DEPARTMENT OF ENVIRONMENTAL QUALITY

KATHLEEN BABINEAUX BLANCO
GOVERNOR

MIKE D. McDANIEL, Ph.D.
SECRETARY

Certified Mail#_____

File No.: LA0120677
AI No.: 127497
Activity No.: PER20050001

Mr. Alex Crochet
Magnolia Plantation Water System
Magnolia Plantation Water Treatment Plant
Post Office Box 960
Abbeville, LA 70511

RE: REVISED DRAFT Louisiana Pollutant Discharge Elimination System (LPDES) permit to discharge filter backwash wastewater, floor rinse water, and sanitary wastewater from a potable water treatment plant located at the intersection of La. Highway 338 and Bonvillian Road (P-3-56), Abbeville, Vermilion Parish, to Bayou Tigre via local drainage.

Dear Mr. Crochet:

The Department of Environmental Quality proposes to issue for the first time an LPDES permit with the effluent limitations, monitoring requirements, and special conditions listed in the attached REVISED DRAFT PERMIT. This REVISED DRAFT is issued in response to comments and additional information received by the Department regarding water quality concerns in the receiving stream per LAC 33.IX.3121.B. **By the authority of edict LA R.S. 30:2001, *et seq.*, and the Environmental Regulatory Code, Part IX, Water Quality Regulations, the previous LPDES draft permit issued on May 17, 2005 will be canceled upon issuance of this revised 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 only be granted after all requirements described herein are satisfied and by the subsequent issuance of a FINAL PERMIT.

This Office will publish the enclosed public notice one time in a local newspaper of general circulation, and the Office of Environmental Services 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 above mentioned newspaper(s). LAC 33:IX.6521.A states: "...The costs of publication shall be borne by the applicant."

The invoice, fee rating sheets, and a copy of the fee regulations will be sent under a separate cover letter as applicable. A copy of the entire Louisiana Water Quality Regulations (Volume 14) may be obtained from the DEQ Office of Environmental Assessment, Post Office Box 4314, Baton Rouge, Louisiana 70821-4314, (225) 219-3236.

Please note that the State has recently renumbered the regulations in the Environmental Regulatory Code (ERC). This LPDES permit contains references to the ERC from an older edition. A Renumbering Equivalency Chart for the references to the environmental regulations has been included in this package.

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

Please be advised that according to La. R.S. 48:385 any discharge to a highway ditch, cross ditch, or right-of-way shall require approval from the Louisiana Department of Transportation and Development, Post Office Box 94245, Baton Rouge, Louisiana 70804-9245, (225) 379-1301 and from the Department of Health and Hospitals, Office of Public Health, 6867 Bluebonnet Road, Box 7, Baton Rouge, Louisiana 70810, (225) 765-5044.

For sanitary treatment plants, the plans and specifications must be approved by the Department of Health and Hospitals, Office of Public Health, 6867 Bluebonnet Road, Box 7, Baton Rouge, Louisiana 70810, (225) 765-5044.

Should you have any questions concerning any part of the REVISED DRAFT PERMIT, public notice requirements, or fee, please contact Molly Hebert, Office of Environmental Services, at the address on the preceding page or telephone (225) 219-3115.

Sincerely,

Tom Killeen

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

mmh

Attachments: Cover Letter, Permit Guidance, Dated Public Notice, Revised Draft Permit, and Statement of Basis

c: cover letter only

Dana Simon
Sellers & Associates, Inc
148-B Easy Street
Lafayette, LA 70506-3095

Mr. William H. Temple, Chief Engineer
Department of Transportation and Development

Jan Cedars
Permits Division

c: cover letter and fee sheets

Gayle Denino
Office of Management & Finance

c: Cover Letter, Permit Parts I-II, Dated Public Notice, Statement of Basis

Permit Compliance Unit
Office of Environmental Compliance

Surveillance Division
Acadiana Regional Office

Molly Hebert
Permits Division

c: Cover Letter, Fee Sheet, Permit and All Attachments

IO-W

Title 33
ENVIRONMENTAL QUALITY
Part IX. Water Quality

Renumbering Equivalency Chart

Previous Number	Current or New Number
Subpart 1. Water Pollution Control	
	Subpart 1. Water Pollution Control
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Chapter 3. Permits	Chapter 3. Permits
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§303. Permit Application Information	§303. Permit Application Information
§305. Permit Limitations and Other Requirements	§305. Permit Limitations and Other Requirements
§307. Modification, Revocation and Reissuance	§307. Modification, Revocation and Reissuance
§309. Renewal and Termination	§309. Renewal and Termination
§311. Standard Permit Conditions	§311. Standard Permit Conditions
§313. Fact Sheets	§313. Fact Sheets
§315. Public Information	§315. Public Information
§317. Special Permits/Programs	§317. Special Permits/Programs
Appendix A. Primary Industry Categories	§319. Appendix A—Primary Industry Categories
Appendix B. Criteria for Determining a Concentrated Animal Feeding Operation	§321. Appendix B—Criteria for Determining a Concentrated Animal Feeding Operation
Appendix C. Criteria for Determining a Concentrated Aquatic Animal Production Facility	§323. Appendix C—Criteria for Determining a Concentrated Aquatic Animal Production Facility
Appendix D. Permit Application Testing Requirements	§325. Appendix D—Permit Application Testing Requirements
Chapter 5. Enforcement	Chapter 5. Enforcement
Chapter 7. Effluent Standards	Chapter 7. Effluent Standards
Chapter 9. Spill Prevention and Control	Chapter 9. Spill Prevention and Control
Chapter 11. Surface Water Quality Standards	Chapter 11. Surface Water Quality Standards
Chapter 13. Louisiana Water Pollution Control Fee System Regulation	Chapter 13. Louisiana Water Pollution Control Fee System Regulation
Chapter 15. Water Quality Certification Procedures	Chapter 15. Water Quality Certification Procedures
Chapter 17. Disposal of Waste Oil, Oil Field Brine, and All Other Materials Resulting from the Drilling for, Production of, or Transportation of Oil, Gas or Sulfur (As amended January 27, 1953)	Chapter 17. Disposal of Waste Oil, Oil Field Brine, and All Other Materials Resulting from the Drilling for, Production of, or Transportation of Oil, Gas or Sulfur (As amended January 27, 1953)
Chapter 19. State of Louisiana Stream Control Commission	Chapter 19. State of Louisiana Stream Control Commission
Chapter 21. Municipal Facilities Revolving Loan Fund	Chapter 21. Municipal Facilities Revolving Loan Fund
Chapter 22. Drinking Water Revolving Loan Fund	Chapter 22. Drinking Water Revolving Loan Fund
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Chapter 23. The LPDES Program	Subpart 2. The Louisiana Pollutant Discharge Elimination System (LPDES) Program
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§2313. Definitions	§2313. Definitions

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§2323. Confidentiality of Information	§2323. Confidentiality of Information
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§2352. Will the Small MS4 Storm Water Program Regulations at LAC 33:IX.2347-2351 Change in the Future?	§2529. Will the Small MS4 Storm Water Program Regulations at LAC 33:IX.2519-2527 Change in the Future?
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REVISED DRAFT

PERMIT NO. : LA0120677
AI NO.: 127497

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

Magnolia Plantation Water System
Magnolia Plantation Water Treatment Plant
Post Office Box 960
Abbeville, LA 70511

Type Facility: potable water treatment plant

Location: intersection of La. Highway 338 and Bonvillian Road (P-3-56), Abbeville Vermilion Parish

Receiving Waters: Bayou Tigre via local drainage

To discharge in accordance with effluent limitations, monitoring requirements, and other conditions set forth in the facility specific requirements, other requirements, and standard conditions 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

(not for signature)

Chuck Carr Brown, Ph.D.
Assistant Secretary

REVISED DRAFT

Subject Item: RLP 1 Outfall 001 - filter backwash and floor rinse water

CHLORIDE

Daily maximum		Which Months	Phases
Limits			
Chloride <= 1975 mg/l. [LAC 33:IX.2355.A]		All Year	Phase II
Sample type and frequency			
Chloride monitored by grab sampling monthly. (STORET 00940). [LAC 33:IX.2355.J]		All Year	Phase II
Chloride monitored by grab sampling monthly (STORET 00940). [LAC 33:IX.2355.J]	**Report Only - mg/l**	All Year	Phase I

Monthly average		Which Months	Phases
Limits			
Chloride <= 832 mg/l. [LAC 33:IX.2355.A]		All Year	Phase II
Sample type and frequency			
Chloride monitored by grab sampling monthly. (STORET 00940). [LAC 33:IX.2355.J]		All Year	Phase II
Chloride monitored by grab sampling monthly (STORET 00940). [LAC 33:IX.2355.J]	**Report Only - mg/l**	All Year	Phase I

Record-Keeping	
Chloride recordkeeping by lab analyses monthly. [LAC 33:IX.2355.J.2]	Phase II
Chloride recordkeeping by lab analyses monthly. [LAC 33:IX.2355.J.2]	Phase I

COAGULANTS ADDED

Daily maximum		Which Months	Phases
Sample type and frequency			
Coagulants added monitored by inventory records and calculations monthly (STORET 03582). [LAC 33:IX.2355.J]	**Report Only - appropriate units**	All Year	ALL

Monthly average		Which Months	Phases
Sample type and frequency			
Coagulants added monitored by inventory records and calculations monthly. [LAC 33:IX.2355.J]	**Report Only - appropriate units**	All Year	ALL

Record-Keeping	
Coagulants added recordkeeping by inventory monthly. *Retain inventory records (quantity and type), and a Material Safety Data* Sheet (MSDS) for each material used for three years. [LAC 33:IX.2355.J.2]	ALL

FLOW

Daily maximum		Which Months	Phases
Sample type and frequency			
Flow monitored by estimate monthly (STORET 50050). [LAC 33:IX.2355.J]	**Report Only - gallons/day**	All Year	ALL

Monthly average		Which Months	Phases
Sample type and frequency			
Flow monitored by estimate monthly (STORET 50050). [LAC 33:IX.2355.J]	**Report Only - gallons/day**	All Year	ALL

Record-Keeping	
Flow recordkeeping by manual logging monthly. [LAC 33:IX.2355.J.2]	ALL

IRON, TOTAL_(AS FE)

Subject Item: RLP 1 Outfall 001 - filter backwash and floor rinse water

Daily maximum		Which Months	Phases
Sample type and frequency			
Iron, Total_(As Fe) monitored by grab sampling quarterly (STORET 01045). [LAC 33:IX.2355.J]	**Report Only - mg/l**	All Year	ALL

Record-Keeping			
Iron, Total_(As Fe) recordkeeping by lab analyses quarterly. [LAC 33:IX.2355.J.2]			ALL

PH

Instantaneous maximum	Which Months	Phases
Limits		
pH <= 9 s.u. [LAC 33:IX.2355.A]	All Year	ALL
Sample type and frequency		
pH monitored by grab sampling monthly (STORET 00400). [LAC 33:IX.2355.J]	All Year	ALL

Instantaneous minimum	Which Months	Phases
Limits		
pH >= 6 s.u. [LAC 33:IX.2355.A]	All Year	ALL
Sample type and frequency		
pH monitored by grab sampling monthly (STORET 00400). [LAC 33:IX.2355.J]	All Year	ALL

Record-Keeping		
pH recordkeeping by manual logging monthly. [LAC 33:IX.2355.J.2]		ALL

TSS (TOTAL SUSPENDED SOLIDS)

Daily maximum	Which Months	Phases
Limits		
TSS (Total Suspended Solids) <= 45 mg/l. [LAC 33:IX.2355.A]	All Year	ALL
Sample type and frequency		
TSS (Total Suspended Solids) monitored by grab sampling monthly (STORET 00530). [LAC 33:IX.2355.J]	All Year	ALL

Monthly average	Which Months	Phases
Limits		
TSS (Total Suspended Solids) <= 30 mg/l. [LAC 33:IX.2355.A]	All Year	ALL
Sample type and frequency		
TSS (Total Suspended Solids) monitored by grab sampling monthly (STORET 00530). [LAC 33:IX.2355.J]	All Year	ALL

Record-Keeping	
TSS (Total Suspended Solids) recordkeeping by lab analyses monthly. [LAC 33:IX.2355.J.2]	ALL

Narrative	Phases
Monitored at the point of discharge from the dilution tank prior to mixing with other waters. [LAC 33:IX.2355.J.4]	ALL
There shall be no discharge of floating or settleable solids or visible foam in other than trace amounts, nor of free oil or other oily materials, nor of toxic materials in quantities such as to cause toxicity to aquatic organisms. [LAC 33:IX.1113.B.1]	ALL
Submit Quarterly Discharge Monitoring Report (DMR): Due quarterly, by the 28th of January, April, July, and October. Shall be postmarked not later than 1) April 28th, for monitoring in the months of January, February, and March 2) July 28th, for monitoring in the months of April, May, and June; 3) October 28th, for monitoring in the months of July, August and September; and 4) January 28th, for monitoring in the months of October, November, and December. [LAC 33:IX.2355.L.4]	ALL

Subject Item: RLP 1 Outfall 001 - filter backwash and floor rinse water

Narrative	Phases
Submit Semiannual Discharge Monitoring Report (DMR): Due semiannually, by the 28th of January and July. Shall be postmarked no later than: 1) July 28th, for monitoring in the months of January through June; and 2) January 28th, for monitoring in the months of July through December. [LAC 33:IX.2355.L.4]	ALL
Discharge Monitoring Report Prepare and submit DMRs for each outfall. Place an "X" in the No Discharge box located in the upper right corner of the DMR if there is a "No Discharge" event at any of the monitoring outfall(s) during the reporting period. Submit duplicate copies of DMRs (one set of originals and one set of copies) signed and certified as required by LAC 33:IX.2503.B, and all other reports (one set of originals) required by this permit, to the Department of Environmental Quality, Office of Environmental Compliance, Permit Compliance Unit, Post Office Box 4312, Baton Rouge, Louisiana 70821-4312, and the appropriate LDEQ regional office listed in the cover letter (one set of copies). [LAC 33:IX.2355.L.4]	ALL
List each type of Clarifying Agent separately on the DMR along with the total amount of each used and the monthly average during the monitoring period. Additionally, a Material Safety Data Sheet for each clarifying agent used shall be kept on file at the facility. Coagulants added monitored by inventory records and calculations monthly. [LAC 33:IX.2355.J.2]	ALL
Dispose of any solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters in compliance with applicable state laws, regulations and permit requirements and in a manner such as to prevent any pollutant from such materials from entering the waters of the State. [LAC 33:IX.2355.A]	ALL
Phase I limits shall expire 3 years after the Permit Effective Date. [LAC 33:IX.2355], Phases: Phase I	Phase I
Phase II limits shall begin 3 years after the Permit Effective Date and expire with the Permit Expiration Date. [LAC 33:IX.2355], Phases: Phase II	Phase II

Subject Item: RLP 2 Outfall 002 - sanitary wastewater

BOD, 5-DAY (20 DEGREES C)

Weekly average		Which Months	Phases
Limits			
BOD, 5-day (20 degrees C) <= 45 mg/l. [LAC 33:IX.2355.A]		All Year	ALL
Sample type and frequency			
BOD, 5-day (20 degrees C) monitored by grab sampling semiannually (STORET 00310). [LAC 33:IX.2355.J]		All Year	ALL
Record-Keeping			
BOD, 5-day (20 degrees C) recordkeeping by lab analyses semiannually. [LAC 33:IX.2355.J.2]			ALL

FECAL COLIFORM, GENERAL

Weekly average		Which Months	Phases
Limits			
Fecal coliform, general <= 400 colonies/100 ml. [LAC 33:IX.2355.A]		All Year	ALL
Sample type and frequency			
Fecal coliform, general monitored by grab sampling semiannually (STORET 74055). [LAC 33:IX.2355.J]		All Year	ALL
Record-Keeping			
Fecal coliform, general recordkeeping by lab analyses semiannually. [LAC 33:IX.2355.J.2]			ALL

FLOW

Weekly average		Which Months	Phases
Sample type and frequency			
Flow monitored by estimate semiannually (STORET 50050). [LAC 33:IX.2355.J]	**Report Only - gallons/day**	All Year	ALL
Record-Keeping			
Flow recordkeeping by manual logging semiannually. [LAC 33:IX.2355.J.2]			ALL

PH

Instantaneous maximum		Which Months	Phases
Limits			
pH <= 9 s.u. [LAC 33:IX.2355.A]		All Year	ALL
Sample type and frequency			
pH monitored by grab sampling semiannually (STORET 00400). [LAC 33:IX.2355.J]		All Year	ALL

Instantaneous minimum		Which Months	Phases
Limits			
pH >= 6 s.u. [LAC 33:IX.2355.A]		All Year	ALL
Sample type and frequency			
pH monitored by grab sampling semiannually (STORET 00400). [LAC 33:IX.2355.J]		All Year	ALL
Record-Keeping			
pH recordkeeping by manual logging semiannually. [LAC 33:IX.2355.J.2]			ALL

TSS (TOTAL SUSPENDED SOLIDS)

Weekly average		Which Months	Phases
Limits			

Subject Item: RLP 2 Outfall 002 - sanitary wastewater

Limits		
TSS (Total Suspended Solids) <= 45 mg/l. [LAC 33:IX.2355.A]	All Year	ALL
Sample type and frequency		
TSS (Total Suspended Solids) monitored by grab sampling semiannually (STORET 00530). [LAC 33:IX.2355.J]	All Year	ALL

Record-Keeping

TSS (Total Suspended Solids) recordkeeping by lab analyses semiannually. [LAC 33:IX.2355.J.2]	ALL

Narrative	Phases
Monitored at the point of discharge from the package treatment plant prior to mixing with other waters. [LAC 33:IX.2355.J.4]	ALL
There shall be no discharge of floating or settleable solids or visible foam in other than trace amounts, nor of free oil or other oily materials, nor of toxic materials in quantities such as to cause toxicity to aquatic organisms. [LAC 33:IX.1113.B.1]	ALL
Submit Semiannual Discharge Monitoring Report (DMR): Due semiannually, by the 28th of January and July. Shall be postmarked no later than: 1) July 28th, for monitoring in the months of January through June; and 2) January 28th, for monitoring in the months of July through December. [LAC 33:IX.2355.L.4]	ALL
Discharge Monitoring Report Prepare and submit DMRs for each outfall. Place an "X" in the No Discharge box located in the upper right corner of the DMR if there is a "No Discharge" event at any of the monitoring outfall(s) during the reporting period. Submit duplicate copies of DMRs (one set of originals and one set of copies) signed and certified as required by LAC 33:IX.2503.B, and all other reports (one set of originals) required by this permit, to the Department of Environmental Quality, Office of Environmental Compliance, Permit Compliance Unit, Post Office Box 4312, Baton Rouge, Louisiana 70821-4312, and the appropriate LDEQ regional office listed in the cover letter (one set of copies). [LAC 33:IX.2355.L.4]	ALL

Subject Item: AI 127497

Narrative	Phases
If applicable, ensure that all storage tank installations with a capacity greater than 660 gallons for an individual container, or 1,320 gallons for two or more containers in aggregate within a common storage area, are constructed so that a secondary means of containment is provided for the entire contents of the largest tank plus sufficient freeboard to allow for precipitation. Diked areas should be sufficiently impervious to contain spills. [LAC 33:IX.2355.A]	ALL
Maintain all diked areas surrounding storage tanks or storm water collection basins free of residual oil or other contaminants so as to prevent the accidental discharge of these materials in the event of flooding, dike failure, or improper draining of the diked area. [LAC 33:IX.2355.A]	ALL
Equip all drains from diked areas with valves kept in the closed condition except during periods of supervised discharge. [LAC 33:IX.2355.A]	ALL
Inspect and maintain all check valves, tanks, drains, or other potential sources of pollutant releases on a regular basis to assure their proper operation and to prevent the discharge of pollutants. [LAC 33:IX.2355.A]	ALL
Report violations of daily maximum limitations for the pollutants listed in Other Conditions orally to the Office of Environmental Compliance within 24 hours from the time you became aware of the violation followed by a written report in five days, under the provisions of General *Conditions Part D.6.e. (3) of this permit. [LAC 33:IX.2361.G]*	ALL
Achieve compliance with the effluent limitations and monitoring requirements specified for discharges in accordance with the following schedule: Effective Date of the permit. [LAC 33:IX.2355]	ALL
If the flow measurement sample type indicated is specified as "estimate," flow measurements shall not be subject to the accuracy provisions established in this permit. The daily flow value may be estimated using best engineering judgement. [LAC 33:IX.2355]	ALL
Obtain prior approval from the Office of Environmental Services for any new proposed discharges at the site. [LAC 33:IX.2355]	ALL

Other Conditions:

In addition to the standard conditions required in all permits and listed in STANDARD CONDITIONS FOR LPDES PERMITS, the Office has established the following additional conditions in accordance with the Louisiana Water Quality Regulations.

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

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

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

D. For definitions of monitoring and sampling terminology see STANDARD CONDITIONS FOR LPDES PERMITS, Section F.

E. EPA document 833-R-92-002 (Storm Water Management for Industrial Activities) may be used as a guidance and may be obtained by writing to the U.S. Environmental Protection Agency, Office of Water Resources (RC-4100), 401 M Street, S.W., Washington D.C. 20460 or by calling (202) 260-7786.

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

Pollutant(s):

None

G. PERMIT REOPENER CLAUSE

In accordance with LAC 33:IX.2383.C.3, this permit may be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitations issued or approved under sections 301(b)(2)(c) and (D); 304(b)(2); and 307(a)(2) of the Clean Water Act, if the effluent standard or limitations so issued or approved:

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

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

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

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

I. Water Quality Based Limits Compliance Schedule

The permittee shall achieve compliance with the FINAL EFFLUENT LIMITATIONS and MONITORING REQUIREMENTS as required by facility specific requirements of this permit, in accordance with the following schedule:

ACTIVITY	DATE
Begin planning to obtain funding and upgrade plant systems to achieve Final Effluent Limitations	Effective Date of Permit
Achieve Final Effluent Limitations and Monitoring Requirements	Three years from the effective date of the permit

The above listed activities must be achieved on or before the deadline date. Additionally, the Permittee shall submit a progress report outlining the status of the facility improvements on a yearly basis (from the effective date of the permit) until compliance is achieved.

Within 14 days of completion of the facility upgrade and/or expansion, the Permittee shall notify the Department of Environmental Quality – Office of Environmental Compliance, in writing, that construction has been completed.

The Permittee shall achieve sustained compliance with the Final Effluent Limitations.

H. Definitions

Filter Backwash: water from the reverse flow through a filter used to unclog or clean the filter media.

SPC: Spill Prevention and Control. Plan covering the release of pollutants as defined by the Louisiana Administrative Code (LAC 33:IX.9).

SPCC: Spill Prevention Control and Countermeasures Plan. Plan covering the release of hazardous substances as defined in 40 CFR Part 112.

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

Surface Water: all lakes, bays, rivers, streams, springs, ponds, impounding reservoirs, wetlands, swamps, marshes, water sources, drainage systems and other surface water, natural or artificial, public or private within the state or under its jurisdiction that are not part of a treatment system allowed by state law, regulation, or permit.

Uncontaminated Ambient Water: ambient water which is returned to the receiving water body without the addition of chemicals. Included are discharges of: (1) excess water which permit the continuous operation of fire control and utility lift pumps, and (2) excess water from pressure maintenance.

Visible Sheen: a silvery or metallic sheen, gloss, or increased reflectivity; visual color; or iridescence on the water surface.

Wastewater: liquid waste resulting from commercial, municipal, private, or industrial processes. This includes, but is not limited to, cooling and condensing waters, sanitary sewage, industrial waste, and uncontaminated Stormwater runoff.

Waters of the State: for the purposes of the Louisiana Pollutant Discharge Elimination system, all surface waters within the state of Louisiana and, on the coastline of Louisiana and the Gulf of Mexico, all surface waters extending there from three miles into the Gulf of Mexico. For purposes of the Louisiana Pollutant Discharge Elimination System, this includes all surface waters which are subject to the ebb and flow of the tide, lakes, rivers, streams, (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, impoundments of waters within the state of Louisiana otherwise defined as "waters of the United States" in 40 CFR 122.2, and tributaries of all such waters. "Waters of the state" does not include waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act, 33 U.S.C. 1251 et seq.

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

Commercial Laboratory: mean any laboratory that performs analyses for third parties for a fee or other compensation, except those commercial laboratories accredited by the Department of Health and Hospitals in accordance with R.S.49:1001 et seq.

I. 25-Year, 24-Hour Precipitation Event

The term "25-Year, 24-Hour precipitation event" means the maximum 24-hour precipitation event with the probable recurrence interval of once in twenty-five years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.", May, 1961, or equivalent regional or rainfall probability information developed there from.

STANDARD CONDITIONS FOR LPDES PERMITS

SECTION A. GENERAL CONDITIONS

1. Introduction
In accordance with the provisions of LAC 33:IX.2355, 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
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.

6. Permit Action
This permit may be modified, revoked and reissued, or terminated for cause in accordance with LAC 33:IX.2383, 2385, 2387, 2407 and 2769. 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.

The filing of a request 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 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, 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.2355.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.2355.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 disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the state.

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.2645.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 these regulations. However, additional time can be granted if the inspector or the Administrative Authority determines that the circumstances warrant such action.

b. Have access to and copy, at reasonable times, any records that the department or its authorized representative determines are necessary for the enforcement of these regulations. 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 purpose 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 these regulations.

(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 provision 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.2383.

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

4. Record Contents
Records of monitoring information shall include:

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

5. Monitoring Procedures
a. Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136 (See LAC 33:IX.2531) or, in the case of sludge use or disposal, approved under 40 CFR part 136 (See LAC 33:IX.2531) 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.2531) or, in the case of sludge use and disposal, approved under 40 CFR part 136 (See LAC 33:IX.2531) 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 contract;or
(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.2357.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.2381; in some cases, modification or revocation and reissuance is mandatory.)

   a. *Transfers by modification. Except as provided in LAC 33: IX.2381.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.2383.B.2), or a minor modification made (under LAC 33:IX.2385) 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.2381.A., any LPDES permit may be* automatically transferred to a new permittee if:

      (1) *The current permittee notifies the 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; and

      (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.2385. 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 the narrative portion of the Facility Specific Requirements document.

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. Verbal 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 telephone 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 which exceeds reportable quantity specified in LAC 33:I.Subchapter E, but does not cause an emergency condition, the discharger shall notify the Office of Environmental Compliance by e-mail utilizing the Incident Report Form and procedures found at www.deq.state.la.us/surveillance or by telephone within 24 hours after learning of the discharge. Otherwise, verbal notification should be made to the Office of Environmental Compliance at (225) 763-3908 during office hours or (225) 342-1234 after hours, weekends, and holidays.

c. Information for Verbal 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) name of person making the notification and telephone number where any return calls from response agencies can be placed;

(2) name and location of 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 transporter and generator;

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

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

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

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

d. Written Notification Procedures. Written reports for any unauthorized discharge that requires verbal notification under Section D.6.a. or 6.b., or that requires written notification under LAC 33:I.3919, will be submitted by the discharger to the department in accordance with this section within seven calendar days after the telephone notification. Written notification reports will include, but are not limited to, the following information:

(1) name of person, company, or other party who is filing the written report;

(2) time and date of verbal notification, name of person making the 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 and events leading to any emergency condition, including incidents of loss of sources of radiation;

(5) common or scientific chemical name, the CAS number, U.S. Department of Transportation hazard classification, and best estimate of amounts of any and all discharge pollutants, including methodology for calculations and estimates;

(6) statement of actual or probable fate or disposition of the pollutant or source of radiation;

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

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 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 being taken 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.2355.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 administrative authority in the narrative portion of the Facility Specific Requirements document to be reported within 24 hours (LAC 33:IX.2361.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, 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 Chapter 23, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:

(1) One hundred micrograms per liter (100 µg/L);
(2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micro-grams 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.2331.G.7; or
(4) The level established by the state administrative authority in accordance with LAC 33:IX.2361.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 Chapter 23, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(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.2331.G.7; or
(4) The level established by the state administrative authority in accordance with LAC 33:IX.2361.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 employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if 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.2763) 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.2331 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 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 by 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 $27,500 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 discharge 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" 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 effluent standards and limitations" means all state and Federal effluent standards and limitations to which a discharge is subject under the Clean Water Act, including, but not limited to, effluent limitations, standards or performance, toxic effluent standards and prohibitions, and pretreatment standards.

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

6. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

7. "Commercial Laboratory" means any laboratory that performs analyses or tests for third parties for a fee or other compensation, except those commercial laboratories accredited by the Department of Health and Hospitals in accordance with R.S.49:1001 et seq.

8. "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. When grab samples are used, the daily discharge determination of concentration shall be arithmetic average (weighted by flow value) of all samples collected during that sampling day.

9. "Daily Maximum" discharge limitation means the highest allowable "daily discharge" during the calendar month.

10. "Director" means the U.S. Environmental Protection Agency Regional Administrator or an authorized representative.

11. "Environmental Protection Agency" means the U.S. Environmental Protection Agency.

12. "Grab sample" means an individual sample collected in less than 15 minutes.

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

14. "LEQA" means the Louisiana Environmental Quality Act.

15. "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.

16. "Monthly Average" (also known as Daily Average), other than for fecal coliform bacteria, discharge limitations means the highest allowable average of "daily discharge(s)" over a calendar month, 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, 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 =

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

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

17. "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.

18. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which 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.

19. "Sewage sludge" means the solids, residues, and precipitates separated from or created in sewage by the unit processes of a publicly owned treatment works. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and storm water runoff, that are discharged to or otherwise enter a publicly owned treatment works.

20. "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.

21. "Upset" means 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.

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. "Weekly average", other than for fecal coliform bacteria, is the highest allowable arithmetic mean of the daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week. The weekly average for fecal coliform bacteria is the geometric mean of the daily discharges over a calendar week.

27. "12-hour composite sample" consists of 12 effluent portions collected no closer together than one hour and *composited according to flow. The daily sampling intervals shall include the highest flow periods.*

28. "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.) and composited according to flow.

29. "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.) and composited according to flow.

30. Sanitary Wastewater Term(s):

    a. "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 collected at frequent intervals proportional to flow over the 24-hour period.