data Sources:

Public Domain Database: Contains aggregated information which depicts waterborne commodity movement between different regions and states sorted by origin, by destination, and by commodity. *Special Requests for Waterborne Commerce Statistics*: The Waterborne Commerce Statistics Center (WCSC) handles special requests for statistics on a case-by-case basis. These requests are characterized by the need for information not contained in the aforementioned Waterborne Commerce of the United States.

For more information on data sources available to the public from the U.S. Army Corps of Engineers, request a free copy of *Products and Services Available to the Public from Data Request Office*, Waterborne Commerce Statistics Center, U.S. Army Corps of Engineers, Box 61280, New Orleans, LA 70161-1280.

*Port Import/Export Reporting Services (PIERS)*, Journal of Commerce, Inc., New York. PIERS data services provides detailed information on foreign trade, identifying commodity descriptions, origins and destinations, consignees and shippers, and tonnage of individual shipments. This data can be selected to suit individual specifications and obtained on tape, diskette, or hard copy reports.

*County Business Patterns*, 1988 Louisiana, U.S. Department of Commerce, Bureau of Commerce, Bureau of the Census, U.S. Government Printing Office, Washington, D.C., 1990. Provides information on industrial establishments, number of employees, payrolls by major groups of industries and by individual parishes.

*1987 Census of Manufacturers—Geographic Area Series—Louisiana*, U.S. Department of Commerce, Bureau of the Census, U.S. Government Printing Office, Washington, D.C., 1990. This publication provides the following aggregate data on commercial establishments by parishes and metropolitan areas:

1. number of companies, employment and payroll, production worker-hours, and worker-wages;
2. value of shipments, cost of materials, and value added;
3. beginning and end of year inventories;

4. expenditures, assets, rents, and purchased services.

*Agricultural Statistics and Prices for Louisiana*, Louisiana Agricultural Experiment Station, Louisiana State University Agricultural Center, Baton Rouge, Louisiana—This publication provides data on agricultural product prices, average value of farm assets, acreage, and production.

Other Publications:

*Moving America—New Directions, New Opportunities*, A Statement of National Transportation Policy Strategies for Action, U.S. Department of Transportation, Washington, D.C., February 1990.

*National Transportation Strategic Planning Study*, U.S. Department of Transportation, Washington, D.C., March 1990.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:3451-3463.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Flood Control and Water Management, LR 16:695 (August 1990), amended LR 18:752 (July 1992), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended LR 34:1044 (June 2008).

### §2111. Evaluation

A. Analysis. In determining a score to prioritize the request for funds, the following factors will be considered:

1. technical feasibility;
2. economic feasibility;
3. economic impacts; and
4. port management.

a. Technical Feasibility. Indicators of technical feasibility are as follows:

- i. completeness of project design;
- ii. appropriate consideration of alternatives;
- iii. compatibility of project to port's master plan;
- iv. level of detail of preliminary plans (should be adequate to allow award of a construction contract within a year but still allow input from the department);
- v. items of work as shown in the cost estimate are at a level of detail that may be readily verified.

b. Economic Feasibility. The primary factor in determining economic feasibility is the benefit-cost ratio. For purposes of evaluation, the investment is the amount of program funds needed for the proposed port improvement project.

c. Economic Impacts. The economic impacts are to be analyzed by the number of permanent jobs created or saved by the port improvement project after construction.

d. Port Management. The primary factor in appraising the management of the port is the average return on investment for the last five years.

e. Location. The elements in assessing the port's location are as follows:

- i. adequacy of the navigable waterways;

- ii. suitable railroad access;
- iii. ample highway facilities;
- iv. location of nearest competing port.

f. Multi-Year Projects. Multi-year projects will receive priority over new projects after the initial year of funding, provided the years are consecutive and the implementation of the previous year components was in accordance with the Program Procedure Manual.

### B. Methodology

1. The procedure for evaluating applications for funding is as follows.

a. Completeness. If an application is complete, then proceed, otherwise advise applicant so that he may provide missing data for funding consideration next submittal date.

b. Need. Is the need verifiable and real? If not then application will be rejected.

c. Location. The port must be located on an adequate navigable waterway, and upon completion of the proposed port improvement, have sufficient rail and/or highway access. Also, the port must be situated so that the improvement will not just shift trade from one Louisiana port to another. Noncompliance will result in rejection.

d. the minimum rate of return for the state's investment as defined herein or more shall be funded by the program.

e. Benefit-Cost Ratio. Only projects that have a benefit-cost ratio equal to one or more shall be funded by the program. In calculating the B/C for this criteria, the cost shall be the total investment, both private and public, needed to implement the total project and derive the benefits. Note that the B/C used in the economic feasibility is based on program funds in lieu of total investment.

i. For projects that have a private investment that is equal to or greater than the amount of program funds required, the project may be exempted from this requirement. If exempted, the project must meet a program benefit-cost ratio equal to one or more. The cost for the program benefit-cost ratio is equal to the amount of program funds required for the project.

f. Technical Feasibility (60 points) To proceed, the technical feasibility score must be 40 or more.

g. Economic Feasibility (150 points) Projects with benefit-cost ratios greater than 10 are scored from 100 to 150 points with the highest of those ratios receiving 150 points. The remaining projects with benefit-cost ratios greater than 10 are pro-rated. Projects with benefit-cost ratios of 10 or less are scored from 0 to 100 points with the highest of those ratios receiving 100 points. The remaining projects with benefit-cost ratios of 10 or less are pro-rated.

h. Economic Impacts. (20 points) The project which creates or saves the most jobs per state investment receive the maximum points. The others are pro-rated.

i. Management of Port. (20 points) The port with the highest rate of return on investment for the last five years will receive 20 points. The others are pro-rated.

2. After the applications have been analyzed, they shall be graded by the department according to the point system above. The projects will then be prioritized by score.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:3451-3463.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Flood Control and Water Management, LR 18:758 (July 1992), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended LR 34:1046 (June 2008).

### **§2113. Distribution of Funds**

A. Funding. Program funds shall be distributed in accordance with the approved construction program. The funding for any single project that is submitted to the legislature for funding may be limited to a maximum legislative funding authority of \$9 million. The department may increase the funding limit for a fiscal year based on the availability of funds. The department may consult with PAL regarding the limit; but, the final limit shall be at the sole discretion of the department.

i. The actual distribution of these funds to the ports for each approved project shall be at the sole discretion of the department. The department may consult with PAL in determining this distribution.

ii. The department may limit the funding distribution to each port authority to no more than one-third 1/3 per year of the single project maximum legislative funding authority established by the department for the fiscal year.

B. Construction. Should the funding level be insufficient to fund all the projects that have been recommended, then the unfunded projects will be included in the recommended list of projects the following year. An unfunded project may be included in the recommended list of projects up to four years without port authority re-submitting an application. If a reimbursement agreement has been executed with the department and the project has begun construction prior to the expiration of the four year period, then the project will remain on said list until all program funds have been authorized.

C. Cancellation. The department may cancel any project that is not under construction with the below mentioned time limits and any unexpected proceeds may be reallocated to another port project. The award of a construction contract shall satisfy the requirement to be "under construction."

1. for projects that are completely funded in one fiscal year, within 18 months of the date of notification from the secretary of the department or his designated representative, that the project has sufficient funding to be completed;

2. for projects that are completely funded over two fiscal years, within 12 months of the date of notification from the secretary of the department, or his designated

representative, that the project has sufficient funding to be completed;

3. for projects that are completely funded over three or more fiscal years, within six months of the date of notification from the secretary of the department or his designated representative, that the project has sufficient funding to be completed;

4. for projects that have approval from the department to be divided into more than one construction contract, the above time frames apply to each independent contract that has sufficient funding to be completed. An independent contract shall be a contract that does not require the completion of another contract in order to be constructed. Each additional dependent contract shall be constructed within six months from completion of the contract that it is dependent upon;

5. if a port authority has a project that is eligible for cancellation under the provisions of this Section, the port shall not be eligible to submit an application for funding or to receive additional funding for previously recommended projects until the port authority officially withdraws its project, or until the project, including all approved phases, has been completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:3451-3463.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Division of Flood Control and Water Management, LR 18:759 (July 1992), repromulgated by the Department of Transportation and Development, Office of Public Works, LR 31:942 (April 2005), amended LR 34:1046 (June 2008).

### **§2115. Reimbursement**

A. A sponsoring port authority may make application to utilize its own funds for project construction and to be reimbursed by the Port Construction and Development Priority Program provided that:

1. all program criteria are met in accordance with R.S. 34:3451 et seq.,

2. the project is listed in the recommended construction program, and

3. all program criteria are met in accordance with the program's "procedures manual" and the rules and regulations promulgated by the department.

B. If the sponsoring port authority desires to construct the project or approved phase of the project under the reimbursement option, it must submit a request to the department and execute a project agreement prior to commencement of any work. Projects or approved phases that are advertised for bids under the reimbursement option shall be completed under the reimbursement option whether or not funding or funding obligation authority has been made available by the legislature prior to the completion of the project or approved phase.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:3451-3463.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Public Works, LR 34:1047 (June 2008).

## Chapter 23. Port Design-Build Pilot Program

### §2301. Purpose

A. A port design-build pilot program was authorized by Act 755 of the 2012 Regular Session of the Louisiana State Legislature. The purpose of this Rule is to establish procedures and guidelines for the implementation of the pilot program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3523.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Planning, LR 39:117 (January 2013).

### §2303. Applicability

A. Any port may use the design build method, pursuant to the pilot program as specified and limited by R.S. 34:2523, on any non-architectural project where the project involves the transport, production, storage, or manufacturing of port cargos and where 60 percent or more of the construction cost estimate in the design criteria package, as determined by the port's retained design professional, consists of engineered products and components and services, fabrication, and installation for such products and components.

B. A port may utilize the design-build method on projects funded by any manner for any port project in which a notice of intent is advertised in accordance with R.S. 34:3523 prior to December 31, 2015.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3523.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Planning, LR 39:118 (January 2013).

### §2305. Approval Process

A. The proposed design-build projects shall be processed for approval on a first-come first-served basis.

B. A port seeking to participate in the design-build pilot program shall retain a design professional for each proposed project. The design professional shall prepare a design criteria package for each proposed project. The design professional and the design criteria package shall meet all requirements set forth in R.S. 34:3523

C. If the port is seeking approval for the project pursuant to the Port Priority Program, the port shall comply with all applicable rules relative to Port Priority Program projects.

D. If the port is not seeking participation in the Port Priority Program, the following rules shall apply.

1. A completed design criteria package must be submitted to the department prior to submission to the joint legislative committee for approval, along with a resolution from the governing authority for the port verifying its

commitment to complete the design-build project and which contains a statement that the port has the funding necessary to do so.

2. The department is responsible for ensuring the design package contains all of the elements required by R.S. 34:3523. The department will not recommend approval for the design-build project, nor will the department be responsible for making findings relative to the accuracy of the information provided in the design criteria package.

3. If the department determines that the design criteria package is complete and the resolution from the governing authority for port is sufficient, it shall issue a letter to the port stating same. The letter shall serve as authorization for the port to submit the design criteria package and the resolution to the joint legislative committee for approval. The design criteria package and resolution shall be submitted to the joint legislative committee within 30 days of publishing the notice of intent as required by R.S. 34:3523(c).

4. The port shall notify the department of the outcome of the joint legislative committee.

a. If the project is approved or if the joint legislative committee fails to act within 60 days from receipt of the proposed project, the port so shall notify the department and may proceed with implementation of the project.

b. All aspects of the project must comply with all applicable laws, rules and regulations relative to the design-build pilot program including, but not limited to, R.S. 34:3523.

D. Unless the design-build project is also a Port Priority Program project, the department shall not participate in or monitor the project beyond the application and approval processes.

### E. Procedures for Withdrawal of Projects

1. If after receiving approval for the proposed project, the port elects not to proceed with the construction of the project, the governing authority for the port shall provide the joint legislative committee and the department with written notice that it is withdrawing its project from the pilot program.

2. Once the project is withdrawn by the port, the project is no longer eligible for the design-build pilot program without resubmitting the design criteria package to the department and the joint legislative committee for approval. Any such resubmitted project shall be placed in line behind all other pending project approvals received by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3523.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Planning, LR 39:118 (January 2013).

**§2307. Project Limits**

A. Once the department receives notice that ten projects have been approved by the joint legislative committee, the department will cease processing any further projects. If however a project has been withdrawn from the pilot program, the department will process applications in the order of their submission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3523.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Multimodal Planning, LR 39:118 (January 2013).



## Title 56

### PUBLIC WORKS

#### Part V. Capital Area Ground Water Conservation Commission

### Chapter 1. Water Well Registration in the Capital Area Ground Water Conservation District

#### **§101. Water Wells That Shall Be Registered**

A. All wells which supply a public water system, regardless of yield, must be registered with the state.

B. All other water wells capable of producing more than 50,000 gallons per day must be registered. For wells in the district that are exempt from registration by the commission, refer to §105. Refer to §103 for procedures for registering water wells used in connection with petroleum activities.

C. Procedures for determining when a water well is considered registered and procedures for determining responsibility for registering water wells are given in §§107 and 111.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2637 (December 2007).

#### **§103. Registration of Water Wells Used in Connection With Petroleum Production**

A. Water wells producing fresh water for water flood activities permitted by the Department of Conservation must be registered according to the rules, regulations, and procedures stated herein.

B. Water wells producing saline water in connection with petroleum production do not have to be registered. These wells are regulated by the Louisiana Department of Conservation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2637 (December 2007).

#### **§105. Exemptions**

A. As provided for by Section 3073(3), and Section 3076(D) of Act 678 (1974), the following wells are exempt from the rules, regulations, and procedures for the registration of water wells in the district:

1. wells less than 400 feet in depth;
2. wells serving less than six households;
3. wells used for bona fide agricultural or horticultural purposes; and

4. wells used for both domestic and agricultural purposes, but not capable of producing more than 50,000 gallons per day.

B. Although the cited wells in the district are exempt from the commission's rules and regulations for registration, they may not be exempt from the rules, regulations, and procedures for water well registration of other state agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2637 (December 2007).

#### **§107. Registration of Water Wells Completed on or After July 1, 1975**

A. The rules, regulations, and procedures as stated herein shall be used for establishing responsibility for registering water wells in the Capital Area Ground Water Conservation District completed on or after July 1, 1975, for determining when such a well is considered registered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2637 (December 2007).

#### **§109. Responsibility for and Procedures for Registering Water Wells**

A. The water well contractor who drilled and constructed the well shall register the well by submitting to the Louisiana Department of Public Works, a completed Water Well Registration Form (LDPW-GW-1) for wells that must be registered in accordance with §101 and completed on or after July 1, 1975. Copies of the registration form for wells in the district will be made available to the commission, after field check and verification.

B. The registration form must be sent to the Louisiana Department of Public Works no later than 30 calendar days after the well has been completed. The commission and the Louisiana Department of Public Works consider that the well is completed when the well is accepted by the well owner.

C. Water Well Registration Form LDPW-GW-1, which will be provided by the Commission or the Louisiana Department of Public Works shall be used to register water wells in the district completed on or after July 1, 1975.

D. When the registration form (LDPW-GW-1), which is submitted by the water well contractor, is assigned a local well number by the department or commission, the water well shall be considered registered. Upon request, the well

owner and water well contractor will be informed of the fact of registration and of the assigned local well number.

E. Copies of all attachments to the registration form will be sent by the department to the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2637 (December 2007).

#### **§111. Registration of Water Wells Completed Prior to July 1, 1975**

A. The rules, regulations, and procedures stated in this Section shall be used for establishing responsibility for registering a water well completed prior to July 1, 1975, the effective date of the rules, regulations, and procedures adopted by the Department of Public Works, and for determining when such a well is considered registered by the state. Because some of the water wells that have been completed have been inventoried, the procedures for registering wells completed prior to July 1, 1975, are dependent on whether or not the well has been inventoried and the records for the wells are available to the state agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2638 (December 2007).

#### **§113. Responsibility for and Procedures for Registering Inventoried Water Wells Whose Records are Available to the State**

A. The commission shall obtain from available data a listing, by landowner or lessee, of wells with pertinent data. A copy of the list shall either be sent to the landowner or lessee for checking or shall be checked and verified by a representative of the department.

B. If the list is sent to the landowner or lessee for checking and updating, the landowner or lessee shall be responsible for updating and correcting the list, certifying the list as current, and returning the corrected and verified list to the commission within 30 days after receiving the list.

C. The list shall be updated by indicating the current status of each listed well, by adding wells not on the list, and by indicating the wells that have been abandoned.

D. When the list, as corrected and certified by the landowner or lessee is received by the commission or department, the active wells on the list provided by the commission or department shall be considered registered. Wells added to the list by the owner shall be inventoried and registered by a representative of the commission or department in accordance with the procedures in §115.

E. If in the opinion of the commission or department a visit or contact by a representative of the state is preferable and more convenient to the landowner or lessee than sending

a list of wells, a field visit or contact shall be made by a representative of the state. This procedure will be used when the landowner or lessee is responsible for only a few wells. After the data is checked and the location verified, a local well number shall be assigned to the well. At that time the well shall be considered registered.

F. Upon request, the landowner or lessee will be sent an updated listing of registered wells, by the department or commission, for which he is responsible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2638 (December 2007).

#### **§115. Responsibility for and Procedures for Registering Water Wells Which Have Not Been Inventoried**

A. The commission's or department's representative shall contact the landowner or lessee to obtain well data and to check and verify the location of wells that have not been inventoried and whose records are not on file with a governmental agency. The landowner or lessee shall make available any needed data and shall permit access to the well site.

B. After the commission or department assigns a local well number the well shall be considered registered. Upon request the landowner or lessee will be informed of the fact of registration and of the assigned local well number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2638 (December 2007).

#### **§117. Registration of Reworked Wells**

A. Registered wells that are reworked (e.g. development, replacing the screen) need not be registered a second time unless the screen is set in a shallower or deeper aquifer (sand). If the registered well, after reworking, obtains water from an aquifer different from that reported on the original Registration Form (LDPW-GW-1), another form shall be submitted by the contractor within 30 days after completion of work.

B. If an unregistered well is reworked, deepened, changed in any manner, or a screen(s) is set in a shallower or deeper aquifer, a registration form (LDPW-GW-1) shall be submitted to the department by the water well contractor within 30 days after the work is completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2638 (December 2007).

## §119. Test Holes

A. Registration of test holes is not required. If a hole is converted after July 1, 1975, to a production well which is capable of producing 50,000 gallons per day, or is used to supply a public water system, a registration form must be filed with the commission and/or department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2638 (December 2007).

## §121. Observation Wells

A. Registration of wells used solely for observation purposes is not required. If converted after July 1, 1975, to a well capable of producing more than 50,000 gallons per day or used to supply a public water system, a registration form must be filed with the commission and/or department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2639 (December 2007).

## §123. Use of Information

A. The registration of water wells is intended to complement and in no way void the requirements of the Louisiana Department of Public Works, Louisiana Division of Health, and the Louisiana Department of Conservation.

B. The information on the forms will be available to all persons upon request. The data will be coded and integrated with water data systems operated by other governmental agencies and research groups.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2639 (December 2007).

## §125. Definitions

A. For the purpose of the rules and regulations stated herein the following definitions shall apply.

*Abandoned Well*—a well whose use has been permanently discontinued or which is in such a state of disrepair that it cannot be used to supply water.

*Active Well*—an operating augered, dug, driven, bored, or drilled well that is used to supply water.

*Aquifer Test*—pumping tests are made in water wells for either one of two purposes or for both objectives;

a. to obtain information about the performance and efficiency of the well being pumped; or

b. to provide data from which the hydraulic characteristics of the aquifer can be calculated.

The test made to determine hydraulic characteristics is usually referred to as *aquifer test*.

*Bacteriological Analysis*—this analysis, usually for drinking water, generally consists of determining total coliform.

*Biological Analysis*—biological analysis of ground water is made only when there is a possibility of contamination from a surface source and an examination for microorganisms is made.

*Board*—the Board of Commissioners of the Capital Area Ground Water Conservation District.

*Chemical Analysis*—usually a report of dissolved minerals in the water and the water's physical properties, such as temperature. The minimum chemical properties that are usually determined are hardness, specific conductance, hydrogen-ion concentration (pH), dissolved solids, chloride, bicarbonate, iron, fluoride and nitrate.

*Commission*—the Capital Area Ground Water Conservation Commission.

*Contaminant*—any physical, chemical, biological, or radiological substance or matter in water.

*Contamination*—any introduction into water of microorganisms, chemicals, wastes, or wastewater in a concentration that makes the water unfit for its intended use.

*Department*—the Louisiana Department of Public Works.

*Detritus*—unconsolidated sediment comprised of both inorganic and decaying organic material.

*Director*—the Director of Public Works of the State of Louisiana or his designated representative.

*District*—the Capital Area Ground Water Conservation District.

*Drawdown*—the difference, usually in feet, between the static (nonpumping) water level and the pumping level in a well for a stated period of pumping from the well.

*Drill Cuttings*—Samples of the material obtained during drilling which are the source of lithologic information needed for proper selection of screen openings. The principal objective of drilling test holes is to obtain samples.

*Driller's Log*—the driller's description of the geologic strata encountered, their thickness and depth.

*Electrical Log*—a record of the resistivities of the subsurface formations and the contained fluid and the spontaneous potentials generated in the borehole, both plotted in terms of depth below the land surface. Other similar logs made in boreholes are the induction logs. Other borehole geophysical logs that may be also available are the gamma ray, caliper and neutron. Usually only an induction or electrical log is available for new wells.

*Inactive Well*—a well which is not in operation but can be used, with a minimum of effort as an observation well or a supply well.

*Lessee*—see definition for *water well owner*.

*Observation Well*—a well used by the appropriate engineering or research group in studies of the water resources of an area.

*Pollution*—a condition created by harmful or objectionable material in water.

*Potable Water*—water whose bacteriological, physical, and chemical properties make it suitable for human consumption and other beneficial purposes.

*Public Water System*—a system for the provision to the public of piped water for human consumption, if such a system has at least 15 service connections or regularly serves at least 25 individuals.

*Pumping Test*—pumping tests are made in water wells for either one of two purposes or for both objectives:

- a. to obtain information about the performance and efficiency of the well being pumped; or
- b. to provide data from which the hydraulic characteristics of the aquifer can be calculated.

The test made to obtain information about the performance of the well is usually referred to as *pumping test*.

*Pumping Water Level*—the water level, usually expressed in feet, in a well that is being pumped, above or below a specific datum, usually land surface.

*Registered Well*—an inventoried well that has been assigned a local well number by the state and whose records are available.

*Saline Water*—water with a dissolved solids content of 1,000 milligrams per litre or more.

*Seepage*—the appearance and disappearance of water into the ground surface—a type of movement of water.

*Specific Capacity*—the rate of discharge of water from a well divided by the drawdown of water level within the well for a specified period of continuous pumping of the well. It is usually expressed as "gallons per minute per foot of drawdown after X hours of continuous pumping."

*Standby Well*—a well that is used in emergencies or occasionally as a replacement well for an active well.

*Static Water Level*—the water level usually expressed in feet, in a well that is not being pumped, above or below a specified datum, usually land surface.

*State*—State of Louisiana.

*Test Hole*—an augered, drilled, driven, or bored hole that is used for the collection of geologic, hydrologic, and water quality data.

*Water Well Contractor*—any person, organization, or corporation who engages for compensation in the drilling, boring, construction of a water well. Does not include anyone who drills, bores, cores, or constructs a water well on his own property for his own use.

*Water Well Owner*—an individual, corporation, association, partnership, institution, or governmental agency who is either the legal owner of the property on which the well is located or is holding a long term lease on the property (lessee).

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2639 (December 2007).

## **Chapter 3. Plugging and Sealing of Abandoned Water Wells and Holes in the Capital Area Ground Water Conservation District**

### **§301. Purpose**

A. The rules, regulations, standards, and methods as stated herein for well and hole abandonment were prepared in response to this directive and were developed in coordination with other state agencies, which are also concerned with the wise use of the water resources of the state. The contents of these standards do not preempt but complement the Department of Public Works rules related to water wells, the Department of Conservation's rules and regulations related to oil, gas, and salt wells and the Division of Health's Sanitary Code requiring the protection of "freshwater sand". The Capital Area Ground Water Conservation Commission shall be responsible only for water wells in the Capital Area Ground Water Conservation District which is composed of the parishes of East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, and West Feliciana.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2640 (December 2007).

### **§303. General Rules and Requirements**

A. The rules, regulations, standards, and methods stated herein apply to water wells that are drilled, bored, dug, augered, or driven. They are designed to provide for the restoration, as nearly as possible, of those subsurface and surface conditions that existed prior to drilling, boring, digging, or augering activities and for the installing of a well, taking into account any changes that may have occurred as a result of "natural stresses." The purpose of these regulations is to prevent contamination of aquifers by surface waters and the interchange of water between aquifers.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2640 (December 2007).

### §305. Exemptions

A. The following wells, excavations, and holes are exempted from the provisions of rules, regulations, standards, and methods stated herein: seismic holes, cathodic-protection holes, saline water wells associated with secondary recovery operations, brine wells, oil and gas wells and holes, geothermal and geopressed holes, brine-injection wells, water disposal wells, holes, and excavations used in the development and/or exploration of mineral resources, including but not limited to, gravel, salt, and sulphur, excavations, and borings associated with the construction of buildings, roads, bridges, and soil boring activities.

B. Although the cited activities are not covered by Act 678 (1974), they are not exempted or excepted by state law. Therefore, persons, corporations, governmental agencies, etc., should take any and all action, and use all protective methods necessary to protect our water supply and to prevent contamination. The exclusion of these activities from Act 678 (1974) does not in any way remove or establish legal liability for health and safety hazards, contamination or pollution problems alleged to be caused by persons engaged in the cited activities in the first paragraph of this Section.

C.1. As provided for by Section 3073(3) of Act 6781 (1974) the following wells are exempt from the commission's rules, regulations, standards, and methods for the sealing and plugging of abandoned water wells in the district:

- a. wells less than 400 feet in depth;
- b. wells serving less than six households;
- c. wells used for bona fide agricultural or horticultural purposes; and
- d. wells used for both domestic and agricultural purposes but not capable of producing more than 50,000 gallons per day.

2. Although the cited wells in the district are exempt from the commission's rules and regulations, they are not exempt from the rules and regulations of other state agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2640 (December 2007).

### §307. Effective Date

A. All water wells and holes abandoned on and after October 1, 1975, the effective date of the rules, regulations, standards and methods stated herein, shall be sealed in accordance with the procedure and methods stated herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission,

LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2640 (December 2007).

### §309. Status of Wells Abandoned Prior to Effective Date

A. If production operations have ceased, or a well is in state of disrepair prior to the effective date of procedures stated herein, and the owner has not and does not intend to place the well in the inactive status, the well shall be considered abandoned. The responsible party shall have six months from the effective date of these standards to return the well to active status or inactive status. After that time the abandoned well shall be plugged or sealed as provided for in the standards and methods stated herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2641 (December 2007).

### §311. Filing of Water Well Abandonment and Plugging Form (LDPW-GW-2)

A. The contractor who plugs an abandoned well or hole after October 1, 1975, shall complete Louisiana Department of Public Works Water Well Abandonment and Plugging Form (LDPW-GW-2) within 30 days after the completion of the work and submit the form (LDPW-GW-2) to the Louisiana Department of Public Works, who will record and transmit a copy to the commission. Copies of Form LDPW-GW-2 may be obtained from the commission or the Louisiana Department of Public Works. The commission considers the work completed when the work is accepted by the responsible party. Acceptance by the responsible party does not imply in any way acceptance and approval by the State of Louisiana. The commission, after inspection of the site and records (refer to §315), can cause the responsible party and/or contractor to do that additional work necessary to properly plug and seal a hole or well in accordance with the methods and standards stated herein. The expense for the additional work shall be borne by the responsible party.

B. The Louisiana Health and Human Resources Administration may also require additional information for wells used to supply public water systems. Abandoned drilled water wells and holes plugged and sealed prior to the effective date of the rules, regulations, standards, and methods can be reported to the commission, using Form LDPW-GW-2. For wells or holes abandoned and plugged and sealed, prior to the effective date, the landowner or lessee may be required to describe or provide information on the methods used to plug and seal the abandoned wells and holes. The location of abandoned wells and holes and those wells and holes plugged prior to October 1, 1975, should be known by the landowner or lessee so that the site may be readily inspected by a representative of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission,

LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2641 (December 2007).

### **§313. Adequacy of Plugging an Abandoned Water Well or Hole**

A. To assure that an abandoned water well or hole is plugged and sealed properly, and that there has been no "jamming" or "bridging" of the material, verification calculations and measurements should be made by the contractor to determine whether the volume of the material placed in the well or hole at least equals the volume of the casing or hole plugged and/or filled. When bridge plugs are set, sufficient time shall be allowed for the material to set. After that time the location of the plugging shall be verified by "tagging", measuring, or sounding. Any measurement and calculations, the results of which should be included on the Abandonment and Plugging Form (LDPW-GW-2), shall also be made available upon request by the Capital Area Ground Water Conservation Commission and/or the Department of Public Works. The Board of Commissioners shall be responsible for determining whether a well or hole is satisfactorily plugged or sealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2641 (December 2007).

### **§315. Inspection**

A. The Board of Commissioners may order at any time the site of an abandoned water well or hole inspected, to determine whether the work has been satisfactorily completed in accordance with the standards and methods stated herein, and as stated on the Water Well Abandonment and Plugging Form (LDPW-GW-2). The landowner or lessee shall make all records available to the representatives of the state and commission, and allow representatives to enter the property and visit site(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2641 (December 2007).

### **§317. Contractor**

A. In addition to the responsibility for submitting Form LDPW-GW-2 (§311) for wells or holes plugged and sealed after October 1, 1975, it shall be the responsibility of each water well contractor to inform a landowner, lessee, or person having a well or hole drilled or altered, that the well or hole drilled shall be plugged if abandoned, in accordance with standards stated herein. The water well contractor shall also inform the owner of the necessity of plugging and sealing all other wells that have been previously abandoned.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission,

LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2641 (December 2007).

### **§319. Availability of Well Data**

A. The drilling and construction records of a water well, if not in the owner's file, may be obtained from the water well contractor who installed the well and/or from one of the following governmental agencies.

Louisiana Department of Public Works

Post Office Box 44155, Capital Station

Baton Rouge, LA 70804

or

U.S. Geological Survey, WRD

Post Office Box 66492

Baton Rouge, LA 70806

B. Reports and/or information on hydrology, geology, the occurrence of saline water bearing and fresh water bearing sands, and quality of water, may also be obtained from the above named governmental agencies and/or from:

Louisiana Department of Conservation

Post Office Box 44275

Baton Rouge, LA 70804

or

Louisiana Geological Survey

Post Office Box 66492

Baton Rouge, LA 70803

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2641 (December 2007).

### **§321. Regulations and Standards for Plugging and Sealing a Well or Hole and for Determining Responsibility**

A. Following are regulations and standards for determining the status of a dug, drilled, bored, augered, or driven water well or hole and for determining the party responsible for properly plugging an abandoned well or hole.

B. Unless otherwise specified in the regulations and standards stated herein, the landowner or lessee shall be responsible for plugging and sealing an abandoned water well or hole. The individual or group responsible for plugging an abandoned water well or hole shall be known in the rules, regulations, standards, and methods as the responsible party. The responsible party shall take the necessary action to insure that an abandoned hole or well is plugged properly by a contractor qualified and experienced in plugging and sealing abandoned wells and holes, and in accordance with the methods and standards in §509.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2642 (December 2007).

### **§323. Active Well**

A. An active well is an operating water well or a standby well that can be used with little effort and at any time, to supply water. When an oil or gas well has been converted to a fresh water well in accordance with the provisions of Section XIXG, Louisiana Department of Conservation's Amendment (3/1/74) to statewide Order 29-B, the abandonment of the water well or hole is then regulated by the rules and regulations stated herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2642 (December 2007).

### **§325. Abandoned Well**

A. Unless the landowner or lessee declares a well to be abandoned, the well is considered abandoned by the state of Louisiana when production operations have ceased for a period of one year or more and the well is in such a state of disrepair that the well cannot be placed in the active classification and there is no intent to use the well for observation purposes. For wells used for observation purposes, or those temporarily out of use. An abandoned water well shall not be used for disposal of any waste or any other purpose.

B. The landowner or the lessee of the land shall be responsible for plugging and sealing an abandoned water well within 90 days after abandonment, or after the well has been declared abandoned by a local or state agency in accordance with the regulations and standards stated herein. For the responsibility of plugging and sealing abandoned observation wells refer to §329.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2642 (December 2007).

### **§327. Inactive Well**

A. A well considered inactive is one that is not presently operating but is capable of being pumped with a minimum of effort or one that is used as an observation well. The owner must give evidence of his intentions for continued use. As evidence of his intentions, the owner shall be responsible for properly maintaining the well in such a way that:

1. the well and the annular space between the hole and casing shall have no defects that will permit the seepage of water from outside the well;
2. the well is clearly marked and is not a safety hazard;

3. the well is covered or capped in such a manner as to prevent easy entry by other than the owner;

4. the area surrounding the well is kept clear of waste and debris;

5. if the pump has been removed for repair or replacement, the well shall be adequately covered to prevent the entrance of any contaminant or pollutant;

6. the well is not used for the disposal or injection of trash, garbage, sewage, waste water, and/or storm runoff.

B. Unless a well is used for observation purposes, a well shall not remain in the inactive status for more than one year. After that time, it will be considered abandoned. Upon written request by the responsible party, the Louisiana Department of Public Works or the commission may permit, in writing, a well to remain in the inactive status for a specified period of time but not in excess of one additional year. The responsible party must satisfy the commission or department of his intent to use the well for observation purposes and/or return the well to the active well status within the specified time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2642 (December 2007).

### **§329. Observation Well**

A. An inactive well can be used as an observation well by the landowner or lessee, or with the landowner's permission by governmental agencies, appropriate engineering or research organizations engaged in studies of the water resources of the area. Observation wells shall be covered with an appropriate cap or cover to prevent use or entry except by personnel of the landowner or lessee, or the agency or organization making the observations. It shall be the responsibility of the owner, organization, or agency to prevent entry of any foreign materials or water into observation wells and to keep the surrounding area clear of waste, water, and debris.

B. A well shall not be used for any injection or recharge studies until a permit and permission are obtained in accordance with existing codes, orders, rules, and regulations of the Department of Conservation and/or the Louisiana Health and Human Resources Administration.

C. When a well, which was formerly an active well is no longer needed for observation purposes and the landowner or lessee of the land does not intend to use the well to supply water, the well shall be considered abandoned. The well then shall be sealed and plugged in accordance with these standards within 90 days after the initial date of abandonment. The responsibility for properly sealing and plugging an observation well, which formerly was an active well, shall be the landowner's or lessee's responsibility unless the agreement with the agency or organization to use the well for observation purposes clearly delegates the responsibility to the agency or organization.

D. Wells constructed solely for observation purposes by a landowner or lessee, a governmental agency, engineering or research organization, shall be converted to either active well status or abandoned well status when no longer needed for observation purposes. It shall be the responsibility of the landowner or lessee, agency, or organization who installed the well to plug and seal the well in accordance with these standards and methods stated within 90 days after the initial date of abandonment.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2643 (December 2007).

### **§331. Abandoned Hole**

A. A pilot hole driven, drilled, augered, or bored with the intent to install casing and obtain water shall be considered an abandoned hole when the hole is not cased and a well is not developed or used for water supply or observation purposes within 30 days after drilling operations have been completed. Unless the owner has a prior agreement with the water well contractor that states otherwise, it shall be the water well contractor's responsibility to plug and seal such an abandoned hole within 90 days after work is terminated or after the hole is considered abandoned.

B. An exploratory test hole drilled or excavated solely for the purpose of collecting geologic, hydrologic, and water quality data shall be considered an abandoned hole within 30 days after the completion of all testing operations. The agency or organization responsible for the exploratory work is responsible for plugging and sealing the hole unless the landowner or lessee of the land has agreed in writing to retain responsibility for plugging and restoration.

C. When the drilling of a hole is temporarily suspended and the rig moved away from the drilling site, the hole shall be considered an abandoned hole unless drilling operations are resumed within 90 days of the initial date of suspension of drilling operations. During the shut down period, a mud column of sufficient weight and height shall be maintained in the hole at all times to prevent seepage of water from or into the aquifers, or the interaquifer movement of water.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2643 (December 2007).

### **§333. Failure of Responsible Party to Plug and Seal an Abandoned Water Well or Hole**

A. When the responsible party fails to comply within the time allowed for the plugging and sealing of an abandoned hole or well in accordance with the rules and regulations stated herein, the police jury of the parish where the hole or well is located, after being so appraised, may request the commission to require the responsible party to plug and seal the hole or well within 30 days after receipt of the order

from the Chairman, Capital Area Ground Water Conservation Commission.

B. Failure to comply with an order of the commission may result in a civil penalty of not more than \$1,000 a day for each day of violation and each act of violation in accordance with the provisions of Act 678 (1974) Section 3083.

C. If the responsible party fails to comply within 30 days, the police jury of the parish where the well is located may petition the Louisiana Department of Public Works to plug the well or hole. The responsible party shall be required to reimburse the state the expense incurred for plugging the water well or hole or be considered in violation of Act 535 (1972), Section 7, which permits a civil penalty of not more than \$1,000 a day for each day of violation and for each act of violation.

D. The landowner or lessee of the land at the time of sealing and plugging the hole or well, shall be held liable for payment.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2643 (December 2007).

## **Chapter 5. Regulations and Standards for Plugging and Sealing Abandoned Drilled Water Wells and Holes**

### **§501. General**

A. The plugging (or sealing) and filling of abandoned drilled water wells or holes shall be done by a contractor with experience in and knowledge of plugging and sealing procedures and the requirements of the rules, regulations, standards, and methods stated herein. The work shall be done in such a manner to prevent the interchange of water between aquifers, to prevent the entry of surface seepage by movement into the annular space and/or the well, and to remove all health and safety hazards.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2643 (December 2007).

### **§503. Preliminary Work**

A. Before the water well or hole is plugged and filled, the responsible party and contractor should obtain and study drilling and construction records. An investigation of the well or hole shall be made to determine the well or hole's condition and whether any obstructions will interfere with plugging or drilling the well or hole properly. Any obstructions shall be removed, if possible, by an approved method and by a qualified contractor.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2644 (December 2007).

#### **§505. Temporary Cover**

A. When the work of plugging or sealing and filling an abandoned water well or hole is temporarily suspended, such as overnight or while awaiting material, the well or hole shall be covered and the immediate area conspicuously marked to protect and warn the public. The cover shall be sufficiently strong and anchored to prevent easy or unintentional entry. It shall be sealed well enough to prevent the seepage of water and the entry of any foreign material into the well or hole.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2644 (December 2007).

#### **§507. Plugging and Fill Materials**

A. Requirements or criteria for plugging or sealing material and fill material to be used in accordance with these standards are as follows.

##### **1. Plugging or Sealing Materials**

a. It is recognized that no material is completely impervious, however, experience and test show that neat cement or cement slurry has a low enough permeability to be preferred for use when plugging and/or sealing is required. Neat cement or slurry is a mixture consisting of one bag of cement to five to ten gallons of water. Under certain conditions, other materials may be added to accelerate or retard the time of setting and to provide extra bulk. If a gel or bentonite is used, the quantity added should generally vary between one and four percent. Cement grout or concrete grout may be used in place of neat cement or cement slurry if the change is approved by the Louisiana Department of Public Works or the commission. Following are definitions of cement grout and concrete grout.

*Cement Grout*—a mixture consisting of not more than two parts of sand to one bag of cement (94 lbs.) and five to ten gallons of water.

*Concrete Grout*—a mixture consisting of cement, sand and gravel, and water in the proportion of one bag of cement (94 lbs.) to an equal volume of dry sand and gravel, and five to ten gallons of water.

b. Unless specified otherwise, plugging material shall be placed in one continuous operation by the circulation or pump method. The grout or slurry shall not be poured or dropped through the water.

2. Fill Materials. The following materials of low permeability (less than .001 millidarcies) are suitable for use as a filler when permitted by these standards: silt, sand and clay mixture, native soil, mud-laden fluid weighing not less than 9 pounds per gallon, a well-proportioned mixture of these materials or with those materials mentioned in

Paragraph 1-1.b above. Fill material shall be free of foreign and organic additive material.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2644 (December 2007).

#### **§509. Methods and Standards for Plugging Abandoned Drilled Water Well and Hole**

A. The standards and methods discussed herein are intended to:

1. prevent seepage from the surface into fresh water aquifers;
2. prevent the movement of fluids from one aquifer to another; and
3. remove all health and safety hazards. Because of variable hydrologic conditions, differences in well construction, depth and size, and the irregular occurrence of saline water sands, the contents of these standards and methods cannot cover every possible situation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2644 (December 2007).

#### **§511. Exceptions**

A. Requests to vary from methods and standards stated herein or information on the proper methods to seal and plug a hole or well are anticipated. Such requests for variance and/or clarification on methods to be used for wells in the district should be addressed to:

Capital Area Ground Water  
Conservation Commission  
Post Office Box 64526  
Baton Rouge, LA 70806  
Telephone: (504) 924-7420

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2644 (December 2007).

#### **§513. Plugging and Sealing**

A. The well or hold shall be filled or plugged upward from the bottom of the hole or well with neat cement or fill material, preferably in one continuous operation. Fill and/or plugging material shall not be poured into the hole or well. The commission may require under certain conditions, that the casing be perforated and cement forced under pressure into the surrounding formation to prevent movement of water in the annular space from one aquifer to another. Where the top of the casing is cut off below ground surface

the excavation above the top of the casing shall be filled, after the surface plug is set, with enough soil or clay to compensate for compaction. All plugs shall be placed by the circulation or pump down method.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2644 (December 2007).

#### **§515. Surface Plug**

A. A surface plug is a 30-foot or more in length cement plug that is placed in the upper 30 feet of the well casing. The plugging material shall be allowed to spill over the top of the casing and into the annular space to a depth of about 10 feet completely sealing the annular space between the hole and casing. To assure no movement of water into the annular space the ground slab, if any, shall be removed before plugging and sealing operations begin.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2645 (December 2007).

#### **§517. Bridge Plug**

A. As used in the methods and standards stated herein the term, bridge plug refers to a cement plug not less than 50 feet in length that is either set at the bottom of the hole or well or at any depth interval in the hole or well.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2645 (December 2007).

#### **§519. Methods of Plugging a Drilled Water Well**

A. The following standards and methods shall be used under the stated conditions to plug and seal an abandoned drill water well. Although the conditions discussed include nearly all possible conditions, instances will occur that are not covered in the standards and methods. As specified in §511, the commission shall be contacted for decisions on variance and changes.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2645 (December 2007).

#### **§521. Wells Less Than 50 Feet in Depth**

A. A well less than 50 feet deep shall be plugged completely with neat cement or fill material in sufficient amount to plug the hole and seal the annular space.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2645 (December 2007).

#### **§523. Wells Greater Than 50 Feet in Depth and Where One or More Fresh Water Aquifer is Penetrated**

A. The entire well shall be filled from the bottom up to the top of the casing with neat cement; or

B. fill material shall be placed in the screen or in the open hole opposite the producing aquifer. A bridge plug of not less than 50 feet in length shall be set above the top of the screen. The remainder of the casing below the upper 30 feet shall be filled with fill material, above which the surface plug will be set. In addition, a bridge plug of not less than 50 feet shall be set and centered at the depth(s) where the size of the casing is reduced and the casing of different diameters are joined by a seal or reducer.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2645 (December 2007).

#### **§525. Wells Where One or More Saline Water Aquifers Have Been Penetrated**

A. Because of the need to provide assurance that fresh water aquifers will not be contaminated, the entire well including casing and screen shall be plugged and sealed with neat cement or cement slurry.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2645 (December 2007).

#### **§527. A Well From Which Some of the Casing Has Been Removed**

A. If the casing remaining is in the upper part of the hole, the well shall be sounded to determine the amount, if any, of "cave in." That part of the hole filled with "cave in" material shall be reamed or drilled out to the original depth of the well shall be plugged and sealed with neat cement or cement slurry to a height of not less than 50 above the bottom of the casing. The casing between top of this bridge plug and a depth of 30 feet below the top of the casing shall be filled with fill material if no saline water aquifers were penetrated. A 30-foot surface plug shall be set in the upper 30 feet of the casing. If saline water aquifers were penetrated, the casing and open hole shall be completely filled from bottom up to the top of the casing with neat cement.

B. If the casing (including the screen) remaining is in the lower part of the well, the well and hole shall be completely filled with neat cement from the bottom up to or near the ground surface.

C. If all the casing and screen is removed, the hole for the entire original depth of the well shall be filled with

plugging material as specified in §533 related to abandoned holes.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2645 (December 2007).

### §529. Gravel Packed Well

A. A gravel packed well will be plugged in accordance with §§523 and 525.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2645 (December 2007).

### §531. Well Where More Than One Aquifer is Screened

A. To provide assurance that the movement of water is not possible, a bridge plug shall be set in each screen. With the exception of the bottom screen, the plug shall extend 50 feet above and below each screen. The bridge plug in the bottom screen shall extend 50 feet above the top of the screen.

1. The casing between each bridge plug may be filled with fill material. Surface plug shall be set in the upper 30 feet of casing; or

2. the entire well shall be filled with neat cement.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2645 (December 2007).

### §533. The Plugging of an Abandoned Drilled Hole

A. An abandoned hole shall be plugged from the bottom up to ground surface with neat cement (cement slurry).

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2646 (December 2007).

### §535. Definitions

*Abandoned Well*—a well whose use has been permanently discontinued or which is in such a state of disrepair that it cannot be used to supply water or for observation purposes.

*Active Well*—an operating augered, dug, driven, bored, or drilled well that is used to supply water.

*Aquifer (Ground Water-Reservoir)*—a formation group of formations, or a part of a formation that contains sufficient saturated material to yield significant quantities of water to wells.

*Board*—the Board of Commissioners of the Capital Area Ground Water Conservation District.

*Bridge Plug*—a cement plug of not less than 50 feet in length set at the bottom of the hole or well or at any depth in the hole or well.

*Casing*—a tubular retaining structure, generally metal, which is installed in a drilled, bored, driven, or augered hole to maintain the well opening.

*Cement Grout*—a mixture consisting of not more than two parts of sand to one bag of cement (94 lbs.) and 5 to 10 gallons of water.

*Commission*—the Capital Area Ground Water Conservation Commission.

*Commissioner*—the elected board of Commissioners of the Capital Area Ground Water Conservation District.

*Concrete Grout*—a mixture consisting of cement, sand, gravel and water in the proportion of one bag of cement (94 lbs.) to an equal volume of dry sand and gravel and five to ten gallons of water.

*Cement Slurry*—see definition for *neat cement*.

*Contaminant*—any physical, chemical, biological, or radiological substance or matter in water.

*Contamination*—any introduction into water from outside sources of microorganisms, chemicals, wastes, or wastewater in a concentration that makes the water unfit for its intended use.

*Department*—the Louisiana Department of Public Works.

*Director*—the Director of Public Works of the State of Louisiana or his designated representative.

*District*—Capital Area Ground Water Conservation District.

*Drill Cuttings*—samples of the material obtained during drilling and the source of lithologic information needed for proper selection of screen openings. The principal objective of drilling test holes is to obtain samples.

*Geopressured Aquifers*—a term used for an aquifer, especially in the Gulf Coast Area, in which the fluid pressure exceeds the normal hydrostatic pressure of 0.465 pounds per square inch per foot of depth.

*Geothermal*—pertains to the internal heat of the earth.

*Ground Water*—water suitable for any beneficial purpose percolating below the earth's surface.

*Gravel Packed Well*—an underreamed well in which artificially selected gravel or coarse material is hydraulically placed in the area immediately surrounding the screen or slotted pipe used as a screen, to increase the effective diameter at the well.

*Health Hazard*—any condition that may create a danger to public health and well being.

*Inactive Well*—a well which is not in operation but can be used, with a minimum of effort as an observation well or a supply well.

*Lessee*—see definition for *water well owner*.

*Neat Cement (Cement Slurry)*—a mixture consisting of one bag of cement to five to ten gallons of water.

*Observation Well*—a well used by the owner, an appropriate engineering or research group in studies of the water resources of an area.

*Person*—any natural person, corporation, association, partnership, receiver, tutor, curator, executor, administrator, fiduciary, or representative of any kind.

*Pilot Hole*—a hole drilled or augered with the intent to install casing and supply water.

*Pollution*—a condition created by harmful or objectionable material in water.

*Potable Water*—water whose bacteriological, physical, and chemical properties make it suitable for human consumption.

*Public Water System*—a system for the provisions to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves at least 25 individuals.

*Registered Well*—an inventoried well that has been assigned a local well number by the state and whose records are available.

*Saline Water*—water with a dissolved solids content of 1,000 milligrams per litre or more.

*Screen*—a structural tubular retainer, usually metal, used to support the hole in unconsolidated material with openings in the form of slots, whose openings are selected on the basis of adopted standards and allows sand free water to flow freely into the well in ample quantities and with a minimum loss of head. In agricultural wells and in other wells from which the pumping of sand creates little or no problems slotted pipe is used.

*Seepage*—the appearance and disappearance of water into the ground surface—a type of water movement.

*Standby Well*—a well that is used in emergencies or occasionally as a replacement well for a supply well.

*Surface Plug*—a cement plug of not less than 30 feet in length, in wells or holes deeper than 30 feet, and set at or below the top of the casing in the well.

*Water Well Owner*—individual, corporation, association, partnership, institution, or governmental agency who is either the legal owner of the property on which the well is located or is holding a long term lease on the property (lessee).

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission,

LR 1:386 (September 1975), effective October 1, 1975, repromulgated LR 33:2646 (December 2007).

## Chapter 7. Rules and Regulations for Metering and/or Recording the Yield of Water Wells

### §701. Authority

A. The rules and regulations contained herein were prepared in accordance with the provisions of R.S. 38:3076A(8) that states "...to require well owners who are users or well owners providing water to other users, at their own expense, to meter wells to permit accurate determination of rates of use. Metering may be required on a continuous or periodic basis ...".

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 3:307 (July 1977), repromulgated LR 33:2647 (December 2007).

### §703. Purpose

A. The purpose of these regulations is to implement the above stated authorization for new wells that are drilled and installed after the effective date of these regulations. The regulations apply to wells that are not excluded herein and not otherwise excluded by R.S. 38:3071-38:3084, and are located in the parishes of East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, and West Feliciana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 3:307 (July 1977), repromulgated LR 33:2647 (December 2007).

### §705. Exclusions

A. The following water wells are excluded from the rules and regulations stated herein.

1. Wells with a total depth of less than four hundred feet or wells in the Mississippi River alluvial aquifer; or wells from which the production is used exclusively for bona fide agricultural or horticultural purposes; or for domestic use of persons resident upon the same premises and capable of producing not more than fifty thousand gallons per day in the aggregate; geopressure and geothermal wells, and wells producing water from formations producing oil or gas or both for commercial purposes, or wells producing salt water used for pressure maintenance; wells used in secondary recovery operations or other operations for the production of oil or gas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 3:307 (July 1977), repromulgated LR 33:2647 (December 2007).

## **§707. Measuring Well Yield**

A.1. The well owner shall be required to:

- a. install a metering device that records and "totals" the yield of the well; or
- b. measure well yield or rate under normal pressure to permit the calculation of the "total" yield of the well for a given period of time; or
- c. design and construct into the discharge line of water well a bypass line that can be used to periodically measure the flow of the well as the well discharges to the atmosphere, using a measuring device such as a portable or permanently installed orifice plate and manometer.

2. If method b or c is used, an hour meter or exact records shall be used and/or maintained to record the number of hours the well is pumped for a stated period of time.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 3:307 (July 1977), repromulgated LR 33:2647 (December 2007).

## **§709. Records**

A. The well owner shall be required to keep records of well yield and shall, on request, furnish data concerning such records to the representatives of the Capital Area Groundwater Conservation Commission [R.S. 38:3076A(8)].

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 3:307 (July 1977), repromulgated LR 33:2647 (December 2007).

## **§711. Variance**

A. Requests to vary from the rules and regulations stated herein must be sent in writing to the Capital Area Groundwater Conservation Commission, whose address is:

Capital Area Ground Water Conservation Commission  
Post Office Box 64526  
Baton Rouge, LA 70806  
Telephone: (504) 924-7420

The request must show that compliance is impractical and must outline an alternative method.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 3:307 (July 1977), repromulgated LR 33:2647 (December 2007).

# **Chapter 9. Water Well Permits and Plans**

## **§901. Authority and Purpose**

A. The Capital Area Ground Water Conservation Commission (hereafter referred to as the commission) has

the authority to require permits and plans for the drilling or construction of water wells having a capacity in excess of 50,000 gallons per day, in accordance with R.S. 38:3076(A)(2) and 3076(E). The purpose of this Rule is to define the procedures to be used in applying for a permit.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 2:76 (March 1976), amended LR 23:34 (January 1997).

## **§903. Exempt Wells [Formerly §907 and §909]**

A. Wells in the following categories are exempt from the requirement for permits:

1. wells completed in the Mississippi River alluvial aquifer;
2. wells completed at depths less than 400 feet;
3. wells drilled for agricultural purposes; and
4. wells not capable of producing 50,000 gallons per day.

B. Large-capacity wells in Paragraphs 1 and 3, above, may be requested to supply plans and (or) information that the board may reasonably require to accomplish its water management purposes.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 2:76 (March 1976), amended LR 23:35 (January 1997).

## **§905. Applicability of Requirement for Permits and Plans**

A. Permits are required for all nonexempt wells drilled in the parishes of East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, West Feliciana, and any other parishes that may be admitted to the Capital Area Ground Water Conservation District. The permit application for the proposed well shall be accompanied by a set of plans to include at a minimum:

1. location of proposed well to the nearest second of latitude and longitude;
2. location of existing water wells within 1000 feet;
3. proposed depth;
4. casing and screen sizes and approximate depths;
5. proposed well yield and average daily pumpage.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

**HISTORICAL NOTE:** Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 23:35 (January 1997).

### **§907. When a Permit is Required [Formerly §903]**

A. At least 30 calendar days before beginning drilling operations, the well owner (or his agent) who plans to drill a nonexempt well shall submit a permit application to the Capital Area Ground Water Conservation Commission for review and approval. No fee will be required. Permit applications can be obtained from and completed forms should be submitted to:

Capital Area Ground Water Conservation Commission  
3535 South Sherwood Forest Blvd., Suite 129  
Baton Rouge, LA 70816-2255  
Telephone (504) 293-7370.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 2:76 (March 1976), amended LR 23:35 (January 1997).

### **§909. Failure to Comply**

A. Violation of this Rule may subject the owner or user to litigation. In any such suit, the board may obtain injunctions, prohibitory and mandatory, including temporary restraining orders and preliminary injunctions as the facts warrant, as provided in R.S. 30:3077(C).

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 23:35 (January 1997).

### **§911. Revocation of Previous Rules [Formerly §905]**

A. Upon the effective date of these Rules, Chapter 9 (Formerly Section 5.0.0.0), Rules and Regulations Requiring the Submission of Plans for New Water Wells in the Capital Area Ground Water Conservation District becomes null and void.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 2:76 (March 1976), amended LR 23:35 (January 1997).

## **Chapter 11. Determination of and Payment of Accounts**

### **§1101. Purpose**

A. The purpose of these rules and regulations are:

1. to establish the time when pumpage charges assessed by the Capital Area Ground Water Conservation Commission in accordance with R.S. 38:3083 are delinquent; and

2. to provide for penalties for violation of Act 678, Regular Session of 1974, as amended by Act 213, Regular Session of 1976, by failure to pay pumpage charges within the time specified.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 3:366 (September 1977), repromulgated LR 33:2648 (December 2007).

### **§1103. Applicability**

A. The rules and regulations contained herein shall apply to all users in the parishes of East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge, and West Feliciana who are determined by the board of commissioners to be liable for the payment of pumpage charges (R.S. 38:3079).

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 3:366 (September 1977), repromulgated LR 33:2648 (December 2007).

### **§1105. Billing Schedule**

A. The commission bills on a quarterly basis with pumpage charges due as follows: For the period October-December, billing date is January 1; for the period January-March, billing date is April 1; for the period April-June, billing date is July 1; and for the period July-September, billing date is October 1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 3:366 (September 1977), repromulgated LR 33:2648 (December 2007).

### **§1107. Pumpage Fee**

A. The pumping charges for ground water users shall be \$20 per million gallons and is to be paid quarterly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 1:291 (July 1975), amended LR 10:592 (August 1984) effective January 1, 1985, repromulgated LR 33:2649 (December 2007), amended LR 34:435 (March 2008), effective April 1, 2008, LR 39:486 (March 2013), LR 42:403 (March 2016), LR 45:1580 (November 2019).

### **§1109. Determination of When an Account Is Delinquent**

A. A user's account shall be considered delinquent 60 calendar days after the quarterly billing dates, which are specified above. When the 60 calendar days have expired and a user has not paid the pumpage charges, the commission shall inform the user by certified mail, return receipt requested, that unless payment is received in the commission's office within 15 calendar days of receipt of letter, the user shall be considered in violation of state Act 678, Regular Session of 1974, as amended by state Act 213, Regular Session of 1976.

B. If the user is unable to pay the pumpage charges in the time specified above, the user shall provide the commission valid and substantiated facts, which necessitate the request for an extension of time to pay. The decision to extend the time for payment shall rest solely within the discretion of the Board of Commissioners, Capital Area Groundwater Conservation Commission, and each such request for an extension will be dealt with on a case by case basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 3:366 (September 1977), repromulgated LR 33:2649 (December 2007).

#### **§1111. Violation Penalty**

A. A user, who has been so notified in accordance with the Section entitled "Determination of When an Account Is Delinquent," herein, who is knowingly and willfully in violation of the provisions of Act 678 and its amendments for failure to pay pumpage charges, shall be subject to a civil penalty that shall be computed on the basis of one percent per day of the amount of the pumpage charges owed until that amount is paid in full. The penalty shall not exceed

\$1000 a day for each day of violation and for each act of violation as provided in R.S. 38:3083.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 3:366 (September 1977), repromulgated LR 33:2649 (December 2007).

#### **§1113. Civil Suit and Jurisdiction**

A. The place of suit to recover this penalty shall be selected by the board, as may be appropriate, in the district court of the parish of the residence of any one of the defendants, or in the district court of the parish where the violation took place. [R.S. 38:3083(A)(1)]

B. Suit shall be at the direction of the board, and shall be instituted and conducted in its name by the attorney general or by the district attorney of the district under the direction of the attorney general. [R.S. 38:3083(A)(2)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3076(14) and 38:3079.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Capital Area Ground Water Conservation Commission, LR 3:366 (September 1977), repromulgated LR 33:2649 (December 2007).