



OFFICE OF ENVIRONMENTAL SERVICES Water Discharge Permit

MASTER PERMIT NUMBER LAG830000

DISCHARGES RESULTING FROM THE CLEANUP OF PETROLEUM-CONTAMINATED SITES

Pursuant to the Clean Water Act, as amended (33 U.S.C. 1251 et seq.), and the Louisiana Environmental Quality Act, as amended (La. R. S. 30:2001 et seq.), rules and regulations effective or promulgated under the authority of said Acts, this Louisiana Pollutant Discharge Elimination System (LPDES) General Permit is reissued. This permit authorizes persons who meet the requirements herein and who have been approved by this Office, to discharge to waters of the State treated groundwater; purge water from groundwater monitoring wells; tank washwater and ballast water; wastewater associated with the remediation of petroleum-contaminated soils and groundwater; dewatering releases associated with the excavation of petroleum-contaminated soils; and potentially contaminated storm water from petroleum-contaminated sites, areas, or containers in accordance with effluent limitations, monitoring requirements, and other conditions set forth herein.

This permit and the authorization to discharge shall expire five (5) years from the effective date of the permit.

This permit shall become effective on: December 15, 2012

Issued on: October 17, 2012

Sanford L. Phillips
Assistant Secretary

SECTION A. APPLICABILITY

Coverage under this general permit is available for discharges related to the identification, evaluation, and/or cleanup of petroleum-contaminated sites, areas, or containers, including sites at which corrective action plans for cleanup of petroleum underground storage tank (UST) systems are being implemented. Facilities eligible for coverage include, but are not limited to, facilities at which unlined containers or surface impoundments of petroleum hydrocarbons have resulted in contamination, facilities at which spills or leaks of petroleum resulted in soil/groundwater contamination, and facilities at which petroleum tank washing/dewatering results in the production of potentially contaminated wastewaters. For the purpose of this permit, "petroleum" shall mean crude oil, gasoline, diesel fuel, aviation fuel, fuel oils, gasoline additives stored and used in conjunction with gasoline storage, petroleum lubricants, petroleum solvents or petroleum-derived asphalts. A petroleum UST system is defined in 40 CFR 280 as "an underground storage tank system that contains petroleum or a mixture of petroleum with de minimis quantities of other regulated substances" ("regulated substance" is defined in 40 CFR 280). Such substances include those containing motor fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents and used oils. Heretofore, all facilities, areas, sites, containers, and leaking UST systems eligible for coverage under this general permit will be referred to as "petroleum-contaminated sites". Applicants will become authorized upon determination of eligibility and written notification by this Office of authorization under the permit.

Coverage under this general permit is available for either site-specific or statewide authorization to discharge. Site owners or operators who are implementing corrective action plans for cleanup of petroleum UST systems at more than one location in the state may obtain coverage under this permit for discharges related to those remedial activities. All other discharges associated with the clean up of petroleum-contaminated sites, areas or containers may be covered by this permit on a site-specific basis. Statewide authorization numbers shall be designated LAG839XXX while the site-specific authorization numbers are designated LAG83YXXX, where X equals a numeral from 0 to 9 and Y equals a numeral from 0 to 8.

Discharges of treated groundwater, potentially contaminated storm water, and/or associated wastewaters generated at sites where contamination has resulted from sources other than petroleum UST systems were previously covered under a different LPDES general permit. Discharges consisting entirely of wastewaters that result from a source or an activity related to the identification, evaluation, and/or cleanup of petroleum-contaminated sites, areas or containers (such as above ground storage tanks) that contain(ed) petroleum substances, such as motor fuels, jet fuels, and fuel oils were covered by LPDES General Permit number LAG940000 (Discharges of Treated Groundwater,

Potentially Contaminated Storm Water, and/or Associated Wastewaters). Due to the similar nature of the discharges and identical permit limits, this reissued general permit will incorporate facilities that were previously covered under LAG940000, which will be terminated 120 days after the effective date of this permit. **Facilities covered under LAG940000 at the time this permit is reissued will have 60 days, after the effective date, to apply for coverage under the LAG830000 general permit.**

Discharges of wastewaters from the dewatering of petroleum storage tanks, underground petroleum tank beds or cavities, ballast used in the installation of new storage tanks, and the dewatering of excavations related to the surface cleanup of spills or leaks resulting from the handling of petroleum must obtain coverage under a different LPDES general permit. Discharges consisting entirely of wastewaters that result from the installation of new storage tanks; the surface cleanup of spills or leaks of petroleum; or the upgrade, repair and/or testing of petroleum storage tanks are regulated by LPDES General Permit number LAG300000 (Dewatering of Petroleum Storage Tanks, Tank Beds, New Tanks, and Excavations). Permit LAG300000 is intended to regulate the discharge of petroleum contaminated water and wastewater at sites where USTs or surface excavations are being dewatered in order to install, upgrade, repair and/or test USTs, and where excavations are necessary to cleanup surface spills or leaks of petroleum at sites where groundwater is not contaminated and there are no plans to implement a groundwater remediation project.

Notice of Intent (NOI) to be covered under this general permit shall be made using form PST-G or an approved equivalent. The PST-G form and other approved NOI forms to apply for LPDES permit coverage may be obtained from the LDEQ web site at <http://www.deq.louisiana.gov/portal/Default.aspx?tabid=1837> or by calling the LDEQ Customer Service Center at (225) 219-5337. The appropriate box should be checked on the NOI to request either site-specific or statewide permit coverage. Proposed facilities desiring site-specific coverage under this permit must submit an NOI at least fourteen (14) days prior to commencement of discharges. If activity is currently being conducted on a site-specific basis or a statewide basis and has not been permitted, an NOI shall be submitted immediately.

Operators who propose to discharge wastewater resulting from implementing corrective action plans for cleanup of petroleum UST systems on a statewide basis and who desire coverage under this permit should submit an NOI at least fourteen (14) days prior to the proposed commencement of discharge. The NOI for statewide coverage shall include an attached list of all the existing sites that will be covered under the statewide authorization number. If any of the sites on that list have site-specific permit coverage, that coverage will be canceled when the permittee makes a written request to the Water Permits Division to cancel the site-specific permit number. The written request should state that the site-specific permit number is being terminated because the site/location is now covered by

statewide permit number LAG839XXX. Specific requirements for reporting discharges covered under a statewide authorization are described in Part II, Section F of this permit.

Dischargers who are currently permitted under the LPDES version of this permit that will expire on December 14, 2012, are not required to submit a new NOI. These permitted dischargers will be automatically covered under the reissued LPDES permit; notification of coverage and a copy of the permit will be sent to each permittee after permit finalization. Permit conditions in the reissued permit are effective for these automatically-authorized permittees on the postmark date of the notification of the facility's coverage under the reissued general permit. Any permittee covered by an individual permit or other general permit(s) may submit an NOI and request that the individual permit or other general permit(s) be canceled if the permitted source or activity is also eligible for coverage under this general permit. Upon approval by this Office, the permittee will be concurrently notified of coverage by this general permit and of cancellation of the previous permit(s).

If circumstances at the permitted facility are expected to change in the future and the change will result in the addition or elimination of permitted outfalls, or a change in the composition of effluent from a permitted outfall, the permittee is required to notify the Water Permits Division of the proposed changes and to receive the appropriate permit coverage prior to adding a new outfall or changing the composition of effluent from a permitted outfall.

The permittee is required to submit a permit transfer request to the Permit Application Administrative Review (PAAR) Group either prior to or no later than 45 days after a permitted facility changes ownership/operator. The request must be made on the official LDEQ form NOC-1 which is available on the LDEQ website at: <http://www.deq.louisiana.gov/portal/DIVISIONS/PermitSupportServices/PermitApplicationAdministrativeReviewGroup.aspx>. Any questions related to making a permit transfer should be directed to the PAAR Group at (225) 219-3292.

A printed hard copy of this permit may be obtained by contacting the LDEQ Customer Service Center at (225) 219-5337, or a copy can be downloaded from the LDEQ website at www.deq.louisiana.gov/portal/Portals/0/permits/lpdes/pdf/LAG830000.pdf.

All wastewaters covered by this permit must be treated, if necessary, to meet the effluent limitations, before being discharged from the site of origin. Wastewater types other than those described herein are not authorized under this general permit and discharge of such wastewaters at a site covered under this general permit will constitute a violation of the permit unless authorization to discharge has been granted under a separate LWDPDS or LPDES permit. This permit **does not**, in any way, relieve the permittee or applicant from conducting the Toxicity Characteristic Leaching Procedure (TCLP) if that procedure is required by other regulations. **Wastewater which is subject to the TCLP may be discharged in accordance with this permit only after it has been determined non-hazardous.** If the wastewater is determined to be hazardous, approval for disposal must

be obtained from the Office of Environmental Services, Waste Permits Division/Hazardous Waste Permits.

Discharges of the following wastewaters are covered by this general permit:

1. treated groundwater;
2. purge water from groundwater monitoring wells;
3. tank washwater and ballast waters;
4. wastewater associated with the remediation of petroleum-contaminated soils and groundwater;
5. dewatering releases associated with the excavation of petroleum-contaminated soils; and
6. potentially contaminated storm water.

This general permit **shall not** apply to:

1. petroleum contaminated water generated at a different site/facility;
2. wastewater that fails the TCLP test;
3. wastewater associated with the remediation of petroleum-contaminated soils and groundwater that are contaminated by chlorinated petroleum solvents (chlorinated organics);
4. discharges listed above (items 1 - 6) that are mixed with other, non-covered discharge types unless those other discharges are in compliance with another LPDES permit;
5. discharges of wastewaters which have limits assigned to them in the Louisiana Water Quality Management Plan or an approved Waste Load Allocation(s) which are different from the limits in this permit;
6. discharges of wastewater determined by the Department to present an environmental risk or potential risk of discharging pollutants other than those intended to be regulated by this permit;
7. discharges which are likely to have unauthorized adverse effects upon threatened or endangered species, or on the critical habitat for these species as determined by the U.S. Fish and Wildlife Service;

8. discharges which adversely affect properties listed or eligible for listing in the National Register of Historic Places, unless they are in compliance with requirements of the National Historic Preservation Act and any necessary activities to avoid or minimize impacts have been coordinated with the Louisiana State Historic Preservation Officer *(for questions, the operator should contact the Section 106 Review Coordinator, Office of Cultural Development, P. O. Box 44247, Baton Rouge, LA 70804-4247 or telephone (225) 342-8170)*; or
9. discharges which cause or contribute to the violation of a state water quality standard.

This general permit **may not** apply to:

1. discharges from facilities not in compliance with a previously issued individual or general wastewater discharge permit;
2. discharges from facilities which have previously been in violation of state water quality regulations;
3. discharges from facilities which are located in an environmentally sensitive area including streams designated as Outstanding Natural Resource Waters;
4. discharges from facilities which owe any outstanding fees or fines to the Department;

Offering coverage under this general permit facilitates the cleanup and restoration of groundwater resources to create a safe environment for those who live or work around sites currently contaminated by petroleum spills or failing or leaking UST systems. The removal of contaminants from areas and groundwater contaminated by petroleum is also essential to protect the water quality of surface water bodies that are hydrologically connected to contaminated areas and/or groundwater, including water bodies designated as Outstanding Natural Resource Waters.

The Department may deny coverage under this permit and require submittal of an application for an individual LPDES permit based on a review of the NOI or other information. This Office reserves the right to issue such facilities an individual LPDES permit with more appropriate limitations and conditions.

SECTION B. EFFLUENT LIMITATIONS

During the period beginning with written notification of coverage under this permit and lasting through the expiration date of this general permit, a permittee authorized to discharge under this general permit may be authorized to discharge treated groundwater; purge water from groundwater monitoring wells; tank washwater and ballast waters; wastewater associated with the remediation of petroleum-contaminated soils and groundwater; dewatering releases associated with the excavation of petroleum-contaminated soils; and potentially contaminated storm water; or any combination of these discharges in accordance with the conditions that follow.

OUTFALL 001: DISCHARGES OF:

- TREATED GROUNDWATER
- PURGE WATER FROM GROUNDWATER MONITORING WELLS
- TANK WASHWATER, TANK DEWATERING WASTEWATER AND/OR BALLAST WATERS
- WASTEWATER ASSOCIATED WITH THE REMEDIATION OF PETROLEUM – CONTAMINATED SOILS AND GROUNDWATER
- DEWATERING RELEASES ASSOCIATED WITH THE EXCAVATION OF PETROLEUM-CONTAMINATED SOILS
- POTENTIALLY CONTAMINATED STORM WATER

The permittee shall designate a single discharge point (outfall) of treated groundwater; purge water from groundwater monitoring wells; tank washwater, tank dewatering wastewater and/or ballast waters; wastewater associated with the remediation of petroleum-contaminated soils and groundwater; dewatering releases associated with the excavation of petroleum-contaminated soils; and/or potentially contaminated storm water as Outfall 001. If more than one outfall of this type occurs at a facility, then each separate outfall location, identified in the NOI, must be monitored in accordance with the following table. Monitoring results shall be summarized and submitted to LDEQ in accordance with Part I.C of this permit.

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS ¹	
	MONTHLY AVERAGE ²	DAILY MAXIMUM ³	MEASUREMENT FREQUENCY	SAMPLE TYPE
FLOW (MGD)	Report	Report	once/week	Estimate
TOC ^{4,5}	50 mg/L	50 mg/L	once/week	grab
Benzene ^{4,5,7}	5 µg/L	5 µg/L	once/week	grab
Total BTEX ^{4,5,8}	100 µg/L	100 µg/L	once/week	grab
Lead, Total ^{4,5}	50 µg/L	50 µg/L	once/week	grab
Polynuclear Aromatic ⁶ Hydrocarbons (PAH)	10 µg/L	10 µg/L	once/month	grab
pH - Allowable Range (Standard Units) ^{4,5}	6.0 (Min)	9.0 (Max)	once/week	grab

¹ Discharges of tank washwater, tank dewatering wastewater, groundwater monitoring well wastewater, purge water from groundwater monitoring wells, ballast water, and discharges of storm water from an excavation, shall be sampled once prior to the proposed discharge event for the applicable parameters. If any of these discharges extend beyond one week in duration, then sampling of the applicable parameters shall continue on a weekly basis until the discharge ends. This sample may be used as the first of four consecutive samples required for longer term discharges (see Footnote 2).

The flow measurement sample type for Outfall 001 is specified as “estimate”. Flow measurements shall not be subject to the accuracy provisions established in this permit. The flow value may be estimated using best engineering judgment. [LAC 33:IX.2701]

² The highest monthly average flow shall be reported.

³ The highest result from any individual test during the month shall be reported.

⁴ During the first four (4) weeks of discharge, a limit violation increases monitoring frequency for that parameter to daily until a sample demonstrates compliance with the limitation for that parameter, after which sampling will revert to once/week. If a permit limit violation occurs during the once/week monitoring frequency then the monitoring frequency shall revert back to once/day for the parameter(s) which exceeded the permit limits. After demonstrating permit limit compliance for TOC, Benzene, Total BTEX, Total Lead, and pH for four (4) consecutive weeks, the monitoring frequency shall be reduced to once/month upon the permittee’s submission of a certification of such compliance. If a permit limit violation occurs during the once/month monitoring frequency, then the monitoring frequency shall revert back to once/week for the parameter(s) which exceeded the permit limits until another four consecutive weeks of compliance is demonstrated for the parameter(s). Once/month monitoring shall resume after demonstrating permit limit compliance for the parameters for four (4) consecutive weeks and submission of a certification of such compliance.

If a treatment system is required by the LDEQ OEC Assessment Division to shut down for a period of 48 hours, immediately prior to taking groundwater samples, then sampling shall resume at the sampling frequency that was effective just prior to the 48 hour shut down (e.g., monthly sampling, provided that four consecutive weeks of compliance prior to the 48 hour system shut down has been achieved). If the treatment system is shut down for other purposes, such as maintenance and repair, the sampling frequency reverts to once/week until four consecutive weeks of compliance have been achieved.

- ⁵ The monitoring requirements and permit limitations for TOC, Benzene, Total BTEX, Lead and pH are applicable to discharges from all facilities whose discharges are covered by this permit. All facilities are required to report the estimated flow rate (in MGD) occurring at an outfall at the time that any sample is collected from that outfall.

Monitoring requirements for PAH and the permit limitations for PAH shall not apply at facilities where contamination can reasonably be assumed to be the result of only gasoline, jet fuel, and/or kerosene. The Monthly Average and Daily Maximum value of any of the following PAHs shall not exceed 10 µg/L; acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(g,h,i)perylene, benzy(a)pyrene, chrysene, dibenzo(a,h)anthracene, fluoranthene, fluorine, indeno(1,2,3,cd)pyrene, naphthalene, phenanthrene, pyrene.

- ⁶ PAH monitoring, at facilities required to do such monitoring, shall be once/month using grab samples. After four (4) consecutive months of compliance the monitoring frequency shall decrease to once/quarter. If the permit limitation for PAH is exceeded during any sampling event that occurs during the once/quarter monitoring frequency then the monitoring frequency shall revert to once/month until four (4) consecutive months of compliance are achieved. After four (4) consecutive months of compliance the once/quarter monitoring shall resume.
- ⁷ For Benzene, analytical test results of less than 10 µg/L may be reported as zero on the Discharge Monitoring Report (DMR).
- ⁸ BTEX shall be measured as the sum of benzene, toluene, ethylbenzene, ortho-xylene, meta-xylene, and para-xylene, as quantified by EPA-approved methods. See 40 CFR 136.

There shall be no discharge of floating or settleable solids or visible foam in other than trace amounts, or of free oil or other oily materials, or of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge. There shall be no accumulation of solids in the receiving stream which has the potential to negatively impact aquatic life or hinder natural drainage (LAC 33:IX.1113.B).

No discharge shall generate a flow condition within any drainage conveyance or waterbody which, either alone or in concert with storm water runoff, represents a threat to public safety by virtue of discharge velocity (LAC 33:IX.2701.L.4).

In the event that any material other than crude oil, gasoline, diesel, fuel oil, lubricating oils, or those listed in the permit application will be stored at the facility, the permittee must obtain approval from the Office of Environmental Services prior to moving these additional materials onsite. Different monitoring and effluent limitations may be required at that time (LAC 33:IX.2701).

SECTION C. MONITORING REQUIREMENTS

1. All sampling and testing shall be conducted in accordance with the latest EPA-approved test method at 40 CFR 136.3 or the latest EPA-approved edition of Standard Methods For the Examination of Water and Wastewater.
2. Samples shall be taken **prior to mixing with the receiving water** (immediately after exiting the treatment mechanism, if treatment is required).
3. Proper sampling techniques shall be used to ensure that analytical results are representative of pollutants in the discharge.
4. The discharge must comply with effluent limitations at all times during the discharge. If a discharge is found to be in violation of specified limits, the permittee will be subject to enforcement action, including civil penalties, and may be required to obtain an individual permit.
5. All monitoring records must be retained for a period of at least three years from the date of the sample measurements. The permittee shall make available to this Office, upon request, copies of all monitoring data required by this permit.

Records of monitoring information shall include the following:

- a. date, exact place, and time of sampling or measuring;
 - b. individual(s) who performed the sampling or measurements;
 - c. date(s) and time(s) analyses were begun;
 - d. individual(s) who performed the analyses;
 - e. analytical techniques or methods used;
 - f. results of such analyses; and
 - g. results of all Quality Control procedures.
6. The monitoring results for all discharges monitored during each month shall be summarized and reported on a single Discharge Monitoring Report(DMR) form EPA 3320-1 or an approved substitute, and submitted to the Office of Environmental Compliance on a quarterly basis (in accordance with the quarterly submittal schedule below). For facilities with statewide coverage, the highest result from any individual site must be reported on the DMR. For facilities with multiple outfalls, the highest result from any outfall must be reported on the DMR. If there is no discharge during an entire quarter at all discharge sites, the DMR shall be submitted with "No Discharge" written in the upper right corner of the DMR. The submittal of one DMR does not absolve the permittee from following the reporting requirements in Part III.D.6-7 of this permit.

When the permit stipulates that monitoring at an outfall shall occur once/month or more frequently (once/week, once/day, etc.), laboratory results for each regulated

parameter in your discharge shall be averaged and reported as the Monthly Average on a Discharge Monitoring Report (DMR) form. Note that Daily Maximum values cannot be averaged. If more than one sample is collected during a monitoring period, the highest result from any individual test taken during the Monitoring Period must be reported as the Daily Maximum. Monthly DMR forms are to be submitted quarterly as described below. The schedule for quarterly DMR submission is as follows:

Quarterly Submission

<u>Monitoring Period</u>	<u>DMRs Due</u>
January, February, March	April 28 th
April, May, June	July 28 th
July, August, September	October 28 th
October, November, December	January 28 th

The “Monthly Average” concentration that is reported on the DMR form is calculated using one formula when flow is not measured as a continuous record and is calculated using a different formula when flow is measured as a continuous record or with a totalizer. Part III.F.17 of the permit explains which formula should be used and how to calculate “Monthly Average” concentrations when flow is not measured as a continuous record versus when flow is measured as a continuous record or with a totalizer.

In accordance with LAC 33:IX.2503.A and B, DMRs must be signed and certified by an authorized person. Be aware that LDEQ will accept laboratory results only from “LDEQ accredited” laboratories (see Part III.C.10).

Discharge Monitoring Reports shall be submitted to the Enforcement Division of the Office of Environmental Compliance at the address in the Current Address List attached to the cover letter that acknowledges receipt of the NOI by the Water and Waste Permits Division. Mailing addresses are also posted on the LDEQ web page at <http://www.deq.louisiana.gov/portal/tabid/62/Default.aspx> under the subheadings “Office Mailing Addresses”.

PART II: OTHER CONDITIONS

The permittee must comply with all applicable provisions of the Louisiana Water Quality Regulations including standard conditions found in LAC 33:IX.2701. This Office has established the following definitions and requirements in accordance with those regulations. The definition of other terms may be found in the Louisiana Water Pollution Control Regulations (LAC 33:IX.2313).

SECTION A. DEFINITIONS

For definitions of monitoring and sampling terminology see Part III, Standard Conditions, Section F.

Additional definitions:

1. Act: means Act 449 of the 1979 Louisiana Legislature which established Section 2001, et seq. of Title 30 of the Louisiana Revised Statutes of 1950 and any subsequent amendment to these Sections.
2. Activity: means any conduct, operation or process which causes or may cause the discharge of pollutants into the waters of the state.
3. Associated Wastewaters: for the purposes of this permit, means purge water from groundwater monitoring wells; tank washwater, tank dewatering wastewater and/or ballast waters; wastewater associated with the remediation of petroleum-contaminated soils and groundwater; and commingled discharges of petroleum-contaminated wastewater and/or storm water regulated by this general permit.
4. Ballast Water: means water that has been deposited into a storage tank in order to stabilize the tank during transfer or installation or to prevent flotation of the tank.
5. Commingled Discharges: means waste streams that are mixed prior to final discharge and can not be sampled separately as individual outfalls.
6. Discharge: when used without qualification means the "discharge of a pollutant".
7. Discharge Event: means a continual flow of wastewater or storm water regulated under the terms and conditions of this general permit to waters of the State.
8. Discharge Monitoring Report (DMR): The form used (including any subsequent additions, revisions, or modifications) to report self-monitoring results of effluent discharges by NPDES permittees and permittees in delegated states. EPA Form

3320-1 is the DMR form that must be used by permittees in the state of Louisiana (LPDES permittees) to report self-monitoring results.

9. Effluent: means wastewater discharged to the waters of the state.
10. Effluent Limitations: means any applicable state or federal quality or quantity limitation which imposes any restriction or prohibition on quantities, discharge rates, and concentrations of pollutants which are discharged into the waters of the state.
11. Facility: means a pollution source, or any public or private property or site and all contiguous land and structures, other appurtenances and improvements, where any activity is conducted which discharges or may result in the discharge of pollutants into waters of the State.
12. Facility-specific: means any fixed location at which the activities covered by this permit occur. A fixed location may have several discharge points at that location.
13. General Permit: means an LPDES permit authorizing a category of similar discharges within a geographical area.
14. Internal Outfalls: means sampling points already in existence in a combined effluent outfall that are positioned such as to allow the different wastewater streams to be sampled before they combine.
15. LPDES: means those portions of the Louisiana Environmental Quality Act and the Louisiana Water Control Law and all regulations promulgated under their authority which are deemed equivalent to the National Pollutant Discharge Elimination System (NPDES) under the Clean Water Act in accordance with Section 402 of the Clean Water Act and all applicable federal regulations.
16. Minor Facility: means any facility not classified as a major facility by the administrative authority.
17. Office: means the Office of Environmental Services within the Department of Environmental Quality.
18. Operator: means the person or legal entity responsible for the operation and/or maintenance of a facility with a discharge covered by the Title 33 regulations.
19. Outfall: means the point at which wastewater or storm water from a facility is monitored prior to mixing with other waters. An outfall can be identified either at the point that effluent or storm water discharges by pipe from a treatment plant or treatment system **or** the point at which effluent or storm water discharges into a drainage ditch on the property, into a roadside ditch, into a storm drain, or directly into

a receiving water body such as a creek, coulee, stream, bayou, canal, or river.

20. Owner: means the person or legal entity holding legal title to a facility with a discharge covered by the Title 33 regulations.
21. Person: means an individual, municipality, public or private corporation, partnership, firms, the United States Government and any agent or subdivision thereof, or any other juridical person.
22. Petroleum: means crude oil, gasoline, diesel fuel, aviation fuel, fuel oils, gasoline additives stored and used in conjunction with gasoline storage, petroleum lubricants, petroleum solvents or petroleum derived asphalts.
23. Petroleum UST Systems: as defined in 40 CFR 280 is an underground storage tank system that contains petroleum or a mixture of petroleum with de minimis quantities of other regulated substances.
24. Potentially contaminated storm water: for the purposes of this permit, means storm water that has been in contact with crude oil, gasoline, diesel fuel, aviation fuel, fuel oils, gasoline additives stored and used in conjunction with gasoline storage, petroleum lubricants, petroleum solvents or petroleum derived asphalts.
25. Purge water from groundwater monitoring wells: means water standing in the well casing and the screen that is removed prior to withdrawing the water sample.
26. Reportable Quantity (RQ) Release: means for oil, as defined at 40 CFR Part 110, “the amount of oil that violates applicable water quality standards or causes a film or sheen upon or a discoloration of the surface of the water or adjoining shorelines or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.”
27. Secretary: means the Secretary of the Louisiana Department of Environmental Quality.
28. Site-specific: means any fixed location at which the activities covered by this permit occur. A fixed location may have several discharge points at that location.
29. Standard Methods: means Standard Methods for the Examination of Water and Wastewater, American Public Health Association, Washington, DC.
30. State Administrative Authority: means the Secretary of the Department of

Environmental Quality or his designee or the appropriate assistant secretary or his designee.

31. Tank Washwater: means wastewater produced by washing the inside surface of petroleum hydrocarbon storage tanks which have been in use.
32. Treated Groundwater: means water from the saturated (phreatic) zone beneath the ground surface which has been treated to meet the effluent limitations and other requirements contained in this general permit.
33. Unauthorized Discharge: means a continuous, intermittent or one-time discharge, whether intentional, anticipated, or unanticipated, from any source, permitted or unpermitted, which is in contravention of any provision of the Act or of any permit terms and conditions, or of any applicable regulation, compliance schedule, variance or exception of the administrative authority.
34. Visible sheen: means a silvery or metallic sheen, gloss, or increased reflectivity; visual color; or iridescence on the water surface.
35. Waters of the State: for the purposes of the Louisiana Pollutant Discharge Elimination System, all surface waters within the state of Louisiana and, on the coastline of Louisiana and the Gulf of Mexico, all surface waters extending therefrom three miles into the Gulf of Mexico. For purposes of the LPDES, this includes all surface waters that are subject to the ebb and flow of the tide, lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, impoundments of waters within the state of Louisiana otherwise defined as *Waters of the United States* in 40 CFR 122.2, and tributaries of all such waters. *Waters of the State* does not include wastewater treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act, 33 U.S.C. 1251 et seq.

SECTION B. OTHER DISCHARGES

This permit does not in any way authorize the permittee to discharge a pollutant not limited or monitored for in the permit, not normally associated with the activity represented in the notice of intent, or from a source not eligible for coverage under this general permit.

SECTION C. STATE WATER QUALITY STANDARDS

LAC 33:IX.1113 describes numerical and general criteria that apply to all water bodies of the State. Criteria are elements of the water quality which set limitations on the permissible amounts of a substance or other characteristics of state waters. The General Criteria, as described in the Louisiana Administrative Code, limit discharges to maintain aesthetics, color, turbidity, the biologic and aquatic community integrity, and many other elements in the receiving water body. Any noncompliance with the General or Numerical Criteria is not authorized under this permit.

Discharges from facilities permitted under LPDES general permits typically consist of low volume flows, and discharges that are intermittent in nature. This general permit is applicable to very specific types of facilities and allows very limited types of discharges that specifically occur at industrial facilities that are eligible for coverage under this permit. The effluent limitations and other conditions are determined to be sufficient to assure protection to state waters. Pursuant to LAC 33:IX.2317.A.9 new source discharges or new discharges of wastewater from a facility whose discharges are in compliance with the general permit requirements should not adversely impact water quality of 303(d) listed impaired water bodies nor should they cause or contribute to the violation of state water quality standards in receiving water bodies throughout the state, including 303(d) listed impaired water bodies. Discharges from industrial facilities which are authorized under this general permit will not negatively impact the water quality of receiving streams because permitted facilities are required to be in compliance with the general permit requirements immediately upon coverage by the permit. In accordance with Other Requirements, Sections C and D, measures can be taken by the permitting authority to prohibit any discharge that is not protective of state water quality standards.

LDEQ will review and evaluate each NOI submitted in accordance with the State Antidegradation Policy to assess eligibility for coverage under the general permit. Through the analysis of each discharge, its effects upon the receiving water body, the characteristics of the receiving water body in combination with other water quality factors (including point source discharges in near proximity), LDEQ will determine if the discharge is eligible for coverage. If LDEQ determines the discharge will have reasonable potential to adversely impact water quality, coverage under the general permit will not be granted.

**SECTION D. REQUIRING AN INDIVIDUAL PERMIT OR AN ALTERNATIVE
GENERAL PERMIT**

1. The State Administrative Authority may require any person authorized by this permit to apply for and/or obtain either an individual LPDES permit or an alternative LPDES general permit. Any interested person may petition the State Administrative Authority to take action under this paragraph. Where the State Administrative Authority requires a discharger authorized to discharge under this permit to apply for an individual LPDES permit, the State Administrative Authority shall notify the discharger in writing that a permit application or alternative general permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the discharger to file the application, and a statement that on the effective date of issuance or denial of the individual LPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. The State Administrative Authority may grant additional time to submit the application upon request of the applicant. If a discharger fails to submit in a timely manner an application as required by the State Administrative Authority under this paragraph, then the applicability of this permit to the permittee is automatically terminated at the end of the day specified by the State Administrative Authority for application submittal.

2. Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee shall submit an individual application in accordance with the requirements of LAC 33:IX.2515.B.3.c., with reasons supporting the request, to the State Administrative Authority at the Louisiana Department of Environmental Quality, Office of Environmental Services, P. O. Box 4313, Baton Rouge, LA 70821-4313, ATTN: Water Permits Division. The request may be granted by issuance of an individual permit or an alternative general permit if the reasons cited by the permittee are adequate to support the request.

3. In order to appropriately cover all discharges that might occur at a facility, a permittee authorized to discharge under this LPDES permit might also need coverage under an individual LPDES permit or other LPDES general permits for discharges that occur at the facility/site that are not authorized by this general permit. The permittee shall maintain appropriate permit coverage for the permitted facility/site and shall maintain compliance with all effective LPDES permits issued to the facility/site.

4. When an individual LPDES permit is issued to a discharger otherwise subject to this permit, or the discharger is authorized to discharge under an alternative LPDES general permit, the applicability of this permit to that LPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the

alternative general permit, whichever the case may be. **When an individual LPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied coverage under an alternative LPDES general permit, that owner or operator then becomes ineligible for authorization to discharge under this general permit, unless the State Administrative Authority determines that specific discharges from the owner or operator's facility may be authorized by this permit.**

SECTION E. COMBINED OUTFALLS

If two or more different wastewater types are to be discharged from a single outfall point, then that outfall shall be subject to all the effluent limitations and monitoring requirements that apply to each separate wastewater type (effluent schedule). If an effluent characteristic (monitoring parameter) is listed in more than one outfall schedule that applies to the combined outfall, then the more stringent numerical effluent limitation and/or monitoring requirement for that parameter must be met.

Laboratory analysis shall be conducted for all of the limited parameters (effluent characteristics) contained in each of the applicable outfall schedules. If different outfall schedules contain different daily maximum values or different monitoring frequencies then the most stringent value or frequency is applicable to the discharges from the outfall.

SECTION F. REPORTING TO THE REGIONAL OFFICE (Statewide Basis – Additional Sites)

Any permittee with coverage on a statewide basis must submit written notification to the Office of Environmental Compliance, Enforcement Division and the Regional Office which has jurisdiction at the point of proposed discharge **at least 14 days prior to commencing the initial discharge** from implementing a corrective action plan for cleanup of a petroleum UST system at a new location. Should the Regional Office have issues or concerns related to a proposed discharge that they cannot resolve with the permittee, the Regional Office will contact the Permit Divisions immediately for assistance in resolving the issue or concern. The 14-day advance written notification to the Regional Office must include the following information:

1. the location of the proposed discharge (along with a U.S.G.S. quadrangle map showing the discharge point(s) and the effluent pathway into the receiving waters);
2. The approximate volume of waste water to be discharged

3. whether a Waste Load Allocation (WLA) has been completed for the receiving stream for any of the parameters limited in the permit. (May be determined by checking the LDEQ website at <http://www.deq.louisiana.gov/portal/LinkClick.aspx?link=planning%2fWater+Quality+Management+Plan--volume+8.pdf>);
4. the approximate date of the initial discharge; and
5. an updated list of locations/sites that have discharged under the statewide permit number in the past, all sites that are currently discharging under the statewide permit number, and new sites that will be discharging under the statewide permit number in the near future. The list of locations shall be numbered sequentially to show all active and inactive sites: (1) sites where corrective action plans were implemented in the past but are now inactive because the remedial activities are complete; (2) sites where corrective action plans are currently being implemented; and (3) sites where future remedial activities are planned and corrective action plans will be implemented. Each site shall be labeled either “active” or “inactive”.

Prepare and submit DMRs to the Office of Environmental Compliance (OEC) according to the schedule in Part I.C. Any exceedance of the permit parameters at any location will be considered a separate permit violation and subject to possible enforcement action this Agency.

In addition to the written notification, **48 hour advance telephone notice must be made to the Regional Office prior to commencing the initial discharge from the site.** Current regional office address and telephone numbers are available on the LDEQ website at <http://www.deq.louisiana.gov/portal/ABOUT/Contactinformation.aspx>. At the time of the telephone call the permittee must provide the regional office with the statewide permit authorization number, Agency Interest (AI) number, company name, physical location, and the date when the discharge will commence.

Closure of Sites:

The permittee must submit written notification to the Office of Environmental Compliance in Baton Rouge as well as the appropriate Regional Office when remedial activities are concluded and the discharge at a site is permanently eliminated. The written notification shall be sent no later than 30 days after activities at the site are concluded. The notice shall be in the form of a letter and must contain the following information:

1. company name and address;
2. site name, address, and physical location;
3. statewide permit number and identifying number for this facility; and
4. date of final discharge.

SECTION G. 24-HOUR ORAL REPORTING: DAILY MAXIMUM LIMITATION VIOLATIONS

Under the provisions of Part III, Standard Conditions, Section D.6.b. of this permit, violations of daily maximum limitations for the following pollutants shall be reported to the Office of Emergency Response. Notification of all violations of daily maximum limitations for these parameters must be reported to the Office of Environmental Compliance Single Point of Contact (SPOC) within 24 hours upon discovering the unauthorized discharge or release. Notification can be made by email or orally utilizing any **one** of the following procedures: (1) use the Online Incident Reporting report and procedures found at www.deq.louisiana.gov/apps/forms/irf/forms/; (2) use a direct email addressed to spoc@la.gov; or (3) verbally notify LDEQ by calling the LDEQ Hotline at (225) 342-1234, which is manned 24 hours a day, 7 days a week, or by calling the LDEQ-SPOC at (225) 219-3640 which is manned during normal office hours (M-F, 8:00 am – 4:30 pm). The online notification procedure removes the need to make a verbal call to the LDEQ Hotline or the SPOC phone number and allows the notification to be submitted directly to the SPOC electronically. The Excursion Form found at www.deq.louisiana.gov/apps/forms/irf/forms/ may be completed and emailed to spoc@la.gov to satisfy the 24-hour reporting requirement. Under the provisions of Part III, Standard Conditions, Section D.6.d of this permit, the facility must also submit a Written Notification Report within seven (7) days after submitting the 24-hour electronic or verbal notification of any LPDES permit limit excursion. Written notification Reports may be either faxed or mailed to the LDEQ, Office of Environmental Compliance, Inspections Division. Written Notification Reports should be **either** faxed to (225) 219-4044 or (225) 219-3695, **or** mailed to the Louisiana Department of Environmental Quality, ATTN: Inspections Division SPOC, Unauthorized Discharge Notification Report, P. O. Box 4312, Baton Rouge, LA 70821-4312.

Pollutants: Benzene, Total BTEX, Lead, PAH

SECTION H. MINIMUM QUANTIFICATION LEVEL (MQL)

If any individual analytical test result is less than the minimum quantification level listed below, a value of zero (0) may be used for that individual result for the Discharge Monitoring Report (DMR) calculations and reporting.

<u>METALS</u>	<u>MQL ($\mu\text{g/L}$)</u>
Lead (Total)	2

<u>VOLATILE COMPOUNDS</u>	<u>MQL ($\mu\text{g/L}$)</u>
Benzene	10
Ethylbenzene	10
Toluene	10
Xylene	10

PART III. STANDARD CONDITIONS FOR LPDES PERMITS

SECTION A. GENERAL CONDITIONS

1. Introduction

In accordance with the provisions of LAC 33:IX.2701, et seq., this permit incorporates either expressly or by reference ALL conditions and requirements applicable to the Louisiana Pollutant Discharge Elimination System Permits (LPDES) set forth in the Louisiana Environmental Quality Act (LEQA), as amended, as well as ALL applicable regulations.

2. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the Louisiana Environmental Quality Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

3. Penalties for Violation of Permit Conditions

- a. La. R. S. 30:2025 provides for civil penalties for violations of these regulations and the Louisiana Environmental Quality Act. La. R. S. 30:2076.2 provides for criminal penalties for violation of any provisions of the LPDES or any order or any permit condition or limitation issued under or implementing any provisions of the LPDES program. (See Section E. Penalties for Violation of Permit Conditions for additional details).
- b. Any person may be assessed an administrative penalty by the State Administrative Authority under La. R. S. 30:2025 for violating a permit condition or limitation implementing any of the requirements of the LPDES program in a permit issued under the regulations or the Louisiana Environmental Quality Act.

4. Toxic Pollutants

- a. Other effluent limitations and standards under Sections 301, 302, 303, 307, 318, and 405 of the Clean Water Act. If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, the state administrative authority shall institute proceedings under these regulations to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition.
- b. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions, or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

5. Duty to Reapply

- a. Individual Permits. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The new application shall be submitted at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the state administrative authority. (The state administrative authority shall not grant permission for applications to be submitted later than the expiration date of the existing permit.) Continuation of expiring permits shall be governed by regulations promulgated at LAC 33:IX.2321 and any subsequent amendments.
- b. General Permits. General permits expire five years after the effective date. The 180-day reapplication period as defined above is not applicable to general permit authorizations. Reissued general permits may provide automatic coverage for permittees authorized under the previous version of the permit, and no new application is required. Requirements for obtaining authorization under the reissued general permit will be outlined in Part I of the new permit. Permittees authorized to discharge under an expiring general permit should follow the requirements for obtaining coverage under the new general permit to maintain discharge authorization.

6. Permit Action

This permit may be modified, revoked and reissued, or terminated for cause in accordance with LAC 33:IX.2903, 2905, 2907, 3105 and 6509. The causes may include, but are not limited to, the following:

- a. Noncompliance by the permittee with any condition of the permit;
- b. The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or
- c. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;
- d. A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge;
- e. Failure to pay applicable fees under the provisions of LAC 33: IX. Chapter 13;
- f. Change of ownership or operational control.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

7. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege, nor does it authorize any injury to private or public property, nor any infringement of federal, state, or local laws or regulations.

8. Duty to Provide Information

The permittee shall furnish to the state administrative authority, within a reasonable time, any information which the state administrative authority may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the state administrative authority, upon request, copies of records required to be kept by this permit.

9. Criminal and Civil Liability

Except as provided in permit conditions on "Bypassing" and "Upsets", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of the permit, the Act, or applicable regulations, which avoids or effectively defeats the regulatory purpose of the Permit may subject the Permittee to criminal enforcement pursuant to La. R.S. 30:2025.

10. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

11. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act.

12. Severability

If any provision of these rules and regulations, or the application thereof, is held to be invalid, the remaining provisions of these rules and regulations shall not be affected, so long as they can be given effect without the invalid provision. To this end, the provisions of these rules and regulations are declared to be severable.

13. Dilution

A permittee shall not achieve any effluent concentration by dilution unless specifically authorized in the permit. A permittee shall not increase the use of process water or cooling water or otherwise attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve permit limitations or water quality.

14. Facilities Requiring Approval from Other State Agencies

In accordance with La. R.S.40.4(A)(6) the plans and specifications of all sanitary sewerage treatment systems, both public and private, must be approved by the Department of Health and Hospitals state health officer or his designee. It is unlawful for any person, firm, or corporation, both municipal and private to operate a sanitary sewage treatment facility without proper authorization from the state health officer.

In accordance with La. R.S.40.1149, it is unlawful for any person, firm or corporation, both

municipal and private, operating a sewerage system to operate that system unless the competency of the operator is duly certified by the Department of Health and Hospitals state health officer. Furthermore, it is unlawful for any person to perform the duties of an operator without being duly certified.

In accordance with La. R.S.48.385, it is unlawful for any industrial wastes, sewage, septic tanks effluent, or any noxious or harmful matter, solid, liquid or gaseous to be discharged into the side or cross ditches or placed upon the rights-of-ways of state highways without the prior written consent of the Department of Transportation and Development chief engineer or his duly authorized representative and of the secretary of the Department of Health and Hospitals.

15. The standards provided in Chapter 11 – Surface Water Quality Standards are official regulations of the state, and any person who discharges pollutants to the waters of the state in such quantities as to cause these standards to be violated shall be subject to the enforcement procedures of the state as specified in R.S. 30:2025.

SECTION B. PROPER OPERATION AND MAINTENANCE

1. Need to Halt or Reduce not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

2. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. The permittee shall also take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

3. Proper Operation and Maintenance

- a. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- b. The permittee shall provide an adequate operating staff which is duly qualified to carry out operation, maintenance and other functions necessary to ensure compliance with the conditions of this permit.

4. Bypass of Treatment Facilities

- a. **Bypass**. The intentional diversion of waste streams from any portion of a treatment

facility.

- b. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section B.4.c. and 4.d of these standard conditions.
 - c. Notice
 - (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Office of Environmental Services, Water Permits Division, if possible at least ten days before the date of the bypass.
 - (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in LAC 33:IX.2701.L.6 (24-hour notice) and Section D.6.e. of these standard conditions.
 - d. Prohibition of bypass
 - (1) Bypass is prohibited, and the state administrative authority may take enforcement action against a permittee for bypass, unless:
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,
 - (c) The permittee submitted notices as required by Section B.4.c of these standard conditions.
 - (2) The state administrative authority may approve an anticipated bypass after considering its adverse effects, if the state administrative authority determines that it will meet the three conditions listed in Section B.4.d(1) of these standard conditions.
5. Upset Conditions
- a. Upset. An exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
 - b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements

of Section B.5.c. are met. No determination made during administrative review of claims that noncompliance was caused by an upset, and before an action for noncompliance, is final administrative action subject to judicial review.

- c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
- (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated; and
 - (3) The permittee submitted notice of the upset as required by LAC 33:IX.2701.L.6.b.ii. and Section D.6.e.(2) of these standard conditions; and
 - (4) The permittee complied with any remedial measures required by Section B.2 of these standard conditions.
- d. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. Removed Substances

Solids, sewage sludges, filter backwash, or other pollutants removed in the course of treatment or wastewater control shall be properly disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the state and in accordance with environmental regulations.

SECTION C. MONITORING AND RECORDS

1. Inspection and Entry

The permittee shall allow the state administrative authority or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by the law to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.

Enter upon the permittee's premises where a discharge source is or might be located or in which monitoring equipment or records required by a permit are kept for inspection or sampling purposes. Most inspections will be unannounced and should be allowed to begin immediately, but in no case shall begin more than thirty (30) minutes after the time the inspector presents his/her credentials and announces the purpose(s) of the inspection. Delay in excess of thirty (30) minutes shall constitute a violation of this permit.

However, additional time can be granted if the inspector or the Administrative Authority determines that the circumstances warrant such action; and

- b. Have access to and copy, at reasonable times, any records that the department or its authorized representative determines are necessary for the enforcement of this permit. For records maintained in either a central or private office that is open only during normal

office hours and is closed at the time of inspection, the records shall be made available as soon as the office is open, but in no case later than the close of business the next working day;

- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Louisiana Environmental Quality Act, any substances or parameters at any location.
- e. Sample Collection
 - (1) When the inspector announces that samples will be collected, the permittee will be given an additional thirty (30) minutes to prepare containers in order to collect duplicates. If the permittee cannot obtain and prepare sample containers within this time, he is considered to have waived his right to collect duplicate samples and the sampling will proceed immediately. Further delay on the part of the permittee in allowing initiation of the sampling will constitute a violation of this permit.
 - (2) At the discretion of the administrative authority, sample collection shall proceed immediately (without the additional 30 minutes described in Section C.1.a. above) and the inspector shall supply the permittee with a duplicate sample.
- f. It shall be the responsibility of the permittee to ensure that a facility representative familiar with provisions of its wastewater discharge permit, including any other conditions or limitations, be available either by phone or in person at the facility during all hours of operation. The absence of such personnel on-site who are familiar with the permit shall not be grounds for delaying the initiation of an inspection except in situations as described in Section C.1.b. of these standard conditions. The permittee shall be responsible for providing witnesses/escorts during inspections. Inspectors shall abide by all company safety rules and shall be equipped with standard safety equipment (hard hat, safety shoes, safety glasses) normally required by industrial facilities.
- g. Upon written request copies of field notes, drawings, etc., taken by department personnel during an inspection shall be provided to the permittee after the final inspection report has been completed.

2. Representative Sampling

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. All samples shall be taken at the outfall location(s) indicated in the permit. The state administrative authority shall be notified prior to any changes in the outfall location(s). Any changes in the outfall location(s) may be subject to modification, revocation and reissuance in accordance with LAC 33:IX.2903.

3. Retention of Records

Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five

years (or longer as required by 40 CFR 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the state administrative authority at any time.

4. Record Contents

Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The time(s) analyses were begun;
- e. The individual(s) who performed the analyses;
- f. The analytical techniques or methods used;
- g. The results of such analyses; and
- h. The results of all quality control procedures.

5. Monitoring Procedures

- a. Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, unless other test procedures have been specified in this permit.
- b. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to insure accuracy of measurements and shall maintain appropriate records of such activities.
- c. The permittee or designated laboratory shall have an adequate analytical quality assurance/quality control program to produce defensible data of known precision and accuracy. All quality control measures shall be assessed and evaluated on an on-going basis and quality control acceptance criteria shall be used to determine the validity of the data. All method specific quality control as prescribed in the method shall be followed. If quality control requirements are not included in the method, the permittee or designated laboratory shall follow the quality control requirements as prescribed in the Approved Edition (40 CFR Part 136) Standard Methods for the Examination of Water and Wastes, Sections 1020A and 1020B. General sampling protocol shall follow guidelines established in the "Handbook for Sampling and Sample Preservation of Water and Wastewater, 1982 "U.S. Environmental Protection Agency. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-83-124503.

6. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and

maintained to insure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration and operation of acceptable flow measurement devices can be obtained from the following references:

- a. "A Guide to Methods and Standards for the Measurement of Water Flow, 1975," U.S. Department of Commerce, National Bureau of Standards. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number COM-75-10683.
- b. "Flow Measurement in Open Channels and Closed Conduits, Volumes 1 and 2," U.S. Department of Commerce, National Bureau of Standards. This publication is available from the National Technical Service (NTIS), Springfield, VA, 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-273 535.
- c. "NPDES Compliance Flow Measurement Manual," U.S. Environmental Protection Agency, Office of Water Enforcement. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-82-131178.

7. Prohibition for Tampering: Penalties

- a. La. R.S. 30:2025 provides for punishment of any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit.
- b. La. R.S. 30:2076.2 provides for penalties for any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance.

8. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 (See LAC 33:IX.4901) or, in the case of sludge use and disposal, approved under 40 CFR Part 136 (See LAC 33:IX.4901) unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the state administrative authority.

9. Averaging of Measurements

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the state administrative authority in the permit.

10. Laboratory Accreditation

- a. LAC 33:I.Subpart 3, Chapters 45-59 provide requirements for an accreditation program specifically applicable to commercial laboratories, wherever located, that provide chemical analyses, analytical results, or other test data to the department, by contract or by agreement, and the data is:

- (1) Submitted on behalf of any facility, as defined in La. R.S.30:2004;
 - (2) Required as part of any permit application;
 - (3) Required by order of the department;
 - (4) Required to be included on any monitoring reports submitted to the department;
 - (5) Required to be submitted by contractor
 - (6) Otherwise required by department regulations.
- b. The department laboratory accreditation program, Louisiana Environmental Laboratory Accreditation Program (LELAP) is designed to ensure the accuracy, precision, and reliability of the data generated, as well as the use of department-approved methodologies in generation of that data. Laboratory data generated by commercial environmental laboratories that are not (LELAP) accredited will not be accepted by the department. Retesting of analysis will be required by an accredited commercial laboratory.

Where retesting of effluent is not possible (i.e. data reported on DMRs for prior month's sampling), the data generated will be considered invalid and in violation of the LPDES permit.

- c. Regulations on the Louisiana Environmental Laboratory Accreditation Program and a list of labs that have applied for accreditation are available on the department website located under DIVISIONS → PERMIT SUPPORT SERVICES → LABORATORY ACCREDITATION at the following link:

<http://www.deq.louisiana.gov>

Questions concerning the program may be directed to (225) 219-9800.

SECTION D. REPORTING REQUIREMENTS

1. Facility Changes

The permittee shall give notice to the state administrative authority as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under LAC 33:IX.2703.A.1.

2. Anticipated Noncompliance

The permittee shall give advance notice to the state administrative authority of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Transfers

This permit is not transferable to any person except after notice to the state administrative authority. The state administrative authority may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act or the Louisiana Environmental Quality Act. (See LAC 33:IX.2901; in some cases, modification or revocation and reissuance is mandatory.)

A permit may be transferred by the permittee to a new owner or operator only if: (1) the permit has been modified or revoked and reissued (under LAC 33:IX.2903.A.2.b) by the permittee and new owner submitting a Name/Ownership/Operator Change Form (NOC-1 Form) and approved by LDEQ (LAC 33:I.Chapter 19);, or (2) a minor modification made (under LAC 33:IX.2905) to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act and the Louisiana Environmental Quality Act.

The NOC-1 form can be found at the following link:

<http://www.deq.louisiana.gov/portal/Portals/0/assistance/NOC-1%20FORM%20Jan%202025,%202006.pdf>

4. Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified in narrative portion of the Facility Specific Requirements document or Other Conditions of this permit.

The permittee shall submit properly completed Discharge Monitoring Reports (DMRs) on the form specified in the permit. Preprinted DMRs are provided to majors/92-500s and other designated facilities. Please contact the Permit Compliance Unit concerning preprints. Self-generated DMRs must be pre-approved by the Permit Compliance Unit prior to submittal. Self-generated DMRs are approved on an individual basis. Requests for approval of self-generated DMRs should be submitted to:

Supervisor, Permit Compliance Unit
Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, LA 70821-4312

Copies of blank DMR templates, plus instructions for completing them, and EPA's LPDES Reporting Handbook are available at the department website located at:

<http://www.deq.louisiana.gov/portal/Default.aspx?tabid=2276>

5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

6. Requirements for Notification

a. Emergency Notification

As required by LAC 33:I.3915, in the event of an unauthorized discharge that does cause an emergency condition, the discharger shall notify the hotline (DPS 24-hour Louisiana Emergency Hazardous Materials Hotline) by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) immediately (a reasonable period of time after taking prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances), but in no case later than one hour after learning of the discharge. (An emergency condition is any condition which could reasonably be expected to endanger the health and safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property.) Notification required

by this section will be made regardless of the amount of discharge. Prompt Notification Procedures are listed in Section D.6.c. of these standard conditions.

A written report shall be provided within seven calendar days after the notification. The report shall contain the information listed in Section D.6.d. of these standard conditions and any additional information in LAC 33:I.3925.B.

b. Prompt Notification

As required by LAC 33:I.3917, in the event of an unauthorized discharge that exceeds a reportable quantity specified in LAC 33:I.Subchapter E, but does not cause an emergency condition, the discharger shall promptly notify the department within 24 hours after learning of the discharge. Notification should be made to the Office of Environmental Compliance, Surveillance Division Single Point of Contact (SPOC) in accordance with LAC 33:I.3923.

In accordance with LAC 33:I.3923, prompt notification shall be provided within a time frame not to exceed 24 hours and shall be given to the Office of Environmental Compliance, Surveillance Division (SPOC) as follows:

- (1) by the Online Incident Reporting screens found at <http://www.deq.louisiana.gov/portal/tabid/66/Default.aspx> ;or
- (2) by e-mail utilizing the Incident Report Form and instructions found at <http://www.deq.louisiana.gov/portal/tabid/66/Default.aspx>;or
- (3) by telephone at (225) 219-3640 during office hours, or (225) 342-1234 after hours and on weekends and holidays.

c. Content of Prompt Notifications. The following guidelines will be utilized as appropriate, based on the conditions and circumstances surrounding any unauthorized discharge, to provide relevant information regarding the nature of the discharge:

- (1) the name of the person making the notification and the telephone number where any return calls from response agencies can be placed;
- (2) the name and location of the facility or site where the unauthorized discharge is imminent or has occurred, using common landmarks. In the event of an incident involving transport, include the name and address of the transporter and generator;
- (3) the date and time the incident began and ended, or the estimated time of continuation if the discharge is continuing;

- (4) the extent of any injuries and identification of any known personnel hazards that response agencies may face;
 - (5) the common or scientific chemical name, the U.S. Department of Transportation hazard classification, and the best estimate of amounts of any and all discharged pollutants;
 - (6) a brief description of the incident sufficient to allow response agencies to formulate their level and extent of response activity.
- d. Written Notification Procedures. Written reports for any unauthorized discharge that requires notification under Section D.6.a. or 6.b., or shall be submitted by the discharger to the Office of Environmental Compliance, Surveillance Division SPOC in accordance with LAC 33:I.3925 within seven calendar days after the notification required by D.6.a. or 6.b., unless otherwise provided for in a valid permit or other department regulation. Written notification reports shall include, but not be limited to, the following information:
- (1) the name, address, telephone number, Agency Interest (AI) number (number assigned by the department) if applicable, and any other applicable identification numbers of the person, company, or other party who is filing the written report, and specific identification that the report is the written follow-up report required by this section;
 - (2) the time and date of prompt notification, the state official contacted when reporting, the name of person making that notification, and identification of the site or facility, vessel, transport vehicle, or storage area from which the unauthorized discharge occurred;
 - (3) date(s), time(s), and duration of the unauthorized discharge and, if not corrected, the anticipated time it is expected to continue;
 - (4) details of the circumstances (unauthorized discharge description and root cause) and events leading to any unauthorized discharge, including incidents of loss of sources of radiation, and if the release point is subject to a permit:
 - (a) the current permitted limit for the pollutant(s) released;and
 - (b) the permitted release point/outfall ID.
 - (5) the common or scientific chemical name of each specific pollutant that was released as the result of an unauthorized discharge, including the CAS number and U.S. Department of Transportation hazard classification, and the best estimate of amounts of any and all released pollutants (total amount of each compound expressed in pounds, including calculations);
 - (6) a statement of the actual or probable fate or disposition of the pollutant or source of radiation and what off-site impact resulted;
 - (7) remedial actions taken, or to be taken, to stop unauthorized discharges or to recover pollutants or sources of radiation.
 - (8) Written notification reports shall be submitted to the Office of Environmental Compliance, Inspections Division SPOC by mail or fax. The transmittal envelope and report or fax cover page and report should be clearly marked "**UNAUTHORIZED DISCHARGE NOTIFICATION REPORT.**"

Written reports (LAC 33:I.3925) should be mailed to:

Louisiana Department of Environmental Quality
Post Office Box 4312
Baton Rouge, LA 70821-4312
ATTENTION: EMERGENCY AND RADIOLOGICAL SERVICES DIVISION
– SPOC "UNAUTHORIZED DISCHARGE NOTIFICATION REPORT"

The Written Notification Report may also be faxed to the Louisiana Department of Environmental Quality, Office of Environmental Compliance, Emergency and Radiological Services Division at: (225)-219-4044.

Please see LAC 33:I.3925.B for additional written notification procedures.

- e. Twenty-four Hour Reporting. The permittee shall report any noncompliance which may endanger human health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:
- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit (see LAC 33:IX.2701.M.3.b.);
 - (2) Any upset which exceeds any effluent limitation in the permit;
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the state administrative authority in Other Conditions of the permit to be reported within 24 hours (LAC 33:IX.2707.G.).

7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Section D.4., 5., and 6., at the time monitoring reports are submitted. The reports shall contain the information listed in Section D.6.e.

8. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the state administrative authority, it shall promptly submit such facts or information.

9. Discharges of Toxic Substances

In addition to the reporting requirements under Section D.1-8, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Office of Environmental Services, Water Permits Division as soon as they know or have reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant:
 - i. listed at LAC 33:IX.7107, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:

- (1) One hundred micrograms per liter (100 µg/L);
- (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4 -dinitro-phenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
- (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC33:IX.2501.G.7; or
- (4) The level established by the state administrative authority in accordance with LAC 33:IX.2707.F; or

ii. which exceeds the reportable quantity levels for pollutants at LAC 33:I. Subchapter E.

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant:

i. listed at LAC 33:IX.7107, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

- (1) Five hundred micrograms per liter (500 µg/L);
- (2) One milligram per liter (1 mg/L) for antimony;
- (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC 33:IX.2501.G.7; or
- (4) The level established by the state administrative authority in accordance with LAC 33:IX.2707.F; or

ii. which exceeds the reportable quantity levels for pollutants at LAC 33:I. Subchapter E.

10. Signatory Requirements

All applications, reports, or information submitted to the state administrative authority shall be signed and certified.

a. All permit applications shall be signed as follows:

- (1) For a corporation - by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
 - (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or,
 - (b) The manager of one or more manufacturing, production, or operating facilities, provided: the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to ensure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

NOTE: DEQ does not require specific assignments or delegations of authority to responsible corporate officers identified in Section D.10.a(1)(a). The agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the state administrative authority to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Section D.10.a(1)(b) rather than to specific individuals.

- (2) For a partnership or sole proprietorship - by a general partner or the proprietor, respectively; or
 - (3) For a municipality, state, federal, or other public agency - by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:
 - (a) The chief executive officer of the agency, or
 - (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- b. All reports required by permits and other information requested by the state administrative authority shall be signed by a person described in Section D.10.a., or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- (1) The authorization is made in writing by a person described in Section D.10.a. of these standard conditions;
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (a duly authorized representative may thus be either a named individual or an individual occupying a named position; and,
 - (3) The written authorization is submitted to the state administrative authority.
- c. Changes to authorization. If an authorization under Section D.10.b. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Section D.10.b. must be submitted to the state administrative authority prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Certification. Any person signing a document under Section D.10. a. or b. above, shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and

imprisonment for knowing violations."

11. Availability of Reports

All recorded information (completed permit application forms, fact sheets, draft permits, or any public document) not classified as confidential information under La. R.S. 30:2030(A) and 30:2074(D) and designated as such in accordance with these regulations (LAC 33:IX.2323 and LAC 33:IX.6503) shall be made available to the public for inspection and copying during normal working hours in accordance with the Public Records Act, La. R.S. 44:1 et seq.

Claims of confidentiality for the following will be denied:

- a. The name and address of any permit applicant or permittee;
- b. Permit applications, permits, and effluent data.
- c. Information required by LPDES application forms provided by the state administrative authority under LAC 33:IX.2501 may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

SECTION E. PENALTIES FOR VIOLATIONS OF PERMIT CONDITION

1. Criminal

a. Negligent Violations

The Louisiana Revised Statutes La. R. S. 30:2076.2 provides that any person who negligently violates any provision of the LPDES, or any order issued by the secretary under the LPDES, or any permit condition or limitation implementing any such provision in a permit issued under the LPDES by the secretary, or any requirement imposed in a pretreatment program approved under the LPDES is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than \$50,000 per day of violation, or imprisonment of not more than two years, or both.

b. Knowing Violations

The Louisiana Revised Statutes La. R. S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any permit condition or limitation implementing any such provisions in a permit issued under the LPDES, or any requirement imposed in a pretreatment program approved under the LPDES is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than \$100,000 per day of violation, or imprisonment of not more than six years, or both.

c. Knowing Endangerment

The Louisiana Revised Statutes La. R. S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any order issued by the secretary under the LPDES, or any permit condition or limitation implementing any of such provisions in a

permit issued under the LPDES by the secretary, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both. A person which is an organization shall, upon conviction of violating this Paragraph, be subject to a fine of not more than one million dollars. If a conviction of a person is for a violation committed after a first conviction of such person under this Paragraph, the maximum punishment shall be doubled with respect to both fine and imprisonment.

d. False Statements

The Louisiana Revised Statutes La. R. S. 30:2076.2 provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the LPDES or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the LPDES, shall, upon conviction, be subject to a fine of not more than \$10,000, or imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this Subsection, he shall be subject to a fine of not more than \$20,000 per day of violation, or imprisonment of not more than 4 years, or both.

2. Civil Penalties

The Louisiana Revised Statutes La. R. S. 30:2025 provides that any person found to be in violation of any requirement of this Subtitle may be liable for a civil penalty, to be assessed by the secretary, an assistant secretary, or the court, of not more than the cost to the state of any response action made necessary by such violation which is not voluntarily paid by the violator, and a penalty of not more than \$32,500 for each day of violation. However, when any such violation is done intentionally, willfully, or knowingly, or results in a discharge or disposal which causes irreparable or severe damage to the environment or if the substance discharged is one which endangers human life or health, such person may be liable for an additional penalty of not more than one million dollars.

(PLEASE NOTE: These penalties are listed in their entirety in Subtitle II of Title 30 of the Louisiana Revised Statutes.)

SECTION F. DEFINITIONS

All definitions contained in Section 502 of the Clean Water Act shall apply to this permit and are incorporated herein by reference. Additional definitions of words or phrases used in this permit are as follows:

1. Clean Water Act (CWA) means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or the Federal Water Pollution Control Act Amendments of 1972) Pub.L.92-500, as amended by Pub.L. 95-217, Pub.L. 95-576, Pub.L. 96-483 and Pub.L. 97-117, 33 U.S.C. 1251 et. seq.).

2. Accreditation means the formal recognition by the department of a laboratory's competence wherein specific tests or types of tests can be accurately and successfully performed in compliance with all minimum requirements set forth in the regulations regarding laboratory accreditation.
3. Administrator means the Administrator of the U.S. Environmental Protection Agency, or an authorized representative.
4. Applicable Standards and Limitations means all state, interstate and federal standards and limitations to which a discharge is subject under the Clean Water Act, including, effluent limitations, water quality standards of performance, toxic effluent standards or prohibitions, best management practices, and pretreatment standards under Sections 301, 302, 303, 304, 306, 307, 308 and 403.
5. Applicable water quality standards means all water quality standards to which a discharge is subject under the Clean Water Act.
6. Commercial Laboratory means any laboratory, wherever located, that performs analyses or tests for third parties for a fee or other compensation and provides chemical analyses, analytical results, or other test data to the department. The term commercial laboratory does not include laboratories accredited by the Louisiana Department of Health and Hospitals in accordance with La. R.S.49:1001 et seq.
7. Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day. Daily discharge determination of concentration made using a composite sample shall be the concentration of the composite sample.
8. Daily Maximum discharge limitation means the highest allowable "daily discharge".
9. Director means the U.S. Environmental Protection Agency Regional Administrator, or the state administrative authority, or an authorized representative.
10. Domestic septage means either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from grease trap at a restaurant.
11. Domestic sewage means waste and wastewater from humans, or household operations that is discharged to or otherwise enters a treatment works.

12. Environmental Protection Agency or (EPA) means the U.S. Environmental Protection Agency.
13. Grab sample means an individual sample collected over a period of time not exceeding 15 minutes, unless more time is needed to collect an adequate sample, and is representative of the discharge.
14. Industrial user means a nondomestic discharger, as identified in 40 CFR 403, introducing pollutants to a publicly owned treatment works.
15. LEQA means the Louisiana Environmental Quality Act.
16. Louisiana Pollutant Discharge Elimination System (LPDES) means those portions of the Louisiana Environmental Quality Act and the Louisiana Water Control Law and all regulations promulgated under their authority which are deemed equivalent to the National Pollutant Discharge Elimination System (NPDES) under the Clean Water Act in accordance with Section 402 of the Clean Water Act and all applicable federal regulations.
17. Monthly Average, other than for fecal coliform bacteria, discharge limitations are calculated as the sum of all "daily discharge(s)" measured during a calendar month divided by the number of "daily discharge(s)" measured during that month. When the permit establishes monthly average concentration effluent limitations or conditions, and flow is measured as continuous record or with a totalizer, the monthly average concentration means the arithmetic average (weighted by flow) of all "daily discharge(s)" of concentration determined during the calendar month where C = daily discharge concentration, F = daily flow and n = number of daily samples; monthly average discharge =

$$\frac{C_1F_1 + C_2F_2 + \dots + C_nF_n}{F_1 + F_2 + \dots + F_n}$$

When the permit establishes monthly average concentration effluent limitations or conditions, and the flow is not measured as a continuous record, then the monthly average concentration means the arithmetic average of all "daily discharge(s)" of concentration determined during the calendar month.

The monthly average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar month.

18. National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the Clean Water Act.
19. Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent

loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

20. Sewage sludge means any solid, semi-solid, or liquid residue removed during the treatment of municipal wastewater or domestic sewage. *Sewage sludge* includes, but is not limited to, solids removed during primary, secondary, or advanced wastewater treatment, scum, domestic septage, portable toilet pumpings, Type III marine sanitation device pumpings (33 CFR Part 159), and sewage sludge products. *Sewage sludge* does not include grit or screenings, or ash generated during the incineration of sewage sludge.
21. Stormwater Runoff—aqueous surface runoff including any soluble or suspended material mobilized by naturally occurring precipitation events.
22. Surface Water: all lakes, bays, rivers, streams, springs, ponds, impounding reservoirs, wetlands, swamps, marshes, water sources, drainage systems and other surface water, natural or artificial, public or private within the state or under its jurisdiction that are not part of a treatment system allowed by state law, regulation, or permit.
23. Treatment works means any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial wastes of a liquid nature to implement Section 201 of the Clean Water Act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances, extension, improvement, remodeling, additions, and alterations thereof. (See Part 212 of the Clean Water Act)
24. For fecal coliform bacteria, a sample consists of one effluent grab portion collected during a 24-hour period at peak loads.
25. The term MGD shall mean million gallons per day.
26. The term GPD shall mean gallons per day.
27. The term mg/L shall mean milligrams per liter or parts per million (ppm).
28. The term SPC shall mean Spill Prevention and Control. Plan covering the release of pollutants as defined by the Louisiana Administrative Code (LAC 33:IX.Chapter 9).
29. The term SPCC shall mean Spill Prevention Control and Countermeasures Plan. Plan covering the release of pollutants as defined in 40 CFR Part 112.
30. The term µg/L shall mean micrograms per liter or parts per billion (ppb).
31. The term ng/L shall mean nanograms per liter or parts per trillion (ppt).
32. Visible Sheen: a silvery or metallic sheen, gloss, or increased reflectivity; visual color; or

iridescence on the water surface.

33. Wastewater—liquid waste resulting from commercial, municipal, private, or industrial processes. Wastewater includes, but is not limited to, cooling and condensing waters, sanitary sewage, industrial waste, and contaminated rainwater runoff.
34. Waters of the State: for the purposes of the Louisiana Pollutant Discharge Elimination system, all surface waters within the state of Louisiana and, on the coastline of Louisiana and the Gulf of Mexico, all surface waters extending there from three miles into the Gulf of Mexico. For purposes of the Louisiana Pollutant Discharge Elimination System, this includes all surface waters which are subject to the ebb and flow of the tide, lakes, rivers, streams, (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, impoundments of waters within the state of Louisiana otherwise defined as “waters of the United States” in 40 CFR 122.2, and tributaries of all such waters. “Waters of the state” does not include waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act, 33 U.S.C. 1251 et seq.
35. Weekly average, other than for fecal coliform bacteria, is the highest allowable arithmetic mean of the daily discharges over a calendar week, calculated as the sum of all “daily discharge(s)” measured during a calendar week divided by the number of “daily discharge(s)” measured during that week. When the permit establishes weekly average concentration effluent limitations or conditions, and flow is measured as continuous record or with a totalizer, the weekly average concentration means the arithmetic average (weighted by flow) of all “daily discharge(s)” of concentration determined during the calendar week where C = daily discharge concentration, F = daily flow and n = number of daily samples; weekly average discharge

$$= \frac{C_1F_1 + C_2F_2 + \dots + C_nF_n}{F_1 + F_2 + \dots + F_n}$$

When the permit establishes weekly average concentration effluent limitations or conditions, and the flow is not measured as a continuous record, then the weekly average concentration means the arithmetic average of all “daily discharge(s)” of concentration determined during the calendar week.

The weekly average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.

36. Sanitary Wastewater Term(s):
- a. 3-hour composite sample consists of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) over the 3-hour period and composited according to flow, or a sample continuously collected in proportion to flow over the 3-hour period.

- b. 6-hour composite sample consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) over the 6-hour period and composited according to flow, or a sample continuously collected in proportion to flow over the 6-hour period.
- c. 12-hour composite sample consists of 12 effluent portions collected no closer together than one hour over the 12-hour period and composited according to flow, or a sample continuously collected in proportion to flow over the 12-hour period. The daily sampling intervals shall include the highest flow periods.
- d. 24-hour composite sample consists of a minimum of 12 effluent portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample continuously collected in proportion to flow over the 24-hour period.