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Title 33
ENVIRONMENTAL QUALITY
Part IX. Water Quality

Chapter 1. General Provisions

§101. Scope and Purpose

These regulations establish requirements and procedures for permitting, enforcement, monitoring and surveillance, and spill control activities of the Louisiana Water Pollution Control Division, Office of Water Resources, Department of Environmental Quality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985).

§103. Authority

These regulations are promulgated under authority of the Louisiana Environmental Quality Act (R.S. 30:2001 et seq., 1983 as amended) by order of the secretary of the Department of Environmental Quality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985).

§105. Repeals

These regulations replace in their entirety the following rules, regulations, and/or orders:

A. "A Regulation Requiring the Submission of Reports for the Discharge of Industrial Waste and for the Construction or Alteration of Treatment Works"Cadopted August 1, 1951.

B. "Rule Relative to Effluent Limitations on Process Generated Wastewater and Mine Dewatering Discharges Associated with Extraction of Sand and/or Gravel"Ceffective February 20, 1979.

C. "Rule Relative to Discharges Associated with Extraction of Sand and/or Gravel"Ceffective July 1, 1978.

D. "Order Relative to the Discharge of Wastes From Sugar Mills"Ceffective September 1, 1955.

E. "Proposed Effluent Limitations Guidelines for Sugar Processing Industries, Both Raw Cane Sugar Processing and Cane Sugar Refining"Cnever formally adopted; public meeting to consider these guidelines was held on July 22, 1975.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985).

§107. Definitions

*Act*CAct 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.

*Activity*Cany conduct, operation or process which causes or may cause the discharge of pollutants into the waters of the state.

*Administrative Authority*Cthe secretary of the Department of Environmental Quality, the assistant secretary of the Office of Water Resources, and/or their designated representative.

*Applicant*Cthe person or other legal entity applying for a permit under the Louisiana Water Discharge Permit System (LWDPS).

*Application*Cthe standard LWDPS permit forms for applying for a permit, including any additions, revisions or modifications to the forms.

*Aquifer*Ca geologic formation, group of formations, or part of a formation that is capable of yielding significant groundwater to wells or springs.

*Artificial Heat*Cheat that is derived from unnatural sources such as power plant and other industrial cooling processes.

*Assistant Secretary*Cthe assistant secretary of the Office of Water Resources.

*Average Monthly Discharge Limitation*Cthe highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

*Average Weekly Discharge Limitation*Cthe highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

*Basin*Cthe drainage area of the designated body of water and its tributaries.

*Best Available Control Technology Economically Achievable (BAT)*Cthe degree of effluent reduction attainable through the application of the very best control

and treatment technology employed by a specific point source within the industrial category or subcategory taking into account such factors as the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, the cost of achieving such effluent reduction in relation to the effluent reduction benefits to be achieved, non-water-quality environmental impact (including energy requirements), and such other factors as the administrative authority deems appropriate.

*Best Conventional Pollutant Control Technology (BCT)***C**the degree of effluent reduction attainable through consideration of the reasonableness of the relationship between the costs of attaining a reduction in effluents and the effluent reduction benefits derived, and the comparison of the cost and level of reduction of such pollutants from the discharge from publicly owned treatment works to the cost and level of reduction of such pollutants from a class or category of industrial sources, taking into account such factors as the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water-quality environmental impact (including energy requirements), and such other factors as the administrative authority deems appropriate.

*Best Management Practices (BMP)***C**schedules of activities, prohibitions of practices, maintenance procedures and other management practices designed to prevent or reduce the pollution of the waters of the state, including treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge, or waste disposal, or drainage from raw material storage.

*Best Practicable Control Technology Currently Available (BPT)***C**the degree of effluent reduction attainable through the application of the average of the best existing performance by plants of various sizes, ages, and unit processes within the industrial category and/or subcategory taking into account consideration of the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application and taking into account such factors as the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water-quality environmental impact (including energy requirements), and such other factors as the administrative authority deems appropriate.

*Biological Monitoring***C**the determination of the effects on aquatic life, including accumulation of pollutants in tissue, in receiving waters due to the discharge of pollutants (A) by techniques and procedures, including sampling of organisms representative of appropriate levels of the food chain appropriate to the volume and the physical, chemical, and biological characteristics of the effluent, and (B) at appropriate frequencies and location.

*Certification***C**approval by the administrative authority that any activity which may result in any discharge into or potential change of the waters of the state and as such requires application for a federal permit, will comply with the applicable provisions of Sections 301 (Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance) and 307 (Toxic and Pretreatment Effluent Standards) of the Federal Water Pollution Control Act (FWPCA) as amended.

*Clean Water Act (CWA)***C**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.

*Construction***C**the commencement of on-site placement, fabrication, assembly, erection, or installation of a wastewater source, treatment works, or sewer, or the reinstallation at a new site of any wastewater source, existing treatment works, or sewer.

*Contaminant***C**any physical, chemical, biological, or radiological substance or matter in water.

*Conventional Pollutant***C**biochemical oxygen demand (BOD), total suspended solids (TSS), pH, fecal coliform, and oil and grease.

*Cooling Water***C**any water which is used primarily for cooling of raw materials, products, or equipment.

*Daily Average Concentration***C**the arithmetic average (weighted by flow value) of all the daily determination of concentrations made during a calendar month. Daily determinations of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily determination of concentration shall be the arithmetic average (weighted by flow value) of all the samples collected during that calendar day or specified 24-hour period that reasonably represents the calendar day for purposes of sampling.

*Daily Average Mass Discharge***C**the total discharge by weight during a calendar month divided by the number of days in the month that the facility was operating. Where less than daily sampling is required, the daily average discharge shall be determined by the summation of all the measured daily discharges by weight divided by the number of days during the calendar month when the measurements were made.

*Daily Discharge***C**the discharge of a pollutant measured during a calendar day or within any specified 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the 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 day.

*Daily Maximum Concentration*C the daily determination of concentration for any calendar day or specified 24-hour period that reasonably represents the calendar day for purposes of sampling.

*Daily Maximum Mass Discharge*C the total discharge by weight during any calendar day or specified 24-hour period that reasonably represents the calendar day for purposes of sampling.

*Department*C the Department of Environmental Quality.

*Designated Water Use*C a use of the waters of the state as established by the Water Quality Standards. These uses include but are not limited to recreation, propagation of fish and other aquatic life and wildlife including shellfish, public water supply, agricultural activities, and outstanding natural resource waters.

*Discharge*C the placing, releasing, spilling, percolating, draining, pumping, leaking, seeping, emitting, disposing, bypassing or other escaping of pollutants into the air, waters, subsurface water or ground as the result of a prior act or omission; or the placing of pollutants into barrels, or similar containers under conditions and circumstances that leaking, seeping, draining or escaping of the pollutants can be reasonably anticipated.

*Discharge Monitoring Report (DMR) Form*C the approved state form, including any subsequent additions, revisions or modifications, for the reporting of self-monitoring results by permittees.

*Disposal*C the discharging, depositing, injecting, dumping, spilling, leaking, or placing of any solid or semi-solid sludge, liquid waste, hazardous waste, radioactive material, or solid waste into or on any land or water so that such waste, or any constituent thereof, may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

*Disposal Well*C a well which is used for the injection of pollutants into subsurface strata.

*Dissolved Oxygen*C the amount of oxygen dissolved in water, commonly expressed as a concentration in terms of milligrams per liter, mg/L.

*Division*C the Water Pollution Control Division within the Office of Water Resources, Department of Environmental Quality.

*Drilling Fluids*C any fluid sent down the hole, including drilling muds and any specialty products, from the time a well is begun until final cessation of drilling in that hole.

*Drilling Mud*C a heavy suspension used in drilling a well, introduced down the drill pipe and through the drill bit.

*Dystrophic Waters*C waters which are stained with organic material and which are low in dissolved oxygen due to natural conditions.

*Effluent*C wastewater discharged to the waters of the state.

*Effluent Limitations*C 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.

*Effluent Limited Segment (EL)*C any stream segment where water quality is meeting and will continue to meet applicable water quality standards or where there is adequate demonstration that water quality will meet applicable standards after the application of effluent limitations required by the Clean Water Act as amended or these regulations.

*Emergency Condition*C any condition which could reasonably be expected to endanger the health and safety of the public, cause significant adverse impact to the water environment, or cause severe damage to property.

*EPA*C the United States Environmental Protection Agency.

*Facility*C a pollution source, or any public or private property or site and all contiguous land and structures, other appurtenances and improvements, where any activity is conducted which discharges or may result in the discharge of pollutants into waters of the state.

*Fecal Coliform*C a gram negative, non-spore-forming, rod-shaped bacteria found in the intestinal tract of warm-blooded animals.

*Freeboard*C the distance between the fluid surface in an impoundment or other container and the lowest portion of the impoundment levee or other potential overflow point.

*Fresh Warmwater Fish*C those fish species whose populations reproduce in relatively warm water (above 20EC, 68EF), and low salinity (less than 2 ppt), including but not limited to, black basses, and freshwater sunfish and catfish.

*General Permit*C a LWDPS permit authorizing a category of similar discharges within a geographical area.

*Groundwater*C water in the saturated zone beneath the land surface.

*Hazardous Substance*C any hazardous material, hazardous waste, or reusable material which has corrosive, ignitable, infectious, or reactive characteristics as defined by the Hazardous Waste Division regulations.

*LC50*C the numerical limit or concentration of a test material which is lethal to 50 percent of exposed aquatic organisms in a specified period of time.

*Land Management Plan*C a land use plan approved by the United States Soil Conservation Service or the State

Department of Transportation and Development, Soil and Water Conservation Committee.

Landfill—a secured area in which waste is deposited for ultimate disposal and covered with soil.

Leachate—any liquid, including any soluble, suspended, or miscible materials in the liquid, that has percolated through, or drained from, hazardous waste or other substances.

Major Facility—any facility classified as such by the administrative authority.

Maximum Daily Discharge Limitation—the highest allowable daily discharge.

mg/L—milligrams per liter; it is essentially equivalent to parts per million in dilute aqueous solutions.

Migrating—any movement by leaching, spilling, discharging, or any other uncontained or uncontrolled manner except as permitted by law or other regulations of the office.

Minor Facility—any facility not classified as a major facility by the administrative authority.

ng/L—nanograms per liter; it is essentially equivalent to parts per trillion in dilute aqueous solutions.

National Pollutant Discharge Elimination System (NPDES)—EPA's national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318, and 405 of the CWA.

Nonconventional Pollutants—all pollutants (including toxic pollutants) other than those listed as conventional pollutants.

Nonpoint Source—a diffuse source of water pollution that does not discharge through a point source but instead flows freely across exposed natural or man-made surfaces such as agricultural or urban runoff and runoff from construction, mining, or silvicultural activities.

Office—the Office of Water Resources within the Department of Environmental Quality.

Operator—the person or legal entity responsible for the operation and/or maintenance of a facility with a discharge covered by these regulations.

Owner—the person or legal entity holding legal title to a facility with a discharge covered by these regulations.

Permit—written authorization issued by the administrative authority to discharge, emit or dispose of liquid, gaseous, semi-solid or solid waste or reusable materials, or radioactive material from, or at, a site or facility, including all conditions set forth therein.

Person—any individual, municipality, public or private corporation, partnership, firm, the United States Government and any agent or subdivision thereof, or any other juridical person.

Point Source—any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

Pollutant—any substance introduced into the waters of the state by any means that would tend to degrade the chemical, physical, biological, or radiological integrity of such environment.

Pollution Source—the immediate site or location of a discharge or potential discharge, including such surrounding property necessary to secure or quarantine the area from access by the general public.

Primary Contact—any recreational or other water use in which there is prolonged and intimate contact with the water involving considerable risk of ingesting water in quantities sufficient to pose a significant health hazard, such as swimming, water skiing, skin diving, wading, and other similar activities.

Priority Pollutant—any substance listed in Appendix D, Tables II and III.

Process Wastewater—any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Proposed Permit—a document prepared indicating the tentative decision by the administrative authority to issue, deny, modify, revoke and reissue, terminate or renew a permit.

Public Water Supply—a surface or underground raw water source which, after conventional treatment, will provide safe, clear, potable, and aesthetically pleasing water for uses which include, but are not limited to human consumption, food processing and cooking, and as a liquid ingredient in foods and beverages.

Publicly Owned Treatment Works (POTW)—any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by the state, or a municipality, or a parish. This definition includes sewers, pipes, or other conveyances, only if they convey wastewater to a POTW providing treatment.

Receiving Waters—the waters of the state into which an effluent is, or may be, discharged.

*Release*C the accidental or intentional spilling, leaking, pumping, pouring, emitting, or dumping of pollutants which, when released, become wastes into or on any land, water, or groundwater.

*Sanitary Landfill*C a type of facility for the disposal of solid waste by deposit in a landfill in layers, covered with suitable cover material to a depth and at a frequency sufficient to control disease vectors and odors, and in such a manner that protects the environment, and is so located, contoured, and drained that it will not constitute a source of water pollution.

*Sanitary Sewage*C treated or untreated wastewaters which contain human metabolic and domestic wastes.

*Secondary Contact*C any recreational or other water use in which contact with the water is either incidental or accidental and in which the probability of ingesting appreciable quantities of water is minimal, such as fishing, commercial and recreational boating and any limited contact incident to shoreline activity.

*Secondary Treatment*C that level of treatment described in LAC 33:IX.711 of these regulations.

*Secretary*C the secretary of the Department of Environmental Quality.

*7Q10 Flow*C the minimum seven consecutive day average stream flow with a recurrence interval of once every 10 years.

*Site*C the geographic location, other than a facility, of a discharge.

*Source*C a facility, activity or location which discharges pollutants into the waters of the state.

*Spill Event*C the accidental or unauthorized leaking or releasing of a substance from its intended container or conveyance structure that has the potential to be discharged or results in a discharge to waters of the state. Discharges resulting from circumstances identified, reviewed, and made part of the public record with respect to a valid LWDPS permit are not considered spill events.

*Stream Segment*C a section of a stream for which hydraulic and water quality characteristics are reasonably uniform. A river basin is subdivided into stream segments.

*Surface Water*C 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 a part of a treatment system allowed by state law, regulation, or permit.

*10 Year, 24 Hour Rainfall Event*C a statistical projection of the maximum amount of rain that falls at a given location in a 24-hour period at a frequency of once every 10 years.

*Total Dissolved Solids (TDS)*C the amount of solid material dissolved in water commonly expressed as a concentration in terms of mg/L.

*Total Suspended Solids (TSS)*C the amount of solid material suspended in water commonly expressed as a concentration in terms of mg/L.

*Toxic Pollutants*C those priority pollutants designated as such by the U.S. Environmental Protection Agency and listed in Appendix D, Tables II and III.

*Toxic Substances*C any element, compound, or mixture which at sufficient exposure levels induces deleterious, acute or chronic physiological effects on an organism.

*Treatment*C any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any reusable material or waste so as to neutralize such reusable material or waste or render it nonhazardous, safer for transport, amenable for recovery or storage, or reduced in volume. The term also includes any activity or processing designed to change the physical form or chemical composition of hazardous waste to render it nonhazardous.

*Treatment Works*C any plant or other works which accomplishes the treating, stabilizing, or holding of wastes or pollutants.

*ug/L*C micrograms per liter; it is essentially equivalent to parts per billion in dilute aqueous solutions.

*Unauthorized Discharge*C a continuous, intermittent or one-time discharge, whether intentional, anticipated, or unanticipated, from any source, permitted or unpermitted, which is in contravention of any provision of the act or of any permit terms and conditions, or of any applicable regulation, compliance schedule, variance or exception of the administrative authority.

*Untreated Wastes*C wastes which have not been treated in any treatment works.

*Vessel*C any type of watercraft used, or capable of being used, as a means of transportation on the water.

*Waste*C any material for which no use or reuse is intended and which is to be discarded.

*Waste Load Allocation*C that portion of the assimilative capacity of the receiving water apportioned to a specific discharger in such a way that water quality standards are maintained under design conditions.

*Wastewater*C liquid waste resulting from commercial, municipal, private or industrial processes. This includes but is not limited to, cooling and condensing waters, sanitary sewage, industrial waste and contaminated rainwater runoff.

*Water Pollution*C the introduction into waters of the state by any means, including dredge and fill operations, of any substances in concentrations which tend to degrade the chemical, physical, biological, or radiological integrity of

such waters, including, but not limited to, the discharge of brine from salt domes which are located on the coastline of Louisiana and Gulf of Mexico into any waters off said coastline and extending therefrom three miles into the Gulf of Mexico.

Water Quality Limited Segment (WQL)—any stream segment where the stream does not meet applicable water quality standards or will not meet applicable water quality standards even after application of the effluent limitations required by the Clean Water Act, as amended, or these regulations.

Water Quality Management Plan—an approved water quality management plan prepared pursuant to the Act [R.S. 30:1094 (A)(1)].

Water Quality Standard (WQS)—a definite numerical criterion value or general criterion statement or policy statement promulgated by the administrative authority to enhance or maintain water quality, and to provide for, and fully protect, a designated use of the waters of the state.

Waters of the State—both the surface and underground waters within the state of Louisiana including all rivers, streams, lakes, estuaries, ground waters and all other water courses and waters within the confines of the state, and all bordering waters and the Gulf of Mexico.

Wetlands—those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985).

§109. Severability

If any provisions of these rules and regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application; and, to this end, provisions of these rules and regulations are declared to be severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985).

§111. Effective Date

These rules and regulations shall be in full force and effective as of the date of their promulgation except where specifically exempted within the text of these chapters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985).

Chapter 3. Permits

§301. Scope

A. This Chapter prescribes procedures and guidelines for implementation and operation of the Louisiana Water Discharge Permit System (LWDPS).

B. Without first obtaining a LWDPS permit from the Office of Water Resources (with the exceptions noted in LAC 33:IX.301.D and F below), no person shall:

1. discharge or allow to be discharged any pollutants into the waters of the state from any facility or activity;

2. construct any new facility or undertake a new activity, the operation or conduct of which would result in a discharge into the waters of the state;

3. construct, install, operate, or alter any facility or activity or any extension or modification thereof or addition thereto, the operation or conduct of which would cause increases in the quantity or degradation in the quality of the discharge of pollutants into the waters of the state or which would otherwise alter the physical, chemical, or biological properties of any waters of the state in any manner not already lawfully authorized;

4. construct or use any new outlet for the discharge of any pollutants into the waters of the state.

C. Specific types of facilities or activities which require a permit include, but are not limited to, the following:

1. discharge of leachate or runoff to surface waters from facilities under the jurisdiction of the Louisiana Solid Waste Management and Resource Recovery Law and the Hazardous Waste Management Law;

2. discharge of rainwater runoff from areas where liquid or solid materials are stored or handled, such as to pose a potential threat of pollution to the waters of the state;

3. concentrated animal feeding operations as defined in LAC 33:IX.301.J below;

4. concentrated aquatic animal production facilities as defined in LAC 33:IX.301.K below;

5. discharges into aquaculture projects as defined in LAC 33:IX.301.L below;

6. silvicultural point sources as defined in LAC 33:IX.301.M below;

7. discharge of waters/sediments resulting from the commercial dredging of shell or other natural resources.

D. A person discharging or proposing to discharge the following types of wastes or wastewaters shall not be required to apply for a permit from this office pursuant to this regulation:

1. human sewage discharged from vessels from onboard toilet facilities (refer to LAC 33:IX.709.F);

2. storm sewer systems including canals and pumping stations operated and maintained by local, state, or federal agencies solely for the purposes of conveyance of storm water runoff, unless a particular storm water discharge has been identified by the office as a significant contributor to pollution; and the operator of such discharge has been notified of such determination. Such storm sewer systems are considered to be waters of the state and any facility or activity discharging into storm sewer systems shall be required to have permits according to the requirements of these regulations;

3. a discharge directed solely into a publicly or privately owned treatment works provided the owner of such treatment works has a valid discharge permit and the office has determined that the waste may be adequately treated by the treatment works;

4. water, gas, and other materials injected into a well to facilitate production of oil, gas, or other minerals;

5. disposal of water derived in association with the production of oil, gas, or other minerals into a well authorized by the state Office of Conservation;

6. any introduction of pollutants from nonpoint sources resulting from normal agricultural and silvicultural activities, including runoff from orchards, cultivated crops, pastures, rangelands, and forest lands. Discharges from concentrated animal feeding operations, concentrated aquatic animal production facilities, silvicultural point sources or to aquaculture projects as specified in LAC 33:IX.301.C above shall be required to have a permit;

7. a discharge of dredged or fill material resulting from activities which are permitted by the U.S. Army Corps of Engineers, such as channel dredging and construction. This does not include commercial dredging of shell or other natural resources;

8. any discharge in compliance with the instructions of an on-scene representative designated by the administrative authority to grant on-scene authorization to discharge.

E. A permit shall not be issued for, nor will any of the following discharges be allowed:

1. a discharge of any radiological, chemical, or biological warfare agent or a high-level radioactive waste (that nuclear-industry waste resulting from the reprocessing of spent fuel rods or unreprocessed spent fuel rods);

2. a discharge which, as determined by the secretary of the army acting through the chief of engineers of the U.S. Army Corps of Engineers, would substantially impair anchorage or navigation, or both;

3. a point source discharge in conflict with an areawide waste treatment management plan, or amendments thereto, prepared by a management agency pursuant to Section 208(b) of the Clean Water Act (CWA), unless the administrative authority determines a variance to be appropriate;

4. after the state receives delegation of the federal NPDES program, a discharge to which the regional administrator of EPA objects in writing to the office;

5. a discharge to the ground waters of the state except as authorized under the Underground Injection Control Program. The administrative authority may at its discretion exempt additional classes of activities which are authorized by other state regulation;

6. a discharge of oil or oil-based products for dust control or other purposes without prior approval of the administrative authority. Waste oil shall not be used for these purposes unless the origin, physical properties, and chemical properties are documented to the satisfaction of the administrative authority;

7. a discharge which the administrative authority determines to be in conflict with applicable requirements of the act, these regulations, and/or constitutional and statutory mandates.

F. Any unpermitted facility or activity that exists or is under construction on the effective date of these regulations and falls under the jurisdiction of LAC 33:IX.301.B shall submit a completed application to this office within 180 days of the effective date. Upon receipt of the application by this office within the prescribed 180 days, the facility shall be deemed in compliance with LAC 33:IX.301.B except where the administrative authority has initiated action against the facility following an investigation or complaint. All facilities or activities which meet the requirements outlined in LAC 33:IX.301.J.4 or LAC 33:IX.301.K.4 shall be exempt from the requirements of this Paragraph.

G. When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit.

H. On the effective date of these regulations the status of state permits shall be as follows:

1. all LWDPS permits shall be issued for a period not to exceed five years;

2. all existing state permits issued prior to January 1, 1980 shall expire within one year of the effective date of these regulations;

3. all existing state permits issued subsequent to January 1, 1980 shall expire six years after their effective date.

I. Upon delegation of the NPDES program to the state, the status of NPDES permits shall be as follows:

1. for facilities with NPDES permits only, existing NPDES permits shall be adopted as LWDPS permits effective upon receipt by the permittee of written notification by the state, with an expiration date consistent with that originally designated;

2. for facilities with both NPDES and existing state permits, the NPDES and existing state permit shall be consolidated into one permit. In case of conflicting permit requirements the more stringent requirement will control.

This consolidated permit will be adopted as a LWDPS permit effective upon receipt by the permittee of written notification by the state and shall remain effective for a period in accordance with LAC 33:IX.301.H above (the NPDES permit expiration date shall be void).

J. Concentrated Animal Feeding Operations

1. Permit Requirement. Discharges from concentrated animal feeding operations are subject to the LWDPS permit program.

2. Definitions

a. *Animal Feeding Operation*—a lot or facility (other than an aquatic animal production facility) where the following conditions are met:

i. animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and

ii. crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

b. Two or more animal feeding operations under common ownership are considered, for the purposes of these regulations, to be a single animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of wastes.

c. *Concentrated Animal Feeding Operation*—an animal feeding operation which meets the criteria in Appendix B or which the office designates under Paragraph 3 of this Section.

3. Case-by-Case Designation of Concentrated Animal Feeding Operations

a. The office may designate any animal feeding operation as a concentrated animal feeding operation upon determining that it is a significant contributor of pollution to the waters of the state. In making this designation the office shall consider the following factors:

i. the size of the animal feeding operation and the amount of wastes reaching waters of the state;

ii. the location of the animal feeding operation relative to waters of the state;

iii. the means of conveyance of animal wastes and process waste waters into waters of the state;

iv. the slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal wastes and process waste waters into waters of the state; and

v. other relevant factors.

b. No animal feeding operation with less than the numbers of animals set forth in Appendix B shall be designated as a concentrated animal feeding operation unless:

i. pollutants are discharged into waters of the state through a man-made ditch, flushing system, or other similar man-made device; or

ii. pollutants are discharged directly into waters of the state which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

4. A permit application shall not be required from a concentrated animal feeding operation until the office has conducted an on-site inspection of the operation and determined that the operation should and could be regulated under the permit program. However, all concentrated animal feeding operations which meet the criteria in Appendix B shall so notify the office within 180 days of the effective date of these regulations.

K. Concentrated Aquatic Animal Production Facilities

1. Permit Requirement. Concentrated aquatic animal production facilities, as defined in this Section, are subject to the LWDPS permit program.

2. Definition

Concentrated Aquatic Animal Production Facility—a hatchery, fish farm, or other facility which meets the criteria in Appendix C of these regulations, or which the office designates under LAC 33:IX.301.K.3 of this Section.

3. Case-by-Case Designation of Concentrated Aquatic Animal Production Facilities

a. The office may designate as a concentrated aquatic animal production facility any warm or cold water aquatic animal production facility upon determining that it is a significant contributor of pollution to waters of the state. In making this designation the office shall consider the following factors:

i. the location and quality of the receiving waters of the state;

ii. the holding, feeding, and production capacities of the facility;

iii. the quantity and nature of the pollutants reaching waters of the state; and

iv. other relevant factors.

4. A permit application shall not be required from a concentrated aquatic animal production facility until the office has conducted an on-site inspection of the facility and has determined that the facility should and could be regulated under the permit program. However, all concentrated aquatic animal production facilities which meet the criteria in Appendix C shall so notify the office within 180 days of the effective date of these regulations.

L. Discharges into Aquaculture Projects

1. Permit Requirement. Discharges into aquaculture projects, as defined in this Section, are subject to the LWDPS permit program.

2. Definitions

Aquaculture Project—a defined managed water area which uses discharges of pollutants into that designated area for the maintenance or production of harvestable freshwater, estuarine, or marine plants or animals.

Designated Project Area—the portions of the waters of the state within which the permittee or permit applicant plans to confine the cultivated species, using a method or plan of operation (including, but not limited to, physical confinement) which, on the basis of reliable scientific evidence, is expected to ensure that specific individual organisms comprising an aquaculture crop will enjoy increased growth attributable to the discharge of pollutants, and be harvested within a defined geographic area.

M. Silvicultural Point Sources

1. Permit Requirement. Silvicultural point sources, as defined in this Section, are point sources subject to the LWDPS permit program.

2. Definitions

Log Sorting and Log Storage Facilities—facilities whose discharges result from the holding of unprocessed wood, for example, logs or roundwood with bark, or after removal of bark, held in self-contained bodies of water (mill ponds or log ponds) or stored on land where water is applied intentionally on the logs (wet decking).

Silvicultural Point Source—any discernible, confined and discrete conveyance related to log sorting or log storage facilities which are operated in connection with silvicultural activities and from which pollutants are discharged into waters of the state. The term does not include nonpoint source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff. However, some of these activities (such as stream crossing for roads) may involve point source discharges of dredged or fill material which may require a CWA Section 404 permit.

N. Confidentiality of Information. Provisions for confidential information may be found in LAC 33:I.Chapter 5.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of the Secretary, LR 22:344 (May 1996).

§303. Permit Application Information

A. Any person desiring to obtain a LWDPS permit from this office shall make application on forms prescribed by the office and shall submit such information as required in '303.E. Such person shall submit any reasonable additional information deemed necessary by the office to complete or correct deficiencies in the application before processing of the application will be completed. No application shall be deemed complete and ready for disposition until all reasonable additional information has been supplied. A site visit by office personnel shall be required if determined to be necessary by the office.

The office shall not make a final determination on any application until such time as the applicant has supplied the requested information and otherwise corrected any deficiencies.

B. All applications and supporting documents shall be filed in triplicate with the office.

C. Applicants shall keep records of all data used to complete permit applications for a period of at least five years from the date the application is signed.

D. A person discharging waste from more than one facility or activity shall file a separate application for each one. A single application may be filed for multiple outfalls discharging from a single facility or activity, however the discharge from each outfall shall be described separately in the application.

E. All applicants for a LWDPS permit shall provide the following information to the office using the application form provided by the office, unless the office determines that such information is not required for applicant's facility or activity:

1. name, mailing address, and street location of the facility for which the application is submitted;

2. the operator's name, address, telephone number, ownership status, including the name and address of the owner, if different, and status as federal, state, private, public, or other entity;

3. name of applicant's parent corporation(s);

4. a brief description of the nature of the business, including the activities conducted by the applicant which require it to obtain a permit;

5. up to four Standard Industrial Classification (SIC) codes which best reflect the principal products or services provided by the facility;

6. a listing of all DEQ and EPA permits for the facility received or applied for by the applicant or its parent corporation;

7. the location of all sites, excluding temporary storage bins, involved in the storage of solid or liquid waste at the facility for which the application is being made; and, the method of ultimate disposal for solid or liquid waste generated by the facility;

8. a topographic map (or other map if a topographic map is unavailable) drawn to a reasonable scale and extending not less than one mile beyond the property boundaries of the site, depicting the facility and each of its intake and discharge structures; each of its hazardous waste treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground; and when

deemed necessary by the office, those wells, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known by the applicant to be in the map area;

9. for each discharge outlet, a) the latitude and longitude to the nearest second [or if this information is unavailable to at least the nearest 15 seconds], b) the Section, Township, and Range information or other means, acceptable to the office, to locate each discharge outlet; and, c) the name of the immediate receiving water body and river mile point where applicable. When the discharge is to an unnamed receiving water, the first named water, and the approximate distance thereto, shall be indicated;

10. a line drawing of the water flow through the facility with a water balance showing operations contributing wastewater to the effluent and treatment units. Similar processes, operations, or production areas may be indicated as a single unit, labeled to correspond to the more detailed identification under LAC 33:IX.303.E.13. The water balance must show approximate average flows at intake and discharge points and between units, including treatment units. If a water balance cannot be determined (for example, for certain mining activities), the applicant may provide instead a pictorial description of the nature and amount of any sources of water and any collection and treatment measures;

11. a narrative identification of each type of process, operation, or production area which contributes wastewater to the effluent for each outlet, including process wastewater, cooling water, sewage, and storm water runoff (including material storage area runoff); the average flow which each wastewater contributes; and a description of the treatment, if any, each wastewater receives, including the ultimate disposal of any solid or fluid wastes other than by discharge. Information may also be required concerning raw waste loads and efficiencies of treatment systems. Processes, operations or production areas may be described in general terms (for example, "dye-making reactor," "distillation tower").

For a privately owned treatment works receiving waste from off-site users, this information shall include the identity and type of operation of each user of the treatment works. If wastes received by such a privately owned treatment works are limited to sanitary wastes, the number and types of units to be tied into the system shall be indicated. All publicly owned treatment works shall include the identity and type of operation of each user of the treatment works whose discharge may not be adequately treated by the treatment works;

12. a description of the frequency duration and flow rate of each discharge occurrence (except for storm water runoff, spillage, or leaks), if any of the discharges described in LAC 33:IX.303.E.13 are intermittent or seasonal;

13. a reasonable measure of the applicant's actual production reported in the units used in the applicable effluent guideline, if an effluent guideline applies to the applicant and is expressed in terms of production (or other measure of operation). A reasonable measure of actual production may be production during the high month of the previous year, or the monthly average for the highest of the previous five years. For new sources or new discharges, actual production may be estimated using projected production. The time period of the measure of production should correspond to the time period of the calculated permit limitations; for example, monthly production should be used to calculate average monthly discharge limitations; and

14. if the applicant is subject to any present requirements or compliance schedules for construction, upgrading or operation of waste treatment equipment, an identification of the abatement requirement, a description of the abatement project, and a listing of the required and projected final compliance dates.

15. An applicant is expected to know or have reason to believe that a pollutant is present in an effluent based on an evaluation of the expected use, production, or storage of the pollutant, or on any previous analyses for the pollutant. Analyses should be made using methods approved by the office.

a. Each applicant must report quantitative data for every outfall for the following pollutants:

i. oil and grease;

ii. biochemical oxygen demand (BOD_5);

iii. chemical oxygen demand;

iv. total organic carbon;

v. total suspended solids;

vi. ammonia (as N);

vii. temperature (both winter and summer);

viii. pH;

ix. sulfates;

x. total dissolved solids;

xi. chlorides.

b. Each applicant with processes in one or more primary industry category (see Appendix A) contributing to a discharge must report quantitative data for the following pollutants in each outfall containing process wastewater:

i. The organic toxic pollutants in the fractions designated in Table I of Appendix D for the applicant's industrial category or categories. Table II of Appendix D lists the organic toxic pollutants in each fraction. The fractions result from the sample preparation required by the analytical procedure which uses gas chromatography/mass spectrometry. A determination that an applicant falls within a particular industrial category for the purposes of selecting fractions for testing is not conclusive as to the applicant's inclusion in that category for any other purposes.

ii. The pollutants listed in Table III of Appendix D (the toxic metals, cyanide, and total phenols).

c. Each applicant must report for each outfall quantitative data for the following pollutants, if the applicant knows or has reason to believe that the pollutant is discharged from the outfall:

i. all pollutants listed in Table II or Table III of Appendix D (the toxic pollutants) for which quantitative data is not otherwise required;

ii. all pollutants in Table IV of Appendix D (certain conventional and nonconventional pollutants).

d. Each applicant must indicate whether he knows or has reason to believe that any of the pollutants in Table V of Appendix D (certain hazardous substances and asbestos) is discharged from each outfall. For every pollutant expected to be discharged, the applicant must briefly describe the reasons the pollutant is expected to be discharged, and report any quantitative data it has for any pollutant.

e. Each applicant must report qualitative data, generated using a screening procedure not calibrated with analytical standards for 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) if it:

i. uses or manufactures 2,4,5-trichlorophenoxy acetic acid (2,4,5,-T); 2-(2,4,5-trichlorophenoxy) propanoic acid (Silvex, 2,4,5,-TP); 2-(2,4,5-trichlorophenoxy) ethyl, 2,2-dichloropropionate (Erbon); 0,0-dimethyl 0-(2,4,5-trichlorophenyl) phosphorothioate (Ronnel); 2,4,5-trichlorophenol (TCP); or hexachlorophene (HCP); or

ii. knows or has reason to believe that TCDD is or may be present in an effluent.

f. The requirements in LAC 33:IX.303.E.15.c and d of this Section that an applicant must provide quantitative data for certain pollutants known or believed to be present does not apply to pollutants present in a discharge solely as the result of their presence in intake water; however, an applicant must report such pollutants as present.

g. At the applicant's request, the administrative authority may waive the reporting requirements for one or more of the pollutants listed in LAC 33:IX.303.E.15.a-e of this Section. Additionally, at the applicant's request, the administrative authority may authorize the substitution of alternative pollutants in the analysis and reporting requirements of LAC 33:IX.303.E.15.a-e.

h. Each applicant should report any pollutant listed in LAC 33:I.3931 (Reportable Quantity List of Pollutants) of the Notification Regulations and Procedures for Unauthorized Discharges.

16. If a contract laboratory or consulting firm performed any of the analyses required by LAC 33:IX.303.E.15, the identity of each laboratory or firm and the analyses performed.

17. A listing of any toxic pollutant which the applicant currently uses or manufactures as an intermediate, feedstock, final product, or by-product. The administrative authority may waive or modify this requirement for any applicant if the applicant demonstrates that it would be unduly burdensome to identify each toxic pollutant and the administrative authority has adequate information to issue the permit.

18. An identification of any biological toxicity tests which the applicant knows or has reason to believe have been made within the last three years on any of the applicant's discharges or on a receiving water in relation to a discharge.

19. A report of the history of water violations and enforcement actions for that facility (including, but not limited to, a summary of permit excursions for the last two years, administrative orders, compliance orders, notices of violation, cease and desist orders and any other enforcement actions either already resolved or still pending). The office may choose, at its discretion, to require a more in-depth report of violations and compliance for the applicant himself/herself covering any law, permit, or order concerning pollution.

20. A discussion of feasible alternative treatment methods, including no discharge, and reasons why those methods were not chosen.

21. In addition to the information reported on the application form, applicants shall provide such other information as may reasonably be required to assess the discharges of the facility and to determine whether to issue a permit. The additional information may include quantitative data and bioassays to assess the relative toxicity to aquatic life of the discharges and requirements to determine the cause of toxicity.

F. The following additional information shall be required in all applications for new permits and if not addressed by the applicant, the application is incomplete and not acceptable for review.

1. Have the potential and real adverse environmental effects of the proposed facility been avoided to the maximum extent possible?

2. Does a cost benefit analysis of the environmental impact costs balanced against the social and economic benefits of the proposed facility demonstrate that the latter outweighs the former?

3. Are there alternative projects which would offer more protection to the environment than the proposed facility without unduly curtailing nonenvironmental benefits?

4. Are there alternative sites which would offer more protection to the environment than the proposed facility site without unduly curtailing nonenvironmental benefits?

5. Are there mitigating measures which would offer more protection to the environment than the facility as

proposed without unduly curtailing nonenvironmental benefits?

G. Enforcement Actions

1. The office may take enforcement action as prescribed by state law or regulation against any person who:

a. fails to submit an application as required by law;

b. knowingly makes any false statement, representation, or certification in any application, record, report, or other documents filed with this office pursuant to the state law or the rules and regulations pursuant to state law. Violations of this provision can subject the violator to the penalties provided for in the act for perjury or false statements.

2. The office may take enforcement action as prescribed by state law or regulation against any person who:

a. fails to correct deficiencies in the application; or upon becoming aware that any relevant facts or information were omitted in a permit application or in any report to the office, fails to promptly submit such facts or information;

b. fails to submit when requested in writing any additional information deemed necessary by this office;

c. fails to take necessary action(s) to complete permit issuance such as payment of fees or publication of required notices.

3. Exception. In cases where the application is withdrawn by the applicant, a written notification must be provided to this office stating that no discharge or other activity that would require a permit from this office is currently taking place. Provided that the application was not made in response to previous enforcement action, the applicant is then exempt from enforcement action for causes listed under LAC 33:IX.303.G.2.

H. Signatories and Authorization

1. All permit applications shall be signed as follows:

a. for a corporation—by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means:

i. 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

ii. the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. for a partnership or sole proprietorship—by a general partner or the proprietor, respectively; or

c. for a municipality, parish, 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:

i. the chief executive officer of the agency; or

ii. a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. A state permit application and all other forms and reports required by these regulations may be signed by a duly authorized representative of the applicant, if:

a. the authorization is made in writing by a person described in LAC 33:IX.303.H.1 of this Section;

b. the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as a position of plant manager, operator of a well or 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 any individual occupying a named position); and

c. the written authorization is submitted to the office.

3. If an authorization under LAC 33:IX.303.H of this Section 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 LAC 33:IX.303.H.2 of this Section shall be submitted to the office prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Any person signing any document under LAC 33:IX.303.H shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under the 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."

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985).

§305. Permit Limitations and Other Requirements

In general, the limitations imposed on discharges shall be those indicated by the appropriate effluent limitations or standards. All permits must contain effluent limitations requiring control and treatment equivalent to secondary treatment, best practicable control technology currently available (BPT), best conventional technology (BCT) for conventional pollutants, and/or best available control technology economically achievable (BAT) for nonconventional or toxic pollutants. However, the permitting authority may impose different or more stringent limitations in accordance with the following.

A. More stringent or seasonally variable effluent limitations or New Source Performance (NSP) standards may be imposed when they are necessary to assure compliance with water quality standards for the receiving waterbodies.

B. More stringent or seasonally variable effluent limitations or New Source Performance (NSP) standards may be imposed when so indicated by levels of treatment or wasteload allocations contained in approved basin plans.

C. In the absence of applicable effluent limitations or standards the discharge limitations shall be based on the best professional judgement (BPJ) of the permitting authority. In the exercise of best professional judgement the permitting authority shall consider:

1. the raw materials and processes involved;

2. the potential for waste generation of such materials and processes;

3. applicable in-plant and end-of-pipe treatment and control;

4. the levels of reduction of pollutants attainable by various treatment and control measures;

5. other pertinent factors such as non-water-quality environmental impacts and costs of treatment and control; and

6. potential impacts upon the receiving water body as indicated by predictive mathematical water quality models, biological toxicity tests, and/or other environmental assessment techniques currently in use, established or recognized by relevant environmental scientific disciplines.

D. An individual discharger or other interested person may submit evidence to the permitting authority that factors relating to the equipment or facilities involved, the processes applied, or other factors related to such discharger are fundamentally different from the factors considered in the establishment of the effluent limitations. On the basis of such evidence or other available information, the permitting authority will make a written determination that such factors are, or are not, fundamentally different for that facility compared to those utilized in the establishment of the effluent limitations. If such fundamentally different factors are found to exist, the permitting authority shall establish, to the extent dictated by such fundamentally different factors, water discharge permit limitations either more or less stringent than the limitations indicated by the promulgated effluent limitations and standards.

E. Permits issued to a publicly or privately owned treatment works may impose conditions on one or more users of those treatment works.

F. Pollutants in Intake Water

1. Upon request of the discharger, technology-based effluent limitations or standards shall be adjusted to reflect credit for pollutants in the discharger's intake water if:

a. the applicable effluent limitations and standards contained in Chapter 7 specifically provide that they shall be applied on a net basis; or

b. the discharger demonstrates that the control system it proposes or uses to meet applicable technology-based limitations and standards would, if properly installed and operated, meet the limitations and standards in the absence of pollutants in the intake waters.

2. Credit for generic pollutants such as biochemical oxygen demand (BOD) or total suspended solids (TSS) should not be granted unless the permittee demonstrates that the constituents of the generic measure in the effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

3. Credit shall be granted only to the extent necessary to meet the applicable limitation or standard, up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with permit limits.

4. Credit shall be granted only if the discharger demonstrates that the intake water is drawn from the same body of water into which the discharge is made. The administrative authority may waive this requirement if he finds that no environmental degradation will result.

5. The discharge of raw water clarifier sludge generated from the treatment of intake water will be exempt from the requirements of this Section (LAC 33:IX.303.F).

G. Internal Waste Streams

1. When permit effluent limitations or standards imposed at the point of discharge are impractical or infeasible, effluent limitations or standards for discharges of pollutants may be imposed on internal waste streams before mixing with other waste streams or cooling water streams. In those instances, the monitoring required by these regulations shall also be applied to the internal waste streams.

2. Circumstances which make the imposition of internal waste streams necessary include, but are not limited to:

a. the final discharge point is inaccessible;

b. the wastes at the point of discharge are so diluted as to make monitoring impracticable;

c. the interferences among pollutants at the point of discharge would make detection or analysis impracticable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985).

§307. Modification, Revocation and Reissuance

A. Any permittee shall report to the office any facility changes which result in increases in the quantity of pollutants discharged or decreases in the quality of the discharges. The permittee shall also report any facility changes which result in decreases in the quantity of pollutants discharged or increases in the quality of discharges of pollutants where such change is expected to last in excess of 180 days. Such report shall be by submission of a modified permit application or, if the discharge does not violate the effluent limitations specified in the permit, by submission of notice to the office of the nature of such facility changes. The permittee shall not commence any facility expansion, production increases, or process modifications which result in new or increased discharges of pollutants without receiving a modified LWDPS permit or written authorization from this office. The provisions of this Paragraph shall not apply to facility changes that were considered during the permitting process.

B. When the office receives any new information or receives a request for modification or revocation, such permit may, after an opportunity for hearing, be modified, or alternatively revoked and reissued, in whole or in part, for cause, including but not limited to:

1. violations of any terms or conditions of the permit;

2. obtaining a permit by misrepresentation or failure to disclose fully all relevant facts;

3. a change in any condition that results in either a temporary (greater than 180 days) or permanent reduction or elimination of any discharge controlled by the permit;

4. the office has received new information; permits may be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and would have justified the application of different permit conditions at the time of issuance;

5. material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit;

6. the standards, or prohibitions on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued;

7. failure to report any facility changes as described in LAC 33:IX.307.A;

8. change of ownership or operational control (see LAC 33:IX.311.D);

9. when the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology-based treatment requirements appropriate to the permittee under a BPJ determination;

10. when the permittee demonstrates operation and maintenance costs that are totally disproportionate from the operation and maintenance costs considered in the development of a subsequently promulgated effluent limitations guideline, but in no case may the limitations be made less stringent than the subsequent guideline;

11. the nonconformance of the discharge with any applicable facility, basin or areawide plans; or

12. permit inconsistency with any duly promulgated effluent limitation, permit, regulation, statute, or other applicable state law.

C. Only those permit conditions that are subject to modification are reopened for comment in a public hearing. When a permit is revoked and reissued, the administrative authority may either allow only those portions modified to be reopened, or may decide that the entire permit is reopened just as if the permit has expired and is being reissued.

D. If a permit modification satisfies the following minor modification criteria, the permit may be modified without issuance of a draft permit or public review. Any permit modification not processed as a minor modification shall be made in accordance with a fact sheet and public notice requirements as described in LAC 33:IX.313 and 315. Minor modifications may only:

1. correct typographical errors;

2. require a change in the frequency of monitoring or reporting by the permittee;

3. change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement;

4. allow for a change in ownership or operational control of a facility where the office determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the office (see LAC 33:IX.307.B.8 and LAC 33:IX.311.D);

5. change the construction schedule for a discharger which is a new source or modification of an existing source. No such change shall affect a discharger's obligation to have all pollution control equipment installed and in operation prior to discharge;

6. delete a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits; or

7. make changes in other minor provisions within the permit on a case-by-case basis.

E. Modification cannot extend a permit beyond its original five-year duration.

F. Requests for modification or revocation, and reissuance do not suspend any permit condition during the processing of the request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985).

§309. Renewal and Termination

A. At least 180 days prior to the expiration date of a LWDPS permit issued pursuant to state law and this regulation, a permittee who wishes to continue to operate under such permit shall submit an application for renewal to the office.

B. After receipt of an application for renewal of a LWDPS permit by a permittee, the office shall review the application and before issuing a draft permit shall be assured that:

1. the permittee is in compliance with or has substantially complied with the terms, conditions, requirements, and schedules for compliance of the existing permit;

2. the office has up-to-date information on the permittee's production levels, waste treatment practices and the nature, contents and frequency of the permittee's discharge; and

3. the discharge is consistent with applicable effluent standards and limitations, water quality standards, and other applicable requirements, including any additions to, or revisions or modifications of the effluent standards and limitations, water quality standards or other applicable requirements.

C. If the applicant submits a timely and complete application pursuant to LAC 33:IX.309.A, and the office, through no fault of the applicant, fails to act on the application on or before the expiration date of the existing permit, the permittee shall continue to operate the facility under the terms and conditions of the expired permit which shall remain in effect until final action on the application is taken by the office. If the application is denied or the terms of the new permit contested, the expired permit shall remain in effect until the appeal process has been completed and a final decision rendered unless the secretary finds that an emergency exists which requires that immediate action be taken and in such case any appeal or request for review shall not suspend the implementation of the action ordered. Permits continued under this Section remain fully effective and enforceable.

D. During all renewal or termination proceedings the entire application and/or permit is open for comment in a public hearing, subject to confidentiality in accordance with LAC 33:I.Chapter 5.

E. Causes for which the administrative authority may initiate enforcement action, terminate a permit during its term, or deny a permit renewal include but are not limited to:

1. noncompliance by the permittee with any condition of the permit;

2. failure to pay applicable fees;

3. failure in the application or during the permit issuance process to fully disclose all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;

4. 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;

5. a change in any condition that requires either a temporary (more than 180 days) or a permanent reduction or elimination of any discharge controlled by the permit. This provision does not apply to any facility change which was considered during the permitting process;

6. due consideration of facility's history of violations and compliance; and/or

7. change of ownership or operational control (see LAC 33:IX.311.D).

F. A notice of intent to terminate will be sent to the permittee by certified mail and the permittee will be given an opportunity to show compliance with all lawful requirements for the retention of the permit.

G. Requests for renewal or termination do not suspend any permit condition during the processing of the request.

H. An applicant may request termination of a permit and the administrative authority may grant this request without the requirement for hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of the Secretary, LR 22:344 (May 1996).

§311. Standard Permit Conditions

In addition to the following standard conditions required in all permits, the office shall establish additional requirements as deemed necessary on a case-by-case basis, to provide for and assure compliance with all applicable requirements of the act, these regulations, and constitutional and statutory mandates.

A. Violations. The permittee shall comply with all conditions of the permit. No pollutant shall be discharged more frequently or in greater amounts than authorized by the permit. The permit does not in any way authorize the permittee to discharge a pollutant not listed or quantified in the application or limited or monitored for in the permit. The discharge of any pollutant not specifically authorized by a permit, or these regulations, or that was not specifically listed as a component of the discharge in the permit application may be considered a violation of the act. The discharge of any pollutant in quantities exceeding permitted limits or a discharge from a source or at a location not authorized by a permit shall be a violation of the act. Any permit noncompliance constitutes a violation of the act and is grounds for:

1. enforcement action under the act;

2. permit termination, revocation and reissuance, or modification; or

3. denial of a permit renewal.

B. Property Rights. The issuance of a LWDPS permit does not convey any property rights in either movable or immovable property of any sort, or any exclusive privileges, or servitudes, nor does it authorize any injury to private or public property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

C. 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 standards.

D. Permit Transfers

1. Transfers by Modification. Except as provided in LAC 33:IX.311.D.2 of this Section, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued or a minor modification made to identify the new permittee and incorporate such other requirements as may be necessary under these regulations.

2. Automatic Transfers. As an alternative to transfers under LAC 33:IX.311.D.1 of this Section, any LWDPS permit may be automatically transferred to a new permittee if:

a. the current permittee notifies the administrative authority at least 30 days in advance of the proposed transfer date in LAC 33:IX.311.D.2.b;

b. the notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

c. the administrative authority does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this Subparagraph may also be a minor modification. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in LAC 33:IX.311.D.2.b.

E. Toxic Pollutants. The permittee shall comply with applicable effluent standards or prohibitions established under the provisions of the act or the rules and regulations established thereunder for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions.

F. Proper Operation and Maintenance. 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.

G. Duty to Mitigate. The permittee shall take all reasonable steps to:

1. minimize or prevent any discharge in violation of the LWDPS permit which has a reasonable likelihood of adversely affecting human health or the environment; and

2. 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.

H. Duty to Halt or Reduce Activity. 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.

I. Inspection and Entry

1. The permittee shall allow an authorized representative of the office, upon proper presentation of credentials, to:

a. 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 these regulations. 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 any records that the office or its authorized representative determines are necessary for the enforcement of these regulations. 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. photographs (Reserved)

d. inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit;

e. sample or monitor for the purposes of assuring permit compliance or as otherwise authorized by the act, any substances or parameters at any location.

2. Sample Collection

a. When the inspector announces that samples will be collected, the permittee will 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 these regulations.

b. At the discretion of the administrative authority, sample collection shall proceed immediately (without the additional 30 minutes described in LAC 33:IX.311.I.2.a) and the inspector will supply the permittee with a duplicate sample.

3. 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 LAC 33:IX.311.I.1.b. The permittee shall be responsible for providing witnesses/escorts during inspections. Inspectors will 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.

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

J. Monitoring, Recordkeeping, and Reporting

1. All sampling and analyses shall be performed in accordance with the analytical test procedures approved by the office. Where no approved sampling or test procedure is available, the permittee must:

a. provide the office with a detailed description of the procedure and literature references in the application; and

b. indicate a suitable analytical test procedure approved by the office.

2. Quality control procedures, as specified in the following description, shall be employed in all effluent characteristic testing required by a permit. In addition to the routine analysis of standards and blanks, unless otherwise authorized in writing by the administrative authority, duplicate analyses shall be performed for all applicable conventional and nonconventional pollutants test procedures at a minimum frequency of one duplicate for every 10 samples analyzed for each effluent characteristic at each outfall.

a. Duplicate analysis is defined as multiple analyses for the same effluent characteristic, performed simultaneously, for the purpose of evaluating the precision of the analytical method as performed by the analyst. Duplicate analyses are performed on aliquots of the same sample, from the same bottle, except in analyses such as oil and grease where the entire sample is necessarily utilized in the test procedure. Maximum homogeneity shall be maintained in removing aliquots from a sample for duplicate analyses. Duplicate analyses are not considered valid unless the entire sample preparation technique is performed independently on each aliquot, from the point of removal from the sample bottle. Aliquots run independently in which only volumetric differences occur are valid duplicates, providing the results of each fall within the test procedure range.

b. Results of duplicate analyses shall be reported on laboratory report forms as separate numbers. Testing should be repeated if the appropriate sample is available and if a discrepancy between (among) duplicates of greater than 10 percent occurs or greater than the variability established by method validation, whichever is the larger. For the purpose of NPDES/LWDPS permit reporting procedures, the arithmetic mean of the duplicate results shall be used as the value for that sample.

c. Spiked samples shall also be analyzed for applicable effluent characteristics at a minimum 10 percent frequency or at a frequency which is acceptable to the department. "Spikes" are duplicate (or multiple) analyses, as defined previously, in which one of the aliquots is tested with a known amount of standard added. The purpose of spike analyses is to estimate the percent recovery (accuracy) of the test procedure. Recoveries of less than 90 percent or greater than 110 percent (or + 10 percent of the recoveries established through method validation) should initiate an investigation as to the specific interferences present. Deionized water spikes are considered standards and not valid spikes. Spikes shall be reported on laboratory reports as such and percent recovery noted. The results from a spiked aliquot shall not be averaged in the sample value and shall not be included in Discharge Monitoring Report (DMR) calculations.

3. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The permittee shall retain records of all monitoring information, including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports

required by the permit, for a period of at least three years from the date of the sample measurement or report. This period may be extended by request of the office at any time.

4. Records of monitoring information shall include:

a. the date, exact place, and time of sampling or measuring;

b. the individual(s) who performed the sampling or measurements;

c. the date(s) and time(s) analyses were begun;

d. the individual(s) who performed the analyses;

e. the analytical techniques or methods used;

f. the results of such analyses; and

g. the results of all quality control procedures.

5. The results of quality control procedures shall be tabulated and/or statistically analyzed in order to establish quality assurance documentation for each test procedure, instrument and analyst.

6. Monitoring shall be reported on a DMR form or other approved format and signed in accordance with LAC 33:IX.303.H.

7. Copies of all records for the past 12 months that are required to be maintained by either the permit or these regulations shall be kept on-site at the permitted facility for inspection purposes. Records for earlier periods shall be available upon request. In the case of unmanned facilities, these copies shall be kept at the nearest manned facility or office.

8. Those permittees that choose to employ off-site (contractual or in-house) laboratories to perform required analyses shall not be required to maintain quality assurance or laboratory instrument calibration and maintenance records at their facility but shall provide the names and addresses of all contractual laboratories in their monitoring reports to the state. These records must, however, be maintained by the off-site laboratory and must be available for inspection without advance notice during normal working hours. Upon request, a permittee may be required to supply this information to the office.

9. General laboratory procedures including glassware cleaning, etc. shall follow guidelines established in the "Handbook for Analytical Quality Control in Water and Wastewater Laboratories" U.S. Environmental Protection Agency Publication Number EPA-600/4-79-019.

10. General sampling protocol shall follow guidelines established in the "Handbook for Sampling and Sample Preservation of Water and Wastewater"CU.S. Environmental Protection Agency Publication Number EPA-600/4-82-029.

11. If the permittee monitors any pollutant at a designated outfall more frequently than required by the permit, using test procedures approved by the office 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 DMR.

12. Data obtained from the monitoring of any waste stream, whether such monitoring was required or not, shall be made available to the administrative authority upon request.

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

14. The permittee shall report any noncompliance as required by R.S. 30:2025(J), R.S. 30:2076(D) or departmental regulations promulgated under these statutes. In addition, all maximum limitation excursions shall be reported in writing to the office within five days of the time the permittee becomes aware of the excursions.

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

K. Bypass. Bypass is defined as any intentional diversion of waste streams from any portion of a treatment facility.

1. Bypass is permitted only under the following conditions, and the office 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. one of the following notices was made:

i. if the permittee knows in advance of the need for a bypass, it shall submit prior written notice, at least 10 days before the date of the bypass if possible;

ii. if the permittee does not know in advance of the need for a bypass, notice shall be submitted to the office within 24 hours after the initiation of the bypass unless an earlier notice is required in R.S. 30:2025(J).

2. The office may approve an anticipated bypass, after considering its adverse effects, if it is determined by the office that it will meet the applicable conditions listed in LAC 33:IX.311.K.1.

3. Any bypass of any part of a treatment system shall require monitoring of all effluent characteristics, as required at the applicable outfall on a daily basis, for the duration of the bypass unless a different monitoring frequency is approved by the administrative authority. Any bypass which

occurs and is discharged at a point other than a permitted outfall shall be monitored for all effluent characteristics which are required at the applicable permitted outfall. Such monitoring shall be conducted on a daily basis for the duration of the discharge unless a different monitoring frequency is approved by the administrative authority.

4. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if the bypass is required for essential maintenance to assure efficient operation. Any bypass that meets the requirements of this Paragraph and is expected to or does continue for longer than seven days shall be reported in writing to this office within 10 working days of initiation of the bypass. These bypasses are not subject to the provisions of LAC 33:IX.311.K.1 and 2.

L. Upset. An upset is defined as an exceptional incident in which there is unintentional and temporary noncompliance with permit conditions 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.

1. An upset constitutes an affirmative defense to an action brought for noncompliance with permit conditions only if the following requirements are demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence:

a. an upset occurred and the permittee can identify the cause(s) of the upset;

b. the permitted facility was at the time being properly operated;

c. upon becoming aware of the upset the permittee submitted notice of the upset within 24 hours unless an earlier notice was required pursuant to R.S. 30:2025(J) and/or 30:2076(D);

d. the permittee complied with any remedial measures required under LAC 33:IX.311.G of these regulations which states: The permittee shall take all reasonable steps to:

i. minimize or prevent any discharge in violation of a permit which has a reasonable likelihood of adversely affecting human health or the environment; and

ii. 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.

2. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset as a defense has the burden of proof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985).

§313. Fact Sheets

A. The fact sheet shall briefly set forth the principal facts considered in preparing the draft permit. The office shall send this fact sheet to the applicant and, on request, to any other interested party. A fact sheet shall be prepared for every:

1. draft permit for a major facility or activity;

2. general permit;

3. draft permit which the office determines is the subject of widespread public interest or raises major issues.

B. The fact sheet shall include, when applicable:

1. the name of the applicant and location of the facility or activity;

2. the name of the waterway to which the discharge is made or is proposed to be made;

3. a brief description of the type of facility or activity which is the subject of the draft permit;

4. the type and quantity of pollutants which are proposed to be or are being discharged;

5. a brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions;

6. reasons why any requested alternatives to required standards do, or do not, appear justified.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985).

§315. Public Information

A. A public notice shall be issued for every draft permit generated by the office, and it shall contain:

1. the name of the applicant and the location of the facility or activity;

2. a concise description of the applicant's activities and operations which result in the discharge identified in the permit application;

3. the name of the waterway to which the discharge is made, or is proposed to be made;

4. a statement of the tentative determination to issue or deny the permit for the discharge identified in the application;

5. a concise description of the procedures for the formulation of final determinations including information on the comment period prescribed in LAC 33:IX.315.D or other means by which interested persons may comment on the tentative determinations;

6. the address and telephone number of the office where more information on the application may be obtained or where copies of the draft permit and fact sheet (where applicable) may be inspected or copied subject to the rules in LAC 33:IX.315.F; and

7. the address and telephone number of the Office of Water Resources.

B. The office shall send a copy of the public notice to all persons on a mailing list developed by the office and to any person who requests a copy of the public notice for that particular action. Distribution to the mailing list may be accomplished through mailing of a departmental bulletin.

C. The office shall send the public notice to the applicant who shall be responsible for publication of the notice once in the official state journal and once in any other local newspapers specified by the office. Upon publication, the applicant shall send the office a copy of the certificate of publication. The costs of publication shall be borne by the applicant.

D. The office shall provide a period of not less than 30 days nor more than 60 days following the date of the public notice during which time interested persons may submit their written views on the tentative determination with respect to the permit application and may request a public hearing. All written comments submitted during the period for comment shall be retained by the office and considered in the formulation of the final determinations for the permit application.

E. All public hearings, adjudicatory or adjudicative hearings, and their appropriate written notices shall be instituted as prescribed by the Rules of Procedure of the Department of Environmental Quality.

1. At the time that any final permit is issued, the office shall also issue a response to comments which shall be delivered to any person who commented and shall be available to the public. This response shall:

a. specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; and

b. briefly describe and respond to all significant comments on the draft permit raised during the public comment period, or during any hearing.

F. All recorded information (completed permit application forms, fact sheets, draft permits or any public document) not classified as confidential information in accordance with LAC 33:I.Chapter 5 will be made available to the public for inspection and copying pursuant to the following conditions:

1. during normal office hours;

2. under the observation and supervision of a member of the staff of the Office of Water Resources;

3. copies of compiled records and information will be made available within a reasonable amount of time upon written request at a cost in accordance with established department policy; and

4. no recorded information shall be removed from the office, except as provided herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended by the Office of the Secretary, LR 22:344 (May 1996).

§317. Special Permits/Programs

A. General Permits

1. The office may issue general permits for certain categories of minor facilities or activities where individual permits are not necessary in order to adequately protect the environment or the public health. Before a general permit is issued the following conditions must be met:

a. there must be several minor sources or activities which involve the same or substantially similar types of operations;

b. these facilities or activities discharge or dispose of the same or similar types of wastes;

c. the same or similar monitoring requirements, effluent limitations and operating conditions apply to these facilities or activities; and

d. these facilities or activities would be more appropriately controlled under a general permit than under individual permits.

2. Although general permits may include activities throughout the state, they may also be restricted to more limited geographical areas.

3. All persons operating a source or conducting an activity described in a general permit become permittees, unless the source or activity is specifically covered by an individual permit.

4. In order for the office to maintain an updated list, a facility or activity that is covered by a general permit may be required to register with the office in accordance with the requirements of the general permit.

5. Any permittee covered by an individual permit may request that the individual permit be canceled or allowed to expire if the permitted source or activity is also covered by a general permit. As long as the source or activity is covered by an individual permit, as well as a general permit, the conditions and limitations of the individual permit govern, until such time as it is cancelled or expires.

6. Any permittee not wishing to be covered by a general permit may make application for an individual permit in accordance with permit procedures.

7. The office may revoke the authorization to discharge in accordance with a general permit as it applies to any person and require such person to apply for and obtain an individual permit if:

a. the covered source or activity is a significant contributor to pollution or creates other environmental problems;

b. the permittee is not in compliance with the terms and conditions of a general permit; or

c. conditions or standards have changed so that the source or activity no longer qualifies for a general permit.

B. Experimental Permits

1. To promote the development of water pollution control technology for innovative processes or techniques, the office may issue experimental permits that do not contain provisions generally found in permits provided that the applicant submits clear, cogent, and convincing proof that the process or technique has a reasonable and substantial chance for success.

2. All experimental permits shall not exceed one year in duration.

C. Temporary Permits

1. The office may issue a temporary or interim permit to a person to allow discharge of pollutants where:

a. such discharge is unpermitted;

b. the discharge consists of pollutants not covered by an effective permit; or

c. the discharge consists of pollutants that are covered by an effective permit but the permit limits will be exceeded.

2. This temporary permit may be issued provided that:

a. the applicant submits a complete application;

b. the applicant can reasonably ensure that there is no public opposition to this permit.

3. Under circumstances where the administrative authority determines that time is a critical factor, oral requests are acceptable but must be followed within five days with a written request.

4. A temporary permit may be oral or written. Oral permission may only be given by the administrative authority. If oral permission is granted, it shall be followed within five days by a written temporary permit.

5. All temporary permits shall not exceed 90 days in duration.

D. All requests for general permits, experimental permits, or temporary permits shall be in writing with the exceptions already noted. Such permits shall be subject to the provisions found in LAC 33:IX.307, 309, and 311 of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985).

Appendices

Appendix A. Primary Industry Categories

Adhesives and Sealants

Aluminum Forming

Auto and Other Laundries

Battery Manufacturing

Coal Mining

Coil Coating

Copper Forming

Electrical and Electronic Components

Electroplating

Explosives Manufacturing

Foundries

Gum and Wood Chemicals

Inorganic Chemicals Manufacturing

Iron and Steel Manufacturing

Leather Tanning and Finishing

Mechanical Products Manufacturing

Nonferrous Metals Manufacturing

Paint and Ink Formulation

Pesticides

Petroleum Refining

Pharmaceutical Preparations

Photographic Equipment and Supplies

Plastics Processing

Plastic and Synthetic Materials Manufacturing

Porcelain Enameling

Printing and Publishing

Pulp and Paper Mills

Rubber Processing

Soap and Detergent Manufacturing

Steam Electric Power Plants

Textile Mills

Timber Products Processing

Appendix B. Criteria for Determining a Concentrated Animal Feeding Operation

I. An animal feeding operation is a concentrated animal feeding operation for purposes of LAC 33:IX.301.J if either of the following criteria are met:

A. more than the numbers of animals specified in any of the following categories are confined:

1. 1,000 slaughter and feeder cattle,

2. 700 mature dairy cattle (whether milked or dry cows),

3. 2,500 swine each weighing over 25 kilograms (approximately 55 pounds),

4. 500 horses,

5. 10,000 sheep or lambs,

6. 55,000 turkeys,

7. 100,000 laying hens or broilers (if the facility has continuous overflow watering),

8. 30,000 laying hens or broilers (if the facility has a liquid manure system),

9. 5,000 ducks, or

10. 1,000 animal units; or

B. more than the following number and types of animals are confined:

1. 300 slaughter or feeder cattle,

2. 200 mature dairy cattle (whether milked or dry cows),

3. 750 swine each weighing over 25 kilograms (approximately 55 pounds),

4. 150 horses,

5. 3,000 sheep or lambs,

6. 16,500 turkeys,

7. 30,000 laying hens or broilers (if the facility has continuous overflow watering),

8. 9,000 laying hens or broilers (if the following has a liquid manure handling system).

9. 1,500 ducks, or

10. 300 animal units; and either one of the following conditions are met:

a. pollutants are discharged into waters through a man-made ditch, flushing system other similar man-made device; or

b. pollutants are discharged directly into waters of the state which originate to outside of and passover, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

II. Provided, however, that no animal feeding operation is a concentrated animal feeding operation as defined above if such animal feeding operation discharges only in the event of a 25-year, 24-hour storm event.

III. The term "animal unit" means a unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4 plus the number of swine weighing over 25 kilograms (approximately 55 pounds) multiplied by 0.4 plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

Appendix C. Criteria for Determining a Concentrated Aquatic Animal Production Facility

I. A hatchery, fish farm, or other facility is a concentrated aquatic animal production facility for purposes of LAC 33:IX.301.K if it contains, grows, or holds aquatic animals in either of the following operations:

A. cold water fish species or other cold water aquatic animals in ponds, raceways, or other similar structures which discharge at least 30 days per year but does not include:

1. facilities which produce less than 9,090 harvest weight kilograms (approximately 20,000 pounds) of aquatic animals per year; and

2. facilities which feed less than 2,272 kilograms (approximately 5,000 pounds) of food during the calendar month of maximum feeding;

B. warm water fish species or other warm water aquatic animals in ponds, raceways, or other similar structures which discharge at least 30 days per year, but does not include:

1. closed ponds which discharge only during periods of excess runoff; or

2. facilities which produce less than 45,454 harvest weight kilograms (approximately 100,000 pounds) of aquatic animals per year.

II. "Cold water aquatic animals" include, but are not limited to, the *Salmonidae* family of fish; e.g., trout and salmon.

III. "Warm water aquatic animals" include, but are not limited to: the *Ameiuridae*, *Centrarchidae* and *Cyprinidae* families of fish; e.g., respectively, catfish, sunfish, and minnows; and the *Astacidae*, *Palaemonidae*, and *Penaeidae* families of shellfish; e.g., respectively, crawfish, freshwater shrimp, and saltwater shrimp.

Appendix D. Permit Application Testing Requirements

Table I

Testing Requirements for Organic Toxic Pollutants by Industrial Category

	GC/MS Fraction[1]			
Industrial Category	**Volatile**	**Base/ Acid**	**Neutral**	**Pesticide**
Adhesives and Sealants	*	*	*	
Aluminum Forming	*	*	*	
Auto and Other				

Industrial Category	GC/MS Fraction[1] Volatile	Acid	Base/ Neutral	Pesticide
Laundries	*	*	*	*
Battery Manufacturing	*		*	
Coal Mining	*	*	*	*
Coil Coating	*	*	*	
Copper Forming	*	*	*	
Electric and Electronic Components	*	*	*	*
Electroplating	*	*	*	
Explosives Manufacturing		*	*	
Foundries	*	*	*	
Gum and Wood Chemicals	*	*	*	*
Inorganic Chemicals Manufacturing	*	*	*	
Iron and Steel Manufacturing	*	*	*	
Leather Tanning and Finishing	*	*	*	*
Mechanical Products Manufacturing	*	*	*	
Nonferrous Metals Manufacturing	*	*	*	*
Ore Mining	*	*	*	*
Organic Chemicals Manufacturing	*	*	*	*
Paint and Ink Formulation	*	*	*	*
Pesticides	*	*	*	*
Petroleum Refining	*	*	*	*
Pharmaceutical Preparations	*	*	*	
Photographic Equipment and Supplies	*	*	*	*
Plastic and Synthetic Materials Manufacturing	*	*	*	*
Plastic Processing	*			
Porcelain Enameling	*		*	*
Printing and Publishing	*	*	*	*
Pulp and Paper Mills	*	*	*	*
Rubber Processing	*	*	*	
Soap and Detergent Manufacturing	*	*	*	
Steam Electric Power Plants	*	*	*	
Textile Mills	*	*	*	*
Timber Products Processing	*	*	*	*

[1] The toxic pollutants in each fraction are listed in Table II.
* Testing required.

Table II

Organic Toxic Pollutants in each of Four Fractions in Analysis by Gas Chromatography/Mass Spectroscopy

Volatiles

1V acrolein

2V acrylonitrile

3V benzene

5V bromoform

6V carbon tetrachloride

7V chlorobenzene

8V chlorodibromomethane

9V chloroethane

10V 2-chloroethyl vinyl ether

11V chloroform

12V dichlorobromomethane

14V 1,1-dichloroethane

15V 1,2-dichloroethane

16V 1,1-dichloroethylene

17V 1,2-dichloropropane

18V 1,2-dichloropropylene

19V ethylbenezene

20V methyl bromide

21V methyl chloride

22V methylene chloride

23V 1,1,2,2-tetrachloroethane

24V tetrachloroethylene

25V toluene

26V 1,2-trans-dichloroethylene

27V 1,1,1-trichloroethane

28V 1,1,2-trichloroethane

29V trichloroethylene

31V vinyl chloride

Acid Compounds

1A 2-chlorophenol

2A 2,4-dichlorophenol

3A 2,4-dimethylphenol

4A 4,6-dinitro-o-cresol

5A 2,4-dinitrophenol

6A 2-nitrophenol

7A 4-nitrophenol

8A p-chloro-m-cresol

9A pentachlorophenol

10A phenol

11A 2,4,6-trichlorophenol

Base/Neutral Compounds

1B acenaphthene
2B acenaphthylene
3B anthracene
4B benzidine
5B benzo(a)anthracene
6B benzo(a)pyrene
7B 3,4-benzo fluoranthene
8B benzo(ghi)perylene
9B benzo(k)fluoranthene
10B bis(2-chloroethoxy)methane
11B bis(2-chloroethyl)ether
12B bis(2-chloroisopropyl)ether
13B bis(2-ethylhexyl)phthalate
14B 4-bromophenyl phenyl ether
15B butylbenzyl phthalate
16B 2-chloronaphthalene
17B 4-chlorophenyl phenyl ether
18B chrysene
19B dibenzo(a,h)anthracene
20B 1,2-dichlorobenzene
21B 1,3-dichlorobenzene
22B 1,4-dichlorobenzene
23B 3,3'-dichlorobenzidine
24B diethyl phthalate
25B dimethyl phthalate
26B di-n-butyl phthalate
27B 2,4-dinitrotoluene
28B 2,6-dinitrotoluene
29B di-n-octyl phthalate
30B 1,2-diphenylhydrazine (as azobenzene)
31B fluoranthene
32B fluorene
33B hexachlorobenzene
34B hexachlorobutadiene
35B hexachlorocyclopentadiene
36B hexachloroethane
37B indeno (1,2,3-cd) pyrene
38B isophorone
39B naphthalene
40B nitrobenzene
41B N-nitrosodimethylamine
42B N-nitrosodi-n-propylamine
43B N-nitrosodiphenylamine
44B phenanthrene
45B pyrene
46B 1,2,4-trichlorobenzene

Pesticides

1P aldrin
2P alpha-BHC
3P beta-BHC
4P gamma-BHC
5P delta-BHC
6P chlordane
7P 4,4'-DDT
8P 4,4'-DDE
9P 4,4'-DDD
10P dieldrin
11P alpha-endosul fan
12P beta-endosul fan
13P endosul fan sulfate
14P endrin
15P endrin aldehyde
16P heptachlor
17P heptachlor epoxide
18P PCB-1242
19P PCB-1254
20P PCB-1221
21P PCB-1232
22P PCB-1248
23P PCB-1260
24P PCB-1016
25P toxaphene

Table III

Other Toxic Pollutants: Metals, Cyanide, and Total Phenols

Antimony, Total

Arsenic, Total

Beryllium, Total

Cadmium, Total

Chromium, Total

Copper, Total

Lead, Total

Mercury, Total

Nickel, Total

Selenium, Total

Silver, Total

Thallium, Total

Zinc, Total

Cyanide, Total

Phenols, Total

Table IV

Conventional and Nonconventional Pollutants Required to be Tested by Each Applicant if Expected to be Present

Bromide

Chlorine, Total Residual

Color

Fecal Coliform

Fluoride

Nitrate-Nitrite

Nitrogen, Total Organic

Radioactivity

Sulfide

Sulfite

Surfactants

Aluminum, Total

Barium, Total

Boron, Total

Cobalt, Total

Iron, Total

Magnesium, Total

Molybdenum, Total

Manganese, Total

Phosphorous, Total

Tin, Total

Titanium, Total

Table V

Toxic Pollutants and Hazardous Substances Required to be Identified by Each Applicant if Expected to be Present

Toxic Pollutants

Asbestos

Hazardous Substances

Acetaldehyde

Allyl alcohol

Allyl chloride

Amyl acetate

Aniline

Benzonitrile

Benzyl chloride

Butyl acetate

Butylamine

Captan

Carbaryl

Carbofuran

Carbon disulfide

Chlorpyrifos

Coumaphos

Cresol

Crotonaldehyde

Cyclohexane

2,4-D(2,4-Dichlorophenoxy acetic acid)

Diazinon

Dicamba

Dichlobenil

Dichlone

2,2-Dichloropropionic acid

Dichlorvos

Diethyl amine

Dimethyl amine

Dinitrobenzene

Diquat

Disulfoton

Diuron

Epichlorohydrin

Ethion

Ethylene diamine

Ethylene dibromide

Formaldehyde

Furfural

Guthion

Isoprene

Isopropanolamine

Kelthane

Kepone

Malathion

Mercaptodimethur

Methoxychlor

Methyl mercaptan

Methyl methacrylate

Methyl parathion

Mevinphos

Mexacarbate

Monoethyl amine

Monomethyl amine

Naled

Napthenic acid

Nitrotoluene

Parathion

Phenolsulfanate

Phosgene

Propargite

Propylene oxide

Pyrethrins

Quinoline

Resorcinol

Strontium

Strychnine

Styrene

2,4,5-T (2,4,5-Trichlorophenoxy acetic acid)

TDE (Tetrachlorodiphenylethane)

2,4,5-TP[2-(2,4,5-Trichlorophenoxy) propionic acid]

Trichlorofon

Triethanolamine

Triethylamine

Trimethylamine

Uranium

Vanadium

Vinyl Acetate

Xylene

Xylenol

Zirconium

Chapter 5. Enforcement

§501. General

A. Failure to comply with any of the provisions of these regulations or of the terms and conditions of any permit granted or order issued hereunder constitutes a violation of the act.

B. Actual or potential economic losses resulting from the necessity to halt or reduce a permitted activity in order to maintain compliance with the conditions of a permit shall not be a defense for a permittee in any enforcement action.

C. The discharge of any pollutant not specifically authorized by a permit, or these regulations, or that was not specifically listed as a component of the discharge in the permit application may be considered a violation of the act.

D. The discharge of any pollutant in quantities exceeding permitted limits or a discharge from a source or at a location not authorized by a permit shall be a violation of the act.

E. Upon delegation of the NPDES program, the office shall notify the regional administrator of NPDES permit violations and of the means by which the office proposes to correct or require the correction of such violations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985).

§503. Investigations

A. Any person may file an oral or written complaint concerning an alleged violation or environmental problem with the office. The complainant may remain anonymous, if desired, and such a request for anonymity shall not be considered as a prejudicial factor in evaluation of the appropriate response to the complaint.

B. All complaints or other information concerning a violation shall be investigated as expeditiously as possible except in the following cases:

1. when the office has reason to believe, due to prior investigation or personal knowledge by the staff of the situation, that the complaint is spurious;

2. when the office has previously investigated the situation described in the complaint and, in the judgement of the staff, additional investigation is unwarranted; or

3. when a minor violation of a permitted discharge limit is reported by the permittee that does not pose a threat to the environment or public health. However, all reports of such violations shall be placed in the permittee's files and reviewed periodically for possible enforcement action.

C. The administrative authority or his/her authorized representative shall have the authority to investigate a possible violation and to request such information and assistance from other state and federal agencies as may be necessary in the course of the investigation, and may conduct inspections and examinations of facilities and records. The administrative authority or his/her designated presiding officer may hold public hearings and/or issue subpoenas requiring attendance of witnesses and production of documents, or take such other action as may be necessary and authorized by the act in order to complete the investigation.

D. All facts concerning any violation discovered during an investigation shall be fully documented in a written report prepared by the investigator. A copy of any such report shall be maintained in the office's files under the name of the alleged violator and shall be made available to the permittee on request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985).

§505. Administrative Enforcement

A. Administrative enforcement consists of procedures and actions which are initiated, decided, and enforced by the administrative authority, outside of civil or criminal actions in the courts. Upon receipt of information or a report of investigation that substantiates a violation, the administrative authority may commence enforcement proceedings under the act.

B. Enforcement Actions

1. Upon a determination that a violation of the act or rules has occurred or is about to occur, the administrative authority may initiate one or more of the actions set forth in R.S. 30:2025.

2. Termination, Modification, or Revocation and Reissuance of Permits

a. The administrative authority may for cause terminate, modify, or revoke and reissue any permit issued or continued under the authority of the act or these regulations. Prior to taking such action the administrative authority shall notify the permittee by personal service, or by certified mail, return receipt requested, of the proposed action and the facts or circumstances which warrant it and shall provide an opportunity for the permittee to show cause why the permit should not be terminated, revoked and reissued, or modified.

b. Prior notification of the termination, revocation and reissuance, or modification of a permit shall not be required in the following cases:

i. the administrative authority finds that immediate action is required to protect public health, safety or welfare or to prevent severe environmental damage;

ii. the action taken was initiated at the request of the permittee;

iii. a civil penalty may be assessed according to the provisions of the act for each day of violation of the act or these regulations and for each day of continued violation or noncompliance resulting from failure to take corrective action within the time specified in a Compliance Order or Emergency Cease and Desist Order.

C. General Authority. The administrative authority may also issue such other orders or directives as are necessary to effectuate the purpose of and enforce the act or these regulations.

D. The assessment of penalties will be in accordance with R.S. 30:2025 (E) (3) and (4) with consideration for the fair and equitable treatment of the regulated community. Additional factors that may be considered include the gravity of the offense, the economic benefit of noncompliance, the standard of care by the operator, the size and toxicity of the discharge, the degree of damages incurred, the ability to pay and any mitigating efforts by the discharger.

E. Service. All enforcement actions of the administrative authority shall be issued in writing and served in person or by certified mail, return receipt requested.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985).

§507. Civil and Criminal Enforcement

A. The administrative authority may file any civil action necessary in an appropriate court to enforce the provisions of the act and these regulations including, but not limited to, assessment or collection of penalties, recovery of damages, and enforcement of an order, permit or license. In such suits the administrative authority shall be represented by the attorney general and the office shall immediately compile and transmit to the attorney general all information and reports in the office records necessary for evaluation and preparation of suit.

B. At any time the administrative authority determines that a criminal violation of the act may have occurred, it shall notify the district attorney for the appropriate jurisdiction. The office shall thereafter provide the district attorney with all factual and technical information necessary for evaluation of the violations. Failure of the district attorney to initiate prosecution after notification by the administrative authority shall not preclude appropriate enforcement action by the administrative authority.

C. Upon institution of any civil suit by the administrative authority through the attorney general or upon institution by any district attorney of any criminal proceeding for a violation under the act or rules, the department, through the office, shall fully cooperate in, and provide appropriate technical and legal assistance for the prosecution of such actions.

D. The assessment of penalties will be in accordance with R.S. 30:2025 (E)(3) and (4) with consideration for the fair and equitable treatment of the regulated community. Additional factors which may be considered include the gravity of the offense, the economic benefit of noncompliance, the standard of care by the operator, the size and toxicity of the discharge, the degree of damages incurred, the ability to pay, and any mitigating efforts by the discharger.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985).

Chapter 7. Effluent Standards

§701. Purpose

The purpose of this Chapter is to establish a list of categories and classes of discharges for which effluent limitations, standards of performance, pretreatment standards, standards for toxic substances, and other standards have been or are to be established; and to set forth general terms for the application of such limitations and standards to the control of wastewater discharges through the Louisiana Water Discharge Permit System (LWDPS).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985).

§703. Scope

The following categories and classes of discharges are covered by this Chapter:

Sand and Gravel Extraction	LAC 33:IX.705
Sugar Processing	LAC 33:IX.707
Exploration for and Production of Oil and Natural Gas	LAC 33:IX.708
Miscellaneous Small Dischargers	LAC 33:IX.709
Secondary Treatment for Sanitary Sewage	LAC 33:IX.711
Chlorine-Bleaching Pulp and Paper Mill Dischargers	LAC 33:IX.713

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended LR 17:965 (October 1991).

§705. Sand and Gravel Extraction

A. Applicability. The provisions of this Section apply to the discharge of process and mine dewatering wastewater pollutants or pollutant properties associated with the extraction of sand and gravel, including "pit run" operations, dirt pits, etc., from natural deposits. Without first obtaining a LWDPS permit, following the procedures set forth in LAC 33:IX.Chapter 3, no person shall discharge or allow to be discharged process and mine dewatering wastewater into the waters of the state from any facility or activity.

B. Definitions. The following definitions are applicable to terms used in this Section. Definitions of other terms and meanings of abbreviations are set forth in LAC 33:IX.107.

Bankfull Stage—the gauge height (based on the latest datum), in feet, in the vicinity of the gauge at which one or both banks are overtopped by floods.

Dredging—to mechanically remove or transport earthen material, sand, or gravel by digging, scooping, scraping, or suctioning.

Mine—an area of land, surface or underground, actively mined for the production of sand and gravel, including "pit run" operations, dirt pits, etc., from natural deposits.

Mine Dewatering—any water that is impounded or that collects in the mine and is pumped, drained, or otherwise removed from the mine through the efforts of the mine operator. This term shall also include wet pit overflows caused solely by direct rainfall and groundwater seepage. However, if a mine is also used for treatment of process generated wastewater, discharges of commingled water from the mine shall be deemed discharges of process generated wastewater.

Pit Run Operation—an operation in which sand, gravel and associated earthen materials are removed from deposits, and no washing or classification are involved.

Process Generated Wastewater—any wastewater used in the slurry transport of mined materials, air emissions control, or processing inclusive of mining. The term shall also include any other water which becomes commingled with such wastewater in a pit, pond, lagoon, mine or other facility used for the treatment of such wastewater. The term includes wastewater used for the suction dredging of deposits in a body of water and returned directly to the body of water without being used for other purposes or combined with other wastewater.

C. Prohibition. Unless specifically exempted by the administrative authority, dredging in the river channel is prohibited. Where dredging of the river channel is authorized by the administrative authority, there shall be no increase in the turbidity 100 yards downstream of the operation compared to measurements made directly upstream from the operation.

D. General

1. All impoundments of process or mine dewatering wastewater must be surrounded by a stable, well-maintained levee of sufficient size and construction to prevent a discharge of pollutants into surface waters of the state.

a. Producers must maintain a 2-foot freeboard in the process or mine dewatering wastewater impoundments.

b. Any unpermitted discharge of process or mine dewatering wastewater shall be a violation including a discharge resulting from a levee break when the river is less than bankfull stage, based on the closest gauging station or other mutually agreed upon elevation establishing bankfull stage at the site.

c. If a levee breaks it must be repaired immediately and production must cease until the levee is repaired.

d. All levees must be inspected at least twice daily during normal working hours and as necessary during other hours when adverse weather conditions may threaten the integrity of the levees.

E. Effluent Limitations, Best Practicable Treatment.

The following effluent limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a facility subject to this Section after application of the best practicable control technology currently available to process and mine dewatering wastewater wastes.

1. For discharges to scenic streams and their tributaries:

Pollutant or Pollutant Property	Concentration in mg/L Daily Average	Daily Maximum
TSS	25	45
Oil and Grease		15
pH	[(1)]	[(1)]
	Nephelometric or formazin turbidity units	
Turbidity	15	25

[(1)] Within the range of 6.0 to 9.0 at all times

2. For discharge to primary contact recreation waterbodies:

Pollutant or Pollutant Property	Concentration in mg/L Daily Average	Daily Maximum
TSS [(2)]	25	45
Oil and Grease		15
pH	[(1)]	[(1)]
	Nephelometric or formazin turbidity units	
Turbidity		25

[(1)] Within the range of 6.0 to 9.0 at all times

[(2)] Variances may be granted for certain operations on the Mississippi River

3. For discharges other than those covered in LAC 33:IX.705.E.1 and 2:

Pollutant or Pollutant Property	Concentration in mg/L Daily Average	Daily Maximum
TSS [(2)]	25	45
Oil and Grease		15
pH	[(1)]	[(1)]

[(1)] Within the range of 6.0 to 9.0 at all times

[(2)] Variances may be granted for certain operations on the Mississippi River

4. In the case of a discharge into receiving waters for which the pH, if unaltered by man's activities, is or would be less than 6.0 and water quality criteria in water quality standards authorize such lower pH, the pH limitations for such discharge may be adjusted downward to the pH water quality criterion for the receiving waters. In no case shall a pH limitation outside the range of 5.0 to 9.0 be permitted.

F. Effluent Limitations, Best Conventional Technology

1. The following effluent limitations establish the quantity or quality of conventional pollutants or pollutant properties which may be discharged by a facility subject to this Section after application to process wastes of the best conventional pollutant control technology.

Same as Best Practicable Treatment Limitations (LAC 33:IX.705.E)

G. Effluent Limitations, Best Available Technology

1. The following effluent limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a facility subject to this Section after application to process wastes of the best available technology economically achievable:

a. Same as Best Practicable Treatment Limitations (LAC 33:IX.705.E); and

b. no priority pollutants or nonconventional pollutants to be controlled.

H. Standards of Performance. The following effluent limitations establish the quantity or quality of pollutants or

pollutant properties which may be discharged by a facility subject to this Section which is a new source.

Same as Best Practicable Treatment Limitations (LAC 33:IX.705.E)

I. Pretreatment Standards for Existing Sources (Reserved)

J. Pretreatment Standards for New Sources (Reserved)

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985).

§707. Sugar Processing

A. Applicability. The effluent limitations, standards of performance, pretreatment standards, and other provisions of this Section are applicable to pollutants and pollutant properties in discharges of wastewaters resulting from the production of cane sugars, both raw sugar and refined sugar in its various forms.

B. Definitions. The following definitions are applicable to terms used in this Section. Definitions of other terms and meanings of abbreviations are set forth in LAC 33:IX.107.

Gross Cane—that amount of crop material as harvested, including field trash and other extraneous material.

Melt—that amount of raw material (raw sugar) contained within aqueous solution at the beginning of the process for production of refined cane sugar.

C. Crystalline Cane Sugar Refining

1. Applicability. The provisions of this Subsection apply to discharges resulting from the processing of raw cane sugar into crystalline refined sugar.

2. Effluent Limitations, Best Practicable Treatment. The following effluent limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a facility subject to this Subsection after application to process wastes of the best practicable control technology currently available.

	Lbs./Ton of Melt	
	Daily	Daily
Pollutant or Pollutant Property	Average	Maximum
BOD_5	0.86	2.38
TSS	0.18	0.54
pH	[(1)]	[(1)]

[(1)] Within the range of 6.0 to 9.0 at all times.

3. Effluent Limitations, Best Conventional Technology. The following effluent limitations establish the quantity or quality of conventional pollutants or pollutant properties which may be discharged by a facility subject to this Subsection after application to process wastes of the best conventional pollutant control technology.

	Lbs./Ton of Melt	
	Daily	Daily
Pollutants or Pollutant Property	Average	Maximum
BOD_5	0.86	1.72
TSS	0.18	0.36
pH	[(1)]	[(1)]

[(1)] Within the range of 6.0 to 9.0 at all times.

4. Effluent Limitations, Best Available Technology

a. The following effluent limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a facility subject to this Subsection after application to process wastes of the best available technology economically achievable.

i. No nonconventional pollutants to be controlled.

5. Standards of Performance. The following effluent limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a facility subject to this Subsection which is a new source.

	Lbs./Ton of Melt	
	Daily	Daily
Pollutant or Pollutant Property	Average	Maximum
BOD_5	0.18	0.36
TSS	0.07	0.14
pH	[(1)]	[(1)]

[(1)] Within the range of 6.0 to 9.0 at all times.

6. Pretreatment Standards for Existing Sources (Reserved)

7. Pretreatment Standards for New Sources (Reserved)

D. Raw Cane Sugar Processing

1. Applicability. The provisions of this Subsection apply to discharges resulting from the processing of sugar cane into a raw sugar product.

2. Effluent Limitations, Best Practicable Treatment. The following effluent limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a facility subject to this Subsection after application to process wastes of the best practicable control technology currently available.

a. For raw sugar mills/factories discharging to the Mississippi River:

	Lbs./Ton of Gross Cane	
	Daily	Daily
Pollutant or Pollutant Property	Average	Maximum

BOD_5	1.1	2.0
TSS	1.0	3.0
pH	[(1)]	[(1)]

[(1)] Within the range of 6.0 to 9.0 at all times.

b. For raw sugar mills/factories discharging to water bodies of low assimilative capacity, i.e., streams other than the Mississippi River:

	Lbs./Ton of Gross Cane	
Pollutant or Pollutant Property	Daily Average	Daily Maximum
BOD_5	0.025	0.050
TSS	0.080	0.240
pH	[(1)]	[(1)]

[(1)] Within the range of 6.0 to 9.0 at all times.

c. In lieu of the quantitative limitations in LAC 33:IX.707.D.2.b, the following qualitative limitations may be applied to discharges from raw sugar mills/factories that impound all wastewaters for discharge after the grinding season and following stabilization.

BOD_5: The daily average concentration shall not exceed 10 mg/L and the daily maximum concentration shall not exceed 15 mg/L. Additionally, the total load in pounds discharged during any calendar year shall not exceed 1.26 multiplied by the gross tons of cane ground during the preceding grinding season.

DO: The average concentration shall not be less than 4.0 mg/L and at no time shall the concentration be less than 3.0 mg/L.

TSS: Not to exceed 50 mg/L.

pH: Within the range of 6.0 to 9.0 at all times.

3. Effluent Limitations, Best Conventional Technology. The following effluent limitations establish the quantity or quality of conventional pollutants or pollutant properties which may be discharged by a facility subject to this Subsection after application to process wastes of the best conventional pollutant control technology.

a. For raw sugar mills/factories discharging to the Mississippi River:

	Lbs./Ton of Gross Cane	
Pollutant or Pollutant Property	Daily Average	Daily Maximum
BOD_5	1.1	2.0
TSS	1.0	3.0
pH	[(1)]	[(1)]

[(1)] Within the range of 6.0 to 9.0 at all times.

b. For raw sugar mills/factories discharging to water bodies of low assimilative capacity, i.e., streams other than the Mississippi River:

	Lbs./Ton of Gross Cane	
Pollutant or Pollutant Property	Daily Average	Daily Maximum
BOD_5	0.025	0.050
TSS	0.080	0.240
pH	[(1)]	[(1)]

[(1)] Within the range of 6.0 to 9.0 at all times.

c. In lieu of the quantitative limitations in LAC 33:IX.707.D.3.b, the following qualitative limitations may be applied to discharges from raw sugar mills/factories that impound all wastewaters for discharge after the grinding season and following stabilization.

BOD_5: The daily average concentration shall not exceed 10 mg/L and the daily maximum concentration shall not exceed 15 mg/L. Additionally, the total load in pounds discharged during any calendar year shall not exceed 1.26 multiplied by the gross tons of cane ground during the preceding grinding season.

DO: The average concentration shall not be less than 4.0 mg/L and at no time shall the concentration be less than 3.0 mg/L.

TSS: Not to exceed 50 mg/L.

pH: Within the range of 6.0 to 9.0 at all times.

4. Effluent Limitations, Best Available Technology. The following effluent limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a facility subject to this Subsection after application to process wastes of the best available technology economically achievable.

No nonconventional pollutants to be controlled.

5. Standards of Performance. The following effluent limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a facility subject to this Subsection which is a new source.

a. For raw sugar mills/factories discharging to the Mississippi River.

	Lbs./Ton of Gross Cane	
Pollutant or Pollutant Property	Daily Average	Daily Maximum
BOD_5	1.1	2.0
TSS	1.0	3.0
pH	[(1)]	[(1)]

[(1)] Within the range of 6.0 to 9.0 at all times.

b. For raw sugar mills/factories discharging to water bodies of low assimilative capacity, i.e., streams other than the Mississippi River.

	Lbs./Ton of Gross Cane	
Pollutant or Pollutant Property	Daily Average	Daily Maximum
BOD_5	0.025	0.050
TSS	0.080	0.240
pH	[(1)]	[(1)]

[(1)] Within the range of 6.0 to 9.0 at all times.

c. In lieu of the quantitative limitations in LAC 33:IX.707.D.5.b, the following qualitative limitations may be applied to discharges from raw sugar mills/factories that impound all wastewaters for discharge after the grinding season and following stabilization.

BOD_5: The daily average concentration shall not exceed 10 mg/L and the daily maximum concentration shall not exceed 15 mg/L. Additionally, the total load in pounds discharged during any calendar year shall not exceed 1.26 multiplied by the gross tons of cane ground during the preceding grinding season.

DO: The average concentration shall not be less than 4.0 mg/L and at no time shall the concentration be less than 3.0 mg/L.

TSS: Not to exceed 50 mg/L.

pH: Within the range of 6.0 to 9.0 at all times.

6. Pretreatment Standards for Existing Sources (Reserved)

7. Pretreatment Standards for New Sources (Reserved)

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources in LR 11:1066 (November 1985).

§708. Exploration for and Production of Oil and Natural Gas

A. Applicability. The provisions of this Section are applicable to discharges of wastewater associated with oil and natural gas exploration and production activities.

B. Definitions. The following definitions apply to terms used in this Section. Definitions of other terms and meanings of abbreviations are set forth in LAC 33:IX.107 and 1105.

Average Monthly Discharge Limitation—the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Ballast Water—uncontaminated surface water used to maintain proper draft or to stabilize drilling or workover vessels.

Bilge Water—water that accumulates in the bilge areas of drilling or workover vessels.

Blow-out Preventer (BOP) Control Fluid—fluid used to actuate the hydraulic equipment on the blow-out preventer.

Boiler Blowdown—discharge from boilers necessary to minimize solids build-up in the boilers, including vents from boilers and other heating systems.

Brackish Marshes—those areas that are inundated or saturated by surface water or groundwater of moderate salinity at a frequency and duration sufficient to support, and that under normal circumstances do support, emergent vegetation characterized by a prevalence of species typically adapted for life in these soil and contiguous surface water conditions. Typical vegetation includes wiregrass *(Spartina patens)*, three-cornered grass *(Scirpus olneyi)*, coco *(Scirpus robustus)*, and widgeongrass *(Ruppia maritima)*. Interstitial water salinity normally ranges between seven and 15 parts per thousand.

Cement—portland cement, either dry or in slurry form, including additives. Additives include such materials as accelerators (e.g., calcium chloride), retarders (e.g., lignosulfonates), weighting materials (e.g., barium sulfate), extenders (e.g., bentonite), and lost circulation materials (e.g., walnut shells).

Composite Sample—a sample consisting of a minimum of eight grab samples of effluent collected at regular intervals over a normal operating day and combined in proportion to flow, or a sample continuously collected in proportion to flow over a 24-hour period.

Daily Discharge—the discharge of a pollutant measured during a calendar day or within any specified 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the 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 day.

Daily Maximum Concentration—the daily determination of concentration for any calendar day or specified 24-hour period that reasonably represents the calendar day for purposes of sampling.

Deck Drainage—all waste resulting from platform washing, deck washing, equipment washing, rainwater and runoff from curbs, gutters, and drains, including drip pans and wash areas.

*Desalinization Unit Discharge***C**wastewater associated with the process of creating fresh water from salt water.

*Domestic Wastes***C**wastewater generated from galleys, sinks, showers, and laundries.

*Drill Cuttings***C**particles generated by drilling into subsurface geological formations.

*Drilling Fluids***C**any fluid sent down the hole, including drilling muds and any specialty products, from the time a well is begun until final cessation of drilling in that hole.

*Drilling Mud***C**a heavy suspension used in drilling a well, introduced down the drill pipe and through the drill bit.

*Effluent Limitation***C**any applicable state or federal quality or quantity limitation that imposes any restriction or prohibition on quantities, discharge rates, and concentrations of pollutants discharged into the waters of the state.

*Facility***C**a pollution source or any public or private property or site and all contiguous land and structures, and other appurtenances and improvements, where any activity is conducted that discharges or may result in the discharge of pollutants into waters of the state.

*Fire Control System Test Water***C**surface water and fire fighting agents discharged during periodic testing of fire control systems.

*Freshwater Swamps and Marshes***C**those areas that are inundated or saturated by surface water or groundwater of negligible to very low salinity at a frequency and duration sufficient to support, and that under normal circumstances do support, emergent vegetation characterized by a prevalence of species typically adapted for life in these soil and contiguous surface water conditions. Typical vegetation includes maiden cane *(Panicum hemitomon)*, Hydrocotyl sp., water hyacinth *(Eichhornia crassipes)*, pickerelweed *(Pontederia cordata)*, alligatorweed *(Alternanthera philoxeroides)*, and bulltongue *(Sagittaria sp.)*. Interstitial water salinity is normally less than two parts per thousand.

*Intermediate Marshes***C**those areas that are inundated or saturated by surface water or groundwater of low salinity at a frequency and duration sufficient to support, and that under normal circumstances do support, emergent vegetation characterized by a prevalence of species typically adapted for life in these soil and contiguous surface water conditions. Typical vegetation includes wiregrass *(Spartina patens)*, deer pea *(Vigna repens)*, bulltongue *(Sagittaria sp.)*, wild millet *(Echinochloa walteri)*, bullwhip *(Scirpus californicus)*, and sawgrass *(Cladium jamaicense)*. Interstitial water salinity normally ranges between three and six parts per thousand.

*Native Mud Drilling Fluids***C**those drilling fluids that do not contain heavy-metal-based additives such as chrome lignosulfonate or weighting agents such as barite or hematite.

*Noncontact Cooling Water***C**water that is used to remove heat and which does not come into direct contact with any raw material, intermediate, or finished product.

*Pollutant***C**any substance introduced into the waters of the state by any means that would tend to degrade the chemical, physical, biological, or radiological integrity of the environment.

*Pollution Source***C**the immediate site or location of a discharge or potential discharge, including such surrounding property as is necessary to secure or quarantine the area from access by the general public.

*Produced Sand***C**sand and other solids removed from produced water, oil, or gas.

*Produced Water***C**liquid and suspended particulate waste material generated by the processing of fluids brought to the surface in conjunction with recovery of oil or natural gas from underground geologic formations or with underground storage of hydrocarbons.

*Saline Marshes***C**those wetland areas that are inundated or saturated by surface water or groundwater of salinity characteristic of near Gulf of Mexico ambient water at a frequency and duration sufficient to support, and that under normal circumstances do support, emergent vegetation characterized by a prevalence of species typically adapted for life in these soil and contiguous surface water conditions. Typical vegetation includes oystergrass *(Spartina alterniflora)*, glasswort *(Salicornia sp.)*, black rush *(Juncus roemerianus)*, Batis maritima, black mangrove *(Avicennia nitida)*, and saltgrass *(Distichlis spicata)*. Interstitial water salinity normally exceeds 16 parts per thousand.

*Sanitary Waste***C**treated or untreated wastewaters that contain human metabolic wastes.

*Source Water and Sand***C**water, including the entrained solids, from non-hydrocarbon-bearing formations used for the purpose of pressure maintenance or secondary recovery.

*Stormwater Runoff***C**aqueous surface runoff including any soluble or suspended material mobilized by naturally occurring precipitation events.

*Territorial Seas***C**the belt of the seas measured from the line of ordinary low water along that portion of the coast in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of three miles (as defined at 33 U.S.C. 1362.8).

*Toxicity Unit (TU)***C**a numerical value defined as the quotient of the discharged effluent concentration divided by the effluent concentration producing lethality (TUa Toxicity Units, acute toxicity) or the effluent concentration producing no observable effect (TUc Toxicity Units, chronic toxicity).

*Upland***C**any land area that is not normally inundated with water and that would not, under normal circumstances, be characterized as swamp or fresh, intermediate, brackish, or saline marsh. The term shall have both a regional and site-

specific connotation; for example, naturally occurring and man-made topographic highs that are partially or totally surrounded by swamp, marsh, or open water will be considered upland on a local basis, but will not necessitate characterization of the surrounding area as upland. The land and water bottoms of all parishes north of the nine parishes contiguous with the Gulf of Mexico will be considered in toto as upland regions. The designation of upland in those parishes bordering the Gulf of Mexico shall be determined on a case-by-case basis with reference to the presence of a regional expanse of emergent aquatic vegetation or open water.

Visible Sheen—a silvery or metallic sheen, gloss, or increased reflectivity; visual color; or iridescence on the water surface.

Well Completion Fluid—salt solutions, sometimes containing various additives, which are used to prevent damage to the wellbore during operations which prepare the drilled well for hydrocarbon production. Drilling fluids remaining in the wellbore during logging, casing and cementing operations or during temporary abandonment of the well are not considered completion fluids.

Well Treatment Fluid—fluids used to restore or improve productivity by chemically or physically altering hydrocarbon-bearing strata after a well has been drilled. These fluids include substances such as acids, solvents, and propping agents.

Workover Fluid—salt solutions, sometimes containing specialty additives, which are used in a producing well to allow safe repair and maintenance procedures. High solids drilling fluids used during workover operations are not considered workover fluids by definition and therefore must meet drilling fluid effluent limitations before discharge may occur. Packer fluids, low solid fluids between the packer, production string and well casing, are considered to be workover fluids.

C. Effluent Guidelines. The following effluent guidelines establish general and discharge-specific guidelines for discharges associated with oil and natural gas exploration and production activities.

1. General Guidelines

a. There shall be no unpermitted discharge of waste oil, produced water, drilling fluids, drill cuttings, or other wastes, nor any uncontrolled discharges of wastewater, including stormwater runoff, from exploration and production sites.

b. A Spill Prevention and Control Plan shall be prepared and implemented in accordance with the provisions specified in LAC 33:IX.901-907. This plan shall establish a program for regular inspection of all storage tanks, separators, and related production and transfer equipment. The plan shall also include provisions for, at a minimum, annual monitoring of flow line integrity through a combination of visual inspection and pressure testing or through the use of an approved alternate methodology. Inspection and test records shall be maintained for a minimum of three years. The plan shall also establish provisions for ready access to, and rapid deployment of, containment booms and ancillary spill containment and cleanup equipment. Discharges shall be controlled through the following measures.

i. All workover and drilling barges, and production facilities shall be equipped with pollution containment devices that under normal operating conditions prevent unauthorized discharges.

ii. All storage tanks, separators, and related production and transfer equipment to be located in open water or wetland areas, where building dikes is impossible or impracticable, shall be installed on impervious decking provided with a system of curbs, gutters, and/or sumps capable of retaining spills of oil, produced water, or any other product or waste material. Storage and processing facilities located in open water or wetland areas that lack appropriate spill prevention and control appurtenances shall be modified to achieve compliance within four years after promulgation of these regulations.

iii. All drains from diked areas shall be equipped with valves that are kept in the closed position except during periods of supervised discharge.

iv. In the event of an unauthorized discharge of oil, produced water, or any other product or waste material, a remedial response must be immediately initiated and the Water Pollution Control Division (WPCD) shall be notified in accordance with LAC 33:I.3901 et seq. The remedial response shall include immediate removal of discharged materials and, to the extent practicable, decontamination of any water, soil, sediment, or vegetation adversely impacted by the unauthorized discharge. If immediate cleanup is not considered to be an appropriate remedial measure, the responsible party shall notify the WPCD of the alternative remedial plan and shall promptly implement said plan upon approval by the WPCD. Submission of an alternate plan shall in no way relieve the responsible party of its duty to contain and mitigate the effects of the discharge.

v. Use of detergents, emulsifiers, or dispersants to clean up spilled oil is prohibited unless the use has been specifically approved by the WPCD or is necessary to maintain a safe work environment (i.e., minimization of the potential for personnel injury due to slipping hazards). In all such cases, initial cleanup shall be done by physical removal. Detergents, emulsifiers, or dispersants shall not be employed to sink, obscure, or camouflage spilled materials or to in any way hinder observation of a spill event.

vi. At least two feet of freeboard shall be maintained in all earthen pits at any time. Any discharge of wastewater from earthen pits directed to waters of the state must be conducted in accordance with the provisions of a valid Louisiana Water Discharge Permit System (LWDPS) permit.

2. Produced Water

a. Freshwater Areas

i. All produced water discharges must be specifically identified in a valid LWDPS permit.

ii. The discharge of produced water directly onto any vegetated area, soil, or intermittently exposed sediment surface is prohibited.

iii. There shall be no discharge of produced water to lakes, rivers, streams, bayous, canals, or other surface waters of the state in areas regionally characterized as upland.

iv. There shall be no discharge of produced water to freshwater swamp or freshwater marsh areas or to natural or manmade water bodies bounded by freshwater swamp or freshwater marsh vegetation unless the discharge has been specifically identified in an approved schedule for discharge termination, and the discharge complies with all applicable portions of LAC 33:IX.708.C.2.e.

v. A schedule for discharge termination shall not be approved for a surface discharge initiated after the promulgation of this regulation. The operator of a facility having a produced water discharge in existence on the date of promulgation of these regulations shall be subject to the prohibition against surface discharge of produced water unless the operator establishes that surface discharge is the only immediately available alternative and that the produced water discharge termination schedule is limited in term to the period necessary to provide an alternate waste-handling method. A compliance schedule that would delay compliance beyond July 1, 1992, will not be approved.

b. Intermediate, Brackish, and Saline Water Areas Inland of the Territorial Seas

i. All produced water discharges must be specifically identified in a valid individual or general permit or order and must comply with all applicable portions of LAC 33:IX.708.C.2.f.

ii. The discharge of produced water directly onto any vegetated area, soil, or intermittently exposed sediment surface is prohibited.

iii. There shall be no discharge of produced water to natural or man-made water bodies located in intermediate, brackish, or saline marsh areas after January 1, 1995, unless the discharge or discharges have been authorized in an approved schedule for elimination or effluent limitation compliance.

iv. Each operator of a facility with a produced water discharge in existence on the date of promulgation of these regulations shall submit a schedule within six months after promulgation detailing a time frame for achieving compliance with the restrictions imposed by Subparagraph b.i-x. The compliance schedule shall be prepared in conformance with the following guidelines.

(a). An operator conducting three or more produced water discharges shall submit for approval a schedule of compliance that will result in phased elimination or compliance with applicable effluent limitations for all produced water discharges by January 1, 1995. The schedule is expected to call for termination of discharge or compliance with applicable effluent limitations for approximately one-third of the discharges existing on the date of promulgation by January 1, 1993; for two-thirds of the discharges by January 1, 1994; and for full compliance by January 1, 1995.

(b). An operator conducting no more than two produced water discharges shall submit for approval a schedule of compliance that will result in phased elimination or compliance with applicable effluent limitations for all produced water discharges by January 1, 1995. One discharge is expected to be eliminated or conducted in compliance with applicable effluent limitations by January 1, 1994.

(c). An operator conducting a single produced water discharge shall eliminate surface discharge or conduct the discharge in compliance with applicable effluent limitations by January 1, 1994.

(d). Facilities with a total produced water discharge of 250 barrels/day or less and a maximum oil production of 100 barrels/day or the monetary equivalent in natural gas, as of the effective date of this regulation, will be provided an additional year to comply with the requirements of LAC 33:IX.708.C.2.b.i-x.

(e). Operators discharging to the open waters and at least one mile from any shoreline in Chandeleur Sound, Breton Sound, Barataria Bay, Caminada Bay, Timbalier Bay, Terrebonne Bay, East Cote Blanche Bay, West Cote Blanche Bay, or Vermilion Bay from production originating in these areas will have two years after the effective date of these regulations or one year after completion of the U.S. Department of Energy's (DOE) study concerning Louisiana coastal bays, whichever comes first, to show on a case-by-case basis that their particular discharge should be exempt from these regulations, if the DOE study, after scientific peer review, shows minimal acceptable environmental impacts.

v. Requests for an extension of the compliance period beyond the January 1, 1995, deadline will be considered if submitted with the original compliance schedule and if the following conditions are met.

(a). The operator establishes that surface discharge is the only immediately available and economically feasible alternative, that continued discharge does not represent gross potential for unacceptable environmental degradation, and that the produced water discharge termination schedule is limited in term to the period necessary to provide an alternate waste-handling method.

(b). The proposed extension would not extend the date of discharge termination or effluent limitation compliance beyond January 1, 1997.

vi. A compliance schedule will not be required for a surface discharge initiated after the

promulgation of these regulations; however, produced water discharges authorized after the date of promulgation but before December 31, 1992, must be eliminated or conducted in compliance with applicable effluent limitations by January 1, 1995. Produced water discharges authorized after December 31, 1992, must achieve compliance with applicable effluent limitations on the date of discharge initiation.

vii. The following effluent limitations establish the quantity or quality of pollutants or pollutant properties that may be discharged by a facility subject to this Section:

Pollutant or Pollutant Property	Discharge Limitation
Benzene	0.0125 mg/L daily maximum
Ethylbenzene	4.380 mg/L daily maximum
Toluene	0.475 mg/L daily maximum
Oil and Grease	15 mg/L daily maximum
Total Organic Carbon	50 mg/L daily maximum
pH	6-9 standard units
Temperature	(as per LAC 33:IX.1113.C.4)
Total Suspended Solids	45 mg/L daily maximum
Chlorides	Dilution required at a ratio of 10:1 (ambient water: produced water). All other prescribed parameters must be within acceptable limits prior to dilution.
Dissolved Oxygen	4.0 mg/L daily minimum
Toxicity (Acute and Chronic)	1 Toxicity Unit
Soluble Radium	60 picocuries/L (2.2 becquerels/L)
Visible Sheen	No Presence

The numerical limitations listed above are to be construed as minimum effluent standards and should in no way be considered authorization to induce a violation of ambient water quality standards.

viii. Surface disposal of de minimis quantities (less than one barrel per day) of produced water may be authorized on a case-by-case basis. Effluent limitations for de minimis discharges will be established on a case-by-case basis in accordance with the provisions of the LWDPS permit authorizing the discharge, but will at a minimum require that the effluent be treated to a point at which the discharge does not generate a persistent visible sheen.

ix. There shall be no discharge of produced water within the boundaries of any state or federal wildlife management area, refuge, park, or scenic stream or into any water body determined by the WPCD to be of special ecological significance.

x. Produced water shall not be discharged within 1,300 feet (via water) of an active oyster lease, live natural oyster or other molluscan reef, designated oyster seed bed, or sea grass bed. No produced water shall be discharged in a manner that, at any time, facilitates the incorporation of significant quantities of hydrocarbons or radionuclides into sediment or biota.

c. Territorial Seas

i. All produced water discharges must be specifically identified in a valid LWDPS permit.

ii. Surface disposal of produced water into open waters of the Gulf of Mexico within the area defined as the territorial seas may be authorized on a case-by-case basis in accordance with the provisions of the LWDPS permit authorizing the discharge.

iii. The discharge of produced water directly onto any intermittently exposed sediment surface is prohibited.

iv. Produced water shall not be discharged within the boundaries of any state or federal wildlife management area, refuge, or park or into any water body determined by the WPCD to be of special ecological significance.

v. Produced water shall not be discharged within 1,300 feet (via water) of an active oyster lease, live natural oyster or other molluscan reef, designated oyster seed bed, or sea grass bed. No produced water shall be discharged in a manner that, at any time, facilitates the incorporation of significant quantities of hydrocarbons or radionuclides into sediment or biota.

d. Radioactivity and Toxicity Analyses. A radioactivity measurement, acute toxicity test, and chronic toxicity test shall be conducted using test methods approved by the administrative authority on representative samples of all existing produced water discharges that flow to the surface waters of the state. The results of the radioactivity analysis and the average daily discharge rate (barrels per day) shall be submitted to this office by August 20, 1989. The results of the toxicity analyses and the average daily discharge rate (barrels per day) shall be submitted to this office by February 20, 1990.

e. Discharge of Produced Water into Freshwater Areas after January 1, 1997

i. In light of LPDES general permit LAG290000 and the "Final Effluent Limitations Guidelines and Standards for the Coastal Subcategory of the Oil and Gas Extraction Point Source Category," published December 16, 1996, and effective January 14, 1997 (the federal guidelines), facilities that discharge produced water as authorized in a valid LWDPS permit as of July 1, 1996, shall cease the discharge of produced water by July 1, 1997, unless the continued discharge is specifically identified in an order.

ii. Each facility desiring to continue to discharge produced water after July 1, 1997, shall submit to the department, no later than May 1, 1997, a schedule to:

(a). accomplish reinjection of the produced water as expeditiously as possible; or

(b). return their produced water which originated seaward of the coastal areas identified in LAC 33:IX.708.C.2.e.iv.(a) to those areas of origin.

iii. In addition to the schedule required in LAC 33:IX.708.C.2.e.ii, the submittal shall include, at a minimum, a certification by the facility operator of all of the following:

(a). surface discharge of produced water is the only immediately available alternative;

(b). the produced water discharge elimination schedule is limited in term to the period necessary to provide an alternate waste-handling method;

(c). the discharge of produced water has not been eliminated pending the installation of injection systems or returning it to its area of origin (seaward of the coastal areas identified in LAC 33:IX.708.C.2.e.iv.(a));

(d). the discharge will not cause a violation of water quality standards in the receiving waters; and

(e). the discharge was previously permitted.

iv. Discharges of produced water pursuant to this rule shall not extend beyond the date upon which the produced water discharge can reasonably be eliminated. In no event shall a discharge of produced water to a major deltaic pass of the Mississippi River or to the Atchafalaya River, including Wax Lake Outlet, below Morgan City, continue:

(a). beyond January 1, 1999, for produced water generated in coastal areas as defined in 40 CFR part 435.41(e);

(b). beyond January 1, 2000, for produced water generated seaward of coastal areas identified in LAC 33:IX.708.C.2.e.iv.(a); or

(c). beyond January 1, 2000, for facilities that discharge produced water generated in any combination of areas described in LAC 33:IX.708.C.2.e.iv.(a) and (b).

v. There shall be no discharge of produced water to a major deltaic pass of the Mississippi River or to the Atchafalaya River, including Wax Lake Outlet, below Morgan City, after January 1, 2000.

f. Discharge of Produced Water Into Intermediate, Brackish, and Saline Water Areas Inland of the Territorial Seas after January 1, 1997

i. Notwithstanding the absolute deadline of LAC 33:IX.708.C.2.b.v.(b) and in light of the federal guidelines, facilities previously authorized by valid LWDPS permits as of July 1, 1996, to discharge produced water under LAC 33:IX.708.C.2.b.iv, pursuant to an approved compliance schedule shall:

(a). cease the discharge of produced water by February 14, 1997; or

(b). submit a revised schedule to accomplish injection of the produced water as expeditiously as possible. This schedule shall be received by the department on or before February 14, 1997. Submission of a schedule is not a defense to an enforcement action for a facility=s failure to adhere to the terms and conditions of its permit or prior compliance schedule. In addition to the schedule submission, a certification must be submitted by the facility operator which includes the requirements of LAC 33:IX '708.C.2.e.iii. No compliance schedules in an enforcement order shall extend beyond the minimum time demonstrated necessary for elimination of the discharge and in no case beyond January 1, 1999.

ii. All terms, conditions, limitations, and requirements of the most recent LPDES permit or compliance schedule or order identifying a produced water discharge shall continue in full force and effect unless the department provides otherwise in writing. A schedule to discharge produced water after July 1, 1997, is solely within the department=s enforcement discretion and shall be granted only through a compliance order.

iii. There shall be no discharge of produced water to natural or man-made water bodies located in intermediate, brackish, or saline marsh areas after January 1, 1999.

3. Drill Cuttings and Drilling Fluids

a. The discharge of drill cuttings or drilling fluids, including stormwater runoff contaminated by drill cuttings or drilling fluids, must be conducted in accordance with a valid LWDPS permit.

b. There shall be no discharge of oil-based drilling fluids.

c. There shall be no batch or bulk discharge of drilling fluids into water bodies inland of the territorial seas.

d. Drilling fluids or drill cuttings shall not be discharged within the boundaries of state or federal wildlife management areas, refuges, parks, or scenic streams or into any water body determined by the WPCD to be of special ecological significance.

e. The discharge of drill cuttings or bulk drilling fluids (if allowed) must not occur within 1,300 feet (via water) of an active oyster lease, live natural oyster or other molluscan reef, designated oyster seed bed, or sea grass bed. No discharge shall be made in such a manner as to allow deposition of drill cuttings or drilling fluids in or upon any active oyster lease, live natural reef, or seed bed. If the discharge is to take place within one mile of an area containing oyster leases, a lease map must be forwarded to this office showing the location of the discharge and surrounding leases. If the applicant considers any oyster lease, live natural oyster or other molluscan reef, or designated seed bed within 1,300 feet of a discharge of drilling fluids or drill cuttings to be inactive, written documentation and evidence must be submitted to this office for a determination to be made as to the acceptability of such a discharge.

f. In fresh and intermediate marsh areas, only drill cuttings generated on-site and their adhering native mud drilling fluids may be discharged.

g. There shall be no discharge of drill cuttings generated in association with the use of oil-based drilling fluids, invert emulsion drilling fluids, or drilling fluids that contain diesel oil, waste engine oil, cooling oil, gear oil, or other oil-based lubricants.

h. Documentation shall be maintained detailing the nature and volume of all constituents added downhole in conjunction with drilling and workover operations. This documentation shall be available for inspection on site during drilling and workover operations and thereafter in accordance with the provisions of LAC 33:IX.311.J.7.

4. Stormwater Runoff

a. An LWDPS permit may be required for stormwater runoff discharges generated in conjunction with exploration and production activities in upland regions.

b. The discharge of stormwater runoff generated in conjunction with exploration and production activities conducted in any region not designated as upland must be reflected in a valid LWDPS permit unless appropriate prior dispensation has been received from the WPCD.

c. There shall be no discharge of free oil or other oily materials from any facility as evidenced by a visible sheen or residual oil deposits or stains in the drainage area downstream of the discharge point.

d. Stormwater runoff shall not exceed 100 mg/L chemical oxygen demand, 50 mg/L total organic carbon, or 15 mg/L oil and grease.

e. Maximum chloride concentration of the discharge shall not exceed two times the ambient concentration of the receiving water in brackish marsh areas and shall not exceed 500 mg/L in freshwater or intermediate marsh areas and upland areas.

f. The discharge of stormwater runoff from diked areas employed for the purpose of secondary containment shall be permitted provided:

i. the discharge is generated from areas that have not been contaminated by accidental spills or by intentional discharge of waste materials; or

ii. the discharge has been specifically identified in a valid LWDPS permit.

5. Drilling Fluid Reserve Pit and Production Pit Closure. This discharge category includes the discharge of treated wastewater from drilling site reserve pits, ring levee borrow ditches, shale barges, drilling fluid dewatering systems, and abandoned or inactive oil field production pits that contain only nonhazardous oil field wastes. The treatment and discharge of water from off-site oil field waste disposal pits or pits containing waste other than nonhazardous oil field wastes are prohibited.

a. Discharge of treated wastewater must be specifically identified in a valid LWDPS permit.

b. Effluent Limitations

Pollutant or Pollutant Property	Discharge Limitation
Volume	Report (mgd)
Oil and Grease	15 mg/L daily maximum
Total Suspended Solids	50 mg/L daily maximum
Chemical Oxygen Demand	125 mg/L daily maximum
Chlorides	500 mg/L daily maximum*
Total Chromium	0.5 mg/L daily maximum
Zinc	5.0 mg/L daily maximum

* See LAC 33:IX.708.C.5.d.

i. Discharge limitations are instantaneous maxima and apply throughout the duration of the discharge.

ii. Discharge pH shall not be less than 6.0 standard units nor greater than 9.0 standard units.

c. Each discharge will require specific prior approval from a representative of the WPCD. An analysis of the treated water shall be submitted to and approved by a representative of the WPCD prior to discharge.

i. The initial sample of treated water shall be obtained from the treated water returned to the pit or other containment structure after operation of the treatment equipment.

ii. A copy of the initial and subsequent water analysis shall be available at the site during pit closure or dewatering activities.

iii. The discharge shall be withdrawn at or near the surface of the fluid in the drilling site reserve pit, ring levee borrow ditch, shale barge, or drilling fluid dewatering treatment train compartment.

d. Dilution shall not be used to comply with any of the discharge limitations unless specific written authorization from the WPCD has been obtained. The only parameter for which dilution will be considered is chloride. Formal written requests for approval to allow dilution of chloride levels should be addressed to the WPCD Surveillance Section program manager. Consideration of written requests to allow dilution of chloride levels in drilling site reserve pits, ring levee borrow ditches, shale barges, drilling fluid dewatering systems, and abandoned or inactive oil field production pits will be made on a case-by-case basis and only if the following conditions can be met.

i. Prior treatment shall have brought all other applicable parameters to levels within permit limits before dilution.

ii. The discharge after dilution will be a short-term, one-time batch-type event.

iii. The discharge will not traverse, pool up within, or in any other way contact agricultural lands.

iv. The discharge is made only to a receiving water body exhibiting sufficient volume and assimilative capacity to preclude elevation of ambient chloride levels above that established by the Louisiana Water Quality Criteria for the basin segment or watershed within which the receiving water body is contained.

v. The WPCD representative concludes that no adverse environmental effects will result from the discharge of pretreated and diluted wastewater.

e. An onsite inspection by WPCD personnel may be required prior to discharge approval.

f. Additional monitoring, including daily and 24-hour composite sampling, may be required for any specific discharge event or site at the discretion of the WPCD.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 15:261 (April 1989), amended LR 17:263 (March 1991), LR 23:860 (July 1997).

§709. Miscellaneous Small Dischargers

A. Applicability. The provisions of this Part are applicable to discharge of wastewater pollutants or pollutant properties from the categories of small dischargers or facilities set forth herein and represent all levels of pollution control, including the best practicable control technology currently available, the best conventional pollutant control technology, the best available technology economically achievable, and standards of performance for new sources.

B. Sanitary and domestic waste discharges with an average daily flow of less than 2,500 gallons per day.

1. Waste discharges and their associated control facilities shall comply with all requirements of the state and local health authorities.

2. Waste discharges shall not exceed the following daily maximum concentration limitations:

a. Five Day Biochemical Oxygen Demand—maximum concentration allowed in accordance with Secondary Treatment Effluent Standards (LAC 33:IX.711).

b. Total Suspended Solids—maximum concentration allowed in accordance with Secondary Treatment Effluent Standards (LAC 33:IX.711).

c. Oil and Grease—20 mg/L.

3. Discharges within one mile of waters designated for primary contact recreation use shall not exceed a maximum fecal coliform organisms concentration of 400/100 mL.

4. Discharges within two miles of shellfish propagation areas shall not exceed a maximum fecal coliform organisms concentration of 200/100 mL.

5. When a discharge, or group of discharges, results in a violation of water quality standards the office reserves the right to impose more stringent requirements.

C. Service Stations

1. Used oil shall be retained for reclamation, reuse, or off-site disposal in an approved disposal facility.

2. Drains within internal service areas shall be furnished with adequately designed and maintained traps for removal of oil and grease and suspended solids.

3. Above ground bulk storage tanks with a total capacity of more than 1,320 gallons or any single container in excess of 660 gallons shall be surrounded by an impervious dike with a retention volume equal to or greater than the largest storage tank within the diked area.

4. To the greatest extent possible, spills on external service areas shall be cleaned up using dry methods.

5. Discharges and runoff from internal and external service areas and diked bulk storage areas shall comply with a maximum oil and grease concentration limitation of 20 mg/L.

6. If sanitary wastes are combined with discharges from internal service areas, the combined wastes shall additionally comply with the provisions set forth in LAC 33:IX.709.B.1.

D. Concentrated Animal Feeding Operations (Reserved)

E. Facilities For Storage of Pesticides (Reserved)

F. Vessels

1. All vessels, both self-propelled and non self-propelled, with toilet facilities shall be equipped with an appropriate U.S. Coast Guard approved sanitation device.

2. Sanitary discharges from vessels equipped with a sanitation device shall comply with a maximum fecal coliform organisms concentration of 200/100 mL.

G. Transmission Company Compressor Stations (Reserved)

H. Construction Sites

1. This category includes all construction sites under the control of a single party in which the disturbed area is larger than five acres. This category does not include pipeline rights-of-way unless a specific water quality problem is shown to exist at a given pipeline construction site whereupon control measures for that site may be required.

2. All wastewaters, including stormwater runoff, leaving the site boundaries shall be controlled so as to comply with the following limitations.

a. a maximum oil and grease concentration of 15 mg/L; and

b. until such time as disturbed areas have been revegetated, a settleable solids concentration of 1.0 mL/L.

3. Waste or used oil shall not be applied as a dust control measure regardless of the size of the area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985).

§711. Secondary Treatment for Sanitary Sewage

A. Applicability. This Section provides information on the level of effluent quality attainable through the application of secondary or equivalent treatment.

B. Definitions. The following definitions are applicable to terms used in this Section. Definitions of other terms and meanings of abbreviations are set forth in LAC 33:IX.107.

BOD_5—the five day measure of the pollutant parameter biochemical oxygen demand.

$CBOD_5$—the five day measure of the pollutant parameter carbonaceous biochemical oxygen demand.

C. Secondary Treatment for Sanitary Sewage. The following paragraphs describe the minimum level of effluent quality attainable by secondary treatment in terms of BOD_5, TSS, and pH.

1. BOD_5

a. The 30-day average shall not exceed 30 mg/L.

b. The 7-day average shall not exceed 45 mg/L.

c. The 30-day average percent removal shall not be less than 85 percent.

d. At the option of the administrative authority, in lieu of the parameter BOD_5, the parameter $CBOD_5$ may be substituted with the following levels of the $CBOD_5$ effluent quality provided:

i. the 30-day average shall not exceed 25 mg/L;

ii. the 7-day average shall not exceed 40 mg/L;

iii. the 30-day average percent removal shall not be less than 85 percent.

2. TSS

a. The 30-day average shall not exceed 30 mg/L.

b. The 7-day average shall not exceed 45 mg/L.

c. The 30-day average percent removal shall not be less than 85 percent.

D. Treatment Equivalent to Secondary Treatment. The following levels of treatment may be considered equivalent to secondary treatment.

	Concentration in mg/L			
	BOD	TSS	BOD	TSS
1. Trickling Filter				
a. New	30	30	45	45
b. Existing minor	45	45	65	65
c. Existing major	30-45*	30-45*	45-65	45-65
2. Oxidation Pond				
a. New	30	90	45	135
b. Existing minor	45	90	65	135
c. Existing major	30-45*	90	45-65	135

* Actual number would be established after case-by-case review of individual facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985), amended LR21:945 (September 1995).

§713. Chlorine-bleaching Pulp and Paper Mill Dischargers

A. Applicability. The effluent limitations and other provisions of this Section are applicable to discharges of wastewater associated with the production activities of bleached kraft pulp and paper mills.

B. Definitions

Chlorine-bleaching Pulp and Paper Mill Dischargers—pulp and paper mills utilizing caustic sulfide reagents to process wood chips under high heat and pressure, producing brown paper and subsequently adding chlorine or chlorine compounds to produce bleached white paper.

C. Effluent Guidelines. The following effluent limitations establish the quantity or quality of pollutants or pollutant properties that may be discharged by a facility subject to this Section after applying to process wastes with the treatment technology currently available. The relaxation of effluent limits based upon state water quality standards or best professional judgement shall be prohibited.

	Concentration in pg/L (ppq)	
Pollutant or Pollutant Property	Daily Average	Daily Maximum
2,3,7,8-Tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD)	NA	20

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 17:965 (October 1991), repromulgated LR 17:1082 (November 1991).

Chapter 9. Spill Prevention and Control

§901. Purpose and Scope

A. This Chapter establishes requirements for contingency planning and implementation of operating procedures and best management practices to prevent and control the discharge of pollutants resulting from spill

events. For the purpose of this Chapter, "spill event" means the accidental or unauthorized leaking or releasing of a substance from its intended container or conveyance structure that has the potential to be discharged or results in a discharge to the waters of the state. Discharges resulting from circumstances identified, reviewed, and made part of the public record with respect to a valid LWDPS permit are not considered spill events.

B. The preparation and implementation of a Spill Prevention and Control Plan (hereinafter referred to as "plan") is required for any facility or person meeting the applicability criteria.

C. This Chapter establishes minimal procedures, methods, equipment, control structures and response actions necessary for compliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985).

§903. Applicability

A. The provisions of this Chapter apply to:

1. oil of any kind or in any form, including, but not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

2. all substances listed in LAC 33:I.3931 of the Notification Regulations and Procedures For Unauthorized Discharges (Louisiana Department of Environmental Quality; effective November 1985) that are in liquid form at temperatures ranging between 0-35EC and pressures at or near 760 mm Hg; and

3. the administrative authority reserves the right to declare the provisions of this Chapter to be applicable to other substances as circumstances warrant.

B. Minimum aboveground storage capacity at which this Chapter applies is 1,320 U.S. gallons for two or more individual containers in aggregate within a common storage area, or 660 U.S. gallons for an individual container.

C. The provisions of this Chapter apply also to any equipment or structures utilized for the conveyance or transfer (loading/unloading) of applicable substances to/from transportation vehicles or vessels to/from facility storage, processing, or disposal areas. For the purposes of this Chapter, facility includes those of fixed location when in operation, and are land based or situated upon or within wetlands and/or surface waters of the state. The requirements of this Chapter shall not apply to off-site transmission pipelines.

D. The storage and conveyance applicability of this Chapter includes, but is not limited to, all substances meeting the applicability criteria outlined in LAC 33:IX.903.A whether handled as raw materials, products, process intermediaries, by-products, wastes, process catalysts, lubricants, or fuels.

E. The provisions of this Chapter shall not apply in those cases where applicable substances are stored within process equipment or conveyance structures located in process areas provided that the drainage these areas from which is routed via an LWDPS treatment train to a permitted LWDPS outfall.

F. The provisions of this Chapter do not require the preparation of a plan for storage or conveyance of substances in solid form except in instances or at facilities where there exists the potential for solid substances to be spilled, released or discharged either directly to waters of the state or to a flowing drainage conveyance that would immediately transport spilled solid substances to waters of the state. In such cases the requirements for preparation of a plan may apply to solid substances for which there is reasonable evidence or cause to believe that an appreciable degradation of water quality would result from a spill or release due to the nature and/or quantity of the solid substances handled. Even if it has been determined that the preparation of a plan is not required for the storage or conveyance of solid substances at a given facility, it is incumbent upon the operator of that facility to avoid potential contamination to the waters of the state.

G. Upon notification to the owner/operator of a facility and demonstration of reasonable cause, the administrative authority may require the preparation of a plan for substances not expressly covered by the applicability requirements of this Chapter.

H. The requirements of this Chapter are intended to complement existing laws, rules, regulations and standards pertaining to the prevention of water pollution. Compliance with this Chapter does not relieve the operator of a facility from compliance with other federal, state or local laws and regulations. Spill Prevention Control and Countermeasure (SPCC) Plans prepared pursuant to 40 CFR Part 112, or manuals prepared relative to any other state or federal requirement will be acceptable for inclusion in the plan required by this Chapter. A complete plan, however, shall address all applicable substances.

I. Underground Storage Containers (Reserved)

J. Drum and Barrel Storage (Reserved)

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985).

§905. Requirements for Preparation and Implementation of Plans

A. Operators of facilities in operation or under construction on or before the effective date of these regulations that meet the criteria outlined in LAC 33:IX.903 shall prepare a plan within 180 days of the effective date of these regulations. The plan shall be fully implemented as soon as possible after preparation, but not later than one year after it was prepared. The office may, upon written request, grant additional implementation time to existing facilities in

those cases where substantial upgrading or modification may be required in order to comply with this Chapter.

B. Operators of facilities meeting the criteria outlined in LAC 33:IX.903 that become operational 180 days after the effective date of these regulations shall prepare a plan within 180 days after the facility begins operation and shall be fully implemented as soon as possible, but not later than one year after such facility begins operation.

C. Operators of facilities for which a plan is required shall keep a complete copy of the plan at the facility if the facility is normally attended at least eight hours per day, or at the nearest office within the state if the facility is not so attended. The plan shall be made available to authorized representatives of the office for on-site review during normal working hours. Plans need not be submitted to the office unless a request to do so has been made by an authorized representative of the office.

D. Amendment of Plans by the Office. After review of the plan by the office and/or upon receiving notice of a spill pursuant to the notification requirements of R.S. 30:2025(J), the office may require the operator of the facility to amend the plan if it finds that the plan does not meet the requirements of this Chapter.

E. Amendments of Plans by Owners/Operators. Owners or operators of facilities shall amend the plan for such facility whenever there is a modification in facility design, construction, storage capacity, operation or maintenance which renders the existing plan inadequate. The amendment shall be implemented prior to or concurrent with the facility modification.

F. Periodic Review of Plans. Operators of facilities shall review the plan every three years and shall amend the plan within 90 days of the review to include more effective prevention and control technology if such technology will significantly reduce the likelihood of a spill event and if such technology has been field proven at the time of the review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985).

§907. Guidelines for the Preparation and Implementation of a Plan

A. The plan shall be prepared in accordance with sound engineering practices. If the plan calls for additional facilities or procedures, methods, or equipment not yet fully operational, these items shall be discussed, and the details of installation and operational start-up shall be explained individually. The office recognizes that the designs of major facilities differ and that in certain cases the appropriate methods for spill prevention and control must be site-specific. While the guidelines presented herein suggest the use of specific methodologies for this purpose, alternate methods may be employed if it can be demonstrated to the satisfaction of the office that the alternate methods will adequately prevent and control spills, and that they are reasonably equivalent to the suggested methods. A complete plan shall follow the sequence outlined in LAC 33:IX.903.B-E.

B. A complete plan shall include the following:

1. name of facility;

2. name of the operator of the facility;

3. mailing address of the facility;

4. location of the facility;

5. date and year of initial facility operation;

6. a brief but adequate description of the facility, including an indication of the nearest potential receiving waters;

7. the identity, amount, and location of substances stored at the facility meeting the applicability criteria outlined in Section 903 of this Chapter; and

8. facility capability and procedures for taking corrective actions and/or countermeasures when a spill event occurs.

C. The plan shall include a prediction of the direction, rate of flow and total quantity of applicable substances which could be spilled at the facility where experience indicates a reasonable potential for equipment failure and/or human error.

D. Appropriate containment and/or diversionary structures or equipment to prevent an applicable spilled substance from reaching waters of the state should be provided. One of the following should be used as a minimum:

1. dikes, berms or retaining walls sufficiently impervious to contain spills;

2. curbing, drip pans;

3. culverts, gutters or other drainage systems;

4. weirs, booms or other barriers;

5. spill diversion ponds;

6. retention ponds;

7. sorbent substances; and

8. sumps and collection systems.

E. When it is determined that the installation of structures or equipment listed in LAC 33:IX.907.D of this Chapter is not practical, the owner/operator of an applicable facility shall clearly demonstrate such impracticality and provide a strong spill contingency plan, including a written commitment of the manpower, equipment, and materials required to ensure timely and effective action to minimize damage resulting from a spill event.

F. In addition to the minimal prevention standards listed under LAC 33:IX.907.D of this Chapter, sections of the plan should include a complete discussion of conformance with

the following applicable guidelines or other effective spill prevention and containment procedures.

1. All storage tank installations should be constructed so that a secondary means of containment is provided for the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation. Diked areas should be sufficiently impervious to contain spills.

2. Drainage from diked storage areas should be restrained by valves or other positive means to prevent a spill event, except where facility treatment systems are designed to handle such spills. Flapper-type drain valves should not be used as a restraint device. Valves used for the drainage of diked areas should, as far as practical, be of manual, open-and-closed design. In all cases, drainage from diked areas shall be in accordance with all applicable rules, regulations and laws.

3. New and old tank installations should, as far as practical, be fail-safe engineered or updated into a fail-safe engineered installation to avoid spills. Liquid level sensing devices should be regularly tested to insure proper operation. Consideration should be given to providing one or more of the following devices (optional for tanks served by adequate secondary containment systems):

a. high liquid level alarms with an audible or visual signal at a constantly manned operation or surveillance station; in smaller plants an audible air vent may suffice;

b. high liquid level pump cutoff devices set to stop flow at predetermined tank content level;

c. direct audible or code signal communication between the tank gauger and the pumping station;

d. a fast response system for determining the liquid level of each bulk storage tank such as digital computers, telepulse, or direct vision gauges or their equivalent; and

e. additional tank(s) connected to automatically receive overflow.

4. All above-ground tanks should be visually inspected by a competent person for condition and need for maintenance on a scheduled periodic basis. Such examination should include the foundation and supports of tanks that are above the surface of the ground. Visible leaks from a tank and its appurtenances shall be promptly corrected.

5. Buried metallic piping installations should have a protective wrapping and coating or the equivalent, and should be cathodically protected if soil conditions warrant. If a section of buried line is exposed for any reason, it shall be carefully examined for deterioration. If corrosion damage is found, additional examination and corrective action shall be taken as indicated by the magnitude of the damage.

6. When a pipeline is not in service or in standby service for an extended time, the terminal connection at the transfer point should be isolated, capped, or blank-flanged as well as marked, or the on/off switch tagged as to origin.

7. Pipe supports shall be properly designed to minimize abrasion and corrosion; to allow for expansion and contraction, and to adequately support thrust loadings at bends.

8. All above-ground valves and pipelines should be subjected to regular examinations by operating personnel at which time the general conditions of items such as flange joints, pipeline supports, locking of valves, and metal surfaces should be assessed. In addition, periodic pressure testing may be warranted for piping in areas where facility drainage is such that a failure might lead to a spill event if there is reason to suspect the integrity of the piping. Records of such inspections and tests shall be kept for three years and include all items addressed.

9. All tank car and tank truck loading/unloading area drainage shall flow into a catchment basin, treatment system or other containment system designed to hold at least the maximum capacity of any single compartment of a tank car or truck loaded or unloaded at the facility.

10. An interlocked warning light, physical barrier system, or warning signs shall be provided in loading/unloading areas to prevent vehicular departure before complete disconnect of flexible or fixed transfer lines.

11. Prior to filling and departure of any tank car or truck, the lowermost drain and all outlets of such vehicles shall be closely examined for leakage, and if necessary, tightened, adjusted, or replaced to prevent leakage.

G. The plan, as applicable, should include a complete discussion of conformance with the following guidelines for facility drainage.

1. Facility drainage from undiked areas subject to spill events should if possible, flow into ponds, lagoons or catchment basins designed to retain spills or return them to the facility. Catchment basins should not be located in areas subject to flooding.

2. Facility drainage systems should be adequately engineered to prevent spills from reaching the waters of the state in the event of equipment failure or human error at the facility.

H. The plan, as applicable, should include a complete discussion of conformance with the following guidelines for facility security.

1. Means for restricting unauthorized entry or other security procedures should be provided when the facility is not attended.

2. Master flow and drain valves and any other valves that permit direct outward flow of spilled substances to the waters of the state should be securely locked, tagged, or sealed in the closed position when unattended. Sample cocks, gauge valves, and other small valves are not subject to this requirement.

3. The starter control on all pumps with discharge piping open to the waters of the state should be locked in the

"off" position, or accessible only to authorized personnel when in nonoperating or nonstandby status.

4. The loading/unloading connections of pipelines should be securely capped or blank-flanged when not in service or standby service. This security practice should also apply to pipelines that are emptied either by draining or by inert gas pressure.

5. Facility lighting should be commensurate with the type and location of the facility and should provide for the following: (These provisions may not apply to oil and gas production sites.)

a. discovery of spills occurring during hours of darkness, both by operating personnel and by nonoperating personnel (the general public, local police, etc.); and

b. prevention of spills that may result through acts of vandalism.

I. Personnel training and spill prevention procedures should be employed, and brief discussions of the following should be included in the plan.

1. Operators are responsible for properly instructing the appropriate personnel in the operation and maintenance of equipment to prevent or contain spills and all applicable spill control rules and regulations.

2. Each facility should have a designated person who is accountable for spill prevention who reports to line management.

3. Operators should schedule and conduct spill prevention briefings for their operating personnel and appropriate contractors at intervals frequent enough to assure adequate understanding of the plan for that facility. Such briefings should highlight and describe known spill events or failures, malfunctioning components, and recently developed precautionary measures.

J. Inspections and Records. The plan shall provide for inspections required by this Chapter. Inspections shall be in accordance with written procedures developed for the facility by the operator. These written procedures shall be part of the plan. Inspection records shall be signed or initialed by the inspector, appropriate supervisor or the facility designee (LAC 33:IX.303.H), and shall be retained for a minimum of three years.

K. Verification by the Office. Facilities at which this Chapter applies may be inspected by an authorized representative of the office to assure implementation and adequacy of the plan. Such inspections shall be covered by the conditions provided for in LAC 33:IX.311.I of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:1066 (November 1985).

Chapter 11. Surface Water Quality Standards

§1101. Introduction

A. The purpose of this Chapter is to establish surface water quality standards which will:

1. provide for the protection and preservation of the abundant natural resources of Louisiana's many and varied aquatic ecosystems;

2. protect the public health and welfare that might otherwise be threatened by degradation of water quality;

3. protect or enhance the quality of public waters for designated uses; and

4. serve the objectives of the Louisiana Water Control Law and Federal Clean Water Act (hereafter referred to as the Clean Water Act.)

B. The water quality standards provided in this Chapter are provisions of Louisiana state regulations and consist of:

1. policy statements pertinent to water quality that are necessary to achieve the objectives of the standards;

2. designated uses for which waters of the state are to be protected; and

3. criteria which specify general and numerical limitations for various water quality parameters that are required for designated water uses.

C. The federal regulations governing water quality standards require that states review and revise as appropriate their water quality standards every three years. In the 1989 revision of the Louisiana surface water quality standards, the segments listed in the Numerical Criteria and Designated Uses Table (Table 3) were renumbered to coincide with a new water body code system, and several new segments with corresponding criteria, including lakes, were added. Also, water quality criteria for additional toxic substances were added. Other revisions were made in sections dealing with antidegradation, exceptions, criteria, and application of standards, as well as Table 3. During 1991, two specific revisions were made to the surface water quality standards. In March 1991, five additional metals criteria were adopted and typographical error corrections were made. In October 1991, criteria for 2,3,7,8-tetrachlorodibenzo-p-dioxin for the protection of human health were adopted. In this current (1993) triennial revision of the surface water quality standards, one of the most significant revisions was the incorporation of a narrative biological criteria statement which fulfills the objectives of the Clean Water Act. Additionally, language for mixing zones was modified and/or added. Several water bodies were assigned site-specific criteria and/or uses and a subcategory of fish and wildlife propagation was defined.

D. The water quality standards described in this Chapter are applicable to surface waters of the state and are utilized through the wasteload allocation and permit processes, to develop effluent limitations for point source discharges to

surface waters of the state. They can also form the basis for implementing the best management practices for control of nonpoint sources of water pollution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 20:883 (August 1994).

§1103. Authorization

Pursuant to the specific authorization provided for in Section 2074 B(1) of the Louisiana Water Control Law (R.S. 30:2071-2078) and in conformity with Section 303(c) of the Clean Water Act (P.L. 92-500 as amended) and 48 FR 51405, November 8, 1983, the state of Louisiana has established these surface water quality standards to prohibit, control, or abate water pollution in state waters.

AUTHORITY NOTE: Promulgated in accordance with R.S.30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989).

§1105. Definitions

Acute Toxicity—toxicity that after short-term exposure exerts lethal or other deleterious impacts on representative, sensitive organisms. For whole effluent toxicity testing, it can be defined as significantly greater toxicity than the control.

Administrative Authority—the secretary of the Department of Environmental Quality, or his or her designated representative, or the assistant secretary, Office of Water Resources, or his or her designated representative.

Ambient Toxicity—the effect measured by a toxicity test on a sample collected from a water body.

Assimilation Capacity—the ability of a water body to receive water, sediment, and other substances without incurring detrimental changes or significantly altering the community integrity.

Biological and Aquatic Community Integrity—the condition of the aquatic community inhabiting a specified habitat as measured by community structure and function.

Biological Succession—the gradual and orderly process of ecosystem or community development brought about by changes in species populations that culminates in the production of a climax characteristic of a particular geographic region.

Brackish Marshes—those areas inundated or saturated by surface water or groundwater of moderate salinity at a frequency and duration sufficient to support, and that under normal circumstances do support, emergent vegetation characterized by a prevalence of species typically adapted for life in such soil and contiguous surface water conditions. Typical vegetation would include wiregrass *(Spartina patens)*, three-cornered grass *(Scirpus olneyi)*, coco *(Scirpus robustus)*, and widgeongrass *(Ruppia maritima)*. Brackish marshes are also characterized by interstitial water salinity which normally ranges between 7 and 15 parts per thousand.

Chronic Toxicity—toxicity which after long-term exposure exerts sublethal negative effects, or which is lethal to representative, sensitive organisms.

Clean Techniques—those requirements (or practices for sample collection and handling) necessary to produce reliable analytical data in the microgram per liter (µg/L) or part per billion (ppb) range.

Designated Use—a use of the waters of the state as established by the water quality standards provided in LAC 33:IX.1111. These uses include, but are not limited to, recreation, propagation of fish and other aquatic life and wildlife, oyster propagation, public water supply, agricultural activities, and outstanding natural resource waters.

Diffuser—a device or defined technology that provides for the rapid and efficient mixing of wastewater effluents with the receiving water so that toxic conditions and other impacts in the vicinity of the discharge are minimized.

Dissolved Oxygen—the amount of oxygen dissolved in water, commonly expressed as a concentration in terms of milligrams per liter (mg/L).

Drinking Water Supply—a surface or underground raw water source which, after conventional treatment, will provide safe, clear, potable, and aesthetically pleasing water for uses which include, but are not limited to, human consumption, food processing and cooking, and inclusion as a liquid ingredient in foods and beverages.

Effluent—wastewater discharged to the waters of the state.

Effluent Limitation—any applicable state or federal quality or quantity limitation that imposes any restriction or prohibition on quantities, discharge rates, and concentrations of pollutants discharged into the waters of the state.

Existing Use—those uses actually attained in the waterbody on or after November 28, 1975. They may or may not be designated uses.

Fecal Coliform—a gram negative, non-spore-forming, rod-shaped bacteria found in the intestinal tract of warm-blooded animals.

Fresh Warmwater Biota—those aquatic life species whose populations typically inhabit waters with warm temperatures (seasonal averages above 20°C, 68°F) and low salinities (less than 2 parts per thousand, ‰), including but not limited to, black basses and freshwater sunfish and catfish and characteristic freshwater aquatic invertebrates and wildlife.

Freshwater Swamps and Marshes—those areas inundated or saturated by surface water or groundwater of negligible to very low salinity at a frequency and duration sufficient to

support, and that under normal circumstances do support, emergent vegetation characterized by a prevalence of species typically adapted for life in such soil and contiguous surface water conditions. Typical freshwater swamp vegetation includes bald cypress marshes and open areas within freshwater swamps would include bulltongue *(Sagittaria spp.)*, maiden cane *(Panicum hemitomon)*, water hyacinth *(Eichornia crassipes)*, pickerelweed *(Pontederia cordata)*, alligatorweed *(Alternanthera philoxeroides)*, and Hydrocotyl sp. Freshwater swamps and marshes are also characterized by interstitial water salinity which is normally less than 2 parts per thousand.

*Intermediate Marshes***C**those areas inundated or saturated by surface water or groundwater of low salinity at a frequency and duration sufficient to support, and that under normal circumstances do support, emergent vegetation characterized by a prevalence of species typically adapted for life in these soil and contiguous surface water conditions. Typical vegetation includes wiregrass *(Spartina patens)*, deer pea *(Vigna luteola)*, bulltongue *(Sagittaria spp.)* wild millet *(Echinochloa walteri)*, bullwhip *(Scirpus californicus)*, and sawgrass *(Cladium jamaicense)*. Intermediate marshes are also characterized by interstitial water salinity which normally ranges between 3 and 6 parts per thousand.

*Intermittent Stream***C**a water body in which natural conditions of flow, width, and depth preclude reasonable primary contact recreational water uses and the propagation of a balanced population of aquatic biota.

*LC50***C**the numerical limit or concentration of a test material that is lethal to 50 percent of the exposed aquatic organisms within a specified period of time.

*Man-made Watercourse***C**a ditch or canal or channelized stream created specifically and used primarily for drainage or conveyance of water.

*Marine Water Biota***C**those aquatic life species whose populations typically inhabit waters with salinities equal to or greater than 2 parts per thousand (**I**) including but not limited to characteristic fishes, invertebrates and wildlife of coastal waters and the Gulf of Mexico.

*mg/L***C**milligrams per liter; this unit of measure is essentially equivalent to parts per million in dilute aqueous solutions.

*Naturally Dystrophic Waters***C**waters which are stained with organic material and which are low in dissolved oxygen because of natural conditions. See LAC 33:IX.1109.C.3.

*ng/L***C**nanograms per liter; this unit of measure is essentially equivalent to parts per trillion in dilute aqueous solutions.

*Nonpoint Source***C**a diffuse source of water pollution that does not discharge through a point source but instead flows freely across exposed natural or man-made surfaces such as agricultural or urban runoff and runoff from construction, mining, or silviculture activities.

*Office***C**the Office of Water Resources within the Department of Environmental Quality.

*Person***C**any individual, municipality, public or private corporation, partnership, firm, the United States Government and any agent or subdivision thereof, or any other juridical person which shall include, but not limited to, trusts, joint stock companies, associations, the State of Louisiana, political subdivisions of the state, commissions, and interstate bodies.

*Point Source***C**a discernible, confined, and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

*Process Heat***C**heat derived from unnatural sources such as power plants and other industrial cooling processes.

*Receiving Waters***C**the waters of the state into which an effluent is, or may be, discharged.

*Saline Marshes***C**those areas that are inundated or saturated by surface water or groundwater of salinity characteristic of nearshore Gulf of Mexico ambient water at a frequency and duration sufficient to support, and that under normal circumstances do support, emergent vegetation characterized by a prevalence of species typically adapted for life in such soil and contiguous surface water conditions. Typical vegetation includes oystergrass *(Spartina alterniflora)*, glasswort *(Salicornia spp.)*, black rush *(Juncus roemerianus)*, saltwort *(Batis maritima)*, black mangrove *(Avicennia germinans)*, and salt grass *(Distichlis spicata)*. Saline marshes are also characterized by interstitial water salinity that normally exceeds 16 **I** (parts per thousand).

*7Q10 Flow***C**the minimum average stream flow for seven consecutive days with a recurrence interval of once every 10 years.

*Surface Water***C**all lakes, bays, rivers, streams, springs, ponds, impounding reservoirs, wetlands, swamps, marshes, water sources, drainage systems, and other surface waters, natural or artificial, public or private, within the state or under its jurisdiction that are not a part of a treatment system allowed by state law, regulation, or permit.

*Total Dissolved Solids (TDS)***C**the amount of solid material dissolved in water, commonly expressed as a concentration in terms of mg/L.

*Total Suspended Solids (TSS)***C**the amount of solid material suspended in water, commonly expressed as a concentration in terms of mg/L.

Toxic Substances—elements, compounds, or mixtures that at sufficient exposure levels induce deleterious acute or chronic physiological effects on an organism.

ug/L—micrograms per liter; this unit of measure is essentially equivalent to parts per billion in dilute aqueous solutions.

Ultra-Clean Techniques—those requirements or practices necessary to produce reliable analytical data in the nanogram per liter (ng/L) or part per trillion (ppt) range.

Use Attainability Analysis—a structured scientific assessment of the factors (chemical, physical, biological, and economic) affecting the attainment of designated water uses in a waterbody. Recommendations for revision of the water quality standards may be based upon a use attainability analysis.

Wastewater—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.

Water Pollution—the introduction into the waters of the state by any means, including dredge-and-fill operations, of any substance in a concentration which tends to degrade the chemical, physical, biological, or radiological integrity of such waters, including, but not limited to, the discharge of brine from salt domes which are located on the coastline of Louisiana and the Gulf of Mexico into any waters off said coastline and extending therefrom three miles into the Gulf of Mexico.

Water Quality Standard—a definite numerical criterion value or general criterion statement or policy statement promulgated by the administrative authority to enhance or maintain water quality and to provide for, and fully protect, the designated uses of the waters of the state.

Waters of the State (or State Waters)—all surface and underground waters and watercourses within the state of Louisiana, whether natural or man-made, including but not limited to, all rivers, streams, lakes, wetlands, and groundwaters, within the confines of the state, and all bordering waters of the Gulf of Mexico.

Wetlands—those areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, bottomland hardwood forests, and similar areas.

Whole Effluent Toxicity—the total toxic effect of an effluent measured directly with a toxicity test.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2401 (December 1999).

§1107. Enforcement

A. The standards provided in this Chapter are official regulations of the state, and any person who discharges pollutants into 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.

B. Since aquatic systems receive organic and inorganic materials from natural and man-made sources and receive physical inputs from natural and man-made sources, due allowances will be made for situations where low dissolved oxygen concentrations or other water quality conditions attributable to natural sources are at variance with the standards. To allow for such situations, the numerical criteria will not be applied below the 7Q10 or other appropriate critical flow as defined in LAC 33:IX.1115.C.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)

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§1109. Policy

Water quality standards policies concerned with the protection and enhancement of water quality in the state are discussed in this Section. Policy statements on antidegradation, water use, water body exception categories, compliance schedules and variances, short-term activity authorization, errors, severability, revisions to standards, and sample collection and analytical procedures are described.

A. Antidegradation Policy

1. State policy is that all waters of the state, including interstate, intrastate, and coastal waters, and any portions thereof, whose existing quality exceeds the specifications of the approved water quality standards or otherwise supports an unusual abundance and diversity of fish and wildlife resources, such as waters of national and state parks and refuges, will be maintained at their existing high quality. The state may choose to allow lower water quality in waters that exceed the standards to accommodate justifiable economic and/or social development in the areas in which the waters are located, but not to the extent of violating the established water quality standards. Appropriate use attainability analyses will be required before any lowering of water quality will be allowed. No such changes, however, will be allowed if they interfere with or become injurious to the existing water uses. No lowering of water quality will be allowed in waters where standards for the designated water uses are not currently being attained.

2. The administrative authority will not approve any wastewater discharge or certify any activity for federal permit that would impair water quality or use of state waters.

Waste discharges must comply with applicable state and federal laws for the attainment of water quality goals. Any new, existing, or expanded point source or nonpoint source discharging into state waters, including any land clearing which is the subject of a federal permit application, will be required to provide the necessary level of waste treatment to protect state waters as determined by the administrative authority. Further, the highest statutory and regulatory requirements shall be achieved for all existing point sources and best management practices (BMPs) for nonpoint sources. Additionally, no degradation shall be allowed in high-quality waters that constitute outstanding natural resources, such as waters in the Louisiana Natural and Scenic Rivers System or waters of ecological significance as designated by the office. Those water bodies presently designated as outstanding natural resources are listed in LAC 33:IX.1123.

3. An implementation plan for this antidegradation policy is provided in LAC 33:IX.1119.

B. Water Use

1. It is the policy of the state of Louisiana that all state waters should be protected for recreational uses and for the preservation and propagation of desirable species of aquatic biota and indigenous species of wildlife. Use and value of water for public water supplies, agriculture, industry, and other purposes, as well as navigation, shall also be considered in setting standards. The most stringent criteria specified for each parameter shall be applicable where waters are classified for multiple uses.

2. In applying this policy, the terms "recreational uses" and "desirable species of aquatic biota" will be given common sense applications. Recreational uses will be classified as either "primary contact" or "secondary contact." "Desirable species of aquatic biota" refers to a diverse and naturally occurring range of aquatic biota and not to species that exist in the area in question in disproportionate numbers as a result of wastewater discharges. Desirable species of fish, shellfish and other invertebrates, wildlife, and other aquatic biota will be specified as "fresh warmwater" or "marine water" species. All future designations of water uses and their associated criteria must, at a minimum, adhere to these classifications, except as provided in LAC 33:IX.1109.B.3 and C.

3. Designated uses which are not existing uses may be removed from water bodies if it is demonstrated through a use attainability analysis and the administrative authority determines that the designated use is not feasible because of one or more of the following reasons:

a. naturally occurring pollutant concentrations prevent the attainment of the use;

b. natural, ephemeral, intermittent, or low flow conditions or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating water conservation requirements to enable uses to be met;

c. human caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place;

d. dams, diversions, or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that would result in the attainment of the use;

e. physical conditions related to the natural features of the water body, unrelated to water quality, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, preclude attainment of aquatic life protection uses; or

f. controls more stringent than those required by sections 301(b) and 306 of the Clean Water Act would result in substantial and widespread economic and social impact.

C. Water Body Exception Categories. Poor water quality will be viewed as a problem to be solved, not as an impediment to categorizing water bodies or assigning designated uses. However, some water bodies, because of natural water quality or physical limitations, may qualify for an excepted use classification. This classification will be made on a case-by-case basis. Whenever data indicate that an excepted classification is warranted, the office will recommend the exception to the state administrative authority for approval. In all cases where exceptions are proposed, the concurrence of the regional administrator of the EPA must be obtained and the opportunity for public participation must be provided during the exceptions review process. In most cases, the proposed exception will be considered during the public participation process along with a permit application or management plan update. Exceptions are allowed for the following three categories of water bodies: certain intermittent streams, man-made water bodies, and naturally dystrophic waters. Applications for excepted water use classifications may be considered for certain water bodies which satisfy one of the following descriptions.

1. Intermittent Streams

a. Only those streams which have seasonal no-flow conditions or water levels that preclude primary contact recreation and the propagation of desirable species of fish and wildlife will be considered for classification as intermittent. The general criteria of these standards shall apply to all water bodies classified as intermittent streams except where a particular stream is specifically exempted.

b. An intermittent stream is defined as a water body in which natural conditions of flow, width, and depth preclude primary contact recreational water uses and the propagation of a balanced population of aquatic biota. Because of one or more of these conditions, such streams provide only an ephemeral, aquatic habitat which is not conducive to the establishment of a balanced population of aquatic biota or to recreational activities. This definition does not include those water bodies that contain enduring

pools which support recreational uses and desirable species of aquatic biota, or water bodies which are subject to tidal effects and may contain standing water with no flow during periods of slack tide.

c. For a stream to be considered for classification as intermittent, the stream must lack sufficient drainage area to maintain a perennial flow. The no-flow condition must be natural and not a result of human activities. The no-flow condition of intermittent streams is generally characterized by dry stream reaches and shallow isolated pools during summer dry weather conditions; however, the water body may exhibit flow or contain deeper pools for short periods after rainfall.

d. No stream may be classified as intermittent without the approval of both the administrative authority and the EPA. A use attainability analysis may be conducted to gather additional water body characterization data necessary to justify an intermittent stream classification. If such a classification is justified, seasonal uses and criteria may be established.

e. A wastewater discharge may be proposed into an approved, designated intermittent stream only if the discharge will not by itself or in conjunction with other discharges cause impairment of the applicable designated uses nor cause exceedance of any applicable general and site-specific criteria in the receiving water body, as determined in the exception approval process, nor cause exceedance of any applicable general and site-specific criteria in LAC 33:IX.1113 and 1123 in any water body which receives water from the intermittent stream.

2. Man-made Water Bodies

a. A man-made water body is defined as a ditch, canal or channelized stream created specifically and used primarily for drainage or conveyance of water. Some natural streams have been channelized to such an extent that conveyance of water is the principal use, usually precluding reasonable primary contact recreation and balanced fish and wildlife propagation. Such natural, channelized streams may be considered for classification as man-made water bodies. The general criteria provided in LAC 33:IX.1113.B shall apply to all water bodies classified as man-made water bodies except where a particular water body is specifically exempted.

b. For a water body to be considered for this excepted water use classification, its principal use must be drainage or conveyance of water. In addition, the water body must not be used as a source of public water supply. Some man-made water bodies that produce new aquatic habitat and subsequently are populated by desirable aquatic species and/or that have some water contact recreational use may, on a case-by-case basis, be considered under this policy. However, the physical characteristics of man-made water bodies that may fall under this exception are not conducive to the establishment of a balanced population of aquatic biota or to the full support of recreational activities.

c. No stream may be classified as man-made without the approval of both the administrative authority and the EPA. A use attainability analysis may be conducted to gather data to justify a man-made water body classification. If the man-made classification is justified, revised water quality criteria and uses, if applicable, will be established.

d. A wastewater discharge may be proposed into an approved, designated man-made water body only if the discharge will not by itself or in conjunction with other discharges cause impairment of the applicable designated uses nor cause exceedance of any applicable general and site-specific criteria in the receiving water body, as determined in the exception approval process, nor cause exceedance of any applicable general and site-specific criteria in LAC 33:IX.1113 and 1123 in any water body which receives water from the man-made water body.

3. Naturally Dystrophic Waters

a. Naturally dystrophic waters are defined as waters which receive large amounts of natural organic material largely of terrestrial plant origin, are commonly stained by the decomposition of such organic material, and are low in dissolved oxygen because of natural conditions. Only those water bodies primarily affected by natural sources of oxygen-demanding substances or naturally occurring cycles of oxygen depletion will be considered for classification as naturally dystrophic waters. These water bodies typically include or are surrounded by wetlands (such as bottomland hardwood forests, freshwater swamps and marshes, or intermediate, brackish, or saline marshes) and have sluggish, low-gradient flows most of the year. Naturally dystrophic water bodies, though seasonally deficient in dissolved oxygen, may fully support fish and wildlife propagation and other water uses. Low dissolved oxygen concentrations (less than 5 mg/l) may occur seasonally during the warmer months of the year in naturally dystrophic water bodies.

b. No water body may be classified as naturally dystrophic without the approval of both the administrative authority and the EPA. A use attainability analysis may be conducted to gather data to document the characteristics of a naturally dystrophic water body. Modified dissolved oxygen criteria and/or seasonal periods may be applicable if supported by the use attainability analysis. Applicable general and numerical criteria not specifically excepted shall remain applicable to designated naturally dystrophic water bodies.

c. A wastewater discharge may be proposed into an approved, designated naturally dystrophic water body only if the discharge will not by itself or in conjunction with other discharges cause impairment of the applicable designated uses nor cause exceedance of any applicable general and site-specific criteria in the receiving water body, as determined in the exception approval process, nor cause exceedance of any applicable general and site-specific criteria in LAC 33:IX.1113 and 1123 in any water body which receives water from the naturally dystrophic water body.

d. A wastewater discharge may be proposed for an approved, designated naturally dystrophic water body in a wetland only if the discharge will not by itself, or in conjunction with other discharges, cause inundation of the receiving area such that regeneration of characteristic vegetative species would be significantly reduced, will not significantly modify species composition of the receiving area, and will not increase biological succession of the receiving area above naturally occurring levels. Natural background conditions and significant changes will be determined through use attainability analyses.

D. Compliance Schedules and Variances

1. Upon permit issuance, modification, or renewal, compliance schedules may be incorporated into a permit to allow a permittee adequate time to make treatment facility modifications necessary to comply with water quality-based permit limitations determined to be necessary to implement new or revised water quality standards. Compliance shall be achieved at the earliest practicable time. The office will establish interim conditions which may consist of, but are not limited to, compliance schedules, monitoring requirements, temporary limits, and milestone dates so as to measure progress toward final project completion (e.g., design completion, construction start, construction completion, date of compliance).

2. A variance from statewide criteria may be allowed in certain cases where the appropriateness of the criteria is questionable. The variance provides a period of time during which issues concerning the appropriateness of the criteria may be resolved. A variance shall be valid for no more than three years. Any person may request that the office grant a variance. A variance may be granted only after appropriate public participation and EPA review and approval. Variances from criteria will be allowed for anticipated nonattainment of water quality standards due to one or more of the reasons listed in LAC 33:IX.1109.B.3. Other reasons for approval of a variance may be considered on a case-by-case basis.

E. Short-term Activity Authorization. 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. No short-term activity authorization shall supersede any applicable state or federal law or regulation including permitting process or the terms or conditions of any permit.

F. Errors. Errors resulting from inadequate or erroneous data and human or clerical errors will be subject to correction by the state, and the discovery of such errors does not render the remaining or unaffected standards invalid.

G. Severability. If any provisions of these standards or the application of any provision of these standards to any person or circumstance is held invalid, the application of such provision to other persons or circumstances and the remainder of the standards shall not be affected thereby.

H. Water Quality Standards Revision Process

1. It is the position of the state of Louisiana that the standards contained herein are those that are reasonable on the basis of the actual or potential quality of the state's waters, present and future water uses, and the best practicable wastewater treatment under any conditions. However, standards are not fixed for all time, but are subject to future revision. The nature of future revisions of these standards will be strongly influenced by many factors. Among these are the following.

a. As a downstream or bordering state in all cases involving interstate streams, Louisiana's standards will be affected by the quality of water received from its upstream and neighboring states.

b. Because it is the state farthest downstream, Louisiana's water quality will be affected by mean low flows when interstate rivers and tributaries become subject to flow regulation and diversion projects.

c. Changes in technology or natural conditions, or the availability of new data, may require a revision of numerical criteria at any time. Such revisions, however, will be accomplished only after proper consideration of designated water uses. Any proposed revision will be consistent with state and federal regulations.

d. Advances in scientific knowledge concerning the toxicity, cancer potency, metabolism, or exposure pathways of toxic pollutants that affect the assumptions on which existing criteria are based may necessitate a revision of numerical criteria at any time. Such revisions, however, will be accomplished only after proper consideration of designated water uses. Any proposed revision will be consistent with state and federal regulations.

2. The state shall hold public hearings at least once every three years to review applicable water quality standards and, as appropriate, modify and adopt standards. The revised standards will be reviewed in accordance with the state Administrative Procedure Act (R.S. 49:950 et seq.) and appropriate EPA procedures.

I. Sample Collection and Analytical Procedures. Procedures for collecting and analyzing samples to be used to determine whether the standards have been attained shall be subject to the following requirements as well as those specified in the office's Quality Assurance (QA) Plan for water monitoring and analysis.

1. Samples will be obtained at a depth or depths representative of the average water quality at the sampling station in question.

2. Samples will be collected from sampling locations as necessary to assess attainment of standards.

3. Collection and preservation of samples will be in accordance with accepted practices as specified in the office's QA Plan.

4. Numerical values of the various parameters will typically be determined by analytical procedures as specified in the QA Plan.

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§1111. Water Use Designations

There are seven water uses designated for surface waters in Louisiana: primary contact recreation, secondary contact recreation, fish and wildlife propagation, drinking water supply, oyster propagation, agriculture, and outstanding natural resource waters. Designated uses assigned to each subsegment apply to all water bodies (listed water body and tributaries/distributaries of the listed water body) contained in that subsegment unless unique chemical, physical, and/or biological conditions preclude such uses. However, the designated uses of drinking water supply, oyster propagation, and/or outstanding natural resource waters apply only to the water bodies specifically named in Table 3 (LAC 33:IX.1123) and not to any tributaries and distributaries to such water body which are typically contained in separate subsegments. A description of each designated use follows.

A. Primary Contact Recreation. Primary contact recreation is defined as any recreational or other water use in which there is prolonged and intimate body contact with the water involving considerable risk of absorbing waterborne constituents through the skin or of ingesting constituents from water in quantities sufficient to pose a significant health hazard. Examples of this type of water use include swimming, water skiing, and skindiving.

B. Secondary Contact Recreation. Secondary contact recreation is defined as any recreational or other water use in which body contact with the water is either incidental or accidental, and in which the probability of ingesting appreciable quantities of water is minimal. Such water uses include fishing, wading, commercial or recreational boating, and any limited contact incident to shoreline activity.

C. Fish and Wildlife Propagation. Fish and wildlife propagation includes the use of water for aquatic habitat, food, resting, reproduction, cover, and/or travel corridors for any indigenous wildlife and aquatic life species associated with the aquatic environment. This use also includes the maintenance of water quality at a level that prevents damage to indigenous wildlife and aquatic life species associated with the aquatic environment and contamination of aquatic biota consumed by humans. The subcategory of "limited aquatic life and wildlife use" recognizes the natural variability of aquatic habitats, community requirements, and local environmental conditions. Limited aquatic life and wildlife use may be designated for water bodies having habitat that is uniform in structure and morphology with most of the regionally expected aquatic species absent, low species diversity and richness, and/or a severely imbalanced trophic structure. Aquatic life able to survive and/or propagate in such water bodies include species tolerant of severe or variable environmental conditions. Water bodies that might qualify for the limited aquatic life and wildlife use subcategory include intermittent streams and man-made water bodies with characteristics including, but not limited to, irreversible hydrologic modification, anthropogenically and irreversibly degraded water quality, uniform channel morphology, lack of channel structure, uniform substrate, lack of riparian structure, and similar characteristics making the available habitat for aquatic life and wildlife suboptimal. Limited aquatic life and wildlife use will be denoted in Table 3 (LAC 33:IX.1123) as an “L.”

D. Drinking Water Supply. Drinking water supply refers to the use of water for human consumption and general household use (See definition in LAC 33:IX.1105.) Surface waters designated as drinking water supplies are identified in the numerical criteria tables; this designation does not apply to their tributaries or distributaries unless so specified.

E. Oyster Propagation. Oyster propagation is the use of water to maintain biological systems that support economically important species of oysters, clams, mussels, or other mollusks so that their productivity is preserved and the health of human consumers of these species is protected. This use shall apply only to those water bodies named in the Numerical Criteria and Designated Uses Table and not to their tributaries or distributaries unless so specified.

F. Agriculture. Agriculture involves the use of water for crop spraying, irrigation, livestock watering, poultry operations, and other farm purposes not related to human consumption.

G. Outstanding Natural Resource Waters. Outstanding natural resource waters include water bodies designated for preservation, protection, reclamation, or enhancement of wilderness, aesthetic qualities, and ecological regimes, such as those designated under the Louisiana Natural and Scenic Rivers System or those designated by the office as waters of ecological significance. Characteristics of outstanding natural resource waters include, but are not limited to, highly diverse or unique instream and/or riparian habitat, high species diversity, balanced trophic structure, unique species, or similar qualities. This use designation applies only to the water bodies specifically identified in Table 3 (LAC 33:IX.1123) and not to their tributaries or distributaries unless so specified.

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HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2401 (December 1999).

§1113. Criteria

A. Introduction

1. Criteria are elements of the water quality which set general and numerical limitations on the permissible amounts of a substance or other characteristics of state waters. General and numerical criteria are established to promote restoration, maintenance, and protection of state waters. Water quality criteria describe stream uses. A criterion for a substance represents the permissible levels for that substance at which water quality will remain sufficient to support a designated use.

2. Quality criteria for the waters of Louisiana are based on their present and potential uses and the existing water quality indicated by data accumulated through monitoring programs of the office and other state and federal agencies as well as universities and private sources. In some cases, available water quality and flow data are not adequate to establish criteria. Criteria in these cases are established on the basis of the best information available from waterbodies which are similar in hydrology, water quality, and physical configuration.

3. General and numerical water quality criteria may be modified to take into account site-specific, local conditions. Whenever data acquired from the sources named in '1113.A.2 or other sources indicate that criteria should be modified, the office will develop and recommend revised site-specific criteria. The revised criteria will be submitted to the EPA for approval and promulgated in accordance with established procedures including, but not limited to, those in the Louisiana Administrative Procedure Act, R.S. 49:950, et seq.

B. General Criteria. Except where specifically exempted elsewhere in these standards, the general criteria shall apply at all times to the surface waters of the state, including wetlands, whether they are identified in the standards or not. General criteria specifically apply to human activities; they do not apply to naturally occurring conditions.

1. Aesthetics. The waters of the state shall be maintained in an aesthetically attractive condition and shall meet the generally accepted aesthetic qualifications. All waters shall be free from such concentrations of substances attributable to wastewater or other discharges sufficient to:

a. settle to form objectionable deposits;

b. float as debris, scum, oil, or other matter to form nuisances or to negatively impact the aesthetics;

c. result in objectionable color, odor, taste, or turbidity;

d. injure, be toxic, or produce demonstrated adverse physiological or behavioral responses in humans, animals, fish, shellfish, wildlife, or plants; or

e. produce undesirable or nuisance aquatic life.

2. Color. Water color shall not be increased to the extent that it will interfere with present usage or projected future use of the state's waterbodies.

a. Waters shall be free from significant increases over natural background color levels.

b. A source of drinking water supply shall not exceed 75 color units on the platinum-cobalt scale.

c. No increases in true or apparent color shall reduce the level of light penetration below that required by desirable indigenous species of aquatic life.

3. Floating, Suspended, and Settleable Solids. There shall be no substances present in concentrations sufficient to produce distinctly visible solids or scum, nor shall there be any formation of long-term bottom deposits of slimes or sludge banks attributable to waste discharges from municipal, industrial, or other sources including agricultural practices, mining, dredging, and the exploration for and production of oil and natural gas. The administrative authority may exempt certain short-term activities permitted under Sections 402 or 404 and certified under Section 401 of the Clean Water Act, such as maintenance dredging of navigable waterways or other short-term activities determined by the state as necessary to accommodate legitimate uses or emergencies or to protect the public health and welfare.

4. Taste and Odor. Taste- and odor- producing substances in the waters of the state shall be limited to concentrations that will not interfere with the production of potable water by conventional water treatment methods or impart unpalatable flavor to food fish, shellfish, and wildlife, or result in offensive odors arising from the waters, or otherwise interfere with the designated water uses.

5. Toxic Substances. No substances shall be present in the waters of the state or the sediments underlying said waters in quantities that alone or in combination will be toxic to human, plant, or animal life or significantly increase health risks due to exposure to the substances or consumption of contaminated fish or other aquatic life. The numerical criteria (LAC 33:IX.1113.C.6) specify allowable concentrations in water for several individual toxic substances to provide protection from the toxic effects of these substances. Requirements for the protection from the toxic effects of other toxic substances not included in the numerical criteria and required under the general criteria are described in LAC 33:IX.1121.

6. Oil and Grease. Free or floating oil or grease shall not be present in quantities large enough to interfere with the designated water uses, nor shall emulsified oils be present in quantities large enough to interfere with the designated uses.

7. Foaming or Frothing Materials. Foaming or frothing materials of a persistent nature are not permitted.

8. Nutrients. The naturally occurring range of nitrogen-phosphorous ratios shall be maintained. This range shall not apply to designated intermittent streams. To establish the appropriate range of ratios and compensate for natural seasonal fluctuations, the administrative authority will use site-specific studies to establish limits for nutrients. Nutrient concentrations that produce aquatic growth to the extent that it creates a public nuisance or interferes with

designated water uses shall not be added to any surface waters.

9. Turbidity

a. Turbidity other than that of natural origin shall not cause substantial visual contrast with the natural appearance of the waters of the state or impair any designated water use. Turbidity shall not significantly exceed background; background is defined as the natural condition of the water. Determination of background will be on a case-by-case basis.

b. As a guideline, maximum turbidity levels, expressed as nephelometric turbidity units (NTU), are established and shall apply for the following named waterbodies and major aquatic habitat types of the state:

i. Red, Mermentau, Atchafalaya, Mississippi, and Vermilion Rivers and Bayou Teche - 150 NTU;

ii. estuarine lakes, bays, bayous, and canals - 50 NTU;

iii. Amite, Pearl, Ouachita, Sabine, Calcasieu, Tangipahoa, Tickfaw, and Tchefuncte rivers - 50 NTU;

iv. freshwater lakes, reservoirs, and oxbows - 25 NTU;

v. designated scenic streams and outstanding natural resource waters not specifically listed in Subsection B.9.b.i-iv of this Section - 25 NTU; and

vi. for other state waters not included in Subsection B.9.b.i-v of this Section, and in waterbody segments where natural background turbidity exceeds the values specified in these clauses, turbidity in NTU caused by any discharges shall be restricted to the appropriate background value plus 10 percent. This shall not apply to designated intermittent streams.

c. The administrative authority may exempt for short periods certain activities permitted under Sections 402 or 404 and certified under Section 401 of the Clean Water Act, such as maintenance dredging of navigable waterways or other short-term activities that the state determines are necessary to accommodate legitimate uses or emergencies or to protect the public health and welfare.

10. Flow. The natural flow of state waters shall not be altered to such an extent that the basic character and water quality of the ecosystem are adversely affected except in situations where alterations are necessary to protect human life or property. If alterations to the natural flow are deemed necessary, all reasonable steps shall be taken to minimize the adverse impacts of such alterations. Additionally, all reasonable steps shall be taken to mitigate the adverse impacts of unavoidable alterations.

11. Radioactive Materials. Radioactive materials in the surface waters of the state designated for drinking water supply use shall not exceed levels established pursuant to the Federal Safe Drinking Water Act (P.L. 93-523 et Seq.).

12. Biological and Aquatic Community Integrity. The biological and community structure and function in state waters shall be maintained, protected, and restored except where not attainable and feasible as defined in LAC 33:IX.1109.B.3. This is the ideal condition of the aquatic community inhabiting the unimpaired water bodies of a specified habitat and region as measured by community structure and function. The biological integrity will be guided by the fish and wildlife propagation use designated for that particular water body. Fish and wildlife propagation uses are defined in LAC 33:IX.1111.C. The condition of these aquatic communities shall be determined from the measures of physical, chemical, and biological characteristics of each surface water body type, according to its designated use (LAC 33:IX.1123). Reference site conditions will represent naturally attainable conditions. These sites should be the least impacted and most representative of water body types. Such reference sites or segments of water bodies shall be those observed to support the greatest variety and abundance of aquatic life in the region as is expected to be or has been recorded during past surveys in natural settings essentially undisturbed by human impacts, development, or discharges. This condition shall be determined by consistent sampling and reliable measures of selected, indicative communities of animals and/or invertebrates as established by the office and may be used in conjunction with acceptable chemical, physical, and microbial water quality measurements and records as deemed for this purpose.

13. Other Substances and Characteristics. General criteria on other substances and characteristics not specified in ' 1113.B will be developed as needed.

C. Numerical Criteria. Numerical criteria identified in Table 3 apply to the specified water bodies, and to their tributaries, distributaries, and interconnected streams and water bodies contained in the water management subsegment if they are not specifically named therein, unless unique chemical, physical, and/or biological conditions preclude the attainment of the criteria. In those cases, natural background levels of these conditions may be used to establish site-specific water quality criteria. Those water bodies officially approved and designated by the state and EPA as intermittent streams, man-made water bodies, or naturally dystrophic waters may be excluded from some or all numerical criteria as stated in LAC 33:IX.1109. Although naturally occurring variations in water quality may exceed criteria, water quality conditions attributed to human activities must not exceed criteria when flows are greater than or at critical conditions (as defined in LAC 33:IX.1115.C).

1. pH. The pH shall fall within the range of 6.0 to 9.0 unless natural conditions exceed this range or where otherwise specified in the table (LAC 33:IX.1123). No discharge of wastes shall cause the pH of a water body to vary by more than one pH unit within the specified pH range for the subsegment where the discharge occurs.

2. Chlorides, Sulfates, and Total Dissolved Solids. Numerical criteria for these parameters generally represent

the arithmetic mean of existing data from the nearest sampling location plus three standard deviations. For estuarine and coastal marine waters subsegments in Table 3 that have no listed criteria (i.e., designated N/A), criteria will be established on a case-by-case basis using field determination of ambient conditions and the designated uses. For water bodies not specifically listed in the Numerical Criteria and Designated Table, increases over background levels of chlorides, sulfates, and total dissolved solids may be permitted. Such increases will be permitted at the discretion of the office on a case-by-case basis and shall not cause in-stream concentrations to exceed 250, 250, and 500 mg/L for chlorides, sulfates, and total dissolved solids, respectively, except where a use attainability analysis indicates that higher levels will not affect the designated uses. In permitting such increases, the office shall consider their potential effects on resident biota and downstream water bodies in addition to the background conditions. Under no circumstances shall an allowed increase over background conditions cause any numerical criteria to be exceeded in any listed water body or any other general or numerical criteria to be exceeded in either listed or unlisted water bodies.

3. Dissolved Oxygen. The following dissolved oxygen (DO) values represent minimum criteria for the type of water specified. Naturally occurring variations below the criterion specified may occur for short periods. These variations reflect such natural phenomena as the reduction in photosynthetic activity and oxygen production by plants during hours of darkness. However, no waste discharge or human activity shall lower the DO concentration below the specified minimum. These DO criteria are designed to protect indigenous wildlife and aquatic life species associated with the aquatic environment and shall apply except in those water bodies that qualify for an excepted water use as specified in LAC 33:IX.1109.C or where exempted or excluded elsewhere in these standards. DO criteria for specific state water bodies are contained in LAC 33:IX.1123.

a. Fresh Water. For a diversified population of fresh warmwater biota including sport fish, the DO concentration shall be at or above 5 mg/L. Fresh warmwater biota is defined in LAC 33:IX.1105.

b. Estuarine Waters. Dissolved oxygen concentrations in estuarine waters shall not be less than 4 mg/L at any time.

c. Coastal Marine Waters (Including Nearshore Gulf of Mexico). Dissolved oxygen concentrations in coastal waters shall not be less than 5 mg/L, except when upwellings and other natural phenomena cause this value to be lower.

4. Temperature

a. The temperature criteria enumerated in the tables in most cases represent maximum values obtained from existing data. In a few cases, however, a limited number of unusually high temperatures in the range of 35° to 36°C (95-97°F) have been deleted because these values are believed to have been recorded during conditions of unseasonably high temperatures and/or unusually low flows or water levels and therefore do not represent normal maximum temperatures.

b. The criterion consists of two parts, a temperature differential and a maximum temperature. The temperature differential represents the maximum permissible increase above ambient conditions after mixing. No additional process heat shall be added once the ambient temperature reaches the maximum temperature specified in the standards, except under natural conditions such as unusually hot, dry weather, as provided for in LAC 33:IX.1113.C.4.b.i-ii.

i. Fresh Water. The following temperature standards apply to fresh water:

(a). maximum of 2.8^{o}C (5°F) rise above ambient for streams and rivers;

(b). maximum of 1.7^{o}C (3°F) rise above ambient for lakes and reservoirs; and

(c). maximum temperature of 32.2^{o}C (90°F), except where otherwise listed in the tables. Maximum temperature may be varied on a case-by-case basis to allow for the effects of natural conditions such as unusually hot and/or dry weather.

ii. Estuarine and Coastal Waters. The following temperature standards apply to estuarine and coastal waters:

(a). maximum of 2.2^{o}C (4°F) rise above ambient from October through May;

(b). maximum of 1.1^{o}C (2°F) rise above ambient from June through September; and

(c). maximum temperature of 35°C (95°F), except when natural conditions elevate temperature above this level.

c. These temperature criteria shall not apply to privately owned reservoirs or to reservoirs constructed solely for industrial cooling purposes.

5. Bacteria

a. The applicability of bacterial criteria to a particular stream segment depends upon the use designation of that individual stream segment. Limitations are placed on either the most probable number (MPN) fecal or total coliform concentration, or on a combination of both in order to achieve the stream sanitary quality required for the most restrictive designated use classification.

b. The tables in this document listing applicable criteria for each individual Louisiana stream segment designate one of the following four criteria as applicable according to present and/or anticipated water usage of the segment.

i. Primary Contact Recreation. Based on a minimum of not less than five samples taken over not more than a 30-day period, the fecal coliform content shall not exceed a log mean of 200/100 mL, nor shall more than

10 percent of the total samples during any 30-day period or 25 percent of the total samples collected annually exceed 400/100 mL. These primary contact recreation criteria shall apply only during the defined recreational period of May 1 through October 31. During the nonrecreational period of November 1 through April 30, the criteria for secondary contact recreation shall apply.

ii. Secondary Contact Recreation. Based on a minimum of not less than five samples taken over not more than a 30-day period, the fecal coliform content shall not exceed a log mean of 1,000/100 mL, nor shall more than 10 percent of the total samples during any 30-day period or 25 percent of the total samples collected annually exceed 2,000/100 mL.

iii. Drinking Water Supply. The monthly arithmetic mean of total coliform most probable number (MPN) shall not exceed 10,000/100 mL, nor shall the monthly arithmetic mean of fecal coliforms exceed 2,000/100 mL.

iv. Oyster Propagation. The fecal coliform median MPN shall not exceed 14 fecal coliforms per 100 mL, and not more than 10 percent of the samples shall exceed an MPN of 43 per 100 mL for a five-tube decimal dilution test in those portions of the area most probably exposed to fecal contamination during the most unfavorable hydrographic and pollution conditions.

6. Toxic Substances. Numerical criteria for specific toxic substances are listed in Table 1.

a. Numerical criteria for specific toxic substances are mostly derived from the following publications of the Environmental Protection Agency: Water Quality Criteria, 1972 (commonly referred to as the "Blue Book"; Quality Criteria for Water, 1976 (commonly referred to as the "Red Book"; Ambient Water Quality Criteria, 1980 (EPA 440/5-80); Ambient Water Quality Criteria, 1984 (EPA 440/5-84-85); and Quality Criteria for Water, 1986 - with updates (commonly referred to as the "Gold Book"). Natural background conditions, however, are also considered. These toxic substances are selected for criteria development because of their known or suspected occurrence in Louisiana waters and potential threat to attainment of designated water uses.

b. The criteria for protection of aquatic life are based on acute and chronic concentrations in fresh and marine waters as specified in the EPA criteria documents and are developed primarily for attainment of the fish and wildlife propagation use. Where a specific numerical criterion is not derived in EPA criteria documents, a criterion is developed by applying an appropriate application factor for acute and chronic effects to the lowest LC50 value for a representative Louisiana species.

c. Criteria for human health are derived using EPA guidelines, procedures, and equations for water bodies used as drinking water supplies and those not used as drinking water supplies. Criteria applied to water bodies designated as drinking water supplies are developed to protect that water supply for human consumption, including protection against taste and odor effects, to protect it for primary and secondary contact recreation, and to prevent contamination of fish and aquatic life consumed by humans. Criteria for water bodies not designated as drinking water supplies are developed to protect them for primary and secondary contact recreation and to prevent contamination of fish and aquatic life consumed by humans. In some cases, the maximum contaminant levels (MCLs) from the National Drinking Water Regulations, when more restrictive, are used as the criteria. For those toxic substances that are suspected or proven carcinogens, an incremental cancer risk level of 10^{-6} (1 in 1,000,000) is used in deriving criteria, with the exception of 2,3,7,8-Tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD) and hexachlorocyclohexane (lindane, gamma BHC), in which case 10^{-5} (1 in 100,000) is used to derive the criteria.

d. Metals criteria are based on dissolved metals concentrations in ambient waters. Hardness values are averaged from two-year data compilations contained in the latest Louisiana Water Quality Data Summary or other comparable data compilations or reports.

e. For purposes of criteria assessment, the most stringent criteria for each toxic substance will apply. For determination of criteria attainment in ambient water where the criteria are below the detection limit, then no detectable concentrations will be allowed. However, for dilution calculations or water quality modeling used to develop total maximum daily load and wasteload allocations, the assigned criteria, even if below the detection limit, will be used.

f. The use of clean or ultra-clean techniques may be required to definitively assess ambient levels of some pollutants (e.g., EPA method 1669 for metals) or to assess such pollutants when numeric or narrative water quality standards are not being attained. Clean and ultra-clean techniques are defined in LAC 33:IX.1105.

Table 1

Numerical Criteria for Specific Toxic Substances

(In micrograms per liter (mg/L) or parts per billion (ppb) unless designated otherwise)

Toxic Substance	Aquatic Life Protection				Human Health Protection	
	Freshwater		Marine Water			
	Acute	Chronic	Acute	Chronic	Drinking Water Supply[1]	Non-Drinking Water Supply[2]
Pesticides and PCB's						
Aldrin	3.00	--	1.300	--	0.04 ng/l	0.04 ng/l[3]
Chlordane	2.40	0.0043	0.090	0.0040	0.19 ng/l	0.19 ng/l
DDT	1.10	0.0010	0.130	0.0010	0.19 ng/l	0.19 ng/l
TDE (DDD)	0.03	0.0060	1.250	0.2500	0.27 ng/l	0.27 ng/l
DDE	52.5	10.5000	0.700	0.1400	0.19 ng/l	0.19 ng/l
Dieldrin	0.2374	0.0557	0.710	0.0019	0.05 ng/l	0.05 ng/l
Endosulfan	0.22	0.0560	0.034	0.0087	0.47	0.64
Endrin	0.0864	0.0375	0.037	0.0023	0.26	0.26
Heptachlor	0.52	0.0038	0.053	0.0036	0.07 ng/l	0.07 ng/l
Hexachlorocyclohexane (gamma BHC, Lindane)	5.30	0.21	0.160	--	0.11	0.20
Polychlorinated Biphenyls, Total (PCB's)	2.00	0.0140	10.000	0.0300	0.01 ng/l	0.01 ng/l
Toxaphene	0.73	0.0002	0.210	0.0002	0.24 ng/l	0.24 ng/l
2,4-Dichlorophenoxyacetic acid (2,4-D)	--	--	--	--	100.00	--
2-(2,4,5-Trichlorophenoxy) propionic acid (2,4,5-TP;Silvex)	--	--	--	--	10.00	--
Volatile Organic Chemicals						
Benzene	2,249	1,125	2,700	1,350	1.1	12.5
Carbon Tetrachloride (Tetrachloromethane)	2,730	1,365	15,000	7,500	0.22	1.2
Chloroform (Trichloromethane)	2,890	1,445	8,150	4,075	5.3	70
Ethylbenzene	3,200	1,600	8,760	4,380	2.39 mg/l	8.1 mg/l[4]
1,2-Dichloroethane (EDC)	11,800	5,900	11,300	5,650	0.36	6.8
1,1,1-Trichloroethane	5,280	2,640	3,120	1,560	200.0	--
1,1,2-Trichloroethane	1,800	900	--	--	0.56	6.9
1,1,2,2-Tetrachloroethane	932	466	902	451	0.16	1.8
1,1-Dichloroethylene	1,160	580	22,400	11,200	0.05	0.58
Trichloroethylene	3,900	1,950	200	100	2.8	21
Tetrachloroethylene	1,290	645	1,020	510	0.65	2.5
Toluene	1,270	635	950	475	6.1 mg/l	46.2 mg/l
Vinyl Chloride (Chloroethylene)	--	--	--	--	1.9	35.8
Bromoform (Tribromomethane)	2,930	1,465	1,790	895	3.9	34.7
Bromodichloromethane	--	--	--	--	0.2	3.3
Acid - Extractable Organic Chemicals						
Methylene chloride (Dichloromethane)	19,300	9,650	25,600	12,800	4.4	87
Methyl chloride (Chloromethane)	55,000	27,500	27,000	13,500	--	--
Dibromochloromethane	--	--	--	--	0.39	5.08
1,-3-Dichloropropene	606	303	79	39.5	9.86	162.79
2-Chlorophenol	258	129	--	--	0.10	126.4
3-Chlorophenol	--	--	--	--	0.10	--
4-Chlorophenol	383	192	535	268	0.10	--

Table 1

Numerical Criteria for Specific Toxic Substances

(In micrograms per liter (mg/L) or parts per billion (ppb) unless designated otherwise)

Toxic Substance	Aquatic Life Protection				Human Health Protection	
	Freshwater		Marine Water			
	Acute	Chronic	Acute	Chronic	Drinking Water Supply[1]	Non-Drinking Water Supply[2]
2,3-Dichlorophenol	--	--	--	--	0.04	--
2,4-Dichlorophenol	202	101	--	--	0.30	232.6
2,5-Dichlorophenol	--	--	--	--	0.50	--
2,6-Dichlorophenol	--	--	--	--	0.20	--
3,4-Dichlorophenol	--	--	--	--	0.30	--
Phenol (Total)[5]	700	350	580	290	5.00	50.0
Base/Neutral Extractable Organic Chemicals						
Benzidine	250	125	--	--	0.08 ng/l	0.17 ng/l
Hexachlorobenzene	--	--	--	--	0.25 ng/l	0.25 ng/l
Hexachlorobutadiene[6]	5.1	1.02	1.6	0.32	0.09	0.11
Other Organics						
2,3,7,8-Tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD)[9]	--	--	--	--	0.71 ppq[8]	0.72 ppq
Metals and Inorganics						
Arsenic	339.8	150	69.00	36.00	50.0	--
Chromium III (Tri)[7,8]	310	103	515.00	103.00	50.0	--
	537	181				
	980	318				
Chromium VI (Hex)	16	11	1.10 mg/L	50.00	50.0	--
Zinc[7,8]	64	58	90	81	5.0 mg/L	--
	117	108				
	205	187				
Cadmium[7,8]	15	0.62	45.35	10.00	10.0	--
	32	1.03				
	67	1.76				
Copper[7,8]	10	7	3.63	3.63	1.0 mg/L	--
	18	12				
	35	22				
Lead[7,8]	30	1.2	209	8.08	50.0	--
	65	2.5				
	138	5.31				
Mercury[8]	2.04	0.012[11]	2	0.025[11]	2.0	--
Nickel[7,8]	788	88	74	8.2	--	--
	1397	160				
	2,495	279				
Cyanide	45.9	5.4	1.0	--	663.8	12,844

[1] Applies to surface water bodies designated as a Drinking Water Supply and also protects for primary and secondary contact recreation and fish consumption.

[2] Applies to surface water bodies not designated as a Drinking Water supply and protects for primary and secondary contact recreation and fish consumption.

[3] ng/l = nanograms per liter, parts per trillion

[4] mg/l = milligrams per liter, parts per million

[5] Total phenol as measured by the 4 - aminoantipyrine (4AAP) method

[6] Includes Hexachloro-1,3-butadiene

[7] Hardness-dependent criteria for freshwater are based on the following natural logarithm formulas multiplied by conversion factors (CF) for acute and chronic protection (in

descending order, numbers represent criteria in Fg/L at hardness values of 50, 100, and 200 mg/L $CaCO_3$, respectively):

Chromium III:

$$acute = e^{(0.8190[\ln(hardness)] + 3.6880)} \text{ X CF}$$

$$chronic = e^{(0.8190[\ln(hardness)] + 1.5610)} \text{ X CF}$$

Zinc:

$$acute = e^{(0.8473[\ln(hardness)] + 0.8604)} \text{ X CF}$$

$$chronic = e^{(0.8473[\ln(hardness)] + 0.7614)} \text{ X CF}$$

Cadmium:

$$acute = e^{(1.1280[\ln(hardness)] - 1.6774)} \text{ X CF}$$

$$chronic = e^{(0.7852[\ln(hardness)] - 3.4900)} \text{ X CF}$$

Copper:

$$acute = e^{(0.9422[\ln(hardness)] - 1.3844)} \text{ X CF}$$

$$chronic = e^{(0.8545[\ln(hardness)] - 1.3860)} \text{ X CF}$$

Lead:

$$acute = \text{acute} = e^{(1.2730[\ln(hardness)] - 1.4600)} \text{ X CF}$$

$$chronic = e^{(1.2730[\ln(hardness)] - 4.7050)} \text{ X CF}$$

Nickel:

$$acute = e^{(0.8460[\ln(hardness)] + 3.3612)} \text{ X CF}$$

$$chronic = e^{(0.8460[\ln(hardness)] + 1.1645)} \text{ X CF}$$

[8] Freshwater and saltwater metals criteria are expressed in terms of the dissolved metal in the water column. The standard was calculated by multiplying the previous water quality criteria by a conversion factor (CF). The CF represents the EPA-recommended conversion factors found in 60 FR 68354-68364 (December 10, 1998) and shown in Table 1A.

[9] ppq = parts per quadrillion

[10] Advances in scientific knowledge concerning the toxicity, cancer potency, metabolism, or exposure pathways of toxic pollutants that affect the assumptions on which existing criteria are based may necessitate a revision of dioxin numerical criteria at any time. Such revisions, however, will be accomplished only after proper consideration of designated water uses. Any proposed revision will be consistent with state and federal regulations.

[11] If the four-day average concentration for total mercury exceeds 0.012 Fg/L in freshwater or 0.025 Fg/L in saltwater more than once in a three-year period, the edible portion of aquatic species of concern must be analyzed to determine whether the concentration of methyl mercury exceeds the FDA action level (1.0 mg/kg). If the FDA action level is exceeded, the state must notify the appropriate EPA Regional Administrator, initiate a revision of its mercury criterion in its water quality standards so as to protect designated uses, and take other appropriate action such as issuance of a fish consumption advisory for the affected area.

Table 1A. Conversion Factors for Dissolved Metals[a]

Metal	Conversion Factor Freshwater Acute Criteria	Conversion Factor Freshwater Chronic Criteria	Conversion Factor Marine Water Acute Criteria	Conversion Factor Marine Water Chronic Criteria
Arsenic	1.00	1.00	1.00	1.00
Chromium III (Tri)	0.316	0.86	NA	NA
Chromium VI (Hex)	0.982	0.962	0.993	0.993
Zinc	0.978	0.986	0.946	0.946
Cadmium[b]	0.973	0.938	0.994	0.994
Copper	0.960	0.960	0.830	0.830
Lead[b]	0.892	0.892	0.951	0.951
Mercury	0.85[c]	N/A[d]	0.85[c]	N/A[d]
Nickel	0.998	0.997	0.990	0.990

[a]The conversion factors are given to three decimal places because they are intermediate values in the calculation of dissolved criteria. Conversion factors derived for the marine water chronic criteria are not yet available. Conversion factors derived for marine water acute criteria have been used for both marine water chronic and acute criteria.

[b]Conversion factors are hardness dependent. The values shown are with a hardness of 50 mg/L as $CaCO_3$. Conversion factors for any hardness can be calculated using the following equations:

Cadmium Acute CF = 1.136672-[(ln hardness)(0.041838)]

Cadmium Chronic CF = 1.101672-[(ln hardness)(0.041838)]

Lead Acute and Chronic CF = 1.46203-[(ln hardness)(0.145712)]

[c]Conversion factor from: Office of Water Policy and Technical Guidance on Interpretation and Implementation of Aquatic Life Metals Criteria, October 1, 1993. Factors were expressed to two decimal places.

[d]Not appropriate to apply CF to chronic value for mercury because it is based on mercury residues in aquatic organisms rather than toxicity.

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HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 17:967 (October 1991), repromulgated LR 17:1083 (November 1991), amended LR 20:883 (August 1994), LR 24:688 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2402 (December 1999)

§1115. Application Of Standards

A. Background

1. Water quality standards set forth in this Chapter specify concentration limits and other water quality characteristics which, if not exceeded, are expected to result in an aquatic ecosystem suitable for the highest designated uses given. These concentration limits and characteristics (criteria) are derived for individual water segments on the basis of the designated use or uses of the segment and the natural qualities of the waters.

2. An established water quality value (criterion) represents the maximum general or numerical concentration limit or characteristic (with the exception of dissolved oxygen and pH) of a constituent in a waterbody segment that is allowed by the state. For some toxic substances, however, criteria provide both acute and chronic limits for the protection of aquatic life in fresh and marine waters, and separate limits for the protection of human health. Criteria apply at all times, except where natural conditions cause them to be exceeded or where specific exemptions in the standards apply. Water uses, pollution sources, natural conditions, and the water quality criteria are all considered in the office's determination of appropriate permit limits for each wastewater discharge to a waterbody.

3. The difference between an ambient concentration and a water quality criterion value should not be construed as the amount of a constituent that can be discharged. The antidegradation statement requires that all waters which exceed the water quality standards be maintained at their existing high quality, which can be lowered only after appropriate economic and or social justification has been shown. More stringent requirements apply to those waters designated as outstanding natural resource waters.

B. Flow Conditions. Except where indicated elsewhere in this Chapter, the water quality standards specified herein shall apply during all flow conditions greater than the critical flows defined in LAC 33:IX.1115.C. (See LAC 33:IX.1107 and intermittent streams exception category, LAC 33:IX.1109.C.1.)

C. Mixing, Mixing Zone, and Flow Application

1. Mixing zones are those portions of water bodies where effluent waters are dispersed into receiving waters. These are areas where effluents and receiving waters mix and not areas where effluents are treated. Mixing zones are not considered a part of the wastewater treatment process. Mixing must be accomplished as quickly as possible to ensure that the waste is mixed in the smallest practicable area. Outfall structures should be designed to minimize mixing zone size. Mixing zones and fractions of flow apply only to aquatic life criteria. Human health criteria are to be met below the point of discharge after complete mixing.

2. Mixing zones are exempted from general and numerical criteria as specified in LAC 33:IX.1113, except as required in Subsection C.5 of this Section. The waters outside of mixing zones must meet all the standards for that particular body of water. For toxic substances, this requires meeting chronic aquatic life criteria beginning at the edge of the mixing zone.

3. For aquatic life criteria, small zones of initial dilution will be allowed at each discharge site within a mixing zone. Numeric mixing zones and other receiving water criteria, including both aquatic life acute and chronic water quality criteria, will not apply in these zones of initial dilution. Zones of initial dilution are, however, restricted to the immediate point of discharge and are substantially smaller than the designated mixing zone. They shall not exceed 10 percent of the size of the mixing zone unless conditions specified in Subsection C.13 of this Section are met. Numeric acute aquatic life criteria apply beginning at the edge of the zone of initial dilution.

4. A mixing zone shall not be allowed to adversely impact a nursery area for aquatic life species, habitat for waterfowl or indigenous wildlife associated with the aquatic environment except as provided in Subsection C.2 and 3 of this Section, or any area approved by the state for oyster propagation. Mixing and mixing zones shall not include an existing drinking water supply intake if they would significantly impair the drinking water intake.

5. Mixing zones must be free of the following:

a. floating debris, oil, scum, and other material in concentrations that constitute a nuisance or negatively impact the aesthetics;

b. substances in concentrations which produce undesirable or nuisance aquatic life; and

c. materials in concentrations that will cause acute toxicity to aquatic life. Acute toxicity refers to aquatic life lethality or other deleterious effects caused by the passage through a mixing zone of migrating fish moving up or downstream, or by the passage through a mixing zone of less mobile forms such as zooplankton that drift through the

mixing zone. Numerical acute criteria or other acute quantitative limits for toxic substances will be applied in the mixing zone to protect aquatic life from acute toxicity.

6. Applicable limits of mixing zones shall include, but may not be limited to, the linear distances from point source discharges, surface area involvement, and volume of receiving water, and shall take into account other nearby mixing zones. A mixing zone shall not overlap another mixing zone in such a manner, or be so large, as to impair any designated water use in the receiving water body when the water body is considered as a whole.

7. For the application of aquatic life criteria, state water bodies are separated into seven categories as described in Table 2a, and for the application of human health criteria, state water bodies are separated into six categories as described in Table 2b. Mixing zones apply to the implementation of chronic aquatic life criteria, and zones of initial dilution apply to the implementation of acute aquatic life criteria.

a. Chronic aquatic life criteria apply outside the mixing zone, beginning at the edge. The 7Q10 is specified in Table 2a with the intention of limiting 7-day average concentration exceedences to no more than once every 10 years.

b. In perennial, flowing streams (Table 2b, Categories 1 and 2), harmonic mean flow is specified for human health protection against carcinogens, and the 7Q10 is specified for human health protection against non-carcinogens.

c. These specified flows will not be appropriate under some circumstances, and alternative formulations will be required to determine appropriate effluent limitations for equivalent protection of human health and aquatic life uses of the stream. These exceptions may include, but are not limited to, seasonally variable effluent discharge rates, hold and release treatment systems, and effluent dominated sites. The office may approve an alternative which is protective of designated uses, to be determined on a case-by-case basis.

8. For chlorides, sulfates and total dissolved solids, criteria are to be met below the point of discharge after complete mixing. Because criteria are developed over a long-term period, harmonic mean flow will be applied for mixing.

9. Dilution at the edge of the mixing zone and at the edge of the zone of initial dilution for water body categories 5, 6, and 7 (Table 2a) will be determined on a case-by-case basis.

10. Mixing zones shall not preclude the occurrence of continuous water routes of the volume, area, and quality necessary to allow passage of free-swimming and drifting fish and aquatic life with no significant effects on their populations.

11. In those cases, such as wetlands, where unique site-specific conditions or other considerations preclude the application of specific mixing zone requirements, the office may specify definable, geometric limits for mixing zones.

12. In those cases where unique site-specific conditions preclude the application of the flow requirements for Category 2 water bodies as stated in Tables 2a and 2b, the office may on a case-by-case basis approve an alternative flow when determining 2,3,7,8-tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD) permitted effluent concentrations. Any flow specifications shall be protective of designated uses.

13. In cases for which a diffuser has been approved or required for use with a wastewater discharge, the office may increase the dilution allowed for the application of acute aquatic life criteria at the edge of the zone of initial dilution. The dilution allowed will be determined by the office after consideration of receiving water body characteristics and diffuser capabilities. No increase in dilution will be allowed at the edge of the mixing zone for the application of chronic aquatic life criteria. Physical constraints of a particular water body may preclude the approval and use of a diffuser. The following conditions must be met with the use of a diffuser:

a. the diffused discharge velocity must be sufficient to provide adequate mixing such that acutely toxic conditions are minimized;

b. the diffused discharge must not adversely impact nursery areas for aquatic life species or indigenous wildlife associated with the aquatic environment except as provided in Subsection C.2 and 3 of this Section, propagation areas, zones of passage for aquatic life (see Subsection C.10 of this Section), wildlife uses, recreational uses, or drinking water supply intakes;

c. the diffused discharge must not cause erosion or scour of the water body banks or bottom;

d. the diffused discharge must be submerged and located in areas with sufficient depth available so that surface water uses of the receiving water are not impaired and the design mixing capabilities of the diffuser are achieved;

e. diffused discharges must not be located in areas where the diffuser may be damaged or impaired by scouring, deposition, or periodic dredging; and

f. diffused discharges must not be located in areas where eddies or whirlpools can cause buildup of effluent concentrations by obstructing or trapping the discharge jet flow.

Table 2a. Water Body Categorization for the Determination of Appropriate Dilution and Mixing Zone Application for Aquatic Life

CATG	Description	Aquatic Life	
		Flow	Fraction of Flow or Radial Distance (feet)

Table 2a. Water Body Categorization for the Determination of Appropriate Dilution and Mixing Zone Application for Aquatic Life

CATG	Description	Aquatic Life		
			Fraction of Flow or Radial Distance (feet)	
		Flow	ZID[a]	MZ[b]
1	Streams with 7Q10 flow greater than 100 cfs[c]	7Q10	10 cfs or 1/30 of the flow, whichever is greater	100 cfs or 1/3 of the flow, whichever is greater
2	Streams with 7Q10 flow less than or equal to 100 cfs	7Q10	1/10	1
3	Tidal channels with flows greater than 100 cfs	1/3 of the average or typical flow averaged over one tidal cycle irrespective of flow direction	10 cfs or 1/30 of the flow, whichever is greater	100 cfs or 1/3 of the flow, whichever is greater
4	Tidal channels with flows less than or equal to 100 cfs	1/3 of the average or typical flow averaged over one tidal cycle irrespective of flow direction	1/10	1
5	Freshwater lakes and ponds	Not Applicable	25 feet	100 feet
6	Coastal bays and lakes	Not Applicable	50 feet	200 feet
7	Gulf of Mexico	Not Applicable	100 feet	400 feet

[a] ZID = zone of initial dilution

[b] MZ = mixing zone

[c] cfs = cubic feet per second

Table 2b. Water Body Categorization for the Determination of Flow for Human Health

CATG	Description	Human Health	
		Flow	
		Noncarcinogens	Carcinogens
1	Streams with 7Q10 flow greater than 100 cfs	7Q10	Harmonic Mean
2	Streams with 7Q10 flow less than or equal to 100 cfs	7Q10	Harmonic Mean
3	Tidal channel	The average or typical flow averaged over one tidal cycle irrespective of flow direction	
4	Freshwater lakes and ponds	Not Applicable	Not Applicable
5	Coastal bays and lakes	Not Applicable	Not Applicable
6	Gulf of Mexico	Not Applicable	Not Applicable

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§1117. References

A. The following references were used in developing LAC 33:IX.1101-1115 or are referred to in those Sections:

1. Chabreck, R.H., and R.G. Linscombe. 1978. Vegetative Type Map of the Louisiana Coastal Marshes. New Orleans: Louisiana Department of Wildlife and Fisheries.

2. Louisiana Department of Environmental Quality. (continuous). Fixed Station Long-Term Ambient Surface Water Quality Network. Baton Rouge: Office of Environmental Assessment, Environmental Evaluation Division.

3. National Academy of Sciences, National Academy of Engineering. 1974. Water Quality Criteria, 1972. Environmental Protection Agency, Ecological Research Series, EPA R3.73:033. Washington, D.C.: U.S. Government Printing Office.

4. U.S. Environmental Protection Agency. 1976. Quality Criteria for Water. Washington, D.C.: EPA.

5. U.S. Environmental Protection Agency. 1983. Water Quality Standards Handbook. WH-585. Washington, D.C.: Office of Water Regulations and Standards, EPA.

6. U.S. Environmental Protection Agency. 1983. Technical Support Manual: Waterbody Surveys and Assessments for Conducting Use Attainability Analyses. WH-585. Washington, D.C.: Office of Water Regulations and Standards , EPA.

7. U.S. Environmental Protection Agency. 1986. Quality Criteria for Water: 1986. EPA Series No. 440/5-86-001. Washington, D.C.: U.S. Government Printing Office.

8. U.S. Environmental Protection Agency. 1989. Establishment of Ambient Criteria to Limit Human Exposure to Contaminants in Fish and Shellfish. Guidance Document. Washington, D.C.: Office of Water Regulations and Standards, EPA.

9. U.S. Environmental Protection Agency. (continuous). Ambient Water Quality Criteria. EPA Series No. 440/5-80-84-85, 86. Washington, D.C.: EPA.

10. U.S. Environmental Protection Agency. 1991. Technical Support Document for Water Quality-Based Toxics Control. EPA/505/2-90-001.

11. U.S. Environmental Protection Agency. December 22, 1992. Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants; States' Compliance. Federal Register: Vol. 57, No. 246. WH-FRL-4543-9. Washington, D.C.: Office of Science and Technology, EPA.

12. U.S. Environmental Protection Agency. April, 1995. Method 1669: Sampling Ambient Water for Trace Metals At EPA Water Quality Criteria Levels. EPA 821-R-95-034.

13. Webster's II New Riverside University Dictionary, Anne H. Soukhanov, editor. 1988. Houghton Mifflin Company. Boston, MA.

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HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2403 (December 1999).

§1119. Implementation Plan for Antidegradation Policy

A. Summary and Purpose

1. As stated in LAC 33:IX.1109.A of these regulations, the Antidegredation Policy provides a legal framework for the basic maintenance and protection of all designated water uses. It also outlines methods that the state uses to protect state waters from water quality degradation and some of the state and federal rules and regulations that authorize them.

2. This Section explains the specific procedures used by the office as the state's designated water quality management agency to implement the Antidegradation Policy.

B. Implementation of Louisiana's Water Quality Management Process

1. Procedures and methods by which the Antidegradation Policy is implemented are described in several documents produced under the Water Quality Management (WQM) Process ("The Water Quality Standards (WQS)," "The Water Quality Inventory," "The Water Quality Management Plan," "The Continuing Planning Process"; and "The Water Pollution Control Program Plan"). These documents are available from the office.

2. WQM is a step-by-step process which involves several interrelated programs that establish controls on the discharge of pollutants and maintain existing water quality, thereby protecting state waters from degradation. That process is summarized below.

a. The state establishes the water quality standards specified in this Chapter to reflect the goals for individual waterbodies and provide the legal basis for antidegradation and for water pollution control. This Chapter also defines and designates water uses and criteria to protect them.

b. A series of water quality monitoring activities is conducted annually to provide the physical, chemical and biological data needed to determine the quality of state waters, identify pollution sources and help develop and enforce the water quality standards defined in this Chapter. Monitoring activities include maintaining monthly water quality stations, conducting intensive surveys and special studies, investigating pollution complaints, and assuring compliance of dischargers.

c. Water quality monitoring data and waterbody conditions are continually assessed to identify problem areas and assist in the development of water quality management plans and standards. The biennial Louisiana Water Quality Inventory is the state's principal tool in water quality assessment and identifies areas of water quality degradation.

d. The state's Water Quality Management Plan (WQMP) utilizes discharger data, various land use inventories, and the results of the monitoring and assessment programs to identify priority water quality problems. The

WQMP contains the analyses used and management decisions made to control specific pollution sources and recommends control measures to attain the water quality standards. The plan includes provisions for identifying priority WQM basins and segments, allocating point source wasteloads, controlling nonpoint sources, general planning needs, and public participation.

e. A wastewater discharge permit is required for any discharge into state waters with the exception of those noted in LAC 33:IX.301.D and F. Permits based on water quality are developed to specify the wasteload content of the discharge that must not be exceeded to attain water quality standards and protect state waters from degradation. Other control activities include the development of best management practices for nonpoint source controls and water quality certification of federal permits.

f. Enforcement activities of the office help eliminate or ameliorate water quality degradation caused by both permitted and unpermitted discharges. Enforcement actions are directed at dischargers found to be in violation of the Water Control Law or effluent limits detailed in a wastewater permit.

g. The state's Continuing Planning Process (CPP) document describes those administrative, technical, and programmatic processes used by the state to implement its water pollution control program. The document contains detailed descriptions of each phase of implementation, from the planning of monitoring efforts, to the assessment and reporting of resulting data, to the decision-making process for carrying out policy promulgated by the office. To maintain an annual schedule of water quality needs and activities, the office also developed the Water Pollution Control Program Plan consistent with Section 106 of the Clean Water Act.

C. Specific Implementation Procedures for the Antidegradation Policy. The antidegradation policy is implemented by ensuring that for all activities which may impact water quality and are permitted by the state, or for which there must be a permit on which the state comments, consideration is given to requirements of the policy. The basic principle of the policy is that water quality criteria specified in the standards shall not be exceeded and that designated uses will not be adversely impacted.

1. If either the criteria or uses cannot be attained, then a use attainability analysis will be conducted.

2. If such activity will impact water quality by either a point or nonpoint source discharge of pollutants, the state shall ensure that the activity will not interfere with or become injurious to the existing uses. If water quality will be degraded, the state shall ensure that the intergovernmental coordination and public participation provisions of the state's Continuing Planning Process are met.

3. If the public has not been informed of the possible lowering of water quality and has had no opportunity to comment on it, then the state shall ensure that the public is provided that opportunity. In the case of state or federal wastewater discharge permits, this may be accomplished by including notice of the possible lowering of water quality in the public notice of the permit. If the location and load proposed in the discharge permit has been previously reviewed by the public as part of the water quality management plan, additional public notice is not required. When public notice of the permit is required, the following language will be included:

"During the preparation of this permit, it has been determined that this discharge will have no adverse impact on the existing uses of the receiving waterbody. As with any discharge, however, some change in existing water quality may occur."

4. If a wastewater discharge or activity is proposed for an outstanding natural resource waterbody, as defined by this Chapter, the administrative authority shall not approve that activity if it will cause degradation of these waters. For these purposes, degradation is defined as a statistically significant difference at the 90 percent confidence interval from existing physical, chemical and biological conditions. Existing discharges of treated sanitary wastewater may be allowed if no reasonable alternative discharge location is available or if the discharge existed before the designation as an outstanding natural resource waterbody.

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HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 15:738 (September 1989).

§1121. Regulation of Toxic Substances Based on the General Criteria

A. Introduction

1. The water quality standards in this Chapter provide for the protection of human, plant, and animal life from the deleterious effects of toxic substances. The general criteria (LAC 33:IX.1113.B.5), in particular, require that state waters be free from the effects of toxic substances. This requirement is especially applicable to those toxic substances for which no numerical criteria are established.

2. The following methods are developed to protect state waters from the effects of toxic substances as required under the general criteria and where no numerical criteria exist. The methods follow the permitting policies of the Louisiana Water Discharge Permit System (LWDPS). The resulting permit (effluent) limitations imposed on discharges prevent toxic in-stream conditions as required under the general criteria.

B. Effluent Characterization/Toxicity Testing and/or Instream Assessment

1. When determining the need for limits based on water quality, the office may identify data needs and request that the permittee submit additional data along with the application. Permits may be placed into three categories:

a. discharges for which adequate data exist;

b. discharges for which some data exist; and

c. discharges for which no water-quality-related data are available.

2. In areas of known ambient toxicity, both specific chemical data and available whole effluent toxicity data representative of the facility's discharge into the receiving water will be reviewed.

3. In general, whole effluent toxicity testing will be required in the permit for discharges where data are insufficient to demonstrate that any discharge does not or will not contribute to ambient toxicity.

a. Tests will be routinely run for the life of the permit on an established schedule dependent upon on the variability of the discharge and on whether effluent toxicity is suspected or unknown.

b. Both acute toxicity and chronic toxicity tests may be required. Test methods found in the following sources or their updated versions should be followed: "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms," 4th Edition, EPA/600/4-90/027F, EPA, 1993; "Short-Term Methods for Estimating the Chronic Toxicity of Effluents And Receiving Waters To Freshwater Organisms," 3rd Edition, EPA/600/4-91/002, EPA, 1994; and "Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms," 2nd Edition, EPA/600/4-91/003, EPA.

i. Acute toxicity tests will be considered for "end-of-pipe" effluent. Dilution water will be receiving water collected at a point upstream of or adequately removed from the discharge point(s).

ii. For chronic toxicity tests of effluent, dilution water will also be receiving stream water collected at a point upstream of or adequately removed from the discharge point(s). In flowing water bodies, one dilution in the series required to calculate the no-observed-effect level (NOEL) will reflect the 7Q10 flow dilution. In some water bodies the 7Q10 flow may not be considered adequate, and a more appropriate low flow will be used for dilution calculations.

iii. Multiple toxicity tests using more than one species of test organisms will normally be required. The following tests and species are considered applicable to and representative of Louisiana waters. Other applicable tests and test species may also be used after approval by the office. In general, some combination of the following tests and species will be required.

(a). for receiving water bodies with salinities less than 2 ‰ (2 ppt or 2,000 ppm):

(i). 48-hour *Ceriodaphnia* or *Daphnia pulex* acute survival;

(ii). 48- and 96-hour fathead minnow *(Pimephales promelas)* static renewal acute survival;

(iii). 7-day *Ceriodaphnia* chronic reproduction and survival;

(iv). 7-day fathead minnow chronic survival and teratogenicity;

(v). 7-day fathead minnow chronic growth and survival; and

(vi). 4-day *Selenastrum* chronic growth test.

(b). for receiving water bodies with salinities equal to or greater than 2 ‰ (2 ppt or 2,000 ppm):

(i). 48-hour mysid shrimp acute survival;

(ii). 48- and 96-hour sheepshead minnow *(Cyprinodon variegatus)* static renewal acute survival;

(iii). 48-hour inland silverside *(Menidia beryllina)* static renewal acute survival;

(iv). 7-day mysid shrimp survival, growth, and fecundity;

(v). 7-day sheepshead minnow larval survival and growth; and

(vi). 7-day inland silverside larval survival and growth; and

(c). If a control test reveals upstream ambient water to be toxic, the discharger will redo the toxicity tests using EPA- and office-approved reconstituted water with hardness, alkalinity, pH, and conductivity comparable to the ambient stream for dilution. The office will evaluate the toxicity data if upstream toxicity is indicated.

4. For waterbodies whose designated use is as a drinking water supply, the office will calculate the in-stream concentration for all pollutants discharged for which EPA has promulgated a maximum contaminant level (MCL). The permittee will be required to submit to the office sufficient effluent characterization data to make these calculations. Where dilution calculations indicate that in-stream concentrations may exceed the MCL requirements at appropriate flow conditions, the permittee may be required to conduct in-stream chemical monitoring or monitoring at the water supply.

5. To protect human health by eliminating chronic exposure to potentially toxic amounts of pollutants from aquatic species consumed by humans, the office will calculate the in-stream concentrations of all applicable pollutants for which EPA has published human health criteria in the Quality Criteria for Water, 1986, EPA 440/5-86-001, or subsequent revisions. The permittee will be required to submit to the office sufficient effluent characterization data to make these calculations. For operational considerations, if dilution calculations show that after mixing, a suspected carcinogen would be present in the receiving waterbody at a concentration associated with a 10^{-6} risk level, in-stream chemical monitoring may be required of the appropriate dischargers. The office will list the waterbody as a priority waterbody and develop a wasteload allocation or make other consideration for it.

C. Options for Implementing Whole Effluent Toxicity Permit Requirements. The option or combination of options to be selected by the office from the following will depend on data availability at the time of permit application and on whether toxicity is known or suspected.

1. Option 1. Final whole effluent toxicity limits are included in the permit with an interim schedule for conducting toxicity reduction that begins upon issuance of the permit.

2. Option 2. The permittee will conduct whole effluent toxicity testing with pass/fail criteria that will trigger toxicity reduction efforts. A clause requiring this will be placed in the permit to take effect if the pass/fail criteria are exceeded when any toxic impact exhibited shows a statistically significant difference between the effluent sample and the control. If any toxicity test is failed, an opportunity for retesting will be given. When no toxicity is demonstrated or no toxicity criteria are exceeded, testing may be reduced for the remainder of the term of the permit. If any subsequent testing indicates toxicity, the permittee must revert to the more frequent monitoring schedule.

3. Option 3. No whole effluent toxicity limits are included in the permit. Limits based on MCLs and/or on protecting human health are included, or a schedule for their inclusion is incorporated into the permit.

4. Option 4. No whole effluent toxicity limits are included in the permit.

5. Option 5. A combination of the above four options may be applied.

D. References. The following references were used in developing or were cited in this Section:

1. U.S. Environmental Protection Agency. 1986. Quality Criteria for Water: 1986. EPA 440/5-86-001. Washington, D.C.: U.S. Government Printing Office.

2. U.S. Environmental Protection Agency. 1991. Methods for Aquatic Toxicity Identification Evaluations: Phase I, Toxicity Characterization Procedures. EPA/600/6-91/003. Washington, D.C.: EPA.

3. U.S. Environmental Protection Agency. 1991. Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms. 2nd Edition. EPA/600/4-91/003.

4. U.S. Environmental Protection Agency. 1991. Technical Support Document for Water Quality-Based Toxics Control. EPA/505/2-90-001.

5. U.S. Environmental Protection Agency. 1993. Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms. 4th Edition. EPA/600/4-90/027F.

6. U.S. Environmental Protection Agency. 1994. Short-Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms. 3rd Edition. EPA/600/4-91/002.

E. Additional Toxicity Testing Guidance. The following references are cited as guidance documents that are used for biomonitoring:

1. U.S. Environmental Protection Agency. 1994. Methods for Measuring the Toxicity and Bioaccumulation of Sediment-Associated Contaminants with Freshwater Invertebrates. EPA/600/R-94/024.

2. U.S. Environmental Protection Agency. 1994. Methods for Assessing the Toxicity of Sediment Associated Contaminants with Estuarine and Marine Amphipods. EPA/600/R-94/025.

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§1123. Numerical Criteria and Designated Uses

A. Designated Water Quality Management Basins

	Table/Basin Number
Atchafalaya River Basin	(01)
Barataria Basin	(02)
Calcasieu River Basin	(03)
Lake Pontchartrain Basin	(04)
Mermentau River Basin	(05)
Vermilion-Teche River Basin	(06)
Mississippi River Basin	(07)
Ouachita River Basin	(08)
Pearl River Basin	(09)
Red River Basin	(10)
Sabine River Basin	(11)
Terrebonne Basin	(12)

B. Explanation of Water Body Code Number

Water Body Subsegment Number and Unique Water Body Identification Code = AABBCC-XXXXX where:

AA = Water Quality Management Basin Number

BB = Segment Number

CC = Subsegment Number

XXXXX = Five Digit Unique Water Body Identification Code (If a Unique Water Body Identification Code is not identified for a particular Subsegment, then all water bodies within that Subsegment have the same designated uses and numerical criteria.)

Example:

090207-05112 Water Body Subsegment and Identification Code for Morgan Bayou

09 = Pearl River Management Basin

0902 = Segment 0902 of the Pearl River Management Basin

090207 = Subsegment 090207 of Pearl River Management Basin Segment 02

05112 = Five Digit Unique Water Body Identification Code for Morgan Bayou

C. Numerical Criteria Unit Definitions

1. Parameter Abbreviations. The following lists abbreviations of water quality parameters that are used in Table 3 under the subheading "CRITERIA."

CL	Chlorides in mg/L
SO_4	Sulfates in mg/L
DO	Dissolved Oxygen in mg/L
pH Range	Range of pH Units
BAC	Bacterial Criteria (See Below)
TEMP	Temperature in Degrees Centigrade (EC)
TDS	Total Dissolved Solids in mg/L
N/A	Not Available at Present

Numbers in brackets (e.g. [1]) refer to endnotes listed at the end of the table.

2. Bacterial Criteria (BAC). The following are the category definitions of Bacterial Criteria that are used in Table 3 under the subheading "NUMERICAL CRITERIA."

1- Primary Contact Recreation

2- Secondary Contact Recreation

3- Drinking Water Supply

4- Oyster Propagation

NOTE: Numbers in brackets (e.g. [1]) refer to endnotes listed at the end of the table.

3. Designated Uses. The following are the category definitions of Designated Uses that are used in Table 3 under the subheading "DESIGNATED USES."

A- Primary Contact Recreation

B- Secondary Contact Recreation

C- Propagation of Fish and Wildlife

L- Limited Aquatic Life and Wildlife Use

D- Drinking Water Supply

E- Oyster Propagation

F- Agriculture

G- Outstanding Natural Resource Waters

NOTE: Numbers in brackets (e.g. [1]) -refer to endnotes listed at the end of the table.

Table 3. Numerical Criteria and Designated Uses

A - primary contact recreation; B - secondary contact recreation; C - propagation of fish and wildlife; D - drinking water supply;
E - oyster propagation; F - agriculture; G - outstanding natural resource waters; L - limited aquatic life and wildlife use

Code	Stream Description	Designated Uses	Criteria						
			CL	SO_4	DO	pH	BAC	EC	TDS
	ATCHAFALAYA RIVER BASIN (01)								
010101	Atchafalaya River Headwaters and Floodplain - Old River Control Structure to Simmesport (Includes Old River Diversion Channel, Lower Red River, Lower Old River)	A B C	65	70	5.0	6.5-8.5	1	33	440
010201	Atchafalaya River Mainstem - Simmesport to Whiskey Bay Pilot Channel at mile 54	A B C D	65	70	5.0	6.5-8.5	1	33	440
010301	West Atchafalaya Basin Floodway - Simmesport to Butte LaRose Bay and Henderson Lake	A B C	65	70	5.0	6.5-8.5	1	33	440
010401	East Atchafalaya Basin and Morganza Floodway South to Interstate 10 Canal	A B C	65	70	5.0	6.5-8.5	1	33	440
010501	Lower Atchafalaya Basin Floodway - Whiskey Bay Pilot Channel at mile 54 to U.S. Hwy. 90 Bridge in Morgan City (includes Grand Lake and Six-Mile Lake)	A B C D	65	70	5.0	6.5-8.5	1	33	440
010502	Intracoastal Waterway (Morgan City - Port Allen Route) - Bayou Sorrel Lock to Morgan City	A B C	65	70	5.0	6.5-8.5	1	33	440
010601	Crow Bayou, Bayou Blue and Tributaries	A B C	80	50	5.0	6.0-8.5	1	32	350
010701	Bayou Teche - Berwick to Wax Lake Outlet	A B C	80	50	5.0	6.0-8.5	1	32	350
010801	Lower Atchafalaya River - U.S. Hwy. 90 Bridge in Morgan City to Atchafalaya Bay, includes Sweetwater Lake and Bayou Shaffer	A B C	500	150	5.0	6.5-9.0	1	35	1,000
010802	Wax Lake Outlet - From U.S Hwy 90 Bridge to Atchafalaya Bay, includes Wax Lake	A B C	500	150	5.0	6.5-9.0	1	35	1,000
010803	Intracoastal Waterway - Bayou Boeuf Lock to Bayou Sale	A B C	65	70	5.0	6.0-8.5	1	32	440
010901	Atchafalaya Bay and Delta and Gulf Waters to the State three-mile limit	A B C E	N/A	N/A	5.0	6.5-9.0	4	32	N/A
	BARATARIA BASIN (02)								
020101	Bayou Verret, Bayou Chevreuil, Bayou Citamon and Grand Bayou	A B C F	65	50	5.0	6.0-8.5	1	32	430
020102	Bayou Boeuf, Halpin Canal, and Theriot Canal	A B C F	500	150	5.0	6.0-8.5	1	32	1,000
020103	Lake Boeuf	A B C	500	150	5.0	6.0-8.5	1	32	1,000

Table 3. Numerical Criteria and Designated Uses

A - primary contact recreation; B - secondary contact recreation; C - propagation of fish and wildlife; D - drinking water supply;
E - oyster propagation; F - agriculture; G - outstanding natural resource waters; L - limited aquatic life and wildlife use

Code	Stream Description	Designated Uses	Criteria						
			CL	SO_4	DO	pH	BAC	EC	TDS
020201	Bayou Des Allemands - Lac Des Allemands to Hwy. U.S. 90 (Scenic)	A B C G	600	100	5.0	6.0-8.5	1	32	1,320
020202	Lac Des Allemands	A B C	600	100	5.0	6.0-8.5	1	32	1,320
020301	Bayou Des Allemands Hwy. U.S. 90 to Lake Salvador (Scenic)	A B C G	600	100	5.0	6.0-8.5	1	32	1,320
020302	Bayou Gauche	A B C	600	100	5.0	6.0-8.5	1	32	1,320
020303	Lake Cataouatche and Tributaries	A B C	500	150	5.0	6.0-8.5	1	32	1,000
020304	Lake Salvador	A B C	600	100	5.0	6.0-8.5	1	32	1,320
020401	Bayou Lafourche - Donaldsonville to Intracoastal Waterway at Larose	A B C D	70	55	5.0	6.0-8.5	1	32	500
020402	Bayou Lafourche - Intracoastal Waterway at Larose to Yankee Canal (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	32	N/A
020403	Bayou Lafourche - Yankee Canal and Saltwater Barrier to Gulf of Mexico (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	32	N/A
020501	St. Charles Parish Canals and Bayous in Segment 0205	A B C	65	50	5.0	6.0-8.5	1	32	430
020601	Intracoastal Waterway - Bayou Villars to Mississippi River (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A
020701	Bayou Segnette - origin to Bayou Villars	A B C	600	100	5.0	6.0-8.5	1	32	1,320
020801	Intracoastal Waterway - Larose to Bayou Villars and Bayou Barataria (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A
020802	Bayou Barataria/Barataria Waterway-Intracoastal Waterway to Bayou Rigolettes (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A
020901	Bayou Rigolettes & Bayou Perot to Little Lake (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
020902	Little Lake (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
020903	Barataria Waterway (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A
020904	Wilkinson Canal and Wilkinson Bayou (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
020905	Bayou Moreau (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
020906	Bay Rambo (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A

Table 3. Numerical Criteria and Designated Uses

A - primary contact recreation; B - secondary contact recreation; C - propagation of fish and wildlife; D - drinking water supply;
E - oyster propagation; F - agriculture; G - outstanding natural resource waters; L - limited aquatic life and wildlife use

Code	Stream Description	Designated Uses	Criteria						
			CL	SO_4	DO	pH	BAC	EC	TDS
020907	Bay Sansbois and Lake Washington (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
021001	Bastian Bay, Adams Bay, Scofield Bay, Coquette Bay, Tambour Bay, Spanish Pass, and Bay Jacques (Estuarine)	A B C E	N/A	N/A	4.0	6.5-8.5	4	35	N/A
021101	Barataria Bay (including Caminada Bay, Hackberry Bay, Bay Batiste, and Bay Long) (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
021102	Barataria Basin Coastal Bays and Gulf Waters to the State three-mile limit	A B C E	N/A	N/A	5.0	6.5-9.0	4	32	N/A
	CALCASIEU RIVER BASIN (03)								
030101	Calcasieu River - Headwaters to La. Hwy. 8	A B C F	65	35	5.0	6.0-8.5	1	32	225
030102	Calcasieu River - La. Hwy. 8 to the Rapides-Allen Parish line (Scenic)	A B C F G	65	35	5.0	6.0-8.5	1	32	225
030103	Calcasieu River - Rapides-Allen Parish line to confluence with Marsh Bayou (Scenic) [10]	A B C F G-[10]	65	35	5.0	6.0-8.5	1	32	225
030103-04075	Kinder Ditch - Headwaters (unnamed tributary) to confluence with Calcasieu River	B C	65	35	3.0	6.0-8.5	1	32	225
030104	Mill Creek - Headwaters near Elizabeth to Calcasieu River	A B C	60	60	5.0	6.0-8.5	1	32	250
030201	Calcasieu River - Confluence with Marsh Bayou to Saltwater Barrier (Scenic) [11]	A B C F G-[11]	350	40	[1]	6.0-8.5	1	32	500
030301	Calcasieu River and Ship Channel - Saltwater Barrier to Moss Lake (Estuarine) (Includes Coon Island and Clooney Island Loops)	A B C	N/A	N/A	4.0	6.0-8.5	1	35	N/A
030302	Lake Charles	A B C	N/A	N/A	5.0	6.0-8.5	1	35	N/A
030303	Prien Lake	A B C	N/A	N/A	5.0	6.0-8.5	1	35	N/A
030304	Moss Lake (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	35	N/A
030305	Contraband Bayou (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	35	N/A
030306	Bayou Verdine (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	35	N/A
030401	Calcasieu River - Calcasieu Ship Channel Below Moss Lake to the Gulf of Mexico (Estuarine) (Includes Monkey Island Loop)	A B C E	N/A	N/A	4.0	6.0-8.5	4	35	N/A

Table 3. Numerical Criteria and Designated Uses

A - primary contact recreation; B - secondary contact recreation; C - propagation of fish and wildlife; D - drinking water supply;
E - oyster propagation; F - agriculture; G - outstanding natural resource waters; L - limited aquatic life and wildlife use

Code	Stream Description	Designated Uses	Criteria						
			CL	SO_4	DO	pH	BAC	EC	TDS
030402	Calcasieu Lake	A B C E	N/A	N/A	5.0	6.0-8.5	4	32	N/A
030403	Black Lake (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	35	N/A
030501	Whiskey Chitto Creek - Headwaters to southern boundary of Fort Polk Military Reservation	A B C	20	20	5.0	6.0-8.5	1	30	150
030502	Whiskey Chitto Creek - From the southern boundary of Fort Polk Military Reservation to its entrance into the Calcasieu River (Scenic)	A B C G	20	20	5.0	6.0-8.5	1	30	150
030503	East and West Forks of Six Mile Creek - Headwaters to the southern boundary of Fort Polk Military Reservation	A B C	20	20	5.0	6.0-8.5	1	30	150
030504	Six Mile Creek - Including the East and West Forks from the southern boundary of Fort Polk Military Reservation to its entrance into Whiskey Chitto Creek (Scenic)	A B C G	20	20	5.0	6.0-8.5	1	30	150
030505	Ten Mile Creek - Headwaters to its entrance into Whiskey Chitto Creek (Scenic)	A B C G	20	20	5.0	6.0-8.5	1	30	150
030506	Bundicks Creek - Headwaters to Bundicks Lake	A B C	20	20	5.0	6.0-8.5	1	30	150
030507	Bundicks Lake	A B C	20	20	5.0	6.0-8.5	1	30	150
030508	Bundicks Creek - From Bundicks Lake to Whiskey Chitto Creek	A B C	20	20	5.0	6.0-8.5	1	30	150
030601	Barnes Creek - Headwaters to entrance of Little Barnes Creek	B C	60	60	[2]	6.0-8.5	2	30	150
030602	Barnes Creek - From entrance of Little Barnes Creek to confluence with Calcasieu River	A B C	60	60	5.0	6.0-8.5	1	32	250
030603	Marsh Bayou - Headwaters to Calcasieu River	A B C	60	60	5.0	6.0-8.5	1	32	250
030701	Bayou Serpent	A B C F	250	75	5.0	6.0-8.5	1	32	300
030702	English Bayou - Headwaters to Calcasieu River	A B C F	250	75	[3]	6.0-8.5	1	32	300
030801	West Fork Calcasieu River - From confluence with Beckwith Creek and Hickory Branch to Calcasieu River	A B C F	250	75	[3]	6.0-8.5	1	34	500
030802	Hickory Branch - Headwaters to West Fork Calcasieu River	A B C F	250	75	5.0	6.0-8.5	1	32	500

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Code	Stream Description	Designated Uses	Criteria						
			CL	SO_4	DO	pH	BAC	EC	TDS
030803	Beckwith Creek - Headwaters to West Fork Calcasieu River	A B C F	25	25	5.0	6.0-8.5	1	32	100
030804	Little River - Headwaters to West Fork Calcasieu River	A B C	250	75	[3]	6.0-8.5	1	34	500
030805	Indian Bayou - Headwaters to West Fork Calcasieu River	A B C F	250	75	[3]	6.0-8.5	1	34	500
030806	Houston River - From junction with Bear Head Creek at Parish Road to West Fork Calcasieu River	A B C F	250	75	[3]	6.0-8.5	1	32	500
030807	Bear Head Creek - Headwaters to junction with Houston River at Parish Road	A B C	250	75	5.0	6.0-8.5	1	32	500
030901	Bayou D'Inde - Headwaters to Calcasieu River (Estuarine)	A B C	N/A	N/A	4.0	6.5-8.5	1	35	N/A
031001	Bayou Choupique - Headwaters to Intracoastal Waterway (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	35	N/A
031002	Intracoastal Waterway - West Calcasieu River Basin Boundary to Calcasieu Lock (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	35	N/A
031101	Intracoastal Waterway - Calcasieu Lock to East Calcasieu River Basin Boundary	A B C	250	75	5.0	6.5-9.0	1	32	500
031201	Calcasieu River Basin - Coastal Bays and Gulf Waters to the State three mile limit	A B C E	N/A	N/A	5.0	6.0-9.0	4	32	N/A
	LAKE PONTCHARTRAIN BASIN (04)								
040101	Comite River - From Little Comite Creek and Comite Creek at Mississippi State Line to Wilson-Clinton Hwy. (East Feliciana Parish)	A B C	25	10	5.0	6.0-8.5	1	32	150
040102	Comite River - Wilson-Clinton Hwy. to entrance of White Bayou (East Baton Rouge Parish) (Scenic)	A B C G	25	10	5.0	6.0-8.5	1	32	150
040103	Comite River - Entrance of White Bayou to Amite River	A B C	25	10	5.0	6.0-8.5	1	32	150
040201	Bayou Manchac - Headwaters to Amite River	A B C	25	10	5.0	6.0-8.5	1	32	150
040301	Amite River - Mississippi State Line to LA Hwy. 37 (Scenic)	A B C G	25	10	5.0	6.0-8.5	1	32	150
040302	Amite River - LA Hwy. 37 to Amite River Diversion Canal	A B C	25	10	5.0	6.0-8.5	1	32	150
040303	Amite River - Amite River Diversion Canal to Lake Maurepas	A B C	25	10	5.0	6.0-8.5	1	32	150

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E - oyster propagation; F - agriculture; G - outstanding natural resource waters; L - limited aquatic life and wildlife use

Code	Stream Description	Designated Uses	Criteria						
			CL	SO_4	DO	pH	BAC	EC	TDS
040304	Grays Creek - Headwaters to Amite River	A B C	25	10	5.0	6.0-8.5	1	32	150
040305	Colyell Creek System (includes Colyell Bay)	A B C	25	10	5.0	6.0-8.5	1	32	150
040401	Blind River - From Amite River Diversion Canal to mouth at Lake Maurepas (Scenic)	A B C G	250	75	4.0 [9]	6.0-8.5	1	30	500
040402	Amite River Diversion Canal	A B C	25	10	5.0	6.0-8.5	1	32	150
040403	Blind River - Source to confluence with Amite River Diversion Canal (Scenic)	A B C G	250	75	3.0 [9]	6.0-8.5	1	30	500
040404	New River - Headwaters to New River Canal	A B C	250	75	5.0	6.0-8.5	1	30	500
040501	Tickfaw River - From Mississippi State Line to LA Hwy 42 (Scenic)	A B C G	10	5	5.0	6.0-8.5	1	30	55
040502	Tickfaw River - LA Hwy. 42 to Lake Maurepas	A B C	10	5	5.0	6.0-8.5	1	30	55
040503	Natalbany River - Headwaters to Tickfaw River	A B C	30	20	5.0	6.0-8.5	1	30	150
040504	Yellow Water River - Origin to Ponchatoula Creek	A B C	30	20	5.0	6.0-8.5	1	30	150
040505	Ponchatoula Creek and Ponchatoula River	A B C	30	20	5.0	6.0-8.5	1	30	150
040601	Pass Manchac - Lake Maurepas to Lake Pontchartrain	A B C	1,600	200	5.0	6.5-9.0	1	32	3,000
040602	Lake Maurepas	A B C	1,600	200	5.0	6.0-8.5	1	32	3,000
040603	Selsers Creek - Origin to South Slough	A B C	30	20	5.0	6.0-8.5	1	30	150
040604	South Slough - includes Anderson Canal to I-55 borrow pit	A B C	30	20	5.0	6.0-8.5	1	30	150
040701	Tangipahoa River - Mississippi State Line to Interstate Highway I-12 (Scenic)	A B C G	30	10	5.0	6.0-8.5	1	30	140
040702	Tangipahoa River - From Interstate Highway I-12 to Lake Pontchartrain	A B C	30	10	5.0	6.0-8.5	1	30	140
040703	Big Creek and Tributaries - Headwaters to confluence with Tangipahoa River	A B C	20	20	5.0	6.0-8.5	1	30	140
040704	Chappepeela Creek - From Louisiana Hwy. 1062 to its entrance into the Tangipahoa River	A B C G	20	20	5.0	6.0-8.5	1	30	140
040801	Tchefuncte River and Tributaries - Headwaters to confluence with Bogue Falaya River (Scenic)	A B C G	20	10	5.0	6.0-8.5	1	30	110

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Code	Stream Description	Designated Uses	Criteria						
			CL	SO_4	DO	pH	BAC	EC	TDS
040802	Lower Tchefuncte River - From the Bogue Falaya River down to La. Hwy. 22, excluding any tributaries from the Bogue Falaya River south to La. Hwy. 22 (Scenic)	A B C G	850	135	5.0	6.0-8.5	1	30	1,850
040803	Lower Tchefuncte River - From La. Hwy. 22 to Lake Pontchartrain (Estuarine)	A B C	850	135	4.0	6.0-8.5	1	30	1,850
040804	Bogue Falaya River - Headwaters to Tchefuncte River (Scenic) [12]	A B C G-[12]	20	10	5.0	6.0-8.5	1	30	110
040901	Bayou LaCombe - Headwaters to U.S. 190 (Scenic)	A B C G	30	30	5.0	6.0-8.5	1	30	150
040902	Bayou LaCombe - U.S. 190 to Lake Pontchartrain (Scenic) (Estuarine)	A B C G	835	135	4.0	6.0-8.5	1	32	1,850
040903	Bayou Cane - Headwaters to U.S. Hwy. 190 (Scenic)	A B C G	30	30	5.0	6.0-8.5	1	30	150
040904	Bayou Cane - U.S. Hwy 190 to Lake Pontchartrain (Scenic) (Estuarine)	A B C G	N/A	N/A	4.0	6.0-8.5	1	32	N/A
040905	Bayou Liberty - Headwaters to LA Highway 433	A B C	250	100	5.0	6.0-8.5	1	32	500
040906	Bayou Liberty - LA Highway 433 to confluence with Bayou Bonfouca (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	32	N/A
040907	Bayou Bonfouca - Headwaters to LA Highway 433	A B C	250	100	5.0	6.0-8.5	1	32	500
040908	Bayou Bonfouca - LA Highway 433 to Lake Pontchartrain (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	32	N/A
040909	W-14 Main Diversion Canal - from its origin in the north end of the City of Slidell to its junction with Salt Bayou	A B C [4]	N/A	N/A	[4]	6.0-8.5	1	32	N/A
040910	Salt Bayou - Headwaters to Lake Pontchartrain (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	32	N/A
040911	Grand Lagoon - Grand Lagoon and Associated Canals (Estuarine)	A B C	N/A	N/A	4.0	6.0 - 8.5	1	32	N/A
041001	Lake Pontchartrain - West of Highway 11 Bridge (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	32	N/A
041002	Lake Pontchartrain - East of Highway 11 Bridge (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	32	N/A
041101	Bonnet Carre Spillway	A B C	250	75	5.0	6.0-8.5	1	30	500
041201	Bayou Labranche - Headwaters to Lake Pontchartrain (Scenic) (Estuarine)	A B C G	N/A	N/A	4.0	6.0-8.5	1	32	N/A

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Code	Stream Description	Designated Uses	Criteria						
			CL	SO_4	DO	pH	BAC	EC	TDS
041202	Bayou Trepagnier - Norco to Bayou Labranche (Scenic) (Estuarine)	A B C G	N/A	N/A	4.0	6.0-8.5	1	32	N/A
041203	Duncan Canal (Parish Line Canal) - From source at Kenner corporation limits to Lake Pontchartrain (Estuarine)	A B C	N/A	N/A	4.0	6.5-8.5	1	32	N/A
041301	Bayou St. John (Scenic) (Estuarine)	A B C G	N/A	N/A	4.0	6.0-8.5	1	32	N/A
041302	Lake Pontchartrain Drainage Canals, Jefferson and Orleans Parishes (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	32	N/A
041401	New Orleans East Leveed Waterbodies (Estuarine)	A B C	N/A	N/A	4.0	6.0 - 8.5	1	32	N/A
041501	Inner Harbor Navigation Canal - Mississippi River Lock to Lake Pontchartrain (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A
041601	Intracoastal Waterway - Inner Harbor Navigation Canal to Chef Menteur Pass (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
041701	Rigolets (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	32	N/A
041702	Bayou Sauvage - New Orleans hurricane protection levee to Chef Menteur Pass and Chef Menteur Pass (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	32	N/A
041703	Intracoastal Waterway - from Chef Menteur Pass to Mississippi State Line at Rigolets (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	32	N/A
041704	Lake St. Catherine	A B C	N/A	N/A	5.0	6.5-9.0	1	32	N/A
041801	Bayou Bienvenue - Headwaters to Hurricane Gate at Mississippi River Gulf Outlet (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A
041802	Bayou Chaperon - origin to end (Scenic)(Estuarine)	A B C G	N/A	N/A	4.0	6.5-9.0	1	35	N/A
041803	Bashman Bayou - origin to Bayou Dupre (Scenic) (Estuarine)	A B C G	N/A	N/A	4.0	6.5-9.0	1	35	N/A
041804	Bayou Dupre - Lake Borgne Canal to Terre Beau Bayou (Scenic) (Estuarine)	A B C G	N/A	N/A	4.0	6.5-9.0	1	35	N/A
041805	Lake Borgne Canal (Violet Canal) - Mississippi River siphon at Violet to Bayou Dupre (Scenic) (Estuarine)	A B C G	N/A	N/A	4.0	6.5-9.0	1	35	N/A
041806	Pirogue Bayou - Bayou Dupre to New Canal (Scenic) (Estuarine)	A B C G	N/A	N/A	4.0	6.5-9.0	1	35	N/A

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Code	Stream Description	Designated Uses	Criteria						
			CL	SO_4	DO	pH	BAC	EC	TDS
041807	Terre Beau Bayou - Bayou Dupre to New Canal (Scenic) (Estuarine)	A B C G	N/A	N/A	4.0	6.5-9.0	1	35	N/A
041808	New Canal (Estuarine)	A B C	N/A	N/A	4.0	6.5 - 9.0	1	35	N/A
041901	Mississippi River Gulf Outlet - Intracoastal Waterway to Breton Sound (mile 30)	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
042001	Lake Borgne	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
042002	Bayou Bienvenue - Bayou Villere to Lake Borgne (Scenic) (Estuarine)	A B C E G	N/A	N/A	4.0	6.5-9.0	4	35	N/A
042003	Bayou La Loutre - Mississippi River Gulf Outlet to Chandeleur Sound (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
042004	Bayou Bienvienue - Mississippi River Gulf Outlet to Bayou Villere (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
042101	Bayou Terre Aux Boeufs (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
042102	River Aux Chenes (Oak River) (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
042103	Bayou Gentilly - From Bayou Terre Aux Boeufs to Lake Petite (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
042104	Lake Petit	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
042105	Lake Lery	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
042201	Chandeleur Sound	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
042202	California Bay, Breton Sound	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
042203	Bay Boudreau	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
042204	Drum Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
042205	Morgan Harbor	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
042206	Eloi Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
042207	Lake Lafortuna	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
042208	Bay Gardene, Black Bay, Lost Bayou, American Bay, and Bay Crabe	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A

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Code	Stream Description	Designated Uses	Criteria						
			CL	SO_4	DO	pH	BAC	EC	TDS
042209	Lake Pontchartrain Basin Coastal Bays and Gulf Waters to State three-mile limit	A B C E	N/A	N/A	5.0	6.5-9.0	4	32	N/A
	MERMENTAU RIVER BASIN (05)								
050101	Bayou Des Cannes - Headwaters to Mermentau River	A B C F	90	30	[16]	6.0-8.5	1	32	260
050102	Bayou Joe Marcel - Headwaters to Bayou Des Cannes	A B C F	90	30	[16]	6.0 - 8.5	1	32	260
050103	Bayou Mallet - Headwaters to Bayou Des Cannes	A B C F	90	30	[16]	6.0 - 8.5	1	32	260
050201	Bayou Plaquemine Brule - Headwaters to Bayou Des Cannes	A B C F	90	30	[16]	6.0-8.5	1	32	260
050301	Bayou Nezpique - Headwaters to Mermentau River	A B C F	90	30	[16]	6.0-8.5	1	32	260
050302	Beaver Creek - Headwaters to confluence with Boggy Creek	B C	90	30	[2]	6.0-8.5	2	32	260
050303	Castor Creek - Headwaters to confluence with Bayou Nezpique	A B C	90	30	[16]	6.0 - 8.5	1	32	260
050304	Bayou Blue - Headwaters to confluence with Bayou Nezpique	A B C	90	30	[16]	6.0 - 8.5	1	32	260
050401	Mermentau River - Origin to Lake Arthur	A B C F	90	30	[16]	6.0-8.5	1	32	260
050402	Lake Arthur and Lower Mermentau River to Grand Lake	A B C	90	30	5.0	6.0-8.5	1	32	260
050501	Bayou Queue de Tortue - Headwaters to Mermentau River	A B C F	90	30	[16]	6.0-8.5	1	32	260
050601	Lacassine Bayou - Headwaters to Grand Lake	A B C F	90	10	[16]	6.0 - 8.5	1	32	400
050602	Intracoastal Waterway - From the Calcasieu River Basin Boundary to the Mermentau River	A B C F	250	75	5.0	6.5-9.0	1	32	500
050603	Bayou Chene - includes Bayou Grand Marais	A B C F	90	10	5.0	6.5-9.0	1	32	400
050701	Grand Lake	A B C F	250	75	5.0	6.5-9.0	1	32	500
050702	Intracoastal Waterway - Mermentau River to Vermilion Locks	A B C F	250	75	5.0	6.0-9.0	1	32	500
050703	White Lake	A B C F	250	75	5.0	6.5-9.0	1	32	500
050801	Mermentau River - Catfish Point Control Structure to Gulf of Mexico (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A

Table 3. Numerical Criteria and Designated Uses

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Code	Stream Description	Designated Uses	Criteria						
			CL	SO_4	DO	pH	BAC	EC	TDS
050802	Big Constance Lake and Associated Waterbodies (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A
050901	Mermentau River Basin Coastal Bays and Gulf Waters to the State three-mile limit	A B C E	N/A	N/A	5.0	6.5-9.0	4	32	N/A
	VERMILION-TECHE RIVER BASIN (06)								
060101	Spring Creek - Headwaters to Cocodrie Lake (Scenic)	A B C G	10	5	5.0	6.0-8.5	1	30	100
060102	Cocodrie Lake	A B C	10	5	5.0	6.0-8.5	1	32	100
060201	Bayou Cocodrie - from U.S. Hwy. 167 to the Bayou Boeuf - Cocodrie Diversion Canal (Scenic)	A B C G	45	35	5.0	6.0-8.5	1	32	100
060202	Bayou Cocodrie - from Cocodrie Diversion Canal to intersection with Bayou Boeuf	A B C	45	35	5.0	6.0-8.5	1	32	100
060203	Chicot Lake	A B C	90	30	5.0	6.0-8.5	1	32	260
060204	Bayou Courtableau - origin to West Atchafalaya Borrow Pit Canal	A B C	40	30	5.0	6.0 - 8.5	1	32	220
060206	Indian Creek and Indian Creek Reservoir	A B C D	10	5	5.0	6.0 - 8.5	1	32	100
060207	Bayou des Glaises Diversion Channel/West Atchafalaya Borrow Pit Canal - from Bayou des Glaises to Bayou Courtableau	A B C	100	75	5.0	6.0-8.5	1	32	500
060208	Bayou Boeuf - Headwaters to Bayou Courtableau	A B C	45	35	5.0	6.0-8.5	1	32	100
060209	Irish Ditch/Big Bayou - Unnamed Ditch to Irish Ditch (Ditch No. 1) to Big Bayou to Irish Ditch No. 2 to Confluence with Bayou Rapides	B C	45	35	[2]	6.0-8.5	2	32	100
060210	Bayou Carron	A B C	40	30	5.0	6.0-8.5	1	32	220
060211	West Atchafalaya Borrow Pit Canal - from Bayou Courtableau to Henderson, La., includes Bayou Portage	A B C	40	30	5.0	6.0-8.5	1	32	220
060212	Chatlin Lake Canal and Bayou DuLac - from Alexandria, La., to Bayou des Glaises Diversion Canal (includes 0602 segment of Bayou Des Glaises)	A B C	45	35	5.0	6.0-8.5	1	32	100

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Code	Stream Description	Designated Uses	Criteria						
			CL	SO_4	DO	pH	BAC	EC	TDS
060301	Bayou Teche - Headwaters at Bayou Courtableau to Keystone Locks and Dam	A B C	40	30	5.0	6.0 - 8.5	1	32	220
060401	Bayou Teche - Keystone Locks and Dam to Charenton Canal	A B C	80	50	5.0	6.0-8.5	1	32	350
060501	Bayou Teche - Charenton Canal to Wax Lake Outlet	A B C D	80	50	5.0	6.0-8.5	1	32	350
060601	Charenton Canal - From Charenton Floodgate to Intracoastal Waterway, includes Bayou Teche from Charenton to Baldwin	A B C	250	75	5.0	6.0-8.5	1	32	500
060701	Tete Bayou	A B C	80	50	5.0	6.0-8.5	1	32	350
060702	Lake Fausse Point and Dauterive Lake	A B C	80	50	5.0	6.0-8.5	1	32	350
060703	Bayou Du Portage	A B C	80	50	5.0	6.0-8.5	1	32	350
060801	Vermilion River - Headwaters at Bayou Fusilier-Bourbeaux junction to New Flanders (Ambassador Caffery) Bridge, Hwy. 3073	A B C F	230	35	5.0	6.0-8.5	1	32	350
060802	Vermilion River - From New Flanders (Ambassador Caffery) Bridge, Hwy. 3073, to Intracoastal Waterway	A B C F	230	35	[6]	6.0-8.5	1	32	350
060803	Vermilion River Cutoff - From Intracoastal Waterway to Vermilion Bay (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A
060804	Intracoastal Waterway - Vermilion Lock to Levee at Segment 0611 and 0608 boundary (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A
060805	Breaux Bridge Swamp (Cyprière Perdue Swamp) - Forested wetland in St. Martin Parish, 0.5 mile (0.8 km) southwest of Breaux Bridge, La., southeast of La. Hwy 94, west of Bayou Teche, east of the Vermilion River, and north of the Evangeline and Ruth Canals	B C	[5]	[5]	[5]	[5]	2	[5]	[5]
060901	Bayou Petite Anse - Headwaters to Bayou Carlin (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A
060902	Bayou Carlin (Delcambre Canal) - Lake Peigneur to Bayou Petite Anse (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A
060903	Bayou Tigre - Headwaters to Bayou Petite Anse (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A

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Code	Stream Description	Designated Uses	Criteria						
			CL	SO_4	DO	pH	BAC	EC	TDS
060904	New Iberia Southern Drainage Canal - origin to Weeks Bay (Estuarine)	A B C	N/A	N/A	4.0	6.5 - 9.0	1	35	N/A
060906	Intracoastal Waterway - New Iberia Southern Drainage Canal to Bayou Sale (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A
060907	Franklin Canal	A B C	250	75	5.0	6.0-8.5	1	35	500
060908	Spanish Lake	A B C	250	75	5.0	6.0-8.5	1	32	500
060909	Lake Peigneur	A B C	N/A	N/A	5.0	6.5-9.0	1	35	N/A
060910	Boston Canal and Associated Canals (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A
060911	Dugas Canal by Tiger Lagoon Oil and Gas Field (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A
061001	West Cote Blanche Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
061002	East Cote Blanche Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
061101	Bayou Petite Anse - Bayou Carlin at Fresh-brackish marsh boundary to Vermilion Bay (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A
061102	Intracoastal Waterway - Levee at Segment 0611 and 0609 boundary to New Iberia Southern Drainage Canal (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A
061103	Freshwater Bayou Canal - from Intracoastal Canal to Control Structure (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	35	N/A
061104	Vermilion Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
061105	Marsh Island (Estuarine)	A B C	N/A	N/A	4.0	6.5 - 9.0	4	35	N/A
061201	Vermilion-Teche River Basin - Coastal Bays and Gulf Waters to State three-mile limit	A B C E	N/A	N/A	5.0	6.0-9.0	4	32	N/A
	MISSISSIPPI RIVER BASIN (07)								
070101	Mississippi River - from Arkansas State Line to Old River Control Structure	A B C	75	120	5.0	6.0-9.0	1	32	400
070102	Gassoway Lake	A B C	75	120	5.0	6.0-8.5	1	32	400
070103	Marengo Bend (Old River Near Vidalia)	A B C	250	75	5.0	6.0-8.5	1	32	500

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Code	Stream Description	Designated Uses	Criteria						
			CL	SO_4	DO	pH	BAC	EC	TDS
070201	Mississippi River-from Old River Control Structure to Monte Sano Bayou	A B C D	75	120	5.0	6.0-9.0	1	32	400
070202	Old River Lake or Raccourci Lake	A B C	100	75	5.0	6.0-8.5	1	32	500
070203	Devil's Swamp Lake and Bayou Baton Rouge	A B C	75	120	5.0	6.0-8.5	1	32	400
070301	Mississippi River - from Monte Sano Bayou to Head of Passes	A B C D	75	120	5.0	6.0-9.0	1	32	400
070401	Mississippi River Passes - Head of Passes to Mouth of Passes (Estuarine) (Includes Southwest, South, North Passes and Pass a Loutre)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
070402	Baptiste Collette Bayou (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
070403	Octave Pass and Main Pass (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
070404	Tiger Pass, Red Pass, Grand Pass, Tante Phine Pass (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
070501	Bayou Sara - Mississippi State Line to Mississippi River Confluence	A B C	100	75	5.0	6.0-8.5	1	32	500
070502	Thompson Creek - Mississippi State Line to Mississippi River Confluence	A B C	100	75	5.0	6.0-8.5	1	32	500
070503	Capitol Lake	A B C	75	120	5.0	6.0-8.5	1	32	400
070504	Monte Sano Bayou - from U.S. Hwy. 61 to the Mississippi River confluence [7], [8]	B L	[7]	[7]	3.0	6.0-9.0	1	35 [8]	[7]
070505	Tunica Bayou - Headwaters to Mississippi River	A B C	100	75	5.0	6.0-8.5	1	32	500
070601	Mississippi River Basin Coastal Bays and Gulf Waters to the State three-mile limit	A B C E	N/A	N/A	5.0	6.5-9.0	4	32	N/A
	OUACHITA RIVER BASIN (08)								
080101	Ouachita River - Arkansas State Line to Columbia Lock and Dam	A B C D	160	35	[15]	6.0-8.5	1	33	350
080102	Bayou Chauvin - Headwaters to the Ouachita River	A B C	160	35	5.0	6.0-8.5	1	33	350
080201	Ouachita River - Columbia Lock and Dam to Jonesville	A B C	160	50	5.0	6.0-8.5	1	33	400
080202	Bayou Louis - Headwaters to Ouachita River	A B C	250	75	5.0	6.0-8.5	1	32	500
080203	Lake Louis	A B C	250	75	5.0	6.0-8.5	1	32	500

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Code	Stream Description	Designated Uses	Criteria						
			CL	SO_4	DO	pH	BAC	EC	TDS
080301	Black River - Jonesville to Corps of Engineers Control Structure (at Mile 25, Serena)	A B C	95	20	5.0	6.0-8.5	1	32	265
080302	Black River - Corps of Engineers Control Structure to Red River	A B C	95	20	5.0	6.0-8.5	1	32	265
080401	Bayou Bartholomew - Arkansas State Line to Dead Bayou (Lake Bartholomew) (Scenic)	A B C G	55	35	5.0	6.0-8.5	1	32	420
080402	Bayou Bartholomew - Dead Bayou (Lake Bartholomew) to Ouachita River	A B C	55	35	5.0	6.0-8.5	1	32	420
080501	Bayou de L'Outre - Arkansas State Line to Ouachita River (Scenic)	A B C G	250	45	5.0	6.0-8.5	1	33	500
080601	Bayou D'Arbonne - Headwaters to Lake Claiborne	A B C D	50	15	5.0	6.0-8.5	1	32	200
080602	Lake Claiborne	A B C D	50	15	5.0	6.0-8.5	1	32	200
080603	Bayou D'Arbonne - From Lake Claiborne to Bayou D'Arbonne Lake	A B C	50	15	5.0	6.0-8.5	1	32	200
080604	Bayou D'Arbonne Lake	A B C	50	15	5.0	6.0-8.5	1	32	200
080605	Bayou D'Arbonne - From Bayou D'Arbonne Lake to Ouachita River (Scenic)	A B C G	50	15	5.0	6.0-8.5	1	32	200
080606	Cypress Creek - Headwaters to Bayou D'Arbonne (includes Colvin Creek)	A B C	65	10	5.0	6.0-8.5	1	32	160
080607	Corney Bayou - From Arkansas State Line to Corney Lake (Scenic)	A B C G	160	25	5.0	6.0-8.5	1	32	300
080608	Corney Lake	A B C	160	25	5.0	6.0-8.5	1	32	300
080609	Corney Bayou - From Corney Lake to Bayou D'Arbonne Lake (Scenic)	A B C G	160	25	5.0	6.0-8.5	1	32	300
080610	Middle Fork of Bayou D'Arbonne - From origin to Bayou D'Arbonne Lake (Scenic)	A B C G	50	15	5.0	6.0-8.5	1	32	200
080701	Bayou Desiard (Oxbow Lake) and Lake Bartholomew (Dead Bayou)	A B C D	25	25	5.0	6.0-8.5	1	32	100
080801	Cheniere Creek	A B C	25	25	5.0	6.0-8.5	1	32	100
080802	Cheniere Brake Lake	A B C	25	25	5.0	6.0-8.5	1	32	100
080901	Boeuf River - Arkansas State Line to Ouachita River	A B C	105	45	5.0	6.0-8.5	1	32	430
080902	Bayou Bonne Idee - Headwaters to Boeuf River	A B C	20	10	5.0	6.0-8.5	1	32	180

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Code	Stream Description	Designated Uses	Criteria						
			CL	SO_4	DO	pH	BAC	EC	TDS
080903	Big Creek - Headwaters to Boeuf River (including Big Colewa Bayou)	A B C	230	75	5.0	6.0-8.5	1	32	635
080904	Bayou Lafourche - near Oakridge to Boeuf River near Columbia	A B C	500	200	5.0	6.0-8.5	1	32	1,500
080905	Turkey Creek Headwaters to Turkey Creek Cutoff and Turkey Creek Cutoff to Big Creek including Glade Slough	B C	250	75	[2]	6.0-8.5	2	32	500
080906	Turkey Creek - From Turkey Creek Cutoff to Turkey Creek Lake	A B C	250	75	5.0	6.0-8.5	1	32	500
080907	Turkey Creek Lake and Turkey Creek outfall to Boeuf River	A B C	250	75	5.0	6.0-8.5	1	32	500
080908	Lake LaFourche	A B C	250	75	5.0	6.0-8.5	1	32	500
080909	Crew Lake	A B C	250	75	5.0	6.0-8.5	1	32	500
080910	Clear Lake	A B C	250	75	5.0	6.0-8.5	1	32	500
080911	Woolen Lake	A B C	250	75	5.0	6.0-8.5	1	32	500
080912	Tisdale Brake/Staulkinghead Creek - from origin to Little Bayou Boeuf	B L	500	200	[13]	6.0 - 8.5	2	32	1,500
081001	Bayou Macon - Arkansas State Line to Tensas River	A B C	50	55	5.0	6.0-8.5	1	32	380
081002	Joe's Bayou - Headwaters to Bayou Macon	A B C	250	75	5.0	6.0-8.5	1	32	500
081003	Deer Creek - Headwaters to confluence with Boeuf River	B L	105	45	[13]	6.0 - 8.5	2	32	430
081101	Lake Providence (Oxbow Lake)	A B C	25	25	5.0	6.0-8.5	1	32	150
081201	Tensas River - Headwaters to Jonesville (including Tensas Bayou)	A B C	45	30	5.0	6.0-8.5	1	32	500
081202	Lake St. Joseph (Oxbow Lake)	A B C	25	25	5.0	6.0-8.5	1	32	150
081203	Lake Bruin (Oxbow Lake)	A B C D	25	25	5.0	6.0-8.5	1	32	150
081301	Little River - Archie Dam to Ouachita River	A B C	95	10	5.0	6.0-8.5	1	32	265
081401	Dugdemona River - Headwaters to junction with Big Creek	A B C	250	750	[14]	6.0 - 8.5	1	32	2,000
081402	Dugdemona River - From Big Creek to Little River	A B C	250	750	5.0	6.0-8.5	1	32	2,000
081501	Castor Creek - Headwaters to Little River	A B C	25	25	5.0	6.0-8.5	1	32	100

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Code	Stream Description	Designated Uses	Criteria						
			CL	SO_4	DO	pH	BAC	EC	TDS
081502	Chatham Lake	A B C	25	25	5.0	6.0-8.5	1	32	100
081503	Beaucoup Creek - Headwaters to Castor Creek	A B C	25	25	5.0	6.0-8.5	1	32	100
081504	Flat Creek - Headwaters to Castor Creek	A B C	25	25	5.0	6.0-8.5	1	32	100
081505	Caney Lake	A B C	25	25	5.0	6.0-8.5	1	32	100
081601	Little River - Confluence of Castor Creek and Dugdemona River to Junction with Bear Creek (Scenic)	A B C G	250	500	5.0	6.0-8.5	1	33	1,000
081602	Little River - From Bear Creek to Catahoula Lake (Scenic)	A B C G	50	75	5.0	6.0-8.5	1	33	260
081603	Catahoula Lake	A B C	50	75	5.0	6.0-8.5	1	33	260
081604	Catahoula Lake Diversion Canal - Catahoula Lake to Black River	A B C	50	75	5.0	6.0-8.5	1	33	260
081605	Little River - From Catahoula Lake to Dam at Archie	A B C	50	75	5.0	6.0-8.5	1	33	260
081606	Fish Creek - Headwaters to Little River (Scenic)	A B C G	50	75	5.0	6.0-8.5	1	33	260
081607	Trout Creek - Headwaters to Little River (Scenic)	A B C G	50	75	5.0	6.0-8.5	1	33	260
081608	Big Creek - Headwaters to Little River (Scenic)	A B C D G	50	75	5.0	6.0-8.5	1	33	260
081609	Hemphill Creek - Headwaters to Catahoula Lake (includes Hair Creek)	A B C	50	75	5.0	6.0-8.5	1	33	260
081610	Old River - Catahoula Lake to Little River	A B C	250	75	5.0	6.0-8.5	1	32	500
081611	Bayou Funny Louis-Headwaters to Little River	A B C	50	75	5.0	6.0-8.5	1	33	260
	PEARL RIVER BASIN (09)								
090101	Pearl River - Mississippi State Line to Pearl River Navigation Canal	A B C	20	15	5.0	6.0-8.5	1	32	180
090102	East Pearl River - from confluence with Holmes Bayou to Interstate Hwy. 10	A B C	20	15	5.0	6.0-8.5	1	32	180
090103	East Pearl River - From Interstate Hwy. 10 to Lake Borgne (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	35	N/A
090104	Peters Creek - Headwaters to Pearl River	A B C	20	30	5.0	6.0-8.5	1	30	150
090105	Pearl River Navigation Canal - from Pools Bluff to Lock No. 3	A B C	20	15	5.0	6.0-8.5	1	32	180

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Code	Stream Description	Designated Uses	Criteria						
			CL	SO_4	DO	pH	BAC	EC	TDS
090106	Holmes Bayou - from the Pearl River to the West Pearl River (Scenic)	A B C G	20	15	5.0	6.0-8.5	1	32	180
090107	Pearl River - from Pearl River Navigation Canal to Holmes Bayou	A B C	20	15	5.0	6.0-8.5	1	32	180
090201	West Pearl River - from Headwaters to confluence with Holmes Bayou (Scenic)	A B C G	20	15	5.0	6.0-8.5	1	32	180
090202	West Pearl River - from confluence with Holmes Bayou to the Rigolets (includes east and west mouths) (Scenic)	A B C G	90	20	5.0	6.0-8.5	1	32	235
090202-5126	Morgan River - from Porters River to its confluence with West Pearl River (Scenic)	A B C G	90	20	5.0	6.0-8.5	1	32	235
090203	Lower Bogue Chitto - from Pearl River Navigation Canal to Wilsons Slough	A B C	15	10	5.0	6.0-8.5	1	32	105
090204	Pearl River Navigation Canal below Lock No. 3	A B C	15	10	5.0	6.0-8.5	1	32	105
090205	Wilson Slough - all of that portion of the slough (bayou) lying within the boundaries of St. Tammany Parish (Scenic)	A B C G	15	10	5.0	6.0-8.5	1	32	105
090206	Bradley Slough - all of that portion of the slough (bayou) lying within the boundaries of St. Tammany Parish (Scenic)	A B C G	15	10	5.0	6.0-8.5	1	32	105
090207	Middle Pearl River and West Middle Pearl River - from West Pearl to Little Lake	A B C	90	20	5.0	6.0-8.5	1	32	235
090207-5112	Morgan Bayou - Headwaters near I-10 to confluence with Middle River	A B C	90	20	5.0	6.0-8.5	1	32	235
090208	Little Lake (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	32	N/A
090301	Pushepatapa Creek - Headwaters and tributaries from the Mississippi state line to the Pearl River flood plain (Scenic)	A B C G	15	12	5.0	6.0-8.5	1	35	105
090401	Bogue Lusa Creek - Headwaters to Pearl River	A B C	30	45	5.0	6.0-8.5	1	32	300
090501	Bogue Chitto River - from Mississippi State Line to Pearl River Navigation Canal (Scenic)	A B C G	15	10	5.0	6.0-8.5	1	35	105
090502	Big Silver Creek - Headwaters to the Bogue Chitto River	A B C	15	10	5.0	6.0-8.5	1	35	105

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Code	Stream Description	Designated Uses	Criteria						
			CL	SO_4	DO	pH	BAC	EC	TDS
090503	Little Silver Creek - Headwaters to the Bogue Chitto River	A B C	15	10	5.0	6.0-8.5	1	35	105
090504	Lawrence Creek - Headwaters to the Bogue Chitto River	A B C	15	10	5.0	6.0-8.5	1	35	105
090505	Bonner Creek - Headwaters to the Bogue Chitto River	A B C	15	10	5.0	6.0-8.5	1	35	105
090506	Thigpen Creek - Headwaters to the Bogue Chitto River	A B C	15	10	5.0	6.0-8.5	1	35	105
	RED RIVER BASIN (10)								
100101	Red River - Arkansas State Line to Alexandria (Hwy. 165)	A B C D F	185	110	5.0	6.0-8.5	1	34	780
100201	Red River - Alexandria (Hwy. 165) to Old River Control Structure Diversion Channel	A B C D	185	110	5.0	6.0-8.5	1	34	780
100202	Little River - Headwaters to Old River near Marksville, Louisiana	A B C	250	75	5.0	6.0-8.5	1	32	500
100203	Old River & Associated Waterbodies (Spring Bayou Wildlife Management Area)	A B C	250	75	5.0	6.0-8.5	1	32	500
100301	Black Bayou - Texas State Line to LA Hwy. 1 at Black Bayou Lake	A B C F	250	25	5.0	6.0-8.5	1	33	500
100302	Black Bayou Lake - from Hwy. 1 to Spillway	A B C	250	25	5.0	6.0-8.5	1	33	500
100303	Black Bayou - from Spillway at Black Bayou Lake to Twelve Mile Bayou	A B C	250	25	5.0	6.0-8.5	1	33	500
100304	Twelve Mile Bayou - Origin to Red River	A B C D F	175	75	5.0	6.0-8.5	1	32	500
100305	Mahlin Bayou/McCain Creek - origin to confluence with Twelve Mile Bayou	B L	175	75	[14]	6.0 - 8.5	2	32	500
100306	Kelly Bayou - Arkansas State Line to Black Bayou	A B C F	90	40	5.0	6.0-8.5	1	33	665
100307	Caddo Lake and James Bayou - Texas State Line to Caddo Lake	A B C D F	120	35	5.0	6.0-8.5	1	34	325
100308	Paw Paw Bayou and Tributaries - Texas State Line to Cross Lake	A B C D F	75	25	5.0	6.0-8.5	1	32	150
100309	Cross Bayou - Texas State Line to Cross Lake	A B C D F	75	25	5.0	6.0-8.5	1	32	150
100310	Cross Lake	A B C D F	75	25	5.0	6.0-8.5	1	32	150
100401	Bayou Bodcau - from Arkansas State Line to Red Chute Bayou at Cypress Bayou junction (includes Bodcau Lake)	A B C F	250	75	5.0	6.0-8.5	1	32	800

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Code	Stream Description	Designated Uses	Criteria						
			CL	SO_4	DO	pH	BAC	EC	TDS
100402	Red Chute Bayou - from Cypress Bayou junction to Flat River	A B C	250	75	[14]	6.0 - 8.5	1	32	800
100403	Cypress Bayou - Headwaters to Cypress Bayou Reservoir	A B C D F	100	25	5.0	6.0-8.5	1	32	300
100404	Cypress Bayou Reservoir	A B C D F	100	25	5.0	6.0-8.5	1	32	300
100405	Black Bayou (including Black Bayou Reservoir)	A B C D F	100	25	5.0	6.0-8.5	1	32	300
100406	Flat River - Headwaters to Loggy Bayou	A B C	250	75	5.0	6.0-8.5	1	32	300
100501	Bayou Dorcheat - Arkansas State Line to Lake Bistineau (Scenic)	A B C F G	250	25	5.0	6.0-8.5	1	33	440
100502	Lake Bistineau	A B C F	250	25	5.0	6.0-8.5	1	33	440
100503	Caney Creek - Headwaters to Cow Branch (excluding Caney Lake)	A B C F	250	75	5.0	6.0-8.5	1	32	500
100504	Caney Lake	A B C F	250	75	5.0	6.0-8.5	1	32	500
100505	Loggy Bayou - Lake Bistineau Dam to Flat River	A B C F	75	35	5.0	6.0-8.5	1	32	250
100506	Loggy Bayou - Flat River to Red River	A B C F	250	75	5.0	6.0-8.5	1	32	800
100601	Bayou Pierre - Headwaters to Sawing Lake	A B C F	150	75	5.0	6.0-8.5	1	32	500
100602	Boggy Bayou - Headwaters to Wallace Lake	A B C F	150	75	5.0	6.0-8.5	1	32	500
100603	Wallace Lake	A B C F	150	75	5.0	6.0-8.5	1	32	500
100604	Wallace Bayou - Wallace Lake to Bayou Pierre	A B C F	150	75	5.0	6.0-8.5	1	32	500
100605	Lake Edwards and Smithport Lake	A B C F	250	75	5.0	6.0-8.5	1	32	500
100606	Bayou Pierre - from Sawing Lake to Red River	A B C F	150	75	5.0	6.0-8.5	1	32	500
100701	Black Lake Bayou - Headwaters to Webster-Bienville Parish Line	A B C F	26	9	5.0	6.0-8.5	1	32	79
100702	Black Lake Bayou - Webster-Bienville Parish Line to Black Lake (Scenic)	A B C F G	26	9	5.0	6.0-8.5	1	32	79
100703	Black Lake and Clear Lake	A B C F	26	9	5.0	6.0-8.5	1	32	79
100704	Kepler Creek - Headwaters to Kepler Lake	A B C F	25	25	5.0	6.0-8.5	1	32	79
100705	Kepler Lake	A B C F	25	25	5.0	6.0-8.5	1	32	79

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Code	Stream Description	Designated Uses	Criteria						
			CL	SO_4	DO	pH	BAC	EC	TDS
100706	Kepler Creek - Kepler Lake to Black Lake Bayou	A B C F	25	25	5.0	6.0-8.5	1	32	79
100707	Castor Creek - Headwaters to Black Lake Bayou	A B C	26	9	5.0	6.0-8.5	1	32	79
100708	Unnamed Tributary to Castor Creek near Town of Castor	B C	26	9	[2]	6.0-8.5	2	32	79
100709	Grand Bayou - Headwaters to Black Lake Bayou	A B C	26	9	5.0	6.0-8.5	1	32	79
100710	Unnamed Tributary to Grand Bayou near Town of Hall Summit	B C	26	9	[2]	6.0-8.5	2	32	79
100801	Saline Bayou - from its origin near Arcadia to La. Hwy. 156 in Winn Parish (Scenic)	A B C F G	110	20	5.0	6.0-8.5	1	32	250
100802	Saline Lake	A B C F	110	20	5.0	6.0-8.5	1	32	250
100803	Saline Bayou - from Saline Lake to Red River	A B C F	110	20	5.0	6.0-8.5	1	32	250
100804	Unnamed Tributary to Saline Bayou near Town of Arcadia	B C	110	20	[2]	6.0-8.5	2	32	250
100901	Nantaches Creek - Headwaters to Nantaches Lake	A B C F	25	25	5.0	6.0-8.5	1	32	100
100902	Nantaches Lake	A B C F	25	25	5.0	6.0-8.5	1	32	100
100903	Bayou Nantaches - Nantaches Lake to Red River	A B C F	25	25	5.0	6.0-8.5	1	32	100
101001	Sibley Lake	A B C D F	25	25	5.0	6.0-8.5	1	32	100
101101	Cane River - above Natchitoches to Red River	A B C D F	25	25	5.0	6.0-8.5	1	32	100
101102	Bayou Kisatchie - Headwaters to entrance into Kisatchie National Forest	A B C F	25	25	5.0	6.0-8.5	1	32	100
101103	Bayou Kisatchie - entrance into Kisatchie National Forest to Old River (Scenic)	A B C F G	25	25	5.0	6.0-8.5	1	32	100
101201	Cotile Reservoir	A B C	50	25	5.0	6.0-8.5	1	32	200
101301	Rigolette Bayou - Headwaters to Red River	A B C F	25	25	5.0	6.0-8.5	1	32	100
101302	Iatt Lake	A B C F	25	25	5.0	6.0-8.5	1	32	100
101303	Iatt Creek - Headwaters to Iatt Lake	A B C F	25	25	5.0	6.0-8.5	1	32	100
101401	Buhlow Lake (Pineville)	A B C	100	50	5.0	6.0-8.5	1	32	250

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Code	Stream Description	Designated Uses	Criteria						
			CL	SO_4	DO	pH	BAC	EC	TDS
101501	Big Saline Bayou - Catahoula Lake to Saline Lake	A B C	250	75	5.0	6.0-8.5	1	32	500
101502	Saline Lake	A B C	250	75	5.0	6.0-8.5	1	32	500
101503	Old Saline Bayou - from Saline Lake to Red River	A B C	250	75	5.0	6.0-8.5	1	32	500
101504	Saline Bayou - Larto Lake to Saline Lake (Scenic)	A B C G	45	10	5.0	6.0-8.5	1	32	165
101505	Larto Lake	A B C	45	10	5.0	6.0-8.5	1	32	165
101506	Big Creek - Headwaters to Saline Lake	A B C	45	10	5.0	6.0-8.5	1	32	165
101601	Bayou Cocodrie - from Little Cross Bayou to Wild Cow Bayou (Scenic)	A B C F G	250	75	5.0	6.0-8.5	1	32	500
101602	Cocodrie Lake	A B C	250	75	5.0	6.0-8.5	1	32	500
101603	Lake St. John	A B C	250	75	5.0	6.0-8.5	1	32	500
101604	Lake Concordia	A B C	250	75	5.0	6.0-8.5	1	32	500
101605	Bayou Cocodrie - Lake Concordia to Highway 15	A B C	250	75	5.0	6.0-8.5	1	32	500
101606	Bayou Cocodrie - Wild Cow Bayou to Red River	A B C	250	75	5.0	6.0-8.5	1	32	500
101607	Bayou Cocodrie - Highway 15 to Little Cross Bayou	B L	250	75	[13]	6.0 - 8.5	2	32	500
	SABINE RIVER BASIN (11)								
110101	Toledo Bend Reservoir - Texas-Louisiana Line to Toledo Bend Dam	A B C D F	120	60	5.0	6.0-8.5	1	34	500
110201	Sabine River - Toledo Bend Dam to Confluence with Old River below Sabine Island Wildlife Management Area	A B C D	120	60	5.0	6.0-8.5	1	33	500
110202	Pearl Creek - from its origin to its entrance into Sabine River (Scenic)	A B C D G	120	60	5.0	6.0-8.5	1	33	500
110301	Sabine River - Confluence with Old River below Sabine Island Wildlife Management Area to Sabine Lake (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	35	N/A
110302	Black Bayou - from boundary between segments 1103 and 1106 to Sabine Lake (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	32	N/A
110303	Sabine Lake (Estuarine)	A B C E	N/A	N/A	4.0	6.0-8.5	4	35	N/A

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Code	Stream Description	Designated Uses	Criteria						
			CL	SO_4	DO	pH	BAC	EC	TDS
110304	Sabine Pass (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
110401	Bayou Toro - Headwaters to La. Hwy. 473	A B C	25	25	5.0	6.0-8.5	1	32	150
110402	Bayou Toro - La. Hwy. 473 to its entrance into Sabine River	A B C	25	25	5.0	6.0-8.5	1	32	150
110501	West Anacoco Creek - Headwaters to Vernon Lake	A B C	15	10	5.0	6.0-8.5	1	32	90
110502	East Anacoco Creek - Headwaters to Vernon Lake	A B C	15	10	5.0	6.0-8.5	1	32	90
110503	Vernon Lake	A B C	15	10	5.0	6.0-8.5	1	32	90
110504	Bayou Anacoco - Vernon Lake to Anacoco Lake	A B C	15	10	5.0	6.0-8.5	1	32	90
110505	Anacoco Lake	A B C	15	10	5.0	6.0-8.5	1	32	90
110506	Bayou Anacoco - from Anacoco Lake to Cypress Creek	A B C	15	10	5.0	6.0-8.5	1	32	90
110507	Bayou Anacoco - from Cypress Creek to Sabine River Confluence	A B C	150	200	5.0	6.0-8.5	1	32	1,000
110601	Vinton Waterway - Vinton to Intracoastal Waterway (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	35	N/A
110602	Black Bayou - Intracoastal Waterway to boundary between segments 1103 and 1106 (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1	35	N/A
110701	Sabine River Basin Coastal Bays and Gulf Waters to the State three-mile limit	A B C E	N/A	N/A	5.0	6.5-9.0	4	32	N/A
	TERREBONNE BASIN (12)								
120101	Bayou Portage	A B C	25	25	5.0	6.0-8.5	1	32	200
120102	Bayou Poydras	A B C	250	75	5.0	6.0-8.5	1	32	500
120103	Bayou Choctaw	A B C	250	75	5.0	6.0-8.5	1	32	500
120104	Bayou Grosse Tete	A B C	25	25	5.0	6.0-8.5	1	32	200
120105	Chamberlin Canal	A B C	250	75	5.0	6.0-8.5	1	32	500
120106	Bayou Plaquemine - Plaquemine Lock to Intracoastal Waterway	A B C	250	75	5.0	6.0-8.5	1	32	500
120107	Upper Grand River and Lower Flat River - Headwaters to Intracoastal Waterway	A B C	250	75	5.0	6.0-8.5	1	32	500
120108	False River	A B C	25	25	5.0	6.0-8.5	1	32	200

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Code	Stream Description	Designated Uses	Criteria						
			CL	SO_4	DO	pH	BAC	EC	TDS
120109	Intracoastal Waterway - Morgan City to Port Allen Route - Port Allen Locks to Bayou Sorrel Locks	A B C	60	40	5.0	6.0-8.5	1	32	300
120110	Bayou Cholpe - Headwaters to Bayou Choctaw	A B C	25	25	5.0	6.0-8.5	1	32	200
120111	Bayou Maringouin - Headwaters to East Atchafalaya Basin Levee	A B C	25	25	5.0	6.0-8.5	1	32	200
120112	Bayou Fordoche - Headwaters near Morganza to Bayou Grosse Tete	A B C	25	25	5.0	6.0-8.5	1	32	200
120201	Lower Grand River and Belle River - Bayou Sorrel Lock to Lake Palourde (includes Bay Natchez, Lake Natchez, Bayou Milhomme, and Bayou Long)	A B C	60	40	5.0	6.0-8.5	1	32	300
120202	Bayou Black - Intracoastal Waterway to Houma	A B C D	85	40	5.0	6.0-8.5	1	32	500
120203	Bayou Boeuf - Lake Palourde to boundary between segments 1202 and 1204	A B C D	250	75	5.0	6.0-8.5	1	32	500
120204	Lake Verret and Grassy Lake	A B C	100	75	5.0	6.0-8.5	1	32	350
120205	Lake Palourde	A B C D	100	75	5.0	6.0-8.5	1	32	350
120206	Grand Bayou & Little Grand Bayou - Headwaters to Lake Verret	A B C	60	40	5.0	6.0-8.5	1	32	300
120207	Thibodaux Swamp (Pointe Au Chene Swamp) - Forested wetland in Lafourche and Terrebonne Parishes, 6.2 miles (10 km) southwest of Thibodaux, La., east of Terrebonne-Lafourche Drainage Canal, and north of Southern Pacific Railroad	B C	[5]	[5]	[5]	[5]	2	[5]	[5]
120301	Bayou Terrebonne - Thibodaux to boundary between segments 1203 and 1206, at Houma	A B C	540	90	5.0	6.0-8.5	1	32	1,350
120302	Company Canal - from Bayou Lafourche to Intercoastal Waterway	A B C D F	500	150	5.0	6.5-9.0	1	32	1,000
120303	Lake Long	A B C	500	150	5.0	6.5-9.0	1	32	1,000
120304	Intracoastal Waterway - Houma to Larose	A B C D F	250	75	5.0	6.5-9.0	1	32	500

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Code	Stream Description	Designated Uses	Criteria						
			CL	SO_4	DO	pH	BAC	EC	TDS
120401	Bayou Penchant - Bayou Chene to Lake Penchant	A B C G	500	150	5.0	6.5-9.0	1	32	1,000
120402	Bayou Chene - from Intracoastal Waterway to Bayou Penchant	A B C	250	75	5.0	6.5-8.0	1	32	500
120403	Intracoastal Waterway - Bayou Boeuf Locks to boundary between segments 1204 and 1203, at Houma (includes segments of Bayous Boeuf, Black and Chene)	A B C D F	250	75	5.0	6.5-8.5	1	32	500
120404	Lake Penchant	A B C	500	150	5.0	6.5-9.0	1	32	1,000
120405	Lake Hache, Lake Theriot	A B C	500	150	5.0	6.0-8.5	1	32	1,000
120406	Lake de Cade	A B C E	N/A	N/A	5.0	6.0-9.0	4	35	N/A
120501	Bayou Grand Caillou - Houma to Bayou Pelton	A B C	500	150	5.0	6.0-8.5	1	32	1,000
120502	Bayou Grand Caillou - from Bayou Pelton to the boundary between segments 1205 and 1207 (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
120503	Bayou Petit Caillou - from Bayou Terrebonne to Klondyke Road Bridge	A B C E	500	150	5.0	6.0-9.0	4	32	1,000
120504	Bayou Petit Caillou - Klondyke Road Bridge to boundary between segments 1205 and 1207 (Estuarine)	A B C E	N/A	N/A	4.0	6.0-9.0	4	32	N/A
120505	Bayou Du Large - from Houma to Marmande Canal	A B C	500	150	5.0	6.5-9.0	1	32	1,000
120506	Bayou Du Large - Marmande Canal to the boundary between segments 1205 and 1207 (Estuarine)	A B C E	N/A	N/A	4.0	6.0-9.0	4	35	N/A
120507	Bayou Chauvin - Ashland Canal to Lake Boudreaux (Estuarine)	A B C	N/A	N/A	4.0	6.5-9.0	1	32	N/A
120508	Houma Navigation Canal - Bayou Pelton to the boundary between segments 1205 and 1207 (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
120509	Houma Navigation Canal - Houma to Bayou Pelton	A B C D	500	150	5.0	6.0-8.5	1	32	1,000
120601	Bayou Terrebonne - Houma to Company Canal (Estuarine)	A B C	445	105	4.0	6.0 - 9.0	1	32	1,230
120602	Bayou Terrebonne - from Company Canal to Humble Canal (Estuarine)	A B C E	5,055	775	4.0	6.5-9.0	4	32	10,000
120603	Company Canal - from Intracoastal Waterway to Bayou Terrebonne	A B C	500	150	5.0	6.5-9.0	1	32	1,000

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Code	Stream Description	Designated Uses	Criteria						
			CL	SO_4	DO	pH	BAC	EC	TDS
120604	Bayou Blue - Intracoastal Waterway to boundary between segments 1206 and 1207	A B C	445	105	5.0	6.5-9.0	1	32	1,000
120605	Bayou Pointe Au Chien - Source to boundary between segments 1206 and 1207	A B C	445	105	5.0	6.5-9.0	1	32	1,000
120606	Bayou Blue - Grand Bayou Canal to boundary between segments 1206 and 1207 (Estuarine)	A B C	5,055	775	4.0	6.5-9.0	1	32	10,000
120701	Bayou Grand Caillou - boundary between segments 1205 and 1207 to Caillou Bay (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
120702	Bayou Petit Caillou - from boundary between segments 1205 and 1207 to Houma Navigation Canal (Estuarine)	A B C E	N/A	N/A	4.0	6.0-9.0	4	32	N/A
120703	Bayou Du Large - from the boundary between segments 1205 and 1207 to Caillou Bay (Estuarine)	A B C E	N/A	N/A	4.0	6.0-9.0	4	35	N/A
120704	Bayou Terrebonne - from Humble Canal to Lake Barre (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
120705	Houma Navigation Canal - from the segment boundary between 1205 and 1207 to Terrebonne Bay (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
120706	Bayou Blue - Boundary between segments 1206 and 1207 to Lake Raccourci (Estuarine)	A B C E	N/A	N/A	4.0	6.5-9.0	4	35	N/A
120707	Lake Boudreaux	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
120708	Lost Lake, Four League Bay	A B C E	N/A	N/A	5.0	6.0-9.0	4	35	N/A
120709	Bayou Petite Caillou - from Houma Navigation Canal to Terrebonne Bay	A B C E	N/A	N/A	5.0	6.0-9.0	4	32	N/A
120801	Caillou Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
120802	Terrebonne Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
120803	Timbalier Bay	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
120804	Lake Barre	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A

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Code	Stream Description	Designated Uses	Criteria						
			CL	SO_4	DO	pH	BAC	EC	TDS
120805	Lake Pelto	A B C E	N/A	N/A	5.0	6.5-9.0	4	35	N/A
120806	Terrebonne Basin Coastal Bays and Gulf Waters to the State three-mile limit	A B C E	N/A	N/A	5.0	6.5-9.0	4	32	N/A

ENDNOTES:

[1] Designated Naturally Dystrophic Waters Segment; Seasonal DO Criteria: 5.0 mg/L November - April, 3.5 mg/L May - October.

[2] Designated Intermittent Stream; Seasonal DO Criteria: 5.0 mg/L November - April, 2.0 mg/L May - October; Seasonal Water Uses: All uses November - April, No uses May - October.

[3] Designated Naturally Dystrophic Waters Segment; Seasonal DO Criteria: 5.0 mg/L December - February, 3.0 mg/L March – November.

[4] Designated Man-made Water body; Seasonal DO Criteria: 4.0 mg/L November - March, 2.5 mg/L April - October; Subcategory Fish and Wildlife Use, Blue Crab Use.

[5] Designated Naturally Dystrophic Waters Segment - Not Available (N/A); the following criteria are applicable:

(a) No more than 20% decrease in naturally occurring litter fall or stem growth;

(b) No significant decrease in the dominance index or stem density of bald cypress;

(c) No significant decrease in faunal species diversity and no more than a 20% decrease in biomass.

[6] Site-specific Seasonal DO Criteria: 5 mg/L January - April, 3.5 mg/L May - December.

[7] Designated Man-made Water body; Cl, SO_4, and TDS levels will not cause acute toxicity to the limited wildlife and aquatic life community established in the designated Monte Sano Bayou subsegment. Aquatic Life Acute Criteria will apply and Human Health Criteria will be calculated with Secondary Contact Recreation Criteria and 6.5 g/day fish consumption rate.

[8] The temperature differential limit of 2.8EC is not applicable to this water body subsegment.

[9] Site-specific DO Criteria.

[10] Scenic River Segment limited to: Junction with Whiskey Chitto Creek to confluence with Marsh Bayou.

[11] Scenic River Segment limited to: Confluence with Marsh Bayou to Ward 8 Park in Calcasieu Parish above Moss Bluff.

[12] Scenic River Segment limited to: Confluence of East and West Prong to LA Hwy. 437, north of Covington.

[13] Site-specific Seasonal DO Criteria: 3mg/L November-April, 2 mg/L May-October.

[14] Site-specific Seasonal DO Criteria: 5mg/L November-April, 3mg/L May-October.

[15] Site-specific Seasonal DO Criteria: 3 mg/l June and July, 4.5 mg/l August, 5 mg/l September through May. These seasonal criteria may be unattainable during or following naturally occurring high flow (when the gage at the Felsenthal Dam exceeds 65 feet and also for the two weeks following the recession of flood waters below 65 feet), which may occur from May through August. Naturally occurring conditions that fail to meet criteria should not be interpreted as violations of the criteria.

[16] Designated Naturally Dystrophic Waters Segment; Seasonal DO Criteria: 5 mg/L December - February, 3 mg/L March - November.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 15:738 (September 1989), amended LR 17:264 (March 1991), LR 20:431 (April 1994), LR 20:883 (August 1994), LR 21:683 (July 1995), LR 22:1123 (November 1996), LR 24:1926 (October 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2405 (December 1999).

Chapter 13. Louisiana Water Pollution Control Fee System Regulation

§1301. Scope and Purpose

It is the purpose of these regulations to establish a fee system for funding the operation and activities of the Office of Water Resources of the Department of Environmental Quality in accordance with the Louisiana Environmental Quality Act, R.S. 30:2001 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 18:731 (July 1992).

§1303. Authority

These regulations provide fees as required by R.S. 30:2014(B) and 2089.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 24:326 (February 1998).

§1305. Short Title

These regulations shall be known and may be cited by the short title "Water Program Fee Regulations."

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985).

§1307. Definitions

All terms used in these regulations, unless the context otherwise requires or unless specifically defined in the Louisiana Environmental Quality Act, or in substantive regulations promulgated by the secretary of the Department of Environmental Quality, shall have their usual meaning. In addition, for purposes of these regulations, the following definitions apply:

Administrative Authority—the secretary of the Department of Environmental Quality, the assistant secretary of the Office of Water Resources and/or their designated representatives.

Annual Fee—the fee which is paid annually based on the state's fiscal year (July 1 to June 30). This fee shall be applicable to all facilities subject to regulation under the Louisiana Water Control Law, R.S. 30:2071 et seq.

Department—the Department of Environmental Quality.

Division—the Water Pollution Control Division within the Office of Water Resources.

Due Date—the date indicated on the invoice.

Facility—for the purposes of the Louisiana Water Pollution Control Fee System, a pollution source, or any public or private property or site and all contiguous land and structures, other appurtenances and improvements, where an activity is conducted that discharges or may result in the discharge of pollutants into waters of the state.

Inactive Facility—any facility which has been permanently closed and inoperative except for minor and essential maintenance activities for a period of at least one year but retains a valid permit to facilitate a potential resumption of operations. Facilities that are temporarily closed for maintenance or turnaround activities or inventory reduction are not considered to be inactive.

Major Facility—for the purposes of the Louisiana Water Pollution Control Fee System, any facility classified as such by the administrative authority.

Minor Facility—any facility not classified as a major facility by the administrative authority.

Municipal Facility—any facility operated by the state or a city, town, village, district or parish governing authority for the purpose of providing necessary public services.

New, Modified, or Reissued Permit Fee—the fee applicable to any such permit action.

Office—the Office of Water Resources within the Department of Environmental Quality.

Permit or License—for the purposes of the Louisiana Water Pollution Control Fee System, written authorization issued by the administrative authority to discharge, emit, or dispose of liquid, gaseous, semi-solid or solid waste or reusable materials, or radioactive material from or at a site or facility, including all conditions set forth therein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 18:731 (July 1992), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996), amended by the Office of Water Resources, LR 24:326 (February 1998).

§1309. Fee System

A. Applicability. Fees established by these regulations shall be applicable to all facilities subject to regulation under the Louisiana Water Control Law, R.S. 30:2071 et seq., including those with no discharge and/or closed system permits.

B. Annual Fee

1. The annual fee shall be calculated by multiplying the rating points times the rate factor except that the annual fee for each general permit shall be established by the administrative authority as provided below.

2. The rating points shall be computed using the appropriate Annual Fee Rating Worksheet.

3. The rate factor shall be applied per rating point as follows:

a. for municipal facilities:

i. $97.50 per rating point through June 30, 1998;

ii. $104.81 per rating point from July 1, 1998, through June 30, 1999; and

iii. $112.12 per rating point as of July 1, 1999; and

b. for all other facilities:

i. $179.16 per rating point through June 30, 1998;

ii. $192.60 per rating point from July 1, 1998, through June 30, 1999; and

iii. $206.03 per rating point as of July 1, 1999.

4. The annual fee shall be paid each year a facility is subject to regulation under the Louisiana Water Control Law, R.S. 30:2071 et seq. The year shall correspond with the state's fiscal year, July 1 through June 30.

5. For new facilities, the annual fee may be prorated to correspond to the start-up date.

6. The annual fee for inactive facilities may be reduced by 50 percent during any fiscal year in which the facility was inactive for the entire fiscal year. In no case shall the fee be reduced below the minimum fee.

C. New Permit Fee

1. A new permit fee shall be paid for issuance of any new or temporary permit.

2. The new permit fee shall be assessed subsequent to the receipt and review of an application or other request for permit action.

3. This fee shall be 20 percent of the calculated annual fee but not less than the minimum annual fee, as defined in '1309.E.1.

D. Modified or Reissued Permit Fee

1. A modified or reissued permit fee shall be paid for any permit action which requires modification or reissuance of an existing permit.

2. The modified or reissued permit fee shall be assessed subsequent to the receipt and review of an application or other request for permit action.

3. This fee shall be 20 percent of the calculated annual fee but not less than the minimum annual fee, as defined in '1309.E.1, for permit actions requiring implementation of the public notice procedure.

4. For all other permit actions, this fee shall be 10 percent of the calculated annual fee but not less than the minimum annual fee, as defined in '1309.E.1.

E. Minimum and Maximum Annual Fee

1. The minimum annual fee shall be:

a. $227.50 through June 30, 1998;

b. $244.56 from July 1, 1998, through June 30, 1999; and

c. $261.63 as of July 1, 1999.

2. The maximum annual fee shall be:

a. $94,500 through June 30, 1998;

b. $101,587.50 from July 1, 1998, through June 30, 1999; and

c. $108,675 as of July 1, 1999.

F. General Permit Fee. At the discretion of the administrative authority, an annual fee may be assessed for facilities regulated by a general permit. In deciding to establish an annual fee for facilities covered by a general permit, the administrative authority should consider the resources involved in administering the general permit, the economic impact on the regulated community, and the economic impact on the fee program. If the decision is made to assess an annual fee for an activity covered by a general permit, then each facility involved in that activity and covered by the general permit shall be assessed the fee.

G. Due Date. Fees shall be received by the department by the due date indicated on the invoice.

H. Late Payment Fee. Payments not received within 15 days of the due date will be charged a late payment fee. Any late payment fee shall be calculated from the due date indicated on the invoice.

1. Payments not received by the department by the fifteenth day from the due date will be assessed a five percent late payment fee on the original assessed fee.

2. Payments not received by the department by the thirtieth day from the due date will be assessed an additional five percent late payment fee on the original assessed fee.

3. Payments not received by the department by the sixtieth day from the due date will be assessed an additional five percent late payment fee on the original assessed fee.

I. Failure to Pay. Failure to pay the prescribed application fee or annual fee as provided herein, within 90 days after the due date, will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Louisiana Environmental Quality Act including, but not limited to, revocation or suspension of the applicable permit, license, registration, or variance.

J. Refunds

1. There shall be no refunds of new, modified or reissued permit fees.

2. The annual fee may be prorated and/or refunded should a facility relinquish its discharge permit.

K. Annual Fee Rating Worksheet. The annual fee shall be computed using the appropriate Annual Fee Rating

Worksheet as provided in LAC 33:IX.1313 or LAC 33:IX.1317. Instructions for completing the appropriate Annual Fee Rating Worksheet are provided in LAC 33:IX.1311 and LAC 33:IX.1315.

L. Facility Complexity Designation

1. The Facility Complexity Designation shall be based on the SIC code as established in the tables in LAC 33:IX.1315.

2. If a facility is not specifically covered by an SIC code, the administrative authority may assign an SIC code and/or Facility Complexity Designation on a case-by-case basis.

3. When it is demonstrated that factors associated with processes and waste generation are fundamentally different from those considered in assignment of a Complexity Designation, the administrative authority, on a case-by-case basis, may assign a minor facility a different Complexity Designation than that indicated in LAC 33:IX.1315. Such assignment shall consider:

a. type and quantity of wastewaters discharged, the ultimate avenue of disposal, and the potential to discharge; and

b. complexity of the permitting procedure and the inspection requirements for this type of facility.

M. Method of Payment. All fee payments shall be made by check, draft or money order payable to the Department of Environmental Quality and mailed to the department at the address provided on the invoice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 14:626 (September 1988), LR 18:731 (July 1992), LR 21:798 (August 1995), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996), amended by the Office of Water Resources, LR 24:326 (February 1998), amended by the Office of Management and Finance, Fiscal Services Division, LR 25:427 (March 1999).

§1311. Instructions For Completing Municipal Facility Annual Fee Rating Worksheet

A. Facility Complexity Designation

1. Determine the specific industrial category applicable to the facility.

2. From the permit application, determine SIC codes. Also determine processes and products reported. Compare this information to LAC 33:IX.1319 to determine the applicable industrial category and the related complexity designation. When more than one category applies, select the one with the highest complexity designation. Record the SIC code applicable to the category selected in the first SIC code blank and all other reported SIC codes in the second blank. Record the SIC title.

3. Check the applicable complexity designation and record the associated points in the complexity points blank.

NOTE: Any industrial category not listed in LAC 33:IX.1319 is automatically assigned a Complexity Designation I except under the circumstances noted in LAC 33:IX.1309.L.2.

4. The SIC codes listed in the tables are not exhaustive and any questions concerning the appropriate SIC code or complexity designation for a particular facility will be decided by the administrative authority.

B. Flow Volume and Type

1. Determine the wastewater type and average discharge volume.

2. Review the permit application to determine the composition of the wastewater discharge(s). If there are multiple discharges, the composite of all discharges should be used. Compare the relative magnitudes of process wastewater, noncontact cooling water and other wastewaters with the definitions of wastewater types in Table 1 below, and select the appropriate wastewater type (select only one type).

Table 1

Types of Wastewater

Wastewaters are divided into three types based on their relative pollution potential.

Type I	Type I wastewaters are relatively uncontaminated. They include noncontact cooling water only, or mixed flows which contain at least 90 percent noncontact cooling water and not more than one mgd of process wastewaters.
Type II	Type II wastewaters are the most contaminated. They include process wastewater flows or any mixed wastewaters containing more than 10 percent process wastewaters or containing more than one mgd of process wastewaters.
Type III	Type III wastewaters include sanitary wastewater, boiler blowdown, recirculating cooling system blowdown, water treatment wastewaters and relatively uncontaminated surface run-off (contaminated surface runoff should be considered process wastewater). Any mixture of these wastewaters is considered Type III. A mixture which includes noncontact cooling water is also Type III unless the noncontact cooling water exceeds 90 percent of the flow (Type I).

3. Determine the total daily average wastewater discharge to the receiving water based upon the information supplied to this office in the permit application. If there are multiple discharges, the total of all daily average discharges should be used. Under the selected wastewater type, where applicable, answer yes or no and complete the formula.

C. Traditional Pollutants

1. Review the permit to determine if BOD, COD, TSS and/or ammonia are limited. Points should only be assigned for these four parameters if they are limited in the permit. The permit limits used to determine pollutant loads should be those limits currently in effect. Add the daily average load limit for each parameter for all discharges.

2. Check the applicable load range for BOD and/or COD and record the highest associated points in the BOD or COD points blank. In some cases, oxygen demand may be limited by some parameter other than BOD or COD [i.e., ultimate oxygen demand (UOD), total organic carbon (TOC), or total oxygen demand (TOD)]. If this is the case, check the applicable load range in the BOD criterion and record the alternate parameter used in the blank indicated.

3. Check the applicable TSS and ammonia load ranges and record the associated points. An alternate nitrogen load parameter may be used in some cases when ammonia is not limited. If another nitrogen parameter is limited in the permit, check the appropriate load range in the ammonia criterion and record the alternate parameter used in the blank indicated.

4. Sum the totals A, B, and C and record the total pollution points in the space provided.

D. Temperature (Heat Load)

1. A heat load should be computed for large thermal discharges. Such discharges are usually indicated by temperature limits in the permit. Computation for a flow less than 10 mgd is unnecessary as it will receive no heat load points.

2. Use maximum temperature limit in the permit (maximum temperature reported in application if not limited in the permit) and subtract 70E to compute ?T in EF, then determine the daily average heat load during the most critical conditions. This is usually during the summer months when stream temperature and cooling water flow rates are the highest.

3. If larger heat loads are discharged at other time periods because of seasonal operations, the daily average heat load for those periods should be used. The summer flow rate may not be indicated in the permit application. It can be determined from Discharge Monitoring Reports.

4. Compute the heat load using the computed ?T and the selected flow rate. Check the applicable heat load range and record the associated points in the heat load points blank.

E. Potential Public Health Points

1. Determine if the receiving water is used for a municipal water supply.

2. Review the complexity designation assigned in LAC 33:IX.1311.A. If groups I or II were assigned, check the first complexity designation blank, record 0 points in the public health points blank and go to the next instruction.

3. If a higher complexity designation (III, IV, V, or VI) was assigned, then a determination if the receiving water is used as a drinking water supply source must be made. To qualify for points under this criterion, either the receiving water to which wastewater is discharged or a water body to which the receiving water is tributary must be used as a drinking water supply source within 50 miles downstream.

4. Check the appropriate complexity designation blank and record associated points in the public health points blank.

F. Major/Minor Facility Designation

1. Determine if the facility has been designated a major facility by the administrative authority. If the answer is YES, then check the appropriate blank and assign 25 points. If the answer is NO, then proceed to the next part.

2. Determine if the permitted effluent limitations assigned were based on water quality factors in the receiving water. Check the appropriate answer and assign the points required.

G. Total Rating Points. Sum the rating points assigned to each of the six sections and record the total in the total rating points blank.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 14:627 (September 1988), LR 18:732 (July 1992), LR 24:327 (February 1998).

§1313. Municipal Facility Annual Fee Rating Worksheet

Invoice No._____

ANNUAL FEE RATING WORKSHEET

PERMIT NO._____

1. FACILITY COMPLEXITY DESIGNATION

Primary SIC _____ Other SIC _____

Complexity Designation =

_____ I (0 points)

_____ II (10 points)

_____III (20 points)

_____ IV (30 points)

_____ V (40 points)

_____ VI (50 points)

COMPLEXITY DESIGNATION POINTS _____

2. FLOW VOLUME AND TYPE

A. Wastewater Type I

Is total Daily Average Discharge greater than 60 mgd?

_____Yes, then points = 30

_____No, then

Points = 0.5 X Total Daily Average Discharge (mgd)

Points = 0.5 X_____ = _____

Total Points = _____

B. Wastewater Type II

Is total Daily Average Discharge greater than 5 mgd?

_____Yes, then points = 50

_____No, then

Points=10 X Total Daily Average Discharge (mgd)

Points=10 X _____ = _____

Total Points = _____

C. Wastewater Type III

Is total Daily Average Discharge greater than 25 mgd?

_____Yes, then points = 50

_____No, then

Points=2 X Total Daily Average Discharge (mgd)

Points=2 X _____ = _____

Total Points = _____

FLOW VOLUME AND TYPE POINTS_____

3. TRADITIONAL POLLUTANTS

A. BOD or

Daily Average Load =

_____# 50 lb/day (0 points)

_____> 50 - 500 (5 points)

_____> 500 - 1000 (10 points)

_____> 1000 - 3000 (20 points)

_____> 3000 - 5000 (30 points)

_____> 5000 lb/day (40 points)

COD or

Daily Average Load =

_____# 100 lb/day (0 points)

_____> 100 - 500 (5 points)

_____> 500 - 1000 (10 points)

_____> 1000 - 5000 (20 points)

_____> 5000 – 10000 (30 points)

_____> 10,000 lb/day (40 points)

BOD OR COD DEMAND POINTS_____

(whichever is greater)

B. TSS

Daily Average Load =

_____# 100 lb/day (0 points)

_____> 100 - 500 (5 points)

_____> 500 - 1000 (10 points)

_____> 1000 - 5000 (20 points)

_____> 5000 – 10000 (30 points)

_____> 10,000 lb/day (40 points)

TSS POINTS_____

C. AMMONIA or _____ (Alternative nitrogen parameter used)

Daily Average Load =

_____# 200 lb/day (0 points)

_____> 200 - 500 (5 points)

_____> 500 - 1000 (10 points)

_____> 1000 - 5000 (20 points)

_____> 5000 - 10000 (30 points)

_____> 10,000 lb/day (40 points)

AMMONIA POINTS_____

TOTAL POLLUTANT POINTS_____

4. TEMPERATURE (HEAT LOAD)

Heat Load = Average Summer flow (mgd) X ?T X 0.00834

where ?T = Permit Limit (Max. Temp.) -70E

Heat Load = ___(mgd) X ___ X 0.00834=_____Billion BTU

Heat Load = _____# 4 billion BTU (0 points)

_____> 4 - 20 billion BTU (5 points)

_____> 20-100 billion BTU (10 points)

_____> 100-200 billion BTU (15 points)

_____> 200 billion BTU (20 points)

HEAT LOAD POINTS_____

5. POTENTIAL PUBLIC HEALTH IMPACTS

Is the receiving water to which the wastewater is discharged or a water body to which it is a tributary used as a drinking water supply source within 50 miles downstream?

_____No (0 points)

_____Yes, then . . . Complexity Designation

_____I, II (0 points)

_____III (5 points)

_____IV (10 points)

_____V (20 points)

_____VI (30 points)

POTENTIAL PUBLIC HEALTH IMPACT POINTS_____

6. MAJOR/MINOR FACILITY DESIGNATION

Has your facility been designated a major facility by the administrative authority?

_____Yes, then Points = 25

_____No, then

Were effluent limitations assigned to the discharge based on water quality factors in the receiving stream?

_____No, then Points = 0

_____Yes, then Points = 5

TOTAL MAJOR/MINOR POINTS _____

TOTAL RATING POINTS ASSIGNED _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 14:628 (September 1988) LR 18:732 (July 1992).

§1315. Instructions For Completing Industrial Facility Annual Fee Rating Worksheet

A. Facility Complexity Designation

1. Determine the specific industrial category applicable to the facility.

2. From the permit application, determine SIC codes. Also determine processes and products reported. Compare this information to LAC 33:IX.1319 to determine the applicable industrial category and the related complexity designation. When more than one category applies, select the one with the highest complexity designation. Record the SIC code applicable to the category selected in the first SIC code blank and all other reported SIC codes in the second blank. Record the SIC title.

3. Check the applicable complexity designation and record the associated points in the complexity points blank.

NOTE: Any industrial category not listed in LAC 33:IX.1319 is automatically assigned a Complexity Designation I except under the circumstances noted in LAC 33:IX.1309.L.2.

4. The SIC codes listed in the tables are not exhaustive and any questions concerning the appropriate SIC code or complexity designation for a particular facility will be decided by the administrative authority.

B. Flow Volume and Type

1. Determine the wastewater type and average discharge volume.

2. Review the permit application to determine the composition of the wastewater discharge(s). If there are multiple discharges, the composite of all discharges should be used. Compare the relative magnitudes of process wastewater, noncontact cooling water and other wastewaters with the definitions of wastewater types in Table 2 below, and select the appropriate wastewater type (select only one type).

Table 2

Types of Wastewater

Wastewaters are divided into three types based on their relative pollution potential.

Type I	Type I wastewaters are relatively uncontaminated. They include noncontact cooling water only, or mixed flows which contain at least 90 percent noncontact cooling water and not more than one mgd of process wastewaters.
Type II	Type II wastewaters are the most contaminated. They include process wastewater flows or any mixed wastewaters containing more than 10 percent process wastewaters or containing more than one mgd of process wastewaters.
Type III	Type III wastewaters include sanitary wastewater, boiler blowdown, recirculating cooling system blowdown, water treatment wastewaters and relatively uncontaminated surface run-off (contaminated surface runoff should be considered process wastewater). Any mixture of these wastewaters is considered Type III. A mixture which includes noncontact cooling water is also Type III unless the noncontact cooling water exceeds 90 percent of the flow (Type I).

3. Determine the total daily average wastewater discharge to the receiving water based upon the information supplied to this office in the permit application. If there are multiple discharges, the total of all daily average discharges should be used. Under the selected wastewater type, where applicable, answer yes or no and complete the formula.

C. Pollutants

1. Review the permit to determine if BOD, COD, and TSS are limited. Points should only be assigned for these parameters if they are limited in the permit. The permit limits used to determine pollutant loads should be those limits currently in effect. Add the daily average load limit for each parameter for all discharges.

2. Check the applicable load range for BOD and/or COD, complete the formula, if applicable, and record the highest associated points in the BOD or COD points blank. In some cases, oxygen demand may be limited by some parameter other than BOD or COD [i.e., ultimate oxygen demand (UOD), total organic carbon (TOC), or total oxygen demand (TOD)]. If this is the case, substitute the alternate parameter for the COD criterion and record the alternate parameter used in the blank indicated.

3. Check the applicable TSS load range, complete the formula, if applicable, and record the associated points.

4. Obtain the latest reported toxic discharge to surface water information for the facility, complete the formula and record the associated points. This information may be updated and the rating revised if the annual report shows a change of at least 10 percent in the amount discharged.

5. Sum the totals A, B, and C and record the total pollutant points in the space provided.

D. Temperature (Heat Load)

1. A heat load should be computed for large thermal discharges. Such discharges are usually indicated by temperature limits in the permit. Computation for a flow less than 10 mgd is unnecessary as it will receive no heat load points.

2. Use maximum temperature limit in the permit (maximum temperature reported in application if not limited in the permit) and subtract 70E to compute ?T in EF, then determine the daily average heat load during the most critical conditions. This is usually during the summer months when stream temperature and cooling water flow rates are the highest.

3. If larger heat loads are discharged at other time periods because of seasonal operations, the daily average heat load for those periods should be used. The summer flow rate may not be indicated in the permit application. It can be determined from Discharge Monitoring Reports.

4. Compute the heat load using the computed ?T and the selected flow rate. Check the applicable heat load range and record the associated points in the heat load points blank.

E. Potential Public Health Points

1. Determine if the receiving water is used for a municipal water supply.

2. Review the complexity designation assigned in LAC 33:IX.1311.A. If groups I or II were assigned, check the first complexity designation blank, record 0 points in the public health points blank and go to the next instruction.

3. If a higher complexity designation (III, IV, V, or VI) was assigned, then a determination if the receiving water is used as a drinking water supply source must be made. To qualify for points under this criterion, either the receiving water to which wastewater is discharged or a water body to which the receiving water is tributary must be used as a drinking water supply source within 50 miles downstream.

4. Check the appropriate complexity designation blank and record associated points in the public health points blank.

F. Major/Minor Facility Designation

1. Determine if the facility has been designated a major facility by the administrative authority. If the answer is YES, then check the appropriate blank and assign 25 points. If the answer is NO, then proceed to the next part.

2. Determine if the permitted effluent limitations assigned were based on water quality factors in the receiving water. Check the appropriate answer and assign the points required.

G. Total Rating Points. Sum the rating points assigned to each of the six sections and record the total in the total rating points blank.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 18:733 (July 1992), amended LR 24:327 (February 1998).

§1317. Industrial Facility Annual Fee Rating Worksheet

Invoice No._____

ANNUAL FEE RATING WORKSHEET

PERMIT NO._____

1. FACILITY COMPLEXITY DESIGNATION

Primary SIC _____ Other SIC _____

Complexity Designation =

_____ I (0 points)

_____ II (10 points)

_____III (20 points)

_____ IV (30 points)

_____ V (40 points)

_____ VI (50 points)

COMPLEXITY DESIGNATION POINTS _____

2. FLOW VOLUME AND TYPE

A. Wastewater Type I

Is total Daily Average Discharge greater than 400 mgd?

_____Yes, then points =__200

_____No, then

Points = 0.5 X Total Daily Average Discharge (mgd)

Points = 0.5 X _____ = _____

Total Points = _____

B. Wastewater Type II

Points =10 X Total Daily Average Discharge (mgd)

Points =10 X _____ = _____

Total Points = _____

C. Wastewater Type III

Points = 2 X Total Daily Average Discharge (mgd)

Points = 2 X _____ = _____

Total Points = _____

FLOW VOLUME AND TYPE POINTS _____

3. POLLUTANTS

A. BOD or

Daily Average Load =

_____# 50 lb/day (0 points)

_____> 50 - 500 (5 points)

_____> 500 - 1,000 (10 points)

_____> 1,000 - 3,000 (20 points)

_____> 3,000 - 5,000 (30 points)

_____> 5,000 lb/day (calculate)

Points = 0.008 X Daily Average Load (lbs.)

Points = 0.008 X _____ = _____

COD or

Daily Average Load =

_____# 100 lb/day (0 points)

_____> 100 - 500 (5 points)

_____> 500 - 1,000 (10 points)

_____> 1,000 - 5,000 (20 points)

_____> 5,000 - 10,000 (30 points)

_____>10,000 lb/day (calculate)

Points = 0.004 X Daily Average Load (lbs.)

Points = 0.004 X _____=_____

BOD OR COD DEMAND POINTS_____

(whichever is greater)

B. TSS

Daily Average Load =

_____# 100 lb/day (0 points)

_____> 100 - 500 (5 points)

_____> 500 - 1000 (10 points)

_____> 1000 - 5000 (20 points)

_____> 5000 - 10000 (30 points)

_____> 10,000 lb/day (calculate)

Points = 0.004 X Daily Average Load (lbs.)

Points = 0.004 X _____ = _____

TSS POINTS _____

C. TOXICS

Total Annual Discharge to Water = _____ (lbs.)

Points = 0.01 X Annual discharge (lbs.)

Points = 0.01 X _____ = _____

TOXIC POINTS _____

TOTAL POLLUTANT POINTS _____

4. TEMPERATURE (HEAT LOAD)

Heat Load = Average Summer flow (mgd) X ?T X 0.00834

where ?T = Permit Limit (Max. Temp.) -70E

Heat Load = ___(mgd) X ___ X

0.00834 = _____ Billion BTU

Heat Load = _____ # 4 billion BTU (0 points)

_____> 4 - 20 billion BTU (5 points)

_____> 20-100 billion BTU (10 points)

_____> 100-200 billion BTU (15 points)

_____> 200 billion BTU (20 points)

HEAT LOAD POINTS_____

5. POTENTIAL PUBLIC HEALTH IMPACTS

Is the receiving water to which the wastewater is discharged or a water body to which it is a tributary used as a drinking water supply source within 50 miles downstream?

_____No (0 points)

_____Yes, then . . . Complexity Designation

_____I, II (0 points)

_____III (5 points)

_____IV (10 points)

_____V (20 points)

_____VI (30 points)

POTENTIAL PUBLIC HEALTH IMPACT POINTS_____

6. MAJOR/MINOR FACILITY DESIGNATION

Has your facility been designated a major facility by the administrative authority?

_____Yes, then Points = __25

_____No, then

Were effluent limitations assigned to the discharge based on water quality factors in the receiving stream?

_____No, then Points =__0

_____Yes, then Points =__5

TOTAL MAJOR/MINOR POINTS _____

TOTAL RATING POINTS ASSIGNED _____

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 18:734 (July 1992).

§1319. SIC Code Complexity Tables

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	**SIC Title**	**Major Industry**	**Industrial Subcategory**	
1011	Iron Ores	Ore Mining and Dressing	Iron Ore	IV
1021	Copper Ores	Ore Mining and Dressing	Base and Precious Metals	V
1031	Lead and Zinc Ores	Ore Mining and Dressing	Base and Precious Metals	V
1041	Gold Ores	Ore Mining and Dressing	Base and Precious Metals	V
1044	Silver Ores	Ore Mining and Dressing	Base and Precious Metals	V
1051	Bauxite and Other Aluminum Ores	Ore Mining and Dressing	Aluminum	IV
1061	Ferroalloy Ores, Except Vanadium	Ore Mining and Dressing	Ferroalloy	V
1092	Mercury Ores	Ore Mining and Dressing	Mercury	V
1094	Uranium-Radium-Vanadium Ores	Ore Mining and Dressing	Uranium	VI
1099	Metal Ores NEC	Ore Mining and Dressing	Metal Ore, NEC	V
1111	Anthracite Mining	Coal Mining	Acid or Ferruginous Mines	IV
1111	Anthracite Mining	Coal Mining	Alkaline Mines	IV
1111	Anthracite Mining	Coal Mining	Anthracite Segment of Acid Mine Subcategory	III
1111	Anthracite Mining	Coal Mining	Coal Preparation Plants	IV
1111	Anthracite Mining	Coal Mining	Regrade/Revegetation	III
1211	Bituminous Coal and Lignite	Coal Mining	Acid or Ferruginous Mines	IV
1211	Bituminous Coal and Lignite	Coal Mining	Alkaline Mines	IV

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	**SIC Title**	**Major Industry**	**Industrial Subcategory**	
1211	Bituminous Coal and Lignite	Coal Mining	Coal Preparation Plants	IV
1211	Bituminous Coal and Lignite	Coal Mining	Regrade/Revegetation	III
1311	Oil and Gas Extraction	Crude Petroleum and Natural Gas	Exploration and Production, Except Stormwater Only	III
1321	Natural Gas Liquids	Recovering/Fractioning	Natural Gas	II
1389	Oil and Gas Field Services	Miscellaneous	Reserve Pit Treaters	IV
1389	Oil and Gas Field Services	Miscellaneous	Oilfield Waste Disposal	V
1389	Oil and Gas Field Services	Miscellaneous	Treatment of Oilfield Waste	IV
1389	Oil and Gas Field Services	Miscellaneous	External Cleaning of Equipment	II
1389	Oil and Gas Field Services	Miscellaneous	Internal Cleaning of Equipment	III
1440	Mining of Nonmetallic Minerals	Sand and Gravel	All	II
1475	Phosphate Rock	Phosphate Mining	Phosphate Mining	IV
1476	Mining of Nonmetallic Minerals	Rock Salt	All	III
1477	Mining of Nonmetallic Minerals	Sulfur	All	V
2000	Food and Kindred Products	Processing Food and Beverages	All	II
2211	Broad Woven Fabric Mills, Cotton	Textile Mills	Greige Mills	II
2211	Broad Woven Fabric Mills, Cotton	Textile Mills	Woven Fabric Finishing	V
2221	Broad Woven Fabric Mills, Man-Made Fiber and Silk	Textile Mills	Greige Mills	II
2221	Broad Woven Fabric Mills, Cotton	Textile Mills	Woven Fabric Finishing	V
2231	Broad Woven Fabric Mills, Wool	Textile Mills	Greige Mills	II

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	**SIC Title**	**Major Industry**	**Industrial Subcategory**	
2231	Broad Woven Fabric Mills, Wool	Textile Mills	Wool Finishing	V
2241	Narrow Fabrics and Other Smallwares Mills	Textile Mills	Greige Mills	II
2241	Narrow Fabrics and Other Smallwares Mills	Textile Mills	Woven Fabric Finishing	V
2251	Women's Full Length and Knee Length Hosiery	Textile Mills	Hosiery	V
2252	Hosiery, Except Women's Full Length and Knee Length	Textile Mills	Hosiery	V
2253	Knit Outerwear Mills	Textile Mills	Greige Mills	II
2253	Knit Outerwear Mills	Textile Mills	Knit Fabric Finishing	V
2254	Knit Underwear Mills	Textile Mills	Knit Fabric Finishing	V
2255	Knit Fabric Mills	Textile Mills	Knit Fabric Finishing	V
2256	Knit Fabric Mills	Textile Mills	Knit Fabric Finishing	V
2257	Circular Knit Fabric Mills	Textile Mills	Knit Fabric Finishing	V
2258	Warp Knit Fabric Mills	Textile Mills	Knit Fabric Finishing	V
2259	Knitting Mills, NEC	Textile Mills	Knit Fabric Finishing	V
2261	Finishers of Broad Woven Fabrics of Cotton	Textile Mills	Woven Fabric Finishing	V
2262	Finishers of Broad Woven Fabrics/Man-Made Fiber	Textile Mills	Woven Fabric Finishing	V
2269	Finishers of Textiles, NEC	Textile Mills	Woven Fabric Finishing	V
2271	Woven Carpets and Rugs	Textile Mills	Carpet Finishing	V
2271	Woven Carpets and Rugs	Textile Mills	Greige Mills	II
2272	Tufted Carpets and Rugs	Textile Mills	Carpet Finishing	V
2272	Tufted Carpets and Rugs	Textile Mills	Greige Mills	II

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	**SIC Title**	**Major Industry**	**Industrial Subcategory**	
2279	Carpets and Rugs, NEC	Textile Mills	Carpet Finishing	V
2281	Yarn Spinning Mills: Cotton, Man-Made Fibers	Textile Mills	Greige Mills	II
2281	Yarn Spinning Mills: Cotton, Man-Made Fiber and Silk	Textile Mills	Stock and Yarn Dyeing	V
2282	Yarn Texturizing, Throwing, Twisting and Window M.	Textile Mills	Greige Mills	II
2282	Yarn Texturizing, Throwing, Twisting, Etc.	Textile Mills	Stock and Yarn Dyeing	V
2283	Yarn Mills, Wool, Including Carpet and Rug Yarn	Textile Mills	Greige Mills	II
2283	Yarn Mills, Wool, Including Carpet and Rug Yarn	Textile Mills	Stock and Yarn Dyeing	V
2284	Thread Mills	Textile Mills	Stock and Yarn Dyeing	V
2291	Felt Goods, Except Woven Felts and Hats	Textile Mills	Felt Manufacturing	V
2293	Paddings and Upholstery Filling	Textile Mills	Padding and Upholstery	II
2294	Processed Waste and Recovered Fibers and Flock	Textile Mills	Miscellaneous Textile Goods	II
2297	Nonwoven Fabrics	Textile Mills	Nonwoven Manufacturing	V
2298	Cordage and Twine	Textile Mills	Cordage and Twine	II
2299	Textile Goods NEC	Textile Mills	Wool Scouring	V
2300	Apparel and Other Finished Products/From Fabrics	Textile Mills	Apparel	II
2410	Logging Camps and Logging Contractors	Timber Products Processing	All	II
2421	Sawmills and Planing Mills, General	Timber Products Processing	Sawmills and Planing Mills	II
2426	Hardwood Dimension and	Timber Products	Hardwood Dimension and	II

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	**SIC Title**	**Major Industry**	**Industrial Subcategory**	
	Flooring Mills	Processing	Flooring Mills	
2429	Special Product Sawmills, NEC	Timber Products Processing	Special Products Sawmills, NEC	II
2431	Millwork	Timber Products Processing	Millwork	II
2434	Wood Kitchen Cabinets	Timber Products Processing	Wood Kitchen Cabinets	II
2435	Hardwood Veneer and Plywood	Timber Products Processing	Plywood	IV
2435	Hardwood Veneer and Plywood	Timber Products Processing	Veneer	II
2436	Softwood Veneer and Plywood	Timber Products Processing	Plywood	IV
2436	Softwood Veneer and Plywood	Timber Products Processing	Veneer	II
2439	Structural Wood Members, NEC	Timber Products Processing	Millwork, Veneer, Plywood and Structural Wood Members	II
2440	Wood Containers	Timber Products Processing	All	II
2450	Wooden Buildings and Mobile Homes	Timber Products Processing	All	II
2491	Wood Preserving	Timber Products Processing	Wood Preserving - Steam	IV
2491	Wood Preserving	Timber Products Processing	Wood Preserving - Boulton	IV
2491	Wood Preserving	Timber Products Processing	Wood Preserving - Inorganic	II
2492	Particleboard	Timber Products Processing	Particleboard	II
2499	Wood Products NEC	Timber Products Processing	Hardboard - Dry Process	II
2499	Wood Products NEC	Timber Products	Wet Process Hardboard (Two	IV

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
		Processing	Subcategories)	
2499	Wood Products NEC	Timber Products Processing	Wood Products, NEC	II
2500	Furniture and Fixtures	Household and Office Furniture	All	II
2611	Pulp Mills	Pulp, Paper and Paperboard	All	III
2621	Paper Mills, Except Building Paper Mills	Pulp, Paper and Paperboard	All	III
2631	Paperboard Mills	Pulp, Paper and Paperboard	All	III
2640	Converted Paper and Paperboard Products	Pulp, Paper and Paperboard	All, Except Containers and Boxes	II
2650	Paperboard Containers and Boxes	Pulp, Paper and Paperboard	All	II
2661	Building Paper and Buildingboard Mills	Pulp, Paper and Paperboard	Waste Paper-Construction	III
2661	Building Paper and Buildingboard Mills	Pulp, Paper and Paperboard	Waste Paper-Board	III
2661	Building Paper and Buildingboard Mills	Timber Products Processing	Barking	II
2661	Building Paper and Buildingboard Mills	Timber Products Processing	Insulation Board (Two Subcategories)	IV
2700	Printing, Publishing and Allied Industries	Printing and Publishing	All	II
2812	Alkalies and Chlorine	Inorganic Chemicals Manuf.	Chlorine	V
2812	Alkalies and Chlorine	Inorganic Chemicals Manuf.	Diaphragm Cell	V
2812	Alkalies and Chlorine	Inorganic Chemicals Manuf.	Mercury Cell	V
2812	Alkalies and Chlorine	Inorganic Chemicals	Potassium Carbonate	IV

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
		Manuf.		
2812	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Bicarbonate	II
2812	Alkalies and Chlorine	Inorganic Chemicals Manuf.	Sodium Carbonate	IV
2813	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Carbon Dioxide	II
2813	Industrial Gases	Inorganic Chemicals Manuf.	Gases, Industrial Compressed Liquid/Solid	IV
2813	Industrial Gases	Inorganic Chemicals Manuf.	Nitrous Oxide	IV
2813	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Oxygen and Nitrogen	II
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Barium Sulfate	IV
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Byrytes Pigments	IV
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Chloride Process	V
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Chrome Pigments	V
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Iron Colors	IV
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Iron Oxide, Black	IV
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Iron Oxide, Magnetic	IV
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Iron Oxide, Yellow	IV
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Lead Dioxide, Brown (PB02)	IV
2816	Inorganic Pigments	Inorganic Chemicals	Lead Oxide, Red (PB304)	IV

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
		Manuf.		
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Ochers	IV
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Satin White Pigment	IV
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Siennas	IV
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Sulfate Process	V
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Titanium Dioxide	V
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Ultramarine Pigment	IV
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Umbers	IV
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	White Lead Pigment (PB(OH)2+PBCO)3	IV
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Whiting	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Aluminum Chloride	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Aluminum Compounds	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Aluminum Fluoride	V
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Aluminum Hydroxide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Aluminum Oxide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Aluminum Sulfate	II
2819	Industrial Inorganic	Inorganic Chemicals	Alums	IV

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
	Chemicals NEC	Manuf.		
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Ammonia Alum	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Ammonium Chloride	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Ammonium Compounds	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Ammonium Hydroxide	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Ammonium Molybdate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Ammonium Perchlorate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Ammonium Thiosulfate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Barium Carbonate	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Barium Compounds	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Beryllium Oxide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Bleaching Powder	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Borax	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Boric Acid	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Boron Compounds (Not Produced at Mines)	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Borosilicate	IV
2819	Industrial Inorganic	Inorganic Chemicals	Brine	IV

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
	Chemicals NEC	Manuf.		
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Bromine	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Calcium	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Calcium Carbide	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Calcium Carbonate	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Calcium Chloride	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Calcium Compounds (Inorganic)	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Calcium Hypochlorite	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Calcium Oxide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Carbon Monoxide	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Cerium Salts	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Chlorosulfuric Acid	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Chromic Acid	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Chromium Oxide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Chromium Sulfate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Cobalt Chloride	IV
2819	Industrial Inorganic	Inorganic Chemicals	Cobalt Sulfate	IV

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
	Chemicals NEC	Manuf.		
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Cobalt 60 (Radioactive)	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Copper Chloride	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Copper Iodide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Copper Sulfate	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Cuprous Oxide	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Ferric Chloride	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Ferrous Sulfate	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Fissionable Materials Production	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Fluorine	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Heavy Water	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Hydrated Alumina Silicate Powder	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Hydrochloric Acid	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Hydrofluoric Acid	V
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Hydrogen	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Hydrogen Cyanide	V
2819	Industrial Inorganic	Inorganic Chemicals	Hydrogen Peroxide	II

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
	Chemicals NEC	Manuf.		
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Hydrogen Sulfide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Hydrophosphites	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Indium Chloride	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Inorganic Acids (Except HNO2 or H2PO4)	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Iodides	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Iodine	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Isotopes Radioactive	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Lead Arsenate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Lead Monoxide	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Lead Silicate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Lithium Carbonate	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Lithium Compounds	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Luminous Compounds (Radium)	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Magnesium Compounds (Inorganic)	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Manganese Dioxide (Powder Synthetic)	IV
2819	Industrial Inorganic	Inorganic Chemicals	Manganese Sulfate	II

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	**SIC Title**	**Major Industry**	**Industrial Subcategory**	
	Chemicals NEC	Manuf.		
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Mercury Chloride	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Mercury Oxide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Nickel Ammonium Sulfate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Nickel Carbonate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Nickel Chloride	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Nickel Fluoborate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Nickel Nitrate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Nickel Sulfate	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Nitric Acid (Strong)	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Nitric Acid	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Nuclear Fuel Reactor Cases, Inorganic	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Nuclear Fuel Scrap Reprocessing	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Oleum (Fuming Sulfuric Acid)	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Oxidation Catalyst from Porcelain	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Percloric Acid	IV
2819	Industrial Inorganic	Inorganic Chemicals	Peroxides, Inorganic	IV

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
	Chemicals NEC	Manuf.		
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potash Alum	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potash Magnesia	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potassium Aluminum Sulfate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potassium Bromide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potassium Chloride	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potassium Cyanide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potassium Chlorate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potassium Compounds Inorganic (Except KOH-K2CO3)	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potassium Dichromate	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potassium Hypochlorate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potassium Iodide	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potassium Metal	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potassium Nitrate and Sulfate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potassium Permanganate	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potassium Sulfate	IV
2819	Industrial Inorganic	Inorganic Chemicals	Radium Chloride	IV

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
	Chemicals NEC	Manuf.		
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Radium Luminous Compounds	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Rare Earth Metal Salts	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Reagent Grade Chem (Inorg. Ref. From Tech. Grades)	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Salts of Rare Earth Metals	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Silica Amorphous	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Silica Gel	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Silver Bromide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Silver Carbonate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Silver Chloride	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Silver Cyanide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Silver Iodide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Silver Nitrate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Silver Oxide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Soda Alum	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Antimoniate	IV
2819	Industrial Inorganic	Inorganic Chemicals	Sodium Bisulfite	II

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
	Chemicals NEC	Manuf.		
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Chlorate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Chloride	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Compounds, Inorganic	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Cyanide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Dichromate	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Fluoride	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Hydrosulfite	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Hydrosulfide	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Metal	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Silicate	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Silicofluoride	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Sulfite	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Thiosulfate	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Stannic and Stannous Chloride	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Stannic Oxide	II
2819	Industrial Inorganic	Inorganic Chemicals	Strontium Carbonate (Precipitated	IV

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	**SIC Title**	**Major Industry**	**Industrial Subcategory**	
	Chemicals NEC	Manuf.	and Oxide)	
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Strontium Nitrate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sulfides and Sulfites	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sulfocyanides	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sulfur (Rec. Or Ref. Incl. Sour Nat. Gas)	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sulfur Chloride	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sulfur Dioxide	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sulfur Hexafluoride	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sulfuric Acid	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Thiocyanates, Inorganic	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Tin Compounds, Inorganic	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Uranium Alog, Radioactive	IV
2819	Industrial Inorganic Chemicals NEC	Uranium Recovery	Uranium Recovery from Phosphoric Acid Production	VI
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Zinc Chloride	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Zinc Oxide	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Zinc Sulfate	II
2819	Industrial Inorganic	Inorganic Chemicals	Zinc Sulfide	IV

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
	Chemicals NEC	Manuf.		
2819	Industrial Inorganic Chemicals NEC	Pesticides	Amides	VI
2819	Industrial Inorganic Chemicals NEC	Pesticides	Halogenated Organics	VI
2819	Industrial Inorganic Chemicals NEC	Pesticides	Heterocyclic Nitrogens	VI
2819	Industrial Inorganic Chemicals NEC	Pesticides	Metallo Organic	VI
2819	Industrial Inorganic Chemicals NEC	Pesticides	Miscellaneous	VI
2819	Industrial Inorganic Chemicals NEC	Pesticides	Organophosphorus	VI
2819	Industrial Inorganic Chemicals NEC	Phosphate Manuf.	Defluorinated Rock	IV
2819	Industrial Inorganic Chemicals NEC	Phosphate Manuf.	Defluorinated Acid	IV
2819	Industrial Inorganic Chemicals NEC	Phosphate Manuf.	Elemental Phosphorus	IV
2819	Industrial Inorganic Chemicals NEC	Phosphate Manuf.	Phorphorus Derived Chemicals	IV
2819	Industrial Inorganic Chemicals NEC	Phosphate Manuf.	Phosphates	IV
2819	Industrial Inorganic Chemicals NEC	Phosphate Manuf.	Sodium Phosphates	IV
2821	Plastic Matrls, Syn Resins and Nonvul Elastomers	Gum and Wood Chemicals	Rosin Based Derivatives	III
2821	Plastic Matrls, Syn Resins and Nonvul Elastomers	Plastics and Synthetics	Plastic Matrls, Synthetic Resins, Nonvulcanizable Elas.	VI
2821	Plastic Materials	Plastics and Synthetics	Melamine Crystals	III
2822	Synthetic Rubber (Vulcanizable Elastomers)	Rubber	All	V

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	**SIC Title**	**Major Industry**	**Industrial Subcategory**	
2823	Cellulosic Man-Made Fibers	Plastics and Synthetics	Cellulosic Man-Made Fibers	VI
2824	Synthetic Organic Fibers, Except Cellulosic	Plastics and Synthetics	Synthetic Organic Fibers, Except Cellulosic	VI
2831	Biological Products	Pharmaceutical Manuf.	Extraction (Biological Products)	VI
2833	Medicinal Chemicals and Botanical Products	Pharmaceutical Manuf.	All	VI
2834	Pharmaceutical Preparations	Pharmaceutical Manuf.	Mising and Formulation (Pharmaceutical Preparations)	VI
2841	Soaps and Other Detergents, Except Specialty Cleaners	Soaps and Detergents	All	III
2842	Specialty Cleaning, Polishing and Sanitary Prep.	Soaps and Detergents	All	III
2843	Surface Active Agents, Finishing Agents, Etc.	Soaps and Detergents	All	III
2844	Perfumes, Cosmetics and Other Toilet Preparations	Soaps and Detergents	Manufacturing of Liquid Soaps	III
2851	Paints/Varnishes/Lacquers/Enamels and Allied Prod.	Paint and Ink	Caustic or Water Washed Paint	V
2851	Paints/Varnishes/Lacquers/Enamels and Allied Prod.	Paint and Ink	Solvent Wash Paint	II
2861	Gum and Wood Chemicals	Gum and Wood Chemicals	Char and Charcoal Briquettes	II
2861	Gum and Wood Chemicals	Gum and Wood Chemicals	Essential Oil	II
2861	Gum and Wood Chemicals	Gum and Wood Chemicals	Gum Rosin	II
2861	Gum and Wood Chemicals	Gum and Wood Chemicals	Rosin Based Derivatives	IV
2861	Gum and Wood Chemicals	Gum and Wood Chemicals	Sulfate Terpentine	IV
2861	Gum and Wood Chemicals	Gum and Wood	Tall Oil	IV

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	**SIC Title**	**Major Industry**	**Industrial Subcategory**	
		Chemicals		
2861	Gum and Wood Chemicals	Gum and Wood Chemicals	Wood Rosin	IV
2865	Cyclic Crudes Interm., Dyes and Organic Pigments	Organic Chemicals	Cyclic Crudes and Intermed., Dyes and Organic Pigments	VI
2869	Industrial Organic Chemicals NEC	Organic Chemicals	Industrial Organic Chemicals, NEC	VI
2869	Industrial Organic Chemicals NEC	Organic Chemicals	Ethanol by Fermentation, Food Additives	III
2869	Industrial Organic Chemicals NEC	Pesticides	Amides	VI
2869	Industrial Organic Chemicals NEC	Pesticides	Halogenated Organics	VI
2869	Industrial Organic Chemicals NEC	Pesticides	Heterocyclic Nitrogens	VI
2869	Industrial Organic Chemicals NEC	Pesticides	Metallo Organic	VI
2869	Industrial Organic Chemicals NEC	Pesticides	Miscellaneous	VI
2869	Industrial Organic Chemicals NEC	Pesticides	Organophosphorus	VI
2873	Nitrogenous Fertilizers	Agricultural Chemicals	All	VI
2874	Phosphatic Fertilizers	Agricultural Chemicals	Phosphatic Fert. Materials Including Phosphoric Acid	VI
2875	Fertilizers, Mixing Only	Agricultural Chemicals	All	II
2879	Pesticides and Agricultural Chemicals, NEC	Pesticides	Formulation and Packaging of Agricultural Chemicals	VI
2891	Adhesives and Sealants	Adhesives and Sealants	Adhesives and Sealants	V
2892	Explosives	Explosives (Commercial Sect)	All	IV
		Explosives (Military		

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	**SIC Title**	**Major Industry**	**Industrial Subcategory**	
2892	Explosives	Sect)	All	IV
2893	Printing Ink	Paint and Ink	Caustic or Water Washed Ink	V
2893	Printing Ink	Paint and Ink	Solvent Wash Ink	II
2895	Carbon Black	Carbon Black	Channel Process	II
2895	Carbon Black	Carbon Black	Furnace Process	III
2895	Carbon Black	Carbon Black	Lamp Process	II
2895	Carbon Black	Carbon Black	Thermal Process	II
2899	Chemicals and Chemical Preparations, NEC	Chemicals	Miscellaneous Chemicals	I-VI* * Shall be determined on a case-by-case basis.
2911	Petroleum Refining	Petroleum Refining	Petroleum Refining	V
2950	Paving and Roofing Materials	Products of Petroleum and Coal	All except 2951	III
2992	Miscellaneous Products of Petroleum and Coal	Lubricating Oils and Greases	Rerefining of Oils or Greases	IV
2992	Miscellaneous Products of Petroleum and Coal	Lubricating Oils and Greases	Waste Oil Reclamation	IV
2992	Miscellaneous Products of Petroleum and Coal	Lubricating Oils and Greases	Crude Oil Reclamation	III
2992	Miscellaneous Products of Petroleum and Coal	Lubricating Oils and Greases	All Lubricating Oils, Blended	III
2999	Petroleum and Coal Products, NEC	Misc Products of Petro and Coal	All	V
3011	Tires and Inner Tubes	Rubber	Tire and Inner Tube Production	IV
3021	Rubber and Plastics Footwear	Rubber	Large-Size General Molded, Extruded and Fabr. Rubber Plants	IV
3021	Rubber and Plastics Footwear	Rubber	Latex-Dipped, Latex-Extruded and Latex Molded Goods	III

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	**SIC Title**	**Major Industry**	**Industrial Subcategory**	
3021	Rubber and Plastics Footwear	Rubber	Medium-Sized General Molded, Extruded and Fabr. Rubber Plants	IV
3021	Rubber and Plastics Footwear	Rubber	Small-Sized General Molded, Extruded and Fabr. Rubber Plants	III
3031	Reclaimed Rubber	Rubber	All	V
3041	Rubber and Plastic Hose and Belting	Rubber	Large-Sized General Molded, Extruded and Fabr. Rubber Plants	IV
3041	Rubber and Plastic Hose and Belting	Rubber	Medium-Sized General Molded, Extruded and Fabr. Rubber Plants	IV
3041	Rubber and Plastic Hose and Belting	Rubber	Small-Sized General Molded, Extruded and Fabr. Rubber Plants	III
3069	Fabricated Rubber Products, NEC	Rubber	Large-Sized General Molded, Extruded and Fabr. Rubber Plants	IV
3069	Fabricated Rubber Products, NEC	Rubber	Latex Foam	III
3069	Fabricated Rubber Products, NEC	Rubber	Latex-Dipped, Latex-Extruded and Latex Molded Goods	III
3069	Fabricated Rubber Products, NEC	Rubber	Medium-Sized General Molded, Extruded and Fabr. Rubber Plants	IV
3069	Fabricated Rubber Products, NEC	Rubber	Small-Sized General Molded, Extruded and Fabr. Rubber Plants	III
3079	Miscellaneous Plastics Products	Plastics Processing	Miscellaneous Plastics Products	V
3079	Miscellaneous Plastics Products	Plastics Processing	Plastics Processing Without Contact Process Water	II
3079	Miscellaneous Plastics Products	Plastics Processing	Solution Casting	III
3079	Miscellaneous Plastics Products	Plastics Processing	Water Slurry Preforming Processes	III
3080	Plastic Film, Packaging, Buildings and Fiberglass	Rubber and Plastics	All	II
3090	Plastic Drums and Tanks,	Rubber and Plastics	All	II

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	**SIC Title**	**Major Industry**	**Industrial Subcategory**	
	Doors, Pools and Furniture			
3111	Leather Tanning and Finishing	Leather Tanning and Finishing	All	V
3131	Boot and Shoe Cut Stock and Findings	Leather Tanning and Finishing	Boot and Shoe Cut Stock and Findings	II
3142	House Slippers	Leather Tanning and Finishing	House Slippers	II
3143	Men's Footwear, Except Athletic	Leather Tanning and Finishing	Men's Footwear, Except Athletic	II
3144	Women's Footwear, Except Athletic	Leather Tanning and Finishing	Women's Footwear, Except Athletic	II
3149	Footwear, Except Rubber NEC	Leather Tanning and Finishing	Footwear, Except Rubber, NEC	II
3151	Leather Goods and Mittens	Leather Tanning and Finishing	Leather Gloves and Mittens	II
3161	Luggage	Leather Tanning and Finishing	Luggage	II
3171	Women's Handbags and Purses	Leather Tanning and Finishing	Women's Handbags and Purses	II
3172	Personal Leather Goods, Except Women's Handbags	Leather Tanning and Finishing	Personal Leather Goods Except Women's Handbags	II
3199	Leather Goods NEC	Leather Tanning and Finishing	Leather Goods, NEC	II
3200	Stone, Clay, Shell, Glass and Concrete Products	All Except 3271, 3272, 3273, 3290	All Except Abrasive, Asbestos, Etc. in 3290 and Concrete	II
3290	Abrasive, Asbestos and Misc. Nonmetallic Mineral Prod.	Rubber, Paper, Steel, Etc.	All Except 3295	IV
3295	Stone, Clay, Glass and Concrete Products	Minerals, Earths, Grinding	Barite	II
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Basic Oxygen Furnace (Wet Air Pollution Control Methods)	III
3312	Blast Furnaces, Steel Works	Iron and Steel	Basic Oxygen Furnace; Semi-wet	II

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
	and Rolling Mills		Air Pollu. Control Methods	
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Beehive Coke	II
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Blast Furnace (Ferromanganese)	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Blast Furnace (Iron)	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	By-Product Coke	V
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Cold Rolling	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Combination Acid Pickling (Batch and Continuous)	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Continuous Alkaline Cleaning	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Continuous Casting and Pressure Slab Molding	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Electric Arc Furnace (Wet Air Pollution Control Methods)	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Electric Arc Furnace; Semi-wet Air Pollu. Control Methods	II
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Hot Coatings - Galvanizing	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Hot Coatings - Terne	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Hot Forming - Flat	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Hot Forming - Primary	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Hot Forming - Section	III
3312	Blast Furnaces, Steel Works	Iron and Steel	Open Hearth Furnace	III

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	**SIC Title**	**Major Industry**	**Industrial Subcategory**	
	and Rolling Mills			
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Pickling - Hydrochloric Acid - Batch and Continuous	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Pickling - Sulfuric Acid - Batch and Continuous	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Pipe and Tube	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Scale Removal (Kolene and Hydride)	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Sintering	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Vacuum Degassing	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Wire Pickling and Coating	III
3313	Electrometallurgical Products	Iron and Steel	Continuous Casting and Pressure Slab Molding	III
3313	Electrometallurgical Products	Iron and Steel	Electric Arc Furnace (Wet Air Pollution Control Methods)	III
3313	Electrometallurgical Products	Iron and Steel	Electric Arc Furnace: Semi-wet Air Pollu. Control Methods	II
3313	Electrometallurgical Products	Iron and Steel	Vacuum Degassing	III
3315	Steel Wire Drawing and Steel Nails and Spikes	Iron and Steel	Hot Forming - Section	III
3316	Cold Rolled Steel Sheet	Iron and Steel	Cold Rolling	III
3317	Steel Pipe and Tubes	Iron and Steel	Pipe and Tube	III
3321	Gray Iron Foundries	Foundry	Iron and Steel	III
3322	Malleable Iron Foundries	Foundry	Iron and Steel	III
3324	Steel Investment Foundries	Foundry	Iron and Steel	III

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	**SIC Title**	**Major Industry**	**Industrial Subcategory**	
3325	Steel Foundries, NEC	Foundry	Iron and Steel	III
3331	Primary Smelting and Refining of Copper	Nonferrous Metals	Primary Copper	VI
3332	Primary Smelting and Refining of Lead	Nonferrous Metals	Primary Lead	VI
3333	Primary Smelting and Refining of Zinc	Nonferrous Metals	Primary Zinc	VI
3334	Primary Production of Aluminum	Nonferrous Metals	Primary Aluminum	VI
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Bauxite	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Indium	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Antimony	III
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Arsenic	III
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Barium	III
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Beryllium	IV
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Bismuth	III
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Boron	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Cadmium	VI
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Calcium	III
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Cesium	V
3339	Primary Smelt and Refin of	Nonferrous Metals	Primary Cobalt	V

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	**SIC Title**	**Major Industry**	**Industrial Subcategory**	
	Nonferrous Metals NEC			
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Columbium	VI
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Gallium	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Germanium	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Gold	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Hafnium	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Lithium	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Magnesium	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Mercury	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Molybdenum	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Nickel	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Platinum Group	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Rare Earths	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Rhenium	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Rubidium	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Selenium	VI
3339	Primary Smelt and Refin of	Nonferrous Metals	Primary Silver	VI

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	**SIC Title**	**Major Industry**	**Industrial Subcategory**	
	Nonferrous Metals NEC			
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Tantalum	VI
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Tellurium	VI
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Tin	III
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Titanium	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Tungsten	VI
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Uranium	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Zirconium	V
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Rhenium	V
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Aluminum	VI
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Babbit	III
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Beryllium	III
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Boron	V
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Cobalt	V
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Columbian	V
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Copper	VI
3341	Secondary Smelt and Refin of	Nonferrous Metals	Secondary Lead	VI

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	**SIC Title**	**Major Industry**	**Industrial Subcategory**	
	Nonferrous Metals			
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Magnesium	V
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Mercury	V
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Nickel	V
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Plutonium	V
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Precious Metals	V
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Silver	VI
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Tantalum	III
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Tin	V
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Titanium	V
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Tungsten	V
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Uranium	V
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Zinc	V
3351	Rolling, Drawing and Extruding of Copper	Copper Forming	All	III
3353	Aluminum Sheet, Plate and Foil	Aluminum Forming	All	V
3354	Aluminum Extruded Products	Aluminum Forming	All	V
3355	Aluminum Rolling and Drawing NEC	Aluminum Forming	All	V

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	**SIC Title**	**Major Industry**	**Industrial Subcategory**	
3356	Rolling, Drawing and Extr. of Other Nonferrous Metals	Primary Metals Forming	All, Except Copper and Aluminum	IV
3357	Drawing and Insulating of Nonferrous Wire	Aluminum Forming	All	V
3361	Aluminum Foundries (Casting)	Foundry	Aluminum Casting	III
3362	Brass, Bronze, Copper, Copper Basal Alloy Foundries	Foundry	Copper Casting	III
3369	Nonferrous Foundries (Castings) NEC	Foundry	All	III
3398	Metal Heat Treating	Aluminum Forming	Heat Treating	V
3410	Metal Cans and Shipping Containers	Fabricated Metal Products	All	V
3420	Cutlery, Hand Tools and General Hardware	Fabricated Metal Products	All	II
3431	Enameled Iron and Metal Sanitary Ware	Mach and Mech-Porcelain Enamel	Iron	III
3433	Heating Equipment and Plumbing Fixtures	Fabricated Metal Products	All, Except Electric and Warm Air	II
3440	Fabricated Structural Metal Products	Fabricated Metal Products	All	II
3450	Screw Machine Products	Fabricated Metal Products	All, Including Bolts, Nuts, Screws, Rivets and Washers	II
3463	Nonferrous Forgings	Aluminum Forming	Forging	III
3463	Nonferrous Forgings	Copper Forming	Forging	III
3469	Metal Forgings and Stampings	Fabricated Metal Products	All	II
3471	Electroplating, Plating, Polishing, Anodizing	Aluminum Forming	All	III
3479	Coating, Engraving and Allied Services	Coil Coating	All	III

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	**SIC Title**	**Major Industry**	**Industrial Subcategory**	
3479	Coating, Engraving and Allied Services	Electroplating	Job Shops	III
3479	Coating, Engraving and Allied Services	Iron and Steel	Hot Coatings - Galvanizing	III
3490	Miscellaneous Fabricated Metal Products	Fabricated Metal Products	All Except 3497	II
3497	Metal Foil and Leaf	Coal Coating	Aluminum and Aluminized Steel	III
3500	Machinery	Engines and Farm Equipment	All	II
3600	Electrical and Electronic Machinery, Equip. and Supplies	Elec. Prod., Battery Mfg, etc.	All	III
3612	Power, Distribution and Specialty Transformers	Electrical Products	All	III
3613	Switchgear and Switchboard Apparatus	Electrical Products	Switchgear	III
3621	Motors and Generators	Electrical Products	Motors, Generators and Alternators	III
3624	Carbon and Graphite Products	Electrical Products	All	III
3629	Electrical Industrial Apparatus, NEC	Electrical Products	Capacitors	III
3631	Household Cooking Equipment	Mach and Mech-Porcelain Enamel	All	III
3632	Household Refrigerators and Home and Farm Freezers	Mach and Mech-Porcelain Enamel	All	III
3633	Household Laundry Equipment	Mach and Mech-Porcelain Enamel	All	III
3639	Household Appliances, NEC	Mach and Mech-Porcelain Enamel	All	III
3641	Electric Lamps	Electrical Products	Electric Lamps	III
3644	Non-Current-Carrying Wiring	Electrical Products	Insulating Devices	III

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	**SIC Title**	**Major Industry**	**Industrial Subcategory**	
	Devices			
3671	Radio and Television Receiving Type Electron Tubes	Electrical Products	Electron Tubes and Glass Encapsulated Devices	III
3672	Radio and Television Receiving Type Electron Tubes	Electrical Products	Cathode Ray and TV Picture Tubes	III
3673	Transmitting, Ind. and Spec. Purpose Electron Tube	Electrical Products	Electron Tubes and Glass Encapsulated Devices	III
3674	Semiconductors and Related Devices	Electrical Products	Semiconductors	III
3675	Electronic Capacitors	Electrical Products	Capacitors	III
3677	Electronic Coils, Transformers and Other Inductors	Electrical Products	All	III
3679	Electronic Components, NEC	Electrical Products	All	III
3691	Storage Batteries	Battery Manufacturing	All	III
3692	Primary Batteries, Dry and Wet	Battery Manufacturing	All	III
3693	Radiographic X-Ray, Fluoroscopic X-Ray, Etc.	Electrical Products	Electric and Electronic Components	III
3694	Electrical Equip. For Internal Combustion Engines	Electrical Products	Motors, Generators and Alternators	III
3699	Electrical Machinery, Equipment and Supplies, NEC	Electrical Products	Electric and Electronic Components	III
3710	Motor Vehicles and Motor Vehicle Equipment	Transportation Equipment	All	III
3731	Ship Building and Repairing	Transportation Equipment	Ship Building and Repairing	IV
3732	Boat Building and Repairing, Pleasure Craft	Transportation Equipment	All	II
3743	Railroad Equipment	Transportation Equipment	All	IV

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	**SIC Title**	**Major Industry**	**Industrial Subcategory**	
3751	Motorcycles, Bicycles and Parts	Transportation Equipment	All	II
3764	Guided Missiles and Space Vehicle Propulsion Units	Transportation Equipment	All	V
3790	Miscellaneous Transportation Equipment	Transportation Equipment	All, Incl. Travel Trailers, Campers, Tanks, ATV	III
3800	Measuring, Analyzing and Controlling Instruments	Instrument Manufacturing	All Except 3861	II
3861	Photographic Equipment and Supplies	Mach and Mech-Photo Suppl.	All	III
3900	Miscellaneous Manufacturing Industries	Toys, Musical Instr, Caskets	All Except 3911	II
3911	Jewelry, Precious Metal	Mach and Mech-Porcelain Enamel	Copper	III
4013	Railroad Transportation	Railroads	Switching and Terminal Establishments	III
4226	Public Warehousing	Spec. Warehousing and Stor., NEC	Petroleum and Chemical Bulk Stations and Terminal Only	II
4463	Water Transportation	Barge Cleaning	Petroleum and Chemical Products	III
4463	Water Transportation	Barge Cleaning	Grain Products	II
4463	Water Transportation	Bulk Terminals	Coal and Coke Terminals	II
4612	Pipelines, except Natural Gas	Crude Petroleum Pipelines	Crude Oil with Storage	II
4613	Pipelines, except Natural Gas	Refined Petroleum Pipelines	Refined Oil with Storage	II
4911	Electric Services	Steam Electric	Refined Oil with Storage Cooling Tower Blowdown (Fossil Fuel Plants)	IV
4911	Electric Services	Steam Electric	Nuclear Plants	V
4911	Electric Services	Steam Electric	Once-Through Cooling Water (Fossil Fuel Plants)	III

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	**SIC Title**	**Major Industry**	**Industrial Subcategory**	
4922	Natural Gas Transmission	Transmission and Storage	Natural Gas, Compressors only	II
4931	Electric and Other Services Combined	Steam Electric	Cooling Tower Blowdown (Fossil Fuel Plants)	IV
4931	Electric and Other Services Combined	Steam Electric	Nuclear Plants	V
4931	Electric and Other Services Combined	Steam Electric	Once-Through Cooling Water (Fossil Fuel Plants)	III
4953	Sanitary Services	Refuse Systems	Municipal Landfills and Landfarms	II
4953	Sanitary Services	Refuse Systems	Commercial Municipal Waste Landfills and Landfarms	II
4953	Sanitary Services	Refuse Systems	Private Nonhazardous Ind. Waste Landfills and Landfarms	II
4953	Sanitary Services	Refuse Systems	Commercial Nonhazardous Ind. Waste Landfills and Landfarms	IV
4953	Sanitary Services	Refuse Systems	Hazardous Waste Disposal	VI
5093	Miscellaneous Durable Goods	Scrap and Waste Materials	Waste Oil Only	(Refer to SIC 2992)
5161	Chemicals and Allied Products	Chemical Storage	Chemical Bulk Storage and Distribution	II
5171	Petroleum and Petroleum Products	Petro. Bulk Sta. and Terminals	Petroleum Bulk Stations and Terminals	II
5191	Miscellaneous Nondurable Goods	Farm Supplies	Pesticides, Insecticides and Fertilizers	IV
7211	Power Laundries, Family and Commercial	Auto and Other Laundries	Power Laundries	II
7213	Linen Supply	Auto and Other Laundries	Linen Supply	III
7214	Diaper Service	Auto and Other Laundries	Diaper Service	II

Table 1. Numerical Listing Complexity Groups for SIC Codes

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	**SIC Title**	**Major Industry**	**Industrial Subcategory**	
7215	Coin-Operated Laundries and Dry Cleaning	Auto and Other Laundries	Coin-Operated Laundries	I
7216	Dry Cleaning Plants, Except Rug Cleaning	Auto and Other Laundries	Dry Cleaning	II
7217	Carpet and Upholstery Cleaning	Auto and Other Laundries	Carpet and Upholstery Cleaning	II
7218	Industrial Launderers	Auto and Other Laundries	Industrial Laundry	III
7218	Industrial Launderers	Auto and Other Laundries	External Cleaning of Equipment	II
7218	Industrial Launderers	Auto and Other Laundries	Internal Cleaning of Equipment	III
7397	Business Services	Analytical Laboratories	All	III
7542	Car Washes	Auto and Other Laundries	Car Wash	I
7542	Car Washes	Auto and Other Laundries	Ext. Cleaning of Heavy Equip. (Trucks, Trailers, Etc.)	II

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	**SIC Title**	**Major Industry**	**Industrial Subcategory**	
2891	Adhesives and Sealants	Adhesives and Sealants	Adhesives and Sealants	V
2873	Nitrogenous Fertilizers	Agricultural Chemicals	All	VI
2874	Phosphatic Fertilizers	Agricultural Chemicals	Phosphatic Fert. Materials Including Phosphoric Acid	VI
2875	Fertilizers, Mixing Only	Agricultural Chemicals	All	II
3200	Stone, Clay, Shell, Glass and Concrete Prod.	All Except 3271, 3272, 3273, 3290	All Except Abrasive, Asbestos, Etc. In 3290 and Concrete Products in 3271, 3272,3273	II

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	**SIC Title**	**Major Industry**	**Industrial Subcategory**	
3353	Aluminum Sheet, Plate and Foil	Aluminum Forming	All	V
3354	Aluminum Extruded Products	Aluminum Forming	All	V
3355	Aluminum Rolling and Drawing NEC	Aluminum Forming	All	V
3357	Drawing and Insulating of Nonferrous Wire	Aluminum Forming	All	V
3398	Metal Heat Treating	Aluminum Forming	Heat Treating	V
3463	Nonferrous Forgings	Aluminum Forming	Forging	III
3471	Electroplating, Plating, Polishing, Anodizing	Aluminum Forming	All	III
7397	Business Services	Analytical Laboratories	All	III
7211	Power Laundries, Family and Commercial	Auto and Other Laundries	Power Laundries	II
7213	Linen Supply	Auto and Other Laundries	Linen Supply	III
7214	Diaper Service	Auto and Other Laundries	Diaper Service	II
7215	Coin-Operated Laundries and Dry Cleaning	Auto and Other Laundries	Coin-Operated Laundries	I
7216	Dry Cleaning Plants, Except Rug Cleaning	Auto and Other Laundries	Dry Cleaning Plants	II
7217	Carpet and Upholstery Cleaning	Auto and Other Laundries	Carpet and Upholstery Cleaning	II
7218	Industrial Launderers	Auto and Other Laundries	Industrial Laundry	III
7218	Industrial Launderers	Auto and Other Laundries	External Cleaning of Equipment	II
7218	Industrial Launderers	Auto and Other Laundries	Internal Cleaning of Equipment	III
7542	Car Washes	Auto and Other Laundries	Car Wash	I
			Ext. Cleaning of Heavy	

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
7542	Car Washes	Auto and Other Laundries	Equip. (Trucks, Trailers, Etc.)	II
4463	Water Transportation	Barge Cleaning	Petroleum and Chemical Products	III
4463	Water Transportation	Barge Cleaning	Grain Products	II
3691	Storage Batteries	Battery Manufacturing	All	III
3692	Primary Batteries, Dry and Wet	Battery Manufacturing	All	III
4463	Water Transportation	Bulk Terminals	Coal and Coke Terminals	II
2895	Carbon Black	Carbon Black	Channel Process	II
2895	Carbon Black	Carbon Black	Furnace Process	III
2895	Carbon Black	Carbon Black	Lamp Process	II
2895	Carbon Black	Carbon Black	Thermal Process	II
5161	Chemicals and Allied Products	Chemical Storage	Chemical Bulk Storage and Distribution	II
2899	Chemicals and Chemical Preparations, NEC	Chemicals	Miscellaneous Chemicals	I-VI* * Shall be determined on a case-by-case basis.
3497	Metal Foil and Leaf	Coal Coating	Aluminum and Aluminized Steel	III
1111	Anthracite Mining	Coal Mining	Acid or Ferruginous Mines	IV
1111	Anthracite Mining	Coal Mining	Alkaline Mines	IV
1111	Anthracite Mining	Coal Mining	Anthracite Segment of Acid Mine Subcategory	III
1111	Anthracite Mining	Coal Mining	Coal Preparation Plants	IV
1111	Anthracite Mining	Coal Mining	Regrade/Revegetation	III
1211	Bituminous Coal and Lignite	Coal Mining	Acid or Ferruginous Mines	IV

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
1211	Bituminous Coal and Lignite	Coal Mining	Alkaline Mines	IV
1211	Bituminous Coal and Lignite	Coal Mining	Coal Preparation Plants	IV
1211	Bituminous Coal and Lignite	Coal Mining	Regrade/Revegetation	III
3479	Coating, Engraving and Allied Services	Coil Coating	All	III
3351	Rolling, Drawing and Extruding of Copper	Copper Forming	All	III
3463	Nonferrous Forgings	Copper Forming	Forging	III
1311	Oil and Gas Extraction	Crude Petroleum and Natural Gas	Exploration and Production, Except Stormwater Only	III
4612	Pipelines, Except Natual Gas	Crude Pertoleum Pipelines	Crude Oil With Storage	II
3600	Electrical and Electronic Machinery, Equip. and Supplies	Elec. Prod., Battery Mfg, etc.	All	III
3612	Power, Distribution and Specialty Transformers	Electrical Products	All	III
3613	Switchgear and Switchboard Apparatus	Electrical Products	Switchgear	III
3621	Motors and Generators	Electrical Products	Motors, Generators and Alternators	III
3624	Carbon and Graphite Products	Electrical Products	All	III
3629	Electrical Industrial Apparatus, NEC	Electrical Products	Capacitors	III
3641	Electric Lamps	Electrical Products	Electric Lamps	III
3644	Non-Current-Carrying Wiring Devices	Electrical Products	Insulating Devices	III
3671	Radio and Television Receiving Type Electron Tubes	Electrical Products	Electron Tubes and Glass Encapsulated Devices	III
	Radio and Television		Cathode Ray and TV Picture	

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
3672	Receiving Type Electron Tubes	Electrical Products	Tubes	III
3673	Transmitting, Ind. and Spec. Purpose Electron Tube	Electrical Products	Electron Tubes and Glass Encapsulated Devices	III
3674	Semiconductors and Related Devices	Electrical Products	Semiconductors	III
3675	Electronic Capacitors	Electrical Products	Capacitors	III
3677	Electronic Coils, Transformers and Other Inductors	Electrical Products	All	III
3679	Electronic Components, NEC	Electrical Products	All	III
3693	Radiographic X-Ray, Fluoroscopic X-Ray, Etc.	Electrical Products	Electric and Electronic Components	III
3694	Electrical Equip. for Internal Combustion Engines	Electrical Products	Motors, Generators and Alternators	III
3699	Electrical Machinery, Equipment and Supplies, NEC	Electrical Products	Electric and Electronic Components	III
3479	Coating, Engraving and Allied Services	Electroplating	Job Shops	III
3500	Machinery Engines and Farm	Equipment	All	II
2892	Explosives	Explosives (Commercial Sect)	All	IV
2892	Explosives	Explosives (Military Sect)	All	IV
3410	Metal Cans and Shipping Containers	Fabricated Metal Products	All	V
3420	Cutlery, Hand Tools and General Hardware	Fabricated Metal Products	All	II
3433	Heating Equipment and Plumbing Fixtures	Fabricated Metal Products	All, Except Electric and Warm Air	II
3440	Fabricated Structural Metal Products	Fabricated Metal Products	All	II

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	**SIC Title**	**Major Industry**	**Industrial Subcategory**	
3450	Screw Machine Products	Fabricated Metal Products	All, Including Bolts, Nuts, Screws, Rivets and Washers	II
3469	Metal Forgings and Stampings	Fabricated Metal Products	All	II
3490	Miscellaneous Fabricated Metal Products	Fabricated Metal Products	All Except 3497	II
5191	Miscellaneous Nondurable Goods	Farm Supplies	Pesticides, Insecticides and Fertilizers	IV
3321	Gray Iron Foundries	Foundry	Iron and Steel	III
3322	Malleable Iron Foundries	Foundry	Iron and Steel	III
3324	Steel Investment Foundries	Foundry	Iron and Steel	III
3325	Steel Foundries, NEC	Foundry	Iron and Steel	III
3361	Aluminum Foundries (Casting)	Foundry	Aluminum Casting	III
3362	Brass, Bronze, Copper, Copper Basal Alloy Foundries	Foundry	Copper Casting	III
3369	Nonferrous Foundries (Castings) NEC	Foundry	All	III
2821	Plastic Matrls, Syn Resins and Nonvul Elastomers	Gum and Wood Chemicals	Rosin Based Derivatives	III
2861	Gum and Wood Chemicals	Gum and Wood Chemicals	Char and Charcoal Briquettes	II
2861	Gum and Wood Chemicals	Gum and Wood Chemicals	Essential Oil	II
2861	Gum and Wood Chemicals	Gum and Wood Chemicals	Gum Rosin	II
2861	Gum and Wood Chemicals	Gum and Wood Chemicals	Rosin Based Derivatives	IV
2861	Gum and Wood Chemicals	Gum and Wood Chemicals	Sulfate Terpentine	IV
2861	Gum and Wood Chemicals	Gum and Wood Chemicals	Tall Oil	IV
2861	Gum and Wood Chemicals	Gum and Wood Chemicals	Wood Rosin	IV

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
2500	Furniture and Fixtures	Household and Office Furniture	All	II
2812	Alkalies and Chlorine	Inorganic Chemicals Manuf.	Chlorine	V
2812	Alkalies and Chlorine	Inorganic Chemicals Manuf.	Diaphragm Cell	V
2812	Alkalies and Chlorine	Inorganic Chemicals Manuf.	Mercury Cell	V
2812	Alkalies and Chlorine	Inorganic Chemicals Manuf.	Potassium Carbonate	IV
2812	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Bicarbonate	II
2812	Alkalies and Chlorine	Inorganic Chemicals Manuf.	Sodium Carbonate	IV
2813	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Carbon Dioxide	II
2813	Industrial Gases	Inorganic Chemicals Manuf.	Gases, Industrial Compressed Liquid/Solid	IV
2813	Industrial Gases	Inorganic Chemicals Manuf.	Nitrous Oxide	IV
2813	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Oxygen and Nitrogen	II
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Barium Sulfate	IV
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Byrytes Pigments	IV
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Chloride Process	V
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Chrome Pigments	V
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Iron Colors	IV
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Iron Oxide, Black	IV
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Iron Oxide, Magnetic	IV
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Iron Oxide, Yellow	IV
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Lead Dioxide, Brown (PB02)	IV
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Lead Oxide, Red (PB304)	IV
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Ochers	IV

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Satin White Pigment	IV
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Siennas	IV
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Sulfate Process	V
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Titanium Dioxide	V
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Ultramarine Pigment	IV
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Umbers	IV
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	White Lead Pigment (PB(OH)2+PBCO)3	IV
2816	Inorganic Pigments	Inorganic Chemicals Manuf.	Whiting	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Aluminum Chloride	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Aluminum Compounds	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Aluminum Flouride	V
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Aluminum Hydroxide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Aluminum Oxide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Aluminum Sulfate	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Alums	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Ammonia Alum	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Ammonium Chloride	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Ammonium Compounds	IV

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Ammonium Hydroxide	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Ammonium Molybdate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Ammonium Perchlorate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Ammonium Thiosulfate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Barium Carbonate	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Barium Compounds	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Beryllium Oxide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Bleaching Powder	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Borax	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Boric Acid	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Boron Compounds (Not Produced at Mines)	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Borosilicate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Brine	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Bromine	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Calcium	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Calcium Carbide	II

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Calcium Carbonate	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Calcium Chloride	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Calcium Compounds (Inorganic)	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Calcium Hypochlorite	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Calcium Oxide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Carbon Monoxide	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Cerium Salts	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Chlorosulfuric Acid	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Chromic Acid	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Chromium Oxide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Chromium Sulfate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Cobalt Chloride	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Cobalt Sulfate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Cobalt 60 (Radioactive)	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Copper Chloride	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Copper Iodide	IV

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Copper Sulfate	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Cuprous Oxide	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Ferric Chloride	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Ferrous Sulfate	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Fissionable Materials Production	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Fluorine	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Heavy Water	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Hydrated Alumina Silicate Powder	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Hydrochloric Acid	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Hydrofluoric Acid	V
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Hydrogen	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Hydrogen Cyanide	V
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Hydrogen Peroxide	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Hydrogen Sulfide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Hydrophosphites	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Indium Chloride	IV

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Inorganic Acids (Except HNO2 or H2PO4)	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Iodides	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Iodine	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Isotopes Radioactive	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Lead Arsenate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Lead Monoxide	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Lead Silicate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Lithium Carbonate	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Lithium Compounds	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Luminous Compounds (Radium)	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Magnesium Compounds (Inorganic)	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Manganese Dioxide (Powder Synthetic)	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Manganese Sulfate	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Mercury Chloride	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Mercury Oxide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Nickel Ammonium Sulfate	IV

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Nickel Carbonate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Nickel Chloride	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Nickel Fluoborate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Nickel Nitrate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Nickel Sulfate	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Nitric Acid (Strong)	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Nitric Acid	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Nuclear Fuel Reactor Cases, Inorganic	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Nuclear Fuel Scrap Reprocessing	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Oleum (Fuming Sulfuric Acid)	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Oxidation Catalyst from Porcelain	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Percloric Acid	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Peroxides, Inorganic	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potash Alum	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potash Magnesia	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potassium Aluminum Sulfate	IV

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potassium Bromide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potassium Chloride	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potassium Cyanide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potassium Chlorate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potassium Compounds Inorganic (Except KOH-K2CO3)	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potassium Dichromate	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potassium Hypochlorate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potassium Iodide	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potassium Metal	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potassium Nitrate and Sulfate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potassium Permanganate	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Potassium Sulfate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Radium Chloride	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Radium Luminous Compounds	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Rare Earth Metal Salts	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Reagent Grade Chem (Inorg. Ref. From Tech. Grades)	IV

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Salts of Rare Earth Metals	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Silica Amorphous	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Silica Gel	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Silver Bromide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Silver Carbonate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Silver Chloride	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Silver Cyanide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Silver Iodide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Silver Nitrate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Silver Oxide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Soda Alum	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Antimoniate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Bisulfite	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Chlorate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Chloride	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Compounds, Inorganic	IV

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Cyanide	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Dichromate	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Fluoride	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Hydrosulfite	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Hydrosulfide	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Metal	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Silicate	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Silicofluoride	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Sulfite	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sodium Thiosulfate	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Stannic and Stannous Chloride	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Stannic Oxide	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Strontium Carbonate (Precipitated and Oxide)	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Strontium Nitrate	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sulfides and Sulfites	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sulfocyanides	IV

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sulfur (Rec. Or Ref. Incl. Sour Nat. Gas)	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sulfur Chloride	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sulfur Dioxide	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sulfur Hexafluoride	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Sulfuric Acid	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Thiocyanates, Inorganic	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Tin Compounds, Inorganic	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Uranium Alog, Radioactive	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Zinc Chloride	IV
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Zinc Oxide	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Zinc Sulfate	II
2819	Industrial Inorganic Chemicals NEC	Inorganic Chemicals Manuf.	Zinc Sulfide	IV
3800	Measuring, Analyzing and Controlling Instruments	Instrument Manufacturing	All Except 3861	II
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Basic Oxygen Furnace (Wet Air Pollution Control Methods)	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Basic Oxygen Furnace; Semi-wet Air Pollu. Control Methods	II

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Beehive Coke	II
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Blast Furnace (Ferromanganese)	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Blast Furnace (Iron)	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	By-Product Coke	V
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Cold Rolling	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Combination Acid Pickling (Batch and Continuous)	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Continuous Alkaline Cleaning	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Continuous Casting and Pressure Slab Molding	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Electric Arc Furnace (Wet Air Pollution Control Methods)	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Electric Arc Furnace; Semi-wet Air Pollu. Control Methods	II
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Hot Coatings - Galvanizing	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Hot Coatings - Terne	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Hot Forming - Flat	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Hot Forming - Primary	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Hot Forming - Section	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Open Hearth Furnace	III

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Pickling - Hydrochloric Acid - Batch and Continuous	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Pickling - Sulfuric Acid - Batch and Continuous	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Pipe and Tube	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Scale Removal (Kolene and Hydride)	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Sintering	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Vacuum Degassing	III
3312	Blast Furnaces, Steel Works and Rolling Mills	Iron and Steel	Wire Pickling and Coating	III
3313	Electrometallurgical Products	Iron and Steel	Continuous Casting and Pressure Slab Molding	III
3313	Electrometallurgical Products	Iron and Steel	Electric Arc Furnace (Wet Air Pollution Control Methods)	III
3313	Electrometallurgical Products	Iron and Steel	Electric Arc Furnace: Semi-Wet Air Pollu. Control Methods	II
3313	Electrometallurgical Products	Iron and Steel	Vacuum Degassing	III
3315	Steel Wire Drawing and Steel Nails and Spikes	Iron and Steel	Hot Forming - Section	III
3316	Cold Rolled Steel Sheet	Iron and Steel	Cold Rolling	III
3317	Steel Pipe and Tubes	Iron and Steel	Pipe and Tube	III
3479	Coating, Engraving and Allied Services	Iron and Steel	Hot Coatings - Galvanizing	III
3111	Leather Tanning and Finishing	Leather Tanning and Finishing	All	V
3131	Boot and Shoe Cut Stock and	Leather Tanning and Finishing	Boot and Shoe Cut Stock and	II

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
	Findings		Findings	
3142	House Slippers	Leather Tanning and Finishing	House Slippers	II
3143	Men's Footwear, Except Athletic	Leather Tanning and Finishing	Men's Footwear, Except Athletic	II
3144	Women's Footwear, Except Athletic	Leather Tanning and Finishing	Women's Footwear, Except Athletic	II
3149	Footwear, Except Rubber NEC	Leather Tanning and Finishing	Footwear, Except Rubber, NEC	II
3151	Leather Goods and Mittens	Leather Tanning and Finishing	Leather Gloves and Mittens	II
3161	Luggage	Leather Tanning and Finishing	Luggage	II
3171	Women's Handbags and Purses	Leather Tanning and Finishing	Women's Handbags and Purses	II
3172	Personal Leather Goods, Except Women's Handbags	Leather Tanning and Finishing	Personal Leather Goods Except Women's Handbags	II
3199	Leather Goods NEC	Leather Tanning and Finishing	Leather Goods, NEC	II
2992	Miscellaneous Products of Petroleum and Coal	Lubricating Oils and Greases	Rerefining of Oils or Greases	IV
2992	Miscellaneous Products of Petroleum and Coal	Lubricating Oils and Greases	Waste Oil Reclamation	IV
2992	Miscellaneous Products of Petroleum and Coal	Lubricating Oils and Greases	Crude Oil Reclamation	III
2992	Miscellaneous Products of Petroleum and Coal	Lubricating Oils and Greases	All Lubricating Oils, Blended	III
3861	Photographic Equipment and Supplies	Mach and Mech-Photo Suppl.	All	III
3431	Enameled Iron and Metal Sanitary Ware	Mach and Mech-Porcelain Enamel	Iron	III
3631	Household Cooking Equipment	Mach and Mech-Porcelain Enamel	All	III
3632	Household Refrigerators and	Mach and Mech-Porcelain	All	III

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
	Home and Farm Freezers	Enamel		
3633	Household Laundry Equipment	Mach and Mech-Porcelain Enamel	All	III
3639	Household Appliances, NEC	Mach and Mech-Porcelain Enamel	All	III
3911	Jewelry, Precious Metal	Mach and Mech-Porcelain Enamel	Copper	III
3295	Stone, Clay, Glass and Concrete Products	Minerals, Earths, Grinding	Barite	II
2999	Petroleum and Coal Products, NEC	Misc Products of Petro and Coal	All	V
1389	Oil and Gas Field Services	Miscellaneous	Reserve Pit Treaters	IV
1389	Oil and Gas Field Services	Miscellaneous	Oilfield Waste Disposal	V
1389	Oil and Gas Field Services	Miscellaneous	Treatment of Oilfield Waste	IV
1389	Oil and Gas Field Services	Miscellaneous	External Cleaning of Equipment	II
1389	Oil and Gas Field Services	Miscellaneous	Internal Cleaning of Equipment	III
3331	Primary Smelting and Refining of Copper	Nonferrous Metals	Primary Copper	VI
3332	Primary Smelting and Refining of Lead	Nonferrous Metals	Primary Lead	VI
3333	Primary Smelting and Refining of Zinc	Nonferrous Metals	Primary Zinc	VI
3334	Primary Production of Aluminum	Nonferrous Metals	Primary Aluminum	VI
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Bauxite	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Indium	V
	Primary Smelt and Refin of			

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
3339	Nonferrous Metals NEC	Nonferrous Metals	Primary Antimony	III
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Arsenic	III
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Barium	III
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Beryllium	IV
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Bismuth	III
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Boron	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Cadmium	VI
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Calcium	III
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Cesium	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Cobalt	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Columbium	VI
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Gallium	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Germanium	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Gold	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Hafnium	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Lithium	V
	Primary Smelt and Refin of			

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
3339	Nonferrous Metals NEC	Nonferrous Metals	Primary Magnesium	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Mercury	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Molybdenum	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Nickel	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Platinum Group	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Rare Earths	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Rhenium	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Rubidium	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Selenium	VI
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Silver	VI
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Tantalum	VI
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Tellurium	VI
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Tin	III
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Titanium	V
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Tungsten	VI
3339	Primary Smelt and Refin of Nonferrous Metals NEC	Nonferrous Metals	Primary Uranium	V
	Primary Smelt and Refin of			

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
3339	Nonferrous Metals NEC	Nonferrous Metals	Primary Zirconium	V
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Rhenium	V
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Aluminum	VI
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Babbit	III
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Beryllium	III
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Boron	V
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Cobalt	V
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Columbian	V
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Copper	VI
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Lead	VI
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Magnesium	V
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Mercury	V
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Nickel	V
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Plutonium	V
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Precious Metals	V
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Silver	VI
	Secondary Smelt and Refin of			

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
3341	Nonferrous Metals	Nonferrous Metals	Secondary Tantalum	III
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Tin	V
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Titanium	V
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Tungsten	V
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Uranium	V
3341	Secondary Smelt and Refin of Nonferrous Metals	Nonferrous Metals	Secondary Zinc	V
1011	Iron Ores	Ore Mining and Dressing	Iron Ore	IV
1021	Copper Ores	Ore Mining and Dressing	Base and Precious Metals	V
1031	Lead and Zinc Ores	Ore Mining and Dressing	Base and Precious Metals	V
1041	Gold Ores	Ore Mining and Dressing	Base and Precious Metals	V
1044	Silver Ores	Ore Mining and Dressing	Base and Precious Metals	V
1051	Bauxite and Other Aluminum Ores	Ore Mining and Dressing	Aluminum	IV
1061	Ferroalloy Ores, Except Vanadium	Ore Mining and Dressing	Ferroalloy	V
1092	Mercury Ores	Ore Mining and Dressing	Mercury	V
1094	Uranium-Radium-Vanadium Ores	Ore Mining and Dressing	Uranium	VI
1099	Metal Ores NEC	Ore Mining and Dressing	Metal Ore, NEC	V
2865	Cyclic Crudes Interm., Dyes and Organic Pigments	Organic Chemicals	Cyclic Crudes and Intermed., Dyes and Organic Pigments	VI
2869	Industrial Organic Chemicals NEC	Organic Chemicals	Industrial Organic Chemicals, NEC	VI
2869	Industrial Organic Chemicals	Organic Chemicals	Ethanol by Fermentation,	III

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
	NEC		Food Additives	
2851	Paints/Varnishes/Lacquers/Enamels and Allied Prod.	Paint and Ink	Caustic or Water Washed Paint	V
2851	Paints/Varnishes/Lacquers/Enamels and Allied Prod.	Paint and Ink	Solvent Wash Paint	II
2893	Printing Ink	Paint and Ink	Caustic or Water Washed Ink	V
2893	Printing Ink	Paint and Ink	Solvent Wash Ink	II
2819	Industrial Inorganic Chemicals NEC	Pesticides	Amides	VI
2819	Industrial Inorganic Chemicals NEC	Pesticides	Halogenated Organics	VI
2819	Industrial Inorganic Chemicals NEC	Pesticides	Heterocyclic Nitrogens	VI
2819	Industrial Inorganic Chemicals NEC	Pesticides	Metallo Organic	VI
2819	Industrial Inorganic Chemicals NEC	Pesticides	Miscellaneous	VI
2819	Industrial Inorganic Chemicals NEC	Pesticides	Organophosphorus	VI
2869	Industrial Organic Chemicals NEC	Pesticides	Amides	VI
2869	Industrial Organic Chemicals NEC	Pesticides	Halogenated Organics	VI
2869	Industrial Organic Chemicals NEC	Pesticides	Heterocyclic Nitrogens	VI
2869	Industrial Organic Chemicals NEC	Pesticides	Metallo Organic	VI
2869	Industrial Organic Chemicals NEC	Pesticides	Miscellaneous	VI
2869	Industrial Organic Chemicals NEC	Pesticides	Organophosphorus	VI

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
2879	Pesticides and Agricultural Chemicals, NEC	Pesticides	Formulation and Packaging of Agricultural Chemicals	VI
5171	Petroleum and Petroleum Products	Petro. Bulk Sta. and Terminals	Petroleum Bulk Stations and Terminals	II
2911	Petroleum Refining	Petroleum Refining	Petroleum Refining	V
2831	Biological Products	Pharmaceutical Manuf.	Extraction (Biological Products)	VI
2833	Medicinal Chemicals and Botanical Products	Pharmaceutical Manuf.	All	VI
2834	Pharmaceutical Preparations	Pharmaceutical Manuf.	Mising and Formulation (Pharmaceutical Preparations)	VI
2819	Industrial Inorganic Chemicals NEC	Phosphate Manuf.	Defluorinated Rock	IV
2819	Industrial Inorganic Chemicals NEC	Phosphate Manuf.	Defluorinated Acid	IV
2819	Industrial Inorganic Chemicals NEC	Phosphate Manuf.	Elemental Phosphorus	IV
2819	Industrial Inorganic Chemicals NEC	Phosphate Manuf.	Phorphorus Derived Chemicals	IV
2819	Industrial Inorganic Chemicals NEC	Phosphate Manuf.	Phosphates	IV
2819	Industrial Inorganic Chemicals NEC	Phosphate Manuf.	Sodium Phosphates	IV
1475	Phosphate Rock	Phosphate Mining	Phosphate Mining	IV
2821	Plastic Matrls, Syn Resins and Nonvul Elastomers	Plastics and Synthetics	Plastic Matrls, Synthetic Resins, Nonvulcanizable Elas.	VI
2821	Plastic Materials	Plastics and Synthetics	Melamine Crystals	III
2823	Cellulosic Man-Made Fibers	Plastics and Synthetics	Cellulosic Man-Made Fibers	VI
2824	Synthetic Organic Fibers, Except Cellulosic	Plastics and Synthetics	Synthetic Organic Fibers, Except Cellulosic	VI
	Miscellaneous Plastics		Miscellaneous Plastics	

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
3079	Products	Plastics Processing	Products	V
3079	Miscellaneous Plastics Products	Plastics Processing	Plastics Processing Without Contact Process Water	II
3079	Miscellaneous Plastics Products	Plastics Processing	Solution Casting	III
3079	Miscellaneous Plastics Products	Plastics Processing	Water Slurry Preforming Processes	III
3356	Rolling, Drawing and Extr. of Other Nonferrous Metals	Primary Metals Forming	All, Except Copper and Aluminum	IV
2700	Printing, Publishing and Allied Industries	Printing and Publishing	All	II
2000	Food and Kindred Products	Processing Food and Beverages	All	II
2950	Paving and Roofing Materials	Products of Petroleum and Coal	All Except 2951	III
2611	Pulp Mills	Pulp, Paper and Paperboard	All	III
2621	Paper Mills, Except Building Paper Mills	Pulp, Paper and Paperboard	All	III
2631	Paperboard Mills	Pulp, Paper and Paperboard	All	III
2640	Converted Paper and Paperboard Products	Pulp, Paper and Paperboard	All, Except Containers and Boxes	II
2650	Paperboard Containers and Boxes	Pulp, Paper and Paperboard	All	II
2661	Building Paper and Building Board Mills	Pulp, Paper and Paperboard	Waste Paper-Construction	III
2661	Building Paper and Building Board Mills	Pulp, Paper and Paperboard	Waste Paper-Board	III
4013	Railroad Transportation	Railroads	Switching and Terminal Establishments	III
1321	Natural Gas Liquids	Recovering/Fractioning	Natural Gas	II
4613	Pipelines, Except Natural Gas	Refined Petroleum Pipelines	Refined Oil With Storage	II
			Municipal Landfills and	

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
4953	Sanitary Services	Refuse Systems	Landfarms	II
4953	Sanitary Services	Refuse Systems	Commercial Municipal Waste Landfills and Landfarms	II
4953	Sanitary Services	Refuse Systems	Private Nonhazardous Ind. Waste Landfills and Landfarms	II
4953	Sanitary Services	Refuse Systems	Commercial Nonhazardous Ind. Waste Landfills and Landfarms	IV
4953	Sanitary Services	Refuse Systems	Hazardous Waste Disposal	VI
1476	Mining of Nonmetallic Minerals	Rock Salt	All	III
2822	Synthetic Rubber (Vulcanizable Elastomers)	Rubber	All	V
3011	Tires and Inner Tubes	Rubber	Tire and Inner Tube Production	IV
3021	Rubber and Plastics Footwear	Rubber	Large-Size General Molded, Extruded and Fabr. Rubber Plants	IV
3021	Rubber and Plastics Footwear	Rubber	Latex-Dipped, Latex-Extruded and Latex Molded Goods	III
3021	Rubber and Plastics Footwear	Rubber	Medium-Sized General Molded, Extruded and Fabr. Rubber Plants	IV
3021	Rubber and Plastics Footwear	Rubber	Small-Sized General Molded, Extruded and Fabr. Rubber Plants	III
3031	Reclaimed Rubber	Rubber	All	V
3041	Rubber and Plastic Hose and Belting	Rubber	Large-Sized General Molded, Extruded and Fabr. Rubber Plants	IV
3041	Rubber and Plastic Hose and Belting	Rubber	Medium-Sized General Molded, Extruded and Fabr.	IV

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
			Rubber Plants	
3041	Rubber and Plastic Hose and Belting	Rubber	Small-Sized General Molded, Extruded and Fabr. Rubber Plants	III
3069	Fabricated Rubber Products, NEC	Rubber	Large-Sized General Molded, Extruded and Fabr. Rubber Plants	IV
3069	Fabricated Rubber Products, NEC	Rubber	Latex Foam	III
3069	Fabricated Rubber Products, NEC	Rubber	Latex-Dipped, Latex-Extruded and Latex Molded Goods	III
3069	Fabricated Rubber Products, NEC	Rubber	Medium-Sized General Molded, Extruded and Fabr. Rubber Plants	IV
3069	Fabricated Rubber Products, NEC	Rubber	Small-Sized General Molded, Extruded and Fabr. Rubber Plants	III
3080	Plastic Film, Packaging, Buildings and Fiberglass	Rubber and Plastics	All	II
3090	Plastic Drums and Tanks, Doors, Pools and Furniture	Rubber and Plastics	All	II
3290	Abrasive, Asbestos and Misc. Nonmetallic Mineral Prod.	Rubber, Paper, Steel, Etc.	All Except 3295	IV
1440	Mining of Nonmetallic Minerals	Sand and Gravel	All	II
5093	Miscellaneous Durable Goods	Scrap and Waste Materials	Waste Oil Only	(Refer to SIC 2992)
2841	Soaps and Other Detergents, Except Specialty Cleaners	Soaps and Detergents	All	III
2842	Specialty Cleaning, Polishing and Sanitary Prep.	Soaps and Detergents	All	III
2843	Surface Active Agents, Finishing Agents, Etc.	Soaps and Detergents	All	III

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
2844	Perfumes, Cosmetics and Other Toilet Preparations	Soaps and Detergents	Manufacturing of Liquid Soaps	III
4226	Public Warehousing	Spec. Warehousing and Stor., NEC	Petroleum and Chemical Bulk Stations and Terminal Only	II
4911	Electric Services	Steam Electric	Cooling Tower Blowdown (Fossil Fuel Plants)	IV
4911	Electric Services	Steam Electric	Nuclear Plants	V
4911	Electric Services	Steam Electric	Once-Through Cooling Water (Fossil Fuel Plants)	III
4931	Electric and Other Services Combined	Steam Electric	Cooling Tower Blowdown (Fossil Fuel Plants)	IV
4931	Electric and Other Services Combined	Steam Electric	Nuclear Plants	V
4931	Electric and Other Services Combined	Steam Electric	Once-Through Cooling Water (Fossil Fuel Plants)	III
1477	Mining of Nonmetallic Minerals	Sulfur	All	V
2211	Broad Woven Fabric Mills, Cotton	Textile Mills	Greige Mills	II
2211	Broad Woven Fabric Mills, Cotton	Textile Mills	Woven Fabric Finishing	V
2221	Broad Woven Fabric Mills, Man-Made Fiber and Silk	Textile Mills	Greige Mills	II
2221	Broad Woven Fabric Mills, Cotton	Textile Mills	Woven Fabric Finishing	V
2231	Broad Woven Fabric Mills, Wool	Textile Mills	Greige Mills	II
2231	Broad Woven Fabric Mills, Wool	Textile Mills	Wool Finishing	V
2241	Narrow Fabrics and Other Smallwares Mills	Textile Mills	Greige Mills	II

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
2241	Narrow Fabrics and Other Smallwares Mills	Textile Mills	Woven Fabric Finishing	V
2251	Women's Full Length and Knee Length Hosiery	Textile Mills	Hosiery	V
2252	Hosiery, Except Women's Full Length and Knee Length	Textile Mills	Hosiery	V
2253	Knit Outerwear Mills	Textile Mills	Greige Mills	II
2253	Knit Outerwear Mills	Textile Mills	Knit Fabric Finishing	V
2254	Knit Underwear Mills	Textile Mills	Knit Fabric Finishing	V
2255	Knit Fabric Mills	Textile Mills	Knit Fabric Finishing	V
2256	Knit Fabric Mills	Textile Mills	Knit Fabric Finishing	V
2257	Circular Knit Fabric Mills	Textile Mills	Knit Fabric Finishing	V
2258	Warp Knit Fabric Mills	Textile Mills	Knit Fabric Finishing	V
2259	Knitting Mills, NEC	Textile Mills	Knit Fabric Finishing	V
2261	Finishers of Broad Woven Fabrics of Cotton	Textile Mills	Woven Fabric Finishing	V
2262	Finishers of Broad Woven Fabrics/Man-Made Fiber	Textile Mills	Woven Fabric Finishing	V
2269	Finishers of Textiles, NEC	Textile Mills	Woven Fabric Finishing	V
2271	Woven Carpets and Rugs	Textile Mills	Carpet Finishing	V
2271	Woven Carpets and Rugs	Textile Mills	Greige Mills	II
2272	Tufted Carpets and Rugs	Textile Mills	Carpet Finishing	V
2272	Tufted Carpets and Rugs	Textile Mills	Greige Mills	II
2279	Carpets and Rugs, NEC	Textile Mills	Carpet Finishing	V
2281	Yarn Spinning Mills: Cotton, Man-Made Fibers	Textile Mills	Greige Mills	II
2281	Yarn Spinning Mills: Cotton,	Textile Mills	Stock and Yarn Dyeing	V

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
	Man-Made Fiber and Silk			
2282	Yarn Texturizing, Throwing, Twisting and Window M.	Textile Mills	Greige Mills	II
2282	Yarn Texturizing, Throwing, Twisting, Etc.	Textile Mills	Stock and Yarn Dyeing	V
2283	Yarn Mills, Wool, Including Carpet and Rug Yarn	Textile Mills	Greige Mills	II
2283	Yarn Mills, Wool, Including Carpet and Rug Yarn	Textile Mills	Stock and Yarn Dyeing	V
2284	Thread Mills	Textile Mills	Stock and Yarn Dyeing	V
2291	Felt Goods, Except Woven Felts and Hats	Textile Mills	Felt Manufacturing	V
2293	Paddings and Upholstery Filling	Textile Mills	Padding and Upholstery	II
2294	Processed Waste and Recovered Fibers and Flock	Textile Mills	Miscellaneous Textile Goods	II
2297	Nonwoven Fabrics	Textile Mills	Nonwoven Manufacturing	V
2298	Cordage and Twine	Textile Mills	Cordage and Twine	II
2299	Textile Goods NEC	Textile Mills	Wool Scouring	V
2300	Apparel and Other Finished Products/From Fabrics	Textile Mills	Apparel	II
2410	Logging Camps and Logging Contractors	Timber Products Processing	All	II
2421	Sawmills and Planing Mills, General	Timber Products Processing	Sawmills and Planing Mills	II
2426	Hardwood Dimension and Flooring Mills	Timber Products Processing	Hardwood Dimension and Flooring Mills	II
2429	Special Product Sawmills NEC	Timber Products Processing	Special Products Sawmills, NEC	II
2431	Millwork	Timber Products Processing	Millwork	II

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
2434	Wood Kitchen Cabinets	Timber Products Processing	Wood Kitchen Cabinets	II
2435	Hardwood Veneer and Plywood	Timber Products Processing	Plywood	IV
2435	Hardwood Veneer and Plywood	Timber Products Processing	Veneer	II
2436	Softwood Veneer and Plywood	Timber Products Processing	Plywood	IV
2436	Softwood Veneer and Plywood	Timber Products Processing	Veneer	II
2439	Structural Wood Members, NEC	Timber Products Processing	Millwork, Veneer, Plywood and Structural Wood Members	II
2440	Wood Containers	Timber Products Processing	All	II
2450	Wooden Buildings and Mobile Homes	Timber Products Processing	All	II
2491	Wood Preserving	Timber Products Processing	Wood Preserving - Steam	IV
2491	Wood Preserving	Timber Products Processing	Wood Preserving - Boulton	IV
2491	Wood Preserving	Timber Products Processing	Wood Preserving - Inorganic	II
2492	Particleboard	Timber Products Processing	Particleboard	II
2499	Wood Products NEC	Timber Products Processing	Hardboard - Dry Process	II
2499	Wood Products NEC	Timber Products Processing	Wet Process Hardboard (Two Subcategories)	IV
2499	Wood Products NEC	Timber Products Processing	Wood Products, NEC	II
2661	Building Paper and Buildingboard Mills	Timber Products Processing	Barking	II
2661	Building Paper and Buildingboard Mills	Timber Products Processing	Insulation Board (Two Subcategories)	IV
3900	Miscellaneous Manufacturing Industries	Toys, Musical Instr, Caskets	All Except 3911	II
			Natural Gas, Compressors	

Table 2. Alphabetical Listing (Major Industry Type Column) Complexity Group for Effluent Guideline Industrial Subcategories

SIC Code		Effluent Guidelines Division Designations		Complexity Designation
No.	SIC Title	Major Industry	Industrial Subcategory	
4922	Natural Gas Transmission	Transmission and Storage	only	II
3710	Motor Vehicles and Motor Vehicle Equipment	Transportation Equipment	All	III
3731	Ship Building and Repairing	Transportation Equipment	Ship Building and Repairing	IV
3732	Boat Building and Repairing, Pleasure Craft	Transportation Equipment	All	II
3743	Railroad Equipment	Transportation Equipment	All	IV
3751	Motorcycles, Bicycles and Parts	Transportation Equipment	All	II
3764	Guided Missiles and Space Vehicle Propulsion Units	Transportation Equipment	All	V
3790	Miscellaneous Transportation Equipment	Transportation Equipment	All, Incl. Travel Trailers, Campers, Tanks, ATV	III
2819	Industrial Inorganic Chemicals NEC	Uranium Recovery	Uranium Recovery from Phosphoric Acid Production	VI

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 14:628 (September 1988), LR 18:735 (July 1992), amended LR 21:798 (August 1995).

Chapter 15. Water Quality Certification Procedures

§1501. Authority

A. R.S. 30:2074(B)(3) authorizes the adoption and promulgation by the secretary of the Department of Environmental Quality of rules and regulations to prevent water pollution.

B. R.S. 30:2074(A)(3) establishes the procedures for issuance of certifications for applicants for federal permits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(A)(3).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:496 (July 1984).

§1503. Scope

A. These procedures apply to all water quality certifications which applicants for federal licenses or permits are required to provide to the appropriate federal agency.

B. In the event that certification is requested for a proposed federal license or permit which is determined by the administrative authority to contain terms and conditions equivalent to an existing state permit previously issued under the Louisiana Water Discharge Permit System (LWDPS), such LWDPS permit shall be considered the legal equivalent to a certification issued by the administrative authority under this Chapter, and no separate certification is required.

C. Upon delegation of the NPDES program to the state, the provisions of this Chapter with regard to NPDES permit certifications will no longer be applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(A)(3).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:496 (July 1984).

§1505. Definitions

*Administrative Authority***C**the secretary of the Department of Environmental Quality or his/her designated representative, the assistant secretary, Office of Water Resources, or the Environmental Control Commission.

*Certification***C**approval by the administrative authority that any activity which may result in any discharge into or potential change of the waters of the state and as such requires application for a federal permit, will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance) and 307 (Toxic and Pretreatment Effluent Standards) of the Federal Water Pollution Control Act as amended.

*Commercial Activity***C**any conduct, operation, or process performed by governmental agencies for public use or by private interests for business or other use for profit.

*Commission***C**the Environmental Control Commission.

*Discharge***C**the placing, releasing, spilling, percolating, draining, pumping, leaking, seeping, emitting, disposing, bypassing or other escaping of pollutants into the air, waters, subsurface water or the ground as the result of a prior act or the placing of pollutants into natural or man-made pits or drums, barrels, or similar containers under conditions and circumstances that leaking, seeping, draining, or escaping of the pollutants can be reasonably anticipated.

*Land Management Plan***C**a land use plan approved by the United States Soil Conservation Service or the State Department of Transportation and Development Soil and Water Conservation Committee.

*Noncommercial Activity***C**any conduct, operation, or process intended strictly for private use with no future profit potential expected.

*Person***C**any individual, municipality, public or private corporation, partnership, firm, the United States Government and any agent or subdivision thereof, or any other juridical person.

*Waste***C**any material for which no use or reuse is intended and which is to be discarded.

*Water Pollution***C**the introduction into waters of the state by any means including dredge and fill operations, of any substance in concentrations which tend to degrade the chemical, physical, biological, or radiological integrity of such waters, including, but not limited to, the discharge of brine from salt domes which are located on the coastline of Louisiana and the Gulf of Mexico into any waters off said coastline and extending therefrom three miles into the Gulf of Mexico.

*Water Quality Management Plan***C**an approved water quality management plan prepared pursuant to the Act [R.S. 30:2074(A)(1)].

*Water Quality Standards***C**standards and criteria established pursuant to the Act [R.S. 30:2074(A)(1)].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(A)(3).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:496 (July 1984).

§1507. Procedures For Issuance Of Water Quality Certification

A. Application Requirements

1. Application Requirements. Any person, desiring issuance of a state water quality certification, shall file an application for certification with the Department of Environmental Quality, Office of Water Resources, at its office in Baton Rouge. The application should include:

a. the date of application;

b. the name, address, or principal place of business of the applicant;

c. if the applicant is a corporation, the state in which it is incorporated, the name of its principal officers and the name and address of the Louisiana agent for service of process;

d. the name of the individual who shall be primarily responsible for conduct of the activity for which certification is sought (plant manager or other person responsible for facility operation);

e. the nature of the activity to be conducted by the applicant, including estimates of volume of excavation for dredge and fill activities;

f. whether the discharge is occurring or proposed, including an estimated schedule for all proposed activities;

g. the location of the discharge, stating if applicable, the municipality, the parish, the drainage basin, the name of the receiving water, and the location of the point of discharge with regard to the receiving water;

h. the nature of the receiving water, including type (creek, river, swamp, canal, lake or pond), nature (fresh, brackish or salt), and direction of flow;

i. description of waste treatment works, if any, that will receive and process the wastewater before discharge into the receiving water;

j. the type of discharge, including chemical composition, quantity (expressed as gallons per unit of time), frequency, temperature, and kinds and quantities of pollutants or contaminants;

k. projected future variations in the nature of the discharge;

l. the type, diameter or cross-section and length of any conduit conveying the discharge;

m. names and addresses of adjoining riparian owners; and

n. maps, drawings, or plats at an appropriate scale and referenced to a commonly used set of geographic coordinates (latitude/longitude or section\range\township) which provide sufficient detail to accurately delineate;

i. the boundaries of the lands owned or to be utilized by the applicant in carrying out any activity;

ii. the location and extent of receiving waters in the vicinity of said lands;

iii. the location, dimensions, and type of any temporary or permanent structures or conveyances erected or to be erected on said lands; and

iv. the location of discharges into receiving waters.

2. Processing Fee. A one-time processing fee will be assessed all applicants to help defray the costs of this expanded program. The fee schedule will be as follows:

noncommercial activities	$25/application
commercial activities	$265/application

Payment shall accompany the application for certification. This office shall consider the application incomplete and initiation of the application review process will not begin until payment of the processing fee is received. Payment shall be by check or money order to Department of Environmental Quality, Office of Water Resources and shall be nonrefundable.

3. Exemptions from Processing Fee. All 402 permit applications will be exempt from this fee since fees are already assessed as part of the state permit system.

4. Approved Land Management Plan Requirement. Applicants whose applications involve the clearing of land for agricultural purposes shall submit an approved land management plan for the land to be cleared before the application will be deemed adequate.

5. Power to Request Additional Information. The administrative authority may request, and the applicant shall furnish, any additional information deemed necessary for the proper consideration of the application to determine if the proposed discharge meets all applicable effluent limitations, water quality related effluent limitations, water quality standards, new source performance standards, and toxic and pretreatment standards.

6. Omissions From Applications. If the applicant considers that it is not feasible or is unnecessary to furnish any portion of the information required by Paragraphs 1 and 2 of this Section, applicant shall submit a detailed statement explaining the reasons for omission of any such information; but if the administrative authority does not concur in such omission, applicant shall submit the omitted information.

7. Confidentiality of Information. Any information submitted by the applicant, as required by an application for certification, and declared as confidential by the applicant shall be handled in accordance with LAC 33:I.Chapter 5.

8. Signing of Applications. Applications will be considered valid only if the application bears the signature of an individual authorized by a company, corporation, municipality, governmental agency, or an individual if the individual is the applicant. The signatory shall certify that all information contained in the application is true and correct to the best of his knowledge.

B. Alternative Application Submittal. Any applicant may elect to submit a duplicate of the proposed federal permit application in lieu of a separate application for state certification. Such submittal must include:

1. a cover letter requesting state certification and indicating that the attached copy of a federal permit application is to serve as the application for state certification.

C. Application Review

1. All applications will be reviewed for adequacy of content in accordance with application criteria and the type and extent of the proposed activity. The application shall be considered incomplete until payment of the processing fee is received. The administrative authority reserves the right to request additional information where it is deemed necessary to make a final certification decision. An application will be deemed complete if the administrative authority does not indicate otherwise by a written response to the applicant within 30 days.

2. The administrative authority reserves the right to conduct investigations concerning the application as deemed necessary. The applicant shall cooperate to the extent that he shall furnish additional information, allow access to lands or works of the applicant, and lend such assistance as shall be reasonable.

3. All applications will be reviewed in terms of compliance with State Water Quality Standards, the approved Water Quality Management Plan for the waterbody affected by the activity, and applicable state water laws, rules, and regulations.

D. Public Notice Requirements

1. Notice by Publication. Within 10 days after the review process is completed by the administrative authority, the applicant will be sent a public notice. The applicant shall publish the public notice one time in the official journal of the state and one time in at least one or more at the discretion of the administrative authority, local newspapers or journals of general circulation in each parish in which the activity is to be conducted.

a. The Baton Rouge State Times is the official journal of the state.

b. A period of 10 calendar days after the date of publication will be allowed for public comment.

c. Contents of the notice shall be as follows:

i. name and address of applicant;

ii. activity proposed in the application;

iii. nature and location of the activity;

iv. date of and final action proposed by the administrative authority;

v. name and address of administrative authority's representative to whom comments shall be submitted;

vi. statement that comments will be received for 10 days following publication; and

vii. statement that additional information is on file with administrative authority, may be inspected at any time during normal working hours, and shall be made available upon payment of cost of printing to the administrative authority.

d. The applicant shall provide proofs of publication of the public notice to the administrative authority.

2. The administrative authority shall send a copy of the public notice to any person on a mailing list developed by the administrative authority or publish the public notice in a department bulletin mailed to such persons and to any person who requests a copy of the public notice for the particular action.

3. Notice of Hearing. If the administrative authority determines that a hearing, as hereinafter provided for, should be held concerning the granting or denial of the certification, notice of the hearing shall be published one time in the official journal of the state, and one time in at least one or more at the discretion of the administrative authority, newspapers or journals having general circulation in the locality in which the activity will occur. The notice shall be published at least 30 days prior to the date of the hearing. The notice shall state the time, place, and nature of the hearing. In addition, a copy of the notice shall be served on the applicant and the person or persons requesting the hearing at least 30 days prior to the date of the hearing.

4. Notice List. A copy of the notice of the hearing shall be mailed to each person on the notice list maintained by the administrative authority in accordance with the rules of procedure of the commission and to any person who specifically requests notice of a hearing on a specific application.

5. Notice to Other Persons. The administrative authority may give written notice to such other persons as is deemed necessary.

6. Other Notices. Notices required by this Section for state certification shall be in addition to any other notice concerning the same activity by the applicant or any federal agency unless the various state and/or federal agencies have adopted a procedure for the issuance of joint public notices.

7. Payment of Costs of Public Notice. The applicant shall bear the costs of publication of notices required by LAC 33:IX.1507.D in accordance with R.S. 30:2074(A)(3). When a hearing is requested by the applicant, and is held, the applicant shall bear the costs of publishing that hearing notice.

E. Public Hearings

1. Public Hearing on Certification Application

a. A public hearing may be held in connection with the consideration of an application for an original water quality certification or when it is proposed that an existing certification be modified or revoked.

b. Any person may request in writing within the comment period specified in the public notice required by LAC 33:IX.1507.D of this regulation that a public hearing will be held to consider material matters at issue in a certification application. Upon receipt of any such request, the administrative authority shall determine whether the issues raised are substantial and there is a valid public interest to be served by holding a public hearing.

c. Public hearing(s) are appropriate when there is significant public opposition to a proposed certification and the case involves significant economic, social, or environmental issues.

d. If the determination is made to hold a public hearing, the administrative authority shall so notify the applicant by registered or certified mail, return receipt requested, and shall publish and give notice as required by LAC 33:IX.1507.D of these regulations. Such hearing will be held within 90 days following date of notification.

2. Hearing for Applicant Upon Certification Denial.

If the certification is denied by the administrative authority, the applicant may make a request for a hearing, in writing, to the administrative authority within 10 days after notification of denial, unless the reason for the denial is a determination by the administrative authority at a prior hearing that the activity or proposed activity of the applicant would violate applicable provisions of the Federal Clean Water Act or the Louisiana Environmental Quality Act or any regulations thereof. The administrative authority may in its sole discretion, for good cause shown, grant such request. If request for hearing is granted, notice shall be given as required by LAC 33:IX.1507.D of these regulations.

3. Hearing Location. Every hearing held pursuant to this Section shall be held before the administrative authority in the State Lands and Natural Resources Building in Baton Rouge, Louisiana unless the administrative authority specifically designates some other location.

4. Hearing Records. The record of each hearing held under this Section shall remain open for a period of 30 days after the date of the hearing to received written comments. Written comments and statements received within the 30 day period shall become part of the official hearing record.

5. Other Hearings. Joint public hearings are encouraged whenever approved by federal and/or state agencies. No hearing under this Section, however, shall preclude or replace any hearing required by other laws and

regulations of the state of Louisiana or any federal agency unless provision has been made for joint public hearings.

F. Issuance of Certification

1. Time Limit for Final Action. All applications for the certification shall be granted or denied within 60 days after the application is deemed complete by the administrative authority unless:

a. the applicant or federal agency agrees, in writing, to a longer period;

b. final decision is to be made pursuant to a public hearing;

c. applicant or federal agency fails to furnish information necessary to the completion of the application;

d. applicant or federal agency refuses the administrative authority access to records or premises for the purposes of gathering information necessary to the certification decision;

e. information necessary to the certification decision is unavailable; or

f. the application for certification is for an NPDES permit which requires an extended review period in accordance with an agreement with the federal agency.

2. Time Limit for Final Action After Hearing. All applications for certification shall be granted or denied within 90 days after public hearing unless applicant otherwise agrees in writing, or unless LAC 33:IX.1507.F.1.c-f apply.

3. Conditions for Certification

a. If, after review of the application and any comments, publication of public notices, public hearing if applicable, expiration of the required periods for public comment, and receipt of proofs of publication, it is determined that the proposed project will not violate State Water Quality Standards, is in accordance with an approved Water Quality Management Plan, or applicable state water laws, rules, or regulations, the administrative authority will issue a letter of no objection with a statement of water quality certification to the applicant and forward a copy of the certification to the applicable federal agency.

b. The letter of certification will include any stipulations or conditions necessary to ensure compliance with state Water Quality Standards, approved Water Quality Management Plans, or applicable state water laws, rules, or regulations.

c. Notification of Denial, Modification, or Revocation of Certification

i. In the event that the administrative authority denies, modifies or revokes certification or for any reason is unable to approve the application, it shall so notify the applicant by certified or registered mail, return receipt requested, specifying in such notification the reasons for the denial, modification, or revocation or inability to approve the application.

ii. A copy of the notification of denial, modification or revocation shall be mailed to the appropriate federal agency or agencies.

G. Modification of Certification

1. Requests for revision of an application or modification of an existing certification shall include a description of the proposed changes in accordance with guidelines for content of applications.

2. Requests for modification of an existing certification will require notice in accordance with LAC 33:IX.1507.D of this regulation under the following conditions, or at the discretion of the administrative authority.

a. The proposed modification could result in violations of state Water Quality Standards, an approved Water Quality Management Plan, or applicable laws, rules, or regulations based on LAC 33:IX.1507.C or LAC 33:IX.1507.F.3 of this regulation.

b. A public hearing was conducted with regard to the original certification.

c. The federal agency requiring the application for modification requires public notice.

H. Revocation of Certification

1. Any certification issued pursuant to this regulation is subject to revocation or modification for violation of any guideline, criterion, or condition under which the certification was approved.

2. Any certification issued pursuant to this regulation is subject to revocation or modification upon a determination that information contained in the application or presented in support thereof is incorrect or if conditions under which the certification was made have changed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(A)(3).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:496 (July 1984), amended by the Office of the Secretary, LR 22:345 (May 1996).

Chapter 17. Rules Governing Disposal of Waste Oil, Oil Field Brine, and All Other Materials Resulting from the Drilling for, Production of, or Transportation of Oil, Gas or Sulfur (As Amended January 27, 1953)

§1701. Adopted by the Stream Control Commission, State of Louisiana, Under Authority of Section 1435, Chapter 3, Part I, of Title 56, Louisiana Revised Statutes of 1950

A. Crude oil, waste oil, oil sludge, oil-water emulsion, or oil bearing mixtures of any kind shall be gathered and

destroyed by burning or otherwise on the lease where the wastes originate, and in such manner as to eliminate any pollution hazard.

B. No oily fluids shall be discharged to, or allowed to flow on the ground, or be carried from the original lease in open ditches, or discharged or allowed to flow into any stream, lake or other body of water.

C. Each producing well, except those over marsh and water, all oil booster pumps, and any pump used to move oil or oily fluids, shall be provided with a surrounding gathering ditch or equally effective device, to prevent the escape of oily wastes from the location, such ditch to be graded to a gathering sump which shall be cleaned regularly by removal and destruction of oily wastes. All spillage of oil shall be promptly gathered and destroyed.

1. On all pumping wells, over water or marsh, there shall be installed an adequate impervious deck or other device with catch tank installed around the wellhead. The catch tank should be equipped with a "stiff-leg" to enable the operator to dispose of excess rainfall.

2. All drilling barges, whether for workover or drilling new wells shall be equipped with a device at the open end or ends of keyways to prevent oil or oil fluids from escaping therefrom. This device shall be so installed as to be adjustable for tidal changes and all oil collected within keyways shall be picked up and disposed of in compliance with LAC 33:IX.1701.C.1 and 2.

3. All barges containing drilling, workover or power units shall be equipped with a coaming or other device as to drain all oil or oily fluids into a catch tank.

4. All necessary steps shall be taken to avoid loss of oil during workover operation.

D. Each permanent oil tank or battery of tanks that are located within the corporate limits of any city, town, or village or where such tanks are closer than 500 feet to any highway or inhabited dwelling or closer than 1,000 feet to any school or church, or where such tanks are so located as to be deemed a hazard by the Stream Control Commission, must be surrounded by a dike (or fire wall) or retaining wall of at least the capacity of such areas where such dikes (fire walls) or retaining walls would be impossible such as in water areas. At the discretion of the Stream Control Commission, fire wall of 100 percent capacity can be required where other conditions or circumstances warrant their construction. (As amended December 13, 1964.) Tanks not falling in the above categories must be surrounded by a retaining wall, or must be suitably ditched to a collecting sump, each of sufficient capacity to contain the spillage and prevent pollution of the surrounding areas.

E. Oil gathering lines, or any other lines used for transporting oil, shall be regularly inspected and all leaks shall be immediately repaired. Waste from leaks shall be collected and destroyed immediately upon discovery. All barges used for the transportation of crude oil or petroleum products shall be in first class condition. Leaking barges shall be repaired before reuse. Loading racks, barge-loading outlets, and similar installations shall be operated at all times with full precaution against spillage. Such installations shall be surrounded by a ditch graded to a gathering sump, or shall be provided with an impervious deck surrounded by a steel gutter leading to a sump, or with such other equipment adequate for the accomplishment of the same purpose as may be approved by the Stream Control Commission. All such gathering sumps shall be cleared regularly by removal and destruction or other safe disposal of the oily waste. After each operation of barge or tanker loading equipment, loading hose and connections shall be carefully drained, and the gathering sumps shall be emptied, preferably to the barge or tanker.

F. No salt water shall be discharged from a lease until all oily waste has been completely separated therefrom, except in cases where the transfer of such salt water from the lease to a central treating plant has been approved in writing by the Stream Control Commission or one of its agents. Separating pits or other equally effective device, for the separation of oily wastes from oil field brine shall be constructed and operated in such a manner that no oily waste will be carried from the lease, except to central treating plants, and shall meet any reasonable minimum requirements set up in any particular field or lease by the Stream Control Commission. In oil field brines discharged to streams the oil content shall not exceed 30 ppm.

G. No oil field brine shall be discharged into any stream, lake or other body of water, or into any ditch or surface drainage leading to any stream, lake or other body of water, when it is determined by the Stream Control Commission that such discharge would adversely affect the palatability of a source of potable water to an appreciable degree, or would be deleterious to the public health, or to the prosecution of an industry or lawful occupation for which or in which any such waters may be lawfully used or employed, or whereby the carrying on of any agricultural pursuit may be injuriously affected or whereby the lawful conduct of any livestock industry or the use of any such waters for domestic animals may be prevented, injuriously affected or impaired, or whereby any lawful use of any such waters by the state of Louisiana, or by any political subdivision, or by any corporation, association, partnership, or person, or any other legal entity may be lessened or impaired, or materially interfered with, or whereby any fish life, or any beneficial animal or vegetable life in said waters may be destroyed, or the growth or propagation thereof prevented or injuriously affected; provided that oil-free brine may be discharged under maximum dilution ratios prescribed for any particular stream or field by the Stream Control Commission, or during any particular period in which such discharge is determined by the commission to be free from pollution hazard, or necessary in the public interest.

H. Wherever possible, disposition of oil field brine shall be accomplished by discharge through disposal wells to underground horizons below the fresh water level, such wells to be so drilled, cased, cemented, equipped, and operated that no fresh water horizon shall be polluted; provided that this rule shall not apply in fields or areas

where it is determined by the Stream Control Commission that disposition of the brine is or may be accomplished by discharge into water bodies normally or seasonably sufficiently saline to preclude any actual or potential pollution hazard due to such discharge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1435, Chapter 3, Part I.

HISTORICAL NOTE: Adopted by the Department of Wildlife and Fisheries, Office of Coastal and Marine Resources on January 27, 1953.

Chapter 19. State of Louisiana Stream Control Commission

§1901. Order

A. Effective July 1, 1968, it shall be the order of the Louisiana Stream Control Commission that no oil field wastes, including salt water, produced by gas or oil field operations in the state of Louisiana shall be allowed to drain or flow into waters of the state except:

1. salt water may be disposed of in normally saline waters, tidally affected waters, brackish waters or other waters unsuitable for human consumption or agricultural purposes. Where quality of receiving waters is not clearly brackish, saline or tidally affected, or unsuitable for human consumption or agricultural purposes, individual judgment shall be rendered by the Stream Control Commission; and

2. as further provided under the applicable rules and regulations of the Department of Conservation.

B. Nothing herein contained is intended to repeal, modify or otherwise affect existing regulations of this commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1435.

HISTORICAL NOTE: Adopted by the Department of Wildlife and Fisheries, Office of Coastal and Marine Resources on July l, 1968.

Chapter 21. Municipal Facilities Revolving Loan Fund

§2101. Introduction

A. The 1972 amendments to the Federal Water Pollution Control Act of 1956, commonly referred to as the Clean Water Act, provide for a strong federal role in the construction of publicly owned wastewater treatment works by increasing the level of federal aid and expanding the federal grant share to 75 percent in an effort to increase the pace of wastewater treatment facility construction and eliminate the backlog of needed facilities. Congress intends that states and municipalities eventually assume full responsibility for financing, building, operating, maintaining, and replacing their treatment facilities.

B. The 1977 amendments to the Clean Water Act begin shifting the responsibility to state and local governments by authorizing the U.S. Environmental Protection Agency (EPA) to delegate most of its construction grants management functions to the states. The 1981 Amendments further reduce the federal role by reducing the annual federal authorization by half, reducing the federal grant share, narrowing the eligible funding categories, and reducing the eligible treatment capacity to that required to meet existing needs.

C. The 1987 amendments to the Clean Water Act set forth a schedule and mechanism for completing the transition to full state and municipal responsibility. The U.S. Environmental Protection Agency continues to have the authority to allot funds to states for the award of grants to municipalities to construct wastewater treatment facilities through FY 1990. A new authority has been created that allows EPA to make grants to capitalize State Water Pollution Control Revolving Funds (SRFs), the primary purpose of which will be to provide loans and other financial assistance to municipalities for the construction of wastewater treatment facilities. Beginning in FY 1987, states may exercise an option to use a portion of their annual construction grants allotments for the capitalization of SRFs. The last year in which funds will be appropriated for direct project funding through construction grants will be FY 1990; separate appropriations for SRF capitalization grants are authorized from FY 1989 through FY 1994. Thereafter, the states and municipalities have the sole responsibility for providing financing to meet the enforceable requirements of the act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 13:742 (December 1987), repromulgated LR 14:862 (December 1988).

§2103. Authority

Act 349 of the 1986 Regular Session of the Louisiana Legislature enacted R.S. 30:2011(D)(4), R.S. 30:2074(A)(4) and (B)(6), and R.S. 30:2078 relative to the Louisiana Environmental Quality Act; authorizes the secretary of the Department of Environmental Quality to apply for and accept certain grants for the planning, design, construction and rehabilitation of wastewater treatment facilities; provides for matching funds; requires that money received through such grants and state matching funds be deposited into the municipal facilities revolving loan fund; establishes the municipal facilities revolving loan fund; provides for the use, capitalization, investment and disposition of the funds; provides for an exemption to certain public bond trust restrictions; and provides for related matters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 13:742 (December 1987), repromulgated LR 14:862 (December 1988).

§2105. Definitions

Act—Act 349 of the 1986 Louisiana Legislature enacting R.S. 30:2011(D)(4), R.S. 30:2074(A)(4) and (B)(6), and R.S. 30:2078 relative to the Louisiana Environmental Quality Act.

*Allowable Cost***C**those project costs that are eligible, reasonable, necessary, and allocable to the project; permitted by the appropriate federal cost principles, and approved in the loan agreement. May also be referred to as "Eligible Cost."

*Applicant***C**any municipality, as defined, that submits an application for financial assistance in accordance with these rules and regulations.

*Bonds***C**the bonds, notes, renewal notes, refunding bonds, interim certificates, certificates of indebtedness, debentures, warrants, commercial paper, or other obligations or evidences of indebtedness authorized to be issued by the department.

*Construction***C**includes preliminary planning, engineering, architectural, legal, fiscal, economic investigations and/or studies, surveys, designs, plans, working drawings, specifications, erection, building, acquisition, alteration, remodeling, improvement or extension of treatment works.

*Cost***C**as applied to wastewater treatment, the cost of acquisition and construction; the cost of all land, rights-of-way, property rights, easements, franchise rights and interests required by the department for such acquisition and construction; the cost of all machinery, furnishings, and equipment; all financing charges, and interest prior to and during construction; the cost of all engineering services and all expenses of research and development with respect to wastewater treatment facilities; the cost of all legal services and expenses; the cost of all plans, specifications, surveys and estimates of cost and revenues; all working capital and other expenses necessary or incident to determining the feasibility or practicability of acquisition or construction of any such project; all administrative expenses and such other expenses as may be necessary or incident to the acquisition or construction of the project, the financing of such acquisition or construction, including the amount authorized in the resolution of the department providing for the issuance of wastewater treatment revenue bonds to be paid into any special funds from the proceeds of such bonds; and the financing of the placing of any such project in operation.

*Department***C**the Louisiana Department of Environmental Quality.

*Designated Management Agency***C**an agency identified by a water quality management plan and designated by the governor to implement specific control recommendations.

*Environmentally Sensitive Area***C**an area with unique ecological features which may suffer irreversible damage from even small changes in the environment. This includes, but is not limited to, floodplains, wetlands, prime agricultural lands, aquifer recharge areas, coastal zones, habitats of rare or endangered species, wild and scenic rivers, etc.

*Federal Government***C**the United States of America and any agency of instrumentality, corporate or otherwise, of the United States of America.

*Lending Institution***C**any bank, bank or trust company, federal land bank, production credit association, bank for cooperatives, building and loan association, homestead, insurance company, investment banker, mortgage banker or company, pension or retirement fund, savings bank or savings and loan association, small business investment company, credit union, or any "Edge Act Corporation" or agreement corporation organized or operating pursuant to Section 25 of the Federal Reserve Act.

*Loan Program Agreement***C**a contractual arrangement by and between a municipality and the state acting by and through the department, providing for loans to such municipality for the purpose of paying the cost of construction of wastewater facilities.

*Municipality***C**a city, town, village, district, parish or public body created under state law having jurisdiction over transport, treatment, and/or disposal of sewage, industrial waste, or other waste.

*Operation and Maintenance***C**those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

*Person***C**any individual, partnership, firm, corporation, company, cooperative, association, society, trust, or any other business unit or entity, including any state or federal agency.

Pollution**C**

1. the discharge, release, escape, deposit or disposition, directly or indirectly, of treated or untreated sewage, industrial wastes, or other wastes, of whatever kind or character, in or near any water of the state, in such condition, manner or quantity, as does, will, or is likely to contaminate or substantially contribute to the alteration of the physical, chemical or biological properties of any such waters, if such contamination or alteration where a person only contributes thereto, is to such an extent as to make any of such waters:

a. directly or indirectly harmful, detrimental or injurious to the public health, safety, and welfare;

b. directly or indirectly detrimental to existing animal, bird, fish, aquatic or plant life;

c. unsuitable for present or future domestic, commercial, industrial, agricultural, recreational, scenic or other legitimate uses; and also means:

2. the discharge, release, escape, deposit, or disposition, directly or indirectly, of treated or untreated sewage, industrial wastes or other wastes, of whatever kind of character, in or near any waters of the state in such

condition, manner or quantity of the waters of the state below the standards established therefore by the United States or any department, agency, board or commission of this state authorized to establish such standards.

*Program Loans***C**loans made to a municipality by the state which are required to be repaid pursuant to a loan program agreement.

*Project Completion***C**as defined by EPA, the date operations of the treatment works are initiated or are capable or being initiated, whichever is earlier.

*Replacement***C**expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

*Secretary***C**the secretary of the Louisiana Department of Environmental Quality.

*State***C**the state of Louisiana or any agency or instrumentality thereof.

*Sewage***C**water-carried human or animal wastes from residences, buildings, industrial establishments or other places, together with such groundwater infiltration and surface waters as may be present.

*User Charge***C**a charge levied on users of a treatment works for the cost of operation and maintenance, including replacement.

*Wastewater***C**any water containing sewage, industrial wastes, or other wastes of contaminants derived from the prior use of such water, and shall include without limiting the generality of the foregoing, surface water of the type storm sewers are designed to collect and dispose of.

*Wastewater Facilities***C**facilities for the purpose of collecting, transporting, treating, neutralizing, disposing of, stabilizing, cooling, segregating or holding wastewater, including without limitation the generality of the foregoing, facilities for the treatment and disposal of sewage, industrial wastes, or other wastes, wastewater, and the residue thereof; facilities for the temporary or permanent impoundment of wastewater, both surface and underground; and sanitary sewers or other collection systems, whether on the surface or underground, designed to transport wastewater together with the equipment and furnishings thereof and their appurtenances and systems, whether on the surface or underground including force mains and pumping facilities therefore.

*Water Quality Management Plan***C**a state or areawide waste treatment management plan that identifies water quality problems and details the state's objectives and strategies for their resolution, and outlines the institutional framework necessary for the effective implementation of the proposed strategies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 13:742 (December 1987), repromulgated LR 14:862 (December 1988).

§2107. Eligibility for Participation in Program

A. Eligibility for Participation. Loans may be made only to municipalities for the construction of wastewater facilities necessary to serve the population designated in the approved planning area for the municipality.

B. Allowable/Eligible Costs. Not all costs associated with an applicant's wastewater treatment project may be allowable for loan participation. Consideration for loans may be limited to projects for secondary treatment or more stringent treatment, or any cost effective alternative thereto, new interceptors and appurtenances, and infiltration/inflow correction. Funds may be used to address water quality problems due to discharges of combined stormwater and sanitary sewer overflows, which are not otherwise eligible. Collectors are not eligible unless (1) the collector is needed to assure the total integrity of the treatment works; or (2) adequate capacity exists at the facility. Additional cost determinations based on applicable law and regulations must, of course, be made on a project-by-project basis. Allowable costs may include those listed in Appendix 1 (LAC 33:IX.2121) to these rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 13:742 (December 1987), repromulgated LR 14:862 (December 1988).

§2109. Priority System

A. The state's priority system (see Appendix 2, LAC 33:IX.2123), and the criteria contained therein, will be used to generate an annual project priority list. The project priority list will consist of an ordered listing of all projects that are expected to qualify for and participate in the municipal facilities revolving loan fund program.

B. Determination of Priority for Participation in the Program. Any municipality which has the authority under applicable law to undertake a wastewater facility project and desires to apply for a loan may submit a completed Pre-Application Form (RF-100) to the department. Such projects shall be included on the next fiscal year's state project priority list in accordance with the priority system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 13:742 (December 1987), repromulgated LR 14:862 (December 1988).

§2111. Application For Loan

A. An application shall only be accepted from a municipality that is within the fundable limits for loan assistance for the current fiscal year and that has met all of its prerequisite requirements.

B. Application Fee. Applicants shall be required to remit an application fee to the department at the time of application submission. The fee for the filing, review, and processing of the application shall be one-tenth of one percent of the loan amount requested with a minimum and maximum fee of $500 and $10,000, respectively.

C. Pre-Application Conference. A pre-application conference shall be scheduled for each prospective applicant. The conference shall be held jointly between:

1. the authorized or designated representative of the municipality;

2. the consultant representing the municipality; and

3. representatives of the department. This conference shall be held for the purpose of:

a. distribution of application forms;

b. detailing the contents of the application;

c. discussing the rules and regulations, procedures, and responsibilities under the municipal facilities revolving loan fund program.

D. Application Package. A completed application package must be submitted to the department for review and approval. The contents of the application must be consistent with the information detailed in the pre-application conference.

E. Facilities Plan. Facilities planning consists of those necessary plans and studies which directly relate to construction of treatment works. Facilities planning will demonstrate the need of the proposed facility. Through a systemic evaluation of feasible alternatives, it will also demonstrate that the selected alternative is cost-effective, i.e., is the most economical means of meeting established effluent and water quality goals while recognizing environmental and other nonmonetary conditions. The facility plan shall address the following items:

1. projects apply best practicable waste treatment technology;

2. alternative waste techniques be considered in project design;

3. innovative and alternative treatment technologies must be studied and applicants shall take into account opportunities to make more efficient use of energy and resources;

4. applicant shall analyze the potential recreation and open space opportunities in the planning of the proposed facility.

F. Plans and Specifications. The applicant shall submit plans and specifications to the department for review to insure the proposed project meets minimum technical and administrative requirements of federal and state law, is biddable and constructable and will satisfy discharge requirements in accordance with the project's National Pollution Discharge Elimination System (NPDES) and/or State Pollutant Discharge Elimination System permit.

G. Project Schedule. A timetable specifying the dates of key project events including, but not limited to, public notices of proposed procurement actions, contract awards, issuance of notice to proceed with building, completion of building, and initiation of operation.

H. Environmental Information Document. A written analysis describing the environmental impacts, including secondary impacts, of the proposed wastewater facility. This document must be of sufficient scope to enable an environmental review to be approved by the department. The applicant must comply with all environmental laws and executive orders as applicable to the existing environment in the project planning area (See Appendix 3 - State Environmental Review Process.)

I. Financial and Management Capability. The applicant is required to submit sufficient information to demonstrate its legal, institutional, managerial, and financial capability to insure the adequate building, operation, maintenance of the facility and debt repayment of the loan.

J. Plan of Operation. This plan should be in the form of a descriptive chronological schedule which provides a timetable for the preparation and submission of required documents and for actions to be taken by the applicant during construction. The plan will include, but not be limited to, the following:

1. operation and maintenance manual;

2. emergency operating program;

3. personnel training and operator certification;

4. adequate budget;

5. operational reports;

6. laboratory testing needs;

7. operation and maintenance program.

K. Infiltration/Inflow Analysis. A written analysis must be submitted demonstrating that the existing sewer system is not or will not be subject to excessive infiltration/inflow.

L. User Charge System. The applicant shall develop a municipally enacted financial management system which provides for collection of revenues from users in proportion to their use. Collected revenues must be sufficient to offset the costs of operation, maintenance, and replacement of equipment (O,M,andR) and debt repayment. The user charge system shall be enacted, maintained, and enforced, throughout the life of the project.

M. Sewer Use Ordinance. The applicant shall enact, maintain, and enforce for the life of the project, a sewer use ordinance that satisfies the following content requirements:

1. prohibits new inflow sources;

2. requires that new sewers and connections be properly designed and constructed;

3. prohibits introduction of toxic and/or hazardous wastes into the sewers in an amount or concentration that would cause a violation of any industrial discharge permit or

pretreatment program, endangers the public's safety or the physical integrity of the system which may cause violations of the municipality's NPDES permit or precludes the selection of the most cost-effective alternative for treatment, reuse and sludge disposal;

4. prohibits introduction of toxic and/or hazardous wastes into the sewers in an amount or concentration that endangers the public's safety or the physical integrity of the system which may cause violations of the municipality's NPDES permit or precludes the selection of the most cost-effective alternative for treatment, reuse and sludge disposal;

5. assurances must be provided that all existing residences will connect to the sewer system within a reasonable time after project completion;

6. assurances that wastewater introduced into the treatment works will not cause violation of effluent or water quality limitations.

N. Sludge Management Plan. The applicant shall submit a plan that complies with the Department of Environmental Quality, Division of Solid Waste Rules and Regulations.

O. Value Engineering. A value engineering (VE) study is a specialized cost control technique which identifies unnecessary high cost in a project and recommends more economical means of satisfying performance requirements without sacrificing quality or reliability. A VE study is required for all projects whose estimated building costs are more than $10 million.

P. Water Quality Management Plan. Effluent from the proposed wastewater treatment facility must be in compliance with the state of Louisiana water quality management plan. The applicant must enact a resolution indicating its understanding of the designated management agency process and its willingness to proceed with implementation of designated responsibilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 13:742 (December 1987), repromulgated LR 14:862 (December 1988).

§2113. Loans

A. Loan Conditions. Loans shall be made only to eligible municipalities that:

1. meet the requirements of financial capability set by the department to assure sufficient revenues to operate and maintain the facility for its useful life and to repay the loan;

2. provide a user charge system as a dedicated repayment source of revenue for repayment of the loan. The user charge system must satisfy the requirements of LAC 33:IX.2111.L;

3. agree to operate and maintain the wastewater facility so that the facility will function properly over the design life of the facility, which shall be not less than 20 years;

4. agree to properly maintain financial records and to conduct an audit of the project's financial records and to make these records available to the department upon request;

5. provide a written assurance, signed by an attorney, that the municipality has proper title, easement and right-of-way to the property upon or through which the wastewater facility for funding is to be constructed or extended; and

6. provide a written notice to the department of completion and start of operation of the facility.

7. The expenditure of funds by loan recipients for construction or other eligible project cost should begin within six months after entering into a binding commitment or on a more stringent time frame as may be required by financing agreements. Failure by the loan recipient to start the expenditure of funds within one year after entering into a binding commitment will result in the withdrawal of all financial assistance from the municipal facilities revolving loan fund.

B. Engineering Service. Any wastewater facility constructed with a loan obtained through the municipal facilities revolving loan fund must be designed by a professional engineer who is registered in the state of Louisiana.

C. Loan Period. Loans shall be made for a period of time not to exceed 20 years.

D. Loan Repayment. Loan repayments of the principle and interest installments will be set by the department with the first installment due within one year following completion of project construction. The department will establish the loan repayment schedule in accordance with the terms of the loan agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 13:742 (December 1987), repromulgated LR 14:862 (December 1988).

§2115. Construction of Wastewater Facility Project

A. The applicant shall comply with all state and federal laws, rules and regulations related to construction of the project. These items shall include, but shall not be limited to:

1. public bid laws;

2. procurement of professional services;

3. procurement of construction contractor;

4. Davis-Bacon and related acts;

5. performance and payment bond;

6. noncompetitive procurement;

7. civil rights act.

B. Any wastewater facility constructed in whole or in part with funds obtained with a loan through the municipal facilities revolving loan fund must be constructed in

accordance with the plans and specifications approved by the department. Any deviation from the approved plans and specifications must be approved by the department separately through the use of addenda and/or change orders.

1. Addenda. The applicant may issue, prior to bid opening, addenda to correct errors, to clarify information in bidding documents or to incorporate the current wage rate determination. The addenda must be issued in a reasonable time prior to the deadline for the receipt of bids and the applicant must insure that the addenda have been issued to each bidder.

2. Change Orders. The applicant will be responsible for negotiation of construction contract change orders. During negotiations with the contractor the applicant or, if authorized, his engineer shall:

a. make certain that the contractor has a clear understanding of the scope and extent of work;

b. assure that the contractor demonstrates that he will make available or will obtain the necessary personnel, equipment and materials to accomplish the work within the specified time;

c. assure a fair and reasonable price for the required work; and

d. submit to the department all change orders for review and approval.

C. Bid Proposals. The applicant shall submit to the department for review a complete statement of work to be performed, the terms and conditions of the proposed contract to be awarded, a clear explanation of the methods of bidding and of evaluating bid prices and the limits of work for each item on the proposal form.

D. Inspection of Works, Books, and Records. From the time of first submission of the loan application, throughout all stages of construction, and at any time while assistance from the municipal facilities revolving loan fund to the applicant is outstanding, the department, through its duly authorized representative, shall have the right to inspect any and all projects, and any and all incidental works, areas, facilities and premises otherwise pertaining to the project for which the application is made. The department shall further have the same right of inspection to inspect any and all books, accounts, records, contracts or other instruments, documents or information possessed by the applicant or entity representing the applicant which relate to the receipt, deposit and/or expenditure of financial assistance funds or to the planning, design, construction and operation of any facilities which may have been constructed as a result of such financial assistance. By submittal of a loan application to the department, the applicants shall be deemed to consent and agree to the right of reasonable inspection and all applicants shall allow the department all necessary and reasonable access and opportunity for such purposes.

E. Project Completion, Final Inspection and Audit. Upon completion of any project for which financial assistance is provided through the Municipal Facilities Revolving Loan Fund, the applicant shall provide the department with a written notification or upon project completion should notification not be provided as required herein, the department will conduct a final on-site inspection of the project and an audit of any and all financial assistance funds furnished to the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 13:742 (December 1987), repromulgated LR 14:862 (December 1988).

§2117. Events of Default and Remedies

The provisions for events of default and remedies will be specified in the loan agreement and indentures specifically for each individual loan recipient.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 13:742 (December 1987), repromulgated LR 14:862 (December 1988).

§2119. Miscellaneous

A. Annual Audit. The Municipal Facilities Division shall conduct, or have conducted, an annual audit of the fiscal operation of the revolving loan fund for submission to the governor and the legislature.

B. Use of Application Fees. All application fees remitted by loan applicants shall be deposited into the general account of the municipal facilities revolving loan fund for reinvestment and leveraging to perpetuate the revolving loan fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 13:742 (December 1987), repromulgated LR 14:862 (December 1988).

§2121. Appendix 1-Allowable Costs

A. Allowable costs may include, but may not be limited to, the following:

1. costs of salaries, benefits, and expendable material the applicant incurs for the project;

2. costs under construction contracts;

3. professional and consultant services;

4. facilities planning directly related to the treatment works;

5. sewer system evaluation;

6. project feasibility and engineering reports;

7. costs of complying with the National Environmental Policy Act, including costs of public notices and hearings;

8. preparation of construction drawings, specifications, estimates, and construction contract documents;

9. landscaping;

10. removal and relocation or replacement of utilities, for which the applicant is legally obligated to pay;

11. materials acquired, consumed, or expended specifically for the project;

12. a reasonable inventory of laboratory chemicals and supplies necessary to initiate plant operations;

13. development and preparation of an operation and maintenance manual;

14. a plan of operation, in accordance with guidance issued by the department;

15. start-up services for new treatment works, in accordance with guidance issued by the department;

16. project identification signs;

17. development of a municipal pre-treatment program and purchase of monitoring equipment and construction of facilities to be used by the municipal treatment works in the pre-treatment program;

18. costs of complying with procurement requirements; and

19. reasonable costs of public participation incurred by the applicant which are identified in a public participation work plan, or which are otherwise approved by the department, shall be allowable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 13:742 (December 1987), repromulgated LR 14:862 (December 1988).

§2123. Appendix 2-Construction Grants Priority System

A. Introduction

1. On October 18, 1972, the Federal Water Pollution Control Act Amendments became Public Law 92-500. PL 92-500 was amended by PL 95-217, the Clean Water Act of 1977, and most recently by PL 97-117, the Municipal Wastewater Treatment Construction Grant amendments of 1981.

2. The primary aim of the Act is to "restore and maintain the chemical, physical, and biological integrity of the Nation's water." By July 1988, wherever possible, water quality is to be suitable for recreational contact and for protection and propagation of fish and wildlife. In addition, the Act emphasized the special need for controlling or eliminating discharges of toxic pollutants. These national goals will be implemented by two programs. The first is a system of federal grants to plan and construct publicly owned waste treatment plants. Secondly, a permit program has been established and geared to restricting pollutant discharges from point sources-that is, from factories, municipalities, and large agricultural operations where pollutants enter the nation's water through an outfall pipe, sewer, or other conduit.

3. With regard to the construction of municipal waste facilities, the Clean Water Act in Section 204(a)(3), requires that: "Before approving grants for any project for any treatment works...the administrator shall determine that such works have been certified by the appropriate state water pollution control agency as entitled to priority over such other works in the state..."

4. In implementing this requirement the Environmental Protection Agency (EPA), Construction Grants Regulations, 40 CFR 35.2015(a) states: "The regional administrator will award grant assistance from annual allotments to projects on a state project priority list developed in accordance with an approved state priority system. The state priority system and list must be designed to achieve optimum water quality management consistent with the goals and requirements of the Act..."

5. 40 CFR 35.2015(c) states: "The state's annual project priority list is an ordered listing of projects for which the state expects federal financial assistance. The priority list contains two portions: the fundable portion, consisting of those projects anticipated to be funded from funds available for obligation; and the planning portion, consisting of projects anticipated to be funded from future authorized allotments."

6. To this end, the Louisiana Department of Environmental Quality, Office of Water Resources, has derived the state of Louisiana construction grants priority system.

7. This system provides an orderly approach to the funding of municipal waste treatment facilities under the Clean Water Act and fulfills the requirements of the Act and the applicable federal regulations.

B. List of Stream Segments and Segment Priority Numbers

1. Most effective use of water quality management assets in achieving state and national goals requires that management emphasis be directed at the most important problem areas first. The priority of management effort is intended to give more consideration of those areas where the most significant stream standards violations occur due to municipal discharges.

2. The state of Louisiana is divided into 12 water quality management basins which exhibit distinct hydrologic characteristics. Each designated basin is divided into stream segments which exhibit common reactions to stresses, i.e., pollutants. The stream segmentation for Louisiana is contained in the state's areawide water quality management plans submitted under Section 208 of the Act. The stream segment descriptions for each hydrologic basin are included as Table A-2.

3. In order to provide the basis for directing the management effort for water quality, each stream segment is ranked according to its relative pollution index. The priority

ranking is determined by a mathematical formula giving weighted consideration to the most important water quality aspects of stream management**C**severity of the pollution problem, population affected, needs and uses for which the water in the streams are classified, now and in the future. The values from each of the category classifications, from Table A-l, are multiplied together to produce the stream segment priority ranking number.

4. A list of the stream segments and their segment priority numbers for the appropriate fiscal year is included in Table A-2.

5. The stream priority list is used as the base for the later determination of the construction grants project priority ratings.

Table A-1
Segment Priority Ranking Multipliers

Category-Classification	Multiplier
Severity	
Water Quality Limited Segment- 3 parameters violated	3.0
Water Quality Limited Segment- 2 parameters violated	2.5
Water Quality Limited Segment- 1 parameter violated	2.0
Effluent Limited Segment- presently in violation	1.5
Effluent Limited Segment- not in violation	1.0
Population	
Major metropolitan area (SMSA)	2.0
Urban/Industrial area	1.5
Rural/Agricultural area	1.0
Needs and Uses	
Used as public water supply	3.0
Used for/or discharges into shellfish culture area	3.0
Used for water contact sports (primary)	2.0
Fish and wildlife propagation	1.5
Used for water contact sports (secondary)	1.5
Industrial water supply or other uses	1.0

Formula:

Severity Multiplier X Population Multiplier X Needs and Uses Multiplier = Segment Priority Number

Table A-2					
Atchafalaya River Basin (01)					
Seg. ID	**Description**	**WQ**	**WQ Criteria Number**	**Priority No.**	**Remarks**
0101	Atchafalaya River from headwaters (Barbre Landing) to Mi 118, including tributaries and W. Atchafalaya Borrow Pit Canal, except 0103	EL	010010/20	1.5 x 1.0 x 3.0 = 4.5	In violation below Simmesport Public Water Supply Source
0103	N/S Intracoastal Waterway from Bayou Sorrel to Morgan City Main Channel	EL	010040	1.0 x 1.0 x 3.0 = 3.0	Public Water Supply Source
0105	E/W Intracoastal Waterway from Bayou Boeuf Lock to Wax Lake Outlet-main channel	EL	010050	1.0 x 1.5 x 3.0 = 4.5	Patterson-Berwick-Bayou Vista Urban Industrial Area-shellfish impact
0107	Lower Atchafalaya River below Mi 118 to mouth and including all tributaries	EL	010030	1.5 x 1.5 x 3.0 = 6.75	In Violation, Morgan City Urban-Industrial Area-shellfish impact
0109	Wax Lake Outlet from Six Mile Lake to Atchafalaya Bay and tributaries including Intracoastal Waterway from Bayou Sale Ridge to Wax Lake Outlet	EL	010060	1.0 x 1.0 x 3.0 = 3.0	Shellfish Impact
0111	Atchafalaya Bay and adjacent coastal waters	EL	010070	1.0 x 1.0 x 3.0 = 3.0	Shellfish Impact

Barataria Bay Basin (02)					
Seg. ID	**Description**	**WQ**	**WQ Criteria Number**	**Priority No.**	**Remarks**
0201	Bayou Chevreuil and tributaries and Bayou Boeuf and tributaries including Lake Boeuf and Bayou L'Ours	EL	020010/20	1.0 x 1.5 x 2.0 = 3.0	Drains Donaldsonville Vic. Urban-Industrial Area-Primary Water Contact Sports
0203	Lac Des Allemands, Bayou Des Allemands, Lake Salvador, Lake Cataouatche and all related tributaries above Intracoastal Waterway	EL	020030/40/50/60	1.5 x 2.0 x 2.0 = 6.0	In Violation at B. Segnette, New Orleans SMSA-Primary Water Contact Sports
0205	E/W Intracoastal Waterway from Larose to the Mississippi River, (including the Harvey Canal)	EL	020100	1.5 x 2.0 x 2.0 = 6.0	In Violation at Harvey Canal-New Orleans SMSA Primary Water Contact Sports
0207	Lower Barataria Bay estuarine area (along the Intracoastal Waterway) including Bayou Rigolets, Barataria Waterway, Little Lake and Barataria Bay, related tributaries and adjacent coastal waters	EL	020070/80/90	1.0 x 1.0 x 3.0 = 3.0	Shellfish Culture Area

Calcasieu River Basin (03)					
Seg. ID	**Description**	**WQ**	**WQ Criteria Number**	**Priority Number**	**Remarks**
0301	Calcasieu River from headwaters to Oakdale including tributaries	EL	030010*	1.5 x 1.0 x 2.0 = 3.0	In Violation of Oakdale Primary Water Contact Sports
0303	Mill Creek from headwaters to Calcasieu River including all tributaries	WQ	030020	3.0 x 1.5 x 1.5 = 6.75	DO, Coliform, TDS Violations-Elizabeth Urban-Industrial Area-Secondary Water Contact Sports
0305	Six Mile and Ten Mile Creeks from headwaters to Whiskey Chitto Creek including tributaries	EL	030040/50	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports
0307	Whiskey Chitto and Bundicks Creek from headwaters to Calcasieu River including tributaries	WQ	030030/60	2.5 x 1.5 x 2.0 = 7.5	Coliforms and DO Violations-DeRidder-Ft. Polk Urban-Industrial Area-Primary Water Contact Sports
0309	Barnes Creek and Marsh Bayou from headwaters to Calcasieu River including tributaries	EL	030070**	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports
0311	English Bayou and Bayou Serpent from headwaters to Calcasieu River including tributaries	EL	030080**	1.5 x 2.0 x 2.0 = 6.0	Coliforms Violations Calcasieu SMSA Primary Water Contact Sports
0313	Calcasieu River mainstem from Oakdale to Saltwater Barrier above Lake Charles	WQ	030010*	3.0 x 2.0 x 3.0 = 18.0	Coliforms, DO, TDS Violations Calcasieu SMSA-Shellfish Area Tributary
0315	Calcasieu River mainstem from Saltwater Barrier to Gulf of Mexico including Lake Charles, Prien Lake, Calcasieu Lake, Calcasieu Pass, East and West Fork	WQ	030090/150	3.0 x 2.0 x 3.0 = 18.0	Coliforms, DO, Oils, T&O Violations-Calcasieu SMSA-Shellfish Culture
0317	West Fork-Calcasieu River, Beckwith Creek, and Houston River including all tributaries from headwaters to their confluence with Houston River and including Indian Bayou and tributaries	EL	030100*/110/120/130	1.0 x 2.0 x 2.0 = 4.0	Calcasieu SMSA Primary Water Contact Sports
0319	West Fork-Calcasieu River from Houston River to Calcasieu River -mainstem	WQ	030100*	3.0 x 2.0 x 3.0 = 18.0	DO, Coliforms, T&O, Violation-Calcasieu SMSA-Shellfish Impact
0321	E/W Intracoastal Waterway from Sabine River to Calcasieu Lock	EL	030160	1.0 x 1.0 x 1.5 = 1.5	Secondary Water Contact Sports
0323	Bayou D'Inde from headwaters to Calcasieu River	WQ	030140	3.0 x 2.0 x 3.0 = 18.0	DO, Coliforms, T&O, Oils, Violations-Calcasieu SMSA Shellfish Impact

Calcasieu River Basin (03)					
Seg. ID	**Description**	**WQ**	**WQ Criteria Number**	**Priority Number**	**Remarks**
0325	Lower Calcasieu River estuarine area including Black Lake, Black Bayou and Bayou Choupique, except Calcasieu Lake	EL	030170*	1.0 x 1.0 x 3.0 = 3.0	Shellfish Impact
* WQ Criteria Segment included in one or more WQ Management Segment					
** Includes area(s) which did not have a specific WQ Criteria Number					

Lake Pontchartrain Basin (04)					
Seg. ID	**Description**	**QW**	**WQ Criteria Number**	**Priority Number**	**Remarks**
0401	Comite River from Mississippi State line to the Amite River including tributaries	EL	040010	1.0 x 2.0 x 2.0 = 4.0	Baton Rouge SMSA Primary Water Contact Sports
0402	Bayou Manchac to confluence with Amite River, including Dawson Creek, Ward Creek, Bayou Braud and other tributaries	EL	040030	1.5 x 2.0 x 1.5 = 4.5	Presently listed as EL, but receives runoff waters from major metropolitan areas
0403	Amite River from Mississippi State line to Lake Maurepas including all tributaries except 0402 and 0404	EL	040020	1.5 x 2.0 x 2.0 = 6.0	Baton Rouge-Denham Springs industrial area-Primary Water Contact Sports, frequent DO Violations
0404	Bayou Conway, Bayou Black, and Blind River and related tributaries to Lake Maurepas	EL	040040	1.5 x 1.5 x 2.0 = 4.5	Primary Water Contact Sports Blind River Scenic Stream
0405	Tickfaw River from Mississippi State line to Lake Maurepas including Pontchatoula River, Natalbany River and all other tributaries	EL	040050/60	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports
0407	Lake Maurepas and tributaries including Pass Manchac	EL	040070/80	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports
0409	Tangipahoa River from the Mississippi State line to Lake Pontchartrain including all tributaries	EL	040090/100	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports
0411	Tchefuncte River from headwaters to Lake Pontchartrain including Bogue Falaya River and all other tributaries	EL	0400110/120	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports
0413	Bayou Lacombe from headwaters to Lake Pontchartrain including tributaries and related watershed	EL	040130	1.0 x 1.5 x 1.5 = 2.25	Lacombe Vic. Urban-Industrial Area Secondary Water Contact Sports
0415	Bayou Bonfouca from headwaters to Lake Pontchartrain including tributaries	EL	040140	1.0 x 1.5 x 1.5 = 2.25	Slidell Vic. Urban-Industrial Area Secondary Water Contact Sports
0417	Lake Pontchartrain including minor tributaries: Bayou Castine, Chinchuba, and Cane	WQ	040150/160	2.0 x 2.0 x 3.0 = 12.0	Coliforms and DO Violations-New Orleans SMSA-Shellfish Culture

Lake Pontchartrain Basin (04)					
Seg. ID	**Description**	**QW**	**WQ Criteria Number**	**Priority Number**	**Remarks**
0419	Lake Catherine, Rigolets and Chef Menteur and ancillary waterbodies including Intracoastal Waterway from Chef Menteur Pass to Rigolets Pass	EL	040180/190	1.5 x 2.0 x 3.0 = 9.0	Coliforms in Violation New Orleans SMSA Shellfish Culture
0421	Inner Harbor Navigation Canal from Mississippi River to Lake Pontchartrain	WQ	040170	2.0 x 2.0 x 1.5 = 6.0	Coliforms in Violation New Orleans SMSA Secondary Water Contact Sports
0423	E/W Intracoastal Waterway from Inner Harbor Navigation Canal to Chef Menteur Pass	WQ	040200	2.0 x 2.0 x 3.0 = 12.0	Coliforms in Violation New Orleans SMSA Shellfish Culture
0425	Mississippi Gulf Outlet from Intracoastal Waterway to Breton Sound and tributaries including Bayou Bienvenue and Bayou Dupre	WQ	040210	2.0 x 2.0 x 3.0 = 12.0	Coliforms in Violation New Orleans SMSA Shellfish Culture
0427	Coastal waters of Pontchartrain Basin including Lake Borne, Mississippi Sound, and numerous lakes and embayments in the coastal marshes of St. Bernard Parish	EL	040220/290	1.0 x 2.0 x 3.0 = 6.0	New Orleans SMSA Shellfish Culture

Mermentau-Vermilion-Teche Basin (05)					
Seg. ID	**Description**	**WQ**	**WQ Criteria Number**	**Priority No.**	**Remarks**
0501	Bayous Nezpique, Des Cannes, and Mallett from headwaters to confluence at Mermentau River including all tributaries	EL	050010/20/30	1.5 x 1.0 x 2.0 = 3.0	Coliform Violation Primary Water Contact Sports
0503	Bayou Plaquemine Brule from headwaters to confluence with Mermentau River including all tributaries	EL	050020/40	1.5 x 1.0 x 2.0 = 3.0	Excessive DO and Nitrogen Violations-Primary Water Contact Sports
0504	Bayou Queue de Tortue from headwaters to confluence with Mermentau River	EL	050050	1.5 x 1.0 x 2.0 = 3.0	Excessive DO Violations Primary Water Contact Sports
0505	Mermentau River from Mermentau, Louisiana, to Grand Lake including Lake Arthur and tributaries	EL	050060	1.0 x 1.5 x 2.0 = 3.0	Lake Arthur-Jennings Urban Industrial Area-Primary Water Contact Sports
0507	Lacassine Bayou from headwaters to Grand Lake and tributaries including Lake Misere, Bayou Misere and E/W Intracoastal Waterway, west of the Mermentau River	EL	050070/260*	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports

Mermentau-Vermilion-Teche Basin (05)					
Seg. ID	**Description**	**WQ**	**WQ Criteria Number**	**Priority No.**	**Remarks**
0509	Grand Lake and White Lake, including Old Intracoastal Waterway west of Schooner Bayou Control Structures, Intracoastal Waterway between Vermilion Lake and Mermentau River; and tributaries	EL	050080	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports
0511	Coastal Waters south of Highway 82 from Belle Isle Canal to Mermentau River	EL	050100/110**	1.0 x 1.0 x 3.0 = 3.0	Shellfish Culture
0513	Mermentau River below Catfish Point Control Structures (Grand Isle) including Upper and Lower Mud Lake and tributaries	EL	050090	1.0 x 1.0 x 3.0 = 3.0	Shellfish Culture
0515	Vermilion River from headwaters to I-10 bridges above Lafayette, Louisiana, including all tributaries	EL	050120*	1.5 x 1.5 x 2.0 = 4.5	Coliform Violation Opelousas Urban-Industrial Area
0517	Vermilion River mainstream from I-10 bridges to Intracoastal Waterway	WQ	050120*	2.5 x 2.0 x 2.0 = 10.0	Coliform and DO Violations-Lafayette SMSA-Primary Water Contact Sports
0519	Vermilion River tributaries within the reach from I-10 bridges to Intracoastal Waterway	EL	050120*	1.5 x 1.5 x 2.0 = 4.5	Bacteria Violations Lafayette Urban-Industrial Area-Primary Water Contact Sports
0521	Vermilion Bay estuarine area including E/W Intracoastal Waterway, Charenton Canal, Cote Blanche Bay and related tributaries from Vermilion River Sale Bridge and adjacent coastal waters	EL	05130-150/222/230-260*	1.0 x 1.0 x 3.0 = 3.0	Shellfish Culture
0523	Cocodrie Lake and tributaries including Spring Creek and upper Cocodrie Bayou	EL	050160/170	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports
0525	Headwaters of Bayou Teche to Southern Pacific Railroad Bridge at Breaux Bridge including Cocodrie, Bayou, Bayou Boeuf, Bayou Courtableau, Darbonne Bayou and all other tributaries	EL	050181/190*/200	1.0 x 1.5 x 3.0 = 4.5	Breaux Bridge, St. Martinville, Urban-Industrial Area-Public Water Supply Source Downstream
0527	Bayou Teche from Southern Pacific Railroad Bridge at Breaux Bridge to Keystone Lock and Dam	WQ	050190*	2.5 x 1.5 x 3.0 = 11.25	St. Martinville Urban-Industrial Area-Coliform, DO Violations Public Water Supply Source
0529	Bayou Teche from Keystone Lock and Dam to Charenton Drainage Canal	WQ	050120	2.5 x 1.5 x 3.0 = 11.25	New Iberia Urban-Industrial Area-Coliforms and DO Violations-Public Water Supply Source

Mermentau-Vermilion-Teche Basin (05)					
Seg. ID	**Description**	**WQ**	**WQ Criteria Number**	**Priority No.**	**Remarks**
0531	Bayou Teche from Charenton Drainage Canal to Wax Lake Outlet	EL	050220	1.0 x 1.5 x 3.0 = 4.5	Baldwin-Franklin Urban-Industrial Area-Public Water Supply Source
0533	Loreauville Canal, Lake Fausse Point, Charenton Canal and related tributaries	EL	050211/221	1.5 x 1.0 x 2.0 = 3.0	Bacteria Violations-Primary Water Contact Sports
* WQ Criteria Segment included in one or more WQ Management Segment					
** Includes area(s) which did not have a specific WQ Criteria Number					

Mississippi River Above Old River (06)					
Seg. ID	**Description**	**WQ**	**WQ Criteria Number**	**Priority Number**	**Remarks**
0600	Mississippi River from Arkansas State Line to Old River Control Structure	EL	060010	1.0 x 1.5 x 1.5 = 2.25	Vicksburg-Natchez-Vidalia Urban-Industrial Area Secondary Water Contact Sports

Mississippi River Below Old River (07)					
Seg. ID	**Description**	**WQ**	**WQ Criteria Number**	**Priority Number**	**Remarks**
0701	Mississippi River from Old River Control Structure to Huey P. Long Bridge above New Orleans	WQ	070020/30	2.0 x 2.0 x 3.0 = 12.0	Taste and Odor Violation Baton Rouge and New Orleans SMSA-Public Water Supply Source
0703	Bayou Sara and Thompson Creek from Mississippi State Line to Mississippi River and related tributaries	EL	070040/50	1.5 x 1.5 x 2.0 = 4.5	Coliform Violations St. Francisville Urban-Industrial Area-Primary Water Contact Sports
0705	Mississippi River from Huey P. Long Bridge to Head of Passes	WQ	070060	2.5 x 2.0 x 3.0 = 15.0	Coliforms and Taste and Odor Violations-New Orleans SMSA-Water Supply and Shellfish Impact
0707	Mississippi River from Head of Passes to Mouth of Passes	EL	070070	1.5 x 1.0 x 3.0 = 4.5	Coliform Violations Shellfish Impact
0709	Mississippi River adjacent estuarine area and coastal waters	EL	070080/150	1.5 x 1.5 x 3.0 = 6.75	Coliform Violations Belle Chasse, Buras, Empire, Venice Urban-Industrial Area

Ouachita River Basin (08)					
Seg. ID	**Description**	**WQ**	**WQ Criteria Number**	**Priority Number**	**Remarks**
0801	Ouachita River mainstem from Arkansas State Line to Columbia Lock	WQ	080010	2.5 x 2.0 x 3.0 = 15.0	DO, Chlorides Violations Monroe SMSA-Monroe Water Supply Source

Ouachita River Basin (08)					
Seg. ID	**Description**	**WQ**	**WQ Criteria Number**	**Priority Number**	**Remarks**
0803	Bayou Bartholomew from Arkansas State Line to Ouachita River including all tributaries and also including eastern tributaries to the mainstem of the Ouachita River above the confluence of Bayou Bartholomew	EL	080020**	1.5 x 1.5 x 3.0 = 6.75	In Violation, Bastrop Urban-Industrial Area Public Water Supply Source
0805	Bayou L'Outre from Arkansas State Line to Ouachita River including all tributaries	WQ	080030	2.0 x 2.0 x 1.5 = 6.0	Chlorides in Violation Monroe SMSA-Secondary Water Contact Sports
0807	Western tributaries to the mainstem of the Ouachita River above the confluence of the Bayou L'Outre	EL	**	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports
0809	Bayou D'Arbonne from headwaters to the Ouachita River including Cypress Creek, Corney Bayou, Lake D'Arbonne and other tributaries	EL	080040/50/60/70	1.5 x. 2.0 x 2.0 = 6.0	Bacteria Violations Monroe SMSA-Primary Water Contact Sports
0811	Bayou deSiard, origin to mouth and related watershed	EL	080080	1.0 x 2.0 x 2.0 = 4.0	Monroe SMSA-Primary Water Contact Sports
0813	Ouachita River mainstem from Columbia to Jonesville, Louisiana, also including Rawson Creek and B. Louis and tributaries	EL	080090/150	1.0 x 1.5 x 3.0 = 4.5	Columbia-Jonesville Urban-Industrial Area-Public Water Supply Source
0815	Boeuf River from Arkansas State Line to Ouachita River including Big Creek, Bayou Bonne Idee, Turkey Creek and other tributaries	EL	080100/110/120/140	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports
0817	Bayou Lafourche from origin to Ouachita River including tributaries	EL	080130	1.0 x 2.0 x 1.5 = 3.0	Monroe SMSA-Secondary Water Contact Sports
0819	Tensas River from Arkansas State Line to Jonesville including all tributaries and Joe's Bayou (distributary)	EL	080160-200/220	1.0 x 1.0 x 2.0 = 2.0	Secondary Water Contact Sports
0821	Bayou Macon from Arkansas State Line to Tensas River including tributaries	EL	080210	1.5 x 1.0 x 2.0 = 3.0	Coliforms Violations-Primary Water Contact Sports
0823	Dugdemona River from headwaters to Little River including all tributaries	EL	080240	1.5 x 1.0 x 1.5 = 2.25	Coliforms Violations Secondary Water Contact Sports
0824	Cheniere Creek and related tributaries including Cheniere Brake, Wielders Creek, and Rogers Creek	EL	080010	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports
0825	Bayou Castor from headwaters to Little River including Chatham Lake and all tributaries	EL	080250/260/270	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports

Ouachita River Basin (08)					
Seg. ID	**Description**	**WQ**	**WQ Criteria Number**	**Priority Number**	**Remarks**
0827	Little River from origin to Ouachita River including Fish Creek, Trout Creek, Big Creek, Old River, Catahoula Lake and all other tributaries	EL	080230/280-330	1.5 x 1.0 x 3.0 = 4.5	Chlorides Violations-Public Water Supply Source
0829	Black River mainstem from origin to Red River	EL	080290/300	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports
** Includes area(s) which did not have a specific WQ Criteria Number					

Pearl River Basin (09)					
Seg. ID	**Description**	**WQ**	**WQ Criteria Number**	**Priority Number**	**Remarks**
0901	Pearl River from Mississippi State Line to I-10 bridges (includes West Pearl and West Middle Pearl) and tributaries	EL	090010	1.5 x 1.0 x 2.0 = 3.0	Bacteria Violations-Primary Water Contact Sports
0903	Pushepatapa Creek from headwaters to Pearl River including all tributaries	EL	090020/30	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports
0905	Bogue Lusa Creek from headwaters to Pearl River including all tributaries	EL	090040/50	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports
0907	Bogue Chitto River from Mississippi State Line to Pearl River including all tributaries	EL	090060	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports
0909	Pearl River from I-10 bridges to Lake Borne including all related watershed	EL	090070	1.0 x 1.5 x 2.0 = 3.0	Pearl River-Picayune Urban-Industrial Area-Primary Water Contact Sports

Red River Basin (10)					
Seg. ID	**Description**	**WQ**	**WQ Criteria Number**	**Priority Number**	**Remarks**
1001	Red River from Arkansas State Line to U.S. Highway 165 at Alexandria, Louisiana	EL	100010*	1.5 x 2.0 x 3.0 = 9.0	Bacteria Violation Shreveport SMSA-Public Water Supply Source
1003	Red River from U.S. Highway 165 at Alexandria, Louisiana to Head of Atchafalaya River	EL	100010*	1.5 x 2.0 x 2.0 = 6.0	Bacteria Violation Alexandria SMSA-Primary Water Contact Sports
1005	Twelve Mile Bayou from origin to Red River including Black Bayou, Kelly Bayou, Caddo Lake and James Bayou	EL	100020-60/80	1.5 x 2.0 x 3.0 = 9.0	Bacteria Violation Shreveport SMSA-Public Water Supply Source
1007	Cross Lake and tributaries	EL	100070	1.0 x 2.0 x 3.0 = 6.0	Shreveport SMSA-Water Supply Reservoir
1009	Red Chute and Bodcau Bayous from Arkansas State Line to Loggy Bayou and tributaries	EL	100130/140	1.0 x 2.0 x 1.5 = 3.0	Shreveport SMSA-Secondary Water Contact Sports

Red River Basin (10)					
Seg. ID	**Description**	**WQ**	**WQ Criteria Number**	**Priority Number**	**Remarks**
1011	Bayou Dorcheat and Loggy Bayou including Lake Bistineau and tributaries	EL	100090/120	1.5 x 1.5 x 1.5 = 3.375	DO Violation-Minden-Cotton Valley-Springhill Urban-Industrial Area-Secondary Water Contact Sports
1013	Bayou Pierre from headwaters to Red River including Boggy Bayou and Wallace Lake and all other tributaries	EL	100150	1.5 x 2.0 x 1.5 = 4.5	DO Violation-Shreveport SMSA-Secondary Water Contact Sports
1015	Black Lake Bayou and tributaries from headwaters to Saline Bayou including Black and Clear Lakes	EL	100180	1.0 x 1.5 x 2.0 = 3.0	Primary Water Contact Sports Black Lake Bayou Scenic Stream
1016	Saline Bayou from headwaters to Red River including Saline Lake	EL	100170	1.5 x 1.5 x 2.0 = 4.5	Frequent DO Violations Saline Bayou Scenic Stream
1017	Bayou Nantaches from headwaters to Red River including tributaries	EL	100200	1.5 x 1.0 x 2.0 = 3.0	Bacteria Violations Primary Water Contact Sports
1019	Rigolets Bayou from headwaters to Red River including Lake Iatt and tributaries	EL	100220	1.5 x 1.0 x 1.5 = 2.25	Bacteria Violations Fish and Wildlife Propagation
1021	Sibley Lake and tributaries	EL	100210*	1.5 x 1.5 x 2.0 = 4.5	Bacteria Violations Natchitoches Urban-Industrial Area-Primary Water Contact Sports
1023	Cane River from Sibley Lake to Red River including Kisatchie Bayou and all tributaries and Bayou Jean de Jean from headwaters to Red River including Cotile Reservoir and all tributaries	EL	100210*/240/250	1.0 x 2.0 x 2.0 = 4.0	Alexandria SMSA-Primary Water Contact Sports
1025	Big Larto Bayou and tributaries including Larto Lake, Saline Bayou, Saline Lake and Big Creek	EL	100260/270/280	1.5 x 1.0 x 1.5 = 2.25	Bacteria Violations Secondary Water Contact Sports
1027	Bayou Cocodrie from origin to Red River at Acme Control Outlet including Cocodrie Lake, Dismal Swamp and all related watershed	EL	100310/330	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports
* WQ Criteria Segment included in one or more WQ Management Segment					

Sabine River Basin (11)					
Seg. ID	**Description**	**WQ**	**WQ Criteria Number**	**Priority Number**	**Remarks**
1101	Bayou Castor from headwaters to mouth	WQ	**	2.5 x 1.0 x 3.0 = 7.5	Bacteria and DO Violations Public Water Supply Source

Sabine River Basin (11)					
Seg. ID	**Description**	**WQ**	**WQ Criteria Number**	**Priority Number**	**Remarks**
1103	Toledo Bend Reservoir and tributaries from Texas State Line to Toledo Bend Dam, except 1101	EL	110010	1.5 x 1.0 x 3.0 = 4.5	Bacteria Violations-Public Water Supply Source
1105	Sabine River from Toledo Bend Dam to Sabine River Authority of Texas Pump Station near Merryville including tributaries except 1107, 1109 and 1111	WQ	110020	2.0 x 1.0 x 2.0 = 4.0	Oxygen Violations-Primary Water Contact Sports
1107	Bayou Toro from headwaters to Sabine River below Toledo Bend Dam including all tributaries	EL	110030	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports
1109	Anacoco Creek from headwaters to confluence with Cypress Creek including all tributaries	EL	11040/50*	1.0 x 1.0 x 2.0 = 2.0	Primary Water Contact Sports
1111	Anacoco Creek mainstem from Cypress Creek to Sabine River	WQ	110050	2.5 x 1.0 x 2.0 = 5.0	Oxygen and Bacteria Violations-Primary Water Contact Sports
1113	Sabine River from Sabine River Authority of Texas Pump Station to Morgan's Bluff and all related tributaries	EL	110060	1.0 x 1.0 x 1.5 = 1.5	Fish and Wildlife Propagation
1115	Sabine River from Morgan's Bluff to Gulf of Mexico and all tributaries and adjacent coastal waters	EL	110070-100	1.0 x 1.0 x 3.0 = 3.0	Shellfish Culture
* WQ Criteria Segment included in one or more WQ Management Segment					
** Includes area(s) which did not have a specific WQ Criteria Number					

Terrebonne Basin (12)					
Seg. ID	**Description**	**WQ**	**WQ Criteria Number**	**Priority Number**	**Remarks**
1201	Lower Grand River watershed from headwaters to Bayou Sorrell Lock including Bayou Grosse Tete and False River Lake and other tributaries	EL	120090/110/120/140	1.0 x 1.5 x 2.0 = 3.0	Port Allen-North Plaquemines Urban-Industrial Area-Primary Water Contact Sports
1203	Terrebonne Basin above Bayou Black Ridge and Little Bayou Black Ridge including Grand River, Belle River, Lake Verret, Lake Palourde, and Lake Bayou Black and tributaries	EL	120010/20/30/100/150	1.5 x 2.0 x 3.0 = 9.0	Bacteria Violations Houma-Thibodaux SMSA-Public Water Supply Source
1205	Terrebonne Basin above Bayou Blue Ridge including E/W Intracoastal Waterway from Houma to Larose, Bayou Blue, Bayou Grand Coteau and tributaries	EL	120040*/60*	1.5 x 2.0 x 3.0 = 9.0	Bacteria Violations Houma-Thibodaux SMSA Shellfish Culture
1207	Bayou Lafourche from Donaldsonville to Larose	EL	120280	1.0 x 2.0 x 3.0 = 6.0	Houma-Thibodaux SMSA-Public Water Supply Source

Terrebonne Basin (12)					
Seg. ID	**Description**	**WQ**	**WQ Criteria Number**	**Priority Number**	**Remarks**
1209	West Terrebonne coastal zone south and west of Bayou Black Ridge and Bayou du Large Ridge including E/W Intracoastal Waterway from Bayou Boeuf to Houma, Lake de Cade, Lake Merchant, Bayou Junop and adjacent coastal waters	EL	120040*/50/190	1.0 x 1.0 x 3.0 = 3.0	Shellfish Culture
1211	Middle Terrebonne coastal zone between Bayou du Large Ridge and Bayou Terrebonne Ridge including Bayou Grand Caillou, Houma Navigation Canal, Bayou Petit Caillou and Bayou Terrebonne and Lake Pelto and adjacent coastal waters except 1213	EL	120060*-80/160-180/230/240	1.5 x 2.0 x 3.0 = 9.0	Bacteria Violations Houma-Thibodaux SMSA Shellfish Culture
1213	Estuarine area south of Lake Boudreaux bounded by Houma Navigation Canal, Bay Long, Bay Lucien and Bayou Terrebonne	WQ	**	2.5 x 2.0 x 3.0 = 15.0	Bacteria and DO Violations Houma-Thibodaux SMSA Shellfish Culture
1215	East Terrebonne coastal zone between Bayou Blue Ridge and Bayou Lafourche Ridge including Bayou Barre, Lake Barre, Bayou Jean LaCroix, Lake Felicity and Bayou Blue, Lake Raccourci, and Timbalier Bay adjacent coastal waters	EL	120250-290	1.0 x 1.0 x 3.0 = 3.0	Shellfish Culture
* WQ Criteria Segment included in one or more WQ Management Segment					
** Includes area(s) which did not have a specific WQ Criteria Number					

C. Municipal List by Priority Rank

1. In conjunction with the ranking of the stream segments of the state of Louisiana in priority order to facilitate the direction of management emphasis, each municipality that has requested consideration for federal funding is ranked as to its propensity to pollute. This ranking of municipalities forms an important water quality management tool.

2. The priority number for each municipality considered is composed of three factors, the stream segment priority number, the municipality adjustment factor and the population adjustment factor. These three factors are added together to form the project priority number.

3. The municipality adjustment factor is based on the contribution to the pollution load of the stream segment by the specific discharge and the existing condition of the facilities relating to the discharges. Appropriate values from each of the category classifications in Table B-1 are multiplied together to produce the municipality adjustment factor.

4. The population adjustment factor is the latest decennial Census population of the municipality or sewerage district (estimated) X 10^{-6}.

5. It is expected that many municipalities having specific priority numbers, and contemplating individual projects, will join into multi-municipal projects as the result of the areawide or regional approach to waste management problems. Where several such municipalities join together in a single project, the priority number of the joint project shall be the same as that of the participating municipality with the highest priority number and shall be adjusted for the resultant increase in population. These joint approaches to waste treatment problems shall be designated as "projects" on the priority list.

6. The priority number for a municipality may be re-evaluated and adjusted whenever new information is made available. Such information may result from facilities planning, water quality analysis, etc.

7. Any municipality that believes that its priority number was calculated erroneously, or that the situation used

as the basis for calculating its priority number has undergone a significant change not avoidable or correctable by the municipality, may request that its priority number be recalculated. Any such requests should include the reasons that the municipality believes the priority number to be in error.

Table B-1
Municipality Adjustment Factor

Category-Classification	Multiplier
Contribution	
An independent cause of WQ Criteria violation	3
Contributes or could be contributing to an existing criteria violation	2
No existing WQ violation	1
Facility	
Existing discharge/with no treatment	5
Up-grade inadequate treatment facilities	4
Excessive infiltration bypass problems	3
New Collection and disposal facility required	2
Adequate treatment-extend collection lines	1
Has secondary or best practicable treatment (BPT) or increased volume only	

Formula:

Contribution Multiplier X Facility Multiplier = Municipality Adjustment Factor

Municipality Project Number = Stream Segment Priority Number + Municipality Adjustment Factor + Population Adjustment Factor

D. Construction Grants Priority List And Project Priority List

1. Upon receipt of a request by the authorized representative of a municipality, the proposed project is placed on the construction grants priority list. Projects normally proceed in three steps: Step 1 facility planning, Step 2 design and Step 3 construction. The Clean Water Act allows grants only for Step 3, or for Step 2 + 3 where regulations allow for a combined Step 2 and Step 3 grant. Only proposed Step 3 and 2 + 3 grants will be listed on the Priority List; however, the amount shown may include an estimated amount for reimbursement for eligible planning and design for those projects that have not previously received federal funds for such work. Subject to EPA requirements, multiple Step 3's may be assigned to a large project, based on a request by the grantee, on a comparison of project cost and funds available, or on other factors that may require delayed funding for portions of a project. The priority list is used in establishing priority for the funding of sewage treatment works under the Clean Water Act.

2. Request for inclusion on the construction grants priority list must include the following information:

a. project name;

b. name and address of authorized representative;

c. description of the proposed treatment works;

d. population to be served;

e. federal grant amount;

f. the best estimated total grant eligible cost for the following categories:

i. secondary treatment;

ii. more stringent treatment;

iii. new interceptors;

iv. innovative technology;

v. alternative technology;

g. U.S. congressional district;

h. map of proposed planning area;

i. consulting engineer.

3. It is the responsibility of each authorized project representative to maintain current and accurate information for his/her project, and to submit any revised or updated project information to the department each year for use in preparing the project priority list. Only project information received by April 1 will be considered for inclusion on the next fiscal year's project priority list.

4. The grant amount shown on the list will be the expected share of those items of work that are eligible for federal participation. Eligibility of specific items and the federal share of any eligible work will be based on the latest federal requirements in effect at the time the list is prepared. Should these requirements be changed subsequent to preparation of the list, all projects on the list will be adjusted as required. The monetary amount of each item will be based on the latest information supplied by the grantee in accordance with LAC 33:IX.2123.D.2. The governor of the state of Louisiana may, at his discretion, reduce the federal share uniformly for all grants awarded subsequent to his action in order to more effectively utilize the limited funds available.

5. The state of Louisiana construction grants project priority list is divided into two portions: a. the fundable portion and b. the planning portion. The fundable portion includes those project steps expected to be awarded federal assistance grants during the fiscal year of the list. The planning portion includes those project steps expected under anticipated federal allotments to receive funding during the next four fiscal years after the fiscal year of the list.

6. The construction grants project priority list is prepared by considering projects in several categories for funding. All projects in a high priority category will be funded before any projects in a lower priority category are funded. Within each category projects will be considered for funding in order of the priority ranking of the individual project. The several categories that are considered are as follows:

a. Projects required to modify or replace innovative and alternative projects in accordance with provisions of 40 CFR 35.2032(c).

b. Projects or portions of projects which qualify as innovative or alternative technology, as long as the reserve for innovative/alternative technology grant increases has not been exhausted. The decision of which projects or portions of projects qualify for inclusion in this category of funding will be made by the department in accordance with the latest guidelines and policy promulgated by the Environmental Protection Agency.

c. Projects which are required for completion of an ongoing project that has already received Step 3 funding and that will not result in an operable treatment system without the additional funds. To qualify as an ongoing project, the work for which additional funds are required must be specifically identified within the scope of work for the project for which Step 3 or 2 + 3 grant assistance was previously awarded. This scope of work will be established when the original Step 3 or 2 + 3 grant application is reviewed by the department.

d. All other projects that do not meet either of the above conditions.

7. The limit of federal assistance funds for the list shall be determined by the appropriated funds less the reserves as provided for in Subsection E of this Section.

8. The state of Louisiana construction grants project priority list hearing, during which the department will present, for public comment and discussion, the next year's project priority list, will be held annually. This public hearing is to be held as soon after preparation of the list as possible, preferably, during the first full week in June, at a date, time, and place determined by the department. The public hearing will be advertised in accord with the provisions of 40 CFR Part 25.

9. The state of Louisiana construction grants project priority list will be made available for inspection not less than 30 days prior to the scheduled public hearing. It is the responsibility of each grantee to examine all the information listed for his/her project for accuracy. Any errors or omissions should be reported to the department prior to the public hearing. Applications for grant assistance which deviate substantially from the proposed grant contained on the list might not be processed.

10. A project may be moved from the fundable portion of the list to the planning portion (bypassed) if it is determined that the project will not be ready to proceed during the funding year.

11. If cash flow of the program permits, either through project bypasses or the release of additional federal assistance funds, or if for any other reason it is determined by the department that additional federal funds are available for encumbrance, projects from the planning portion of the list which are ready for funding and which have completed the priority list public participation requirements will be advanced to the fundable portion of the list. Individual projects will be advanced, in accordance with provisions of LAC 33:IX.2123.D.6 until the available federal funding is consumed.

12. If insufficient projects meeting the criteria of LAC 33:IX.2123.C.11 for advancement from the planning to the fundable portion of the list are available to consume the additional federal funds, the department may conduct a public hearing on a revised list containing projects which have not met priority list public hearing requirements.

13. The project priority list will be submitted to the U.S. Environmental Protection Agency for their review and acceptance as soon as possible after the public hearing held pursuant to the list.

14. A pre-application conference will be held for each applicant. The conference will be held jointly between:

a. the authorized representative of the municipality;

b. the consultant representing the municipality; and

c. representatives of the department.

There cannot be dual representation by any parties.

15. This conference is held for the purpose of distributing the appropriate U.S. Environmental Protection Agency's application forms and regulations and to discuss with each prospective applicant the procedures, regulations, and responsibilities under the construction grants program.

16. The department will schedule pre-application conferences at times and places most suitable to all parties. Every effort will be made to hold the pre-application conferences as soon as all prerequisite work has been completed and the project is on the fundable portion of the current fiscal year's project priority list.

17. Prospective applicants for municipal construction grants who do not complete and return the application forms to the department for the EPA grant within 90 calendar days of their pre-application conference lose their eligibility for these federal assistance funds as determined by the applicable fiscal year's priority system.

18. Those application forms returned to prospective applicants due to incompleteness must be finalized and returned to the department within 30 days of the receipt of the returned application, or the project shall lose the eligibility for the federal assistance funds as determined by the applicable fiscal year's priority system.

19. "Loss of eligibility" as used in these paragraphs is the loss of position on the state of Louisiana construction grants priority list for the current fiscal year. Projects which lose eligibility for funds under the previous paragraphs will be considered on the next revision to the construction grants priority list.

20. Those projects which have already received federal assistance for Step 1 or Step 2 work must complete and submit the required grant documents within the time period allotted. Failure to submit the required documents or a request for a time extension by the scheduled project

completion date may result in the removal of the project from the fundable portion of the project priority list.

21. Those projects which have not received federal assistance for Step 1 or Step 2 work may be required to complete this work prior to award of a Step 2 or 2 + 3 grant. In such cases the prospective grantee must submit an expected completion date for Step 1 and Step 2 work and an anticipated amount that will be eligible for reimbursement at the time of Step 3 or 2 + 3 grant award. This information is to be used for planning purposes only. No grant for Step 3 or 2 + 3 work will be placed on the fundable portion of the project priority list for any municipality that is performing Step 1 and 2 work without a grant award until evidence of substantial completion of Step 1 or 2 work (i.e. submission of the facility plan and/or plans and specifications) has been provided.

22. After the award of a construction assistance grant a change of scope, such as the addition of new construction items, will not be grant eligible unless:

a. the change of scope involves the development of a pretreatment program; or

b. the change of scope involves tasks for start up services, or engineering performance; or

c. the change of scope is necessary to result in an operable treatment works due to an oversight and not to replace faulty construction or equipment already funded; or

d. the change of scope is necessary due to changes in federal or state requirements.

All other changes in scope must be evaluated in a facility plan and placed on the project priority list for ranking.

23. Projects which are eligible for participation in the municipal facilities revolving loan fund, but not the construction grants program, will also be placed on the construction grants priority list and identified as eligible for loan participation only. Projects which are eligible for participation in the revolving loan fund program may be added to the construction grants priority list at any time during the funding year.

E. Reserves Related to the Priority List. In accordance with the provisions of 40 CFR 35.2020 the following reserves are allowed or required.

1. Reserves for State Management Assistance Grants

a. Each state may request that the regional administrator reserve, from the state's annual allotment, up to 4 percent of the state's allotment based on the amount authorized to be appropriated or $400,000, whichever is greater, for state management assistance grants under 40 CFR Part 35, Subpart A. Grants may be made from these funds to cover the costs of administering activities delegated or scheduled to be delegated to the state. Funds reserved for this purpose that are obligated by the end of the allotment period will be added to the amounts last allotted to the state. These funds shall be immediately available for obligation to projects in the same manner and to the same extent as the last allotment.

b. This reserve is optional and will be implemented as necessary to provide funds for state management of the construction grants program.

2. Reserve for Innovative and Alternative Technology Project Grant Increase

a. Each state shall reserve not less than 4 percent nor more than 7**2** percent from its annual allotment to increase the federal share of grant awards by an amount of 20 percent of the eligible cost, not to exceed 85 percent of the eligible cost of construction projects under 40 CFR 35.2032 for projects which use innovative or alternative wastewater treatment processes and techniques. Of this amount not less than one-half of 1 percent of the state's allotment shall be set aside to increase the federal grant share for projects utilizing innovative processes and techniques.

b. This reserve is mandatory. To avoid loss of funds, projects that qualify as "innovative" or "alternative" technology will be placed on the fundable portion of the project priority list, ahead of other projects in accordance with provisions of LAC 33:IX.2123.D.6. These funds will be assigned first to projects which qualify for funding from the reserve for alternative systems for small communities then to other projects using innovative or alternative technology.

3. Reserve for Grant Increases

a. The state shall set aside a portion of the total funds available during the priority list year for grant increases for projects which have been awarded assistance and which need additional funds to complete. No grant increase will be made using these reserve funds that is in excess of 25 percent of the original grant amount or $250,000, whichever is less; nor will two or more increases to the same grant be awarded in one fiscal year that would constitute a total increase larger than these amounts must be included on the fundable portion of the project priority list and will be subject to provisions of Subsection D of this Section.

b. This reserve is optional and will be implemented to the extent that the state deems necessary to provide for anticipated increases for previously funded projects.

4. Reserve for Advances of Allowance

a. Each state shall reserve a reasonable portion of its annual allotment, not to exceed 10 percent for advances of allowance under 40 CFR 35.2025. The regional administrator may waive this reserve requirement where a state can demonstrate that such a reserve is not necessary because no new facilities planning or design work requiring an advance and resulting in Step 3 grant awards is expected to begin during the period of availability of the annual allotment.

b. Only projects that meet all of the following criteria may receive advance funding from this reserve fund.

i. The construction portion of the project must appear within the five year planning portion of the priority list.

ii. The advance is to perform facility planning (Step 1) or design (Step 2) work that has not been previously funded.

iii. If the advance is intended for design work (Step 2), the project does not meet the eligibility requirements for a Step 2 + 3 grant.

iv. The applicant is a small community.

c. Should such an advance be made, and the potential grant applicant, for any reason, does not obtain a grant for construction within a period of five years, the state may seek repayment under Section 3 of PL-97-117.

d. This reserve is mandatory.

5. Reserve for Alternative System for Small Communities

a. Each state with 25 percent or more rural population (as determined by population estimates of the Bureau of Census) shall reserve 4 percent of the state's annual allotment, for alternatives to conventional treatment works for small communities. The governor of any nonrural state may reserve up to 4 percent of the state's allotment for the same purpose.

b. This reserve is mandatory.

6. Reserve for Water Quality Management

a. The state shall set aside from each allotment for each fiscal year an amount not to exceed one percent of the allotted amount or $100,000, whichever amount is the greater. Such sums shall be used to make grants to the states to carry out water quality management planning authorized under Section 205 (j) of the Act.

b. This reserve is mandatory.

7. Reserve for Nonpoint Source Pollution Management

a. Each state shall reserve the greater of $100,000 or 1 percent of its annual allotment. The state is required to obligate the first $100,000 of this reserve annually for development and implementation of nonpoint source pollution management programs or forfeit the unobligated balance of that first $100,000 to reallotment. Where the reserve for any state exceeds $100,000, funds in excess of the mandatory $100,000 may be used by the state for any purposes defined under Title II of the act.

b. This reserve is mandatory.

F. Alphabetical Sequence List. In order to facilitate locating projects included on the state of Louisiana construction grants priority list, an alphabetical sequence list has been developed. This list is composed of all projects included on the construction grants priority list, in alphabetical order, rather than priority number. This list is provided only to facilitate identification of projects by cross-referencing between lists.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 17:342 (December 1987).

§2125. Appendix 3. State Environmental Review Process

A. General. As required by the provisions of Section 602(b)(6) of the 1987 Amendments to the Clean Water Act, the department shall conduct an interdisciplinary environmental review consistent with the National Environmental Policy Act of the project proposed for funding through the municipal facilities revolving loan fund. This review will insure that the project will comply with the applicable local, state and federal laws and department rules relating to the protection and enhancement of the environment. Based upon the staff's review, the secretary, or his duly authorized representative, will make formal determinations regarding the potential social and environmental impacts of the proposed project. As necessary, the determination will include mitigative provisions as a condition of financial assistance for building and no financial assistance will be provided until a final environmental determination has been made. Nothing in these rules shall prohibit any public, private or governmental party from seeking administrative or legal relief from the determinations of the department. Potential applicants to the municipal facilities revolving loan fund should obtain guidance from the staff regarding the scope of the environmental review to be conducted by the department and the environmental information which the applicant will be required to submit in support of the proposed project.

1. Basic Environmental Determination. There are three basic environmental determinations that will apply to projects proposed to be implemented with assistance from the municipal facilities revolving loan fund. These are: a determination to categorically exclude a project from a formal environmental review; a finding of no significant impact (FNSI) based upon a formal environmental review supported by an environmental information document (EID); and a determination to provide or not to provide financial assistance based upon a record of decision following the preparation of an environmental impact statement (EIS). The appropriate determination will be based on the following criteria.

a. The categorical exclusion determination applies to categories of projects that have shown over time not to entail significant impacts on the quality of the human environment.

i. Projects which meet the following criteria may be categorically excluded from formal environmental review requirements.

(a). The project is directed solely toward minor rehabilitation of existing facilities, functional replacement of equipment, or toward the construction of related facilities

adjoining the existing facilities that do not affect the degree of treatment or the capacity of the works (i.e. infiltration and inflow correction, rehabilitation of existing equipment and structures, and the construction of small structures on existing sites).

(b). The project is in a community of less than 10,000 population and is for minor expansions or upgrading of existing treatment works or on-site disposal systems are proposed.

ii. Categorical exclusions will not be granted for projects that entail:

(a). the construction of new collection lines;

(b). a new discharge or relocation of an existing discharge;

(c). a substantial increase in the volume or loading of pollutants;

(d). providing capacity for a population 30 percent or greater than the existing population;

(e). known or expected impacts to cultural resources, threatened or endangered species, or other environmentally sensitive areas; and

(f). the construction of facilities that are known or expected to be not cost-effective or are likely to cause significant public controversy.

iii. The department may exclude, by amendment to these rules, other categories of projects for which there is sufficient documentation demonstrating that they are not likely to have significant effects on the quality of the human environment.

b. The FNSI will be based upon an environmental review by the staff supported by an EID prepared by the applicant in conformance with guidance developed by the department. Based upon its review, the staff will prepare an environmental assessment (EA) resulting in the issuance of either a FNSI or a public notice that the preparation of an EIS will be required. All applicants whose projects do not meet the criteria for either a categorical exclusion or EIS will be required to prepare an EID. The secretary's, or his duly authorized representative's, issuance of a FNSI will be based upon an EA documenting that the potential environmental impacts will not be significant or that they may be mitigated without extraordinary measures.

c. The record of decision may only be based upon an EIS in conformance with the format and guidelines described in LAC 33:IX.2125.B.3. An EIS will be required when the secretary, or his duly authorized representative, determines any of the following:

i. the project will significantly affect the pattern and type of land use or growth and distribution of the population;

ii. the effects of the project's construction or operation will conflict with local or state laws or policies;

iii. the project may have significant adverse impacts upon:

(a). wetlands;

(b). floodplains;

(c). threatened and endangered species or their habitats;

(d). cultural resources including parklands, preserves, other public lands or areas of recognized scenic, recreational, agricultural, archeological or historic value;

iv. the project will displace population or significantly alter the characteristics of existing residential areas;

v. the project may directly or indirectly (i.e., through induced development) have significant adverse effect upon local ambient air quality, local noise levels, surface and groundwater quality or quantity, fish, shellfish, wildlife or their natural habitats;

vi. the project may generate significant public controversy;

vii. the treated effluent will be discharged into a body of water where the present classification is to lenient or is being challenged as too low to protect present or recent uses, and the effluent will not be of sufficient quality to meet the requirements of those uses.

2. Other Determinations that are Required of the Department

a. Recognizing that a project may be altered at some time after an environmental determination on the project has been issued, the secretary, or his duly authorized representative, will provide that, prior to approval, the plans and specifications, loan application, and related documents will be examined for consistency with the environmental determination. If inconsistencies are found, the secretary, or his duly authorized representative, may revoke a categorical exclusion and require the preparation of an EID or an EIS, consistent with the criteria of Subsection A.1 of this Section, or require the preparation of amendments to an EID or supplements to an EIS, as appropriate. Based upon the staff's review of the amended project, the secretary, or his duly authorized representative, will:

i. reaffirm the original determination through the issuance of a public notice or statement of finding;

ii. issue a FNSI for a project for which a categorical exclusion has been revoked, or issue a public notice that the preparation of an EIS will be required;

iii. issue an amendment to a FNSI, or revoke a FNSI and issue a public notice that the preparation of an EIS will be required; or

iv. issue a supplement to a record of decision, or revoke a record of decision and issue a public notice that financial assistance will not be provided.

b. When five or more years have elapsed between the last environmental determination and the submittal of an application to the fund, the secretary, or his duly authorized representative, will re-evaluate the project, environmental conditions and public views, and prior to approval of the application, proceed in accordance with LAC 33:IX.2125.A.2.a.

3. Other determinations that are available to the department.

a. An applicant may request advance authority to construct part of the proposed wastewater treatment project prior to completion of the necessary environmental review when the part of the project will:

i. immediately remedy a severe public health, water quality or environmental problem;

ii. not preclude any reasonable alternatives identified for the complete system;

iii. not cause significant or indirect environmental impacts including those which cannot be acceptably mitigated without completing the entire project; and

iv. not be highly controversial.

b. Based upon the review of the information required by LAC 33:IX.2125.B, the secretary, or his duly authorized representative, will issue a FNSI so conditioned as to prohibit construction of the remainder of the project until a complete environmental review has been performed and a subsequent environmental determination has been issued.

c. The department, through the secretary, or his duly authorized representative, may choose to accept determinations made by EPA in previously issued FNSIs in lieu of conducting a formal environmental review when the proposed project will not cause adverse impacts to the environment and is not highly controversial.

B. Environmental Information Required by the Department. A minimum of two copies of all information required in this Subsection will be submitted to the department.

1. Applicants seeking a categorical exclusion will provide the department with sufficient documentation to demonstrate compliance with the criteria of LAC 33:IX.2125.A.1.a.i. At a minimum, this consists of:

a. a brief, complete description of the proposed project and its costs;

b. a statement indicating that the project is cost-effective and that the applicant is financially capable of constructing, operating and maintaining the facilities; and

c. a plan map or maps of the proposed project showing:

i. the location of all construction areas;

ii. the planning area boundaries; and

iii. any known environmentally sensitive areas.

2. An EID must be submitted by those applicants whose proposed projects do not meet the criteria for a categorical exclusion and for which the secretary, or his duly authorized representative, has made a preliminary determination that an EIS will not be required. The secretary, or his duly authorized representative, will provide guidance on both the format and contents of the EID to potential applicants prior to initiation of facilities planning.

a. At a minimum, the contents of an EID will include:

i. the purpose and need for the project;

ii. the environmental setting of the project and the future of the environment without the project;

iii. the alternatives to the project as proposed and their potential environmental impacts;

iv. a description of the proposed project;

v. the potential environmental impacts of the project as proposed including those which cannot be avoided;

vi. the relationship between the short term uses of man's environmental and the maintenance and enhancement of long term productivity;

vii. any irreversible and irretrievable commitments of resources to the proposed project;

viii. a description of public participation activities conducted, issues raised, and changes to the project which may be made as a result of the public participation process; and

ix. documentation of coordination with appropriate governmental agencies.

b. Prior to the applicant's adoption of the facilities plan, the applicant will hold a public hearing on the proposed project and the EID, and provide the department with a verbatim transcript of the hearing. The secretary, or his duly authorized representative, will provide guidance to the applicant regarding the contents of the hearing notice and of the hearing. The hearing will be advertised at least 30 days in advance in local newspaper of general circulation. Concurrent with the advertisement, a notice of the public hearing and availability of the documents will be sent to all local, state, and federal agencies and public and private parties that may have an interest in the proposed project. Included with the transcript will be a list of all attendees, and written testimony, and the applicant's responses to the issues raised.

c. The applicant will make copies of the EID available to all federal, state, and local agencies and others with an interest in the project. The secretary, or his duly authorized representative, will provide guidance to the applicant regarding coordination requirements.

3. The format of an EIS will encourage sound analysis and clear presentation of alternatives, including the no action alternative and the selected alternative, and their environmental, economic and social impacts. The following format must be followed by the applicant unless the secretary, or his duly authorized representative, determines there are compelling reasons to do otherwise.

a. A cover sheet identifying the applicant, the project(s), the program through which financial assistance is requested, and the date of publication.

b. An executive summary of the critical issues of the EIS in sufficient detail that the reader may become familiar with the proposed project and its cumulative effects. The summary will include:

i. a description of the existing problem;

ii. a description of each alternative;

iii. a listing of each alternatives potential environmental impacts, mitigative measures and any areas of controversy; and

iv. any major conclusions.

c. The body of the EIS, which will contain the following information.

i. A complete and clear description of the purpose and need for the proposed project that clearly identifies its goals and objectives.

ii. A balanced description of each alternative considered by the applicant. The description will include the size and location of the facilities and pipelines, land requirements, and construction schedules. The alternative of no action will be discussed and the applicant's preferred alternative(s) will be identified. Alternatives that are eliminated from examinations will be presented with the reasons for their elimination.

iii. A description of the alternatives available to the department including:

(a). providing financial assistance to the proposed project;

(b). requiring that the proposed project be modified prior to providing financial assistance to reduce adverse impacts, or providing assistance with conditions requiring the implementation of mitigative measures; and

(c). not providing financial assistance.

iv. A description of the alternatives available to other local, state, and federal agencies which may have the ability to issue or deny a permit, provide financial assistance or otherwise effect or have an interest in any of the alternatives.

v. A description of the affected environment and environmental consequences of each alternative. The affected environment on which the evaluation of each alternative will be based includes, as a partial listing, hydrology, geology, air quality, noise, biology, socioeconomic, land use, and cultural resources of the facilities planning area. The department will provide guidance, as necessary, to the applicant regarding the evaluation of the affected environment. The discussion will present the total impacts of each alternative in a manner that will facilitate comparison. The effects of the no action alternative must be included to serve as a baseline for comparison of the adverse and beneficial impacts of the other alternatives. A description of the existing environment will be included in the no action section to provide background information. The detail in which the affected environment is described will be commensurate with the complexity of the situation and the significance of the anticipated impacts.

d. The draft EIS will be provided to all local, state and federal agencies and public groups with an interest in the proposed project and be made available to the public for review. The final EIS will include all objections and suggestions made before and during the draft EIS review process, along with the issues of public concern expressed by individuals or interested groups. The final EIS must include discussions of any such comments pertinent to the project or the EIS. All commenters will be identified. If a comment has led to a change in either the project or the EIS, the reason should be given. The department will always endeavor to resolve any conflicts that may have arisen, particularly among permitting agencies, prior to the issuance of the final EIS. In all cases, the comment period will be no less than 45 days.

e. Material incorporated into an EIS by reference will be organized to the extent possible into a supplemental information document and be made available for public review upon request. No material may be incorporated by reference unless it is reasonably available for inspection by interested persons within the comment periods specified in LAC 33:IX.2125.B.3.d and B.3.g.iv.

f. When an EIS is prepared by contractors, either in the service of the applicant or the department, the department will independently evaluate the EIS prior to issuance of the record of decision and take responsibility for its scope and contents. The department staff who undertake this evaluation will be identified under the list of preparers along with those of the contractor and any other parties responsible for the content of the EIS.

g. The public participation required for an EIS is extensive; but should, depending upon the nature and scope of the proposed project, be supplemented by the applicant. The following requirements represent the minimum allowable to the applicant and the department.

i. Upon making the determination that an EIS will be required of a proposed project, the department will publish in the *Louisiana Register* and distribute a notice of intent to prepare an EIS.

ii. As soon as possible after the notice of intent has been issued, the department will convene a meeting of the affected federal, state and local agencies, the applicant, and other interested parties to determine the scope

of the EIS. A notice of this scoping meeting may be incorporated into the notice of intent or prepared as in LAC 33:IX.2125.B.2.b except that in no case will the notification period be less than 45 days. As part of the scoping meeting the department will, at a minimum:

(a). determine the significance of issues for and the scope of those significant issues to be analyzed indepth in the EIS;

(b). identify the preliminary range of alternatives to be considered;

(c). identify potential cooperating agencies and determine the information or analyses that may be needed from cooperating agencies or other parties;

(d). discuss the method for EIS preparation and the public participation strategy;

(e). identify consultation requirement of other laws and regulations;

(f). determine the relationship between the preparation of the EIS and the completion of the facilities plan and any necessary arrangements for coordination of the preparation of both documents.

iii. Following the scoping process the secretary, or his duly authorized representative, will begin the identification and evaluation of all potentially viable alternatives to adequately address the range of issues developed in the scoping. A summary of this including a list of the significant issues identified will be provided to the applicant and other interested parties. Preparation of the EIS will be done, at the discretion of the department: directly, by its own staff; by consultants to the department; or by a consultant, contracted by the applicant subject to approval by the department. In the latter two cases, the consultant will be required to execute a disclosure statement prepared by the department signifying they have no financial or other conflicting interest in the outcome of the project. Both the draft EIS and final EIS will be distributed and made available for public review in a fashion consistent with the requirements of LAC 33:IX.2125.B.2.b except that the advertisement and comment period for the public participation will be no less than 45 days. The department will publish, in the *Louisiana Register* and a newspaper(s) of general circulation in the project area, a notice of availability of the EIS giving locations at which it will be available for public review at least 45 days prior to making any environmental determination.

C. Environmental Review by the Department

1. When the secretary, or his duly authorized representative, has determined that an applicant's proposed project may be excluded from a formal environmental review or has determined that a categorical exclusion is to be rescinded, the secretary, or his duly authorized representative, will prepare a public notice of the determination to categorically exclude the project and stating the availability of supporting documentation for public inspection. The notice will be published in a local newspaper of community-wide circulation by the applicant. The department, concurrent with the publication, will distribute the notice to all interested parties.

2. An environmental review of the proposed project, supported by the applicant's EID, will be conducted by the secretary, or his duly authorized representative, to determine whether any significant impacts are anticipated and whether any changes may be made in the proposed project to eliminate significant adverse impacts. As part of this review, the secretary, or his duly authorized representative, may require the applicant to submit additional information or undertake additional public participation and coordination to support its environmental determination. Based on the environmental review, the secretary, or his duly authorized representative, will prepare an environmental assessment, describing:

a. the purpose and need for the proposed project;

b. the proposed project, including its costs;

c. the alternatives considered and the reasons for their rejection or acceptance;

d. the existing environment;

e. any potential adverse impacts and mitigative measures; and

f. any proposed conditions to the provision of financial assistance and any means provided for the monitoring of compliance with the conditions.

3. Based upon this environmental assessment, the secretary, or his duly authorized representative, will issue a FNSI or a notice of intent to prepare an EIS. The FNSI will include a brief description of the proposed project, its costs, any mitigative measures required of the applicant as a condition of its receipt of financial assistance, and a statement to the effect that comments supporting or disagreeing with the FNSI may be submitted for consideration by the department. The environmental assessment will be attached when mitigative measures are specified by conditions of the financial assistance. The FNSI will be distributed to all parties, governmental entities, and agencies that may have an interest in the proposed project. No action regarding approval of the facilities plan or the provision of financial assistance will be taken by the department for at least 30 days after the issuance of the FNSI.

4. Following the comment period and public hearings on the final EIS and at the time of the decision to approve the facilities plan or to provide or deny financial assistance to the proposed project, the secretary, or his duly authorized representative, will prepare a concise public record of decision. The record of decision will describe those mitigative measures to be taken which will make the selected alternative environmentally acceptable.

5. In accordance with LAC 33:IX.2125.A.2.a, b and A.3, the department will conduct environmental reviews and issue public notices or amended determinations, as appropriate,

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Check the appropriate blank for the following questions.

If the answer is yes to any question, include a brief discussion of the topic and describe any mitigative measures to be taken.

YES NO

__ __ Are there any geologic structures or formations in the project planning area that have a direct influence on ground or surface water?

__ __ Will the project involve major irreversible changes in land use patterns-destruction of forest, wetlands, prime agricultural land, etc-of a sizeable area in the project planning area?

__ __ Is the proposed project site located in a 100-year floodplain?

__ __ Will the proposed project serve currently undeveloped areas located in a 100-year floodplain?

__ __ Does the project include a state approved sludge management plan?

__ __ Will the project cause alteration to land forms, streams, or natural drainage patterns?

__ __ Will area water courses be affected by siltation and sedimentation?

__ __ Will there be any dredging, tunneling, or trenching that will affect areas water courses?

__ __ Will the project cause any damage to area vegetation, including trees?

__ __ Does the project include clearing land by using herbicides, defoliants, blasting, cutting, or burning?

__ __ Will the project result in soil or vegetative spoil to be disposed of in a landfill or by another permitted procedure? If yes, indicate compliance with local, state, and federal regulation.

__ __ Will any proposed structures interfere with or obstruct scenic views and/or create an eyesore in residential areas?

__ __ Will the project result in significant changes in the rate, density, or type of development in the surrounding community?

__ __ Was a public hearing held to explain the project and present the proposed user charge to the community? Include a transcript of the public hearing and a copy of notice for the meeting at least one month prior to the hearing.

__ __ Has the project obtained a Coastal Use Permit or a Consistency Determination from the Coastal Zone Management Division, Louisiana Department of Natural Resources? (Required only if project is within the shaded area of the Coastal Zone Map included with the List of Commenting Agencies.)

To document your answers to the four questions below, provide comment letters from the appropriate agencies on the attached list of commenting agencies.

__ __ Will the proposed project cause any adverse effects to any unique or sensitive wildlife habitats?

__ __ Are there any endangered or threatened species in the project area that would be adversely affected by the project?

__ __ Are there any historical sites in the project area that might be adversely affected by the project?

__ __ Are there any cultural or archeological resources in the area that would be adversely affected by the project?

Along with any elaborations on the above questions, discuss the following issues in relation to the proposed project.

If land application of effluent or sludge is proposed, describe the soil and slope characteristics of the proposed site and any factors that might contribute to the contamination of groundwater.

If any part of the project is being planned in a 100-year floodplain then the following procedures in accordance with Executive Order 11900 must be followed. It must be demonstrated that no direct or indirect impacts upon floodplains will result from the project unless it can be shown that there is no practicable alternative or that no significant impacts-increased flood evaluations, danger to public health and safety, or damage to the natural functions of the floodplains-will result from the action. Consult the EPA Construction Grants Program Floodplain Guidelines. Consider and discuss alternatives to avoid construction within the floodplain. Demonstrate by analyzing environmental, cost, and technical factors that no practicable alternative to construction in the floodplain exists. If no alternatives are practicable, describe the measures to be taken to minimize potential harm to the floodplain. Include comment letters from the Army Corps of Engineers and the Federal Emergency Management Agency.

If construction is to take place in wetlands, show that no practical alternatives to construction in the wetlands exist. Indicate what portion of the facility will occupy the wetlands and describe measures to minimize harm to the wetlands. Include comment letters from U.S. Fish and Wildlife Service.

Indicate how NPDES requirements will be complied with should the need for bypassing sewage arise during construction.

If any construction will occur in a waterway, consult with the Corps of Engineers concerning the need for a Section 404 Permit. Include a comment letter from the Corps of Engineers.

Specify measures to be taken to control dust during construction.

Specify precautions to be taken to protect area residents and wildlife from construction related noise. Demonstrate compliance with OSHA standards.

Identify possible odor sources and discuss their effects on the area surrounding the treatment plant. Describe any mitigative measures to be taken to lessen and/or prevent odor problems.

If incineration is to be used, specify the measures to be taken to comply with air quality standards.

Discuss possible insect problems and control programs.

If pesticides are to be used, discuss their potential effects on water quality and nontarget species.

If development in the surrounding area will be affected, describe the effect on public services such as water supply, further wastewater treatment needs, public utilities, transportation facilities, solid waste disposal facilities, etc. Describe any possible effects of increased growth on floodplains, wetlands, critical wildlife habitats, prime or unique agricultural land, threatened or endangered species, and any other environmentally sensitive areas.

Include a map of the planning area. Show the location of the proposed treatment system, the effluent discharge point, any floodplains and/or wetlands, any cultural or historic sites, and any unique wildlife habitats in the area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 14:862 (December 1988).

Chapter 22. Drinking Water Revolving Loan Fund

§2201. Introduction

A. The Department of Health and Hospitals, Office of Public Health (OPH), is the state agency within Louisiana granted primary enforcement responsibility from the EPA to ensure that public drinking water systems within the state are in compliance with state regulations that are no less stringent than federal drinking water regulations adopted in accordance with the Safe Drinking Water Act (SDWA) (42 U.S.C. 300f et seq.). The SDWA Amendments of 1996 authorized a state revolving loan fund program and grants to assist water systems in financing the costs of infrastructure improvements to achieve compliance with the SDWA.

B. In accordance with the Louisiana Constitution and authorizing legislation, the Department of Environmental Quality (the department) is assisting OPH in the financial administration of the Drinking Water Revolving Loan Fund (the fund). Regulations governing the fund program are promulgated by both OPH and the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Municipal Facilities Division, LR 24:28 (January 1998).

§2203. Authority

These regulations provide for the Drinking Water Revolving Loan Fund as required by R.S. 30:2011 et seq. and in particular R.S. 30:2011(A)(3), (D)(1); 2074(A)(4), (B)(8); R.S. 40:2824(A); 2826(A), (B), (E), and (F).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Municipal Facilities Division, LR 24:28 (January 1998).

§2205. Definitions

The following terms used in these regulations shall have the following meanings.

Administrative Fee—the fee due from a borrower to the department at the origination of a loan and/or on the outstanding principal amount of a loan payable in installments at such rate or rates and at such time or times as may be established by the secretary.

Applicant—any person, as defined, that submits an application for financial assistance in accordance with these regulations.

Binding Commitment Agreement—an instrument evidencing a legal obligation by the department, acting on behalf of the state, to a person that sets forth terms for making a loan from the fund and/or providing such other financial assistance as may be authorized in connection with the program.

Borrower—any person receiving financial assistance for the construction of a drinking water facility.

Completion Date—the date the operation of a completed project receiving financial assistance from the fund is initiated or capable of being initiated, whichever is earlier.

Construction—includes preliminary planning, engineering, architectural, legal, fiscal, and economic investigations and/or studies, surveys, designs, plans, working drawings, specifications, erection, building, acquisition, alteration, remodeling, improvement, or extension of the project.

Department—the Louisiana Department of Environmental Quality.

Drinking Water Facilities—facilities for the purpose of collecting, transporting, treating, storing, distributing, or holding drinking water.

Environmental Review—an assessment by the department of the environmental impact of a proposed project and assurances that the project will comply with all environmental laws and executive orders applicable to the project area.

Financial Assistance—loans, credit enhancement devices, guarantees, pledges, interest rate swap agreements, linked deposit agreements, and other financial subsidies authorized by law.

Fund—the Drinking Water Revolving Loan Fund established by the department in accordance with the Safe Drinking Water Act (SDWA) Amendments of 1996 and Act 480 of the 1997 Regular Session of the Louisiana Legislature.

Letter of Intent—a written notification of the intent of the applicant to participate in the fund program. The notification must include a request for financial assistance, the estimated amount of financial assistance, and an estimated construction schedule and document the authority of the applicant.

Loan or *Loans*—a disbursement of money made by the department from the fund to a person in accordance with a loan and pledge agreement.

Loan and Pledge Agreement—a contractual arrangement by and between a person and the state acting by and through the department, providing for a loan or loans to such person for the purpose of paying the eligible cost of a project or projects.

Operation, Maintenance, and Replacement (O, M, and R)—those functions that result in expenditures during the useful life of the drinking water facilities for materials, labor, utilities, and other items that are necessary for managing and maintaining the drinking water facilities to achieve the capacity and performance for which such works were designed and constructed, including replacement.

Person—any individual, partnership, firm, corporation, company, cooperative, association, society, trust, or any other business unit or entity, including any municipality, or state agency.

Project or Projects—the activities or tasks identified in a loan and pledge agreement for which a person has made a loan and may expend, obligate, or commit loan proceeds.

Secretary—the secretary of the Department of Environmental Quality.

State—the state of Louisiana or any agency or instrumentality thereof.

System Improvement Plan—the necessary plans and studies relating to the construction of a complete project of drinking water facilities.

User Charge—a charge or fee levied on users of drinking water facilities for the cost of operation, maintenance, and replacement. User charges may include other costs such as the repayment of debt incurred for the construction of the drinking water facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Municipal Facilities Division, LR 24:28 (January 1998).

§2207. Eligibility for Participation

A. Letter of Intent. An applicant shall send a letter of intent to the department and OPH.

B. Eligible Projects. Financial assistance may be provided only for the construction of drinking water facilities as described in a system improvement plan approved by OPH. The department may consider criteria such as ownership, ability to repay, managerial capability, or other such criteria to determine the amount and type of financial assistance for a project.

C. Allowable/Eligible Costs. Allowable cost determinations, based on applicable law and regulations, may be made by OPH or the department, on a project-by-project basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Municipal Facilities Division, LR 24:29 (January 1998).

§2209. Application Requirements and Loan Conditions

A. Limitation on Applications. An application shall only be funded after authorization from OPH and after meeting all of the department's requirements.

B. Application Package. The contents of the application package must contain all applicable information required by the department including, but not limited to, the following.

1. System Improvement Plan. The applicant will submit, through OPH, a system improvement plan consisting of those necessary plans and studies that directly relate to construction of drinking water facilities. The system improvement plan must contain enough information to allow the department to perform an environmental review.

2. Financial Information. The applicant is required to submit sufficient information to demonstrate its legal, institutional, managerial, and financial capability to ensure the construction, operation, and maintenance of the drinking water facilities and repayment of the loan, interest, and administrative fees.

3. Site Certificate. The applicant must submit a certificate executed by an attorney certifying that the applicant has acquired all property sites, easements, rights-

of-way, or specific use permits necessary for construction, operation, and maintenance of the project described in the approved system improvement plan.

C. Loan Conditions. Loans for projects will be made only to eligible applicants that:

1. provide a fair and equitable user charge system that generates revenues sufficient to cover the costs of O, M, and R for the system;

2. agree to own, operate, and maintain the drinking water facilities so that such drinking water facilities will function properly as long as the loan and pledge agreement is in effect;

3. agree to properly maintain financial records, have periodic audits, and make these records available to the department, OPH, EPA, or their designees upon request;

4. commit to undertake the expenditure of loan proceeds for construction or other eligible project costs within six months after entering into a binding commitment agreement or such time frame as may be required by the department, provided that failure to start the expenditure of funds within one year after entering into a binding commitment agreement may result in the withdrawal by the department of all financial assistance;

5. agree to evidence the loan by a bond, note, or other form of evidence of indebtedness prescribed or approved by the department; and

6. agree to pay administrative fees imposed by the department to defray long term administrative costs associated with the fund program.

D. Loan Period. Loans shall be made for a period of time not to exceed 20 years from the completion date of the construction of a project, except for loans for projects for disadvantaged communities as defined by OPH that may have loan periods up to 30 years with approval of the department. Interim construction financing shall not exceed two years without written approval from the department and from OPH.

E. Loan Repayment. Loan repayments of the principal, administrative fees, and interest installments will be set by the department, with the first installment due no later than one year following the project's completion date. The department will establish the loan repayment schedule in the terms of the loan and pledge agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Municipal Facilities Division, LR 24:29 (January 1998).

§2211. Events of Default and Remedies

The provisions for events of default and remedies will be specified in the loan and pledge agreement for each borrower receiving a loan from the fund. The secretary or the undersecretary of the department must approve all remedies for events of default.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Municipal Facilities Division, LR 24:30 (January 1998).

§2213. Miscellaneous

The department may take certain actions and require a borrower to take actions necessary to assure compliance by such borrower with requirements of the *Internal Revenue Code* of 1986, as amended, in connection with a loan from the fund. The borrower shall reimburse the department for any cost incurred by the department in connection with any such actions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Municipal Facilities Division, LR 24:30 (January 1998).

NOTE: [*Editor's Note:* The Department of Environmental Quality has requested that LAC 33:IX.Chapter 23 be published as submitted to the Office of the State Register in September 1995 with corrections submitted by the Department of Environmental Quality to the Office of the State Register in March 1996. Amendments through June 1998 have been incorporated, but the Office of the State Register has not edited this chapter for format or typographical errors. All questions regarding Chapter 23 should be directed to the Department of Environmental Quality.]

Chapter 23. The LPDES Program

Subchapter A. Definitions and General Program Requirements

§2301. General Conditions

A. The conditions and requirements in this Chapter apply only to facilities and discharges within the scope of coverage of the NPDES program and to permits issued in accordance with the assumption of the NPDES program. Provisions of the federal regulations addressing sewage sludge use and disposal have been retained and state terminology has been substituted for federal terminology as appropriate. Requirements relative to a state sewage sludge management program are not applicable until the Department of Environmental Quality (DEQ) receives sewage sludge program authority, in accordance with 40 CFR part 503, under the NPDES program.

B. In accordance with 40 CFR 123.1(i) all requirements in LAC 33:IX.Chapters 5-21 that are within the scope of coverage of the NPDES program shall apply to the LPDES program. Any requirements that are less stringent than the NPDES program requirements shall not apply. Any requirements that are not within the scope of coverage of the NPDES program may only be applied and enforced as state-only requirements. Examples of requirements that are not within the scope of coverage of the NPDES program include, but are not limited to, regulations relative to groundwater, permits required for non-point-source discharges, and permits required for shell dredging activities.

C. LAC 33:IX.Chapters 1 and 3 shall not apply to any facility or discharge that is within the scope of coverage of the NPDES program.

D. Upon assumption of the NPDES program by the state, the status of NPDES and LWDPS permits shall be as follows:

1. for facilities with valid NPDES permits only, the existing NPDES permits shall become LPDES permits with an expiration date consistent with that originally designated;

2. for facilities with both valid NPDES and valid LWDPS permits, the NPDES permit shall become the LPDES permit and become enforceable under these regulations. The LWDPS permit will also remain in effect and be enforceable under these regulations until such time as it expires or is terminated;

3. for facilities with valid LWDPS permits only, the LWDPS permit shall remain in effect and be enforceable under these regulations until such time as the LWDPS permit expires or is terminated and an LPDES permit is issued; and

4. for facilities for which an extension has been authorized by EPA under the NPDES program, such extension shall become enforceable under the LPDES program, and any valid NPDES permit applications for such facilities, which have been submitted in a timely manner (LAC 33:IX.2321.A and B and 2355.B), shall become LPDES permit applications upon the effective date of these regulations.

E. In addition to the requirements in LAC 33:IX.Chapter 23.Subchapters A-U, the conditions of LAC 33:IX.Chapter 23.Subchapter V shall apply to the LPDES program.

F. All references to the *Code of Federal Regulations* (CFR) contained in this Chapter (e.g., 40 CFR 122.29) shall refer to those regulations published in the July 1998 *Code of Federal Regulations*, unless otherwise noted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:199 (February 1997), LR 23:722 (June 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1467 (August 1999)

§2311. Purpose and Scope

Scope of the LPDES Permit Requirement

1. The LPDES program requires permits for the discharge of pollutants from any point source into waters of the state. The terms pollutant, point source and waters of the state are defined in LAC 33:IX.2313.

2. The following are point sources requiring LPDES permits for discharges:

a. concentrated animal feeding operations as defined in LAC 33:IX.2335;

b. concentrated aquatic animal production facilities as defined in LAC 33:IX.2337;

c. discharges into aquaculture projects as set forth in LAC 33:IX.2339;

d. discharges of storm water as set forth in LAC 33:IX.2341; and

e. silvicultural point sources as defined in LAC 33:IX.2343.

3. The permit program established under LAC 33:IX.Chapter 23.Subchapters A-D also applies to owners or operators of any treatment works treating domestic sewage, whether or not the treatment works is otherwise required to obtain an LPDES permit in accordance with LAC 33:IX.2311.A.1, unless all requirements implementing section 405(d) of the CWA applicable to the treatment works treating domestic sewage are included in a permit issued under the appropriate provisions of subtitle C of the Solid Waste Disposal Act, Part C of the Safe Drinking Water Act, the Marine Protection, Research, and Sanctuaries Act of 1972, or the Clean Air Act, or under state permit programs approved by the administrator as adequate to assure compliance with section 405 of the CWA.

4. The state administrative authority may designate any person subject to the standards for sewage sludge use and disposal as a treatment works treating domestic sewage as defined in LAC 33:IX.2313, where he or she finds that a permit is necessary to protect public health and the environment from the adverse effects of sewage sludge or to ensure compliance with the technical standards for sludge use and disposal developed under CWA section 405(d). Any person designated as a treatment works treating domestic sewage shall submit an application for a permit under LAC 33:IX.2331 within 180 days of being notified by the state administrative authority that a permit is required. The state administrative authority=s decision to designate a person as a treatment works treating domestic sewage under this Paragraph shall be stated in the fact sheet or statement of basis for the permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:1523 (November 1997).

§2313. Definitions

The following definitions apply to LAC 33:IX.Chapter 23.Subchapters A - G. Terms not defined in this Section have the meaning given by the CWA. When a defined term appears in a definition, the defined term is sometimes placed in quotation marks as an aid to readers.

*Administrator*Cthe administrator of the United States Environmental Protection Agency, or an authorized representative.

*Applicable Standards and Limitations*Call state, interstate, and federal standards and limitations to which a discharge, a sewage sludge use or disposal practice, or a related activity is subject under the CWA, including effluent limitations, water quality standards, standards of performance, toxic

effluent standards or prohibitions, best management practices, pretreatment standards and standards for sewage sludge use or disposal under sections 301, 302, 303, 304, 306, 307, 308, 403, and 405 of the CWA.

*Application***C**the standard forms for applying for a permit, including any additions, revisions or modifications to the forms; or forms approved by EPA for use in approved states, including any approved modifications or revisions.

*Approved Program or Approved State***C**a state or interstate program which has been approved or authorized by EPA under 40 CFR part 123.

*Average Monthly Discharge Limitation***C**the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

*Average Weekly Discharge Limitation***C**the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

*Best Management Practices (BMPs)***C**schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

*BMPs***C**best management practices.

*Class I Sludge Management Facility***C**any POTW identified under LAC 33:IX.2715.A as being required to have an approved pretreatment program (including such POTWs located in a state that has elected to assume local program responsibilities pursuant to LAC 33:IX.2719.E) and any other treatment works treating domestic sewage classified as a Class I sludge management facility by the EPA regional administrator, or, in the case of approved state programs, the EPA regional administrator, in conjunction with the state administrative authority, because of the potential for its sludge use or disposal practices to adversely affect public health and the environment.

*Contiguous Zone***C**the entire zone established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

*Continuous Discharge***C**a discharge which occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance, process changes, or other similar activities.

*CWA***C**the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 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.

*CWA and Regulations***C**the Clean Water Act (CWA) and applicable regulations promulgated thereunder. In the case of an approved state program, it includes state program requirements.

*Daily Discharge***C**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 units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the 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 day.

*Direct Discharge***C**the discharge of a pollutant.

*Director***C**the EPA regional administrator or the state administrative authority, as the context requires, or an authorized representative. When there is no approved state program, and there is an EPA administered program, director means the EPA regional administrator. When there is an approved state program, director normally means the state administrative authority. In some circumstances, however, EPA retains the authority to take certain actions even when there is an approved state program. (For example, when EPA has issued an NPDES permit prior to the approval of a state program, EPA may retain jurisdiction over that permit after program approval, see 40 CFR 123.1.) In such cases, the term director means the EPA regional administrator and not the state administrative authority.

*Discharge***C**when used without qualification means the discharge of a pollutant.

*Discharge of a Pollutant***C**any addition of any pollutant or combination of pollutants to waters of the state from any point source, or any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This definition includes additions of pollutants into waters of the state from: surface runoff which is collected or channelled by man; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharger.

*Discharge Monitoring Report (DMR)***C**the uniform form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by permittees. DMRs must be used by approved states as well as by EPA. EPA will supply DMRs to any approved state upon request. The forms may be modified to substitute the

state agency name, address, logo, and other similar information, as appropriate, in place of EPA's.

*DMR***C**discharge monitoring report.

*Draft Permit***C**a document prepared under LAC 33:IX.2409 indicating the state administrative authority's tentative decision to issue or deny, modify, revoke and reissue, terminate, or reissue a permit. A notice of intent to terminate a permit, and a notice of intent to deny a permit, as discussed in LAC 33:IX.2407, are types of draft permits. A denial of a request for modification, revocation and reissuance, or termination, as discussed in LAC 33:IX.2407, is not a draft permit. A proposed permit is not a draft permit.

*Effluent Limitation***C**any restriction imposed by the director on quantities, discharge rates, and concentrations of pollutants which are discharged from point sources into waters of the state, the waters of the contiguous zone, or the ocean.

*Effluent Limitations Guidelines***C**a regulation published by the administrator under section 304(b) of the CWA to adopt or revise effluent limitations.

*Environmental Protection Agency (EPA)***C**the United States Environmental Protection Agency.

*EPA***C**the United States Environmental Protection Agency.

*Facility or Activity***C**any LPDES point source or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the LPDES program.

*Federal Indian Reservation***C**all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation.

*General Permit***C**an LPDES permit issued under LAC 33:IX.2345 authorizing a category of discharges under the Louisiana Environmental Quality Act (LEQA) within a geographical area.

*Hazardous Substance***C**any substance designated under 40 CFR part 116 pursuant to section 311 of the CWA.

*Indian Tribe***C**any Indian tribe, band, group, or community recognized by the secretary of the Interior and exercising governmental authority over a federal Indian reservation.

*Indirect Discharger***C**a nondomestic discharger introducing pollutants to a publicly owned treatment works.

*Interstate Agency***C**an agency of two or more states established by or under an agreement or compact approved by the Congress, or any other agency of two or more states having substantial powers or duties pertaining to the control of pollution as determined and approved by the Administrator under the CWA and regulations.

*Major Facility***C**any LPDES facility or activity classified as such by the EPA regional administrator, or, in the case of approved state programs, the EPA regional administrator in conjunction with the state administrative authority.

*Maximum Daily Discharge Limitation***C**the highest allowable daily discharge.

*Municipality***C**a city, town, borough, county, parish, district, association, or other public body created by or under state law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA.

*National Pollutant Discharge Elimination System (NPDES)***C**the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the CWA.

*New Discharger***C**any building, structure, facility, or installation:

(a). from which there is or may be a discharge of pollutants;

(b). that did not commence the discharge of pollutants at a particular site prior to August 13, 1979;

(c). which is not a new source; and

(d). which has never received a finally effective permit for discharges at that site. This definition includes an indirect discharger which commences discharging into waters of the state after August 13, 1979. It also includes any existing mobile point source (other than an offshore or coastal oil and gas exploratory drilling rig or a coastal oil and gas developmental drilling rig) such as a seafood processing rig, seafood processing vessel, or aggregate plant, that begins discharging at a site for which it does not have a permit; and any offshore or coastal mobile oil and gas exploratory drilling rig or coastal mobile oil and gas developmental drilling rig that commences the discharge of pollutants after August 13, 1979, at a site under EPA's permitting jurisdiction for which it is not covered by an individual or general permit and which is located in an area determined by the EPA regional administrator in the issuance of a final permit to be an area of biological concern. In determining whether an area is an area of biological concern, the state administrative authority shall consider the factors specified in LAC 33:IX.2749.A.1-10. An offshore or coastal mobile exploratory drilling rig or coastal mobile developmental drilling rig will be considered a new discharger only for the duration of its discharge in an area of biological concern.

*New Source***C**any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(a). after promulgation of standards of performance under section 306 of the CWA which are applicable to such source, or

(b). after proposal of standards of performance in accordance with section 306 of the CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal.

*NPDES***C**National Pollutant Discharge Elimination System.

*Owner or Operator***C**the owner or operator of any facility or activity subject to regulation under the LPDES program.

*Permit***C**an authorization, license, or equivalent control document issued by EPA under NPDES or by the state administrative authority under LPDES to implement the requirements of LAC 33:IX.Chapter 23.Subchapters A - G and 40 CFR part 123. Permit includes an NPDES or LPDES general permit (LAC 33:IX.2345). Permit does not include any permit which has not yet been the subject of final agency action, such as a draft permit or a proposed permit.

*Person***C**an individual, association, partnership, corporation, municipality, state or federal agency, or an agent or employee thereof.

*Point Source***C**any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff. (See LAC 33:IX.2315).

*Pollutant***C**for the purposes of the Louisiana Pollutant Discharge Elimination System, as defined in the act, dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, except those regulated under the Atomic Energy Act of 1954, 42 U.S.C. 2011 et seq., as amended, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. For the purposes of the Louisiana Pollutant Discharge Elimination System, as defined in the act, *Pollutant* does not mean:

(a). water, gas, waste, or other material that is injected into a well for disposal in accordance with a permit approved by the Department of Natural Resources or the Department of Environmental Quality; or

(b). water, gas, or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the state in which the well is located, and if the state determines that the injection or disposal will not result in the degradation of ground or surface water resources.

NOTE: Radioactive materials covered by the Atomic Energy Act are those encompassed in its definition of source, by-product, or special nuclear materials. Examples of materials not covered include radium and accelerator-produced isotopes. See Train v. Colorado Public Interest Research Group, Inc., 426 U.S. 1 (1976).

*POTW***C**publicly owned treatment works.

*Primary Industry Category***C**any industry category listed in the NRDC settlement agreement (Natural Resources Defense Council et al. v. Train, 8 E.R.C. 2120 (D.D.C. 1976), modified 12 E.R.C. 1833 (D.D.C. 1979)); also listed in LAC 33:IX.Chapter 23. Appendix A.

*Privately Owned Treatment Works***C**any device or system which is

(a). used to treat wastes from any facility whose operator is not the operator of the treatment works and

(b). not a POTW.

*Process Wastewater***C**any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

*Proposed Permit***C**a LPDES permit prepared after the close of the public comment period (and, when applicable, any public hearing and administrative appeals) which is sent to EPA for review before final issuance by the state. A proposed permit is not a draft permit.

Publicly Owned Treatment Works (POTW) **C**any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a state or municipality. This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

*Recommencing Discharger***C**a source which recommences discharge after terminating operations.

*Regional Administrator***C**the EPA regional administrator of the appropriate regional office of the Environmental Protection Agency or the authorized representative of the EPA regional administrator.

*Schedule of Compliance***C**a schedule of remedial measures included in a permit, including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the CWA and regulations.

*Secondary Industry Category***C**any industry category which is not a primary industry category.

*Secretary***C**the secretary of the Army, acting through the chief of engineers.

*Septage***C**the liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment

system, or a holding tank when the system is cleaned or maintained.

*Sewage from Vessels***C**human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes that are discharged from vessels and regulated under section 312 of the CWA.

*Sewage Sludge***C**any solid, semi-solid, 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, 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.

*Sewage Sludge Use or Disposal Practice***C**the collection, storage, treatment, transportation, processing, monitoring, use, or disposal of sewage sludge.

*Site***C**the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

*Sludge-only Facility***C**any treatment works treating domestic sewage whose methods of sewage sludge use or disposal are subject to regulations promulgated pursuant to section 405(d) of the CWA, and is required to obtain a permit under LAC 33:IX.2311.A.3.

*Standards for Sewage Sludge Use or Disposal***C**the regulations promulgated pursuant to section 405(d) of the CWA which govern minimum requirements for sludge quality, management practices, and monitoring and reporting applicable to sewage sludge or the use or disposal of sewage sludge by any person.

*State***C**any of the 50 states, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, or an Indian tribe as defined in these regulations which meets the requirements of 40 CFR 123.31 and this Chapter.

*State Administrative Authority***C**the chief administrative officer of any state or interstate agency operating an approved program, or the delegated representative of the state administrative authority. If responsibility is divided among two or more state or interstate agencies, state administrative authority means the chief administrative officer of the state or interstate agency authorized to perform the particular procedure or function to which reference is made.

*State/EPA Agreement***C**an agreement between the EPA regional administrator and the state which coordinates EPA and state activities, responsibilities and programs including those under the CWA programs.

*Total Dissolved Solids***C**the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR part 136 (See LAC 33:IX.2531).

*Toxic Pollutant***C**any pollutant listed as toxic under section 307(a)(1), or, in the case of sludge use or disposal practices, any pollutant identified in regulations implementing section 405(d) of the CWA.

*Treatment Works Treating Domestic Sewage***C**a POTW or any other sewage sludge or wastewater treatment devices or systems, regardless of ownership (including federal facilities), used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated for the disposal of sewage sludge. This definition does not include septic tanks or similar devices. For purposes of this definition, domestic sewage includes waste and wastewater from humans or household operations that are discharged to or otherwise enter a treatment works. In states where there is no approved state sludge management program under section 405(f) of the CWA, the EPA regional administrator may designate any person subject to the standards for sewage sludge use and disposal in 40 CFR part 503 as a treatment works treating domestic sewage, where he or she finds that there is a potential for adverse effects on public health and the environment from poor sludge quality or poor sludge handling, use or disposal practices, or where he or she finds that such designation is necessary to ensure that such person is in compliance with 40 CFR part 503.

*Variance***C**any mechanism or provision under section 301 or 316 of the CWA or under LAC 33:IX.Chapter 23.Subchapters H-M and Subchapters O and P, or in the applicable effluent limitations guidelines which allows modification to or waiver of the generally applicable effluent limitation requirements or time deadlines of the CWA. This includes provisions which allow the establishment of alternative limitations based on fundamentally different factors or on sections 301(c), 301(g), 301(h), 301(i), or 316(a) of the CWA.

*Waters of the State***C**for 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 that 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.

*Wetlands***C**those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient

to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Whole Effluent Toxicity—the aggregate toxic effect of an effluent measured directly by a toxicity test.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Water Pollution Control Division, LR 23:722 (June 1997), LR 23:1523 (November 1997).

§2315. Exclusions

The following discharges do not require LPDES permits:

1. any discharge of sewage from vessels, effluent from properly functioning marine engines, laundry, shower, and galley sink wastes, or any other discharge incidental to the normal operation of a vessel. This exclusion does not apply to rubbish, trash, garbage, or other such materials discharged overboard; nor to other discharges when the vessel is operating in a capacity other than as a means of transportation such as when used as an energy or mining facility, a storage facility or a seafood processing facility, or when secured to a storage facility or a seafood processing facility, or when secured to the bed of the ocean, contiguous zone or waters of the state for the purpose of mineral or oil exploration or development.

2. discharges of dredged or fill material into waters of the state which are regulated under section 404 of the CWA.

3. the introduction of sewage, industrial wastes or other pollutants into publicly owned treatment works by indirect dischargers. Plans or agreements to switch to this method of disposal in the future do not relieve dischargers of the obligation to have and comply with permits until all discharges of pollutants to waters of the state are eliminated. (See also LAC 33:IX.2367.B). This exclusion does not apply to the introduction of pollutants to privately owned treatment works or to other discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other party not leading to treatment works.

4. any discharge in compliance with the instructions of an On-Scene Coordinator pursuant to 40 CFR part 300 (The National Oil and Hazardous Substances Pollution Contingency Plan) or 33 CFR 153.10(e) (Pollution by Oil and Hazardous Substances).

5. any introduction of pollutants from nonpoint source agricultural and silvicultural activities, including storm water runoff from orchards, cultivated crops, pastures, range lands, and forest lands, but not discharges from concentrated animal feeding operations as defined in LAC 33:IX.2335, discharges from concentrated aquatic animal production facilities as defined in LAC 33:IX.2337, discharges to aquaculture projects as defined in LAC 33:IX.2339, and discharges from silvicultural point sources as defined in LAC 33:IX.2343.

6. return flows from irrigated agriculture.

7. discharges into a privately owned treatment works, except as the state administrative authority may otherwise require under LAC 33:IX.2361.M.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2317. Prohibitions

No permit may be issued:

1. when the conditions of the permit do not provide for compliance with the applicable requirements of the CWA and the LEQA, or regulations promulgated under the CWA and the LEQA;

2. when the applicant is required to obtain a state or other appropriate certification under section 401 of the CWA and 40 CFR 124.53 and that certification has not been obtained or waived;

3. by the state administrative authority where the EPA regional administrator has objected to issuance of the permit under 40 CFR 123.44;

4. when the imposition of conditions cannot ensure compliance with the applicable water quality requirements of all affected states;

5. when, in the judgment of the secretary, anchorage and navigation in or on any of the waters of the state would be substantially impaired by the discharge;

6. for the discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste;

7. for any discharge inconsistent with a plan or plan amendment approved under section 208(b) of the CWA;

8. for any discharge to the territorial sea, the waters of the contiguous zone, or the oceans in the following circumstances:

a. before the promulgation of guidelines under section 403(c) of the CWA (for determining degradation of the waters of the territorial seas, the contiguous zone, and the oceans) unless the director determines permit issuance to be in the public interest; or

b. after promulgation of guidelines under section 403(c) of the CWA, when insufficient information exists to make a reasonable judgment whether the discharge complies with them.

9. to a new source or a new discharger, if the discharge from its construction or operation will cause or contribute to the violation of water quality standards. The owner or operator of a new source or new discharger proposing to discharge into a water segment which does not meet applicable water quality standards or is not expected to meet those standards even after the application of the effluent limitations required by sections 301(b)(1)(A) and 301(b)(1)(B) of the CWA, and for which the state or

interstate agency has performed a pollutants load allocation for the pollutant to be discharged, must demonstrate, before the close of the public comment period, that:

a. there are sufficient remaining pollutant load allocations to allow for the discharge; and

b. the existing dischargers into that segment are subject to compliance schedules designed to bring the segment into compliance with applicable water quality standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2319. Effect of a Permit

A.1. Except for any toxic effluent standards and prohibitions imposed under Section 307 of the CWA and standards for sewage sludge use or disposal under 405(d) of the CWA, compliance with a permit during its term constitutes compliance, for purposes of enforcement, with Sections 301, 302, 306, 307, 318, 403, and 405 (a)-(b) of the CWA. However, a permit may be modified, revoked and reissued, or terminated during its term for cause as set forth in LAC 33:IX.2383, 2387, and 2769.

2. Compliance with a permit condition which implements a particular standard for sewage sludge use or disposal shall be an affirmative defense in any enforcement action brought for a violation of that standard for sewage sludge use or disposal pursuant to sections 405(e) and 309 of the CWA.

B. The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.

C. The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:723 (June 1997).

§2321. Continuation of Expiring Permits

A. When DEQ is the permit-issuing authority, the conditions of an expired permit continue in force under R.S. 30:2023(C), R.S. 49:961(B), and LAC 33:IX.2301.D.4 until the effective date of a new permit (see LAC 33:IX.2425) if:

1. the permittee has submitted a timely application under LAC 33:IX.2331 which is a complete (under LAC 33:IX.2331.E) application for a new permit; and

2. the state administrative authority, through no fault of the permittee does not issue a new permit with an effective date under LAC 33:IX.2425 on or before the expiration date of the previous permit (for example, when issuance is impracticable due to time or resource constraints).

B. Effect. Permits continued under this Section remain fully effective and enforceable.

C. Enforcement. When the permittee is not in compliance with the conditions of the expiring or expired permit the state administrative authority may choose to do any or all of the following:

1. initiate enforcement action based upon the permit which has been continued;

2. issue a notice of intent to deny the new permit under LAC 33:IX.2409. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

3. issue a new permit under LAC 33:IX.Chapter 23.Subchapters E- G with appropriate conditions; or

4. take other actions authorized by these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:1523 (November 1997).

§2323. Confidentiality of information

A. Claims of confidentiality for the following information will be denied:

1. the name and address of any permit applicant or permittee;

2. permit applications, permits, and effluent data.

B. Information required by LPDES application forms provided by the state administrative authority under LAC 33:IX.2331 may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

C. Additional information concerning nondisclosure of confidential information is found in LAC 33:I.Chapter 5 and LAC 33:IX.2763.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:723 (June 1997).

Subchapter B. Permit Application and Special LPDES Program Requirements

§2331. Application for a Permit

A. Duty to Apply. Any person who discharges or proposes to discharge pollutants or who owns or operates a sludge-only facility and who does not have an effective permit, except persons covered by general permits under LAC 33:IX.2345, excluded under LAC 33:IX.2315, or a user of a privately owned treatment works unless the state administrative authority requires otherwise under LAC 33:IX.2361.M, shall submit a complete application (which

shall include a BMP program if necessary under LAC 33:IX.2565) to the state administrative authority in accordance with this Section and LAC 33:IX.Chapter 23.Subchapters E - G.

B. Who Applies? When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit.

C. Time to Apply.

1. Permits under section 405(f) of the CWA

a. Any existing treatment works treating domestic sewage required to have, or requesting site-specific pollutant limits as provided in 40 CFR part 503, must submit the permit application information required by LAC 33:IX.2331.D.3.b within 180 days after publication of a standard applicable to its sewage sludge use or disposal practice(s). After this 180 day period, treatment works treating domestic sewage may only apply for site-specific pollutant limits for good cause and such requests must be made within 180 days of becoming aware that good cause exists.

b. Any treatment works treating domestic sewage with a currently effective LPDES permit, not addressed under LAC 33:IX.2331.C.1.a, must submit the application information required by LAC 33:IX.2331.D.3.b at the time of its next LPDES permit renewal application. Such information must be submitted in accordance with LAC 33:IX.2331.D.

c. Any other existing treatment works treating domestic sewage not addressed under LAC 33:IX.2331.C.1.a or b must submit the information listed in LAC 33:IX.2331.C.1.c.i-v, to the state administrative authority within one year after publication of a standard applicable to its sewage sludge use or disposal practice(s). The state administrative authority shall determine when such treatment works treating domestic sewage must apply for a permit. The following information must be submitted:

i. name, mailing address and location of the treatment works treating domestic sewage;

ii. the operator's name, address, telephone number, ownership status, and status as federal, state, private, public or other entity;

iii. a description of the sewage sludge use or disposal practices (including, where applicable, the location of any sites where sewage sludge is transferred for treatment, use, or disposal, as well as the name of the applicator or other contractor who applies the sewage sludge to land, if different from the treatment works treating domestic sewage, and the name of any distributors if the sewage sludge is sold or given away in a bag or similar enclosure for application to the land, if different from the treatment works treating domestic sewage);

iv. annual amount of sewage sludge generated, treated, used or disposed (dry weight basis); and

v. the most recent data the treatment works treating domestic sewage may have on the quality of the sewage sludge.

d. Notwithstanding LAC 33:IX.2331.C.1.a, b, or c, the state administrative authority may require permit applications from any treatment works treating domestic sewage at any time if the director determines that a permit is necessary to protect public health and the environment from any potential adverse effects that may occur from toxic pollutants in sewage sludge.

e. Any treatment works treating domestic sewage that commences operations after promulgation of an applicable standard for sewage sludge use or disposal shall submit an application to the state administrative authority at least 180 days prior to the date proposed for commencing operations.

D. Duty to Reapply

1. Any POTW with a currently effective permit shall submit a new application 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.)

2. All other permittees with currently effective permits shall submit a new application 180 days before the existing permit expires, except that the state administrative authority may grant permission to submit an application later than the deadline for submission otherwise applicable, but no later than the permit expiration date; and

3.a. All applicants for LPDES permits, other than POTWs, new sources, and sludge-only facilities, must complete Forms 1 and either 2b or 2c of the consolidated permit application forms to apply under LAC 33:IX.2331 and LAC 33:IX.2331.F, G, and H.

b. In addition to any other applicable requirements in this Chapter, all POTWs and other treatment works treating domestic sewage, including sludge-only facilities, must submit with their applications the information listed at 40 CFR 501.15(a)(2) within the time frames established in LAC 33:IX.2331.C.1.

E. Completeness. The state administrative authority shall not issue a permit before receiving a complete application for a permit except for LPDES general permits. An application for a permit is complete when the state administrative authority receives an application form and any supplemental information which are completed to his or her satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity. For the DEQ administered LPDES program, an application which is reviewed under LAC 33:IX.2405 is complete when the state administrative authority receives either a complete application or the information listed in a notice of deficiency.

F. Information Requirements. All applicants for LPDES permits shall provide the following information to the state administrative authority, using the application form provided by the state administrative authority (additional information required of applicants is set forth in Subsections G - K of this Section and LAC 33:I.1701):

1. the activities conducted by the applicant which require it to obtain an LPDES permit;

2. name, mailing address, and location of the facility for which the application is submitted;

3. up to four SIC codes which best reflect the principal products or services provided by the facility;

4. the operator's name, address, telephone number, ownership status, and status as federal, state, private, public, or other entity;

5. whether the facility is located on Indian lands;

6. a listing of all permits or construction approvals received or applied for under any of the following programs:

a. Hazardous Waste Management program under RCRA;

b. UIC program under SDWA;

c. NPDES program under CWA;

d. Prevention of Significant Deterioration (PSD) program under the Clean Air Act;

e. nonattainment program under the Clean Air Act;

f. National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act;

g. ocean dumping permits under the Marine Protection Research and Sanctuaries Act;

h. dredge or fill permits under section 404 of the CWA; and

i. other relevant environmental permits, including state permits;

7. a topographic map (or other map if a topographic map is unavailable) extending one mile beyond the property boundaries of the source, depicting the facility and each of its intake and discharge structures; each of its hazardous waste treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant in the map area;

8. a brief description of the nature of the business; and

9. additional application requirements in LAC 33:IX.2765.A and LAC 33:I.1701.

G. Application Requirements for Existing Manufacturing, Commercial, Mining, and Silvicultural Dischargers. Existing manufacturing, commercial, mining, and silvicultural dischargers applying for LPDES permits, except for those facilities subject to the requirements of Subsection H of this Section, shall provide the following information to the state administrative authority, using application forms provided by the state administrative authority:

1. Outfall Location. The latitude and longitude to the nearest 15 seconds and the name of the receiving water. Additional outfall location requirements are found in LAC 33:IX.2765.B.

2. Line Drawing. A line drawing of the water flow through the facility with a water balance, showing operations contributing wastewater to the effluent and treatment units. Similar processes, operations, or production areas may be indicated as a single unit, labeled to correspond to the more detailed identification under LAC 33:IX.2331.G.3. The water balance must show approximate average flows at intake and discharge points and between units, including treatment units. If a water balance cannot be determined (for example, for certain mining activities), the applicant may provide instead a pictorial description of the nature and amount of any sources of water and any collection and treatment measures.

3. Average Flows and Treatment. A narrative identification of each type of process, operation, or production area which contributes wastewater to the effluent for each outfall, including process wastewater, cooling water, and storm water runoff; the average flow which each process contributes; and a description of the treatment the wastewater receives, including the ultimate disposal of any solid or fluid wastes other than by discharge. Processes, operations, or production areas may be described in general terms (for example, dye-making reactor, distillation tower). For a privately owned treatment works, this information shall Include the identity of each user of the treatment works. The average flow of point sources composed of storm water may be estimated. The basis for the rainfall event and the method of estimation must be indicated.

4. Intermittent Flows. If any of the discharges described in LAC 33:IX.2331.G.3 are intermittent or seasonal, a description of the frequency, duration and flow rate of each discharge occurrence (except for storm water runoff, spillage or leaks).

5. Maximum Production. If an effluent guideline promulgated under section 304 of the CWA applies to the applicant and is expressed in terms of production (or other measure of operation), a reasonable measure of the applicant's actual production reported in the units used in the applicable effluent guideline. The reported measure must reflect the actual production of the facility as required by LAC 33:IX.2363.B.2.

6. Improvements. If the applicant is subject to any present requirements or compliance schedules for construction, upgrading or operation of waste treatment equipment, an identification of the abatement requirement, a description of the abatement project, and a listing of the required and projected final compliance dates.

7. Effluent Characteristics. Information on the discharge of pollutants specified in this Paragraph (except information on storm water discharges which is to be provided as specified in LAC 33:IX.2341). When quantitative data for a pollutant are required, the applicant must collect a sample of effluent and analyze it for the pollutant in accordance with analytical methods approved under 40 CFR part 136 (See LAC 33:IX.2531). When no analytical method is approved the applicant may use any suitable method but must provide a description of the method. When an applicant has two or more outfalls with substantially identical effluents, the state administrative authority may allow the applicant to test only one outfall and report that the quantitative data also apply to the substantially identical outfalls. The requirements in LAC 33:IX.2331.G.7.c and d that an applicant must provide quantitative data for certain pollutants known or believed to be present do not apply to pollutants present in a discharge solely as the result of their presence in intake water; however, an applicant must report such pollutants as present. Grab samples must be used for pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, fecal coliform and fecal streptococcus. For all other pollutants, 24 - hour composite samples must be used. However, a minimum of one grab sample may be taken for effluents from holding ponds or other impoundments with a retention period greater than 24 hours. In addition, for discharges other than storm water discharges, the state administrative authority may waive composite sampling for any outfall for which the applicant demonstrates that the use of an automatic sampler is infeasible and that the minimum of four grab samples will be a representative sample of the effluent being discharged. For storm water discharges, all samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inch and at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Where feasible, the variance in the duration of the event and the total rainfall of the event should not exceed 50 percent from the average or median rainfall event in that area. For all applicants, a flow-weighted composite shall be taken for either the entire discharge or for the first three hours of the discharge. The flow-weighted composite sample for a storm water discharge may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of 15 minutes (applicants submitting permit applications for storm water discharges under LAC 33:IX.2341.D may collect flow weighted composite samples using different protocols with respect to the time duration between the collection of sample aliquots, subject to the approval of the state administrative authority). However, a minimum of one grab sample may be taken for storm water discharges from holding ponds or other impoundments with a retention period greater than 24 hours. For a flow-weighted composite sample, only one analysis of the composite of aliquots is required. For storm water discharge sampler, taken from discharges associated with industrial activities, quantitative data must be reported for the grab sample taken during the first 30 minutes (or as soon thereafter as practicable) of the discharge for all pollutants specified in LAC 33:IX.2341.C.1. For all storm water permit applicants taking flow-weighted composites, quantitative data must be reported for all pollutants specified in LAC 33:IX.2341 except pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, fecal coliform, and fecal streptococcus. The state administrative authority may allow or establish appropriate site-specific sampling procedures or requirements, including sampling locations, the season in which the sampling takes place, the minimum duration between the previous measurable storm event and the storm event sampled, the minimum or maximum level of precipitation required for an appropriate storm event, the form of precipitation sampled (snow melt or rain fall), protocols for collecting samples under 40 CFR part 136 (See LAC 33:IX.2531), and additional time for submitting data on a case-by-case basis. An applicant is expected to know or have reason to believe that a pollutant is present in an effluent based on an evaluation of the expected use, production, or storage of the pollutant, or on any previous analyses for the pollutant. (For example, any pesticide manufactured by a facility may be expected to be present in contaminated storm water runoff from the facility.)

a.i. every applicant must report quantitative data for every outfall for the following pollutants:

biochemical oxygen demand (BOD_5)

chemical oxygen demand

total organic carbon

total suspended solids

ammonia (as N)

temperature (both winter and summer)

pH

ii. the state administrative authority may waive the reporting requirements for individual point sources or for a particular industry category for one or more of the pollutants listed in LAC 33:IX.2331.G.7.a.i if the applicant has demonstrated that such a waiver is appropriate because information adequate to support issuance of a permit can be obtained with less stringent requirements.

b. each applicant with processes in one or more primary industry category (see LAC 33:IX.Chapter 23.Appendix A) contributing to a discharge must report quantitative data for the following pollutants in each outfall containing process wastewater:

i. the organic toxic pollutants in the fractions designated in LAC 33:IX.Chapter 23.Appendix D, Table I for the applicant's industrial category or categories unless the applicant qualifies as a small business under LAC 33:IX.2331.G.8. LAC 33:IX.Chapter 23.Appendix D, Table II lists the organic toxic pollutants in each fraction. The fractions result from the sample preparation required by the analytical procedure which uses gas chromatography/mass spectrometry. A determination that an applicant falls within

a particular industrial category for the purposes of selecting fractions for testing is not conclusive as to the applicant's inclusion in that category for any other purposes. [See Notes 2, 3, and 4 of this Section.]

ii. the pollutants listed in LAC 33:IX.Chapter 23.Appendix D, Table III (the toxic metals, cyanide, and total phenols).

c.i. each applicant must indicate whether it knows or has reason to believe that any of the pollutants in LAC 33:IX.Chapter 23.Appendix D, Table IV (certain conventional and nonconventional pollutants) are discharged from each outfall. If an applicable effluent limitations guideline either directly limits the pollutant or, by its express terms, indirectly limits the pollutant through limitations on an indicator, the applicant must report quantitative data. For every pollutant discharged which is not so limited in an effluent limitations guideline, the applicant must either report quantitative data or briefly describe the reasons the pollutant is expected to be discharged.

ii. each applicant must indicate whether it knows or has reason to believe that any of the pollutants listed in LAC 33:IX.Chapter 23.Appendix D, Table II or III (the toxic pollutants and total phenols) for which quantitative data are not otherwise required under LAC 33:IX.2331.G.7.b, are discharged from each outfall. For every pollutant expected to be discharged in concentrations of 10 ppb or greater the applicant must report quantitative data. For acrolein, acrylonitrile, 2,4- dinitrophenol, and 2-methyl-4,6-dinitrophenol, where any of these four pollutants are expected to be discharged in concentrations of 100 ppb or greater the applicant must report quantitative data. For every pollutant expected to be discharged in concentrations less than 10 ppb, or in the case of acrolein, acrylonitrile, 2,4-dinitrophenol, and 2-methyl 4,6-dinitrophenol, in concentrations less than 100 ppb, the applicant must either submit quantitative data or briefly describe the reasons the pollutant is expected to be discharged. An applicant qualifying as a small business under LAC 33:IX.2331.G.8 is not required to analyze for pollutants listed in LAC 33:IX.Chapter 23.Appendix D, Table II (the organic toxic pollutants).

d. each applicant must indicate whether it knows or has reason to believe that any of the pollutants in LAC 33:IX.Chapter 23.Appendix D, Table V (certain hazardous substances and asbestos) are discharged from each outfall. For every pollutant expected to be discharged, the applicant must briefly describe the reasons the pollutant is expected to be discharged, and report any quantitative data it has for any pollutant.

e. each applicant must report qualitative data, generated using a screening procedure not calibrated with analytical standards, for 2,3,7,8 - tetrachlorodibenzo-p-dioxin (TCDD) if it:

i. uses or manufactures 2,4,5-trichlorophenoxy acetic acid (2,4,5,-T); 2-(2,4,5-trichlorophenoxy) propanoic acid (Silvex, 2,4,5,-TP); 2-(2,4,5 trichlorophenoxy) ethyl, 2,2-dichloropropionate (Erbon); O,O-dimethyl O-(2,4,5-trichlorophenyl) phosphorothioate (Ronnel); 2,4,5-trichlorophenol (TCP); or hexachlorophene (HCP); or

ii. knows or has reason to believe that TCDD is or may be present in an effluent.

8. Small Business Exemption. An applicant which qualifies as a small business under one of the following criteria is exempt from the requirements in LAC 33:IX.2331.G.7.b.i or c.i to submit quantitative data for the pollutants listed in LAC 33:IX.Chapter 23.Appendix D.Table II (the organic toxic pollutants):

a. for coal mines, a probable total annual production of less than 100,000 tons per year.

b. for all other applicants, gross total annual sales averaging less than $100,000 per year (in second quarter 1980 dollars).

9. Used or Manufactured Toxics. A listing of any toxic pollutant which the applicant currently uses or manufactures as an intermediate or final product or by-product. The state administrative authority may waive or modify this requirement for any applicant if the applicant demonstrates that it would be unduly burdensome to identify each toxic pollutant and the state administrative authority has adequate information to Issue the permit.

10. Reserved

11. Biological Toxicity Tests. An identification of any biological toxicity tests which the applicant knows or has reason to believe have been made within the last three years on any of the applicant's discharges or on a receiving water in relation to a discharge.

12. Contract Analyses. If a contract laboratory or consulting firm performed any of the analyses required by LAC 33:IX.2331.G.7, the identity of each laboratory or firm and the analyses performed.

13. Additional Information. In addition to the information reported on the application form, applicants shall provide to the state administrative authority, at his or her request, such other information as the state administrative authority may reasonably require to assess the discharges of the facility and to determine whether to issue an LPDES permit. The additional information may include additional quantitative data and bioassays to assess the relative toxicity of discharges to aquatic life and requirements to determine the cause of the toxicity.

H. Application Requirements for Manufacturing, Commercial, Mining and Silvicultural Facilities Which Discharge Only Nonprocess Wastewater. Except for stormwater discharges, all manufacturing, commercial, mining and silvicultural dischargers applying for LPDES permits which discharge only nonprocess wastewater not regulated by an effluent limitations guideline or new source performance standard shall provide the following information to the state administrative authority, using application forms provided by the state administrative authority:

1. Outfall Location. Outfall number, latitude and longitude to the nearest 15 seconds, and the name of the receiving water. Additional outfall location requirements are found in LAC 33:IX.2765.B.

2. Discharge Date (for new dischargers). Date of expected commencement of discharge.

3. Type of Waste. An identification of the general type of waste discharged, or expected to be discharged upon commencement of operations, including sanitary wastes, restaurant or cafeteria, wastes, or noncontact cooling water. An identification of cooling water additives (if any) that are used or expected to be used upon commencement of operations, along with their composition if existing composition is available.

4. Effluent Characteristics.

a. Quantitative data for the pollutants or parameters listed below, unless testing is waived by the state administrative authority. The quantitative data may be data collected over the past 365 days, if they remain representative of current operations, and must include maximum daily value, average daily value, and number of measurements taken. The applicant must collect and analyze samples in accordance with 40 CFR part 136 (See LAC 33:IX.2531). Grab samples must be used for pH, temperature, oil and grease, total residual chlorine. and fecal coliform. For all other pollutants, 24-hour composite samples must be used. New dischargers must include estimates for the pollutants or parameters listed below instead of actual sampling data, along with the source of each estimate. All levels must be reported or estimated as concentration and as total mass, except for flow, pH, and temperature.

i. biochemical oxygen demand (BOD_5);

ii. total suspended solids (TSS);

iii. fecal coliform (if believed present or if sanitary waste is or will be discharged);

iv. total residual chlorine (if chlorine is used);

v. oil and grease;

vi. chemical oxygen demand (COD) (if non-contact cooling water is or will be discharged);

vii. total organic carbon (TOC) (if non-contact cooling water is or will be discharged);

viii. ammonia (as N);

ix. discharge flow;

x. pH; and

xi. temperature (winter and summer).

b. The state administrative authority may waive the testing and reporting requirements for any of the pollutants or flow listed in Subsection H.4.a of this Section if the applicant submits a request for such a waiver before or with his application which demonstrates that information adequate to support issuance of a permit can be obtained through less stringent requirements.

c. If the applicant is a new discharger, he must complete and submit Item IV of Form 2E (see Subsection H.4 of this Section) by providing quantitative data in accordance with that section no later than two years after commencement of discharge. However, the applicant need not complete those portions of Item IV requiring tests which he has already performed and reported under the discharge monitoring requirements of his LPDES permit.

d. The requirements of Subsection H.4.a and c of this Section that an applicant must provide quantitative data or estimates of certain pollutants do not apply to pollutants present in a discharge solely as a result of their presence in intake water. However, an applicant must report such pollutants as present. Net credit may be provided for the presence of pollutants in intake water if the requirements of LAC 33:IX.2363.G are met.

5. Flow. A description of the frequency of flow and duration of any seasonal or intermittent discharge (except for stormwater runoff, leaks, or spills).

6. Treatment System. A brief description of any system used or to be used.

7. Optional Information. Any additional information the applicant wishes to be considered, such as influent data for the purpose of obtaining net credits pursuant to LAC 33:IX.2363.G.

8. Certification. Signature of certifying official under LAC 33:IX.2333.

I. Application Requirements for New and Existing Concentrated Animal Feeding Operations and Aquatic Animal Production Facilities. New and existing concentrated animal feeding operations (defined in LAC 33:IX.2335) and concentrated aquatic animal production facilities (defined in LAC 33:IX.2337) shall provide the following information to the state administrative authority, using the application form provided by the state administrative authority:

1. For concentrated animal feeding operations:

a. the type and number of animals in open confinement and housed under roof;

b. the number of acres used for confinement feeding; and

c. the design basis for the runoff diversion and control system, if one exists, including the number of acres of contributing drainage, the storage capacity, and the design safety factor.

2. For concentrated aquatic animal production facilities:

a. the maximum daily and average monthly flow from each outfall;

b. the number of ponds, raceways, and similar structures;

c. the name of the receiving water and the source of intake water;

d. for each species of aquatic animals, the total yearly and maximum harvestable weight; and

e. the calendar month of maximum feeding and the total mass of food fed during that month.

J. Application Requirements for New and Existing POTWs

1. The following POTWs shall provide the results of valid whole effluent biological toxicity testing to the state administrative authority:

a. all POTWs with design influent flows equal to or greater than one million gallons per day;

b. all POTWs with approved pretreatment programs or POTWs required to develop a pretreatment program;

2. In addition to the POTWs listed in LAC 33:IX.2331.J.1, the state administrative authority may require other POTWs to submit the results of toxicity tests with their permit applications, based on consideration of the following factors:

a. the variability of the pollutants or pollutant parameters in the POTW effluent (based on chemical-specific information, the type of treatment facility, and types of industrial contributors);

b. the dilution of the effluent in the receiving water (ratio of effluent flow to receiving stream flow);

c. existing controls on point or nonpoint sources, including total maximum daily load calculations for the waterbody segment and the relative contribution of the POTW;

d. receiving stream characteristics, including possible or known water quality impairment, and whether the POTW discharges to a coastal water, or a water designated as an outstanding natural resource; or

e. other considerations (including but not limited to the history of toxic impact and compliance problems at the POTW), which the state administrative authority determines could cause or contribute to adverse water quality impacts.

3. For POTWs required under LAC 33:IX.2331.J.1 or 2 to conduct toxicity testing, POTWs shall use EPA's methods or other established protocols which are scientifically defensible and sufficiently sensitive to detect aquatic toxicity. Such testing must have been conducted since the last LPDES permit reissuance or permit modification under LAC 33:IX.2383.A, whichever occurred later.

4. All POTWs with approved pretreatment programs shall provide the following information to the director: a written technical evaluation of the need to revise local limits under LAC 33:IX.2709.C.1.

K. Application Requirements for New Sources and New Discharges. New manufacturing, commercial, mining and silvicultural dischargers applying for LPDES permits (except for new discharges of facilities subject to the requirements of Subsection H of this Section or new discharges of storm water associated with industrial activity which are subject to the requirements of LAC 33:IX.2341.C.1 and this Section [except as provided by LAC 33:IX.2341.C.1.b]) shall provide the following information to the state administrative authority, using the application forms provided by the state administrative authority:

1. Expected Outfall Location. The latitude and longitude to the nearest 15 seconds and the name of the receiving water. Additional outfall location requirements are found in LAC 33:IX.2765.B.

2. Discharge Dates. The expected date of commencement of discharge.

3. Flows, Sources of Pollution, and Treatment Technologies;

a. Expected Treatment of Wastewater. Description of the treatment that the wastewater will receive, along with all operations contributing wastewater to the effluent, average flow contributed by each operation, and the ultimate disposal of any solid or liquid wastes not discharged.

b. Line Drawing. A line drawing of the water flow through the facility with a water balance as described in LAC 33:IX.2331.G.2.

c. Intermittent Flows. If any of the expected discharges will be intermittent or seasonal, a description of the frequency, duration and maximum daily flow rate of each discharge occurrence (except for storm water runoff, spillage, or leaks).

4. Production. If a new source performance standard promulgated under section 306 of the CWA or an effluent limitation guideline applies to the applicant and is expressed in terms of production (or other measure of operation), a reasonable measure of the applicant's expected actual production reported in the units used in the applicable effluent guideline or new source performance standard as required by LAC 33:IX.2363.B.2 for each of the first three years. Alternative estimates may also be submitted if production is likely to vary.

5. Effluent Characteristics. The requirements in LAC 33:IX.2331.H.4.a, b, and c that an applicant must provide estimates of certain pollutants expected to be present do not apply to pollutants present in a discharge solely as a result of their presence in intake water; however, an applicant must report such pollutants as present. Net credits may be provided for the presence of pollutants in intake water if the requirements of LAC 33:IX.2363.G are met. All levels (except for discharge flow, temperature, and pH) must be estimated as concentration and as total mass.

a. Each applicant must report estimated daily maximum, daily average, and source of information for each outfall for the following pollutants or parameters. The state administrative authority may waive the reporting requirements for any of these pollutants and parameters if

the applicant submits a request for such a waiver before or with his application which demonstrates that information adequate to support issuance of the permit can be obtained through less stringent reporting requirements.

i. biochemical oxygen demand (BOD);

ii. chemical oxygen demand (COD);

iii. total organic carbon (TOC);

iv. total suspended solids (TSS);

v. flow;

vi. ammonia (as N);

vii. temperature (winter and summer); and

viii. pH.

b. Each applicant must report estimated daily maximum, daily average, and source of information for each outfall for the following pollutants, if the applicant knows or has reason to believe they will be present or if they are limited by an effluent limitation guideline or new source performance standard either directly or indirectly through limitations on an indicator pollutant: all pollutants in LAC 33:IX.Chapter 23.Appendix D.Table IV (certain conventional and nonconventional pollutants).

c. Each applicant must report estimated daily maximum, daily average and source of information for the following pollutants if he knows or has reason to believe that they will be present in the discharges from any outfall:

i. the pollutants listed in LAC 33:IX.Chapter 23.Appendix D.Table III (the toxic metals, in the discharge from any outfall: Total cyanide, and total phenols); and

ii. the organic toxic pollutants in LAC 33:IX.Chapter 23.Appendix D.Table II (except bis (chloromethyl) ether, dichlorofluoromethane and trichlorofluoromethane). This requirement is waived for applicants with expected gross sales of less than $100,000 per year for the next three years, and for coal mines with expected average production of less than 100,000 tons of coal per year.

d. The applicant is required to report that 2,3,7,8 tetrachlorodibenzo-p-dioxin (TCDD) may be discharged if he uses or manufactures one of the following compounds, or if he knows or has reason to believe that TCDD will or may be present in an effluent:

i. 2,4,5-trichlorophenoxy acetic acid (2,4,5-T) (CAS #93-76-5);

ii. 2-(2,4,5-trichlorophenoxy) propanoic acid (Silvex, 2,4,5-TP) (CAS #9372-1);

iii. 2-(2,4,5-trichlorophenoxy) ethyl 2,2 - dichloropropionate (Erbon) (CAS #136-25-4);

iv. O,O-dimethyl O-(2,4,5 trichlorophenyl) phosphorothioate (Ronnel) (CAS #299-84-3);

v. 2,4,5-trichlorophenol (TCP) (CAS #95-95-4); or

vi. hexachlorophene (HCP)(CAS #7030-4).

e. Each applicant must report any pollutants listed in LAC 33:IX.Chapter 23.Appendix D.Table V (certain hazardous substances) if he believes they will be present in any outfall (no quantitative estimates are required unless they are already available).

f. No later than two years after the commencement of discharge from the proposed facility, the applicant is required to complete and submit Items V and VI of LPDES application Form 2C (see LAC 33:IX.2331.G). However, the applicant need not complete those portions of Item V requiring tests which he has already performed and reported under the discharge monitoring requirements of his LPDES permit.

6. Engineering Report. Each applicant must report the existence of any technical evaluation concerning his wastewater treatment, along with the name and location of similar plants of which he has knowledge.

7. Other Information. Any optional information the permittee wishes to have considered.

8. Certification. Signature of certifying official under LAC 33:IX.2333.

L. Variance Requests by Non-POTWs. A discharger which is not a publicly owned treatment works (POTW) may request a variance from otherwise applicable effluent limitations under any of the following statutory or regulatory provisions within the times specified in this Subsection:

1. Fundamentally Different Factors.

a. A request for a variance based on the presence of fundamentally different factors from those on which the effluent limitations guideline was based shall be filed as follows:

i. for a request from best practicable control technology currently available (BPT), by the close of the public comment period under LAC 33:IX.2415.

ii. for a request from best available technology economically achievable (BAT) and/or best conventional pollutant control technology (BCT), by no later than:

(a). July 3, 1989, for a request based on an effluent limitation guideline promulgated before February 4, 1987, to the extent July 3, 1989 is not later than that provided under previously promulgated regulations; or

(b). 180 days after the date on which an effluent limitation guideline is published in the *Federal Register* for a request based on an effluent limitation guideline promulgated on or after February 4, 1987.

b. The request shall explain how the requirements of the applicable regulatory and/or statutory criteria have been met.

2. Nonconventional Pollutants. A request for a variance from the BAT requirements for CWA section 301(b)(2)(F) pollutants (commonly called non-conventional

pollutants) pursuant to section 301(c) of the CWA because of the economic capability of the owner or operator, or pursuant to section 301(g) of the CWA (provided however that a 301(g) variance may only be requested for ammonia; chlorine; color; iron; total phenols (4AAP) (when determined by the administrator to be a pollutant covered by section 301(b)(2)(F) and any other pollutant which the administrator lists under section 301(g)(4) of the CWA) must be made as follows:

a. for those requests for a variance from an effluent limitation based upon an effluent limitation guideline by:

i. submitting an initial request to the EPA regional administrator, as well as to the state administrative authority if applicable, stating the name of the discharger, the permit number, the outfall number(s), the applicable effluent guideline, and whether the discharger is requesting a CWA section 301(c) or section 301(g) modification or both. This request must have been filed no later than:

(a). September 25, 1978, for a pollutant which is controlled by a BAT effluent limitation guideline promulgated before December 27, 1977; or

(b). 270 days after promulgation of an applicable effluent limitation guideline for guidelines promulgated after December 27, 1977; and

ii. submitting a completed request no later than the close of the public comment period under LAC 33:IX.2415 demonstrating that the requirements of LAC 33:IX.2421 and the applicable requirements of LAC 33:IX.Chapter 23.Subchapters H - M and O - P have been met. Notwithstanding this provision, the complete application for a request under section 301(g) shall be filed 180 days before EPA must make a decision (unless the EPA Regional Division Director establishes a shorter or longer period).

b. for those requests for a variance from effluent limitations not based on effluent limitation guidelines, the request need only comply with LAC 33:IX.2331.L.2.a.ii and need not be preceded by an initial request under LAC 33:IX.2331.L.2.a.i.

3. Reserved

4. Reserved

5. Water Quality Related Effluent Limitations. A modification under CWA section 302(b)(2) of requirements under CWA section 302(a) for achieving water quality related effluent limitations may be requested no later than the close of the public comment period under LAC 33:IX.2415 on the permit from which the modification is sought.

6. Thermal Discharges. A variance under CWA section 316(a) for the thermal component of any discharge must be filed with a timely application for a permit under this Section, except that if thermal effluent limitations are established under CWA section 402(a)(1) or are based on water quality standards the request for a variance may be filed by the close of the public comment period under LAC 33:IX.2415. A copy of the request as required under LAC 33:IX.Chapter 23.Subchapter L, shall be sent simultaneously to the appropriate state or interstate certifying agency as required under LAC 33:IX.Chapter 23. Subchapter H - M and O - P. (See 40 CFR 124.65 for special procedures for CWA section 316(a) thermal variances.)

M. Variance Requests by POTWs. A discharger which is a publicly owned treatment works (POTW) may request a variance from otherwise applicable effluent limitations under any of the following statutory provisions as specified in this Subsection:

1. Discharges into Marine Waters. A request for a modification under CWA section 301(h) of requirements of CWA section 301(b)(1)(B) for discharges into marine waters must be filed in accordance with the requirements of 40 CFR part 125, subpart G.

2. Reserved

3. Water Quality Based Effluent Limitation. A modification under CWA section 302(b)(2) of the requirements under CWA section 302(a) for achieving water quality based effluent limitations shall be requested no later than the close of the public comment period under LAC 33:IX.2415 on the permit from which the modification is sought.

N. Expedited Variance Procedures and Time Extensions.

1. Notwithstanding the time requirements in LAC 33:IX.2331.L and M, the state administrative authority may notify a permit applicant before a draft permit is issued under LAC 33:IX.2409 that the draft permit will likely contain limitations which are eligible for variances. In the notice the state administrative authority may require the applicant as a condition of consideration of any potential variance request to submit a request explaining how the requirements of LAC 33:IX.Chapter 23.Subchapters H - M and O - P applicable to the variance have been met and may require its submission within a specified reasonable time after receipt of the notice. The notice may be sent before the permit application has been submitted. The draft or final permit may contain the alternative limitations which may become effective upon final grant of the variance.

2. A discharger who cannot file a timely complete request required under LAC 33:IX.2331.L 2.a.ii or 2.b may request an extension. The extension may be granted or denied at the discretion of the state administrative authority. Extensions shall be no more than six months in duration.

O. Recordkeeping. Except for information required by LAC 33:IX.2331.D.3.b, which shall be retained for a period of at least five years from the date the application is signed (or longer as required by 40 CFR part 503), applicants shall keep records of all data used to complete permit applications and any supplemental information submitted under this section for a period of at least three years from the date the application is signed.

NOTE: [Note 1: At 46 FR 2046, Jan. 8, 1981, the Environmental Protection Agency suspended until further notice 40 CFR 122.21 (g)(7)(ii)(A) (and DEQ hereby suspends LAC 33:IX.2331.G.7.b.i) and the

corresponding portions of Item V-C of the NPDES (and LPDES) application Form 2C as they apply to coal mines. This revision continues that suspension.][1]

NOTE: [Note 2: At 46 FR 22585, Apr. 20, 1981, the Environmental Protection Agency suspended until further notice 40 CFR 122.21 (g)(7)(ii)(A) (and DEQ hereby suspends LAC 33:IX.2331.G.7.b.i) and the corresponding portions of Item V-C of the NPDES (and LPDES) application Form 2C as they apply to:

a. Testing and reporting for all four organic fractions in the Greige Mills Subcategory of the Textile Mills industry (subpart C - Low Water Use Processing of 40 CFR part 410), and testing and reporting for the pesticide fraction in all other subcategories of this industrial category.

b. Testing and reporting for the volatile, base/neutral and pesticide fractions in the Base and Precious Metals Subcategory of the Ore Mining and Dressing industry (subpart B of 40 CFR part 440), and testing and reporting for all four fractions in all other subcategories of this industrial category.

c. Testing and reporting for all four GC/MS fractions in the Porcelain Enameling industry.

This revision continues that suspension.][1]

NOTE: [Note 3: At 46 FR 35090, July 1, 1981, the Environmental Protection Agency suspended until further notice 40 CFR 122.21 (g)(7)(ii)(A) (and DEQ hereby suspends LAC 33:IX.2331.G.7.b.i) and the corresponding portions of Item V-C of the NPDES (and LPDES) application Form 2C as they apply to:

a. Testing and reporting for the pesticide fraction in the Tall Oil Rosin Subcategory (subpart D) and Rosin-Based Derivatives Subcategory (subpart F) of the Gum and Wood Chemicals Industry (40 CFR part 454), and testing and reporting for the pesticide and base-neutral fractions in all other subcategories of this industrial category.

b. Testing and reporting for the pesticide fraction in the Leather Tanning and Finishing. Paint and Ink Formulation, and Photographic Supplies industrial categories.

c. Testing and reporting for the acid, base/neutral and pesticide fractions in the Petroleum Refining Industrial category.

d. Testing and reporting for the pesticide fraction in the Papergrade Sulfite subcategories (subparts J and U) of the Pulp and Paper Industry (40 CFR part 430); testing and reporting for the base/neutral and pesticide fractions in the following subcategories: Deink (subpart Q), Dissolving Kraft (subpart F), and Paperboard from Waste Paper (subpart E); testing and reporting for the volatile, base/neutral and pesticide fractions in the following subcategories: DOT Bleached Kraft (subpart H), Semi-Chemical (subparts B and C), and Nonintegrated-Fine Papers (subpart R): and testing and reporting for the acid, base/neutral, and pesticide fractions in the following subcategories: Fine Bleached Kraft (subpart I), Dissolving Sulfite Pulp (subpart K), Groundwood-Fine Papers (subpart O), Market Bleached Kraft (subpart G), Tissue from Wastepaper (subpart T), and Nonintegrated Tissue Papers (Subpart S).

e. Testing and reporting for the base/neutral fraction in the Once-Through Cooling Water, Fly Ash and Bottom Ash Transport Water process wastestreams of the Steam Electric Power Plant industrial category.

This revision continues that suspension.][1]

[1] EDITORIAL NOTE: The words "This revision" refer to the document published at 48 FR 14153, Apr. 1, 1983.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:723 (June 1997), amended by the Office of the Secretary, LR 25:661 (April 1999).

§2333. Signatories to Permit Applications and Reports

A. Applications. 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 employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

NOTE: DEQ does not require specific assignments or delegations of authority to responsible corporate officers identified in LAC 33:IX.2333.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 LAC 33:IX.2333.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 (e.g., regional administrators of EPA).

B. All reports required by permits, and other information requested by the state administrative authority shall be signed by a person described in LAC 33:IX.2333.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 LAC 33:IX.2333.A;

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 any 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 LAC 33:IX..2333.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 LAC 33:IX.2333.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 LAC 33:IX.2333.A or B 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."

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2335. Concentrated Animal Feeding Operations

A. Permit Requirement. Concentrated animal feeding operations are point sources subject to the LPDES permit program.

B. Definitions

1. *Animal Feeding Operation*—a lot or facility (other than an aquatic animal production facility) where the following conditions are met:

a. animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and

b. crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

2. Two or more animal feeding operations under common ownership are considered, for the purposes of these regulations, to be a single animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of wastes.

3. *Concentrated Animal Feeding Operation*—an animal feeding operation which meets the criteria in LAC 33:IX.Chapter 23.Appendix B, or which the state administrative authority designates under LAC 33:IX.2335.C.

C. Case-by-case Designation of Concentrated Animal Feeding Operations.

1. The state administrative authority may designate any animal feeding operation as a concentrated animal feeding operation upon determining that it is a significant contributor of pollution to the waters of the state. In making this designation the state administrative authority shall consider the following factors:

a. the size of the animal feeding operation and the amount of wastes reaching waters of the state;

b. the location of the animal feeding operation relative to waters of the state;

c. the means of conveyance of animal wastes and process wastewaters into waters of the state;

d. the slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal wastes and process wastewaters into waters of the state; and

e. other relevant factors.

2. No animal feeding operation with less than the numbers of animals set forth in LAC 33:IX.Chapter 23.Appendix B shall be designated as a concentrated animal feeding operation unless:

a. pollutants are discharged into waters of the state through a manmade ditch, flushing system, or other similar manmade device; or

b. pollutants are discharged directly into waters of the state which originate outside of the facility and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

3. A permit application shall not be required from a concentrated animal feeding operation designated under this Section until the state administrative authority has conducted an on-site inspection of the operation and determined that the operation should and could be regulated under the permit program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2337. Concentrated Aquatic Animal Production Facilities

A. Permit Requirement. Concentrated aquatic animal production facilities, as defined in this Section, are point sources subject to the LPDES permit program.

B. Definition

Concentrated Aquatic Animal Production Facility—a hatchery, fish farm, or other facility which meets the criteria in LAC 33:IX.Chapter 23.Appendix C, or which the state administrative authority designates under LAC 33:IX.2337.C.

C. Case-by-case Designation of Concentrated Aquatic Animal Production Facilities.

1. The state administrative authority may designate any warm or cold water aquatic animal production facility as a concentrated aquatic animal production facility upon determining that it is a significant contributor of pollution to waters of the state. In making this designation the state administrative authority shall consider the following factors:

a. the location and quality of the receiving waters of the state;

b. the holding, feeding, and production capacities of the facility;

c. the quantity and nature of the pollutants reaching waters of the state; and

d. other relevant factors.

2. A permit application shall not be required from a concentrated aquatic animal production facility designated under this Section until the state administrative authority has conducted on-site inspection of the facility and has determined that the facility should and could be regulated under the permit program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2339. Aquaculture Projects

A. Permit Requirement. Discharges into aquaculture projects, as defined in this Section, are subject to the LPDES permit program through section 318 of the CWA, and in accordance with LAC 33:IX.Chapter 23.Subchapter I.

B. Definitions

Aquaculture Project—a defined managed water area which uses discharges of pollutants into that designated area for the maintenance or production of harvestable freshwater, estuarine, or marine plants or animals.

Designated Project Area—the portions of the waters of the state within which the permittee or permit applicant plans to confine the cultivated species, using a method or plan or operation (including, but not limited to, physical confinement) which, on the basis of reliable scientific evidence, is expected to ensure that specific individual organisms comprising an aquaculture crop will enjoy increased growth attributable to the discharge of pollutants, and be harvested within a defined geographic area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2341. Storm Water Discharges

A. Permit Requirement

1. Prior to October 1, 1994, discharges composed entirely of storm water shall not be required to obtain an LPDES permit except:

a. a discharge with respect to which a permit has been issued prior to February 4, 1987;

b. a discharge associated with industrial activity (see LAC 33:IX.2341.A.4);

c. a discharge from a large municipal separate storm sewer system;

d. a discharge from a medium municipal separate storm sewer system;

e. a discharge which the director, or in states with approved NPDES programs, either the state administrative authority or the EPA regional administrator, determines to contribute to a violation of a water quality standard or is a significant contributor of pollutants to waters of the state. This designation may include a discharge from any conveyance of system of conveyances used for collecting and conveying storm water runoff or a system of discharges from municipal separate storm sewers, except for those discharges from conveyances which do not require a permit under LAC 33:IX.2341.A.2 or agricultural storm water runoff which is exempted from the definition of point source at LAC 33:IX.2313. The director may designate discharges from municipal separate storm sewers on a system-wide or jurisdiction-wide basis. In making this determination the director may consider the following factors:

i. the location of the discharge with respect to waters of the state as defined at LAC 33:IX.2313.

ii. the size of the discharge;

iii. the quantity and nature of the pollutants discharged to waters of the state; and

iv. other relevant factors.

2. The state administrative authority may not require a permit for discharges of storm water runoff from mining operations or oil and gas exploration, production, processing or treatment operations or transmission facilities, composed entirely of flows which are from conveyances or systems of conveyances (including but not limited to pipes, conduits, ditches, and channels) used for collecting and conveying precipitation runoff and which are not contaminated by contact with or that has not come into contact with, any

overburden, raw material, intermediate products, finished product, by-product or waste products located on the site of such operations.

3. Large and Medium Municipal Separate Storm Sewer Systems.

a. Permits must be obtained for all discharges from large and medium municipal separate storm sewer systems.

b. The state administrative authority may either issue one system-wide permit covering all discharges from municipal separate storm sewers within a large or medium municipal storm sewer system or issue distinct permits for appropriate categories of discharges within a large or medium municipal separate storm sewer system including, but not limited to, all discharges owned or operated by the same municipality; located within the same jurisdiction; all discharges within a system that discharge to the same watershed; discharges within a system that are similar in nature; or for individual discharges from municipal separate storm sewers within the system.

c. The operator of a discharge from a municipal separate storm sewer which is part of a large or medium municipal separate storm sewer system must either:

i. participate in a permit application (to be a permittee or a co-permittee) with one or more other operators of discharges from the large or medium municipal storm sewer system which covers all, or a portion of all, discharges from the municipal separate storm sewer systems.

ii. submit a distinct permit application which only covers discharges from the municipal separate storm sewers for which the operator is responsible; or

iii. a regional authority may be responsible for submitting a permit application under the following guidelines:

(a). the regional authority together with co-applicants shall have authority over a storm water management program that is in existence, or shall be in existence at the time part 1 of the application is due;

(b). the permit applicant or co-applicants shall establish their ability to make a timely submission of part 1 and part 2 of the municipal application;

(c). each of the operators of municipal separate storm sewers within the systems described in LAC 33:IX.2341.B.4.a, b, and c or B.7.a, b, and c, that are under the purview of the designated regional authority, shall comply with the application requirements of LAC 33:IX.2341.D.

d. One permit application may be submitted for all or a portion of all municipal separate storm sewers within adjacent or interconnected large or medium municipal separate storm sewer systems. The state administrative authority may issue one system-wide permit covering all, or a portion of all municipal separate storm sewers in adjacent or interconnected large or medium municipal separate storm sewer systems.

e. Permits for all or a portion of all discharges from large or medium municipal separate storm sewer systems that are issued on a system-wide, watershed or other basis may specify different conditions relating to different discharges covered by the permit, including different management programs for different drainage areas which contribute storm water to the system.

f. Co-permittees need only comply with permit conditions relating to discharges from the municipal separate storm sewers for which they are operators.

4. Discharges Through Large and Medium Municipal Separate Storm Sewer Systems. In addition to meeting the requirements of LAC 33:IX.2341.C, an operator of a storm water discharge associated with industrial activity which discharges through a large or medium municipal separate storm sewer system shall submit, to the operator of the municipal separate storm sewer system receiving the discharge no later than May 15, 1991, or 180 days prior to commencing such discharge: the name of the facility; a contact person and phone number; the location of the discharge; a description, including Standard Industrial Classification, which best reflects the principal products or services provided by each facility; and any existing LPDES permit number.

5. Other Municipal Separate Storm Sewers. The state administrative authority may issue permits for municipal separate storm sewers that are designated under LAC 33:IX.2341.A.1.e on a system-wide basis, jurisdiction-wide basis, watershed basis or other appropriate basis, or may issue permits for individual discharges.

6. Non-municipal Separate Storm Sewers. For storm water discharges associated with industrial activity from point sources which discharge through a non-municipal or non-publicly owned separate storm sewer system, the state administrative authority, at his discretion, may issue a single LPDES permit, with each discharger a co-permittee to a permit issued to the operator of the portion of the system that discharges into waters of the state; or, individual permits to each discharger of storm water associated with industrial activity through the non-municipal conveyance system.

a. All storm water discharges associated with industrial activity that discharge through a storm water discharge system that is not a municipal separate storm sewer must be covered by an individual permit, or a permit issued to the operator of the portion of the system that discharges to waters of the state, with each discharger to the non-municipal conveyance a co-permittee to that permit.

b. Where there is more than one operator of a single system of such conveyances, all operators of storm water discharges associated with industrial activity must submit applications.

c. Any permit covering more than one operator shall identify the effluent limitations, or other permit conditions, if any, that apply to each operator.

7. Combined Sewer Systems. Conveyances that discharge storm water runoff combined with municipal

sewage are point sources that must obtain LPDES permits in accordance with the procedures of LAC 33:IX.2331 and are not subject to the provisions of this Section.

8. Whether a discharge from a municipal separate storm sewer is or is not subject to regulation under this Section shall have no bearing on whether the owner or operator of the discharge is eligible for funding under title II, title III or title IV of the CWA. See 40 CFR part 35, subpart I, appendix A(b)H.2.j.

9. On and after October 1, 1994, dischargers composed entirely of storm water, that are not otherwise already required by LAC 33:IX.2341.A.1 to obtain a permit, shall be required to apply for and obtain a permit according to the application requirements in LAC 33:IX.2341.G. The state administrative authority may not require a permit for discharges of storm water as provided in LAC 33:IX.2341.A.2 or agricultural storm water runoff which is exempted from the definition of point source at LAC 33:IX.2313 and LAC 33:IX.2315.

B. Definitions

1. *Co-permittee***C**a permittee to a LPDES permit that is only responsible for permit conditions relating to the discharge for which it is operator.

2. *Illicit Discharge***C**any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a LPDES permit (other than the LPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.

3. *Incorporated Place***C**a city, town, township, or village that is incorporated under the laws of the state in which it is located.

4. *Large Municipal Separate Storm Sewer System***C**all municipal separate storm sewers that are either:

a. located in an incorporated place with a population of 250,000 or more as determined by the latest Decennial Census by the Bureau of Census (LAC 33:IX.Chapter 23.Appendix F); or

b. located in the parishes listed in LAC 33:IX.Chapter 23.Appendix H, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such parishes; or

c. owned or operated by a municipality other than those described in LAC 33:IX.2341.B.4.a or b and that are designated by the state administrative authority as part of the large or medium municipal separate storm sewer system due to the interrelationship between the discharges of the designated storm sewer and the discharges from municipal separate storm sewers described under LAC 33:IX.2341.B.4.a or b. In making this determination the state administrative authority may consider the following factors:

i. physical interconnections between the municipal separate storm sewers;

ii. the location of discharges from the designated municipal separate storm sewer relative to discharges from municipal separate storm sewers described in LAC 33:IX.2341.B.4.a;

iii. the quantity and nature of pollutants discharged to waters of the state;

iv. the nature of the receiving waters; and

v. other relevant factors; or

d. the state administrative authority may, upon petition, designate as a large municipal separate storm sewer system, municipal separate storm sewers located within the boundaries of a region defined by a storm water management regional authority based on a jurisdictional, watershed, or other appropriate basis that includes one or more of the systems described in LAC 33:IX.2341.B.4.a, b and c.

5. *Major Municipal Separate Storm Sewer Outfall (or Major Outfall)***C**a municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for municipal separate storm sewers that receive storm water from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or from its equivalent (discharge from other than a circular pipe associated with a drainage area of two acres or more).

6. *Major Outfall***C**a major municipal separate storm sewer outfall.

7. *Medium Municipal Separate Storm Sewer System***C**all municipal separate storm sewers that are either:

a. located in an incorporated place with a population of 100,000 or more but less than 250,000, as determined by the latest Decennial Census by the Bureau of Census (LAC 33:IX.Chapter 23.Appendix G); or

b. located in the parishes listed in LAC 33:IX.Chapter 23.Appendix I, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such parishes; or

c. owned or operated by a municipality other than those described in LAC 33:IX.2341.B.4.a or b and that are designated by the state administrative authority as part of the large or medium municipal separate storm sewer system due to the interrelationship between the discharges of the designated storm sewer and the discharges from municipal separate storm sewers described under LAC 33:IX.2341.B.4.a or b. In making this determination the state administrative authority may consider the following factors:

i. physical interconnections between the municipal separate storm sewers;

ii. the location of discharges from the designated municipal separate storm sewer relative to

discharges from municipal separate storm sewers described in LAC 33:IX.2341.B.7.a;

iii. the quantity and nature of pollutants discharged to waters of the state;

iv. the nature of the receiving waters; or

v. other relevant factors; or

d. the state administrative authority may, upon petition, designate as a medium municipal separate storm sewer system, municipal separate storm sewers located within the boundaries of a region defined by a storm water management regional authority based on a jurisdictional, watershed, or other appropriate basis that includes one or more of the systems described in LAC 33:IX.2341.B.7.a, b, and c.

8. *Municipal Separate Storm Sewer***C**a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

a. owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the state;

b. designed or used for collecting or conveying storm water;

c. which is not a combined sewer; and

d. which is not part of a Publicly Owned Treatment Works (POTW) as defined at LAC 33:IX.2313.

9. *Outfall***C**a point source as defined by LAC 33:IX.2313 at the point where a municipal separate storm sewer discharges to waters of the state and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the state and are used to convey waters of the state;

10. *Overburden***C**any material of any nature, consolidated or unconsolidated, that overlies a mineral deposit, excluding topsoil or similar naturally-occurring surface materials that are not disturbed by mining operations.

11. *Runoff Coefficient***C**the fraction of total rainfall that will appear at a conveyance as runoff.

12. *Significant Materials***C**includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazard substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of title III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

13. *Storm Water***C**storm water runoff, snow melt runoff, and surface runoff and drainage.

14. *Storm Water Discharge Associated With Industrial Activity***C**the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the LPDES program under LAC 33:IX.Chapter 23.Subchapter A - D. For the categories of industries identified in LAC 33:IX.2341.B.14.a-j, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters (as defined at 40 CFR part 401); sites used for the storage and maintenance of material handling equipment, sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in LAC 33:IX.2341.B.14.k, the term includes only storm water discharges from all the areas (except access roads and rail lines) that are listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this Paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are federally, state, or municipally owned or operated that meet the description of the facilities listed in LAC 33:IX.2341.B.14.a-k) include those facilities designated under the provisions of LAC 33:IX.2341.A.1.e. The following categories of facilities are considered to be engaging in industrial activity for purposes of this Subsection:

a. facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR subpart N (See LAC 33:IX.2533) (except facilities with toxic pollutant effluent standards which are exempted under the category in LAC 33:IX.2341.B.14.k);

b. facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 31, 32 (except 323), 33, 344, 373;

c. facilities classified as Standard Industrial Classifications 10 - 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of non-coal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, by-products or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);

d. hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of RCRA;

e. landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under subtitle D of RCRA;

f. facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;

g. steam electric power generating facilities, including coal handling sites;

h. transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under LAC 33:IX.2341.B.14.a-g or i-k are associated with industrial activity;

i. treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under LAC 33:IX.Chapter 23.Subchapter T. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the CWA;

j. construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale;

k. facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25, (and which are not otherwise included within categories in LAC 33:IX.2341.B.14.b-j;

15. *Uncontrolled Sanitary Landfill***C**a landfill or open dump, whether in operation or closed, that does not meet the requirements for runon or runoff controls established pursuant to subtitle D of the Solid Waste Disposal Act.

C. Application Requirements for Storm Water Discharges Associated with Industrial Activity.

1. Individual Application. Dischargers of storm water associated with industrial activity are required to apply for an individual permit, apply for a permit through a group application, or seek coverage under a promulgated storm water general permit. Facilities that are required to obtain an individual permit, or any discharge of storm water which the state administrative authority is evaluating for designation (see LAC 33:IX.2443.C) under LAC 33:IX.2341.A.1.e and is not a municipal separate storm sewer, and which is not part of a group application described under LAC 33:IX.2341.C.2, shall submit an LPDES application in accordance with the requirements of LAC 33:IX.2331 as modified and supplemented by the provisions of the remainder of this paragraph. Applicants for discharges composed entirely of storm water shall submit Form 1 and Form 2F. Applicants for discharges composed of storm water and non-storm water shall submit Form 1, Form 2C, and Form 2F. Applicants for new sources or new discharges (as defined in LAC 33:IX.2313) composed of storm water and non-storm water shall submit Form 1, Form 2D, and Form 2F.

a. Except as provided in LAC 33:IX.2341.C.1.b-d, the operator of a storm water discharge associated with industrial activity subject to this Section shall provide:

i. a site map showing topography (or indicating the outline of drainage areas served by the outfall(s) covered in the application if a topographic map is unavailable) of the facility including each of its drainage and discharge structures; the drainage area of each storm water outfall; paved areas and buildings within the drainage area of each storm water outfall, each past or present area used for outdoor storage or disposal of significant materials, each

existing structural control measure to reduce pollutants in storm water runoff, materials loading and access areas, areas where pesticides, herbicides, soil conditioners and fertilizers are applied, each of its hazardous waste treatment, storage or disposal facilities (including each area not required to have a RCRA permit which is used for accumulating hazardous waste under 40 CFR 262.34); each well where fluids from the facility are injected underground; springs, and other surface water bodies which receive storm water discharges from the facility;

ii. an estimate of the area of impervious surfaces (including paved areas and building roofs) and the total area drained by each outfall (within a mile radius of the facility) and a narrative description of the following significant materials that in the three years prior to the submittal of this application have been treated, stored or disposed in a manner to allow exposure to storm water; method of treatment, storage or disposal of such materials; materials management practices employed, in the three years prior to the submittal of this application, to minimize contact by these materials with storm water runoff; materials loading and access areas; the location, manner and frequency in which pesticides, herbicides, soil conditioners and fertilizers are applied; the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and a description of the treatment the storm water receives, including the ultimate disposal of any solid or fluid wastes other than by discharge;

iii. a certification that all outfalls that should contain storm water discharges associated with industrial activity have been tested or evaluated for the presence of non-storm water discharges which are not covered by a LPDES permit; tests for such non-storm water discharges may include smoke tests, fluorometric dye tests, analysis of accurate schematics, as well as other appropriate tests. The certification shall include a description of the method used, the date of any testing, and the on-site drainage points that were directly observed during a test;

iv. existing information regarding significant leaks or spills of toxic or hazardous pollutants at the facility that have taken place within the three years prior to the submittal of this application;

v. quantitative data based on samples collected during storm events and collected in accordance with LAC 33:IX.2331 from all outfalls containing a storm water discharge associated with industrial activity for the following parameters:

(a). any pollutant limited in an effluent guideline to which the facility is subject;

(b). any pollutant listed in the facility's LPDES permit for its process wastewater (if the facility is operating under an existing LPDES permit);

(c). oil and grease, pH, BOD_5, COD, TSS, total phosphorus, total Kjeldahl nitrogen, and nitrate plus nitrite nitrogen;

(d). any information on the discharge required under paragraph LAC 33:IX.2331.G.7.c and d;

(e). flow measurements or estimates of the flow rate, and the total amount of discharge for the storm event(s) sampled, and the method of flow measurement or estimation; and

(f). the date and duration (in hours) of the storm event(s) sampled, rainfall measurements or estimates of the storm event (in inches) which generated the sampled runoff and the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event (in hours);

vi. operators of a discharge which is composed entirely of storm water are exempt from the requirements of LAC 33:IX.2331.G.2, 3, 4, 5, and 7.a, b, and e; and

vii. operators of new sources or new discharges (as defined in LAC 33:IX.2313) which are composed in part of entirely of storm water must include estimates for the pollutants or parameters listed in LAC 33:IX.2341.C.1.a.v instead of actual sampling data, along with the source of each estimate. Operators of new sources or new discharges composed in part or entirely of storm water must provide quantitative data for the parameters listed in LAC 33:IX.2341.C.1.a.v within two years after commencement of discharge, unless such data has already been reported under the monitoring requirements of the LPDES permit for the discharge. Operators of a new source or new discharge which is composed entirely of storm water are exempt from the requirements of LAC 33:IX.2331.K.3.b and c, and K.5.

b. The operator of an existing or new storm water discharge that is associated with industrial activity solely under LAC 33:IX.2341.B.14.j, is exempt from the requirements of LAC 33:IX.2331.G and LAC 33:IX.2341.C.1.a. Such operator shall provide a narrative description of:

i. the location (including a map) and the nature of the construction activity;

ii. the total area of the site and the area of the site that is expected to undergo excavation during the life of the permit;

iii. proposed measures, including best management practices, to control pollutants in storm water discharges during construction, including a brief description of applicable state and local erosion and sediment control requirements;

iv. proposed measures to control pollutants in storm water discharges that will occur after construction operations have been completed, including a brief description of applicable state or local erosion and sediment control requirements;

v. an estimate of the runoff coefficient of the site and the increase in impervious area after the construction addressed in the permit application is

completed, the nature of fill material and existing data describing the soil or the quality of the discharge; and

vi. the name of the receiving water.

c. The operator of an existing or new discharge composed entirely of storm water from an oil or gas exploration, production, processing, or treatment operation, or transmission facility is not required to submit a permit application in accordance with LAC 33:IX.2341.C.1.a, unless the facility:

i. has had a discharge of storm water resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 117.21 or 40 CFR 302.6 at anytime since November 16, 1987; or

ii. has had a discharge of storm water resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6 at any time since November 16, 1987; or

iii. contributes to a violation of a water quality standard.

d. The operator of an existing or new discharge composed entirely of storm water from a mining operation is not required to submit a permit application unless the discharge has come into contact with, any overburden, raw material, intermediate products, finished product, by-product or waste products located on the site of such operations.

e. Applicants shall provide such other information the state administrative authority may reasonably require under LAC 33:IX.2331.G.13 to determine whether to issue a permit and may require any facility subject to LAC 33:IX.2341.C.1.b to comply with LAC 33:IX.2341.C.1.a.

2. Group Application for Discharges Associated with Industrial Activity. In lieu of individual applications or notice of intent to be covered by a general permit for storm water discharges associated with industrial activity, a group application may be filed by an entity representing a group of applicants (except facilities that have existing individual LPDES permits for storm water) that are part of the same subcategory (see 40 CFR subchapter N, part 405 to 471) or, where such grouping is inapplicable, are sufficiently similar as to be appropriate for general permit coverage under LAC 33:IX.2345. The part 1 application shall be submitted to the Office of Water Resources, P.O. Box 82215, Baton Rouge, LA 70884-2215 for approval. Once a part 1 application is approved, group applicants are to submit Part 2 of the group application to the Office of Water Resources. A group application shall consist of:

a. Part 1. Part 1 of a group application shall:

i. identify the participants in the group application by name and location. Facilities participating in the group application shall be listed in subdivisions, based on the facility location relative to the nine precipitation zones indicated in 40 CFR part 122, appendix E (areas east of Longitude 90E W are in Zone 3, areas west of Longitude 90E W are in Zone 4);

ii. include a narrative description summarizing the industrial activities of participants of the group application and explaining why the participants, as a whole, are sufficiently similar to be covered by a general permit;

iii. include a list of significant materials stored exposed to precipitation by participants in the group application and materials management practices employed to diminish contact by these materials with precipitation and storm water runoff;

iv. for groups of more than 1,000 members, identify at least 100 dischargers participating in the group application from which quantitative data will be submitted. For groups of 100 or more members, identify a minimum of ten percent of the dischargers participating in the group application from which quantitative data will be submitted. For groups of between 21 and 99 members identify a minimum of ten dischargers participating in the group application from which quantitative data will be submitted. For groups of 4 to 20 members, identify a minimum of 50 percent of the dischargers participating in the group application from which quantitative data will be submitted. For groups with more than 10 members, either a minimum of two dischargers from each precipitation zone indicated in 40 CFR part 122, appendix E in which ten or more members of the group are located, or one discharger from each precipitation zone indicated in 40 CFR part 122, appendix E in which nine or fewer members of the group are located, must be identified to submit quantitative data. For groups of 4 to 10 members, at least one facility in each precipitation zone indicated in 40 CFR part 122, appendix E in which members of the group are located must be identified to submit quantitative data. A description of why the facilities selected to perform sampling and analysis are representative of the group as a whole in terms of the information provided in LAC 33:IX.2341.C.1.a.ii and iii, shall accompany this section. Different factors impacting the nature of the storm water discharges, such as the processes used and material management, shall be represented, to the extent feasible, in a manner roughly equivalent to their proportion in the group.

b. Part 2. Part 2 of a group application shall contain quantitative data (LPDES Form 2F), as modified by LAC 33:IX.2341.C.1, so that when part 1 and part 2 of the group application are taken together, a complete LPDES application (Form 1, Form 2C, and Form 2F) can be evaluated for each discharger identified in LAC 33:IX.2341.C.2.a.iv.

D. Application Requirements for Large and Medium Municipal Separate Storm Sewer Discharges. The operator of a discharge from a large or medium municipal separate storm sewer or a municipal separate storm sewer that is designated by the state administrative authority under LAC 33:IX.2341.A.1.e, may submit a jurisdiction-wide or system-wide permit application. Where more than one public entity owns or operates a municipal separate storm sewer within a geographic area (including adjacent or interconnected municipal separate storm sewer systems), such operators may be a co-applicant to the same

application. Permit applications for discharges from large and medium municipal storm sewers or municipal storm sewers designated under LAC 33:IX.2341.A.1.e shall include:

1. Part 1. Part 1 of the application shall consist of:

a. General Information. The applicant's name, address, telephone number of contact person, ownership status and status as a state or local government entity.

b. Legal Authority. A description of existing legal authority to control discharges to the municipal separate storm sewer system. When existing legal authority is not sufficient to meet the criteria provided in LAC 33:IX.2341.D.2.a, the description shall list additional authorities as will be necessary to meet the criteria and shall include a schedule and commitment to seek such additional authority that will be needed to meet the criteria.

c. Source Identification.

i. A description of the historic use of ordinances, guidance or other controls which limited the discharge of non-storm water discharges to any POTWs serving the same area as the municipal separate storm sewer system.

ii. A USGS 7.5 minute topographic map (or equivalent topographic map with a scale between 1:10,000 and 1:24,000 if cost effective) extending one mile beyond the service boundaries of the municipal storm sewer system covered by the permit application. The following information shall be provided:

(a). the location of known municipal storm sewer system outfalls discharging to waters of the state;

(b). a description of the land use activities (e.g. divisions indicating undeveloped, residential, commercial, agricultural and industrial uses) accompanied with estimates of population densities and projected growth for a ten year period within the drainage area served by the separate storm sewer. For each land use type, an estimate of an average runoff coefficient shall be provided;

(c). the location and a description of the activities of the facility of each currently operating or closed municipal landfill or other treatment, storage or disposal facility for municipal waste;

(d). the location and the permit number of any known discharge to the municipal storm sewer that has been issued a LPDES permit;

(e). the location of major structural controls for storm water discharge (retention basins, detention basins, major infiltration devices, etc.); and

(f). the identification of publicly owned parks, recreational areas, and other open lands.

d. Discharge Characterization.

i. Monthly mean rain and snow fall estimates (or summary of weather bureau data) and the monthly average number of storm events.

ii. Existing quantitative data describing the volume and quality of discharges from the municipal storm sewer, including a description of the outfalls sampled, sampling procedures and analytical methods used.

iii. A list of water bodies that receive discharges from the municipal separate storm sewer system, including downstream segments, lakes and estuaries, where pollutants from the system discharges may accumulate and cause water degradation and a brief description of known water quality impacts. At a minimum, the description of impacts shall include a description of whether the water bodies receiving such discharges have been:

(a). assessed and reported in CWA section 305(b) reports submitted by the state, the basis for the assessment (evaluated or monitored), a summary of designated use support and attainment of the CWA goals (fishable and swimmable waters), and causes of nonsupport of designated uses;

(b). listed under section 304(l)(1)(A)(i), section 304(l)(1)(A)(ii), or section 304(l)(1)(B) of the CWA that is not expected to meet water quality standards or water quality goals;

(c). listed in state Nonpoint Source Assessments required by section 319(a) of the CWA that, without additional action to control nonpoint sources of pollution, cannot reasonably be expected to attain or maintain water quality standards due to storm sewers, construction, highway maintenance and runoff from municipal landfills and municipal sludge adding significant pollution (or contributing to a violation of water quality standards);

(d). identified and classified according to eutrophic condition of publicly owned lakes listed in state reports required under section 314(a) of the CWA (include the following: A description of those publicly owned lakes for which uses are known to be impaired; a description of procedures, processes and methods to control the discharge of pollutants from municipal separate storm sewers into such lakes; and a description of methods and procedures to restore the quality of such lakes);

(e). reserved

(f). designated estuaries under the National Estuary Program under section 320 of the CWA;

(g). recognized by the applicant as highly valued or sensitive waters;

(h). defined by the state or U.S. Fish and Wildlife Services's National Wetlands Inventory as wetlands; and

(i). found to have pollutants in bottom sediments, fish tissue or biosurvey data.

iv. Field Screening. Results of a field screening analysis for illicit connections and illegal dumping for either selected field screening points or major outfalls covered in the permit application. At a minimum, a screening analysis shall include a narrative description, for either each field screening point or major outfall of visual

observations made during dry weather periods. If any flow is observed, two grab samples shall be collected during a 24-hour period with a minimum period of four hours between samples. For all such samples, a narrative description of the color, odor, turbidity, the presence of an oil sheen or surface scum as well as any other relevant observations regarding the potential presence of non-storm water discharges or illegal dumping shall be provided. In addition, a narrative description of the results of a field analysis using suitable methods to estimate pH, total chlorine, total copper, total phenol, and detergents (or surfactants) shall be provided along with a description of the flow rate. Where the field analysis does not involve analytical methods approved under 40 CFR part 136 (See LAC 33:IX.2531), the applicant shall provide a description of the method used including the name of the manufacturer of the test method along with the range and accuracy of the test. Field screening points shall be either major outfalls or other outfall points (or any other point of access such as manholes) randomly located throughout the storm sewer system by placing a grid over a drainage system map and identifying those cells of the grid which contain a segment of the storm sewer system or major outfall. The field screening points shall be established using the following guidelines and criteria:

(a). a grid system consisting of perpendicular north-south and east-west lines spaced one-fourth mile apart shall be overlayed on a map of the municipal storm sewer system, creating a series of cells;

(b). all cells that contain a segment of the storm sewer system shall be identified; one field screening point shall be selected in each cell; major outfalls may be used as field screening points;

(c). field screening points should be located downstream of any sources of suspected illegal or illicit activity;

(d). field screening points shall be located to the degree practicable at the farthest manhole or other accessible location downstream in the system, within each cell; however, safety of personnel and accessibility of the location should be considered in making this determination;

(e). hydrological conditions; total drainage area of the site; population density of the site traffic density; age of the structures or buildings in the area; history of the area; and land use types.

(f). for medium municipal separate storm sewer systems, no more than 250 cells need to have identified field screening points; in large municipal separate storm sewer systems, no more than 500 cells need to have identified field screening points; cells established by the grid that contain no storm sewer segments will be eliminated from consideration; if fewer than 250 cells in medium municipal sewers are created, and fewer than 500 in large systems are created by the overlay on the municipal sewer map, then all those cells which contain a segment of the sewer system shall be subject to field screening (unless access to the separate storm sewer system is impossible); and

(g). large or medium municipal separate storm sewer systems which are unable to utilize the procedures described in LAC 33:IX.2341.D.1.d.iv.(a)-(f) because a sufficiently detailed map of the separate storm sewer systems is unavailable, shall field screen no more than 500 or 250 major outfalls respectively (or all major outfalls in the system, if less); in such circumstances, the applicant shall establish a grid system consisting of north-south and east-west lines spaced 1/4 mile apart as an overlay to the boundaries of the municipal storm sewer system, thereby creating a series of cells; the applicant will then select major outfalls in as many cells as possible until at least 500 major outfalls (large municipalities) or 250 major outfalls (medium municipalities) are selected; a field screening analysis shall be undertaken at these major outfalls.

v. Characterization Plan. Information and a proposed program to meet the requirements of LAC 33:IX.2341.D.2.c. Such description shall include the location of outfalls or field screening points appropriate for representative data collection under LAC 33:IX.2341.D.2.c.i, a description of why the outfall or field screening point is representative, the seasons during which sampling is intended, a description of the sampling equipment. The proposed location of outfalls or field screening points for such sampling should reflect water quality concerns (see LAC 33:IX.2341.D.1.d.iii) to the extent practicable.

e. Management Programs.

i. A description of the existing management programs to control pollutants from the municipal separate storm sewer system. The description shall provide information on existing structural and source controls, including operation and maintenance measures for structural controls, that are currently being implemented. Such controls may include, but are not limited to: Procedures to control pollution resulting from construction activities; floodplain management controls; wetland protection measures; best management practices for new subdivisions; and emergency spill response programs. The description may address controls established under state law as well as local requirements.

ii. A description of the existing program to identify illicit connections to the municipal storm sewer system. The description should include inspection procedures and methods for detecting and preventing illicit discharges, and describe areas where this program has been implemented.

f. Fiscal Resources.

i. A description of the financial resources currently available to the municipality to complete part 2 of the permit application. A description of the municipality's budget for existing storm water programs, including an overview of the municipality's financial resources and budget, including overall indebtedness and assets, and sources of funds for storm water programs.

2. Part 2. Part 2 of the application shall consist of:

a. Adequate Legal Authority. A demonstration that the applicant can operate pursuant to legal authority established by statute, ordinance or series of contracts which authorizes or enables the applicant at a minimum to:

i. control through ordinance, permit, contract, order or similar means, the contribution of pollutants to the municipal storm sewer by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity;

ii. prohibit through ordinance, order or similar means, illicit discharges to the municipal separate storm sewer;

iii. control through ordinance, order or similar means the discharge to a municipal separate storm sewer of spills, dumping or disposal of materials other than storm water;

iv. control through interagency agreements among co-applicants the contribution of pollutants from one portion of the municipal system to another portion of the municipal system;

v. require compliance with conditions in ordinances, permits, contracts or orders; and

vi. carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and non-compliance with permit conditions including the prohibition on illicit discharges to the municipal separate storm sewer.

b. Source Identification. The location of any major outfall that discharges to waters of the state that was not reported under LAC 33:IX.2341.D.1.c.ii.(a). Provide an inventory, organized by watershed of the name and address, and a description (such as SIC codes) which best reflects the principal products or services provided by each facility which may discharge, to the municipal separate storm sewer, storm water associated with industrial activity;

c. Characterization Data. When quantitative data for a pollutant are required under LAC 33:IX.2341.D.1.c.i.(c), the applicant must collect a sample of effluent in accordance with LAC 33:IX.2331.G.7 and analyze it for the pollutant in accordance with analytical methods approved under 40 CFR part 136 (See LAC 33:IX.2531). When no analytical method is approved the applicant may use any suitable method but must provide a description of the method. The applicant must provide information characterizing the quality and quantity of discharges covered in the permit application, including:

i. quantitative data from representative outfalls designated by the state administrative authority (based on information received in part 1 of the application, the state administrative authority shall designate between five and ten outfalls or field screening points as representative of the commercial, residential and industrial land use activities of the drainage area contributing to the system or, where there are less than five outfalls covered in the application, the state administrative authority shall designate all outfalls) developed as follows:

(a). for each outfall or field screening point designated under this subparagraph, samples shall be collected of storm water discharges from three storm events occurring at least one month apart in accordance with the requirements at LAC 33:IX.2331.G.7 (the state administrative authority may allow exemptions to sampling three storm events when climatic conditions create good cause for such exemptions);

(b). a narrative description shall be provided of the date and duration of the storm event(s) sampled, rainfall estimates of the storm event which generated the sampled discharge and the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event;

(c). for samples collected and described under LAC 33:IX.2341.D.2.c.i.(a) and (b), quantitative data shall be provided for the organic pollutants listed in LAC 33:IX.Chapter 23.Appendix D.Table II; the pollutants listed in LAC 33:IX.Chapter 23.Appendix D.Table III (toxic metals, cyanide, and total phenols), and for the following pollutants:

total suspended solids (TSS)

total dissolved solids (TDS)

COD

BOD_5

oil and grease

fecal coliform

fecal streptococcus

pH

total Kjeldahl nitrogen

nitrate plus nitrite

dissolved phosphorus

total ammonia plus organic nitrogen

total phosphorus

(d). additional limited quantitative data required by the state administrative authority for determining permit conditions (the state administrative authority may require that quantitative data shall be provided for additional parameters, and may establish sampling conditions such as the location, season of sample collection, form of precipitation (snow melt, rainfall) and other parameters necessary to ensure representativeness);

ii. estimates of the annual pollutant load of the cumulative discharges to waters of the state from all identified municipal outfalls and the event mean concentration of the cumulative discharges to waters of the state from all identified municipal outfalls during a storm event (as described under LAC 33:IX.2331.C.7) for BOD_5,

COD, TSS, dissolved solids, total nitrogen, total ammonia plus organic nitrogen, total phosphorus, dissolved phosphorus, cadmium, copper, lead, and zinc. Estimates shall be accompanied by a description of the procedures for estimating constituent loads and concentrations, including any modelling, data analysis, and calculation methods;

iii. a proposed schedule to provide estimates for each major outfall identified in either LAC 33:IX.2341.D.2.b or D.1.c.ii.(a), of the seasonal pollutant load and of the event mean concentration of a representative storm for any constituent detected in any sample required under LAC 33:IX.2341.D.2.c.i; and

iv. a proposed monitoring program for representative data collection for the term of the permit that describes the location of outfalls or field screening points to be sampled (or the location of instream stations), why the location is representative, the frequency of sampling, parameters to be sampled, and a description of sampling equipment.

d. Proposed Management Program. A proposed management program covers the duration of the permit. It shall include a comprehensive planning process which involves public participation and where necessary intergovernmental coordination, to reduce the discharge of pollutants to the maximum extent practicable using management practices, control techniques and system, design and engineering methods, and such other provisions which are appropriate. The program shall also include a description of staff and equipment available to implement the program. Separate proposed programs may be submitted by each co-applicant. Proposed programs may impose controls on a systemwide basis, a watershed basis, a jurisdiction basis, or on individual outfalls. Proposed programs will be considered by the state administrative authority when developing permit conditions to reduce pollutants in discharges to the maximum extent practicable. Proposed management programs shall describe priorities for implementing controls. Such programs shall be based on:

i. a description of structural and source control measures to reduce pollutants from runoff from commercial and residential areas that are discharged from the municipal storm sewer system that are to be implemented during the life of the permit, accompanied with an estimate of the expected reduction of pollutant loads and a proposed schedule for implementing such controls. At a minimum, the description shall include:

(a). a description of maintenance activities and a maintenance schedule for structural controls to reduce pollutants (including floatables) in discharges from municipal separate storm sewers;

(b). a description of planning procedures including a comprehensive master plan to develop, implement and enforce controls to reduce the discharge of pollutants from municipal separate storm sewers which receive discharges from areas of new development and significant redevelopment. Such plan shall address controls to reduce pollutants in discharges from municipal separate storm sewers after construction is completed. (Controls to reduce pollutants in discharges from municipal separate storm sewers containing construction site runoff are addressed in LAC 33:IX.2341.D.2.d.iv.);

(c). a description of practices for operating and maintaining public streets, roads and highways and procedures for reducing the impact on receiving waters of discharges from municipal storm sewer systems, including pollutants discharged as a result of deicing activities;

(d). a description of procedures to assure that flood management projects assess the impacts on the water quality of receiving water bodies and that existing structural flood control devices have been evaluated to determine if retrofitting the device to provide additional pollutant removal from storm water is feasible;

(e). a description of a program to monitor pollutants in runoff from operating or closed municipal landfills or other treatment, storage or disposal facilities for municipal waste, which shall identify priorities and procedures for inspections and establishing and implementing control measures for such discharges (this program can be coordinated with the program developed under LAC 33:IX.2341.D.2.d.iii); and

(f). a description of a program to reduce to the maximum extent practicable, pollutants in discharges from municipal separate storm sewers associated with the application of pesticides, herbicides and fertilizer which will include, as appropriate, controls such as educational activities, permits, certifications and other measures for commercial applicators and distributors, and controls for application in public right-of-ways and at municipal facilities.

ii. a description of a program, including a schedule, to detect and remove (or require the discharger to the municipal separate storm sewer to obtain a separate LPDES permit for) illicit discharges and improper disposal into the storm sewer. The proposed program shall include:

(a). a description of a program, including inspections, to implement and enforce an ordinance, orders or similar means to prevent illicit discharges to the municipal separate storm sewer system; this program description shall address all types of illicit discharges, however the following category of non-storm water discharges or flows shall be addressed where such discharges are identified by the municipality as sources of pollutants to waters of the state: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)) to separate storm sewers, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (program descriptions shall address discharges or flows from fire fighting only where such

discharges or flows are identified as significant sources of pollutants to waters of the state);

(b). a description of procedures to conduct on-going field screening activities during the life of the permit, including areas or locations that will be evaluated by such field screens;

(c). a description of procedures to be followed to investigate portions of the separate storm sewer system that, based on the results of the field screen, or other appropriate information, indicate a reasonable potential of containing illicit discharges or other sources of non-storm water (such procedures may include: sampling procedures for constituents such as fecal coliform, fecal streptococcus, surfactant (MBAS), residual chlorine, fluorides and potassium; testing with fluorometric dyes; or conducting in storm sewer inspections where safety and other considerations allow. Such description shall include the location of storm sewers that have been identified for such evaluation);

(d). a description of procedures to prevent, contain, and respond to spills that may discharge into the municipal separate storm sewer;

(e). a description of a program to promote, publicize, and facilitate public reporting of the presence of illicit discharges or water quality impacts associated with discharges from municipal separate storm sewers;

(f). a description of educational activities, public information activities, and other appropriate activities to facilitate the proper management and disposal of used oil and toxic materials; and

(g). a description of controls to limit infiltration of seepage from municipal sanitary sewers to municipal separate storm sewer systems where necessary;

iii. a description of a program to monitor and control pollutants in storm water discharges to municipal systems from municipal landfills, hazardous waste treatment, disposal and recovery facilities, industrial facilities that are subject to section 313 of title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), and industrial facilities that the municipal permit applicant determines are contributing a substantial pollutant loading to the municipal storm sewer system. The program shall:

(a). identify priorities and procedures for inspections and establishing and implementing control measures for such discharges;

(b). describe a monitoring program for storm water discharges associated with the industrial facilities identified in LAC 33:IX.2341.D.2.d.iii, to be implemented during the term of the permit, including the submission of quantitative data on the following constituents: any pollutants limited in effluent guidelines subcategories, where applicable; any pollutant listed in an existing LPDES permit for a facility; oil and grease, COD, pH, BOD_5, TSS, total phosphorus, total Kjeldahl nitrogen, nitrate plus nitrite nitrogen, and any information on discharges required under LAC 33:IX.2331.G.7.c and d.

iv. a description of a program to implement and maintain structural and nonstructural best management practices to reduce pollutants in storm water runoff from construction sites to the municipal storm sewer system, which shall include:

(a). a description of procedures for site planning which incorporate consideration of potential water quality impacts;

(b). a description of requirements for nonstructural and structural best management practices;

(c). a description of procedures for identifying priorities for inspecting sites and enforcing control measures which consider the nature of the construction activity, topography, and the characteristics of soils and receiving water quality; and

(d). a description of appropriate educational and training measures for construction site operators.

e. Assessment of Controls. Estimated reductions in loadings of pollutants from discharges of municipal storm sewer constituents from municipal storm sewer systems expected as the result of the municipal storm water quality management program. The assessment shall also identify known impacts of storm water controls on groundwater.

f. Fiscal Analysis. For each fiscal year to be covered by the permit, a fiscal analysis of the necessary capital and operation and maintenance expenditures necessary to accomplish the activities of the programs under LAC 33:IX.2341.D.2.c and d. Such analysis shall include a description of the source of funds that are proposed to meet the necessary expenditures, including legal restrictions on the use of such funds.

g. Where more than one legal entity submits an application, the application shall contain a description of the roles and responsibilities of each legal entity and procedures to ensure effective coordination.

h. Where requirements under LAC 33:IX.2341.D.1.d.v, and 2.b, c.ii, and d are not practicable or are not applicable, the state administrative authority may exclude any operator of a discharge from a municipal separate storm sewer which is designated under LAC 33:IX.2341.A.1.e, B.4.b and 7.b from such requirements. The state administrative authority shall not exclude the operator of a discharge from a municipal separate storm sewer identified in LAC 33:IX.Chapter 23.Appendix F, G, H, or I, from any of the permit application requirements under this Paragraph except where authorized under this Section.

E. Application Deadlines Under Subsection A.1 of this Section

1. Individual Applications.

a. Except as provided in LAC 33:IX.2341.E.1.b, for any storm water discharge associated with industrial activity identified in LAC 33:IX.2341.B.14.a-k, that is not part of a

group application as described in LAC 33:IX.2341.C.2 or which is not authorized by a storm water general permit, a permit application made pursuant to LAC 33:IX.2341.C shall be submitted to the state administrative authority by October 1, 1992;

b. For any storm water discharge associated with industrial activity from a facility that is owned or operated by a municipality with a population of less than 100,000 other than an airport, power plant, or uncontrolled sanitary landfill, permit application requirements are contained in Subsection G of this Section.

2. For any group application submitted in accordance with LAC 33:IX.2341.C.2:

a. Part 1

i. except as provided in LAC 33:IX.2341.E.2.a.ii, part 1 of the application shall be submitted to the Office of Water Resources by September 30, 1991;

ii. any municipality with a population of less than 250,000 shall not be required to submit a part 1 application before May 18, 1992.

iii. for any storm water discharge associated with industrial activity from a facility that is owned or operated by a municipality with a population of less than 100,000 other than an airport, powerplant, or uncontrolled sanitary landfill, permit applications requirements are reserved.

b. Based on information in the part 1 application, the director will approve or deny the members in the group application within 60 days after receiving part 1 of the group application.

c. Part 2

i. except as provided in LAC 33:IX.2341.E.2.c.ii, part 2 of the application shall be submitted to the Office of Water Resources by October 1, 1992;

ii. any municipality with a population of less than 250,000 shall not be required to submit a part 1 application before May 17, 1993.

iii. for any storm water discharge associated with industrial activity from a facility that is owned or operated by a municipality with a population of less than 100,000 other than an airport, powerplant, or uncontrolled sanitary landfill, permit applications requirements are reserved.

d. Rejected Facilities.

i. Except as provided in LAC 33:IX.2341.E.2.d.ii, facilities that are rejected as members of the group shall submit an individual application (or obtain coverage under an applicable general permit) no later than 12 months after the date of receipt of the notice of rejection or October 1, 1992, whichever comes first.

ii. Facilities that are owned or operated by a municipality and that are rejected as members of part 1 group application shall submit an individual application no later than 180 days after the date of receipt of the notice of rejection or October 1, 1992, whichever is later.

e. A facility listed under LAC 33:IX.2341.B.14.a-k may add on to a group application submitted in accordance with LAC 33:IX.2341.E.2.a at the discretion of the Office of Water Resources, and only upon a showing of good cause by the facility and the group applicant; the request for the addition of the facility shall be made no later than February 18, 1992; the addition of the facility shall not cause the percentage of the facilities that are required to submit quantitative data to be less than 10%, unless there are over 100 facilities in the group that are submitting quantitative data; approval to become part of group application must be obtained from the group or the trade association representing the individual facilities.

3. For any discharge from a large municipal separate storm sewer system;

a. Part 1 of the application shall be submitted to the state administrative authority by November 18, 1991;

b. Based on information received in the part 1 application the state administrative authority will approve or deny a sampling plan under LAC 33:IX.2341.D.1.d.v within 90 days after receiving the part 1 application;

c. Part 2 of the application shall be submitted to the state administrative authority by November 16, 1992.

4. For any discharge from a medium municipal separate storm sewer system;

a. Part 1 of the application shall be submitted to the state administrative authority by May 18, 1992.

b. Based on information received in the part 1 application the state administrative authority will approve or deny a sampling plan under LAC 33:IX.2341.D.1.d.v within 90 days after receiving the part 1 application.

c. Part 2 of the application shall be submitted to the state administrative authority by May 17, 1993.

5. A permit application shall be submitted to the state administrative authority within 60 days of notice, unless permission for a later date is granted by the state administrative authority (see LAC 33:IX.2443), for:

a. A storm water discharge which the director, or in states with approved NPDES programs, either the state administrative authority or the EPA regional administrator, determines that the discharge contributes to a violation of a water quality standard or is a significant contributor of pollutants to waters of the state (see LAC 33:IX.2341.A.1.e);

b. A storm water discharge subject to LAC 33:IX.2341.C.1.e.

6. Facilities with existing LPDES permits for storm water discharges associated with industrial activity shall

maintain existing permits. Facilities with permits for storm water discharges associated with industrial activity which expire on or after May 18, 1992 shall submit a new application in accordance with the requirements of LAC 33:IX.2331 and 2341.C (Form 1, Form 2F, and other applicable Forms) 180 days before the expiration of such permits.

7. The state administrative authority shall issue or deny permits for discharges composed entirely of storm water under this section in accordance with the following schedule:

a.i. except as provided in LAC 33:IX.2341.E.7.a.ii, the state administrative authority shall issue or deny permits for storm water discharges associated with industrial activity no later than October 1, 1993, or, for new sources or existing sources which fail to submit a complete permit application by October 1, 1992, one year after receipt of a complete permit application;

ii. for any municipality with a population of less than 250,000 which submits a timely part I group application under LAC 33:IX.2341.E.2.a.ii, the state administrative authority shall issue or deny permits for storm water discharges associated with industrial activity no later than May 17, 1994, or, for any such municipality which fails to submit a complete Part II group permit application by May 17, 1993, one year after receipt of a complete permit application;

b. the state administrative authority shall issue or deny permits for large municipal separate storm sewer systems no later than November 16, 1993, or, for new sources or existing sources which fail to submit a complete permit application by November 16, 1992, one year after receipt of a complete permit application;

c. The state administrative authority shall issue or deny permits for medium municipal separate storm sewer systems no later than May 17, 1994, or, for new sources or existing sources which fail to submit a complete permit application by May 17, 1993, one year after receipt of a complete permit application.

F. Petitions

1. Any operator of a municipal separate storm sewer system may petition the state administrative authority to require a separate LPDES permit (or a permit issued under an approved LPDES state program) for any discharge into the municipal separate storm sewer system.

2. Any person may petition the state administrative authority to require an LPDES permit for a discharge which is composed entirely of storm water which contributes to a violation of a water quality standard or is a significant contributor of pollutants to waters of the state.

3. The owner or operator of a municipal separate storm sewer system may petition the state administrative authority to reduce the census estimates of the population served by such separate system to account for storm water discharged to combined sewers as defined by 40 CFR 35.2005(b)(11) that is treated in a publicly owned treatment works. In municipalities in which combined sewers are operated, the census estimates of population may be reduced proportional to the fraction, based on estimated lengths, of the length of combined sewers over the sum of the length of combined sewers and municipal separate storm sewers where an applicant has submitted the LPDES permit number associated with each discharge point and a map indicating areas served by combined sewers and the location of any combined sewer overflow discharge point.

4. Any person may petition the state administrative authority for the designation of a large or medium municipal separate storm sewer system as defined in LAC 33:IX.2341.B.4.d or 7.d.

5. The state administrative authority shall make a final determination on any petition received under this Section within 90 days after receiving the petition.

G. Application Requirements for Discharges Composed Entirely of Storm Water Under Clean Water Act Section 402(p)(6). Any operator of a point source required to obtain a permit under Subsection A.9 of this Section shall submit an application in accordance with the following requirements.

1. Application Deadlines. The operator shall submit an application in accordance with the following deadlines:

a. a discharger which the state administrative authority determines to contribute to a violation of a water quality standard or is a significant contributor of pollutants to waters of the state shall apply for a permit to the state administrative authority within 180 days of receipt of notice, unless permission for a later date is granted by the state administrative authority (see LAC 33:IX.2443.C); or

b. all other dischargers shall apply to the state administrative authority no later than August 7, 2001.

2. Application Requirements. The operator shall submit an application in accordance with the following requirements, unless otherwise modified by the state administrative authority:

a. individual application for nonmunicipal discharges (the requirements contained in LAC 33:IX.2341.C.1);

b. application requirements for municipal separate storm sewer discharges (the requirements contained in LAC 33:IX.2341.D);

c. notice of intent to be covered by a general permit issued by the state administrative authority (the requirements contained in LAC 33:IX.2345.B.2).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:957 (August 1997).

§2343. Silvicultural Activities

A. Permit Requirement. Silvicultural point sources, as defined in this Section, are point sources subject to the LPDES permit program.

B. Definitions

Log Sorting and Log Storage Facilities—facilities whose discharges result from the holding of unprocessed wood, for example, logs or roundwood with bark or after removal of bark held in self-contained bodies of water (mill ponds or log ponds) or stored on land where water is applied intentionally on the logs (wet decking). (See 40 CFR part 429, subpart I, including the effluent limitations guidelines).

Rock Crushing and Gravel Washing Facilities—facilities which process crushed and broken stone, gravel, and riprap (See 40 CFR part 436, subpart B, including the effluent limitations guidelines).

Silvicultural Point Source—any discernible, confined and discrete conveyance related to rock crushing, gravel washing, log sorting, or log storage facilities which are operated in connection with silvicultural activities and from which pollutants are discharged into waters of the state. The term does not include non-point source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff. However, some of these activities (such as stream crossing for roads) may involve point source discharges of dredged or fill material which may require a CWA section 404 permit (See 33 CFR 209.120 and part 233).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2345. General Permits

A. Coverage. The state administrative authority may issue a general permit in accordance with the following:

1. Area. The general permit shall be written to cover a category of discharges or sludge use or disposal practices or facilities described in the permit under LAC 33:IX.2345.A.2.b, except those covered by individual permits, within a geographic area. The area shall correspond to existing geographic or political boundaries, such as:

a. designated planning areas under sections 208 and 303 of the CWA;

b. sewer districts or sewer authorities;

c. city,parish, or state political boundaries;

d. state highway systems;

e. standard metropolitan statistical areas as defined by the U.S. Office of Management and Budget;

f. urbanized areas as designated by the Bureau of the Census according to criteria in 30 FR 15202 (May 1, 1974); or

g. any other appropriate division or combination of boundaries.

2. Sources. The general permit may be written to regulate, within the area described in LAC 33:IX.2345.A.1, either:

a. storm water point sources; or

b. a category of point sources other than storm water point sources, or a category of treatment works treating domestic sewage, if the sources or treatment works treating domestic sewage all:

i. involve the same or substantially similar types of operations;

ii. discharge the same types of wastes or engage in the same types of sludge use or disposal practices;

iii. require the same effluent limitation or operating conditions, or standards for sewage sludge use or disposal;

iv. require the same or similar monitoring; and

v. in the opinion of the state administrative authority, are more appropriately controlled under a general permit than under individual permits.

B. Administration

1. In General. General permits may be issued, modified, revoked and reissued, or terminated in accordance with applicable requirements of 40 CFR part 124 or corresponding state regulations. Special procedures for issuance are found at 40 CFR 123.44 for states and 40 CFR 124.58 for EPA.

2. Authorization to Discharge, or Authorization to Engage in Sludge Use and Disposal Practices.

a. Except as provided in LAC 33:IX.2345.B.2.e and f, dischargers (or treatment works treating domestic sewage) seeking coverage under a general permit shall submit to the state administrative authority a written notice of intent to be covered by the general permit. A discharger (or treatment works treating domestic sewage) who fails to submit a notice of intent in accordance with the terms of the permit is not authorized to discharge, (or in the case of sludge disposal permit, to engage in a sludge use or disposal practice), under the terms of the general permit unless the general permit, in accordance with LAC 33:IX.2345.B.2.e, contains a provision that a notice of intent is not required or the state administrative authority notifies a discharger (or treatment works treating domestic sewage) that it is covered by a general permit in accordance with LAC 33:IX.2345.B.2.f. A complete and timely, notice of intent (NOI), to be covered in accordance with general permit requirements, fulfills the requirements for permit applications for purposes of LAC 33:IX.2321, 2331, and 2341.

b. The contents of the notice of intent shall be specified in the general permit and shall require the submission of information necessary for adequate program implementation, including at a minimum, the legal name and address of the owner or operator, the facility name and address, type of facility or discharges, and the receiving stream(s). General permits for storm water discharges associated with industrial activity from inactive mining, inactive oil and gas operations, or inactive landfills occurring on federal lands where an operator cannot be identified may contain alternative notice of intent requirements. All notices of intent shall be signed in accordance with LAC 33:IX.2333.

c. General permits shall specify the deadlines for submitting notices of intent to be covered and the date(s) when a discharger is authorized to discharge under the permit;

d. General permits shall specify whether a discharger (or treatment works treating domestic sewage) that has submitted a complete and timely notice of intent to be covered in accordance with the general permit and that is eligible for coverage under the permit, is authorized to discharge, (or in the case of a sludge disposal permit, to engage in a sludge use or disposal practice), in accordance with the permit either upon receipt of the notice of intent by the state administrative authority, after a waiting period specified in the general permit, on a date specified in the general permit, or upon receipt of notification of inclusion by the state administrative authority. Coverage may be terminated or revoked in accordance with LAC 33:IX.2345.B.3.

e. Discharges other than discharges from publicly owned treatment works, combined sewer overflows, primary industrial facilities, and storm water discharges associated with industrial activity, may, at the discretion of the state administrative authority, be authorized to discharge under a general permit without submitting a notice of intent where the state administrative authority finds that a notice of intent requirement would be inappropriate. In making such a finding, the state administrative authority shall consider: the type of discharge; the expected nature of the discharge; the potential for toxic and conventional pollutants in the discharges; the expected volume of the discharges; other means of identifying discharges covered by the permit; and the estimated number of discharges to be covered by the permit. The state administrative authority shall provide in the public notice of the general permit the reasons for not requiring a notice of intent.

f. The state administrative authority may notify a discharger (or treatment works treating domestic sewage) that it is covered by a general permit, even if the discharger (or treatment works treating domestic sewage) has not submitted a notice of intent to be covered. A discharger (or treatment works treating domestic sewage) so notified may request an individual permit under LAC 33:IX.2345.B.3.c.

3. Requiring an Individual Permit.

a. The state administrative authority may require any discharger authorized by a general permit to apply for and obtain an individual LPDES permit. Any interested person may petition the state administrative authority to take action under this Paragraph. Cases where an individual LPDES permit may be required include the following:

i. the discharger or treatment works treating domestic sewage is not in compliance with the conditions of the general LPDES permit;

ii. a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source or treatment works treating domestic sewage;

iii. effluent limitation guidelines are promulgated for point sources covered by the general LPDES permit;

iv. a water quality management plan containing requirements applicable to such point sources is approved;

v. circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under the general permit, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary;

vi. standards for sewage sludge use or disposal have been promulgated for the sludge use and disposal practice covered by the general LPDES permit; or

vii. the discharge(s) is a significant contributor of pollutants. In making this determination, the state administrative authority may consider the following factors:

(a). the location of the discharge with respect to waters of the state;

(b). the size of the discharge;

(c). the quantity and nature of the pollutants discharged to waters of the state; and

(d). other relevant factors.

b. For EPA issued general permits only, the EPA regional administrator may require any owner or operator authorized by a general permit to apply for an individual NPDES permit as provided in 40 CFR 122.28(b)(3)(i), only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a time for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit the general permit as it applies to the individual permittee shall automatically terminate. The director may grant additional time upon request of the applicant.

c. Any owner or operator authorized by a general permit may request to be excluded from the coverage of the general permit by applying for an individual permit. The owner or operator shall submit an application under LAC

33:IX.2331, with reasons supporting the request, to the director no later than 90 days after the publication by EPA of the general permit in the *Federal Register* or the publication by a state in accordance with applicable state law. The request shall be processed under 40 CFR part 124 or applicable state procedures. The request shall be granted by issuing of any individual permit if the reasons cited by the owner or operator are adequate to support the request.

d. When an individual LPDES permit is issued to an owner or operator otherwise subject to a general LPDES permit, the applicability of the general permit to the individual LPDES permittee is automatically terminated on the effective date of the individual permit.

e. A source excluded from a general permit solely because it already has an individual permit may request that the individual permit be revoked, and that it be covered by the general permit. Upon revocation of the individual permit, the general permit shall apply to the source.

C. Offshore Oil and Gas Facilities.

1. The EPA regional administrator shall, except as provided below, issue general permits covering discharges from offshore oil and gas exploration and production facilities within the region's jurisdiction. Where the offshore area includes areas, such as areas of biological concern, for which separate permit conditions are required, the EPA regional administrator may issue separate general permits, individual permits, or both. The reason for separate general permits or individual permits shall be set forth in the appropriate fact sheets or statements of basis. Any statement of basis or fact sheet for a draft permit shall include the EPA regional administrator's tentative determination as to whether the permit applies to new sources, new dischargers, or existing sources and the reasons for this determination, and the EPA regional administrator's proposals as to areas of biological concern subject either to separate individual or general permits. For federally leased lands, the general permit area should generally be no less extensive than the lease sale area defined by the Department of the Interior.

2. Any interested person, including any prospective permittee, may petition the EPA regional administrator to issue a general permit. Unless the EPA regional administrator determines under 40 CFR 122.28(c)(1) that no general permit is appropriate, he shall promptly provide a project decision schedule covering the issuance of the general permit or permits for any lease sale area for which the Department of the Interior has published a draft environmental impact statement. The project decision schedule shall meet the requirements of 40 CFR 124.3(g), and shall include a schedule providing for the issuance of the final general permit or permits not later than the date of the final notice of sale projected by the Department of the Interior or six months after the date of the request, whichever is later. The EPA regional administrator may, at his discretion, issue a project decision schedule for offshore oil and gas facilities in the territorial seas.

3. Nothing in 40 CFR 122.28(c) shall affect the authority of the EPA regional administrator to require an individual permit under 40 CFR 122.28 (b)(3)(i)(A)-(G).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

Subchapter C. Permit Conditions

§2355. Conditions Applicable to All Permits

The following conditions apply to all LPDES permits. Additional conditions applicable to LPDES permits are in LAC 33:IX.2357. All conditions applicable to LPDES permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations (or the corresponding approved state regulations) must be given in the permit.

A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the CWA and the LEQA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

1. The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA 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.

2. R.S. 30:2025 provides for civil penalties for violations of these regulations and the LEQA. R.S. 30:2076.2 provides for criminal penalties for violation of any provisions of the Louisiana Pollutant Discharge Elimination System or any order or any permit condition or limitation issued under or implementing any provisions of the LPDES program.

3. Any person may be assessed an administrative penalty by the state administrative authority under R.S. 30:2025 for violating any permit condition or limitation implementing any of requirement of the LPDES Program in a permit issued under these regulations or the LEQA.

B. Duty to Reapply. 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.

C. Need to Halt or Reduce Activity 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.

D. 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. Additional requirements are found in LAC 33:IX.2771.

E. Proper Operation and Maintenance. 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 back-up 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.

F. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. 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.

G. Property Rights. This permit does not convey any property rights of any sort, or any exclusive privilege.

H. 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.

I. 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 law, to:

1. 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;

2. have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA or the LEQA, any substances or parameters at any location.

5. perform such additional requirements for inspection and entry as are found in LAC 33:IX.2773.

J. Monitoring and Records.

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

2. 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 part 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 three 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.

3. 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 individual(s) who performed the analyses;

e. the analytical techniques or methods used;

f. the results of such analyses; and

g. additional information found in LAC 33:IX.2775.

4. Monitoring results must be conducted according to test procedures approved under 40 CFR part 136 (See LAC 33:IX.2531) or, in the case of sludge use or disposal, approved under 40 CFR part 136 (See LAC 33:IX.2531) unless otherwise specified in 40 CFR part 503, unless other test procedures have been specified in this permit.

5. R.S. 30:2025 provides for the punishment of any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit.

K. Signatory Requirement.

1. All applications, reports, or information submitted to the state administrative authority shall be signed and certified. (See LAC 33:IX.2333.)

2. R.S. 30:2076.2 provides 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.

L. Reporting Requirements.

1. Planned 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.2357.A.1.

c. the alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;

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 CWA or the LEQA. (See LAC 33:IX.2381; in some cases, modification or revocation and reissuance is mandatory.)

4. Monitoring Reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

a. Monitoring results must be reported on a discharge monitoring report (DMR) or forms provided or specified by the state administrative authority for reporting results of monitoring of sludge use or disposal practices.

b. 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.2531) or, in the case of sludge use or disposal, approved under 40 CFR part 136 (See LAC 33:IX.2531) 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 DMR or sludge reporting form specified by the state administrative authority.

c. 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.

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. Twenty-four Hour Reporting.

a. The permittee shall report any noncompliance which may endanger 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 reoccurrence of the noncompliance.

b. The following shall be included as information which must be reported within 24 hours under this Paragraph:

i. any unanticipated bypass which exceeds any effluent limitation in the permit (see Subsection M.3.b of this Section);

ii. any upset which exceeds any effluent limitation in the permit; and

iii. violation of a maximum daily discharge limitation for any of the pollutants listed by the state administrative authority in the permit to be reported within 24 hours (LAC 33:IX.2361.G).

c. The state administrative authority may waive the written report on a case-by-case basis for reports under LAC 33:IX.2355.L.6.b if the oral report has been received within 24 hours.

7. Other Noncompliance. The permittee shall report all instances of noncompliance not reported under LAC 33:IX.2355.L.4, 5, and 6, at the time monitoring reports are submitted. The reports shall contain the information listed in LAC 33:IX.2355.L.6.

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.

M. Bypass

1. Definitions

Bypass—the intentional diversion of waste streams from any portion of a treatment facility.

Severe Property Damage—substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which 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.

2. 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 LAC 33:IX.2355.M.3 and 4.

3. Notice

a. Anticipated Bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.

b. Unanticipated Bypass. The permittee shall submit notice of an unanticipated bypass as required in LAC 33:IX.2355.L.6 (24-hour notice). Additional reporting requirements are found in LAC 33:IX.2777.A.

4. Prohibition of Bypass.

a. Bypass is prohibited, and the state administrative authority may take enforcement action against a permittee for bypass, unless:

i. bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

ii. 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 back-up 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

iii. the permittee submitted notices as required under LAC 33:IX.2355.M.3.

b. 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 LAC 33:IX.2355.M.4.a.

N. Upset

1. Definition. *Upset*Can 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.

2. 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 LAC 33:IX.2355.N.3 are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

3. 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:

a. an upset occurred and that the permittee can identify the cause(s) of the upset;

b. the permitted facility was at the time being properly operated; and

c. the permittee submitted notice of the upset as required in LAC 33:IX.2355.L.6.b.ii (24-hour notice). (Additional reporting requirements are found in LAC 33:IX.2777.B); and

d. the permittee complied with any remedial measures required under LAC 33:IX.2355.D.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Water Pollution Control Division, LR 23:724 (June 1997).

§2357. Additional Conditions Applicable to Specified Categories of LPDES Permits

The following conditions, in addition to those set forth in LAC 33:IX.2355, apply to all LPDES permits within the categories specified below:

A. Existing Manufacturing, Commercial, Mining, and Silvicultural Dischargers. In addition to the reporting requirements under LAC 33:IX.2355.L, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the state administrative authority as soon as they know or have reason to believe:

1. that any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:

a. 100 micrograms per liter (100 Fg/l);

b. 200 micrograms per liter (200 Fg/l) for acrolein and acrylonitrile; 500 micrograms per liter (500 Fg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and 1 milligram per liter (1 mg/l) for antimony;

c. five times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC 33:IX.2331.G.7; or

d. the level established by the state administrative authority in accordance with LAC 33:IX.2361.F.

2. that any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:

a. 500 micrograms per liter (500 Fg/l);

b. 1 milligram per liter (1 mg/l) for antimony;

c. 10 times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC 33:IX.2331.G.7.

d. the level established by the state administrative authority in accordance with LAC 33:IX.2361.F.

B. Publicly Owned Treatment Works. All POTWs must provide adequate notice to the state administrative authority of the following:

1. 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

2. 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.

3. for purposes of this Subsection, adequate notice shall include information on:

a. the quality and quantity of effluent introduced into the POTW, and

b. any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

C. Municipal Separate Storm Sewer Systems. The operator of a large or medium municipal separate storm sewer system or a municipal separate storm sewer that has been designated by the state administrative authority under LAC 33:IX.2341.A.1.e must submit an annual report by the anniversary of the date of the issuance of the permit for such system. The report shall include:

1. the status of implementing the components of the storm water management program that are established as permit conditions;

2. proposed changes to the storm water management programs that are established as permit condition. Such proposed changes shall be consistent with LAC 33:IX.2341.D.2.c; and

3. revisions, if necessary, to the assessment of controls and the fiscal analysis reported in the permit application under LAC 33:IX.2341.D.2.d and e;

4. a summary of data, including monitoring data, that is accumulated throughout the reporting year;

5. annual expenditures and budget for year following each annual report;

6. a summary describing the number and nature of enforcement actions, inspections, and public education programs; and

7. identification of water quality improvements or degradation.

D. Storm Water Discharges. The initial permits for discharges composed entirely of storm water issued pursuant to LAC 33:IX.2341.E.7 shall require compliance with the conditions of the permit as expeditiously as practicable, but in no event later than three years after the date of issuance of the permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2359. Establishing Permit Conditions

A. In addition to conditions required in all permits (LAC 33:IX., 2355, and 2357), the state administrative authority shall establish conditions, as required on a case-by-case basis, to provide for and assure compliance with all applicable requirements of the CWA and regulations. These shall include conditions under LAC 33:IX.2365 (duration of permits), LAC 33:IX.2367.A (schedules of compliance), LAC 33:IX.2369 (monitoring), LAC 33:IX.2367.B (alternate schedules of compliance) and for EPA permits only 40 CFR 122.49 (considerations under federal law).

B.1. For a state issued permit, an applicable requirement is a state statutory or regulatory requirement which takes effect prior to final administrative disposition of a permit. For a permit issued by EPA, an applicable requirement is a statutory or regulatory requirement (including any interim final regulation) which takes effect prior to the issuance of the permit (except as provided in 40 CFR 124.86 (c) for NPDES permits being processed under 40 CFR part 124, subparts E or F). Section LAC 33:IX.2423 for the state and 40 CFR 124.14 for EPA (reopening of comment period) provides a means for reopening permit proceedings at the discretion of the director where new requirements become effective during the permitting process and are of sufficient magnitude to make additional proceedings desirable. For state and EPA administered programs, an applicable requirement is also any requirement which takes effect prior to the modification or revocation and reissuance of a permit, to the extent allowed in LAC 33:IX.2383.

2. New or reissued permits, and to the extent allowed under LAC 33:IX.2383 modified or revoked and reissued permits, shall incorporate each of the applicable requirements referenced in LAC 33:IX.2361 and 2363.

C. Incorporation. All permit conditions shall be incorporated either expressly or by reference. If incorporated by reference, a specific citation to the applicable regulations or requirements must be given in the permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2361. Establishing Limitations, Standards, and Other Permit Conditions

In addition to the conditions established under LAC 33:IX.2359.A, each LPDES permit shall include

conditions meeting the following requirements when applicable.

A. Technology-based effluent limitations and standards based on effluent limitations and standards promulgated under section 301 of the CWA or new source performance standards promulgated under section 306 of the CWA, on case-by-case effluent limitations determined under section 402(a)(1) of the CWA, or on a combination of the two, in accordance with LAC 33:IX.2469. For new sources or new dischargers, these technology-based limitations and standards are subject to the provisions of 40 CFR 122.29(d) (protection period).

B.1. Other effluent limitations and standards under sections 301, 302, 303, 307, 318, and 405 of the CWA. 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 CWA for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in the 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. See also LAC 33:IX.2355.A.

2. Standards for sewage sludge use or disposal under section 405(d) of the CWA unless those standards have been included in a permit issued under the appropriate provisions of subtitle C of the Solid Waste Disposal Act, part C of Safe Drinking Water Act, the Marine Protection, Research, and Sanctuaries Act of 1972, or the Clean Air Act, or under state permit programs approved by the Administrator. When there are no applicable standards for sewage sludge use or disposal, the permit may include requirements developed on a case-by-case basis to protect public health and the environment from any adverse effects which may occur from toxic pollutants in sewage sludge. If any applicable standard for sewage sludge use or disposal is promulgated under section 405(d) of the CWA and that standard is more stringent than any limitation on the pollutant or practice in the permit, the state administrative authority may initiate proceedings under these regulations to modify or revoke and reissue the permit to conform to the standard for sewage sludge use or disposal.

C. Reopener Clause: for any discharger within a primary industry category (see LAC 33:IX.Chapter 23.Appendix A), requirements under section 307(a)(2) of the CWA as follows:

1. on or before June 30, 1981:

a. if applicable standards or limitations have not yet been promulgated, the permit shall include a condition stating that, if an applicable standard or limitation is promulgated under sections 301(b)(2) (C) and (D), 304(b)(2), and 307(a)(2) of the CWA and that effluent standard or limitation is more stringent than any effluent limitation in the permit or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked and reissued to conform to that effluent standard or limitation.

b. if applicable standards or limitations have been promulgated or approved, the permit shall include those standards or limitations.

2. on or after the statutory deadline set forth in section 301(b)(2)(A), (C), and (E) of the CWA, any permit issued shall include effluent limitations to meet the requirements of section 301(b)(2)(A), (C), (D), (E), and (F) of the CWA, whether or not applicable effluent limitations guidelines have been promulgated or approved. These permits need not incorporate the clause required by LAC 33:IX.2361.C.1.

3. the state administrative authority shall promptly modify or revoke and reissue any permit containing the clause required under LAC 33:IX.2361.C.1 to incorporate an applicable effluent standard or limitation under sections 301(b)(2)(C) and (D), 304(b)(2) and 307(a)(2) of the CWA which is promulgated or approved after the permit is issued if that effluent standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit.

4. for any permit issued to a treatment works treating domestic sewage (including sludge-only facilities), the state administrative authority shall include a reopener clause to incorporate any applicable standard for sewage sludge use or disposal promulgated under section 405(d) of the CWA. The state administrative authority may promptly modify or revoke and reissue any permit containing the reopener clause required by this paragraph if the standard for sewage sludge use or disposal is more stringent than any requirements for sludge use or disposal in the permit, or controls a pollutant or practice not limited in the permit.

D. Water Quality Standards and State Requirements. Any requirements in addition to or more stringent than promulgated effluent limitations guidelines or standards under sections 301, 304, 306, 307, 318 and 405 of the CWA necessary to:

1. achieve water quality standards established under section 303 of the CWA, including state narrative criteria for water quality.

a. limitations must control all pollutants or pollutant parameters (either conventional, nonconventional, or toxic pollutants) which the state administrative authority determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard, including state narrative criteria for watering quality.

b. when determining whether a discharge causes or has the reasonable potential to cause, or contributes to an in-stream excursion above a narrative or numeric criteria within a state water quality standard, the permitting authority shall use procedures which account for existing controls on point and nonpoint sources of pollution, the variability of the pollutant or pollutant parameter in the effluent, the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity), and where appropriate, the dilution of the effluent in the receiving water.

c. when the permitting authority determines, using the procedures in LAC 33:IX.2361.D.1.b, that a discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above the allowable ambient concentration of a state numeric criteria within a state water quality for an individual pollutant, the permit must contain effluent limits for that pollutant.

d. when the permitting authority determines, using the procedures in LAC 33:IX.2361.D.1.b, that a discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above the numeric criterion for whole effluent toxicity, the permit must contain effluent limits for whole effluent toxicity.

e. except as provided in this Subparagraph, when the permitting authority determines, using the procedures in LAC 33:IX.2361.D.1.b, toxicity testing data, or other information, that a discharge causes, has the reasonable potential to cause, or contributes to an in-stream excursion above a narrative criterion within an applicable state water quality standard, the permit must contain effluent limits for whole effluent toxicity. Limits on whole effluent toxicity are not necessary where the permitting authority demonstrates in the fact sheet or statement of basis of the LPDES permit, using the procedures in LAC 33:IX.2361.D.1.b, that chemical-specific limits for the effluent are sufficient to attain and maintain applicable numeric and narrative state water quality standards.

f. where a state has not established a water quality criterion for a specific chemical pollutant that is present in an effluent at a concentration that causes, has the reasonable potential to cause, or contributes to an excursion above a narrative criterion within an applicable state water quality standard, the permitting authority must establish effluent limits using one or more of the following options:

i. establish effluent limits using a calculated numeric water quality criterion for the pollutant which the permitting authority demonstrates will attain and maintain applicable narrative water quality criteria and will fully protect the designated use. Such a criterion may be derived using a proposed state criterion, or an explicit state policy or regulation interpreting its narrative water quality criterion, supplemented with other relevant information which may include: EPA's Water Quality Standards Handbook, October 1983, risk assessment data, exposure data, information about the pollutant from the Food and Drug Administration, and current EPA criteria documents; or

ii. establish effluent limits on a case-by-case basis, using EPA's water quality criteria, published under section 304(a) of the CWA, supplemented where necessary by other relevant information; or

iii. establish effluent limitations on an indicator parameter for the pollutant of concern, provided:

(a). the permit identifies which pollutants are intended to be controlled by the use of the effluent limitations;

(b). the fact sheet required by LAC 33:IX.2445 sets forth the basis for the limit, including and finding that compliance with the effluent limit on the indicator parameter will result in controls on the pollutant of concern which are sufficient to attain and maintain applicable water quality standards;

(c). the permit requires all effluent and ambient monitoring necessary to show that during the term of the permit the limit on the indicator parameter continues to attain and maintain applicable water quality standards; and

(d). the permit contains a reopener clause allowing the permitting authority to modify or revoke and reissue the permit if the limits on the indicator parameter no longer attain and maintain applicable water quality standards.

g. when developing water quality-based effluent limits under this Paragraph the permitting authority shall ensure that:

i. the level of water quality to be achieved by limits on point sources established under this paragraph is derived from, and complies with all applicable water quality standards; and

ii. effluent limits developed to protect a narrative water quality criterion, a numeric water quality criterion, or both, are consistent with the assumptions and requirements of any available wasteload allocation for the discharge prepared by the state and approved by EPA pursuant to 40 CFR 130.7;

2. attain or maintain a specified water quality through water quality related effluent limits established under section 302 of the CWA;

3. conform to the conditions to a state certification under section 401 of the CWA that meets the requirements of 40 CFR 124.53 when EPA is the permitting authority. If a state certification is stayed by a court of competent jurisdiction or an appropriate state board or agency, EPA shall notify the state that the agency will deem certification waived unless a finally effective state certification is received within 60 days from the date of the notice. If the state does not forward a finally effective certification within the 60 - day period, EPA shall include conditions in the permit that may be necessary to meet EPA's obligation under section 301(b)(1)(C) of the CWA;

4. conform to applicable water quality requirements under section 401(a)(2) of the CWA when the discharge affects a state other than the certifying state;

5. incorporate any more stringent limitations, treatment standards, or schedule of compliance requirements established under federal or state law or regulations in accordance with section 301(b)(1) (C) of the CWA;

6. ensure consistency with the requirements of a Water Quality Management plan approved by EPA under section 208(b) of the CWA;

7. incorporate CWA section 403(c) criteria under LAC 33:IX.Chapter 23. Subchapter U, for ocean discharges;

8. incorporate alternative effluent limitations or standards where warranted by fundamentally different factors, under LAC 33:IX.Chapter 23, Subchapter K;

9. incorporate any other appropriate requirements, conditions, or limitations (other than effluent limitations) into a new source permit to the extent allowed by the National Environmental Policy Act, 42 U.S.C. 4321 et seq. and section 511 of the CWA, when EPA is the permit issuing authority. (See 40 CFR 122.29(c)).

E. Technology-based Controls for Toxic Pollutants. Limitations established under LAC 33:IX.2361.A, B, or D, to control pollutants meeting the criteria listed in LAC 33:IX.2361.E.1. Limitations will be established in accordance with LAC 33:IX.2361.E.2. An explanation of the development of these limitations shall be included in the fact sheet under LAC 33:IX.2445.B.1.a.

1. Limitations must control all toxic pollutants which the state administrative authority determines (based on information reported in a permit application under LAC 33:IX.2331.G.7 or 10 or in a notification under LAC 33:IX.2357.A.1 or on other information) are or may be discharged at a level greater than the level which can be achieved by the technology-based treatment requirements appropriate to the permittee under LAC 33:IX.2469.C; or

2. The requirement that the limitations control the pollutants meeting the criteria of LAC 33:IX.2361.E.1 will be satisfied by:

a. limitations on those pollutants; or

b. limitations on other pollutants which, in the judgment of the state administrative authority, will provide treatment of the pollutants under LAC 33:IX.2361.E.1 to the levels required by LAC 33:IX.2469.C.

F. Notification Level. A notification level which exceeds the notification level of LAC 33:IX.2357.A.1.a, b, or c, upon a petition from the permittee or on the state administrative authority's initiative. This new notification level may not exceed the level which can be achieved by the technology-based treatment requirements appropriate to the permittee under LAC 33:IX.2469.C.

G. Twenty-four Hour Reporting. Pollutants for which the permittee must report violations of maximum daily discharge limitations under LAC 33:IX.2355.L.6.b.iii (24-hour reporting) shall be listed in the permit. This list shall include any toxic pollutant or hazardous substance, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance.

H. Durations for permits, as set forth in LAC 33:IX.2365.

I. Monitoring Requirements. In addition to LAC 33:IX.2369, the following monitoring requirements:

1. To assure compliance with permit limitations, requirements to monitor:

a. The mass (or other measurement specified in the permit) for each pollutant limited in the permit;

b. The volume of effluent discharged from each outfall;

c. Other measurements as appropriate including pollutants in internal waste streams under LAC 33:IX.2363.H; pollutants in intake water for net limitations under LAC 33:IX.2363.G; frequency, rate of discharge, etc., for noncontinuous discharges under LAC 33:IX.2363.E; pollutants subject to notification requirements under LAC 33:IX.2357.A; and pollutants in sewage sludge or other monitoring as specified in 40 CFR part 503; or as determined to be necessary on a case-by-case basis pursuant to section 405(d) of the CWA.

d. According to test procedures approved under 40 CFR part 136 (See LAC 33:IX.2531) for the analyses of pollutants having approved methods under that part, and according to a test procedure specified in the permit for pollutants with no approved methods.

2. Except as provided in LAC 33:IX.2361.I.4 and 5, requirements to report monitoring results shall be established on a case-by-case basis with a frequency dependent on the nature and effect of the discharge, but in no case less than once a year. For sewage sludge use or disposal practices, requirements to monitor and report results shall be established on a case-by-case basis with a frequency dependent on the nature and effect of the sewage sludge use or disposal practice; minimally this shall be as specified in 40 CFR part 503 (where applicable), but in no case less than once a year.

3. Requirements to report monitoring results for storm water discharges associated with industrial activity which are subject to an effluent limitation guideline shall be established on a case-by-case basis with a frequency dependent on the nature and effect of the discharge, but in no case less than once a year.

4. Requirements to report monitoring results for storm water discharges associated with industrial activity (other than those addressed in LAC 33:IX.2361.I.3) shall be established on a case-by-case basis with a frequency dependent on the nature and effect of the discharge. At a minimum, a permit for such a discharge must require:

a. the discharger to conduct an annual inspection of the facility site to identify areas contributing to a storm water discharge associated with industrial activity and evaluate whether measures to reduce pollutant loadings identified in a storm water pollution prevention plan are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed;

b. the discharger to maintain for a period of three years a record summarizing the results of the inspection and a certification that the facility is in compliance with the plan and the permit, and identifying any incidents of noncompliance;

c. such report and certification be signed in accordance with LAC 33:IX.2333; and

d. permits for storm water discharges associated with industrial activity from inactive mining operations may, where annual inspections are impracticable, require certification once every three years by a registered professional engineer that the facility is in compliance with the permit, or alternative requirements.

5. Permits which do not require the submittal of monitoring result reports at least annually shall require that the permittee report all instances of noncompliance not reported under LAC 33:IX.2355.L.1, 4, 5, and 6 at least annually.

J. Pretreatment Program for POTWs. Requirements for POTWs to:

1. Identify, in terms of character and volume of pollutants, any significant indirect dischargers into the POTW subject to pretreatment standards under section 307(b) of the CWA and LAC 33:IX.Chapter 23.Subchapter T.

2. Submit a local program when required by and in accordance with LAC 33:IX.Chapter 23.Subchapter T to assure compliance with pretreatment standards to the extent applicable under section 307(b) of the CWA. The local program shall be incorporated into the permit as described in LAC 33:IX.Chapter 23. Subchapter T. The program shall require all indirect dischargers to the POTW to comply with the reporting requirements of LAC 33:IX.Chapter 23.Subchapter T.

3. For POTWs which are sludge-only facilities, a requirement to develop a pretreatment program under LAC 33:IX.Chapter 23.Subchapter T when the state administrative authority determines that a pretreatment program is necessary to assure compliance with section 405(d) of the CWA.

K. Best management practices to control or abate the discharge of pollutants when:

1. authorized under section 304(e) of the CWA for the control of toxic pollutants and hazardous substances from ancillary industrial activities;

2. numeric effluent limitations are infeasible; or

3. the practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA and the LEQA.

L. Reissued Permits.

1. Except as provided in LAC 33:IX.2361.L.2 when a permit is renewed or reissued, interim limitations, standards or conditions must be at least as stringent as the final limitations, standards, or conditions in the previous permit (unless the circumstances on which the previous permit was based have materially and substantially changed since the time the permit was issued and would constitute cause for permit modification or revocation and reissuance under LAC 33:IX.2383).

2. In the case of effluent limitations established on the basis of section 402(a)(1)(B) of the CWA, a permit may not be renewed, reissued, or modified on the basis of effluent guidelines promulgated under CWA section 304(b) subsequent to the original issuance of such permit, to contain effluent limitations which are less stringent that the comparable effluent limitations in the previous permit.

a. Exceptions. A permit with respect to which LAC 33:IX.2361.L applies may be renewed, reissued, or modified to contain a less stringent effluent limitation applicable to a pollutant, if

i. material and substantial alterations or additions to the permitted facility occurred after permit issuance which justify the application of a less stringent effluent limitation;

ii. (a). information is available which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of a less stringent effluent limitation at the time of permit issuance; or

(b). the administrator determines that technical mistakes or mistaken interpretations of law were made in issuing the permit under CWA section 402(a)(1)(b);

iii. less stringent effluent limitation is necessary because of events over which the permittee has no control and for which there is no reasonably available remedy;

iv. the permittee has received a permit modification under section 301(c), 301(g), 301(h), 301(i), 301(k), 301(n), or 316(a) of the CWA; or

v. the permittee has installed the treatment facilities required to meet the effluent limitations in the previous permit and has properly operated and maintained the facilities but has nevertheless been unable to achieve the previous effluent limitations, in which case the limitations in the reviewed, reissued, or modified permit may reflect the level of pollutant control actually achieved (but shall not be less stringent than required by effluent guidelines in effect at the time of permit renewal, reissuance, or modification).

b. Limitations. In no event may a permit with respect to which LAC 33:IX.2361.L.2 applies to be renewed, reissued, or modified to contain an effluent limitation which is less stringent than required by effluent guidelines in effect at the time the permit is renewed, reissued, or modified. In no event may such a permit to discharge into waters be renewed, issued, or modified to contain a less stringent effluent limitation if the implementation of such limitation would result in a violation of a water quality standard under section 303 of the CWA applicable to such waters.

M. Privately Owned Treatment Works. For a privately owned treatment works, any conditions expressly applicable to any user, as a limited co-permittee, that may be necessary in the permit issued to the treatment works to ensure compliance with applicable requirements under LAC 33:IX.33.Chapter 23.Subchapters A - D. Alternatively, the state administrative authority may issue separate permits to

the treatment works and to its users, or may require a separate permit application from any user. The state administrative authority's decision to issue a permit with no conditions applicable to any user, to impose conditions on one or more users, to issue separate permits, or to require separate applications, and the basis for that decision, shall be stated in the fact sheet for the draft permit for the treatment works.

N. Grants. Any conditions imposed in grants made by the administrator to POTWs under sections 201 and 204 of the CWA which are reasonably necessary for the achievement of effluent limitations under section 301 of the CWA.

O. Sewage Sludge. Requirements under section 405 of the CWA governing the disposal of sewage sludge from publicly owned treatment works or any other treatment works treating domestic sewage for any use for which regulations have been established, in accordance with any applicable regulations.

P. Coast Guard. When a permit is issued to a facility that may operate at certain times as a means of transportation over water, a condition that the discharge shall comply with any applicable regulations promulgated by the secretary of the department in which the Coast Guard is operating, that establish specifications for safe transportation, handling, carriage, and storage of pollutants.

Q. Navigation. Any conditions that the secretary of the Army considers necessary to ensure that navigation and anchorage will not be substantially impaired, in accordance with 40 CFR 124.58.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:724 (June 1997), LR 23:1523 (November 1997).

§2363. Calculating LPDES Permit Conditions

A. Outfalls and Discharge Points. All permit effluent limitations, standards and prohibitions shall be established for each outfall or discharge point of the permitted facility, except as otherwise provided under LAC 33:IX.2361.K (BMPs where limitations are infeasible) and LAC 33:IX.2363.H (limitations on internal waste streams).

B. Production-based Limitations.

1. In the case of POTWs, permit effluent limitations, standards, or prohibitions shall be calculated based on design flow.

2.a. Except in the case of POTWs or as provided in LAC 33:IX.2363.B.2.b, calculation of any permit limitations, standards, or prohibitions which are based on production (or other measure of operation) shall be based not upon the designed production capacity but rather upon a reasonable measure of actual production of the facility. For new sources or new dischargers, actual production shall be estimated using projected production. The time period of the measure of production shall correspond to the time period of the calculated permit limitations; for example, monthly production shall be used to calculate average monthly discharge limitations.

bi. (a).The state administrative authority may include a condition establishing alternate permit limitations, standards, or prohibitions based upon anticipated increased (not to exceed maximum production capability) or decreased production levels.

(b). For the automotive manufacturing industry only, the EPA regional administrator shall, and the state administrative authority may establish a condition under LAC 33:IX.2363.B.2.b.i.(a) if the applicant satisfactorily demonstrates to the state administrative authority at the time the application is submitted that its actual production, as indicated in LAC 33:IX.2363.B.2.a, is substantially below maximum production capability and that there is a reasonable potential for an increase above actual production during the duration of the permit.

ii. If the state administrative authority establishes permit conditions under LAC 33:IX.2363.B.2.b.i:

(a). the permit shall require the permittee to notify the state administrative authority at least two business days prior to a month in which the permittee expects to operate at a level higher than the lowest production level identified in the permit. The notice shall specify the anticipated level and the period during which the permittee expects to operate at the alternate level. If the notice covers more than one month, the notice shall specify the reasons for the anticipated production level increase. New notice of discharge at alternate levels is required to cover a period or production level not covered by prior notice or, if during two consecutive months otherwise covered by a notice, the production level at the permitted facility does not in fact meet the higher level designated in the notice.

(b). the permittee shall comply with the limitations, standards, or prohibitions that correspond to the lowest level of production specified in the permit, unless the permittee has notified the state administrative authority under LAC 33:IX.2363.B.2.b.ii.(a), in which case the permittee shall comply with the lower of the actual level of production during each month or the level specified in the notice.

(c). The permittee shall submit with the DMR the level of production that actually occurred during each month and the limitations, standards, or prohibitions applicable to that level of production.

C. Metals. All permit effluent limitations, standards, or prohibitions for a metal shall be expressed in terms of total recoverable metal as defined in 40 CFR part 136 (See LAC 33:IX.2531) unless:

1. an applicable effluent standard or limitation has been promulgated under the CWA or the LEQA and specifies the limitation for the metal in the dissolved or valent or total form; or

2. in establishing permit limitations on a case-by-case basis under LAC 33:IX.2469, it is necessary to express the limitation on the metal in the dissolved or valent or total form to carry out the provisions of the CWA and the LEQA; or

3. all approved analytical methods for the metal inherently measure only its dissolved form (e.g., hexavalent chromium).

D. Continuous Discharges. For continuous discharges all permit effluent limitations, standards, and prohibitions, including those necessary to achieve water quality standards, shall unless impracticable be stated as:

1. maximum daily and average monthly discharge limitations for all dischargers other than publicly owned treatment works; and

2. average weekly and average monthly discharge limitations for POTWs.

E. Noncontinuous Discharges. Discharges which are not continuous, as defined in LAC 33:IX.2313, shall be particularly described and limited, considering the following factors, as appropriate:

1. frequency (for example, a batch discharge shall not occur more than once every three weeks);

2. total mass (for example, not to exceed 100 kilograms of zinc and 200 kilograms of chromium per batch discharge);

3. maximum rate of discharge of pollutants during the discharge (for example, not to exceed 2 kilograms of zinc per minute); and

4. prohibition or limitation of specified pollutants by mass, concentration, or other appropriate measure (for example, shall not contain at any time more than 0.1 mg/1 zinc or more than 250 grams (**3** kilogram) of zinc in any discharge).

F. Mass Limitations.

1. All pollutants limited in permits shall have limitations, standards or prohibitions expressed in terms of mass except:

a. for pH, temperature, radiation, or other pollutants which cannot appropriately be expressed by mass;

b. when applicable standards and limitations are expressed in terms of other units of measurement; or

c. if in establishing permit limitations on a case-by-case basis under LAC 33:IX.2469, limitations expressed in terms of mass are infeasible because the mass of the pollutant discharged cannot be related to a measure of operation (for example, discharges of TSS from certain mining operations), and permit conditions ensure that dilution will not be used as a substitute for treatment.

2. Pollutants limited in terms of mass additionally may be limited in terms of other units of measurement, and the permit shall require the permittee to comply with both limitations.

G. Pollutants in Intake Water.

1. Upon request of the discharger, technology-based effluent limitations or standards shall be adjusted to reflect credit for pollutants in the discharger's intake water if:

a. the applicable effluent limitations and standards contained in 40 CFR subchapter N (See LAC 33:IX.2533) specifically provide that they shall be applied on a net basis; or

b. the discharger demonstrates that the control system it proposes or uses to meet applicable technology-based limitations and standards would, if properly installed and operated, meet the limitations and standards in the absence of pollutants in the intake waters.

2. Credit for generic pollutants such as biochemical oxygen demand (BOD) or total suspended solids (TSS) should not be granted unless the permittee demonstrates that the constituents of the generic measure in the effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

3. Credit shall be granted only to the extent necessary to meet the applicable limitation or standard, up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with permit limits.

4. Credit shall be granted only if the discharger demonstrates that the intake water is drawn from the same body of water into which the discharge is made. The state administrative authority may waive this requirement if he finds that no environmental degradation will result.

5. This Section does not apply to the discharge of raw water clarifier sludge generated from the treatment of intake water.

H. Internal Waste Streams.

1. When permit effluent limitations or standards imposed at the point of discharge are impractical or infeasible, effluent limitations or standards for discharges of pollutants may be imposed on internal waste streams before mixing with other waste streams or cooling water streams. In those instances, the monitoring required by LAC 33:IX.2363.I shall also be applied to the internal waste streams.

2. Limits on internal waste streams will be imposed only when the fact sheet under LAC 33:IX.2445 sets forth the exceptional circumstances which make such limitations necessary, such as when the final discharge point is inaccessible (for example, under 10 meters of water), the wastes at the point of discharge are so diluted as to make monitoring impracticable, or the interferences among pollutants at the point of discharge would make detection or analysis impracticable.

I. Disposal of Pollutants into Wells, into POTWs or by Land Application. Permit limitations and standards shall be calculated as provided in LAC 33:IX.2371.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2365. Duration of Permits

A. LPDES permits shall be effective for a fixed term not to exceed five years.

B. Except as provided in LAC 33:IX.2321, the term of a permit shall not be extended by modification beyond the maximum duration specified in this Section.

C. The state administrative authority may issue any permit for a duration that is less than the full allowable term under this Section.

D. A permit may be issued to expire on or after the statutory deadline set forth in CWA section 301(b)(2)(A), (C), and (E) (July 1, 1984), if the permit includes effluent limitations to meet the requirements of section 301(b)(2)(A), (C), (D), (E) and (F) of the CWA, whether or not applicable effluent limitations guidelines have been promulgated or approved.

E. A determination that a particular discharger falls within a given industrial category for purposes of setting a permit expiration date under LAC 33:IX.2365.D is not conclusive as to the discharger's inclusion in that industrial category for any other purposes, and does not prejudice any rights to challenge or change that inclusion at the time that a permit based on that determination is formulated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2367. Schedules of Compliance

A. General. The permit may, when appropriate, specify a schedule of compliance leading to compliance with the CWA and regulations.

1. Time for Compliance. Any schedules of compliance under this Section shall require compliance as soon as possible, but not later than the applicable statutory deadline under the CWA.

2. The first LPDES permit issued to a new source or a new discharger shall contain a schedule of compliance only when necessary to allow a reasonable opportunity to attain compliance with requirements issued or revised after commencement of construction but less than three years before commencement of the relevant discharge. For recommencing dischargers, a schedule of compliance shall be available only when necessary to allow a reasonable opportunity to attain compliance with requirements issued or revised less than three years before recommencement of discharge.

3. Interim Dates. Except as provided in LAC 33:IX.2367.B.1.b, if a permit establishes a schedule of compliance which exceeds one year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement.

a. The time between interim dates shall not exceed one year, except that in the case of a schedule for compliance with standards for sewage sludge use and disposal, the time between interim dates shall not exceed six months.

b. If the time necessary for completion of any interim requirement (such as the construction of a control facility) is more than one year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.

NOTE: Examples of interim requirements include: (a). Submit a complete Step 1 construction grant (for POTWs); (b). let a contract for construction of required facilities; (c). commence construction of required facilities; (d). complete construction of required facilities.

4. Reporting. The permit shall be written to require that no later than 14 days following each interim date and the final date of compliance, the permittee shall notify the state administrative authority in writing of its compliance or noncompliance with the interim or final requirements, or submit progress reports if LAC 33:IX.2367.A.3.b is applicable.

B. Alternative Schedules of Compliance. An LPDES permit applicant or permittee may cease conducting regulated activities (by terminating of direct discharge for LPDES sources) rather than continuing to operate and meet permit requirements as follows:

1. If the permittee decides to cease conducting regulated activities at a given time within the term of a permit which has already been issued:

a. The permit may be modified to contain a new or additional schedule leading to timely cessation of activities; or

b. The permittee shall cease conducting permitted activities before non-compliance with any interim or final compliance schedule requirement already specified in the permit.

2. If the decision to cease conducting regulated activities is made before issuance of a permit whose term will include the termination date, the permit shall contain a schedule leading to termination which will ensure timely compliance with applicable requirements no later than the statutory deadline.

3. If the permittee is undecided whether to cease conducting regulated activities, the state administrative authority may issue or modify a permit to contain two schedules as follows:

a. both schedules shall contain an identical interim deadline requiring a final decision on whether to cease

conducting regulated activities no later than a date which ensures sufficient time to comply with applicable requirements in a timely manner if the decision is to continue conducting regulated activities;

b. one schedule shall lead to timely compliance with applicable requirements, no later than the statutory deadline;

c. the second schedule shall lead to cessation of regulated activities by a date which will ensure timely compliance with applicable requirements no later than the statutory deadline.

d. each permit containing two schedules shall include a requirement that after the permittee has made a final decision under LAC 33:IX.2367.B.3.a it shall follow the schedule leading to compliance if the decision is to continue conducting regulated activities, and follow the schedule leading to termination if the decision is to cease conducting regulated activities.

4. The applicant's or permittee's decision to cease conducting regulated activities shall be evidenced by a firm public commitment satisfactory to the state administrative authority, such as a resolution of the board of directors of a corporation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2369. Requirements for Recording and Reporting of Monitoring Results

A. All permits shall specify:

1. requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods (including biological monitoring methods when appropriate);

2. required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity including, when appropriate, continuous monitoring;

3. applicable reporting requirements based upon the impact of the regulated activity and as specified in LAC 33:IX.2361. Reporting shall be no less frequent than specified in the above regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2371. Disposal of Pollutants into Wells, Publicly Owned Treatment Works or by Land Application

A. When part of a discharger's process wastewater is not being discharged into waters of the state or contiguous zone because it is disposed into a well, into a POTW, or by land application thereby reducing the flow or level of pollutants being discharged into waters of the state, applicable effluent standards and limitations for the discharge in an LPDES permit shall be adjusted to reflect the reduced raw waste resulting from such disposal. Effluent limitations and standards in the permit shall be calculated by one of the following methods:

1. If none of the waste from a particular process is discharged into waters of the state, and effluent limitations guidelines provide separate allocation for wastes from that process, all allocations for the process shall be eliminated from calculation of permit effluent limitations or standards.

2. In all cases other than those described in LAC 33:IX.2371.A.1, effluent limitations shall be adjusted by multiplying the effluent limitation derived by applying effluent limitation guidelines to the total waste stream by the amount of wastewater flow to be treated and discharged into waters of the state, and dividing the result by the total wastewater flow. Effluent limitations and standards so calculated may be further adjusted under LAC 33:IX.Chapter 23, Subchapter K to make them more or less stringent if discharges to wells, publicly owned treatment works, or by land application change the character or treatability of the pollutants being discharged to receiving waters. This method may be algebraically expressed as:

$$P = \frac{E \times N}{T}$$

where:

P = the permit effluent limitation,

E = the limitation derived by applying effluent guidelines to the total wastestream,

N = the wastewater flow to be treated and discharged to waters of the state, and

T = the total wastewater flow.

B. LAC 33:IX.2371.A does not apply to the extent that promulgated effluent limitations guidelines:

1. control concentrations of pollutants discharged but not mass; or

2. specify a different specific technique for adjusting effluent limitations to account for well injection, land application, or disposal into POTWs.

C. LAC 33:IX.2371.A does not alter a discharger's obligation to meet any more stringent requirements established under LAC 33:IX.2355, 2357, 2359, and 2361.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

Subchapter D. Transfer, Modification, Revocation and Reissuance, and Termination of Permits

§2381. Transfer of Permits

A. Transfers by Modification. Except as provided in LAC 33:IX.2381.B, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under LAC 33:IX.2383.B.2), or a minor modification made (under LAC 33:IX.2385) to identify the new permittee and incorporate such other requirements as may be necessary under the CWA and the LEQA.

B. Automatic Transfers. As an alternative to transfers under LAC 33:IX.2381.A, any LPDES permit may be automatically transferred to a new permittee if:

1. the current permittee notifies the state administrative authority at least 30 days in advance of the proposed transfer date in LAC 33:IX.2381.B.2;

2. the notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

3. the state administrative authority does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this Subsection may also be a minor modification under LAC 33:IX.2385. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in LAC 33:IX.2381.B.2.

§2383. Modification or Revocation and Reissuance of Permits

When the state administrative authority receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit (see LAC 33:IX.2355), receives a request for modification or revocation and reissuance under LAC 33:IX.2407, or conducts a review of the permit file) he or she may determine whether or not one or more of the causes listed in Subsections A and B of this Section for modification or revocation and reissuance or both exist. If cause exists, the state administrative authority may modify or revoke and reissue the permit accordingly, subject to the limitations of LAC 33:IX.2407.B and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term (see LAC 33:IX.2407.B.2). If cause does not exist under this Section or LAC 33:IX.2385, the state administrative authority shall not modify or revoke and reissue the permit. If a permit modification satisfies the criteria in LAC 33:IX.2385 for minor modifications the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared and other procedures in LAC 33:IX.Chapter 23.Subchapters E and F followed.

A. Causes for Modification. The following are causes for modification but not revocation and reissuance of permits except when the permittee requests or agrees.

1. Alterations. There are material and substantial alterations or additions to the permitted facility or activity (including a change or changes in the permittee's sludge use or disposal practice) which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit.

NOTE: Certain reconstruction activities may cause the new source provisions of 40 CFR 122.29 to be applicable.

2. Information. The state administrative authority has received new information. Permits may be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and would have justified the application of different permit conditions at the time of issuance. For LPDES general permits (LAC 33:IX.2345) this cause includes any information indicating that cumulative effects on the environment are unacceptable. For new source or new discharger LPDES permits (LAC 33:IX.2331, 40 CFR 122.29), this cause shall include any significant information derived from effluent testing required under LAC 33:IX.2331.K.5.f or H.4.c after issuance of the permit.

3. New Regulations. The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. Permits may be modified during their terms for this cause only as follows:

a. for promulgation of amended standards or regulations, when:

i. the permit condition requested to be modified was based on a promulgated effluent limitation guideline, EPA approved or promulgated water quality standards, or the secondary treatment regulations under LAC 33:IX.Chapter 23.Subchapter S; and

ii. EPA has revised, withdrawn, or modified that portion of the regulation or effluent limitation guideline on which the permit condition was based, or has approved a state action with regard to a water quality standard on which the permit condition was based; and

iii. a permittee requests modification in accordance with LAC 33:IX.2407 within 90 days after *Federal Register* notice of the action on which the request is based.

b. for judicial decisions, a court of competent jurisdiction has remanded and stayed EPA promulgated regulations or effluent limitation guidelines, if the remand and stay concern that portion of the regulations or guidelines on which the permit condition was based and a request is

filed by the permittee in accordance with LAC 33:IX.2407 within 90 days of judicial remand.

c. for changes based upon modified state certifications of NPDES permits, see 40 CFR 124.55(b).

4. Compliance Schedules. The state administrative authority determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which the permittee has little or no control and for which there is no reasonably available remedy. However, in no case may an LPDES compliance schedule be modified to extend beyond an applicable CWA statutory deadline. See also LAC 33:IX.2385 (minor modifications) and LAC 33:IX.2383.A.14 (LPDES innovative technology).

5. When the permittee has filed a request for a variance under CWA section 301(c), 301(g), 301(h), 301(i), 301(k), or 316(a) or for fundamentally different factors within the time specified in LAC 33:IX.2331 or 40 CFR 125.72(a).

6. 307(a) Toxics. When required to incorporate an applicable CWA section 307(a) toxic effluent standard or prohibition (see LAC 33:IX.2361.B).

7. Reopener. When required by the reopener conditions in a permit, which are established in the permit under LAC 33:IX.2361.C (for CWA toxic effluent limitations and standards for sewage sludge use or disposal, see also LAC 33:IX.2361.B) or 2719.E (pretreatment program).

8. a. Net Limits. Upon request of a permittee who qualifies for effluent limitations on a net basis under LAC 33:IX.2363.G.

b. When a discharger is no longer eligible for net limitations, as provided in LAC 33:IX.2363.H.1.b.

9. Pretreatment. As necessary under LAC 33:IX.2715.E (compliance schedule for development of pretreatment program).

10. Failure to Notify. Upon failure of an approved state to notify, as required by the CWA section 402(b)(3), another state whose waters may be affected by a discharge from the approved state.

11. Non-limited Pollutants. When the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology-based treatment requirements appropriate to the permittee under LAC 33:IX.2469.C.

12. Notification Levels. To establish a notification level as provided in LAC 33:IX.2361.F.

13. Compliance Schedules. To modify a schedule of compliance to reflect the time lost during construction of an innovative or alternative facility, in the case of a POTW which has received a grant under section 202(a)(3) of the CWA for 100 percent of the costs to modify or replace facilities constructed with a grant for innovative and alternative wastewater technology under section 202(a)(2) of the CWA. In no case shall the compliance schedule be modified to extend beyond an applicable CWA statutory deadline for compliance.

14. Reserved

15. To correct technical mistakes, such as errors in calculation, or mistaken interpretations of law made in determining permit conditions.

16. When the discharger has installed the treatment technology considered by the permit writer in setting effluent limitations imposed under section 402(a)(1) of the CWA and has properly operated and maintained the facilities but nevertheless has been unable to achieve those effluent limitations. In this case, the limitations in the modified permit may reflect the level of pollutant control actually achieved (but shall not be less stringent than required by a subsequently promulgated effluent limitations guideline).

17. Reserved

18. Land Application Plans. When required by a permit condition to incorporate a land application plan for beneficial reuse of sewage sludge, to revise an existing land application plan, or to add a land application plan.

B. Causes for Modification or Revocation and Reissuance. The following are causes to modify or, alternatively, revoke and reissue a permit:

1. cause exists for termination under LAC 33:IX.2387 or 2769, and the state administrative authority determines that modification or revocation and reissuance is appropriate;

2. the state administrative authority has received notification (as required in the permit, see LAC 33:IX.2355.L.3) of a proposed transfer of the permit. A permit also may be modified to reflect a transfer after the effective date of an automatic transfer (LAC 33:IX.2381.B) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:724 (June 1997), LR 23:1524 (November 1997).

§2385. Minor Modifications of Permits

A. Upon the consent of the permittee, the state administrative authority may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this Section, without following the procedures of LAC 33:IX.Chapter 23.Subchapters E - G. Any permit modification not processed as a minor modification under this section must be made for cause and with LAC 33:IX.Chapter 23.Subchapters E - G draft permit and public notice as required in LAC 33:IX.2383. Minor modifications may only:

1. correct typographical errors;

2. require more frequent monitoring or reporting by the permittee;

3. change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement; or

4. allow for a change in ownership or operational control of a facility where the state administrative authority determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the state administrative authority.

5.a. change the construction schedule for a discharger which is a new source. No such change shall affect a discharger's obligation to have all pollution control equipment installed and in operation prior to discharge under 40 CFR 122.29.

b. delete a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits.

6. Reserved

7. incorporate conditions of a POTW pretreatment program that has been approved in accordance with the procedures in LAC 33:IX.2721 (or a modification thereto that has been approved in accordance with the procedures in LAC 33:IX.2737) as enforceable conditions of the POTW's permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2387. Termination of Permits

A. The following are causes for terminating a permit during its term, or for denying a permit renewal application:

1. noncompliance by the permittee with any condition of the permit;

2. 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;

3. 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;

4. a change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit (for example, plant closure or termination of discharge by connection to a POTW); or

5. additional causes of termination contained in LAC 33:IX.2769.

B. The state administrative authority shall follow the applicable procedures in 40 CFR part 124 or state procedures in terminating any LPDES permit under this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Water Pollution Control Division, LR 23:725 (June 1997), amended by the Office of the Secretary, LR 25:662 (April 1999).

Subchapter E. General Program Requirements

§2403. Definitions

A. In addition to the definitions given in LAC 33:IX.2313 and 40 CFR 123.2 (LPDES), 501.2 (sludge management), the definitions below apply to LAC 33:IX.Chapter 23.Subbchapters E-G.

Administrator—the administrator of the U.S. Environmental Protection Agency, or an authorized representative.

Applicable Standards and Limitations—all state, interstate, and federal standards and limitations to which a discharge, a sludge use or disposal practice, or a related activity is subject under the CWA, including standards for sewage sludge use or disposal, effluent limitations, water quality standards, standards of performance, toxic effluent standards or prohibitions, best management practices, and pretreatment standards under sections 301, 302, 303, 304, 306, 307, 308, 403, and 405 of the CWA.

Application—the standard forms for applying for a permit, including any additions, revisions or modifications to the forms; or forms approved by EPA for use in approved states, including any approved modifications or revisions.

Appropriate Act and Regulations—the Clean Water Act (CWA) and applicable regulations promulgated under those statutes. In the case of an approved state program, appropriate Act and regulations includes program requirements.

Consultation with the EPA Regional Administrator (LAC 33:IX.2451.A.2) —review by the EPA regional administrator following evaluation by a panel of the technical merits of all 301(k) applications approved by the director. The panel (to be appointed by the EPA's director of the Office of Water Enforcement and Permits) will consist of EPA headquarters, EPA regional, and state personnel familiar with the industrial category in question.

CWA—the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act of Federal Pollution Control Act Amendments of 1972) Pub. L. 92-500, as

amended by Pub. L. 95-217 and Pub. L. 95-576; 33 U.S.C. 1251 et seq.

*Director***C**the EPA regional administrator, the state administrative authority or the tribal director as the context requires, or an authorized representative. When there is no approved state or tribal program, and there is an EPA administered program, Director means the EPA regional administrator. When there is an approved state or tribal program, director normally means the state administrative authority or tribal director. In some circumstances, however, EPA retains the authority to take certain actions even when there is an approved state or tribal program. (For example, when EPA has issued an NPDES permit prior to the approval of a state program, EPA may retain jurisdiction over that permit after program approval; see 40 CFR 123.1) In such cases, the term director means the EPA regional administrator and not the state administrative authority or tribal director.

*Draft Permit***C**a document prepared under LAC 33:IX.2409 indicating the director's tentative decision to issue or deny, modify, revoke and reissue, terminate, or reissue a permit. A notice of intent to terminate a permit and a notice of intent to deny a permit as discussed in LAC 33:IX.2407, are types of draft permits. A denial of a request for modification, revocation and reissuance or termination, as discussed in LAC 33:IX.2407, is not a draft permit. A proposed permit is not a draft permit.

*EPA***C**the United States Environmental Protection Agency.

*Facility or Activity***C**any LPDES point source, or treatment works treating domestic sewage, or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the LPDES program.

*Federal Indian Reservation (in the case of NPDES)***C**all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation.

*General Permit (LPDES)***C**an LPDES permit authorizing a category of discharges or activities under the LEQA within a geographical area.

*Indian Tribe***C**For the NPDES program, the term Indian tribe means any Indian tribe, band, group, or community recognized by the secretary of the Interior and exercising governmental authority over a federal Indian reservation.

*Interstate Agency***C**an agency of two or more states established by or under an agreement or compact approved by the Congress, or any other agency of two or more states having substantial powers or duties pertaining to the control of pollution as determined and approved by the Administrator under the appropriate Act and regulations.

*Major Facility***C**any, LPDES facility or activity classified as such by the EPA regional administrator, or, in the case of approved state programs, the EPA regional administrator in conjunction with the state administrative authority.

*NPDES***C**National Pollutant Discharge Elimination System.

*Owner or Operator***C**owner or operator of any facility or activity subject to regulation under the LPDES program.

*Permit***C**an authorization, license, or equivalent control document issued by EPA under NPDES or by the state under LPDES to implement the requirements of LAC 33:IX.Chapter 23.Subchapters E and F and LAC 33:IX.Chapter 23, Subchapters A - D, 40 CFR 123. Permit includes NPDES or LPDES general permit. Permit does not include any permit which has not yet been the subject of final agency action, such as a draft permit or a proposed permit.

*Person***C**an individual, association, partnership, corporation, municipality, state, federal, or tribal agency, or an agency or employee thereof.

*EPA Regional Administrator***C**the regional administrator of the appropriate regional office of the Environmental Protection Agency or the authorized representative of the EPA regional administrator.

*Schedule of Compliance***C**a schedule of remedial measures included in a permit, including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the appropriate Act and regulations.

*Site***C**the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

*State***C**any of the states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth Northern Mariana Islands, or an Indian tribe that meets the statutory criteria which authorize EPA to treat the tribe in a manner similar to that in which it treats a state .

*State Administrative Authority***C**the chief administrative officer of any state, interstate, or tribal agency operating an approved program, or the delegated representative of the state administrative authority.

*Variance (LPDES)***C**any mechanism or provision under section 301 or 316 of the CWA or under LAC 33:IX.Chapter 23.Subchapters H-M and O-Q, or in the applicable effluent limitations guidelines which allows modification to or waiver of the generally applicable effluent limitation requirements or time deadlines of the Act. This includes provisions which allow the establishment of alternative limitations based on fundamentally different factors or on sections 301(c), 301(g), 301(h), 301(i), or 316(a) of the Act.

B. For the purposes of LAC 33:IX.Chapter 23.Subchapters E and F the term:

*Director**—the state administrative authority or EPA regional administrator and is used when the accompanying provision is required of EPA-administered programs and of state programs under 40 CFR 123.25 (NPDES). The term EPA regional administrator is used when the accompanying provision applies exclusively to EPA-issued permits and is not applicable to state programs under these sections. While states are not required to implement these latter provisions, they are not precluded from doing so, notwithstanding use of the term EPA regional administrator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2405. Application for a Permit

A.1. Any person who requires a permit under the LPDES, program shall complete, sign, and submit to the director* an application for each permit required under LAC 33:IX.2311. Applications are not required for LPDES general permits (LAC 33:IX.2345).

2. The director* shall not begin the processing of a permit until the applicant has fully complied with the application requirements for that permit (See LAC 33:IX.2331).

3. Permit applications must comply with the signature and certification requirements of LAC 33:IX.2333.

B. Reserved

C. The state administrative authority shall review for completeness every application for a DEQ-issued permit. Each application for an DEQ-issued permit submitted by an existing LPDES source or sludge-only facility should be reviewed for completeness within 60 days of receipt. Upon completing the review, the state administrative authority shall notify the applicant in writing whether the application is complete. If the application is incomplete, the state administrative authority shall list the information necessary to make the application complete. When the application is for an existing LPDES source or sludge-only facility the state administrative authority shall specify in the notice of deficiency a date for submitting the necessary information. The state administrative authority shall notify the applicant that the application is complete upon receiving this information. After the application is completed, the state administrative authority may request additional information from an applicant but only when necessary to clarify, modify, or supplement previously submitted material. Requests for such additional information will not render an application incomplete.

D. If an applicant fails or refuses to correct deficiencies in the application, the permit may be denied and appropriate enforcement actions may be taken under the applicable statutory provision including CWA sections 308, 309, 402(h), and 402(k).

E. If the state administrative authority decides that a site visit is necessary for any reason in conjunction with the processing of an application, he or she shall notify the applicant and a date shall be scheduled.

F. The effective date of an application is the date on which the state administrative authority notifies the applicant that the application is complete as provided in LAC 33:IX.2405.C.

G. For each application from a major LPDES new source, major LPDES new discharger, or a permit to be issued under provisions of LAC 33:IX.2345.C, the state administrative authority shall, no later than the effective date of the application, prepare and mail to the applicant a project decision schedule. The schedule shall specify target dates by which the state administrative authority intends to:

1. prepare a draft permit;

2. give public notice;

3. complete the public comment period, including any public hearing; and

4. issue a final permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2407. Modification, Revocation and Reissuance, or Termination of Permits

A. Permits may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the state administrative authority's initiative. However, permits may only be modified, revoked and reissued, or terminated for the reasons specified in LAC 33:IX.2383, 2387, or 2769. All requests shall be in writing and shall contain facts or reasons supporting the request.

B.1. If the state administrative authority tentatively decides to modify or revoke and reissue a permit under LAC 33:IX.2383, he or she shall prepare a draft permit under LAC 33:IX.2409 incorporating the proposed changes. The state administrative authority may request additional information and, in the case of a modified permit, may require the submission of an updated application. In the case of revoked and reissued permits, the state administrative authority shall require the submission of a new application.

2. In a permit modification under this Section, only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. When a permit is revoked and reissued under this Section, the entire permit is reopened just as if the permit had expired and was being reissued. During any revocation and reissuance proceeding the permittee shall comply with all conditions of the existing permit until a new final permit is reissued.

3. Minor modifications as defined in LAC 33:IX.2385, are not subject to the requirements of this Section.

C. If the state administrative authority tentatively decides to terminate a permit under LAC 33:IX.2387 or 2769, he or she shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under LAC 33:IX.2409.

D. Any request by the permittee for modification to an existing 404 permit (other than a request for a minor modification as defined in 40 CFR 233.16 (404)) shall be treated as a permit application and shall be processed in accordance with all requirements of 40 CFR 124.3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:725 (June 1997), LR 23:1524 (November 1997), amended by the Office of the Secretary, LR 25:662 (April 1999).

§2409. Draft Permits

A. Once an application is complete, the state administrative authority shall tentatively decide whether to prepare a draft permit or to deny the application.

B. If the state administrative authority tentatively decides to issue an LPDES general permit, he or she shall prepare a draft general permit under LAC 33:IX.2409.C.

C. If the state administrative authority decides to prepare a draft permit, he or she shall prepare a draft permit that contains the following information:

1. all conditions under LAC 33:IX.2355 and 2359;

2. all compliance schedules under LAC 33:IX.2367;

3. all monitoring requirements under LAC 33:IX.2369; and

4. for LPDES permits, effluent limitations, standards, prohibitions, standards for sewage sludge use or disposal, and conditions under LAC 33:IX.2355, 2357, and 2361, including when applicable any conditions certified by a state agency under 40 CFR 124.55, and all variances that are to be included under 40 CFR 124.63.

D. All draft permits prepared by EPA under this Section shall be accompanied by a statement of basis (40 CFR 124.7) or fact sheet (40 CFR 124.8), and shall be based on the administrative record (40 CFR 124.9), publicly noticed (40 CFR 124.10) and made available for public comment (40 CFR 124.11). The EPA regional administrator shall give notice of opportunity for a public hearing (40 CFR 124.12), issue a final decision 40 CFR 124.15) and respond to comments (40 CFR 124.17). For NPDES permits, an appeal may be taken under 40 CFR 124.74. Draft permits prepared by a state shall be accompanied by a fact sheet if required under LAC 33:IX.2413.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2411. Statement of Basis

The DEQ shall prepare a statement of basis for every draft permit for which a fact sheet under LAC 33:IX.2413 is not prepared. The statement of basis shall briefly describe the derivation of the conditions of the draft permit and the reasons for them or, in the case of notices of intent to deny or terminate, reasons supporting the tentative decision. The statement of basis shall be sent to the applicant and, on request, to any other person.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2413. Fact Sheet

A. A fact sheet shall be prepared for every draft permit for a major LPDES facility or activity, for every LPDES general permit (LAC 33:IX.2345), for every LPDES draft permit that incorporates a variance or requires an explanation under LAC 33:IX.2445.B, for every draft permit that includes a sewage sludge land application plan under 40 CFR 501.15(a)(2)(ix), and for every draft permit which the state administrative authority finds is the subject of wide-spread public interest or raises major issues. The fact sheet shall briefly set forth the principal facts and the significant factual, legal, methodological and policy questions considered in preparing the draft permit. The state administrative authority shall send this fact sheet to the applicant and, on request, to any other person.

B. The fact sheet shall include, when applicable:

1. a brief description of the type of facility or activity which is the subject of the draft permit;

2. the type and quantity of wastes, fluids, or pollutants which are proposed to be or are being treated, stored, disposed of, injected, emitted, or discharged;

3. Reserved

4. a brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions and appropriate supporting references to the administrative record required by 40 CFR 124.9 (for EPA-issued permits);

5. reasons why any requested variances or alternatives to required standards do or do not appear justified;

6. a description of the procedures for reaching a final decision on the draft permit including:

a. the beginning and ending dates of the comment period under LAC 33:IX.2415 and the address where comments will be received;

b. procedures for requesting a hearing and the nature of that hearing; and

c. any other procedures by which the public may participate in the final decision.

7. name and telephone number of a person to contact for additional information;

8. provisions satisfying the requirements of LAC 33:IX.2445; and

9. additional requirements found in LAC 33:IX.2779.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Water Pollution Control Division, LR 23:725 (June 1997).

§2415. Public Notice of Permit Actions and Public Comment Period

A. Scope

1. The state administrative authority shall give public notice that the following actions have occurred:

a. a draft permit has been prepared under LAC 33:IX.2409.C; or

b. a hearing has been scheduled under LAC 33:IX.2419

2. No public notice is required when a request for permit modification, revocation and reissuance, or termination is denied . Written notice of that denial shall be given to the requester and to the permittee.

3. Public notices may describe more than one permit or permit actions.

B. Timing

1. Public notice of the preparation of a draft permit (including a notice of intent to deny a permit application) required under LAC 33:IX.2415.A shall allow at least 30 days for public comment. For EPA-issued permits, if the EPA regional administrator determines under 40 CFR part 6, subpart F that an Environmental Impact Statement (EIS) shall be prepared for an NPDES new source, public notice of the draft permit shall not be given until after a draft EIS is issued.

2. Public notice of a public hearing shall be given at least 30 days before the hearing. (Public notice of the hearing may be given at the same time as public notice of the draft permit and the two notices may be combined.)

C. Methods. Public notice of activities described in LAC 33:IX.2415.A.1 shall be given by the following methods:

1. by mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under this Subsection may waive his or her rights to receive notice for any classes and categories of permits);

a. the applicant (except for LPDES general permits when there is no applicant);

b. any other agency which the state administrative authority knows has issued or is required to issue a RCRA, UIC, PSD (or other permit under the Clean Air Act), NPDES, 404, sludge management permit, or ocean dumping permit under the Marine Research Protection and Sanctuaries Act for the same facility or activity (including EPA when the draft permit is prepared by the state);

c. federal and state agencies with jurisdiction over fish, shellfish, and wildlife resources and over coastal zone management plans, the Advisory Council on Historic Preservation, State Historic Preservation Officers, including any affected states (Indian tribes);

d. for LPDES permits only, any state agency responsible for plan development under CWA section 208(b)(2), 208(b)(4) or 303(e) and the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service;

e. for LPDES permits only, any user identified in the permit application of a privately owned treatment works;

f. Reserved

g. Reserved

h. Reserved

i. persons on a mailing list developed by:

i. including those who request in writing to be on the list;

ii. soliciting persons for area lists from participants in past permit proceedings in that area; and

iii. notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in such publications as regional and state funded newsletters, environmental bulletins, or state law journals. (The state administrative authority may update the mailing list from time to time by requesting written indication of continued interest from those listed. The state administrative authority may delete from the list the name of any person who fails to respond to such a request.)

j.i. any unit of local government having jurisdiction over the area where the facility is proposed to be located; and

ii. each state agency having any authority under state law with respect to the construction or operation of such facility.

2. for major permits, LPDES general permits, and permits that include sewage sludge land application plans under 40 CFR 501.15(a)(2)(ix), publication of a notice in a daily or weekly newspaper within the area affected by the facility or activity; and for EPA-issued NPDES general permits, in the *Federal Register*;

NOTE: The state administrative authority is encouraged to provide as much notice as possible of the LPDES draft general permit to the facilities or activities to be covered by the general permit.

3. when the program is being administered by an approved state, in a manner constituting legal notice to the public under state law; and

4. any other method reasonably calculated to give actual notice of the action in question to the persons potentially affected by it, including press releases or any other forum or medium to elicit public participation.

D. Contents

1. All Public Notices. All public notices issued under LAC 33:IX.Chapter 23.Subchapters E-G shall contain the following minimum information:

a. name and address of the office processing the permit action for which notice is being given;

b. name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit, except in the case of LPDES draft general permits under LAC 33:IX.2345;

c. a brief description of the business conducted at the facility or activity described in the permit application or the draft permit, for LPDES general permits when there is no application;

d. name, address and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit or draft general permit, as the case may be, statement of basis or fact sheet, and the application; and

e. a brief description of the comment procedures required by LAC 33:IX.2417 and 2419 and the time and place of any hearing that will be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final permit decision;

f. for EPA-issued permits, the location of the administrative record required by 40 CFR 124.9, the times at which the record will be open for public inspection, and a statement that all data submitted by the applicant is available as part of the administrative record;

g. for LPDES permits only (including those for sludge-only facilities), a general description of the location of each existing or proposed discharge point and the name of the receiving water and the sludge use and disposal practice(s) and the location of each sludge treatment works treating domestic sewage and use or disposal sites known at the time of permit application. For draft general permits, this requirement will be satisfied by a map or description of the permit area. For EPA-issued NPDES permits only, if the discharge is from a new source, a statement as to whether an environmental impact statement will be or has been prepared;

h. Reserved

i. any additional information considered necessary or proper.

2. Public Notices for Hearings. In addition to the general public notice described in LAC 33:IX.2415.D.1, the public notice of a hearing under LAC 33:IX.2419 shall contain the following information:

a. reference to the date of previous public notices relating to the permit;

b. date, time, and place of the hearing; and

c. a brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

E. In addition to the general public notice described in LAC 33:IX.2415.D.1, all persons identified in LAC 33:IX.2415.C.1.a-d shall be mailed a copy of the fact sheet or statement of basis (for EPA-issued permits), the permit application (if any) and the draft permit (if any).

F. Additional public notice requirements are found at LAC 33:IX.2781.A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Water Pollution Control Division, LR 23:725 (June 1997).

§2417. Public Comments and Requests for Public Hearings

During the public comment period provided under LAC 33:IX.2415, any interested person may submit written comments on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments shall be considered in making the final decision and shall be answered as provided in LAC 33:IX.2427.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2419. Public Hearings

A.1. The state administrative authority shall hold a public hearing whenever he or she finds, on the basis of requests, a significant degree of public interest in a draft permit(s).

2. The state administrative authority may also hold a public hearing at his or her discretion, whenever, for instance, such a hearing might clarify one or more issues involved in the permit decision.

3. Reserved

4. Public notice of the hearing shall be given as specified in LAC 33:IX.2415.

B. Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. The

public comment period under LAC 33:IX.2415 shall automatically be extended to the close of any public hearing under this Section. The hearing officer may also extend the comment period by so stating at the hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2421. Obligation to Raise Issues and Provide Information During the Public Comment Period

All persons, including applicants, who believe any condition of a draft permit is inappropriate or that the state administrative authority's tentative decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by the close of the public comment period (including any public hearing) under LAC 33:IX.2415. Any supporting materials which are submitted shall be included in full and may not be incorporated by reference, unless they are already part of the administrative record in the same proceeding, or consist of state or federal statutes and regulations, EPA documents of general applicability, or other generally available reference materials. Commenters shall make supporting materials not already included in the administrative record available to DEQ as directed by the state administrative authority. (A comment period longer than 30 days may be necessary to give commenters a reasonable opportunity to comply with the requirements of this Section. Additional time shall be granted under LAC 33:IX.2415 to the extent that a commenter who requests additional time demonstrates the need for such time.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2423. Reopening of the Public Comment Period

A.1. The state administrative authority may order the public comment period reopened if the procedures of this Subsection could expedite the decision making process. When the public comment period is reopened under this Paragraph, all persons, including applicants, who believe any condition of a draft permit is inappropriate or that the state administrative authority's tentative decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, must submit all reasonably available factual grounds supporting their position, including all supporting material, by a date, not less than 60 days after public notice under LAC 33:IX.2423.A.2, set by the state administrative authority. Thereafter, any person may file a written response to the material filed by any other person, by a date, not less than 20 days after the date set for filing of the material, set by the state administrative authority.

2. Public notice of any comment period under this Subsection shall identify the issues to which the requirements of LAC 33:IX.2423.A shall apply.

3. On his own motion or on the request of any person, the state administrative authority may direct that the requirements of LAC 33:IX.2423.A.1 shall apply during the initial comment period where it reasonably appears that issuance of the permit will be contested and that applying the requirements of LAC 33:IX.2423.A.1 will substantially expedite the decisionmaking process. The notice of the draft permit shall state whenever this has been done.

4. A comment period of longer than 60 days will often be necessary in complicated proceedings to give commenters a reasonable opportunity to comply with the requirements of this Section. Commenters may request longer comment periods and they shall be granted under LAC 33:IX.2415 to the extent they appear necessary.

B. If any data information or arguments submitted during the public comment period, including information or arguments required under LAC 33:IX.2421, appear to raise substantial new questions concerning a permit, the state administrative authority may take one or more of the following actions:

1. prepare a new draft permit, appropriately modified, under LAC 33:IX.2409;

2. prepare a revised statement of basis under LAC 33:IX.2411, a fact sheet or revised fact sheet under LAC 33:IX.2413 and reopen the comment period under LAC 33:IX.2423; or

3. reopen or extend the comment period under LAC 33:IX.2415 to give interested persons an opportunity to comment on the information or arguments submitted.

C. Comments filed during the reopened comment period shall be limited to the substantial new questions that caused its reopening. The public notice under LAC 33:IX.2415 shall define the scope of the reopening.

D. For LPDES permits, the EPA regional administrator may also, in the circumstances described above, elect to hold further proceedings. This decision may be combined with any of the actions enumerated in LAC 33:IX.2423.A.

E. Public notice of any of the above actions shall be issued under LAC 33:IX.2415.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2425. Issuance and Effective Date of Permit

After the close of the public comment period under LAC 33:IX.2415 on a draft permit, the state administrative authority shall issue a final permit decision. The state administrative authority shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. This notice shall include

reference to the procedures for contesting a decision on an LPDES permit. For the purposes of this Section, a final permit decision means a final decision to issue, deny, modify, revoke and reissue, or terminate a permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2427. Response to Comments

A. At the time that any final permit decision is issued under LAC 33:IX.2425, the state administrative authority shall issue a response to comments. States are only required to issue a response to comments when a final permit is issued. This response shall:

1. specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; and

2. briefly describe and respond to all significant comments on the draft permit raised during the public comment period, or during any hearing.

B. The response to comments shall be available to the public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

Subchapter F. Specific Decisionmaking Procedures Applicable to LPDES Permits

§2441. Purpose and Scope

A. LAC 33:IX.Chapter 23.Subchapters E-G sets forth additional requirements and procedures for decision making for the LPDES program.

B. Decisions on LPDES variance requests ordinarily will be made during the permit issuance process. Variances and other changes in permit conditions ordinarily will be decided through the same notice-and-comment and hearing procedures as the basic permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2443. Permits Required on a Case-by-Case Basis

A. Various sections of LAC 33:IX.Chapter 23.Subchapter B allow the state administrative authority to determine, on a case-by-case basis, that certain concentrated animal feeding operations (LAC 33:IX.2335), concentrated aquatic animal production facilities (LAC 33:IX.2337), storm water discharges (LAC 33:IX.2341), and certain other facilities covered by general permits (LAC 33:IX.2345) that do not generally require an individual permit may be required to obtain an individual permit because of their contributions to water pollution.

B. Whenever the state administrative authority decides that an individual permit is required under this Section, except as provided in LAC 33:IX.2443.C, the state administrative authority shall notify the discharger in writing of that decision and the reasons for it, and shall send an application form with the notice. The discharger must apply for a permit under LAC 33:IX.2331 within 60 days of notice, unless permission for a later date is granted by the state administrative authority. The question whether the designation was proper will remain open for consideration during the public comment period under LAC 33:IX.2417 and in any subsequent hearing.

C. Prior to a case-by-case determination that an individual permit is required for a storm water discharge under this Section (see LAC 33:IX.2341.A.1.e, C.1.e, and G.1.a), the state administrative authority may require the discharger to submit a permit application or other information regarding the discharge under Section 308 of the CWA. In requiring such information, the state administrative authority shall notify the discharger in writing and shall send an application form with the notice. The discharger must apply for a permit under LAC 33:IX.2341.A.1.e and C.1.e within 60 days of notice or under LAC 33:IX.2341.G.1.a within 180 days of notice, unless permission for a later date is granted by the state administrative authority. The question whether the initial designation was proper will remain open for consideration during the public comment period under LAC 33:IX.2417 and in any subsequent hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:958 (August 1997).

§2445. Fact Sheets

In addition to meeting the requirements of LAC 33:IX.2413, LPDES fact sheets shall contain:

A. Any calculations or other necessary explanation of the derivation of specific effluent limitations and conditions or standards for sewage sludge use or disposal, including a citation to the applicable effluent limitation guideline, performance standard, or standard for sewage sludge use or disposal as required by LAC 33:IX.2317 and reasons why they are applicable or an explanation of how the alternate effluent limitations were developed.

B.1. When the draft permit contains any of the following conditions, an explanation of the reasons why such conditions are applicable:

a. limitations to control toxic pollutants under LAC 33:IX.2361.E;

b. limitations on internal waste streams under LAC 33:IX.2363.I; or

c. limitations on indicator pollutants under LAC 33:IX.2469.G.1

d. limitations set on a case-by-case basis under LAC 33:IX.2469.C.2 or 3, or pursuant to section 405(d)(4) of the CWA.

2. For every permit to be issued to a treatment works owned by a person other than a state or municipality, an explanation of the state administrative authority's decision on regulation of users under LAC 33:IX.2361.M.

C. When appropriate, a sketch or detailed description of the location of the discharge or regulated activity described in the application; and

D. For EPA-issued NPDES permits, the requirements of any state certification under 40 CFR 124.53.

E. For permits that include a sewage sludge land application plan under 40 CFR 501.15(a)(2)(ix), a brief description of how each of the required elements of the land application plan are addressed in the permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2447. Public Notice

A. CWA Section 316(a) Requests. In addition to the information required under LAC 33:IX.2415.D.1, public notice of an LPDES draft permit for a discharge where a CWA section 316(a) request has been filed shall include:

1. a statement that the thermal component of the discharge is subject to effluent limitations under CWA section 301 or 306 and a brief description, including a quantitative statement, of the thermal effluent limitations proposed under CWA section 301 or 306;

2. a statement that a CWA section 316(a) request has been filed and that alternative less stringent effluent limitations may be imposed on the thermal component of the discharge under CWA section 316(a) and a brief description, including a quantitative statement, of the alternative effluent limitations, if any, included in the request; and

3. if the applicant has filed an early screening request under LAC 33:IX.2515 for a CWA section 316(a) variance, a statement that the applicant has submitted such a plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2449. Conditions Requested by the Corps of Engineers and Other Government Agencies

A. If during the comment period for an LPDES draft permit, the district engineer advises the state administrative authority in writing that anchorage and navigation of any of the waters of the United States (see 40 CFR 122.2) would be substantially impaired by the granting of a permit, the permit shall be denied and the applicant so notified. If the District Engineer advised the state administrative authority that imposing specified conditions upon the permit is necessary to avoid any substantial impairment of anchorage or navigation, then the state administrative authority shall include the specified conditions in the permit. Review or appeal of denial of a permit or of conditions specified by the District Engineer shall be made through the applicable procedures of the Corps of Engineers, and may not be made through the procedures provided in this LAC 33:IX.Chapter 23.Subchapters E-G. If the conditions are stayed by a court of competent jurisdiction or by applicable procedures of the Corps of Engineers, those conditions shall be considered stayed in the LPDES permit for the duration of that stay.

B. If during the comment period the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, or any other state or federal agency with jurisdiction over fish, wildlife, or public health advises the state administrative authority in writing that the imposition of specified conditions upon the permit is necessary to avoid substantial impairment of fish, shellfish, or wildlife resources, the state administrative authority may include the specified conditions in the permit to the extent they are determined necessary to carry out the provisions of 40 CFR 122.49 and of the CWA and the LEQA.

C. In appropriate cases the state administrative authority may consult with one or more of the agencies referred to in this Section before issuing a draft permit and may reflect their views in the statement of basis, the fact sheet, or the draft permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2451. Decision on Variances

A. The state administrative authority may grant or deny requests for the following variances (subject to EPA objection under 40 CFR 123.44 for state permits):

1. extensions under CWA section 301(i) based on delay in completion of a publicly owned treatment works;

2. after consultation with the EPA regional administrator, extensions under CWA section 301(k) based on the use of innovative technology; or

3. variances under CWA section 316(a) for thermal pollution.

B. The state administrative authority may deny, or forward to the EPA regional administrator with a written concurrence, or submit to EPA without recommendation a completed request for:

1. a variance based on the economic capability of the applicant under CWA section 301(c);

2. a variance based on water quality related effluent limitations under CWA section 302(b)(2).

C. The EPA regional administrator may deny, forward, or submit to the EPA office director for Water Enforcement and Permits with a recommendation for approval, a request for a variance listed in LAC 33:IX.2451.B that is forwarded by the state administrative authority, or that is submitted to the EPA regional administrator by the requester where EPA is the permitting authority.

D. The EPA office director for Water Enforcement and Permits may approve or deny any variance request submitted under LAC 33:IX.2451.C. If the office director approves the variance, the state administrative authority may prepare a draft permit incorporating the variance. Any public notice of a draft permit for which a variance or modification has been approved or denied shall identify the applicable procedures for appealing that decision under 40 CFR 124.164.

E. The state administrative authority may deny or forward to the administrator (or his delegate) with a written concurrence a completed request for:

1. a variance based on the presence of fundamentally different factors from those on which an effluent limitations guideline was based;

2. a variance based upon certain water quality factors under CWA section 301(g).

F. The administrator (or his delegate) may grant or deny a request for a variance listed in LAC 33:IX.2451.E that is forwarded by the state administrative authority, or that is submitted to EPA by the requester where EPA is the permitting authority. If the Administrator (or his delegate) approves the variance, the state administrative authority or EPA regional administrator may prepare a draft permit incorporating the variance. Any public notice of a draft permit for which a variance or modification has been approved or denied shall identify the applicable procedures for appealing that decision under 40 CFR 124.64.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2453. Special Procedures for Decisions on Thermal Variances Under Section 316(a) of the CWA

A. The only issues connected with issuance of a particular permit on which DEQ will make a final agency decision before the final permit is issued under LAC 33:IX.2425 are whether alternative effluent limitations would be justified under CWA section 316(a) and whether cooling water intake structures will use the best available technology under CWA section 316(b). Permit applicants who wish an early decision on these issues should request it and furnish supporting reasons at the time their permit applications are filed under LAC 33:IX.2331. The state administrative authority will then decide whether or not to make an early decision. If it is granted, both the early decision on CWA section 316 (a) or (b) issues and the grant of the balance of the permit shall be considered permit issuance under these regulations, and shall be subject to the same requirements of public notice and comment and the same opportunity for a hearing .

B. If the state administrative authority, on review of the administrative record, determines that the information necessary to decide whether or not the CWA section 316(a) issue is not likely to be available in time for a decision on permit issuance, the state administrative authority may issue a permit under LAC 33:IX.2425 for a term up to five years. This permit shall require achievement of the effluent limitations initially proposed for the thermal component of the discharge no later than the date otherwise required by law. However, the permit shall also afford the permittee an opportunity to file a demonstration under CWA section 316(a) after conducting such studies as are required under LAC 33:IX.Chapter 23.Subchapter L. A new discharger may not exceed the thermal effluent limitation which is initially proposed unless and until its CWA section 316(a) variance request is finally approved.

C. Any proceeding held under LAC 33:IX.2453.A shall be publicly noticed as required by LAC 33:IX.2415 and shall be conducted at a time allowing the permittee to take necessary measures to meet the final compliance date in the event its request for modification of thermal limits is denied.

D. Whenever the state administrative authority defers the decision under CWA section 316(a), any decision under section CWA 316(b) may be deferred.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

Subchapter G. Evidentiary Hearings for LPDES Permits - Reserved

Subchapter H. Criteria and Standards for Technology-Based Treatment Requirements Under Sections 301(b) and 402 of the Act

§2465. Purpose and Scope

This Subchapter establishes criteria and standards for the imposition of technology-based treatment requirements in permits under section 301(b) of the Act and/or the LEQA, including the application of promulgated effluent limitations and case-by-case determinations of effluent limitations under section 402(a)(1) of the Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995)

§2467. Definitions

For the purposes of Subchapters H - U, any reference to "the Act" shall mean the Clean Water Act (CWA) as defined

in LAC 33:IX.2313 and the appropriate provisions of the LEQA and regulations. Unless otherwise noted, the definitions in LAC 33:IX.Chapter 23.Subchapters A-G, and 40 CFR part 123 apply to this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2469. Technology-based Treatment Requirements in Permits

A. General. Technology-based treatment requirements under section 301(b) of the Act represent the minimum level of control that must be imposed in a permit issued under section 402 of the Act. (See LAC 33:IX.2355, 2357, and 2361 for a discussion of additional or more stringent effluent limitations and conditions.) Permits shall contain the following technology-based treatment requirements in accordance with the following statutory deadlines:

1. for POTWs, effluent limitations based upon:

a. secondary treatment - from date of permit issuance; and

b. the best practicable waste treatment technology - not later than July 1, 1983; and

2. for dischargers other than POTWs except as provided in 40 CFR 122.29(d), effluent limitations requiring:

a. the best practicable control technology currently available (BPT):

i. for effluent limitations promulgated under section 304(b) of the Act after January 1, 1982 and requiring a level of control substantially greater or based on fundamentally different control technology than under permits for an industrial category issued before such date, compliance as expeditiously as practicable but in no case later than three years after the date such limitations are promulgated under section 304(b) of the Act and in no case later than March 21, 1989;

ii. for effluent limitations established on a case-by-case basis based on best professional judgment (BPJ) under section 402(a)(1)(B) of the Act in a permit issued after February 4, 1987, compliance as expeditiously as practicable but in no case later than three years after the date such limitations are established and in no case later than March 31, 1989;

iii. for all other BPT effluent limitations compliance is required from the date of permit issuance.

b. for conventional pollutants, the best conventional pollutant control technology (BCT):

i. for effluent limitations promulgated under section 304(b) of the Act, as expeditiously as practicable but in no case later than three years after the date such limitations are promulgated under section 304(b) of the Act, and in no case later than March 31, 1989;

ii. for effluent limitations established on a case-by-case (BPJ) basis under section 402(a)(1)(B) of the Act in a permit issued after February 4, 1987, compliance as expeditiously as practicable but in no case later than three years after the date such limitations are established and in no case later than March 31, 1989.

c. for all toxic pollutants referred to in Committee Print No. 95-30, House Committee on Public Works and Transportation, the best available technology economically achievable (BAT):

i. for effluent limitations established under section 304(b) of the Act, as expeditiously as practicable but in no case later than three years after the date such limitations are promulgated under section 304(b) of the Act, and in no case later than March 31, 1989;

ii. for permits issued on a case-by-case (BPJ) basis under section 402(a)(1)(B) of the Act after February 4, 1987 establishing BAT effluent limitations, compliance is required as expeditiously as practicable but in no case later than three years after the date such limitations are promulgated under section 304(b) of the Act, and in no case later than March 31, 1989.

d. for all toxic pollutants other than those listed in Committee Print No. 95-30, effluent limitations based on BAT:

i. for effluent limitations promulgated under section 304(b) of the Act compliance is required as expeditiously as practicable, but in no case later than three years after the date such limitations are promulgated under section 304(b) of the Act and in no case later than March 31, 1989;

ii. for permits issued on a case-by-case (BPJ) basis under section 402(a)(1)(B) of the Act after February 4, 1987 establishing BAT effluent limitations, compliance is required as expeditiously as practicable but in no case later than 3 years after the date such limitations are established and in no case later than March 31, 1989.

e. for all pollutants which are neither toxic nor conventional pollutants, effluent limitations based on BAT:

i. for effluent limitations promulgated under section 304(b) of the Act, compliance is required as expeditiously as practicable but in no case later than three years after the date such limitations are established and in no case later than March 31, 1989;

ii. for permits issued on a case-by-case (BPJ) basis under section 402(a)(1)(B) of the Act after February 4, 1987 establishing BAT effluent limitations compliance is required as expeditiously as practicable but in no case later than three years after the date such limitations are established and in no case later than March 31, 1989.

B. Statutory Variances and Extensions

1. The following variances from technology-based treatment requirements are authorized by the Act and may be applied for under LAC 33:IX.2331:

a. for POTWs, a section 301(h) of the Act marine discharge variance from secondary treatment (40 CFR 125, subpart G);

b. for dischargers other than POTWs;

i. a section 301(c) of the Act economic variance from BAT (40 CFR part 125, subpart E);

ii. a section 301(g) of the Act water quality related variance from BAT (40 CFR part 125, subpart F); and

iii. a section 316(a) of the Act thermal variance from BPT, BCT and BAT (LAC 33:IX.Chapter 23.Subchapter O - reserved).

2. The following extensions of deadlines for compliance with technology-based treatment requirements are authorized by the Act and may be applied for under 40 CFR 124.53:

a. for POTWs a section 301(i) of the Act extension of the secondary treatment deadline (LAC 33:IX.Chapter 23.Subchapter O - reserved);

b. for dischargers other than POTWs:

i. a section 301(i) of the Act extension of the BPT deadline (LAC 33:IX.Chapter 23.Subchapter O - Reserved); and

ii. a section 301(k) of the Act extension of the BAT deadline (LAC 33:IX.Chapter 23.Subchapter J - reserved).

C. Methods of Imposing Technology-based Treatment Requirements in Permits. Technology-based treatment requirements may be imposed through one of the following three methods:

1. Application of promulgated effluent limitations developed under section 304 of the Act to dischargers by category or subcategory. These effluent limitations are not applicable to the extent that they have been remanded or withdrawn. However, in the case of a court remand, determinations underlying effluent limitations shall be binding in permit issuance proceedings where those determinations are not required to be reexamined by a court remanding the regulations. In addition, dischargers may seek fundamentally different factors variances from these effluent limitations under LAC 33:IX.2331 and Subchapter K of this Chapter.

2. On a case-by-case basis under section 402(a)(1) of the Act, to the extent that promulgated effluent limitations are inapplicable. The permit writer shall apply the appropriate factors listed in LAC 33:IX.2469.D and shall consider:

a. the appropriate technology for the category or class of point sources of which the applicant is a member, based upon all available information; and

b. any unique factors relating to the applicant.

[Comment: These factors must be considered in all cases, regardless of whether the permit is being issued by EPA or an approved state.]

3. Through a combination of the methods in LAC 33:IX.2469.D.1 and 2 . Where promulgated effluent limitations guidelines only apply to certain aspects of the discharger's operation, or to certain pollutants, other aspects or activities are subject to regulation on a case-by-case basis in order to carry out the provisions of the Act.

4. Limitations developed under LAC 33:IX.2469.D.2 may be expressed, where appropriate, in terms of toxicity (e.g., "the LC_{50} for fat head minnow of the effluent from outfall 001 shall be greater than 25 percent") provided that it is shown that the limits reflect the appropriate requirements (for example, technology-based or water-quality-based standards) of the Act.

D. In setting case-by-case limitations pursuant to LAC 33:IX.2469.C, the permit writer must consider the following factors:

1. for BPT requirements:

a. the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application;

b. the age of equipment and facilities involved;

c. the process employed;

d. the engineering aspects of the application of various types of control techniques;

e. process changes; and

f. non-water quality environmental impact (including energy requirements).

2. for BCT requirements:

a. the reasonableness of the relationship between the costs of attaining a reduction in effluent and the effluent reduction benefits derived;

b. the comparison of the cost and level of reduction of such pollutants from the discharge from publicly owned treatment works to the cost and level of reduction of such pollutants from a class or category of industrial sources;

c. the age of equipment and facilities involved;

d. the process employed;

e. the engineering aspects of the application of various types of control techniques;

f. process changes; and

g. non-water quality environmental impact (including energy requirements).

3. for BAT requirements:

a. the age of equipment and facilities involved;

b. the process employed;

c. the engineering aspects of the application of various types of control techniques;

d. process changes;

e. the cost of achieving such effluent reduction; and

f. non-water quality environmental impact (including energy requirements).

E. Technology-based treatment requirements are applied prior to or at the point of discharge.

F. Technology-based treatment requirements cannot be satisfied through the use of non-treatment techniques such as flow augmentation and in-stream mechanical aerators. However, these techniques may be considered as a method of achieving water quality standards on a case-by-case basis when:

1. the technology-based treatment requirements applicable to the discharge are not sufficient to achieve the standards;

2. the discharger agrees to waive any opportunity to request a variance under section 301 (c), (g) or (h) of the Act; and

3. the discharger demonstrates that such a technique is the preferred environmental and economic method to achieve the standards after consideration of alternatives such as advanced waste treatment, recycle and reuse, land disposal, changes in operating methods, and other available methods.

G. Technology-based effluent limitations shall be established under this Subchapter for solids, sludges, filter backwash, and other pollutants removed in the course of treatment or control of wastewaters in the same manner as for other pollutants.

H.1. The state administrative authority may set a permit limit for a conventional pollutant at a level more stringent than the best conventional pollution control technology (BCT), or a limit for a nonconventional pollutant which shall not be subject to modification under section 301 (c) or (g) of the Act where:

a. effluent limitations guidelines specify the pollutant as an indicator for a toxic pollutant, or

b.i. the limitation reflects BAT-level control of discharges of one or more toxic pollutants which are present in the waste stream, and a specific BAT limitation upon the toxic pollutant(s) is not feasible for economic or technical reasons;

ii. the permit identifies which toxic pollutants are intended to be controlled by use of the limitation; and

iii. the fact sheet required by LAC 33:IX.2445 sets forth the basis for the limitation, including a finding that compliance with the limitation will result in BAT-level control of the toxic pollutant discharges identified in LAC 33:IX.2469.G.1.b.ii, and a finding that it would be economically or technically infeasible to directly limit the toxic pollutant(s).

2. The state administrative authority may set a permit limit for a conventional pollutant at a level more stringent than BCT when:

a. effluent limitations guidelines specify the pollutant as an indicator for a hazardous substance, or

b.i. the limitation reflects BAT-level control of discharges (or an appropriate level determined under section 301(c) or (g) of the Act) of one or more hazardous substance(s) which are present in the waste stream, and a specific BAT (or other appropriate) limitation upon the hazardous substance(s) is not feasible for economic or technical reasons;

ii. the permit identifies which hazardous substances are intended to be controlled by use of the limitation; and

iii. the fact sheet required by LAC 33:IX.2445 sets forth the basis for the limitation, including a finding that compliance with the limitations will result in BAT-level (or other appropriate level) control of the hazardous substances discharges identified in LAC 33:IX.2469.H.2.b.ii , and a finding that it would be economically or technically infeasible to directly limit the hazardous substance(s).

c. Hazardous substances which are also toxic pollutants are subject to LAC 33:IX.2469.H.1.

3. The state administrative authority may not set a more stringent limit under the preceding paragraphs if the method of treatment required to comply with the limit differs from that which would be required if the toxic pollutant(s) or hazardous substance(s) controlled by the limit were limited directly.

4. Toxic pollutants identified under LAC 33:IX.2469.H.1 remain subject to the requirements of LAC 33:IX.2357.A.1 (notification of increased discharges of toxic pollutants above levels reported in the application form).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

Subchapter I. Criteria for Issuance of Permits to Aquaculture Projects

§2475. Purpose and Scope

A. These regulations establish guidelines under sections 318 and 402 of the Act for approval of any discharge of pollutants associated with an aquaculture project.

B. The regulations authorize, on a selective basis, controlled discharges which would otherwise be unlawful under the Act in order to determine the feasibility of using pollutants to grow aquatic organisms which can be harvested and used beneficially. DEQ policy is to encourage such projects, while at the same time protecting other beneficial uses of the waters.

C. Permits issued for discharges into aquaculture projects under this Subchapter are LPDES permits and are subject to the applicable requirements of LAC 33:IX.Chapter 23.Subchapters A-G and 40 CFR 123. Any permit shall include such conditions (including monitoring and reporting requirements) as are necessary to comply with those parts. Technology-based effluent limitations need not be applied to discharges into the approved project except with respect to toxic pollutants.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2477. Criteria

A. No LPDES permit shall be issued to an aquaculture project unless:

1. the state administrative authority determines that the aquaculture project:

a. is intended by the project operator to produce a crop which has significant direct or indirect commercial value (or is intended to be operated for research into possible production of such a crop); and

b. does not occupy a designated project area which is larger than can be economically operated for the crop under cultivation or than is necessary for research purposes.

2. the applicant has demonstrated, to the satisfaction of the state administrative authority, that the use of the pollutant to be discharged to the aquaculture project will result in an increased harvest of organisms under culture over what would naturally occur in the area;

3. the applicant has demonstrated, to the satisfaction of the state administrative authority, that if the species to be cultivated in the aquaculture project is not indigenous to the immediate geographical area, there will be minimal adverse effects on the flora and fauna indigenous to the area, and the total commercial value of the introduced species is at least equal to that of the displaced or affected indigenous flora and fauna;

4. the state administrative authority determines that the crop will not have a significant potential for human health hazards resulting from its consumption;

5. the state administrative authority determines that migration of pollutants from the designated project area to water outside of the aquaculture project will not cause or contribute to a violation of water quality standards or a violation of the applicable standards and limitations applicable to the supplier of the pollutant that would govern if the aquaculture project were itself a point source. The approval of an aquaculture project shall not result in the enlargement of a pre-existing mixing zone area beyond what had been designated by the State for the original discharge.

B. No permit shall be issued for any aquaculture project in conflict with a plan or an amendment to a plan approved under section 208(b) of the Act.

C. No permit shall be issued for any aquaculture project located in the territorial sea, the waters of the contiguous zone, or the oceans, except in conformity with guidelines issued under section 403(c) of the Act.

D. Designated project areas shall not include a portion of a body of water large enough to expose a substantial portion of the indigenous biota to the conditions within the designated project area. For example, the designated project area shall not include the entire width of a watercourse, since all organisms indigenous to that watercourse might be subjected to discharges of pollutants that would, except for the provisions of section 318 of the Act, violate section 301 of the Act.

E. Any modifications caused by the construction or creation of a reef, barrier or containment structure shall not unduly alter the tidal regimen of an estuary or interfere with migrations of unconfined aquatic species.

[Comment: Any modifications described in this paragraph which result in the discharge of dredged or fill material into navigable waters may be subject to the permit requirements of section 404 of the Act.]

F. Any pollutants not required by or beneficial to the aquaculture crop shall not exceed applicable standards and limitations when entering the designated project area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

Subchapter J. Criteria for Extending Compliance Dates for Facilities Installing Innovative Technology Under Section 301(k) of the ActCReserved

Subchapter K. Criteria and Standards for Determining Fundamentally Different Factors Under Sections 301(b)(1)(A), 301(b)(2)(A) and (E) of the Act

§2501. Purpose and Scope

A. This Subchapter establishes the criteria and standards to be used in determining whether effluent limitations alternative to those required by promulgated EPA effluent limitations guidelines under sections 301 and 304 of the Act (hereinafter referred to as "national limits") should be imposed on a discharger because factors relating to the discharger's facilities, equipment, processes or other factors related to the discharger are fundamentally different from the factors considered by EPA in development of the national limits. This Subchapter applies to all national limitations promulgated under sections 301 and 304 of the Act, except for the BPT limits contained in 40 CFR 423.12 (steam electric generating point source category).

B. In establishing national limits, EPA takes into account all the information it can collect, develop and solicit regarding the factors listed in sections 304(b) and 304(g) of the Act. In some cases, however, data which could affect these national limits as they apply to a particular discharge may not be available or may not be considered during their development. As a result, it may be necessary on a case-by-case basis to adjust the national limits, and make them either more or less stringent as they apply to certain dischargers within an industrial category or subcategory. This will only be done if data specific to that discharger indicates it presents factors fundamentally different from those considered by EPA in developing the limit at issue. Any interested person believing that factors relating to a discharger's facilities, equipment, processes or other facilities related to the discharger are fundamentally different from the factors considered during development of the national limits may request a fundamentally different factors variance under 40 CFR 122.21(l)(1). In addition, such a variance may be proposed by the Director in the draft permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2503. Criteria

A. A request for the establishment of effluent limitations under this Subchapter (fundamentally different factors variance) shall be approved only if:

1. there is an applicable national limit which is applied in the permit and specifically controls the pollutant for which alternative effluent limitations or standards have been requested; and

2. factors relating to the discharge controlled by the permit are fundamentally different from those considered by EPA in establishing the national limits; and

3. the request for alternative effluent limitations or standards is made in accordance with the procedural requirements of LAC 33:IX.Chapter 23.Subchapter E-G.

B. A request for the establishment of effluent limitations less stringent than those required by national limits guidelines shall be approved only if:

1. the alternative effluent limitation or standard requested is no less stringent than justified by the fundamental difference; and

2. the alternative effluent limitation or standard will ensure compliance with sections 208(e) and 301(b)(1)(C) of the Act; and

3. compliance with the national limits (either by using the technologies upon which the national limits are based or by other control alternatives) would result in:

a. a removal cost wholly out of proportion to the removal cost considered during development of the national limits; or

b. a non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during development of the national limits.

C. A request for alternative limits more stringent than required by national limits shall be approved only if:

1. the alternative effluent limitation or standard requested is no more stringent than justified by the fundamental difference; and

2. compliance with the alternative effluent limitation or standard would not result in:

a. a removal cost wholly out of proportion to the removal cost considered during development of the national limits; or

b. a non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during development of the national limits.

D. Factors which may be considered fundamentally different are:

1. the nature or quality of pollutants contained in the raw waste load of the applicant's process wastewater;

[Comment: (1). In determining whether factors concerning the discharger are fundamentally different, EPA will consider, where relevant, the applicable development document for the national limits, associated technical and economic data collected for use in developing each respective national limit, records of legal proceedings, and written and printed documentation including records of communication, etc., relevant to the development of respective national limits which are kept on public file by EPA. (2). Waste stream(s) associated with a discharger's process wastewater which were not considered in the development of the national limits will not ordinarily be treated as fundamentally different under LAC 33:IX.2503.A. Instead, national limits should be applied to the other streams, and the unique stream(s) should be subject to limitations based on '402(a)(1) of the Act. See LAC 33:IX.2469.C.2.]

2. the volume of the discharger's process wastewater and effluent discharged;

3. non-water quality environmental impact of control and treatment of the discharger's raw waste load;

4. energy requirements of the application of control and treatment technology;

5. age, size, land availability, and configuration as they relate to the discharger's equipment or facilities; processes employed; process changes; and engineering aspects of the application of control technology;

6. cost of compliance with required control technology.

E. A variance request or portion of such a request under this Section shall not be granted on any of the following grounds:

1. the infeasibility of installing the required waste treatment equipment within the time the Act allows;

[Comment: Under this Section a variance request may be approved if it is based on factors which relate to the discharger's ability ultimately to achieve national limits but not if it is based on factors which merely affect the discharger's ability to meet the statutory deadlines of sections 301 and 307 of the Act such as labor difficulties, construction schedules, or unavailability of equipment.]

2. the assertion that the national limits cannot be achieved with the appropriate waste treatment facilities installed, if such assertion is not based on factor(s) listed in LAC 33:IX.2503.D;

[Comment: Review of the administrator's action in promulgating national limits is available only through the judicial review procedures set forth in section 509(b) of the Act.]

3. the discharger's ability to pay for the required waste treatment; or

4. the impact of a discharge on local receiving water quality.

F. Nothing in this Section shall be construed to impair the right of the state or any locality under section 510 of the Act to impose more stringent limitations than those required by Federal law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:1524 (November 1997).

§2505. Method of Application

A. Written request for a variance under this Subchapter shall be submitted in duplicate to the state administrative authority in accordance with 40 CFR part 124, subpart F.

B. The burden is on the person requesting the variance to explain that:

1. factor(s) listed in LAC 33:IX.2503.B regarding the discharger's facility are fundamentally different from the factors EPA considered in establishing the national limits. The requester should refer to all relevant material and information, such as the published guideline regulations development document, all associated technical and economic data collected for use in developing each national limit, all records of legal proceedings, and all written and printed documentation including records of communication, etc., relevant to the regulations which are kept on public file by the EPA;

2. the alternative limitations requested are justified by the fundamental difference alleged in LAC 33:IX.2503; and

3. the appropriate requirements of LAC 33:IX.2501.B have been met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

Subchapter L. Criteria for Determining Alternative Effluent Limitations Under Section 316(a) of the Act

§2511. Purpose and Scope

A. Section 316(a) of the Act provides that:

"With respect to any point source otherwise subject to the provisions of section 301 or section 306 of this Act, whenever the owner or operator of any such source, after opportunity for public hearing, can demonstrate to the satisfaction of the Administrator (or, if appropriate, the State) that any effluent limitation proposed for the control of the thermal component of any discharge from such source will require effluent limitations more stringent than necessary to assure the projection [sic] and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made, the Administrator (or, if appropriate, the State) may impose an effluent limitation under such sections on such plant, with respect to the thermal component of such discharge (taking into account the interaction of such thermal component with other pollutants), that will assure the protection and propagation of a balanced indigenous population of shellfish, fish and wildlife in and on that body of water."

B. This Subchapter describes the factors, criteria and standards for the establishment of alternative thermal effluent limitations under section 316(a) of the Act in permits issued under section 402(a) of the Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2513. Definitions

A. For the purpose of this Subchapter:

Alternative Effluent Limitations—all effluent limitations or standards of performance for the control of the thermal component of any discharge which are established under section 316(a) of the Act and this Subchapter.

Balanced, Indigenous Community—is synonymous with the term "balanced, indigenous population" in the Act and means a biotic community typically characterized by diversity, the capacity to sustain itself through cyclic seasonal changes, presence of necessary food chain species and by a lack of domination by pollution tolerant species. Such a community may include historically non-native

species introduced in connection with a program of wildlife management and species whose presence or abundance results from substantial, irreversible environmental modifications. Normally, however, such a community will not include species whose presence or abundance is attributable to the introduction of pollutants that will be eliminated by compliance by all sources with section 301(b)(2) of the Act; and may not include species whose presence or abundance is attributable to alternative effluent limitations imposed pursuant to section 316(a) of the Act.

Representative Important Species—species which are representative, in terms of their biological needs, of a balanced, indigenous community of shellfish, fish and wildlife in the body of water into which a discharge of heat is made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2515. Early Screening of Applications for Section 316(a) of the Act Variances

A. Any initial application for a section 316(a) of the Act variance shall include the following early screening information:

1. a description of the alternative effluent limitation requested;

2. a general description of the method by which the discharger proposes to demonstrate that the otherwise applicable thermal discharge effluent limitations are more stringent than necessary;

3. a general description of the type of data, studies, experiments and other information which the discharger intends to submit for the demonstration; and

4. such data and information as may be available to assist the state administrative authority in selecting the appropriate representative important species.

B. After submitting the early screening information under LAC 33:IX.2515.A, the discharger shall consult with the state administrative authority at the earliest practicable time (but not later than 30 days after the application is filed) to discuss the discharger's early screening information. Within 60 days after the application is filed, the discharger shall submit for the state administrative authority's approval a detailed plan of study which the discharger will undertake to support its section 316(a) of the Act demonstration. The discharger shall specify the nature and extent of the following type of information to be included in the plan of study: biological, hydrographical and meteorological data; physical monitoring data; engineering or diffusion models; laboratory studies; representative important species; and other relevant information. In selecting representative important species, special consideration shall be given to species mentioned in applicable water quality standards. After the discharger submits its detailed plan of study, the state administrative authority shall either approve the plan or specify any necessary revisions to the plan. The discharger shall provide any additional information or studies which the state administrative authority subsequently determines necessary to support the demonstration, including such studies or inspections as may be necessary to select representative important species. The discharger may provide any additional information or studies which the discharger feels are appropriate to support the demonstration.

C. Any application for the renewal of a section 316(a) of the Act variance shall include only such information described in LAC 33:IX.2515.A and B as the state administrative authority requests within 60 days after receipt of the permit application.

D. The state administrative authority shall promptly notify the secretary of commerce and the secretary of the interior, and any affected state of the filing of the request and shall consider any timely recommendations they submit.

E. In making the demonstration the discharger shall consider any information or guidance published by EPA or DEQ to assist in making such demonstrations.

F. If an applicant desires a ruling on a section 316(a) of the Act application before the ruling on any other necessary permit terms and conditions, it shall so request upon filing its application under LAC 33:IX.2515.A . This request shall be granted or denied at the discretion of the state administrative authority. Note: At the expiration of the permit, any discharger holding a section 316(a) of the Act variance should be prepared to support the continuation of the variance with studies based on the discharger's actual operation experience.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2517. Criteria and Standards for the Determination of Alternative Effluent Limitations under Section 316(a) of the Act.

A. Thermal discharge effluent limitations or standards established in permits may be less stringent than those required by applicable standards and limitations if the discharger demonstrates to the satisfaction of the state administrative authority that such effluent limitations are more stringent than necessary to assure the protection and propagation of a balanced, indigenous community of shellfish, fish and wildlife in and on the body of water into which the discharge is made. This demonstration must show that the alternative effluent limitation desired by the discharger, considering the cumulative impact of its thermal discharge together with all other significant impacts on the species affected, will assure the protection and propagation of a balanced indigenous community of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made.

B. In determining whether or not the protection and propagation of the affected species will be assured, the state administrative authority may consider any information contained or referenced in any applicable thermal water quality criteria and thermal water quality information published by the administrator under section 304(a) of the Act, or any other information he deems relevant.

C.1. Existing dischargers may base their demonstration upon the absence of prior appreciable harm in lieu of predictive studies. Any such demonstrations shall show:

a. that no appreciable harm has resulted from the normal component of the discharge (taking into account the interaction of such thermal component with other pollutants and the additive effect of other thermal sources to a balanced, indigenous community of shellfish, fish and wildlife in and on the body of water into which the discharge has been made; or

b. that despite the occurrence of such previous harm, the desired alternative effluent limitations (or appropriate modifications thereof) will nevertheless assure the protection and propagation of a balanced, indigenous community of shellfish, fish and wildlife in and on the body of water into which the discharge is made.

2. In determining whether or not prior appreciable harm has occurred, the state administrative authority shall consider the length of time in which the applicant has been discharging and the nature of the discharge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

Subchapter M. Criteria Applicable to Cooling Water Intake Structures Under Section 316(b) of the Act - Reserved

Subchapter N. Adoption by Reference

The Louisiana Department of Environmental Quality adopts by reference the following federal requirements.

§2531. 40 CFR Part 136

Title 40 (Protection of the Environment) *Code of Federal Regulations* (CFR) part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants, revised July 1, 1998, in its entirety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:958 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1467 (August 1999).

§2533. 40 CFR Subchapter N

Title 40 (Protection of the Environment) CFR, chapter 1, subchapter N (Effluent Guidelines and Standards), revised July 1, 1998, parts 401 and 402, and parts 404 - 471 in their entirety.

NOTE: General Pretreatment Regulations for Existing and New Sources of Pollution found in part 403 of Subchapter N have been included in these regulations as Subchapter T.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:958 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1467 (August 1999).

§2535. Availability

Copies of these documents may be obtained from:

Government Institutes, Inc.
4 Research Place, Suite 200
Rockville, Maryland 20850
(301) 921-2355

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

Subchapter O. Criteria for Extending Compliance Dates Under Section 301(i) of the Act-Reserved

Subchapter P. Criteria and Standards for Best Management Practices Authorized Under Section 304(e) of the Act

§2560. Effective Date

The state hereby suspends this Subchapter until further notice.

[Note: LAC 33:IX.Chapter 23.Subchapter P mirrors 40 CFR 125 Subpart K. The effect of these federal regulations was stayed until further notice by the U.S. Environmental Protection Agency (44 FR 47063, August 10, 1979, and 45 FR 17997, March 20, 1980). Therefore, to maintain equivalency with the federal regulations, the state hereby suspends this Subchapter until further notice.]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 23:199 (February 1997).

§2561. Purpose and Scope

This Subchapter describes how best management practices (BMPs) for ancillary industrial activities under section 304(e) of the Act shall be reflected in permits, including best

management practices promulgated in effluent limitations under section 304 of the Act and established on a case-by-case basis in permits under section 402(a)(1) of the Act. Best management practices authorized by section 304(e) of the Act are included in permits as requirements for the purposes of section 301, 302, 306, 307, or 403 of the Act, as the case may be.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2563. Definition

Manufacture—to produce as an intermediate or final product, or by-product.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2565. Applicability of Best Management Practices

Dischargers who use, manufacture, store, handle or discharge any pollutant listed as toxic under section 307(a)(1) of the Act or any pollutant listed as hazardous under section 311 of the Act are subject to the requirements of this Subchapter for all activities which may result in significant amounts of those pollutants reaching waters of the state. These activities are ancillary manufacturing operations including: materials storage areas; in-plant transfer, process and material handling areas; loading and unloading operations; plant site runoff; and sludge and waste disposal areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2567. Permit Terms and Conditions

A. Best management practices shall be expressly incorporated into a permit where required by an applicable promulgated effluent limitations guideline under section 304(e) of the Act.

B. Best management practices may be expressly incorporated into a permit on a case-by-case basis where determined necessary to carry out the provisions of the Act under section 402(a)(1). In issuing a permit containing BMP requirements, the state administrative authority shall consider the following factors:

1. toxicity of the pollutant(s);

2. quantity of the pollutant(s) used, produced, or discharged;

3. history of LPDES permit violations;

4. history of significant leaks or spills of toxic or hazardous pollutants;

5. potential for adverse impact on public health (e.g., proximity to a public water supply) or the environment (e.g., proximity to a sport or commercial fishery); and

6. any other factors determined to be relevant to the control of toxic or hazardous pollutants.

C. Best management practices may be established in permits under LAC 33:IX.2567.B alone or in combination with those required under LAC 33:IX.2567.A .

D. In addition to the requirements of LAC 33:IX.2567.A and B, dischargers covered under LAC 33:IX.2565 shall develop and implement a best management practices program in accordance with LAC 33:IX.2569 which prevents, or minimizes the potential for, the release of toxic or hazardous pollutants from ancillary activities to waters of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2569. Best Management Practices Programs

A. BMP programs shall be developed in accordance with good engineering practices and with the provisions of this Subchapter.

B. The BMP program shall:

1. be documented in narrative form, and shall include any necessary plot plans, drawings or maps;

2. establish specific objectives for the control of toxic and hazardous pollutants:

a. each facility component or system shall be examined for its potential for causing a release of significant amounts of toxic or hazardous pollutants to waters of the state due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc;

b. where experience indicates a reasonable potential for equipment failure (e.g., a tank overflow or leakage), natural condition (e.g., precipitation), or other circumstances to result in significant amounts of toxic or hazardous pollutants reaching surface waters, the program should include a prediction of the direction, rate of flow and total quantity of toxic or hazardous pollutants which could be discharged from the facility as a result of each condition or circumstance;

3. establish specific best management practices to meet the objectives identified under LAC 33:IX.2569.B.2 , addressing each component or system capable of causing a release of significant amounts of toxic or hazardous pollutants to the waters of the state;

4. The BMP program:

a. may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans under section 311 of the Act and 40 CFR part 151, and may incorporate any part of such plans into the BMP program by reference;

[Comment: EPA has proposed section 311(j)(1)(c) regulations (43 FR 39276) which require facilities subject to LPDES to develop and implement SPCC plans to prevent discharges of reportable quantities of designated hazardous substances. While LAC 33:IX.Chapter 23.Subchapter P requires only procedural activities and minor construction, the proposed 40 CFR part 151 (SPCC regulations) are more stringent and comprehensive with respect to their requirements for spill prevention. In developing BMP programs in accordance with LAC 33:IX.Chapter 23.Subchapter P, owners or operators should also consider the requirements of proposed 40 CFR Part 151 which may address many of the same areas of the facility covered by LAC 33:IX.Chapter 23.Subchapter P.]

b. Shall assure the proper management of solid and hazardous waste in accordance with regulations promulgated under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA) (40 U.S.C. 6901 et seq.). Management practices required under RCRA regulations shall be expressly incorporated into the BMP program; and

c. Shall address the following points for the ancillary activities in LAC 33:IX.2565:

i. statement of policy;

ii. spill control committee;

iii. material inventory;

iv. material compatibility;

v. employee training;

vi. reporting and notification procedures;

vii. visual inspections;

viii. preventive maintenance;

ix. housekeeping; and

x. security.

Comment: Additional technical information on BMPs and the elements of a BMP program is contained in a publication entitled "Guidance Manual for Developing Best Management Practices (BMP)." Copies may be obtained by written request to Office of Water Resource Center (mail code: 4100) Environmental Protection Agency, Washington, D.C. 20460.

C.1. The BMP program must be clearly described and submitted as part of the permit application. An application which does not contain a BMP program shall be considered incomplete. Upon receipt of the application, the state administrative authority shall approve or modify the program in accordance with the requirements of this Subchapter. The BMP program as approved or modified shall be included in the draft permit (LAC 33:IX.2409). The BMP program shall be subject to the applicable permit issuance requirements of LAC 33:IX.Chapter 23.Subchapter H-M and O-Q, resulting in the incorporation of the program (including any modifications of the program resulting from the permit issuance procedures) into the final permit.

2. Proposed modifications to the BMP program which affect the discharger's permit obligations shall be submitted to the state administrative authority for approval. If the state administrative authority approves the proposed BMP program modification, the permit shall be modified in accordance with LAC 33:IX.2383, provided that the state administrative authority may waive the requirements for public notice and opportunity for hearing on such modification if he or she determines that the modification is not significant. The BMP program, or modification thereof, shall be fully implemented as soon as possible but not later than one year after permit issuance, modification, or revocation and reissuance unless the state administrative authority specifies a later date in the permit.

NOTE: A later date may be specified in the permit, for example, to enable coordinated preparation of the BMP program required under these regulations and the SPCC plan required under 40 CFR Part 151 or to allow for the completion of construction projects related to the facility's BMP or SPCC program.

D. The discharger shall maintain a description of the BMP program at the facility and shall make the description available to the state administrative authority upon request.

E. The owner or operator of a facility subject to this Subchapter shall amend the BMP program in accordance with the provisions of this Subchapter whenever there is a change in facility design, construction, operation, or maintenance which materially affects the facility's potential for discharge of significant amounts of hazardous or toxic pollutants into the waters of the state.

F. If the BMP program proves to be ineffective in achieving the general objective of preventing the release of significant amounts of toxic or hazardous pollutants to those waters and the specific objectives and requirements under LAC 33:IX.2569.B , the permit and/or the BMP program shall be subject to modification to incorporate revised BMP requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Water Pollution Control Division, LR 23:725 (June 1997).

Subchapter Q. Criteria and Standards for Imposing Conditions for the Disposal of Sewage Sludge Under Section 405 of the Act - Reserved

Subchapter R. Toxic Pollutant Effluent Standards and Prohibitions

§2601. Scope and Purpose

A. The provisions of this Subchapter apply to owners or operators of specified facilities discharging into waters of the state.

B. The effluent standards or prohibitions for toxic pollutants established in this Subchapter shall be applicable to the sources and pollutants hereinafter set forth, and may be incorporated in any LPDES permit, modification or renewal thereof, in accordance with the provisions of this Subchapter.

C. The provisions of LAC 33:IX.Chapter 23.Subchapters E - M and O - Q shall apply to any LPDES permit proceedings for any point source discharge containing any toxic pollutant for which a standard or prohibition is established under this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2603. Definitions

A. All terms not defined herein shall have the meaning given them in the Act or in LAC 33:IX.Chapter 23.Subchapters E - G or H- M and O - Q. As used in this Subchapter, the term:

*Act***C**the Clean Water Act (CWA) as defined in LAC 33:IX.2313 and the appropriate provisions of the LEQA and regulations.

*Administrator***C**the Administrator of the Environmental Protection Agency or any employee of the Agency to whom the Administrator may by order delegate the authority to carry out his functions under section 307(a) of the Act, or any person who shall by operation of law be authorized to carry out such functions.

*Air Emissions***C**the release or discharge of a toxic pollutant by an owner or operator into the ambient air either

1. by means of a stack or

2. as a fugitive dust, mist or vapor as a result inherent to the manufacturing or formulating process.

*Ambient Water Criterion***C**the concentration of a toxic pollutant in a waters of the state that, based upon available data, will not result in adverse impact on important aquatic life, or on consumers of such aquatic life, after exposure of that aquatic life for periods of time exceeding 96 hours and continuing at least through one reproductive cycle; and will not result in a significant risk of adverse health effects in a large human population based on available information such as mammalian laboratory toxicity data, epidemiological studies of human occupational exposures, or human exposure data, or any other relevant data.

*Construction***C**any placement, assembly, or installation of facilities or equipment (including contractual obligations to purchase such facilities or equipment) at the premises where such equipment will be used, including preparation work at such premises.

*Effluent Standard***C**for purposes of section 307, the equivalent of effluent limitation as that term is defined in section 502(11) of the Act with the exception that it does not include a schedule of compliance.

*Existing Source***C**any source which is not a new source as defined below.

*Fugitive Dust, Mist or Vapor***C**dust, mist or vapor containing a toxic pollutant regulated under this Subchapter which is emitted from any source other than through a stack.

*Manufacturer***C**any establishment engaged in the mechanical or chemical transformation of materials or substances into new products including but not limited to the blending of materials such as pesticidal products, resins, or liquors.

*New Source***C**source discharging a toxic pollutant, the construction of which is commenced after proposal of an effluent standard or prohibition applicable to such source if such effluent standard or prohibition is thereafter promulgated in accordance with section 307 of the Act.

*Owner or Operator***C**any person who owns, leases, operates, controls, or supervises a source as defined below.

*Permit***C**a permit for the discharge of pollutants into waters of the state under the Louisiana Pollutant Discharge Elimination System established by section 402 of the Act and implemented in LAC 33:IX.Chapter 23, Subchapters E-M and O-Q.

*Process Wastes***C**any designated toxic pollutant, whether in wastewater or otherwise present, which is inherent to or unavoidably resulting from any manufacturing process, including that which comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product and is discharged into the waters of the state.

*Prohibited***C**the constituent shall be absent in any discharge subject to these standards, as determined by any analytical method.

*Source***C**any building, structure, facility, or installation from which there is or may be the discharge of toxic pollutants designated as such by the EPA or DEQ under section 307(a)(1) of the Act.

*Stack***C**chimney, flue, conduit, or duct arranged to conduct emissions to the ambient air.

*State Administrative Authority***C**the chief administrative officer of a State or interstate water pollution control agency operating an approved NPDES permit program. In the event responsibility for water pollution control and enforcement is divided among two or more State or interstate agencies, the term state administrative authority means the administrative officer authorized to perform the particular procedure to which reference is made.

*Ten Year 24-hour Rainfall Event***C**the maximum precipitation event with a probable recurrence interval of once in 10 years as defined by the National Weather Service

in Technical Paper No. 40, Rainfall Frequency Atlas of the United States, May 1961, and subsequent amendments or equivalent regional or State rainfall probability information developed therefrom.

Working Day—the hours during a calendar day in which a facility discharges effluents subject to this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2605. Abbreviations

The abbreviations used in this Subchapter represent the following terms:

lb = pound (or pounds)

g = gram

µg/l = micrograms per liter (1 one-millionth gram/liter)

kg = kilogram(s)

kkg = 1000 kilogram(s)

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2607. Toxic Pollutants

A. The following are the pollutants subject to regulation under the provisions of this Subchapter:

1. Aldrin/Dieldrin - "Aldrin"—the compound aldrin as identified by the chemical name, 1, 2, 3, 4, 10, 10-hexachloro-1, 4, 4a, 5, 8, 8a-hexahydro - 1, 4- endo-5, 8-exo-dimethanonaphthalene; "Dieldrin" means the compound dieldrin as identified by the chemical name 1, 2, 3, 4, 10, 10-hexachloro-6, 7-epoxy- 1, 4, 4a, 5, 6, 7, 8, 8a-octahydro-1, 4-endo-5, 8-exo-dimethanonaphthalene.

2. DDT - "DDT"—the compounds DDT, DDD, and DDE as identified by the chemical names: (DDT)-1, 1, 1-trichloro-2, 2-bis(p-chlorophenyl) ethane and some o, p-isomers; (DDD) or (TDE)-1, 1-dichloro-2, 2- bis (p-chlorophenyl) ethane and some o, p-isomers; (DDE)-1, 1 -dichloro-2, 2-bis(p-chlorophenyl) ethylene.

3. Endrin - "Endrin"—the compound endrin as identified by the chemical name 1, 2, 3, 4, 10, 10-hexachloro-6, 7-epoxy -1, 4, 4a, 5, 6, 7, 8, 8a-octahydro-1, 4-endo-5, 8-endodimethanonaphthalene.

4. Toxaphene - "Toxaphene"—a material consisting of technical grade chlorinated camphene having the approximate formula of $C_{10}H_{10}C_{l8}$ and normally containing 67-69 percent chlorine by weight.

5. Benzidine - "Benzidine"—the compound benzidine and its salts as identified by the chemical name 4, 4 diaminobiphenyl.

6. Polychlorinated Biphenyls (PCBs) - "polychlorinated biphenyls" (PCBs)—a mixture of compounds composed of the biphenyl molecule which has been chlorinated to varying degrees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2609. Compliance

A.1. Within 60 days from the date of promulgation of any toxic pollutant effluent standard or prohibition each owner or operator with a discharge subject to that standard or prohibition must notify the state administrative authority) of such discharge. Such notification shall include such information and follow such procedures as the state administrative authority may require.

2. Any owner or operator who does not have a discharge subject to any toxic pollutant effluent standard at the time of such promulgation but who thereafter commences or intends to commence any activity which would result in such a discharge shall first notify the state administrative authority in the manner herein provided at least 60 days prior to any such discharge.

B. Upon receipt of any application for issuance or reissuance of a permit or for a modification of an existing permit for a discharge subject to a toxic pollutant effluent standard or prohibition the permitting authority shall proceed thereon in accordance with LAC 33:IX.Chapter 23.Subchapters E - G or H - M and O - Q, whichever is applicable.

C.1. Every permit which contains limitations based upon a toxic pollutant effluent standard or prohibition under this Subchapter is subject to revision following the completion of any proceeding revising such toxic pollutant effluent standard or prohibition regardless of the duration specified on the permit.

2. For purposes of this Section, all toxic pollutants for which standards are set under this Subchapter are deemed to be injurious to human health within the meaning of section 402(k) of the Act unless otherwise specified in the standard established for any particular pollutant.

D.1. Upon the compliance date for any section 307(a) toxic pollutant effluent standard or prohibition, each owner or operator of a discharge subject to such standard or prohibition shall comply with such monitoring, sampling, recording, and reporting conditions as the state administrative authority may require for that discharge. Notice of such conditions shall be provided in writing to the owner or operator.

2. In addition to any conditions required pursuant to LAC 33:IX.2609.D.1 of this Section and to the extent not required in conditions contained in LPDES permits, within 60 days following the close of each calendar year each owner or operator of a discharge subject to any toxic standard or prohibition shall report to the state

administrative authorityconcerning the compliance of such discharges. Such report shall include, as a minimum, information concerning:

a. relevant identification of the discharger such as name, location of facility, discharge points, receiving waters, and the industrial process or operation emitting the toxic pollutant;

b. relevant conditions (pursuant to LAC 33:IX.2609.D.1 of this Section or to an LPDES permit) as to flow, section 307(a) toxic pollutant concentrations, and section 307(a) toxic pollutant mass emission rate; and

c. compliance by the discharger with such conditions.

3. When samples collected for analysis are composited, such samples shall be composited in proportion to the flow at time of collection and preserved in compliance with requirements of the state administrative authoritybut shall include at least five samples, collected at approximately equal intervals throughout the working day.

E.1. Nothing in these regulations shall preclude an EPA regional administrator from requiring in any permit a more stringent effluent limitation or standard pursuant to section 301(b)(1)(C) of the Act and implemented in 40 CFR 125.11 and other related provisions of LAC 33:IX.Chapter 23.Subchapter H - M and O - Q.

2. Nothing in these regulations shall preclude the state administrative authority from requiring in any permit a more stringent effluent limitation or standard pursuant to section 301(b)(1)(C) of the Act and implemented in 40 CFR 124.42 and other related provisions of LAC 33:IX.Chapter 23.Subchapter E - G.

F. Any owner or operator of a facility which discharges a toxic pollutant to the waters of the state and to a publicly owned treatment system shall limit the summation of the mass emissions from both discharges to the less restrictive standard, either the direct discharge standard or the pretreatment standard; but in no case will this Section allow a discharge to the waters of the state greater than the toxic pollutant effluent standard established for a direct discharge to the waters of the state.

G. In any permit hearing or other administrative proceeding relating to the implementation or enforcement of these standards, or any modification thereof, or in any judicial proceeding other than a petition for review of these standards pursuant to section 509(b)(1)(C) of the Act, the parties thereto may not contest the validity of any national or state standards established in this Subchapter, or the ambient water criterion established herein for any toxic pollutant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2611. Adjustment of Effluent Standard for Presence of Toxic Pollutant in the Intake Water

A. Upon the request of the owner or operator of a facility discharging a pollutant subject to a toxic pollutant effluent standard or prohibition, the state administrative authority shall give credit, and shall adjust the effluent standard(s) in such permit to reflect credit for the toxic pollutant(s) in the owner's or operator's water supply if:

1. the source of the owner's or operator's water supply is the same body of water into which the discharge is made; and if

2. it is demonstrated to the state administrative authority that the toxic pollutant(s) present in the owner's or operator's intake water will not be removed by any wastewater treatment systems whose design capacity and operation were such as to reduce toxic pollutants to the levels required by the applicable toxic pollutant effluent standards in the absence of the toxic pollutant in the intake water.

B. Effluent limitations established pursuant to this Section shall be calculated on the basis of the amount of section 307(a) toxic pollutant(s) present in the water after any water supply treatment steps have been performed by or for the owner or operator.

C. Any permit which includes toxic pollutant effluent limitations established pursuant to this Section shall also contain conditions requiring the permittee to conduct additional monitoring in the manner and locations determined by the state administrative authority for those toxic pollutants for which the toxic pollutant effluent standards have been adjusted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2613. Requirement and Procedure for Establishing a More Stringent Effluent Limitation

A. In exceptional cases:

1. where the state administrative authority determines that the ambient water criterion established in these standards is not being met or will not be met in the receiving water as a result of one or more discharges at levels allowed by these standards, and

2. where he further determines that this is resulting in or may cause or contribute to significant adverse effects on aquatic or other organisms usually or potentially present, or on human health, he may issue to an owner or operator a permit or a permit modification containing a toxic pollutant effluent limitation at a more stringent level than that required by the standard set forth in these regulations. Any such action shall be taken pursuant to the procedural provisions of LAC 33:IX.Chapter 23.Subchapters E-M and O-Q, as appropriate. In any proceeding in connection with such action the burden of proof and of going forward with

evidence with regard to such more stringent effluent limitation shall be upon the state administrative authority as the proponent of such more stringent effluent limitation.

3. evidence in such proceeding shall include at a minimum: an analysis using data and other information to demonstrate receiving water concentrations of the specified toxic pollutant, projections of the anticipated effects of the proposed modification on such receiving water concentrations, and the hydrologic and hydrographic characteristics of the receiving waters including the occurrence of dispersion of the effluent. Detailed specifications for presenting relevant information by any interested party may be prescribed in guidance documents published from time to time, whose availability will be announced in the *Federal Register*.

B. Any effluent limitation in an LPDES permit which a state proposes to issue which is more stringent than the toxic pollutant effluent standards promulgated by the administrator is subject to review by the administrator under section 402(d) of the Act. The administrator may approve or disapprove such limitation(s) or specify another limitation(s) upon review of any record of any proceedings held in connection with the permit issuance or modification and any other evidence available to him. If he takes no action within 90 days of his receipt of the notification of the action of the permit issuing authority and any record thereof, the action of the state permit issuing authority shall be deemed to be approved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2615. Compliance Date

A. The effluent standards or prohibitions set forth herein shall be complied with not later than one year after promulgation unless an earlier date is established by the administrator for an industrial subcategory in the promulgation of the standards or prohibitions.

B. Toxic pollutant effluent standards or prohibitions set forth herein shall become enforceable under sections 307(d) and 309 of the Act on the date established in LAC 33:IX.2615.A regardless of proceedings in connection with the issuance of any LPDES permit or application therefor, or modification or renewal thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2617. Aldrin/Dieldrin

A. Specialized Definitions

1. *Aldrin/Dieldrin Manufacturer***C**a manufacturer, excluding any source which is exclusively an aldrin/dieldrin formulator, who produces, prepares or processes technical aldrin or dieldrin or who uses aldrin or dieldrin as a material in the production, preparation or processing of another synthetic organic substance.

2. *Aldrin/Dieldrin Formulator***C**a person who produces, prepares or processes a formulated product comprising a mixture of either aldrin or dieldrin and inert materials or other diluents, into a product intended for application in any use registered under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 135, et seq.).

3. The ambient water criterion for aldrin/dieldrin in waters of the state is contained in LAC 33:IX.Chapter 11 (Surface Water Quality Standards).

B. Aldrin/Dieldrin Manufacturer

1. Applicability

a. These standards or prohibitions apply to:

i. all discharges of process wastes; and

ii. all discharges from the manufacturing areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by aldrin/dieldrin as a result of the manufacturing process, including but not limited to:

(a). stormwater and other runoff except as hereinafter provided in LAC 33:IX.2617 B.1.b; and

(b). water used for routine cleanup or cleanup of spills.

b. These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of aldrin/dieldrin; or to stormwater runoff that exceeds that from the 10-year 24-hour rainfall event.

2. Analytical Method Acceptable. Environmental Protection Agency method specified in 40 CFR part 136 (See LAC 33:IX.2531), except that a 1-liter sample size is required to increase the analytical sensitivity.

3. Effluent Standard

a. Existing Sources. Aldrin or dieldrin is prohibited in any discharge from any aldrin/dieldrin manufacturer.

b. New Sources. Aldrin or dieldrin is prohibited in any discharge from any aldrin/dieldrin manufacturer.

C. Aldrin/Dieldrin Formulator

1. Applicability

a. These standards or prohibitions apply to:

i. all discharges of process wastes; and

ii. all discharges from the formulating areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by aldrin/dieldrin as a result of the formulating process, including but not limited to:

(a). stormwater and other runoff except as hereinafter provided in LAC 33:IX.2617.C.1.b; and

(b). water used for routine cleanup or cleanup of spills.

b. These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of aldrin/dieldrin; or to stormwater runoff that exceeds that from the 10-year 24-hour rainfall event.

2. Analytical Method Acceptable. Environmental Protection Agency method specified in 40 CFR part 136 (See LAC 33:IX.2531), except that a 1-liter sample size is required to increase the analytical sensitivity.

3. Effluent Standard

a. Existing Sources. Aldrin or dieldrin is prohibited in any discharge from any aldrin/dieldrin formulator.

b. New Sources. Aldrin or dieldrin is prohibited in any discharge from any aldrin/dieldrin formulator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2619. DDT, DDD, and DDE

A. Specialized Definitions

1. DDT Manufacturer—a manufacturer, excluding any source which is exclusively a DDT formulator, who produces, prepares or processes technical DDT, or who uses DDT as a material in the production, preparation or processing of another synthetic organic substance.

2. DDT Formulator—a person who produces, prepares or processes a formulated product comprising a mixture of DDT and inert materials or other diluents into a product intended for application in any use registered under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 135, et seq.).

3. The ambient water criterion for DDT in waters of the state is contained in LAC 33:IX.Chapter 11 (Surface Water Quality Standards).

B. DDT Manufacturer

1. Applicability

a. These standards or prohibitions apply to:

i. all discharges of process wastes; and

ii. all discharges from the manufacturing areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by DDT as a result of the manufacturing process, including but not limited to:

(a). stormwater and other runoff except as hereinafter provided in LAC 33:IX.2619. B.1.b; and

(b). water used for routine cleanup or cleanup of spills.

b. These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of DDT; or to stormwater runoff that exceeds that from the 10-year 24-hour rainfall event.

2. Analytical Method Acceptable. Environmental Protection Agency method specified in 40 CFR part 136 (See LAC 33:IX.2531), except that a 1-liter sample size is required to increase the analytical sensitivity.

3. Effluent Standard

a. Existing Sources. DDT is prohibited in any discharge from any DDT manufacturer.

b. New Sources. DDT is prohibited in any discharge from any DDT manufacturer.

C. DDT Formulator

1. Applicability

a. These standards or prohibitions apply to:

i. all discharges of process wastes; and

ii. all discharges from the formulating areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by DDT as a result of the formulating process, including but not limited to:

(a). stormwater and other runoff except as hereinafter provided in LAC 33:IX.2619.C.1.b; and

(b). water used for routine cleanup or cleanup of spills.

b. These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of DDT; or to stormwater runoff that exceeds that from the 10-year 24-hour rainfall event.

2. Analytical Method Acceptable. Environmental Protection Agency method specified in 40 CFR part 136 (See LAC 33:IX.2531), except that a 1-liter sample size is required to increase the analytical sensitivity.

3. Effluent Standard

a. Existing Sources. DDT is prohibited in any discharge from any DDT formulator.

b. New Sources. DDT is prohibited in any discharge from any DDT formulator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2621. Endrin

A. Specialized Definitions.

1. *Endrin Manufacturer*Ca manufacturer, excluding any source which is exclusively an endrin formulator, who produces, prepares or processes technical endrin or who uses endrin as a material in the production, preparation or processing of another synthetic organic substance.

2. *Endrin Formulator*C person who produces, prepares or processes a formulated product comprising a mixture of endrin and inert materials or other diluents into a product intended for application in any use registered under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 135, et seq.).

3. The ambient water criterion for endrin in waters of the state is contained in LAC 33:IX.Chapter 11 (Surface Water Quality Standards).

B. Endrin Manufacturer

1. Applicability

a. These standards or prohibitions apply to:

i. all discharges of process wastes; and

ii. all discharges from the manufacturing areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by endrin as a result of the manufacturing process, including but not limited to:

(a). stormwater and other runoff except as hereinafter provided in LAC 33:IX.2621.B.1.b; and

(b). water used for routine cleanup or cleanup of spills.

b. These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of endrin; or to stormwater runoff that exceeds that from the 10-year 24-hour rainfall event.

2. Analytical Method Acceptable - Environmental Protection Agency method specified in 40 CFR part 136 (See LAC 33:IX.2531).

3. Effluent Standard

a. Existing Sources. Discharges from an endrin manufacturer shall not contain endrin concentrations exceeding an average per working day of 1.5 Fg/l calculated over any calendar month; and shall not exceed a monthly average daily loading of 0.0006 kg/kkg of endrin produced; and shall not exceed 7.5 Fg/l in a sample(s) representing any working day.

b. New Sources. Discharges from an endrin manufacturer shall not contain endrin concentrations exceeding an average per working day of 0.1 Fg/l calculated over any calendar month; and shall not exceed a monthly average daily loading of 0.00004 kg/kkg of endrin produced; and shall not exceed 0.5 Fg/l in a sample(s) representing any working day.

c. Mass Emission Standard During Shutdown of Production. In computing the allowable monthly average daily loading figure required under the preceding Subsection B.3.a and b of this Section, for any calendar month for which there is no endrin being manufactured at any plant or facility which normally contributes to the discharge which is subject to these standards, the applicable production value shall be deemed to be the average monthly production level for the most recent preceding 360 days of actual operation of the plant or facility.

C. Endrin Formulator

1. Applicability

a. These standards or prohibitions apply to:

i. all discharges of process wastes; and

ii. all discharges from the formulating areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by endrin as a result of the formulating process, including but not limited to:

(a). stormwater and other runoff except as hereinafter provided in LAC 33:IX.2621.C.1.b; and

(b). water used for routine cleanup or cleanup of spills.

b. These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of endrin; or to storm-water runoff that exceeds that from the 10-year 24-hour rainfall event.

2. Analytical Method Acceptable - Environmental Protection Agency method specified in 40 CFR part 136 (See LAC 33:IX.2531), except that a 1-liter sample size is required to increase the analytical sensitivity.

3. Effluent Standard

a. Existing Sources. Endrin is prohibited in any discharge from any endrin formulator.

b. New Sources. Endrin is prohibited in any discharge from any endrin formulator.

D. The standards set forth in this Section shall apply to the total combined weight or concentration of endrin, excluding any associated element or compound.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2623. Toxaphene

A. Specialized Definitions

1. *Toxaphene Manufacturer*Ca manufacturer, excluding any source which is exclusively a toxaphene formulator, who produces, prepares or processes toxaphene or who uses toxaphene as a material in the production, preparation or processing of another synthetic organic substance.

2. *Toxaphene Formulator*—a person who produces, prepares or processes a formulated product comprising a mixture of toxaphene and inert materials or other diluents into a product intended for application in any use registered under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 135, et seq.).

3. The ambient water criterion for toxaphene in waters of the state is contained in LAC 33:IX.Chapter 11 (Surface Water Quality Standards).

B. Toxaphene Manufacturer

1. Applicability

a. These standards or prohibitions apply to:

i. all discharges of process wastes; and

ii. all discharges from the manufacturing areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by toxaphene as a result of the manufacturing process, including but not limited to:

(a). stormwater and other runoff except as hereinafter provided in LAC 33:IX.2623.B.1.b; and

(b). water used for routine cleanup or cleanup of spills.

b. These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of toxaphene; or to stormwater runoff that exceeds that from the 10-year 24-hour rainfall event.

2. Analytical Method Acceptable - Environmental Protection Agency method specified in 40 CFR part 136 (See LAC 33:IX.2531).

3. Effluent Standard

a. Existing Sources. Discharges from a toxaphene manufacturer shall not contain toxaphene concentrations exceeding an average per working day of 1.5 Fg/l calculated over any calendar month; and shall not exceed a monthly average daily loading of 0.00003 kg/kkg of toxaphene produced, and shall not exceed 7.5 Fg/l in a sample(s) representing any working day.

b. New Sources. Discharges from a toxaphene manufacturer shall not contain toxaphene concentrations exceeding an average per working day of 0.1 Fg/l calculated over any calendar month; and shall not exceed a monthly average daily loading of 0.000002 kg/kkg of toxaphene produced, and shall not exceed 0.5 Fg/l in a sample(s) representing any working day.

c. Mass Emission During Shutdown of Production. In computing the allowable monthly average daily loading figure required under the preceding Subsection B.3.a and b of this Section, for any calendar month for which there is no toxaphene being manufactured at any plant or facility which normally contributes to the discharge which is subject to these standards, the applicable production value shall be deemed to be the average monthly production level for the most recent preceding 360 days of actual operation of the plant or facility.

C. Toxaphene Formulator

1. Applicability

a. These standards or prohibitions apply to:

i. all discharges of process wastes; and

ii. all discharges from the formulating areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by toxaphene as a result of the formulating process, including but not limited to:

(a). stormwater and other runoff except as hereinafter provided in LAC 33:IX.2623.C.1.b; and

(b). water used for routine cleanup or cleanup of spills.

b. These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of toxaphene; or to stormwater runoff that exceeds that from the 10-year 24-hour rainfall event.

2. Analytical Method Acceptable - Environmental Protection Agency method specified in 40 CFR part 136 (See LAC 33:IX.2531), except that a 1-liter sample size is required to increase the analytical sensitivity.

3. Effluent Standards

a. Existing Sources. Toxaphene is prohibited in any discharge from any toxaphene formulator.

b. New Sources. Toxaphene is prohibited in any discharge from any toxaphene formulator.

D. The standards set forth in this Section shall apply to the total combined weight or concentration of toxaphene, excluding any associated element or compound.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2625. Benzidine

A. Specialized Definitions

1. *Benzidine Manufacturer*—a manufacturer who produces benzidine or who produces benzidine as an intermediate product in the manufacture of dyes commonly used for textile, leather and paper dyeing.

2. *Benzidine-based Dye Applicator*—an owner or operator who uses benzidine-based dyes in the dyeing of textiles, leather or paper.

3. The ambient water criterion for benzidine in waters of the state is contained in LAC 33:IX.Chapter 11 (Surface Water Quality Standards).

B. Benzidine Manufacturer

1. Applicability

a. These standards apply to:

i. all discharges into the waters of the state of process wastes, and

ii. all discharges into the waters of the state of wastes containing benzidine from the manufacturing areas, loading and unloading areas, storage areas, and other areas subject to direct contamination by benzidine or benzidine-containing product as a result of the manufacturing process, including but not limited to:

(a). stormwater and other runoff except as hereinafter provided in LAC 33:IX.2625.B.1.b, and

(b). water used for routine cleanup or cleanup of spills.

b. These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of benzidine; or to stormwater runoff that exceeds that from the 10-year 24-hour rainfall event.

2. Analytical Method Acceptable - Environmental Protection Agency method specified in 40 CFR part 136 (See LAC 33:IX.2531).

3. Effluent Standards

a. Existing Sources. Discharges from a benzidine manufacturer shall not contain benzidine concentrations exceeding an average per working day of 10 Fg/l calculated over any calendar month, and shall not exceed a monthly average daily loading of 0.130 kg/kkg of benzidine produced, and shall not exceed 50 Fg/l in a sample(s) representing any working day.

b. New Sources. Discharges from a benzidine manufacturer shall not contain benzidine concentrations exceeding an average per working day of 10 Fg/l calculated over any calendar month, and shall not exceed a monthly average daily loading of 0.130 kg/kkg of benzidine produced, and shall not exceed 50 Fg/l in a sample(s) representing any working day.

4. The standards set forth in LAC 33:IX.2625 shall apply to the total combined weight or concentration of benzidine, excluding any associated element or compound.

C. Benzidine-based Dye Applicators

1. Applicability

a. These standards apply to:

i. all discharges into the waters of the state of process wastes, and

ii. all discharges into the waters of the state of wastes containing benzidine from the manufacturing areas, loading and unloading areas, storage areas, and other areas subject to direct contamination by benzidine or benzidine-containing product as a result of the manufacturing process, including but not limited to:

(a). stormwater and other runoff except as hereinafter provided in LAC 33:IX.2625.C.1.b; and

(b). water used for routine cleanup or cleanup of spills.

b. These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of benzidine; or to stormwater that exceeds that from the 10-year 24-hour rainfall event.

2. Analytical Method Acceptable

a. Environmental Protection Agency method specified in 40 CFR part 136 (See LAC 33:IX.2531); or

b. Mass balance monitoring approach which requires the calculation of the benzidine concentration by dividing the total benzidine contained in dyes used during a working day (as certified in writing by the manufacturer) by the total quantity of water discharged during the working day.

[Comment: The state administrative authority shall rely entirely upon the method specified in 40 CFR Part 136 (LAC 33:IX.2531) in analyses performed for enforcement purposes.]

3. Effluent Standards

a. Existing Sources. Discharges from benzidine-based dye applicators shall not contain benzidine concentrations exceeding an average per working day of 10 Fg/l calculated over any calendar month; and shall not exceed 25 Fg/l in a sample(s) or calculation(s) representing any working day.

b. New Sources. Discharges from benzidine-based dye applicators shall not contain benzidine concentrations exceeding an average per working day of 10 Fg/l calculated over any calendar month; and shall not exceed 25 Fg/l in a sample(s) or calculation(s) representing any working day.

4. The standards set forth in LAC 33:IX.2625.C shall apply to the total combined concentrations of benzidine, excluding any associated element or compound.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2627. Polychlorinated Biphenyls (PCBs)

A. Specialized Definitions

1. *PCB Manufacturer*C a manufacturer who produces polychlorinated biphenyls.

2. *Electrical Capacitor Manufacturer*C a manufacturer who produces or assembles electrical capacitors in which PCB or PCB-containing compounds are part of the dielectric.

3. *Electrical Transformer Manufacturer*—a manufacturer who produces or assembles electrical transformers in which PCB or PCB-containing compounds are part of the dielectric.

4. The ambient water criterion for PCBs in waters of the state is contained in LAC 33:IX.Chapter 11 (Surface Water Quality Standards).

B. PCB Manufacturer

1. Applicability

a. These standards or prohibitions apply to:

i. all discharges of process wastes;

ii. all discharges from the manufacturing or incinerator areas, loading and unloading areas, storage areas, and other areas which are subject to direct contamination by PCBs as a result of the manufacturing process, including but not limited to:

(a). stormwater and other runoff except as hereinafter provided in LAC 33:IX.2627. B.1.b; and

(b). water used for routine cleanup or cleanup of spills.

b. These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of PCBs; or to stormwater runoff that exceeds that from the 10-year 24-hour rainfall event.

2. Analytical Method Acceptable - Environmental Protection Agency method specified in 40 CFR part 136 (See LAC 33:IX.2531) except that a 1-liter sample size is required to increase analytical sensitivity.

3. Effluent Standards

a. Existing Sources. PCBs are prohibited in any discharge from any PCB manufacturer;

b. New Sources. PCBs are prohibited in any discharge from any PCB manufacturer.

C. Electrical Capacitor Manufacturer

1. Applicability

a. These standards or prohibitions apply to:

i. all discharges of process wastes; and

ii. all discharges from the manufacturing or incineration areas, loading and unloading areas, storage areas and other areas which are subject to direct contamination by PCBs as a result of the manufacturing process, including but not limited to:

(a). stormwater and other runoff except as hereinafter provided in LAC 33:IX.2627.C.1.b; and

(b). water used for routine cleanup or cleanup of spills.

b. These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of PCBs; or to stormwater runoff that exceeds that from the 10-year 24-hour rainfall event.

2. Analytical Method Acceptable. Environmental Protection Agency method specified in 40 CFR part 136 (See LAC 33:IX.2531), except that a 1-liter sample size is required to increase analytical sensitivity.

3. Effluent Standards

a. Existing Sources. PCBs are prohibited in any discharge from any electrical capacitor manufacturer;

b. New Sources. PCBs are prohibited in any discharge from any electrical capacitor manufacturer.

D. Electrical Transformer Manufacturer

1. Applicability

a. These standards or prohibitions apply to:

i. all discharges of process wastes; and

ii. all discharges from the manufacturing or incineration areas, loading and unloading areas, storage areas, and other areas which are subject to direct contamination by PCBs as a result of the manufacturing process, including but not limited to:

(a). stormwater and other runoff except as hereinafter provided in LAC 33:IX.2627.D.1.b; and

(b). water used for routine cleanup or cleanup of spills.

b. These standards do not apply to stormwater runoff or other discharges from areas subject to contamination solely by fallout from air emissions of PCBs; or to stormwater runoff that exceeds that from the 10-year 24-hour rainfall event.

2. Analytical Method Acceptable. Environmental Protection Agency method specified in 40 CFR part 136 (See LAC 33:IX.2531), except that a 1-liter sample size is required to increase analytical sensitivity.

3. Effluent Standards

a. Existing Sources. PCBs are prohibited in any discharge from any electrical transformer manufacturer;

b. New Sources. PCBs are prohibited in any discharge from any electrical transformer manufacturer.

E. Adjustment of effluent standard for presence of PCBs in intake water. Whenever a facility which is subject to these standards has PCBs in its effluent which result from the presence of PCBs in its intake waters, the owner may apply to the state administrative authority for a credit pursuant to the provisions of LAC 33:IX.2611, where the source of the water supply is the same body of water into which the discharge is made. The requirement of LAC 33:IX.2611.A.1, relating to the source of the water supply, shall be waived, and such facility shall be eligible to apply for a credit under LAC 33:IX.2611, upon a showing by the owner or operator of such facility to the state administrative authority that the

concentration of PCBs in the intake water supply of such facility does not exceed the concentration of PCBs in the receiving waterbody to which the plant discharges its effluent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

Subchapter S. Secondary Treatment Under the LPDES Program

§2641. Purpose

This Subchapter provides information on the level of effluent quality attainable through the application of secondary or equivalent treatment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2643. Definitions

Terms used in this Subchapter are defined as follows:

*7-day Average***C**the arithmetic mean of pollutant parameter values for samples collected in a period of seven consecutive days.

*30-day Average***C**the arithmetic mean of pollutant parameter values of samples collected in a period of 30 consecutive days.

*Act***C**the Clean Water Act (CWA) as defined in LAC 33:IX.2313 and the appropriate provisions of the LEQA and regulations.

*BOD_5***C**the five day measure of the pollutant parameter biochemical oxygen demand (BOD).

*$CBOD_5$***C**the five day measure of the pollutant parameter carbonaceous biochemical oxygen demand (CBOD).

Effluent Concentrations Consistently Achievable Through Proper Operation and Maintenance**C**for a given pollutant parameter

a. the 95th percentile value for the 30-day average effluent quality achieved by a treatment works in a period of at least two years excluding values attributable to upsets, bypasses, operational errors, or other unusual conditions, and

b. a 7-day average value equal to 1.5 times the value derived under LAC 33:IX.2643.F.1.

*Facilities Eligible for Treatment Equivalent to Secondary Treatment***C**treatment works shall be eligible for consideration for effluent limitations described for treatment equivalent to secondary treatment (LAC 33:IX.2651), if:

a. The BOD_5 and TSS effluent concentrations consistently achievable through proper operation and maintenance (LAC 33:IX.2643.F) of the treatment works exceed the minimum level of the effluent quality set forth in LAC 33:IX.2645.A and B.

b. A trickling filter or waste stabilization pond is used as the principal process, and

c. The treatment works provide significant biological treatment of municipal wastewater.

*mg/l***C**milligrams per liter.

*NPDES***C**National Pollutant Discharge Elimination System.

*Percent Removal***C**a percentage expression of the removal efficiency across a treatment plant for a given pollutant parameter, as determined from the 30-day average values of the raw wastewater influent pollutant concentrations to the facility and the 30-day average values of the effluent pollutant concentrations for a given time period.

*Significant Biological Treatment***C**the use of an aerobic or anaerobic biological treatment process in a treatment works to consistently achieve a 30-day average of at least 65 percent removal of BOD_5.

*Significantly More Stringent Limitation***C**the BOD_5 and TSS limitations necessary to meet the percent removal requirements of at least 5 mg/l more stringent than the otherwise applicable concentration-based limitations (e.g., less than 25 mg/l in the case of the secondary treatment limits for BOD_5 and TSS), or the percent removal limitations in LAC 33:IX.2645 and 2651, if such limits would, by themselves, force significant construction or other significant capital expenditure.

*State Administrative Authority***C**the chief administrative officer of any state or interstate agency operating an approved program, or the delegated representative of the state administrative authority. If responsibility is divided among two or more state or interstate agencies, state administrative authority means the chief administrative officer of the state or interstate agency authorized to perform the particular procedure or function to which reference is made.

*TSS***C**the pollutant parameter total suspended solids.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2645. Secondary Treatment

The following paragraphs describe the minimum level of effluent quality attainable by secondary treatment in terms of the parameters BOD_5, TSS, and pH. All requirements for each parameter shall be achieved except as provided in LAC 33:IX.2647 and 2651.

A. BOD_5

1. The 30-day average shall not exceed 30 mg/l.

2. The 7-day average shall not exceed 45 mg/l.

3. The 30-day average percent removal shall not be less than 85 percent.

4. At the option of the LPDES permitting authority, in lieu of the parameter BOD_5 and the levels of the effluent quality specified in LAC 33:IX.2645.A.1-3, the parameter $CBOD_5$ may be substituted with the following levels of the $CBOD_5$ effluent quality provided:

a. The 30-day average shall not exceed 25 mg/l.

b. The 7-day average shall not exceed 40 mg/l.

c. The 30-day average percent removal shall not be less than 85 percent.

B. TSS

1. The 30-day average shall not exceed 30 mg/l.

2. The 7-day average shall not exceed 45 mg/l.

3. The 30-day average percent removal shall not be less than 85 percent.

C. pH. The effluent values for pH shall be maintained within the limits of 6.0 to 9.0 unless the publicly owned treatment works demonstrates that:

1. inorganic chemicals are not added to the waste stream as part of the treatment process; and

2. contributions from industrial sources do not cause the pH of the effluent to be less than 6.0 or greater than 9.0.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2647. Special Considerations

A. Combined Sewers. Treatment works subject to this Subchapter may not be capable of meeting the percentage removal requirements established under LAC 33:IX.2645.A.3 and B.3, or 2651.A.3 and B.3 during wet weather where the treatment works receive flows from combined sewers (i.e., sewers which are designed to transport both storm water and sanitary sewage). For such treatment works, the decision must be made on a case-by-case basis as to whether any attainable percentage removal level can be defined, and if so, what the level should be.

B. Industrial Wastes. For certain industrial categories, the discharge to navigable waters of BOD_5 and TSS permitted under sections 301(b)(1)(A)(i), (b)(2)(E) or 306 of the Act may be less stringent than the values given in LAC 33:IX.2645.A.1, A.4.a, B.1, 2651.A.1, B.1, and E.1.a. In cases when wastes would be introduced from such an industrial category into a publicly owned treatment works, the values for BOD_5, and TSS in LAC 33:IX.2645.A.1, A.4.a, B.1, 2651.A.1, B.1, and E.1.a may be adjusted upwards provided that:

1. the permitted discharge of such pollutants, attributable to the industrial category, would not be greater than that which would be permitted under sections 301(b)(1)(A)(i), 301(b)(2)(E) or 306 of the Act if such industrial category were to discharge directly into the navigable waters, and

2. the flow or loading of such pollutants introduced by the industrial category exceeds 10 percent of the design flow or loading of the publicly owned treatment works. When such an adjustment is made, the values for BOD_5 or TSS in LAC 33:IX.2645.A.2, A.4.b, B.2, 2651.A.2, B.2, and E.1.b should be adjusted proportionately.

C. Waste Stabilization Ponds. The EPA regional administrator, or, if appropriate, state administrative authority subject to EPA approval, is authorized to adjust the minimum levels of effluent quality set forth in LAC 33:IX.2651.B.1-3 for treatment works subject to this Subchapter, to conform to the TSS concentrations achievable with waste stabilization ponds, provided that:

1. waste stabilization ponds are the principal process used for secondary treatment; and

2. operation and maintenance data indicate that the TSS values specified in LAC 33:IX.2651.B.1-3 cannot be achieved. The term "TSS concentrations achievable with waste stabilization ponds" means a TSS value, determined by the EPA regional administrator, or, if appropriate, state administrative authority subject to EPA approval, which is equal to the effluent concentration achieved 90 percent of the time within the state or appropriate contiguous geographical area by waste stabilization ponds that are achieving the levels of effluent quality for BOD_5 specified in LAC 33:IX.2651.A.1.

D. Less Concentrated Influent Wastewater for Separate Sewers. The EPA regional administrator, or if appropriate, state administrative authority is authorized to substitute either a lower percent removal requirement or a mass loading limit for the percent removal requirements set forth in LAC 33:IX.2645.A.3, 4.b, B.3, 2651.A.3, B.3, and E.1.c provided that the permittee satisfactorily demonstrates that:

1. the treatment works is consistently meeting, or will consistently meet, its permit effluent concentration limits but its percent removal requirements cannot be met due to less concentrated influent wastewater;

2. to meet the percent removal requirements, the treatment works would have to achieve significantly more stringent limitations than would otherwise be required by the concentration-based standards; and

3. the less concentrated influent wastewater is not the result of excessive Inflow/Infiltration (I/I). The determination of whether the less concentrated wastewater is the result of excessive I/I will use the definition of excessive I/I in 40 CFR 35.2005(b)(16) plus the additional criterion that inflow is nonexcessive if the total flow to the POTW (i.e., wastewater plus inflow plus infiltration) is less than 275 gallons per capita per day.

E. Less Concentrated Influent Wastewater for Combined Sewers During Dry Weather. The EPA regional administrator or, if appropriate the state administrative authority, is authorized to substitute either a lower percent removal requirement or a mass loading limit for the percent removal requirements set forth in LAC 33:IX.2645.A.3, A.4.c, B.3, or 2451.A.3, B.3, and E.1.c provided that the permittee satisfactorily demonstrates that:

1. the treatment works is consistently meeting, or will consistently meet, its permit effluent concentration limitations, but the percent removal requirements cannot be met due to less concentrated influent wastewater;

2. to meet the percent removal requirements, the treatment works would have to achieve significantly more stringent effluent concentrations than would otherwise be required by the concentration-based standards; and

3. the less concentrated influent wastewater flows not result from either excessive infiltration or clear water industrial discharges during dry weather periods. The determination of whether the less concentrated wastewater results from excessive infiltration is discussed in 40 CFR 35.2005(b)(28), plus the additional criterion that either 40 gallons per capita per day (gpcd) or 1500 gallons per inch diameter per mile of sewer (gpdim) may be used as the threshold value for that portion of the dry weather base flow attributed to the infiltration. If the less concentrated influent wastewater is the result of clear water industrial discharges, then the treatment works must control such discharges pursuant to LAC 33:IX.Chapter 23.Subchapter T.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2649. Sampling and Test Procedures

A. Sampling and test procedures for pollutants listed in this Subchapter shall be in accordance with guidelines promulgated by the administrator in 40 CFR part 136 (See LAC 33:IX.2531).

B. Chemical oxygen demand (COD) or total organic carbon (TOC) may be substituted for BOD_5 when a long-term BOD:COD or BOD:TOC correlation has been demonstrated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2651. Treatment Equivalent to Secondary Treatment

This Section describes the minimum level of effluent quality attainable by facilities eligible for treatment equivalent to secondary treatment (LAC 33:IX.2643.*Facilities Eligible for Treatment Equivalent to Secondary Treatment*) in terms of the parameters BOD_5, TSS and pH. All requirements for the specified parameters in LAC 33:IX.2651.A, B, and C shall be achieved except as provided for in LAC 33:IX.2647, or 2651.D, E, or F.

A. BOD_5

1. The 30-day average shall not exceed 45 mg/l.

2. The 7-day average shall not exceed 65 mg/l.

3. The 30-day average percent removal shall not be less than 65 percent.

B. TSS. Except where TSS values have been adjusted in accordance with LAC 33:IX.2647.C:

1. The 30-day average shall not exceed 45 mg/l.

2. The 7-day average shall not exceed 65 mg/l.

3. The 30-day average percent removal shall not be less than 65 percent.

C. pH. The requirements of LAC 33:IX.2645.C shall be met.

D. Alternative State Requirements. Except as limited by LAC 33:IX.2651.F, and after notice and opportunity for public comment, the EPA regional administrator, or, if appropriate, state administrative authority subject to EPA approval, is authorized to adjust the minimum levels of effluent quality set forth in LAC 33:IX.2651.A.1-2, and B.1-2 for trickling filter facilities and in LAC 33:IX.2651.A.1-2 for waste stabilization pond facilities, to conform to the BOD_5 and TSS effluent concentrations consistently achievable through proper operation and maintenance (LAC 33:IX.2643.F) by the median (50th percentile) facility in a representative sample of facilities within the state or appropriate contiguous geographical area that meet the definition of facilities eligible for treatment equivalent to secondary treatment (LAC 33:IX.2643.G).

E. $CBOD_5$ Limitation:

1. Where data are available to establish $CBOD_5$ limitations for a treatment works subject to this Section, the LPDES permitting authority may substitute the parameter $CBOD_5$ for the parameter BOD_5 in LAC 33:IX.2651.A.1-3, on a case-by-case basis provided that the levels of $CBOD_5$ effluent quality are not less stringent than the following:

a. The 30-day average shall not exceed 40 mg/l.

b. The 7-days average shall not exceed 60 mg/l.

c. The 30-day average percent removal shall not be less than 65 percent.

2. Where data are available, the parameter $CBOD_5$ may be used for effluent quality limitations established under LAC 33:IX.2651.D. Where concurrent BOD effluent data are available, they must be submitted with the CBOD data as a part of the approval process outlined in LAC 33:IX.2651.D.

F. Permit Adjustments. Any permit adjustment made pursuant to this Subchapter may not be any less stringent than the limitations required pursuant to LAC 33:IX.2651.A-

E. Furthermore, permitting authorities shall require more stringent limitations when adjusting permits if:

1. for existing facilities the permitting authority determines that the 30-day average and 7-day average BOD_5 and TSS effluent values that could be achievable through proper operation and maintenance of the treatment works, based on an analysis of the past performance of the treatment works, would enable the treatment works to achieve more stringent limitations; or

2. for new facilities, the permitting authority determines that the 30-day average and 7-day average BOD_5 and TSS effluent values that could be achievable through proper operation and maintenance of the treatment works, considering the design capability of the treatment process and geographical and climatic conditions, would enable the treatment works to achieve more stringent limitations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Water Pollution Control Division, LR 23:726 (June 1997).

Subchapter TCGeneral Pretreatment Regulations for Existing and New Sources of Pollution

§2701. Purpose and Applicability

A. This Subchapter implements sections 204(b)(1)(C), 208(b)(2) (C)(iii), 301(b)(l)(A)(ii), 301(b)(2) (A)(ii), 301(h)(5) and 301(i)(2), 304 (e) and (g), 307, 308, 309, 402(b), 405, and 501(a) of the Federal Water Pollution Control Act as amended by the Clean Water Act of 1977 (Pub. L. 95-217) or "The Act." It establishes responsibilities of federal, state, and local government, industry and the public to implement national pretreatment standards to control pollutants which pass through or interfere with treatment processes in publicly owned treatment works (POTWs) or which may contaminate sewage sludge.

B. This regulation applies:

1. to pollutants from non-domestic sources covered by pretreatment standards which are indirectly discharged into or transported by truck or rail or otherwise introduced into POTWs as defined below in LAC 33:IX.2705;

2. to POTWs which receive wastewater from sources subject to national pretreatment standards;

3. to states which have or are applying for National Pollutant Discharge Elimination System (NPDES) programs approved in accordance with section 402 of the CWA; and

4. to any new or existing source subject to pretreatment standards. National pretreatment standards do not apply to sources which discharge to a sewer which is not connected to a POTW treatment plant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2703. Objectives of General Pretreatment Regulations

By establishing the responsibilities of government and industry to implement national pretreatment standards this regulation fulfills three objectives:

A. to prevent the introduction of pollutants into POTWs which will interfere with the operation of a POTW, including interference with its use or disposal of municipal sludge;

B. to prevent the introduction of pollutants into POTWs which will pass through the treatment works or otherwise be incompatible with such works; and

C. to improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2705. Definitions

For purposes of this Subchapter, except as discussed below, the general definitions, abbreviations, and methods of analysis set forth in 40 CFR part 401 shall apply to this regulation.

*Act***C**the Clean Water Act (CWA as defined in LAC 33:IX.2313 and the appropriate provisions of the LEQA and regulations.

*Approval Authority***C**the state administrative authority in an NPDES state with an approved state pretreatment program and the appropriate EPA regional administrator in a non NPDES state or NPDES state without an approved state pretreatment program.

Approved POTW Pretreatment Program or *Program* or *POTW Pretreatment Program***C**a program administered by a POTW that meets the criteria established in this regulation (LAC 33:IX.2715 and 2717) and which has been approved by a EPA regional administrator or state administrative authority in accordance with LAC 33:IX.2721 of this regulation.

*EPA Regional Administrator***C**the appropriate EPA Regional Administrator.

Indirect Discharge or *Discharge***C**the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.

Industrial User or *User***C**a source of indirect discharge.

*Interference***C**a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

a. inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes or operations, use or disposal; and

b. therefore is a cause of a violation of any requirement of the POTW's LPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

National Pretreatment Standard, Pretreatment Standard, or *Standard*—any regulation containing pollutant discharge limits promulgated in accordance with section 307 (b) and (c) of the Act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to LAC 33:IX.2709.

New Source—

a. any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

i. the building, structure, facility or installation is constructed at a site at which no other source is located; or

ii. the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

iii. the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Subparagraph 1.b and c above but otherwise alters, replaces, or adds to existing process or production equipment.

c. Construction of a new source as defined under this Paragraph has commenced if the owner or operator has:

i. begun, or caused to begin as part of a continuous on-site construction program:

(a). any placement, assembly, or installation of facilities or equipment; or

(b). significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

ii. entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this Paragraph.

NPDES State—a state (as defined in LAC 33:IX.2313) or interstate water pollution control agency with an NPDES permit program approved pursuant to section 402(b) of the Act.

Pass Through—a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's LPDES permit (including an increase in the magnitude or duration of a violation).

Permit— an NPDES or LPDES permit issued to a POTW pursuant to section 402 of the Act.

POTW Treatment Plant—that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

Pretreatment—the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by LAC 33:IX.2705.*Approved POTW Pretreatment Program or Program or POTW Treatment Program.* Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with LAC 33:IX.2711.E.

Pretreatment requirements—any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.

Publicly Owned Treatment Works or *POTW*—a treatment works as defined by section 212 of the Act, which is owned by a state or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of

municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

Significant Industrial User**C**

a. Except as provided in Paragraph 2 below, the term significant industrial user means:

i. all industrial users subject to categorical pretreatment standards under LAC 33:IX.2711 and 40 CFR Chapter I, Subchapter N (LAC 33:IX.2533); and

ii. any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority as defined in LAC 33:IX.2723.A on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with LAC 33:IX.2715.F.6).

b. Upon a finding that an industrial user meeting the criteria in Subparagraph 1.b above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the control authority (as defined in LAC 33:IX.2723.A) may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with LAC 33:IX.2715.F.6, determine that such industrial user is not a significant industrial user.

*State Administrative Authority***C**the chief administrative officer of a state or interstate water pollution control agency operating an NPDES permit program and an approved state pretreatment program.

Submission**C**

a. a request by a POTW for approval of a pretreatment program to the EPA or the state administrative authority;

b. a request by a POTW or the state administrative authority for authority to revise the discharge limits in categorical pretreatment standards to reflect POTW pollutant removals; or

c. a request to the EPA by an NPDES State for approval of its State pretreatment program.

*Water Management Division Director***C**one of the Directors of the Water Management Divisions within the Regional Offices of the Environmental Protection Agency or this person's delegated representative.

EDITORIAL NOTE: At 49 FR 5132, Feb. 10, 1984, paragraphs (i) and (n) were suspended until further notice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2707. State or Local Law

Nothing in this Regulation is intended to affect any pretreatment requirements, including any standards or prohibitions, established by state or local law as long as the state or local requirements are not less stringent than any set forth in national pretreatment standards, or any other requirements or prohibitions established under the Act or this regulation. States with an NPDES permit program approved in accordance with section 402 (b) and (c) of the Act, or states requesting NPDES programs, are responsible for developing a state pretreatment program in accordance with 40 CFR 403.10 .

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2709. National Pretreatment Standards: Prohibited Discharges

A.1. General Prohibitions. A user may not introduce into a POTW any pollutant(s) which cause pass through or interference. These general prohibitions and the specific prohibitions in Subsection B of this Section apply to each user introducing pollutants into a POTW whether or not the user is subject to other national pretreatment standards or any national, state, or local pretreatment requirements.

2. Affirmative Defenses. A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in Subsection A of this Section and the specific prohibitions in Subsection B.3-7 of this Section where the user can demonstrate that:

a. it did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference; and

b.i. a local limit designed to prevent pass through and/or interference, as the case may be, was developed in accordance with Subsection C of this Section for each pollutant in the user's discharge that caused pass through or interference, and the user was in compliance with each such local limit directly prior to and during the pass through or interference; or

ii. if a local limit designed to prevent pass through and/or interference, as the case may be, has not been developed in accordance with Subsection C of this Section for the pollutant(s) that caused the pass through or interference, the user's discharge directly prior to and during the pass through or interference did not change substantially in nature or constituents from the user's prior discharge activity when the POTW was regularly in compliance with

the POTW's LPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

B. Specific Prohibitions. In addition, the following pollutants shall not be introduced into a POTW:

1. pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;

2. pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such discharges;

3. solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;

4. any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;

5. heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees Centigrade or 104 degrees Fahrenheit unless the approval authority, upon request of the POTW, approves alternate temperature limits;

6. petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

7. pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; and

8. any trucked or hauled pollutants, except at discharge points designated by the POTW.

C. Development of Specific Limits by POTW

1. Each POTW developing a POTW pretreatment program pursuant to LAC 33:IX.2715 shall develop and enforce specific limits to implement the prohibitions listed in Subsections A.1 and B of this Section. Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits. In addition, the POTW may establish such limits as necessary to address the land disposal restrictions at 40 CFR 268.40 (40 CFR, July 1, 1996, as amended in 61 FR 36419, July 9, 1996, and 61 FR 43927, August 26, 1996).

2. All other POTWs shall, in cases where pollutants contributed by user(s) result in interference or pass through, and such violation is likely to recur, develop and enforce specific effluent limits for industrial user(s), and all other users, as appropriate, which, together with appropriate changes in the POTW treatment plant's facilities or operation, are necessary to ensure renewed and continued compliance with the POTW's LPDES permit or sludge use or disposal practices.

3. Specific effluent limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.

D. Local Limits. Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a POTW in accordance with Subsection C of this Section, including those standards established to address land disposal restrictions at 40 CFR 268.40 (40 CFR, July 1, 1996, as amended in 61 FR 36419, July 9, 1996, and 61 FR 43927, August 26, 1996), such limits shall be deemed pretreatment standards for the purposes of Section 307(d) of the Act.

E. DEQ Enforcement Actions Under R.S 30:2076.1. If, within 30 days after notice of an interference or pass through violation has been sent by DEQ to the POTW, and to persons or groups who have requested such notice, the POTW fails to commence appropriate enforcement action to correct the violation, DEQ may take appropriate enforcement action under the authority provided in R.S 30:2076.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:958 (August 1997).

§2711. National Pretreatment Standards: Categorical Standards

National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories will be established as separate regulations under the appropriate subpart of 40 CFR Chapter I, Subchapter N. These standards, unless specifically noted otherwise, shall be in addition to all applicable pretreatment standards and requirements set forth in this Subchapter.

A. Category Determination Request

1. Application Deadline. Within 60 days after the effective date of a pretreatment standard for a subcategory under which an industrial user may be included, the industrial user or POTW may request that the state administrative authority, as appropriate, provide written certification on whether the industrial user falls within that particular subcategory. If an existing industrial user adds or changes a process or operation which may be included in a subcategory, the existing industrial user must request this certification prior to commencing discharge from the added or changed processes or operation. A new source must request this certification prior to commencing discharge. Where a request for certification is submitted by a POTW, the POTW shall notify any affected industrial user of such submission. The industrial user may provide written comments on the POTW submission to the state administrative authority, as appropriate, within 30 days of notification.

2. Contents of Application. Each request shall contain a statement:

a. describing which subcategories might be applicable; and

b. citing evidence and reasons why a particular subcategory is applicable and why others are not applicable. Any person signing the application statement submitted pursuant to this Section shall make the following certification:

"I certify under penalty of the 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."

3. Deficient Requests. The state administrative authority will only act on written requests for determinations that contain all of the information required. Persons who have made incomplete submissions will be notified by the state administrative authority that their requests are deficient and, unless the time period is extended, will be given 30 days to correct the deficiency. If the deficiency is not corrected within 30 days or within an extended period allowed by the state administrative authority, the request for a determination shall be denied.

4. Final Decision

a. When the state administrative authority receives a submittal he or she will, after determining that it contains all of the information required by Paragraph 2 above, consider the submission, any additional evidence that may have been requested, and any other available information relevant to the request. The state administrative authority will then make a written determination of the applicable subcategory and state the reasons for the determination.

b. Where the request is submitted to the state administrative authority, the state administrative authority shall forward the determination described in this Paragraph to the Water Management Division director who may make a final determination. The Water Management Division director may waive receipt of these determinations. If the Water Management Division director does not modify the state administrative authority's decision within 60 days after receipt thereof, or if the Water Management Division director waives receipt of the determination, the state administrative authority's decision is final.

c. Where the request is submitted by the industrial user or POTW to the Water Management Division director or where the Water Management Division director elects to modify the state administrative authority's decision, the Water Management Division director's decision will be final.

d. The Water Management Division director or state administrative authority, as appropriate, shall send a copy of the determination to the affected industrial user and the POTW. Where the final determination is made by the Water Management Division director, he or she shall send a copy of the determination to the state administrative authority.

5. Requests for Hearing and/or Legal Decision. Within 30 days following the date of receipt of notice of the final determination as provided for by Subsection A.4.d of this Section, the requester may submit a petition to reconsider or contest the decision to the EPA regional administrator who shall act on such petition expeditiously and state the reasons for his or her determination, in writing.

B. Deadline for Compliance With Categorical Standards. Compliance by existing sources with categorical pretreatment standards shall be within three years of the date the standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR Chapter I, Subchapter N. Direct dischargers with LPDES permits modified or reissued to provide a variance pursuant to section 301(i)(2) of the Act shall be required to meet compliance dates set forth in any applicable categorical pretreatment standard. Existing sources which become industrial users subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing industrial users except where such sources meet the definition of a new source as defined in LAC 33:IX.2705.*New Source*. New sources shall install and have in operating condition, and shall "start-up" all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new sources must meet all applicable pretreatment standards.

C. Concentration and Mass Limits

1. Pollutant discharge limits in categorical pretreatment standards will be expressed either as concentration or mass limits. Wherever possible, where concentration limits are specified in standards, equivalent mass limits will be provided so that local, state or federal authorities responsible for enforcement may use either concentration or mass limits. Limits in categorical pretreatment standards shall apply to the effluent of the process regulated by the standard, or as otherwise specified by the standard.

2. When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the control authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day of effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.

3. A control authority calculating equivalent mass-per-day limitations under Subsection C.2 of this Section shall calculate such limitations by multiplying the

limits in the standard by the industrial user's average rate of production. This average rate of production shall be based not upon the designed production capacity but rather upon a reasonable measure of the industrial user's actual long-term daily production, such as the average daily production during a representative year. For new sources, actual production shall be estimated using projected production.

4. A control authority calculating equivalent concentration limitations under Subsection C.2 of this Section shall calculate such limitations by dividing the mass limitations derived under Subsection C.3 of this Section by the average daily flow rate of the industrial user's regulated process wastewater. This average daily flow rate shall be based upon a reasonable measure of the industrial user's actual long-term average flow rate, such as the average daily flow rate during the representative year.

5. Equivalent limitations calculated in accordance with Subsections C.3 and 4 of this Section shall be deemed pretreatment standards for the purposes of section 307(d) of the Act and this Subchapter. Industrial users will be required to comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limitations were derived.

6. Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four day average, limitations. Where such standards are being applied, the same production of flow figure shall be used in calculating both types of equivalent limitations.

7. Any industrial user operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the control authority within two business days after the user has a reasonable basis to know that the production level will significantly change with the next calendar month. Any user not notifying the control authority of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long term average production rate.

D. Dilution Prohibited as Substitute for Treatment. Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water or, in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The control authority (as defined in LAC 33:IX.2723.A) may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

E. Combined Wastestream Formula. Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the control authority, as defined in LAC 33:IX.2723.A, or by the industrial user with the written concurrence of the control authority. These alternative limits shall be applied to the mixed effluent. When deriving alternative categorical limits, the control authority or industrial user shall calculate both an alternative daily maximum value using the daily maximum value(s) specified in LAC 33:IX.2711 the appropriate categorical pretreatment standard(s) and an alternative consecutive sampling day average value using the monthly average value(s) specified in the appropriate categorical pretreatment standard(s). The industrial user shall comply with the alternative daily maximum and monthly average limits fixed by the control authority until the control authority modifies the limits or approves an industrial user modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant. An industrial user must immediately report any such material or significant change to the control authority. Where appropriate new alternative categorical limits shall be calculated within 30 days.

1. Alternative Limit Calculation. For purposes of these formulas, the "average daily flow" means a reasonable measure of the average daily flow for a 30-day period. For new sources, flows shall be estimated using projected values. The alternative limit for a specified pollutant will be derived by the use of either of the following formulas:

a. alternative concentration limit:

$$C_T = \left(\frac{\sum_{i=1}^{n} C_i F_i}{\sum_{i=1}^{n} F_i} \right) \left(\frac{F_T - F_d}{F_T} \right)$$

where:

C_T = the alternative concentration limit for the combined wastestream.

C_i = the categorical pretreatment standard concentration limit for a pollutant in the regulated stream i.

F_i = the average daily flow (at least a 30 day average) of stream i to the extent that it is regulated for such pollutant.

F_D = the average daily flow (at least a 30-day average) from: (a) boiler blowdown streams, non-contact cooling streams, stormwater streams, and demineralizer backwash streams; provided, however, that where such streams contain a significant amount of a pollutant, and the combination of such streams, prior to treatment, with an industrial user's regulated process wastestream(s) will result in a substantial reduction of that pollutant, the control authority, upon application of the industrial user, may exercise its discretion to determine whether such stream(s) should be classified as diluted or unregulated. In its application to the control

authority, the industrial user must provide engineering, production, sampling and analysis and such other information so that the control authority can make its determination; or (b) sanitary wastestreams where such streams are not regulated by a categorical pretreatment standard; or (c) from any process wastestreams which were or could have been entirely exempted from categorical pretreatment standards pursuant to Paragraph 8 of the NRDC v. Costle Consent Decree (the decree) (12 ERC 1833) for one or more of the following reasons (see Appendix L):

(1) the pollutants of concern are not detectable in the effluent from the industrial user (paragraph (8)(a)(iii) of the decree);

(2) the pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects (paragraph (8)(a)(iii) of the decree);

(3) the pollutants of concern are present in amounts too small to be effectively reduced by technologies known to the administrator or the state administrative authority (paragraph (8)(a)(iii) of the decree); or

(4) the wastestream contains only pollutants which are compatible with the POTW (paragraph (8)(b)(i) of the decree).

F_T = the average daily flow (at least a 30 day average) through the combined treatment facility (includes F_i, F_D and unregulated streams).

N = the total number of regulated streams.

b. alternative mass limit:

$$MT = \left(\sum_{i=1}^{n} Mi \right) \left(\frac{FT - FD}{\sum_{i=1}^{n} Fi} \right)$$

where:

M_T = the alternative mass limit for a pollutant in the combined wastestream.

M_i = the categorical pretreatment standard mass limit for a pollutant in the regulated stream i (the categorical pretreatment mass limit multiplied by the appropriate measure of production).

F_i = the average flow (at least a 30-day average) of stream i to the extent that it is regulated for such pollutant.

F_D = the average daily flow (at least a 30 - day average) from : (a) boiler blowdown streams, non-contact cooling streams; stormwater streams, and demineralizer backwash streams; provided, however, that where such streams contain a significant amount of a pollutant, and the combination of such streams, prior to treatment, with an industrial user's regulated process wastestream(s) will result in a substantial reduction of that pollutant, the control authority, upon application of the industrial user, may exercise its discretion to determine whether such stream(s) should be classified as diluted or unregulated. In its application to the control authority, the industrial user must provide engineering, production, sampling and analysis and such other information so that the control authority can make its determination; or (b) sanitary wastestreams where such streams are not regulated by a categorical pretreatment standard; or (c) from any process wastestreams which were or could have been entirely exempted from categorical pretreatment standards pursuant to Paragraph 8 of the NRDC v. Costle Consent Decree (the decree) (12 ERC 1833) for one or more of the following reasons (see Appendix L):

(1) the pollutants of concern are not detectable in the effluent from the industrial user (paragraph (8)(a)(iii) of the decree);

(2) the pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects (paragraph (8)(a)(iii) of the decree);

(3) the pollutants of concern are present in amounts too small to be effectively reduced by technologies known to the administrator or the state administrative authority (paragraph (8)(a)(iii) of the decree); or

(4) the wastestream contains only pollutants which are compatible with the POTW (paragraph (8)(b)(i) of the decree).

F_T = the average flow (at least a 30-day average) through the combined treatment facility (includes F_i, F_D and unregulated streams).

N = the total number of regulated streams.

2. Alternate Limits Below Detection Limit. An alternative pretreatment limit may not be used if the alternative limit is below the analytical detection limit for any of the regulated pollutants.

3. Self-monitoring. Self-monitoring required to insure compliance with the alternative categorical limit shall be conducted in accordance with the requirements of LAC 33:IX.2723.G.

4. Choice of Monitoring Location. Where a treated regulated process wastestream is combined prior to treatment with wastewaters other than those generated by the regulated process, the industrial user may monitor either the segregated process wastestream or the combined wastestream for the purpose of determining compliance with applicable pretreatment standards. If the industrial user chooses to monitor the segregated process wastestream, it shall apply the applicable categorical pretreatment standard. If the user chooses to monitor the combined wastestream, it shall apply an alternative discharge limit calculated using the combined wastestream formula as provided in this section. The industrial user may change monitoring points only after receiving approval from the control authority. The control authority shall ensure that any change in an industrial user's

monitoring point(s) will not allow the user to substitute dilution for adequate treatment to achieve compliance with applicable standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2713. Removal Credits

A. Introduction

1. Definitions. For the purpose of this Section:

Removal—a reduction in the amount of a pollutant in the POTW's effluent or alteration of the nature of a pollutant during treatment at the POTW. The reduction or alteration can be obtained by physical, chemical or biological means and may be the result of specifically designed POTW capabilities or may be incidental to the operation of the treatment system. Removal as used in this Subchapter shall not mean dilution of a pollutant in the POTW.

Sludge Requirements—the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA) (including Title II more commonly referred to as the Resource Conservation Recovery Act (RCRA) and State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of SWDA); the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

2. General. Any POTW receiving wastes from an industrial user to which a categorical pretreatment standard(s) applies may, at its discretion and subject to the conditions of this section, grant removal credits to reflect removal by the POTW of pollutants specified in the categorical pretreatment standard(s). The POTW may grant a removal credit equal to or, at its discretion, less than its consistent removal rate. Upon being granted a removal credit, each affected industrial user shall calculate its revised discharge limits in accordance with LAC 33:IX.2713.A.4. Removal credits may only be given for indicator or surrogate pollutants regulated in a categorical pretreatment standard if the categorical pretreatment standard so specifies.

3. Conditions for authorization to give removal credits. A POTW is authorized to give removal credits only if the following conditions are met:

a. Application. The POTW applies for, and receives, authorization from the approval authority to give a removal credit in accordance with the requirements and procedures specified in LAC 33:IX.2713.E.

b. Consistent Removal Determination. The POTW demonstrates and continues to achieve consistent removal of the pollutant in accordance with LAC 33:IX.2713.B.

c. POTW Local Pretreatment Program. The POTW has an approved pretreatment program in accordance with and to the extent required by LAC 33:IX.Chapter 23.Subchapter T; provided, however, a POTW which does not have an approved pretreatment program may, pending approval of such a program, conditionally give credits as provided in LAC 33:IX.2713.D.

d. Sludge Requirements. The granting of removal credits will not cause the POTW to violate the local, state and federal sludge requirements which apply to the sludge management method chosen by the POTW. Alternatively, the POTW can demonstrate to the approval authority that even though it is not presently in compliance with applicable sludge requirements, it will be in compliance when the industrial user(s) to whom the removal credit would apply is required to meet its categorical pretreatment standard(s) as modified by the removal credit. If granting removal credits forces a POTW to incur greater sludge management costs than would be incurred in the absence of granting removal credits, the additional sludge management costs will not be eligible for EPA grant assistance. Removal credits may be made available for the following pollutants:

i. for any pollutant listed in LAC 33:IX.Chapter 23.Appendix N for the use or disposal practice employed by the POTW, when the requirements in 40 CFR part 503 for that practice are met;

ii. for any pollutant listed in LAC 33:IX.Chapter 23.Appendix N for the use or disposal practice employed by the POTW when the concentration for a pollutant listed in LAC 33:IX.Chapter 23.Appendix N in the sewage sludge that is used or disposed does not exceed the concentration for the pollutant in LAC 33:IX.Chapter 23.Appendix N; and

iii. for any pollutant in sewage sludge when the POTW disposes all of its sewage sludge in a municipal solid waste landfill unit that meets the criteria in 40 CFR part 258.

e. LPDES Permit Limitations. The granting of removal credits will not cause a violation of the POTW's permit limitations or conditions. Alternatively, the POTW can demonstrate to the approval authority that even though it is not presently in compliance with applicable limitations and conditions in its LPDES permit, it will be in compliance when the industrial user(s) to whom the removal credit would apply is required to meet its categorical pretreatment standard(s), as modified by the removal credit provision.

4. Calculation of Revised Discharge Limits. Revised discharge limits for a specific pollutant shall be derived by use of the following formula:

$$y = \frac{x}{l - r}$$

where:

x = pollutant discharge limit specified in the applicable categorical pretreatment standard.

r = removal credit for that pollutant as established under LAC 33:IX.2713.B (percentage removal expressed as a proportion, i.e., a number between 0 and 1).

y = revised discharge limit for the specified pollutant (expressed in same units as x).

B. Establishment of Removal Credits; Demonstration of Consistent Removal

1. *Consistent Removal***C**the average of the lowest 50 percent of the removal measured according to LAC 33:IX.2713.B.2. All sample data obtained for the measured pollutant during the time period prescribed in LAC 33:IX.2713.B.2 must be reported and used in computing consistent removal. If a substance is measurable in the influent but not in the effluent, the effluent level may be assumed to be the limit of measurement, and those data may be used by POTW at its discretion and subject to approval by the approval authority. If the substance is not measurable in the influent, the date may not be used. Where the number of samples with concentrations equal to or above the limit of measurement is between eight and twelve, the average of the lowest six removals shall be used. If there are less than eight samples with concentrations equal to or above the limit of measurement, the approval authority may approve alternate means for demonstrating consistent removal. The term "measurement" refers to the ability of the analytical method or protocol to quantify as well as identify the presence of the substance in question.

2. Consistent Removal Data. Influent and effluent operational data demonstrating consistent removal or other information, as provided for in LAC 33:IX.2713.B.1, which demonstrates consistent removal of the pollutants for which discharge limit revisions are proposed. This data shall meet the following requirements:

a. Representative Data: Seasonal. The data shall be representative of yearly and seasonal conditions to which the POTW is subjected for which a discharge limit revision is proposed.

b. Representative Data: Quality and Quantity. The data shall be representative of the quality and quantity of normal effluent and influent flow if such data can be obtained. If such data are unobtainable, alternate data or information may be presented for approval to demonstrate consistent removal as provided for in LAC 33:IX.2713.B.1.

c. Sampling Procedures: Composite.

i. The influent and effluent operational data shall be obtained through 24-hour flow-proportional composite samples. Sampling may be done manually or automatically, and discretely or continuously. For discrete sampling, at least 12 aliquots shall be composited. Discrete sampling may be flow-proportioned either by varying the time interval between each aliquot or the volume of each aliquot. All composites must be flow-proportional to each stream flow at time of collection of influent aliquot or to the total influent flow since the previous influent aliquot. Volatile pollutant aliquots must be combined in the laboratory immediately before analysis.

ii.(a). Twelve samples shall be taken at approximately equal intervals throughout one full year. Sampling must be evenly distributed over the days of the week so as to include non-workdays as well as workdays. If the approval authority determines that this schedule will not be most representative of the actual operation of the POTW treatment plant, an alternative sampling schedule will be approved.

(b). In addition, upon the approval authority's concurrence, a POTW may utilize an historical data base amassed prior to the effective data of this Section provide that such data otherwise meet the requirements of this Paragraph. In order for the historical data base to be approved it must present a statistically valid description of daily, weekly and seasonal sewage treatment plant loadings and performance for at least one year.

iii. Effluent sample collection need not be delayed to compensate for hydraulic detention unless the POTW elects to include detention time compensation or unless the approval authority requires detention time compensation. The approval authority may require that each effluent sample be taken approximately one detention time later than the corresponding influent sample when failure to do so would result in an unrepresentative portrayal of actual POTW operation. The detention period is to be based on a 24-hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year.

d. Sampling Procedures: Grab. Where composite sampling is not an appropriate sampling technique, a grab sample(s) shall be taken to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples by approximately one detention period. The detention period is to be based on a 24-hour average daily flow value. The average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year. Grab samples will be required, for example, where the parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical or physical interactions which take place after sample collection and affect the results. A grab sample is an individual sample collected over a period of time not exceeding 15 minutes.

e. Analytical Methods. The sampling referred to in LAC 33:IX.2713.B.2.a - d and an analysis of these samples shall be performed in accordance with the techniques prescribed in 40 CFR part 136 (See LAC 33:IX.2531) and amendments thereto. Where 40 CFR part 136 (See LAC 33:IX.2531) does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that the 40 CFR part 136 (See LAC 33:IX.2531) sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the administrator.

f. Calculation of Removal. All data acquired under the provisions of this Section must be submitted to the approval authority. Removal for a specific pollutant shall be determined either, for each sample, by measuring the difference between the concentrations of the pollutant in the influent and effluent of the POTW and expressing the difference as a percent of the influent concentration, or, where such data cannot be obtained, Removal may be demonstrated using other data or procedures subject to concurrence by the approval authority as provided for in LAC 33:IX.2713.B.1.

C. Provisional Credits. For pollutants which are not being discharged currently (i.e., new or modified facilities, or production changes) the POTW may apply for authorization to give removal credits prior to the initial discharge of the pollutant. Consistent removal shall be based provisionally on data from treatability studies or demonstrated removal at other treatment facilities where the quality and quantity of influent are similar. Within 18 months after the commencement of discharge of pollutants in question, consistent removal must be demonstrated pursuant to the requirements of LAC 33:IX.2713.B. If, within 18 months after the commencement of the discharge of the pollutant in question, the POTW cannot demonstrate consistent removal pursuant to the requirements of LAC 33:IX.2713.B, the authority to grant provisional removal credits shall be terminated by the approval authority and all industrial users to whom the revised discharge limits had been applied shall achieve compliance with the applicable categorical pretreatment standard(s) within a reasonable time, not to exceed the period of time prescribed in the applicable categorical pretreatment standard(s), as may be specified by the approval authority.

D. Exception to POTW Pretreatment Program Requirement. A POTW required to develop a local pretreatment program by LAC 33:IX.2715 may conditionally give removal credits pending approval of such a program in accordance with the following terms and conditions:

1. All industrial users who are currently subject to a categorical pretreatment standard and who wish conditionally to receive a removal credit must submit to the POTW the information required in LAC 33:IX.2723.B.1 - 7 (except new or modified industrial users must only submit the information required by LAC 33:IX.2723.B.1 - 6), pertaining to the categorical pretreatment standard as modified by the removal credit. The industrial users shall indicate what additional technology, if any, will be needed to comply with the categorical pretreatment standard(s) as modified by the removal credit.

2. The POTW must have submitted to the approval authority an application for pretreatment program approval meeting the requirements of LAC 33:IX.2715 and 2717 in a timely manner, not to exceed the time limitation set forth in a compliance schedule for development of a pretreatment program included in the POTW's LPDES permit, but in no case later than July 1, 1983, where no permit deadline exists.

3. The POTW must:

a. compile and submit data demonstrating its consistent removal in accordance with LAC 33:IX.2713.B;

b. comply with the conditions specified in LAC 33:IX.2713.A.3; and

c. Submit a complete application for removal credit authority in accordance with LAC 33:IX.2713.E.

4. If a POTW receives authority to grant conditional removal credits and the approval authority subsequently makes a final determination, after appropriate notice, that the POTW failed to comply with the conditions in LAC 33:IX.2713.D.2 and 3, the authority to grant conditional removal credits shall be terminated by the approval authority and all industrial users to whom the revised discharge limits had been applied shall achieve compliance with the applicable categorical pretreatment standard(s) within a reasonable time, not to exceed the period of time prescribed in the applicable categorical pretreatment standard(s), as may be specified by the approval authority.

5. If a POTW grants conditional removal credits and the POTW or the approval authority subsequently makes a final determination, after appropriate notice, that the industrial user(s) failed to comply with the conditions in LAC 33:IX.2713.D.1, the conditional credit shall be terminated by the POTW or the approval authority for the non-complying industrial user(s) and the industrial user(s) to whom the revised discharge limits had been applied shall achieve compliance with the applicable categorical pretreatment standard(s) within a reasonable time, not to exceed the period of time prescribed in the applicable categorical pretreatment standard(s), as may be specified by the approval authority. The conditional credit shall not be terminated where a violation of the provisions of this paragraph results from causes entirely outside of the control of the industrial user(s) or the industrial user(s) had demonstrated substantial compliance.

6. The approval authority may elect not to review an application for conditional removal credit authority upon receipt of such application, in which case the conditionally revised discharge limits will remain in effect until reviewed by the approval authority. This review may occur at any time in accordance with the procedures of LAC 33:IX.2721, but in no event later than the time of any pretreatment program approval or any LPDES permit reissuance thereunder.

E. POTW Application for Authorization to Give Removal Credits and Approval Authority Review.

1. Who Must Apply. Any POTW that wants to give a removal credit must apply for authorization from the approval authority.

2. To Whom Application Made. An application for authorization to give removal credits (or modify existing ones) shall be submitted by the POTW to the approval authority.

3. When to Apply. A POTW may apply for authorization to give or modify removal credits at any time.

4. Contents of the Application. An application for authorization to give removal credits must be supported by the following information:

a. List of Pollutants. A list of pollutants for which removal credits are proposed.

b. Consistent Removal Data. The data as required pursuant to LAC 33:IX.2713.B.

c. Calculation of Revised Discharge Limits. Proposed revised discharge limits for each affected subcategory of industrial users calculated in accordance with LAC 33:IX.2713.A.4.

d. Local Pretreatment Program Certification. A certification that the POTW has an approved local pretreatment program or qualifies for the exception to this requirement found in LAC 33:IX.2713.D.

e. Sludge Management Certification. A specific description of the POTW's current methods of using or disposing of its sludge and a certification that the granting of removal credits will not cause a violation of the sludge requirements identified in LAC 33:IX.2713.A.3.d.

f. LPDES Permit Limit Certification. A certification that the granting of removal credits will not cause a violation of the POTW's LPDES permit limits and conditions as required in LAC 33:IX.2713.A.3.e.

5. Approval Authority Review. The approval authority shall review the POTW's application for authorization to give or modify removal credits in accordance with the procedures of LAC 33:IX.2721 and shall, in no event, have more that 180 days from public notice of an application to complete review.

6. EPA Review of State Removal Credit Approvals. Where the NPDES state has an approved pretreatment program, the EPA regional administrator may agree in the Memorandum of Agreement under 40 CFR 123.24(d) to waive the right to review and object to submissions for authority to grant removal credits. Such an agreement shall not restrict the EPA regional administrator's right to comment upon or object to permits issued to POTWs except to the extent 40 CFR 123.24(d) allows such restriction.

7. Nothing in these regulations precludes an industrial user or other interested party from assisting the POTW in preparing and presenting the information necessary to apply for authorization.

F. Continuation and Withdrawal of Authorization

1. Effect of Authorization. Once a POTW has received authorization to grant removal credits for a particular pollutant regulated in a categorical pretreatment standard it may automatically extend that removal credit to the same pollutant when it is regulated in other categorical standards, unless granting the removal credit will cause the POTW to violate the sludge requirements identified in LAC 33:IX.2713.A.3.d or its LPDES permit limits and conditions as required by LAC 33:IX.2713.A.3.e. If a POTW elects at a later time to extend removal credits to a certain categorical pretreatment standard, industrial subcategory or one or more industrial users that initially were not granted removal credits, it must notify the approval authority.

2. Inclusion in POTW Permit. Once authority is granted, the removal credits shall be included in the POTW's LPDES permit as soon as possible and shall become an enforceable requirement of the POTW's LPDES permit. The removal credits will remain in effect for the term of the POTW's LPDES permit, provided the POTW maintains compliance with the conditions specified in LAC 33:IX.2713.F.4.

3. Compliance Monitoring. Following authorization to give removal credits, a POTW shall continue to monitor and report on (at such intervals as may be specified by the approval authority, but in no case less than once per year) the POTW's removal capabilities. A minimum of one representative sample per month during the reporting period is required, and all sampling data must be included in the POTW's compliance report.

4. Modification or Withdrawal of Removal Credits.

a. Notice of POTW. The approval authority shall notify the POTW if, on the basis of pollutant removal capability reports received pursuant to LAC 33:IX.2713.F.3 or other relevant information available to it, the approval authority determines:

i. that one or more of the discharge limit revisions made by the POTW, of the POTW itself, no longer meets the requirements of this Section;

ii. that such discharge limit revisions are causing a violation of any conditions or limits contained in the POTW's LPDES Permit.

b. Corrective Action. If appropriate corrective action is not taken within a reasonable time, not to exceed 60 days unless the POTW or the affected industrial users demonstrate that a longer time period is reasonably necessary to undertake the appropriate corrective action, the approval authority shall either withdraw such discharge limits or require modifications in the revised discharge limits.

c. Public Notice of Withdrawal or Modification. The approval authority shall not withdraw or modify revised discharge limits unless it shall first have notified the POTW and all industrial users to whom revised discharge limits have been applied, and made public, in writing, the reasons for such withdrawal or modification, and an opportunity is provided for a hearing. Following such notice and withdrawal or modification, all industrial users to whom revised discharge limits have been applied, shall be subject to the modified discharge limits or the discharge limits prescribed in the applicable categorical. pretreatment standards, as appropriate, and shall achieve compliance with such limits within a reasonable time (not to exceed the period of time prescribed in the applicable categorical

pretreatment standard(s) as may be specified by the approval authority.

G. Removal Credits in State-run Pretreatment Programs Under LAC 33:IX.2719.E. Where an NPDES state with an approved pretreatment program elects to implement a local pretreatment program in lieu or requiring the POTW to develop such a program (as provided in LAC 33:IX.2719.E), the POTW will not be required to develop a pretreatment program as a precondition to obtaining authorization to give removal credits. The POTW will, however, be required to comply with the other conditions of LAC 33:IX.2713.A.3.

H. Compensation for Overflow. *Overflow*—the intentional or unintentional diversion of flow from the POTW before the POTW treatment plant, POTWs which at least once annually overflow untreated wastewater to receiving waters may claim consistent removal of a pollutant only by complying with either LAC 33:IX.2713.H.1 or 2. However, this Subsection shall not apply where industrial user(s) can demonstrate that overflow does not occur between the industrial user(s) and the POTW treatment plant:

1. The industrial user provides containment or otherwise ceases or reduces discharges from the regulated processes which contain the pollutant for which an allowance is requested during all circumstances in which an overflow event can reasonably be expected to occur in the POTW or at a sewer to which the industrial user is connected. Discharges must cease or be reduced, or pretreatment must be increased, to the extent necessary to compensate for the removal not being provided by the POTW. Allowances under this provision will only be granted where the POTW submits to the approval authority evidence that:

a. all industrial users to which the POTW proposes to apply this provision have demonstrated the ability to contain or otherwise cease or reduce, during circumstances in which an overflow event can reasonably be expected to occur, discharges from the regulated processes which contain pollutants for which an allowance is requested;

b. the POTW has identified circumstances in which an overflow event can reasonably be expected to occur, and has a notification or other viable plan to insure that industrial users will learn of an impending overflow in sufficient time to contain, cease or reduce discharging to prevent untreated overflows from occurring. The POTW must also demonstrate that it will monitor and verify the data required in LAC 33:IX.2713.H.1.c, to insure that industrial users are containing, ceasing or reducing operations during POTW systems overflow; and

c. all industrial users to which the POTW proposes to apply this provision have demonstrated the ability and commitment to collect and make available, upon request by the POTW, state administrative authority or EPA regional administrator, daily flow reports or other data sufficient to demonstrate that all discharges from regulated processes containing the pollutant for which the allowance is requested were contained, reduced or otherwise ceased, as appropriate, during all circumstances in which an overflow event was reasonably expected to occur; or

2.a. The consistent removal claimed is reduced pursuant to the following equation:

$$r_c = r_m \frac{8760 - z}{8760}$$

where:

r_m = POTW's consistent removal rate for that pollutant as established under LAC 33:IX.2713.A.1 and B.2.

r_c = removal corrected by the overflow factor.

Z = hours per year that overflow occurred between the industrial user(s) and the POTW treatment plant, the hours either to be shown in the POTW's current LPDES permit application or the hours, as demonstrated by verifiable techniques, that a particular industrial user's discharge overflows between the industrial user and the POTW treatment plant; and

b. After July 1, 1983, consistent removal may be claimed only where efforts to correct the conditions resulting in untreated discharges by the POTW are underway in accordance with the policy and procedures set forth in "PRM 75-34" or "Program Guidance Memorandum-61" (same document) published on December 16, 1975, by EPA Office of Water Program Operations (WH-546). (See 40 CFR part 403, Appendix A.) Revisions to discharge limits in categorical pretreatment standards may not be made where efforts have not been committed to by the POTW to minimize pollution from overflows. At minimum, by July 1, 1983, the POTW must have completed the analysis required by PRM 75-34 and be making an effort to implement the plan.

c. If, by July 1, 1983, a POTW has begun the PRM 75-34 analysis but due to circumstances beyond its control has not completed it, consistent removal, subject to the approval of the approval authority, may to be claimed according to the formula in LAC 33:IX.2713.H.2.a as long as the POTW acts in a timely fashion to complete the analysis and makes an effort to implement the non-structural cost-effective measures identified by the analysis; and so long as the POTW has expressed its willingness to apply, after completing the analysis, for a construction grant necessary to implement any other cost-effective overflow controls identified in the analysis should federal funds become available, so applies for such funds, and proceeds with the required construction in an expeditious manner. In addition, consistent removal may, subject to the approval of the approval authority, continue to be claimed according to the formula in LAC 33:IX.2713.H.2.a where the POTW has completed and the approval authority has accepted the analysis required by PRM 75-34 and the POTW has requested inclusion in its permit of an acceptable compliance schedule providing for timely implementation of

cost-effective measures identified in the analysis. (In considering what is timely implementation, the approval authority shall consider the availability of funds, cost of control measures, and seriousness of the water quality problem.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2715. Pretreatment Program Requirements: Development and Implementation by POTW

A. POTWs Required to Develop a Pretreatment Program. Any POTW (or combination of POTWs operated by the same authority) with a total design flow greater than 5 million gallons per day (mgd) and receiving from industrial users pollutants which pass through or interfere with the operation of the POTW or are otherwise subject to pretreatment standards will be required to establish a POTW pretreatment program unless the NPDES state exercises its option to assume local responsibilities as provided for in LAC 33:IX.2719.E. The EPA regional administrator or state administrative authority may require that a POTW with a design flow of 5 mgd or less develop a POTW pretreatment program if he or she finds that the nature or volume of the industrial influent, treatment process upsets, violations of POTW effluent limitations, contamination of municipal sludge, or other circumstances warrant in order to prevent interference with the POTW or pass through.

B. Deadline for Program Approval. A POTW which meets the criteria of Subsection A of this Section must receive approval of a POTW pretreatment program no later than three years after the reissuance or modification of its existing permit but in no case later than July 1, 1983. POTWs whose permits are modified under section 301(h) of the Act shall have a pretreatment program within three years as provided for in 40 CFR part 125, subpart G. POTWs identified after July 1, 1983 as being required to develop a POTW Pretreatment Program under Subsection A of this Section shall develop and submit such a program for approval as soon as possible, but in no case later than one year after written notification from the approval authority of such identification. The POTW Pretreatment Program shall meet the criteria set forth in Subsection F of this Section and shall be administered by the POTW to ensure compliance by industrial users with applicable pretreatment standards and requirements.

C. Incorporation of Approved Programs in Permits. A POTW may develop an appropriate POTW pretreatment program any time before the time limit set forth in Subsection B of this Section. The POTW's LPDES permit will be reissued or modified by the NPDES state or EPA to incorporate the approved program conditions as enforceable conditions of the permit. The modification of a POTW's LPDES permit for the purposes of incorporating a POTW pretreatment program approved in accordance with the procedures in LAC 33:IX.2721 shall be deemed a minor permit modification subject to the procedures in LAC 33:IX.2385.

D. Reserved

E. Cause for Reissuance or Modification of Permits. Under the authority of section 402(b)(1)(C) of the Act, the approval authority may modify, or alternatively, revoke and reissue a POTW's permit in order to:

1. put the POTW on a compliance schedule for the development of a POTW pretreatment program where the addition of pollutants into a POTW by an industrial user or combination of industrial users presents a substantial hazard to the functioning of the treatment works, quality of the receiving waters, human health, or the environment;

2. coordinate the issuance of a section 201 of the Act construction grant with the introduction into a permit of a compliance schedule for POTW pretreatment program;

3. incorporate a modification of the permit approved under section 301(h) or 301(i) of the Act;

4. incorporate an approved POTW pretreatment program in the POTW permit; or

5. incorporate a compliance schedule for the development of a POTW pretreatment program in the POTW permit.

6. incorporate the removal credits (established under LAC 33:IX.2713) in the POTW permit.

F. POTW Pretreatment Program Requirements. A POTW Pretreatment Program must be based on the following legal authority and include the following procedures. These authorities and procedures shall at all times be fully and effectively exercised and implemented.

1. Legal Authority. The POTW shall operate pursuant to legal authority enforceable in federal, state or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of sections 307(b) and (c), and 402(b)(8) of the Act and any regulations implementing those sections. Such authority may be contained in a statute, ordinance, or series of contracts or joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by state law. At a minimum, this legal authority shall enable the POTW to:

a. deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its LPDES permit;

b. require compliance with applicable pretreatment standards and requirements by industrial users;

c. control through permit, order, or similar means, the contribution to the POTW by each industrial user to ensure compliance with applicable pretreatment standards and requirements. In the case of industrial users identified as significant under LAC 33:IX.2705.*Significant Industrial*

User, this control shall be achieved through permits or equivalent individual control mechanisms issued to each such user. Such control mechanisms must be enforceable and contain, at a minimum, the following conditions:

i. statement of duration (in no case more than five years);

ii. statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;

iii. effluent limits based on applicable general pretreatment standards in this Subchapter, categorical pretreatment standards, local limits, and state and local law;

iv. self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards in this Subchapter, categorical pretreatment standards, local limits, and state and local law;

v. statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable deadlines.

d. require

i. the development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements; and

ii. the submission of all notices and self-monitoring reports from industrial users as are necessary to assess and assure compliance by industrial users with pretreatment standards and requirements, including but not limited to the reports required in LAC 33:IX.2723.

e. carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with applicable pretreatment standards and requirements by industrial users. Representatives of the POTW shall be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to be kept under LAC 33:IX.2723.M to assure compliance with pretreatment standards. Such authority shall be at least as extensive as the authority provided under section 308 of the Act;

f.i. obtain remedies for noncompliance by any industrial user with any pretreatment standard and requirement. All POTWs shall be able to seek injunctive relief for noncompliance by industrial users with pretreatment standards and requirements. All POTWs shall also have authority to seek or assess civil or criminal penalties in at least the amount of $1,000 a day for each violation by industrial users of pretreatment standards and requirements;

ii. pretreatment requirements which will be enforced through the remedies set forth in Subsection F.1.f.i of this Section, will include but not be limited to, the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations, or orders issued by the POTW; any requirements set forth in individual control mechanisms issued by the POTW; or any reporting requirements imposed by the POTW or these regulations. The POTW shall have authority and procedures (after informal notice to the discharger) immediately and effectively to halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW shall also have authority and procedures (which shall include notice to the affected industrial users and an opportunity to respond) to halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW. The approval authority shall have authority to seek judicial relief and may also use administrative penalty authority when the POTW has sought a monetary penalty which the approval authority believes to be insufficient. The procedures for notice to dischargers where the POTW is seeking ex parte temporary judicial injunctive relief will be governed by applicable state or federal law and not by this provision; and

g. comply with the confidentiality requirements set forth in LAC 33:IX.2727.

2. Procedures. The POTW shall develop and implement procedures to ensure compliance with the requirements of a pretreatment program. At a minimum, these procedures shall enable the POTW to:

a. identify and locate all possible industrial users which might be subject to the POTW pretreatment program. Any compilation, index, or inventory of industrial users made under this Paragraph shall be made available to the EPA regional administrator or state administrative authority upon request;

b. identify the character and volume of pollutants contributed to the POTW by the industrial users identified under Subsection F.2.a of this Section. This information shall be made available to the EPA regional administrator or state administrative authority upon request;

c. notify industrial users identified under Subsection F.2.a of this Section, of applicable pretreatment standards and any applicable requirements under sections 204(b) and 405 of the Act and Subtitles C and D of the Resource Conservation and Recovery Act. Within 30 days of approval pursuant to LAC 33:IX.2715.F.6, of a list of significant industrial users, notify each significant industrial user of its status as such and of all requirements applicable to it as a result of such status.

d. receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with the self-monitoring requirements in LAC 33:IX.2723;

e. randomly sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with pretreatment standards. Inspect and sample the effluent from each significant industrial user at least once a year. Evaluate, at least once every two years, whether each such significant industrial user needs a plan to control slug discharges. For purposes of this Subsection, a slug discharge is any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge. The results of such activities shall be available to the approval authority upon request. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

i. description of discharge practices, including nonroutine batch discharges;

ii. description of stored chemicals;

iii. procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under LAC 33:IX.2709.B, with procedures for follow-up written notification within five days;

iv. if necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;

f. investigate instances of noncompliance with pretreatment standards and requirements, as indicated in the reports and notices required under LAC 33:IX.2723, or indicated by analysis, inspection, and surveillance activities described in Subsection F.2.e of this Section. Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions; and

g. comply with the public participation requirements of 40 CFR part 25 in the enforcement of national pretreatment standards. These procedures shall include provision for at least annual public notification, in the largest daily newspaper published in the municipality in which the POTW is located, of industrial users which, at any time during the previous twelve months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

i. chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

ii. technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

iii. any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

iv. any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under Subsection F.1.f.ii of this Section to halt or prevent such a discharge;

v. failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

vi. failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

vii. failure to accurately report noncompliance;

viii. any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

3. Funding. The POTW shall have sufficient resources and qualified personnel to carry out the authorities and procedures described in Subsections F.1 and 2 of this Section. In some limited circumstances, funding and personnel may be delayed where:

a. the POTW has adequate legal authority and procedures to carry out the pretreatment program requirements described in this Section, and

b. a limited aspect of the program does not need to be implemented immediately (see LAC 33:IX.2717.B).

4. Local Limits. The POTW shall develop local limits as required in LAC 33:IX.2709.C.1, or demonstrate that they are not necessary.

5. The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:

a. describe how the POTW will investigate instances of noncompliance;

b. describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;

c. identify (by title) the official(s) responsible for each type of response;

d. adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in LAC 33:IX.2715.F.1 and 2.

6. The POTW shall prepare and maintain a list of its industrial users meeting the criteria in LAC 33:IX.2705.*Significant Industrial User*.a. The list shall identify the criteria in LAC 33:IX.2705.*Significant Industrial User*.a applicable to each industrial user and, for industrial users meeting the criteria in LAC 33:IX.2705.*Significant Industrial User*.a.ii shall also indicate whether the POTW has made a determination in accordance with LAC 33:IX.2705.*Significant Industrial User*.b that such industrial user should not be considered a significant industrial user. The initial list shall be submitted to the approval authority in accordance with LAC 33:IX.2717 as a nonsubstantial program modification in accordance with LAC 33:IX.2735.D. Modifications to the list shall be submitted to the approval authority in accordance with LAC 33:IX.2723.I.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 24:2122 (November 1998), LR 25:1092 (June 1999).

§2717. POTW Pretreatment Programs and/or Authorization to Revise Pretreatment Standards: Submission for Approval

A. Who Approves Program. A POTW requesting approval of a POTW pretreatment program shall develop a program description which includes the information set forth in Subsection B.1-4 of this Section. This description shall be submitted to the approval authority which will make a determination on the request for program approval in accordance with the procedures described in LAC 33:IX.2721.

B. Contents of POTW Program Submission. The program description must contain the following information:

1. a statement from the city solicitor or a city official acting in a comparable capacity (or the attorney for those POTWs which have independent legal counsel) that the POTW has authority adequate to carry out the programs described in LAC 33:IX.2715. This statement shall:

a. identify the provision of the legal authority under LAC 33:IX.2715.F.1 which provides the basis for each procedure under LAC 33:IX.2715.F.2;

b. identify the manner in which the POTW will implement the program requirements set forth in LAC 33:IX.2715, including the means by which pretreatment standards will be applied to individual industrial users (e.g., by order, permit, ordinance, etc.); and

c. identify how the POTW intends to ensure compliance with pretreatment standards and requirements, and to enforce them in the event of noncompliance by industrial users;

2. a copy of any statutes, ordinances, regulations, agreements, or other authorities relied upon by the POTW for its administration of the program. This submission shall include a statement reflecting the endorsement or approval of the local boards or bodies responsible for supervising and/or funding the POTW pretreatment program if approved;

3. a brief description (including organization charts) of the POTW organization which will administer the pretreatment program. If more than one agency is responsible for administration of the program the responsible agencies should be identified, their respective responsibilities delineated, and their procedures for coordination set forth; and

4. a description of the funding levels and full and part-time manpower available to implement the program.

C. Conditional POTW Program Approval. The POTW may request conditional approval of the pretreatment program pending the acquisition of funding and personnel for certain elements of the program. The request for conditional approval must meet the requirements set forth in Subsection B of this Section except that the requirements of Subsection B of this Section may be relaxed if the submission demonstrates that:

1. a limited aspect of the program does not need to be implemented immediately;

2. the POTW had adequate legal authority and procedures to carry out those aspects of the program which will not be implemented immediately; and

3. funding and personnel for the program aspects to be implemented at a later date will be available when needed. The POTW will describe in the submission the mechanism by which this funding will be acquired. Upon receipt of a request for conditional approval, the approval authority will establish a fixed date for the acquisition of the needed funding and personnel. If funding is not acquired by this date, the conditional approval of the POTW pretreatment program and any removal allowances granted to the POTW, may be modified or withdrawn.

D. Content of Removal Allowance Submission. The request for authority to revise categorical pretreatment standards must contain the information required in LAC 33:IX.2713.D.

E. Approval Authority Action. Any POTW requesting POTW pretreatment program approval shall submit to the approval authority three copies of the submission described

in Subsection B of this Section, and, if appropriate, Subsection D of this Section. Within 60 days after receiving the submission, the approval authority shall make a preliminary determination of whether the submission meets the requirements of Subsection B of this Section and, if appropriate, Subsection D of this Section. If the approval authority makes the preliminary determination that the submission meets these requirements, the approval authority shall:

1. notify the POTW that the submission has been received and is under review; and

2. commence the public notice and evaluation activities set forth in LAC 33:IX.2721.

F. Notification Where Submission is Defective. If, after review of the submission as provided for in Subsection E of this Section, the approval authority determines that the submission does not comply with the requirements of Subsections B or C, and, if appropriate, Subsection D, of this Section, the approval authority shall provide notice in writing to the applying POTW and each person who has requested individual notice. This notification shall identify any defects in the submission and advise the POTW and each person who has requested individual notice of the means by which the POTW can comply with the applicable requirements of Subsections B and C, and, if appropriate, Subsection D of this Section.

G. Consistency with Water Quality Management Plans

1. In order to be approved the POTW pretreatment program shall be consistent with any approved water quality management plan developed in accordance with 40 CFR parts 130, 131, as revised, where such CWA section 208 plan includes management agency designations and addresses pretreatment in a manner consistent with LAC 33:IX.Chapter 23.Subchapter T. In order to assure such consistency the approval authority shall solicit the review and comment of the appropriate CWA section 208 planning agency during the public comment period provided for in LAC 33:IX.2721.B.1.b prior to approval or disapproval of the program.

2. Where no CWA section 208 plan has been approved or where a plan has been approved but lacks management agency designations and/or does not address pretreatment in a manner consistent with this Regulation, the approval authority shall nevertheless solicit the review and comment of the appropriate CWA section 208 planning agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2719. Development and Submission of NPDES State Pretreatment Programs

A. Approval of State Programs. No state NPDES program shall be approved under section 402 of the Act after the effective date of these regulations unless it is determined to meet the requirements of Subsection F of this Section. Notwithstanding any other provision of this Regulation, a state will be required to act upon those authorities which it currently possesses before the approval of a state pretreatment program.

B. Reserved

C. Failure to Request Approval. Failure of an approved State to administer its state pretreatment program in accordance with the requirements of this Section constitutes grounds for withdrawal of NPDES program approval under section 402(c)(3) of the Act.

D. Reserved

E. State Program In Lieu of POTW Program. Notwithstanding the provision of LAC 33:IX.2715.A, a state with an approved pretreatment program may assume responsibility for implementing the POTW pretreatment program requirements set forth in LAC 33:IX.2715.F in lieu of requiring the POTW to develop a pretreatment program. However, this does not preclude POTWs from independently developing pretreatment programs.

F. State Pretreatment Program Requirements. In order to be approved, a request for state pretreatment program approval must demonstrate that the state pretreatment program has the following elements:

1. Legal Authority. The attorney general's statement submitted in accordance with Subsection G.1.a of this Section shall certify that the state administrative authority has authority under state law to operate and enforce the state pretreatment program to the extent required by this Subchapter and by 40 CFR 123.27. At a minimum, the state administrative authority shall have the authority to:

a. incorporate POTW pretreatment program conditions into permits issued to POTWs; require compliance by POTWs with these incorporated permit conditions; and require compliance by industrial users with pretreatment standards;

b. ensure continuing compliance by POTWs with pretreatment conditions incorporated into the POTW permit through review of monitoring reports submitted to the state administrative authority by the POTW in accordance with LAC 33:IX.2723 and ensure continuing compliance by industrial users with pretreatment standards through the review of self-monitoring reports submitted to the POTW or to the state administrative authority by the industrial users in accordance with LAC 33:IX.2723;

c. carry out inspection, surveillance and monitoring procedures which will determine, independent of information supplied by the POTW, compliance or noncompliance by the POTW with pretreatment conditions incorporated into the POTW permit; and carry out inspection, surveillance and monitoring procedures which will determine, independent of information supplied by the industrial user, whether the industrial user is in compliance with pretreatment standards;

d. seek civil and criminal penalties, and injunctive relief, for noncompliance by the POTW with pretreatment

conditions incorporated into the POTW permit and for noncompliance with pretreatment standards by industrial users as set forth in LAC 33:IX.2723.F.1.f. The state administrative authority shall have authority to seek judicial relief for noncompliance by industrial users even when the POTW has acted to seek such relief (e.g., if the POTW has sought a penalty which the state administrative authority finds to be insufficient);

e. approve and deny requests for approval of POTW pretreatment programs submitted by a POTW to the state administrative authority ;

f. deny and recommend approval of (but not approve) requests for fundamentally different factors variances submitted by industrial users in accordance with the criteria and procedures set forth in LAC 33:IX.2725; and

g. approve and deny requests for authority to modify categorical pretreatment standards to reflect removals achieved by the POTW in accordance with the criteria and procedures set forth in LAC 33:IX.2713, 2717, and 2721.

2. Procedures. The state administrative authority shall have developed procedures to carry out the requirements of sections 307 (b) and (c), and 402(b)(1), 402(b)(2), 402(b)(8), and 402(b)(9) of the Act. At a minimum, these procedures shall enable the state administrative authority to:

a. identify POTWs required to develop pretreatment programs in accordance with LAC 33:IX.2715.A and notify these POTWs of the need to develop a POTW pretreatment program. In the absence of a POTW pretreatment program, the state shall have procedures to carry out the activities set forth in LAC 33:IX.2715.F.2;

b. provide technical and legal assistance to POTWs in developing pretreatment programs;

c. develop compliance schedules for inclusion in POTW Permits which set forth the shortest reasonable time schedule for the completion of tasks needed to implement a POTW pretreatment program. The final compliance date in these schedules shall be no later than July 1, 1983;

d. sample and analyze:

i. influent and effluent of the POTW to identify, independent of information supplied by the POTW, compliance or noncompliance with pollutant removal levels set forth in the POTW permit (see LAC 33:IX.2713); and

ii. the contents of sludge from the POTW and methods of sludge disposal and use to identify, independent of information supplied by the POTW, compliance or noncompliance with requirements applicable to the selected method of sludge management;

e. investigate evidence of violations of pretreatment conditions set forth in the POTW permit by taking samples and acquiring other information as needed. This data acquisition shall be performed with sufficient care as to produce evidence admissible in an enforcement proceeding or in court;

f. review and approve requests for approval of POTW pretreatment programs and authority to modify categorical pretreatment standards submitted by a POTW to the state administrative authority; and

g. consider requests for fundamentally different factors variances submitted by industrial users in accordance with the criteria and procedures set forth in LAC 33:IX.2725.

3. Funding. The state administrative authority shall assure that funding and qualified personnel are available to carry out the authorities and procedures described in Subsection F.1 and 2 of this Section.

G. Content of State Pretreatment Program Submission. The request for state pretreatment program approval will consist of:

1.a. a statement from the state attorney general (or the attorney for those state agencies which have independent legal counsel) that the laws of the state provide adequate authority to implement the requirements of this Subchapter. The authorities cited by the attorney general in this statement shall be in the form of lawfully adopted state statutes or regulations which shall be effective by the time of approval of the state pretreatment program; and

b. copies of all state statutes and regulations cited in the above statement;

c. states with approved pretreatment programs shall establish pretreatment regulations by November 16, 1989, unless the state would be required to enact or amend statutory provision, in which case, such regulations must be established by November 16, 1990.

2. a description of the funding levels and full- and part-time personnel available to implement the program; and

3. any modifications or additions to the memorandum of agreement (required by 40 CFR 123.24) which may be necessary for EPA and the state to implement the requirements of this Subchapter.

H. EPA Action. Any approved NPDES state requesting state pretreatment program approval shall submit to the EPA regional administrator three copies of the submission described in Subsection G of this Section. Upon a preliminary determination that the submission meets the requirements of Subsection G of this Section the EPA regional administrator shall:

1. notify the state administrative authority that the submission has been received and is under review; and

2. commence the program revision process set out in 40 CFR 123.62. For purposes of that section, all requests for approval of state pretreatment programs shall be deemed substantial program modifications. A comment period of at least 30 days and the opportunity for a hearing shall be afforded the public on all such proposed program revisions.

a. Notification Where Submission is Defective. If, after review of the submission as provided for in Subsection H of this Section, EPA determines that the submission does

not comply with the requirements of Subsections F or G of this Section, EPA shall so notify the applying NPDES state in writing. This notification shall identify any defects in the submission and advise the NPDES state of the means by which it can comply with the requirements of this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2721. Approval Procedures for POTW Pretreatment Programs and POTW Granting of Removal Credits

The following procedures shall be adopted in approving or denying requests for approval of POTW Pretreatment Programs and applications for removal credit authorization.

A. Deadline for Review of Submission. The approval authority shall have 90 days from the date of public notice of any submission complying with the requirements of LAC 33:IX.2717.B and, where removal credit authorization is sought with LAC 33:IX.2713.E and 2717.D, to review the submission. The approval authority shall review the submission to determine compliance with the requirements of LAC 33:IX.2715.B and F, and, where removal credit authorization is sought, with LAC 33:IX.2713. The approval authority may have up to an additional 90 days to complete the evaluation of the submission if the public comment period provided for in Subsection B.1.b of this Section is extended beyond 30 days or if a public hearing is held as provided for in Subsection B.2 of this Section. In no event, however, shall the time for evaluation of the submission exceed a total of 180 days from the date of public notice of a submission meeting the requirements of LAC 33:IX.2717.B and, in the case of a removal credit application, LAC 33:IX.2713.E and 2717.B.

B. Public Notice and Opportunity for Hearing. Upon receipt of a submission the approval authority shall commence its review. Within 20 work days after making a determination that a submission meets the requirements of LAC 33:IX.2717.B and, where removal allowance approval is sought, LAC 33:IX.2713.D and 2717.D, the approval authority shall:

1. issue a public notice of request for approval of the submission:

a. this public notice shall be circulated in a manner designed to inform interested and potentially interested persons of the submission. Procedures for the circulation of public notice shall include:

i. mailing notices of the request for approval of the submission to designated 208 planning agencies, federal and state fish, shellfish, and wildlife resource agencies (unless such agencies have asked not to be sent the notices); and to any other person or group who has requested individual notice, including those on appropriate mailing lists; and

ii. publication of a notice of request for approval of the submission in a newspaper(s) of general circulation within the jurisdiction(s) served by the POTW that provides meaningful public notice.

b. the public notice shall provide a period of not less than 30 days following the date of the public notice during which time interested persons may submit their written views on the submission; and

c. all written comments submitted during the 30-day comment period shall be retained by the approval authority and considered in the decision on whether or not to approve the submission. The period for comment may be extended at the discretion of the approval authority; and

2. provide an opportunity for the applicant, any affected state, any interested state or federal agency, person or group of persons to request a public hearing with respect to the submission:

a. this request for public hearing shall be filed within the 30 - day (or extended) comment period described in Subsection B.1.b of this Section and shall indicate the interest of the person filing such request and the reasons why a hearing is warranted;

b. the approval authority shall hold a hearing if the POTW so requests. In addition, a hearing will be held if there is a significant public interest in issues relating to whether or not the submission should be approved. Instances of doubt should be resolved in favor of holding the hearing; and

c. public notice of a hearing to consider a submission and sufficient to inform interested parties of the nature of the hearing and the right to participate shall be published in the same newspaper as the notice of the original request for approval of the submission under Subsection B.1.b.ii of this Section. In addition, notice of the hearing shall be sent to those persons requesting individual notice.

C. Approval Authority Decision. At the end of the 30-day (or extended) comment period and within the 90-day (or extended) period provided for in Subsection A of this Section, the approval authority shall approve or deny the submission based upon the evaluation in Subsection A of this Section and taking into consideration comments submitted during the comment period and the record of the public hearing, if held. Where the approval authority makes a determination to deny the request, the approval authority shall so notify the POTW and each person who has requested individual notice. This notification shall include suggested modifications and the approval authority may allow the requestor additional time to bring the submission into compliance with applicable requirements.

D. EPA Objection to State Administrative Authority's Decision. No POTW pretreatment program or authorization to grant removal allowances shall be approved by the state administrative authority if following the 30 day (or extended) evaluation period provided for in Subsection B.1.b of this Section and any hearing held pursuant to Subsection B.2 of this Section the EPA regional administrator sets forth

in writing objections to the approval of such submission and the reasons for such objections. A copy of the EPA regional administrator's objections shall be provided to the applicant, and each person who has requested individual notice. The EPA regional administrator shall provide an opportunity for written comments and may convene a public hearing on his or her objections. Unless retracted, the EPA regional administrator's objections shall constitute a final ruling to deny approval of a POTW pretreatment program or authorization to grant removal allowances 90 days after the date the objections are issued.

E. Notice of Decision. The approval authority shall notify those persons who submitted comments and participated in the public hearing, if held, of the approval or disapproval of the submission. In addition, the approval authority shall cause to be published a notice of approval or disapproval in the same newspapers as the original notice of request for approval of the submission was published. The approval authority shall identify in any notice of POTW pretreatment program approval any authorization to modify categorical pretreatment standards which the POTW may make, in accordance with LAC 33:IX.2713, for removal of pollutants subject to pretreatment standards.

F. Public Access to Submission. The approval authority shall ensure that the submission and any comments upon such submission are available to the public for inspection and copying.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 25:1093 (June 1999).

§2723. Reporting Requirements for POTWs and Industrial Users

A. Definition. The term "control authority" as it is used in this Section refers to:

1. the POTW if the POTW's submission for its pretreatment program (LAC 33:IX.2705.T.1) has been approved in accordance with the requirements of LAC 33:IX.2721; or

2. the approval authority if the submission has not been approved.

B. Reporting Requirements for Industrial Users Upon Effective Date of Categorical Pretreatment Standard - Baseline Report. Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination submission under LAC 33:IX.2711.A.4, whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the control authority a report which contains the information listed in Subsection B.1-7 of this Section. At least 90 days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the control authority a report which contains the information listed in Subsection B.1-5 of this Section. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in Subsection B.4 and 5 of this Section.

1. Identifying Information. The user shall submit the name and address of the facility including the name of the operator and owners.

2. Permits. The user shall submit a list of any environmental control permits held by or for the facility.

3. Description of Operations. The user shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

4. Flow Measurement. The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

a. regulated process streams; and

b. other streams as necessary to allow use of the combined wastestream formula of LAC 33:IX.2711.E. (See Subsection B.5.e of this Section.)

The control authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

5. Measurement of Pollutants

a. The user shall identify the pretreatment standards applicable to each regulated process.

b. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or control authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations.

c. A minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The control authority may waive flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.

d. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this Paragraph.

e. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula of LAC 33:IX.2711.E in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with LAC 33:IX.2711.E this adjusted limit along with supporting data shall be submitted to the control authority.

f. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 (See LAC 33:IX.2531) and amendments thereto. Where 40 CFR part 136 (See LAC 33:IX.2531) does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that the 40 CFR part 136 (See LAC 33:IX.2531) sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the administrator.

g. The control authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

h. The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

6. Certification. A statement, reviewed by an authorized representative of the industrial user (as defined in Subsection K of this Section) and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; and

7. Compliance Schedule. If additional pretreatment and/or O and M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

a. Where the industrial user's categorical pretreatment standard has been modified by a removal allowance (LAC 33:IX.2713), the combined wastestream formula (LAC 33:IX.2711.E), and/or a fundamentally different factors variance (LAC 33:IX.2725) at the time the user submits the report required by Subsection B of this Section, the information required by Subsection B.6 and 7 of this Section shall pertain to the modified limits.

b. If the categorical pretreatment standard is modified by a removal allowance (LAC 33:IX.2713), the combined wastestream formula (LAC 33:IX.2711.E), and/or a fundamentally different factors variance (LAC 33:IX.2725) after the user submits the report required by Subsection B of this Section, any necessary amendments to the information requested by Subsection B.6 and 7 of this Section shall be submitted by the user to the control authority within 60 days after the modified limit is approved.

C. Compliance Schedule for Meeting Categorical Pretreatment Standards. The following conditions shall apply to the schedule required by Subsection B.7 of this Section:

1. the schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable categorical pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

2. No increment referred to in Subsection C.1 of this Section shall exceed nine months.

3. Not later than 14 days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the control authority.

D. Report on Compliance with Categorical Pretreatment Standard Deadline. Within 90 days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to pretreatment standards and requirements shall submit to the control authority a report containing the information described in Subsection B.4-6 of this Section. For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in LAC 33:IX.2711.C, this report shall contain a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

E. Periodic Reports on Continued Compliance

1. Any industrial user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the control authority during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority or the approval authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in Subsection B.4 of this Section except that the control authority may require more detailed reporting of flows. At the discretion of the control authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the control authority may agree to alter the months during which the above reports are to be submitted.

2. Where the control authority has imposed mass limitations on industrial users as provided for by LAC 33:IX.2711.D, the report required by Subsection E.1 of this Section shall indicate the mass of pollutants regulated by pretreatment standards in the discharge from the industrial user.

3. For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in LAC 33:IX.2711.C, the report required by Subsection E.1 of this Section shall contain a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by Subsection E.1 of this Section shall include the user's actual average production rate for the reporting period.

F. Notice of Potential Problems, Including Slug Loading. All categorical and non-categorical industrial users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined by LAC 33:IX.2709.B, by the industrial user.

G. Monitoring and Analysis to Demonstrate Continued Compliance

1. The reports required in Subsections B, D, and E of this Section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the control authority, of pollutants contained therein which are limited by the applicable pretreatment standards. This sampling and analysis may be performed by the control authority in lieu of the industrial use. Where POTW performs the required sampling and analysis in lieu of the industrial user, the use will not be required to submit the compliance certification required under LAC 33:IX.2723.B.6 and LAC 33:IX.2723.D. In addition, where the POTW itself collects all the information required for the report, including flow data, the industrial user will not be required to submit the report.

2. If sampling performed by an industrial user indicates a violation, the user shall notify the control authority within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within 30 days after becoming aware of the violation, except the industrial user is not required to resample if:

a. the control authority performs sampling at the industrial use at a frequency of at least once per month; or

b. the control authority performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

3. The reports required in Subsection E of this Section shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. The control authority shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

4. All analyses shall be performed in accordance with procedures established by the administrator pursuant to section 304(h) of the CWA and contained in 40 CFR part 136 (See LAC 33:IX.2531) and amendments thereto or with any other test procedures approved by the administrator (See 40 CFR parts 136.4 and 136.5). Sampling shall be performed in accordance with the techniques approved by the administrator. Where 40 CFR part 136 (See LAC 33:IX.2531) does not include sampling or analytical techniques for the pollutants in question, or where the Administrator determines that the 40 CFR part 136 (See LAC 33:IX.2531) sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the administrator.

5. If an industrial user subject to the reporting requirement in Subsection E of this Section monitors any pollutant more frequently than required by the control authority, using the procedures prescribed in Subsection G.4 of this Section, the results of this monitoring shall be included in the report.

H. Reporting Requirements for Industrial Users Not Subject To Categorical Pretreatment Standards. The control authority shall require appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards. Significant noncategorical industrial users shall submit to the control authority at least once every six months (on dates specified by the control authority) a description of the nature,

concentration, and flow of the pollutants required to be reported by the control authority. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR part 136 (See LAC 33:IX.2531) and amendments thereto. Where 40 CFR part 136 (See LAC 33:IX.2531) does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that the 40 CFR part 136 (See LAC 33:IX.2531) sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other persons, approved by the administrator. This sampling and analysis may be performed by the control authority in lieu of the significant noncategorical industrial user. Where the POTW itself collects all the information required for the report, the noncategorical significant industrial user will not be required to submit the report.

I. Annual POTW Reports. POTWs with approved pretreatment programs shall provide the approval authority with a report that briefly describes the POTW's program activities, including activities of all participating agencies, if more than one jurisdiction is involved in the local program. The report required by this Section shall be submitted no later than one year after approval of the POTW's pretreatment program, and at least annually thereafter, and shall include, at a minimum, the following:

1. an updated list of the POTW's industrial users, including their names and addresses, or a list of deletions and additions keyed to a previously submitted list. The POTW shall provide a brief explanation of each deletion. This list shall identify which industrial users are subject to categorical pretreatment standards and specify which standards are applicable to each industrial user. The list shall indicate which industrial users are subject to local standards that are more stringent than the categorical pretreatment standards. The POTW shall also list the industrial users that are subject only to local requirement;

2. a summary of the status of industrial use compliance over the reporting period;

3. a summary of compliance and enforcement activities (including inspections) conducted by the POTW during the reporting period;

4. a summary of changes to the POTW's pretreatment program that have not been previously reported to the approval authority; and

5. any other relevant information requested by the approval authority.

J. Notification of Changed Discharge. All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under LAC 33:IX.2723.P.

K. Compliance Schedule for POTWs. The following conditions and reporting requirements shall apply to the compliance schedule for development of an approvable POTW pretreatment program required by LAC 33:IX.2715:

1. the schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the development and implementation of a POTW pretreatment program (e.g., acquiring required authorities, developing funding mechanisms, acquiring equipment);

2. no increment referred to in Subsection H.1 of this Section shall exceed nine months;

3. not later than 14 days following each date in the schedule and the final date for compliance, the POTW shall submit a progress report to the approval authority including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps taken by the POTW to return to the schedule established. In no event shall more than nine months elapse between such progress reports to the approval authority.

L. Signatory Requirements for Industrial User Reports. The reports required by Subsections B, D, and E, of this Section shall include the certification statement as set forth in LAC 33:IX.2711.A.2.b, and shall be signed as follows:

1. by a responsible corporate officer, the industrial user submitting the reports required by Subsections B, D, and E of this Section is a corporation. 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 operation facilities employing more that 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

2. by a general partner or proprietor if the industrial user submitting the reports required by Subsections B, D, and E of this Section is a partnership or sole proprietorship respectively;

3. by a duly authorized representative of the individual designated in Subsection L.1 or 2 of this Section if:

a. the authorization is made in writing by the individual described in Subsection L.1 or 2 of this Section;

b. the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent

responsibility, or having overall responsibility for environmental matters for the company; and

c. the written authorization is submitted to the control authority; and

4. if an authorization under Subsection L.3 of this Section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of Subsection L.3 of this Section must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

M. Signatory Requirements for POTW Reports. Reports submitted to the approval authority by the POTW in accordance with Subsection H of this Section must be signed by a principal executive officer, ranking elected official or other duly authorized employee if such employee is responsible for overall operation of the POTW.

N. Provisions Governing Fraud and False Statements. The reports and other documents required to be submitted or maintained under this Section shall be subject to:

1. the provisions of 18 U.S.C. section 1001, R.S. 30:2076.2 relating to fraud and false statements;

2. the provisions of sections 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and

3. the provisions of section 309(c)(6) of the Act regarding responsible corporate officers.

O. Recordkeeping Requirements

1. Any industrial user and POTW subject to the reporting requirements established in this Section shall maintain records of all information resulting from any monitoring activities required by this Section. Such records shall include for all samples:

a. the date, exact place, method, and time of sampling and the names of the person or persons taking the samples;

b. the dates analyses were performed;

c. who performed the analyses;

d. the analytical techniques/methods use; and

e. the results of such analyses.

2. Any industrial user or POTW subject to the reporting requirements established in this Section shall be required to retain for a minimum of three years any records of monitoring activities and results (whether or not such monitoring activities are required by this Section) and shall make such records available for inspection and copying by the state administrative authority and the EPA regional administrator (and POTW in the case of an industrial user). This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or POTW or when requested by the state administrative authority or the EPA regional administrator.

3. Any POTW to which reports are submitted by an industrial user pursuant to Subsections B, D, E, and H of this Section shall retain such reports for a minimum of 3 years and shall make such reports available for inspection and copying by the state administrative authority and the EPA regional administrator. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user or the operation of the POTW pretreatment program or when requested by the state administrative authority or the EPA regional administrator.

P.1. The industrial user shall notify the POTW, the EPA Regional Waste Management Division director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this Paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharge must be submitted under Subsection J of this Section. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of Subsections B, D, and E of this Section.

2. Dischargers are exempt from the requirements of Subsection P.1 of this Section during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

3. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a

hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Waste Division director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

4. In the case of any notification made under Subsection P of this Section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 24:2122 (November 1998).

§2725. Variances from Categorical Pretreatment Standards for Fundamentally Different Factors

A. Definition. The term "requester" means an industrial user or a POTW or other interested person seeking a variance from the limits specified in a categorical pretreatment standard.

B. Purpose and Scope. In establishing categorical pretreatment standards for existing sources, the EPA will take into account all the information it can collect, develop and solicit regarding the factors relevant to pretreatment standards under section 307(b) of the Act. In some cases, information which may affect these pretreatment standards will not be available or, for other reasons, will not be considered during their development. As a result, it may be necessary on a case-by-case basis to adjust the limits in categorical pretreatment standards, making them either more or less stringent, as they apply to a certain industrial user within an industrial category or subcategory. This will only be done if data specific to that industrial user indicates it presents factors fundamentally different from those considered by EPA in developing the limit at issue. Any interested person believing that factors relating to an industrial user are fundamentally different from the factors considered during development of a categorical pretreatment standard applicable to that user and further, that the existence of those factors justifies a different discharge limit than specified in the applicable categorical pretreatment standard, may request a fundamentally different factors variance under this section or such a variance request may be initiated by the EPA.

C. Criteria

1. General Criteria. A request for a variance based upon fundamentally different factors shall be approved only if:

a. there is an applicable categorical pretreatment standard which specifically controls the pollutant for which alternative limits have been requested; and

b. factors relating to the discharge controlled by the categorical pretreatment standard are fundamentally different from the factors considered by EPA in establishing the standards; and

c. the request for a variance is made in accordance with the procedural requirements in Subsections G and H of this Section.

2. Criteria Applicable to Less Stringent Limits. A variance request for the establishment of limits less stringent than required by the standard shall be approved only if:

a. the alternative limit requested is no less stringent than justified by the fundamental difference;

b. the alternative limit will not result in a violation of prohibitive discharge standards prescribed by or established under LAC 33:IX.2709;

c. the alternative limit will not result in a non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during development of the pretreatment standards; and

d. compliance with the standards (either by using the technologies upon which the standards are based or by using other control alternatives) would result in either:

i. a removal cost (adjusted for inflation) wholly out of proportion to the removal cost considered during development of the standards; or

ii. a non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during development of the standards.

3. Criteria Applicable to More Stringent Limits. A variance request for the establishment of limits more stringent than required by the standards shall be approved only if:

a. the alternative limit request is no more stringent than justified by the fundamental difference; and

b. compliance with the alternative limit would not result in either:

i. a removal cost (adjusted for inflation) wholly out of proportion to the removal cost considered during development of the standards; or

ii. a non-water quality environmental impact (including energy requirements) fundamentally more adverse than the impact considered during development of the standards.

D. Factors Considered Fundamentally Different. Factors which may be considered fundamentally different are:

1. the nature or quality of pollutants contained in the raw waste load of the user's process wastewater;

2. the volume of the user's process wastewater and effluent discharged;

3. non-water quality environmental impact of control and treatment of the user's raw waste load;

4. energy requirements of the application of control and treatment technology;

5. age, size, land availability, and configuration as they relate to the user's equipment or facilities; processes employed; process changes; and engineering aspects of the application of control technology; or

6. cost of compliance with required control technology.

E. Factors Which Will Not Be Considered Fundamentally Different. A variance request or portion of such a request under this Section may not be granted on any of the following grounds:

1. the feasibility of installing the required waste treatment equipment within the time the CWA allows;

2. the assertion that the standards cannot be achieved with the appropriate waste treatment facilities installed, if such assertion is not based on factors listed in Subsection D of this Section;

3. the user's ability to pay for the required waste treatment; or

4. the impact of a discharge on the quality of the POTW's receiving waters.

F. State or Local Law. Nothing in this Section shall be construed to impair the right of any state or locality under section 510 of the Act to impose more stringent limitations than required by federal law.

G. Application Deadline

1. Requests for a variance and supporting information must be submitted in writing to the state administrative authority or to the administrator (or his delegate), as appropriate.

2. In order to be considered, a request for a variance must be submitted no later than 180 days after the date on which a categorical pretreatment standard is published in the Federal Register.

3. Where the user has requested a categorical determination pursuant to LAC 33:IX.2711.A, the user may elect to await the results of the category determination before submitting a variance request under this Section. Where the user so elects, he or she must submit the variance request within 30 days after a final decision has been made on the categorical determination pursuant to LAC 33:IX.2711.A.4.

H. Contents Submission. Written submissions for variance requests, whether made to the administrator (or his delegate) or the state administrative authority, must include:

1. the name and address of the person making the request;

2. identification of the interest of the requester which is affected by the categorical pretreatment standard for which the variance is requested;

3. identification of the POTW currently receiving the waste from the industrial user for which alternative discharge limits are requested;

4. identification of the categorical pretreatment standards which are applicable to the industrial user;

5. a list of each pollutant or pollutant parameter for which an alternative discharge limit is sought;

6. the alternative discharge limits proposed by the requester for each pollutant or pollutant parameter identified in Subsection H.5 of this Section;

7. a description of the industrial user=s existing water pollution control facilities;

8. a schematic flow representation of the industrial user=s water system including water supply, process wastewater systems, and points of discharge; and

9. a statement of facts clearly establishing why the variance request should be approved, including detailed support data, documentation, and evidence necessary to fully evaluate the merits of the request, e.g., technical and economic data collected and used in developing each pollutant discharge limit in the pretreatment standard.

a. Deficient Requests. The administrator (or his delegate) or the state administrative authority will only act on written requests for variances that contain all of the information required. Persons who have made incomplete submissions will be notified by the administrator (or his delegate) or the state administrative authority that their requests are deficient and unless the time period is extended, will be given up to thirty days to remedy the deficiency. If the deficiency is not corrected within the time period allowed by the administrator (or his delegate) or the state administrative authority, the request for a variance shall be denied.

J. Public Notice. Upon receipt of a complete request, the administrator (or his delegate) or the state administrative authority will provide notice of receipt, opportunity to review the submission, and opportunity to comment.

1. The public notice shall be circulated in a manner designed to inform interested and potentially interested persons of the request. Procedures for the circulation of public notice shall include mailing notices to:

a. the POTW into which the industrial user requesting the variance discharges;

b. adjoining states whose waters may be affected; and

c. designated CWA section 208 planning agencies, federal and state fish, shellfish and wildlife resource agencies; and to any other person or group who has requested individual notice, including those on appropriate mailing lists.

2. The public notice shall provide for a period not less than 30 days following the date of the public notice during which time interested persons may review the request and submit their written views on the request.

3. Following the comment period, the administrator (or his delegate) or the state administrative authority will

make a determination on the request taking into consideration any comments received. Notice of this final decision shall be provided to the requester (and the industrial user for which the variance is requested if different), the POTW into which the industrial user discharges and all persons who submitted comments on the request.

K. Review of Requests by State

1. Where the state administrative authority finds that fundamentally different factors do not exist, he may deny the request and notify the requester (and industrial user where they are not the same) and the POTW of the denial.

2. Where the state administrative authority finds that fundamentally different factors do exist, he shall forward the request, with a recommendation that the request be approved, to the administrator (or his delegate).

L. Review of Requests by EPA

1. Where the administrator (or his delegate) finds that fundamentally different factors do not exist, he shall deny the request for a variance and send a copy of his determination to the state administrative authority, to the POTW, and to the requester (and to the industrial user, where they are not the same).

2. Where the administrator (or his delegate) finds that fundamentally different factors do exist, and that a partial or full variance is justified, he will approve the variance. In approving the variance, the administrator (or his delegate) will:

a. prepare recommended alternative discharge limits for the industrial user either more or less stringent than those prescribed by the applicable categorical pretreatment standard to the extent warranted by the demonstrated fundamentally different factors;

b. provide the following information in his written determination:

i. the recommended alternative discharge limits for the industrial user concerned;

ii. the rationale for the adjustment of the pretreatment standard (including the reasons for recommending that the variance be granted) and an explanation of how the recommended alternative discharge limits were derived;

iii. the supporting evidence submitted to the administrator (or his delegate); and

iv. other information considered by the administrator (or his delegate) in developing the recommended alternative discharge limits;

c. notify the state administrative authority and the POTW of his or her determination; and

d. send the information described in Subsection L.2.a and b of this Section to the requestor (and to the industrial user where they are not the same).

M. Request for Hearing

1. Within 30 days following the date of receipt of the notice of the decision of the administrator's delegate on a variance request, the requester or any other interested person may submit a petition to the EPA regional administrator for a hearing to reconsider or contest the decision. If such a request is submitted by a person other than the industrial user the person shall simultaneously serve a copy of the request on the industrial user.

2. If the EPA regional administrator declines to hold a hearing and the EPA regional administrator affirms the findings of the administrator's delegate the requester may submit a petition for a hearing to the Environmental Appeals Board (which is described in 40 CFR 1.25) within 30 days of the EPA regional administrator's decision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2727. Confidentiality

A. DEQ Authorities. In accordance with R.S 30:2030 and R.S 30: 2074(D), any information submitted to DEQ pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission. If no claim is made at the time of submission, DEQ may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in the LEQA and regulations.

B. Effluent Data. Information and data provided to the control authority pursuant to this Subchapter which is effluent data shall be available to the public without restriction.

C. State or POTW. All other information which is submitted to the state or POTW shall be available to the public at least to the extent provided by 40 CFR 2.302 and R.S. 30:2030.

D. Additional information concerning nondisclosure of confidential information is found in LAC 33:I.Chapter 5 and LAC 33:IX.2763.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Water Pollution Control Division, LR 23:726 (June 1997).

§2729. Net/Gross Calculation

Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this Section:

A. Application. Any industrial user wishing to obtain credit for intake pollutants must make application to the control authority. Upon request of the industrial user, the applicable standard will be calculated on a "net" basis, (i.e., adjusted to reflect credit for pollutants in the intake water) if

the requirements of Subsections B and C of this Section are met.

B. Criteria

1. The industrial user must demonstrate that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.

2. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the industrial user demonstrates that the constituents of the generic measure in the user's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

3. Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section.

4. Credit shall be granted only if the user demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The control authority may waive this requirement if it finds that no environmental degradation will result.

C. The applicable categorical pretreatment standards contained in 40 CFR subchapter N (See LAC 33:IX.2533) specifically provide that they shall be applied on a net basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2731. Upset Provision

A. Definition. For the purposes of this Section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not including noncompliance to the extent cause 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 shall constitute an affirmative defense to a action brought for noncompliance with categorical pretreatment standards if the requirements of Subsection C of this Section are met.

C. Conditions Necessary for a Demonstration of Upset. An industrial user 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 the industrial user can identify the cause(s) of the upset;

2. the facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

3. the industrial user has submitted the following information to the POTW and control authority within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):

a. a description of the indirect discharge and cause of noncompliance;

b. the period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;

c. steps being taken and/or planned to reduce eliminate and prevent recurrence of the noncompliance.

D. Burden of Proof. In any enforcement proceeding the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

E. Reviewability of Agency Consideration of Claims of Upset. In the usual exercise of prosecutorial discretion, agency enforcement personnel should review any claims that non-compliance was caused by an upset. No determinations made in the course of the review constitute final agency action subject to judicial review. Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

F. User Responsibility in Case of Upset. The industrial user shall control production or all discharges the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where among other things the primary source of power of the treatment facility is reduced, lost or fails.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2733. Bypass

A. Definitions

Bypass—the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

Severe Property Damage—substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which 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.

B. Bypass not violating applicable pretreatment standards or requirements. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Subsections C and D of this Section.

C. Notice

1. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the control authority, if possible at least 10 days before the date of the bypass.

2. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the control authority within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The control authority may waive in the written report on a case-by-case basis if the oral report has been received within 24 hours.

D. Prohibition of Bypass

1. Bypass is prohibited, and the control authority may take enforcement action against an industrial user for a 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 back-up 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 preventative maintenance; and

c. the industrial user submitted notices as required under Subsection C of this Section.

2. The control authority may approve an anticipated bypass, after considering is adverse effects, if the control authority determines that it will meet the three conditions listed in Subsection D.1 of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2735. Modification of POTW Pretreatment Programs

A. General. Either the approval authority or a POTW with an approved POTW pretreatment program may initiate program modification at any time to reflect changing conditions at the POTW. Program modification is necessary whenever there is a significant change in the operation of a POTW pretreatment program that differs from the information in the POTW's submission, as approved under LAC 33:IX.2721.

B. Substantial Modifications Defined

1. The following are substantial modifications for purposes of this Section:

a. modifications that relax POTW legal authorities (as described in LAC 33:IX.2715.F.1), except for modifications that directly reflect revision to the general pretreatment regulations, LAC 33:IX.Chapter 23.Subchapter T or Subchapter N, and reported in accordance with Subsection D of this Section;

b. modifications that relax local limits, except for the modifications to local limits for pH and reallocations of the Maximum Allowable Industrial Loading of a pollutant that do not increase the total industrial loadings for the pollutant, which are reported in accordance with Subsection D of this Section. Maximum Allowable Industrial Loadings mean the total mass of a pollutant that all industrial users of a POTW (or a subgroup of industrial users identified by the POTW) may discharge in accordance with limits developed under LAC 33:IX.2709.C;

c. changes to the POTW's control mechanism, as described in LAC 33:IX.2715.F.1.c;

d. a decrease in the frequency of self-monitoring or reporting required of industrial users;

e. a decrease in the frequency of industrial user inspections or sampling by the POTW;

f. changes to the POTW's confidentiality procedures; and

g. other modifications designated as substantial modifications by the approval authority on the basis that the modification could have significant impact on the operation of the POTW's pretreatment program, could result in an increase in pollutant loadings at the POTW, or could result in less stringent requirements being imposed on industrial users of the POTW.

C. Approval Procedures for Substantial Modifications

1. The POTW shall submit to the approval authority a statement of the basis for the desired program modification, a modified program description (see LAC 33:IX.2717.B), or such other documents the approval authority determines to be necessary under the circumstances.

2. The approval authority shall approve or disapprove the modification based on the requirements of LAC 33:IX.2715.F, following the procedures in LAC 33:IX.2721.B-F, except as provided in Subsection C.3-4 of

this Section. The modification shall become effective upon approval by the approval authority.

3. The approval authority need not publish a notice of decision under LAC 33:IX.2721.E, provided the notice of request for approval under LAC 33:IX.2721.B.1 states that the request will be approved if no comments are received by a date specified in the notice, no substantial comments are received, and the request is approved without change.

4. Notices required by LAC 33:IX.2721 may be performed by the POTW, provided that the approval authority finds that the POTW notice otherwise satisfies the requirements of LAC 33:IX.2721.

D. Approval Procedures for Nonsubstantial Modifications

1. The POTW shall notify the approval authority of any other (i.e., nonsubstantial) modifications to its pretreatment program at least 45 days prior to when they are to be implemented by the POTW, in a statement similar to that provided for in Subsection C.1 of this Section.

2. Within 45 days after the submission of the POTW=s statement, the approval authority shall notify the POTW of its decision to approve or disapprove the nonsubstantial modification.

3. If the approval authority does not notify the POTW within 45 days of its decision to approve or deny the modification or to treat the modification as substantial under Subsection B.1.g of this Section, the POTW may implement the modification.

E. Incorporation in the Permit. All modifications shall be incorporated into the POTW's LPDES permit upon approval. The permit will be modified to incorporate the approved modification in accordance with LAC 33:IX.2385.A.7.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 24:2122 (November 1998), LR 25:1093 (June 1999).

Subchapter U. Ocean Discharge Criteria

§2745. Scope and purpose

This Subchapter establishes guidelines for issuance of LPDES permits for the discharge of pollutants from a point source into the territorial seas, the contiguous zone, and the oceans.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2747. Definitions

*Irreparable Harm*Csignificant undesirable effects occurring after the date of permit issuance which will not be reversed after cessation or modification of the discharge.

*Marine Environment*Cterritorial seas, the contiguous zone and the oceans.

*Mixing Zone*Cthe zone extending from the sea's surface to seabed and extending laterally to a distance of 100 meters in all directions from the discharge point(s) or to the boundary of the zone of initial dilution as calculated by a plume model approved by the state administrative authority, whichever is greater, unless the state administrative authority determines that the more restrictive mixing zone or another definition of the mixing zone is more appropriate for a specific discharge.

No Reasonable Alternatives C

1. no land-based disposal sites, discharge point(s) within internal waters, or approved ocean dumping sites within a reasonable distance of the site of the proposed discharge the use of which would not cause unwarranted economic impacts on the discharger, or, notwithstanding the availability of such sites;

2. on-site disposal is environmentally preferable to other alternative means of disposal after consideration of:

a. the relative environmental harm of disposal on-site, in disposal sites located on land, from discharge point(s) within internal waters, or in approved ocean dumping sites, and

b. the risk to the environment and human safety posed by the transportation of the pollutants.

Unreasonable Degradation of the Marine Environment C

1. significant adverse changes in ecosystem diversity, productivity and stability of the biological community within the area of discharge and surrounding biological communities,

2. threat to human health through direct exposure to pollutants or through consumption of exposed aquatic organisms, or

3. loss of esthetic, recreational, scientific or economic values which is unreasonable in relation to the benefit derived from the discharge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2749. Determination of Unreasonable Degradation of the Marine Environment

A. The state administrative authority shall determine whether a discharge will cause unreasonable degradation of the marine environment based on consideration of:

1. the quantities, composition and potential for bioaccumulation or persistence of the pollutants to be discharged;

2. the potential transport of such pollutants by biological, physical or chemical processes;

3. the composition and vulnerability of the biological communities which may be exposed to such pollutants, including the presence of unique species or communities of species, the presence of species identified as endangered or threatened pursuant to the Endangered Species Act, or the presence of those species critical to the structure or function of the ecosystem, such as those important for the food chain;

4. the importance of the receiving water area to the surrounding biological community, including the presence of spawning sites, nursery/forage areas, migratory pathways, or areas necessary for other functions or critical stages in the life cycle of an organism;

5. the existence of special aquatic sites including, but not limited to marine sanctuaries and refuges, parks, national and historic monuments, national seashores, wilderness areas and coral reefs;

6. the potential impacts on human health through direct and indirect pathways;

7. existing or potential recreational and commercial fishing, including finfishing and shellfishing;

8. any applicable requirements of an approved Coastal Zone Management plan;

9. such other factors relating to the effects of the discharge as may be appropriate;

10. marine water quality criteria developed pursuant to section 304(a)(1) of the Act.

B. Discharges in compliance with CWA section 301(g), 301(h), or 316(a) variance requirements or state water quality standards shall be presumed not to cause unreasonable degradation of the marine environment, for any specific pollutants or conditions specified in the variance or the standard.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2751. Permit Requirements

A. If the state administrative authority on the basis of available information including that supplied by the applicant pursuant to LAC 33:IX.2753 determines prior to permit issuance that the discharge will not cause unreasonable degradation of the marine environment after application of any necessary conditions specified in LAC 33:IX.2751.D, he may issue a LPDES permit containing such conditions.

B. If the state administrative authority, on the basis of available information including that supplied by the applicant pursuant to LAC 33:IX.2753 determines prior to permit issuance that the discharge will cause unreasonable degradation of the marine environment after application of all possible permit conditions specified in LAC 33:IX.2751.D, he may not issue a LPDES permit which authorizes the discharge of pollutants.

C. If the state administrative authority has insufficient information to determine prior to permit issuance that there will be no unreasonable degradation of the marine environment pursuant to LAC 33:IX.2749, there shall be no discharge of pollutants into the marine environment unless the state administrative authority on the basis of available information, including that supplied by the applicant pursuant to LAC 33:IX.2753 determines that:

1. such discharge will not cause irreparable harm to the marine environment during the period in which monitoring is undertaken; and

2. there are no reasonable alternatives to the on-site disposal of these materials; and

3. the discharge will be in compliance with all permit conditions established pursuant to Subsection D of this Section.

D. All permits which authorize the discharge of pollutants pursuant to Subsection C of this Section shall:

1. require that a discharge of pollutants will:

a. following dilution as measured at the boundary of the mixing zone not exceed the limiting permissible concentration for the liquid and suspended particulate phases of the waste material as described in 40 CFR parts 227.27(a)(2) and (3), 227.27(b), and 227.27(c) of the Ocean Dumping Criteria; and

b. not exceed the limiting permissible concentration for the solid phase of the waste material or cause an accumulation of toxic materials in the human food chain as described in 40 CFR part 227.27 (b) and (d) of the Ocean Dumping Criteria;

2. specify a monitoring program, which is sufficient to assess the impact of the discharge on water, sediment, and biological quality including, where appropriate, analysis of the bioaccumulative and/or persistent impact on aquatic life of the discharge;

3. contain any other conditions, such as performance of liquid or suspended particulate phase bioaccumulation tests, seasonal restrictions on discharge, process modifications, dispersion of pollutants, or schedule of compliance for existing discharges, which are determined to be necessary because of local environmental conditions; and

4. contain the following clause: "In addition to any other grounds specified herein, this permit shall be modified or revoked at any time if, on the basis of any new data, the state administrative authority determines that continued discharges may cause unreasonable degradation of the marine environment."

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2753. Information Required to be Submitted by Applicant

A. The applicant is responsible for providing information which the state administrative authority may request to make the determination required by this Subchapter. The state administrative authority may require the following information as well as any other pertinent information:

1. an analysis of the chemical constituents of any discharge;

2. appropriate bioassays necessary to determine the limiting permissible concentrations for the discharge;

3. an analysis of initial dilution;

4. Available process modifications which will reduce the quantities of pollutants which will be discharged;

5. analysis of the location where pollutants are sought to be discharged, including the biological community and the physical description of the discharge facility;

6. evaluation of available alternatives to the discharge of the pollutants including an evaluation of the possibility of land-based disposal or disposal in an approved ocean dumping site.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

Subchapter V. Additional Requirements Applicable to the LPDES Program

§2761. Applicability

In addition to the requirements in LAC 33:IX.23.Subchapters A-U, the conditions of this Subchapter will apply to the LPDES program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2763. Request for Nondisclosure of Confidential Information

A. Maintenance of Confidential Information. In accordance with R.S. 30:2030 and 30:2074(D), the following shall apply to all requests for nondisclosure of confidential information:

1. information determined to be confidential by this office shall be segregated from any information determined to be nonconfidential, provided in cases where confidential information cannot be reasonably extracted or separated from nonconfidential information, the whole document shall be confidential. Confidential information shall be maintained in a locked file separate from nonconfidential information. The file shall be labeled "confidential," with access appropriately controlled;

2. any person who seeks authorization to information that has been determined confidential must qualify under R.S 30:2030(A)(2) and be duly authorized by the administrative authority. The administrative authority shall make the determination to grant such authorization based on a request by such person. The administrative authority may request in writing the requestor's name, affiliation, and the need for access to the information based on the act or applicable federal or state law. Any person authorized under R.S. 30:2030(A)(2) who gains access to a confidential file shall sign an access log that indicates his understanding of the confidential status and his responsibility to protect the information from being disclosed to the public. The person shall also indicate in the access log which file was removed, the date and time the file was removed, the affiliation of the person, if not with the department, and the time and date the file was returned;

3. except for members of the department staff, authorized persons shall review a confidential file under the supervision of an office staff member. Confidential information shall be removed from the file no longer than is strictly necessary.

B. In accordance with R.S. 30:2030 and 30:2074(D), this office may remove confidential information from its files and return it to the provider when such information is no longer necessary or required for the purposes of the act, these regulations, or any order or under the terms and conditions of any license or permit, and the provider has requested such action in writing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2765. Additional LPDES Permit Application Requirements

A. In addition to the requirements in LAC 33:IX.2331.F, all applicants shall provide the following information to the administrative authority using the application form provided by the office, unless the office determines that such information is not required for the applicant's facility or activity:

1. the street location of the facility for which the application is submitted; and

2. the name and address of the owner, if different from the operator.

B. In addition to the requirements in LAC 33:I.1701 and LAC 33:IX.2331.G.1, H.1, and K.1, all applicants shall provide the following information to the administrative authority using the application form provided by the office, unless the office determines that such information is not required for the applicant's facility or activity:

1. the latitude and longitude to the nearest second;

2. the section, township, and range information or other means acceptable to the office to locate each discharge; and

3. the river mile point of the immediate receiving water body, where applicable. When the discharge is to an unnamed receiving water body, the first named water body, and the approximate distance thereto, shall be indicated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of the Secretary, LR 25:662 (April 1999).

§2767. Enforcement Actions

A. The office may take enforcement action as prescribed by state law or regulation against any person who:

1. fails to submit an application as required by law;

2. knowingly makes any false statement, representation, or certification in any application, record, report, or other documents filed with this office pursuant to the act or these regulations. Violations of this provision may subject the violator to the penalties provided for in the act for perjury or false statements;

3. fails to correct deficiencies in the application; or upon becoming aware that any relevant facts or information were omitted in a permit application or in any report to the office, fails to promptly submit such facts or information;

4. fails to take necessary action(s) to complete permit issuance such as payment of fees or publication of required notices;

5. fails to comply with any condition of the permit; or

6. fails to pay applicable fees under the provisions of LAC 33:IX.Chapter 13.

B. Exception. In cases where the application is withdrawn by the applicant, a written notification shall be provided to this office stating that no discharge or other activity that would require a permit from this office is currently taking place. Provided that the application was not made in response to previous enforcement action, the applicant is then exempt from enforcement action for causes listed under LAC 33:IX.2767.A.3 and 4.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Water Pollution Control Division, LR 23:726 (June 1997).

§2769. Additional Requirements for Permit Renewal and Termination

A. The following are causes, in addition to those found in LAC 33:IX.2387, for terminating a permit during its term or for denying a permit renewal:

1. failure to pay applicable fees under the provisions of LAC 33:IX.Chapter 13;

2. due consideration of the facility's history of violations and compliance; and/or

3. change of ownership or operational control (see LAC 33:IX.2381).

B. A notice of intent to terminate as required by LAC 33:IX.2407.C shall be sent to the permittee by certified mail.

C. An applicant may request termination of a permit and the administrative authority may grant this request without the requirement for a hearing.

D. If a permittee has a valid LPDES permit, the state administrative authority may terminate the permittee's LWDPS permit upon its own initiative or at the request of the permittee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Water Pollution Control Division, LR 23:726 (June 1997), amended by the Office of the Secretary, LR 25:662 (April 1999).

§2771. Duty to Mitigate

In addition to the requirements in LAC 33:IX.2355.D, the permittee shall 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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2773. Inspection and Entry

A. In addition to the requirements in LAC 33:IX.2355.I, the permittee shall allow the administrative authority or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. 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 these regulations. However, additional time may be granted if the inspector or the administrative authority determines that the circumstances warrant such action; and

2. have access to and copy any records that the office or its authorized representative determines are necessary for

the enforcement of these regulations. 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.

B. 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 shall proceed immediately. Further delay on the part of the permittee in allowing initiation of the sampling shall constitute a violation of these regulations.

2. At the discretion of the administrative authority, sample collection shall proceed immediately (without the additional 30 minutes described in LAC 33:IX.2773.A.1) and the inspector shall supply the permittee with a duplicate sample.

C. 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 LAC 33:IX.2773.A.2. 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.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2775. Monitoring and Recordkeeping

A. In addition to the requirements in LAC 33:IX.2355.J.3, records of monitoring information shall include:

1. the time(s) analyses were begun; and

2. the results of all quality control procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2777. Additional Requirements for Bypass and Upset Conditions

A. Bypass. In the case of an unanticipated bypass, notice shall be submitted within 24 hours (LAC 33:IX.2355.M.3.b) unless an earlier notice is required in R.S. 30:2025(J).

B. Upset. Upon becoming aware of an upset, notice shall be submitted within 24 hours (LAC 33:IX.2355.N.3.c) unless an earlier notice is required in R.S. 30:2025(J) and/or 30:2076(D).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Water Pollution Control Division, LR 23:726 (June 1997).

§2779. Fact Sheets

A. In addition to the requirements in LAC 33:IX.2413, the following information is required in all fact sheets:

1. the name of the applicant and location of the facility or activity; and

2. the name of the water body to which the discharge is made or is proposed to be made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995).

§2781. Public Notice and Availability of Information

A. In addition to the requirements in LAC 33:IX.2415, publication of the notice one time in the newspaper(s) specified by the office and submission of proof of publication will be required. The costs of publication shall be borne by the applicant.

B. 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 2763) shall be made available to the public for inspection and copying in accordance with the Public Records Act, R.S. 44:1 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Water Pollution Control Division, LR 23:726 (June 1997).

Appendix A
Primary Industry Categories

Any permit issued after June 30, 1981 to dischargers in the following categories shall include effluent limitations and a compliance schedule to meet the requirements of section 301(b)(2)(A), (C), (D), (E) and (F) of the CWA,

whether or not applicable effluent limitations guidelines have been promulgated. See LAC 33:IX.2361 and 2365.

Adhesives and Sealants

Aluminum Forming

Auto and Other Laundries

Battery Manufacturing

Coal Mining

Coil Coating

Copper Forming

Electrical and Electronic Components

Electroplating

Explosives Manufacturing

Foundries

Gum and Wood Chemicals

Inorganic Chemicals Manufacturing

Iron and Steel Manufacturing

Leather Tanning and Finishing

Mechanical Products Manufacturing

Nonferrous Metals Manufacturing

Ore Mining

Organic Chemicals Manufacturing

Paint and Ink Formulation

Pesticides

Petroleum Refining

Pharmaceutical Preparations

Photographic Equipment and Supplies

Plastics Processing

Plastic and Synthetic Materials Manufacturing

Porcelain Enameling

Printing and Publishing

Pulp and Paper Mills

Rubber Processing

Soap and Detergent Manufacturing

Steam Electric Power Plants

Textile Mills

Timber Products Processing

Appendix B

Criteria for Determining a Concentrated Animal Feeding Operation

An animal feeding operation is a concentrated animal feeding operation for purposes of LAC 33:IX.2335 if either of the following criteria are met.

1. More than the numbers of animals specified in any of the following categories are confined:

a. 1,000 slaughter and feeder cattle;

b. 700 mature dairy cattle (whether milked or dry cows);

c. 2,500 swine each weighing over 25 kilograms (approximately 55 pounds);

d. 500 horses;

e. 10,000 sheep or lambs;

f. 55,000 turkeys;

g. 100,000 laying hens or broilers (if the facility has continuous overflow watering);

h. 30,000 laying hens or broilers (if the facility has a liquid manure system);

i. 5,000 ducks; or

j. 1,000 animal units; or

2. More than the following number and types of animals are confined:

a. 300 slaughter or feeder cattle;

b. 200 mature dairy cattle (whether milked or dry cows);

c. 750 swine each weighing over 25 kilograms (approximately 55 pounds);

d. 150 horses;

e. 3,000 sheep or lambs;

f. 16,500 turkeys;

g. 30,000 laying hens or broilers (if the facility has continuous overflow watering);

h. 9,000 laying hens or broilers (if the facility has a liquid manure handling system);

i. 1,500 ducks; or

j. 300 animal units;

and either one of the following conditions are met:

i. pollutants are discharged into navigable waters through a manmade ditch, flushing system or other similar man-made device;

ii. or pollutants are discharged directly into waters of the state which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

3. Provided, however, that no animal feeding operation is a concentrated animal feeding operation as

defined above if such animal feeding operation discharges only in the event of a 25-year, 24-hour storm event.

4. Animal Unit—a unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 25 kilograms (approximately 55 pounds) multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

5. Manmade—constructed by man and used for the purpose of transporting wastes.

Appendix C
Criteria for Determining a Concentrated Aquatic Animal Production Facility

A. A hatchery, fish farm, or other facility is a concentrated aquatic animal production facility for purposes of LAC 33:IX.2337 if it contains, grows, or holds aquatic animals in either of the following categories:

1. Cold water fish species or other cold water aquatic animals in ponds, raceways, or other similar structures which discharge at least 30 days per year but does not include:

a. facilities which produce less than 9,090 harvest weight kilograms (approximately 20,000 pounds) of aquatic animals per year; and

b. facilities which feed less than 2,272 kilograms (approximately 5,000 pounds) of food during the calendar month of maximum feeding.

2. Warm water fish species or other warm water aquatic animals in ponds, raceways, or other similar structures which discharge at least 30 days per year, but does not include:

a. closed ponds which discharge only during periods of excess runoff; or

b. facilities which produce less than 45,454 harvest weight kilograms (approximately 100,000 pounds) of aquatic animals per year.

B. *Cold Water Aquatic Animals*—include, but are not limited to, the *Salmonidae* family of fish; e.g., trout and salmon.

C. *Warm Water Aquatic Animals*—include, but are not limited to, the *Ameiuride*, *Centrarchidae* and *Cyprinidae* families of fish; e.g., respectively, catfish, sunfish and minnows.

Appendix D

Permit Application Testing Requirements (LAC 33:IX.2331)

Table I. Testing Requirements for Organic Toxic Pollutants by Industrial Category for Existing Dischargers

		GC/MS Fraction[1]		
Industrial Category	**Volatile**	**Acid**	**Base/Neutral**	**Pesticides**
Adhesives and Sealants	*	*	*	
Aluminum Forming	*	*	*	
Auto and Other Laundries	*	*	*	*
Battery Manufacturing	*		*	
Coal Mining	*	*	*	*
Coil Coating	*	*	*	
Copper Forming	*	*	*	
Electric and Electronic Components	*	*	*	*
Electroplating	*	*	*	
Explosives Manufacturing		*	*	
Foundries	*	*	*	
Gum and Wood Chemicals	*	*	*	*
Inorganic Chemicals Manufacturing	*	*	*	
Iron and Steel Manufacturing	*	*	*	
Leather Tanning and Finishing	*	*	*	*
Mechanical Products Manufacturing	*	*	*	
Nonferrous Metals Manufacturing	*	*	*	*
Ore Mining	*	*	*	*
Organic Chemicals Manufacturing	*	*	*	*
Paint and Ink Formulation	*	*	*	*
Pesticides	*	*	*	*
Petroleum Refining	*	*	*	*
Parmaceutical Preparations	*	*	*	
Photographic Equipment and Supplies	*	*	*	*

Appendix D

Permit Application Testing Requirements (LAC 33:IX.2331)

Table I. Testing Requirements for Organic Toxic Pollutants by Industrial Category for Existing Dischargers

	GC/MS Fraction[1]			
Industrial Category	**Volatile**	**Acid**	**Base/Neutral**	**Pesticides**
Plastic and Synthetic Materials Manufacturing	*	*	*	*
Plastic Processing	*			
Porcelain Enameling	*		*	*
Printing and Publishing	*	*	*	*
Pulp and Paper Mills	*	*	*	*
Rubber Processing	*	*	*	
Soap and Detergent Manufacturing	*	*	*	
Steam Electric Power Plants	*	*	*	
Textile Mills	*	*	*	*
Timber Products Processing	*	*	*	*

[1] The toxic pollutants in each fraction are listed in Table II.

* Testing required.

Table II
Organic Toxic Pollutants in Each of Four Fractions
in Analysis by Gas Chromatography/Mass Spectroscopy (GS/MS)

Volatiles

1V acrolein
2V acrylonitrile
3V benzene
5V bromoform
6V carbon tetrachloride
7V chlorobenzene
8V chlorodibromomethane
9V chloroethane
10V 2-chloroethyl vinyl ether
11V chloroform
12V dichlorobromomethane
14V 1,1-dichloroethane
15V 1,2-dichloroethane
16V 1,1-dichloroethylene
17V 1,2-dichloropropane
18V 1,3-dichloropropylene
19V ethylbenezene
20V methyl bromide
21V methyl chloride
22V methylene chloride
23V 1,1,2,2-tetrachloroethane
24V tetrachloroethylene
25V toluene
26V 1,2-trans-dichloroethylene
27V 1,1,1-trichloroethane
28V 1,1,2-trichloroethane
29V trichloroethylene

31V vinyl chloride

Acid Compounds

1A 2-chlorophenol

2A 2,4-dichlorophenol

3A 2,4-dimethylphenol

4A 4,6-dinitro-o-cresol

5A 2,4-dinitrophenol

6A 2-nitrophenol

7A 4-nitrophenol

8A p-chloro-m-cresol

9A pentachlorophenol

10A phenol

11A 2,4,6-trichlorophenol

Pesticides

1P aldrin

2P alpha-BHC

3P beta-BHC

4P gamma-BHC

5P delta-BHC

6P chlordane

7P 4,4'-DDT

8P 4,4'-DDE

9P 4,4'-DDD

10P dieldrin

11P alpha-endosulfan

12P beta-endosulfan

13P endosulfan sulfate

14P endrin

15P endrin aldehyde

16P heptachlor

17P heptachlor epoxide

18P PCB-1242

19P PCB-1254

20P PCB-1221

21P PCB-1232

22P PCB-1248

23P PCB-1260

24P PCB-1016

25P toxaphene

Base/Neutral Compounds

1B acenaphthene

2B acenaphthylene

3B anthracene

4B benzidine

5B benzo(a)anthracene

6B benzo(a)pyrene

7B 3,4-benzofluoranthene

8B benzo(ghi)perylene

9B benzo(k)fluoranthene

10B bis(2-chloroethoxy)methane

11B bis(2-chloroethyl)ether

12B bis(2- chloroisopropyl)ether

13B bis(2-ethylhexyl)phthalate

14B 4-bromophenyl phenyl ether

15B butylbenzyl phthalate

16B 2-chloronaphthalene

17B 4-chlorophenyl phenyl ether

18B chrysene

19B dibenzo(a,h)anthracene

20B 1,2-dichlorobenzene

21B 1,3-dichlorobenzene

22B 1,4-dichlorobenzene

23B 3,3'-dichlorobenzidine

24B diethyl phthalate

25B dimethyl phthalate

26B di-n-butyl phthalate

27B 2,4-dinitrotoluene

28B 2,6-dinitrotoluene

29B di-n-octyl phthalate

30B 1,2-diphenylhydrazine (as azobenzene)

31B fluoranthene

32B fluorene

33B hexachlorobenzene

34B hexachlorobutadiene

35B hexachlorocyclopentadiene

36B hexachloroethane

37B indeno (1,2,3-cd)pyrene

38B isophorone

39B naphthalene

40B nitrobenzene

41B N-nitrosodimethylamine

42B N-nitrosodi-n-propylamine

43B N-nitrosodiphenylamine

44B phenanthrene

45B pyrene

46B 1,2,4-trichlorobenzene

Table III
Other Toxic Pollutants (Metals and Cyanide) and Total Phenols

Antimony, Total

Arsenic, Total

Beryllium, Total

Cadmium, Total

Chromium, Total

Copper, Total

Lead, Total

Mercury, Total

Nickel, Total

Selenium, Total

Silver, Total

Thallium, Total

Zinc, Total

Cyanide, Total

Phenols, Total

Table IV
Conventional and Nonconventional Pollutants Required To Be Tested by Existing Dischargers if Expected to be Present

Bromide

Chlorine, Total Residual

Color

Fecal Coliform

Fluoride

Nitrate-Nitrite

Nitrogen, Total Organic

Oil and Grease

Phosphorous, Total

Radioactivity

Sulfate

Sulfide

Sulfite

Surfactants

Aluminum, Total

Barium, Total

Boron, Total

Cobalt, Total

Iron, Total

Magnesium, Total

Molybdenum, Total

Manganese, Total

Tin, Total

Titanium, Total

Table V

Toxic Pollutants and Hazardous Substances

Required To Be Identified by Existing Dischargers if Expected To Be Present

Toxic Pollutants

Asbestos

Hazardous Substances

Acetaldehyde

Allyl alcohol

Allyl chloride

Amyl acetate

Aniline

Benzonitrile

Benzyl chloride

Butyl acetate

Butylamine

Captan

Carbaryl

Carbofuran

Carbon disulfide

Chlorpyrifos

Coumaphos

Cresol

Crotonaldehyde

Cyclohexane

2,4-D (2,4-Dichlorophenoxy acetic acid)

Diazinon

Dicamba

Dichlobenil

Dichlone

2,2-Dichloropropionic acid

Dichlorvos

Diethyl amine

Dimethyl amine

Dinitrobenzene

Diquat

Disulfoton

Diuron

Epichlorohydrin

Ethion

Ethylene diamine

Ethylene dibromide

Formaldehyde

Furfural

Guthion

Isoprene

Isopropanolamine Dodecylbenzenesulfonate

Kelthane

Kepone

Malathion

Mercaptodimethur

Methoxychlor

Methyl mercaptan

Methyl methacrylate

Methyl parathion

Mevinphos

Mexacarbate

Monoethyl amine

Monomethyl amine

Naled

Napthenic acid

Nitrotoluene

Parathion

Phenolsulfanate

Phosgene

Propargite

Propylene oxide

Pyrethrins

Quinoline

Resorcinol

Strontium

Strychnine

Styrene

2,4,5-T (2,4,5-Trichlorophenoxy acetic acid)

TDE (Tetrachlorodiphenylethane)

2,4,5-TP[2- (2,4,5-Trichlorophenoxy) propanoic acid]

Trichlorfon

Triethanolamine Dodecylbenzenesulfonate

Triethylamine

Trimethylamine

Uranium

Vanadium

Vinyl Acetate

Xylene

Xylenol

Zirconium

[Note 1: The Environmental Protection Agency has suspended the requirements of 40 CFR 122.21(g)(7)(ii)(A) and Table I of Appendix D (LAC 33:IX.2331.G.7.b.i and LAC 33:IX.Chapter 23.Appendix D.Table I) as they apply to certain industrial categories. The suspensions are as follows:

a. At 46 FR 2046, January 8, 1981, the Environmental Protection Agency suspended until further notice 40 CFR 122.21(g)(7)(ii)(A) (LAC 33:IX.2331.G.7.b.i) as it applies to coal mines.

b. At 46 FR 22585, April 20, 1981, the Environmental Protection Agency suspended until further notice 40 CFR 122.21(g)(7)(ii)(A) (LAC 33:IX.2332.G.7.b.i) and the corresponding portions of Item VC of the NPDES application Form 2c as they apply to:

1. Testing and reporting for all four organic fractions in the Greige Mills Subcategory of the Textile Mills industry (subpart C - Low water use processing of 40 CFR prt 410), and testing and reporting for the pesticide fraction in all other subcategories of this industrial category.

2. Testing and reporting for the volatile, base/neutral and pesticide fractions in the Base and Precious Metals Subcategory of the Ore Mining and Dressing industry (subpart B of 40 CFR part 440), and testing and reporting for all four fractions in all other subcategories of this industrial category.

3. Testing and reporting for all four GC/MS fractions in the Porcelain Enameling industry.

c. At 46 FR 35090, July 1, 1981, the Environmental Protection Agency suspended until further notice 40 CFR 122.21(g)(7)(ii)(A) (LAC 33:IX.2331.G.7.b.i) and the corresponding portions of Item VC of the NPDES application Form 2c as they apply to:

1. Testing and reporting for the pesticide fraction in the Tall Oil Rosin Subcategory (subpart D) and Rosin-Based Derivatives Subcategory (subpart F) of the Gum and Wood Chemicals industry (40 CFR part 454), and testing and reporting for the pesticide and base/neutral fractions in all other subcategories of this industrial category.

2. Testing and reporting for the pesticide fraction in the Leather Tanning and Finishing, Paint and Ink Formulation, and Photographic Supplies industrial categories.

3. Testing and reporting for the acid, base/neutral and pesticide fractions in the Petroleum Refining industrial category.

4. Testing and reporting for the pesticide fraction in the Papergrade Sulfite subcategories (subparts J and U) of the Pulp and Paper industry (40 CFR part 430); testing and reporting for the base/neutral and pesticide fractions in the following subcategories: Deink (subpart Q), Dissolving Kraft (subpart F), and Paperboard from Waste Paper (subpart E); testing and reporting for the volatile, base/neutral and pesticide fractions in the following subcategories: BCT Bleached Kraft (subpart H), Semi-Chemical (subparts B and C), and Nonintegrated-Fine Papers (subpart R); and testing and reporting for the acid, base/neutral, and pesticide fractions in the following subcategories: Fine Bleached Kraft (subpart I), Dissolving Sulfite Pulp (subpart K), Groundwood-Fine Papers (subpart O), Market Bleached Kraft (subpart G), Tissue from Wastepaper (subpart T), and Nonintegrated-Tissue Papers (subpart S).

5. Testing and reporting for the base/neutral fraction in the Once-Through Cooling Water, Fly Ash and Bottom Ash Transport Water process wastestreams of the Steam Electric Power Plant industrial category. This revision continues these suspensions. "See Note 1"]

Editorial Note: The words "This revision" refers to the document published at 48 FR 14153, April 1, 1983.

For the duration of the suspensions, therefore, Table I effectively reads:

	GC/MS Fraction[1]			
Industrial Category	**Volatile**	**Acid**	**Base/Neutral**	**Pesticides**
Adhesives and Sealants	*	*	*	
Aluminum Forming	*	*	*	
Auto and Other Laundries	*	*	*	*
Battery Manufacturing	*		*	
Coal Mining				
Coil Coating	*	*	*	
Copper Forming	*	*	*	
Electric and Electronic Components	*	*	*	*
Electroplating	*	*	*	
Explosives Manufacturing		*	*	
Foundries	*	*	*	
Gum and Wood (All Subparts except D and F)	*	*		

Industrial Category	GC/MS Fraction[1] Volatile	Acid	Base/Neutral	Pesticides
Subpart D - tall oil rosin	*	*	*	
Subpart F - rosin-based derivatives	*	*	*	
Iron and Steel Manufacturing	*	*	*	
Leather Tanning and Finishing	*	*	*	
Mechanical Products and Manufacturing	*	*	*	
Nonferrous Metal Manufacturing	*	*	*	*
Ore Mining (Applies to the base and precious metals/Subpart B)		*		
Organic Chemicals Manufacturing	*	*	*	*
Paint and Ink Formulation	*	*	*	
Pesticides	*	*	*	*
Petroleum Refining	*			
Pharmaceutical/ reparations	*	*	*	
Pharmaceutical Equipment and Supplies	*	*	*	
Plastic and Synthetic Materials Manufacturing	*	*	*	*
Plastic Processing	*			
Porcelian Enameling				
Printing and Publishing	*	*	*	*
Pulp and Paper Mills	- See Table 1.A below-			
Rubber Processing	*	*	*	
Soap and Detergent Manufacturing	*	*	*	
Steam Electric Power Plants	*	*		

Industrial Category	GC/MS Fraction[1] Volatile	Acid	Base/Neutral	Pesticides
Textile Mills (Subpart- C Griege Mills are exempt from this table)	*	*	*	
Timber Products Processing	*	*	*	*

[1] The pollutants in each fraction are listed in Item V-C in the NPDES permit application.

* Testing required.

Table 1.A
Pulp and Paperboard Mills - Exceptions

40 CFR Part 430 Subpart	GC/MS Fraction[1] Volatile	Acid	Base/Neutral	Pesticide
A	H	*	H	*
B	H	*	H	H
C	H	*	H	H
D	H	*	H	H
E	*	*	H	*
F	*	*	H	H
G	*	*	H	H
H	*	*	H	H
I	*	*	H	H
J	*	*	*	H
K	*	*	H	H
L	*	*	H	H
M	*	*	H	H
N	*	*	H	H
O	*	*	H	H
P	*	*	H	H
Q	*	*	H	*
R	H	*	H	H
S	*	*	H	*
T	*	*	H	*
U	*	*	*	H

[1] The pollutants in each fraction are listed in Item V-C in the NPDES permit application.

* Testing required.

H Do not test unless "reason to believe" it is discharged.

Appendix E
Rainfall Zones of Louisiana

(Reserved)

Appendix F
Incorporated Places With Populations Greater Than 250,000

According to Latest Decennial Census for the State of Louisiana by the Bureau of Census

Incorporated Place	New Orleans

Appendix G
Incorporated Places With Populations Greater Than 100,000 and Less Than 250,000

According to Latest Decennial Census for the State of Louisiana by the Bureau of Census

Incorporated Place	Baton Rouge
	Shreveport

Appendix H
Parishes With Unincorporated Urbanized Areas With a Population of 250,000 or More

According to the Latest Decennial Census for the State of Louisiana by the Bureau of Census

No Listings for Louisiana

Appendix I
Parishes With Unincorporated Urbanized Areas Greater Than 100,000, But Less Than 250,000

According to the Latest Decennial Census for the State of Louisiana by the Bureau of Census

Unincorporated Urbanized Parish	Jefferson
Population	140,836

Appendix J
65 Toxic Pollutants

(Reserved)

Appendix K
Industrial Categories Subject To National Categorical Pretreatment Standards

(Reserved)

Appendix L
Selected Industrial Subcategories Considered Dilute For Purposes Of The Combined Wastestream Formula

A. The following industrial subcategories considered to have dilute wastestreams for purposes of the combined wastestream formula. They either were or could have been excluded from categorical pretreatment standards pursuant to paragraph 8 of the Natural Resources Defense Council Inc. et al v. Costle Consent Decree (the decree) for one or more of the following four reasons:

1. the pollutants of concern are not detectable in the effluent from the industrial user (paragraph 8(a)(iii) of the decree);

2. the pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects (paragraph 8(a)(iii) of the decree;

3. the pollutants of concern are present in amounts too small to be effectively reduced by technologies known to the administrator or the state administrative authority (paragraph 8(a)(iii) of the decree); or

4. the wastestream contains only pollutants which are compatible with the POTW (paragraph 8(b)(i) of the decree). In some instances, different rationale were given for exclusion under paragraph 8 of the decree. However, EPA has reviewed these subcategories and has determined that exclusion could have occurred due to one of the four reasons listed in this Appendix.

B. This list includes all subcategories that have been excluded for the above-listed reasons as of October 9, 1986. It will be updated periodically for the convenience of the reader.

Auto and Other Laundries Industry (40 CFR part 444)

Carpet and Upholstery Cleaners

Coin-Operated Laundries and Dry Cleaning

Diaper Services

Dry Cleaning Plants except Rug Cleaning

Industrial Laundries

Laundry and Garment Services, (not elsewhere classified)

Linen Supply

Power Laundries, Family and Commercial

Electrical and Electronic Components[1] (40 CFR part 469)

Capacitors (Fluid Fill)

Carbon and Graphite Products

Dry Transformers

Ferrite Electronic Devices

Fixed Capacitors

Fluorescent Lamps

Fuel Cells

Incandescent Lamps

Magnetic Coatings

Mica Paper Dielectric

Motors, Generators, Alternators

Receiving and Transmitting Tubes

Resistance Heaters

Resistors

Switchgear

Transformer (Fluid Fill)

Metal Molding and Casting (40 CFR part 464)

Nickel Casting

Tin Casting

Titanium Casting

Gum and Wood Chemicals (40 CFR part 454)

Char and Charcoal Briquets

Inorganic Chemicals Manufacturing Industry (40 CFR Part 415)

Ammonium Chloride

Ammonium Hydroxide

Barium Carbonate

Calcium Carbonate

Carbon Dioxide

Carbon Monoxide and By-product Hydrogen

Hydrochloric Acid

Hydrogen Peroxide (Organic Process)

Nitric Acid

Oxygen and Nitrogen

Potassium Iodide

Sodium Chloride (Brine Mining Process)

Sodium Hydrosulfide

Sodium Hydrosulfite

Sodium Metal

Sodium Silicate

Sodium Sulfite

Sodium Thiosulfate

Sulfur Dioxide

Sulfuric Acid

Leather Industries (40 CFR part 425)

Gloves

Luggage

Paving and Roofing (40 CFR part 443)

Asphalt Concrete

Asphalt Emulsion

Linoleum

Printed Asphalt Felt

Roofing

Pulp, Paper, Paperboard, and Builders' Paper and Board Mills (40 CFR part 430 and 431)

Groundwood-Chemi-Mechanical

Rubber Manufacturing (40 CFR part 428)

Tire and Inner Tube Production

Emulsion Crumb Rubber

Solution Crumb Rubber

Latex Rubber

Small-sized General Molded, Extruded and Fabricated Rubber Plants(2)

Medium-sized General Molded, Extruded and Fabricated Rubber Plants(2)

Large-sized General Molded, Extruded and Fabricated Rubber Plants (2)

Wet Digestion and Reclaimed Rubber

Pan, Dry Digestion,and Mechanical Reclaimed Rubber

Latex Dipped, Latex-Extruded, and Latex-Molded Rubber (3)

Latex Foam (4)

Soap and Detergent Manufacturing (40 CFR part 417)

Soap Manufacture by Batch Kettle

Fatty Acid Manufacture by Fatty Acid Neutralization

Soap Manufacture by Fatty Acid Neutralization

Glycerine Concentration

Glycerine Distillation

Manufacture of Soap Flakes and Powders

Manufacture of Bar Soaps

Manufacture of Liquid Soaps

Manufacture of Spray Dried Detergents

Manufacture of Liquid Detergents

Manufacture of Dry Blended Detergents

Manufacture of Drum Dried Detergents

Manufacture of Detergent Bars and Cakes

Textile Mills (40 CFR part 410)

Apparel Manufacturing

Cordage and Twine

Padding and Upholstery Filling

Timber Products Processing (40 CFR part 429)

Barking Process

Finishing Processes

Hardboard-Dry Process

Footnotes:

(1) The Paragraph 8 of the Natural Resources Defense Council Inc. et al v. Costle Consent Decree exemption for the manufacture of products in the Electrical and Electronic components Category is for operations not covered by Electroplating/Metal Finishing pretreatment regulations (40 CFR 413/433)

(2) Except for production attributed to leadsheathed hose manufacturing operations.

(3) Except for production attributed to chromic acid form-cleaning operations.

(4) Except for production that generates zinc as a pollutant in discharge.

Appendix M
Sampling Procedures

I. COMPOSITE METHOD

A. It is recommended that influent and effluent operational data be obtained through 24-hour flow proportional composite samples. Sampling may be done manually or automatically, and discretely or continuously. If discrete sampling is employed, at least 12 aliquots should be composited. Discrete sampling may be flow proportioned either by varying the time interval between each aliquot or the volume of each aliquot. All composites should be flow proportional to either the stream flow at the time of collection of the influent aliquot or to the total influent flow since the previous influent aliquot. Volatile pollutant aliquots must be combined in the laboratory immediately before analysis.

B. Effluent sample collection need not be delayed to compensate for hydraulic detention unless the POTW elects to include detention time compensation or unless the approval authority requires detention time compensation. The approval authority may require that each effluent sample is taken approximately one detention time later than the corresponding influent sample when failure to do so would result in an unrepresentative portrayal of actual POTW operation. The detention period should be based on a 24-hour average daily flow value. The average daily flow should in turn be based on the average of the daily flows during the same month of the previous year.

II. GRAB METHOD

If composite sampling is not an appropriate technique, grab samples should be taken to obtain influent and effluent operational data. A grab sample is an individual sample collected over a period of time not exceeding 15 minutes. The collection of influent grab samples should precede the collection of effluent samples by approximately one detention period except that where the detention period is greater than 24 hours such staggering of the sample collection may not be necessary or appropriate. The detention period should be based on a 24-hour average daily flow value. The average daily flow should in turn be based upon the average of the daily flows during the same month of the previous year. Grab sampling should be employed where the pollutants being evaluated are those, such as cyanide and phenol, which may not be held for an extended period because of biological, chemical or physical interaction which take place after sample collection and affect the results.

Appendix N

Pollutants Eligible for a Removal Credit

I. Regulated Pollutants in 40 CFR Part 503 Eligible for a Removal Credit

	Use or Disposal Practice		
Pollutants	LA	SD	I
Arsenic	X	X	X
Beryllium			X
Cadmium	X		X
Chromium		X	X
Copper	X		
Lead	X		X
Mercury	X		X
Molybdenum	X		
Nickel	X	X	X
Selenium	X		

Zinc	X		
Total hydrocarbons			X[1]

Key:

LA = land application

SD = surface disposal site without a liner and leachate collection system

I = firing of sewage sludge in a sewage sludge incinerator

[1] = The following organic pollutants are eligible for a removal credit if the requirements for total hydrocarbons in subpart E in 40 CFR part 503 are met when sewage sludge is fired in a sewage sludge incinerator: Acrylonitrile, Aldrin/Dieldrin (total), Benzene, Benzidine, Benzo(a)pyrene, Bis(2-chloroethyl)ether, Bis(2-ethylhexyl)phthalate, Bromodichloromethane, Bromoethane, Bromoform, Carbon tetrachloride, Chlordane, Chloroform, Chloromethane, DDD, DDE, DDT, Dibromochloromethane, Dibutyl phthalate, 1,2-dichloroethane, 1,1-dichloroethylene, 2,4-dichlorophenol 1,3-dichloropropene, Diethyl phthalate, 2,4-dinitrophenol, 1,2-diphenylhydrazine, Di-n-butyl phthalate, Endosulfan, Endrin, Ethylbenzene, Heptachlor, Heptachlor epoxide, Hexachlorobutadiene, Alpha-hexachlorocyclohexane, Beta-hexachlorocyclohexane, Hexachlorocyclopentadiene, Hexachloroethane, Hydrogen cyanide, Isophorone, Lindane, Methylene chloride, Nitrobenzene, N-Nitrosodimethylamine, N-Nitrosodi-n-propylamine, Pentachlorophenol, Phenol, Polychlorinated biphenyls, 2,3,7,8-tetrachlorodibenzo-p-dioxin, 1,1,2,2,-tetrachloroethane, Tetrachloroethylene, Toluene, Toxaphene, Trichloroethylene, 1,2,4-Trichlorobenzene, 1,1,1-Trichloroethane, 1,1,2-Trichloroethane, and 2,4,6-Trichlorophenol.

II. Additional Pollutants Eligible for a Removal Credit (milligrams per kilogram dry weight basis)

Pollutant	Use or Disposal Practice			
		SD		
	LA	Unlined[1]	Lined[2]	I
Arsenic			[3]100	
Aldrin/Dieldrin (Total)	2.7			
Benzene	[3]16	140	3400	
Benzo(a)pyrene	15	[3]100	[3]100	
Bis(2-ethylhexyl)phthtlate		[3]100	100	
Cadmium		[3]100	[3]100	
Chlordane	86	[3]100	[3]100	
Chromium	[4]		[3]100	
Copper		[3]46	[3]100	1400
DDD, DDE, DDT (Total)	1.2	2000	2000	
2,4 Dichlorophenoxy-acetic acid		7	7	
Fluoride	730			
Heptachlor	7.4			
Hexachlorobenzene	29			
Hexachlorobutadiene	600			
Iron	[3]78			
Lead		[3]100	[3]100	
Lindane	84	[3]28	[3]28	
Malathion		0.63	0.63	
Mercury		[3]100	[3]100	
Molybdenum		40	40	
Nickel			[3]100	
N-Nitrosodimethylamine	2.1	0.088	0.088	
Pentachlorophenol	30			
Phenol		82	82	
Polychlorinated biphenyls	4.6	<50	<50	
Selenium		4.8	4.8	4.8

Toxaphene	10	[3]26	[3]26	
Trichloroethylene	[3]10	9500	[3]10	
Zinc		4500	4500	4500

Key:

LA = land application

SD = surface disposal

I = incineration.

[1] = Sewage sludge unit without a liner and leachate collection system.

[2] = Sewage sludge unit with a liner and leachate collection system.

[3] = Value expressed in grams per kilogram dry weight basis.

[4] = Value to be determined on a case-by-case basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Water Pollution Control Division, LR 23:726 (June 1997), amended LR 23:959 (August 1997).

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