DEPARTMENT OF ENVIRONMENTAL QUALITY

KATHLEEN BABINEAUX BLANCO
GOVERNOR

MIKE D. McDANIEL, Ph.D.
SECRETARY

Certified Mail#_____

FILE NUMBER: LA0008036
AI NUMBER: 2922
PER NUMBER: 19930002

CLECO Power, LLC
Rodemacher Power Station
2030 Donahue Ferry Road
Pineville, LA 70821

Attention: Mr. Steven Carter, Vice President

Subject: Draft Louisiana Pollutant Discharge Elimination System (LPDES) permit to discharge wastewaters associated with an existing steam electric power generating facility in Lena, Rapides Parish, Louisiana.

Gentlemen:

The Department of Environmental Quality proposes to reissue an LPDES permit with the effluent limitations, monitoring requirements, and special conditions listed in the attached DRAFT PERMIT. Please note that this is a DRAFT PERMIT only and as such does not grant any authorization to discharge. Authorization to discharge will be granted only after all requirements described herein are satisfied and by the subsequent issuance of a FINAL PERMIT. Upon issuance, the LPDES permit shall replace the previously issued EPA (NPDES) permit.

This Office will publish the enclosed public notice one time in the local newspaper of general circulation, and in the Department of Environmental Quality Public Notice Mailing List. In accordance with LAC 33:IX.6521.A, the applicant shall receive and is responsible for paying the invoice(s) from the newspaper(s). LAC 33:IX.6521.A states, "...The costs of publication shall be borne by the applicant."

Upon issuance of a final permit, monitoring results should be reported on a Discharge Monitoring Report (DMR) form per the schedule specified. Copies to be submitted to the regional office should be sent to the Northeast Regional Office, Office of Environmental Compliance, 1823 Hwy 546, West Monroe, La. 71292-0442.

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

ENVIRONMENTAL **SERVICES**
: PO BOX 4313, BATON ROUGE, LA 70821-4313
P:225-219-3181 F:225-219-3309
WWW.DEQ.LOUISIANA.GOV

Public Notice
Scheduled for Publication

The notice associated with the following:

Re: Request for Public Comment on a Draft Water Discharge Permit
CLECO Power, LLC – Rodemacher Power Station
Lena, Rapides Parish
AI 2922, Permit No. LA0008036, Activity No. PER19930002

is scheduled to publish in the following paper (s)

Newspaper(s)	Scheduled Publication Date*
"The Town Talk" of Alexandria, LA	Thursday, January 5, 2006

In accordance with **LAC 33:IX.6521.A**, the *applicant is responsible for payment of all costs of publication. Newspaper will bill applicant directly. Questions regarding publication or payment may be directed to:*

DEQ Office of Environmental Services, Public Participation Group Staff:

Name: Brian Smith

Phone: (225) 219-3279

Email: brian.smith@la.gov

Comments:

***Actual date of publication is pending confirmation of publication by newspaper(s)**

PUBLIC NOTICE
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY (LDEQ)
CLECO POWER, LLC
RODEMACHER POWER STATION / UNIT 1, UNIT 2 AND PROPOSED UNIT 3
DRAFT WATER DISCHARGE PERMIT

The LDEQ, Office of Environmental Services, is accepting written comments on a draft Louisiana Pollutant Discharge Elimination System (LPDES) permit prepared for CLECO Power, LLC, Rodemacher Power Station, existing Units 1 and 2 and proposed Unit 3, 2030 Donahue Ferry Road, Pineville, LA 70821. **The facility is located at 275 Rodemacher Road in Lena, Rapides Parish.** Upon the effective date of the final permit, the LPDES permit shall replace the previously issued EPA (NPDES) permit and State (LWDPS) permit.

The principal discharge from this existing source is made into a tributary of Subsegment 100101 of the Red River Basin, waters of the state classified for primary contact recreation, secondary contact recreation, propagation of fish and wildlife, drinking water supply and agriculture. Under the SIC Code 4911, the applicant proposes to discharge coal sedimentation pond effluent, seal well overflow, bottom ash pond and secondary settling pond effluent, chemical metal cleaning wastes, once through non-contact cooling water, clarifier sludge sedimentation pond effluent, and low volume wastewaters including but not limited to non-oily drains, excess well water, filter backwash, demineralizer wastewaters, boiler blowdown, floor and roof drains, fire systems test water, hydrostatic test waters, eye wash station and safety shower waters and general facility washwaters from an existing steam electric generating facility.

During the preparation of this permit, it has been determined that the discharge will have no adverse impact on the existing uses of the receiving waterbody. As with any discharge, however, some change in existing water quality may occur.

Written comments, written requests for a public hearing or written requests for notification of the final decision regarding this permit action may be submitted to Ms. Soumaya Ghosn at LDEQ, Public Participation Group, P.O. Box 4313, Baton Rouge, LA 70821-4313. **Written comments and/or written requests must be received by 12:30 p.m., Thursday, February 9, 2006.** Written comments will be considered prior to a final permit decision.

If LDEQ finds a significant degree of public interest, a public hearing will be held. LDEQ will send notification of the final permit decision to the applicant and to each person who has submitted written comments or a written request for notification of the final decision.

The draft permit, application and fact sheet are available for review at the LDEQ, Public Records Center, Room 127, 602 North 5th Street, Baton Rouge, LA. Viewing hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday (except holidays).

Inquiries or requests for additional information regarding this permit action should be directed to Aimee' R. McReynolds, LDEQ, Permits Division, P.O. Box 4313, Baton Rouge, LA 70821-4313, phone (225) 219-3088.

Persons wishing to be included on the LDEQ permit public notice mailing list should contact Ms. Soumaya Ghosn in writing at LDEQ, P.O. Box 4313, Baton Rouge, LA 70821-4313, phone (225) 219-3276, or by email at maillistrequest@ldeq.org.

Permit public notices can be viewed on the LDEQ Permits public Web page at WWW.deq.state.la.us/news/PubNotice/.

Alternatively, individuals may elect to receive the permit public notices via email by subscribing to the LDEQ permits public notice List Server at http://www.state.la.us/ldbc/listservpage/ldeq_pn_listserv.htm.

All correspondence should specify AI 2922, Permit Number LA0008036, and Activity Number PER19930002.

Publication date: January 5, 2006.
form_1016_r00

Should you have any questions concerning any part of the DRAFT PERMIT, public notice requirements, or fees, please contact Ms. Aimee' McReynolds Killeen, Office of Environmental Services, at the address on the preceding page or telephone (225) 219-3073. Please reference your Agency Interest Number, AI2922, and your Louisiana Pollutant Discharge Elimination System Number, LA0008036, on all future correspondence to the Department.

Sincerely,

Lenny M. Young

Lenny Young, Administrator
Water and Waste Permits Division

ark

Attachments

c: cover letter only

Ms. Kim Gunderson
Water and Waste Permits Division

c: cover letter and fee sheet

Ms. Gayle Denino
Office of Management & Finance

c: cover letter, dated public notice, permit (I-II), and factsheet:

Permit Compliance Unit
Office of Environmental Compliance

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

IO-W

DRAFT

PERMIT NUMBER
LA0008036
AI2922

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

CLECO Power, LLC
Rodemacher Power Station
2030 Donahue Ferry Road
Pineville, LA 70821

Type Facility: existing steam electric power generating facility

Location: 275 Rodemacher Road in Lena, Rapides Parish

Receiving Waters: a tributary to subsegment 100101 of the Red River Basin

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

Chuck Carr Brown, Ph.D.
Assistant Secretary

DRAFT

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

Outfall 001 – Interim Effluent Limitations, the intermittent cooling impoundment discharge consisting of previously monitored Outfalls 201 through R111, low potential contamination stormwater runoff, miscellaneous wastewaters including, but not limited to, fire system test waters, eyewash station and safety shower waters, steam condenser waters and general facility washwater. (Estimated flow is 230.2 MGD)

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

Effluent Characteristic		Discharge Limitations				Monitoring Requirements	
		(lb/day Unless Stated)		(mg/L, Unless Stated)			
	Storet Code	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency[3]	Sample Type
Flow-MGD	50050	---	---	Report	Report	Daily	Estimate
Temperature	00011	---	---	---	100° F[4]	Daily	Record
Dissolved Oxygen[1]	00300	---	---	Report	Report	1/quarter	Grab
Color	00080	---	---	Report[2]	Report[2]	1/quarter	Grab
Total Copper	01042	---	---	Report μg/l	Report μg/l	1/quarter	24-hour composite

WHOLE EFFLUENT (ACUTE) TOXICITY LIMITS (Percent %, UNLESS STATED)[5]

	Storet Code	Monthly Avg Minimum	48-Hour Minimum	Measurement Frequency	Sample Type
NOEC, Pass/Fail [0/1], Lethality, Static Renewal, 7-Day Chronic, *Pimephales promelas*	TLP6C	Report[6]	Report[6]	1/quarter	24-hr. Composite
NOEC, Value [%], Lethality, Static Renewal, 7-Day Chronic, *Pimephales promelas*	TOP6C	Report	Report	1/quarter	24-hr. Composite
NOEC, Value [%], Growth, Static Renewal, 7-Day Chronic, *Pimephales promelas*	TPP6C	Report	Report	1/quarter	24-hr. Composite
NOEC, Pass/Fail [0/1], Growth, Static Renewal, 7-Day Chronic, *Pimephales promelas*	TGP6C	Report[6]	Report[6]	1/quarter	24-hr. Composite
NOEC, Value [%], Coefficient of Variation, Static Renewal 7-Day Chronic, *Pimephales promelas*	TQP6C	Report	Report	1/quarter	24-hr. Composite
NOEC, Pass/Fail [0/1], Lethality, Static Renewal 7-Day Chronic, *Ceriodaphnia dubia*	TLP3B	Report[6]	Report[6]	1/quarter	24-hr. Composite

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Outfall 001 cont.)

WHOLE EFFLUENT (ACUTE) TOXICITY LIMITS (Percent %, UNLESS STATED)[5]

	Storet Code	Monthly Avg Minimum	48-Hour Minimum	Measurement Frequency	Sample Type
NOEC, Value [%], Lethality, Static Renewal, 7-Day Chronic, *Ceriodaphnia dubia*	TOP3B	Report	Report	1/quarter	24-hr. Composite
NOEC, Pass/Fail [0/1], Reproduction, Static Renewal 7-Day Chronic, *Ceriodaphnia dubia*	TGP3B	Report[6]	Report[6]	1/quarter	24-hr. Composite
NOEC, Value [%], Reproduction, Static Renewal 7-Day Chronic, *Ceriodaphnia dubia*	TPP3B	Report	Report	1/quarter	24-hr. Composite
NOEC, Value [%], Coefficient of Variation, Static Renewal 7-Day Chronic, *Ceriodaphnia dubia*	TQP3B	Report	Report	1/quarter	24-hr. Composite

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

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

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

FOOTNOTES:

1 This Dissolved Oxygen limit is the lowest allowable average of discharges over the reporting period.

2 Color shall be reported in color units based on the platinum cobalt scale.

3 When discharging

4 Instantaneous Maximum

5 See Part II, Section S

6 If a test failure has occurred and the required retests have been performed, the test results are results are to be reported on the DMR as follows:

Parameter Code	Report
Retest #1 22415	0 Pass, or 1 Fail
Retest #2 22416	0 Pass, or 1 Fail

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

Outfall 001 – Final Effluent Limitations, the intermittent cooling impoundment discharge consisting of previously monitored Outfalls 201 through 111, low potential contamination stormwater runoff, miscellaneous wastewaters including, but not limited to, fire system test waters, eyewash station and safety shower waters, steam condenser waters and general facility washwater. (Estimated flow is 230.2 MGD)

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

Effluent Characteristic		Discharge Limitations				Monitoring Requirements	
		(lb/day Unless Stated)		(mg/L, Unless Stated)			
	Storet Code	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency[3]	Sample Type
Flow-MGD	50050	---	---	Report	Report	Daily	Estimate
Temperature	00011	---	---	---	100° F[4]	Daily	Record
Dissolved Oxygen[1]	00300	---	---	Report	Report	1/quarter	Grab
Color	00080	---	---	Report[2]	Report[2]	1/quarter	Grab
Total Copper	01042	---	---	30.5 μg/l	72.3 μg/l	1/quarter	24-hour composite

WHOLE EFFLUENT (ACUTE) TOXICITY LIMITS (Percent %, UNLESS STATED)[5]

	Storet Code	Monthly Avg Minimum	48-Hour Minimum	Measurement Frequency	Sample Type
NOEC, Pass/Fail [0/1], Lethality, Static Renewal, 7-Day Chronic, *Pimephales promelas*	TLP6C	Report[6]	Report[6]	1/quarter	24-hr. Composite
NOEC, Value [%], Lethality, Static Renewal, 7-Day Chronic, *Pimephales promelas*	TOP6C	Report	Report	1/quarter	24-hr. Composite
NOEC, Value [%], Growth, Static Renewal, 7-Day Chronic, *Pimephales promelas*	TPP6C	Report	Report	1/quarter	24-hr. Composite
NOEC, Pass/Fail [0/1], Growth, Static Renewal, 7-Day Chronic, *Pimephales promelas*	TGP6C	Report[6]	Report[6]	1/quarter	24-hr. Composite
NOEC, Value [%], Coefficient of Variation, Static Renewal 7-Day Chronic, *Pimephales promelas*	TQP6C	Report	Report	1/quarter	24-hr. Composite
NOEC, Pass/Fail [0/1], Lethality, Static Renewal 7-Day Chronic, *Ceriodaphnia dubia*	TLP3B	Report[6]	Report[6]	1/quarter	24-hr. Composite

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Outfall R03 cont.)

WHOLE EFFLUENT (ACUTE) TOXICITY LIMITS (Percent %, UNLESS STATED)[5]

	Storet Code	Monthly Avg Minimum	48-Hour Minimum	Measurement Frequency	Sample Type
NOEC, Value [%], Lethality, Static Renewal, 7-Day Chronic, *Ceriodaphnia dubia*	TOP3B	Report	Report	1/quarter	24-hr. Composite
NOEC, Pass/Fail [0/1], Reproduction, Static Renewal 7-Day Chronic, *Ceriodaphnia dubia*	TGP3B	Report[6]	Report[6]	1/quarter	24-hr. Composite
NOEC, Value [%], Reproduction, Static Renewal 7-Day Chronic, *Ceriodaphnia dubia*	TPP3B	Report	Report	1/quarter	24-hr. Composite
NOEC, Value [%], Coefficient of Variation, Static Renewal 7-Day Chronic, *Ceriodaphnia dubia*	TQP3B	Report	Report	1/quarter	24-hr. Composite

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

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

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

FOOTNOTES:

1 This Dissolved Oxygen limit is the lowest allowable average of discharges over the reporting period.

2 Color shall be reported in color units based on the platinum cobalt scale.

3 When discharging

4 Instantaneous Maximum

5 See Part II, Section S

6 If a test failure has occurred and the required retests have been performed, the test results are results are to be reported on the DMR as follows:

Parameter Code	Report
Retest #1 22415	0 Pass, or 1 Fail
Retest #2 22416	0 Pass, or 1 Fail

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

Outfall 201, coal sedimentation pond effluent, low volume wastewater including floor and roof drains, and miscellaneous wastewaters including but not limited to fire systems test water, eye wash station and safety shower water and general facility washwater. (Estimated flow is 0.166 MGD)

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

Effluent Characteristic		Discharge Limitations				Monitoring Requirements	
		(lb/day Unless Stated)		(mg/L, Unless Stated)			
	Storet Code	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency[2]	Sample Type
Flow-MGD	50050	---	---	Report	Report	Daily	Estimate
TSS	00530	---	---	30	100	2/month	Grab
Oil and Grease	03582	---	---	15	20	2/month	Grab
pH Min/Max Values (Standard Units)	00400	---	---	6.0 Min[1]	9.0 Max[1]	2/month	Grab

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

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

Outfall 201, at the point of discharge from the coal sedimentation pond into the cooling impoundment.

FOOTNOTES:

[1] The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units. The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous (rather than the daily average and daily maximum) pH values measured during the sampling month.

[2] When discharging

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

Outfall 301, once through non contact cooling water from Units 1, 2, and 3, previously monitored seal well effluent from Outfalls 801 and 901, and miscellaneous wastewaters including but not limited to fire systems test water, eye wash station and safety shower water, steam condenser waters and general facility washwater. (Estimated flow is 1035 MGD)

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

Effluent Characteristic		Discharge Limitations				Monitoring Requirements	
		(lb/day Unless Stated)		(mg/L, Unless Stated)			
	Storet Code	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow-MGD[3]	50050	---	---	Report	Report	Daily	Estimate
Total Residual Chlorine	50060	---	207	---	0.2	2/month	Grab[2]
pH Min/Max Values (Standard Units)	00400	---	---	6.0 Min[1]	9.0 Max[1]	2/month	Grab

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

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

Outfall 301, at the point of discharge into the cooling impoundment.

FOOTNOTES:

1 The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units. The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous (rather than the daily average and daily maximum) pH values measured during the sampling month.

2 Sample shall be representative of periods of chlorination.

3 The use of pump rating curves to obtain the continuous flow measurement are adequate to monitor flow at this discharge.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

Outfall 401, bottom ash sluice waters, fly ash pond wastewaters including fly ash pile runoff and secondary settling pond effluent, clarifier underflow, demineralizer wastewaters, leachate and stormwater runoff from the ash management area, and miscellaneous wastewaters including but not limited to fire systems test water, eye wash station and safety shower water and general facility washwater. (Estimated flow is 5.6 MGD)

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

Effluent Characteristic		Discharge Limitations				Monitoring Requirements	
		(lb/day Unless Stated)		(mg/L, Unless Stated)			
	Storet Code	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency[3]	Sample Type
Flow-MGD	50050	---	---	Report	Report	Daily	Estimate
TSS	00530	---	---	30	100[2]	2/month	Grab
Oil and Grease	03582	---	---	15	20	2/month	Grab
pH Min/Max Values (Standard Units)	00400	---	---	6.0 Min[1]	9.0 Max[1]	2/month	Grab
Clarifying Agents Used[4]	---	Report	Report	---	---	1/month	Record

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

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

Outfall 401, at the point of discharge from the secondary settling pond into the cooling impoundment.

FOOTNOTES:

1 The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units. The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous (rather than the daily average and daily maximum) pH values measured during the sampling month.

2 Based on net increase over intake water from the cooling impoundment. Concurrent monitoring and reporting must be provided for the intake water.

3 When discharging

4 The type and daily average discharge expressed in lb/day or gal/day of each clarifying agent used in Cleco Rodemacher's intake water treatment clarification system during the sampling month shall be recorded. Records of the quantity and type of clarifying agents used shall be retained for three years in accordance with Part III.C.3. No DMR reporting shall be required.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

Outfall 501, contact clarified stormwater from the petcoke/coal pile runoff and/or limestone pile runoff pond. (Estimated flow is 0.36 MGD)

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

Effluent Characteristic		Discharge Limitations (lb/day Unless Stated)		Discharge Limitations (mg/L, Unless Stated)		Monitoring Requirements	
	Storet Code	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency[2]	Sample Type
Flow-MGD	50050	---	---	Report	Report	Daily	Estimate
TSS	00530	---	---	---	50	2/month	Grab
pH Min/Max Values (Standard Units)	00400	---	---	6.0 Min[1]	9.0 Max[1]	2/month	Grab

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

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

Outfall 501, at the point of discharge into the cooling impoundment.

FOOTNOTES:

1 The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units. The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous (rather than the daily average and daily maximum) pH values measured during the sampling month.

2 When discharging

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

Outfall 601, chemical metal cleaning wastes (Estimated flow is 0.023 MGD)

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

Effluent Characteristic		Discharge Limitations (lb/day Unless Stated)		Discharge Limitations (mg/L, Unless Stated)		Monitoring Requirements	
	Storet Code	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow-MGD	50050	---	---	Report	Report	Daily[2]	Estimate
TSS	00530	---	---	30	100	1/occurence	Grab
Oil and Grease	03582	---	---	15	20	1/occurence	Grab
Iron	01258	---	---	1	1	1/occurence	Grab
Copper	01042	---	---	1	1	1/occurence	Grab
pH Min/Max Values (Standard Units)	00400	---	---	6.0 Min[1]	9.0 Max[1]	1/occurence	Grab

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

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

Outfall 601, at the point of discharge into the cooling impoundment.

FOOTNOTES:

1 The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units. The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous (rather than the daily average and daily maximum) pH values measured during the sampling month.

2 When discharging.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

Outfall 701, clarifier sludge sedimentation pond effluent and miscellaneous wastewaters including but not limited to fire systems test water, eye wash station and safety shower water and general facility washwater. (Estimated flow is 0.144 MGD)

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

Effluent Characteristic		Discharge Limitations				Monitoring Requirements	
		(lb/day Unless Stated)		(mg/L, Unless Stated)			
	Storet Code	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow-MGD	50050	---	---	Report	Report	Daily[2]	Estimate
TSS	00530	---	---	30	100	2/month	Grab
Oil and Grease	03582	---	---	15	20	2/month	Grab
pH Min/Max Values (Standard Units)	00400	---	---	6.0 Min[1]	9.0 Max[1]	2/month	Grab

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

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

Outfall 701, at the point of discharge from the clarifier pond into the cooling impoundment.

FOOTNOTES:

[1] The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units. The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous (rather than the daily average and daily maximum) pH values measured during the sampling month.

[2] When discharging.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

> **Outfall 801**, low volume wastewaters including but not limited to boiler blowdown and non-oily drains, floor drain and roof drain wastewaters, fire systems test water, eye wash station and safety shower water and general facility washwater.. (Estimated flow is 0.0923 MGD)

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

Effluent Characteristic		Discharge Limitations				Monitoring Requirements	
		(lb/day Unless Stated)		(mg/L, Unless Stated)			
	Storet Code	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow-MGD	50050	---	---	Report	Report	Daily[1]	Estimate
TSS	00530	---	---	30	100	2/month	Grab
Oil and Grease	03582	---	---	15	20	2/month	Grab
pH Min/Max Values (Standard Units)	00400	---	---	6.0 Min[2]	9.0 Max[2]	2/month	Grab

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

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

> Outfall 801, at the point of discharge into the cooling impoundment.

FOOTNOTES:

[1] When discharging.

[2] The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units. The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous (rather than the daily average and daily maximum) pH values measured during the sampling month.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

Outfall 901, low volume wastewaters including but not limited to floor drain and roof drain wastewaters, excess well water (previously Outfall R05), filter backwash, clarifier underflow, demineralizer wastewaters, fire systems test water, eye wash station and safety shower water and general facility washwater. (Estimated flow is 0.29 MGD)

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

Effluent Characteristic		Discharge Limitations				Monitoring Requirements	
		(lb/day Unless Stated)		(mg/L, Unless Stated)			
	Storet Code	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow-MGD	50050	---	---	Report	Report	Daily[1]	Estimate
TSS	00530	---	---	30	100	2/month	Grab
Oil and Grease	03582	---	---	15	20	2/month	Grab
pH Min/Max Values (Standard Units)	00400	---	---	6.0 Min[2]	9.0 Max[2]	2/month	Grab
Clarifying Agents Used[3]	---	Report	Report	---	---	1/month	Record

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

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

Outfall 901, at the point of discharge into the cooling impoundment.

FOOTNOTES:

1 When discharging.

2 The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units. The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous (rather than the daily average and daily maximum) pH values measured during the sampling month.

3 The type and daily average discharge expressed in lb/day or gal/day of each clarifying agent used in Cleco Rodemacher's intake water treatment clarification system during the sampling month shall be recorded. Records of the quantity and type of clarifying agents used shall be retained for three years in accordance with Part III.C.3. No DMR reporting shall be required.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

Outfall 101, the intermittent discharge of hydrostatic test wastewaters

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

Effluent Characteristic		Discharge Limitations				Monitoring Requirements	
		(lb/day Unless Stated)		(mg/L, Unless Stated)			
	Storet Code	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency[1]	Sample Type
Flow-MGD	50050	---	---	Report	Report	Daily	Estimate
TSS	00530	---	---	---	90	1/event	Grab
Oil & Grease	00556	---	---	---	15	1/event	Grab
TOC	00690	---	---	---	50	1/event	Grab
Benzene[2]	34030	---	---	---	50 μg/l	1/event	Grab
Total BTEX[2,3]	49491	---	---	---	250 μg/L	1/event	Grab
Total Lead[2]	01051	---	---	---	50 μg/L	1/event	Grab
pH Min/Max Values (Standard Units)	00400	---	---	6.0 Min[4]	9.0 Max[4]	2/month	Grab

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

Outfall R101, at the point of discharge prior to mixing with any other waters (may be discharged through any outfall)

FOOTNOTES:

1 When discharging.

2 Benzene, Total BTEX, and Lead shall be measured on discharges from pipelines or vessels which have been used for the storage or transportation of liquid or gaseous petroleum hydrocarbons. Accordingly, Flow, TSS, Oil & grease, and pH are the only testing requirements for new pipe or vessels.

3 BTEX shall be measured as the sum of benzene, toluene, ethylbenzene, and total xylene (including ortho-, meta-, and para-xylene) as quantified by EPA methods 601, 602, 624, or 1624.

4 The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units. The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous (rather than the daily average and daily maximum) pH values measured during the sampling month.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

Outfall 111, chemical metal cleaning wastes (Estimated flow is 0.023 MGD)

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

Effluent Characteristic		Discharge Limitations (lb/day Unless Stated)		Discharge Limitations (mg/L, Unless Stated)		Monitoring Requirements	
	Storet Code	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow-MGD	50050	---	---	Report	Report	Daily[2]	Estimate
TSS	00530	---	---	30	100	1/occurence	Grab
Oil and Grease	03582	---	---	15	20	1/occurence	Grab
Iron	01258	---	---	1	1	1/occurence	Grab
Copper	01042	---	---	1	1	1/occurence	Grab
pH Min/Max Values (Standard Units)	00400	---	---	6.0 Min[1]	9.0 Max[1]	1/occurence	Grab

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

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

Outfall 111, at the point of discharge into the cooling impoundment.

FOOTNOTES:

1 The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units. The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous (rather than the daily average and daily maximum) pH values measured during the sampling month.

2 When discharging.

PART II

OTHER REQUIREMENTS

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

A. Please be aware that the Department will be conducting a TMDL in the Red River Basin scheduled for completion in 2007. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions as a result of the TMDL. 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.

B. This permit does not in any way authorize the permittee to discharge a pollutant not listed or quantified in the application.

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. <u>24-hour Oral Reporting: Daily Maximum Limitation Violations</u>

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

Pollutants: Copper – Outfall 001 only

F. <u>COMPOSITE SAMPLING</u>

Unless otherwise specified in this permit, the term "24-hour composite sample" means a sample consisting of a minimum of four (4) aliquots of effluent collected at regular intervals over a normal 24-hour operating day and combined in proportion to flow or a sample continuously collected in proportion to flow over a normal 24-hour operating period.

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

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. <u>FLOW MEASUREMENT "ESTIMATE" SAMPLE TYPE</u>

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.

OTHER REQUIREMENTS (cont.)

I. MINIMUM QUANTIFICATION LEVEL (MQL)

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

SUBSTANCE	MQL (µg/L)
NONCONVENTIONAL	
Phenolics, Total Recoverable (4AAP)	5
Chlorine (Total Residual)	100
3-Chlorophenol	10
4-Chlorophenol	10
2,3-Dichlorophenol	10
2,5-Dichlorophenol	10
2,6-Dichlorophenol	10
3,4-Dichlorophenol	10
2,4-D	10
2,4,5-TP (Silvex)	4
METALS AND CYANIDE	
Antimony (Total)	60
Arsenic (Total)	10
Beryllium (Total)	5
Cadmium (Total)	1
Chromium (Total)	10
Chromium (3+)	10
Chromium (6+)	10
Copper (Total)	10
Lead (Total)	5
Mercury (Total)	0.2
Molybdenum (Total)	30
Nickel (Total) Freshwater	40
Nickel (Total) Marine	5
Selenium (Total)	5
Silver (Total)	2
Thallium (Total)	10
Zinc (Total)	20
Cyanide (Total)	20
DIOXIN	
2,3,7,8-TCDD	0.00001

OTHER REQUIREMENTS (cont.)

SUBSTANCE	MQL (µg/L)
VOLATILE COMPOUNDS	
Acrolein	50
Acrylonitrile	50
Benzene	10
Bromoform	10
Carbon Tetrachloride	10
Chlorobenzene	10
Chlorodibromomethane	10
Chloroethane	50
2-Chloroethylvinylether	10
Chloroform	10
Dichlorobromomethane	10
1,1-Dichloroethane	10
1,2-Dichloroethane	10
1,1-Dichloroethylene	10
1,2-Dichloropropane	10
1,3-Dichloropropylene	10
Ethylbenzene	10
Methyl Bromide [Bromomethane]	50
Methyl Chloride [Chloromethane]	50
Methylene Chloride	20
1,1,2,2-Tetrachloroethane	10
Tetrachloroethylene	10
Toluene	10
1,2-trans-Dichloroethylene	10
1,1,1-Trichloroethane	10
1,1,2-Trichloroethane	10
Trichloroethylene	10
Vinyl Chloride	10
ACID COMPOUNDS	
2-Chlorophenol	10
2,4-Dichlorophenol	10
2,4-Dimethylphenol	10
4,6-Dinitro-o-Cresol [2-Methyl-4,6-Dinitrophenol]	50
2,4-Dinitrophenol	50
2-Nitrophenol	20
4-Nitrophenol	50
p-Chloro-m-Cresol [4-Chloro-3-Methylphenol]	10
Pentachlorophenol	50
Phenol	10
2,4,6-Trichlorophenol	10

OTHER REQUIREMENTS (cont.)

SUBSTANCE	MQL (µg/L)
BASE/NEUTRAL COMPOUNDS	
Acenaphthene	10
Acenaphthylene	10
Anthracene	10
Benzidine	50
Benzo(a)anthracene	10
Benzo(a)pyrene	10
3,4-Benzofluoranthene	10
Benzo(ghi)perylene	20
Benzo(k)fluoranthene	10
Bis(2-chloroethoxy) Methane	10
Bis(2-chloroethyl) Ether	10
Bis(2-chloroisopropyl) Ether	10
Bis(2-ethylhexyl) Phthalate	10
4-Bromophenyl Phenyl Ether	10
Butylbenzyl Phthalate	10
2-Chloronapthalene	10
4-Chlorophenyl Phenyl Ether	10
Chrysene	10
Dibenzo(a,h)anthracene	20
1,2-Dichlorobenzene	10
1,3-Dichlorobenzene	10
1,4-Dichlorobenzene	10
3,3'-Dichlorobenzidine	50
Diethyl Phthalate	10
Dimethyl Phthalate	10
Di-n-Butyl Phthalate	10
2,4-Dinitrotoluene	10
2,6-Dinitrotoluene	10
Di-n-octyl Phthalate	10
1,2-Diphenylhydrazine	20
Fluoranthene	10
Fluorene	10
Hexachlorobenzene	10
Hexachlorobutadiene	10
Hexachlorocyclopentadiene	10
Hexachloroethane	20
Indeno(1,2,3-cd)pyrene [2,3-o-Phenylene Pyrene]	20
Isophorone	10
Naphthalene	10
Nitrobenzene	10
n-Nitrosodimethylamine	50
n-Nitrosodi-n-Propylamine	20

OTHER REQUIREMENTS (cont.)

SUBSTANCE	MQL (µg/L)
n-Nitrosodiphenylamine	20
Phenanthrene	10
Pyrene	10
1,2,4-Trichlorobenzene	10
PESTICIDES	
Aldrin	0.05
Alpha-BHC	0.05
Beta-BHC	0.05
Gamma-BHC [Lindane]	0.05
Delta-BHC	0.05
Chlordane	0.2
4,4'-DDT	0.1
4,4'-DDE [p,p-DDX]	0.1
4,4'-DDD [p,p-TDE]	0.1
Dieldrin	0.1
Alpha-Endosulfan	0.1
Beta-Endosulfan	0.1
Endosulfan Sulfate	0.1
Endrin	0.1
Endrin Aldehyde	0.1
Heptachlor	0.05
Heptachlor Epoxide [BHC-Hexachlorocyclohexane]	0.05
PCB-1242	1.0
PCB-1254	1.0
PCB-1221	1.0
PCB-1232	1.0
PCB-1248	1.0
PCB-1260	1.0
PCB-1016	1.0
Toxaphene	5.0

The permittee may develop an effluent specific method detection limit (MDL) in accordance with Appendix B to 40 CFR Part 136 (See LAC 33:IX.4901). For any pollutant for which the permittee determines an effluent specific MDL, the permittee shall send to this Office a report containing QA/QC documentation, analytical results, and calculations necessary to demonstrate that the effluent specific MDL was correctly calculated. An effluent specific minimum quantification level (MQL) shall be determined in accordance with the following calculation:

$$MQL = 3.3 \times MDL$$

Upon written approval by this Office, the effluent specific MQL may be utilized by the permittee for all future Discharge Monitoring Report (DMR) calculations and reporting requirements.

OTHER REQUIREMENTS (cont.)

J. 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) Cc) and CD); 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.

K. 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.

Reporting periods shall end on the last day of the month. Monitoring results for each month shall be summarized on a Discharge Monitoring Report (DMR) Form and submitted to this Department per schedule below, postmarked no later than the 15th day of the month following each reporting period.

Permittees shall be required to submit DMR's according to the following schedule or as per established practice:

For parameter(s) with monitoring frequency(ies) of 1/month or more frequent:

Submit DMR by the 15th day of the following month.

For parameter(s) with monitoring frequency(ies) of 1/quarter:

Monitoring Period	DMR Due Date
January 1 - March 30	April 15th
April 1 - June 30	July 15th
July 1 - September 30	October 15th
October 1 - December 30	January 15th

OTHER REQUIREMENTS (cont.)

For parameter(s) with monitoring frequency(ies) of semi-annual:

Monitoring Period	DMR Due Date
January 1 - June 30	July 15th
July 1 - December 31	January 15th

For parameter(s) with monitoring frequency(ies) of 1/year:

Monitoring Period	DMR Due Date
January 1 - December 31	January 15th

Duplicate copies of DMR's (one set of originals and one set of copies) signed and certified as required by LAC 33:IX.2503, and all other reports (one set of originals) required by this permit shall be submitted to the Permit Compliance Unit, and the appropriate DEQ regional office (one set of copies) at the following addresses:

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

Department of Environmental Quality
Office of Environmental Compliance
Northeast Regional Office
1823 Hwy 546
West Monroe, La. 71292-0442

L. There shall be no discharge of polychlorinated biphenyl compounds.

M. The term "low volume waste sources" means, taken collectively as if from one source, wastewater from all sources except those for which specific limitations are otherwise established. Low volume waste sources include, but are not limited to: wastewaters from wet scrubber air pollution control systems, ion exchange water treatment system, water treatment evaporator blowdown, laboratory and sampling streams, boiler blowdown, floor drains, cooling tower basin cleaning wastes, and recirculating house service water systems. Sanitary and air conditioning wastes are not included.

N. Daily temperature discharge is defined as the flow weighted average temperature (FWAT) and, on a daily basis, shall be monitored and recorded in accordance with Part I of this permit. FWAT shall be calculated at equal time intervals not greater than two hours. The method of calculating FWAT is as follows:

OTHER REQUIREMENTS (cont.)

$$\text{FWAT} = \frac{\text{SUMMATION (INSTANTANEOUS FLOW X INSTANTANEOUS TEMPERATURE)}}{\text{SUMMATION (INSTANTANEOUS FLOW)}}$$

"Daily Average Temperature" (also known as average monthly or maximum 30 day value) shall be the arithmetic average of all FWATS calculated during the calendar month.

"Daily maximum temperature" (also known as the maximum daily value) shall be the highest FWAT calculated during the calendar month.

O. The term "total residual chlorine" (or total residual oxidants for intake water with bromides) means the value obtained using the amperometric method for total residual chlorine described in 40 CFR Part 136.

Total residual chlorine may not be discharged from any single generating unit for more than two hours per day.

Simultaneous multi-unit chlorination is permitted.

P. The term "chemical metal cleaning wastes" means any wastewater resulting from the cleaning (with or without chemical cleaning compounds) of any metal process equipment with chemical compounds, including, but not limited to, boiler tube cleaning, boiler fireside cleaning, and air preheater cleaning.

Q. The term "free available chlorine" shall mean the value obtained using the amperometric titration method for free available chlorine described in the latest edition of "Standard Methods for the Examination of Water and Wastewater."

Free available chlorine may not be discharged from any unit for more than two hours in any one day and not more than one unit in any plant may discharge free available chlorine at any one time.

R. Because Lake Rodemacher was designated a quality fishery by the Louisiana Department of Wildlife and Fisheries in 1991, Cleco Rodemacher shall conduct a report to assess the impact the cooling water intake structure may have upon the status of Lake Rodemacher as a quality fishery as outlined in the LPDES permit application addendum dated November 28, 2005. This report and all findings shall be submitted to LDEQ by January 7, 2008.

Likewise, Cleco Rodemacher shall submit a report assessing the levels of copper in the Lake and the impact the copper levels may have upon Lake Rodemacher as a quality fishery as outlined in the LPDES permit application addendum dated November 28, 2005. Cleco Rodemacher shall include in this report additional steps taken as outlined in the permit application addendum to further minimize copper in the wastestream. This report and all findings shall be submitted to LDEQ within three years from the effective date of the permit.

Upon evaluation of the final reports, LDEQ reserves the right to impose additional permit requirements upon Cleco Rodemacher to preserve the Lake's status as a quality fishery. LDEQ shall disclose results of the reports to LDWF.

OTHER REQUIREMENTS (cont.)

S. WHOLE EFFLUENT TOXICITY TESTING (7-DAY CHRONIC NOEC: FRESHWATER)

1. SCOPE AND METHODOLOGY

a. The permittee shall test the effluent for toxicity in accordance with the provisions in this section.

APPLICABLE TO OUTFALL(S):	001
REPORTED ON DMR AS OUTFALL:	TX1Q
CRITICAL DILUTION:	98%
EFFLUENT DILUTION SERIES:	31%, 41%, 55%, 73%, and 98%
COMPOSITE SAMPLE TYPE:	Defined at PART I
TEST SPECIES/METHODS:	40 CFR Part 136

Ceriodaphnia dubia chronic static renewal survival and reproduction test, Method 1002.0, EPA-821-R-02-013, or the most recent update thereof. This test should be terminated when 60% of the surviving females in the control produce three broods or at the end of eight days, whichever comes first.

Pimephales promelas (Fathead minnow) chronic static renewal 7-day larval survival and growth test, Method 1000.0, EPA-821-R-02-013, or the most recent update thereof. 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.

b. The NOEC (No Observed Effect Concentration) is defined as the greatest effluent dilution at and below which lethality that is statistically different from the control (0% effluent) at the 95% confidence level does not occur.

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

d. Test failure is defined as a demonstration of statistically significant sub-lethal or lethal effects to a test species at or below the effluent critical dilution.

2. PERSISTENT LETHALITY

The requirements of this section apply only when a toxicity test demonstrates significant lethal effects at or below the critical dilution. Significant lethal effects will be demonstrated if there is a statistically significant difference at the 95% confidence level between the survival of the appropriate test organism in a specified effluent dilution and the control (0% effluent).

a. The permittee shall conduct a total of two (2) additional tests for any species that demonstrates significant lethal effects at or below the critical dilution. The two additional tests shall be conducted monthly during the next two consecutive months. The permittee shall not substitute either of the two additional tests in lieu of routine toxicity testing, unless the specified testing frequency for the species demonstrating significant lethal effects is monthly. The full report shall be prepared for each test required by this section

OTHER REQUIREMENTS (cont.)

in accordance with procedures outlined in item 4 of this section and submitted with the period discharge monitoring report (DMR) to the permitting authority for review.

b. If one or both of the two additional tests demonstrates significant lethal effects at or below the critical dilution, the permittee shall initiate Toxicity Reduction Evaluation (TRE) requirements as specified in item 5 of this section. The permittee shall notify the Department of Environmental Quality, Office of Environmental Services in writing within 5 days of the failure of any retest, and the TRE initiation date will be the test completion date of the first failed retest. A TRE may also be required due to a demonstration of persistent significant sub-lethal effects or intermittent lethal effects at or below the critical dilution, or for failure to perform the required retests.

c. If one or both of the two additional tests demonstrates significant lethal effects at or below the critical dilution, the permittee shall henceforth increase the frequency of testing for this species to once per quarter for the life of the permit.

d. The provisions of item 2.a are suspended upon completion of the two additional tests and submittal of the **TRE Action Plan**.

3. REQUIRED TOXICITY TESTING CONDITIONS

a. Test Acceptance

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied, including the following additional criteria:

i. The toxicity test control (0% effluent) must have survival equal to or greater than 80%.

ii. The mean number of Ceriodaphnia dubia neonates produced per surviving female in the control (0% effluent) must be 15 or more.

iii. 60% of the surviving control females must produce three broods.

iv. The mean dry weight of surviving Fathead minnow larvae at the end of the 7 days in the control (0% effluent) must be 0.25 mg per larva or greater.

v. The percent coefficient of variation between replicates shall be 40% or less in the control (0% effluent) for: the young of surviving females in the Ceriodaphnia dubia reproduction test; the growth and survival endpoints of the Fathead minnow test.

vi. The percent coefficient of variation between replicates shall be 40% or less in the critical dilution, unless significant lethal or nonlethal effects are exhibited for: the young of surviving females in the Ceriodaphnia dubia reproduction test; the growth and survival endpoints of the Fathead minnow test.

Test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%. A repeat test shall be conducted within the required reporting period of any test determined to be invalid.

OTHER REQUIREMENTS (cont.)

b. Statistical Interpretation

i. For the Ceriodaphnia dubia survival test, the statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be Fisher's Exact Test as described in EPA-821-R-02-013, or the most recent update thereof.

If the conditions of Test Acceptability are met in Item 3.a above and the percent survival of the test organism is equal to or greater than 80% in the critical dilution and all lower dilution concentrations, the test shall be considered to be a passing test, and the permittee shall report an NOEC of not less than the critical dilution for the DMR reporting requirements found in Item 4 below.

ii. For the Ceriodaphnia dubia reproduction test and the Fathead minnow larval survival and growth test, the statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be in accordance with the methods for determining the No Observed Effect Concentration (NOEC) as described in EPA-821-R-02-013, or the most recent update thereof.

c. Dilution Water

i. Dilution water used in the toxicity tests will be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar pH, hardness and alkalinity to the closest downstream perennial water for;

A. toxicity tests conducted on effluent discharges to receiving water classified as intermittent streams; and

B. toxicity tests conducted on effluent discharges where no receiving water is available due to zero flow conditions.

ii. If the receiving water is unsatisfactory as a result of instream toxicity (fails to fulfill the test acceptance criteria of item 3.a), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:

A. a synthetic dilution water control which fulfills the test acceptance requirements of item 3.a was run concurrently with the receiving water control;

B. the test indicating receiving water toxicity has been carried out to completion (i.e., 7 days);

C. the permittee includes all test results indicating receiving water toxicity with the full report and information required by item 4 below; and

D. the synthetic dilution water shall have a pH, hardness and alkalinity similar to that of the receiving water or closest downstream perennial water not adversely affected by the discharge, provided the magnitude of these parameters will not cause toxicity in the

OTHER REQUIREMENTS (cont.)

synthetic dilution water.

d. Samples and Composites

i. The permittee shall collect a minimum of three flow-weighted 24-hour composite samples from the outfall(s) listed at item 1.a above. A 24-hour composite sample consists of a minimum of 4 effluent portions collected at equal time intervals representative of a 24-hour operating day and combined proportional to flow or a sample continuously collected proportional to flow over a 24-hour operating day.

ii. The permittee shall collect second and third 24-hour composite samples for use during 24-hour renewals of each dilution concentration for each test. The permittee must collect the 24-hour composite samples such that the effluent samples are representative of any periodic episode of chlorination, biocide usage or other potentially toxic substance discharged on an intermittent basis.

iii. The permittee must collect the 24-hour composite samples so that the maximum holding time for any effluent sample shall not exceed 72 hours. The permittee must have initiated the toxicity test within 36 hours after the collection of the last portion of the first 24-hour composite sample. Samples shall be chilled to 0-6 degrees Centigrade during collection, shipping and/or storage.

iv. If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions and the sample holding time are waived during that sampling period. However, the permittee must collect an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days if the discharge occurs over multiple days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in item 4 of this section.

4. REPORTING

a. A valid test must be submitted during each reporting period. 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 EPA-821-R-02-013, 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 following address:

Department of Environmental Quality
Office of Environmental Compliance
P.O. Box 4312
Baton Rouge, Louisiana 70821-4312

OTHER REQUIREMENTS (cont.)

Attn: Permit Compliance Unit

b. The permittee shall submit the results of each valid toxicity test on the subsequent monthly DMR for that reporting period in accordance with Part III. D.4 of this permit, as follows below. Submit retest information clearly marked as such with the following month's DMR. Only results of valid tests are to be reported on the DMR. The permittee shall submit the Table I summary sheet with each valid test.

i. *Pimephales promelas* (Fathead Minnow)

A. If the No Observed Effect Concentration (NOEC) for survival is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TLP6C.
B. Report the NOEC value for survival, Parameter No. TOP6C.
C. Report the NOEC value for growth, Parameter No. TPP6C.
D. 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. TGP6C.
E. Report the highest (critical dilution or control) Coefficient of Variation, Parameter No. TQP6C.

ii. *Ceriodaphnia dubia*

A. If the NOEC for survival is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TLP3B.
B. Report the NOEC value for survival, Parameter No. TOP3B.
C. Report the NOEC value for reproduction, Parameter No. TPP3B.
D. If the No Observed Effect Concentration (NOEC) for reproduction is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TGP3B.
E. Report the highest (critical dilution or control) Coefficient of Variation, Parameter No. TQP3B.

iii. The permittee shall report the following results for all VALID toxicity retests on the DMR for that reporting period.

A. Retest #1 (STORET 22415): If the first monthly retest following failure of a routine test for either test species results in an NOEC for survival less than the critical dilution, report a "1"; otherwise, report a "0."
B. Retest #2 (STORET 22416): If the second monthly retest following failure of a routine test for either test species results in an NOEC for survival less than the critical dilution, report a "1"; otherwise, report a "0."

If, for any reason, a retest cannot be performed during the reporting period in which the triggering routine test failure is experienced, the permittee shall report it on the following reporting period's DMR, and the comments section of both DMRs shall be annotated to that effect. If retesting is not required during a given reporting period, the permittee shall leave these DMR fields blank.

The permittee shall submit the toxicity testing information contained in Table 1 of this permit with the DMR subsequent to each and every toxicity test reporting period. The DMR and the summary table should be sent to the address indicated in 4.a. The permittee is not required to send the first complete report nor summary tables to EPA.

MONITORING FREQUENCY REDUCTION

OTHER REQUIREMENTS (cont.)

a. The permittee may apply for a testing frequency reduction upon the successful completion of the first four consecutive quarters of testing for one or both test species, with no lethal or sub-lethal effects demonstrated at or below the critical dilution. If granted, the monitoring frequency for that test species may be reduced to not less than once per year for the less sensitive species (usually the Fathead minnow) and not less than twice per year for the more sensitive test species (usually the Ceriodaphnia dubia).

b. CERTIFICATION - The permittee must certify in writing that no test failures have occurred and that all tests meet all test acceptability criteria in item 3.a above. In addition, the permittee must provide a list with each test performed including test initiation date, species, NOECs for lethal and sub-lethal effects , and the maximum coefficient of variation for the controls. Upon review and acceptance of this information the agency will issue a letter of confirmation of the monitoring frequency reduction. A copy of the letter will be forwarded to the agency's Permit Compliance Unit to update the permit reporting requirements.

c. SUB-LETHAL FAILURES - If, during the first four quarters of testing, sub-lethal effects are demonstrated to a test species, two monthly retests are required. In addition, quarterly testing is required for that species until the effluent passes both the lethal and sub-lethal test endpoints for the affected species for four consecutive quarters. Monthly retesting is not required if the permittee is performing a TRE.

d. SURVIVAL FAILURES - If any test fails the survival endpoint at any time during the life of this permit, two monthly retests are required and the monitoring frequency for the affected test species shall be increased to once per quarter until the permit is re-issued. Monthly retesting is not required if the permittee is performing a TRE.

e. This monitoring frequency reduction applies only until the expiration date of this permit, at which time the monitoring frequency for both test species reverts to once per quarter until the permit is re-issued.

5. TOXICITY REDUCTION EVALUATION (TRE)

a. Within ninety (90) days OF CONFIRMING LETHALITY IN ANY RETEST, the permittee shall submit a **Toxicity Reduction Evaluation (TRE) Action Plan and Schedule** for conducting a TRE. The **TRE Action Plan** shall specify the approach and methodology to be used in performing the TRE. A Toxicity Reduction Evaluation is an investigation intended to determine those actions necessary to achieve compliance with water quality-based effluent limits by reducing an effluent's toxicity to an acceptable level. A TRE is defined as a step-wise process which combines toxicity testing and analyses of the physical and chemical characteristics of a toxic effluent to identify the constituents causing effluent toxicity and/or treatment methods which will reduce the effluent toxicity. The **TRE Action Plan** shall lead to the successful elimination of effluent toxicity at the critical dilution and include the following:

i. Specific Activities. The plan shall detail the specific approach the permittee intends to utilize in conducting the TRE. The approach may include toxicity characterizations, identifications and confirmation activities, source evaluation, treatability studies, or alternative approaches. When the permittee conducts Toxicity Characterization Procedures the permittee shall perform multiple characterizations and follow the procedures specified in the documents **"Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures" (EPA-600/6-91/003)** and **"Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I" (EPA-600/6-91/005)**, or alternate procedures. When the permittee

OTHER REQUIREMENTS (cont.)

conducts Toxicity Identification Evaluations and Confirmations, the permittee shall perform multiple identifications and follow the methods specified in the documents **"Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/080)** and **"Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/081)**, as appropriate;

The documents referenced above may be obtained through the National Technical Information Service (NTIS) by phone at 1-800-553-6847, or by writing:

U.S. Department of Commerce
National Technical Information Service
5285 Port Royal Road
Springfield, VA 22161

ii. Sampling Plan (e.g., locations, methods, holding times, chain of custody, preservation, etc.). The effluent sample volume collected for all tests shall be adequate to perform the toxicity test, toxicity characterization, identification and confirmation procedures, and conduct chemical specific analyses when a probable toxicant has been identified;

Where the permittee has identified or suspects specific pollutant(s) and/or source(s) of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical specific analyses for the identified and/or suspected pollutant(s) and/or source(s) of effluent toxicity. Where lethality was demonstrated within 48 hours of test initiation, each 24 hour composite sample shall be analyzed independently. Otherwise the permittee may substitute a composite sample, comprised of equal portions of the individual 24 hour composite samples, for the chemical specific analysis;

iii. Quality Assurance Plan (e.g., QA/QC implementation, corrective actions, etc.); and

iv. Project Organization (e.g., project staff, project manager, consulting services, etc.).

b. The permittee shall initiate the **TRE Action Plan** within thirty (30) days of plan and schedule submittal. The permittee shall assume all risks for failure to achieve the required toxicity reduction.

c. The permittee shall submit a quarterly **TRE Activities Report**, with the Discharge Monitoring Report in the months of January, April, July and October, containing information on toxicity reduction evaluation activities including:

i. any data and/or substantiating documentation which identifies the pollutant(s) and/or source(s) of effluent toxicity;

ii. any studies/evaluations and results on the treatability of the facility's effluent toxicity; and

iii. any data which identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to meet no significant lethality at the critical dilution.

OTHER REQUIREMENTS (cont.)

The **TRE Activities Report** shall be submitted to the following addresses:

Department of Environmental Quality
Office of Environmental Compliance
P.O. Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Permit Compliance Unit

U.S. Environmental Protection Agency, Region 6
Water Enforcement Branch
1445 Ross Avenue
Dallas, Texas 75202

d. The permittee shall submit a Final Report on Toxicity Reduction Evaluation Activities no later than twenty-eight (28) months from confirming lethality in the retests, which provides information pertaining to the specific control mechanism selected that will, when implemented, result in reduction of effluent toxicity to no significant lethality at the critical dilution. The report will also provide a specific corrective action schedule for implementing the selected control mechanism.

A copy of the Final Report on Toxicity Reduction Evaluation Activities shall also be submitted to the above addresses.

e. Quarterly testing during the TRE is a minimum monitoring requirement. EPA recommends that permittees required to perform a TRE not rely on quarterly testing alone to ensure success in the TRE, and that additional screening tests be performed to capture toxic samples for identification of toxicants. Failure to identify the specific chemical compound causing toxicity test failure will normally result in a permit limit for whole effluent toxicity limits per federal regulations at 40 CFR 122.44(d)(1)(v).

OTHER REQUIREMENTS (cont.)

TABLE 1
SUMMARY SHEET
Ceriodaphnia dubia SURVIVAL AND REPRODUCTION TEST

PERMITTEE:_____
FACILITY SITE:_____
NPDES PERMIT NUMBER:_____ WP PERMIT NUMBER:_____
OUTFALL IDENTIFICATION:_____
OUTFALL SAMPLE IS FROM _____ SINGLE _____ MULTIPLE DISCHARGE
BIOMONITORING LABORATORY:_____
DILUTION WATER USED:_____ RECEIVING WATER _____ LAB WATER
CRITICAL DILUTION _____% DATE TEST INITIATED_____

1. LOW-FLOW LETHALITY:

Is the mean survival at 7 days significantly less (p=0.05) than the control survival at the low-flow or critical dilution?
_____yes _____no

PERCENT SURVIVAL-CERIODAPHNIA

TIME OF READING	PERCENT EFFLUENT					
	0 %	31%	41%	55%	73%	98%
24-HOUR						
48-HOUR						
7-DAY						

2. LOW-FLOW NON-LETHALITY:

Is the mean number of young produced per female significantly less (p=0.05) than the control's number of young per female for the low-flow or critical dilution? _____yes _____no

3. Are the test results to be considered valid? _____yes _____no
If _X_no (test invalid) , what reasons for invalidity?

4. Is this a retest of a previous invalid test? _____yes _____no
Is this a retest of a previous test failure? _____yes _____no

5. Enter percent effluent corresponding to each NOEC (No Observed Effect Concentration) for Ceriodaphnia:

a. NOEC SURVIVAL = _____% effluent

b. NOEC REPRODUCTION = _____% effluent

OTHER REQUIREMENTS (cont.)

TABLE 1
SUMMARY SHEET
Pimephales promelas ("fathead minnow") SURVIVAL AND GROWTH TEST

PERMITTEE:_____
FACILITY SITE:_____
NPDES PERMIT NUMBER:_____ WP PERMIT NUMBER:_____
OUTFALL IDENTIFICATION:_____
OUTFALL SAMPLE IS FROM _____ SINGLE _____ MULTIPLE DISCHARGE
BIOMONITORING LABORATORY:_____
DILUTION WATER USED:_____ RECEIVING WATER _____ LAB WATER
CRITICAL DILUTION _____% DATE TEST INITIATED_____

1. LOW-FLOW LETHALITY:

Is the mean survival at 7 days significantly less (p=0.05) than the control survival at the low-flow or critical dilution?
_____yes _____no

PERCENT SURVIVAL-PIMEPHALES

PERCENT EFFLUENT	% SURVIVAL / REPLICATES				MEAN % SURVIVAL			CV %
	A	B	C	D	24-HR	48-HR	7 DAY	
0%								
31%								
41%								
55%								
73%								
98%								

2. LOW-FLOW NON-LETHALITY:

Is the mean dry weight (growth) at 7 days significantly less (p=0.05) than the control's dry weight (growth) for the low-flow or critical dilution? _____yes _____no

3. Are the test results to be considered valid? _____yes _____no
If _X_no (test invalid) , what reasons for invalidity?

4. Is this a retest of a previous invalid test? _____yes _____no
Is this a retest of a previous test failure? _____yes _____no

5. Enter percent effluent corresponding to each NOEC (No Observed Effect Concentration) for Pimephales:
a. NOEC SURVIVAL = _____% effluent
b. NOEC GROWTH = _____% effluent

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. Unless otherwise specified in the general permit, or notified by the Secretary or his designee, a permittee must submit an NOI/application for the permitted activity.

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 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.

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 and Waste 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) will 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 and ended
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 (See LAC 33:IX.4901) or, in the case of sludge use or disposal, approved under 40 CFR part 136 (See LAC 33:IX.4901) unless otherwise specified in 40 CFR part 503, unless other test procedures have been specified in this permit. This includes procedures contained in the latest EPA approved edition of the following publications:

(1) "Standard Methods for the Examination of Water and Waste Water". This publication is available from the American Public Health Association, Publication Sales, P. O. Box 753, Waldorf, MD 20604-0573, Phone number (301) 893-1894, Fax number (301) 843-0159.

(2) "Annual Book of Standards, Vols 1101-1103, Water I, Water II, and Atmospheric Analysis". This publication is available from the American Society for Testing Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Phone number (610) 832-9500.

(3) "Methods for Chemical Analysis of Water and Wastes, Revised, March 1983," U.S. Environmental Protection Agency, Analytical Quality Control Laboratory, Cincinnati, Ohio. 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-84-128677.

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. An adequate analytical quality control program, including the analyses of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory. General sampling protocol shall follow guidelines established in the "Handbook for Sampling and Sample Preservation of Water and Wastewater, 1982" U.S. Environmental Protection Agency. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS

publication number PB-83-124503. General laboratory procedures including glassware cleaning, etc. can be found in the "Handbook for Analytical Quality Control in Water and Wastewater Laboratories, 1979," U.S. Environmental Protection Agency, Environmental Monitoring and Support Laboratory. This publication is available from the Environmental Protection Agency, Phone number (513) 569-7562. Order by EPA publication number EPA-600/4-79-019.

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 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 accredited under these regulations 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 Environmental Laboratory Accreditation Program and a list of labs that have applied for accreditation, are available on the department website located at:

http://www.deq.state.la.us/laboratory/index.htm.

Questions concerning the program may be directed to (225) 765-0582.

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. Transfers by modification. Except as provided in LAC 33: IX.2901.B, 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.

b. Automatic transfers. As an alternative to transfers under LAC 33:IX.2901.A, any LPDES permit may be automatically transferred to a new permittee if:

(1) The current permittee notifies the state administrative authority at least 30 days in advance of the proposed transfer date in Section D.3.b.(2) below;

(2) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them;

(3) The state administrative authority does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this subsection may also be a minor modification under LAC 33:IX.2905. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Section D.3.b.(2) of these standard conditions.

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.state.la.us/enforcement/index.htm

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://www.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/surveillance;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 and Waste 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. Unless otherwise specified in this permit, additional definitions of words or phrases used in this permit are as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15. LEQA means the Louisiana Environmental Quality Act.

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

17. Monthly Average (also known as Daily 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 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, (also known as 7-day 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.