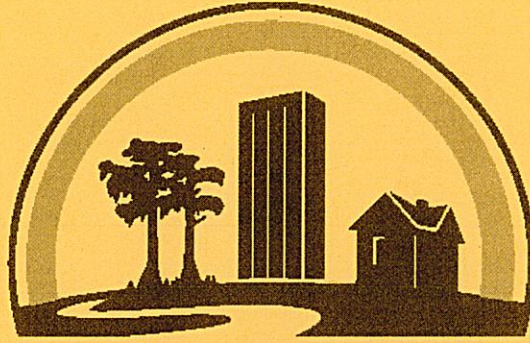


PERMIT NUMBER: LAG780000  
AGENCY INTEREST NO: 86162  
ACTIVITY NO.: PER20220001



**DEQ**  
**LOUISIANA**

OFFICE OF ENVIRONMENTAL SERVICES

## Water Discharge Permit

MASTER GENERAL PERMIT NUMBER LAG780000  
CONSTRUCTION/DEMOLITION DEBRIS AND WOODWASTE LANDFILLS

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. 30:2003, et seq.), rules and regulations effective or promulgated under the authority of said Acts, this Louisiana Pollutant Discharge Elimination System (LPDES) General Permit is issued. This permit authorizes persons who meet the requirements of Part I.A herein and who have been approved by this Office to discharge to waters of the State waste water as described in Part I.A., from construction/demolition debris and woodwaste landfills in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, and III of this permit.

This permit shall become effective on April 1, 2023

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

Issued on March 6, 2023

  
Bliss M. Higgins

Assistant Secretary

**PART I**

**SECTION A. APPLICABILITY**

All persons operating a source or conducting an activity that results in the discharge of construction/demolition debris and woodwaste landfill wastewater, maintenance and repair shop floor washwater, treated sanitary wastewater, and/or non-contact storm water as described below are eligible for coverage under this general permit and may become permittees authorized to discharge upon written notification by this Office of coverage under this general permit. Notice of Intent (NOI) to be covered under this general permit shall be made using form C&D-G or an approved equivalent form which may be obtained via the internet by following the path Water » Permits » LPDES Forms. » LPDES Permit Application Forms. Should electronic NOIs become effective during the term of the permit, the Department may suspend the use of paper NOIs. Notification of this will be posted on the public website at [www.deq.louisiana.gov](http://www.deq.louisiana.gov). Existing facilities not previously covered under an individual or general permit for construction and demolition landfills and proposed facilities must submit an NOI immediately. Proposed facilities desiring coverage under this permit must submit an NOI at least ninety (90) days prior to the anticipated commencement of a discharge.

NOIs received for existing facilities not previously covered under an individual or proposed facilities will be public noticed on the LDEQ permits public notice webpage at [www.deq.louisiana.gov/public-notices](http://www.deq.louisiana.gov/public-notices) once the NOI is determined administratively complete. Coverage under this permit will not be authorized until the 30-day comment period is completed and all comments are considered. Existing facilities with a valid individual LPDES permit which covers these discharges are not required to public notice their intent to seek coverage under this permit. This exception does not apply to facilities proposing any changes that were not previously public noticed. Any permittee covered by an individual permit may submit a NOI and request that the individual permit be canceled if the permitted source or activity is also eligible for coverage by this general permit; upon notification of coverage by this LPDES permit, the individual permit will automatically be canceled.

Wastewater types covered under this general permit include, but are not limited to: treated sanitary wastewater (less than 5,000 GPD), landfill wastewater, maintenance and repair shop floor washwater, and storm water from construction/demolition debris and woodwaste landfills.

Dischargers who are currently permitted under the current LPDES version of this permit that expires on September 30, 2022, are not required to submit a new NOI. These permitted dischargers will be extended coverage under the reissued LPDES permit; notification of coverage will be sent to each permittee after permit finalization in accordance with 40 CFR 122.28 (b)(2)(vi). Per LAC 33:IX.2701.H. and LAC 33:IX.2903.A.1, the permittee shall notify this Office of changes in facility operations from that of the previous permit. Changes resulting in a need for permit modification to the currently issued coverage of the LAG780000 to the facility will require a new NOI. This NOI must be public noticed as described in the preceding paragraph. The modification of coverage must be approved by this Office prior to facility alterations being commenced.

Facilities covered by this general permit include:

Construction debris defined in LAC 33:VII.115 and woodwaste landfills (see Permit Part II.A.3 and A.29), regulated under LAC 33:VII.D.721 and listed under SIC code 4953, that receive non-hazardous waste generally considered not water-soluble, including but not limited to metal, concrete, brick, asphalt, roofing materials (shingles, sheet rock, plaster), or lumber from a construction or demolition project.

1. This General Permit shall **not** apply to:
  - a. facilities that receive construction debris materials containing friable asbestos, white goods, furniture, trash, or treated lumber. The admixture of construction and demolition debris with more than five percent by volume of paper associated with such debris or any other type of solid waste (excluding woodwaste or yard waste) will result in a classification as other than construction/demolition debris by this Office,
  - b. facilities which discharge process wastewater and storm water into a municipal treatment system if the municipality has agreed to allow the facility to discharge into the municipal treatment system,
  - c. facilities which receive wastewater generated off-site of a landfill facility, including wastewater generated off-site from washing vehicles or from waste transfer stations,
  - d. wastewater discharges from land application sites or land treatment units, surface impoundments, underground injection wells, waste piles, salt dome formations, salt bed formations, underground mines or caves as these terms are defined in 40 CFR 257.2 and 260.10,
  - e. discharges of contaminated ground water or wastewater from recovery pumping wells,
  - f. facilities which have limits assigned to them in the Louisiana Water Quality Management Plan or an approved Waste Load Allocation that are different from those in this permit,
  - g. discharges at operations classed as new sources or new dischargers, if the discharge will cause or contribute to the violation of water quality standards (LAC 33:IX.2317.A.9),
  - h. 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),

- i. discharges of wastewater determined by this Office to present an environmental risk or potential risk of discharging pollutants other than those intended to be regulated by this permit,
  - j. discharges which cause or contribute to the violation of a state water quality standard,
  - k. discharges to waterbodies that are designated as outstanding natural resource waterbodies, or
  - l. Landfills operated in conjunction with Centralized Waste Treatment (CWT) facilities subject to 40 CFR Part 437 if the CWT facility commingles the landfill wastewater with other non-landfill wastewater for discharge. A C&D landfill directly associated with a CWT facility is covered by this permit if the CWT facility discharges the C&D landfill wastewater separately from other CWT wastewater or commingles the wastewater from this landfill only with wastewater from other C&D landfills.
2. This general permit may not apply to:
- a. facilities in significant non-compliance with a previously issued LPDES permit,
  - b. facilities which have previously been in violation of state water quality regulations, or
  - c. facilities which are located in an environmentally sensitive area.

This Office reserves the right to issue these facilities an individual industrial permit with more appropriate limitations and conditions.

## **SECTION B. EFFLUENT LIMITATIONS**

During the period beginning with the written notification of coverage under this permit and lasting through the expiration date of this general permit, all permittees covered under this general permit are authorized to discharge landfill wastewater, maintenance and repair shop wastewater, storm water, and treated sanitary wastewater less than 5,000 GPD from their facilities as specified in Appendix A attached to the permit coverage authorization and in accordance with the limitations on the following pages.

**SCHEDULE A: EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS  
FOR DISCHARGES OF LANDFILL WASTEWATER <sup>1</sup> FROM A  
CONSTRUCTION/DEMOLITION DEBRIS AND WOODWASTE LANDFILL**

The permittee should refer to Appendix A of the permit coverage authorization to determine the outfall number assigned to each discharge. Appendix A also indicates the effluent limitations page(s) that applies to each outfall.

Effluent Characteristics	Discharge Limitations		Monitoring Requirements	
	Monthly Average	Daily Maximum	Measurement Frequency <sup>2</sup>	Sample Type
Flow – MGD	Report	Report	1/month	Measure
BOD <sub>5</sub>	37 mg/l	140 mg/l	1/month	Grab
TSS	27 mg/l	88 mg/l	1/month	Grab
Ammonia-Nitrogen	4.9 mg/l	10 mg/l	1/month	Grab
Alpha Terpineol	0.016 mg/l	0.033 mg/l	1/month	Grab
Benzoic Acid	0.071 mg/l	0.12 mg/l	1/month	Grab
p-Cresol	0.014 mg/l	0.025 mg/l	1/month	Grab
Phenol	0.015 mg/l	0.026 mg/l	1/month	Grab
Zinc (Total)	0.11 mg/l	0.20 mg/l	1/month	Grab
pH - Allowable Range (Standard Units) <sup>3</sup>	6.0 min	9.0 max	1/month	Grab

<sup>1</sup> See definition, Part II.A.10.

<sup>2</sup> When discharging.

<sup>3</sup> The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units. The permittee shall report both the minimum and maximum instantaneous pH values measured.

**Solids, Oil, Toxics, and Foam:** There shall be no discharge of floating or settleable solids or visible foam in other than trace amounts, nor of free oil or other oil materials, nor 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 (LAC 33:IX.1113.B).

Samples taken in compliance with monitoring requirements specified above shall be taken at the following location:

At the point of discharge prior to mixing with other waters.

**SCHEDULE B: EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR DISCHARGES OF MAINTENANCE AND REPAIR SHOP FLOOR WASHWATER**

The permittee should refer to **Appendix A of the permit coverage authorization** to determine the outfall number assigned to each discharge. Appendix A also indicates the effluent limitations page(s) that applies to each outfall.

Effluent Characteristics	Discharge Limitations		Monitoring Requirements	
	Monthly Average	Daily Maximum	Measurement Frequency <sup>1</sup>	Sample Type
Flow - (MGD)	Report	Report	1/3 months	Estimate
TSS	----	45 mg/l	1/3 months	Grab
Oil & Grease	----	15 mg/l	1/3 months	Grab
COD <sup>2</sup>	200 mg/l	300 mg/l	1/3 months	Grab
pH – allowable range (standard units) <sup>3</sup>	6.0 min	9.0 max	1/3 months	Grab

<sup>1</sup> When discharging.

<sup>2</sup> If process wastewater is combined with storm water, the COD limitation shall be 125 mg/L Daily Maximum (no Monthly Average limitation is set).

<sup>3</sup> The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units. The permittee shall report both the minimum and maximum instantaneous pH values measured.

**Soaps and/or Detergents:** Keep inventory records of the quantity and type of each Soap and/or Detergent used and a Safety Data Sheet (SDS) for each material used. Retain the inventory records and the SDSs at the facility for three years after the date of a particular entry. No DMR reporting is required for Soaps and/or Detergents [LAC 33:IX.2701.J.2].

**Solids, Oil, Toxics, and Foam:** There shall be no discharge of floating or settleable solids or visible foam in other than trace amounts, nor of free oil or other oil materials, nor 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 (LAC 33:IX.1113.B).

Samples taken in compliance with monitoring requirements specified above shall be taken at the following location:

At the point of discharge prior to mixing with other waters.

**SCHEDULE C: EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS  
FOR DISCHARGES OF TREATED SANITARY WASTEWATER UNDER 5,000 GPD**

The permittee should refer to Appendix A of the permit coverage authorization to determine the outfall number assigned to each discharge. Appendix A also indicates the effluent limitation page(s) that applies to each outfall.

Effluent Characteristics	Discharge Limitations		Monitoring Requirements	
	Monthly Average	Daily Maximum	Measurement Frequency <sup>1</sup>	Sample Type
Flow – GPD	Report	Report	1/6 months	Estimate
BOD <sub>5</sub>	30 mg/l	45 mg/l	1/6 months	Grab
Total Suspended Solids <sup>2</sup>	30 mg/l	45 mg/l	1/6 months	Grab
Fecal Coliform <sup>3,4</sup> number/100 ml	200 <sup>5</sup>	400	1/6 months	Grab
pH - Allowable Range (Standard Units) <sup>6</sup>	6.0 min	9.0 max	1/6 months	Grab
Enterococci <sup>7</sup>	35 mg/l	135 mg/l	1/6 months	Grab

- <sup>1</sup> When discharging.
- <sup>2</sup> If the treatment unit is an oxidation pond, the monthly average will be 90 mg/l and the weekly average is 135 mg/l. Appendix A of the permit coverage authorization states if the alternative limits apply.
- <sup>3</sup> If chlorination is chosen as a disinfection method, see Part II, Section N.
- <sup>4</sup> If the discharge is located in an oyster propagation area, the fecal coliform limitations will be 14 number/100 ml monthly average and 43 number/100 ml weekly average. Appendix A of the permit coverage authorization states if the more stringent limitations apply.
- <sup>5</sup> Limitation is defined as a monthly average geometric.
- <sup>6</sup> The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units. The permittee shall report both the minimum and maximum instantaneous pH values measured.
- <sup>7</sup> Upon written notification of coverage under this permit, the permittee shall comply with the effluent limitations schedule(s) stated in Appendix A of the permit authorization. Enterococci limitations will only apply to facilities located in coastal marine waters for which Enterococci criteria have been finalized in LAC 33.IX.1123, Table 3.

**SCHEDULE C (continued)**

Sanitary wastewater will not be reported as a combined outfall. It shall be monitored at the point of discharge from the treatment unit prior to mixing with any other water.

**Solids, Oil, Toxics, and Foam:** There shall be no discharge of floating or settleable solids or visible foam in other than trace amounts, nor of free oil or other oil materials, nor 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 (LAC 33:IX.1113.B).

Samples taken in compliance with monitoring requirements specified above shall be taken at the following location:

At the point of discharge prior to mixing with other waters.



**SCHEDULE D: EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS  
FOR NON-CONTACT STORM WATER<sup>1</sup> DISCHARGES FROM A  
CONSTRUCTION/DEMOLITION DEBRIS AND WOODWASTE LANDFILL<sup>2</sup>**

The permittee should refer to **Appendix A of the permit coverage authorization** to determine the outfall number assigned to each discharge. Appendix A also indicates the effluent limitations page(s) that applies to each outfall.

Effluent Characteristics	Discharge Limitations		Monitoring Requirements	
	Monthly Average	Daily Maximum	Measurement Frequency <sup>3</sup>	Sample Type
Flow - (MGD)	Report	Report	1/ month	Estimate
TOC	----	50 mg/l	1/3 months	Grab
Oil & Grease	----	15 mg/l	1/3 months	Grab
pH - Allowable Range (Standard Units)	6.0 min	9.0 max	1/3 months	Grab

Effluent Characteristics	Benchmark Monitoring Concentration <sup>4</sup>		Monitoring Requirements	
	Monthly Average	Daily Maximum	Measurement Frequency <sup>3</sup>	Sample Type
TSS	----	100 mg/l	1/quarter	Grab

- <sup>1</sup> Includes storm water runoff from the cap and intermediate, daily, and final covers.
- <sup>2</sup> **If the facility utilizes vegetative debris (mulch or wood chips) for beneficial use on or around the landfill grounds, refer to Part II, Section O for additional requirements.**
- <sup>3</sup> When discharging.
- <sup>4</sup> See Benchmark Monitoring Instructions in Part II, Section N. Monitor annually for the year 2 and year 4 Monitoring Years. See Part II, Section N for the Year 4 exception.

**SCHEDULE D (continued)**

All samples collected from storm water discharge outfalls shall be grab samples collected from a storm event with at least 0.1 inch of precipitation (defined as a “measurable” event), provided the interval from the preceding measurable storm is at least 72 hours. The 72-hour storm interval is waived when the preceding measurable storm did not yield a measurable discharge, or if you are able to document that less than a 72-hour interval is representative for local storm events during the sampling period. Samples shall be collected during the first 30 minutes of the discharge during normal operating hours. If it is not practicable to take the sample during the first 30 minutes, sample during the first hour of discharge and describe why a grab sample during the first 30 minutes was impracticable.

**Solids, Oil, Toxics, and Foam:** There shall be no discharge of floating or settleable solids or visible foam in other than trace amounts, nor of free oil or other oil materials, nor 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 (LAC 33:IX.1113.B).

Samples taken in compliance with monitoring requirements specified above shall be taken at the following location:

At the point of discharge prior to mixing with other waters.

**SECTION C. MONITORING AND REPORTING REQUIREMENTS**

DISCHARGE MONITORING REPORTS

Monitoring results for each discharge point (outfall number) listed in Appendix A of the permit coverage authorization must be reported on a Discharge Monitoring Report (DMR). An electronic DMR reporting system (NetDMR) is available at [www.deq.louisiana.gov](http://www.deq.louisiana.gov) using the following path: Water » Enforcement » NetDMR. The LDEQ requires DMRs to be electronically submitted, unless the state administrative authority gives written authorization to submit monitoring results in an alternative format. If granted, Discharge Monitoring Reports shall be submitted to the Enforcement Division, Office of Environmental Compliance, Department of Environmental Quality, P. O. Box 4312, Baton Rouge, LA 70821-4312. **DMRs must be electronically submitted in accordance with LAC 33:I.2101.A and B no later than the 28<sup>th</sup> day of the month following the reporting period.**

- A. For parameter(s) that require a monitoring frequency of monthly, one DMR shall be prepared for each month and all three shall be submitted quarterly with the following schedule.

For parameter(s) that require a monitoring frequency of quarterly, DMRs shall be submitted in accordance with the following schedule:

<u>Monitoring Period</u>	<u>DMR Submittal Date</u>
January, February, March	April 28 <sup>th</sup>
April, May, June	July 28 <sup>th</sup>
July, August, September	October 28 <sup>th</sup>
October, November, December	January 28 <sup>th</sup>

- B. For parameter(s) that require a semiannual monitoring frequency, DMRs shall be submitted in accordance with the following schedule:

<u>Monitoring Period</u>	<u>DMR Submittal Date</u>
January - June	July 28 <sup>th</sup>
July - December	January 28 <sup>th</sup>

If approved for an alternative submittal format, duplicate sets of DMR's (one set of originals and one set of copies) signed and certified as required by LAC 33:IX.2503, and all other reports (one set of originals) required by this permit shall be submitted to the Permit Compliance Unit at the following address:

Department of Environmental Quality  
Office of Environmental Compliance  
Permit Compliance Unit  
Post Office Box 4312  
Baton Rouge, Louisiana 70821-4312

When reporting electronically and monitoring is not required during a certain quarter(s), use a no data indicator (NODI) code of 9 for conditional or not required. If you have a No Discharge Event at any of the monitoring outfall(s) during the reporting period, use a No Data Discharge Indicator (NODI) Code of "C". For additional information regarding NetDMR, see the LDEQ's NetDMR website: <http://deq.louisiana.gov/page/netdmr>. Permittees shall submit a DMR for each outfall identified in Appendix A attached to the permittee's cover letter for every monitoring period even if there were no discharges during a monitoring period.

**PART II**  
**OTHER REQUIREMENTS**

The Permittee must comply with all applicable provisions of the Louisiana Water Quality Regulations including all of the standard conditions found in LAC 33:IX.2355. 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 Quality Regulations (LAC 33:IX.2313).

**SECTION A. DEFINITIONS**

1. *Act*: 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*: any conduct, operation or process which causes or may cause the discharge of pollutants into the waters of the state.
3. *Construction/Demolition (C&D) Debris*: nonhazardous waste generally considered not water-soluble that is produced in the process of construction, remodeling, repair, renovation, or demolition of structures, including buildings of all types (both residential and nonresidential). Solid waste that is not *C&D debris* (even if resulting from the construction, remodeling, repair, renovation, or demolition of structures) includes, but is not limited to, *regulated asbestos-containing material (RACM)* as defined in LAC 33:III.5151.B, white goods, creosote-treated lumber, and any other item not an integral part of the structure.
4. *Contaminated Storm Water*: storm water which comes in direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined below in item number 9. Some specific areas of a landfill that may produce contaminated storm water include (but are not limited to): the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment or machinery that has been in direct contact with the waste; and waste dumping areas. (40 CFR 445.2)
5. *Enterococci*: means a group of fecal bacteria used as an indicator of fecal contamination and predictor of human illness
6. *Facility*: 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.
7. *Fecal coliform*: a gram negative, non-spore forming, rod-shaped bacteria found in the intestinal tract of warm-blooded animals.
8. *Friable Asbestos Containing Material*: any material containing more than 1 percent asbestos as determined by using the method specified in Appendix A, Subpart F, 40 CFR, Part 763, Section 1, Polarized Light Microscopy that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos

content by point counting using PLM, or equivalent EPA approved estimation technique, or assume the amount to be greater than one percent and treat the material as asbestos-containing material.

9. Landfill: a facility for the disposal of solid waste, other than landfarm(s) or surface impoundment(s), that disposes of solid waste by placing it on or into the land surface and usually also compacting and covering with suitable cover material to a depth and at a frequency sufficient to control disease vectors and odors and in a manner that protects human health and the environment.
10. Landfill Wastewater: all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contact storm water, contaminated ground water, and wastewater from recovery pumping wells. Landfill wastewater includes, but is not limited to leachate, gas collection condensate, drained free liquids, laboratory derived wastewater, contaminated storm water and contact wastewater from washing truck, equipment, and railcar exteriors and surface areas which have come in direct contact with solid waste at the landfill facility. (40 CFR 445.2)
11. Maximum Daily Discharge Limitation: the highest allowable daily discharge.
12. mg/l: milligrams per liter or parts per million.
13. NetDMR: means a web-based tool that allows facilities to electronically sign and submit LPDES discharge monitoring reports (DMRs) to the LDEQ.
14. Non-contact Storm Water or Uncontaminated Stormwater: storm water which does not come in direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined above in item number 10. Non-contact storm water includes storm water which flows off the cap, interim compacted cover, and/or final cover of the landfill. (40 CFR 445.2)
15. Non-friable asbestos: any material containing more than one percent asbestos as determined by using the method specified in Appendix a, Subpart F, 40 CFR, Part 763, Section 1, Polarized Light Microscopy, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.
16. Office: the Office of Environmental Services within the Department of Environmental Quality.
17. Pollution Prevention Plan (PPP): a written plan on the order of the Storm Water Pollution Prevention Plan (SWPPP) as described in EPA document 832-R-92-006 (Storm Water Management for Industrial Activities). This EPA document may be obtained by writing to the U.S. Environmental Protection Agency, Office of Water Resources (WH-556), 401 M Street, S.W., Washington D.C., 20460 or by calling (202) 260-7786. The PPP should detail the housekeeping practices carried out at the facility on a regular basis to prevent or reduce pollution to the receiving stream from storm water runoff and process wastewater discharges.

18. Process Wastewater: any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater may include interior or exterior washing of plant trucks or product receptacles.
19. Sanitary Wastewater: treated or untreated wastewaters which contain human metabolic and domestic wastes.
20. Spill Prevention and Control (SPC or SPCC) Plan: a written plan as required under LAC 33:IX. Chapter 9, detailing “contingency planning and implementation of operating procedures and best management practices to prevent and control the discharge of pollutants resulting from spill events”.
21. Standard Methods: means Standard Methods for the Examination of Water and Wastewater, American Public Health Association, Washington, DC.
22. Total Suspended Solids (TSS): the amount of solid material suspended in water commonly expressed as a concentration in terms of mg/l.
23. Unauthorized Discharge: 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.
24. White Goods: discarded domestic and commercial appliances, such as refrigerators, ranges, washers, and water heaters.
25. Woodwaste: yard trash and types of waste typically generated by land and right-of-way clearing operations, sawmills, plywood mills, and woodyards associated with the lumber and paper industry, such as wood residue, cutoffs, wood chips, sawdust, wood shavings, bark, wood refuse, wood-fired boiler ash, and plywood or other bonded material that contains only polyurethane, phenolic-based glues or other glues that are approved specifically by the administrative authority. Uncontaminated, un-treated or un-painted lumber or wooden pallets are considered woodwaste under this definition.
26. Yard Trash: vegetative matter resulting from landscaping, maintenance, or land-clearing operations, including tree and shrubbery leaves and limbs, grass clippings, and flowers (LAC 33:VII.115).
27. 25-Year, 24-Hour Precipitation Event: the maximum 24-hour precipitation event with the probable recurrence interval of once in twenty-five years as defined by the National Weather Service and Technical Paper No. 40, “Rainfall Frequency Atlas of the U.S.”, May 1961, or equivalent regional or rainfall probability information developed therefrom.

## **SECTION B. 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 “minor” 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.

In order to assure that the conditions of LAC 33:IX.1113 and LAC 33:IX.2317.A.9 are met, this Office will conduct a thorough evaluation of eligibility for each NOI that is submitted for permit coverage and prepare a permit statement of basis to document the Agency’s determination. The evaluation includes determining which LDEQ basin subsegment the facility discharges will enter; whether TMDLs or WLAs are applicable to the discharges; the route of the facility’s discharges to the receiving stream; the designated uses of the receiving water body; the potential impact to threatened and endangered species; and the facility’s compliance history (if applicable), in order to determine eligibility for coverage under the general permit. A statement of basis is prepared to clearly document the findings of the eligibility determination.

Discharges from “minor” industrial facilities which are determined to be eligible for permit coverage and 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 PART II, Sections D and G, 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 C. CHANGE IN STATUS**

Prior written authorization or issuance of an individual permit from the Office of Environmental Services is required to discharge wastewater from the facility if the landfill contents become more than five (5) percent by volume of paper associated with construction and/or demolition projects or any other type of solid waste (excluding woodwaste or yard waste). Issuance of an individual permit is required to discharge wastewater if this Office deems it necessary to reclassify the site as other than a Type III landfill (construction/demolition debris and woodwaste).

### **SECTION D. PERMIT REOPENER CLAUSE**

This permit may be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitations issued or approved under sections 301(b)(2)(C) and (D); 304(b)(2); and 307(a)(2) of the Clean Water Act or more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional water quality studies and/or TMDLs, if the effluent standard, limitations, water quality studies or TMDLs so issued or approved:

- a) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- b) Controls any pollutant not limited in the permit; or
- c) Requires reassessment due to change in 303(d) status of waterbody; or
- d) Incorporates the results of any total maximum daily load allocation, which may be approved for the receiving water body.

The LDEQ reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDLs for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards. Therefore, prior to upgrading or expanding this facility, the permittee should contact the Department to determine the status of the work being done to establish future effluent limitations and additional permit conditions.

### **SECTION E. FACILITY CHANGES**

The authorization to discharge in accordance with this general permit may be terminated at the discretion of this Office if a change or alteration of the permitted facility, or process(es), occurs that affects or has the potential to affect the discharge rate or composition of the effluent. Prior to any such change in the discharge rate or composition of effluent from an outfall covered by this general permit, the permittee must submit written notification to this Office and receive from this Office authorization to discharge at that changed rate or composition.

#### **SECTION F. EXTENDED COVERAGE**

Should this permit expire before it is reissued, this Office will administratively extend the permit to discharge to current permittees until such time that a new general permit is issued. When the general permit is renewed, permittees will be automatically granted coverage under the new permit.

#### **SECTION G. TERMINATION OF AUTHORIZATION TO DISCHARGE**

This Office reserves the right to revoke the authorization to discharge in accordance with this general permit as it applies to any person and/or require such person to apply for and obtain an individual permit if:

1. the covered source or activity is a significant contributor to pollution or creates other environmental problems;
2. the permittee is not in compliance with the terms and conditions of this general permit;
3. conditions or standards have changed so that the source or activity no longer qualifies for this general permit; or
4. the discharge limitations contained in this permit are not in accordance with the Water Quality Management Plan.

#### **SECTION H. COMBINED OUTFALLS**

Appendix A of the permit coverage authorization indicates the effluent limitations schedule that applies to each outfall. Sanitary wastewater shall not be reported as a combined outfall. It shall be monitored at the point of discharge from the treatment unit and prior to mixing with any other water.

#### **SECTION I. PROPERTY RIGHTS**

Authorization to discharge pursuant to the conditions of this permit does not relieve the permittee of any liability for damages to state waters or private property. For discharges to private land, the permit does not relieve the permittee from obtaining proper approval from the landowner for appropriate easements and rights of way.

#### **SECTION J. REMOVED SUBSTANCES**

Solids, sludges, biosolids, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be properly disposed of in compliance with applicable state laws, regulations, and permit requirements, and in a manner such as to prevent any pollutant from such materials from entering the waters of the state. The permittee may need to contact the Water Permits Division of the Office of Environmental Services, at (225) 219-9371, for information on regulations and permits to dispose of this material.

### **SECTION K. SANITARY DISCHARGE**

Future water quality studies may indicate potential toxicity from the presence of residual chlorine in the treatment facility's effluent. Therefore, the permittee is hereby advised that a future Total Residual Chlorine Limit may be required if chlorine is used as a method of disinfection. In many cases, this becomes a NO MEASURABLE Total Residual Chlorine Limit. If such a limit were imposed, the permittee would be required to provide for dechlorination of the effluent prior to discharge.

The Department reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain water quality integrity and the designated uses of the receiving water bodies based upon water quality studies. These studies may indicate the need for more advanced wastewater treatment. Studies of some dischargers and receiving water bodies have resulted in monthly average effluent limitations of 5 mg/l CBOD<sub>5</sub> and 2 mg/l NH<sub>3</sub>-N. Therefore, prior to upgrading or expanding this facility, the permittee should contact the Department to determine the status of the work being done to establish future effluent limitations and additional permit conditions.

### **SECTION L. ACCEPTANCE OF EXPANDED C&D WASTE**

The Department has the authority to issue Emergency and Administrative Orders as a result of a natural disaster such as hurricanes, floods, etc. Such an order may authorize the disposal of material not included in the definition of construction/demolition debris included in Section A. Definitions. The permittee should be aware that any facility accepting additional material, or expanded waste as outlined in an Emergency and Administrative Order, may not be eligible for coverage under this general permit. If the facility chooses to operate under the Administrative Order, alternative LPDES permit coverage will be required. The facility is required to notify the department of all wastes being accepted as part of the Emergency and Administrative Order. Based on the information provided the Department will determine what permit coverage is acceptable for these facilities.

### **SECTION M. STORM WATER PROVISIONS**

1. This section applies to all stormwater discharges from the facility, either through permitted outfalls or through outfalls which are not listed in the permit or as sheet flow.
2. Any runoff leaving the developed areas of the facility, other than the permitted outfall(s), exceeding 50 mg/L TOC, 15 mg/L Oil and Grease, or having a pH less than 6.0 or greater than 9.0 standard units shall be a violation of this permit. Any discharge in excess of these limitations, which is attributable to offsite contamination, shall not be considered a violation of this permit. A visual inspection of the facility shall be conducted and a report made annually as described in Paragraph 4 below.
3. All new permittees shall prepare, implement, and maintain a Storm Water Pollution Prevention Plan (SWPPP) within six (6) months of the effective date of the final permit. Existing permitted facilities must prepare, implement, and maintain a Storm Water Pollution Prevention Plan

(SWPPP) within 60 days of the effective date of the final permit. The terms and conditions of the SWPPP shall be an enforceable Part of the permit. EPA document 833-R-92-002 (Storm Water Management for Industrial Activities) may be used as a guidance and may be obtained by writing to the U.S. Environmental Protection Agency, Office of Water Resources (RC-4100), 401 M Street, S.W., Washington D.C. 20460 or by calling (202) 260-7786.

4. The following conditions are applicable to all facilities and shall be included in the SWPPP for the facility.
  - a. The permittee shall develop a site map with the following identified.
    - The size of the property in acres;
    - The location and extent of significant structures and impervious surfaces;
    - Directions of storm water flow (use arrows);
    - Locations of all existing structural control measures;
    - Locations of all receiving waters in the immediate vicinity of the facility, indicating if any of the waters are impaired and, if so, whether the waters have TMDLs established for them;
    - Locations of all storm water conveyances including ditches, pipes, and swales;
    - Locations of potential pollutant sources;
    - Locations of all storm water monitoring points;
    - Locations of storm water inlets and outfalls, with a unique identification code for each outfall (e.g., Outfall No. 1, No. 2, etc.), indicating if one or more outfalls are treated as “substantially identical” and an approximate outline of the areas draining to each outfall;
  - i. Municipal separate storm sewer systems, where the facility’s storm water discharges to them;
  - ii. Locations and descriptions of all non-storm water discharges;
  - iii. Locations of the following activities where such activities are exposed to precipitation:
    - Fueling stations;
    - Vehicle and equipment maintenance and/or cleaning areas;
    - Loading/unloading areas;
    - Locations used for the treatment, storage, or disposal of wastes;
    - Liquid storage tanks;
    - Processing and storage areas;
    - Immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility;
    - Transfer areas for substances in bulk; and
    - Machinery; and
  - iv. Locations and sources of run-on to the site from adjacent property that contains significant quantities of pollutants.

- b. The SWPPP must document the location and type of control measures installed and implemented at the site in order to minimize and/or eliminate pollutants in storm water discharges; any control measures required by TMDLs, and any agreed-upon endangered species or National Environmental Policy Act (NEPA)-related requirements. Describe how the control measures were selected and how the control measures at the site address the reduction of pollutant loading at the site.

The permittee must select, design, install, and implement control measures including BMPs, in accordance with good engineering practices and manufacturer's specifications in order to control pollutant sources located at the site. Note that a permittee may deviate from such manufacturer's specifications where justification is provided for such deviation; documentation of the rationale must be included in the part of the SWPPP that describes the control measures. If control measures are found not to be achieving their intended effect of minimizing pollutant discharges, the control measures must be modified as expeditiously as practicable.

The following must be considered when selecting and designing control measures:

- preventing storm water from contacting with polluting materials is generally more effective, and less costly, than trying to remove pollutants from storm water;
  - the use of control measures in combination rather than in isolation is more effective for minimizing pollutants in storm water discharges;
  - assessing the type and quantity of pollutants, including their potential to impact receiving water quality, is critical to designing effective control measures that will achieve the limits in this permit;
  - minimizing impervious areas at the facility and infiltrating runoff onsite (including bioretention cells, green roofs, and pervious pavement, among other approaches) can reduce runoff and improve groundwater recharge and stream base flows in local streams, although care must be taken to avoid ground water contamination;
  - attenuating flow using open vegetated swales and natural depressions can reduce in-stream impacts of erosive flows;
  - conserving and/or restoring riparian buffers will help protect streams from storm water runoff and improve water quality; and
  - using treatment interceptors (e.g., swirl separators and sand filters) may be appropriate in some instances to minimize the discharge of pollutants.
- c. The permittee must conduct annual comprehensive site inspections while covered under this permit. Annual, as defined in this Part, means once during each calendar year beginning with the year the facility is authorized to discharge under this permit. The permittee is waived from the requirement of performing a comprehensive site inspection for an inspection period, as previously defined above, if discharge authorization was obtained after October 1. The permittee is required to perform a comprehensive site inspection during the next inspection year and annually for the remainder of the permit term. If the facility's permit coverage is administratively continued after the expiration date of this permit, the permittee must continue performing these inspections until the facility is no longer covered by the permit.

Annual comprehensive site inspections must be conducted by qualified personnel with the participation of at least one storm water pollution prevention team member. Comprehensive site inspections must cover all areas of the facility affected by the requirements in this permit, including the areas identified in the SWPPP as potential pollutant sources where industrial materials or activities are exposed to storm water, any areas where control measures are used to comply with the effluent limits and areas where spills and leaks have occurred in the past 3 years. The inspections must also include a review of monitoring data collected. Inspectors must consider the results of the past year's visual and analytical monitoring when planning and conducting inspections. Inspectors must examine the following:

- Industrial materials, residue, or trash that may have or could come into contact with storm water;
- Leaks or spills from industrial equipment, drums, tanks, and other containers;
- Offsite tracking of industrial or waste materials, or sediment where vehicles enter or exit the site;
- Tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas; and
- Control measures needing replacement, maintenance, or repair.

Storm water control measures required by this permit must be observed to ensure that they are functioning correctly. If discharge locations are inaccessible, nearby downstream locations must be inspected. The annual comprehensive site inspection may also be used as one of the routine site inspections, as long as all components of both types of inspections are included.

Documentation of the findings of each comprehensive site inspection must be maintained onsite with the SWPPP. At a minimum, this documentation must include the following:

- a) The date of the inspection;
- b) The name(s) and title(s) of the personnel making the inspection;
- c) Findings from the examination of areas of the facility identified above;
- d) All observations relating to the implementation of the control measures including:
  - i. Previously unidentified discharges from the site;
  - ii. Previously unidentified pollutants in existing discharges;
  - iii. Evidence of or the potential for pollutants entering the drainage system;
  - iv. Evidence of pollutants discharging for receiving waters at all facility outfall(s) and the condition of and around the outfall, including flow dissipation measures to prevent scouring, and
  - v. Additional control measures needed to address any conditions requiring corrective action identified during the inspection.

- e) Any required revisions to the SWPPP resulting from the inspection;
- f) Any incidents of noncompliance observed or a certification stating the facility is in compliance with this permit (if there is no noncompliance); and
- g) A statement, signed and certified.

The EPA has developed an Annual Report Form that can be downloaded and used when performing a comprehensive site inspection. It is available at [https://www.epa.gov/sites/default/files/2020-02/documents/final\\_proposed\\_2020\\_msgp\\_-\\_appendices\\_a-p.pdf](https://www.epa.gov/sites/default/files/2020-02/documents/final_proposed_2020_msgp_-_appendices_a-p.pdf). If the permittee chooses to use it, it should be completed and kept with the SWPPP, and it should not be sent as an Annual Report to the LDEQ nor the EPA since this permit does not require completion nor submittal of an Annual Report.

- d. Any location where reportable quantities leaks or spills have previously occurred are to be documented in the SWPPP. The SWPPP shall contain a description of the potential pollutant sources, including, the type and quantity of material present and what action has been taken to assure stormwater precipitation will not directly contact the substances and result in contaminated runoff.
- e. Where experience indicates a reasonable potential for equipment failure (e.g. a tank overflow or leakage), natural condition of (e.g. precipitation), or other circumstances which result in significant amounts of pollutants reaching surface waters, the SWPPP should include a prediction of the direction, rate of flow and total quantity of pollutants which could be discharged from the facility as a result of each condition or circumstance.
- f. The permittee shall maintain for a period of three years a record summarizing the results of the inspection and a certification that the facility is in compliance with the SWPPP and the permit, and identifying any incidents of noncompliance. The summary report should contain, at a minimum, the date and time of inspection, name of inspector(s), conditions found, and changes to be made to the SWPPP.
- g. The summary report and the following certification shall be signed in accordance with LAC 33:IX.2503. The summary report is to be attached to the SWPPP and provided to the Department upon request.

"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."

Signatory requirements for the certification may be found in Part III, Section D.10 of this permit.

- h. The permittee shall make available to the Department, upon request, a copy of the SWPPP and any supporting documentation.
5. The following shall be included in the SWPPP, if applicable.
- a. The permittee shall utilize all reasonable methods to minimize any adverse impact on the drainage system including but not limited to:
    - i. maintaining adequate roads and driveway surfaces;
    - ii. removing debris and accumulated solids from the drainage system; and
    - iii. cleaning up immediately any spill by sweeping, absorbent pads, or other appropriate methods.
  - b. All spilled product and other spilled wastes shall be immediately cleaned up and disposed of according to all applicable regulations, Spill Prevention and Control (SPC) plans or Spill Prevention Control and Countermeasures (SPCC) plans (LAC 33:IX.Chapter 9). Use of detergents, emulsifiers, or dispersants to clean up spilled product is prohibited except where necessary to comply with State or Federal safety regulations (i.e., requirement for non-slippery work surface). In all such cases, initial cleanup shall be done by physical removal and chemical usage shall be minimized.
  - c. All equipment, parts, dumpsters, trash bins, petroleum products, chemical solvents, detergents, or other materials exposed to stormwater shall be maintained in a manner which prevents contamination of stormwater by pollutants.
  - d. All waste fuel, lubricants, coolants, solvents, or other fluids used in the repair or maintenance of vehicles or equipment shall be recycled or contained for proper disposal. Spills of these materials are to be cleaned up by dry means whenever possible.
  - e. All storage tank installations (with a capacity greater than 660 gallons for an individual container, or 1,320 gallons for two or more containers in aggregate within a common storage area) shall be constructed so that a secondary means of containment is provided for the entire contents of the largest tank plus sufficient freeboard to allow for precipitation. Diked areas should be sufficiently impervious to contain spills.
  - f. All diked areas surrounding storage tanks or stormwater collection basins shall be free of residual oil or other contaminants so as to prevent the accidental discharge of these materials in the event of flooding, dike failure, or improper draining of the diked area. All drains from diked areas shall be equipped with valves that shall be kept in the closed condition except during periods of supervised discharge.



- g. All check valves, tanks, drains, or other potential sources of pollutant releases shall be inspected and maintained on a regular basis to assure their proper operation and to prevent the discharge of pollutants.
  - h. The permittee shall assure compliance with all applicable regulations promulgated under the Louisiana Solid Waste and Resource Recovery Law and the Hazardous Waste Management Law (L.R.S. 30:2151, etc.). Management practices required under above regulations shall be referenced in the SWPPP.
  - i. The permittee shall amend the SWPPP whenever there is a change in the facility or change in the operation of the facility that materially increases the potential for the ancillary activities to result in a discharge of significant amounts of pollutants.
  - j. If the SWPPP proves to be ineffective in achieving the general objectives of preventing the release of significant amounts of pollutants to water of the state, then the specific objectives and requirements of the SWPPP shall be subject to modification to incorporate revised SWPPP requirements.
6. Facility specific SWPPP Conditions:
- a. **Drainage Area Site Map.** Document in the SWPPP where the following may be exposed to precipitation or surface runoff: active and closed landfill cells or trenches, active and closed land application areas, locations where open dumping is occurring or has occurred, locations of any known leachate springs or other areas where uncontrolled leachate may commingle with runoff, and leachate collection and handling systems.
  - b. **Summary of Potential Pollutant Sources.** Document in the SWPPP the following sources and activities that have potential pollutants associated with them: fertilizer, herbicide, and pesticide application; earth and soil moving; waste hauling and loading or unloading; outdoor storage of significant materials, including daily, interim, and final cover material stockpiles, as well as, temporary waste storage areas; exposure of active and inactive landfill and land application areas; uncontrolled leachate flows; and failure or leaks from leachate collection and treatment systems.
  - c. **Preventative Maintenance Program.** As part of the preventative maintenance program, maintain the following: all elements of leachate collection and treatment systems to prevent commingling of leachate with storm water; the integrity and effectiveness of any intermediate or final cover (including repairing the cover as necessary), to minimize the effects of settlement, sinking, and erosion.

- d. **Erosion and Sediment Control Plan:** Provide temporary stabilization (e.g., consider temporary seeding, mulching, and placing geotextiles on the inactive portions of stockpiles) for the following: materials stockpiled for daily, intermediate, and final cover; inactive areas of the landfill or open dump; landfills or open dump areas that have gotten final covers but where vegetation has yet to establish itself; and land application where waste application has been completed but final vegetation has not yet been established.
- e. **Record Keeping and Internal Reporting:** Keep records with the SWPPP of the types of wastes disposed of in each cell or trench of a landfill or open dump. For land application sites track the types and quantities of wastes applied in specific areas.
- f. **Inspections:**
  - 1. **Inspections of Active Sites:** Inspect operating landfills, open dumps, and land application sites at least once every 7 days. Focus on areas of landfills that have not yet been finally stabilized; active land application areas, areas used for storage of material and wastes that are exposed to precipitation, stabilization, and structural control measures; leachate collection and treatment systems; and locations where equipment and waste trucks enter and exit the site. Ensure that sediment and erosion control measures are operating properly. For stabilized sites and areas where land application has been completed, conduct inspections at least once every month.
  - 2. **Inspections of Inactive Sites:** Inspect inactive landfills, open dumps, and land application sites at least quarterly. Qualified personnel must inspect landfill (or open dump) stabilization and structural erosion control measures, leachate collection and treatment systems, and all closed land application areas.
- 7. **Other Controls:** There shall be no discharge of floating or settleable solids or visible foam in other than trace amounts, nor of free oil or other oil materials, nor 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. Off-site vehicle tracking of raw, final, or waste materials or sediments, and the generation of dust must be minimized. Tracking or blowing of raw, final or waste materials from areas of no exposure to exposed areas must be minimized. As appropriate to protect the stream bed, velocity dissipation devices must be placed at discharge location and along the length of any outfall channel to provide a non-erosive flow velocity from the structure to a water course so that natural physical and biological characteristics and functions are maintained and protected (e.g. no significant changes in the hydrological regime of the receiving water).

## **SECTION N. BENCHMARK MONITORING INSTRUCTIONS**

Benchmark monitoring is primarily for the permittee's use in determining the overall effectiveness of its SWPPP controls related to protection of water quality. Benchmark values are not limitations and exceedance of a benchmark value does not, in and of itself, constitute a violation of the permit.

While exceedance of a benchmark value does not automatically indicate that violation of a water quality standard has occurred in the receiving water, it can indicate areas where improvement of the SWPPP may be necessary or identify facilities that may need more specific controls placed into the permit. As incentive for the permittee to improve its SWPPP and to avoid the cost of monitoring, a waiver of monitoring in Year 4 is available if the discharge is below benchmark values in Year 2 of the permit.

Benchmark monitoring shall be conducted in Year 2 (12 months from the effective date of the permit) and Year 4 (36 months from the effective date of the permit). Waivers from benchmark monitoring are available to facilities whose discharges are below benchmark values during Year 2. Thus, there is an incentive for facilities to improve the effectiveness of their SWPPPs in eliminating discharges of pollutants and avoid the cost of monitoring. After collection of 4 quarterly samples from a particular storm water outfall during Year 2, if the average of the 4 monitoring values for any parameter in that sample does not exceed the benchmark, the monitoring requirements for that parameter (for that particular outfall) have been fulfilled for the permit term. For averaging purposes, use a value of zero for any individual sample parameter which is determined to be less than the method detection limit. For sample values that fall between the method detection level and the quantitation limit (i.e., a confirmed detection but below the level that can be reliably quantified), use a value halfway between zero and the quantitation limit.

<b>Effluent Characteristic</b>	<b>Benchmark Monitoring Concentration</b>
TSS	100 mg/l

### **Exceedances Caused by Natural Background Conditions**

Following the first 4 quarters of benchmark monitoring, if the average concentration of a pollutant exceeds a benchmark value, and the permittee determines that exceedances of the benchmark is attributable solely to the presence of that pollutant in the natural background, the permittee is not required to perform corrective action or additional benchmark monitoring provided that:

- The average concentration of the benchmark monitoring results is less than or equal to the concentration of that pollutant in the natural background;
- The permittee documents and maintains with the SWPPP the supporting rationale for concluding that benchmark exceedances are in fact attributable solely to natural background pollutant levels. The permittee must include in the supporting rationale any data previously collected by the permittee or others (including literature studies) that describe the levels of natural background pollutants in the storm water discharge; and
- The permittee notifies LDEQ on the final quarterly benchmark monitoring report that the benchmark exceedances are attributable solely to natural background pollutant levels.

Natural background pollutants include those substances that are naturally occurring in soils or groundwater. This natural background exception could apply to parameters such as metals derived from natural mineral deposits and nutrients attributable to background soil, vegetation, or wildlife

sources. Facilities must use the same sample collection, preservation, and analysis methods for natural background monitoring as required for benchmark monitoring.

The permittee can claim this exception if (1) natural background pollutant concentrations are greater than the corresponding benchmark value, and (2) there is no net facility contribution of the pollutant

(i.e., average concentration detected in runoff from all facility outfalls required to be monitored under the permit for 4 separate monitoring events minus the average natural concentration of the parameter for 4 separate monitoring events does not exceed zero). For example, if a facility determines that the natural background concentration of TSS from an undisturbed watershed is 200 mg/l, they can claim an exemption from further benchmark monitoring if the average of their four benchmark samples is equal to or lower than 200 mg/l. In this example, if the average of their four benchmark samples is greater than 200 mg/l, the facility could not claim this exception. The monitoring performed to determine the natural background concentration of a pollutant must be conducted concurrently with the facility's regular quarterly benchmark monitoring and the samples must be collected from a non-human impacted reference site upstream of the facility or a non-human impacted reference site in a comparable stream within the same watershed. The sample should be taken in the thalweg (the lowest point of the stream bed) of a flowing stream or mid-stream at a depth of 1 m or mid-depth (if total depth is less than 1 m).

The permittee must document the basis for concluding that benchmark exceedances are attributable solely to natural background pollutant levels. This explanation must include any data previously collected by the facility staff or others that describe the levels of natural background pollutants in the facility's receiving waters. The permittee must notify LDEQ in writing when submitting its monitoring data that it is claiming the exception for natural background pollutant levels and provide a summary of the natural background conditions that justify the exception. The full justification for the exception must be kept on-site with the facility's SWPPP and supporting documents and records, and made available to LDEQ on request.

LDEQ may review a permittee's determination that a benchmark exceedance is based solely on natural background concentrations, and disallow the exception if it finds the documentation inadequate.

#### **SECTION O. VEGATATIVE DEBRIS REQUIREMENTS (MULCH OR WOOD CHIPS)**

1. Should vegetative debris, typically resulting from post-storm cleanups, be staged at the facility prior to application, the piles of vegetative debris should maintain a height of less than 20 feet and base width of less than 30 feet to provide greater surface area for dissipation of heat and volatile gases, thereby minimizing the risks of spontaneous combustion.
2. Processes and staged material (chips) shall be at least 100 feet from site property boundaries, on-site buildings/structures, residential dwellings, commercial or public structures, potable water supply wells, and septic tanks with leach fields. Large piles should be located away from wooded areas, power lines, bridges, and other structures.

3. Vegetative debris shall be utilized at the landfill in a manner that is a beneficial use, such as erosion control.
4. The use of vegetative debris or mulch shall not cause any violations of narrative or numeric water quality standards. The waters of the state shall be maintained in an aesthetically attractive condition and shall meet the generally accepted aesthetic qualifications. All waters shall be free from such concentrations of substances attributable to wastewater or other discharges sufficient to:
  - a. settle to form objectionable deposits;
  - b. float as debris, scum, oil, or other matter to form nuisances or to negatively impact the aesthetics;
  - c. result in objectionable color, odor, taste, or
  - d. turbidity other than that of natural origin shall not cause substantial visual contrast with the natural appearance of the waters of the state or impair any designated water use;
  - e. injure, be toxic, or produce demonstrated adverse physiological or behavioral responses in humans, animals, fish, shellfish, wildlife, or plants; or
  - f. produce undesirable or nuisance aquatic life.
5. Mulch cover shall be applied in an uniform manner that reduces unnecessary runoff into the waters of the state.

## STANDARD CONDITIONS FOR LPDES PERMITS

SECTION A. GENERAL CONDITIONS1. 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. R.S. 30:2025 provides for civil penalties for violations of these regulations and the Louisiana Environmental Quality Act. 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 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;
- 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; or
- 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 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 R.S. 40:4(A)(6) the plans and specifications of all sewerage works, both public and private, must be approved by the Louisiana Department of Health 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 R.S. 40:1281.9, 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 Louisiana Department of Health state health officer. Furthermore, it is unlawful for any person to perform the duties of an operator without being duly certified.

In accordance with 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 Louisiana Department of Health.

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.

**16. Preproduction Plastics**

In accordance with the House Concurrent Resolution No. 37 from the 2021 Regular Session, there shall be zero discharge or release of preproduction plastic into waters of the state from facilities which manufacture or manage such material. Additionally, facilities which manufacture or manage preproduction plastic must maintain a spill prevention plan onsite or at the nearest manned facility (made available to LDEQ upon request) addressing procedures to prevent and abate any release or discharge of preproduction plastic into the waters of the state.

**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 or sludge use or disposal 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 backup 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 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 10 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 backup 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, constitutes 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;
  - (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.

7. Percent Removal

For Publicly Owned Treatment Works (POTWs), the 30-day average percent removal for Biochemical Oxygen Demand and Total Suspended Solids shall not be less than 85 percent in accordance with LAC 33:IX.5905.A.3 and B.3. POTWs utilizing waste stabilization ponds/oxidation ponds are not subject to the 85 percent removal rate for Total Suspended Solids.

### 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 30 minutes after the time the inspector presents his/her credentials and announces the purpose(s) of the inspection. Delay in excess of 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;

- 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 may be given an additional 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. Measurements and analyses 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 ensure 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 ongoing basis, and quality control acceptance criteria shall be used to determine the validity of the data. All method-specific quality controls 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 Wastewater*, 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 Service Center for Environmental Publications  
<https://nepis.epa.gov/Exe/ZyNET.exe/30000QSA.TXT?ZyActionD=ZyDocument&Client=EPA&Index=1981+Thru+1985&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C81thru85%5CTxt%5C00000001%5C30000QSA.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL>.

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 ensure 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 percent from true discharge rates throughout the range of expected discharge volumes and shall be calibrated by a qualified source at least once a year to ensure their accuracy. A qualified source is a person that has received formal training and/or has practical field experience in the calibration of the flow measurement device used at the facility. 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, and telephone number (800) 553-6847. Order by NTIS publication number COM-75-10683.  
<https://www.govinfo.gov/content/pkg/GOVPUB-C13-a301a5f6bf6ec378b4fab9c626c03e2/pdf/GOVPUB-C13-a301a5f6bf6ec378b4fab9c626c03e2.pdf>
- 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, and telephone number (800) 553-6847. Order by NTIS publication number PB-273 535.  
 Volume 1:  
<https://www.govinfo.gov/content/pkg/GOVPUB-C13-c0f8a094b9fcc5c32be685edbd48f942/pdf/GOVPUB-C13-c0f8a094b9fcc5c32be685edbd48f942.pdf>.

Volume 2:

<https://www.govinfo.gov/content/pkg/GOVPUB-C13-b3daf36f1cc0f770bc04d66da5cdc937/pdf/GOVPUB-C13-b3daf36f1cc0f770bc04d66da5cdc937.pdf>

- 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, and telephone number (800) 553-6847. Order by NTIS publication number PB-82-131178.

<https://nepis.epa.gov/Exe/ZyNET.exe/9101TZLK.TXT?ZyActionD=ZyDocument&Client=EPA&Index=1981+Thru+1985&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmiQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C81thru85%5CTxt%5C0000026%5C9101TZLK.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL>

7. Prohibition for Tampering: Penalties

- a. 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. 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 noncompliance.

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 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; and/or
  - (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 by an accredited commercial laboratory will be required.

Where retesting of effluent is not possible (for example, 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 LDEQ → About LDEQ → Public Participation and Permit Support → LA Lab Accreditation at the following link:

<http://deg.louisiana.gov/page/la-lab-accreditation>

Questions concerning the program may be directed to (225) 219-3247.

#### 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.
- c. For Municipal Permits. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to Section 301 or 306 of the CWA if it were directly discharging those pollutants, and any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit. In no case are any new connections, increased flows, or significant changes in influent quality permitted that will cause violation of the effluent limitations specified herein.

##### 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:IX. 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 using the pathway LDEQ → Water → LPDES Application Forms at the following link: <http://deg.louisiana.gov/page/lpdes-water-permits>

##### 4. Monitoring Reports

Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be submitted through a department-approved electronic document receiving system (NetDMR) in accordance with LAC 33:IX. Chapter 21 unless the state administrative authority gives written authorization to the permittee to submit monitoring results in an alternative format such as paper DMRs.

Information about NetDMR and gaining access can be viewed using the pathway LDEQ → Water → Enforcement → NETDMR on the department's website at: <http://deq.louisiana.gov/page/netdmr>

The permittee shall submit properly completed Discharge Monitoring Reports (DMRs) using the format specified in the permit.

If authorized to report using an alternative format such as paper DMRs, then preprinted DMRs will be provided to majors 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 the following address:

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

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 causes an emergency condition, the discharger shall notify the hotline (Department of Public Safety (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.Chapter 39.Subchapter E, but does not cause an emergency condition, the discharger shall promptly notify DPS by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) within 24 hours after learning of the discharge.

In the event of an unauthorized discharge that requires notification, the DPS 24-hour Louisiana Emergency Hazardous Materials Hotline will notify the Department of Environmental Quality.

In accordance with LAC 33:I.3923, notifications not required by LAC 33:I.3915 or 3917 shall be provided to the department within a time frame not to exceed 24 hours, or as specified by the specific regulation or permit provision requiring the notification, and shall be given to Single Point of Contact (SPOC), as follows:

- (1) by the Online Incident Reporting screens found at <http://deq.louisiana.gov/page/file-a-complaint-report-an-incident>; or

- (2) by email utilizing the Incident Report Form and instructions found at <https://www.deq.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=single-point-of-contact>; 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; and
  - (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 b, shall be submitted by the discharger to the Office of Environmental Compliance, Emergency and Radiological Services Division - SPOC in accordance with LAC 33:1.3925 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, identification of the site or facility, vessel, transport vehicle, or storage area from which the unauthorized discharge occurred, and the location where the incident 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; and
  - (7) remedial actions taken, or to be taken, to stop unauthorized discharges or to recover pollutants or sources of radiation.

Written notification reports shall be submitted to the Office of Environmental Compliance, SPOC by mail or e-mail. The transmittal envelope and report or e-mail subject line 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: OFFICE OF ENVIRONMENTAL COMPLIANCE – SPOC "UNAUTHORIZED  
DISCHARGE NOTIFICATION REPORT"

The Written Notification Report may be emailed to the Louisiana Department of Environmental Quality, Office of Environmental Compliance, Single Point of Contact at: [writtennotificationLDEQ@la.gov](mailto:writtennotificationLDEQ@la.gov).

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; and/or
  - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the state administrative authority in Part II 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:
    - (1) 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:
      - (a) One hundred micrograms per liter (100 µg/L);
      - (b) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
      - (c) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC 33:IX.2501.G.7; or
      - (d) The level established by the state administrative authority in accordance with LAC 33:IX.2707.F; or

- (2) which exceeds the reportable quantity levels for pollutants at LAC 33:I.Chapter 39.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:
- (1) 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":
    - (a) Five hundred micrograms per liter (500 µg/L);
    - (b) One milligram per liter (1 mg/L) for antimony;
    - (c) 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
    - (d) The level established by the state administrative authority in accordance with LAC 33:IX.2707.F; or
  - (2) which exceeds the reportable quantity levels for pollutants at LAC 33:I.Chapter 39.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:** The department 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 (for example, 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 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, 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; or
- b. Permit applications, permits, and effluent data.

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 CONDITIONS

#### 1. Criminal

##### a. Negligent Violations

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 one 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

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 three 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

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

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 two 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 four years, or both.

2. Civil Penalties

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 Public Law 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. The CWA was formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972.
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 in accordance with 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. Loading is presented in the permit and reported in the DMR as the total amount of a pollutant entering the facility or discharged in the effluent. It is calculated by knowing the amount of flow, the concentration, and the density of water. Results should be rounded off and expressed with the same number of significant figures as the permit limit. If the permit does not explicitly state how many significant figures are associated with the permit limit, the permittee shall use two.

$$\text{Loading (lbs/day)} = \text{Flow (in MGD)} \times \text{Concentration (mg/L)} \times 8.34^*$$

\*8.34 is the unit conversion for the weight of water

- 17. 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.
- 18. Monthly Average discharge limitations (other than for bacteria indicators, such as fecal coliform and enterococci) 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 bacteria indicators is the geometric mean of the values for all effluent samples collected during a calendar month.

- 19. 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.
- 20. POTW means Publicly Owned Treatment Works.
- 21. 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.
- 22. 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.

23. Sewage sludge means any solid, semisolid, 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.
24. Stormwater Runoff means aqueous surface runoff including any soluble or suspended material mobilized by naturally occurring precipitation events.
25. Surface Water means 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.
26. 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.)
27. For fecal coliform bacteria, a sample consists of one effluent grab portion collected during a 24-hour period at peak loads.
28. The term MGD shall mean million gallons per day.
29. The term GPD shall mean gallons per day.
30. The term mg/L shall mean milligrams per liter or parts per million (ppm).
31. 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).
32. The term SPCC shall mean Spill Prevention Control and Countermeasures Plan. Plan covering the release of pollutants as defined in 40 CFR Part 112.
33. The term µg/L shall mean micrograms per liter or parts per billion (ppb).
34. The term ng/L shall mean nanograms per liter or parts per trillion (ppt).
35. Visible Sheen means a silvery or metallic sheen, gloss, or increased reflectivity; visual color; or iridescence on the water surface.
36. Wastewater means 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.
37. Waters of the State means 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 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.

38. 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.