BOBBY JINDAL
GOVERNOR

HAROLD LEGGETT, PH.D.
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY

ENVIRONMENTAL SERVICES

MAY 2 2 2008

CERTIFIED MAIL NUMBER: 7008 0150 0003 4519 4124
RETURN RECEIPT REQUESTED

AGENCY INTEREST NUMBER: 155751
PERMIT NUMBER: LASS155751
TEMPO ID NUMBER: PER20080001

Joe's Septic Contractor, Inc.
P.O. Box 336
Cut Off, Louisiana 70345

Attention: Mr. Chad Boudreaux, Owner/Operator

Subject: Draft Louisiana Sewage Sludge and Biosolids Use or Disposal permit for a Publicly Owned Treatment Works (POTW) to prepare sewage sludge for disposal in a permitted Municipal Solid Waste Landfill (MSWL).

Dear Mr. Boudreaux:

The Department of Environmental Quality proposes to issue a Louisiana Sewage Sludge and Biosolids Use or Disposal permit with the limitations, monitoring requirements, and special conditions listed in the attached DRAFT PERMIT. Please note that this is a DRAFT PERMIT only and as such does not grant any authorization to commence to prepare sewage sludge for disposal in a permitted Municipal Solid Waste Landfill (MSWL). Authorization to operate in accordance with this permitting action will only be granted after all requirements described herein are satisfied and by the subsequent issuance of a FINAL PERMIT.

This Office will publish a public notice one time in the local newspaper of general circulation, and in the Department of Environmental Quality Public Notice Mailing List. A copy of the public notice containing the specific requirements for commenting to this draft permit action will be sent under separate cover at the time the public notice is arranged. The applicant shall receive and is responsible for paying the invoice(s) from the newspaper(s).

The Sewage Sludge Use or Disposal regulations are located in Chapter 73 of LAC 33:IX. A copy of Chapter 73 of LAC 33:IX may be accessed directly from the Internet at the Department's Biosolids Internet Site → http://www.deq.louisiana.gov/portal/tabid/2296/Default.aspx or can be obtained from the DEQ Office of Environmental Assessment, Post Office Box 4314, Baton Rouge, Louisiana 70821-4314, (225) 219-3236.

Should you have any questions concerning any part of the DRAFT PERMIT, public notice requirements, or fees, please contact Mr. J. Kilren Vidrine, Office of Environmental Services, Water Permits Division, at the address on the preceding page or telephone (225) 219-3012. Please reference your Agency Interest Number, AI 155751, your TEMPO ID Number PER20080001, and your Louisiana Sewage Sludge and Biosolids Use or Disposal Permit Number, LASS155751, on all future correspondence to the Department.

Sincerely,

Cheryl Sonnier Nolan
Assistant Secretary

jkv

Attachments

ec: cover letter, fact sheet and draft permit:

Ms. Melanie Vegas Gaspard, P.E.
Picciola & Associates, Inc.
melanie@picciola.com

Mr. Mike Algero, Regional Manager
Southeast Regional Office – OEC
Mike.Algero@LA.GOV

Mr. Pat Breaux
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Ms. Celena Cage, ES Manager
Enforcement Division - OEC
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Ms. Cheryl Easley, ES-Senior
Enforcement Division – OEC
Cheryl.Easley@LA.GOV

Mr. J. Kilren Vidrine, ES-Staff
OES – Water Permits Division
Kilren.Vidrine@LA.GOV

IO-Biosolids
Public Participation Group

DRAFT

DRAFT PERMIT NUMBER: LASS155751
AGENCY INTEREST NUMBER: AI 155751
TEMPO NUMBER: PER20080001

DEQ
LOUISIANA

OFFICE OF ENVIRONMENTAL SERVICES

Sewage Sludge and Biosolids Use or Disposal Permit

Pursuant to the Louisiana Environmental Quality Act, as amended (La. R. S. 30:2001 et seq.), rules and regulations effective or promulgated under the authority of said Act, and in reliance on statements and representations heretofore made in the application, a Louisiana Sewage Sludge and Biosolids Use or Disposal Permit is issued authorizing

Joe's Septic Contractor, Inc.
P.O. Box 3368
Cut Off, Louisiana 70345

Type Facility: Pumper/Hauler – Preparer of Sewage Sludge

Location: 15344 Hwy. 3235, Cut Off, Lafourche Parish

to prepare sewage sludge for subsequent disposal in a permitted landfill in accordance with the conditions set forth in Parts I, II, III, & IV of this permit, attached hereto.

This permit shall become effective on

This permit shall expire five (5) years from the effective date of the permit.

Issued on

DRAFT

Cheryl Sonnier Nolan
Assistant Secretary

GALVEZ BUILDING • 602 N. FIFTH STREET • P.O. BOX 4313 • BATON ROUGE, LA 70821-4313 • PHONE (225) 219-3181

Part I
Description of Preparation Facility and Use or Disposal Practice

The authorization to prepare sewage sludge at the facility owned and operated by the Joe's Septic Contractor, Inc. and shall be described as follows:

Outfall Serial Number(s)	Description of Sludge Source
201	Sewage sludge (domestic septage and portable toilet waste pumped/hauled) prepared by the Joe's Septic Contractor, Inc. at a facility located at 15344 Hwy. 3235, Cut Off, Lafourche Parish, Louisiana. The sewage sludge is treated/prepared by undergoing treatment in a 10,000 gallons per day extended aeration packaged treatment plant. When removal of the sewage sludge becomes necessary, the sewage sludge will then be disposed in a permitted Municipal Solid Waste Landfill (MSWL).

Part II
Specific Conditions

A. General

1. This Sewage Sludge and Biosolids Use or Disposal Permit applies only for the preparation of sewage sludge for disposal in a permitted Municipal Solid Waste Landfill (MSWL).

2. The permittee shall prepare the sewage sludge and dispose of the prepared sewage sludge in a permitted Municipal Solid Waste Landfill (MSWL) in accordance with the provisions set forth in this permit and all other applicable State regulations pertaining to the use or disposal of sewage sludge to protect public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present in the sewage sludge.

3. Failure to prepare the sewage sludge and properly dispose of the prepared sewage sludge in a permitted Municipal Solid Waste Landfill (MSWL) in accordance with the Act, the Louisiana Administrative Code, the applicable parts of Title 33, Part IX, or this Sewage Sludge and Biosolids Use or Disposal Permit shall constitute a violation which will subject the Permittee to the possible enforcement action including but not limited to the imposition of civil penalties and to the possible suspension or revocation of this Sewage Sludge and Biosolids Use or Disposal Permit.

4. The preparation of sewage sludge and subsequent disposal in a permitted Municipal Solid Waste Landfill (MSWL) through any practice for which requirements have not been established in this Permit will constitute a violation of this Permit.

5. The introduction of sewage sludge that is mixed with grease that was pumped or collected from a Food Service Facility into any part of a treatment works, including its collection system, is prohibited.

B. Preparation Facility

1. Operations and Maintenance Manual

a. The Facility Operations and Maintenance Manual shall be updated as needed and kept on-site and readily available to employees and, if requested, to the administrative authority or his/her duly authorized representative.

b. The Facility Operations and Maintenance Manual must describe, in specific detail, how the sewage sludge will be managed during all phases of the preparation and subsequent disposal in a permitted Municipal Solid Waste Landfill (MSWL). At a minimum, the manual shall address the following:

- Site and project description;
- Regulatory interfaces;
- Process (preparation) management plan;
- Pollutant reduction in the sewage sludge;
- Control of stormwater run-on and runoff;
- Collection and treatment of all washdown water and leachate;
- Prepared sewage sludge storage procedures;
- Odor management plan;
- Worker health and safety management plan;
- Housekeeping and nuisance management plan;
- Emergency preparedness plan;
- Security, community relations, and public access plan;
- Regulated chemicals (list and location of regulated chemicals kept on-site);
- Monitoring, sampling, recordkeeping, and reporting procedures;
- Product distribution records;
- Description of how the prepared sewage sludge will be collected and transported to the permitted Municipal Solid Waste Landfill (MSWL).
- Operator certification; and
- Administration of the operations and maintenance manual.

2. Operational Standards

a. The facility must include a receiving area, preparing areas, and storage area that are located on surfaces capable of preventing groundwater contamination (periodic inspections of the surface shall be made to ensure that the underlying soils and the surrounding land surface are not being contaminated).

b. All washdown, leachate, and other contaminated wastewater associated with the sewage sludge preparation process shall be collected and transported or piped to the headworks of the Joe's Septic Contractor, Inc. 10,000 gallons per day extended aeration packaged treatment plant.

c. All sewage sludge preparation areas shall be protected from any stormwater runoff. If necessary, any stormwater and/or leachate generated at the preparation area shall be collected, transported or piped to the headworks of the Joe's Septic Contractor, Inc. 10,000 gallons per day extended aeration packaged treatment plant.

d. Provisions shall be made for the daily cleanup of the facility, including equipment and sewage sludge handling areas.

e. Sufficient equipment shall be provided and maintained at the facility to meet operational needs.

3. Odor Management

a. The production of odor shall be minimized.

b. Any processed air produced at the facility and other sources of odor shall be contained and, if necessary, properly treated in accordance with an Air Quality Permit in order to remove odor before discharging to the atmosphere.

C. Hazardous Sewage Sludge

1. This Permit does not establish requirements for the use or disposal of sewage sludge that is hazardous under 40 CFR Part 261 and/or LAC 33:Part V.

2. The permittee must take all steps to assure that any material prepared with sewage sludge is non-hazardous in accordance with 40 CFR Part 261 and/or LAC 33:Part V.

D. Sewage Sludge with High PCB Concentration

This Permit does not establish requirements for the use or disposal of sewage sludge with a concentration of polychlorinated biphenyls (PCBs) equal to or greater than 50 milligrams per kilogram of total solids (dry weight basis).

E. Monitoring and Sampling & Analysis

1. The permittee shall sample and analyze representative samples of the prepared sewage sludge for the parameters listed in Table 1 below:

Table 1 Prepared Sewage Sludge (Hazardous Characteristics Testing)	
Parameter	**Sampling Frequency**
TCLP Metals (As, Ba, Cd, Cr, Pb, Se, Ag) Hg Volatile Organics Semi-Volatile Organics Pesticides Herbicides	Once/Year
PCB (Total)	Once/Year

2. The sewage sludge shall be tested at a frequency required by the Municipal Solid Waste Landfill in accordance with the method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Pub. No. SW-846).

3. Any other sampling and analysis required by the owner/operator of the Municipal Solid Waste Landfill to demonstrate compliance with the Municipal Solid Waste Landfill.

4. All samples and measurements taken for the purpose of laboratory analysis shall be representative of the monitored activity and shall be in accordance with the methods referenced in LAC 33:IX.7301.I.

F. Recordkeeping and Reporting

1. Recordkeeping

a. The laboratory results for the parameters in Table 1 of this permit and for the Paint Filter Liquids Test shall be retained for the life of the permit.

b. The permittee shall create and maintain records of monitoring and sampling and analysis information that shall include:

- the date, exact place, and time of sampling or measurements;
- the individual(s) who performed the sampling or measurements;
- the date(s) analyses were performed;
- the individual(s) who performed the analysis;
- the analytical techniques or methods used; and,
- the results of such analysis.

2. Reporting

The permittee shall submit reports to the administrative authority as indicated below:

a. The amount (tons/yr. on a dry wt. basis) of sewage sludge prepared at the facility shall be reported once per year on the due date indicated in Table 2 below.

b. The annual amount (tons/yr. on a dry wt. basis) of prepared sewage sludge that is disposed in the permitted Municipal Solid Waste Landfill (MSWL) shall be reported once per year on the due date indicated in Table 2 below.

c. The results of the Paint Filter Liquids Test required in E.2 above, the parameters listed in Table 1 of this permit, and any additional test required by the Municipal Solid Waste Landfill where the sewage sludge is disposed.the reporting due date is as indicated in Table 2 below.

Table 2	
Reporting—Disposal in a Municipal Solid Waste Landfill	
Monitoring Period (Once per Year)	Report Due Date
January - December	February 28

d. The following certification statements shall be a part of each annual report:

"I certify, under penalty of law, that the information that will be used to determine compliance with the preparation of sewage sludge and ultimate disposal in a permitted Municipal Solid Waste Landfill (MSWL) was prepared under my direction and supervision in accordance with the system as described in the permit application, designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

"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 gathered and evaluated 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 a fine and imprisonment for knowing violations."

e. The permittee shall report results of the monitoring of the sewage sludge on a form specified by the Administrative Authority.

f. If the permittee monitors any pollutant, in accordance with applicable test procedures specified in this permit, more frequently than required by the permit, then the results of this monitoring shall be reported to the Administrative Authority on the forms specified by the Administrative Authority.

G. Storage of Sewage Sludge

1. The storage of sewage sludge shall not exceed a period of six consecutive months unless notification is submitted to the administrative authority in the form of a demonstration that includes, but is not limited to, the following information:

a. the name and address of the person who prepared the sewage sludge;

b. the name and address of the person who either owns or leases the land where the prepared sewage sludge is to be stored, if different from the person who prepared the sewage sludge;

c. the location, by either street address or latitude and longitude, of the land where the prepared sewage sludge is to be stored;

d. an explanation of why the prepared sewage sludge needs to remain on the land;

e. an explanation of why human health and the environment will not be affected by the extended storage of the prepared sewage sludge;

f. the approximate date and length of time the prepared sewage sludge will be stored on the land; and

g. the final use and disposal method of the prepared sewage sludge after the storage period has expired.

2. The request for an extension for storage for greater than six months must be submitted in writing to the Office of Environmental Services at least 60 days prior to the expiration of the first six-month storage period.

3. The storage period shall not extend for greater than six months until the administrative authority has made and issued a determination to grant or deny the request for the storage of sewage sludge beyond the original six month storage period.

H. Other Requirements for Sewage Sludge Disposed in a Municipal Solid Waste Landfill

1. The Municipal Solid Waste Landfill (MSWL) where the sewage sludge is disposed must possess a permit issued under LAC 33:VII or Subtitle C of the Solid Waste Disposal Act.

2. The permittee shall provide the necessary information to the owner/operator of the landfill where the sewage sludge is disposed to assure that the landfill will be in compliance with its permit requirements.

3. On an annual basis, the permittee shall provide proof to the administrative authority that the sewage sludge is disposed at an approved landfill by furnishing the name, address, and permit number of the landfill to the administrative authority.

4. The permittee shall provide to the administrative authority copies of all records of sampling and laboratory analyses of the sewage sludge that are required by the owner/operator of the Municipal Solid Waste Landfill where the sewage sludge is disposed.

Part III
Standard Conditions Applicable to All Sewage Sludge and Biosolids Use or Disposal Permits

A. Duty to Comply

1. Authorization to prepare sewage sludge and any other material prepared with sewage sludge pursuant to the conditions of this permit does not relieve the permittee of any liability for damages to private property.

2. The permittee shall comply with all conditions in this permit. Failure to comply with this permit constitutes a violation of the Louisiana Environmental Quality Act, as amended (La. R. S. 30:2001 et seq.) and is grounds for an enforcement action or for modification, revocation and reissuance, or termination of the permit.

3. The permittee shall take all reasonable steps to minimize or prevent any sludge use or disposal practice which violates this permit and which also has a reasonable likelihood of adversely affecting human health or the environment.

4. The permittee shall properly operate and maintain all facilities and systems of treatment and control, with all related appurtenances, including adequate laboratory controls and appropriate quality assurance procedures, which have been installed or used by the permittee for the purpose of achieving compliance with the conditions of this permit. The permittee shall also properly operate and maintain backup or auxiliary facilities or similar systems when their operation is necessary to achieve compliance with the conditions of this permit.

B. Permit Actions

1. The Department of Environmental Quality reserves the right to modify, revoke, and reissue this permit to conform to any applicable sludge use or disposal standard, promulgated under the Louisiana Environmental Quality Act, as amended (La. R. S. 30:2001 et seq.) or under Section 405(d) of the Clean Water Act, which is more stringent than any limitation on the affected sludge pollutant or acceptable use or disposal practice authorized in this permit, or which controls a pollutant or use or disposal practice not limited in this permit.

2. This permit may be modified or revoked and reissued where there are material and substantial alterations or additions to the permitted facility or activity, including a change in the permittee's sludge use or disposal practices, and which justify different or additional permit conditions.

3. The permittee shall give prior notice to Administrative Authority of any planned changes in the sewage sludge disposal practice. These changes may justify the application of permit conditions that are different from or absent in the existing permit.

4. This permit may be revoked and reissued due to changes in the permitted facility or activity, planned by the permittee, which may result in the failure to comply with permit requirements.

5. The permittee may transfer this permit to a new owner or operator if the permit has been either modified or revoked and reissued to identify the new permittee and to incorporate such other requirements as may be necessary to assure compliance with the Louisiana Environmental Quality Act.

6. The permittee, upon prior authorization of the permitting authority, may transfer this permit to a new permittee if the following conditions have been met:

- The permittee notifies the permitting authority of the proposed transfer date at least thirty (30) days in advance;
- The notice includes a written agreement between the permittee and the proposed new permittee(s) which contains a date for transfer of permit responsibility,
- coverage, and liability; and,
- The permittee does not receive notification from the permitting authority that it will exercise its discretion to modify or revoke and reissue the permit. Under this circumstance, the permit transfer is effective on the date specified in the written agreement.

7. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, does not justify the failure to comply with any permit condition.

8. The filing by the permittee of a notification of planned changes or of anticipated noncompliance does not justify the failure to comply with any permit condition.

9. The permittee must apply for and obtain a new permit within one hundred eighty (180) days prior to the expiration date of this permit in order to continue an activity regulated hereunder.

10. The permittee shall submit a new application at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Administrative Authority. In no case may permission be granted to submit a new application later than the expiration date of the existing permit.

11. Provisions of this permit may be appealed in writing pursuant to La. R.S. 30:2024(A) within thirty (30) days from receipt of the permit. Only those provisions specifically appealed will be suspended by a request for hearing unless the Secretary or Assistant Secretary elects to suspend other provisions as well.

C. 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 sewage sludge use or disposal practice 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 non-complying practice.

3. Proper Operation and Maintenance

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

b. The permittee shall provide an adequate operating staff which is duly qualified to carry out operation, maintenance and other functions necessary to ensure compliance with the conditions of this permit.

D. Laboratory Accreditation

1. 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.

2. Laboratory data generated by commercial environmental laboratories that are not accredited under these regulations will not be accepted by the department. Retesting of analysis will be required by an accredited commercial laboratory.

3. Where retesting is not possible, the data generated will be considered invalid and in violation of the Sewage Sludge and Biosolids Use or Disposal permit.

4. Regulations on the Environmental Laboratory Accreditation Program and a list of labs that have applied for accreditation are available on the department website located at:

http://www.deq.louisiana.gov/portal/tabid/72/Default.aspx

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

E. Inspections and Information

1. The permittee shall furnish to the permitting authority, within a reasonable time, any information requested for the purposes of determining compliance with the permit or determining whether cause exists for modifying, revoking and reissuing, or terminating this permit. The permittee shall also furnish, upon request of the permitting authority, copies of any records required to be kept under the conditions of this permit.

2. The permittee shall allow a properly credentialed representative of the administrative authority to perform the following functions:

- Enter the permittee's premises where a regulated facility is located, where a regulated activity is being conducted, or where records are required to be kept under the conditions of this permit.
- At reasonable times, have access to and copy any records required to be kept under the conditions of this permit.
- At reasonable times, inspect any facilities, equipment (including monitoring and control equipment), practices, or operations either regulated or required under this permit. (4) At reasonable times, sample and monitor any substances, parameters or practices at any location, either for the purposes of assuring permit compliance or as otherwise authorized by the regulations at LAC 33:IX.Chapter 73 for the Standards for the Use or Disposal of Sewage Sludge and Biosolids.

F. 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.

G. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Section D.4 at the time monitoring reports are submitted.

H. Additional Notification

1. The permittee shall notify the administrative authority 30 days prior to any planned alteration or addition to the permitted facility which results in a significant change in the permittee's sludge use or disposal practices, where such alteration, addition or change may justify different or additional permit conditions. The permittee shall also notify the permitting authority 30 days prior to any additional use or disposal sites not previously reported during the permit application process or not reported pursuant to an approved land application site.

2. The permittee shall notify the permitting authority 30 days prior to any planned changes in the permitted facility or activity which may result in the permittee's failure to comply with permit requirements.

3. The permittee shall promptly submit to the permitting authority any relevant facts or information where the permittee becomes aware of its failure to have previously submitted such information or to have previously submitted incorrect information in a permit application or in any report.

4. The permittee shall report to the permitting authority all instances of its failure to comply with the conditions of this permit. Reports of the permittee's failure to comply shall be submitted with the permittee's next self monitoring report or earlier, if requested by the permitting authority or if required by an applicable sludge use or
disposal standard or permit conditions.

I. Signatory Requirements

1. Reports:

All notifications of intent, notices of termination, reports, certifications or information either submitted to the Administrative Authority, or that this permit requires be maintained by the permittee, shall be signed as follows:

- For a corporation: by a responsible corporate officer. For the purpose of this permit, 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 employing more than 250 persons or having gross annual sales or expenditures exceeding $25,000,000 (in second-quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

- For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

- For a municipality, State, Federal, or other public facility: 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.

2. Authorized Representative:

- All reports required by the permit and other information requested by the Administrative Authority shall be signed by a person described in A. above or be signed by a duly authorized representative of that person. A person is a duly authorized representative only if:

- The authorization is made in writing by a person described above and submitted to the Administrative Authority.

- 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 manager, operator, superintendent, or 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 any individual occupying a named position).

3. Changes to Authorization:

If an authorization under Number 2 above. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a notification satisfying the requirements of this Section must be submitted to the Administrative Authority prior to or together with any reports, information, or applications to be signed by an authorized representative.

J. Certification

Any person signing documents under this section 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 gathered and evaluated 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 a fine and imprisonment for knowing violations."

K. Recordkeeping

1. The permittee shall retain records of all data used to complete the application for this permit for a period of at least five years, unless required by LAC 33:IX.Chapter 73 to be retained for a longer period.

2. The permittee shall retain all records.of monitoring information required by this permit, related to the permittee's sludge generation, treatment, use and disposal activities, for a period of at least five years from the date of the sample or measurement, unless required by LAC 33:IX.Chapter 73 to be retained for a longer period.

3. The permittee shall retain copies of all reports required by this permit for a period of at least five years from the date of the report, unless required by LAC 33:IX.Chapter 73 to be retained for a longer period.

4. At any time upon the request of the permitting authority, the period required for retention of records and reports may be extended.

5. All reports and information submitted to the administrative authority shall be signed and certified by the following individual, as appropriate; by a responsible corporate officer; by a general partner or the proprietor; by the principle executive office or ranking public official of a municipality, State, federal or other public agency; or by a duly authorized representative.

L. Availability of Records

All recorded information (completed permit application forms, fact sheets, draft permits, reporting forms 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 LAC 33:IX.2323.A & .C and LAC 33:IX.6503 shall be made available by the Department to the public for inspection and copying during normal working hours in accordance with the Public Records Act, R.S. 44:1 et seq.

M. Claims of Confidentiality

- Claims of confidentiality for the following will be denied:
- The name and address of any permit applicant or permittee;
- Permit applications, permits, and effluent data; and,
- Information required by the Sewage Sludge and Biosolids Use or Disposal Permit application forms provided by the state administrative authority may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

N. Enforcement Actions

The Department may take enforcement action as prescribed by state law or regulation against any person who fails to comply with any condition of the permit or with the Standards for the Use or Disposal of Sewage Sludge and Biosolids regulations (LAC 33:IX.Chapter 73).

O. State Laws

Nothing in an issued 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.

P. Addresses

All Permit Renewals, Notices of Changes of Owner or Operator, Notices of Violations, Notices of Termination, or Changes to Authorizations are to be sent to the following address:

Cheryl Sonnier Nolan
Assistant Secretary
Louisiana Department of Environmental Quality
Office of Environmental Services
P.O. Box 4313
Baton Rouge, Louisiana 70821-4313

A. General Definitions

Administrative Authority – the secretary of the Department of Environmental Quality or his designee or the appropriate assistant secretary or his designee.

Air Operations Area – Any area of an airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft. An air operations area includes such paved areas or unpaved areas that are used or intended to be used for the unobstructed movement of aircraft in addition to its associated runway, taxiways, or apron.

Apply Biosolids or Biosolids Applied to the Land—land application of Biosolids.

Base Flood—a flood that has a 1 percent chance of occurring in any given year (i.e., a flood with a magnitude equaled once in 100 years).

Beneficial Use—using Biosolids for the purpose of soil conditioning or crop or vegetative fertilization in a manner that does not pose adverse effects upon human health and the environment or cause any deterioration of land surfaces, soils, surface waters, or groundwater.

Biosolids—sewage sludge, or material derived from sewage sludge, that is nonhazardous, has a PCB concentration of less than 50 mg/kg of total solids (dry weight), and is prepared to meet one of the pollutant requirements of LAC 33:IX.7303.E, one of the pathogen requirements in LAC 33:IX.7309.C, and one of the vector attraction reduction requirements in LAC 33:IX.7309.D.

Bulk Biosolids—Biosolids that is not sold or given away in a bag or other container for application to the land.

Class B Biosolids— *Biosolids* that do not meet one or more of the following requirements:

1. the pollutant concentrations in Table 3 of LAC 33:IX.7303.E;
2. the pathogen requirements in LAC 33:IX.7309.C.1;
3. one of the vector attraction reduction requirements in LAC 33:IX.7309.D.2.a-e; and/or
4. a PCB concentration of less than 10 mg/kg of total solids (dry weight basis).

Class I Sludge Management Facility—for the purpose of this Chapter:

1. any *Publicly Owned Treatment Works (POTW)* or *Privately Owned Sanitary Wastewater Treatment Facility* (*POSWTF*) or system, regardless of ownership, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage;
2. the person who prepares sewage sludge or a material derived from sewage sludge, including commercial preparers of sewage sludge;
3. the owner/operator of a sewage sludge incinerator; and
4. the person who applies sewage sludge or a material derived from sewage sludge to the land (includes commercial land appliers of sewage sludge).

Commercial Preparer of Sewage Sludge—any person who prepares sewage sludge for monetary profit or other financial consideration and either the person is not the generator of the sewage sludge or the sewage sludge was obtained from a facility or facilities not owned by or associated with the person.

Commercial Land Applier of Biosolids—any person who applies Biosolids to the land for monetary profit or other financial consideration and the Biosolids were obtained from a facility or facilities not owned by or associated with the person.

Contaminate an aquifer- to introduce a substance that causes the maximum contaminant level for nitrate in 40 CFR 141.62(b) to be exceeded in the ground water or that causes the existing concentration of nitrate in ground water to increase when the existing concentration of nitrate in the ground water exceeds the maximum contaminant level for nitrate in 40 CFR 141.62(b).

Cover Crop—a small grain crop, such as oats, wheat, or barley, not grown for harvest.

Domestic Septage—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 a grease trap at a restaurant.

Domestic Sewage—waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.

Dry Weight Basis—calculated on the basis of having been dried at 105°C until reaching a constant mass (i.e., essentially 100 percent solids content).

Exceptional Quality Biosolids—Biosolids that meets the ceiling concentrations in Table 1 of LAC 33:IX.7303.E, the pollutant concentrations in Table 3 of LAC 33:IX.7303.E, the pathogen requirements in LAC 33:IX.7309.C.1, one of the vector attraction reduction requirements in LAC 33:IX.7309.D.2.a-e, and the concentration of PCBs of less than 10 mg/kg of total solids (dry weight).

Feed Crops—crops produced primarily for consumption by animals.

Feedstock—primarily biologically decomposable organic material that is blended, mixed, or composted with sewage sludge.

Fiber Crops—crops such as flax and cotton.

Food Crops—crops consumed by humans. These include, but are not limited to, fruits, vegetables, and tobacco.

Food Service Facility - any facility which prepares and/or packages food or beverages for sale or consumption, on or off site, with the exception of private residences. *Food service facilities* shall include, but are not limited to: food courts, food manufacturers, food packagers, restaurants, grocery stores, bakeries, lounges, hospitals, hotels, nursing homes, churches, schools and all other food service facilities not listed above.

Grease - a material either liquid or solid, composed primarily of fat, oil, or grease from animal or vegetable sources. The terms *fats oils and grease*, *oil and grease* and *oil and grease substances* shall all be included within this definition.

Groundwater—water below the land surface in the saturated zone.

Industrial Park - an area that is legally zoned for the purpose of the construction and operation of a group of industries and businesses and entered as legally zoned for such purpose in the public records of the state, parish, city, town, or community where the park is located.

Industrial Wastewater—wastewater generated in a commercial or industrial process.

Land Application—the beneficial use of sewage sludge, a material derived from sewage sludge, or domestic septage by either spraying or spreading onto the land surface, injection below the land surface, or incorporation into the soil.

Other Container—either an open or closed receptacle. This includes, but is not limited to, a bucket, a box, a carton, and a vehicle or trailer with a load capacity of one metric ton or less.

Permitting Authority—either EPA or a state with an EPA-approved sludge management program.

Person Who Prepares Sewage Sludge—the person who generates sewage sludge during the treatment of domestic sewage in a treatment works, the person who treats sewage sludge, or the person who derives a material from sewage sludge.

Pollutant—an organic substance, an inorganic substance, a combination of organic and inorganic substances, or a pathogenic organism that, after discharge and upon exposure, ingestion, inhalation, or assimilation into an organism either directly from the environment or indirectly by ingestion through the food chain, could, on the basis of information available to the administrative authority, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunction in reproduction), or physical deformations in either organisms or offspring of the organisms.

Pollutant Limit—a numerical value that describes the amount of a pollutant allowed per unit amount of sewage sludge (e.g., milligrams per kilogram of total solids); the amount of a pollutant that can be applied to a unit area of land (e.g., kilograms per hectare); or the volume of a material that can be applied to a unit area of land (e.g., gallons per acre).

Private Land Applier – the person who land applies sewage sludge or a material derived from sewage sludge for private benefit purposes and the land application is not for monetary profit or other financial consideration and either the person did not generate or prepare the sewage sludge or a material derived from sewage sludge or the facility or facilities where the sewage sludge or a material derived from sewage sludge was obtained is not owned by or associated with the private land applier.

Privately Owned Sanitary Wastewater Treatment Facility (*POSWTF*) – a privately owned treatment works that is utilized to treat sanitary wastewater and is not a *Publicly Owned Treatment Works (POTW)*.

Publicly Owned Treatment Works (POTW) - a treatment works, as defined by Section 212 of the Clean Water Act, that is owned by a state or municipality [as defined by Section 502(4) of the Clean Water Act]. This includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It includes sewers, pipes, and other conveyances only if they convey wastewater to a *POTW*; and the municipality [as defined by Section 502(4) of the Clean Water Act] that has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

Pumper of Sewage Sludge—a person who removes sludge from a sanitary wastewater treatment facility; domestic septage from a residential septic tank, mechanical treatment plant, or dump station for recreational vehicles and watercrafts or vessels; residuals from a portable toilet; or grease from a food service facility that is mixed with sewage sludge.

Qualified ground-water scientist-an individual with a baccalaureate or post-graduate degree in the natural sciences or engineering who has sufficient training and experience in ground-water hydrology, subsurface geology, and/or related fields, as may be demonstrated by state registration, professional certification, or completion of accredited university programs, to make sound professional judgments regarding ground-water monitoring, pollutant fate and transport, and corrective action.

Runoff—rainwater, leachate, or other liquid that drains overland on any part of a land surface and runs off of the land surface.

Sewage Sludge – 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.

Surface Disposal—the use or disposal of sewage sludge that does not meet the criteria of *land application* as defined in this Subsection. This may include, but is not limited to, ponds, lagoons, sewage sludge only landfills (monofills), or landfarms.

Supplements—for the purpose of this Chapter, materials blended, composted, or mixed with sewage sludge or other feedstock and sewage sludge in order to raise the moisture level and/or to adjust the carbon to nitrogen ratio, and materials added during composting or to compost to provide attributes required by customers for certain compost products.

To Store, or Storage of, Sewage Sludge—the temporary placement of sewage sludge on land.

To Treat, or Treatment of, Sewage Sludge—the preparation of sewage sludge for final use or disposal. This includes, but is not limited to, blending, mixing, composting, thickening, stabilization, and dewatering & solidification of sewage sludge. This does not include storage of sewage sludge.

Transporter of Sewage Sludge – any person who moves sewage sludge off-site or moves sewage sludge to a storage site, treatment or processing site, disposal site or land application site.

Treatment Works—either a federally owned, publicly owned, or privately owned device or system used to treat (including recycle and reclaim) either domestic sewage or a combination of domestic sewage and industrial waste of a liquid nature.

B. Specific Definitions – Land Application

Agricultural Land—land on which a food crop, a feed crop, or a fiber crop is grown. This includes range land and land used as pasture.

Agronomic Rate—

a. the whole Biosolids application rate (dry weight basis) designed:

   i. to provide the amount of nitrogen needed by the food crop, feed crop, fiber crop, cover crop, or vegetation grown on the land; and

   ii. to minimize the amount of nitrogen in the Biosolids that are not utilized by the crop or vegetation grown on the land and either passes below the root zone to the groundwater or gets into surface waters during storm events;

b. agronomic rate may be extended to include phosphorus to application sites that are located within the drainage basin of water bodies that have been determined by the administrative authority to be impaired by phosphorus

Annual Pollutant Loading Rate—the maximum amount of a pollutant that can be applied to a unit area of land during a 365-day period.

Annual Whole Biosolids Application Rate—the maximum amount of Biosolids (dry weight basis) that can be applied to a unit area of land during a 365-day period.

Cumulative Pollutant Loading Rate—the maximum amount of an inorganic pollutant that can be applied to an area of land.

Forest—a tract of land thick with trees and underbrush.

Monthly Average—the arithmetic mean of all measurements taken during the month.

Pasture—land on which animals feed directly on feed crops such as legumes, grasses, grain stubble, or stover.

Public Contact Site—land with a high potential for contact by the public. This includes, but is not limited to, public parks, ball fields, cemeteries, plant nurseries, turf farms, and golf courses.

Range Land—open land with indigenous vegetation.

Reclamation Site—drastically disturbed land that is reclaimed using sewage sludge. This includes, but is not limited to, strip mines and construction sites.

C. Specific Definitions- Pathogens and Vector Attraction Reduction

Aerobic Digestion—the biochemical decomposition of organic matter in sewage sludge into carbon dioxide and water by microorganisms in the presence of air.

Anaerobic Digestion—the biochemical decomposition of organic matter in sewage sludge into methane gas and carbon dioxide by microorganisms in the absence of air.

Density of Microorganisms—the number of microorganisms per unit mass of total solids (dry weight) in the sewage sludge.

Land with a High Potential for Public Exposure—land that the public uses frequently. This includes, but is not limited to, a public contact site and a reclamation site located in a populated area (e.g., a construction site located in a city).

Land with a Low Potential for Public Exposure—land that the public uses infrequently. This includes, but is not limited to, agricultural land, forest, and a reclamation site located in an unpopulated area (e.g., a strip mine located in a rural area).

Pathogenic Organisms—disease-causing organisms. These include, but are not limited to, certain bacteria, protozoa, viruses, and viable helminth ova.

PH—the logarithm of the reciprocal of the hydrogen ion concentration measured at 25°C or measured at another temperature and then converted to an equivalent value at 25°C.

Specific Oxygen Uptake Rate (SOUR)—the mass of oxygen consumed per unit time per unit mass of total solids (dry weight basis) in the sewage sludge.

Total Solids—the materials in sewage sludge that remain as residue when the sewage sludge is dried to a constant weight at 103° to 105°C.

Unstabilized Solids—organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.

Vector Attraction—the characteristic of sewage sludge that attracts rodents, flies, mosquitoes, or other organisms capable of transporting infectious agents.

Volatile Solids—the amount of the total solids in sewage sludge lost when the sewage sludge is combusted at 550°C in the presence of excess air.

D. Specific Definitions – Incineration

Air Pollution Control Device—one or more processes used to treat the exit gas from a sewage sludge incinerator stack.

Auxiliary Fuel—fuel used to augment the fuel value of sewage sludge. This includes, but is not limited to, natural gas, fuel oil, coal, gas generated during anaerobic digestion of sewage sludge, and municipal solid waste (not to exceed 30 percent of the dry weight of sewage sludge and auxiliary fuel together). Hazardous wastes are not auxiliary fuel.

Average Daily Concentration—the arithmetic mean of the concentration of a pollutant in milligrams per kilogram of sewage sludge (dry weight basis) in the samples collected and analyzed in a month.

Control Efficiency—the mass of a pollutant in the sewage sludge fed to an incinerator minus the mass of that pollutant in the exit gas from the incinerator stack divided by the mass of the pollutant in the sewage sludge fed to the incinerator.

Dispersion Factor—the ratio of the increase in the ground level ambient air concentration for a pollutant at or beyond the property line of the site where the sewage sludge incinerator is located to the mass emission rate for the pollutant from the incinerator stack.

Fluidized Bed Incinerator—an enclosed device in which organic matter and inorganic matter in sewage sludge are combusted in a bed of particles suspended in the combustion chamber gas.

Hourly Average—the arithmetic mean of all measurements, taken during an hour. At least two measurements must be taken during the hour.

Incineration—the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.

Incinerator Operating Combustion Temperature—the arithmetic mean of the temperature readings in the hottest zone of the furnace recorded in a day (24 hours) when the temperature is averaged and recorded at least hourly during the hours the incinerator operates in a day.

Monthly Average—the arithmetic mean of the hourly averages for the hours a sewage sludge incinerator operates during the month.

Performance Test Combustion Temperature—the arithmetic mean of the average combustion temperature in the hottest zone of the furnace for each of the runs in a performance test.

Risk Specific Concentration—the allowable increase in the average daily ground level ambient air concentration for a pollutant from the incineration of sewage sludge at or beyond the property line of the site where the sewage sludge incinerator is located.

Sewage Sludge Feed Rate—either the average daily amount of sewage sludge fired in all sewage sludge incinerators within the property line of the site where the sewage sludge incinerators are located for the number of days in a 365-day period that each sewage sludge incinerator operates, or the average daily design capacity for all sewage sludge incinerators within the property line of the site where the sewage sludge incinerators are located.

Sewage Sludge Incinerator—an enclosed device in which only sewage sludge or sewage sludge and auxiliary fuel are fired.

Stack Height—the difference between the elevation of the top of a sewage sludge incinerator stack and the elevation of the ground at the base of the stack when the difference is equal to or less than 214 feet (65 meters). When the difference is greater than 214 feet (65 meters), stack height is the creditable stack height determined in accordance with LAC 33:III.921.

Standard—a standard of performance proposed or promulgated under this Chapter.

Stationary Source—any building, structure, facility, or installation that emits or may emit any air pollutant.

Total Hydrocarbons—the organic compounds in the exit gas from a sewage sludge incinerator stack measured using a flame ionization detection instrument referenced to propane.

Wet Electrostatic Precipitator—an air pollution control device that uses both electrical forces and water to remove pollutants in the exit gas from a sewage sludge incinerator stack.

Wet Scrubber—an air pollution control device that uses water to remove pollutants in the exit gas from a sewage sludge incinerator stack.