

Permitting Implementation Plan for the Bayou Cane (Subsegment 040903, 040904)
Phase I DO TMDL

Phase I Permit Implementation

All TMDL, permitting, and enforcement activities will be conducted in accordance with the Clean Water Act, the Louisiana Environmental Regulatory Code, and applicable state laws.

1. New Discharges of oxygen-demanding loads:

Due to the ONRW status of Bayou Cane, the waterbody is afforded Tier 3 protection, according to 40 CFR 131.12 (a)(3). New or increased discharges that will cause degradation, as defined in LAC 33:IX.1119.C.4, will not be approved. However, in the event that such a discharge will not cause degradation and one of the following requirements can be attained, LDEQ may permit the new discharge. Such new facilities may be required to submit an environmental impact assessment to LDEQ's permitting staff, which will conduct a thorough evaluation of the proposed facility based on environmental impacts, economic benefits, an analysis of alternatives, and other pertinent factors. The typical permit limits will be 5 mg/L BOD₅ / 2 mg/L NH₃ / 5 mg/L DO.

- a. The facility demonstrates that it will provide a significant load reduction of man-made oxygen-demanding constituents to the impaired watershed(s) serviced by the facility. The facility must also contribute to a reduction in the number of facilities discharging to the watershed(s). Facilities that may be considered for permits under this provision include, but are not limited to:
 - i. A facility that will provide improved sewage treatment to multiple subdivisions previously serviced by wastewater treatment plants that are incapable of treating to tertiary limits.
 - ii. A facility that will provide sewage treatment to previously unsewered areas in which many of the sanitary discharges from permitted facilities and individual home treatment units were entering an impaired watershed. As a result, the facility would be

expected to provide more efficient treatment to the wastewater and reduce the net loading of oxygen-demanding substances in the watershed.

- b. The facility demonstrates that its wastewater will not leave the facility or its property. Significant stormwater events do not apply to this provision. For the purpose of this provision, a significant stormwater event is defined as the 25 year, 24 hour rainfall event or its numerical equivalent, as defined by the Southern Regional Climate Center.
 - i. Facilities that may be considered under this provision include, but are not limited to:
 - a. Effluent reduction systems that have been approved by the Louisiana Department of Health and Hospitals.
 - b. Wastewater treatment plants equipped with overland flow systems in which the effluent will not leave the facility.
 - c. Wastewater treatment plants equipped with holding ponds that will retain the effluent such that the effluent will not leave the facility.
 - ii. LDEQ recognizes that some local governments are in the process of building or expanding regional sewage collection and treatment systems. In such areas, LDEQ may, on a limited basis, grant permits to facilities that agree to tie into a regional collection and treatment system when it becomes available. LDEQ must have reasonable assurance that the facility will connect to the regional collection system. Reasonable assurance may include a formal agreement between the facility, the owner and operator of the regional wastewater treatment system, and LDEQ. The regional system must have the capacity to treat the additional wastewater. Such a permit may have a duration of less than five years or it may have a five year duration with interim permit limits. The facility will be required to cease all wastewater discharges to Bayou Cane and transfer the discharge to the regional collection system

once the permit or interim limits expire or the collection system is available to the facility, whichever comes first. Such new facilities will be required to submit an environmental impact assessment to LDEQ's permitting staff, which will conduct a thorough evaluation of the proposed facility based on environmental impacts, economic benefits, an analysis of alternatives, and other pertinent factors.

- c. LDEQ reassesses Subsegments 040903 and/or 040904 (Bayou Cane). LDEQ determines that Subsegments 040903 and/or 040904 are meeting the appropriate DO criteria and designated uses.

2. Existing Discharges of oxygen-demanding loads:

Below are the reductions for existing dischargers in the Bayou Cane TMDL. Facilities discharging oxygen-demanding loads without LPDES permits as of the TMDL approval date are to be permitted in accordance with the limits established for existing facilities with permits. Unpermitted facilities that are newly activated or reactivated after the TMDL approval date may be subjected to enforcement actions and will be required to tie into regional collection and treatment systems, once they are available.

- a. The Southeast Louisiana State Hospital (AI# 9371) will receive a compliance schedule of up to 3 years with final limitations of 5 mg/L BOD₅ / 2 mg/L NH₃ / 5 mg/L DO (with post reaeration).
 - b. All other facilities within the Bayou Cane Watershed will keep existing permits limits for Phase I of the TMDL.
3. Nutrient monitoring (i.e. reporting for Total Nitrogen and Total Phosphorus) will be required for individual permits. Nutrient monitoring will be added to the general permit series (LAG530000, LAG540000, LAG560000, and LAG570000) upon the next scheduled renewal of each series.