



Water Permits Division e-Newsletter

OCTOBER 31, 2011

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A SUMMARY OF WATER PERMITTING NEWS & EVENTS

VOLUME 4, ISSUE 2

JULY - SEPTEMBER 2011

PERMITS ISSUED

7/1/11—9/30/11

Individual Minors	82
Individual Majors	21
Sewage Sludge & Biosolids Use or Disposal	35

GENERAL PERMITS

Class I Sanitary	62
Class II Sanitary	13
Class III Sanitary	2
Class IV Sanitary	5
Large Construction	115
Sand & Gravel	2
Petroleum UST	0
Oil & Gas Exploration—Coastal	7
Oil & Gas Exploration—Territorial	0
Auto Dealer	6
Hydrostatic Test	3
Exterior Vehicle Wash	8
Potable Water	0
Cement, Concrete & Asphalt	2
C&D Landfill	1
Groundwater	1
Dewater PST	0
Multi-Sector	39
Light Commercial	148

% CURRENT

MAJORS	98.3
MINORS/GENERALS	97.6

WATER QUALITY CERTIFICATIONS

ISSUED	119
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TMDLS

Public Noticed	5
Approved by EPA	4

ASSESSMENTS

Data Sets Evaluated	163
Solicitation of Views Letters Reviewed	194

Water Permits Division (WPD) Newsletter

DEQ Water Permits Division publishes this quarterly newsletter to provide the regulated community, citizens, and other interested parties with updates and information relevant to water permitting, water quality modeling/TMDLs, water quality certifications, and water quality standards and assessments. We welcome and solicit your comments, recommendations, and input. Please contact Yvonne Baker at 225-219-3193 or Melvin Mitchell at 225-219-3197.

Water Permits Division Staff Update

Ms. Lan Pham has been hired as an Engineer Intern assigned to the Water Quality Modeling/TMDL Section. Ms. Cyndi Morrison left the WPD to pursue new endeavors. We all express our thanks to her and wish her good luck in her future endeavors.

WPD Exceeded 2011 PPG Commitments

The WPD exceeded its Performance Partnership Grant commitments to EPA for major, minor and priority permits in Fiscal Year 2011. WPD issued 31 of 28 major permits, 234 of 228 minor permits, and 33 of 24 priority permits in FY 2011. The overall permit issuance rate of 97.6 percent and the priority permit issuance rate of 137.5 percent were both above national targets. Water Permits Division will continue its effort to increase the number of permits issued annually.

Dissolved Oxygen TMDLs

The most recent TMDL models in the Lake Pontchartrain Basin indicate reductions in permit limitations of greater than 75 percent in some areas. DEQ has been conducting meetings around the state to discuss the dissolved oxygen TMDLs and the need for more regionalized treatment in heavily impacted areas. For more information please contact Chuck Berger at 225-219-3366.

2012 Pretreatment Workshop

DEQ is sponsoring a one-day Pretreatment Workshop for publicly owned treatment works across the state, scheduled on Thursday, Feb. 9, 2012. The agenda is under development and topics for discussion are being accepted. Pretreatment coordinators across the state are encouraged provide potential topic and to attend. For more information, contact Melissa Reboul at 225-219-3199.

Permittee Contact Information Update

The WPD is working to update all permittee contact information, including contact name, mailing address, email address, and phone number, in our permit database. The updated information will streamline the process to contact permittees in case of emergency. To update your contact information, please send an email to the PPPSD at facupdate@la.gov. Please be sure to include your facility's agency interest (AI) number and permit number.

DEQ's TMDL Program

In 2011, EPA Region 6 approved 34 Total Maximum Daily Load (TMDL) packages submitted by the Louisiana Department of Environmental Quality. These 34 approved TMDLs are more than in any previous entire year. A TMDL is a calculation of the maximum amount of a pollutant a water body can receive and still meet the water quality standards. TMDLs are a way to identify load reduction and other actions that can be taken to improve water quality. DEQ staff continues to assess the water quality of the streams, bayous and lakes throughout the state. By using this data, DEQ scientists can determine pollutant load allocations which will help maintain water quality in waterbodies that are not impaired, and improve those that are impaired. In addition, DEQ has public noticed 12 new TMDLs in 2011 which include the seven remaining consent decree TMDLs. DEQ has been conducting meetings to discuss TMDLs and the need for more regionalized treatment in heavily impacted areas. For more information contact Chuck Berger at 225-219-3366.

Seafood Safety Website

The following website has information regarding the Louisiana Seafood Safety Plan to test seafood, water and soil from across the coast: <http://www.gulfsource.org/>

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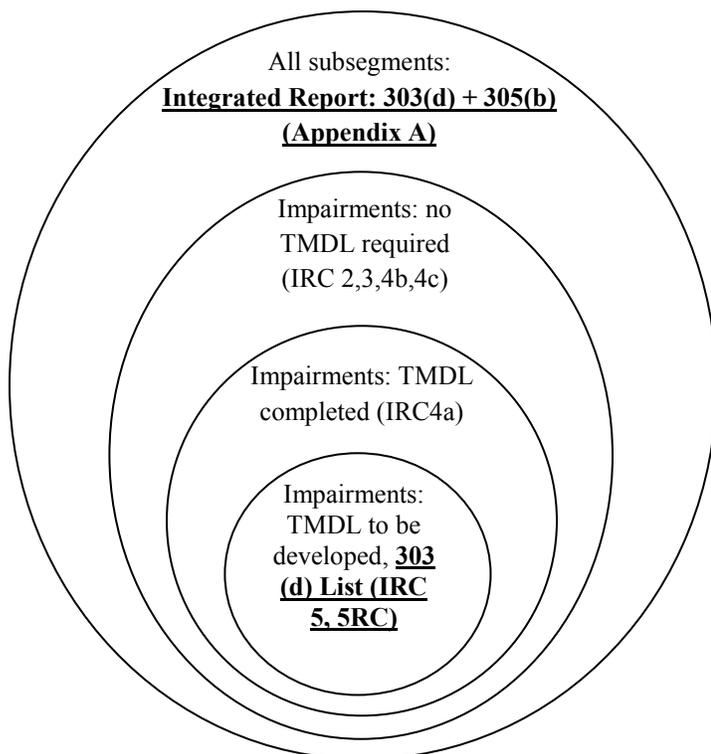
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2008 and 2010 Draft Integrated Reports

The 2008 Integrated Report was finalized by EPA on Sept. 28, 2011 and is now available for use in water quality permitting and other actions. The report, particularly Appendix A which contains all water quality assessments for the state, can be found on the DEQ Website at: <http://www.deq.louisiana.gov/portal/DIVISIONS/WaterPermits/WaterQualityAssessment/WaterQualityInventorySection305b/2008WaterQualityIntegratedReport.aspx>.

The 2010 Integrated Report is currently under review at EPA. The 2012 Integrated Report is under development with submittal to EPA set for April 1, 2012.

When considering Integrated Report water bodies (combined 303(d) and 305(b)) remember there is an important distinction between the two portions. The 305(b) portion, contained in Appendix A of the Integrated Report, contains **all** water quality assessments for the state. This includes unimpaired (fully supported) waters, impairments requiring TMDL development, impairments with a TMDL completed, and impairments where no TMDL is required. In Appendix A, impairments requiring a TMDL are identified as Integrated Report Categories 5 and 5RC. IRC 4a indicates an impairment for which a TMDL has been developed. The following graphic illustrates this relationship.



For more information contact Al Hindrichs at 225-219-3212.

LAG260000 Issuance Update

The Louisiana Court of Appeal, First Circuit, remanded the oil and gas territorial seas general permit LAG260000 to DEQ on June 10, 2011 and instructed the DEQ to modify the permit in a manner consistent with the opinion. The opinion may be found at <http://www.deq.louisiana.gov/portal/Default.aspx?tabid=245>. As a result of this ruling, the DEQ will modify the general permit to remove the outfall for produced water. The DEQ will continue to grant authorizations to discharge under this permit for those facilities that do not discharge produced water. Facilities wishing to discharge produced water must seek authorization under an individual permit by submitting the Oil & Gas-IND permit application. Facilities currently discharging produced water under the authority of the LAG260000 permit must submit an O&G-IND permit application no later than April 1, 2012. The individual permit will require an evaluation of the effects of produced water discharges on the environment and human health. The regulated community will be responsible for providing information that will be utilized to determine whether authorization to discharge produced water in the territorial seas will be granted. A Potpourri notice was published on Oct. 20, 2011 and postcard was mailed to all permittees covered under the LAG260000 on Oct. 21, 2011 with the above information. Questions may be directed to Melvin C. Mitchell at (225) 219-3197, Bruce Fielding at (225) 219-3231 or Jenniffer Sheppard at (225) 219-3499.

LAG330000 Update/ Online Application

LAG330000- Master General Permit for Discharges from oil and gas exploration, development and production facilities located within coastal waters was issued on Jan. 31, 2011 and modified on Sept. 15, 2011. Dischargers who are currently permitted under the LPDES version of this permit that expired on Nov. 30, 2010 are not required to submit a new NOI. Provided the applicability requirements of the reissued permit are met, these permitted dischargers are automatically covered. Permit conditions in the reissued permit are effective for these automatically authorized permittees three days after the postmark date of the notification of coverage. The LAG330000 prohibits the discharge of produced water. DEQ has reauthorized coverage under the general permit for approximately 700 facilities. A copy of the permit can be accessed and printed from DEQ's Internet website at www.deq.louisiana.gov/LAG330000 GP. DEQ launched the online application for the LAG330000 on July 1, 2010. It is for facilities operating inland of the territorial seas in waters of the state. The application allows them to bypass the initial paper submittal process. For more information go to the website: www.deq.louisiana.gov/onlinepermitapplications. Proposed facilities and proposed independent oil and gas wells desiring coverage must submit a completed NOI at least 14 calendar days prior to commencement of discharge. For questions regarding permit limitations and monitoring frequencies contact Jenniffer Sheppard at 225-219-3499 or Valerie Powe at 225-219-3214.



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Request for Preliminary Determination

The Request for Preliminary Determination (RPD) is for facilities that do not have an LPDES permit and will have a future wastewater discharge other than construction stormwater (e.g. exterior vehicle washwater, treated sanitary wastewater, process wastewater, etc.) or for facilities that have a current LPDES permit which will require a modification for an increased or additional wastewater discharge. The WPD will send a response to the RPD which will contain water quality information specific to the receiving water body and the wastewater discharge. The RPD form can be found at the following website under LPDES forms: <http://www.deq.louisiana.gov/portal/DIVISIONS/WaterPermits/LPDESPermits.aspx>. For more information, please contact Yvonne Baker at 225-219-3193.

Oil Rig Site Visit and Training

Technical staff from WPD recently visited Century Oil Company's Breton Sound Block 51, an Offshore Oil and Gas Platform in the Gulf of Mexico. The purpose of the visit was to observe the operations of a fully functional platform, view the flow process, discuss the details of the operation with the crew and gather information for use in future permitting activities. Additional, follow-on oil and gas instructional training sessions for DEQ staff members will occur at the Oil and Gas Platform Training Facility in Robert, Louisiana. Training will occur in November 2011 and cover all aspects of the daily operations of an offshore oil rig, including information on displays and equipment demonstrations. For more information on the site visit and training, please check the following website: http://www.deq.louisiana.gov/portal/portals/0/news/pdf/DEQ_Oil.pdf

Partial Waiver for DMR-QA Program

Sept. 19, 2011, EPA, Region 6, granted DEQ a partial participation waiver for the DMR-QA Program. DEQ administers the Louisiana Environmental Laboratory Accreditation Program (LELAP) which serves a similar purpose as the DMR-QA Program. Requiring permittees to participate in both LELAP and the DMR-QA program is a duplicative and costly effort. Elimination of this requirement for permittees who utilize LELAP accredited laboratories will reduce cost to the permittees and the State of Louisiana. The waiver only applies to parameters performed by LELAP accredited laboratories. DEQ will submit an annual report to EPA, Region 6, to address the effectiveness of the accreditation program. For more information contact Sandy Wackett at 225-219-3676.

Antidegradation

DEQ is working with EPA, Region 6, on implementation procedures for the state's Antidegradation Policy. DEQ submitted draft Antidegradation Implementation Procedures to EPA for technical review on April 27, 2011. The revision will be public noticed when the draft procedures have been technically approved by EPA. For more information contact Yvonne Baker at 225-219-3193.

106 Supplemental Grants

The Clean Water Act provides DEQ with supplemental grant funds through Section 106 of the Act to help address a variety of water quality problems. WPD Water Quality Section personnel have recently completed activities funded under the FY09 and the FY10 Permits and Enforcement grant. Included in the work completed was a needs assessment analysis of the Water Quality Section's data management system as well as data collection activities in the Coastal Deltaic Plains and Lower Mississippi River Alluvial Plains state ecoregions. Section 106-sponsored work in these ecoregions provided scientific documentation to develop more appropriate water quality standards for dissolved oxygen. Work completed under the FY10 Permits and Enforcement Grant included training for DEQ staff in data warehouse design and development and testing of the LAG33 online permit application. Work plans for more recent Section 106 supplemental funds for FY10 and FY11 are presently being developed to further support the State Monitoring Strategy by providing for further data collection in the coastal ecoregions and to fund DEQ's participation in the National Wetlands Survey. For more information contact Tara Nixon at 225-219-3189.

Sewage Sludge Haulers and Disposal Sites

WPD has registered 233 haulers for 2011-2012. The Annual Sewage Sludge Reporting Forms for the reporting period of Jan. 1, 2011 to Dec. 31, 2011 are due Feb. 19, 2012. A list of all approved sewage sludge disposal facilities and a separate list of all approved sewage sludge haulers is posted on the DEQ Sewage Sludge/Biosolids Internet site <http://www.deq.louisiana.gov/portal/DIVISIONS/WaterPermits/Biosolids.aspx>. Both lists will be updated every 60 days. For more information contact Eura DeHart at 225-219-3213 or Yvonne Baker at 225-219-3193.

LAG480000 General Permit Update

The Master General Permit for Discharges from Light Commercial Facilities was reissued October 20, 2010. Facilities currently covered under the general permit should have reapplied by March 30, 2011. Coverage under the general permits for facilities that did not reapply and had outstanding fees were terminated as of June 30, 2011. The remaining facilities were referred to the regional offices for inspections. For more information, contact Kim Corts at (225) 219-3208.

Stormwater Proposed Rule

EPA is in the process of developing a rule intended to reduce storm water discharges from newly developed sites and redevelopment. The rule will include performance standards for new development and expand the MS4 program and requirements. The proposed rule was to be published in September of 2011. However, EPA and the NGO community have negotiated a delayed December date for rule proposal. EPA still plans to submit a report to Congress prior to rule proposal. DEQ encourages storm water managers to review and comment on the proposed rule.



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Pesticides LPDES General Permit Update

The Court of Appeals for the Sixth Circuit granted EPA's request for a 2nd extension of the deadline for when permits will be required for pesticide discharges into U.S. waters from April 9, 2011 to Oct. 31, 2011. Therefore, no new pesticide permit coverage will be needed by individuals or organizations in Louisiana until Oct. 31, 2011. The DEQ permit, which will be issued and effective on Oct. 31, 2011, if necessary, will incorporate existing pesticide control measures now managed by the Louisiana Department of Agriculture and Forestry and provide for reporting, inspection and compliance monitoring activities to be supervised by DEQ. The DEQ Pesticides General Permit is not for facilities already covered by a current Louisiana Pollution Discharge Elimination System (LPDES) Permit. Discharges and usage of pesticides by these facilities must be consistent with the issued and applicable LPDES permits, or Federal Insecticide, Fungicide and Rodenticide Act requirements, located on the container, and applicable LDAF regulations governing pesticide usage. For more information see the WPD's website at: <http://www.deq.louisiana.gov/portal/DIVISIONS/WaterPermits.aspx> or contact Bruce Fielding at 225-219-3231 or Melvin Mitchell at 225-219-3197.

Louisiana's Nutrient Reduction Strategy

DEQ is coordinating with Louisiana's Coastal Restoration Authority (on their Nutrient Reduction Strategy to address the state's management of nutrient pollution. The National Hypoxia Task Force, the Gulf of Mexico Alliance and EPA have called upon states to develop strategies (by 2013) aimed at reducing excess nitrogen and phosphorus pollution in surface waters, and the Gulf of Mexico. Louisiana's strategy will align with the Louisiana Coastal Restoration Master Plan and integrate with ongoing DEQ nutrient reduction activities including nutrient standards development, watershed monitoring, nonpoint source pollution management and other projects aimed at reducing nutrient pollution. In cooperation with DEQ, LA CPRA submitted a project proposal in response to EPA's Gulf of Mexico Program Office Funding Opportunity (Sept. 30). If funded, the project would help to develop the overall strategy. Contact Kris Pintado at 225-219-3218 or Stephanie Braden at 225-219-3187 for further information about LDEQ's participation in the Nutrient Reduction Strategy.

Updates to Sewage Sludge Regulations

DEQ has updated sewage sludge regulations at LAC 33:IX. Chapter 73. The updates include clarifications of the regulations, reporting requirements, and department policies. The changes were published in the *Louisiana Register* on Oct. 20, 2011. Facilities that discharge less than one million gallons per day of sanitary wastewater and do not receive domestic septage or portable toilet waste have until January 1, 2013 to apply for a Sewage Sludge and Biosolids Use or Disposal Permit. For more information check the Biosolids website <http://www.deq.louisiana.gov/portal/DIVISIONS/WaterPermits/Biosolids.aspx> or contact Eura DeHart at 225-219-3213.

DHH Certified Operator Requirement

LA R.S. 40:1149, states it is "unlawful for any person, firm, or corporation, both municipal and private, operating a water supply system or sewerage system to operate same unless the competency of the operator is duly certified to by the state health officer under the provisions of this Part." Installers and maintenance providers must be certified by the Onsite Wastewater Program to work on individual mechanical treatment plants and individual systems in commercial applications.

Gulf of Mexico Hypoxia Task Force

The Gulf of Mexico Alliance and the Hypoxia Task Force held a joint meeting Aug. 2-4, 2011 in New Orleans, Louisiana, focusing on accelerating progress in the development and implementation of comprehensive nutrient pollution reduction strategies for states within the Mississippi River and Atchafalaya River basins. The Gulf Hypoxia Action Plan 2008 calls upon states to develop their own nutrient reduction strategies as soon as possible, but no later than 2013. Components considered essential for nutrient reduction strategies align with elements of EPA's recent guidance to states for management of nitrogen and phosphorus pollution. DEQ has a number of programs and activities that relate to these elements including routine monitoring for nutrients in surface waters, identification of priority watersheds for nutrient reductions, water quality modeling for nutrient reduction goals, and partnerships with stakeholders for implementation of best management practices to control nutrients. Contact Kris Pintado at 225-219-3218 or Stephanie Braden at 225-219-3187 for further information.

Numeric Turbidity Limit Rulemaking

EPA issued a numeric limit for turbidity (280 NTU) in the 2009 final effluent guideline rule which established an enforceable numeric limitation on stormwater discharges from construction sites. This limit was included in EPA's 2011 draft general permit for stormwater discharges from construction activities. Recently, the EPA withdrew the proposal from the OMB (Office of Management and Budget). In order to ensure that the best performance achievable by the technology is adequately characterized, EPA has decided to seek additional treatment performance data from construction and development sites before proposing a revised numeric turbidity limit. A Federal Register notice will be published in the near future.

EPA Proposes CAFO Rule

EPA's proposed concentrated animal feeding operations (CAFOs) 308 rule can be found on the following website: <http://cfpub.epa.gov/npdes/afo/aforule.cfm>. There will be a 60 day comment period for the proposed rule. The proposed rule will not change which CAFOs need permits under NPDES. EPA's proposal will require CAFOs to provide five elements of basic information: facility contact information, production area location, whether the CAFO has an NPDES permit, the number and type of animals at the CAFO, and the number of acres available for land application of manure, litter, and process wastewater. For more information, contact Kim Corts at (225) 219-3208.