BOBBY JINDAL
GOVERNOR

HAROLD LEGGETT, PH.D.
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL SERVICES
MAY 29 2008

CERTIFIED MAIL# 7008 0150 0003 4519 4704
RETURN RECEIPT REQUESTED

FILE NUMBER: LA0112747
AI NUMBER: 82479
ACTIVITY NUMBER: PER20080001

Rodney Schamerhorn
Schamerhorn C&D Landfill
10443 Highway 8
Leesville, LA 71446

Attention: Mr. Rodney Schamerhorn

Subject: Draft Louisiana Pollutant Discharge Elimination System (LPDES) permit to discharge landfill wastewater, vehicle/heavy machinery washwater and maintenance shop washwater, and non-contact stormwater into Cooper Creek, thence into Railford Bayou, thence into Bayou Anacoco from the Schamerhorn C&D Landfill in Leesville.

Dear Mr. Schamerhorn:

The Department of Environmental Quality proposes to issue an LPDES permit with the effluent 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 discharge. Authorization to discharge 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 the enclosed public notice one time in a 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. In accordance with LAC 33:IX.6521.A, the applicant shall receive and is responsible for paying the invoice(s) from the newspaper(s). LAC 33:IX.6521 states, "...The costs of publication shall be borne by the applicant."

The invoice, fee rating sheets, and a copy of the fee regulations will be sent under a separate cover letter as applicable. Please note that a copy of the fee rating worksheet is also attached to this draft permit. We must receive your fee payment by check, money order, or draft accompanied by the original and a copy of you invoice. A copy of the entire Louisiana Water Quality Regulations (Volume 14) may be obtained from the DEQ Office of Environmental Assessment, Post Office Box 4314, Baton Rouge, Louisiana 70821-4314, (225) 219-3236.

Pursuant to LAC 33.IX.1309.I, LAC 33.IX.6509.A.1 and LAC 33.I.1701, you must pay any outstanding fees to the Department. Therefore, you are encouraged to verify your facility's fee status by contacting LDEQ's Office of Management and Finance, Financial Services Division at (225) 219-3863. Failure to pay in the manner and time prescribed could result in applicable enforcement actions as prescribed in the Environmental Quality Act, including, but not limited to revocation or suspension of the applicable permit, and/or assessment of a civil penalty against you.

Should you have any questions concerning any part of the DRAFT PERMIT, public notice requirements, or fees, please contact Mr. Eura DeHart, Office of Environmental Services, Water Permits Division, Municipal and General Water Permits Section, at the address on the preceding page or telephone (225) 219-3092. Please reference your Agency Interest Number 82479, and your Louisiana Pollutant Discharge Elimination System Number LA0112747 on all future correspondence to the Department.

Sincerely,

Tom Killeen, Environmental Scientist Manager
Municipal and General Water Permits Section

ed

Attachments (Draft Permit - Parts I-III, Statement of Basis, and Fee Sheet)

cc: Eura DeHart
Permits Division

IO-W

ec: Ms. Gayle Denino
Office of Management & Finance

Permit Compliance Unit
Office of Environmental Compliance

For Public Notice
Public Participation Group
Office of Environmental Assistance

Blaine Johnson
Arabie Environmental Solutions, Inc.
bjohnson@arabie-env.com

DRAFT

PERMIT NUMBER: LA0112747
AGENCY INTEREST NO.: 82479
ACTIVITY NO.: PER20080001

DEQ
LOUISIANA

OFFICE OF ENVIRONMENTAL SERVICES

Water Discharge Permit

Pursuant to the Clean Water Act, as amended (33 U.S.C. 1251 et seq.), and the Louisiana Environmental Quality Act, as amended (La. R. S. 30:2001 et seq.), rules and regulations effective or promulgated under the authority of said Acts, and in reliance on statements and representations heretofore made in the application, a Louisiana Pollutant Discharge Elimination System permit is issued authorizing

Rodney Schamerhorn
Schamerhorn C&D Landfill
10443 Highway 8
Leesville, LA 71446

Type Facility: construction/demolition debris landfill

Location: 10443 Highway 8 in Leesville, Vernon Parish

Receiving Waters: Cooper Creek, thence into Railford Bayou, thence into Bayou Anacoco (110506)

to discharge in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, and III attached hereto.

This permit shall become effective on

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

Issued on

_____

Cheryl Sonnier Nolan
Assistant Secretary

DRAFT

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

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning the effective date of the permit and lasting through the expiration date of the permit the permittee is authorized to discharge from:

Outfall 001, located at the point of discharge from the landfill at the southeast corner of the disposal area, Latitude 31° 10' 08" North, Longitude 93° 09' 35" West, landfill wastewater (estimated flow is 0.0132 MGD)

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic		Discharge Limitations				Monitoring Requirements	
		(lbs/day)		other units (specify)			
	Storet Code	Weekly Avg.	Monthly Avg.	Monthly Avg.	Weekly Avg.	Measurement Frequency	Sample Type
Flow-MGD	50050	Report	Report	---	---	1/month	Measure
BOD_5	00310	---	---	37 mg/l	140 mg/l	1/month	Grab
TSS	00530	---	---	27 mg/l	88 mg/l	1/month	Grab
Ammonia – Nitrogen	00610	---	---	4.9 mg/l	10 mg/l	1/month	Grab
TOC	00680	---	---	---	50 mg/l	1/month	Grab
Oil and Grease	03582	---	---	---	15 mg/l	1/month	Grab
Total Recoverable Iron	01045	---	---	---	1.0 mg/l	1/month	Grab
a-Terpineol	51045	---	---	0.016 mg/l	0.033 mg/l	1/month	Grab
Benzoic Acid	77247	---	---	0.071 mg/l	0.12 mg/l	1/month	Grab
p-Cresol	77146	---	---	0.014 mg/l	0.025 mg/l	1/month	Grab
Phenol	34694	---	---	0.015 mg/l	0.026 mg/l	1/month	Grab
Zinc	01092	---	---	0.11 mg/l	0.2 mg/l	1/month	Grab
pH (Standard Units)[1]	00400	---	---	---	---	1/month	Grab

[1] The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units. The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

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

Outfall 001, at the point of discharge from the landfill prior to mixing with other waters.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning the effective date of the permit and lasting through the expiration date of the permit the permittee is authorized to discharge from:

Outfall 002, located at the point of discharge from the vehicle/heavy machinery wash area and maintenance shop area, Latitude 31° 10' 01" North, Longitude 93° 09' 33" West, vehicle/heavy machinery washwater and maintenance shop washwater (flow varies)

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic		Discharge Limitations				Monitoring Requirements	
		(lbs/day)		other units (specify)			
	Storet Code	Monthly Avg.	Weekly Avg.	Monthly Avg.	Daily Max.	Measurement Frequency	Sample Type
Flow-MGD	50050	Report	Report	---	---	1/3 months	Estimate
COD	00340	---	---	200 mg/l	300 mg/l	1/3 months	Grab
TSS	00530	---	---	---	45 mg/l	1/3 months	Grab
Oil and Grease	03582	---	---	---	15 mg/l	1/3 months	Grab
Soaps and/or Detergents[1]	---	---	---	---	---	1/3 months	Inventory
Visible Sheen[2]	84066	---	---	---	No Presence	1/day	Observation
pH (Standard Units)[3]	00400	---	---	---	---	1/3 months	Grab

1 You must document in a monthly inventory record the quantity and type of any Soap and/or detergent that you use during each calendar month. Your inventory records should contain this information for each month beginning one month after the effective date of your permit coverage. Do not submit your inventory records to LDEQ when you submit your DMRs and do not report on your DMRs the quantity of Soap and/or detergent used during the reporting period. A Material Safety Data Sheet (MSDS) for each material used shall be available upon the initial use of a product. The permittee must keep the inventory records, the MSDS for each Soap and/or Detergent used, and copies of the facility's DMR records on file at the permitted facility.

2 The limitation shall be "No Visible Sheen." Visual Observation shall be made once per day when discharge occurs and the presence or absence of a sheen recorded in a log. If a visual sheen is present, a letter of noncompliance shall be submitted in accordance with Part III.D.6.e. Retain manual log at the facility for three years. No DMR reporting shall be required.

3 The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units. The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

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

Outfall 001, at the point of discharge from the vehicle/heavy machinery wash area and maintenance shop area prior to mixing with other waters.

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning the effective date of the permit and lasting through the expiration date of the permit the permittee is authorized to discharge from:

Outfall 003-A, non-contact stormwater runoff from the northern portion of facility (**estimated flow** is intermittent), Latitude 31° 10' 16" North, Longitude 93° 09' 47" West
Outfall 003-B, non-contact stormwater runoff from the southern portion of facility (**estimated flow** is intermittent), Latitude 31° 10' 7" North, Longitude 93° 09' 42" West

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic		Discharge Limitations				Monitoring Requirements	
		(lbs/day)		other units (specify)			
	Storet Code	Monthly Avg.	Weekly Avg.	Monthly Avg.	Daily Max.	Measurement Frequency	Sample Type
Flow-MGD	50050	Report	Report	---	---	1/ month	Estimate
TOC	00680	---	---	---	50 mg/l	1/3 months	Grab
Oil and Grease	03582	---	---	---	15 mg/l	1/3 months	Grab
pH (Standard Units)[1]	00400	---	---	---	---	1/3 months	Grab
TSS	00530	---	---	---	100 mg/l	1/3 months	Grab
Iron, Total Recoverable	01045	---	---	---	1.0 mg/l	1/3 months	Grab

[1] The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units. The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

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

Outfall 003-A, at the point of discharge located north of the disposal area prior to mixing with other waters.

Outfall 003-B, at the point of discharge located south of the disposal area prior to mixing with other waters.

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PER20080001

PART II

OTHER REQUIREMENTS

In addition to the standard conditions required in all permits and listed in Part III, the office has established the following additional requirements in accordance with the Louisiana Water Quality Regulations.

SECTION A. GENERAL STATEMENTS

1. The Department of Environmental Quality reserves the right to impose 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 TMDL's. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as requested by the permittee and/or 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.

2. This permit does not in any way authorize the permittee to discharge a pollutant not listed or quantified in the application or limited or monitored for in the permit.

3. 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, this permit does not relieve the permittee from obtaining proper approval from the landowner for appropriate easements and rights of way.

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

5. 24-hour Oral Reporting: Daily Maximum Limitation Violations

   Under the provisions of Part III Section D.6.e.(3) of this permit, violations of daily maximum limitations for the following pollutants shall be reported orally to the Office of Environmental Compliance within 24 hours from the time the permittee became aware of the violation followed by a written report in five days.

   Pollutants: zinc, phenol

6. The permittee shall achieve compliance with the effluent limitations and monitoring requirements specified for discharges in accordance with the following schedule:

   EFFECTIVE DATE OF THE PERMIT

7. DISCHARGE MONITORING REPORTS

   Monitoring results must be reported on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1 or an approved substitute). All monitoring reports must be retained for a period of at least three (3) years from the date of the sample measurement. The permittee shall make available to this Department, upon request, copies of all monitoring data required by this permit.

OTHER REQUIREMENTS (cont.)

If there is a no discharge event at any of the monitored outfall(s) during the reporting period, enter "No Discharge" in the upper right corner of the Discharge Monitoring Report.

Discharge Monitoring Report (DMR) forms shall be prepared and submitted for each outfall per the instructions and submission schedules below:

A. For monitoring frequencies once per month or more often (i.e. 1/week, 1/day, 1/batch, 1/discharge event), one DMR form per month (summarize monitoring results monthly) must be prepared and submitted quarterly.

B. For once per quarter monitoring frequencies, one DMR form per quarter must be prepared and submitted quarterly.

C. For once per 6 months monitoring frequencies, one DMR form per six month period must be prepared and submitted semi-annually.

D. For once per year monitoring frequencies, one DMR form per year must be submitted annually.

Quarterly Submission Schedule

Monitoring Period	DMR Postmark Date
January, February, March	April 28th
April, May, June	July 28th
July, August, September	October 28th
October, November, December	January 28th

Semiannual Submission Schedule

Monitoring Period	DMR Postmark Date
January - June	July 28th
July – December	January 28th

Annual Submission Schedule

Monitoring Period	DMR Postmark Date
January-December	January 28th

Duplicate copies of DMRs (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 (one set of copies) at the following address:

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

OTHER REQUIREMENTS (cont.)

8. In accordance with LAC 33:IX.2707.C, 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, if the effluent standard or limitations are 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. Require 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

OTHER REQUIREMENTS (cont.)

SECTION B. STORMWATER DISCHARGES

a. Storm Water Pollution Prevention Plan Requirements

A storm water pollution prevention plan (SWPPP) for the facility must be prepared and implemented within sixty (60) days of the effective date of the permit. Copies of the plan should **not** be submitted to this Office unless specifically requested by the Agency. Your SWPPP must be prepared in accordance with good engineering practices. EPA has developed guidance entitled "Storm Water Management for Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices," EPA #832/R-92-006, September 1992, to assist permittees in developing and implementing pollution prevention measures. A printed hard copy may be obtained by contacting EPA's Water Resource Center at phone (202) 260-7786 or email *center.water-resource@epa.gov*. Use of a registered professional engineer for SWPPP preparation is not required by the permit, but may be independently required under state law and/or local ordinance. Your SWPPP must:

identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from your facility;

identify the structural, non-structural and other controls which you will use to reduce the pollutants in storm water discharges from the facility; and

assure compliance with the terms and conditions of this permit.

b. Contents of Plan

i. Pollution Prevention Team

You must identify the staff individual(s) (by name or title) that comprise the facility's storm water Pollution Prevention Team. Your Pollution Prevention Team is responsible for assisting the facility/plant manager in developing, implementing, maintaining and revising the facility's SWPPP. Responsibilities of each staff individual on the team must be listed.

ii. Site Description

Your storm water pollution prevention plan (SWPPP) must include the following.

Activities at Facility. Description of the nature of the industrial activity(ies) at your facility;

General Location Map. A general location map (e.g., U.S.G.S. quadrangle, or other map) with enough detail to identify the location of your facility and the receiving waters within one mile of the facility;

A legible site map identifying the following:

directions of storm water flow (e.g., use arrows to show which ways storm water will flow);

locations of all existing structural BMPs, see Section 1.b.vii below;

locations of all surface water bodies;

locations of potential pollutant sources identified below under Section 1.b.iv and where significant materials are exposed to precipitation;

locations where major spills or leaks identified below under Section 1.b.v have occurred;

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, and liquid storage tanks;

locations of active and closed landfill cells or trenches;

OTHER REQUIREMENTS (cont.)

locations of 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;

location of the leachate collection and handling systems;

locations of storm water outfalls and an approximate outline of the area draining to each outfall;

location and description of non-storm water discharges;

locations of the following activities where such activities are exposed to precipitation: processing and storage areas; access roads, rail cars and tracks; the location of transfer of substance in bulk; and machinery;

location and source of runon from adjacent property containing significant quantities of pollutants of concern to the facility (an evaluation of how the quality of the runon impacts your storm water discharges may be included); and

flows with a significant potential to cause soil erosion must be identified.

Provide a narrative description of the potential pollutant(s) associated with any of the following:

i) fertilizer, herbicide and pesticide application

ii) earth/soil moving activities

iii) waste hauling and loading/unloading activities

iv) outdoor storage of significant materials including daily, interim and final cover material stockpiles as well as temporary waste storage areas

v) exposure of active and inactive landfill areas

vi) uncontrolled leachate flows

vii) failure or leaks from leachate collection and treatment systems

Sediment and Erosion Control Plan: You must provide details on temporary stabilization methods used to control erosion from:

i) materials stockpiled for daily, intermediate and final cover;

ii) inactive areas of the landfill;

iii) any landfill area that has received a final cover until vegetation has established itself;

Examples of temporary stabilization methods include temporary seeding, mulching, and placing geotextiles on stockpile areas and inactive landfill areas.

iii. Receiving Waters and Wetlands

You must provide the name of the nearest receiving water(s), including ditches, intermittent streams, dry sloughs, arroyos and the areal extent and description of wetland or other special aquatic sites that may receive discharges from your facility.

iv. Summary of Potential Pollutant Sources

You must provide a narrative description of the potential pollutants associated with any of the following: fertilizer, herbicide and pesticide application, earth/soil moving; waste hauling and loading/unloading; outdoor storage of significant materials including daily, interim and final cover material stockpiles as well as temporary waste storage

OTHER REQUIREMENTS (cont.)

areas; exposure of active and inactive landfill and land application areas; uncontrolled leachate flows; and failure or leaks from leachate collection and treatment systems. You must also identify each separate area at your facility where industrial materials or activities are exposed to storm water. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. For each separate area identified, the description must include:

Activities in Area. A list of the activities (e.g., material storage, equipment fueling and cleaning, cutting steel beams); and

Pollutants. A list of the associated pollutant(s) or pollutant parameter(s) (e.g., crankcase oil, iron, biochemical oxygen demand, pH, etc.) for each activity. The pollutant list must include all significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water between the time of three (3) years before being covered under this permit and the present.

Record Keeping and Internal Reporting: You must implement and maintain a tracking system for all types of wastes disposed of in each cell and trench of the landfill.

v. Spills and Leaks

You must clearly identify areas where potential spills and leaks, which can contribute pollutants to storm water discharges, can occur, and their accompanying drainage points. You must provide a list of significant spills and leaks of toxic or hazardous pollutants that occurred, within the three (3) years preceding the date of application for permit coverage, at areas at the facility that are exposed to precipitation or that otherwise drain to a storm water conveyance. Your list must include a description of the causes of each spill or leak, the actions taken to respond to each release, and the actions taken to prevent similar such spills or leaks in the future. Your list should also be updated if significant spills or leaks occur in exposed areas of your facility during the time you are covered by the permit.

Significant spills and leaks include, but are not limited to releases of oil or hazardous substances in excess of quantities that are reportable under LAC 33:I.3931 Reportable Quantity List for Pollutants, which incorporates by reference and modifies requirements of Section 311 of the CWA (see 40 CFR 110 and 40 CFR 117.3) and 40 CFR 302.4 (CERCLA Hazardous Substances). Significant spills may also include releases of oil or hazardous substances that are not in excess of reporting requirements and releases of materials that are not classified as oil or a hazardous substance.

vi. Sampling Data

You must provide a summary of any existing storm water discharge sampling data taken at your facility. All storm water sampling data collected during the term of this permit must also be summarized and included in this part of the SWPPP.

vii. Controls

Description of Existing and Planned BMPs. Describe the type and location of existing non-structural and structural best management practices (BMPs), for each of the areas identified in Part II.B:1.b.iv, where industrial materials or activities are exposed to storm water. For areas where BMPs are not currently in place, you must describe appropriate BMPs that you will use to control pollutants in storm water discharges. Selection of BMPs should take into consideration:

the quantity and nature of the pollutants, and their potential to impact the water quality of receiving waters;

opportunities to combine the dual purposes of water quality protection and local flood control benefits (including physical impacts of high flows on streams - e.g., bank erosion, impairment of aquatic habitat, etc.);

opportunities to offset the impact of impervious areas of the facility on ground water recharge and base flows in local streams (taking into account the potential for ground water contamination).

BMP Types to be Considered: You must describe how each of the following non-structural BMPs, structural BMPs, and

OTHER REQUIREMENTS (cont.)

other BMPs are or will be implemented at the facility. If you determine that one or more of these BMPs are not appropriate for your facility, you must include an explanation of why it is not appropriate. The BMP examples listed below are not intended to be an exclusive list of BMPs that you may use. You are encouraged to keep abreast of new BMPs or new applications of existing BMPs to find the most cost-effective means of permit compliance for your facility. If BMPs are being used or planned at the facility which are not listed here (e.g., replacing a chemical with a less toxic alternative, adopting a new or innovative BMP, etc.), include descriptions of them in this section of the SWPPP.

- **Non-Structural BMPs**

Good Housekeeping. You must keep all exposed areas of the facility in a clean, orderly manner where such exposed areas could contribute pollutants to storm water discharges. Common problem areas include: around trash containers; storage areas and loading docks. Measures must also include: a schedule for regular pickup and disposal of garbage and waste materials; routine inspections for leaks and conditions of drums, tanks and containers.
Minimizing Exposure: Where practicable, industrial materials and activities should be protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, or runoff. NOTE: Eliminating exposure at all industrial areas may make the facility eligible for the LAC 33:IX.2341.G "No Exposure" exclusion from needing to have permit coverage.

Preventive Maintenance: You must have a preventive maintenance program which includes timely inspection and maintenance of containers used for outdoor chemical and significant materials storage to prevent leaking or rupture; all elements of the 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); storm water management devices, (e.g., cleaning oil/water separators, catch basins) as well as inspecting, testing, maintaining and repairing facility equipment and systems to avoid breakdowns or failures that may result in discharges of pollutants to surface waters.

Spill Prevention and Response Procedures: You must describe the procedures to be followed for cleaning up spills or leaks. Those procedures, and necessary spill response equipment, must be made available to those employees that may cause or detect a spill or leak. Where appropriate, you must explain existing or planned material handling procedures, storage requirements, secondary containment, and equipment (e.g., diversion valves), which are intended to minimize spills or leaks at the facility. Measures for cleaning up hazardous material spills or leaks must be consistent with applicable RCRA regulations at 40 CFR Part 264, 40 CFR Part 265, and applicable sections of the Louisiana Hazardous Waste Regulations, Part V.

Routine Facility Inspections: In addition to or as part of the comprehensive site evaluation required under Part II.B.1.g, you must have qualified facility personnel inspect all areas of the facility where industrial materials or activities are exposed to storm water. The inspections must include an evaluation of existing storm water BMPs at both active and inactive sites.

- For operating landfills, inspections must be conducted at least once every 7 days to ensure that sediment and erosion control measures are operating properly. Qualified personnel must inspect areas of landfills that have not been finally stabilized, areas used for storage of material/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. For stabilized sites, conduct inspections at least once every month.

- For inactive landfills, inspections must be conducted at least quarterly by qualified personnel to inspect landfill stabilization and structural erosion control measures, leachate collection and treatment systems, and all closed landfill areas.

If deficiencies in the implementation of your SWPPP are discovered during an inspection, those deficiencies must be corrected as soon as practicable but not later than within 14 days of the inspection. You must document in your SWPPP the results of your inspection and the corrective actions you took in response to any deficiencies or opportunities for improvement that you identify.

OTHER REQUIREMENTS (cont.)

Employee Training: You must describe the storm water employee training program for the facility. The description should include the topics to be covered, such as spill response, good housekeeping and material management practices, and must identify periodic dates (e.g., every 6 months during the months of July and January) for such training. You must provide employee training for all employees that work in areas where industrial materials or activities are exposed to storm water, and for employees that are responsible for implementing activities identified in the SWPPP (e.g., inspectors, maintenance people). The employee training should inform them of the components and goals of your SWPPP.

- **Structural BMPs**

Sediment and Erosion Control: You must identify the areas at your facility which, due to topography, land disturbance (e.g., construction), or other factors, have a potential for significant soil erosion. You must describe the structural, vegetative, and/or stabilization BMPs that you will be implementing to limit erosion from materials stockpiled for daily, intermediate and final cover; from inactive areas of the landfill; from any landfill or open dump area that has received a final cover but where vegetation has not yet established itself; and from areas where waste application has been completed but final vegetation has not yet been established.

Management of Runoff: You must describe the traditional storm water management practices (permanent structural BMPs other than those which control the generation or source(s) of pollutants) that currently exist or that are planned for your facility. These types of BMPs typically are used to divert, infiltrate, reuse, or otherwise reduce pollutants in storm water discharges from the site. All BMPs that you determine are reasonable and appropriate, or are required by a State or local authority must be implemented and maintained. Factors to consider when you are selecting appropriate BMPs should include: 1) the industrial materials and activities that are exposed to storm water, and the associated pollutant potential of those materials and activities; and 2) the beneficial and potential detrimental effects on surface water quality, ground water quality, receiving water base flow (dry weather stream flow), and physical integrity of receiving waters. Structural measures should be placed on upland soils, avoiding wetlands and floodplains, if possible. Structural BMPs may require a separate permit under section 404 of the CWA before installation begins.

Example BMPs: BMPs you could use include but are not limited to: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices).

- **Other Controls**

There shall be no discharge of floating solids or visible foam in other than trace amounts, nor of free oil or other oily materials, nor of toxic materials in quantities such as to cause 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 locations 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).

c. Maintenance

All BMPs you identify in your SWPPP must be maintained in effective operating condition. If site inspections required by Part II.B.1.g identify BMPs that are not operating effectively, maintenance must be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of storm water controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable. In the case of non-structural BMPs, the effectiveness of the BMP must be maintained by appropriate means (e.g., spill response supplies available and personnel trained, etc.).

d. Copy of Permit Requirements

You must include a copy of the permit requirements (attaching a copy of this permit is acceptable) in your SWPPP.

OTHER REQUIREMENTS (cont.)

e. Applicable State, Tribal or Local Plans

Your SWPPP must be consistent (and updated as necessary to remain consistent) with applicable State, Tribal and/or local storm water, waste disposal, sanitary sewer or septic system regulations to the extent these apply to your facility and are more stringent than the requirements of this permit.

f. Comprehensive Site Compliance Evaluation

i. Frequency and Inspectors

Operating landfills must conduct inspections at least once every 7 days. Inspections must be conducted at least once every month at stabilized sites. Inactive landfills must conduct inspections at least quarterly. The inspections must be done by qualified personnel provided by you. The qualified personnel you use may be either your own employees or outside consultants that you have hired, provided they have the knowledge and skills to assess conditions at your facility that could impact storm water quality and assess the effectiveness of the BMPs you have chosen to use to control the quality of your storm water discharges. If you decide to conduct more frequent inspections, your SWPPP must specify the frequency of inspections.

ii. Scope of the Compliance Evaluation

Your inspections must include all areas where industrial materials or activities are exposed to storm water, as identified in Part II.B.1.b.iv, and areas where spills and leaks have occurred within 3 years preceding the inspection. Inspectors should look for: a) industrial materials, residue or trash on the ground that could contaminate or be washed away in storm water; b) leaks or spills from industrial equipment, drums, barrels, tanks or similar containers; c) offsite tracking of industrial materials or sediment where vehicles enter or exit the site; d) tracking or blowing of raw, final, or waste materials from areas of no exposure to exposed areas; e) waste loading/unloading areas; f) erosion from daily, interim and final cover material stockpiles as well as from temporary waste storage areas; g) uncontrolled leachate flows; h) failure or leaks from leachate collection and treatment systems; and i) for evidence of, or the potential for, pollutants entering the drainage system. Storm water BMPs identified in your SWPPP must be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they must be inspected to see whether BMPs are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations must be inspected if possible.

iii. Follow-up Actions

Based on the results of the inspection, you must modify your SWPPP as necessary (e.g., show additional controls on the site map and/or revise description of controls) to include additional or modified BMPs designed to correct problems identified. You must complete revisions to the SWPPP within 14 calendar days following the inspection. If existing BMPs need to be modified or if additional BMPs are necessary, implementation must be completed before the next anticipated storm event. If implementation before the next anticipated storm event is impracticable, they must be implemented as soon as practicable.

iv. Compliance Evaluation Report

You must insure a report summarizing the scope of the inspection, name(s) of personnel making the inspection, the date(s) of the inspection, and major observations relating to the implementation of the SWPPP is completed and retained as part of the SWPPP for at least three years from the date permit coverage expires or is terminated. Major observations should include: the location(s) of discharges of pollutants from the site; location(s) of BMPs that need to be maintained; location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location; and location(s) where additional BMPs are needed that did not exist at the time of inspection. You must retain a record of actions taken in accordance with this permit's Comprehensive Site Compliance Evaluation as part of the SWPPP for at least three years from the date that permit coverage expires or is terminated. The inspection reports must identify any incidents of non-compliance. Where an inspection report does not identify any incidents of non-compliance, the report must contain a certification that the facility is in compliance with the SWPPP and this permit. Both the inspection report and any reports of follow-up actions must be signed in accordance with Part III.D 10 of this permit.

OTHER REQUIREMENTS (cont.)

v. **Credit as a Routine Facility Inspection**

Where compliance evaluation schedules overlap with inspections required under Part II.B.1.b.vii, your annual compliance evaluation may also be used as one of the Part II.B.1.b.vii routine inspections.

g. **Maintaining Updated SWPPP**

You must amend the SWPPP whenever:

there is a change in design, construction, operation, or maintenance at your facility which has a significant effect on the discharge, or potential for discharge, of pollutants from your facility;

during inspections or investigations by you or by local, State, or Federal officials it is determined the SWPPP is ineffective in eliminating or significantly minimizing pollutants from sources identified under Part II.B.1.b.iv, or is otherwise not achieving the general objectives of controlling pollutants in discharges from your facility.

h. **Signature, Plan Review and Making Plans Available**

i. You must sign your SWPPP in accordance with the Signatory Requirements in Part III.D.10, and retain the plan on-site at the facility covered by this permit (see Part III.C for records retention requirements).

ii You must keep a copy of the SWPPP on-site or locally available to the LDEQ for review at the time of an on-site inspection. You must make your SWPPP available upon request to the LDEQ or local agency approving storm water management plans, or the operator of a municipal separate storm sewer receiving discharge from the site. Also, in the interest of public involvement, the LDEQ encourages you to make your SWPPPs available to the public for viewing during normal business hours.

iii. The LDEQ may notify you at any time that your SWPPP does not meet one or more of the minimum requirements of this permit. The notification will identify provisions of this permit which are not being met, as well as the required modifications. Within thirty (30) calendar days of receipt of such notification, you must make the required changes to the SWPPP and submit to the LDEQ a written certification that the requested changes have been made.

iv. You must make the SWPPP available to the USFWS or NMFS upon request.

i. Monitoring Procedures

i. Stormwater Samples - Collection and Analysis

You must assess your sampling requirements on an outfall by outfall basis. You must collect and analyze your samples for TOC, Oil and Grease, and pH in accordance with the requirements of Parts I, II.A.7, and III.C.

For stormwater discharges: Take a grab sample from the discharge associated with industrial activity resulting 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.

Take the grab sample during the first 30 minutes of the discharge. 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. Submit this information on or with the discharge monitoring report (see Part II.A.7).

To get help with monitoring, consult the Guidance Manual for the Monitoring and Reporting Requirements of the NPDES Storm Water Multi-Sector General Permit, which can be down loaded from the EPA Web Site at www.epa.gov/OWM/sw/industry/index.htm.

PART III
STANDARD CONDITIONS FOR LPDES PERMITS

SECTION A. GENERAL CONDITIONS

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

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

3. Penalties for Violation of Permit Conditions
   a. LA. R. S. 30:2025 provides for civil penalties for violations of these regulations and the Louisiana Environmental Quality Act. LA. R. S. 30:2076.2 provides for criminal penalties for violation of any provisions of the LPDES or any order or any permit condition or limitation issued under or implementing any provisions of the LPDES program. (See Section E. Penalties for Violation of Permit Conditions for additional details).

   b. Any person may be assessed an administrative penalty by the State Administrative Authority under LA. R. S. 30:2025 for violating a permit condition or limitation implementing any of the requirements of the LPDES program in a permit issued under the regulations or the Louisiana Environmental Quality Act.

4. Toxic Pollutants
   a. Other effluent limitations and standards under Sections 301, 302, 303, 307, 318, and 405 of the Clean Water Act. If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, the state administrative authority shall institute proceedings under these regulations to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition.

   b. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions, or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

5. Duty to Reapply
   a. Individual Permits. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The new application shall be submitted at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the state administrative authority. (The state administrative authority shall not grant permission for applications to be submitted later than the expiration date of the existing permit.) Continuation of expiring permits shall be governed by regulations promulgated at LAC 33:IX.2321 and any subsequent amendments.

b General Permits. General permits expire five years after the effective date The 180-day reapplication period as defined above is not applicable to general permit authorizations. Reissued general permits may provide automatic coverage for permittees authorized under the previous version of the permit, and no new application is required. Requirements for obtaining authorization under the reissued general permit will be outlined in Part I of the new permit. Permittees authorized to discharge under an expiring general permit should follow the requirements for obtaining coverage under the new general permit to maintain discharge authorization.

6 Permit Action

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

a. Noncompliance by the permittee with any condition of the permit;

b. The permittee's failure in the application or during the permit issuance process to disclose fully all relevant f acts, 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; or

e. Failure to pay applicable fees under the provisions of LAC 33: IX. Chapter 13;

f. Change of ownership or operational control;

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

7. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

8. Duty to Provide Information

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

9. Criminal and Civil Liability

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

10. Oil and Hazardous Substance Liability

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

11. State Laws

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

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

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

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

In accordance with La R.S.40.1149, it is unlawful for any person, firm or corporation, both municipal and private, operating a sewerage system to operate that system unless the competency of the operator is duly certified by the Department of Health and Hospitals state health officer. Furthermore, it is unlawful for any person to perform the duties of an operator without being duly certified.

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

SECTION B. PROPER OPERATION AND MAINTENANCE

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

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

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

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

4 Bypass of Treatment Facilities

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

b Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section B.4.c and 4.d of these standard conditions

c. Notice

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Office of Environmental Services, Water Permits Division, if possible at least ten days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in LAC 33:IX.2701.L.6, (24-hour notice) and Section D.6.e. of these standard conditions.

d. Prohibition of bypass

(1) Bypass is prohibited, and the state administrative authority may take enforcement action against a permittee for bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

(c) The permittee submitted notices as required by Section B.4.c of these standard conditions.

(2) The state administrative authority may approve an anticipated bypass after considering its adverse effects, if the state administrative authority determines that it will meet the three conditions listed in Section B.4.d(1) of these standard conditions.

5. Upset Conditions

a. Upset. An exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Section B.5.c. are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the cause(s) of the upset;

(2) The permitted facility was at the time being properly operated; and

(3) The permittee submitted notice of the upset as required by LAC 33:IX.2701.L.6.b.ii. and Section D.6.e.(2) of these standard conditions; and

(4) The permittee complied with any remedial measures required by Section B.2 of these standard conditions.

d. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof

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

7 Percent Removal
For publicly owned treatment works, 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.

SECTION C. MONITORING AND RECORDS

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

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

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

b. Have access to and copy, at reasonable times, any records that the department or its authorized representative determines are necessary for the enforcement of this permit. For records maintained in either a central or private office that is open only during normal office hours and is closed at the time of inspection, the records shall be made available as soon as the office is open, but in no case later than the close of business the next working day;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Louisiana Environmental Quality Act, any substances or parameters at any location.

e. Sample Collection
(1) When the inspector announces that samples will be collected, the permittee will be given an additional thirty (30) minutes to prepare containers in order to collect duplicates. If the permittee cannot obtain and prepare sample containers within this time, he is considered to have waived his right to collect duplicate samples and the sampling will proceed immediately. Further delay on the part of the permittee in allowing initiation of the sampling will constitute a violation of this permit.
(2) At the discretion of the administrative authority, sample collection shall proceed immediately (without the additional 30 minutes described in Section C 1 a above) and the inspector shall supply the permittee with a duplicate sample.

f. It shall be the responsibility of the permittee to ensure that a facility representative familiar with provisions of its wastewater discharge permit, including any other conditions or limitations, be available either by phone or in person at the facility during all hours of operation. The absence of such personnel on-site who are familiar with the permit shall not be grounds for delaying the initiation of an inspection except in situations as described in Section C.1.b. of these standard conditions. The permittee shall be responsible for providing witnesses/escorts during inspections. Inspectors shall abide by all company safety rules and shall be equipped with standard safety equipment (hard hat, safety shoes, safety glasses) normally required by industrial facilities.

g. Upon written request copies of field notes, drawings, etc., taken by department personnel during an inspection shall be provided to the permittee after the final inspection report has been completed.

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

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

4. Record Contents
Records of monitoring information shall include:

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

5. Monitoring Procedures
a. Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, unless other test procedures have been specified in this permit.

b. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to insure accuracy of measurements and shall maintain appropriate records of such activities.

c. The permittee or designated laboratory shall have an adequate analytical quality assurance/quality control program to produce defensible data of know precision and accuracy. All quality control measures shall be assessed and evaluated on an on-going basis and quality control acceptance criteria shall be used to determine the validity of the data. All method specific quality control as prescribed in the method shall be followed. If quality control requirements are not included in the method, the permittee or designated laboratory shall follow the quality control requirements as prescribed in the Approved Edition (40 CFR Part 136) Standard Methods for the Examination of Water and Wastes, Sections 1020A and 1020B. General sampling protocol shall follow guidelines established in the

"Handbook for Sampling and Sample Preservation of Water and Wastewater, 1982 "U S Environmental Protection Agency. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-83-124503.

6 Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration and operation of acceptable flow measurement devices can be obtained from the following references:

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

7. Prohibition for Tampering: Penalties

a. LA R.S. 30:2025 provides for punishment of any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit.

b. LA R.S. 30:2076.2 provides for penalties for any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non compliance.

8. Additional Monitoring by the Permittee

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

9. Averaging of Measurements

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

10. Laboratory Accreditation

a. LAC 33:I.Subpart 3, Chapters 45-59 provide requirements for an accreditation program specifically applicable to commercial laboratories, wherever located, that provide chemical analyses, analytical results, or other test data to the department, by contract or by agreement, and the data is:
   (1) Submitted on behalf of any facility, as defined in R.S.30:2004;
   (2) Required as part of any permit application;
   (3) Required by order of the department;
   (4) Required to be included on any monitoring reports submitted to the department;
   (5) Required to be submitted by contractor
   (6) Otherwise required by department regulations.

b The department laboratory accreditation program. Louisiana Environmental Laboratory Accreditation Program (LELAP) is designed to ensure the accuracy, precision, and reliability of the data generated, as well as the use of department-approved methodologies in generation of that data. Laboratory data generated by commercial environmental laboratories that are not (LELAP) accredited will not be accepted by the department. Retesting of analysis will be required by an accredited commercial laboratory.

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

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

http://www.deq.louisiana.gov

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

SECTION D. REPORTING REQUIREMENTS

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

a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under LAC 33:IX.2703.A.1.

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 the permit has been modified or revoked and reissued (under LAC 33:IX.2903. A.2.b), or 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.

4. Monitoring Reports
Monitoring results shall be reported at the intervals and in the form specified in Part I or Part II of this permit

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

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

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

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

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

6. Requirements for Notification

a. Emergency Notification
As required by LAC 33.I.3915, in the event of an unauthorized discharge that does cause an emergency condition, the discharger shall notify the hotline (DPS 24-hour Louisiana Emergency Hazardous Materials Hotline) by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) immediately (a reasonable period of time after taking prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances), but in no case later than one hour after learning of the discharge. (An emergency condition is any condition which could reasonably be expected to endanger the health and safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property.) Notification required by this section will be made regardless of the amount of discharge. Prompt Notification Procedures are listed in Section D.6.c. of these standard conditions.

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

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

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

(1) by the Online Incident Reporting screens found at http://www3.deq.louisiana.gov/surveillance/irf/forms/ ;or

(2) by e-mail utilizing the Incident Report Form and instructions found at http://www.deq.louisiana.gov/portal/Default.aspx?tabid=279;or

(3) by telephone at (225) 219-3640 during office hours, or (225) 342-1234 after hours and on weekends and holidays.

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

(1) the name of the person making the notification and the telephone number where any return calls from response agencies can be placed.

(2) the name and location of the facility or site where the unauthorized discharge is imminent or has occurred, using common landmarks. In the event of an incident involving transport, include the name and address of the transporter and generator;

(3) the date and time the incident began and ended, or the estimated time of continuation if the discharge is continuing;

(4) the extent of any injuries and identification of any known personnel hazards that response agencies may face;

(5) the common or scientific chemical name, the U.S. Department of Transportation hazard classification, and the best estimate of amounts of any and all discharged pollutants;

(6) a brief description of the incident sufficient to allow response agencies to formulate their level and extent of response activity.

d. Written Notification Procedures. Written reports for any unauthorized discharge that requires notification under Section D.6.a. or 6.b., or shall be submitted by the discharger to the Office of Environmental Compliance, Surveillance Division SPOC in accordance with LAC 33:IX.3925 within seven calendar days after the notification required by D.6.a. or 6.b., unless otherwise provided for in a valid permit or other department regulation. Written notification reports shall include, but not be limited to, the following information:

(1) the name, address, telephone number, Agency Interest (AI) number (number assigned by the department) if applicable, and any other applicable identification numbers of the person, company, or other party who is filing the written report, and specific identification that the report is the written follow-up report required by this section;

(2) the time and date of prompt notification, the state official contacted when reporting, the name of person making that notification, and identification of the site or facility, vessel, transport vehicle, or storage area from which the unauthorized discharge occurred;

(3) date(s), time(s), and duration of the unauthorized discharge and, if not corrected, the anticipated time it is expected to continue;

(4) details of the circumstances (unauthorized discharge description and root cause) and events leading to any unauthorized discharge, including incidents of loss of sources of radiation, and if the release point is subject to a permit:

(a) the current permitted limit for the pollutant(s) released;and

(b) the permitted release point/outfall ID.

(5) the common or scientific chemical name of each specific pollutant that was released as the result of an unauthorized discharge, including the CAS number and U.S. Department of Transportation hazard classification, and the best estimate of amounts of any and all released pollutants (total amount of each compound expressed in pounds, including calculations);

(6) a statement of the actual or probable fate or disposition of the pollutant or source of radiation and what off-site impact resulted.

(7) remedial actions taken, or to be taken, to stop unauthorized discharges or to recover pollutants or sources of radiation.

(8) Written notification reports shall be submitted to the Office of Environmental Compliance, Surveillance Division SPOC by mail or fax. The transmittal envelope and report or fax cover page and report should be clearly marked "**UNAUTHORIZED DISCHARGE NOTIFICATION REPORT.**"

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 24hours:

(1) Any unanticipated bypass which exceeds any effluent limitation in the permit (see LAC 33:IX.2701.M.3.b.);

(2) Any upset which exceeds any effluent limitation in the permit;

(3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the state administrative authority in 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:

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

(1) One hundred micrograms per liter (100 µg/L);

(2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4 -dinitro-phenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;

(3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC33:IX.2501.G.7; or

(4) The level established by the state administrative authority in accordance with LAC 33:IX.2707.F, or

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

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

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

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

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

10. Signatory Requirements

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

a. All permit applications shall be signed as follows:

(1) For a corporation - by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or,

(b) The manager of one or more manufacturing, production, or operating facilities, provided: the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to ensure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

(2) For a partnership or sole proprietorship - by a general partner or the proprietor, respectively; or

(3) For a municipality, state, federal, or other public agency - by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:

(a) The chief executive officer of the agency, or

(b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

b All reports required by permits and other information requested by the state administrative authority shall be signed by a person described in Section D.10.a., or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in Section D.10.a. of these standard conditions;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (a duly authorized representative may thus be either a named individual or an individual occupying a named position; and.

(3) The written authorization is submitted to the state administrative authority.

c. Changes to authorization. If an authorization under Section D.10.b. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Section D.10.b. must be submitted to the state administrative authority prior to or together with any reports, information, or applications to be signed by an authorized representative.

d. Certification. Any person signing a document under Section D.10. a. or b. above, shall make the following certification:

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

11. Availability of Reports

All recorded information (completed permit application forms, fact sheets, draft permits, or any public document) not classified as confidential information under 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;
b. Permit applications, permits, and effluent data.
c. Information required by LPDES application forms provided by the state administrative authority under LAC 33:IX.2501 may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

SECTION E. PENALTIES FOR VIOLATIONS OF PERMIT CONDITION

1. Criminal

a. Negligent Violations

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

b. Knowing Violations

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any permit condition or limitation implementing any such provisions in a permit issued under the LPDES, or any requirement imposed in a pretreatment program approved under

the LPDES is subject to a fine of not less than $5,000 nor more than $50,000 per day of violation, or imprisonment for not more than 3 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than $100,000 per day of violation, or imprisonment of not more than six years, or both.

c. Knowing Endangerment
The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any order issued by the secretary under the LPDES, or any permit condition or limitation implementing any of such provisions in a permit issued under the LPDES by the secretary, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000, or by imprisonment for not more than 15 years, or both. A person which is an organization shall, upon conviction of violating this Paragraph, be subject to a fine of not more than one million dollars. If a conviction of a person is for a violation committed after a first conviction of such person under this Paragraph, the maximum punishment shall be doubled with respect to both fine and imprisonment.

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

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

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

SECTION F. DEFINITIONS

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

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

2. Accreditation means the formal recognition by the department of a laboratory's competence wherein specific tests or types of tests can be accurately and successfully performed in compliance with all minimum requirements set forth in the regulations regarding laboratory accreditation.

3. Administrator means the Administrator of the U.S. Environmental Protection Agency, or an authorized representative.

4 Applicable Standards and Limitations means all state, interstate and federal standards and limitations to which a discharge is subject under the Clean Water Act, including, effluent limitations, water quality standards of performance, toxic effluent standards or prohibitions, best management practices, and pretreatment standards under Sections 301, 302, 303, 304, 306, 307, 308 and 403

5 Applicable water quality standards means all water quality standards to which a discharge is subject under the Clean Water Act.

6 Commercial Laboratory means any laboratory, wherever located, that performs analyses or tests for third parties for a fee or other compensation and provides chemical analyses, analytical results, or other test data to the department. The term commercial laboratory does not include laboratories accredited by the Louisiana Department of Health and Hospitals in accordance with R.S.49:1001 et seq.

7. Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day. Daily discharge determination of concentration made using a composite sample shall be the concentration of the composite sample.

8. Daily Maximum discharge limitation means the highest allowable "daily discharge".

9. Director means the U.S. Environmental Protection Agency Regional Administrator, or the state administrative authority, or an authorized representative.

10. Domestic septage means either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from grease trap at a restaurant.

11. Domestic sewage means waste and wastewater from humans, or household operations that is discharged to or otherwise enters a treatment works.

12. Environmental Protection Agency or (EPA) means the U.S. Environmental Protection Agency.

13. Grab sample means an individual sample collected over a period of time not exceeding 15 minutes, unless more time is needed to collect an adequate sample, and is representative of the discharge.

14. Industrial user means a nondomestic discharger, as identified in 40 CFR 403, introducing pollutants to a publicly owned treatment works.

15. LEQA means the Louisiana Environmental Quality Act.

16. Louisiana Pollutant Discharge Elimination System (LPDES) means those portions of the Louisiana Environmental Quality Act and the Louisiana Water Control Law and all regulations promulgated under their authority which are deemed equivalent to the National Pollutant Discharge Elimination System (NPDES) under the Clean Water Act in accordance with Section 402 of the Clean Water Act and all applicable federal regulations.

17. Monthly Average other than for fecal coliform bacteria, discharge limitations are calculated as the sum of all "daily discharge(s)" measured during a calendar month divided by the number of "daily discharge(s)" measured during that month. When the permit establishes monthly average concentration effluent limitations or conditions, and flow is measured as continuous record or with a totalizer, the monthly average concentration means the arithmetic average (weighted by flow) of all "daily discharge(s)" of concentration determined during the calendar month where C = daily discharge concentration, F = daily flow and n = number of daily samples: monthly average discharge =

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

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

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

18. National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the Clean Water Act.

19. Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

20. Sewage sludge means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; portable toilet pumpings, type III marine sanitation device pumpings (33 CFR part 159); and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

21. 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)

22. For fecal coliform bacteria, a sample consists of one effluent grab portion collected during a 24-hour period at peak loads.

23. The term MGD shall mean million gallons per day.

24. The term mg/L shall mean milligrams per liter or parts per million (ppm).

25. The term µg/L shall mean micrograms per liter or parts per billion (ppb).

26. The term ng/L shall mean nanograms per liter or parts per trillion (ppt).

27 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

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

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.

28. 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.