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LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

ENVIROSCHOOL

Understanding Water Permitting

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Water Permits Division
Louisiana Department of Environmental Quality

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LPDES PERMITS PROGRAM

The state water discharge permit program is called the **Louisiana Pollutant Discharge Elimination System** (**LPDES**)

LA has authority to implement the Federal (EPA) water permit program called the **National Pollutant Discharge Elimination System** (**NPDES**)

Louisiana Pollutant Discharge Elimination System (LPDES)

- Prior to 1996, water discharge permittees were required to maintain two water discharge permits, from the state and federal government.
- In 1996, permitting authority was transferred to LDEQ under the LPDES program.
- With the transfer of permitting authority, permittees now only need one, all encompassing permit.

WHO NEEDS A DISCHARGE PERMIT?

Who Needs a Water Discharge Permit?

- Any one who discharges **pollutants** from a **point source** to **waters of the state**.
- Key definitions:
  - **Pollutants**
  - **Point Source**
  - **Waters of the State**
- Must have an effective water discharge permit at the time you start discharging
- 5 year permits

TYPES OF PERMITS

TYPES OF PERMITS

Individual Permits

- Majors
- Minors

General Permits

- Storm water
- Non-storm water

TYPES OF PERMITS

Individual Permits

- Majors
- Minors

General Permits

- Storm water
- Non-storm water

Individual Permits

- Majors - Characteristics
  - Industrials – determined by point system
  - Municipals - defined as those facilities with a design capacity of 1 MGD or greater
  - Permit Writer (PW) prepares fact sheet
  - Preliminary Draft reviewed by EPA – 30 days
  - Examples: refineries, power plants, chemical plants, sewage treatment plants in large cities
    - ExxonMobil
    - Entergy
    - Dow Chemical
    - City of Baton Rouge

Individual Permits

- Minors - Characteristics
  - Industrials – those not determined to be a major
  - PW prepares statement of basis
  - Examples: equipment rental companies, oilfield service facilities, seafood processors, barge cleaning and repair facilities, landfills, sewage treatment plants in smaller cities

APPLICATION
&
REVIEW PROCESS

The Application Process

- A **complete** application is required when applying for the renewal of an existing permit or initial permit.
- Making sure your permit application is complete and accurate is crucial to the permitting process. *Lab Data must be submitted with the application*.
  - Estimated or Quantitative Data is required for **each** outfall
- If a complete application for renewal of an existing LPDES permit is submitted **180 days** prior to the expiration date, the permit will be administratively continued. [LAC33:IX.2501.D]
- An extension may be requested beyond the 180 days prior to the expiration date. However, the extension may **not** go beyond the expiration date of the permit. [LAC 33:IX.2501.D]
- If the application is **not** received prior to the expiration date of the permit, the facility will be considered to be discharging without an effective permit and could be subject to enforcement action. [LAC 33:IX.2501.D]

Factors to Consider in Preparing Your Application

- ***ACCURATE & COMPLETE LAB DATA***
- Be sure ALL required data tables are complete
  - Anything over the MQL may result in a WQ limit based on the results of a reasonable potential analysis
  - Consider providing more than one data point
    - This establishes a representative data set or effluent-specific statistics
- Again, you can provide best engineering judgement, but facility effluent data is ideal
- *Did we mention complete accurate lab data yet?*

The Review Process

- Upon receipt of the application in the respective permitting section, the permit writer performs a Technical Review of the application.
- During the Technical Review, the permittee may be required to supply additional information. This information may range from a simple yes/no answer to a comprehensive analysis on the effluent.
- At this time, the permit writer may also request information needed from permits support staff. This includes:
  - Pretreatment
  - Biomonitoring recommendations
  - Receiving stream characteristics

The Review Process

- Upon receipt of all necessary information, the permit writer proceeds to complete a file review and process the application into either a:
    - Preliminary Draft Permit (major facilities) or
    - Draft Permit (minor facilities)
- All draft permits are sent through the permit writer's chain of command for review. This includes:
    - Supervisor
    - Manager
    - Technical Staff
    - Administrator & Assistant Secretary (both as needed)

The Review Process

- The facility is then given up to 10 days to review the draft permit and provide any comments.
- Preliminary draft permits are then routed to EPA for at least 30 days for review.
- Upon signature of the draft permit by the Manager, the individual LPDES permits are public noticed on the LDEQ webpage and on the LDEQ mailing list (parish basis).

Public Notices

•During the public notice comment period, which lasts at least 30 days, the permittee and public are afforded the opportunity to comment on the draft permit.

•Recent regulation has passed allowing Public Notices to happen online on the LDEQ Website rather than via newspaper publication.

•All LDEQ, Permits Division, Public Notices can be found on our public web site: https://www.deq.louisiana.gov/public-notices

•If there is significant public response to the draft permit action, a public hearing or public meeting may be held.

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Final Permit Process

- Once a permit has been at Public Notice for at least 30 days, any public comments submitted during that time frame are addressed in the Final Permit Action.
- Depending on the type and number of comments received, a Basis for Decision (BFD) and/or Response to Comments (RTC) document is written to address public comments and/or concerns and is included in the final permit package.
- Usually, we encourage facilities to complete the Environmental Assessment Statement (also known as the IT questions) as it helps in the creation of a BFD when significant public comments are received.
- You know what also helps? A fully complete and accurate application! ☺

Final Permit Process

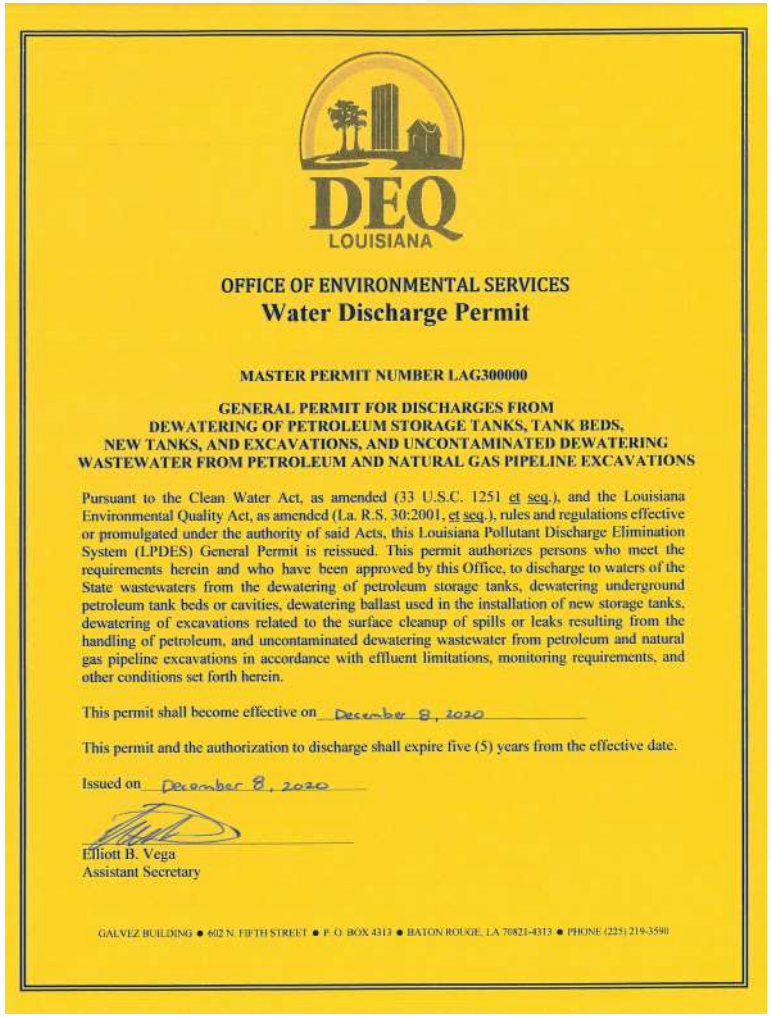
- Once the BFD and/or RTC is complete and the final permit has been drafted, it again follows the permit writer's chain of command for review and final signature by the Assistant Secretary.
- The signed permit is issued, assigned an effective date, and is then made effective for 5 years.
- Any significant changes during the permit cycle can be submitted to LDEQ and are then addressed in either a Minor or Major Modification.
  - Is it a Major or Minor Mod? Depends on changes to the existing permit.
    - i.e. Deleting an outfall – Minor; Adding an outfall - Major
  - Major Mods require another 30 day public notice period where *only the proposed modifications* are open for public comment.

WHAT'S INCLUDED IN A WATER PERMIT?

Permit Contents

- Title page
- Limits page
  - Outfall description
  - Parameters
  - Discharge limits
  - Monitoring frequency
  - Monitoring location

Title Page



DEQ
LOUISIANA

OFFICE OF ENVIRONMENTAL SERVICES

Water Discharge Permit

MASTER PERMIT NUMBER LAG300000

GENERAL PERMIT FOR DISCHARGES FROM DEWATERING OF PETROLEUM STORAGE TANKS, TANK BEDS, NEW TANKS, AND EXCAVATIONS, AND UNCONTAMINATED DEWATERING WASTEWATER FROM PETROLEUM AND NATURAL GAS PIPELINE EXCAVATIONS

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, this Louisiana Pollutant Discharge Elimination System (LPDES) General Permit is reissued. This permit authorizes persons who meet the requirements herein and who have been approved by this Office, to discharge to waters of the State wastewaters from the dewatering of petroleum storage tanks, dewatering underground petroleum tank beds or cavities, dewatering ballast used in the installation of new storage tanks, dewatering of excavations related to the surface cleanup of spills or leaks resulting from the handling of petroleum, and uncontaminated dewatering wastewater from petroleum and natural gas pipeline excavations in accordance with effluent limitations, monitoring requirements, and other conditions set forth herein.

This permit shall become effective on December 8, 2020

This permit and the authorization to discharge shall expire five (5) years from the effective date.

Issued on December 8, 2020

Elliott B. Vega
Assistant Secretary

GALVEZ BUILDING ● 602 N. FIFTH STREET ● P. O. BOX 4313 ● BATON ROUGE, LA 70821-4313 ● PHONE (225) 219-3581

PERMIT No.: LA0007650
AI No.: 3227

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

Saint - Gobain Containers, Inc.
Ruston Plant
P.O. Box 4200
Muncie, Indiana 47307 - 4200

Type Facility: glass container manufacturing facility

Location: 4241 Highway 563 in Simsboro
Lincoln Parish

Receiving Waters: Outfall 001 discharges via an unnamed ditch to Mill Creek thence into Bayou D'Arbonne and Outfall 004 discharges via pipe to Mill Creek thence into Bayou D'Arbonne (Subsegment 080603). Outfall 003 discharges via pipe to Madden Creek thence into the Dugdemona River (Subsegment 081401)

to discharge in accordance with effluent limitations, monitoring requirements, and other conditions set forth in facility specific requirements, other conditions, and standard conditions attached hereto.

This permit shall become effective on 01 July 2007

This permit and the authorization to discharge shall expire five (5) years from the effective date of the permit.

Issued on 5 June 2007

Cheryl Sonnier Nolan
Assistant Secretary

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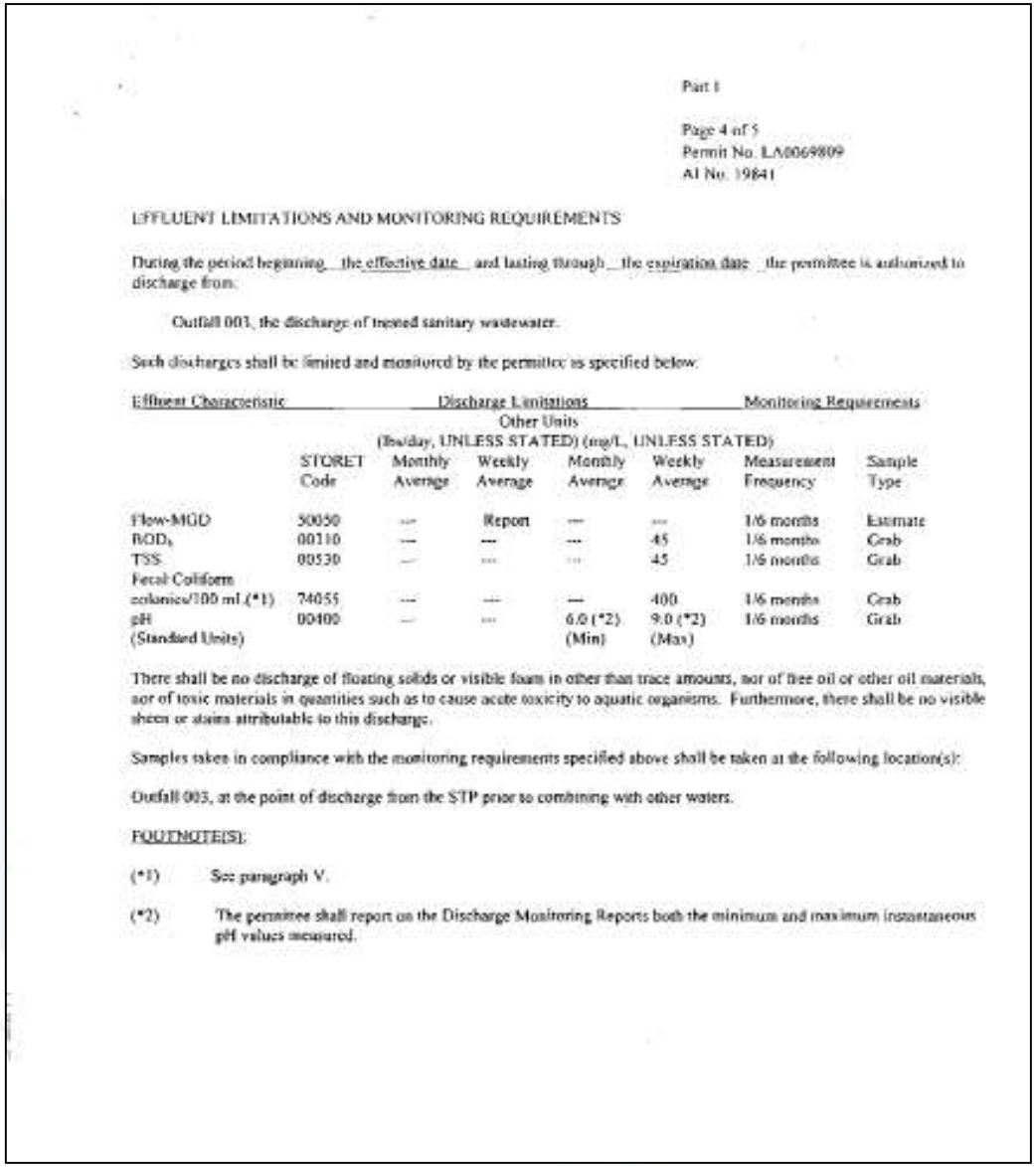
Limits Page

- **Effluent Limitations and Monitoring Requirements**
  - **Non-TEMPO**
- **Common in Major permits**



Part I

Page 4 of 5
Permit No. LA0069809
AI No. 19841

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Outfall 003, the discharge of treated sanitary wastewater.

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations				Monitoring Requirements	
		Other Units (lbs/day, UNLESS STATED)		(mg/L, UNLESS STATED)		
	STORET Code	Monthly Average	Weekly Average	Monthly Average	Weekly Average	Measurement Frequency	Sample Type
Flow-MGD	50050	---	Report	---	---	1/6 months	Estimate
BOD_5	00310	---	---	---	45	1/6 months	Grab
TSS	00530	---	---	---	45	1/6 months	Grab
Fecal Coliform colonies/100 ml (*1)	74055	---	---	---	400	1/6 months	Grab
pH (Standard Units)	00400	---	---	6.0 (*2) (Min)	9.0 (*2) (Max)	1/6 months	Grab

There shall be no discharge of floating solids or visible foam in other than trace amounts, nor of free oil or other oil materials, nor of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Outfall 003, at the point of discharge from the STP prior to combining with other waters.

FOOTNOTE(S):

(*1) See paragraph V.

(*2) The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.

Limits Page

- **Effluent Limitations and Monitoring Requirements**
  - **TEMPO permit**
- **Common in Minor Permits**

PERMIT REQUIREMENTS

Agency Interest No.: 1694
Kleinpeter Farms Dairy LLC
TEMPO Activity No.: PER20200001
Permit No.: LA0037923

RLP 2 : Outfall 001 - the intermittent batch discharge of process washwater, floor and equipment washwater, and truck washwater

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Such discharges shall be limited and monitored by the permittee as specified below:

Parameter	Storet	Discharge Limitations							Monitoring Requirements		
		Quantity/ Loading Average	Quantity/ Loading Maximum	Quantity/ Loading Units	Quality/ Conc. Minimum	Quality/ Conc. Average	Quality/ Conc. Maximum	Quality/ Conc. Units	Frequency	Sample Type	Which Months
Flow, in conduit or through treatment plant	50050	Report MO AVG	Report DAILY MX	gallons/day					monthly	estimate	All Year
BOD, 5-day (20 degrees C)	00310					30 MO AVG	45 DAILY MX	mg/l	monthly	grab sampling	All Year
COD (high level)	00340					200 MO AVG	300 DAILY MX	mg/l	monthly	grab sampling	All Year
Oil and grease	00556						15 DAILY MX	mg/l	monthly	grab sampling	All Year
pH	00400				6.0 INST MIN		9.0 INST MAX	s.u.	monthly	grab sampling	All Year
TSS (Total Suspended Solids)	00530					30 MO AVG	45 DAILY MX	mg/l	monthly	grab sampling	All Year

SUBMITTAL/ACTION REQUIREMENTS

S-1 LAC 33:IX.2701.L.4 Submit Monthly Discharge Monitoring Report (DMR): Due quarterly, by the 28th of January, April, July, and October. Complete one DMR per month and submit electronically quarterly. Electronically submit (unless DEQ gives written authorization to submit monitoring results in an alternative format), in accordance with LAC 33:I.2101.A and B no later than April 28th for monitoring in the months of January, February and March, no later than July 28th for monitoring in the months of April, May, and June, no later than October 28th for monitoring in the months of July, August, and September, and no later than January 28th for monitoring in the months of October, November, and December.

NARRATIVE REQUIREMENTS

N-1 LAC 33:IX.2701.L.4 Discharge Monitoring Report
Prepare and submit DMRs for each outfall. If you have a No Discharge Event at any of the monitoring outfall(s) during the reporting period, use a No Data Discharge Indicator (NODI) Code of "C" for electronic DMRs or mark an "X" in the No Discharge box located in the upper right corner of the paper DMR. If not submitting electronically, submit duplicate sets 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.

Page 1 of 9 TPOR0128

Permit Info (Cont'd)

- **Other conditions or Part II**
  - Reopener language
  - Permit does not convey any easement or right-of-way
  - Requirements to submit Discharge Monitoring Reports (DMRs)
    - NET DMRs
  - Storm water pollution prevention requirements
    - SWPPP
  - Biomonitoring Requirements
  - Pretreatment Requirements
  - Best Management Practices
  - Facility specific conditions

Permit Info (Cont'd)

- **Standard conditions or Part III** – some basic regulatory requirements
  - Duty to re-apply – 180 days before expiration date (5 yr permit)
  - Inspections by LDEQ – right of entry
  - Enforcement – penalties
  - Monitoring procedures – must use approved analytical methods
  - Bypass and upset
  - Record keeping
  - Proper operation and maintenance
  - Reporting requirements
    - Changes
    - Non-compliance
    - Emergency situations
  - Signature requirements
  - Laboratory accreditation - LELAP

Review of Terminology

MAJOR PERMITS vs. **MINOR PERMITS**

- FACT SHEET
- Non-TEMPO permit pages*
- PART I
- PART II
- PART III
- Draft is called Preliminary Draft Permit
- Goes to EPA for 30 days

- STATEMENT OF BASIS
- TEMPO permit pages*
- Draft
- Other Conditions
- Standard Conditions

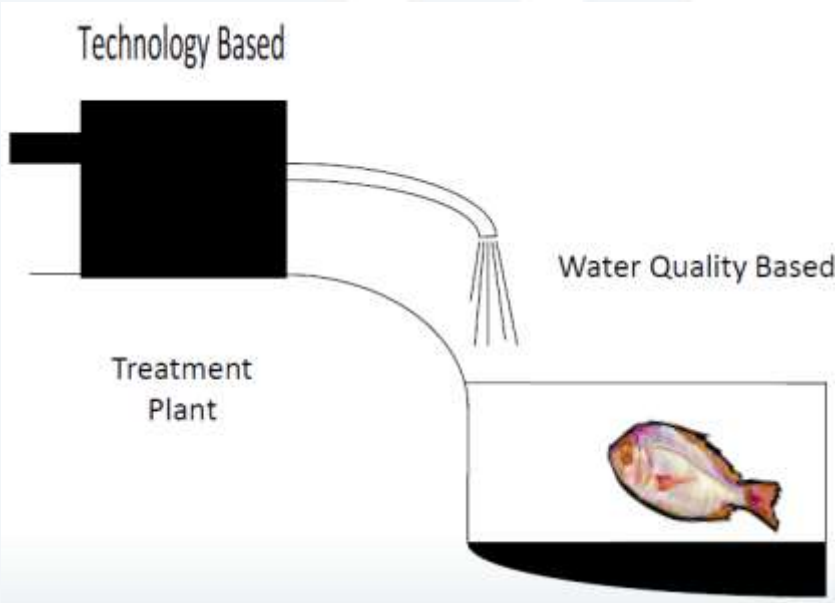
Non-TEMPO permit pages are common in both Majors & Minors. However, they are more commonly seen in Majors (and vice versa for TEMPO pages).

What are Effluent Limits?

- Numerical limits on discharges of pollutants
- Limits may be expressed as mass (lbs/day) or concentration (mg/L).
- May limit specific pollutant (e.g. cyanide) or an indicator pollutant (e.g. Chemical Oxygen Demand)
- Also includes BMPs and SWPPPs

Types of Effluent Limits?

- Two Types of Effluent Limitations:
  - Technology-based effluent limitations (TBELs);
  - Water Quality-based effluent limitations (WQBELs);
- Both TBELs and WQBELs are calculated and the more stringent limit is placed in the permit



TBELs - Best Professional Judgment (BPJ)

- In the absence of effluent guidelines, permit writers can establish TBELs using Best Professional Judgment on a case-by case basis

- Usually use similar facilities or general permit limits for similar discharges as reference or justification

Water Quality Standards

- Standards are developed by the states and approved by EPA
- Standards consist of:
  - Designated Uses
  - Narrative and Numeric Criteria
  - Antidegradation policy

Types of Water Quality Criteria

- Narrative – “fishable, swimmable” or “no toxics in toxic amounts”
- Numeric Criteria - chemical specific concentration or whole effluent toxicity as toxic units
- Future criteria may include sediment, biological, or wildlife criteria

Water Quality-based Effluent Limits (WQBELs)

- Calculation procedure considers the potential impact of discharges on the receiving water quality;
- If WQBEL is < TBEL, then WQBEL is used in the permit;
- Even in absence of TBELS, WQBELs are imposed if there is “reasonable potential” to exceed water quality standards. If reasonable potential exists, a WQBEL is required in the permit.

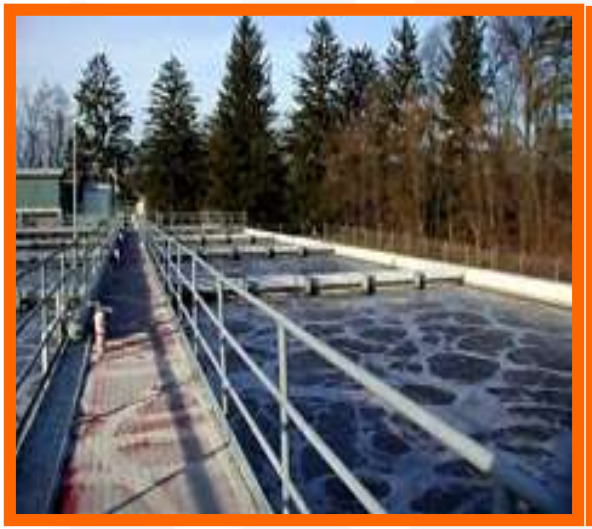
Louisiana Implementation Policy

- The Louisiana Water Quality Management Plan (WQMP) is the primary document associated with water quality management, pollution control, and planning activities carried out by the State in its effort to implement the provisions of federal law under the Clean Water Act (CWA).
  - WQMP goal is that the waters of the state meet established water quality standards, and thereby maintain all designated uses for each waterbody.
- Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards – Water Quality Management Plan (WQMP) – Volume 3 – October 26, 2010, Version 8
  - Used during the permitting process and establishes procedures to effectively incorporate the water quality standards into wastewater discharge permits.

Available on the LDEQ website: *Under Water Tab → Resources → Water Quality Management Plan*
Water Quality Implementation Plan

Total Maximum Daily Loads

Total Maximum Daily Load (TMDL)



Defined as the total amount of a pollutant that a water body can receive and still meet applicable water quality standards.

TMDLs are based on water quality and are essentially site-specific WQBELs.

Total Maximum Daily Load

What is a TMDL?

TMDL =

Wasteload Allocation

Point Sources

+

Load Allocation

Non-Point Sources

+

Margin of Safety

MOS

20% of TMDL

- **All TMDLs become part of the WQMP upon finalization.**
- **TMDLs can establish WQBELs for some facilities, depending on the receiving waters, subsegment, and types of wastewaters.**

316(b) Requirements

- 316(b) of the CWA says to **minimize adverse environmental impacts from Cooling Water Intake Structures (CWIS)**
- LDEQ is currently implementing 316(b) requirements in LPDES permits for facilities with cooling water intake structures (CWIS) with the purpose of minimizing adverse environmental impacts at the intake.
  - Implemented through LPDES permits
  - Requires additional application requirements
  - Requires additional permit conditions
  - See 40 CFR Part 125, Subparts I, J, and N for specific requirements

316(b) Information and LDEQ Contacts

If your facility is subject to applicable 316(b) requirements, please keep in mind they are complex and take time to complete.

- EPA 316(b) website: https://www.epa.gov/cooling-water-intakes

- LDEQ contacts:
  - Christy Clark; Christy.Clark@la.gov or (225) 219-3528
  - Lisa Kemp; Lisa.Kemp@la.gov or (225) 219-3195

Regulatory Updates

- EPA is taking action to identify solutions to address per- and polyfluoroalkyl substances (PFAS) in the environment.
- On March 10, 2021, EPA re-signed Advance Notice of Proposed Rulemaking for PFAS Manufacturers and Formulators.
- Additional Resources:
  - More info on PFAS
  - Federal Register Notice

Commitments Made…		Results Delivered…
Expand toxicity information for PFAS	☑	Issued final PFBS assessment and revised GenX assessment in preparation for peer review. Conducted testing on another 120+ PFAS. Initiated assessments on five other PFAS.
Develop new tools to characterize PFAS in the environment	☑	Published new validated test methods to accurately test for and measure 29 PFAS chemicals.
Evaluate cleanup approaches	☑	• Issued Advance Notice of Proposed Rulemaking for consideration of additional authorities for addressing PFAS in the environment. • Issued interim guidance on disposal and destruction of PFAS and PFAS-containing materials. • Assessed viability of multiple thermal and non-thermal destruction technologies.
Develop guidance to facilitate cleanup of contaminated groundwater	☑	Developed interim guidance to facilitate cleanup of contaminated groundwater.
Use enforcement tools to address PFAS exposure in the environment and assist states in enforcement activities	☑	EPA has continued to address PFAS using a variety of enforcement tools, bringing PFAS actions to a total of 16. Enforcement work continues to ensure public health and environmental protections.
Use legal tools such as those in TSCA to prevent future PFAS contamination	☑	Finalized a Significant New Use Rule requiring anyone who wishes to manufacture, import or use such products in the United States to notify EPA before doing so.
Address PFAS in drinking water using regulatory and other tools	☑	Issued final determination to regulate PFOA and PFOS in drinking water and proposed to require monitoring for 29 PFAS in drinking water.
Develop new tools and materials to communicate about PFAS	☑	• Provided technical assistance and support to more than 30 states. • Conducted PFAS risk communication training, coordinated across the federal government, participated in conferences and meetings and worked to develop documents to explain key aspects about PFAS chemicals.

DEQ in 2021
Division Contact Information

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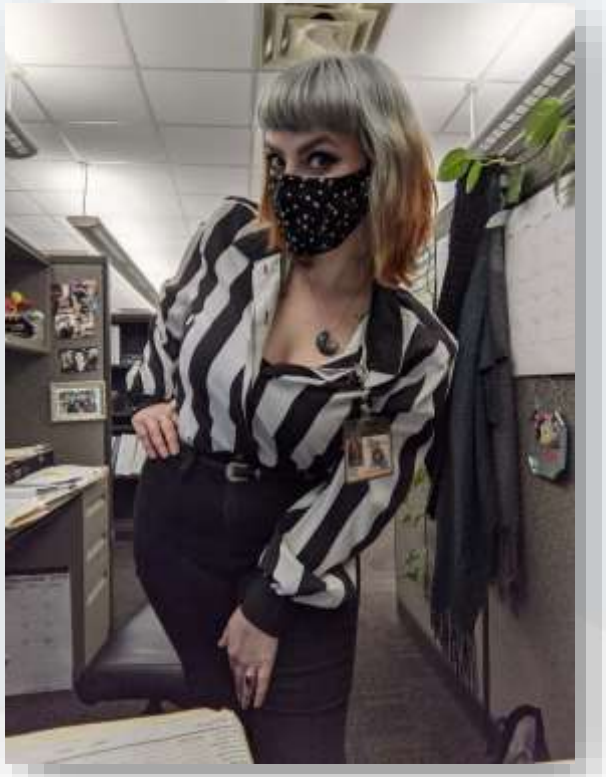
Melissa Carley – 225-219-3266
Melissa.Carley@la.gov

Jillian Strickland – 225-219-4073
Jillian.Strickland@la.gov



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