



OFFICE OF ENVIRONMENTAL SERVICES
Water Discharge Permit

MASTER PERMIT NUMBER LAG870000

GENERAL PERMIT FOR
APPLICATION/DISCHARGES OF PESTICIDES INTO OR NEAR WATERS OF THE
STATE

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 issued. This permit authorizes all dischargers who meet the requirements of Part I.A herein discharge pesticides in accordance with the Louisiana Pesticide Law (La.R.S. 3:3201-3310), state pesticide regulations (LAC 7:XXIII) and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) which includes all instructions on the pesticide label and in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I and II of this permit.

This permit shall become effective on June 1, 2025

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

Issued on May 12, 2025

Amanda Vincent

Amanda Vincent, PhD, PMP
Assistant Secretary
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PART I

SECTION A. APPLICABILITY

This permit authorizes all dischargers of pesticides in accordance with state laws and regulations and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) which includes all instruction on the pesticide label. Specific applicable (unless exempted by LAC 33:IX.2315) Louisiana Department of Agriculture and Forestry (LDAF) regulation Chapters and Subchapters under LAC 7: XXIII are listed below:

Chapter 7. Subchapter B. Certification
Chapter 7. Subchapter C. Licensing Requirements
Chapter 11. Regulations Governing Application of Pesticides
Chapter 13. Pesticide Containers and Bulk Facilities
Chapter 15. Mechanically Powered Pesticide Application Equipment
Chapter 17. Monitoring of Commercial Applicator Operations
Chapter 21. Record Keeping Requirements
Chapter 25. General Requirements for Rinsate Water
Chapter 27. Handling Pesticide Spills by Applicators
Chapter 29. Emergency Procedures Related to Pesticides
Chapter 31. Water Protection
Chapter 33. Pesticide Wastes
Chapter 35. Health Complaints

These subchapters are incorporated by reference into this permit and are fully enforceable permit conditions.

This permit covers dischargers who discharge any substance fitting the definition of a pesticide. 'Pesticide' is defined in the Louisiana Pesticide Law (La.R.S. 3:3202) as meaning any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest and any substance or combination of substances intended for use as a plant regulator, defoliant, desiccant, or any substance the commissioner [Commissioner of the LA Department of Agriculture and Forestry (LDAF)] determines to be a pesticide. Therefore, throughout this permit, 'pesticide' will include a wide range of substances.

This permit authorizes all dischargers to discharge pesticides in accordance with the use categories indicated below. In accordance with LAC 33:IX.2515.B.2.e, they are not required to submit a Notice of Intent (NOI) and are automatically covered upon the effective date of this permit. However, they are required to maintain all records and information required under LAC 7:XXIII Chapter 21. Additionally, permittees covered under this permit shall have a records retention time of 3 years.

This permit covers categories of authorization to include, but not limited to the following, unless exempted by LAC 33:IX.2315.A:

- 1) Mosquito and Other Flying Insect Pest Control – to control public health/nuisance and other flying insect pests that develop or are present during a portion of their life cycle in or above standing or flowing water. Public health/nuisance and other flying insect pests in this use category include but are not limited to mosquitoes and black flies;
- 2) Aquatic Weed and Algae Control – to control invasive or other nuisance weeds and algae in water and at water's edge, including irrigation ditches and/or irrigation canals;
- 3) Aquatic Nuisance Animal Control – to control invasive or other nuisance animals in water and at water's edge. Aquatic nuisance animals in this use category include, but are not limited to fish, lampreys, and mollusks; and
- 4) Forest Canopy Pest Control – aerial application of a pesticide over a forest canopy to control the population of a pest species (e.g., insect or pathogen) where to target the pests effectively a portion of the pesticide unavoidably will be applied over and deposited to water.

This permit also authorizes the discharge of storm water runoff from facilities which handle or use pesticides provided the pesticides are handled and stored in accordance with the FIFRA instructions specified on the container label and there has been no spillage or leakage which has not been cleaned up. Storm water coverage under this permit is not applicable to facilities which qualify for coverage under the Multi-Sector General Permit, LAR050000. Any facility with coverage under the Multi-Sector General Permit is required to ensure that the Storm water Pollution Prevention Plan (SWPPP) is also compliant with the requirements of this permit.

This permit does not authorize other discharges (such as treated sanitary waste water, equipment wash water, or wash water from cleaning storage or mixing tanks) from facilities which handle or use pesticides.

A printed hard copy of this permit may be obtained by contacting LDEQ's Office of Environmental Services, Water Permits Division at (225) 219-3181, or a copy can be downloaded from the LDEQ website at <http://deg.louisiana.gov/page/lpdes>.

This general permit does not apply to the application of pesticides to areas which are exempt from LPDES permitting (see LAC 33:IX.2315). These areas include, but are not limited to:

- 1) Discharges associated with the normal operations of a vessel;
- 2) Discharges from agricultural and silvicultural activities including storm water runoff from orchards, cultivated crops, pastures, range lands, and forest lands; and
- 3) Return flows from irrigated agriculture.

Should a discharge from any of these activities cause a violation of water quality standards (LAC 33:IX.Chapter 11), the discharger will be subject to enforcement action under the Louisiana Environmental Quality Act.

This general permit shall not apply to:

- 1) discharges which have limits assigned to them in the Louisiana Water Quality Management Plan or an approved Waste Load Allocation;
- 2) discharges containing pesticides to waterbodies which have suspected causes of impairments listed which include that pesticide as identified in the 303(d) list;
- 3) discharges containing restricted use pesticides to waterbodies which have suspected causes of impairments listed which include any pesticide as identified in the 303(d) list;
- 4) discharges which are likely to have unauthorized adverse effects upon threatened or endangered species, or on the critical habitat of these species as determined in conjunction with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS);
- 5) discharges which adversely affect properties listed or eligible for listing in the National Register of Historic Places, unless they are in compliance with requirements of the National Historic Preservation Act and any necessary activities to avoid or minimize impacts have been coordinated with the Louisiana State Historic Preservation Officer (for questions, the operator should contact the Section 106 Review Coordinator, Office of Cultural Development, P. O. Box 44247, Baton Rouge, LA 70804-4247 or telephone (225) 219-8200);
- 6) discharges, as indicated by evidence, indicating the reasonable potential to cause or contribute to a violation of a water quality standard;
- 7) coverage under this permit if any of the following circumstances apply: the discharges are covered by another LPDES permit or the discharges were included in a permit that has been or is in the process of being denied, terminated, or revoked within the last five years; and
- 8) discharges of pesticides to Outstanding Natural Resource Waters (ONRWs). However, there may be unusual situations where pesticide application may be allowed in order to maintain use and status of the water body. An example of this would include application of a pesticide to control an invasive aquatic plant species that is having a deleterious effect on the dissolved oxygen and other parameters of the ONRW. Other examples would include application of a pesticide for the protection of human health and safety.

The Department may deny coverage under this permit and require submittal of an application for an individual LPDES permit based on a person's compliance record, ambient water quality data, or any other information relative to the application of pesticides. This Office reserves the right to issue such persons an individual LPDES permit with more specific limitations and conditions.

SECTION B. EFFLUENT LIMITATIONS

This permit authorizes discharges from the use or application of pesticides on or near waters of the state in accordance with state laws and regulations and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) which include all instruction on the pesticide label.

Discharge must be controlled as necessary to meet applicable state water quality standards (see LAC 33:IX.1113, Table 1).

If it is determined that the discharge causes or contributes to an excursion of applicable water quality standards, corrective action must be taken.

No pesticide may be applied unless that pesticide is registered by the Louisiana Department of Agriculture and Forestry (LDAF).

No person shall apply a pesticide unless in accordance with state laws and LDAF regulations and FIFRA laws and regulations which include all instruction on the pesticide label.

No person shall apply a restricted use pesticide unless that person is certified by LDAF or that person is under the direct supervision of someone who is certified by LDAF.

No person shall own or operate a business engaged in the application of pesticides for a fee unless that person has the proper license from LDAF.

Any applier of pesticides shall use the optimal amount of pesticide consistent with reducing the potential development of pest resistance and frequency of pesticide application to control the target pest; maintain pesticide application equipment in proper operating condition by adhering to any manufacturer's conditions and industry practices; and by calibrating, cleaning, and repairing such equipment to ensure effective pesticide application and pest control as well as to reduce leaks, spills, or other unintended discharges.

All dischargers covered under this permit should conduct spot checks in the area in and around where pesticides are applied for possible and observable adverse incidents as defined in Part II, Section A Definitions, caused by application of pesticides, including but not limited to the unanticipated death or distress of non-target organisms and disruption of wildlife habitat, recreational or municipal water use. Visual assessments of the application site must be performed:

- 1) During any post-application surveillance or efficacy check that you conduct, if surveillance or an efficacy check is conducted; and
- 2) During any pesticide application, when considerations for safety and feasibility allow.

If any of the following situations occur, you must review and, as necessary, revise the evaluation and selection of your control measures to ensure that the situation is eliminated and will not be repeated in the future:

- 1) An unauthorized release or discharge associated with the application of pesticides e.g., spill, leak, or discharge not authorized by this or another LPDES permit occurs;
- 2) You become aware, or the State permitting authority concludes, that your control

measures are not adequate/sufficient for the discharge to meet applicable water quality standards;

- 3) An inspection or evaluation of your activities by a state official, reveals that modification to the control measures are necessary to meet the non-numeric effluent limits in the permits; or
- 4) You observe, for example, during visual inspection or monitoring that a modification is required or are otherwise made aware of an adverse incident, as defined in Part II, Section A.

This permit also authorizes the discharge of storm water runoff from facilities that handle pesticides, provided the pesticides are handled and stored in accordance with the label and there has been no spillage or leakage which has not been cleaned up. Storm water coverage under this permit is not applicable to facilities which qualify for coverage under the Multi-Sector General Permit, LAR050000. Any facility with coverage under the Multi-Sector General Permit is required to ensure that the Storm water Pollution Prevention Plan (SWPPP) is also compliant with the requirements of this permit.

This permit does not authorize other discharges (such as treated sanitary wastewater, equipment wash water, or wash water from cleaning storage or mixing tanks) from facilities which handle pesticides.

Should any of the applicable state laws or regulations change during the life of this permit or should the FIFRA requirements change during the life of this permit, the State Administrative Authority may modify or revoke and reissue this permit.

Monitoring

In accordance with LDAF regulations (see LAC 7:XXIII.1701) commercial applicators of pesticides are subject to semi-annual monitoring (or more frequently at the discretion of the Commissioner of LDAF). Monitoring shall include:

- 1) inspecting the physical surroundings of the site to determine that all requirements of these regulations have been complied with;
- 2) inspecting the records required under Part XXIII of LDAF regulations; and
- 3) taking samples, as determined by the Commissioner of LDAF, at any of the following locations:
 - a. any site where an application of pesticides has been made by the applicator;
 - b. any base storage;
 - c. any containment tank for pesticides which, upon disposal, are classified as hazardous wastes;
 - d. any surface impoundment;
 - e. any wash pad;
 - f. any soils or water, flowing or still, at any location on or adjacent to the base operation; or
 - g. any application equipment (i.e., hopper tanks and connections, mixing tank, etc.).

Even though the specified monitoring (inspections) listed in LAC 7:XXIII.1701 are from the LA Pesticide Regulations of the LDAF, authorized representatives of LDEQ shall have

the same monitoring (inspection) authority in addition to all right of entry and inspection authority in accordance with the LA Environmental Quality Act.

Record Keeping

Any person applying pesticides for a fee and commercial applicators (as described in LAC 7:XXIII.711) shall maintain, for a period of three years, records of pesticide applications. Records must be available within three days of the application at the physical address of the employer or the physical address of the licensee. A copy of these records shall be provided to any employee of the department upon request at a reasonable time during normal working hours. The following information shall be recorded:

- 1) owner/operator name, address, and license number;
- 2) certified applicator, name, address, and certification number;
- 3) customer name and address;
- 4) product/brand name;
- 5) EPA registration number;
- 6) restricted/general use pesticide;
- 7) application date;
- 8) crop/type of application;
- 9) location of application;
- 10) size of area treated (acres, square feet, or minutes of spraying);
- 11) rate of application;
- 12) total amount of product (concentrate) applied;
- 13) applicator; and
- 14) certification number of applicator (if applicable).

Non-fee commercial applicators described below shall accurately maintain, for a period of three years (LAC 33:IX.2701.J.2), records of applications of all pesticides on the appropriate record keeping form as described above. Records described herein shall be maintained, within seven days of the application, at the physical address of the employer. A copy of these records shall be provided to any employee of LDAF or LDEQ upon request, at a reasonable time during normal working hours.

- 1) applicators who apply or supervise the application of restricted use pesticides on a non-fee basis in, on or around institutions, motels, hotels, hospitals and like places as the owner or in the employ of the owner and for persons applying or supervising the application of any pesticide (herbicide, rodenticide, or insecticide) for grass and weed control and rodent and general pest control in, on, or around structures or grounds of government subsidized and administered housing and multiplex housing;
- 2) applicators who apply, or supervise the application of, restricted use pesticides on a non-fee basis in, on, or around commercial grain elevators and other grain handling establishments, feed mills, flour mills, food processing plants, and other places where processed or unprocessed foods are stored, as the owner or in the employ of the owner. This subcategory is divided into three separate areas of certification: general pest control, vertebrate control, and stored grain pest; and

- 3) applicators who apply or supervise the application of pesticides on a non-fee basis for grass and weed control and rodent and general pest control (roaches, wasps, and ants) or restricted use pesticides, in, on, or around structures and grounds of schools that provide education for classes kindergarten through 12. Pesticide applications for wood destroying insects shall be applied by licensed structural pest control operators. Each certified applicator shall annually train all persons applying pesticides under his\her supervision in the proper handling, storage, use, application and disposal of pesticides.

Reporting

Routine reporting is not required by this permit.

All uncontained spills of more than 1 gallon liquid or 4 pounds dry weight must be reported to the director of Pesticides and Environmental Programs of LDAF within 24 hours by telephone and by written notice within three days. Applicators are responsible for the cost of cleanups resulting from pesticide spills in their operations. (see LDAF regulation LAC 7:XXIII.2701 B.)

Part II

Other Requirements

Section A

The permittee must comply with all applicable provisions of the Louisiana Water Quality Regulations including standard conditions found in LAC 33:IX.2701. This Office has established the following definitions and requirements in accordance with those regulations. The definition of other terms may be found in the LPDES Regulations (LAC 33:IX.2313).

- 1) "Act" means Act 449 of the 1979 Louisiana Legislature which established Section 2001, et seq. of Title 30 of the Louisiana Revised Statutes of 1950 and any subsequent amendment to these Sections.
- 2) "Active ingredient" means:
 - a. In the case of a pesticide, other than a plant regulator, defoliant, or dessicant, an ingredient which will prevent, destroy, repel, or mitigate any pest.
 - b. In the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the product thereof.
 - c. In the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant.
 - d. In the case of a dessicant, an ingredient which will artificially accelerate the drying of plant tissue.
- 3) "Adverse Incident" means an incident that you have observed upon inspection or of which you otherwise become aware, in which:
 - a. A person or non-target organism may have been exposed to a pesticide residue, and
 - b. The person or non-target organism suffered a toxic or adverse effect.

The phrase "toxic or adverse effects" includes effects that occur within waters of the U.S. on non-target plants, fish or wildlife that are unusual or unexpected (e.g., effects are to organisms not otherwise described on the pesticide product label or otherwise not expected to be present) as a result of exposure to a pesticide residue, and may include:

- Distressed or dead juvenile and small fishes
- Washed up or floating fish
- Fish swimming abnormally or erratically
- Fish lying lethargically at water surface or in shallow water
- Fish that are listless or nonresponsive to disturbance

- Stunting, wilting, or desiccation of non-target submerged or emergent aquatic plants
 - Other dead or visibly distressed non-target aquatic organisms (amphibians, turtles, invertebrates, etc.)
 - c. The phrase, “toxic or adverse effects,” also includes any adverse effects to humans (e.g., skin rashes) or domesticated animals that occur either directly or indirectly from a discharge to waters of the U.S. that are temporally and spatially related to exposure to a pesticide residue (e.g., vomiting, lethargy).
- 4) “Agricultural Pesticide” means any pesticide product labeled for use in or on a farm, forest, nursery, or greenhouse.
- 5) “Agricultural consultant” means a person who, for a fee, provides technical advice, supervision, or recommendation in one or more of the categories under which agricultural consultants are licensed.
- 6) “Application” means the activities directly related to the administering of a pesticide, including activities leading up to the actual administration of the pesticide (pre-application activities), the actual administering of the pesticide (application activities), and those occurring after the administering of the pesticide (post-application activities). Application activities include those such as the actual administering of the pesticide by any method, such as spraying or topical use.
- a. Pre-application activities include those such as: arranging for the application; mixing and loading the pesticide; transporting or storing the pesticides; and necessary preparations for the application of the pesticide such as employee notification, workers and handlers training, decontamination, use and care of personal protective equipment, emergency information, and heat stress management.
 - b. Post-application activities include those such as: restricted-entry intervals; responsibilities related to worker training, notification, and decontamination; providing emergency assistance; transporting or storing the pesticides; and disposing of any excess pesticides, spray mix, equipment wash waters, pesticide containers, and other materials containing the pesticide.
- 7) “Bulk Facilities” means any person, except registrants, who engage in the activity of repackaging any agricultural pesticide product, except manufacturing use products and plant-incorporated protectants into refillable and non-refillable containers. This includes certified commercial applicators and licensed owner-operators dispensing agricultural pesticides from a stationary container.

- 8) "Commercial applicator" means an individual who is certified to apply or supervise the application of restricted and general use pesticides in the course of his employment.
- 9) "Commissioner" means the commissioner for agriculture and forestry or his duly authorized representatives acting at his direction.
- 10) "Department" means the Louisiana Department of Environmental Quality (LDEQ).
- 11) "Discharge" when used without qualification means the "discharge of a pollutant".
- 12) "Division" means the Division of Pesticide and Environmental Programs within the Office of Agricultural and Environmental Sciences within the Louisiana Department of Agriculture and Forestry.
- 13) "Effluent limitations" means any applicable state or federal quality or quantity limitation which imposes any restriction or prohibition on quantities, discharge rates, and concentrations of pollutants which are discharged into the waters of the state.
- 14) "EPA" means the US Environmental Protection Agency.
- 15) "Facility or Activity" means any LPDES point source or any other facility or activity (including land or appurtenances thereto) that is subject to regulations under the LPDES program.
- 16) "FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act, P.L. 92-516, as amended.
- 17) "General use pesticide" means a pesticide which is classified for general use by the commissioner or by EPA under FIFRA. (*L.R.S 3:3223 describes 'general use' as the use of the pesticide, when applied in accordance with its directions for use, warnings, and cautions, and for the uses for which it is registered, or for one or more of those uses, or in accordance with a widespread and commonly recognized practice, will not generally cause, without additional restrictions, unreasonably adverse effects on the environment, or injury to the applicator.*)
- 18) "Herbicide" means any substance or mixture of substances intended for use in preventing or inhibiting the growth of, killing, or destroying plants and plant parts defined to be pests by the commissioner. The term herbicide shall for the purposes of these regulations include a substance or mixture of substances intended for use as a plant growth regulator, defoliant, or desiccant.

- 19) "Impaired Water" – A water is impaired for purposes of this permit if it has been identified by the State or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State water quality standards (these waters are called "water quality limited segments" under 40 CFR 130.2(j)). Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established.
- 20) "Insecticide" means any substance or mixture of substances intended for preventing or inhibiting the establishment, reproduction, development, or growth of; destroying; or repelling any member of the class insecta or other allied classes in the phylum arthropoda that is defined as a pest by the commission.
- 21) "General Permit" means an LPDES permit authorizing a category of similar discharges within a geographical area.
- 22) "Inert ingredient" means an ingredient which is not active.
- 23) "Label" means the written, printed, or graphic material on, or attached to the pesticide or any of its containers or wrappers.
- 24) "Labeling" means all labels and all other written, printed, or graphic matter accompanying the pesticide at any time or to which reference is made on the label or in literature accompanying the pesticide.
- 25) "LPDES" means those portions of the Louisiana Environmental Quality Act and the Louisiana Water Control Law and all regulations promulgated under their authority which are deemed equivalent to the National Pollutant Discharge Elimination System (NPDES) under the Clean Water Act in accordance with Section 402 of the Clean Water Act and all applicable federal regulations.
- 26) "Manufacturer" means the person who owns or holds the rights to any brand under which a pesticide is sold.
- 27) "Non-target organism" means a plant or animal other than the one against which the pesticide is applied.
- 28) "Office" means the Office of Environmental Services within the Department of Environmental Quality.
- 29) "Operator" means the person or legal entity responsible for the operation and/or maintenance of a facility with a discharge covered by the Title 33 regulations.
- 30) "Owner" means the person or legal entity holding legal title to a facility with a discharge covered by the Title 33 regulations.

- 31) "Package" means any parcel, bag, bottle, can, or other container which contains a pesticide.
- 32) "Person" means an individual, municipality, public or private corporation, partnership, firms, the United States Government and any agent or subdivision thereof, of any other juridical person.
- 33) "Pesticide" means any substance or combination of substances intended for preventing, destroying, repelling, or mitigating any pest and any substance or mixture of substances intended for use as a plant regulator, defoliant, desiccant, or any substance the commissioner [Commissioner of the LA Department of Agriculture and Forestry (LDAF)] determines to be a pesticide.
- 34) "Pesticide dealer" means a person who is licensed to own or operate a business which engages in the sale of restricted use pesticides.
- 35) "Pesticide salesperson" means an individual who is certified to sell or supervise the sale of restricted use pesticides.
- 36) "Pesticide waste" means any pesticide or substance containing a pesticide or any container thereof when it is discarded or is meant to be discarded.
- 37) "Pesticide waste generation" means the act or process of producing pesticide wastes.
- 38) "Pests" means any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other microorganism, except viruses, bacteria, or other microorganism in living humans or other living animals, which the commissioner declares to be a pest.
- 39) "Private applicator" means an individual who is certified to apply or supervise the application of any restricted use pesticide for the purpose of producing any agricultural commodity on land owned or leased by the private applicator or for the purpose of applying or supervising the application of any restricted use pesticide on lands owned by another without compensation. Producing an agricultural commodity shall include related aspects of production, such as storage or transportation of an agricultural commodity produced by the private applicator.
- 40) "Reportable quantity (RQ) release" as specified at LAC 7.XXII.2701.A, means "All uncontaminated spills of more than 1 gallon liquid or 4 pounds dry weight must be reported to the Director of Pesticides and Environmental Programs, LDAF Pesticides Emergency Hotline at 855-452-5323 within 24 hours by telephone and by written notice to the Director of Pesticides and Environmental Programs, 5825 Florida Boulevard, Suite 3000, Baton Rouge, Louisiana, 70806, within three days."

- 41) "Resident" means any person who has been domiciled in Louisiana for a period of at least 90 days immediately preceding the date of application for the license and/or certification and has not claimed residence elsewhere for any purpose.
- 42) "Restricted use pesticide" means a pesticide which is classified for restricted use by the commissioner or by the E.P.A. under the FIFRA. (*La.R.S. 3:3223 describes 'restricted use' as the use of the pesticide, when applied in accordance with its directions for use, warnings, and cautions, and for the uses for which it is registered, or for one or more of those uses, or in accordance with a widespread and commonly recognized practice, may generally cause, without additional restrictions, unreasonably adverse effects on the environment, or injury to the applicator.*)
- 43) "Rinsate" means the liquid produced from the rinsing of the interior of any equipment or container that has come in direct contact with any pesticide.
- 44) "Sanitary wastewater" means treated or untreated wastewater which contains human metabolic and domestic wastes.
- 45) "Secretary" means the Secretary of the Louisiana Department of Environmental Quality.
- 46) "State Administrative Authority" means the Secretary of the Louisiana Department of Environmental Quality or his designee or the appropriate assistant secretary or his designee.
- 47) "Storm Water Pollution Prevention Plan (SWPPP)" means a plan that describes a process whereby a facility thoroughly evaluates potential pollutant sources at a site and selects and implements appropriate measures designed to prevent or control the discharge of pollutants in storm water runoff.

SECTION B. COMPLIANCE SCHEDULE

The permittee shall be in compliance with the requirements specified herein and other applicable permitting and or enforcement documents on the date of authorization of coverage under this general permit. If a discharge is found to be in violation of specified conditions, the permittee will be subject to enforcement action, including civil penalties, and may be required to obtain an individual permit.

SECTION C. OTHER DISCHARGES

This permit does not in any way authorize the permittee to discharge a pollutant not normally associated with the activity or from a source not eligible for coverage under this general permit.

SECTION D. FACILITY CHANGES

The authorization to discharge in accordance with this general permit may be terminated at the discretion of this Office if a change or alteration of the permitted facility, or process(es).

SECTION E. COVERAGE UNDER SUBSEQUENT PERMITS

This permit expires five years after the effective date. Should this permit expire before it is reissued, this Office will administratively extend the permit to discharge for permittees that were covered prior to the expiration, until such time that a new general permit is issued. Upon reissuance or replacement of this permit, the permittee must comply with the requirements for obtaining coverage under the new permit to maintain authorization to discharge.

SECTION F. TERMINATION OF AUTHORIZATION TO DISCHARGE

This Office reserves the right to revoke the authorization to discharge in accordance with this general permit as it applies to any person and/or require such person to apply for and obtain an individual permit if:

- 1) the covered source or activity is a significant contributor to pollution or creates other environmental problems;
- 2) the permittee is not in compliance with the terms and conditions of this general permit;
- 3) conditions or standards have changed so that the source or activity no longer qualifies for this general permit; or
- 4) the discharge limitations contained in this permit are not in accordance with the Water Quality Management Plan.

SECTION G. SURFACE WATER QUALITY STANDARDS

LAC 33:IX.1113 describes numerical and general criteria that apply to all water bodies of the State. Criteria are elements of the water quality which set limitations on the permissible amounts of a substance or other characteristics of state waters. The General Criteria, as described in the Louisiana Administrative Code, limit discharges to maintain aesthetics, color, turbidity, the biologic and aquatic community integrity, and many other elements in the receiving water body. Any noncompliance with the General or Numerical Criteria is not authorized under this permit.

Louisiana Surface Water Quality Standards (LAC 33:IX.1109.F) provide for short-term activity authorization. The regulation states, "The administrative authority may exempt from water quality standards certain short-term activities that the state determines are necessary to accommodate activities, emergencies, or to protect the public health and welfare. Such activities shall not cause long-term or permanent impact on designated water uses. These activities may include, but are not limited to, mosquito abatement

projects, algae and weed control projects, and fish eradication projects.”

The State Administrative Authority has made the determination that the application of pesticides in accordance with controls required by LDAF and the FIFRA label will comply with Louisiana’s Surface Water Quality Standards. However, any application of a pesticide which results in a long-term or permanent impact on a designated water use will be subject to enforcement action and/or individual permit action under the Louisiana Environmental Quality Act.

SECTION H. REQUIRING AN INDIVIDUAL PERMIT OR AN ALTERNATIVE GENERAL PERMIT

- 1) The State Administrative Authority may require any person authorized by this permit to apply for and/or obtain either an individual LPDES permit or an alternative LPDES general permit. Any interested person may petition the State Administrative Authority to take action under this paragraph. Where the State Administrative Authority requires a discharger authorized to discharge under this permit to apply for an individual LPDES permit, the State Administrative Authority shall notify the discharger in writing that a permit application or alternative general permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the discharger to file the application, and a statement that on the effective date of issuance or denial of the individual LPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. The State Administrative Authority may grant additional time to submit the application upon request of the applicant. If a discharger fails to submit an application as required by the State Administrative Authority under this paragraph in a timely manner, the applicability of this permit to the permittee is automatically terminated at the end of the day specified by the State Administrative Authority for application submittal.
- 2) Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee shall submit an individual application in accordance with the requirements of LAC 33:IX.2515.B.3.c., with reasons supporting the request, to the State Administrative Authority at the Louisiana Department of Environmental Quality, Office of Environmental Services, P. O. Box 4313, Baton Rouge, LA 70821-4313, ATTN: Water Permits Division. The request may be granted by issuance of an individual permit or an alternative general permit if the reasons cited by the permittee are adequate to support the request.
- 3) In order to appropriately cover all discharges that might occur at a facility, a permittee authorized to discharge under this LPDES permit might also need coverage under an individual LPDES permit or other LPDES general permits for discharges that occur at the facility/site that are not authorized by this general permit. The permittee shall maintain appropriate permit coverage for the permitted facility/site and shall maintain compliance with all effective LPDES permits issued to the facility/site.

- 4) When an individual LPDES permit is issued to a discharger otherwise subject to this permit or the discharger is authorized to discharge under an alternative LPDES general permit, the applicability of this permit to that LPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual LPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied coverage under an alternative LPDES general permit, that owner or operator then becomes ineligible for authorization to discharge under this general permit, unless the State Administrative Authority determines that specific discharges from the owner or operator's facility may be authorized by this permit.

SECTION I. PROPERTY RIGHTS

Authorization to discharge pursuant to the conditions of this permit does not relieve the permittee of any liability for damages to state waters or private property. For discharges to private land, this permit does not relieve the permittee from obtaining proper approval from the landowner for appropriate easements and rights of way.

SECTION J. PERMIT REOPENER CLAUSE

This permit may be modified, revoked and reissued, or terminated for cause in accordance with LAC 33:IX.2903, 2907, and 6509. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition. This Office reserves the right to reopen and modify this permit to conform to those standards necessary to maintain the water quality in order to support uses of the receiving water bodies.

SECTION K. REMOVED SUBSTANCES

Solids, sludges, biosolids, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be properly disposed of in compliance with applicable state laws, regulations, and permit requirements, and in a manner such as to prevent any pollutant from such materials from entering the waters of the state. The permittee shall contact the Solid and Hazardous Waste Permits Division of the Office of Environmental Services for information on regulations and permits to dispose of this material.

SECTION L. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

SECTION M. POLLUTION PREVENTION ACTIVITIES

The following pollution prevention activities shall be implemented at all facilities authorized to discharge under this general permit. The permittee is not required to have a written storm water pollution prevention plan (SWPPP); however, the operator of the facility is required to implement all of the following pollution prevention activities that are applicable to operations that occur at the permitted facility.

- 1) Clean up and dispose of all spilled product and other spilled wastes immediately according to all applicable regulations, Spill Prevention and Control (SPC) plans or Spill Prevention Control and Countermeasures (SPCC) plans. Perform initial cleanup of spilled product by physical removal and minimize the use of chemicals. Use of detergents, emulsifiers, or dispersants to clean up spilled product is prohibited except where necessary to comply with state or federal safety regulations.
- 2) Recycle or contain for proper disposal all waste fuel, lubricants, solvents, or other fluids used in the repair or maintenance of vehicles or equipment. Clean up spills of these materials by dry means whenever possible.
- 3) Maintain all diked areas surrounding storage tanks or storm water collection basins free of residual oil or other contaminants so as to prevent the accidental discharge of these materials in the event of flooding, dike failure, or improper draining of the diked areas. Diked areas should be sufficiently impervious to contain spills.
- 4) Equip all drains from diked areas with valves kept in the closed condition except during periods of supervised discharge.
- 5) Inspect and maintain all check valves, tanks, drains, or other potential sources of pollutant releases on a regular basis to assure their proper operation and to prevent the discharge of pollutants.
- 6) Maintain all equipment, parts, dumpsters, trash bins, petroleum products, chemical solvents, detergents, or other material exposed to storm water in a manner which prevents contamination of storm water by pollutants.
- 7) Utilize all reasonable methods to minimize any adverse impact on the drainage system including but not limited to: a) maintaining adequate roads and driveway surfaces; b) removing debris and accumulated solids from the drainage system; and c) cleaning up immediately by sweeping, absorbent pads, or other appropriate methods.
- 8) Assure compliance with all applicable regulations promulgated under the Louisiana Solid Waste Management and Resource Recovery Law and the Hazardous Waste Control Law (La. R.S. 30.2151 and 30.2171). Reference

management practices required under above regulations in the in the facility's SWPPP (if applicable).

In addition to these pollution prevention requirements, a facility that is authorized to discharge industrial storm water in accordance with the requirements of the Multi-Sector General Permit (MSGP) must also have a written site-specific SWPPP that satisfies the appropriate industrial sector-specific requirements for that particular facility.

OTHER CONDITIONS

SECTION A. GENERAL CONDITIONS

1. Introduction

In accordance with the provisions of LAC 33:IX.2701, et seq., this permit incorporates either expressly or by reference ALL conditions and requirements applicable to the Louisiana Pollutant Discharge Elimination System Permits (LPDES) set forth in the Louisiana Environmental Quality Act (LEQA), as amended, as well as ALL applicable regulations.

2. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the Louisiana Environmental Quality Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

3. Penalties for Violation of Permit Conditions

a. R.S. 30:2025 provides for civil penalties for violations of these regulations and the Louisiana Environmental Quality Act. R.S. 30:2076.2 provides for criminal penalties for violation of any provisions of the LPDES or any order or any permit condition or limitation issued under or implementing any provisions of the LPDES program. (See Section E. Penalties for Violation of Permit Conditions for additional details.)

b. Any person may be assessed an administrative penalty by the state administrative authority under R.S. 30:2025 for violating a permit condition or limitation implementing any of the requirements of the LPDES program in a permit issued under the regulations or the Louisiana Environmental Quality Act.

4. Toxic Pollutants

a. Other effluent limitations and standards under Sections 301, 302, 303, 307, 318, and 405 of the Clean Water Act. If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant, and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, the state administrative authority shall institute proceedings under these regulations to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition.

b. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions, or standards for sewage sludge use or disposal, even if the permit

has not yet been modified to incorporate the requirement.

5. Duty to Reapply

- a. Individual Permits. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The new application shall be submitted at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the state administrative authority. (The state administrative authority shall not grant permission for applications to be submitted later than the expiration date of the existing permit.) Continuation of expiring permits shall be governed by regulations promulgated at LAC 33:IX.2321 and any subsequent amendments.
- b. General Permits. General permits expire five years after the effective date. The 180-day reapplication period as defined above is not applicable to general permit authorizations. Reissued general permits may provide automatic coverage for permittees authorized under the previous version of the permit, and no new application is required. Requirements for obtaining authorization under the reissued general permit will be outlined in Part I of the new permit. Permittees authorized to discharge under an expiring general permit should follow the requirements for obtaining coverage under the new general permit to maintain discharge authorization.

6. Permit Action

This permit may be modified, revoked and reissued, or terminated for cause in accordance with LAC 33:IX.2903, 2905, 2907, 3105, and 6509. The causes may include, but are not limited to, the following:

- a. Noncompliance by the permittee with any condition of the permit;
- b. The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;
- c. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;
- d. A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge;
- e. Failure to pay applicable fees under the provisions of LAC 33:IX.Chapter 13; or
- f. Change of ownership or operational control.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

7. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege, nor does it authorize any injury to private or public property, nor any infringement of federal, state, or local laws or regulations.

8. Duty to Provide Information

The permittee shall furnish to the state administrative authority, within a reasonable time, any information which the state administrative authority may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the state administrative authority, upon request, copies of records required to be kept by this permit.

9. Criminal and Civil Liability

Except as provided in permit conditions on "Bypassing" and "Upsets," nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of the permit, the Act, or applicable regulations, which avoids or effectively defeats the regulatory purpose of the Permit may subject the permittee to criminal enforcement pursuant to R.S. 30:2025.

10. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

11. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.

12. Severability

If any provision of these rules and regulations, or the application thereof, is held to be invalid, the remaining provisions of these rules and regulations shall not be affected, so long as they can be given effect without the invalid provision. To this end, the provisions of these rules and regulations are declared to be severable.

13. Dilution

A permittee shall not achieve any effluent concentration by dilution unless specifically authorized in the permit. A permittee shall not increase the use of process water or cooling water or otherwise attempt to dilute a discharge as a partial or complete

substitute for adequate treatment to achieve permit limitations or water quality.

14. Facilities Requiring Approval from Other State Agencies

In accordance with R.S. 40:4(A)(6) the plans and specifications of all sewerage works, both public and private, must be approved by the Louisiana Department of Health state health officer or his designee. It is unlawful for any person, firm, or corporation, both municipal and private, to operate a sanitary sewage treatment facility without proper authorization from the state health officer.

In accordance with R.S. 40:1281.9, it is unlawful for any person, firm or corporation, both municipal and private, operating a sewerage system to operate that system unless the competency of the operator is duly certified by the Louisiana Department of Health state health officer. Furthermore, it is unlawful for any person to perform the duties of an operator without being duly certified.

In accordance with R.S. 48.385, it is unlawful for any industrial wastes, sewage, septic tanks effluent, or any noxious or harmful matter, solid, liquid, or gaseous to be discharged into the side or cross ditches or placed upon the rights-of-ways of state highways without the prior written consent of the Department of Transportation and Development chief engineer or his duly authorized representative and of the secretary of the Louisiana Department of Health.

15. The standards provided in Chapter 11 – Surface Water Quality Standards are official regulations of the state, and any person who discharges pollutants to the waters of the state in such quantities as to cause these standards to be violated shall be subject to the enforcement procedures of the state as specified in R.S. 30:2025.

16. The General Criteria, as listed in LAC 33:IX.1113.B, including criteria for floating, suspended, and settleable solids, aesthetics, color, taste and odor, toxic substances, oil and grease, foaming or frothing materials, nutrients, turbidity, flow, radioactive materials, and biological and aquatic community integrity shall apply at all times to the surface waters of the state, including wetlands, whether they are identified in the standards or not (except where specifically exempted elsewhere in the standards). These general criteria specifically apply to human activities and not to naturally occurring conditions.

SECTION B. PROPER OPERATION AND MAINTENANCE

1. Need to Halt or Reduce not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

2. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of

adversely affecting human health or the environment. The permittee shall also take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

3. Proper Operation and Maintenance

- a. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- b. The permittee shall provide an adequate operating staff which is duly qualified to carry out operation, maintenance, and other functions necessary to ensure compliance with the conditions of this permit.

4. Bypass of Treatment Facilities

- a. Bypass. The intentional diversion of waste streams from any portion of a treatment facility.
- b. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section B.4.c. and d of these standard conditions.
- c. Notice
 - (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Office of Environmental Services, Water Permits Division, if possible at least 10 days before the date of the bypass.
 - (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in LAC 33:IX.2701.L.6 (24-hour notice) and Section D.6.e of these standard conditions.
- d. Prohibition of bypass
 - (1) Bypass is prohibited, and the state administrative authority may take enforcement action against a permittee for bypass, unless:
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance

during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The permittee submitted notices as required by Section B.4.c of these standard conditions.

(2) The state administrative authority may approve an anticipated bypass after considering its adverse effects, if the state administrative authority determines that it will meet the three conditions listed in Section b.4.d.(1) of these standard conditions.

5. Upset Conditions

a. Upset. An exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Section B.5.c are met. No determination made during administrative review of claims that noncompliance was caused by an upset, and before an action for noncompliance, constitutes final administrative action subject to judicial review.

c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the cause(s) of the upset;

(2) The permitted facility was at the time being properly operated;

(3) The permittee submitted notice of the upset as required by LAC 33:IX.2701.L.6.b.ii and Section D.6.e(2) of these standard conditions; and

(4) The permittee complied with any remedial measures required by Section B.2 of these standard conditions.

d. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. Removed Substances

Solids, sewage sludges, filter backwash, or other pollutants removed in the course of treatment or wastewater control shall be properly disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the state and in accordance with environmental regulations.

7. Percent Removal

For Publicly Owned Treatment Works (POTWs), the 30-day average percent removal for Biochemical Oxygen Demand and Total Suspended Solids shall not be less than 85 percent in accordance with LAC 33:IX.5905.A.3 and B.3. POTWs utilizing waste stabilization ponds/oxidation ponds are not subject to the 85 percent removal rate for Total Suspended Solids.

SECTION C. MONITORING AND RECORDS

1. Inspection and Entry

The permittee shall allow the state administrative authority or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by the law to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.

Enter upon the permittee's premises where a discharge source is or might be located or in which monitoring equipment or records required by a permit are kept for inspection or sampling purposes. Most inspections will be unannounced and should be allowed to begin immediately, but in no case shall begin more than 30 minutes after the time the inspector presents his/her credentials and announces the purpose(s) of the inspection. Delay in excess of 30 minutes shall constitute a violation of this permit. However, additional time can be granted if the inspector or the administrative authority determines that the circumstances warrant such action;

- b. Have access to and copy, at reasonable times, any records that the department or its authorized representative determines are necessary for the enforcement of this permit. For records maintained in either a central or private office that is open only during normal office hours and is closed at the time of inspection, the records shall be made available as soon as the office is open, but in no case later than the close of business the next working day;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Louisiana

Environmental Quality Act, any substances or parameters at any location.

e. Sample Collection

(1) When the inspector announces that samples will be collected, the permittee may be given an additional 30 minutes to prepare containers in order to collect duplicates. If the permittee cannot obtain and prepare sample containers within this time, he is considered to have waived his right to collect duplicate samples and the sampling will proceed immediately. Further delay on the part of the permittee in allowing initiation of the sampling will constitute a violation of this permit.

(2) At the discretion of the administrative authority, sample collection shall proceed immediately (without the additional 30 minutes described in Section C.1.a above), and the inspector shall supply the permittee with a duplicate sample.

f. It shall be the responsibility of the permittee to ensure that a facility representative familiar with provisions of its wastewater discharge permit, including any other conditions or limitations, be available either by phone or in person at the facility during all hours of operation. The absence of such personnel on-site who are familiar with the permit shall not be grounds for delaying the initiation of an inspection except in situations as described in Section C.1.b of these standard conditions. The permittee shall be responsible for providing witnesses/escorts during inspections. Inspectors shall abide by all company safety rules and shall be equipped with standard safety equipment (hard hat, safety shoes, safety glasses) normally required by industrial facilities.

g. Upon written request, copies of field notes, drawings, etc., taken by department personnel during an inspection shall be provided to the permittee after the final inspection report has been completed.

2. Representative Sampling

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. All samples shall be taken at the outfall location(s) indicated in the permit. The state administrative authority shall be notified prior to any changes in the outfall location(s). Any changes in the outfall location(s) may be subject to modification, revocation, and reissuance in accordance with LAC 33:IX.2903.

3. Retention of Records

Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer, as required by 40 CFR 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the state administrative authority at any time.

4. Record Contents

Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The time(s) analyses were begun;
- e. The individual(s) who performed the analyses;
- f. The analytical techniques or methods used;
- g. The results of such analyses; and
- h. The results of all quality control procedures.

5. Monitoring Procedures

- a. Measurements and analyses must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, unless other test procedures have been specified in this permit.
- b. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to ensure accuracy of measurements and shall maintain appropriate records of such activities.
- c. The permittee or designated laboratory shall have an adequate analytical quality assurance/quality control program to produce defensible data of known precision and accuracy. All quality control measures shall be assessed and evaluated on an ongoing basis, and quality control acceptance criteria shall be used to determine the validity of the data. All method-specific quality controls as prescribed in the method shall be followed. If quality control requirements are not included in the method, the permittee or designated laboratory shall follow the quality control requirements as prescribed in the Approved Edition (40 CFR Part 136) *Standard Methods for the Examination of Water and Wastewater*, Sections 1020A and 1020B. General sampling protocol shall follow guidelines established in the *Handbook for Sampling and Sample Preservation of Water and Wastewater*, 1982 U.S. Environmental Protection Agency. This publication is available from the National Service Center for Environmental Publications <https://nepis.epa.gov/Exe/ZyNET.exe/30000QSA.TXT?ZyActionD=ZyDocument&Client=EPA&Index=1981+Thru+1985&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C81thru85%5CTxt%5C00000001%5C30000QSA.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyURL>.

6. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10 percent from true discharge rates throughout the range of expected discharge volumes and shall be calibrated by a qualified source at least once a year to ensure their accuracy. A qualified source is a person that has received formal training and/or has practical field experience in the calibration of the flow measurement device used at the facility. Guidance in selection, installation, calibration, and operation of acceptable flow measurement devices can be obtained from the following references:

- a. *A Guide to Methods and Standards for the Measurement of Water Flow*, 1975, U.S. Department of Commerce, National Bureau of Standards. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, and telephone number (800) 553-6847. Order by NTIS publication number COM-75-10683.

<https://www.govinfo.gov/content/pkg/GOVPUB-C13-a301a5f6bf6ec378b4abc9c626c03e2/pdf/GOVPUB-C13-a301a5f6bf6ec378b4abc9c626c03e2.pdf>

- b. *Flow Measurement in Open Channels and Closed Conduits*, Volumes 1 and 2 U.S. Department of Commerce, National Bureau of Standards. This publication is available from the National Technical Service (NTIS), Springfield, VA, 22161, and telephone number (800) 553-6847. Order by NTIS publication number PB-273 535.

Volume 1:

<https://www.govinfo.gov/content/pkg/GOVPUB-C13-c0f8a094b9fcc5c32be685edbd48f942/pdf/GOVPUB-C13-c0f8a094b9fcc5c32be685edbd48f942.pdf>.

Volume 2:

<https://www.govinfo.gov/content/pkg/GOVPUB-C13-b3daf36f1cc0f770bc04d66da5cdc937/pdf/GOVPUB-C13-b3daf36f1cc0f770bc04d66da5cdc937.pdf>

- c. *NPDES Compliance Flow Measurement Manual*, U.S. Environmental Protection Agency, Office of Water Enforcement. This publication is available from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, and telephone number (800) 553-6847. Order by NTIS publication number PB-82-131178.

<https://nepis.epa.gov/Exe/ZyNET.exe/9101TZLK.TXT?ZyActionD=ZyDocument&Client=EPA&Index=1981+Thru+1985&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C81thru85%5CTxt%5C00000026%5C9101TZLK.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&Maximu>

[mDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL](#)

7. Prohibition for Tampering: Penalties

- a. R.S. 30:2025 provides for punishment of any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit.
- b. R.S. 30:2076.2 provides for penalties for any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance.

8. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 (see LAC 33:IX.4901), or in the case of sludge use and disposal, approved under 40 CFR Part 136 (see LAC 33:IX.4901) unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report (DMR) or sludge reporting form specified by the state administrative authority.

9. Averaging of Measurements

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the state administrative authority in the permit.

10. Laboratory Accreditation

- a. LAC 33:I.Subpart 3, Chapters 45–59 provide requirements for an accreditation program specifically applicable to commercial laboratories, wherever located, that provide chemical analyses, analytical results, or other test data to the department, by contract or by agreement, and the data is:
 - (1) Submitted on behalf of any facility, as defined in R.S. 30:2004;
 - (2) Required as part of any permit application;
 - (3) Required by order of the department;
 - (4) Required to be included on any monitoring reports submitted to the department;
 - (5) Required to be submitted by contractor; and/or
 - (6) Otherwise required by department regulations.
- b. The department laboratory accreditation program, Louisiana Environmental Laboratory Accreditation Program (LELAP) is designed to ensure the accuracy, precision, and reliability of the data generated, as well as the use of department-approved methodologies in generation of that data. Laboratory data generated by commercial environmental laboratories that are not LELAP-accredited will not be accepted by the department. Retesting of analysis by an accredited commercial

laboratory will be required.

Where retesting of effluent is not possible (for example, data reported on DMRs for prior month's sampling), the data generated will be considered invalid and in violation of the LPDES permit.

- c. Regulations on the Louisiana Environmental Laboratory Accreditation Program and a list of labs that have applied for accreditation are available on the department's website located under LDEQ → About LDEQ → Public Participation and Permit Support → LA Lab Accreditation at the following link:

<http://deg.louisiana.gov/page/la-lab-accreditation>

Questions concerning the program may be directed to (225) 219-3247.

SECTION D. REPORTING REQUIREMENTS

1. Facility Changes

The permittee shall give notice to the state administrative authority as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit nor to notification requirements under LAC 33:IX.2703.A.1.
- c. For Municipal Permits. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to Section 301 or 306 of the CWA if it were directly discharging those pollutants, and any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit. In no case are any new connections, increased flows, or significant changes in influent quality permitted that will cause violation of the effluent limitations specified herein.

2. Anticipated Noncompliance

The permittee shall give advance notice to the state administrative authority of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Transfers

This permit is not transferable to any person except after notice to the state administrative authority. The state administrative authority may require modification or revocation and reissuance of the permit to change the name of the permittee and

incorporate such other requirements as may be necessary under the Clean Water Act or the Louisiana Environmental Quality Act. (See LAC 33:IX.2901; in some cases, modification or revocation and reissuance is mandatory.)

A permit may be transferred by the permittee to a new owner or operator only if: (1) the permit has been modified or revoked and reissued (under LAC 33:IX.2903.A.2.b) by the permittee and new owner submitting a Name/Ownership/Operator Change Form (NOC-1 Form) and approved by LDEQ (LAC 33:I.Chapter 19); or (2) a minor modification made (under LAC 33:IX.2905) to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act and the Louisiana Environmental Quality Act.

The NOC-1 form can be found using the pathway LDEQ → Water → LPDES Application Forms at the following link: <http://deq.louisiana.gov/page/lpdes-water-permits>

4. Monitoring Reports

Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be submitted through a department-approved electronic document receiving system (NetDMR) in accordance with LAC 33:I.Chapter 21 unless the state administrative authority gives written authorization to the permittee to submit monitoring results in an alternative format such as paper DMRs.

Information about NetDMR and gaining access can be viewed using the pathway LDEQ → Water → Enforcement → NETDMR on the department's website at: <http://deq.louisiana.gov/page/netdmr>

The permittee shall submit properly completed Discharge Monitoring Reports (DMRs) using the format specified in the permit.

If authorized to report using an alternative format such as paper DMRs, then preprinted DMRs will be provided to majors and other designated facilities. Please contact the Permit Compliance Unit (PCU) concerning preprints. Self-generated DMRs must be pre-approved by the PCU prior to submittal. Self-generated DMRs are approved on an individual basis. Requests for approval of self-generated DMRs should be submitted to the following address:

Supervisor, Permit Compliance Unit
Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, LA 70821-4312

5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

6. Requirements for Notification

a. Emergency Notification

As required by LAC 33:I.3915, in the event of an unauthorized discharge that causes an emergency condition, the discharger shall notify the hotline [Department of Public Safety (DPS) 24-hour Louisiana Emergency Hazardous Materials Hotline] by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) immediately (a reasonable period of time after taking prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances), but in no case later than one hour after learning of the discharge. (An emergency condition is any condition which could reasonably be expected to endanger the health and safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property.) Notification required by this section will be made regardless of the amount of discharge. Prompt Notification Procedures are listed in Section D.6.c of these standard conditions.

A written report shall be provided within seven calendar days after the notification. The report shall contain the information listed in Section D.6.d of these standard conditions and any additional information in LAC 33:I.3925.B.

b. Prompt Notification

As required by LAC 33:I.3917, in the event of an unauthorized discharge that exceeds a reportable quantity specified in LAC 33:I.Chapter 39.Subchapter E, but does not cause an emergency condition, the discharger shall promptly notify DPS by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) within 24 hours after learning of the discharge.

In the event of an unauthorized discharge that requires notification, the DPS 24-hour Louisiana Emergency Hazardous Materials Hotline will notify the Department of Environmental Quality.

In accordance with LAC 33:I.3923, notifications not required by LAC 33:I.3915 or 3917 shall be provided to the department within a time frame not to exceed 24 hours, or as specified by the specific regulation or permit provision requiring the notification, and shall be given to Single Point of Contact (SPOC), as follows:

- (1) by the Online Incident Reporting screens found at <http://deq.louisiana.gov/page/file-a-complaint-report-an-incident>; or
- (2) by e-mail utilizing the Incident Report Form and instructions found at <https://www.deq.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=single-point-of-contact>; or
- (3) by telephone at (225) 219-3640 during office hours, or (225) 342-1234 after hours and on weekends and holidays.

- c. Content of Prompt Notifications The following guidelines will be utilized as appropriate, based on the conditions and circumstances surrounding any unauthorized discharge, to provide relevant information regarding the nature of the discharge:
- (1) the name of the person making the notification and the telephone number where any return calls from response agencies can be placed;
 - (2) the name and location of the facility or site where the unauthorized discharge is imminent or has occurred, using common landmarks. In the event of an incident involving transport, include the name and address of the transporter and generator;
 - (3) the date and time the incident began and ended, or the estimated time of continuation if the discharge is continuing;
 - (4) the extent of any injuries and identification of any known personnel hazards that response agencies may face;
 - (5) the common or scientific chemical name, the U.S. Department of Transportation hazard classification, and the best estimate of amounts of any and all discharged pollutants; and
 - (6) a brief description of the incident sufficient to allow response agencies to formulate their level and extent of response activity.
- d. Written Notification Procedures Written reports for any unauthorized discharge that requires notification under Section D.6.a or b, shall be submitted by the discharger to the Office of Environmental Compliance, Emergency and Radiological Services Division - SPOC in accordance with LAC 33:I.3925 within seven calendar days after the notification required by D.6.a or 6.b, unless otherwise provided for in a valid permit or other department regulation. Written notification reports shall include, but not be limited to, the following information:
- (1) the name, address, telephone number, Agency Interest (AI) number (number assigned by the department) if applicable, and any other applicable identification numbers of the person, company, or other party who is filing the written report, and specific identification that the report is the written follow-up report required by this section;
 - (2) the time and date of prompt notification, the state official contacted when reporting, the name of person making that notification, identification of the site or facility, vessel, transport vehicle, or storage area from which the unauthorized discharge occurred, and the location where the incident occurred;
 - (3) date(s), time(s), and duration of the unauthorized discharge and, if not corrected, the anticipated time it is expected to continue;
 - (4) details of the circumstances (unauthorized discharge description and root cause) and events leading to any unauthorized discharge, including incidents of loss of sources of radiation, and if the release point is subject to a permit:
 - (a) the current permitted limit for the pollutant(s) released and
 - (b) the permitted release point/outfall ID;
 - (5) the common or scientific chemical name of each specific pollutant that was released as the result of an unauthorized discharge, including the CAS number and U.S. Department of Transportation hazard classification, and the best estimate of amounts of any and all released pollutants (total amount of each

- compound expressed in pounds, including calculations);
- (6) a statement of the actual or probable fate or disposition of the pollutant or source of radiation and what off-site impact resulted; and
 - (7) remedial actions taken, or to be taken, to stop unauthorized discharges or to recover pollutants or sources of radiation.

Written notification reports shall be submitted to the Office of Environmental Compliance, SPOC by mail or e-mail. The transmittal envelope and report or e-mail subject line and report should be clearly marked **“UNAUTHORIZED DISCHARGE NOTIFICATION REPORT.”**

Written reports (LAC 33:I.3925) should be mailed to:

Louisiana Department of Environmental Quality
Post Office Box 4312
Baton Rouge, LA 70821-4312
ATTENTION: OFFICE OF ENVIRONMENTAL COMPLIANCE – SPOC
"UNAUTHORIZED DISCHARGE NOTIFICATION REPORT"

The Written Notification Report may be e-mailed to the Louisiana Department of Environmental Quality, Office of Environmental Compliance, Single Point of Contact at: writtennotificationLDEQ@la.gov.

Please see LAC 33:I.3925.B for additional written notification procedures.

- e. Twenty-four Hour Reporting The permittee shall report any noncompliance which may endanger human health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:
 - (1) Any unanticipated bypass which exceeds any effluent limitation in the permit (see LAC 33:IX.2701.M.3.b);
 - (2) Any upset which exceeds any effluent limitation in the permit; and/or
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the state administrative authority in Part II of the permit to be reported within 24 hours (LAC 33:IX.2707.G).

7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Section D.4, 5, and 6, at the time monitoring reports are submitted. The reports shall contain the information listed in Section D.6.e.

8. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the state administrative authority, it shall promptly submit such facts or information.

9. Discharges of Toxic Substances

In addition to the reporting requirements under Section D.1–8, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Office of Environmental Services, Water Permits Division as soon as they know or have reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant:

(1) listed at LAC 33:IX.7107, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:

- (a) One hundred micrograms per liter (100 µg/L);
- (b) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
- (c) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC 33:IX.2501.G.7; or
- (d) The level established by the state administrative authority in accordance with LAC 33:IX.2707.F; or

(2) which exceeds the reportable quantity levels for pollutants at LAC 33:I.Chapter 39.Subchapter E.

- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant:

(1) listed at LAC 33:IX.7107, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

- (a) Five hundred micrograms per liter (500 µg/L);
- (b) One milligram per liter (1 mg/L) for antimony;
- (c) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC 33:IX.2501.G.7; or
- (d) The level established by the state administrative authority in accordance with LAC 33:IX.2707.F; or

- (2) which exceeds the reportable quantity levels for pollutants at LAC 33:I.Chapter 39.Subchapter E.

10. Signatory Requirements

All applications, reports, or information submitted to the state administrative authority shall be signed and certified.

- a. All permit applications shall be signed as follows:

- (1) For a corporation—by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
- (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or,
 - (b) The manager of one or more manufacturing, production, or operating facilities, provided: the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to ensure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

NOTE:The department does not require specific assignments or delegations of authority to responsible corporate officers identified in Section D.10.a(1)(a). The agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the state administrative authority to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Section D.10.a(1)(b) rather than to specific individuals.

- (2) For a partnership or sole proprietorship—by a general partner or the proprietor respectively or
- (3) For a municipality, state, federal, or other public agency—by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:
- (a) The chief executive officer of the agency, or
 - (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency [for example, Regional Administrators of the Environmental Protection Agency (EPA)].

- b. All reports required by permits and other information requested by the state administrative authority shall be signed by a person described in Section D.10.a, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described in Section D.10.a of these standard conditions;
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (a duly authorized representative may thus be either a named individual or an individual occupying a named position); and
 - (3) The written authorization is submitted to the state administrative authority.
- c. Changes to authorization. If an authorization under Section D.10.b is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Section D.10.b must be submitted to the state administrative authority prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d. Certification. Any person signing a document under Section D.10.a or b above, shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

11. Availability of Reports

All recorded information (completed permit application forms, fact sheets, draft permits, or any public document) not classified as confidential information under R.S. 30:2030(A) and 30:2074(D) and designated as such in accordance with these regulations (LAC 33:IX.2323 and LAC 33:IX.6503) shall be made available to the public for inspection and copying during normal working hours in accordance with the Public Records Act, R.S. 44:1 et seq.

Claims of confidentiality for the following will be denied:

- a. The name and address of any permit applicant or permittee; or
- b. Permit applications, permits, and effluent data.

Information required by LPDES application forms provided by the state administrative authority under LAC 33:IX.2501 may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

SECTION E. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

1. Criminal

a. Negligent Violations

R.S. 30:2076.2 provides that any person who negligently violates any provision of the LPDES, or any order issued by the secretary under the LPDES, or any permit condition or limitation implementing any such provision in a permit issued under the LPDES by the secretary, or any requirement imposed in a pretreatment program approved under the LPDES is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than \$50,000 per day of violation, or imprisonment of not more than two years, or both.

b. Knowing Violations

R.S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any permit condition or limitation implementing any such provisions in a permit issued under the LPDES, or any requirement imposed in a pretreatment program approved under the LPDES is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or imprisonment for not more than three years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than \$100,000 per day of violation, or imprisonment of not more than six years, or both.

c. Knowing Endangerment

R.S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any order issued by the secretary under the LPDES, or any permit condition or limitation implementing any of such provisions in a permit issued under the LPDES by the secretary, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both. A person which is an organization shall, upon conviction of violating this Paragraph, be subject to a fine of not more than one million dollars. If a conviction of a person is for a violation committed after a first conviction of such person under this Paragraph, the maximum punishment shall be doubled with respect to both fine and imprisonment.

d. False Statements

R.S. 30:2076.2 provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the LPDES or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the LPDES, shall, upon conviction, be subject to a fine of not more than \$10,000, or imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this Subsection, he shall be subject to a fine of

not more than \$20,000 per day of violation, or imprisonment of not more than four years, or both.

2. Civil Penalties

R.S. 30:2025 provides that any person found to be in violation of any requirement of this Subtitle may be liable for a civil penalty, to be assessed by the secretary, an assistant secretary, or the court, of not more than the cost to the state of any response action made necessary by such violation which is not voluntarily paid by the violator, and a penalty of not more than \$32,500 for each day of violation. However, when any such violation is done intentionally, willfully, or knowingly, or results in a discharge or disposal which causes irreparable or severe damage to the environment or if the substance discharged is one which endangers human life or health, such person may be liable for an additional penalty of not more than one million dollars.

(PLEASE NOTE: These penalties are listed in their entirety in Subtitle II of Title 30 of the Louisiana Revised Statutes.)

SECTION F. DEFINITIONS

All definitions contained in Section 502 of the Clean Water Act shall apply to this permit and are incorporated herein by reference. Additional definitions of words or phrases used in this permit are as follows:

1. Clean Water Act (CWA) means the Public Law 92-500 as amended by Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et seq. The CWA was formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972.
2. Accreditation means the formal recognition by the department of a laboratory's competence wherein specific tests or types of tests can be accurately and successfully performed in compliance with all minimum requirements set forth in the regulations regarding laboratory accreditation.
3. Administrator means the Administrator of the U.S. Environmental Protection Agency, or an authorized representative.
4. Applicable Standards and Limitations means all state, interstate and federal standards and limitations to which a discharge is subject under the Clean Water Act, including effluent limitations, water quality standards of performance, toxic effluent standards or prohibitions, best management practices, and pretreatment standards under Sections 301, 302, 303, 304, 306, 307, 308, and 403.
5. Applicable water quality standards means all water quality standards to which a discharge is subject under the Clean Water Act.
6. Commercial Laboratory means any laboratory, wherever located, that performs analyses or tests for third parties for a fee or other compensation and provides

chemical analyses, analytical results, or other test data to the department. The term commercial laboratory does not include laboratories accredited by the Louisiana Department of Health in accordance with R.S. 49:1001 et seq.

7. Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day. Daily discharge determination of concentration made using a composite sample shall be the concentration of the composite sample.
8. Daily Maximum discharge limitation means the highest allowable "daily discharge."
9. Director means the U.S. Environmental Protection Agency Regional Administrator, or the state administrative authority, or an authorized representative.
10. Domestic septage means either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from grease trap at a restaurant.
11. Domestic sewage means waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.
12. Environmental Protection Agency (or EPA) means the U.S. Environmental Protection Agency.
13. Grab sample means an individual sample collected over a period of time not exceeding 15 minutes, unless more time is needed to collect an adequate sample, and is representative of the discharge.
14. Industrial user means a nondomestic discharger, as identified in 40 CFR 403, introducing pollutants to a Publicly Owned Treatment Works.
15. LEQA means the Louisiana Environmental Quality Act.
16. Loading is presented in the permit and reported in the DMR as the total amount of a pollutant entering the facility or discharged in the effluent. It is calculated by knowing the amount of flow, the concentration, and the density of water. Results should be rounded off and expressed with the same number of significant figures as the permit limit. If the permit does not explicitly state how many significant figures are associated with the permit limit, the permittee shall use two.

Loading (lbs/day) = Flow (in MGD) x Concentration (mg/L) x 8.34*

*8.34 is the unit conversion for the weight of water

17. Louisiana Pollutant Discharge Elimination System (LPDES) means those portions of the Louisiana Environmental Quality Act and the Louisiana Water Control Law and all regulations promulgated under their authority which are deemed equivalent to the National Pollutant Discharge Elimination System (NPDES) under the Clean Water Act in accordance with Section 402 of the Clean Water Act and all applicable federal regulations.

18. Monthly Average discharge limitations (other than for bacteria indicators, such as fecal coliform and enterococci) are calculated as the sum of all "daily discharge(s)" measured during a calendar month divided by the number of "daily discharge(s)" measured during that month. When the permit establishes monthly average concentration effluent limitations or conditions, and flow is measured as continuous record or with a totalizer, the monthly average concentration means the arithmetic average (weighted by flow) of all "daily discharge(s)" of concentration determined during the calendar month where C = daily discharge concentration, F = daily flow and n = number of daily samples; monthly average discharge =

$$\frac{C_1F_1 + C_2F_2 + \dots + C_nF_n}{F_1 + F_2 + \dots + F_n}$$

When the permit establishes monthly average concentration effluent limitations or conditions, and the flow is not measured as a continuous record, then the monthly average concentration means the arithmetic average of all "daily discharge(s)" of concentration determined during the calendar month.

The monthly average for bacteria indicators is the geometric mean of the values for all effluent samples collected during a calendar month.

19. National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the Clean Water Act.

20. POTW means Publicly Owned Treatment Works.

21. Sanitary Wastewater Term(s):

- a. 3-hour composite sample consists of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) over the 3-hour period and composited according to flow, or a sample continuously

collected in proportion to flow over the 3-hour period.

- b. 6-hour composite sample consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) over the 6-hour period and composited according to flow, or a sample continuously collected in proportion to flow over the 6-hour period.
 - c. 12-hour composite sample consists of 12 effluent portions collected no closer together than one hour over the 12-hour period and composited according to flow, or a sample continuously collected in proportion to flow over the 12-hour period. The daily sampling intervals shall include the highest flow periods.
 - d. 24-hour composite sample consists of a minimum of 12 effluent portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample continuously collected in proportion to flow over the 24-hour period.
22. Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
23. Sewage sludge means any solid, semisolid, or liquid residue removed during the treatment of municipal wastewater or domestic sewage. *Sewage sludge* includes, but is not limited to, solids removed during primary, secondary, or advanced wastewater treatment, scum, domestic septage, portable toilet pumpings, Type III marine sanitation device pumpings (33 CFR Part 159), and sewage sludge products. *Sewage sludge* does not include grit or screenings, or ash generated during the incineration of sewage sludge.
24. Stormwater Runoff means aqueous surface runoff including any soluble or suspended material mobilized by naturally occurring precipitation events.
25. Surface Water means all lakes, bays, rivers, streams, springs, ponds, impounding reservoirs, wetlands, swamps, marshes, water sources, drainage systems and other surface water, natural or artificial, public or private within the state or under its jurisdiction that are not part of a treatment system allowed by state law, regulation, or permit.
26. Treatment works means any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial wastes of a liquid nature to implement Section 201 of the Clean Water Act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances, extension, improvement, remodeling, additions, and alterations thereof. (See Part 212 of the Clean Water Act.)

27. For fecal coliform bacteria, a sample consists of one effluent grab portion collected during a 24-hour period at peak loads.
28. The term MGD shall mean million gallons per day.
29. The term GPD shall mean gallons per day.
30. The term mg/L shall mean milligrams per liter or parts per million (ppm).
31. The term SPC shall mean Spill Prevention and Control. This is a plan covering the release of pollutants as defined by the Louisiana Administrative Code (LAC 33:IX.Chapter 9).
32. The term SPCC shall mean Spill Prevention Control and Countermeasures Plan. This is a plan covering the release of pollutants as defined in 40 CFR Part 112.
33. The term µg/L shall mean micrograms per liter or parts per billion (ppb).
34. The term ng/L shall mean nanograms per liter or parts per trillion (ppt).
35. Visible Sheen means a silvery or metallic sheen, gloss, or increased reflectivity; visual color; or iridescence on the water surface.
36. Wastewater means liquid waste resulting from commercial, municipal, private, or industrial processes. Wastewater includes, but is not limited to, cooling and condensing waters, sanitary sewage, industrial waste, and contaminated rainwater runoff.
37. Waters of the State means for the purposes of the Louisiana Pollutant Discharge Elimination System, all surface waters within the state of Louisiana and, on the coastline of Louisiana and the Gulf of Mexico, all surface waters extending therefrom three miles into the Gulf of Mexico. For purposes of the Louisiana Pollutant Discharge Elimination System, this includes all surface waters which are subject to the ebb and flow of the tide, lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, impoundments of waters within the state of Louisiana otherwise defined as "waters of the United States" in 40 CFR 122.2, and tributaries of all such waters. "Waters of the state" does not include waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act, 33 U.S.C. 1251 et seq.
38. Weekly average, other than for bacteria indicators, such as fecal coliform and enterococci, is the highest allowable arithmetic mean of the daily discharges over a calendar week, calculated as the sum of all "daily discharge(s)" measured during a calendar week divided by the number of "daily discharge(s)" measured during that week. When the permit establishes weekly average concentration effluent limitations or conditions, and flow is measured as continuous record or with a totalizer, the weekly

average concentration means the arithmetic average (weighted by flow) of all "daily discharge(s)" of concentration determined during the calendar week where C = daily discharge concentration, F = daily flow and n = number of daily samples; weekly average discharge

$$= \frac{C_1F_1 + C_2F_2 + \dots + C_nF_n}{F_1 + F_2 + \dots + F_n}$$

When the permit establishes weekly average concentration effluent limitations or conditions, and the flow is not measured as a continuous record, then the weekly average concentration means the arithmetic average of all "daily discharge(s)" of concentration determined during the calendar week.

The weekly average for bacteria indicators is the geometric mean of the values for all effluent samples collected during a calendar week.