LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

SURVEILLANCE DIVISION

COMPLIANCE MONITORING STRATEGY

Fiscal Year 2025-2026

I INTRODUCTION

Act 217 of the 2003 Louisiana Legislative session required the Department of Environmental Quality to develop a compliance monitoring strategy. The Act, which amended R.S. 30:2012 (D), states:

"Monitoring inspections of facilities operating with a permit issued pursuant to this Subtitle shall be conducted to assure compliance with this Subtitle and the regulations issued pursuant thereto. The secretary shall prepare, implement, and revise, as needed, a compliance monitoring strategy designed to achieve meaningful environmental results. Inspections shall be both intensive, designed to accomplish meaningful environmental results and routine to ensure a compliance presence in the field. The compliance monitoring strategy shall explicitly recognize that a variety of compliance monitoring tools including, but not limited to, self-certifications, deviation reports, stack testing reports, discharge monitoring reports, semi-annual monitoring reports, and on-site inspections are available and should be used to evaluate compliance. The strategy must address inspection frequency and in doing so, the secretary shall consider the following:

(a) Facility compliance history,
(b) Location of facility,
(c) Potential environmental impact,
(d) Operational practices being steady state or seasonal,
(e) Any grant or funding commitments made by the department,
(f) Any other relevant environmental, health, or enforcement factors."

The law replaced a previous requirement of the Environmental Quality Act which required that all permitted sources had to be inspected each year. This requirement did not allow for effective planning and was not achievable with the level of resources provided to the Department. The statute allows for more effective planning of inspections through development of a monitoring strategy that recognizes that a program that utilizes in-depth inspections will yield greater results than one that simply involves conducting a high number of inspections.

II GOALS OF THE COMPLIANCE MONITORING STRATEGY

1. Provide consistency in developing compliance monitoring approaches, related to inspections and sampling efforts, while providing the Department with flexibility to address local pollution and compliance concerns.
2. Provide a framework for developing compliance monitoring approaches that focuses on achieving meaningful environmental results that promotes compliance statewide.
3. Provide for recognition that a wide range of tools including self-monitoring reports, field inspections, and ambient data are available for evaluating and determining compliance.

4. Ensure an adequate inspection frequency of regulated sources and ensure a compliance presence in the field.
5. Meet requirements of state and federal funding commitments.
6. Provide flexibility in development of inspection planning allowing an opportunity to inspect or evaluate unpermitted facilities and conduct special initiatives to address local environmental issues.

III SCOPE OF STRATEGY

The scope of this strategy is intended to address all pollutants and environmental media regulated by the Environmental Quality Act and focuses on scheduled inspections of permitted sources, ambient monitoring and special projects. For purposes of this strategy, permitted sources are those facilities or activities that are issued a permit, license, registration, certification, or other acknowledgement from the DEQ that the facility is a regulated entity. The Surveillance Division responsibilities include facility compliance inspections, water monitoring, complaint investigations, and response to environmental incidents. The intent of the strategy is to enable the Department to allocate regional resources in a manner that will provide the most meaningful environmental results.

IV COMPLIANCE MONITORING CATEGORIES

The Department uses a variety of techniques to determine compliance including the full range of facility self-monitoring reports required by regulation. Consistent with this approach, there are three categories of compliance monitoring: Routine Evaluations, Intensive Evaluations, and Investigations (may include special initiatives). The Department shall consider an inspection to encompass one or more of these categories as deemed appropriate by this strategy. Each of these categories is defined below:

1. Routine Evaluations

A Routine Evaluation is a documented compliance assessment focusing on the regulated pollutants, regulatory requirements, or operational units at a given facility. A Routine Evaluation will normally be conducted as a Full Compliance Evaluation (FCE) in accordance with the Division's standard operating procedures for conducting inspections.

A Partial Compliance Evaluation (PCE) may be conducted as directed by supervision where appropriate. A PCE is a documented compliance evaluation focusing on a subset of regulated pollutants, regulatory requirements, or units at a given facility. It will be more comprehensive than a cursory review of individual reports. The PCE may be conducted solely for evaluating a specific aspect of a facility, or combined over the course of a year or more to satisfy the requirements of a FCE[1].

[1] The EPA air quality compliance monitoring strategy of April 2001 allows for multi-year inspections at facilities designated as mega sites and is reported and evaluated through the Performance Partnership grant.

By including PCE type inspections in overall compliance planning, more time can be made available to meet inspection frequency and planning requirements. It also allows flexibility for conducting FCEs (including multi-media type evaluations), incident response activities, "for cause" inspections, and enforcement case development type inspections.

2. Intensive Evaluations

An Intensive Evaluation is intended to provide a more detailed review of a facility's regulatory requirements. It will usually include a FCE as detailed in the Surveillance Division SOP for conducting inspections. An Intensive Evaluation relates to the relative amount of time spent determining the compliance status of a permitted facility and may be conducted over a period of days or weeks. It can address all regulated pollutants at all regulated emission units. Furthermore, it can address the current compliance status of each operational unit, as well as the facility's continuing ability to maintain compliance at each operational unit. Intensive inspections will normally involve more than one inspector. It may require days or weeks to complete and usually involves using a team approach with a team leader responsible for preparing a final report. An Intensive Evaluation would typically include the following:

- A review of required reports, and to the extent necessary, the underlying records. This includes monitoring data reported to the regulatory agency (e.g., CEM and continuous parameter monitoring reports, discharge monitoring reports, incident reports). It also includes a review of relevant certifications, additional monitoring reports, and any other reports, logs, or records required by regulation or permit.
- An assessment of treatment units and process operating conditions as appropriate. This assessment may be conducted prior to an on-site visit depending upon factors such as the availability of monitoring data, relevant certifications, and incident reports.
- A visible observation of permitted releases, including sampling, as needed.
- An assessment of process parameters, as applicable.
- An assessment of control equipment performance parameters (e.g., water flow rates, pressure drop, temperature, and electrostatic precipitator power levels).
- As in the case of Title V air sources, a stack test may be required where there is no other means for determining compliance with the emission limits, or whenever the Department has reason to believe a violation may be present. In determining whether a stack test is necessary, the Department will consider factors such as: size of emission unit; time elapsed since last stack test; results of that test and margin of compliance; condition of control equipment; and availability and results of associated monitoring data

An Intensive Evaluation would be completed for certain sources where a history of repeated problems has occurred.

3. Investigations

An Investigation can be distinguished from the other two categories of inspections in that it is usually limited to a portion of a facility, will likely be more resource intensive, and involves an in-depth assessment of a particular issue. It can be based upon questions raised during routine or intensive evaluations. Other reasons for an Investigation may be based on information obtained outside the Department's normal data tracking processes. An example of this could occur through staff observations of a company's financial report suggesting that a given facility has expanded its production with no mention of receiving the necessary environmental permits. An investigation also may be initiated through information received by citizen complaints, required upset/release notifications, or through other sources of information suggesting that this type of source evaluation is needed. An investigation may require involved and detailed review of issues not normally reviewed by inspectors on a regular basis. Examples would include review of a company's financial records for economic benefit analysis, or a company's specific laboratory data handling processes for standard methods compliance, or perhaps a review of records related to how a permit application was completed to determine if the lowest achievable emission rate (LAER) was properly submitted and then applied.

V REASONS FOR AND TYPE OF INSPECTIONS

On-site inspections are conducted for the general purpose of determining a facility's compliance with regulations associated with State environmental law. This strategy defines four specific reasons for conducting compliance inspections. Although scheduled inspections are the focus of this strategy, other types of inspections will be made in considerable numbers throughout the year for the reasons noted below.

1. Scheduled. Scheduled inspections are conducted at facilities that are members of a class or segment of the regulated universe and are scheduled using Department guidelines. The Department has no indication that the facility is in violation in advance of a scheduled inspection; the inspections are conducted to determine compliance with regulatory and statutory requirements. Scheduled inspections may be either routine or intensive.
2. For Cause. If a facility is selected to be inspected "for cause" some reason is present to suspect that a violation or exigent circumstance exists or existed based on a tip, complaint, release event, source self-monitoring report, ambient monitoring, other information, or a referral from another agency. An emergency may also call for a "for cause" inspection if the situation may cause harm in the absence of immediate remedial action.
3. Case development support. Sometimes evidence in addition to that collected on an initial inspection is needed for continued case development and/or to support pending enforcement actions. On such inspections, inspectors collect information in accord with the requirements specified by the case development or litigation team.
4. Follow up. Follow-up inspections are performed to determine whether a facility has returned to compliance with the requirements of enforcement directives, including Departmental orders, judgments, agreements, or consent decrees. Follow-up inspections

are also performed based on program-specific standards. Such inspections help ensure that, if the facility is still found to be out of compliance, LDEQ may consider a stronger enforcement action.

VI EVALUATION FREQUENCIES AND PLAN DEVELOPMENT PROCESS

In June of each year, Surveillance Division Regional Managers or their designee develop a list[2] of facilities to be inspected during the fiscal year. The Regional Managers use the guidance/requirements that are outlined in this strategy for development of an inspection list of facilities. The lists of facilities to be inspected are maintained by the regional managers in each regional office. The lists encompass those scheduled inspections that will be conducted during the year, including inspections that are performed to satisfy the requirements of the annual budget operational plan and grant requirements. The Administrator and ES Senior staff may recommend facilities to be inspected and assist the regions with inspection targeting, as needed. The annual inspections list cannot logically include unscheduled inspections that may result from incidents or from specific requests from other LDEQ divisions. Inspection planning must allow sufficient manpower resources to remain available for special purpose inspections, assessments, sampling events, special initiatives, dealing with investigations, complaints or emergencies, which cannot be reliably predicted. Experience and existing historical data will be considered when preparing and reviewing the annual level of effort for field inspectors. Managers may make adjustments during the year to the regional inspection planning list by substituting scheduled facility inspections for those inspected during the year that become necessary "for cause". Additional flexibility in the inspection planning can be applied by increasing the number of PCEs in lieu of FCEs in cases where an unexpected number of incident or special purpose investigations are required. Supervisors, with assistance from ES Staff, assign and oversee these inspections, whether within a region or among several regions.

In considering inspection frequency and planning, the following items shall be considered:

Facility compliance history – any facility that demonstrates non-compliance during a previous inspection may receive more frequent compliance evaluations and be considered an elevated priority for inspection. Also included in this factor are previously issued enforcement actions that have demonstrated serious non-compliance.

Location of facility – any facility that is located in sensitive environmental areas or in areas of sensitive human populations may receive an elevated priority for inspection. A facility may be selected for inspection if it releases a pollutant that is known to exacerbate environmental conditions within the region in which it is located. For example, construction-related storm water activities (that may contain effluents high in solids) may be inspected in watersheds where ambient waters are impaired for turbidity. Also, facilities emitting or with the potential to emit, volatile organic compounds (which influence surface ozone production) may be inspected in parishes that are in non-attainment for ozone. In addition to environmental considerations, facilities may be inspected for their potential to

[2] To be kept confidential in accordance with Secretary Directive of 10/24/03 under La R.S. 30:2030 (A) (1) (a).

affect local human populations that may be sensitive to certain discharges, emissions, or activities.

Potential environmental impact – any facility that poses a greater environmental risk based on the pollutants present or handled at the facility may receive an elevated priority for inspection. The annual strategy may consider facilities that have the greatest potential for environmental impact, such as those that handle particularly toxic substances and/or effect sensitive habitats.

Operational practices being steady state or seasonal – when planning for evaluations, facilities that are seasonal in operation will be inspected during the times of facility operation to maximize inspection observation effectiveness. This factor renders a seasonal component to the strategy. Some facilities function during specific times of the year (sugar mills, seafood rendering plants, cotton gins) and will require inspections during those times for the inspection to be most meaningful.

Grant or funding commitments made by the department – federal agencies with which the LDEQ has agreement may require specific inspection frequencies for certain facilities. The LDEQ budget operational plan contains information on these inspection frequency requirements for a particular inspection year. Priority must be given to agreements the LDEQ has made with federal agencies to conduct specific inspections and sampling efforts. These will include water inspections and routine ambient water quality sampling that are required to maintain assumption of the NPDES program, inspections of major air facilities related to Title V permits and activities that monitor facility compliance with hazardous waste regulations to maintain delegation of the RCRA program.

Any other relevant environmental, health, or enforcement factors – Initiatives may be developed to address specific issues of which the LDEQ becomes aware. Examples include assisting in locating discharges of toxic substances to POTWs that have rendered the treatment works ineffective and non-compliant; specific pollutant reduction activities, such as mercury emissions and discharges; documenting impairments to the ambient environmental condition; and industry sectors that have demonstrated through a small sampling of inspection activities, that the sector as a whole lacks basic understanding of their regulatory responsibility.

VII REPORTING

All facility inspections are documented on the Field Interview Form (FIF). Final report preparation will usually include additional documentation as provided in the standard operating procedure *Compliance Inspections Conducted by OEC/Surveillance Personnel*. In addition to the development of written reports, the DEQ database, TEMPO, will be updated in accordance with the standard operating procedure *Inspection Data Entry into TEMPO*. Federal databases (ICIS-water, ICIS-Air, RCRAInfo) will be updated in accordance with current agreements with the EPA.

VIII INSPECTION FREQUENCIES BY MEDIA

The following criteria describe those facility categories that have inspection frequencies based on state and/or federal requirements and agreements. The frequency of other inspections will be subject to the compliance monitoring criteria outlined in section VI of this document.

Air: Thirty-three percent (33%) of Title V permitted sources will be inspected annually. Asbestos top priority projects are inspected in response to notifications received and are given priority since these are for asbestos removal in schools, hospitals and other locations with high potential for public exposure. Furthermore, it is LDEQ's goal to inspect schools for compliance with AHERA requirements to ensure that asbestos containing materials are identified, managed and removed properly. The number of inspections conducted by Region and for the entire state is to be reported annually. Thirty-three percent (33%) of Synthetic Minor sources (those that emit or have the potential to emit at or above 80% of the Title V major source threshold) will be inspected annually. Targeted Minor Source Surface Coating and Fabrication sources will be inspected annually at a rate of 102 facilities.

Water: Thirty-three percent (33%) of permitted water facilities identified as major sources, twenty percent (20%) of permitted water facilities identified as significant minor sources, and 5% of permitted water facilities with Class II General Sanitary Permits [discharge rate of 5,000 to 25,000 gal per day] will be inspected. Significant water minors, for the purposes of this CMS, are defined as permitted CAFOs, small MS4s, those minor facilities with individual permits [discharge rate of 100,000 to 999,999 gal per day for sanitary discharges], those facilities with Class IV General Sanitary Permits [discharge rate of 50,000 to 100,000 gal per day] and those facilities with Class III General Sanitary Permits [discharge rate of 25,000 to 50,000 gal per day]. These inspections will determine compliance with all permit requirements, including those associated with storm water and spill prevention and control. Additional resources will be applied, as available, to conducting watershed investigations per the *Watershed Based Investigation Quality Assurance Project Plan (QAPP 3009)* within each region.

RCRA: Fifty percent (50%) of Operating Hazardous Waste Treatment, Storage, and Disposal facilities (TSDs) and 100% of Federal Operating Hazardous Waste Treatment, Storage, and Disposal facilities will be inspected annually. Ten percent (10%) of Large Quantity Generator facilities will be inspected annually. Inspections of Small Quantity Generators and Very Small Quantity Generators as an alternative plan to the reduction in the number of Large Quantity Generators, will be conducted as approved by EPA Region 6. Other hazardous waste regulated facilities, which includes, but is not limited to, used oil and universal waste facilities may be inspected as time and resources allow. Certification of "No Hazardous Waste Activity" inspections will be included in this effort.

Solid Waste: Fifty-percent (50%) of the permitted solid waste facilities, which includes commercial solid waste, municipal, industrial and construction and demolition debris landfills, will be inspected annually. One hundred-percent (100%) of Waste Tire Processors will be inspected annually.

Tire Dealers: Ten-percent (10%) of the waste tire universe will be inspected annually. The Division will work with the Office of Environmental Services Waste Permits and Office of Management and Finance Auditors, as needed, to perform "for cause" type inspections in this category.