



State of Louisiana

Department of Environmental Quality



February 14, 2003

M.J. "Mike" Foster
Governor

Contact Analisa Mir for more information: (225) 765-0731; e-mail: analisam@deq.state.la.us

L. Hall Bohlinger
Secretary

For Immediate Release

STATE RECEIVES FINDINGS ON WATER DISCHARGE PROGRAM

(Baton Rouge) – Detailed findings from a review of the state water program and a list of performance measures agreed upon by officials from the Louisiana Department of Environmental Quality (DEQ) and the U.S. Environmental Protection Agency (EPA) were furnished today to Louisiana Governor M.J. “Mike” Foster and DEQ Secretary L. Hall Bohlinger. In a letter sent earlier this week to Governor Foster, EPA Administrator Christine Todd Whitman stated, “I agree that our mutual objective should be Louisiana’s continued management of the National Pollutant Discharge Elimination System (NPDES) program.” The state program, known as the Louisiana Pollutant Discharge Elimination System or LPDES, regulates all discharges to surface waters of the state.

DEQ Secretary Hall Bohlinger informed that the water discharge permit issuance rate has considerably increased in the past 18 months. Taking into consideration the number of major facilities regulated, DEQ is required to issue an average of 50 major permits per year to maintain the water program. In fiscal year 2001-2002, DEQ issued 53 permits and is on track to issue 60 permits for fiscal year 2002-2003. Prior to entering the public comment period, all draft permits for major facilities prepared by DEQ are submitted to EPA for review. DEQ has been consistent in obtaining EPA approval of its draft permits.

Before August 1996, facilities were required to obtain both federal and state water discharge permits. At the time the state assumed authority to administer the NPDES program, DEQ also inherited a federal permitting backlog for major and minor facilities. Work conducted in the area of data cleanup has been instrumental in providing a clear picture of the DEQ permitting universe and actual backlog numbers. With the use of this information, DEQ staff have been able to speed up the permitting process. DEQ staff are working on issuing 300 minor permits for calendar year 2003 as they continue to clean up the existing database for minor facilities. DEQ and EPA have agreed on plans to continue meeting permit commitments that include efforts to streamline the review process, automate the manner in which permits are drafted, prioritize actions and ensure proper staffing.

Permit violations are also being addressed by DEQ through intensified surveillance and enforcement efforts. In calendar year 2002, DEQ conducted a total of 10,800 inspections, of which 3,150 were water related. Out of the 1,398 enforcement actions issued by DEQ in 2002, 269 included water violations. In addition to these enforcement actions, a significant number of settlement agreements involving water violations were successfully negotiated. A settlement for air and water violations finalized last December with a Louisiana refinery required the company to pay \$1,000,000 in cash penalties and to spend an estimated \$16,000,000 in environmental improvements and community wide projects over a four year period. Proposed settlement agreements are available for public comment on the DEQ website.

The DEQ Office of Environmental Compliance also recently instituted a new system for receiving and responding to citizen complaints. The enhanced system calls for DEQ to send a written response to the complainant within 5 days and include the name and number of the person the complainant may contact for follow-up. To make the compliance data available for public review, DEQ is continuing to input compliance data in the EPA Permit Compliance System database. The Office of Environmental Compliance is also looking into ways to reduce the time it takes to issue enforcement actions, address violations in a timely manner, ensure that environmental degradation resulting from violations is properly mitigated, and deter future noncompliance through assessment of cash penalties or settlements which may include beneficial environmental projects.

DEQ continues to work on ensuring public access to records. Members of the public may submit a Public Records Request to obtain a hard copy of a document or they may visit DEQ to search the Electronic Document Management System (EDMS). The index values assigned to documents in EDMS allow for much greater access than was possible with the old paper file system. A number of initiatives are under way to publish more information on the website and improve the public's ability to make electronic inquiries. Public records request forms are already available on the DEQ website and requests can be made by typing directly onto the electronic form.

When receiving the news from Governor Foster, DEQ Secretary Bohlinger said, "The state should be and is the most appropriate agent to manage the water program. We know our state, we know our waters and we know the value of having and providing clean waterways for our citizens. The people of DEQ have done a commendable job and I have no doubts about our ability to manage the program effectively." The Secretary also said he looked forward to continuing working with EPA to ensure the state takes all actions necessary to successfully complete the performance measures.

DEQ assumed management of the water program from EPA in 1996. Since then, DEQ and EPA have been addressing areas of concern and have worked consistently to improve the overall compliance with the requirements of the Clean Water Act.