JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL SERVICES

MAY 02 2019

CERTIFIED MAIL# 7005 0390 0001 6873 7446
RETURN RECEIPT REQUESTED

PERMIT NUMBER: LA0101931
AI NUMBER: 32096
ACTIVITY NUMBER: PER20170001

Clean Harbors Colfax, LLC
3763 Highway 471
Colfax, Louisiana 71417

Attention: James Childress, Vice President

Subject: Louisiana Pollutant Discharge Elimination System (LPDES) permit to discharge treated stormwater runoff from a burn pad and treated sanitary wastewater from a facility that manages explosive and reactive material by open burning or open detonation

Dear Mr. Childress:

This Office received comments from the general public in response to the public hearing and request for public comment published in **The Advocate** of Baton Rouge and **The Chronicle** of Grant Parish on May 17, 2018, and June 21, 2018, and the Department of Environmental Quality Public Notice Mailing List and Electronic Mailing List on May 21, 2018 and June 20, 2018. The Office did not receive comments from Clean Harbors Colfax, LLC. The attached Basis for Decision and Public Comments Response Summary document has the comments and responses.

Pursuant to the Clean Water Act (33 U.S.C. 1251 et seq.) and the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached LPDES permit has been issued. Provisions of this permit may be appealed in writing pursuant to La. R.S. 30:2024(A) within 30 days of receipt of this permit. A request for a hearing must be sent to the following:

Louisiana Department of Environmental Quality
Office of the Secretary
Attention: Hearings Clerk, Legal Affairs Division
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302

Upon the effective date, this permit shall replace the previously effective LPDES Permit LA0101931.

Please note that a definition for batch discharges has been added to the final permit and can be found under Permit Requirements, RLP6: Outfall 001 – Treated contact stormwater, Narrative Requirements, N-8 (Page 7 of 12).

Pursuant to LAC 33:IX.2701.L.4.a, monitoring results shall be reported to the Enforcement Division through a department-approved electronic document receiving system (NetDMR). Paper DMRs or an alternative substitute may only be utilized by the permittee if the LDEQ Enforcement Division grants a written authorization to the permittee. See the enclosed NetDMR information sheet.

Pursuant to LAC 33:IX.1309.I, LAC 33:IX.6509.A.1 and LAC 33:I.1701, you must pay any outstanding fees to the Department. Therefore, you are encouraged to verify your facility's fee status by contacting LDEQ's Office of Management and Finance, Financial Services Division at (225) 219-3863. **Any outstanding fees must be remitted via a check to the Louisiana Department of Environmental Quality within thirty (30) days after the effective date of your permit.** Failure to pay the full amount due in the manner and time prescribed could result in applicable enforcement actions as prescribed in the Environmental Quality Act, including, but not limited to revocation or suspension of the applicable permit, and/or a civil penalty against you.

Should you have any questions concerning any part of the permit, please contact Bonnie Wascom, Office of Environmental Services, Water Permits Division at the address on the preceding page or telephone (225) 219-3201. **To ensure that all correspondence regarding this facility is properly filed into the Department's Electronic Data Management System, you must reference your Agency Interest number 32096 and LPDES permit number LA0101931 on all future correspondence to this Department.**

Sincerely,

Elliott B. Vega
Assistant Secretary

bfw

Attachments (Final Permit, NetDMR Information, Response to Comments, and Basis for Decision)

c: IO-W

ec: Bonnie Wascom
Todd Franklin
Kimberly Corts
Melanie Connor
Water Permits Division

Evelyn Rosborough (6WQ-CA)
U.S. EPA, Region VI

Permit Compliance Unit
Acadiana Regional Office
Office of Environmental Compliance

Public Health Chief Engineer
Office of Public Health
Department of Health

Public Participation Group
Office of Environmental Services

Paul Andrews
Clean Harbor Environmental Services, LLC
Andrews.paul@cleanharbors.com

PERMIT NUMBER: LA0101931
AGENCY INTEREST NO.: 32096
ACTIVITY NO.: PER20170001

DEQ
LOUISIANA

OFFICE OF ENVIRONMENTAL SERVICES

Water Discharge Permit

Pursuant to the Clean Water Act, as amended (33 U.S.C. 1251 et seq.), and the Louisiana Environmental Quality Act, as amended (La. R. S. 30:2001 et seq.), rules and regulations effective or promulgated under the authority of said Acts, and in reliance on statements and representations heretofore made in the application, a Louisiana Pollutant Discharge Elimination System permit is issued authorizing

Clean Harbors Colfax, LLC
3763 Highway 471
Colfax, Louisiana 71417

Type Facility: facility that manages explosive and reactive material by open burning or open detonation

Location: 3763 Highway 471 in Colfax, Grant Parish

Receiving Waters: Outfall 001 and 002 – unnamed ditch, thence to Summerfield Branch, thence to Bayou Grappe; Outfall 003 – unnamed ditch, thence to Bayou Grappe (Subsegment 101301)

to discharge in accordance with effluent limitations and monitoring requirements, narrative requirements, other conditions, and standard conditions attached hereto.

This permit shall become effective on May 1, 2019

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

Issued on May 1, 2019

Elliott B. Vega
Assistant Secretary

GUIDANCE TO UNDERSTANDING THE WATER PERMIT FORMAT

Components of the Permit Report

1. **General Information Sheet -** A summary of the facility information, such as all permit and ID numbers, facility physical and mailing addresses, latitude/longitude at front gate, facility contacts and phone numbers, Standard Industrial Classification (SIC) and North American Industry Classification (NAICS) codes.

2. **Inventory Sheet -** Lists all SIs and descriptions, any relationships that may exist between SIs, and any alternate identification for the SIs.

3. **Permit Requirements** - Contains the Effluent Limitations and Monitoring Requirements, Submittal/Action Requirements, and Narrative Requirements Sections for each SI. The requirements for the FAC are listed after the requirements for each outfall.

   a. Effluent Limitations and Monitoring Requirements – Outfalls are listed; including Parameters, Discharge Limitations and Units, Sample Type, Frequency, and Which Months. See example below.

RLP 2 : Outfall 001 – outfall description

Parameter	Discharge Limitations								Monitoring Requirements		
	Storet	Quantity/ Loading Average	Quantity/ Loading Maximum	Quantity/ Loading Units	Quality/ Conc. Minimum	Quality/ Conc. Average	Quality/ Conc. Maximum	Quality/ Conc. Units	Frequency	Sample Type	Which Months
TSS (Total Suspended Solids)	00530	375 MO AVG		lb/day		30 MO AVG	45 WKLY AVG	mg/L	quarterly	grab sampling	All Year
Mercury – Interim ◊	71900	Report MO AVG	Report MO AVG	lb/day					quarterly	24-hr composite	All Year
Mercury – Final ◊	71900	0.00021 MO AVG	0.0005 MO AVG	lb/day					quarterly	24-hr composite	All Year

◊ - Phases

   b. Submittal/Action Requirements – All submittal actions are grouped by SI and follow the limitations and monitoring requirements section.

   c. Narrative Requirements – Other requirements that don't fall under effluent limitations and monitoring section. Grouped by SI and follow the submittal action section.

Definitions

Agency Interest (AI) - Any entity that is being regulated or is of interest to LDEQ.
Agency Interest (AI) ID – Unique numerical identifier of the AI.
FAC – Subject Item designated for requirements at the facility level.
Phases – Periods during which the associated requirement applies to the particular parameter. *For Example,* if the permit contains a compliance schedule with interim limits, this column will state the phase in which the compliance schedule of the associated requirement is applicable.
Subject Item (SI) - Components or groups of components of an AI, including the AI itself. Each SI is defined by a category and a type.
Subject Item ID - Identifier assigned sequentially to each SI within an AI. It is composed of three letters representing the category of the SI and is followed by the sequentially assigned number. *For Example,* RLP 1 & FAC 1.
TEMPO Activity Number - Each action taken for an AI. This identifier consists of a total of 11 characters, 3 letters represents the type of action followed by four digits representing the year the application was received by LDEQ, and four digits which are sequentially assigned. Example PER20130001, this would identify the activity as the *first permitting* action taken for this Agency Interest (AI) in the year ***2013;*** GEN20140001 would identify the activity as the first *general permitting* action taken for this Agency Interest (AI) in the year ***2014***.
Which Months - Denotes the months that have a particular parameter requirement. This is generally used for seasonal limitations.

General Information Sheet

AI ID: 32096 - Clean Harbors Colfax LLC

Alternate Identifiers	Name	User Group	Dates
2204300010	AFS (EPA Air Facility System)	AFS (EPA Air Facility System)	01-01-2000
1120-00010	Clean Harbors Colfax LLC	CDS Number	08-05-2002
86-0713567	Federal Tax ID	Federal Tax ID	11-21-1999
LAD981055791	Clean Harbors Colfax LLC	Hazardous Waste Notification	11-07-2005
LA0101931	LPDES #	LPDES Permit #	06-25-2003
	Priority 2 Emergency Site	Priority 2 Emergency Site	07-31-2012
G-043-14098	SW Generator ID #	Solid Waste Facility No.	03-27-2018
43120	Safety Kleen Colfax Inc	TEMPO Merge	11-27-2000
5383	Laidlaw Environmental Services	TEMPO Merge	03-06-2001

Physical Location: 3763 Hwy 471
Colfax, LA 71417

Main Phone: 3186273443

Mailing Address: 3763 Hwy 471
Colfax, LA 71417

Location of Front Gate: -92.726389 longitude, 31.573056 latitude

Related People:	Mailing Address	Work Phone	Email	Relationship
Brandon Rush	3763 Hwy 471 Colfax, LA 71417	3186273443	rush.brandon@cleanharbors.cor	Air Permit Contact For
James Childress	3763 Hwy 471 Colfax, LA 71417	6156433175		Responsible Official for
Paul Andrews	3763 Hwy 471 Colfax, LA 71417	2257783645	andrews.paul@cleanharbors.cor	Solid Waste Permit Contact for
Paul Andrews	3763 Hwy 471 Colfax, LA 71417	2257783645	andrews.paul@cleanharbors.cor	Water Permit Contact For

Related Organizations:	Mailing Address	Work Phone	Relationship
Clean Harbors Colfax LLC	3763 Hwy 471 Colfax, LA 71417		Air Billing Party for
Clean Harbors Colfax LLC	3763 Hwy 471 Colfax, LA 71417		Groundwater Billing Party for
Clean Harbors Colfax LLC	3763 Hwy 471 Colfax, LA 71417		Haz. Waste Billing Party for
Clean Harbors Colfax LLC	3763 Hwy 471 Colfax, LA 71417		Operates
Clean Harbors Colfax LLC	3763 Hwy 471 Colfax, LA 71417		Owns
Clean Harbors Colfax LLC	3763 Hwy 471 Colfax, LA 71417		Water Billing Party for

SIC Codes: 4953, Refuse systems

NAIC Codes: 562211, Hazardous Waste Treatment and Disposal

General Information Sheet

AI ID: 32096 - Clean Harbors Colfax LLC

Note: This report entitled "General Information" contains a summary of facility-level information contained in LDEQ's TEMPO database for this facility and is not considered a part of the permit. Please review the information contained in this document for accuracy and completeness. If any changes are required, or if you have questions regarding this document, please email the Permit Support Services Division at facupdate@la.gov.

PERMIT INVENTORIES

Agency Interest No.: 32096
Clean Harbors Colfax LLC
TEMPO Activity No.: PER20170001
Permit No.: LA0101931

Subject Item Inventory:

TEMPO ID	Designation	Description
FAC 0003	LA0101931	Water Agency Interest
RLP 0006	Outfall 001	Treated contact stormwater from burn-pad
RLP 0007	Outfall 002	Treated sanitary wastewater
RLP 0008	Outfall 003	Treated sanitary wastewater

PERMIT REQUIREMENTS

Agency Interest No.: 32096
Clean Harbors Colfax LLC
TEMPO Activity No.: PER20170001
Permit No.: LA0101931

RLP 6 : Outfall 001 - Treated contact stormwater from burn-pad

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

Parameter	Storet	Discharge Limitations							Monitoring Requirements		
		Quantity/ Loading Average	Quantity/ Loading Maximum	Quantity/ Loading Units	Quality/ Conc. Minimum	Quality/ Conc. Average	Quality/ Conc. Maximum	Quality/ Conc. Units	Frequency	Sample Type	Which Months
Flow, in conduit or through treatment plant	50050	Report MO AVG	Report DAILY MX	million gallons/day					once per batch during operation	measurement	All Year
1-Methyl-3-nitrobenzene	46341					Report MO AVG	Report DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
2,4,6-Trinitrotoluene	81360					Report MO AVG	Report DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
2,4-Dinitrotoluene	34611						0.1 DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
2,6-Dinitrotoluene	34626						0.1 DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
2-Amino-4,6-dinitrotoluene	78901					Report MO AVG	Report DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
2-Nitrotoluene	77394					Report MO AVG	Report DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
4-Amino-2,6-dinitrotoluene	76987					Report MO AVG	Report DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
4-Methylnitrobenzene	77395					Report MO AVG	Report DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Aluminum, Total (as AL)	01105					Report MO AVG	Report DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Antimony, Total (as Sb)	01097						0.6 DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Arsenic, Total (as As)	01002					0.072 MO AVG	0.084 DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Barium, Total (as Ba)	01007					Report MO AVG	Report DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Beryllium, Total (as Be)	01012						0.1 DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Cadmium, Total (as Cd)	01027					0.0026 MO AVG	0.006 DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Carbon, total organic	00680						50 DAILY MX	mg/l	once per batch during operation	grab sampling	All Year

RLP 6 : Outfall 001 - Treated contact stormwater from burn-pad

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

Parameter	Storet	Discharge Limitations							Monitoring Requirements		
		Quantity/ Loading Average	Quantity/ Loading Maximum	Quantity/ Loading Units	Quality/ Conc. Minimum	Quality/ Conc. Average	Quality/ Conc. Maximum	Quality/ Conc. Units	Frequency	Sample Type	Which Months
Chloride	00940					Report MO AVG	Report DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Chromium, Total (as Cr)	01034					0.014 MO AVG	0.025 DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Cobalt, Total (as Co)	01037					Report MO AVG	Report DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Copper, Total (as Cu)	01042					0.014 MO AVG	0.023 DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Cyclotrimethylenetrinitramine	81364					0.0028 MO AVG	0.0056 DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
HMX	82203					0.0031 MO AVG	0.0062 DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Iron, Total (As Fe)	01045					Report MO AVG	Report DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Lead, total (as Pb)	01051					0.009 MO AVG	0.022 DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
m-Dinitrobenzene	45622					Report MO AVG	Report DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Manganese	01055					Report MO AVG	Report DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Mercury	71900					0.00003 MO AVG	0.00006 DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Nickel, Total (as Ni)	01067						0.5 DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Nitrobenzene	34447						0.1 DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Nitroglycerin	34101					Report MO AVG	Report DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Oil and grease	00556						15 DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Pentaerythritol Tetranitrate	50572					Report MO AVG	Report DAILY MX	mg/l	once per batch during operation	grab sampling	All Year

RLP 6 : Outfall 001 - Treated contact stormwater from burn-pad

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

Parameter	Storet	Discharge Limitations							Monitoring Requirements		
		Quantity/ Loading Average	Quantity/ Loading Maximum	Quantity/ Loading Units	Quality/ Conc. Minimum	Quality/ Conc. Average	Quality/ Conc. Maximum	Quality/ Conc. Units	Frequency	Sample Type	Which Months
Perchlorate (ClO4)	61209					0.071 MO AVG	0.142 DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
pH	00400				6.0 INST MIN		9.0 INST MAX	s.u.	once per batch during operation	grab sampling	All Year
Selenium, Total (as Se)	01147						0.1 DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Silver, Total (as Ag)	01077					0.008 MO AVG	0.013 DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Solids, Total Dissolved	70295					Report MO AVG	Report DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Tetryl	51494					Report MO AVG	Report DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Thallium, Total (as Tl)	01059						0.1 DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Titanium	01152					0.022 MO AVG	0.06 DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Trinitrobenzol	73653					Report MO AVG	Report DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
TSS (Total Suspended Solids)	00530					34.8 MO AVG	113 DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Vanadium, Total (As V)	01087					Report MO AVG	Report DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Zinc, total (as Zn)	01092					0.054 MO AVG	0.082 DAILY MX	mg/l	once per batch during operation	grab sampling	All Year
Biomonitoring, Coefficient of Variation, 7-Day Chronic, Ceriodaphnia dubia	TQP3B						Report MAXIMUM	percent	quarterly	24-hr composite	All Year
Biomonitoring, Coefficient of Variation, 7-Day Chronic, Pimephales promelas	TQP6C						Report MAXIMUM	percent	quarterly	24-hr composite	All Year

RLP 6 : Outfall 001 - Treated contact stormwater from burn-pad

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

Parameter	Storet	Discharge Limitations							Monitoring Requirements		
		Quantity/ Loading Average	Quantity/ Loading Maximum	Quantity/ Loading Units	Quality/ Conc. Minimum	Quality/ Conc. Average	Quality/ Conc. Maximum	Quality/ Conc. Units	Frequency	Sample Type	Which Months
Biomonitoring, Low Flow Pass/Fail Lethality Static Renewal, 7-Day Chronic, Ceriodaphnia dubia	TLP3B				Report 7 DA MIN	Report MO AV MN		pass =0, fail = 1	quarterly	24-hr composite	All Year
Biomonitoring, Low Flow Pass/Fail Lethality Static Renewal, 7-Day Chronic, Pimephales promelas	TLP6C				Report 7 DA MIN	Report MO AV MN		pass =0, fail = 1	quarterly	24-hr composite	All Year
Biomonitoring, NOEC Lethality Static Renewal, 7-Day Chronic, Ceriodaphnia dubia	TOP3B				Report 7 DA MIN	Report MO AV MN		percent	quarterly	24-hr composite	All Year
Biomonitoring, NOEC Lethality Static Renewal, 7-Day Chronic, Pimephales promelas	TOP6C				Report 7 DA MIN	Report MO AV MN		percent	quarterly	24-hr composite	All Year
Biomonitoring, NOEC Sub-Lethality Static Renewal, 7-Day Chronic, Ceriodaphnia dubia	TPP3B				Report 7 DA MIN	Report MO AV MN		percent	quarterly	24-hr composite	All Year
Biomonitoring, NOEC Sub-Lethality Static Renewal, 7-Day Chronic, Pimephales promelas	TPP6C				Report 7 DA MIN	Report MO AV MN		percent	quarterly	24-hr composite	All Year
Biomonitoring, Pass/Fail, Static Renewal, 7-Day Chronic, Ceriodaphnia dubia	TGP3B				Report 7 DA MIN	Report MO AV MN		pass =0, fail = 1	quarterly	24-hr composite	All Year
Biomonitoring, Pass/Fail, Static Renewal, 7-Day Chronic, Pimephales promelas	TGP6C				Report 7 DA MIN	Report MO AV MN		pass =0, fail = 1	quarterly	24-hr composite	All Year
Biomonitoring, Whole Effluent Toxicity, Retest #1, Lethal	22415				Report 7 DA MIN	Report MO AV MN		pass =0, fail = 1	as needed	24-hr composite	All Year
Biomonitoring, Whole Effluent Toxicity, Retest #1, Sub-lethal	22418				Report 7 DA MIN	Report MO AV MN		pass =0, fail = 1	as needed	24-hr composite	All Year
Biomonitoring, Whole Effluent Toxicity, Retest #2, Lethal	22416				Report 7 DA MIN	Report MO AV MN		pass =0, fail = 1	as needed	24-hr composite	All Year
Biomonitoring, Whole Effluent Toxicity, Retest #2, Sub-lethal	22419				Report 7 DA MIN	Report MO AV MN		pass =0, fail = 1	as needed	24-hr composite	All Year

RLP 6 : Outfall 001 - Treated contact stormwater from burn-pad

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

Parameter	Storet	Discharge Limitations							Monitoring Requirements		
		Quantity/ Loading Average	Quantity/ Loading Maximum	Quantity/ Loading Units	Quality/ Conc. Minimum	Quality/ Conc. Average	Quality/ Conc. Maximum	Quality/ Conc. Units	Frequency	Sample Type	Which Months
Biomonitoring, Whole Effluent Toxicity, Retest #3, Lethal	51443				Report 7 DA MIN	Report MO AV MN		pass =0, fail = 1	as needed	24-hr composite	All Year
Biomonitoring, Whole Effluent Toxicity, Retest #3, Sub-lethal	51444				Report 7 DA MIN	Report MO AV MN		pass =0, fail = 1	as needed	24-hr composite	All Year

SUBMITTAL/ACTION REQUIREMENTS

S-1 LAC 33:IX.2701.L.4 For all parameters with the exception of biomonitoring: Submit Monthly Discharge Monitoring Report (DMR) : Due quarterly, by the 28th of January, April, July, and October. One DMR shall be completed per month and electronically submitted quarterly. Electronically submit (unless the state administrative authority gives written authorization to submit monitoring results in an alternative format), in accordance with LAC 33:I.2101.A & B no later than April 28th for monitoring in the months of January, February and March, no later than July 28th for monitoring in the months of April, May, and June, no later than October 28th for monitoring in the months of July, August, and September, and no later than January 28th for monitoring in the months of October, November, and December.

S-2 LAC 33:IX.2701.L.4 Biomonitoring: Submit Quarterly Discharge Monitoring Report (DMR) : Due quarterly, by the 28th of January, April, July, and October. Electronically submit (unless DEQ gives written authorization to submit monitoring results in an alternative format), in accordance with LAC 33:I.2101.A and B no later than April 28th for monitoring in the months of January, February and March, no later than July 28th for monitoring in the months of April, May, and June, no later than October 28th for monitoring in the months of July, August, and September, and no later than January 28th for monitoring in the months of October, November, and December.

NARRATIVE REQUIREMENTS

N-1 LAC 33:IX.2701.J.2 Record all monitoring results per Standard Conditions Section C.4.

N-2 LAC 33:IX.1113.B There shall be no discharge of floating or settleable solids or visible foam in other than trace amounts, or of free oil or other oily materials, or of toxic materials in quantities such as to cause toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge. There shall be no accumulation of solids in the receiving stream which has the potential to negatively impact aquatic life or hinder natural drainage.

RLP 6 : Outfall 001 - Treated contact stormwater from burn-pad

NARRATIVE REQUIREMENTS

N-3	LAC 33:IX.2701.L.4	For the following parameters list, conduct sampling and testing in accordance with EPA Method 8330B from the SW-846 manual developed for the Resource Conservation and Recovery Act program: - Cyclotrimethylenetrinitramine - HMX - 2,4,6-Trinitrotoluene - Trinitrobenzol - m-Dinitrobenzene - 2-Amino-4,6-dinitrotoluene - 2-Nitrotoluene - 1-Methyl-3-nitrobenzene) - 4-Amino-2.6-dinitrotoluene - 4-Methylnitrobenzene - Nitroglycerin - Tetryl - Pentaerythritol Tetranitrate For Perchlorate: Conduct sampling and testing in accordance with EPA Method 6850 from the SW-846 manual developed for the Resource Conservation and Recovery Act program. Conduct sampling and testing for parameters not listed above in accordance with the methods prescribed by the latest approved 40 CFR 136, Tables A, B, C, D, E, F, G.
N-4	LAC 33:IX.2701.L.4	Effluent limitations must be met before discharge to waters of the state can commence.
N-5	LAC 33:IX.2701.L.4	Discharge Monitoring Report Prepare and submit DMRs for each outfall. If you have a No Discharge Event at any of the monitoring outfall(s) during the reporting period, use a No Data Discharge Indicator (NODI) Code of "C" for electronic DMRs or mark an "X" in the No Discharge box located in the upper right corner of the paper DMR. If not submitting electronically, submit duplicate sets of DMRs (one set of originals and one set of copies) signed and certified as required by LAC 33:IX.2503.B, and all other reports (one set of originals) required by this permit, to the Department of Environmental Quality, Office of Environmental Compliance, Permit Compliance Unit, Post Office Box 4312, Baton Rouge, Louisiana 70821-4312.
N-6	LAC 33:IX.2701	See Other Conditions, Section H for additional Biomonitoring requirements.
N-7	LAC 33:IX.2701	With the exception of the bypass requirements in LAC 33:IX 2701.M and Standard Conditions, Section B.4 of this permit, the discharge of untreated stormwater is prohibited.

RLP 6 : Outfall 001 - Treated contact stormwater from burn-pad

NARRATIVE REQUIREMENTS

N-8 LAC 33:IX.2701 Batch discharges are defined as:

1. A quantity of material that is isolated from either outflow or inflow from the time it is identified as a batch, i.e. a batch accumulated for direct discharge shall be an accumulation of treated material that is then isolated from any further inflow.
2. A batch must not be discharged over a period of time in excess of 48 hours.
3. Batch contents must be adequately represented by the sample or samples taken to characterize the batch analytically. No discharges are permitted without first obtaining the necessary analytical results within outfall limits. In addition to complying with the discharge limitations prior to commencing the discharge, the discharge must also be in compliance with the discharge limitations for the duration of the discharge event.
4. Copies of the treated water analysis shall be available at the treatment site at all times. Should the permittee choose to discharge with verbal results from the laboratory, the formal laboratory report must be on file at the outfall facility no later than three (3) work days of the verbal transaction.

RLP 7 : Outfall 002 - Treated sanitary wastewater

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

Parameter	Storet	Discharge Limitations							Monitoring Requirements		
		Quantity/ Loading Average	Quantity/ Loading Maximum	Quantity/ Loading Units	Quality/ Conc. Minimum	Quality/ Conc. Average	Quality/ Conc. Maximum	Quality/ Conc. Units	Frequency	Sample Type	Which Months
Flow	74076	Report MO AVG	Report DAILY MX	gallons/day					semiannually	estimate	All Year
BOD, 5-day (20 degrees C)	00310					30 MO AVG	45 DAILY MX	mg/l	semiannually	grab sampling	All Year
Fecal coliform, general	74055					200 MO AVG	400 DAILY MX	colonies/100 ml	semiannually	grab sampling	All Year
Nitrogen, Total (As N)	00600					Report MO AVG	Report DAILY MX	mg/l	semiannually	grab sampling	All Year
pH	00400				6.0 INST MIN		9.0 INST MAX	s.u.	semiannually	grab sampling	All Year
Phosphorus, Total (as P)	00665					Report MO AVG	Report DAILY MX	mg/l	semiannually	grab sampling	All Year
TSS (Total Suspended Solids)	00530					30 MO AVG	45 DAILY MX	mg/l	semiannually	grab sampling	All Year

SUBMITTAL/ACTION REQUIREMENTS

S-1 LAC 33:IX.2701.L.4 Submit Semiannual Discharge Monitoring Report (DMR): Due semiannually, by the 28th of January and July. Electronically submit (unless DEQ gives written authorization to submit monitoring results in an alternative format), in accordance with LAC 33:I.2101.A and B no later than July 28th, for monitoring in the months of January through June, and no later than January 28th for monitoring in the months of July through December.

NARRATIVE REQUIREMENTS

N-1 LAC 33:IX.1113.B There shall be no discharge of floating or settleable solids or visible foam in other than trace amounts, nor of free oil or other oily material, nor of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge. There shall be no accumulation of solids in the drainage system as a result of this operation that has the potential to have a negative impact on aquatic life or drainage.

N-2 LAC 33:IX.2701.A Monitored at the point of discharge from the last treatment unit prior to mixing with other waters.

RLP 7 : Outfall 002 - Treated sanitary wastewater

NARRATIVE REQUIREMENTS

N-3	LAC 33:IX.2701.L.4	Discharge Monitoring Report Prepare and submit DMRs for each outfall. If you have a No Discharge Event at any of the monitoring outfall(s) during the reporting period, use a No Data Discharge Indicator (NODI) Code of "C" for electronic DMRs or mark an "X" in the No Discharge box located in the upper right corner of the paper DMR. If not submitting electronically, submit duplicate sets of DMRs (one set of originals and one set of copies) signed and certified as required by LAC 33:IX.2503.B, and all other reports (one set of originals) required by this permit, to the Department of Environmental Quality, Office of Environmental Compliance, Permit Compliance Unit, Post Office Box 4312, Baton Rouge, Louisiana 70821-4312.
N-4	LAC 33:IX.2701	Future water quality studies may indicate potential toxicity from the presence of residual chlorine in the treatment facility's effluent. Therefore, the permittee is hereby advised that a future Total Residual Chlorine Limit may be required if chlorine is used as a method of disinfection. In many cases, this becomes a NO MEASURABLE Total Residual Chlorine Limit. If such a limit were imposed, the permittee would be required to provide for dechlorination of the effluent prior to a discharge.

RLP 8 : Outfall 003 - Treated sanitary wastewater

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

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

Parameter	Storet	Discharge Limitations							Monitoring Requirements		
		Quantity/ Loading Average	Quantity/ Loading Maximum	Quantity/ Loading Units	Quality/ Conc. Minimum	Quality/ Conc. Average	Quality/ Conc. Maximum	Quality/ Conc. Units	Frequency	Sample Type	Which Months
Flow	74076	Report MO AVG	Report DAILY MX	gallons/day					semiannually	estimate	All Year
BOD, 5-day (20 degrees C)	00310					30 MO AVG	45 DAILY MX	mg/l	semiannually	grab sampling	All Year
Fecal coliform, general	74055					200 MO AVG	400 DAILY MX	colonies/100 ml	semiannually	grab sampling	All Year
Nitrogen, Total (As N)	00600					Report MO AVG	Report DAILY MX	mg/l	semiannually	grab sampling	All Year
pH	00400				6.0 INST MIN		9.0 INST MAX	s.u.	semiannually	grab sampling	All Year
Phosphorus, Total (as P)	00665					Report MO AVG	Report DAILY MX	mg/l	semiannually	grab sampling	All Year
TSS (Total Suspended Solids)	00530					30 MO AVG	45 DAILY MX	mg/l	semiannually	grab sampling	All Year

SUBMITTAL/ACTION REQUIREMENTS

S-1 LAC 33:IX.2701.L.4 Submit Semiannual Discharge Monitoring Report (DMR): Due semiannually, by the 28th of January and July. Electronically submit (unless DEQ gives written authorization to submit monitoring results in an alternative format), in accordance with LAC 33:I.2101.A and B no later than July 28th, for monitoring in the months of January through June, and no later than January 28th for monitoring in the months of July through December.

NARRATIVE REQUIREMENTS

N-1 LAC 33:IX.1113.B There shall be no discharge of floating or settleable solids or visible foam in other than trace amounts, nor of free oil or other oily material, nor of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge. There shall be no accumulation of solids in the drainage system as a result of this operation that has the potential to have a negative impact on aquatic life or drainage.

N-2 LAC 33:IX.2701.A Monitored at the point of discharge from the last treatment unit prior to mixing with other waters.

RLP 8 : Outfall 003 - Treated sanitary wastewater

NARRATIVE REQUIREMENTS

N-3	LAC 33:IX.2701.L.4	Discharge Monitoring Report Prepare and submit DMRs for each outfall. If you have a No Discharge Event at any of the monitoring outfall(s) during the reporting period, use a No Data Discharge Indicator (NODI) Code of "C" for electronic DMRs or mark an "X" in the No Discharge box located in the upper right corner of the paper DMR. If not submitting electronically, submit duplicate sets of DMRs (one set of originals and one set of copies) signed and certified as required by LAC 33:IX.2503.B, and all other reports (one set of originals) required by this permit, to the Department of Environmental Quality, Office of Environmental Compliance, Permit Compliance Unit, Post Office Box 4312, Baton Rouge, Louisiana 70821-4312.
N-4	LAC 33:IX.2701	Future water quality studies may indicate potential toxicity from the presence of residual chlorine in the treatment facility's effluent. Therefore, the permittee is hereby advised that a future Total Residual Chlorine Limit may be required if chlorine is used as a method of disinfection. In many cases, this becomes a NO MEASURABLE Total Residual Chlorine Limit. If such a limit were imposed, the permittee would be required to provide for dechlorination of the effluent prior to a discharge.

FAC 3 : LA0101931 - Water Agency Interest

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

N/A

SUBMITTAL/ACTION REQUIREMENTS

N/A

NARRATIVE REQUIREMENTS

N-1	LAC 33:IX.2707.G	Report violations of daily maximum limitations for the pollutants listed in Other Conditions orally to the Office of Environmental Compliance within 24 hours from the time you became aware of the violation followed by a written report in five days, under the provisions of Standard Conditions Section D.6.e. (3) of this permit.
N-2	LAC 33:IX.2701	Achieve compliance with the effluent limitations and monitoring requirements specified for discharges in accordance with the following schedule: Effective Date of the permit.
N-3	LAC 33:IX.2701	If the flow measurement sample type indicated is specified as "estimate," flow measurements shall not be subject to the accuracy provisions established in this permit. The daily flow value may be estimated using best engineering judgement.
N-4	LAC 33:IX.2701	Obtain prior approval from the Office of Environmental Services for any new proposed discharges at the site.
N-5	LAC 33:IX.2701.J.2	Record all monitoring results per Standard Conditions Section C.4.

OTHER CONDITIONS

In addition to the standard conditions required in all permits and listed in STANDARD CONDITIONS FOR LPDES PERMITS, the Office has established the following additional conditions in accordance with the Louisiana Water Quality Regulations.

A. This 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.

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

C. For definitions of monitoring and sampling terminology see STANDARD CONDITIONS FOR LPDES PERMITS, Section F.

D. PERMIT REOPENER CLAUSE

This permit may be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitations issued or approved under sections 301(b)(2)(C) and (D); 304(b)(2); and 307(a)(2) of the Clean Water Act or more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional water quality studies and/or TMDLs, if the effluent standard, limitations, water quality studies or TMDLs so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or

2. Controls any pollutant not limited in the permit; or

3. Require reassessment due to change in 303(d) status of waterbody; or

4. Incorporates the results of any total maximum daily load allocation, which may be approved for the receiving water body.

The Louisiana Department of Environmental Quality (LDEQ) reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDLs for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards. Therefore, prior to upgrading or expanding this facility, the permittee should contact the Department to determine the status of the work being done to establish future effluent limitations and additional permit conditions.

E. 24-hour Oral Reporting: Daily Maximum Limitation Violations

Pollutants: Outfall 001 – Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Silver, Titanium, Zinc, 2,4-Dinitrotoluene, 2,6-Dinitrotoluene, Nitrobenzene, Antimony, Beryllium, Nickel, Selenium, RDX, HMX, Perchlorate, and Thallium

F. MINIMUM QUANTIFICATION LEVEL (MQL)

POLLUTANTS	MQL (µg/L)
Arsenic	5
Cadmium	1
Chromium	10
Copper	3
Lead	2

OTHER CONDITIONS (continued)

Mercury	0.0005/0.005
Silver	0.5
Zinc	20
2,4-Dinitrotoluene	10
2,6-Dinitrotoluene	10
Nitrobenzene	10
Aluminum	2.5
Antimony	60
Beryllium	0.5
Nickel	5
Selenium	5
Thallium	0.5

The permittee may develop an effluent specific method detection limit (MDL) in accordance with Appendix B to 40 CFR Part 136 (See LAC 33:IX.4901). For any pollutant for which the permittee determines an effluent specific MDL, the permittee shall send to this Office a report containing QA/QC documentation, analytical results, and calculations necessary to demonstrate that the effluent specific MDL was correctly calculated. An effluent specific minimum quantification level (MQL) shall be determined in accordance with the following calculation:

$$MQL = 3.3 \times MDL$$

Upon written approval by this Office, the effluent specific MQL may be utilized by the permittee for all future Discharge Monitoring Report (DMR) calculations and reporting requirements.

In accordance with 40 CFR 122.44(i)(1)(iv), the permittee is required to use the most sufficiently sensitive method necessary to prove compliance with the effluent limitations. Further, be advised that all effluent testing shall be conducted utilizing EPA-approved methods from laboratories accredited to conduct the required analyses.

For Limited Parameters:

For a given parameter, if the MQL prescribed by the permit is less than the permit limitation, any EPA-approved method with a method detection level (MDL) which is equal to or less than this MQL may be utilized. In this scenario, if an individual analytical result is below the MQL, the permittee may report "0" on a discharge monitoring report (DMR).

Where the MQL prescribed by the permit is greater than the permit limitation, the permittee shall use a sufficiently sensitive EPA-approved method capable of yielding a quantifiable result which proves compliance with the limitation. If a sufficiently sensitive method is available with an MDL equal to or less than the permit limit, and the individual analytical result is less than the MDL, the permittee may report "0" on a DMR. However, some instances may occur where there is no sufficiently sensitive EPA-approved method which will yield a quantifiable result equal to or less than the permit limitation. In these cases, the permittee must submit supporting documentation indicating that they used the most sensitive method available. In this scenario, if an individual analytical result is not detectable at the MDL of the method used, the permittee must report "non-detect" on the DMR. Please note than ANY quantifiable result above the permit limitation shall be reported as an excursion.

For Report Only Parameters:

In accordance with 40 CFR 122.44(i)(1)(iv)(2), the permittee is required to use the most sufficiently sensitive method to quantify the presence of a pollutant. Therefore, the permittee must select a method with an MDL that is at or below the water quality criterion (if applicable) or the MQL, whichever is less. Please be advised that should a sufficiently sensitive method not be available, the permittee must

OTHER CONDITIONS (continued)

submit supporting documentation stating this.

For reporting purposes, if the most sensitive method is greater than the more stringent of the MQL or the water quality criteria, and the analytical result is less than the MDL, "non-detect" shall be reported on the DMR. If the method is less than or equal to the more stringent of the MQL or water quality criteria and the analytical result is less than that value, zero (0) shall be reported on the DMR.

G. STORMWATER DISCHARGES

1. This section applies to all stormwater discharges from the facility, either through permitted outfalls (treated contact stormwater) or through outfalls which are not listed in the permit or as sheet flow (non-contact stormwater).

2. Any runoff leaving the developed areas of the facility, other than the permitted outfall(s), exceeding 50 mg/L TOC, 15 mg/L Oil and Grease, or having a pH less than 6.0 or greater than 9.0 standard units shall be a violation of this permit. Any discharge in excess of these limitations, which is attributable to offsite contamination, shall not be considered a violation of this permit. A visual inspection of the facility shall be conducted and a report made annually as described in Paragraph 4 below.

3. The permittee shall prepare, implement, and maintain a Storm Water Pollution Prevention Plan (SWP3) within six (6) months of the effective date of the final permit. The terms and conditions of the SWP3 shall be an enforceable Part of the permit. EPA document 833-B-09-002 (Developing Your Stormwater Pollution Prevention Plan: A Guide for Industrial Operators) may be used as a guidance and may be obtained at the following link: https://www.epa.gov/sites/production/files/2015-11/documents/swppp_guide_industrial_2015.pdf or by ordering the publication from the National Service Center for Environmental Publications (NSCEP). Information on how to order from the NSCEP can be found on the following link: http://www2.epa.gov/nscep/retrieving-ordering-and-printing-nscep-publications.

4. The following conditions are applicable to all facilities and shall be included in the SWP3 for the facility.

   a. The permittee shall conduct an annual inspection of the facility site to identify areas contributing to the storm water discharge from developed areas of the facility and evaluate whether measures to reduce pollutant loadings identified in the SWP3 are adequate and have been properly implemented in accordance with the terms of the permit or whether additional control measures are needed.

   b. The permittee shall develop a site map that includes all areas where stormwater may contact potential pollutants or substances that can cause pollution. Any location where reportable quantities leaks or spills have previously occurred are to be documented in the SWP3. The SWP3 shall contain a description of the potential pollutant sources, including, the type and quantity of material present and what action has been taken to assure stormwater precipitation will not directly contact the substances and result in contaminated runoff.

   c. Where experience indicates a reasonable potential for equipment failure (e.g. a tank overflow or leakage), natural condition of (e.g. precipitation), or other circumstances which result in significant amounts of pollutants reaching surface waters, the SWP3 should include a prediction of the direction, rate of flow and total quantity of pollutants which could be discharged from the facility as a result of each condition or circumstance.

OTHER CONDITIONS (continued)

d. The permittee shall 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 SWP3 and the permit, and identifying any incidents of noncompliance. The summary report should contain, at a minimum, the date and time of inspection, name of inspector(s), conditions found, and changes to be made to the SWP3.

e. The summary report and the following certification shall be signed in accordance with LAC 33:IX.2503. The summary report is to be attached to the SWP3 and provided to the Department upon request.

"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."

Signatory requirements for the certification may be found in Standard Conditions, Section D.10 of this permit.

f. The permittee shall make available to the Department, upon request, a copy of the SWP3 and any supporting documentation.

5. The following shall be included in the SWP3, if applicable.

a. The permittee shall utilize all reasonable methods to minimize any adverse impact on the drainage system including but not limited to:

i. maintaining adequate roads and driveway surfaces;
ii. removing debris and accumulated solids from the drainage system; and
iii. cleaning up immediately any spill by sweeping, absorbent pads, or other appropriate methods.

b. All spilled product and other spilled wastes shall be immediately cleaned up and disposed of according to all applicable regulations, Spill Prevention and Control (SPC) plans or Spill Prevention Control and Countermeasures (SPCC) plans. Use of detergents, emulsifiers, or dispersants to clean up spilled product is prohibited except where necessary to comply with State or Federal safety regulations (i.e., requirement for non-slippery work surface). In all such cases, initial cleanup shall be done by physical removal and chemical usage shall be minimized.

c. All equipment, parts, dumpsters, trash bins, petroleum products, chemical solvents, detergents, or other materials exposed to stormwater shall be maintained in a manner which prevents contamination of stormwater by pollutants.

d. All waste fuel, lubricants, coolants, solvents, or other fluids used in the repair or maintenance of vehicles or equipment shall be recycled or contained for proper disposal. Spills of these materials are to be cleaned up by dry means

OTHER CONDITIONS (continued)

whenever possible.

e. All storage tank installations (with a capacity greater than 660 gallons for an individual container, or 1,320 gallons for two or more containers in aggregate within a common storage area) shall be constructed so that a secondary means of containment is provided for the entire contents of the largest tank plus sufficient freeboard to allow for precipitation. Diked areas should be sufficiently impervious to contain spills.

f. All diked areas surrounding storage tanks or stormwater collection basins shall be free of residual oil or other contaminants so as to prevent the accidental discharge of these materials in the event of flooding, dike failure, or improper draining of the diked area. All drains from diked areas shall be equipped with valves that shall be kept in the closed condition except during periods of supervised discharge.

g. All check valves, tanks, drains, or other potential sources of pollutant releases shall be inspected and maintained on a regular basis to assure their proper operation and to prevent the discharge of pollutants.

h. The permittee shall assure compliance with all applicable regulations promulgated under the Louisiana Solid Waste and Resource Recovery Law and the Hazardous Waste Management Law (L.R.S. 30:2151, etc.). Management practices required under above regulations shall be referenced in the SWP3.

i. The permittee shall amend the SWP3 whenever there is a change in the facility or change in the operation of the facility that materially increases the potential for the ancillary activities to result in a discharge of significant amounts of pollutants.

j. If the SWP3 proves to be ineffective in achieving the general objectives of preventing the release of significant amounts of pollutants to water of the state, then the specific objectives and requirements of the SWP3 shall be subject to modification to incorporate revised SWP3 requirements.

6. **Other Controls:** There shall be no discharge of floating or settleable solids or visible foam in other than trace amounts, nor of free oil or other oil materials, nor of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge. Off-site vehicle tracking of raw, final, or waste materials or sediments, and the generation of dust must be minimized. Tracking or blowing of raw, final or waste materials from areas of no exposure to exposed areas must be minimized. As appropriate to protect the stream bed, velocity dissipation devices must be placed at discharge location and along the length of any outfall channel to provide a non-erosive flow velocity from the structure to a water course so that natural physical and biological characteristics and functions are maintained and protected (e.g. no significant changes in the hydrological regime of the receiving water).

H. **WHOLE EFFLUENT TOXICITY TESTING (7-DAY CHRONIC NOEC: FRESHWATER)**

It is unlawful and a violation of this permit for a permittee or the designated agent, to manipulate test samples in any manner, to delay sample shipment, or to terminate or to cause to terminate a toxicity test. Once initiated, all toxicity tests must be completed unless specific authority has been granted by the Louisiana Department of Environmental Quality.

OTHER CONDITIONS (continued)

1. **SCOPE AND METHODOLOGY**

a. The permittee shall test the effluent for toxicity in accordance with the provisions in this section.

APPLICABLE TO OUTFALL(S) AND SPECIES:	**OUTFALL 001– CE[1]** **OUTFALL 001– PI[2]**
CRITICAL DILUTION:	**89%**
EFFLUENT DILUTION SERIES:	**28%, 37%, 50%, 66%, and 89%**
SAMPLE TYPE:	**24-Hour Composite**
TEST SPECIES/METHODS:	**40 CFR Part 136**

Ceriodaphnia dubia chronic static renewal survival and reproduction test, Method 1002.0, EPA-821-R-02-013, or the most recent update thereof. This test should be terminated when 60% of the surviving females in the control produce three broods or at the end of eight days, whichever comes first.

Pimephales promelas (Fathead minnow) chronic static renewal 7-day larval survival and growth test, Method 1000.0, EPA-821-R-02-013, or the most recent update thereof. A minimum of five (5) replicates with ten (10) organisms per replicate must be used in the control and in each effluent dilution of this test.

b. The survival NOEC (No Observed Effect Concentration) is defined as the greatest effluent dilution at and below which lethality that is statistically different from the control (0% effluent) at the 95% confidence level does not occur. The NOEC for growth or reproduction is defined as the greatest effluent dilution at and below which sub-lethality that is statistically different from the control (0% effluent) at the 95% confidence level does not occur.

c. This permit may be reopened to require whole effluent toxicity limits, chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.

d. Lethal test failure is defined as a demonstration of a statistically significant lethal effect at test completion to a test species at or below the critical dilution. Sub-lethal test failure is defined as a demonstration of a statistically significant sub-lethal effect (i.e., growth or reproduction) at test completion to a test species at or below the critical dilution.

2. **PERSISTENT LETHAL and/or SUB-LETHAL EFFECTS**

The requirements of this section apply only when a toxicity test demonstrates significant lethal and/or sub-lethal effects at or below the critical dilution.

If any valid test demonstrates significant lethal or sub-lethal effects to a test species at or below the critical dilution, the frequency of testing for that species is automatically increased to once per quarter for the term of the permit.

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[1] CE = Ceriodaphnia dubia
[2] PI = Pimephales promelas

OTHER CONDITIONS (continued)

a. The permittee shall conduct a total of three (3) additional tests for any species that demonstrates statistically significant lethal or sub-lethal toxic effects at the critical dilution or lower effluent dilutions. The additional tests shall be conducted monthly during the next three consecutive months in which a discharge occurs to determine if toxicity is persistent or occurs on a periodic basis. The purpose of this testing is to determine whether toxicity is present at a level and frequency that will provide toxic sample results to use in performing a Toxicity Reduction Evaluation (TRE). If no additional test failures occur during the retest monitoring period, the testing frequency will be once per quarter for the term of the permit or until another test failure occurs. The permittee may substitute one of the additional tests in lieu of one routine toxicity test. A full report shall be prepared for each test required by this section in accordance with procedures outlined in item 4 of this section and attached to the NetDMR submittal for that period for the permitting authority to review.

b. IF LETHAL EFFECTS HAVE BEEN DEMONSTRATED: If any of the valid additional tests demonstrates significant lethal effects at or below the critical dilution, the permittee shall initiate Toxicity Reduction Evaluation (TRE) requirements as specified in item 6 of this section. The permittee shall notify the Department of Environmental Quality, Office of Environmental Services – Water Permits Division-General and Municipal Permits Section in writing within 5 days of the failure of any retest, and the TRE initiation date will be the test completion date of the first failed retest. A TRE may also be required due to a demonstration of intermittent lethal effects at or below the critical dilution, or for failure to perform the required retests.

c. IF ONLY SUB-LETHAL EFFECTS HAVE BEEN DEMONSTRATED: If any two of the three valid additional tests demonstrate significant sub-lethal effects at 75% effluent dilution or lower, the permittee shall initiate the Toxicity Reduction Evaluation (TRE) requirements (emphasizing investigations pertaining to sub-lethal toxicity) as specified in Item 6 of this section. The permittee shall notify the Department of Environmental Quality, Office of Environmental Services – Water Permits Division – General and Municipal Permits Section in writing within 5 days of the failure of any retest, and the TRE initiation date will be the test completion date of the second failed retest. A TRE concentrating on sub-lethal effects may also be required for failure to perform the required tests.

d. The provisions of item 2.a are suspended upon submittal of the **TRE Action Plan**.

3. **REQUIRED TOXICITY TESTING CONDITIONS**

a. Test Acceptance

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied, including the following additional criteria:

i. The toxicity test control (0% effluent) must have survival equal to or greater than 80%.

ii. The mean number of Ceriodaphnia dubia neonates produced per surviving female in the control (0% effluent) must be 15 or more.

iii. 60% of the surviving control females must produce three broods.

iv. The mean dry weight of surviving Fathead minnow larvae at the end of the 7 days in the control (0% effluent) must be 0.25 mg per larva or greater.

v. The percent coefficient of variation between replicates shall be 40% or less in the

OTHER CONDITIONS (continued)

control (0% effluent) for: the young of surviving females in the Ceriodaphnia dubia reproduction test; the growth and survival endpoints of the Fathead minnow test.

vi. The percent coefficient of variation between replicates shall be 40% or less in the critical dilution, unless significant lethal or nonlethal effects are exhibited for: the young of surviving females in the Ceriodaphnia dubia reproduction test; the growth and survival endpoints of the Fathead minnow test.

Test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%. A repeat test shall be conducted within the required reporting period of any test determined to be invaiid. Tests deemed invalid per the requirements of item 3 will not be considered failures.

b. Statistical Interpretation

i. For the Ceriodaphnia dubia survival test, the statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be Fisher's Exact Test as described in EPA-821-R-02-013, or the most recent update thereof.

If the conditions of Test Acceptability are met in Item 3.a above and the percent survival of the test organism is equal to or greater than 80% in the critical dilution and all lower dilution concentrations, the test shall be considered to be a passing test, and the permittee shall report a survival NOEC of not less than the critical dilution for the DMR reporting requirements found in Item 4 below.

ii. For the Ceriodaphnia dubia reproduction test and the Fathead minnow larval survival and growth test, the statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be in accordance with the methods for determining the No Observed Effect Concentration (NOEC) as described in EPA-821-R-02-013, or the most recent update thereof.

c. Dilution Water

i. Dilution water used in the toxicity tests will be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar pH, hardness and alkalinity to the closest downstream perennial water for;

A. toxicity tests conducted on effluent discharges to receiving water classified as intermittent streams; and

B. toxicity tests conducted on effluent discharges where no receiving water is available due to zero flow conditions.

ii. If the receiving water is unsatisfactory as a result of instream toxicity (fails to fulfill the test acceptance criteria of item 3.a), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:

A. a synthetic dilution water control which fulfills the test acceptance requirements of item 3.a was run concurrently with the receiving water control;

OTHER CONDITIONS (continued)

B. the test indicating receiving water toxicity has been carried out to completion (i.e., 7 days);

C. the permittee includes all test results indicating receiving water toxicity with the full report and information required by item 4 below; and

D. the synthetic dilution water shall have a pH, hardness and alkalinity similar to that of the receiving water or closest downstream perennial water not adversely affected by the discharge, provided the magnitude of these parameters will not cause toxicity in the synthetic dilution water.

d. Samples and Composites

i. The permittee shall collect a minimum of three flow-weighted 24-hour composite samples from the outfall(s) listed at item 1.a above. A 24-hour composite sample consists of a minimum of 4 effluent portions collected at equal time intervals representative of a 24-hour operating day and combined proportional to flow or a sample continuously collected proportional to flow over a 24-hour operating day.

ii. The permittee shall collect second and third 24-hour composite samples for use during 24-hour renewals of each dilution concentration for each test. The permittee must collect the 24-hour composite samples such that the effluent samples are representative of any periodic episode of chlorination, biocide usage or other potentially toxic substance discharged on an intermittent basis.

iii. The permittee must collect the 24-hour composite samples so that the maximum holding time for any effluent sample shall not exceed 72 hours. The permittee must have initiated the toxicity test within 36 hours after the collection of the last portion of the first 24-hour composite sample. Samples shall be chilled to 0-6 degrees Centigrade during collection, shipping and/or storage.

iv. If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions and the sample holding time are waived during that sampling period. However, the permittee must collect an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days if the discharge occurs over multiple days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in item 4 of this section.

4. REPORTING

a. A valid test must be completed and test results must be submitted for each species during each Monitoring Period. The permittee shall prepare a full report of the results of all tests conducted pursuant to this section in accordance with the Report Preparation Section of EPA-821-R-02-013, or the most current publication, for every valid or invalid toxicity test initiated whether carried to completion or not. The permittee shall retain each full report pursuant to the provisions of Standard Conditions, Section C of this permit. For any test which fails, is considered invalid, or which is terminated early for any reason, the full report must be submitted for agency review. **Any available information relevant to the test failure (e.g., faulty equipment, severe weather conditions) should be included in this report to assist the**

OTHER CONDITIONS (continued)

agency in assessing appropriate controls to prevent future toxic discharges. The permittee shall submit the first full report to the following address:

Department of Environmental Quality
Office of Environmental Compliance
P.O. Box 4313
Baton Rouge, Louisiana 70821-4312
Attn: Permits Compliance Unit

b. The permittee shall submit the results of each valid toxicity test on the DMR for that Monitoring Period in accordance with Standard Conditions Section D.4 and the DMR Monitoring Period schedule contained in submittal/action requirement of this permit.. Attach retest information clearly marked as such to the NetDMR submital for the Monitoring Period in which the retest occurred. Only results of valid tests are to be reported on the NetDMR submittal. The permittee shall attach the Table 1 Summary Sheet to the NetDMR submittal with each valid test.

i. Pimephales promelas (Fathead Minnow)

A. If the No Observed Effect Concentration (NOEC) for survival is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TLP6C.

B. Report the NOEC value for survival, Parameter No. TOP6C.

C. Report the NOEC value for growth, Parameter No. TPP6C.

D. If the No Observed Effect Concentration (NOEC) for growth is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TGP6C.

E. Report the highest (critical dilution or control) Coefficient of Variation, Parameter No. TQP6C.

ii. Ceriodaphnia dubia

A. If the NOEC for survival is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TLP3B.

B. Report the NOEC value for survival, Parameter No. TOP3B.

C. Report the NOEC value for reproduction, Parameter No. TPP3B.

D. If the No Observed Effect Concentration (NOEC) for reproduction is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TGP3B.

E. Report the highest (critical dilution or control) Coefficient of Variation, Parameter No. TQP3B.

iii. The permittee shall report the following results for all VALID toxicity retests on the NetDMR submittal for that Monitoring Period.

A. Retest #1 (STORET 22415): If the first monthly retest following failure of a routine test for either test species results in an NOEC for survival less than the critical dilution, report a "1"; otherwise, report a "0".

Retest #1 (STORET 22418): If the first monthly retest following failure of a

OTHER CONDITIONS (continued)

routine test for either test species results in an NOEC for growth or reproduction that is less than the critical dilution, report a "1"; otherwise, report a "0".

B. Retest #2 (STORET 22416): If the second monthly retest following failure of a routine test for either test species results in an NOEC for survival less than the critical dilution, report a "1"; otherwise, report a "0".

Retest #2 (STORET 22419): If the second monthly retest following failure of a routine test for either test species results in an NOEC for growth or reproduction that is less than the critical dilution, report a "1"; otherwise, report a "0".

C. Retest #3 (STORET 51443): If the third monthly retest following failure of a routine test for either test species results in an NOEC for survival less than the critical dilution, report a "1"; otherwise, report a "0".

Retest #3 (STORET 51444): If the third monthly retest following failure of a routine test for either test species results in an NOEC for growth or reproduction that is less than the critical dilution, report a "1"; otherwise, report a "0".

If, for any reason, a retest cannot be performed during the Monitoring Period in which the triggering routine test failure is experienced, the permittee shall attach a report on the following Monitoring Period's NetDMR submittal denoting the attachment as a retest.. If retesting is not required during a given Monitoring Period, the permittee shall use the No Data Discharge Indicator (NODI) Code of "C" on corresponding electronic submittals.

The permittee shall attach the toxicity testing information contained in Table 1 of this permit with the NetDMR submittal subsequent to each and every toxicity test Monitoring Period.

5. MONITORING FREQUENCY REDUCTION

a. Upon successfully passing the first four consecutive quarters of WET testing after permit issuance/reissuance and in the absence of subsequent lethal and/or sub-lethal toxicity for one or both test species at or below the critical dilution, the permittee may apply for a testing frequency reduction. **This request must be submitted to the Water Permits Division-General and Municipal Permits Section at Department of Environmental Quality, Office of Environmental Service, P.O. Box 4313, Baton Rouge, Louisiana 70821-4312.** If granted, the monitoring frequency for that test species may be reduced to not less than once per year for the less sensitive species (usually the Fathead minnow) and not less than twice per year for the more sensitive test species (usually the Ceriodaphnia dubia).

b. CERTIFICATION - The permittee must certify in writing that no test failures have occurred and that all tests meet all test acceptability criteria in item 3.a above. In addition, the permittee must provide a list with each test performed including test initiation date, species, NOECs for lethal and sub-lethal effects, and the maximum coefficient of variation for the controls. Upon review and acceptance of this information the agency will issue a letter of confirmation of the monitoring frequency reduction. A copy of the letter will be forwarded to the agency's Permit Compliance Unit to update the permit reporting requirements.

c. This monitoring frequency reduction applies only until the expiration date of this permit, at which time the Monitoring Frequency/Monitoring Period for both test species reverts to once per

OTHER CONDITIONS (continued)

quarter until the permit is re-issued.

d. LETHAL AND/OR SUB-LETHAL FAILURES - If any test fails the lethal and/or sub-lethal endpoint at any time during the term of this permit, three monthly retests are required and the monitoring frequency for the affected test species shall be increased to once per quarter until the permit is re-issued. Monthly retesting is not required if the permittee is performing a TRE.

6. **TOXICITY REDUCTION EVALUATION (TRE)**

a. The permittee shall submit a **Toxicity Reduction Evaluation (TRE) Action Plan and Schedule** for conducting a TRE for the following:

i. If lethal effects have been demonstrated: within (90) days of confirming lethality in any retest; or

ii. If only sub-lethal effects have been demonstrated: within (90) days of confirming sub-lethality at 75% effluent dilution or lower in any two out of three retests.

The **TRE Action Plan** shall specify the approach and methodology to be used in performing the TRE. A Toxicity Reduction Evaluation is an investigation intended to determine those actions necessary to achieve compliance with water quality-based effluent requirements and/or chemical-specific limits by reducing an effluent's toxicity (includes sub-lethal toxicity, if applicable) to an acceptable level. A TRE is defined as a step-wise process which combines toxicity testing and analyses of the physical and chemical characteristics of a toxic effluent to identify the constituents causing effluent lethal and/or sub-lethal toxicity and/or treatment methods which will reduce the effluent toxicity. The **TRE Action Plan** shall lead to the successful elimination of effluent lethal and/or sub-lethal toxicity at the critical dilution and include the following:

i. Specific Activities. The plan shall detail the specific approach the permittee intends to utilize in conducting the TRE. The approach may include toxicity characterizations, identifications and confirmation activities, source evaluation, treatability studies, or alternative approaches. When the permittee conducts Toxicity Characterization Procedures the permittee shall perform multiple characterizations and follow the procedures specified in the documents **"Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures" (EPA-600/6-91/003)** and **"Toxicity Identification Evaluation: Characterization of Chronically Toxic Effluents, Phase I" (EPA-600/6-91/005)**, or alternate procedures. When the permittee conducts Toxicity Identification Evaluations and Confirmations, the permittee shall perform multiple identifications and follow the methods specified in the documents **"Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/080)** and **"Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/081)**, as appropriate;

The documents referenced above may be obtained through the National Technical Information Service (NTIS) by phone at 1-800-553-6847, or by writing:

U.S. Department of Commerce
National Technical Information Service
5285 Port Royal Road
Springfield, VA 22161

OTHER CONDITIONS (continued)

ii. Sampling Plan (e.g., locations, methods, holding times, chain of custody, preservation, etc.). The effluent sample volume collected for all tests shall be adequate to perform the toxicity test, toxicity characterization, identification and confirmation procedures, and conduct chemical specific analyses when a probable toxicant has been identified;

Where the permittee has identified or suspects specific pollutant(s) and/or source(s) of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical specific analyses for the identified and/or suspected pollutant(s) and/or source(s) of effluent toxicity. Where lethality was demonstrated within 48 hours of test initiation, each 24-hour composite sample shall be analyzed independently. Otherwise the permittee may substitute a composite sample, comprised of equal portions of the individual 24-hour composite samples, for the chemical specific analysis;

iii. Quality Assurance Plan (e.g., QA/QC implementation, corrective actions, etc.); and

iv. Project Organization (e.g., project staff, project manager, consulting services, etc.).

b. The permittee shall initiate the **TRE Action Plan** within thirty (30) days of plan and schedule submittal. The permittee shall assume all risks for failure to achieve the required toxicity reduction.

c. The permittee shall submit a quarterly **TRE Activities Report**, with the Discharge Monitoring Report in the months of January, April, July, and October, containing information on toxicity reduction evaluation activities including:

i. any data and/or substantiating documentation which identify the pollutant(s) and/or source(s) of effluent lethal and/or sub-lethal toxicity;

ii. any studies/evaluations and results on the treatability of the facility's effluent lethal and/or sub-lethal toxicity; and

iii. any data which identify effluent toxicity control mechanisms that will reduce effluent toxicity to achieve compliance with permit biomonitoring requirements and/or chemical-specific limits.

The **TRE Activities Report** shall be submitted to the following address:

Department of Environmental Quality
Office of Environmental Service
P.O. Box 4313
Baton Rouge, Louisiana 70821-4312
Attn: General and Municipal Permits Section

d. The permittee shall submit a Final Report on Toxicity Reduction Evaluation Activities no later than twenty-eight (28) months from confirming lethality and/or sub-lethality (if applicable) in the retests, which provides information pertaining to the specific control mechanism selected that will, when implemented, result in the permittee achieving compliance with permit biomonitoring requirements and/or chemical-specific limits. The report will also provide a specific corrective action schedule for implementing the selected control mechanism.

A copy of the Final Report on Toxicity Reduction Evaluation Activities shall also be submitted to the above addresses.

e. Quarterly testing during the TRE is a minimum monitoring requirement. LDEQ recommends that permittees required to perform a TRE not rely on quarterly testing alone to ensure success

OTHER CONDITIONS (continued)

in the TRE, and that additional screening tests be performed to capture toxic samples for identification of toxicants. At the end of the TRE, LDEQ will consider all information submitted and establish appropriate controls to prevent future toxic discharges, including WET and/or chemical-specific limits per state regulations at LAC 33:IX.2707.D.1.e.

TABLE 1
SUMMARY SHEET
Ceriodaphnia dubia SURVIVAL AND REPRODUCTION TEST

PERMITTEE:_____
FACILITY SITE:_____LPDES PERMIT NUMBER:_____
OUTFALL IDENTIFICATION:_____
OUTFALL SAMPLE IS FROM _____SINGLE _____MULTIPLE DISCHARGE
BIOMONITORING LABORATORY:_____
DILUTION WATER USED:_____RECEIVING WATER _____LAB WATER
CRITICAL DILUTION _____% DATE TEST INITIATED_____

1. LOW-FLOW LETHALITY:

Is the mean survival at 7 days significantly less (p=0.05) than the control survival at the low-flow or critical dilution? _____Yes _____No

PERCENT SURVIVAL - Ceriodaphnia

TIME OF READING	PERCENT EFFLUENT					
	0 %	%	%	%	%	%
24-HOUR						
48-HOUR						
7-DAY						

2. LOW-FLOW SUB-LETHALITY:

Is the mean number of young produced per female at 7 days significantly less (p=0.05) than the control's number of young per female for the low-flow or critical dilution? _____Yes _____No

NUMBER OF YOUNG PRODUCED PER FEMALE @ 7 DAYS - Ceriodaphnia

REPLICATE	PERCENT EFFLUENT					
	0 %	%	%	%	%	%
A B C D E F G H I J						
Mean No. of young						
CV%*						

* Coefficient of variation = Standard Deviation * 100/mean

3. Are the test results to be considered valid? _____Yes _____No
If _X_no (test invalid) , what reasons for invalidity?

4. Is this a retest of a previous invalid test? _____Yes _____No
Is this a retest of a previous test failure? _____Yes _____No

5. Enter percent effluent corresponding to each NOEC (No Observed Effect Concentration) for Ceriodaphnia:

a. NOEC SURVIVAL = _____% effluent

b. NOEC REPRODUCTION = _____% effluent

TABLE 1
SUMMARY SHEET
Pimephales promelas ("fathead minnow") SURVIVAL AND GROWTH TEST

PERMITTEE:_____
FACILITY SITE:_____LPDES PERMIT NUMBER:_____
OUTFALL IDENTIFICATION:_____
OUTFALL SAMPLE IS FROM _____SINGLE _____MULTIPLE DISCHARGE
BIOMONITORING LABORATORY:_____
DILUTION WATER USED:_____RECEIVING WATER _____LAB WATER
CRITICAL DILUTION _____% DATE TEST INITIATED_____

1. LOW-FLOW LETHALITY:

Is the mean survival at 7 days significantly less (p=0.05) than the control survival at the low-flow or critical dilution?_____Yes _____No

PERCENT SURVIVAL - Pimephales

PERCENT EFFLUENT	% SURVIVAL / REPLICATES					MEAN % SURVIVAL			CV%
	A	B	C	D	E	24-HR	48-HR	7 DAY	
0%									
%									
%									
%									
%									
%									

2. LOW-FLOW SUB-LETHALITY:

Is the mean dry weight (growth) at 7 days significantly less (p=0.05) than the control's dry weight (growth) for the low-flow or critical dilution? _____Yes _____No

DATA TABLE FOR GROWTH - Pimephales

PERCENT EFFLUENT	AVERAGE DRY WEIGHT IN MILLIGRAMS IN REPLICATE CHAMBERS					MEAN DRY WEIGHT	CV%*
	A	B	C	D	E		
0%							
%							
%							
%							
%							
%							

* Coefficient of variation – standard deviation x 100/mean

3. Are the test results to be considered valid? _____Yes _____No
If _X_no (test invalid) , what reasons for invalidity?

4. Is this a retest of a previous invalid test? _____Yes _____No
Is this a retest of a previous test failure? _____Yes _____No

5. Enter percent effluent corresponding to each NOEC (No Observed Effect Concentration) for Pimephales:

a. NOEC SURVIVAL = _____% effluent

b. NOEC GROWTH = _____% effluent

STANDARD CONDITIONS FOR LPDES PERMITS

SECTION A. GENERAL CONDITIONS

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

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

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

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

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

   b. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions, or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

5. Duty to Reapply
   a. Individual Permits. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The new application shall be submitted at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the state administrative authority. (The state administrative authority shall not grant permission for applications to be submitted later than the expiration date of the existing permit.) Continuation of expiring permits shall be governed by regulations promulgated at LAC 33:IX.2321 and any subsequent amendments.

b. General Permits. General permits expire five years after the effective date. The 180-day reapplication period as defined above is not applicable to general permit authorizations. Reissued general permits may provide automatic coverage for permittees authorized under the previous version of the permit, and no new application is required. Requirements for obtaining authorization under the reissued general permit will be outlined in Part I of the new permit. Permittees authorized to discharge under an expiring general permit should follow the requirements for obtaining coverage under the new general permit to maintain discharge authorization.

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

a. Noncompliance by the permittee with any condition of the permit;

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

c. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;

d. A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge;

e. Failure to pay applicable fees under the provisions of LAC 33: IX. Chapter 13;

f. Change of ownership or operational control.

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

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

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

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

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

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

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

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

14. Facilities Requiring Approval from Other State Agencies
In accordance with La. R.S.40.4(A)(6) the plans and specifications of all sanitary sewerage treatment systems, both public and private, must be approved by the Department of Health and Hospitals state health officer or his designee. It is unlawful for any person, firm, or corporation, both municipal and private to operate a sanitary sewage treatment facility without proper authorization from the state health officer.

In accordance with La. R.S.40.1149, it is unlawful for any person, firm or corporation, both municipal and private, operating a sewerage system to operate that system unless the competency of the operator is duly certified by the Department of Health and Hospitals state health officer. Furthermore, it is unlawful for any person to perform the duties of an operator without being duly certified.

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

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

SECTION B. PROPER OPERATION AND MAINTENANCE

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

2. Duty to Mitigate
The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. The permittee shall also take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

3. Proper Operation and Maintenance
   a. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of 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.

b. The permittee shall provide an adequate operating staff which is duly qualified to carry out operation, maintenance and other functions necessary to ensure compliance with the conditions of this permit.

4. Bypass of Treatment Facilities
   a. ***Bypass***. The intentional diversion of waste streams from any portion of a treatment facility.

   b. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section B.4.c. and 4.d of these standard conditions.

   c. Notice
      (1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Office of Environmental Services, Water Permits Division, if possible at least ten days before the date of the bypass.

      (2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in LAC 33:IX.2701.L.6 (24-hour notice) and Section D.6.e. of these standard conditions.

   d. Prohibition of bypass
      (1) Bypass is prohibited, and the state administrative authority may take enforcement action against a permittee for bypass, unless:

         (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

         (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate 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,

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

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

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

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

   c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
      (1) An upset occurred and that the permittee can identify the cause(s) of the upset;

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

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

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

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

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

7. Percent Removal
For publicly owned treatment works, the 30-day average percent removal for Biochemical Oxygen Demand and Total Suspended Solids shall not be less than 85 percent in accordance with LAC 33:IX.5905.A.3. and B.3. Publicly owned treatment works utilizing waste stabilization ponds/oxidation ponds are not subject to the 85 percent removal rate for Total Suspended Solids.

SECTION C. MONITORING AND RECORDS

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

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

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

b. Have access to and copy, at reasonable times, any records that the department or its authorized representative determines are necessary for the enforcement of this permit. For records maintained in either a central or private office that is open only during normal office hours and is closed at the time of inspection, the records shall be made available as soon as the office is open, but in no case later than the close of business the next working day;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Louisiana Environmental Quality Act, any substances or parameters at any location.

e. Sample Collection
   (1) When the inspector announces that samples will be collected, the permittee may be given an additional thirty (30) minutes to prepare containers in order to collect duplicates. If the permittee cannot obtain and prepare sample containers within this time, he is considered to have waived his right to collect duplicate samples and the sampling will proceed immediately. Further delay on the part of the permittee in allowing initiation of the sampling will constitute a violation of this permit.
   (2) At the discretion of the administrative authority, sample collection shall proceed immediately (without the additional 30 minutes described in Section C.1.a. above) and the inspector shall supply the permittee with a duplicate sample.

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

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

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

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

4. Record Contents
Records of monitoring information shall include:

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

5. Monitoring Procedures
a. Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, unless other test procedures have been specified in this permit.

b. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to ensure accuracy of measurements and shall maintain appropriate records of such activities.

c. The permittee or designated laboratory shall have an adequate analytical quality assurance/quality control program to produce defensible data of known precision and accuracy. All quality control measures shall be assessed and evaluated on an on-going basis and quality control acceptance criteria shall be used to determine the validity of the data. All method specific quality control as prescribed in the method shall be followed. If quality control requirements are not included in the method, the permittee or designated laboratory shall follow the quality control requirements as prescribed in the Approved Edition (40 CFR Part 136) Standard Methods for the Examination of Water and Wastes, Sections 1020A and 1020B. General sampling protocol shall follow guidelines established in the "Handbook for Sampling and Sample Preservation of Water and Wastewater, 1982 "U.S. Environmental Protection Agency. This publication is available from the National Service Center for Environmental Publications (NSCEP): https://nepis.epa.gov/Exe/ZyNET.exe/30000QSA.TXT?ZyActionD=ZyDocument&Client=EPA&Index=1981+Thru+1985&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C81thru85%5CTxt%5C00000001%5C30000QSA.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL.

6. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration and operation of acceptable flow measurement devices can be obtained from the following references:

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

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

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

7. Prohibition for Tampering: Penalties

a. La. R.S. 30:2025 provides for punishment of any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit.

b. La. R.S. 30:2076.2 provides for penalties for any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance.

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

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

10. Laboratory Accreditation
    a. LAC 33:I.Subpart 3, Chapters 45-59 provide requirements for an accreditation program specifically applicable to commercial laboratories, wherever located, that provide chemical analyses, analytical results, or other test data to the department, by contract or by agreement, and the data is:
       (1) Submitted on behalf of any facility, as defined in La. R.S.30:2004;
       (2) Required as part of any permit application;
       (3) Required by order of the department;
       (4) Required to be included on any monitoring reports submitted to the department;
       (5) Required to be submitted by contractor
       (6) Otherwise required by department regulations.

    b. The department laboratory accreditation program, Louisiana Environmental Laboratory Accreditation Program (LELAP) is designed to ensure the accuracy, precision, and reliability of the data generated, as well as the use of department-approved methodologies in generation of that data. Laboratory data generated by commercial environmental laboratories that are not (LELAP) accredited will not be accepted by the department. Retesting of analysis will be required by an accredited commercial laboratory.

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

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

       http://deq.louisiana.gov/page/la-lab-accreditation

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

SECTION D. REPORTING REQUIREMENTS

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

   a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or

   b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under LAC 33:IX.2703.A.1.

   c. For Municipal Permits. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to Section 301, or 306 of the CWA if it were directly discharging

those pollutants; and any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit. In no case are any new connections, increased flows, or significant changes in influent quality permitted that will cause violation of the effluent limitations specified herein.

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

3. Transfers
This permit is not transferable to any person except after notice to the state administrative authority. The state administrative authority may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act or the Louisiana Environmental Quality Act. (See LAC 33:IX.2901; in some cases, modification or revocation and reissuance is mandatory.)

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

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

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

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

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

If authorized to report using an alternative format such as paper DMRs, then preprinted DMRs will be provided to majors/92-500s and other designated facilities. Please contact the Permit Compliance Unit concerning preprints. Self-generated DMRs must be pre-approved by the Permit Compliance Unit prior to submittal. Self-generated DMRs are approved on an individual basis. Requests for approval of self-generated DMRs should be submitted to:

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

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

6. Requirements for Notification

a. Emergency Notification
As required by LAC 33.I.3915; in the event of an unauthorized discharge that does cause an emergency condition, the discharger shall notify the hotline (DPS 24-hour Louisiana Emergency Hazardous Materials Hotline) by telephone at (877) 925-6595 (collect calls accepted 24 hours a day) immediately (a reasonable period of time after taking prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances), but in no case later than one hour after learning of the discharge. (An emergency condition is any condition which could reasonably be expected to endanger the health and safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property.) Notification required by this section will be made regardless of the amount of discharge. Prompt Notification Procedures are listed in Section D.6.c. of these standard conditions.

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

b. Prompt Notification
As required by LAC 33:I.3917, in the event of an unauthorized discharge that exceeds a reportable quantity specified in LAC 33:I.Subchapter E, but does not cause an emergency condition, the discharger shall promptly notify DPS by telephone at (877) 925-6595 (collect calls accepted 24 hours a day) within 24 hours after learning of the discharge.

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

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

(1) by the Online Incident Reporting screens found at **http://deq.louisiana.gov/page/file-a-complaint-report-an-incident**;or
(2) by e-mail utilizing the Incident Report Form and instructions found at **http://deq.louisiana.gov/page/single-point-of-contact**;or
(3) by telephone at (225) 219-3640 during office hours, or (225) 342-1234 after hours and on weekends and holidays.

c. Content of Prompt Notifications. The following guidelines will be utilized as appropriate, based on the conditions and circumstances surrounding any unauthorized discharge, to provide relevant information regarding the nature of the discharge:
(1) the name of the person making the notification and the telephone number where any return calls from response agencies can be placed;
(2) the name and location of the facility or site where the unauthorized discharge is imminent or has occurred, using common landmarks. In the event of an incident involving transport, include the name and address of the transporter and generator;
(3) the date and time the incident began and ended, or the estimated time of continuation if the discharge is continuing;
(4) the extent of any injuries and identification of any known personnel hazards that response agencies may face;

(5) the common or scientific chemical name, the U.S. Department of Transportation hazard classification, and the best estimate of amounts of any and all discharged pollutants;
(6) a brief description of the incident sufficient to allow response agencies to formulate their level and extent of response activity.

d. Written Notification Procedures. Written reports for any unauthorized discharge that requires notification under Section D.6.a. or 6.b., or shall be submitted by the discharger to the Office of Environmental Compliance, Assessment Division SPOC in accordance with LAC 33:I.3925 within seven calendar days after the notification required by D.6.a. or 6.b., unless otherwise provided for in a valid permit or other department regulation. Written notification reports shall include, but not be limited to, the following information:
(1) the name, address, telephone number, Agency Interest (AI) number (number assigned by the department) if applicable, and any other applicable identification numbers of the person, company, or other party who is filing the written report, and specific identification that the report is the written follow-up report required by this section;
(2) the time and date of prompt notification, the state official contacted when reporting, the name of person making that notification, and identification of the site or facility, vessel, transport vehicle, or storage area from which the unauthorized discharge occurred;
(3) date(s), time(s), and duration of the unauthorized discharge and, if not corrected, the anticipated time it is expected to continue;
(4) details of the circumstances (unauthorized discharge description and root cause) and events leading to any unauthorized discharge, including incidents of loss of sources of radiation, and if the release point is subject to a permit:
(a) the current permitted limit for the pollutant(s) released; and
(b) the permitted release point/outfall ID.

(5) the common or scientific chemical name of each specific pollutant that was released as the result of an unauthorized discharge, including the CAS number and U.S. Department of Transportation hazard classification, and the best estimate of amounts of any and all released pollutants (total amount of each compound expressed in pounds, including calculations);
(6) a statement of the actual or probable fate or disposition of the pollutant or source of radiation and what off-site impact resulted;
(7) remedial actions taken, or to be taken, to stop unauthorized discharges or to recover pollutants or sources of radiation.
(8) Written notification reports shall be submitted to the Office of Environmental Compliance, Assessment Division SPOC by mail or fax. The transmittal envelope and report or fax cover page and report should be clearly marked **"UNAUTHORIZED DISCHARGE NOTIFICATION REPORT."**

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

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

The Written Notification Report may also be faxed to the Louisiana Department of Environmental Quality, Office of Environmental Compliance, Assessment Division at: (225)-219-3708.

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

e. Twenty-four Hour Reporting. The permittee shall report any noncompliance which may endanger human health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact

dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The following shall be included as information which must be reported within 24hours:

(1) Any unanticipated bypass which exceeds any effluent limitation in the permit (see LAC 33:IX.2701.M.3.b.);
(2) Any upset which exceeds any effluent limitation in the permit;
(3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the state administrative authority in Part II of the permit to be reported within 24 hours (LAC 33:IX.2707.G.).

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

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

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

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant:
   i. listed at LAC 33:IX.7107, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
      (1) One hundred micrograms per liter (100 µg/L);
      (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4 -dinitro-phenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
      (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC33:IX.2501.G.7; or
      (4) The level established by the state administrative authority in accordance with LAC 33:IX.2707.F; or

   ii. which exceeds the reportable quantity levels for pollutants at LAC 33:I. Subchapter E.

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant:
   i. listed at LAC 33:IX.7107, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

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

   ii. which exceeds the reportable quantity levels for pollutants at LAC 33:I. Subchapter E.

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

a. All permit applications shall be signed as follows:

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

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

(2) For a partnership or sole proprietorship - by a general partner or the proprietor, respectively; or
(3) For a municipality, state, federal, or other public agency - by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:
   (a) The chief executive officer of the agency, or
   (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (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 Section D.10.a., or by a duly authorized representative of that person. A person is a duly authorized representative only if:
   (1) The authorization is made in writing by a person described in Section D.10.a. of these standard conditions;
   (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (a duly authorized representative may thus be either a named individual or an individual occupying a named position; and,
   (3) The written authorization is submitted to the state administrative authority.

c. Changes to authorization. If an authorization under Section D.10.b. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Section D.10.b. must be submitted to the state administrative authority prior to or together with any reports, information, or applications to be signed by an authorized representative.

d. Certification. Any person signing a document under Section D.10. a. or b. above, shall make the following certification:

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

significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

11. Availability of Reports

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

Claims of confidentiality for the following will be denied:

a. The name and address of any permit applicant or permittee;
b. Permit applications, permits, and effluent data.
c. Information required by LPDES application forms provided by the state administrative authority under LAC 33:IX.2501 may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

SECTION E. PENALTIES FOR VIOLATIONS OF PERMIT CONDITION

1. Criminal

a. Negligent Violations

The Louisiana Revised Statutes La. R. S. 30:2076.2 provides that any person who negligently violates any provision of the LPDES, or any order issued by the secretary under the LPDES, or any permit condition or limitation implementing any such provision in a permit issued under the LPDES by the secretary, or any requirement imposed in a pretreatment program approved under the LPDES is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than $50,000 per day of violation, or imprisonment of not more than two years, or both.

b. Knowing Violations

The Louisiana Revised Statutes La. R. S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any permit condition or limitation implementing any such provisions in a permit issued under the LPDES, or any requirement imposed in a pretreatment program approved under the LPDES is subject to a fine of not less than $5,000 nor more than $50,000 per day of violation, or imprisonment for not more than 3 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than $100,000 per day of violation, or imprisonment of not more than six years, or both.

c. Knowing Endangerment

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

d. False Statements

The Louisiana Revised Statutes La. R. S. 30:2076.2 provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the LPDES or who knowingly falsifies, tampers with, or renders inaccurate~~,~~ any monitoring device or method required to be maintained under the LPDES, shall, upon conviction, be subject to a fine of not more than $10,000, or imprisonment for not more than

2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this Subsection, he shall be subject to a fine of not more than $20,000 per day of violation, or imprisonment of not more than 4 years, or both.

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

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

SECTION F. DEFINITIONS

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

1. Clean Water Act (CWA) means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or the 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.).

2. Accreditation means the formal recognition by the department of a laboratory's competence wherein specific tests or types of tests can be accurately and successfully performed in compliance with all minimum requirements set forth in the regulations regarding laboratory accreditation.

3. Administrator means the Administrator of the U.S. Environmental Protection Agency, or an authorized representative.

4. Applicable Standards and Limitations means all state, interstate and federal standards and limitations to which a discharge is subject under the Clean Water Act, including, effluent limitations, water quality standards of performance, toxic effluent standards or prohibitions, best management practices, and pretreatment standards under Sections 301, 302, 303, 304, 306, 307, 308 and 403.

5. Applicable water quality standards means all water quality standards to which a discharge is subject under the Clean Water Act.

6. Commercial Laboratory means any laboratory, wherever located, that performs analyses or tests for third parties for a fee or other compensation and provides chemical analyses, analytical results, or other test data to the department. The term commercial laboratory does not include laboratories accredited by the Louisiana Department of Health and Hospitals in accordance with La. R.S.49:1001 et seq.

7. Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day. Daily discharge determination of concentration made using a composite sample shall be the concentration of the composite sample.

8. Daily Maximum discharge limitation means the highest allowable "daily discharge".

9. Director means the U.S. Environmental Protection Agency Regional Administrator, or the state administrative authority, or an authorized representative.

10. Domestic septage means either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage. Domestic septage does not include liquid or solid material removed from a septic tank, cesspool, or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from grease trap at a restaurant.

11. Domestic sewage means waste and wastewater from humans, or household operations that is discharged to or otherwise enters a treatment works.

12. Environmental Protection Agency or (EPA) means the U.S. Environmental Protection Agency.

13. Grab sample means an individual sample collected over a period of time not exceeding 15 minutes, unless more time is needed to collect an adequate sample, and is representative of the discharge.

14. Industrial user means a nondomestic discharger, as identified in 40 CFR 403, introducing pollutants to a publicly owned treatment works.

15. LEQA means the Louisiana Environmental Quality Act.

16. Loading, is presented in the permit and reported in the DMR as the total amount of a pollutant entering the facility or discharged in the effluent. It is calculated by knowing the amount of flow, the concentration, and the density of water. Results should be rounded off and expressed with the same number of significant figures as the permit limit. If the permit does not explicitly state how many significant figures are associated with the permit limit, the permittee shall use two.

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

    For POTWs: Loading (lbs/day) = Design Capacity Flow (in MGD) x Concentration (mg/L) x 8.34*

    *8.34 is the unit conversion for the weight of water

    Please note that the equations above may not be appropriate for production based effluent guideline limitations.

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

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

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

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

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

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

20. POTW means Publically Owned Treatment Works.

21. Sanitary Wastewater Term(s):

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

    b. 6-hour composite sample consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) over the 6-hour period and composited according to flow, or a sample continuously collected in proportion to flow over the 6-hour period.

    c. 12-hour composite sample consists of 12 effluent portions collected no closer together than one hour over the 12-hour period and composited according to flow, or a sample continuously collected in proportion to flow over the 12-hour period. The daily sampling intervals shall include the highest flow periods.

    d. 24-hour composite sample consists of a minimum of 12 effluent portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample continuously collected in proportion to flow over the 24-hour period.

22. Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

23. Sewage sludge means any solid, 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, domestic septage, portable toilet pumpings, Type III marine sanitation device pumpings (33 CFR Part 159), and sewage sludge products. *Sewage sludge* does not include grit or screenings, or ash generated during the incineration of sewage sludge.

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

25. Surface Water: all lakes, bays, rivers, streams, springs, ponds, impounding reservoirs, wetlands, swamps, marshes, water sources, drainage systems and other surface water, natural or artificial, public or private within the state or under its jurisdiction that are not part of a treatment system allowed by state law, regulation, or permit.

26. Treatment works means any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial wastes of a liquid nature to implement Section 201 of the Clean Water Act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances, extension, improvement, remodeling, additions, and alterations thereof. (See Part 212 of the Clean Water Act)

27. For fecal coliform bacteria, a sample consists of one effluent grab portion collected during a 24-hour period at peak loads.

28. The term MGD shall mean million gallons per day.

29. The term GPD shall mean gallons per day.

30. The term mg/L shall mean milligrams per liter or parts per million (ppm).

31. The term SPC shall mean Spill Prevention and Control. Plan covering the release of pollutants as defined by the Louisiana Administrative Code (LAC 33:IX.Chapter 9).

32. The term SPCC shall mean Spill Prevention Control and Countermeasures Plan. Plan covering the release of pollutants as defined in 40 CFR Part 112.

33. The term µg/L shall mean micrograms per liter or parts per billion (ppb).

34. The term ng/L shall mean nanograms per liter or parts per trillion (ppt).

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

36. 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.

37. Waters of the State: for the purposes of the Louisiana Pollutant Discharge Elimination system, all surface waters within the state of Louisiana and, on the coastline of Louisiana and the Gulf of Mexico, all surface waters extending there from three miles into the Gulf of Mexico. For purposes of the Louisiana Pollutant Discharge Elimination System, this includes all surface waters which are subject to the ebb and flow of the tide, lakes, rivers, streams, (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, impoundments of waters within the state of Louisiana otherwise defined as "waters of the United States" in 40 CFR 122.2, and tributaries of all such waters. "Waters of the state" does not include waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act, 33 U.S.C. 1251 et seq.

38. Weekly average, other than for fecal coliform bacteria, is the highest allowable arithmetic mean of the daily discharges over a calendar week, calculated as the sum of all "daily discharge(s)" measured during a calendar week divided by the number of "daily discharge(s)" measured during that week. When the permit establishes weekly average concentration effluent limitations or conditions, and flow is measured as continuous record or with a totalizer, the weekly average concentration means the arithmetic average (weighted by flow) of all "daily discharge(s)" of concentration determined during the calendar week where C = daily discharge concentration, F = daily flow and n = number of daily samples; weekly average discharge

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

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

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

NetDMR Form
General Instructions

1. Form has been partially completed by the Office(s) specified in permit, verify the following information is correct on the form:

   - *Permittee Name/ Mailing Address* and *Facility Name/ Location*
   - *Permitted Feature/ Discharge*
   - *Monitoring Period*
   - *Parameter/ Permit Requirement/ Frequency of Analysis/ Sample Type*

2. Optional- Enter *"First Name/Last Name"*, *"Title"* and *"Telephone Number"* of Principal Executive Officer

3. Enter *"Sample Measurement"* (Smpl.) data for each parameter under *"Quantity"* and *"Quality"* in units specified in permit.

4. Under *"No Ex"* enter number of sample measurements during monitoring period that exceed maximum (and/or minimum or 7-day average as appropriate) permit requirement for each parameter. If none, enter *"0"*.

5. Change *"Frequency of Analysis"* for *Sample Measurement* to actual frequency of analysis used during monitoring period if different than prepopulated value (e.g., Enter *"99/99,"* for continuous monitoring, *"01/07"* for one per week, *"01/30"* for one per month, *"01/90"* for one per quarter, etc.)

6. Change *"Sample Type"* for *Sample Measurement* to actual sample type used during monitoring period if different than prepopulated value (e.g., Enter *"GR"* for grab samples, *"24"* for 24-hour composite, *"CN"* for continuous monitoring, etc.)

7. If "no discharge" occurs during monitoring period, choose appropriate no data indicator (NODI) code to correspond with reason no data is available for the entire DMR, the parameter(s), or the specific value(s)

8. Address *Edit Check Errors*, if applicable:
   - Hard Errors must be resolved by editing the DMR
   - Soft Errors can be resolved by editing the DMR or by acknowledging the errors
   - Errors must be addressed before DMRs can be Signed & Submitted

9. Where violations of permit requirements are reported, attach non-compliance report with a brief explanation to describe cause and corrective actions taken, and reference each violation by date.

10. Comments- this field provides space to enter additional comments related to your DMR submission, if any.

11. Attachments- *Add Attachment* allows one or more PDF files to be attached to the DMR submission (such as cover letters, non-compliance reports, other permit required reports, etc.)

12. DMRs with a *NetDMR Validated* status may be signed & submitted. A Copy of Record (COR) will be maintained with in NETDMR.

13. More detailed Instructions for use of NetDMR may be obtained from the Office(s) specified in permit.

NetDMR and Electronic DMR Reporting

Useful Information

- **EPA Electronic Reporting Rule**
  - https://www.epa.gov/compliance/npdes-ereporting
  - Phase I- Requires electronic submittal of DMRs as of December 21, 2016
  - Phase II- Requires electronic submittal of NOIs and Program Reports as of December 21, 2020
  - Electronic DMR Reporting requirement adopted by LDEQ Water Regulations May 20, 2016

- **LDEQ Public Website**
  - http://deq.louisiana.gov/
  - 225-219-5337 or 866-896-5337 (customer service)

- **LDEQ NetDMR Information**
  - http://deq.louisiana.gov/page/netdmr
  - 225-219-3752 or 225-219-3767

- **LDEQ NetDMR Training** (training materials and schedule)
  - http://deq.louisiana.gov/page/netdmr-training

- **NetDMR Homepage**
  - https://netdmr.epa.gov

- **Steps to Submit DMRs via NetDMR**
  - Register in CDX
  - Request Access to Permit in NetDMR
  - Submit Subscriber Agreement to LDEQ (electronically or via paper)
  - Receive approval by LDEQ
  - Enter DMR data and add any attachments
  - Sign and Submit On-line
  - Download Submittal from NetDMR or EDMS

- **No Data Indicator (NODI) Codes**
  - NODI codes are used to indicate why no DMR value was submitted for a specific data field, parameter, or whole DMR
  - List of Common NODI Codes
    - C = no discharge
    - 9 = conditional monitoring/ not required this period
    - E = analysis not conducted (failure to sample)
    - B = below detection limit
    - D = lost sample
    - G = equipment failure
    - H = invalid test

- **NetDMR Attachments (cover letters, noncompliance reports, etc.)**
  - Click the "Add Attachment" button on the DMR screen. Click "Browse…" and select the document you wish to attach to the DMR
  - LDEQ only accepts PDF files as attachments

- **EDMS** (search documents related to a facility)
  - http://deq.louisiana.gov/page/edms

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL SERVICES

BASIS FOR DECISION

LOUISIANA POLLUTANT DISCHARGE ELIMINATION SYSTEM (LPDES)
RENEWAL PERMIT NO. LA0101931
AGENCY INTEREST (AI) NO. 32096
ACTIVITY NO. PER20170001

CLEAN HARBORS COLFAX, LLC
COLFAX, GRANT PARISH, LOUISIANA

The Louisiana Department of Environmental Quality, Office of Environmental Services (LDEQ), has issued a Louisiana Pollutant Discharge Elimination System (LPDES) permit to Clean Harbors Colfax, LLC (Clean Harbors Colfax).

The LDEQ's Water Permits Division conducted a review of the permit application and related submittals. The division prepared a draft permit decision. For the public's convenience, the LDEQ coordinated the public participation activities for the draft permit. An explanation of the LDEQ's reasoning for issuance of the water permit is set forth below. This explanation provides background on the facility and its operations, a summary of public comments and responses, an IT Analysis[1], and a summary of the enforcement history of the facility. Official records referenced in this document are located in the LDEQ's Electronic Document Management System (EDMS)[2].

The details of the LDEQ's reasoning are set forth below:

I. BACKGROUND

A. Description of Facility

Clean Harbors Colfax, is a facility that manages explosive and reactive material by open burning or open detonation. The facility is located at 3763 Highway 471 in Colfax, Grant Parish, Louisiana. This facility discharges treated contact stormwater via Outfall 001 to an unnamed ditch, thence to Springfield Branch and treated sanitary wastewater via Outfall 002 to an unnamed ditch, thence to Summerfield Branch and via Outfall 003 to an unnamed ditch, thence to Bayou Grappe.

B. Facility Operations

Clean Harbors Colfax thermally treats reactive and explosive waste. The open burning and detonation are performed on a concrete slab (burn pad). No water is produced during the

[1] See Section IV on IT Analysis *infra*.

[2] EDMS refers to the Electronic Document Management System. This system is the LDEQ's electronic repository of official records that have been created or received by the LDEQ. Employees and members of the public can search and retrieve documents stored in the EDMS via this web application (see http://edms.deq.louisiana.gov/app/doc/querydef.aspx).

thermal treatment process; however, contaminants are present on the burn pad which is exposed to the weather. Therefore, the contact stormwater that runs off the burn pad is collected for treatment. Additionally, there are two small sources of sanitary wastewater from the office and maintenance buildings that are treated by small sewage treatment systems before being discharged to waters of the state.

The collected stormwater will be held in a holding tank before being sent through a treatment system composed of pumps, filters, reaction and media vessels, media able to absorb one or more identified potential permit parameters, float switches, and other possible components typical of such systems. A second holding tank will receive the treated water and samples will be collected from this second tank to determine if the water meets the permit requirements. If the water meets the requirements, it can be released in accordance with LPDES Permit LA0101931; otherwise, the water will either be returned to the first tank for additional treatment or hauled off for treatment by another facility.[3]

C. Permit Action

Clean Harbors Colfax was reissued LPDES permit LA0101931[4] on September 1, 2011, for the discharge of non-contact stormwater and sanitary wastewater. This permit expired on August 31, 2016, but was administratively continued because the renewal application was submitted in a timely manner in accordance with LAC 33:IX.2501.D.2.

On January 28, 2016, the facility submitted a renewal application[5] to discharge treated contact stormwater and treated sanitary wastewater. The LDEQ received a revised application[6] on February 15, 2017, and additional information[7] from the facility on August 3, 2017.

II. PUBLIC COMMENT

A draft permit[8] for Clean Harbors Colfax was proposed on April 27, 2018. The public notice which requested public comment and notified the public of a public hearing regarding the above draft water permit and the associated Environmental Assessment Statement (EAS) was published in *The Advocate* and *The Chronicle* on May 17, 2018, and then redistributed in these same newspapers on June 21, 2018, due to database access issues that occurred during the first public comment period. The public notice was also distributed to persons on the Office of Environmental Services' Public Notice Mailing List on May 21, 2018, and June 20, 2018. The draft permit and all supplemental information were made available to the public at the LDEQ Headquarters, 602 N. Fifth Street, Baton Rouge, LA 70802, Grant Parish Library, and through the LDEQ's EDMS.

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[3] See revised application (EDMS Doc ID 10510285)
[4] See previously issued LPDES permit LA0101931(EDMS Doc ID 8052826)
[5] See permit renewal application (EDMS Doc ID 10068831)
[6] See revised application (EDMS Doc ID 10501285)
[7] See additional information (EDMS Doc ID 10741642)
[8] See Draft Permit LPDES permit LA0101931 (EDMS Doc ID 11100515)

The LDEQ conducted the public hearing at the Grant Colfax Community Center, 420 Richardson Drive, Colfax, Louisiana on July 26, 2018. The LDEQ received written comments regarding the draft permit during the public comment period as well as oral comments during the public hearing. The comment period ended on July 30, 2018.

III. PUBLIC COMMENTS RESPONSE SUMMARY

A "Public Comments Response Summary" was prepared for all significant comments and is attached and made a part of this Basis for Decision.

IV. IT ANALYSIS

A. The Requirements

An "IT Analysis" consists of five requirements that both the permit applicant and the LDEQ consider during the permit application review process.[9] Although the five requirements have been expressed as three requirements, the requirements remain basically the same whether stated as five or as three.[10] The "IT Analysis" considers whether:

1) the potential and real adverse environmental effects of the proposed project have been avoided to the maximum extent possible;
2) a cost benefit analysis of the environmental impact costs balanced against the social and economic benefits of the project demonstrate that the latter outweighs the former;
3) there are alternative projects or alternative sites or mitigating measures, which would offer more protection to the environment than the proposed project without unduly curtailing non-environmental benefits to the extent applicable.

Notably, the Louisiana Constitution does not establish environmental protection as an exclusive goal, but instead, requires a balancing process in which environmental costs and benefits must be given full and careful consideration along with economic, social, and other factors.[11]

B. LDEQ's Analysis

The LDEQ conducted an "IT Analysis" during the permit application review process. The LDEQ considered the Environmental Assessment Statement (EAS) (or Responses to the "IT" Questions), the permit application, and related information in conducting the following "IT" Analysis."

While the LDEQ recognizes that the concepts of alternative sites, alternative projects, and mitigative measures are closely interrelated and overlap, each concept is addressed separately in this document for purposes of emphasis and clarity. However, the LDEQ stresses the interrelation of the three; for example, the choice of a particular site could involve mitigative

[9] See *Save Ourselves v. Envtl. Control Comm'n*, 452 So.2d 1152,1157 (La. 1984).
[10] See *Matter of Rubicon, Inc.*, 95-0108, (La. App. 1 Cir. 2/14/96), 670 So.2d 475, 483.
[11] See *Save Ourselves v. Envtl. Control Comm'n*, 452 So.2d 1152,1157 (La. 1984).

factors and possibly alternative project considerations. Likewise, selection of an alternative project could invoke mitigative factors and impact site selection. Apparently, the Louisiana First Circuit Court of Appeal has also recognized this interrelationship and now considers the three requirements as one.[12]

Therefore, because of this interrelationship, LDEQ adopts any and all of its findings on all three factors under each of the specific designated areas -- alternative sites (Section IV.B.1), alternative projects (Section IV.B.2), and mitigating measures (Section IV.B.3). Additionally, the assessment and findings set forth in Section IV.B.4 (Avoidance of Adverse Environmental Effects) also interrelate and have been considered relative to these facts.

1. **ALTERNATIVE SITES: Are there alternative sites, which would offer more protection to the environment than the proposed facility site without unduly curtailing non-environmental benefits?**

Because Clean Harbors Colfax is an existing facility which has been in operation since 1983, and because the renewal permit does not include substantial changes to the operations at the facility, the concept of alternative sites is not directly applicable to this permit action. Nevertheless, in considering the permit application, the LDEQ evaluated the issue of alternative sites with regard to the facility's existing operations and potential impacts of water discharges on human health and the environment. See Section IV.B.3 (Mitigating Measures).

The LPDES permit authorizes the discharge of contact stormwater from the Colfax facility's existing burn pad and sanitary wastewater. The relocation of the facility's water treatment and discharge would involve the transport of water to another existing treatment and disposal facility. The treatment and disposal of this wastewater at another facility would have similar environmental constraints (i.e. water quality analysis and establishment of similar permit conditions) as the existing Colfax location. Additionally, the transport of this water would be less protective of the environment and public safety due to the additional highway traffic and mobile air emissions related to this transport.[13] This Office has established requirements in the LPDES permit which ensure that the water discharges at the existing location do not cause adverse impact to human health, aquatic life and the environment. See also Section IV.B.4 (Avoidance of Adverse Environmental Effects)

CONCLUSION: For the foregoing reasons, the LDEQ finds there are no alternative sites which would offer more protection to the environment than the proposed site without unduly curtailing non-environmental benefits.

[12] See *Matter of Rubicon, Inc.*, 95-0108 (La. App. 1 Cir. 2/14/96), 670 So. 2d 475, 483.
[13] See Environmental Assessment Statement (EDMS Doc ID 10741642)

2. ALTERNATIVE PROJECTS: Are there alternative projects, which would offer more protection to the environment than the proposed facility without unduly curtailing non-environmental benefits?

Clean Harbors Colfax considered several alternative projects which would eliminate the discharge of the contact stormwater to waters of the state at the existing Colfax site. As stated in the EAS submitted by Clean Harbors Colfax, and accepted by the LDEQ, these alternatives included transport of waters to an off-site treatment and disposal facility, incineration, on-site deep-well injection, on-site evaporators and on-site spray irrigation.[14]

As discussed in Section IV.B.1 of the Basis for Decision, Clean Harbors determined that transport of the contact stormwater to another existing facility would not provide any more protection to the environment than the treatment and discharge of the water at the existing Colfax location, due to the dangers and costs associated with transport of the wastewater. For the same reasons, it was determined that incineration of the wastewater was not feasible.

Deep well injection of all wastewaters was considered an option; however, it was determined that the geology of the Colfax site is not favorable for the installation of a deep-well injection unit. The installation of on-site evaporators was also considered. However, due to the humid climate in the area, it was determined that these units would not work effectively. Additionally, the evaporation units could cause adverse impacts to the air quality due to the emission of greenhouse gases. Clean Harbors Colfax also considered using on-site spray irrigation of the treated wastewater; however, the use of this was determined impracticable.[15]

The Department concurs with these assertions and has determined that the discharge of wastewater, in compliance with the permit, is not expected to have an adverse impact on the environment; therefore, the costs, expenditures and risks associated with the alternatives which were explored are not justified or practicable.

Furthermore, the LPDES permit has established limitations and conditions which will ensure protection of surface water quality standards and the waterbody's designated uses. See also Section IV.B.4 below

CONCLUSION: For the aforementioned reasons, the LDEQ finds there are no alternative projects which would offer more protection to the environment than the proposed project without unduly curtailing non-environmental benefits.

3. MITIGATING MEASURES: Are there mitigating measures, which would offer more protection to the environment than the facility as proposed without unduly curtailing non-environmental benefits?

According to the Clean Harbors Colfax LPDES permit application, the collected stormwater will be held in a holding tank before being sent through a treatment system composed of pumps, filters, reaction and media vessels, media able to absorb one or more

[14] See Environmental Assessment Statement (EDMS Doc ID 10741642)
[15] See Environmental Assessment Statement (EDMS Doc ID 10741642)

identified potential permit parameters, float switches, and other possible components typical of such systems. A second holding tank will receive the treated water and samples will be collected from this second tank to determine if the water meets the permit requirements. So that environmental impacts are minimized to the maximum extent possible, the permit prohibits the discharge of untreated contact stormwater and requires that the effluent limitations are met before discharge to surface waters. See Permit Requirements, Outfall 001, Narrative Requirements N-4 and N-7.

In preparing the LPDES permit, this Office considered the pollutants of concern which could potentially be found in the burn pad runoff. Limitations and monitoring requirements were established in the permit for these parameters to ensure protection of the receiving water, human health, aquatic life and the environment. In accordance with 40 CFR 122.44(d)(I)/LAC 33:IX.2707.D.1., the existing discharge was evaluated in accordance with the Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards, LDEQ, October 26, 2010. The water quality spreadsheet at Appendix B-1 of the fact sheet examined the Colfax facility's reasonable potential to discharge the toxic constituents at levels which could violate state water quality standards and adversely affect the receiving waterbody's designated uses.[16]

With regard to stormwater management, as a mitigating measure, the permit requires the facility to implement a Stormwater Pollution Prevention Plan (SWP3) which includes requirements that the facility take the appropriate measures needed to minimize or reduce pollutants in its stormwater discharges.

As an added measure, the permit includes site specific controls which require the permittee to implement measures to minimize the tracking or blowing of waste materials. Also, the permit requires that the permittee implement velocity dissipation devices to control potential erosion in the stream bed and outfall location. (See Other Conditions, Paragraph G). Further, in accordance with the permit, as needed, the permit may be modified, revoked and reissued, or modified. The LDEQ may reopen and modify the permit to include additional requirements needed to maintain the water quality and the support of designated uses of the receiving waterbody.

The LDEQ has determined that these mitigating measures along with compliance with the effluent limitations will ensure that potential environmental impacts resulting from the facility's discharges are minimized to the maximum extent possible.

CONCLUSION: For the foregoing reasons, the LDEQ finds there are no mitigating measures, which would offer more protection to the environment that the facility as proposed, without unduly curtailing non-environmental benefits.

4. AVOIDANCE OF ADVERSE ENVIRONMENTAL EFFECTS: Have the potential and real adverse environmental effects of the proposed facility been avoided to the maximum extent possible?

[16] See EDMS Doc ID 11100515, pp. 73-86 of 93)

As part of the permitting process, potential and real adverse environmental impacts of pollutants from the existing facility's sources are assessed by the LDEQ to ensure that they are minimized to the maximum extent possible. The LDEQ considers the information outlined in the facility's application and additional application information as part of this assessment. The following paragraphs describe the assessment by type of impact:

a. Wastewater Discharges

The potential adverse environmental effects include the discharge of wastewater that does not meet the effluent limits in the LPDES permit, which would have the potential to cause exceedances of the water quality criteria. Additionally, discharges of wastewater or stormwater may have the potential to adversely impact endangered species. Therefore, the LDEQ considered the potential impact of the discharges on water quality criteria and endangered species in developing the renewal permit.

Endangered Species

Clean Harbors Colfax discharges to Subsegment 101301 of the Red River Basin. The 2016-2017 Implementation Strategy for the Louisiana Department of Environmental Quality and the United States Fish and Wildlife Service (FWS) Memorandum of Understanding (MOU)[17] was submitted with a letter dated May 18, 2016, from Clark (FWS) to Vega (LDEQ). According to this strategy, Subsegment 101301 is identified as a habitat for the Louisiana pearlshell mussel, which is listed federally as a threatened/endangered species. Therefore, in accordance with the MOU between the LDEQ and the FWS, this permit and fact sheet have been sent to the FWS for review and consultation. As of April 12, 2019, no comments have been received from FWS regarding this permit. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of this LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

Effluent Limitations and Monitoring Requirements

The permit regulates the pollutants allowed to be discharged through the establishment of effluent limitations and monitoring requirements for those pollutants allowed to be discharged. Compliance with the permit limitations and monitoring requirements will help to ensure that general and numerical water quality criteria are maintained; thus, the discharge should not cause adverse environmental effects.

This permit includes 3 external outfalls – 001, 002, and 003. Discharges from Outfall 001 will be released in controlled batches and discharges from Outfalls 002 and 003 occur intermittently. Outfall descriptions and the basis for the effluent limitations for wastewater discharges are provided below.

[17] See 2014 Endangered Species MOU (EDMS Doc ID 10205448)

Outfall 001 – treated contact stormwater from burn pad

Sampling locations:

Outfall 001 – at the point of discharge from the second holding tank of the treatment system

Effluent limitations:

Flow - This LPDES permit establishes a reporting requirement for the flow measurement of each batch when discharging. Requirements are set in accordance with LAC 33.IX.2707.I.1.b.

Oil & Grease and TOC[18] - This LPDES permit establishes daily maximum limitations of 15 mg/L for Oil and Grease and 50 mg/L for TOC based on other permits that include stormwater discharges and LDEQ's Storm Water Guidance Memo (Givens to Knudsen, 1987). The monitoring frequency is set at once per batch by grab sample.

TSS[19], Arsenic, Chromium, Copper, Silver, Titanium, Zinc - Although the Effluent Limitation Guidelines do not apply to this facility type, these parameters are BPJ[20] (due to the similar nature of activities and the potential for the presence of these parameters) based on Effluent Limitations Guidelines, 40 CFR Part 444, Waste Combustors Point Source Category. This LPDES permit establishes monthly average limitations and daily maximum limitations of 34.8 mg/L and 113 mg/L for TSS, 0.072 mg/L and 0.084 mg/L for Arsenic, 0.014 mg/L and 0.025 mg/L for Chromium, 0.014 mg/L and 0.023 mg/L for Copper, 0.008 mg/L and 0.013 mg/L for Silver, and 0.054 mg/L and 0.082 mg/L for Zinc, respectively. The monitoring frequencies are set at once per batch by grab sample. Based on a reasonable potential analysis using the technology based effluent limitations, it was determined that arsenic, copper, and zinc would not be discharged at levels which will cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard.

Total Cadmium, Total Lead, and Mercury – This LPDES Permit establishes daily maximum and monthly average limitations of 0.0026 mg/L and 0.006 mg/L for Total Cadmium, 0.009 mg/L and 0.022 mg/L for Total Lead, and 0.00003 mg/L and 0.00006 mg/L for Mercury, respectively. The monitoring frequency is set at once per batch by grab sample. Based on a reasonable potential analysis using the technology based effluent limitations, it was determined that water quality based effluent limitations were needed for Cadmium, Lead, and Mercury to prevent this discharge from causing or contributing to an excursion above state water quality standards.

pH - Although the Effluent Limitation Guidelines do not apply to this facility type, the limitations (6.0 – 9.0 s.u.) are BPJ (due to the similar nature of activities and the potential for the presence of these parameters) based on Effluent Limitations Guidelines, 40 CFR

[18] Total Organic Carbon
[19] Total Suspended Solids
[20] Best Professional Judgement

Part 444, Waste Combustors Point Source Category. The monitoring frequency is set at once per batch by grab sample.

2,4,6-Trinitrotoluene, 1,3,5-Trinitrobenzene, 1,3-Dinitrobenzene, 2-Amino-4,6-dinitrotoluene, 2-Nitrotoluene, 3-Nitrotoluene, 4-Amino-2,6-dinitrotoluene, 4-Nitrotoluene, Nitroglycerin, Methyl-2,4,6-trinitrophenylnitramine (Tetryl), Pentaerythritol Tetranitrate, Aluminum, Barium, Cobalt, Iron, Manganese, and Vanadium - The LDEQ, specifically the Hazardous Waste Enforcement Division, has determined that these pollutants of concern are expected to be or have been found on the Clean Harbors Colfax site. Because there are no water quality standards or sampling data available, reporting for these parameters shall be required in the permit to assess potential impacts and to determine potential future technology-based effluent limitations. The monitoring frequency is set at once per batch by grab sample.

2,4-Dinitrotoluene, 2,6-Dinitrotoluene, Nitrobenzene, Antimony, Beryllium, Nickel, Selenium, and Thallium - The LDEQ, specifically the Hazardous Waste Enforcement Division, has determined that these pollutants of concern are expected to be or have been found on the Clean Harbors Colfax site. This LPDES permit establishes daily maximum limitations of 0.1 mg/L for 2,4-Dinitrotoluene, 0.1 mg/L for 2,6-Dinitrotoluene, 0.1 mg/L for Nitrobenzene, 0.6 mg/L for Antimony, 0.1 mg/L for Beryllium, 0.5 mg/L for Nickel, 0.1 mg/L for Selenium, and 0.1 mg/L for Thallium. The technology-based effluent limitations are based on the LDEQ empirical values. Effluent monitoring has been established at a frequency of once per batch by grab sample.

Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX or cyclotrimethylenetrinitramine), Tetrazocine (HMX), and Perchlorate - The LDEQ, specifically the Hazardous Waste Enforcement Division, has determined that these pollutants of concern are expected to be or have been found on the Clean Harbors Colfax site. This LPDES permit establishes monthly average and daily maximum limitations of 0.0028 mg/L and 0.0056 mg/L for Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX), 0.0031 mg/L and 0.0062 mg/L for Tetrazocine (HMX), and 0.071 mg/L and 0.142 mg/L for Perchlorate. The technology-based effluent limitations are derived from the EPA Treatability Database[21]. Effluent monitoring has been established at a frequency of once per batch by grab sample.

TDS[22] and Chlorides - The receiving stream is listed on the 2016 Integrated Report as impaired for TDS. Because there are no water quality standards or sampling data available, reporting for these parameters shall be required in the permit to assess potential impacts and to determine potential future water quality based effluent limitations. The monitoring frequency is set at once per batch by grab sample.

Biomonitoring Requirements: Requirements are based upon LDEQ's biomonitoring policy found in the Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards, LDEQ, October 26, 2010.[23]

[21] https://oaspub.epa.gov/tdb/pages/general/home.do
[22] Total dissolved solids
[23] See the Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards (EDMS

Outfalls 002 and 003 – the intermittent discharge of treated sanitary wastewater

Outfall 002 – at the point of discharge from the sewage treatment plant located near the office building

Outfall 003 – at the point of discharge from the sewage treatment plant located near the maintenance building

Flow - This LPDES permit establishes a reporting requirement for the flow measurement of each batch when discharging. Requirements are set in accordance with LAC 33.IX.2707.I.1.b and mirror the requirements found in the Class I Sanitary Discharge General Permit[24]. The monitoring frequency is set at estimate once per six months.

BOD[25] - This LPDES permit establishes monthly average and daily maximum limitations of 30 mg/L and 45 mg/L, respectively, in accordance with the Water Quality Management Plan[26], Volume 8, SSELP[27], Section 4 for facilities of this treatment type. Additionally, the established limitations mirror the requirements found in the Class I Sanitary Discharge General Permit. The monitoring frequency is set at once per six months by grab sample.

TSS - This LPDES establishes monthly average and daily maximum limitations of 30 mg/L and 45 mg/L, respectively. Since there is no numeric criterion for TSS, and in accordance with the current Water Quality Management Plan, the TSS effluent limitations effluent limitations are based on a case-by-case evaluation of the treatment technology being utilized at a facility. Therefore, a Technology Based Limit was established through BPJ for the type of treatment and technology utilized by this facility. Furthermore, the established limitations mirror the requirements found in the Class I Sanitary Discharge General Permit. The monitoring frequency is set at once per six months by grab sample.

Fecal Coliform - The receiving water body has a designated use of Primary Contact Recreation and fecal coliform standards to protect the designated use[28]. This LPDES permit establishes monthly average and daily maximum limitations of 200 cfu[29]/100 mL and 400 cfu/100 mL, respectively, based on demonstrated ability of existing facilities to comply with these limits using present available technology and BPJ to ensure that the water body standards are not exceeded and Primary Contact Recreation is supported. Furthermore, the established limitations mirror the requirements found in the Class I Sanitary Discharge General Permit. The monitoring frequency is set at once per six months by grab sample.

Doc ID 7717002)
[24] See EDMS Doc ID 8563254
[25] Biological oxygen demand
[26] See EDMS Doc ID 7717002
[27] Statewide Sanitary Effluent Limitations Policy
[28] See LAC 33:IX.1113.C.5
[29] Colony forming units

Total Nitrogen and Total Phosphorus – This LPDES permit includes reporting requirements for total nitrogen and total phosphorus in accordance with the Louisiana Nutrient Management Strategy[30]. The monitoring frequency is set at once per six months by grab sample.

pH – This LPDES permit establishes a minimum limitation of 6.0 s.u. and a maximum limitation of 9 s.u. for pH based on BPJ considering BCT[31] for similar waste streams in accordance with LA 33:IX.5905.C. Furthermore, the established limitations mirror the requirements found in the Class I Sanitary Discharge General Permit. The monitoring frequency is set at once per six months by grab sample.

b. Solid and Hazardous Waste

Clean Harbors is a permitted hazardous waste treatment, storage, and disposal (TSD) facility that operates under Hazardous Waste TSD Operating Permit LAD981055791-OP-RN-1, effective October 26, 2007.[32] An application to renew this permit has been submitted to the Department and is currently under review.[33]

In order to minimize the amount of material that is burned, Clean Harbors has developed a Waste Segregation Plan,[34] which includes, among other things, procedures to:

- identify, segregate, and properly manage, treat, and/or dispose of ancillary solid and/or hazardous wastes (e.g., empty containers, liners, packaging, etc.) associated with hazardous waste streams accepted for thermal treatment;
- divert ancillary waste streams that have been previously thermally treated at the Colfax Facility for disposal at authorized off-site solid and/or hazardous waste treatment/disposal facilities; and
- safely inspect and decontaminate ancillary wastes that may be contaminated with explosive/reactive hazardous waste residues in a manner that will allow for the ancillary wastes to be managed and ultimately treated/disposed utilizing technologies other than open burning.

c. Air Emissions

Clean Harbors' air emissions are regulated by its state minor source air permit. The facility's air permit modification is under review.

CONCLUSION: Accordingly, the LDEQ finds that Clean Harbors Colfax has avoided, to the maximum extent possible, adverse environmental impacts without unduly curtailing non-

[30] See EDMS Doc ID 9331803
[31] Best Conventional Technology
[32] EDMS Doc ID 5902583
[33] EDMS Doc IDs 10595350, 10595363, and 10597305 (and subsequent responses to Notices of Deficiency)
[34] EDMS Doc ID 11346195 (pp. 57-60 of 146)

environmental benefits.

5. COST/BENEFIT ANALYSIS (BALANCING): 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?

The Louisiana Constitution does not require the achievement of environmental protection as an exclusive goal. Rather, the constitution requires a balancing process in which environmental costs and benefits must be given careful consideration along with economic, social, and other factors.[35] As noted in Sections IV.B.1 and 2, Clean Harbors is an existing facility.

Environmental Impact Costs

Impacts to water quality and other media are discussed in Sections 3 and 4. These impacts have been avoided to the maximum extent possible.

Social and Economic Benefits

Clean Harbors employs a number of people at its Colfax Facility. Retention of jobs in Grant Parish is especially important, as the U.S. Department of Labor reported the August 2018 unemployment rate in the parish (6.7 percent) to be higher than Louisiana's overall unemployment rate of 5.5 percent for the same period.[36]

The direct economic benefits of the Colfax Facility are significant and include, but are not limited to:

- Permanent employment of 13 people with an annual payroll of approximately $600,000;
- significant funds spent at local businesses (eg, approximately $635,000 spent in 2016 alone);
- property taxes; and
- federal, state, and local tax payments.[37]

The facility also results in positive indirect economic impacts, such as income tax payments and purchases made by Clean Harbors' employees and contractors.

CONCLUSION: Based on the reasoning above, LDEQ finds that the social and economic benefits outweigh the environmental impact costs.

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[35] *Save Ourselves, Inc. v. La. Environmental Control Commission*, 452 So. 2d 1152, 1157 (La. 1984).

[36] Data obtained from the Bureau of Labor Statistics (https://data.bls.gov/map/MapToolServlet?survey=la). Unemployment rates are not seasonally adjusted.

[37] See EDMS Doc ID 10741642

V. ANTIDEGRADATION

The LDEQ's Antidegradation Policy found at LAC 33:IX.1109 and Implementation Plan found at LAC 33:IX.1119 are the LDEQ's implementation of the federal Antidegradation Policy found at 40 CFR 131.12. The LDEQ evaluates proposed (new or increased) discharges to determine the impact on water quality and whether the additional wasteload content has the reasonable potential to cause or contribute to violations of water quality criteria. Additionally, if water quality will be affected, the LDEQ must ensure that the inter-governmental coordination and public provisions of the state's continuing planning processes are met.

LAC 33:IX.1119 establishes LDEQ's current antidegradation procedures. LAC 33.IX.1119.B.e states, "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." Per this requirement, LDEQ establishes permit limitations in accordance with Volume 3 of the WQMP, *Permitting Guidance document for Implementing Louisiana Surface Water Quality Standards*. The procedures include a screen for water quality based limits (WQBEL) and a comparison to technology-based limits. If the screen indicates the WQBEL is the more limiting, then the WQBEL shall be placed in the permit. Water quality based limits are developed using ambient water quality data, facility data and surface water criteria. The inclusion of WQBELs in LPDES permits ensure continued protection of state waters.

Subsegment Analysis

Subsegments are hydrologic units used to define the borders of a watershed or drainage basin. Each subsegment has water quality standards unique to its location and designated uses. The discharges from Clean Harbors Colfax are located within the boundaries of Subsegment 101301, Red River Basin, Rigolette Bayou – from headwaters to Red River. The LDEQ has reviewed the permit with regard to the subsegment's designated uses, degree of support for the designated uses, causes and sources of impairment, and water quality standards.

The designated uses for Subsegment 101301 are primary contact recreation, secondary contact recreation, fish and wildlife propagation and agriculture.

Primary Contact Recreation – defined in LAC 33:IX.1111.A as "any recreational or other water contact activity involving prolonged or regular full-body contact with the water and in which the probability of ingesting appreciable amounts of water is considerable. Examples of this type of water use include swimming, skiing, and diving."

Secondary Contact Recreation – defined in LAC 33:IX.1111.A as "any recreational or other water contact activity in which prolonged or regular full-body contact with the water is either incidental or accidental and the probability of ingesting appreciable amounts of water is minimal. Examples of this type of water use include fishing, wading, and boating."

Fish and Wildlife Propagation – defined in LAC 33:IX.1111.A as "the use of water for aquatic habitat, food, resting, reproduction, cove 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."
Agriculture – defined in LAC 33:IX.1111.A as "the use of water for crop spraying, irrigation, livestock watering, poultry operations, and other farm purposes not related to human consumption."

Biannually, the LDEQ assesses whether or not water quality standards are being met for each subsegment's designated uses. The degree of support for each designated use is analyzed with respect to ambient water quality data, total maximum daily load (TMDL) surveys, and other information related to the subsegment. This data can be found in the Louisiana Water Quality Inventory: Integrated Report, which is also commonly known as the "305(b)/303(d) report". According to the 2016 "305(b)/303(d) report", Subsegment 101301 of the Red River Basin is fully supporting primary contact recreation, secondary contact recreation, and agriculture, but is not supporting fish and wildlife propagation.[38]

Causes and Sources of Impairments

Subsegment 101301, Red River Basin, Rigolette Bayou – from headwaters to Red River, is listed in the LDEQ's Final 2016 Integrated Report as not supporting its fish and wildlife propagation designated use; the suspected cause is Total Dissolved Solids.

Total Dissolved Solids (TDS) – Due to the treatment system proposed by Clean Harbors Colfax, which includes filtration and adsorption, this Office determined that there is little potential for this discharge to contain levels of TDS that would cause exceedance of state water quality standards. However, TDS monitoring and reporting have been included in the permit to provide information for future assessments.

The subsegment was also formerly impaired for Fecal Coliform and Dissolved Oxygen, for which the following TMDL Reports have been completed:

> TMDLs for Fecal Coliform Bacteria, Chlorides, Sulfates, Total Dissolved Solids and Turbidity for Selected Subsegments in the Red River Basin, Louisiana (March 27, 2007). Subsegment 101301 was only included in this TMDL for Fecal Coliform. As per the TMDL[39], "for fecal coliform bacteria, LDEQ's policy is to set wastewater permit limits no higher than water quality criteria. As long as point source discharges of treated wastewater contain parameter levels at or below these permit limits, they should not be a cause of exceedances of the fecal coliform bacteria water quality criteria. Therefore, no change in the permit limits is required." Permit limitations for fecal coliform have been established for Outfalls

[38] See Final 2016 Louisiana Water Quality Inventory: Integrated Report (305(b)/303(d) https://deq.louisiana.gov/assets/docs/Water/Integrated_Report/2016_Integrated_Report/16_IR1_Appendix_A_Water_Quality_Assessments_CORRECTED_8-23-17.xlsx

[39] See TMDLs for Fecal Coliform Bacteria, Chlorides, Sulfates, Total Dissolved Solids and Turbidity for Selected Subsegments in the Red River Basin, Louisiana (EMDS Doc ID 10745678)

002 and 003 based on LDEQ's current policy.

Bayou Rigolette and Iatt TMDL for Dissolved Oxygen (March 25, 2008) As per the TMDL, other point sources with oxygen demand parameters have small flows, and since they discharge to tributaries, were determined to have little impact on DO concentrations in Bayou Rigolette. Therefore, no requirements for dissolved oxygen shall be established in the LPDES permit for Clean Harbors Colfax. However, BOD_5 limitations are included in the permit in accordance with the SSELP.

The facility, under the conditions of the LPDES permit, is not expected to negatively impact the water quality or designated uses in the subsegment. Therefore, adverse changes to the water quality of the waterways due to the discharges are not likely. As in all LPDES permits, a reopener clause has been included in the permit to allow for more stringent limitations or requirements should they be necessary in the future.

Water Quality Standards

According to LAC 33:IX.1113, 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. General criteria specifically apply to human activities; they do not apply to naturally occurring conditions. General water quality criteria include: aesthetic consideration; color; floating, suspended or settable solids; taste and odor, toxic substances; oil and grease; foaming or frothing materials; balance of the nitrogen-phosphorus nutrient ratio; turbidity; alteration of flow characteristics; radioactive materials; and the maintenance and protection of the biological and aquatic community integrity.

The LDEQ included WQBELs and narrative requirements in the permit, based on the reasonable potential analysis, which was conducted in accordance with Volume 3 of the Water Quality Management Plan. Under the conditions of the LPDES permit, the facility is not expected to negatively affect the water quality or designated uses in the subsegment. Therefore, the discharge complies with the antidegradation policy

VI. COMPLIANCE HISTORY

A. Facility Compliance History

Pursuant to La. R.S. 30:2014(A)(2), LDEQ is required to consider the history of violations and compliance for the facility when making a permit decision.

In the past 5 years, LDEQ has issued the following enforcement actions to Clean Harbors:

Enforcement Action	Date of Issuance	Media
MM-CN-16-01015[40]	October 27, 2016	Air, Hazardous Waste, Solid Waste, Water
AE-CN-17-00062[41]	February 7, 2017	Air
AE-PP-17-00520[42]	July 18, 2017	Air
MM-CN-18-00108[43]	March 23, 2018	Hazardous Waste, Solid Waste, Water
AE-PP-18-00143[44]	April 11, 2018	Air
MM-CN-18-00649[45]	November 13, 2018	Hazardous Waste, Solid Waste
MM-P-18-00537[46]	November 19, 2018	Air, Hazardous Waste, Solid Waste, Water

With respect to water related violations, enforcement action MM-CN-16-01015 addressed the following:

- Failure to submit an accurate application in violation of La. R.S. 30:2076(A)(3) and LAC 33:IX.6507.A.3
- Discharge of pollutants not authorized by LPDES permit LA0101931 in violation of La. R.S. 30:2076(A)(1)(b) and LAC 33:IX.501.C
- Failure to implement an adequate SWP3 in violation of LPDES Permit LA0101931, La. R.S. 0:2076(A)(3), and LAC 33:IX.2701.A
- Failure to provide adequate laboratory controls and appropriate quality assurance procedures, failure to conduct monitoring according to approved test procedures and failure to maintain records in violation of LPDES Permit LA0101931, La. R.S. 0:2076(A)(3), and LAC 33:IX.2701.A
- Exceedance of effluent limitations in violation of LPDES Permit LA0101931
- Failure to adequately implement the Spill Prevention and Control Plan in violation of La. R.S. 30:2076(A)(3) and LAC 33:IX.905.A

In addition, this Order addressed violations of the Louisiana hazardous waste (LAC 33:V), solid waste (LAC 33:VII), and air quality (LAC 33:III) regulations.

With respect to water related violations, enforcement action MM-CN-18-00108 addressed the following:

- Unauthorized discharge of contact stormwater and other wastewater to waters of the state from a location not authorized by an LPDES Permit in violation of La. R.S. 30:2076(A)(1)(a) and LAC 33:IX.501.D

[40] Consolidated Compliance Order and Notice of Potential Penalty (EDMS Doc ID 10386166)
[41] Consolidated Compliance Order and Notice of Potential Penalty (EDMS Doc ID 10492908)
[42] Notice of Potential Penalty (EDMS Doc ID 10714907)
[43] Consolidated Compliance Order and Notice of Potential Penalty (EDMS Doc ID 11038175)
[44] Notice of Potential Penalty (EDMS Doc ID 11060384)
[45] Consolidated Compliance Order and Notice of Potential Penalty (EDMS Doc ID 11406742)
[46] Penalty (EDMS Doc ID 11411835)

In addition, this Order addressed violations of the Louisiana hazardous waste (LAC 33:V) and solid waste (LAC 33:VII) regulations.

Penalty, MM-P-18-00537, was assessed for the violations noted in MM-CN-16-01015, AE-CN-17-00062, AE-PP-17-00520, MM-CN-18-00108, and AE-PP-18-00143 for the amount of $883,665.56.

LDEQ's Enforcement Division is working with Clean Harbors Colfax to bring these matters to a resolution. The permit renewal directly addresses the discharge of additional pollutants identified in the aforementioned enforcement actions.

Notwithstanding the compliance history described above, LDEQ does not believe that Clean Harbors is unwilling or incapable of achieving and maintaining compliance with applicable state requirements or the terms and conditions of LPDES Permit LA0101931.

B. DMRs

A review of the discharge monitoring reports for the period beginning July, 2015 through September, 2018 revealed following permit effluent limitation excursions were reported:

Date	*Outfall*	*Parameter*	*Permit Limit*	*Sample Result*
May 2016	001	pH	6.0 – 9.0 s.u.	9.56 s.u.

C. Inspections:

The Department conducted inspections on April, 7, 2017[47], March 31, 2017[48], December 6, 2016[49], and October 10-19, 2016[50], at the Clean Harbor Colfax site since January 1, 2016, to assess compliance with the water quality regulations and LPDES permit LA0101931. Areas of concern found during these inspections were referred to the Enforcement Division and addressed as needed in the enforcement actions listed in Section VI.A of this document.

D. Review of the Permit Applicant

The LDEQ has reviewed the qualifications of Clean Harbors Colfax as a permit applicant for the referenced permit. It is registered with the Secretary of State and currently owes no fees to the LDEQ. However, a penalty which was assessed as per Penalty MM-P-18-00537, is still pending.

[47] EDMS Doc ID 10593774
[48] EDMS Doc ID 10606125
[49] EDMS Doc ID 10461519
[50] EDMS Doc ID 10386164

VII. ENVIRONMENTAL JUSTICE/CIVIL RIGHTS TITLE VI ISSUES

In responding to a Title VI administrative complaint filed on June 9, 1998, against the Michigan Department of Environmental Quality (MDEQ), EPA's Office of Civil Rights addressed allegations regarding "adverse" and "disparate" air quality impacts as follows.[51]

> The environmental laws that EPA and the states administer generally do not prohibit pollution outright; rather, they treat some level of pollution as "acceptable" when pollution sources are regulated under individual, facility-specific permits, recognizing society's demand for such things as power plants, waste treatment systems, and manufacturing facilities. In effect, Congress--and, by extension, society--has made a judgment that some level of pollution and possible associated risk should be tolerated for the good of all, in order for Americans to enjoy the benefits of a modern society--to have electricity, heat in our homes, and the products we use to clean our dishes or manufacture our wares. Similarly, society recognizes that we need facilities to treat and dispose of wastes from our homes and businesses (such as landfills to dispose of our trash and treatment works to treat our sewage), despite the fact that these operations also result in some pollution releases. The expectation and belief of the regulators is that, assuming that facilities comply with their permit limits and terms, the allowed pollution levels are acceptable and low enough to be protective of most Americans.
>
> EPA and the states have promulgated a wide series of regulations to effectuate these protections. Some of these regulations are based on assessment of public health risks associated with certain levels of pollution in the ambient environment. The NAAQS established under the Clean Air Act (CAA) are an example of this kind of health-based ambient standard setting. Air quality that adheres to such standards is presumptively protective of public health. Other standards are "technology-based," requiring installation of pollution control equipment which has been determined to be appropriate in view of pollution reduction goals. In the case of hazardous air pollutants under the CAA, EPA sets technology-based standards for industrial sources of toxic air pollution. The maximum achievable control technology standards under the Clean Air Act are examples of this kind of technology-based standard setting. After the application of technology-based standards, an assessment of the remaining or residual risk is undertaken and additional controls implemented where needed.
>
> Title VI and EPA's implementing regulations set out a requirement independent of the environmental statutes that all recipients of EPA financial assistance ensure that they implement their environmental programs in a manner that does not have a discriminatory effect based on race, color, or national origin. If recipients of EPA funding are found to have implemented their EPA-delegated or authorized federal environmental programs (e.g., permitting programs) in a manner which distributes the otherwise acceptable residual pollution or other effects in ways that result in a harmful concentration of those effects in racial or ethnic communities, then a finding of an adverse disparate impact on those communities within the meaning of Title VI may, depending on the circumstances, be appropriate.

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[51] "Investigative Report for Title VI Administrative Complaint File No. 5R-980R5 (Select Steel Complaint)," pp. 27-29 (internal citations omitted), http://www.epa.gov/ocr/docs/ssdec_ir.pdf.

Importantly, to be actionable under Title VI, an impact must be both "adverse" and "disparate." The determination of whether the distribution of effects from regulated sources to racial or ethnic communities is "adverse" within the meaning of Title VI will necessarily turn on the facts and circumstances of each case and the nature of the environmental regulation designed to afford protection. As the United States Supreme Court stated in the case of *Alexander v. Choate*, 469 U.S. 287 (1985), the inquiry for federal agencies under Title VI is to identify the sort of disparate impacts upon racial or ethnic groups which constitute "sufficiently significant social problems, and [are] readily enough remediable, to warrant altering the practices of the federal grantees that had produced those impacts." *Id.* at 293-94 (emphasis added).

The complaint in this case raises air quality concerns regarding several NAAQS-covered pollutants, as well as several other pollutants. With respect to the NAAQS-covered pollutants, and as explained more fully below, EPA believes that where, as here, an air quality concern is raised regarding a pollutant regulated pursuant to an ambient, health-based standard, and where the area in question is in compliance with, and will continue after the operation of the challenged facility to comply with, that standard, the air quality in the surrounding community is presumptively protective and emissions of that pollutant should not be viewed as "adverse" within the meaning of Title VI. By establishing an ambient, public health threshold, standards like the NAAQS contemplate multiple source contributions and establish a protective limit on cumulative emissions that should ordinarily prevent an adverse air quality impact.

With respect to the pollutants of concern in the complaint which are not covered by the NAAQS, Title VI calls for an examination of whether those pollutants have become so concentrated in a racial or ethnic community that the addition of a new source will pose harm to that community. Because EPA has determined that there is no "adverse" impact for anyone living in the vicinity of the facility, it is unnecessary to reach the question of whether the impacts are "disparate."

Also note that the United States Supreme Court held, in *Alexander v. Sandoval*, (532 U.S. 275) (2001) [No. 99-1908, decided April 24, 2001], that there is no private cause of action to enforce Section 602 of Title VI of the Civil Rights Act of 1964, 78 Stat. 252, as amended, 42 U.S.C. §2000d *et seq*.

Although the aforementioned complaint examines environmental justice in the context of a Prevention of Significant Deterioration (PSD) air permit, the LDEQ accepts the EPA's assessment and reasoning by analogy as it applies to other permit activities involving other environmental media. Clean Harbors Colfax operations, limited in accordance with the conditions of its water permit, are not expected to result in an adverse impact in the surrounding area. Without an "adverse" impact, there can be no "disparate" impact.

VIII. CONCLUSION

The LDEQ's Office of Environmental Services has conducted a careful review and evaluation of the entire administrative record, which includes the permit application, Environmental Assessment Statement, additional application-related information, the draft permit and all public comments. The LPDES Permit Number LA0101931 has been issued to Clean Harbors Colfax, LLC.

The permit for this facility will require that the discharges be controlled to meet or exceed the requirements of all applicable regulations and defined permit conditions.

The local, state, and national economy will continue to benefit from operation of the Colfax Facility, which provides personal income for the facility's employees; generates property and other tax revenues for Grant Parish, the state of Louisiana, and the federal government; and necessitates the purchase of goods and services from other businesses. These benefits are major, significant, and tangible, and outweigh the environmental impacts of the facility.

Based on a careful review and evaluation of the entire administrative record, which includes the permit renewal application, Environmental Assessment Statement, additional information associated with the application, the draft permit package, and all public comments, the Louisiana Department of Environmental Quality, Office of Environmental Services, finds that the permit for Clean Harbors Colfax, LLC complies with all applicable federal and state statutes and regulations and will comply with the requirements of Save Ourselves v. La. Envtl. Control Commission, 452 So. 2d 1152, 1157 (La. 1984). Particularly, the LDEQ finds that the permit will minimize or avoid potential and real adverse environmental impacts to the maximum extent possible and that social and economic benefits of the proposed project outweigh adverse environmental impacts. Id.

Elliott B. Vega, Assistant Secretary
Office of Environmental Services

Date 5/1/19

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL SERVICES

PUBLIC COMMENTS RESPONSE SUMMARY

LOUISIANA POLLUTANT DISCHARGE ELIMINATION SYSTEM (LPDES) PERMIT LA0101931

CLEAN HARBORS COLFAX, LLC
COLFAX, GRANT PARISH, LOUISIANA
AGENCY INTEREST NO. 32096

This document responds to pertinent statements (questions and/or comments) received via mail, e-mail, and at the public hearing on the permit actions referenced above. Statements addressing similar issues have been grouped and summarized from the written submissions and public hearing transcript. Documents containing the commenters' complete statements are located in LDEQ's Electronic Document Management System (EDMS).[1]

A notice requesting public comment and announcing a public hearing on the draft water permit was published in *The Advocate*, Baton Rouge; in *The Chronicle*, Colfax; and on LDEQ's "Public Notices" webpage[2] on May 17, 2018. On May 21, 2018, copies of the public notice were also mailed or e-mailed to the individuals who have requested to be placed on the mailing list maintained by the Office of Environmental Services (OES). The public hearing was originally scheduled for June 19, 2018.

However, due to the EDMS outage from May 11, 2018, to June 3, 2018, the public hearing was rescheduled, and the comment period was extended.[3] Notice of the extension and new public hearing date was published in *The Advocate*, in *The Chronicle*, and on LDEQ's website on June 21, 2018. On June 20, 2018, copies of the public notice were also mailed or e-mailed to the individuals who have requested to be placed on the mailing list maintained by the OES. The public hearing was held on Thursday, July 26, 2018, at the Grant Colfax Civic Center, located at 420 Richardson Drive in Colfax, Louisiana. The comment period closed on July 30, 2018, for a total comment period of 74 days.

During the comment period, the proposed permit, permit applications, additional information, and Fact Sheet were available for review at LDEQ's Public Records Center (Room 127), 602 North 5th Street, Baton Rouge, Louisiana; and at the Grant Parish Library, 300 Main Street, Colfax, Louisiana. These documents were also accessible through EDMS except during the period noted above.

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1 LDEQ's EDMS is the electronic repository of official records that have been created or received by LDEQ. Members of the public can view and download documents stored in EDMS via the internet at http://edms.deq.louisiana.gov.

2 http://deq.louisiana.gov/public-notices

3 Per the June 7, 2018, notice informing the public that the public hearing would be rescheduled, LDEQ clarified that "written comments will be accepted ... until the new comment period is established when the new Public Hearing date has been set" (EDMS Doc ID 11159111).

Issue No. 1: Comments concerning impact on aquatic life

Comment 1:

A lot of us people from around here live off the land still, grow our gardens, hunt, fish Iatt Lake. We know the debris falls. We've seen it fishing in the lake before, much less the fish with irregular growths on them that we caught throughout the years, in the last five or six years here. So, I don't see a study on that.[4]

LDEQ Response to Issue No. 1

As illustrated by Attachment 1 of this document, the LPDES permit is much more stringent than the previous permit. To ensure that the wastewater discharged at the facility is more adequately characterized, the permit has been written to include the potential pollutants of concern at the Colfax facility. The limitations and monitoring requirements established in the permit are protective of human health, aquatic life, and the environment. In accordance with 40 CFR 122.44(d)(I)/LAC 33:IX.2707.D.1., the existing discharge was evaluated in accordance with the Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards, LDEQ, October 26, 2010. This document is known as the water quality implementation plan. The water quality spreadsheet in Appendix B-1 of the fact sheet examined the Colfax facility's reasonable potential to discharge the toxic constituents at levels which could violate state water quality standards and adversely affect the receiving waterbody's designated uses. As a result of this reasonable potential analysis, cadmium, lead, and mercury water quality based limitations were established in the permit to prevent violation of state water quality standards.

In addition to the limitations included in this permit, this permit contains Whole Effluent Toxicity (WET) testing requirements, also known as biomonitoring. These tests are laboratory analyses which determine the effluent concentrations at which adverse effects to growth, reproduction, and survival are exhibited in standardized test organisms. LDEQ's biomonitoring language and requirements are based on the water quality implementation plan. Biomonitoring is the most direct measure of potential toxicity used to characterize and measure the aggregate toxicity of an effluent or ambient waters. During the term of this permit, if a biomonitoring test fails the lethal (survival) or sub-lethal (reproduction and/or growth) endpoint, monthly retests will be required, which may initiate more stringent permit controls to be implemented in the future. If toxicity is confirmed, a Toxicity Reduction Evaluation (TRE) will be performed by the facility to determine the cause of toxicity. More detail on the toxicity testing requirements can be found in Other Conditions, Paragraph H of the LPDES permit.

[4] See Kenneth Woodstein oral statement from Clean Harbors public hearing transcript (EDMS Doc ID 11276987, p. 27 of 875)

Issue No. 2: Concerns related to the retention pond closure

Comment 2:

According to reports on EDMS, there is still perchlorate in the bottom of the retention pond as well as on the sides of the pond. Did DEQ give written or verbal permission to Clean Harbors to fill and close the pond with residual concentration of perchlorate in the soil?[5]

LDEQ Response to Issue No. 2

The LPDES permit does not authorize discharge from the retention pond (surface impoundment) mentioned in the comment. All wastewater must go through treatment as indicated in the permit application and meet the effluent limitations before it can be released to waters of the State. On October 27, 2016, the LDEQ Office of Environmental Compliance - Enforcement Division (OEC-ED) issued Compliance Order and Notice of Potential Penalty, Enforcement Tracking No. MM-CN-16-01015[6], which ordered the closure of this surface impoundment. The permittee submitted the *Colfax Stormwater Retention Pond Closure Certification Report* on July 18, 2018[7]. This report is currently under review by the Waste Permits Division.

With regard to perchlorate contamination of surface water discharges, the final LPDES permit contains effluent limitations for perchlorate. See Attachment 1.

Issue No. 3: Comments concerning the tank spill

Comment 3A:

There was an illegal release from approximately 350,000 gallons of contaminated water that was collected from the burn pad from an unauthorized storage tank. It wasn't approved by DEQ and it probably should have been denied and stamped by wiser engineers since public safety is involved.[8]

Comment 3B:

Summerfield Branch runs through my property. Runoff water from the old retention pond that had been closed flowed directly from Clean Harbors onto my property and through Summerfield

[5] See Brenda Vallee written statement (EDMS Doc ID 11126620)

[6] Compliance Order and Notice of Potential Penalty (See EDMS Doc ID 10386166)

[7] *Colfax Stormwater Retention Pond Closure Certification Report* (See EDMS Doc ID 11230798)

[8] See Cephas Bowie oral statement from Clean Harbors public hearing transcript (EDMS Doc ID 11276987, p. 12 of 875)

Branch. I am concerned that the water that escaped following the tank's collapse followed more or less the same path as previous water that was discharged.[9]

Comment 3C:

A modular waste water tank collapsed holding 450,000 gallons of wastewater. The State Police notified Grant Parish at 10:07 AM with a combined state notification at 10:08 AM. DEQ inspectors arrived at the Clean Harbor facility on February 26, 2018, at 11:25 AM and stayed until 4:00 PM. At this time, it was discovered that a 20-30 foot section of the modular waste water holding breached in the early morning hours of February 26, 2018 sometime between 12:30 AM to 6:00 AM. The water flows near Outfall 001 and flows closely to the water released from the old retention pond which eventually runs into Summerfield Branch, then to Bayou Grappe, then to Sugar House Bayou, then the Darrow, and finally into Red River. Mr. Rush stated that rain water was running off the top and down three sides of the tank at 12:00 AM on February 26, 2018. This should have indicated that there was a problem with the holding tank. Why was this problem not addressed immediately? Why were preparations not made with the upcoming rain in the forecast?[10]

LDEQ Response to Issue No. 3

In accordance with the Colfax facility's September 7, 2017 response to LDEQ[11] regarding closure of the retention pond, onsite storage tanks would be used to contain the stormwater. According to the LDEQ Surveillance Division inspection report dated February 26, 2018[12], the release from the collapsed tank flowed from the tank, eastward downhill into an unnamed ditch which flows to Bayou Grappe. The modular storage tank release was a surface water release, which has been investigated by the LDEQ and the facility, and for which the facility has been cited. On March 23, 2018, the LDEQ issued the facility a Consolidated Compliance Order and Notice of Potential Penalty (MM-CN-18-00108) regarding the storage tank release, which required the facility to submit a *RECAP Site Investigation Work Plan* to address the assessment of any potential contamination resulting from the tank release.[13] The facility submitted the work plan on April 5, 2018[14], which was approved by the LDEQ on April 25, 2018.[15] Subsequently, the facility submitted a *Modular Storage Tank Release Investigation Summary Report* on July 16, 2018 to evaluate any impact of the tank release.[16] Additionally, on November 19, 2018,

[9] See William E. O'Neal written statement EDMS Doc ID 11036008, p. 8 of 69)
[10] See written statement (EDMS Doc ID 11036008, p. 55 of 69)
[11] See response letter (EDMS Doc ID 10777278)
[12] Inspection report (See EDMS Doc ID 11035206)
[13] Consolidated Compliance Order and Notice of Potential Penalty (EDMS Doc ID 11038175)
[14] RECAP Site Investigation Work Plan (EDMS Doc ID 11067748)
[15] Approval to the Tank Release RECAP Site Investigation Work Plan (EDMS Doc ID 11239381)
[16] Modular Storage Tank Release Investigation Summary Report (EDMS Doc ID 11239381)

Penalty Assessment, MM-P-18-00537[17] was issued to the Colfax facility. According to the Penalty Assessment, the Department's investigation of this matter is still not complete.

Issue No. 4: The storage tank spill and company's lack of notification of the spill

Comment 4A:

Once again some of us do not feel that Clean Harbors has been a good neighbor. A good neighbor would have contacted his neighbors to say that wastewater in the amount of 400,000-450,000 gallons of water had spilled out of the waste water tank following its collapse and had gone onto the ground and into the water drainage system.[18]

Comment 4B:

An unauthorized tank was set up, it wasn't empty prior to the storm, was seen overflowing and then was allowed to collapse releasing five hundred thousand gallons of toxic water. It was two days before any authority notified the release of the toxic material into our land and water ways. This is intolerable. This incident gives us insight to the operating procedure and corporate culture of Clean Harbors Colfax.[19]

LDEQ Response to Comments No. 4A and 4B

According to Incident Report No T-183153[20], the release occurred on February 26, 2018. Clean Harbors verbally reported the incident on the morning of February 26, 2018. According to the incident report narrative, LDEQ inspectors arrived at the facility at approximately 11:00 AM on February 26, 2018. Written notification of the spill was received by the Department on March 13, 2018[21], for the unauthorized discharge that occurred on February 26, 2018. According to the OEC-ED, the permittee reported this incident in accordance with Standard Conditions, Section D of LPDES permit LA0101931. Permittees are not legally required by LPDES regulations to notify neighboring properties of issues that arise at their facilities.

[17] Penalty Assessment (See EDMS Doc ID 11411835)
[18] See Brenda Vallee written statement (EDMS Doc ID 11019157)
[19] See Karen Richardson oral statement from Clean Harbors public hearing transcript (EDMS Doc ID 11276987, p. 29 of 875)
[20] Incident Report (See EDMS Doc ID 11031804, p. 49 of 57)
[21] Written Incident Report (EDMS Doc ID 11040045)

Comment 4C:

When a breakdown is witnessed no effort is made to alert the necessary authorities to take any steps to avert disaster. When disaster happens there is no effort to alert the community. Alerts do not go to authorities.[22]

LDEQ Response to Comment No. 4C

Clean Harbors Colfax LLC has developed and implemented a Contingency Plan in accordance with LAC 33:V.1513[23] and the permit conditions set forth in the Hazardous Waste RCRA Subtitle C Permit (Permit No. LAD 981 055 791).

The Contingency Plan contains procedures, equipment, and contingency plans for protecting employees and the general public from accidents, fires, explosions, etc., and provisions for emergency response and care, should an accident occur (including proximity to a hospital, fire and emergency services, and training programs). In accordance with Clean Harbors Colfax LLC's Contingency Plan, Permit Conditions III.J and III.K, and LAC 33:V.1513.F.b, the facility is required to notify the appropriate state or local agencies with designated response roles if their help is needed. Additionally, if the public witnesses an event at the facility and is concerned, an environmental citizen complaint can be filed. Instructions to file citizen complaints can be found on the LDEQ website.[24]

Issue No. 5: Concerns related to the discharge of contaminated wastewater to waters of the state, the treatment of contaminated water and the LPDES permit

Comment 5A:

Common sense tells us that discharging polluted burn pad water in local waterways is just another potential health/environmental hazard.[25]

Comment 5B:

The Town of Colfax objects to any permit which allows Clean Harbors Colfax to discharge untreated waste water/storm water that has come into contact with the burn pad or burn process area at this facility. The uncontrolled, unmonitored discharge of contaminated waste water into our streams and soils has gone on long enough and is not acceptable. All waste water/storm water which comes into contact with the burn pad/burn area should be treated, regardless. It should be caught, held for treatment, treated, tested and stored until determined safe by RECAP

[22] See Karen Richardson oral statement from Clean Harbors public hearing transcript (EDMS Doc ID 11276987, p. 29 of 875)
[23] Clean Harbors Colfax Contingency Plan (See EDMS Doc IDs 3194754 and 3506213)
[24] See LDEQ website: https://deq.louisiana.gov/page/file-a-complaint-report-an-incident.
[25] See Mr. and Mrs. Bascom Smith written statement (EDMS Doc ID 11276987, p. 660)

standards and effluent discharge standards and approved for discharge by LDEQ before being released into our environment. A complete comprehensive list of all possible contaminates related to the materials resulting from the burning process should be required to be monitored and effluent limits established.[26]

LDEQ Response to Issue No. 5

The release of untreated contact stormwater, which includes stormwater runoff from the burn pad, is prohibited by the final permit. Further, as illustrated by Attachment 1 of this document, the final LPDES permit is much more stringent than the previous permit and requires substantially more monitoring of the wastewater from the facility. The permit requires effluent monitoring and reporting for many pollutants of concern at the Colfax facility (See Attachment 1). The wastewater will be collected in a pretreatment holding tank prior to being sent through a treatment system composed of pumps, filters, reaction and media vessels, media able to absorb one or more identified potential permit parameters, float switches, and other possible components typical of such systems. The treated wastewater will be released in batches through Outfall 001 from a post treatment holding tank. The permit requires each batch discharge to meet permit limitations before it can be released from the post treatment holding tank to waters of the State. According to the LPDES application, if the wastewater does not meet the permit limitations, the water will be recirculated through the pre-treatment tanks for additional treatment[27].

See Attachment 1 for comparison of Outfall 001's previous permit requirements and current permit requirements, and the basis for permit limitations. See also Section IV.B.4 of the Basis for Decision document associated with the LPDES permit.

Issue No. 6: Comments related to the discharge of wastewater being released to waters of the state instead of transported to another facility offsite

Comment 6:

It is time to contain all of the stormwater waste in tanks into one of Clean Harbors' Baton Rouge sites instead of releasing it to an unnamed ditch, Summerfield Branch, Bayou Grappy into Red River.[28]

[26] See Town of Colfax Resolution (EDMS Doc ID 10844324)

[27] 2/15/2017 LPDES permit application (EDMS Doc ID 10510285, Attachment 1)

[28] See Martha Voda oral statement from Clean Harbors public hearing transcript (EDMS Doc ID 11276987, p. 21 of 875)

LDEQ Response to Issue No. 6

The final LPDES permit has established effluent limitations and monitoring requirements which are protective of human health, aquatic life and the environment. The permit includes a more comprehensive list of parameters to be monitored at the facility based upon the pollutants of concern discovered at the facility. The Department does not have the authority to require the permittee to transport the contaminated water to a specific treatment facility. See the response to Issue 1 and Attachment 1 for further explanation of the permit requirements.

Issue No. 7: Company's poor compliance history with regard to water discharges

Comment 7:

Their careless handling of toxic water that their burn pads generate has already released tons of liquid toxins out of their property into public waterways.[29]

LDEQ Response to Issue No. 7

Investigations regarding the facility's compliance issues are ongoing by the Office of Environmental Compliance. The following enforcement orders have been issued by the OEC-ED to the facility in the last two years:

Order	Order Number	EDMS Document ID	Media	Date
Penalty	MM-P-18-00537	11411835	Multi-media	November 19, 2018
Consolidated Compliance Order and Notice of Potential Penalty	MM-CN-18-00649	11406742	Multi-media	November 13, 2018
Notice of Potential Penalty	AE-PP-18-00143	11060384	Air	April 11, 2018
Consolidated Compliance Order and Notice of Potential Penalty	MM-CN-18-00108	11038175	Multi-media	March 23, 2018
Notice of Potential Penalty	AE-PP-17-00520	10714907	Air	July 18, 2017
Consolidated Compliance Order and Notice of Potential Penalty	AE-CN-17-00062	10492908	Air	February 7, 2017

[29] See Ron Hagar oral statement from Clean Harbors public hearing transcript (EDMS Doc ID 11276987, p. 34 of 875)

With regard to the water discharges from the Colfax facility, the Office of Environmental Services – Water Permits Division has issued a final LPDES permit which is more stringent than the previous permit. For more details regarding requirements of the final LPDES permit, see the response to issue 1 and Attachment 1.

Issue No. 8: Concerns related to the discharge of unauthorized water

Comment 8A:

In fact, the water has been allowed to be discharged for many years, and it was contaminated water from the burn pad. And, in fact, the discharge permit was not for contaminated water at all.[30]

LDEQ Response to Comment No. 8A

The previous permit authorized the discharge of only non-contact stormwater; therefore, the permit only included limitations and monitoring appropriate for non-contact stormwater. This final permit has been revised to include limitations and monitoring that are appropriate for the discharge of contact stormwater from this type of facility. See the response to issue 1 and Attachment 1 for further explanation of the permit requirements.

Comment 8B:

...the pond water treatment system they're installing. They want to install a bypass valve so after it rains a number of days that they can directly let the water from the pond pad flow directly off their property. Well, if they get this treatment system operating, and y'all allow them to, I want a bypass valve that needs to be sealed and rolled blind. I want DEQ to have a seal that must be broken. I want it numbered and it want it rolled blind. What that means is they can open the valve and nothing's going to go out of it until they get a boilermaker over there to open that blind and they have notified DEQ before any water is dispersed off their property that came from the burn pad.[31]

LDEQ Response to Comment No. 8B

The LPDES permit prohibits the discharge of untreated contact stormwater. However, the LPDES permit includes bypass provisions under Standard Conditions, Section B.4. Bypasses are prohibited by LAC 33:IX 2701.M, except as described in the permit.

[30] See Wilma Subra oral statement from Clean Harbors public hearing transcript (EDMS Doc ID 11276987, p. 46 of 875)

[31] See John Munsen oral statement from Clean Harbors public hearing transcript (EDMS Doc ID 11276987, pp. 48-49 of 875)

Issue No. 9: Concerns related to contamination of groundwater

Comment 9A:

I am requesting that LDEQ extend the test wells all around the contaminated area at Clean Harbors Colfax. LDEQ did add a well recently to the tests there; however, I believe that there should be a circle of wells surrounding the contaminated area in order to get a better picture of what the conditions are like below the surface.[32]

Comment 9B:

(With regard to the pond incident) To this day, we don't know the extent of the groundwater pollution. They are still extending wells, at this time, to find how far the groundwater pollution goes. Ninety-five percent of the us in Grant Parish get our water from the ground, our drinking water, our bathing water, water for our gardens.[33]

Comment 9C:

The results of the DEQ soil and water testing and their investigations of public reports about Clean Harbors Colfax operations have proven that there are toxic pollutants being illegally released from this Clean Harbors facility.[34]

LDEQ Response to Comment No. 9A, 9B and 9C

There is currently a network of 13 monitoring wells around the permitted burn pad. According to the results of the 2016 Second Quarter Groundwater Monitoring Event, a release to the groundwater was confirmed at the Clean Harbors Colfax Facility.[35] On October 10, 2016, the LDEQ requested Clean Harbors Colfax to evaluate the groundwater for the full extent of Constituents of Concerns (COCs) and determine the source of the release in accordance with Appendix B of LAC 33:I Chapter 13 (Risk Evaluation/Corrective Action Program {RECAP}).[36] On December 16, 2016, Clean Harbors Colfax submitted a *Groundwater Assessment Work Plan*[37], which was approved by the LDEQ on January 25, 2017.[38] Clean Harbors Colfax submitted a *Groundwater Assessment Report* on June 27, 2017. This report summarized the groundwater assessment activities that were conducted in accordance with the approved work plan, the groundwater assessment results, and the recommended path forward for the site.[39]

[32] See Brenda Vallee written statement (EDMS Doc ID 10877881)
[33] See John Munsen oral statement from Clean Harbors public hearing transcript (EDMS Doc ID 11276987, p. 30 of 875)
[34] See Ron Hagar oral statement from Clean Harbors public hearing transcript (EDMS Doc ID 11276987, p. 34 of 875)
[35] See 2016 Second Quarter Groundwater Monitoring Event (EDMS Doc ID 10320320)
[36] See LDEQ Response to 2016 Second Quarter Groundwater Monitoring Event (EDMS Doc ID 10357039)
[37] Groundwater Assessment Work Plan (EDMS Doc ID 10442934)
[38] LDEQ response to Groundwater Assessment Work Plan (EDMS Doc ID 10486815)
[39] Groundwater Assessment Report (EDMS Doc ID 10681738)

After review of this document and review of several revisions to the report, on December 28, 2017, LDEQ concurred with the findings and approach proposed by the *Groundwater Assessment Report.*[40] It has been determined that the network of wells adequately establishes the extent of the plume.

Comment 9D:

On site monitoring wells have tested positive for a myriad of chemicals exceeding LDEQ allowable limits. These can enter underground aquifers and affect many innocent residents using the water for household use or irrigation.[41]

Comment 9E:

Proven fact: Ground contamination at certain locations causing contamination of groundwater for drinking purposes might be a real matter of concern in not the too distant future.[42]

Comment 9F:

Ground water is already contaminated at Clean Harbors in some locations. All of our drinking water does not come from one location in Grant Parish, so what if some water system unknowingly has accessed to polluted water, containing contaminant from Clean Harbors? To increase the burned time that is now being burned could possibly extend the contamination further into water beneath the ground over a period of time.[43]

LDEQ Response to Comment No. 9D, 9E and 9F

In accordance with RECAP criteria, the groundwater at Clean Harbors Colfax is classified as a Groundwater-2, which signifies that the drinking water is not connected to public supply, but connected to domestic supply. The groundwater is currently being evaluated under RECAP and an appropriate dilution attenuation factor (DAF) will be used to ensure protection to off-site groundwater. The probable source of the groundwater contamination (leak from the now closed retention pond) has been removed. In accordance with Permit Condition VI.B of the current Hazardous Waste Permit (LAD981055791-RN-OP-1), Clean Harbors Colfax is required to submit quarterly Tier I Detection Monitoring Reports, which includes the sampling and laboratory results for soil, surface water, and sediment. Clean Harbors Colfax is also required to submit quarterly groundwater monitoring event reports during the ongoing groundwater investigation.

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[40] LDEQ response to Additional Groundwater Assessment Report (EDMS Doc ID 10910502)

[41] See Sherman Richardson written statement (EDMS Doc ID 11247527, p. 20 of 137)

[42] See Corey Lasyone oral statement from Clean Harbors public hearing transcript (EDMS Doc ID 11276987, p. 13 of 875)

[43] See Corey Lasyone oral statement from Clean Harbors public hearing transcript (EDMS Doc ID 11276987, p. 14 of 875)

Issue No. 10: Concerns related to perchlorate contamination

Comment 10A:

Monitoring well 8 had a perchlorate level of 0.106 on April 11, 2017 and 0.111 on October 12, 2017. This shows an increase in the perchlorate level at that well site.[44]

LDEQ Response to Comment No. 10A

These small differences in concentration do not necessarily indicate an increase in perchlorate levels. The differences in the values could be caused by variations in groundwater levels or laboratory margin of error.

Comment 10B:

As the State is aware, perchlorate is highly soluble in water, and relatively stable and mobile in surface and subsurface aqueous systems. As a result, perchlorate plumes in groundwater can be extensive. Perchlorate released directly to the atmosphere is expected to readily settle through wet or dry deposition.[45]

Comment 10C:

The Clean Harbors Colfax facility is allowed to accept and burn 41,400 pounds of Perchlorate per year. At the Clean Harbors Colfax facility, Clean Harbors has allowed Perchlorate to contaminate ground water, surface water, soil and sediment resources and potentially the air.[46]

LDEQ Response to Comment No. 10B and 10C

To ensure that levels of perchlorate in surface water discharges are regulated, the final LPDES permit contains effluent limitations for perchlorate (See Attachment 1). With regard to perchlorate in the groundwater, see the responses to Issue 9 A-F.All relevant information on the investigation was submitted in the *May 2018 Additional Groundwater Assessment and RECAP Report* on August 3, 2018.[47] This report was reviewed by LDEQ and a RECAP addendum was requested on October 5, 2018.[48]

[44] See Brenda Vallee written statement (EDMS Doc ID 11081972)

[45] See Laura Olah written statement on behalf of Cease Fire Campaign (EDMS Doc ID 11247527, p. 23 of 137)

[46] See Louisiana Environmental Action Network written statement (EDMS Doc ID 10977824, p. 22 of 32)

[47] May 2018 Additional Groundwater Assessment and RECAP Report (EDMS Doc ID 11261706)

[48] Response to May 2018 Additional Groundwater Assessment and RECAP Report (EDMS Doc ID 11332812)

Issue No. 11: Concerns related to ash

Comment 11:

...on Iatt Lake, at my son's camp, 8 miles from Clean Harbor, I was out there one morning and everything was covered with ash. I describe it as ash because it looked like burned newspaper. Each ash was no bigger than the head of a match. And the thickness of ash from the burning, piece of paper. It covered every leaf on trees, it covered every blade of grass, the roof of every building, everything on the inside of an open building, it covered a church house, the door steps, and a picnic table, and everything that was left on the picnic table. (On another occasion) So I went to other parts of that property and I had to look close because it had rained during the meantime. Under the porches of the camps and inside of this other building the door was opened. The ash was still there.[49]

LDEQ Response to Issue No. 11

Clean Harbors Colfax LLC is required to manage the ash residue generated from the OB/OD operation in accordance with the conditions set forth in the Hazardous Waste RCRA Subtitle C Permit (Permit No. LAD 981 055 791) and the permit's Waste Analysis Plan and Ash Management Plan.[50]

Issue No. 12: Concerns regarding air emissions, smoke and noise.

Comment 12:

Many had concerns regarding air emissions, smoke, and noise.

LDEQ Response to Issue No. 12

Concerns regarding air emissions, smoke and noise resulting from the detonation and/or burning of materials will be addressed by the Air Permits Division.

Issue No. 13: Concerns regarding structural damage to nearby homes from detonations at Clean Harbors.

Comment 13:

My home was built in about 1985 by John and Johnny Ante. There were no cracks in the foundation. About 2002, 2003 cracks began appearing in the foundation and the patio that was

[49] See Hunter McNealy oral statement from Clean Harbors public hearing transcript (EDMS Doc ID 11276987, pp. 37-38 of 875)

[50] See Waste Analysis Plan and Ash Management Plan (EDMS Doc ID 9900391)

added about 1989. These cracks were reported to Clean Harbors Colfax. Before the tornado hit in January, the windows in my home had been blown out, two ceiling fans were out of the ceiling, and light fixtures had come loose and were hanging down. The damage was reported to Clean Harbors.[51]

LDEQ Response to Issue No. 13

This comment is beyond the scope of the LPDES permits. LDEQ does not employ structural engineers or licensed home inspectors that can evaluate the presence or potential causes of structural damage.

Issue No. 14: Concerns regarding declining property values.

Comment 14:

Many had concerns regarding the operations at Clean Harbors Colfax causing property values to decline.

LDEQ Response to Issue No. 14

The Colfax Facility has been in operation since 1983 and is believed to have conducted burn/detonation events since 1985.[52] Control over declining property values are beyond the scope of LPDES permitting authority.

Issue No. 15: Concerns that alternate technology exists to dispose of the reactive wastes in a more environmentally friendly manner.

Comment 15A:

By this letter, the Cease Fire campaign objects to the continued open air burning and detonation of hazardous and mixed wastes at the Clean Harbors Colfax site based on the availability of safer advanced alternatives, the excessive risk to human health and the environment, and noncompliance with federal and state law requiring the implementation of available safer advanced treatment methods.[53]

Comment 15B:

[51] See Brenda Vallee oral statement from Clean Harbors public hearing transcript (EDMS Doc ID 11276987, p. 16 of 875)

[52] Clean Harbors acquired the facility on August 5, 2002 (EDMS Doc ID 5061511).

[53] See Laura Olah written statement on behalf of Cease Fire Campaign (EDMS Doc ID 11247527, p. 23 of 137)

There are several types of detonation chambers that can be used to safely destroy waste munitions. These detonation chambers are much safer than open burning or incineration because they hold and test the gases to ensure all toxic components have been destroyed before releasing them. One kind of detonation chamber, the DAVINCH chamber, detonates explosives in a vacuum. Without the presence of oxygen, harmful products of incomplete combustion cannot be formed.[54]

Comment 15C:

Moreover, over the past 15 years the Department of Defense Explosives Safety Board has certified a number of technologies as safe for the destruction of hazardous wastes which are explosive. Those technologies are now in use by the Department of Defense and the private sector for the destruction of explosive hazardous waste.[55]

LDEQ Response to Issue No. 15

On behalf of Clean Harbors Environmental Services, Inc., Southwest Research Institute submitted a Final Review Report on the Alternatives for the Disposal of Energetic Waste at the Clean Harbors Colfax LLC, Open Burn/Open Detonation (OB/OD) Facility on April 18, 2017.[56] The report analyzes alternative technologies for the OB/OD treatment process. This report, along with the Hazardous Waste RCRA Subtitle C Permit (Permit No. LAD 981 055 791) renewal application, is currently under review. The documents will be taken into consideration and addressed as part of the final permit decision for the Hazardous Waste RCRA Renewal Permit.

Issue No. 16: Requests that LDEQ review the medical records of former employees at Clean Harbors and share the results with the public.

Comment 16:

In order to better understand the effects of Clean Harbors' emissions, I make the following request of the LDEQ. I ask LDEQ to review the medical history of all previous direct and contract employees and personnel that were on the job for more than three months at Clean Harbors Colfax and its companies. The review should include both day shift and nighttime employees. And for decreased employees, the cause of death should be included. I ask that the results be shared with Grant Parish residents.[57]

LDEQ Response to Issue No. 16

[54] See Laura Olah written statement on behalf of Cease Fire Campaign (EDMS Doc ID 11247527, p. 24 of 137)
[55] See Laura Olah written statement on behalf of Cease Fire Campaign (EDMS Doc ID 11247527, p. 25 of 137)
[56] See Final Review Report for Alternatives for the Disposal of Energetic Waste at Clean Harbor's Colfax LLC (EDMS Doc ID 10920520)
[57] See John Richardson oral statement from Clean Harbors public hearing transcript (EDMS Doc ID 11276987, p. 50 of 875)

LDEQ does not have the requisite authority to solicit the medical records of former employees of Clean Harbors.

Issue No. 17: Requests that Secretary Brown recuse himself from this matter because he approved the current permit for Clean Harbors.

Comment 17:

Many requested Secretary Brown recuse himself from being involved with Clean Harbors Colfax matters.

LDEQ Response to Issue No. 17

Secretary Brown has not signed any prior air or water permits for Clean Harbors. Regardless, an LDEQ employee's participation in the decision-making process concerning a prior permit action for a regulated entity is not sufficient grounds for recusal of himself or herself from subsequent actions involving that same entity.

Issue No. 18: Concerns regarding burn time.

Comment 18:

Many had concerns regarding burn times at Clean Harbor Colfax

LDEQ Response to Issue No. 18

Burn time restrictions are beyond the scope of LPDES permitting authority. Concerns regarding burn time will be addressed by the Air Permits Division.

Attachment 1

Effluent Characteristic	Discharge Limitations* mg/l (unless otherwise stated)			
	Current Permit		Proposed Permit	
	Monthly Avg.	Daily Max.	Monthly Avg.	Daily Max.
Flow (MGD)	Report	Report	Report	Report
TSS	---	---	34.8	113
TOC	----	50	----	50
Oil and Grease	---	15	---	15
pH (standard units)	6.0 min	9.0 max	6.0 min	9.0 max
Arsenic	---	---	0.072	0.084
Cadmium	---	---	0.0026	0.006
Chromium	---	---	0.014	0.025
Copper	---	---	0.014	0.023
Lead	---	---	0.009	0.022
Mercury	---	---	0.00003	0.00006
Silver	---	---	0.008	0.013
Titanium	---	---	0.022	0.06
Zinc	---	---	0.054	0.082
Perchlorate	---	---	0.071	0.142
Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX) (Cyclotrimethylenetrinitramine)	---	---	0.0028	0.0056
Tetrazocine (HMX)	---	---	0.0031	0.0062
2,4,6-Trinitrotoluene	---	---	Report	Report
1,3,5-Trinitrobenzene (Trinitrobenzol)	---	---	Report	Report
1,3-Dinitrobenzene (m-Dinitrobenzene)	---	---	Report	Report
2,4-Dinitrotoluene	---	---	---	0.1
2,6-Dinitrotoluene	---	---	---	0.1
2-Amino-4,6-dinitrotoluene	---	---	Report	Report
2-Nitrotoluene	---	---	Report	Report
3-Nitrotoluene (1-Methyl-3-nitrobenzene)	---	---	Report	Report
4-Amino-2,6-dinitrotoluene	---	---	Report	Report
4-Nitrotoluene (4-Methylnitrobenzene)	---	---	Report	Report
Nitrobenzene	---	---	---	0.1
Nitroglycerin	---	---	Report	Report
Methyl-2,4,6-trinitrophenylnitramine (Tetryl)	---	---	Report	Report

Effluent Characteristic	Discharge Limitations* mg/l (unless otherwise stated)			
	Current Permit		Proposed Permit	
	Monthly Avg.	Daily Max.	Monthly Avg.	Daily Max.
Pentaerythritol Tetranitrate	---	---	Report	Report
Aluminum	---	---	Report	Report
Antimony	---	---	---	0.6
Barium	---	---	Report	Report
Beryllium	---	---	---	0.1
Cobalt	---	---	Report	Report
Iron	---	---	Report	Report
Manganese	---	---	Report	Report
Nickel	---	---	---	0.5
Selenium	---	---	---	0.1
Thallium	---	---	---	0.1
Vanadium	---	---	Report	Report
Chlorides	---	---	Report	Report
TDS	---	---	Report	Report
Toxicity Tests				
Chronic static renewal 7-day survival & reproduction test using Ceriodaphnia dubia (Method 1002.0)	---	---	Required	Required
Chronic static renewal 7-day survival & growth test using fathead minnow (Pimephales promelas) (Method 1000.0)	---	---	Required	Required
Benchmark Monitoring				
Ammonia	Required	Required	---	---
Total Recoverable Magnesium	Required	Required	---	---
COD	Required	Required	---	---
Total Recoverable Arsenic	Required	Required	---	---
Total Recoverable Cadmium	Required	Required	---	---
Total Cyanide	Required	Required	---	---
Total Recoverable Lead	Required	Required	---	---
Total Recoverable Mercury	Required	Required	---	---
Total Recoverable Selenium	Required	Required	---	---
Total Recoverable Silver	Required	Required	---	---

Basis for Limitations included in the permit:

Flow: Requirements are set in accordance with LAC 33.IX.2707.I.1.b.

TOC and Oil and Grease: Limits are established based on other permits that include stormwater discharges and LDEQ's Storm Water Guidance Memo (Givens to Knudsen, 1987).

TSS, Arsenic, Chromium, Copper, Silver, Titanium, Zinc, and pH: Although the Effluent Limitation Guidelines do not apply to this facility type, these monitoring requirements are BPJ (due to the similar nature of activities and the potential for the presence of these parameters) based on Effluent Limitations Guidelines, 40 CFR Part 444, Waste Combustors Point Source Category.

Cadmium, Lead, and Mercury: Although the Effluent Limitation Guidelines do not apply to this facility type, these parameters are BPJ (due to the similar nature of activities and the potential for the presence of these parameters) based on Effluent Limitations Guidelines, 40 CFR Part 444, Waste Combustors Point Source Category. For the limitations, a water quality screen yielded more stringent limitations (See Appendix B-1) and the more stringent limitations are implemented in this permit.

2,4,6-Trinitrotoluene, 1,3,5-Trinitrobenzene, 1,3-Dinitrobenzene, 2-Amino-4,6-dinitrotoluene, 2-Nitrotoluene, 3-Nitrotoluene, 4-Amino-2,6-dinitrotoluene, 4-Nitrotoluene, Nitroglycerin, Methyl-2,4,6-trinitrophenylnitramine (Tetryl), Pentaerythritol Tetranitrate, Aluminum, Barium, Cobalt, Iron, Manganese, and Vanadium: The LDEQ, specifically the Hazardous Waste Enforcement Division, has determined that these pollutants of concern are expected to be or have been found on the Clean Harbors Colfax site. Because there are no water quality standards or sampling data available, reporting for these parameters shall be required in the permit to assess potential impacts and to determine potential future technology-based effluent limitations.

2,4-Dinitrotoluene, 2,6-Dinitrotoluene, Nitrobenzene, Antimony, Beryllium, Nickel, Selenium, and Thallium: The LDEQ, specifically the Hazardous Waste Enforcement Division, has determined that these pollutants of concern are expected to be or have been found on the Clean Harbors Colfax site. The technology-based effluent limitations are based on the LDEQ empirical values.

Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX), Tetrazocine (HMX), and Perchlorate: The LDEQ, specifically the Hazardous Waste Enforcement Division, has determined that these pollutants of concern are expected to be or have been found on the Clean Harbors Colfax site. The technology-based effluent limitations are derived from the EPA Treatability Database.

Chlorides and TDS: The receiving stream is listed on the 2016 Integrated Report as impaired for TDS. Reporting for TDS is established in the permit to assess potential impacts from the facility. Additionally, chlorides monitoring is included because chlorides is a potentially dominant dissolved solid and because the facility listed Zeolite as a potential treatment process.

Toxicity Characteristics: In accordance with the *Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards*, permits issued to designated major facilities shall require biomonitoring at some frequency for the life of the permit or where available data show reasonable potential to cause lethality.