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While the information posted has been verified to the best of our abilities, we cannot guarantee that there are no mistakes or errors.
Understanding Water Permitting

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Louisiana Department of Environmental Quality
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
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 website: 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.
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
OFFICE OF ENVIRONMENTAL SERVICES
Water Discharge Permit

MASTER PERMIT NUMBER LAG000010

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, 2000.

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

Issued on December 8, 2000.

Ethel B. Vega
Assistant Secretary

DEQ
LOUISIANA

OFFICE OF ENVIRONMENTAL SERVICES
Water Discharge Permit

PERMIT No.: LA00607630
At No.: 3227

Saint - Galvan Containers, Inc.
Resistor Plant
P.O. Box 4280
Muncie, Indiana 47307 - 4200

Type Facility:
glass container manufacturing facility

Location:
4241 Highway 563 in Slidell
Lincoln Parish

Receiving Waters:
Outfall 101 discharges via an armored ditch to Mill Creek thence into Bayou D'Arbonne and Outfall 004 discharges via pipe to Mill
Creek thence into Bayou D'Arbonne (Subsistence 080600). Outfall 003 discharges via pipe to Maddox Creek thence into the
Daguinous River (Subsistence 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 2003.

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

Issued on 05 June 2003.

Cheryl Sonnier Nolan
Assistant Secretary

DEQ
LOUISIANA
Limits Page

- Effluent Limitations and Monitoring Requirements
  - Non-TEMPO
  - Common in Major permits
• Effluent Limitations and Monitoring Requirements
  • TEMPO permit
• Common in Minor Permits
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

<table>
<thead>
<tr>
<th>MAJOR PERMITS</th>
<th>vs.</th>
<th>MINOR PERMITS</th>
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<tbody>
<tr>
<td>• FACT SHEET</td>
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<td>• STATEMENT OF BASIS</td>
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<tr>
<td>• Non-TEMPO permit pages*</td>
<td></td>
<td>• TEMPO permit pages*</td>
</tr>
<tr>
<td>• PART I</td>
<td></td>
<td>• Draft</td>
</tr>
<tr>
<td>• PART II</td>
<td></td>
<td>• Other Conditions</td>
</tr>
<tr>
<td>• PART III</td>
<td></td>
<td>• Standard Conditions</td>
</tr>
<tr>
<td>• Draft is called Preliminary Draft Permit</td>
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<tr>
<td>• Goes to EPA for 30 days</td>
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*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.

  • 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?

\[
\text{TMDL} = \text{Wasteload Allocation} + \text{Load Allocation} + \text{Margin of Safety}
\]

- 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.


- Additional Resources:
  - More info on PFAS
  - Federal Register Notice

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<tr>
<th>Commitments Made…</th>
<th>Results Delivered…</th>
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<tr>
<td>Expand toxicity information for PFAS</td>
<td>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.</td>
</tr>
<tr>
<td>Develop new tools to characterize PFAS in the environment</td>
<td>Published new validated test methods to accurately test for and measure 29 PFAS chemicals.</td>
</tr>
<tr>
<td>Evaluate cleanup approaches</td>
<td>• 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.</td>
</tr>
<tr>
<td>Develop guidance to facilitate cleanup of contaminated groundwater</td>
<td>Developed interim guidance to facilitate cleanup of contaminated groundwater.</td>
</tr>
<tr>
<td>Use enforcement tools to address PFAS exposure in the environment and assist states in enforcement activities</td>
<td>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.</td>
</tr>
<tr>
<td>Use legal tools such as those in TSCA to prevent future PFAS contamination</td>
<td>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.</td>
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<td>Address PFAS in drinking water using regulatory and other tools</td>
<td>Issued final determination to regulate PFOA and PFOS in drinking water and proposed to require monitoring for 29 PFAS in drinking water.</td>
</tr>
<tr>
<td>Develop new tools and materials to communicate about PFAS</td>
<td>• 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.</td>
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<tr>
<td>Water Permits Division</td>
<td>Jenniffer Sheppard, Manager (Industrial)</td>
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<td>------------------------</td>
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<tr>
<td>PO Box 4313</td>
<td>(225) 219-3197</td>
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<tr>
<td>Baton Rouge, LA 70821-4313</td>
<td>[<a href="mailto:Jenniffer.Sheppard@la.gov">Jenniffer.Sheppard@la.gov</a>]</td>
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<tr>
<td>Phone: (225) 219-3590</td>
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<td>Fax: (225) 219-3156</td>
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<tr>
<td></td>
<td>Kimberly Corts, Manager (General &amp; Municipal)</td>
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<td></td>
<td>(225) 219-3207</td>
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<td></td>
<td>[<a href="mailto:Kimberly.Corts@la.gov">Kimberly.Corts@la.gov</a>]</td>
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<tr>
<td></td>
<td>Scott Guilliams, Administrator</td>
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<td></td>
<td>(225) 219-3187</td>
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<td>[<a href="mailto:Scott.Guilliams@la.gov">Scott.Guilliams@la.gov</a>]</td>
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</table>
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