BOBBY JINDAL
GOVERNOR

HAROLD LEGGETT, PH.D.
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL SERVICES

AUG 0 1 2008

CERTIFIED MAIL # 7008 1140 0002 5901 1272
RETURN RECEIPT REQUESTED

Permit No. LA0124192
AI No. 156103
Activity No. PER20080001

Mr. Mark A. Janik
Vermilion Bay Exploration, Inc.
350 North Sam Houston Parkway East, Suite 110
Houston, Texas 77060

RE: Draft Louisiana Pollutant Discharge Elimination System (LPDES) permit to discharge fluids associated with oil and gas exploration, development, and production operations into the Gulf of Mexico from **State Lease 19283 Well No. 1, Eugene Island Block 3** located approximately 30 miles south of Jeanerette, Louisiana, Iberia Parish.

Dear Mr. Janik:

The Louisiana Department of Environmental Quality (LDEQ) proposes to issue for the first time a 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 a public notice one time in the local newspaper of general circulation and in the Department of Environmental Quality Public Notice Mailing List. A copy of the public notice containing the specific requirements for commenting to this draft permit action will be sent under separate cover at the time the public notice is arranged. In accordance with LAC 33:IX.6521.A, the applicant shall receive and is responsible for paying the invoice(s) from the above-mentioned newspaper(s). LAC 33:IX.6521.A states: "...The costs of publication shall be borne by the applicant."

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.

The invoice, fee rating sheets, and a copy of the fee regulations will be sent under a separate cover letter as applicable. A copy of the entire Louisiana Water Quality Regulations may be obtained from the LDEQ, Office of Environmental Assessment, Post Office Box 4314, Baton Rouge, Louisiana 70821-4314, (225) 219-3236.

For sanitary treatment plants, the plans and specifications must be approved by the Department of Health and Hospitals, Office of Public Health, Post Office Box 4489, Baton Rouge, Louisiana 70821-4489, (225) 342-7395.

To ensure that all correspondence regarding this facility is properly filed into the Department's Electronic Document Management System, please reference your Agency Interest Number 156103 and LPDES permit number LA0124192 on all future correspondence to this Department, including Discharge Monitoring Reports. If you have any further questions concerning this matter, please feel free to contact Ms. Valerie M. Powe, Office of Environmental Services, by telephone at (225) 219-3135 or by email at valerie.powe@la.gov.

Sincerely,

Jesse Chang

Jesse Chang
Environmental Scientist Manager
Industrial Water Permits Section

VMP
Attachments: draft permit, statement of basis, and fee sheet

ec: cover letter only:

Scott Guilliams
Water Permits Division

Gayle Denino
Office of Management and Finance

Public Health Chief Engineer
Office of Public Health
Department of Health and Hospitals

Permit Compliance Unit
Office of Environmental Compliance

Public Participation Group
Office of Environmental Assistance

c: cover letter, fee sheet, draft permit and all attachments:

IO-W

Valerie Powe
Water Permits Division

DRAFT

PERMIT NUMBER
LA0124192
AI No. 156103

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

Vermilion Bay Exploration, Inc.
State Lease 19283 Well No. 1, Eugene Island Block 3
350 North Sam Houston Parkway East, Suite 110
Houston, Texas 77060

Type Facility: Oil and Gas Exploration, Development, and Production

Location: State Lease 19283 Well No. 1, Eugene Island Block 3
approximately 30 miles south of Jeanerette, Louisiana, Iberia Parish

Receiving Waters: Gulf of Mexico (010901)

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

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Discharges that are situated within territorial seas in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category shall be limited and monitored by the permittee as specified below. Notification concerning intent to discharge must be submitted to this Office and the nearest Regional Office prior to commencement of drilling or workover operations or sanitary waste discharges from production operations.

Discharge Type	Effluent Characteristic	Discharge Limitations Units (Specify)	Monitoring Requirements Measurement Frequency	Sample Type
Drill Cuttings and Adhering Drilling Fluids	NO DISCHARGE			
Batch or Bulk Drilling Fluids	NO DISCHARGE			
Treated Wastewater from Drill Cuttings/ Drilling Fluids Dewatering Operations	NO DISCHARGE			
Produced Sand	NO DISCHARGE			
Well Completion, Treatment, and Workover Fluids (Outfall 001)	Free Oil[2]	No Discharge	1/day	Grab
	Oil and Grease	42 mg/L daily max	1/month	Grab
		29 mg/L mo avg	1/month	Grab
	Priority Pollutants[10]	NO DISCHARGE		
	Flow	Report (GPD)	1/month	Estimate
Produced Water (Outfall 002)	Volume	Report (bbls/day) mo avg	1/month	Estimate
	Oil and Grease[11]	42 mg/L daily max	1/month	Grab
		29 mg/L mo avg	1/month	Grab
	Thallium[12]	Footnote 12	Footnote 13	Grab
	Benzene[12]	Footnote 12	Footnote 13	Grab
	Lead[12]	Footnote 12	Footnote 13	Grab
	Total Phenols[12]	Footnote 12	Footnote 13	Grab
	Toxicity[12]	Footnote 12	Footnote 13	Grab
	Radium 226 and 228	Report	Footnote 13	Grab
Sanitary Waste (Outfall 003)	Floating Solids[3]	No Discharge	1/day	Observe
	BOD_5	45 mg/L weekly avg	1/6 months	Grab
	Total Residual Chlorine[15]	1 mg/L minimum	1/month	Grab
	TSS	45 mg/L weekly avg	1/6 months	Grab
	pH	6.0 standard units minimum 9.0 standard units maximum	1/6 months	Grab
	Flow	Report (GPD) mo avg	1/month	Estimate
Domestic Waste[4] (Outfall 004)	Floating Solids[3] and Visible Foam	No Discharge	1/day	Observe
Source Water and Source Sand (Outfall 005)	Free Oil[1]	No Discharge	1/day	Observe
	Flow	Report (GPD) mo avg	1/month	Estimate
Miscellaneous Discharges of Chemically Treated Seawater and Freshwater (Outfall 006)	Volume	Report (bbls/day) mo avg	1/month	Estimate
	Treatment Chemicals	See Footnote 14		
	Free Oil[1, 17]	No Discharge	1/day	Observe
	Toxicity	Footnote 16	Footnote 16	Grab

These discharges include: excess seawater which permits the continuous operation of fire control and utility lift pumps, excess seawater from pressure maintenance and secondary recovery projects, water released during training of personnel in fire protection, seawater used to pressure test new piping and new pipelines, ballast water, non-contact cooling water, and desalinization unit discharge.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

Deck Drainage (Outfall 007)	Free Oil[1]	No Discharge	1/day	Observe
	Flow	Report (GPD) mo avg	1/month	Estimate
Hydrostatic Test Water[6] (Outfall 008)	Flow	Report (GPD)	1/discharge	Estimate
	Total Suspended Solids[7]	90 mg/L net	1/discharge	Grab
	Total Organic Carbon[8]	50 mg/L daily maximum	1/discharge	Grab
	Oil and Grease	15 mg/L daily maximum	1/discharge	Grab
	Benzene[8]	50 µg/L daily maximum	1/discharge	Grab
	Total BTEX[8, 9]	250 µg/L daily maximum	1/discharge	Grab
	Lead[8]	50 µg/L daily maximum	1/discharge	Grab
	pH	6.0 standard units minimum 9.0 standard units maximum	1/discharge	Grab
Miscellaneous Discharges (Outfall 009)	Free Oil[1, 17]	No Discharge	1/day	Observe
	Flow	Report (GPD) mo avg	1/month	Estimate
	Floating Solids[3]	No Discharge	1/day	Observe
	Visible Foam	No Discharge	1/day	Observe

Miscellaneous Discharges include: Non-stormwater Discharges[5]; Boiler Blowdown; Desalinization Unit Blowdown; Diatomaceous Earth Filter Media; Mud, Cuttings and Cement at the Seafloor; Non-Contact Cooling Water; Blow-out Preventer Control Fluid; Uncontaminated Bilge Water; Uncontaminated Ballast Water; Uncontaminated Ambient Water; Uncontaminated Seawater and Excess Cement Slurry.

Samples taken in compliance with the monitoring requirements specified in this permit shall be taken at a location, which is representative of the discharge prior to mixing with receiving waters.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

In addition all discharges are subject to the following limitations:

A. There shall be no discharge of free oil or other materials, which would result in the formation of a visible sheen. There shall be no discharge of any oily sludge or of any materials, which would result in the formation of long-term bottom deposits of slime or sludge. There shall be no discharge of any substance which would result in the formation of distinctly visible floating solids, foam, or scum, in other than trace amounts.

B. There shall be no discharge of toxic materials in quantities such as to cause acute toxicity to aquatic organisms.

C. There shall be no discharge of halogenated phenol compounds.

D. The discharge of surfactants, dispersants, and detergents used to wash working areas shall be minimized except as necessary to comply with applicable State and Federal safety requirements. This restriction applies to tank cleaning and other operations which do not directly involve the safety of workers.

E. If requested, the permittee shall provide the Administrative Authority with a sample of any waste in a manner specified by the Agency.

F. Discharges of well completion, treatment and workover fluids shall be considered produced water for monitoring purposes when commingled with produced water.

G. Permittees wishing to increase mixing for produced water discharges may use a horizontal diffuser, multiple port discharges, or add seawater as described in Footnote 11 below.

H. The discharge of produced water is prohibited onto any intermittently exposed sediment surface within the boundaries of any State or Federal wildlife management area, refuge, or park or into any water body determined to be special ecological significance, within 1,300 feet of an active oyster lease, live natural oyster or other molluscan reef, designated oyster seed bed; or sea grass bed, or which facilitates the incorporation of significant quantities of hydrocarbons or radionuclides into sediment or biota. Uncontaminated seawater, uncontaminated freshwater, source water and source sand, uncontaminated bilge water, and uncontaminated ballast water may be discharged from platforms that are on automatic purge systems without monitoring for free oil when the facilities are not manned. Additionally, discharges at the sea floor of: muds and cuttings prior to installation of the marine riser, cement, and blowout preventer fluid may be discharged without monitoring with the static sheen test when conditions make observation of a sheen on the surface of the receiving water impossible.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

Footnotes:

1. No discharge of Free Oil as determined by the visual sheen method on the surface of the receiving water. Monitoring shall be performed once per day, during conditions when observation of a visual sheen on the surface of the receiving water is possible in the vicinity of the discharge and when the facility is manned. The number of days that a visual sheen is observed must be recorded.

2. No discharge of Free Oil as determined by the static sheen test method once per day when discharging and the facility is manned. The number of days that a sheen is observed must be recorded.

3. No discharge of Floating Solids as determined by observations made once per day, during daylight in the vicinity of sanitary waste outfalls, following either the morning or midday meal and at the time during maximum estimated discharge.

4. No discharge of "garbage" including food wastes, incineration ash, and clinkers. Neither fish nor fish debris from cleaning stations nor graywater is considered garbage.

5. The following non-stormwater discharges may be authorized by this permit provided the non-stormwater component of the discharge is in compliance with Part III, Section D.9 of this permit: discharges from fire fighting activities; fire hydrant flushings; potable water sources including waterline flushings; drinking fountain water, irrigation drainage; lawn watering; routine external building washdown that does not use detergents or other compounds; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; compressor condensate; uncontaminated springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

6. Additives such as corrosion inhibitors, bactericides, and dyes may not be added to the test water without prior approval. Toxicity data for each additive must be submitted prior to approval.

7. Background concentration of Total Suspended Solids (TSS) will be allowed in the discharge if the effluent is being returned to the same waterbody. In these cases, the permit limitations will be 90 mg/L plus the concentration of TSS in the intake water. The TSS concentration of the intake water shall be reported on the DMR along with the concentration of TSS in the effluent.

8. Total Organic Carbon (TOC) shall be measured on discharges from pipes, pipelines, and/or tanks, which have previously been in service – i.e., those which are not new. Benzene, Total BTEX, and Lead shall be measured on discharges from pipes, pipelines and/or tanks that have been used for the storage or transportation of liquid or gaseous petroleum hydrocarbons. Accordingly, Flow, TSS, Oil & Grease, and pH are the only limitations and testing requirements for new pipes pipelines, and/or tanks.

9. BTEX shall be measured as the sum of benzene, ethyl benzene, toluene, and total xylene (including ortho-, meta-, and para-xylene) as quantified by EPA methods 602, 624, 1624, or most recently approved method.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

Footnotes:

10. No discharge of priority pollutants except in trace amounts, unless authorized through a permitted outfall. Information on the specific chemical composition of any additives containing priority pollutants shall be recorded and shall be retained for a period of at least three years as required by Part III.C.3 of this permit. Note: If materials added downhole as well treatment, completion, or workover fluids contain no priority pollutants, the discharge is assumed not to contain priority pollutants except in trace amounts. Sampling and analysis of these parameters is not required. A list of priority pollutants is provided below.

NONCONVENTIONAL
Phenolics, Total Recoverable (4AAP)
Chlorine (Total Residual)
3-Chlorophenol
4-Chlorophenol
2, 3-Dichlorophenol
2, 5-Dichlorophenol
2, 6-Dichlorophenol
3, 4-Dichlorophenol
2, 4, 5-TP (Silvex)
2, 4-D
METALS AND CYANIDE
Antimony (Total)
Arsenic (Total)
Beryllium (Total)
Cadmium (Total)
Chromium (Total)
Chromium (3+)
Chromium (6+)
Copper (Total)
Lead (Total)
Mercury (Total)
Molybdenum (Total)
Nickel (Total) Freshwater
Nickel (Total) Marine
Selenium (Total)
Silver (Total)
Thallium (Total)
Zinc (Total)
Cyanide (Total)
DIOXIN
2, 3, 7, 8-TCDD
VOLATILE COMPOUNDS
Acrolein
Acrylonitrile
Benzene
Bromoform
Carbon Tetrachloride

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

Footnotes:

VOLATILE COMPOUNDS continued
Chlorobenzene
Chlorodibromomethane
Chloroethane
2-Chloroethylvinylether
Chloroform
Dichlorobromomethane
1, 1-Dichloroethane
1, 2-Dichloroethane
1, 1-Dichloroethylene
1, 2-Dichloropropane
1, 3-Dichloropropylene
Ethylbenzene
Methyl Bromide [Bromomethane]
Methyl Chloride [Chloromethane]
Methylene Chloride
1, 1, 2, 2-Tetrachloroethane
Tetrachloroethylene
Toluene
1, 2-trans-Dichloroethylene
1, 1, 1-Trichloroethane
1, 1, 2-Trichloroethane
Trichloroethylene
Vinyl Chloride
ACID COMPOUNDS
2-Chlorophenol
2, 4-Dichlorophenol
2, 4-Dimethylphenol
4, 6-Dinitro-o-Cresol [2-Methyl-4, 6-Dinitrophenol]
2, 4-Dinitrophenol
2-Nitrophenol
4-Nitrophenol
p-Chloro-m-Cresol [4-Chloro-3-Methylphenol]
Pentachlorophenol
Phenol
2, 4, 6-Trichlorophenol
BASE/NEUTRAL COMPOUNDS
Acenaphthene
Acenaphthylene
Anthracene
Benzidine
Benzo (a) anthracene
Benzo (a) pyrene
3, 4-Benzofluoranthene
Benzo (ghi) perylene
Benzo (k) fluoranthene
Bis (2-chloroethoxy) Methane

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

Footnotes:

BASE/NEUTRAL COMPOUNDS continued
Bis (2-chloroethyl) Ether
Bis (2-chloroisopropyl) Ether
Bis (2-ethylhexyl) Phthalate
4-Bromophenyl Phenyl Ether
Butylbenzyl Phthalate
2-Chloronapthalene
4-Chlorophenyl Phenyl Ether
Chrysene
Dibenzo (a, h) anthracene
1, 2-Dichlorobenzene
1, 3-Dichlorobenzene
1, 4-Dichlorobenzene
3, 3'-Dichlorobenzidine
Diethyl Phthalate
Dimethyl Phthalate
Di-n-Butyl Phthalate
2, 4-Dinitrotoluene
2, 6-Dinitrotoluene
Di-n-octyl Phthalate
1, 2-Diphenylhydrazine
Fluoranthene
Fluorene
Hexachlorobenzene
Hexachlorobutadiene
Hexachlorocyclopentadiene
Hexachloroethane
Indeno (1, 2, 3-cd) pyrene [2, 3-o-Phenylene Pyrene]
Isophorone
Naphthalene
Nitrobenzene
n-Nitrosodimethylamine
n-Nitrosodi-n-Propylamine
n-Nitrosodiphenylamine
Phenanthrene
Pyrene
1, 2, 4-Trichlorobenzene
PESTICIDES
Aldrin
Alpha-BHC
Beta-BHC
Gamma-BHC [Lindane]
Delta-BHC
Chlordane
4, 4'-DDT
4, 4'-DDE [p,p-DDX]
4, 4'-DDD [p, p-TDE]
Dieldrin
Alpha-Endosulfan

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

Footnotes:

PESTICIDES continued
Beta-Endosulfan
Endosulfan Sulfate
Endrin
Endrin Aldehyde
Heptachlor
Heptachlor Epoxide [BHC-Hexachlorocyclohexane]
PCB-1242
PCB-1254
PCB-1221
PCB-1232
PCB-1248
PCB-1260
PCB-1016
Toxaphene

11. Samples shall be collected prior to the addition of any seawater to the produced water waste stream.

12. DISCHARGE LIMITATIONS

7-day Chronic Toxicity. Produced water discharges must show no observed effect for the survival endpoint portion of the test on a 7-day average minimum and monthly average minimum basis as measured by the 7-day chronic toxicity test. The 7-day average minimum and monthly average minimum No Observable Effect Concentration (NOEC) must be equal to or greater than the critical dilution concentration specified in Tables 1A – 1E below. The critical dilution shall be determined using Table 1 of this permit and is based on the discharge rate most recently reported on the Discharge Monitoring Report (DMR), discharge pipe diameter, and water depth between the discharge pipe and the seafloor, or between the surface and the seafloor if the discharge is made above the water's surface. Facilities, which have not previously reported produced water flow on the DMR, shall use the most recent monthly average flow for determining the critical dilution from Table 1 below. The monthly average minimum NOEC value is defined as the arithmetic average of all 7-day average NOEC values determined during the month. See Part II, Section L of this permit.

Benzene, Lead, Phenol, and Thallium. The required limitations shall be calculated from the critical dilution obtained from Table 1, as follows:

Benzene†: Daily Max. = (220.8 µg/l / Critical Dilution) * 100
Monthly Avg. = (93 µg/l / Critical Dilution) * 100

Lead†: Daily Max. = (36.7 µg/l / Critical Dilution) * 100
Monthly Avg. = (15.5 µg/l / Critical Dilution) * 100

Phenol†: Daily Max. = (478 µg/l / Critical Dilution) * 100
Monthly Avg. = (201 µg/l / Critical Dilution) * 100

Thallium†: Daily Max. = (19.6 µg/l / Critical Dilution) * 100
Monthly Avg. = (8.3 µg/l / Critical Dilution) * 100

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

Footnotes:

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

Benzene - 10 µg/L
Lead (Total) - 5 µg/L
Total Phenol (4AAP Method) - 5 µg/L
Thallium (Total) - 10 µg/L

Methods to Increase Dilution for Compliance with Limits for Toxicity and Benzene, Lead, Thallium, and Phenol. Permittee wishing to increase mixing may use a horizontal diffuser, multiple port discharges, or add seawater as follows:

Permittee using a horizontal diffuser shall install the diffuser designed using CORMIX2 version 4.2 GT or newer. Both the numeric water quality-based limits and the critical dilution for chronic toxicity testing shall be based on the modeled dilution for the diffuser. The following input parameters shall be used in modeling the critical dilution:

Density Gradient = 0.182 sigma-t/m
Ambient seawater density at diffuser depth = 1017 kg/m^3
Produced water density = 1070 kg/m^3
Current speed = 10 cm/sec.

When the water at the discharge site is of sufficient depth that the plume does not impinge the bottom, the Brooks equation shall be applied to the CORMIX2 results as follows:

1. Calculate the near field dilution factor (S) at the end of the impingement region, collapsed plume width (H), and downstream distance where the impingement region ends (x) using the CORMIX2 model.

2. Using the input conditions cited above and calculated factors from Step 1, above; calculate the far field dilution factor, C_i/C, using the Brooks equation:

$$\frac{C_i}{C} = \left\{ erf\left[\left(\frac{1.5}{\left(1 + 8AH^{\frac{4}{3}} \frac{t}{H^2}\right)^3 - 1} \right)^{\frac{1}{2}} \right] \right\}^{-1}$$

where: C_i = concentration at end of impingement
C = concentration at edge of 100 m mixing zone
H = collapsed plume width, in meters

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

Footnotes:

A = 4/3 power law dispersion parameter = 0.000453 $m^{2/3}$/sec
t = travel time from end of impingement to 100 m = (100m – x)/u
u = current speed
x = downstream distance where impingement region ends (from step 1, above)
erf = the error function

3. The total dilution at the 100 m mixing zone is defined as the product of the near-field dilution factor, S, found in Step 1 and the far-field dilution factor, C_i/C, calculated in Step 2.

Permittee shall state the calculated critical dilution corresponding to that diffuser on the annual Discharge Monitoring Report (DMR) with a certification that the diffuser is installed. The CORMIX2 model runs shall be retained by the permittee as part of its LPDES records.

Permittee using vertically aligned multiple discharge ports shall provide vertical separation between ports (See Table 2 - Minimum Vertical Port Separation Distance to Avoid Interference). When multiple discharge ports are installed, the depth difference between the discharge port closest to the sea floor and the sea floor shall be the depth difference used to determine the critical dilution from Table 1 of this permit. The critical dilution value shall be based on the port flow rate (total flow rate divided by the number of discharge ports) and based on the diameter of the discharge port (or smallest discharge port if they are of different styles).

When seawater is added to the produced water waste stream prior to discharge, the total produced water flow, including the added seawater, shall be used in determining the critical dilution. (See Tables 1A - 1E).

13. MONITORING FREQUENCY

Toxicity. The required frequency of toxicity testing shall be determined from using the critical dilutions obtained from Table 1 based on the water depth, discharge rate, and pipe diameter, as follows:

Toxicity Limit (Critical Dilution)	Monitoring Frequency‡
< 1%	1 per year
≥ 1 and < 2.25%	1 per quarter
≥ 2.25 %	1 per month

Benzene, Lead, Phenol, and Thallium. The required monitoring frequency shall be determined from the limits calculated from Footnote 12 as follows:

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

Footnotes:

Parameter	Monthly Avg. Limit (µg/l)	Monitoring Frequency‡
Thallium	> 1,044	1 per quarter
	≤ 1,044 and > 490	1 per month
	≤ 490	1 per 2 weeks
Benzene	> 12,600	1 per quarter
	≤ 12,600 and > 5,900	1 per month
	≤ 5,900	1 per 2 weeks
Lead	> 65,000	1 per quarter
	≤ 65,000 and > 30,600	1 per month
	≤ 30,600	1 per 2 weeks
Total Phenol	> 26,400	1 per quarter
	≤ 26,400 and > 12,400	1 per month
	≤ 12,400	1 per 2 weeks

Radioactivity. Produced water shall be monitored for Radium 226 and Radium 228. The required monitoring frequency shall be determined using the critical dilutions obtained from Table 1 based on the water depth, discharge rate, and pipe diameter as also required for the toxicity limits as follows:

Critical Dilution	Monitoring Frequency‡
< 1%	1 per year
≥ 1 and < 2.25%	1 per quarter
≥ 2.25 %	1 per month

‡ Samples of these parameters shall be collected after addition of any substances, including seawater that is added prior to discharge. Samples for monitoring produced water toxicity shall be representative of produced water discharges when scale inhibitors, corrosion inhibitors, biocides, paraffin inhibitors, well completion fluids, work over fluids, and/or well treatment fluids are used in operations.

For permittee required to monitor once per quarter or once per month as stated above for benzene, lead, total phenol or thallium, the monitoring frequency shall increase to once per two weeks for any of these parameters when the discharge has been found to exceed a limit for that parameter. For permittees required to monitor once per year or once per quarter as stated above for toxicity, the monitoring frequency shall increase to once per month when the discharge has been found to exceed limits for toxicity. When the permittee has monitored radioactivity for one continuous year the required monitoring frequency shall be reduced to once per year.

If permittee has been compliant for one full year (12 consecutive months), the required testing and monitoring frequencies shall be reduced for the following limits as follows: benzene, lead, total phenol or thallium, to once per quarter for the parameter(s) in compliance as long as the discharge remains in compliance and toxicity, to once per year and radioactivity, to once per year.

If the operator adds a diffuser, multiple discharge ports, or seawater to increase dilution to ensure compliance with the limits as described above, the operator may decrease the monitoring frequency to once per quarter for benzene, lead, total phenol or thallium, and once per year for toxicity after they have taken the action to increase

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

Footnotes:

dilution and have demonstrated compliance with the limits for three consecutive months.

14. The concentration of treatment chemicals in the discharge shall not exceed the most stringent of the following three constraints: 1) the maximum concentrations and any other conditions specified in the EPA product registration labeling if the chemical is an EPA registered product; 2) the maximum manufacturer's recommended concentration; and 3) 500 mg/L.

15. Total Residual Chlorine limitation shall be a minimum of 1 mg/L and maintained as close to this concentration as possible. If chlorination is not chosen as a disinfection method, the discharge must meet a fecal coliform limitation of 43 colonies/100 mL weekly average. If chlorination is chosen as a disinfection method, see Part II, Section F.

16. The 48-hour minimum and monthly average minimum No Observervable Effect Concentration (NOEC) must be equal to or greater than the critical dilution concentration specified in Table 3 below. Critical dilution shall be determined and is based on the discharge rate, discharge pipe diameter and water depth between the discharge pipe and the bottom. The monthly average minimum NOEC value is defined as the arithmetic average of all 48-hour average NOEC values determined during month.

The required frequency of testing for continuous discharges shall be determined as follows:

Discharge Rate	Toxicity Testing Frequency
0 - 499 bbl/day	1/year
500 - 4,599 bbl/day	1/quarter
4,600 bbl/day and above	1/month

Intermittent or batch discharges shall be monitored once per discharge but are required to be monitored no more frequently than the corresponding frequencies shown above for continuous discharges.

Samples shall be collected after addition of any added substances including seawater that is added prior to discharge and before the flow is split for multiple discharge ports. Samples also shall be representative of the discharge. Methods to increase dilution previously described for produced water in Footnote 12, also apply to seawater and freshwater discharges which have been chemically treated. If the permittee has been compliant with the toxicity limit for one full year (12 consecutive months) for a continuous discharge of chemically treated seawater or freshwater, the required testing frequency shall be reduced to once per year for that discharge.

17. Discharges are limited to those times that a visual sheen observation is possible unless the operator uses the static sheen method.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

TABLE 1: Produced Water Critical Dilutions

TABLE 1A: Critical Dilution (Percent Effluent) Depth Difference between the Discharge Pipe and the Sea Floor 2 Meters and Less

Discharge Rate (bbl/day)	Pipe Diameter (inches)					
	> 0" to < 5"	≥ 5" to < 7"	≥ 7" to < 9"	≥ 9" to < 11"	≥ 11" to < 15"	≥ 15"
≤ 500	0.26	0.26	0.26	0.11	0.1	0.09
501 to 1,000	0.66	0.66	0.66	0.66	0.66	0.66
1,001 to 2,000	1.44	1.44	1.44	1.44	1.44	1.44
2,001 to 3,000	2.63	2.2	2.2	2.2	2.2	2.2
3,001 to 4,000	4.2	3.0	3.0	3.0	3.0	3.0
4,001 to 5,000	5.6	3.6	3.6	3.6	3.6	3.6
5,001 to 7,500	7.6	6.4	5.3	5.3	5.3	5.3
7,501 to 10,000	8.8	9.4	6.8	6.8	6.8	6.8
10,001 to 15,000	10.5	12.25	10.8	9.1	9.1	9.1
15,001 to 20,000	11.5	13.6	14.8	10.9	10.9	10.1
20,001 to 35,000	13.0	15.6	17.4	18.7	15.4	14.4
35,001 to 50,000	13.7	16.5	18.5	20.0	21.1	16.6
50,001 to 75,000	16.7	17.3	19.5	21.0	22.25	19.0

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

TABLE 1: Produced Water Critical Dilutions (continued)

TABLE 1B: Critical Dilution (Percent Effluent) Depth Difference between the Discharge Pipe and the Sea Floor Greater than 2 Meters to 4 Meters

Discharge Rate (bbl/day)	Pipe Diameter (inches)					
	> 0" to < 5"	≥ 5" to < 7"	≥ 7" to < 9"	≥ 9" to < 11"	≥ 11" to < 15"	≥ 15"
≤ 500	0.1	0.1	0.1	0.1	0.1	0.1
501 to 1,000	0.2	0.2	0.2	0.2	0.2	0.2
1,001 to 2,000	0.36	0.36	0.36	0.36	0.36	0.36
2,001 to 3,000	0.74	0.65	0.65	0.65	0.65	0.65
3,001 to 4,000	1.1	0.86	0.86	0.86	0.86	0.86
4,001 to 5,000	1.55	1.05	1.05	1.05	1.05	1.05
5,001 to 7,500	3.0	1.74	1.5	1.5	1.5	1.5
7,501 to 10,000	4.6	2.6	2.0	2.0	2.0	2.0
10,001 to 15,000	5.8	4.9	3.2	2.8	2.8	2.8
15,001 to 20,000	6.2	7.6	5.0	3.6	3.5	3.5
20,001 to 35,000	6.7	8.8	9.8	7.5	5.9	5.6
35,001 to 50,000	7.0	9.2	11.0	11.2	8.9	6.9
50,001 to 75,000	7.15	9.5	11.4	13.0	13.5	8.5

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

TABLE 1: Produced Water Critical Dilutions (continued)

TABLE 1C: Critical Dilution (Percent Effluent) Depth Difference between the Discharge Pipe and the Sea Floor Greater than 4 Meters to 6 Meters

Discharge Rate (bbl/day)	Pipe Diameter (inches)					
	> 0" to < 5"	≥ 5" to < 7"	≥ 7" to < 9"	≥ 9" to < 11"	≥ 11" to < 15"	≥ 15"
≤ 500	0.04	0.04	0.04	0.04	0.04	0.04
501 to 1,000	0.06	0.06	0.06	0.06	0.06	0.06
1,001 to 2,000	0.1	0.1	0.1	0.1	0.1	0.1
2,001 to 3,000	0.15	0.14	0.14	0.14	0.14	0.14
3,001 to 4,000	0.21	0.18	0.18	0.18	0.18	0.18
4,001 to 5,000	0.27	0.22	0.22	0.22	0.22	0.22
5,001 to 7,500	0.6	0.43	0.41	0.41	0.41	0.41
7,501 to 10,000	0.9	0.62	0.53	0.53	0.53	0.55
10,001 to 15,000	1.8	1.1	0.83	0.76	0.76	0.76
15,001 to 20,000	2.8	1.6	1.2	1.0	1.0	1.0
20,001 to 35,000	3.6	3.7	2.6	2.0	1.7	1.6
35,001 to 50,000	3.7	5.0	4.3	3.3	2.6	2.2
50,000 to 75,000	3.7	5.1	6.4	5.4	4.4	3.1

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

TABLE 1: Produced Water Critical Dilutions (continued)

TABLE 1D: Critical Dilution (Percent Effluent) Depth Difference between the Discharge Pipe and the Sea Floor Greater than 6 Meters to 9 Meters

Discharge Rate (bbl/day)	Pipe Diameter (inches)					
	> 0" to < 5"	≥ 5" to < 7"	≥ 7" to < 9"	≥ 9" to < 11"	≥ 11" to < 15"	≥ 15"
≤ 500	0.04	0.04	0.04	0.04	0.04	0.04
501 to 1,000	0.06	0.06	0.06	0.06	0.06	0.06
1,001 to 2,000	0.1	0.1	0.1	0.1	0.1	0.1
2,001 to 3,000	0.15	0.14	0.14	0.14	0.14	0.14
3,001 to 4,000	0.21	0.18	0.18	0.18	0.18	0.18
4,001 to 5,000	0.27	0.22	0.22	0.22	0.22	0.22
5,001 to 7,500	0.6	0.43	0.41	0.41	0.41	0.41
7,501 to 10,000	0.9	0.62	0.53	0.53	0.53	0.55
10,001 to 15,000	1.8	1.1	0.83	0.76	0.76	0.76
15,001 to 20,000	2.8	1.6	1.2	1.0	1.0	1.0
20,001 to 35,000	3.6	3.7	2.6	2.0	1.7	1.6
35,001 to 50,000	3.7	5.0	4.3	3.3	2.6	2.2
50,000 to 75,000	3.7	5.1	6.4	5.4	4.4	3.1

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

TABLE 1: Produced Water Critical Dilutions (continued)

TABLE 1E: Critical Dilution (Percent Effluent) Depth Difference between the Discharge Pipe and the Sea Floor Greater than 9 Meters

Discharge Rate (bbl/day)	Pipe Diameter (inches)					
	> 0" to < 5"	≥ 5" to < 7"	≥ 7" to < 9"	≥ 9" to < 11"	≥ 11" to < 15"	≥ 15"
≤ 500	0.04	0.04	0.04	0.04	0.04	0.04
501 to 1,000	0.06	0.06	0.06	0.06	0.06	0.06
1,001 to 2,000	0.09	0.09	0.09	0.09	0.09	0.09
2,001 to 3,000	0.11	0.1	0.1	0.1	0.1	0.1
3,001 to 4,000	0.13	0.12	0.12	0.12	0.12	0.12
4,001 to 5,000	0.15	0.13	0.13	0.13	0.13	0.13
5,001 to 7,500	0.22	0.18	0.18	0.18	0.18	0.18
7,501 to 10,000	0.42	0.32	0.3	0.3	0.3	0.3
10,001 to 15,000	0.8	0.53	0.44	0.42	0.42	0.42
15,001 to 20,000	1.3	0.8	0.62	0.54	0.54	0.54
20,001 to 35,000	2.7	1.8	1.3	1.0	0.9	0.9
35,001 to 50,000	2.7	3.0	2.2	1.7	1.4	1.2
50,001 to 75,000	2.8	3.9	3.7	3.0	2.4	1.7

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

TABLE 2: Minimum Vertical Port Separation Distance to Avoid Interference

Port Flow Rate (bbl/day)	Minimum Separation Distance (m)
0 - 500	2.2
501 - 1000	2.7
1001 - 2000	4.7
2001 - 5000	4.8
5001 and Greater	6.6

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

TABLE 3: Critical Dilution (Percent Effluent) for Toxicity Limitations for Seawater and Freshwater to which Treatment Chemicals Have Been Added

Depth Difference (meters)	Discharge Rate (bbl/day)	Pipe Diameter (inches)			
		>0" to 2"	>2" to 4"	>4" to 6"	>6
0 to 3	0 to 1000	11.4	5.1	5.1	6.3
	1001 to 10, 000	38	53	62	67
	Greater than 10,000	49	66	74	77
>3 to 5	0 to 1000	4.0	4.8	6.6	6.2
	1001 to 10, 000	16.1	25	30	23
	Greater than 10,000	23.6	33.3	39	49
>5 to 7	0 to 1000	4.0	4.8	5.6	6.2
	1001 to 10, 000	12.8	21	18.1	18.8
	Greater than 10,000	16.7	25.4	31.2	34.4
Greater than 7	0 to 1000	4.0	4.8	5.6	6.2
	1001 to 10, 000	9.8	16.3	18.1	18.8
	Greater than 10,000	12.4	18.8	25.2	26.3

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.

A. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations or additional restrictions, if necessary, to maintain the water quality integrity and the designated uses of the receiving water bodies.

B. 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.

C. 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.

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

E. 24-HOUR ORAL REPORTING: DAILY MAXIMUM LIMITATION VIOLATIONS

Under the provisions of Part III.D.6.c.(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.

Pollutant(s):

Benzene
Thallium
Lead
Total Phenol

F. SANITARY DISCHARGE

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

The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain water quality integrity and the designated uses of the receiving water bodies based upon water quality studies. These studies may indicate the need for more advanced wastewater treatment. Studies of similar discharges and receiving water bodies have resulted in monthly average effluent limitations of 5 mg/L $CBOD_5$ and 2 mg/L NH_3-N. Therefore, prior to upgrading or expanding any permitted sewage treatment method at the facility, the permittee should contact the Department to determine the status of the work being done

OTHER REQUIREMENTS (continued)

to establish future limitations and additional permit conditions.

G. 40 CFR PART 136 (See LAC 33:IX.4901) ANALYTICAL REQUIREMENTS

Unless otherwise specified in this permit, monitoring shall be conducted according to analytical, apparatus and materials, sample collection, preservation, handling, etc., procedures listed at 40 CFR Part 136, and in particular, Appendices A, B, and C (See LAC 33:IX.4901).

H. FLOW MEASUREMENT "ESTIMATE" SAMPLE TYPE

If the flow measurement sample type in Part I is specified as "estimate", flow measurements shall not be subject to the accuracy provisions established at Part III.C.6 of this permit. The daily flow value may be estimated using best engineering judgment.

I. There shall be no unpermitted discharge of waste oil, produced brine, drilling fluids, drill cuttings or other wastes nor any uncontrolled discharges of wastewater, including stormwater runoff, from exploration and production sites. Control of discharges shall be obtained through use of the following measures:

1. All workover and drilling barges, and production facilities shall be equipped with adequate pollution containment devices to prevent unpermitted discharges of waste to the waters of the state.

2. All pumps and loading areas in open waters or wetlands where the building of dikes is impossible or impracticable shall be placed on impervious decks provided with a system of curbs, gutters and sumps capable of retaining spills of oil and other materials.

3. All tanks or vessels containing hydrocarbons or other chemicals that cannot be surrounded by an impervious dike, such as those in wetlands or over open waters, shall be placed on impervious decks provided with curbs, gutters, and sumps capable of preventing discharge of free oil to waters of the State.

4. All drains from diked areas shall be equipped with valves, which shall be kept in the closed condition except during periods of supervised discharge.

5. All spilled oil and other spilled waste shall be immediately cleaned up and disposed of according to all applicable regulations. Failure to initiate cleanup operations upon becoming aware of an unpermitted discharge or spill to the waters of the state or uncontained areas that drain to said waters shall be a violation of this permit. Each additional day that cleanup operations are delayed shall be a separate violation. In the event that immediate cleanup is not considered to be an appropriate remedial measure, the responsible party shall notify the Office of Environmental Compliance/Surveillance Division of the alternative remedial plan and shall promptly implement said plan upon approval by the Office of Environmental Compliance/Surveillance Division. Submission of an alternate plan shall in no way relieve the responsible party if its duty to contain and mitigate the effects of the spill pending approval by the Office of Environmental Compliance/Surveillance Division.

OTHER REQUIREMENTS (*continued*)

6. The discharge of any oilfield waste into manmade or natural drainage or directly into state waters is prohibited except as provided under the terms and conditions of this permit.

7. Use of detergents, emulsifiers, or dispersants to clean up spilled oil is prohibited except where necessary to comply with State or Federal safety regulations (i.e. requirement for a non-slippery work surface). In all such cases, initial cleanup shall be done by physical removal and chemical usage shall be minimized.

J. STORMWATER DISCHARGES

1. This section applies to all stormwater discharges from the facility, either through permitted outfalls or through outfalls, which are not listed in the permit or as sheet flow. The purpose of the pollution prevention plan is to identify potential sources of pollution that would reasonably be expected to affect the quality of stormwater and identify the practices that will be used to prevent or reduce the pollutants in stormwater discharges.

2. Any runoff leaving the developed areas of the facility, other than the permitted outfall(s), exceeding 50 mg/L TOC, 15 mg/L Oil and Grease, or having a pH less than 6.0 or greater than 9.0 standard units shall be a violation of this permit. Any discharge in excess of these limitations, which is attributable to offsite contamination shall not be considered a violation of this permit. A visual inspection of the facility shall be conducted and a report made annually as described in Paragraph 4 below.

3. The SWP3 shall be prepared, implemented, and maintained within 60 calendar days of the effective date of this permit if a discharge of a reportable quantity of oil or a hazardous substance has occurred on or before this date, or within 60 calendar days after the first knowledge of a discharge of a reportable quantity of oil or a hazardous substance for which notification is required pursuant to either 40 CFR 110.6 or 40 CFR 302.6. The terms and conditions of the SWP3 shall be an enforceable Part of the permit. If the permittee maintains other plans that contain duplicative information, those plans could be incorporated by reference into the SWP3. Examples of these type plans include, but are not limited to: Spill Prevention Control and Countermeasure Plan (SPCC), Best Management Plan (BMP), Response Plans, etc. EPA document 832-R-92-006 (Storm Water Management for Industrial Activities) may be used as a guidance and may be obtained by writing to the Water Resource Center (RC-4100T), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington D.C. 20460 or by calling (202) 566-1729 or via the Wetlands Helpline (800) 832-7828.

4. The following conditions are applicable to all facilities and shall be included in the SWP3 for the facility.

   a. The permittee shall conduct an annual inspection of the facility site to identify areas contributing to the storm water discharge from developed areas of the facility and evaluate whether measures to reduce pollutant loadings identified in the SWP3 are adequate and have been properly implemented in accordance with the terms of the permit or whether

OTHER REQUIREMENTS (continued)

additional control measures are needed.

b. The permittee shall develop a site map, which includes all areas where stormwater may contact potential pollutants or substances, which can cause pollution. Any locations where reportable quantities leaks or spills have previously occurred are to be documented in the SWP3. The SWP3 shall contain a description of the potential pollutant sources, including, the type and quantity of material present and what action has been taken to assure stormwater precipitation will not directly contact the substances and result in contaminated runoff.

c. Where experience indicates a reasonable potential for equipment failure (e.g. a tank overflow or leakage), natural condition of (e.g. precipitation), or other circumstances which result in significant amounts of pollutants reaching surface waters, the SWP3 should include a prediction of the direction, rate of flow and total quantity of pollutants which could be discharged from the facility as a result of each condition or circumstance.

d. The permittee shall maintain for a period of three years a record summarizing the results of the inspection and a certification that the facility is in compliance with the SWP3 and the permit, and identifying any incidents of noncompliance. The summary report should contain, at a minimum, the date and time of inspection, name of inspector(s), conditions found, and changes to be made to the SWP3.

e. The summary report and the following certification shall be signed in accordance with LAC 33:IX.2503. The summary report is to be attached to the SWP3 and provided to the Department upon request.

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

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

f. The permittee shall make available to the Department, upon request, a copy of the SWP3 and any supporting documentation.

5. The following shall be included in the SWP3, if applicable.

a. The permittee shall utilize all reasonable methods to minimize any adverse impact on the drainage system including but not limited to:

i. maintaining adequate roads and driveway surfaces;

OTHER REQUIREMENTS (continued)

ii. removing debris and accumulated solids from the drainage system; and

iii. cleaning up immediately any spill by sweeping, absorbent pads, or other appropriate methods.

b. All spilled product and other spilled wastes shall be immediately cleaned up and disposed of according to all applicable regulations, Spill Prevention and Control (SPC) plans or Spill Prevention Control and Countermeasures (SPCC) plans. Use of detergents, emulsifiers, or dispersants to clean up spilled product is prohibited except where necessary to comply with State or Federal safety regulations (i.e., requirement for non-slippery work surface) except where the cleanup practice does not result in a discharge and does not leave residues exposed to future storm events. In all such cases, initial cleanup shall be done by physical removal and chemical usage shall be minimized.

c. All equipment, parts, dumpsters, trash bins, petroleum products, chemical solvents, detergents, or other materials exposed to stormwater shall be maintained in a manner which prevents contamination of stormwater by pollutants.

d. All waste fuel, lubricants, coolants, solvents, or other fluids used in the repair or maintenance of vehicles or equipment shall be recycled or contained for proper disposal. Spills of these materials are to be cleaned up by dry means whenever possible.

e. All storage tank installations (with a capacity greater than 660 gallons for an individual container, or 1,320 gallons for two or more containers in aggregate within a common storage area) shall be constructed so that a secondary means of containment is provided for the entire contents of the largest tank plus sufficient freeboard to allow for precipitation. Diked areas should be sufficiently impervious to contain spills.

f. All diked areas surrounding storage tanks or stormwater collection basins shall be free of residual oil or other contaminants so as to prevent the accidental discharge of these materials in the event of flooding, dike failure, or improper draining of the diked area. All drains from diked areas shall be equipped with valves, which shall be kept in the closed condition except during periods of supervised discharge.

g. All check valves, tanks, drains, or other potential sources of pollutant releases shall be inspected and maintained on a regular basis to assure their proper operation and to prevent the discharge of pollutants.

h. The permittee shall assure compliance with all applicable regulations promulgated under the Louisiana Solid Waste and Resource Recovery Law and the Hazardous Waste Management Law (La.R.S. 30:2151, etc.). Management practices required under above regulations shall be referenced in the SWP3.

OTHER REQUIREMENTS (continued)

i. The permittee shall amend the SWP3 whenever there is a change in the facility or change in the operation of the facility, which materially increases the potential for the ancillary activities to result in a discharge of significant amounts of pollutants.

j. If the SWP3 proves to be ineffective in achieving the general objectives of preventing the release of significant amounts of pollutants to water of the state, then the specific objectives and requirements of the SWP3 shall be subject to modification to incorporate revised SWP3 requirements.

6. Facility Specific SWP3 Conditions:

None

K. 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

L. PRODUCED WATER TOXICITY TESTING REQUIREMENTS (7-DAY CHRONIC NOEC MARINE LIMITS)

The approved test methods for permit compliance are identified in 40 CFR Part 136 and published at 60 FR 53528.

1. The permittee shall utilize the Mysidopsis bahia (Mysid Shrimp) chronic static renewal 7-day survival and growth test (Method 1007.0). A minimum of five (5) replicates with ten (10) organisms per replicate must be used in the control and in each effluent dilution of this test.

2. The permittee shall utilize the Menidia beryllina (Inland Silverside Minnow) chronic static renewal 7-day larval survival and growth test (Method 1006.0). A minimum of five (5) replicates with ten (10) organisms per replicate must be used in the control and in each effluent dilution of this test.

3. When the testing frequency is less than monthly and the effluent fails the survival endpoint at the low-flow effluent concentration (critical dilution), the permittee shall be considered in violation of this permit limit and the frequency for the affected species will increase to monthly until such time compliance with the No Observed Effluent Concentration (NOEC) effluent limitation is demonstrated for a period of three consecutive months, at which time the permittee may return to the testing frequency stated in Part I of this permit. During the period the permittee is out of compliance, test results shall be reported on the DMR for that reporting period.

4. This permit may be reopened to require chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.

OTHER REQUIREMENTS (continued)

5. The permittee shall prepare a full report of the results of all tests conducted pursuant to this section in accordance with the Report Preparation Section of "Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms", EPA-821-R-02-014, or the most current publication, for every valid or invalid toxicity test initiated whether carried to completion or not. The permittee shall retain each full report pursuant to the provisions of Part III.C of this permit. For any test which fails, is considered invalid, or which is terminated early for any reason, the full report must be submitted for agency review. The permittee shall submit the first full report to the Office of Environmental Compliance at the address listed in Part II.Q of this permit.

6. In accordance with Part III.D.10 of this permit, the permittee shall report on the DMR for the reporting period the lowest Whole Effluent Lethality values determined for either species for the 30-Day Average Minimum and 7-Day Minimum under Parameter No. 22414, and the permittee shall report the results of the valid toxicity test as follows:

   a. MENIDIA BERYLLINA (INLAND SILVERSIDE MINNOW)

      i. If the Inland Silverside Minnow NOEC for survival is less than the critical effluent dilution, enter a "1"; otherwise, enter a "0". Parameter No. TLP6B on the DMR.

      ii. Report the Inland Silverside Minnow NOEC value for survival, Parameter No. TOP6B on the DMR.

      iii. Report the Inland Silverside Minnow NOEC value for growth, Parameter NO. TPP6B on the DMR.

      iv. If the No Observed Effect Concentration (NOEC) for growth is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TGP6B.

      v. Report the % coefficient of variation (larger of critical dilution and control), Parameter NO. TQP6B on the DMR.

   b. MYSIDOPSIS BAHIA (MYSID SHRIMP)

      i. If the Mysid Shrimp NOEC for survival is less than the critical effluent dilution, enter a "1"; otherwise, enter a "0". Parameter No. TLP6E on the DMR.

      ii. Report the Mysid Shrimp NOEC value for survival, Parameter No. TOP3E on the DMR.

      iii. Report the Mysid Shrimp NOEC value for growth, Parameter No. TPP3E on the DMR.

      iv. If the No Observed Effect Concentration (NOEC) for growth is

OTHER REQUIREMENTS (continued)

less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TGP3E.

v. Report the % coefficient of variation (larger of critical dilution and control), Parameter No. TQP3E on the DMR.

M. CHEMICALLY TREATED SEAWATER AND FRESHWATER TOXICITY TESTING REQUIREMENTS (48-HOUR ACUTE NOEC MARINE LIMITS)

The approved test methods for permit compliance are identified in 40 CFR Part 136 and published at 60 FR 53528.

1. The permittee shall utilize the Mysidopsis bahia (Mysid Shrimp) acute static renewal 48-hour definitive toxicity test using EPA-821-R-02-012. A minimum of five (5) replicates with ten (10) organisms per replicate must be used in the control and in each effluent dilution of this test.

2. Mendia beryllina (Inland Silverside Minnow) acute static renewal 48-hour definitive toxicity test using EPA-821-R-02-012. A minimum of five (5) replicates with ten (10) organisms per replicate must be used in the control and in each effluent dilution of this test.

3. When the testing frequency is less than monthly and the effluent fails the survival endpoint at the low-flow effluent concentration (critical dilution), the permittee shall be considered in violation of this permit limit and the frequency for the affected species will increase to monthly until such time compliance with the No Observed Effluent Concentration (NOEC) effluent limitation is demonstrated for a period of three consecutive months, at which time the permittee may return to the testing frequency stated in Part I of this permit. During the period the permittee is out of compliance, test results shall be reported on the DMR for that reporting period.

4. This permit may be reopened to require chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.

5. The permittee shall prepare a full report of the results of all tests conducted pursuant to this section in accordance with the Report Preparation Section of "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms", EPA-821-R-02-012, or the most current publication, for every valid or invalid toxicity test initiated whether carried to completion or not. The permittee shall retain each full report pursuant to the provisions of Part III.C of this permit. For any test which fails, is considered invalid, or which is terminated early for any reason, the full report must be submitted for agency review. The permittee shall submit the first full report to the Office of Environmental Compliance at the address listed in Part II.Q of this permit.

6. In accordance with Part III.D.10 of this permit, the permittee shall report on the DMR for the reporting period the lowest Whole Effluent Lethality values determined for either species for the 30-Day Average Minimum and 48-Hour

OTHER REQUIREMENTS (continued)

Minimum under Parameter No. 22414, and the permittee shall report the results of the valid toxicity test as follows:

a. MENIDIA BERYLLINA (INLAND SILVERSIDE MINNOW)

i. If the Inland Silverside Minnow NOEC for survival is less than the critical effluent dilution, enter a "1"; otherwise, enter a "0". Parameter No. TEM6B on the DMR.

ii. Report the Inland Silverside Minnow NOEC value for survival, Parameter No. TOM6B on the DMR.

iii. Report the highest (critical dilution or control) Coefficient of Variation, Parameter No. TQM6B

b. MYSIDOPSIS BAHIA (MYSID SHRIMP)

i. If the Mysid Shrimp NOEC for survival is less than the critical effluent dilution, enter a "1"; otherwise, enter a "0". Parameter No. TEM3E on the DMR.

ii. Report the Mysid Shrimp NOEC value for survival, Parameter No. TOM3E on the DMR.

iii. Report the highest (critical dilution or control) Coefficient of Variation, Parameter No. TQM3E.

N. CHANGES IN DISCHARGES OF TOXIC SUBSTANCES

The permittee shall notify the Administrative Authority as soon as it knows or has reason to believe:

1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

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

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

c. The level established by the Administrative Authority

2. That any activity has occurred or will occur which would result in the discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification

OTHER REQUIREMENTS (continued)

levels":

a. Five hundred micrograms per liter (500 μg/L);

b. One milligram per liter (1 mg/L) for antimony; or

c. The level established by the Administrative Authority

O. RADIONUCLIDE TEST

The approved test methods for monitoring water for radionuclides are:

Radium 226: Method Number 7500-Ra C, Standard Methods for the Examination of Water and Wastewater, most current edition, APHA, AWWA, and WPCF.

Radium 228: Method Number 7500-Ra D, Standard Methods for the Examination of Water and Wastewater, most current edition, APHA, AWWA, and WPCF.

P. PERMIT REOPENER CLAUSE

In accordance with LAC 33:IX.2903, 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 so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or

2. Controls any pollutant not limited in the permit; or

3. Require reassessment due to change in 303(d) status of waterbody; or

4. Incorporates the results of any total maximum daily load allocation, which may be approved for the receiving water body.

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

OTHER REQUIREMENTS (continued)

Q. 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.

If there is a no discharge event at any of the monitored outfall(s) during the reporting period, place an "X" in the NO DISCHARGE box located in the upper right corner of the Discharge Monitoring Report for that outfall.

Monitoring results for each month shall be summarized on a DMR Form (one DMR Form per monitoring period for each outfall) and submitted to the Office of Environmental Compliance either hand delivered or postmarked no later than the 28th day of the month following the reporting period.

1. For parameters that require a monitoring frequency of quarterly or more frequent (i.e. monthly, weekly, biweekly, bimonthly, daily, once per discharge event), DMRs shall be submitted in accordance with the following 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

2. For parameters that require a semiannual monitoring frequency, DMRs shall be submitted in accordance with the following schedule:

Monitoring Period	DMR Postmark Date
January 1 – June 30	July 28th
July 1 - December 31	January 28th

3. For parameters that require an annual monitoring frequency, DMRs shall be submitted in accordance with the following schedule:

Monitoring Period	DMR Postmark Date
January 1 – December 31	January 28th

LDEQ-EDMS Document 37274137, Page 34 of 85

OTHER REQUIREMENTS (continued)

Duplicate copies of DMRs (one set of originals and one set of copies) signed and certified as required by LAC 33:IX.2503.B, and all other reports (one set of originals) required by this permit shall be submitted to the Permit Compliance Unit at the following address:

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

OTHER REQUIREMENTS (continued)

R. DEFINITIONS

1. *Activity*: any conduct, operation or process which causes or may cause the discharge of pollutants into the waters of the state.

2. *Administrative Authority*: the secretary of the Department of Environmental Quality or his designee or the appropriate assistant secretary or his designee.

3. *Ballast Water*: uncontaminated surface water used to maintain proper draft or to stabilize drilling or workover vessels.

4. *Batch or Bulk Discharge*: any discharge of a discrete volume or mass of effluent from a pit, tank, or similar container that occurs on a one time or infrequent or irregular basis

5. *Batch or bulk treatment*: means any treatment of a discrete volume or mass of effluent from a pit, tank, or similar container prior to discharge.

6. *bbl/day*: barrels per day

7. *Best Management Practices ("BMPs")*: means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

8. *Bilge Water*: water that accumulates in the bilge area of drilling or workover vessels.

9. *Biochemical Oxygen Demand (BOD)*: means the amount of oxygen required by bacteria during the decay of organic and nitrogenous materials.

10. *Blowout Preventer Control Fluid*: fluid used to actuate the hydraulic equipment on the blowout preventer.

11. *BOD_5*: the five day biochemical oxygen demand.

12. *Boiler Blowdown*: discharge from boilers necessary to minimize solids build-up in the boilers, including vents from boilers and other heating systems.

13. *Cement*: Portland cement, either dry or in slurry form, including additives. Additives include such materials as accelerators (e.g., calcium chloride), retarders (e.g., lignosulfonates), weighting materials (e.g., barium sulfate), extenders (e.g., bentonite), and lost circulation materials (e.g., walnut shells).

14. *Clinkers*: small lumps of melted plastic.

15. *COD*: chemical oxygen demand.

OTHER REQUIREMENTS (continued)

16. *Commingled Discharges*: waste streams that are mixed prior to final discharge and can not be sampled separately as internal outfalls.

17. *Completion Fluids*: salt solutions, weighted brines, polymers or various additives used to prevent damage to the well bore during operations which prepare the drilled well for hydrocarbon production. These fluids move into the formation and return to the surface as a slug with the produced water. Drilling muds remaining in the well bore during logging, casing, and cementing operations or during temporary abandonment of the well are not considered completion fluids and are regulated by drilling fluids requirements.

18. *Deck Drainage*: all waste resulting from platform washings, deck washings, spills, rainwater, and runoff from curbs, gutters, and drains, including drip pans and wash areas.

19. *Depth Difference*: distance in water depth between the discharge pipe and the seafloor.

20. *Desalinization unit discharge*: wastewater associated with the process of creating fresh water from salt water.

21. *Development facility*: any fixed or mobile structure subject to this permit that is engaged in the drilling of productive wells.

22. *Diatomaceous Earth Filter Media*: Filter media used to filter seawater or other authorized completion fluids and subsequently washed from the filter.

23. *Domestic Waste*: materials discharged from sinks, showers, laundries, safety showers, eyewash stations, handwash stations, fish cleaning stations, and galleys.

24. *Drill Cuttings*: particles generated by drilling into subsurface geological formations.

25. *Drilling Fluids*: any fluid sent down the hole, including drilling muds and any specialty products, from the time a well is begun until final cessation of drilling in that hole.

26. *Drilling Mud*: a heavy suspension used in drilling a well, introduced down the drill pipe and through the drill bit.

27. *Effluent Limitation*: any applicable state or federal quality or quantity limitation that imposes any restriction or prohibition on quantities, discharge rates, and concentrations of pollutants discharged into the waters of the state.

28. *Excess Cement Slurry*: the excess cement including additives and wastes from equipment washdown after a cementing operation.

29. *Exploratory facility*: any fixed or mobile structure subject to this permit that is engaged in the drilling of wells to determine the nature of potential hydrocarbon reservoirs.

OTHER REQUIREMENTS (continued)

30. *Facility*: means a pollution source, or any public or private property or site and all contiguous land and structures, other appurtenances and improvements, where any activity is conducted which discharges or may result in the discharge of pollutants into waters of the State.

31. *Fecal Coliform*: means a gram negative, non-spore forming, rod-shaped bacteria found in the intestinal tract of warm-blooded animals.

32. *Formation Test Fluids*: the discharge that would occur if hydrocarbons are located during exploratory drilling and tested for formation pressure and content.

33. *Free Oil*: oil that causes a sheen when discharges are released or when a static sheen test is used.

34. *Garbage*: all kinds of victual, domestic, and operational waste, excluding fresh fish and parts thereof, generated during the normal operation of territorial oil and gas facility and liable to be disposed of continuously or periodically, except dishwater, graywater, and those substances that are defined or listed in other Annexes to MARPOL 73/78.

35. *Graywater*: drainage from dishwater, shower, laundry, bath, and wash basin drains and does not include drainage from toilets, urinals, hospitals, and drainage from cargo areas.

36. *Inverse emulsion drilling fluids*: means an oil-based drilling fluid that also contains a large amount of water.

37. *Muds, Cuttings, and Cement at the Cement Floor*: discharges which occur at the sea floor prior to installation of the marine riser and during marine riser disconnect and well abandonment and plugging operations.

38. *Non-contact Cooling Water*: means that water used for the purpose of heat removal and which does not come in contact with any raw materials, intermediate or finished products, or any spilled materials in conveyances.

39. *Office*: means the Office of Environmental Services within the Department of Environmental Quality.

40. *Pollutant*: any substance introduced into the waters of the State by any means that would tend to degrade the chemical, physical, biological, or radiological integrity of the environment.

41. *Pollution Source*: the immediate site or location of a discharge or potential discharge, including such surrounding property as is necessary to secure or quarantine the area from access by the general public.

42. *Priority Pollutants*: are those chemicals or elements pursuant to section 307 of the Clean Water Act, and 40 CFR 401.15. See Appendix A.

43. *Produced Sand*: sand and other solids removed from produced water, oil, or gas.

OTHER REQUIREMENTS (continued)

44. *Produced Water*: liquid and suspended particulate waste material generated by the processing of fluids brought to the surface in conjunction with recovery of oil or natural gas from underground geological formations or with underground storage of hydrocarbons.

45. *Production Facility*: any fixed or mobile structure that is either engaged in well completion or used for active recovery of hydrocarbons from producing formations. It includes facilities that are engaged in hydrocarbon fluids separation even if located separately from wellheads.

46. *Reportable Quantity (RQ) Release*: as defined at 40 CFR Part 110, "the amount of oil that violates applicable water quality standards or causes a film or sheen upon or a discoloration of the surface of the water or adjoining shorelines or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines."

47. *Sanitary Wastewater*: the human body waste discharged from toilets and urinals located within facilities subject to this permit.

48. *Seepage*: as used in the permits means the physical, slow movement of wastewater through a porous material in sufficient quantity to produce visible unbroken surface flow from a seepage area to waters of the state.

49. *Source Water and Sand*: water, including the entrained solids, from non-hydrocarbon bearing formations used for the purpose of pressure maintenance or secondary recovery.

50. *Storm Water Runoff*: aqueous surface runoff including any soluble or suspended material mobilized by naturally occurring precipitation events.

51. *Storm Water Discharge Associated with Industrial Activity*: defined at LAC 33:IX. 2511.B.14.

52. *Static Sheen*: defined in the static sheen test in Appendix 1 to 40 CFR 435, Subpart A.

53. *Territorial Seas*: the belt of the seas measured from the line of ordinary low water along that portion of the coast in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of three miles (as defined at 33 U.S.C. 1362.8).

54. *Total Suspended Solids (TSS)*: the amount of solid material suspended in water commonly expressed as a concentration in terms of mg/L.

55. *Treated wastewater from dewatered drilling fluids and cuttings*: means wastewater from dewatering activities (including but not limited to reserve or other tanks or pits which have been flocculated or otherwise chemically or mechanically treated to meet specific discharge conditions) and any waste commingled with this water.

56. *Unauthorized Discharge*: a continuous, intermittent or one-time discharge,

OTHER REQUIREMENTS (continued)

whether intentional, anticipated, or unanticipated, from any source, permitted or unpermitted, which is in contravention of any provision of the Act or of any permit terms and conditions, or of any applicable regulation, compliance schedule, variance or exception of the administrative authority.

57. *Uncontaminated ballast/bilge water*: seawater added or removed to maintain proper draft of a vessel.

58. *Uncontaminated Freshwater*: means freshwater which is returned to the receiving stream without the addition of any chemicals; included are (1) discharges of excess freshwater that permit the continuous operation of fire control and utility lift pumps, (2) excess freshwater from pressure maintenance and secondary recovery projects, (3) water released during the training and testing of personnel in fire protection, (4) water used to pressure test piping, (5) once through, non-contact cooling water, and (6) potable water released during transfer and tank emptying operations and condensate from air conditioner units.

59. *Uncontaminated Seawater*: is seawater which is returned to the sea without the addition of chemicals. Included are: (1) Discharges of excess seawater which permit the continuous operation of fire control and utility lift pumps, (2) excess seawater from pressure maintenance and secondary recovery projects, (3) water released during the training and testing of personnel in fire protection, (4) seawater used to pressure test piping, and (5) once through, noncontact cooling water.

60. *Uncontaminated Water*: freshwater or saltwater that is returned to the receiving water without the addition of any chemicals. Included are (1) discharges of excess water that permit the continuous operation of fire control and utility lift pumps, (2) excess water from pressure maintenance and secondary recovery projects, (3) water released during the training and testing of personnel in fire protection, (4) once-through, non-contact cooling water, (5) potable water released during transfer and tank emptying operations, (6) condensate from air conditioning units, (7) seawater cooling overboard discharge, (8) chain locker effluent, and (9) fire main system discharge.

61. *Utility Wash Water*: Wash water, excluding internal and external vehicle wash water. This wastewater may include wash water from the washing of uncontaminated tanks or vessels, items at a rental store, warehouse floors, etc. with or without soaps and/or detergents.

62. *Visible Sheen*: a "silvery" or "metallic" sheen, gloss, or increased reflectivity, visual color, or iridescence.

63. *Waters of the State*: means all surface waters within the state of Louisiana and, on the coastline of Louisiana and the Gulf of Mexico, all surface waters extending there from three miles into the Gulf of Mexico. For purposes of the Louisiana Pollutant Discharge Elimination System, this includes all surface waters which are subject to the ebb and flow of the tide, lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, impoundments of waters within the state of Louisiana otherwise defined as "waters of the United States" in 40 CFR 122.2

OTHER REQUIREMENTS (continued)

and tributaries of all such waters. "Waters of the State" does not include waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act, 33 U.S.C. 1251 et seq.

64. *Well Treatment Fluid*: fluids used to restore or improve productivity by chemically or physically altering hydrocarbon bearing strata after a well has been drilled. These fluids include substances such as acids, solvents, and propping agents.

65. *Workover Fluid*: salt solutions, sometimes containing specialty additives, which are used in a producing well to allow safe repair and maintenance procedures. High solids drilling fluids used during workover operations are not considered workover fluids by definition and therefore must meet drilling fluid effluent limitations before discharge may occur. Packer fluids, low solid fluids between the packer, production string and well casing, are considered to be workover fluids.

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

LDEQ-EDMS Document 37274137, Page 47 of 85

"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.

LDEQ-EDMS Document 37274137, Page 56 of 85

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.