



Permitting for Environmental Results (PER)

NPDES Profile: Louisiana and Indian Country

PROGRAM RESPONSIBILITY

State of Louisiana: NPDES authority for base program, general permitting, pretreatment

EPA Region 6: NPDES authority for federal facilities, biosolids

EPA Region 6: NPDES authority for all facilities in Indian Country

Program Integrity Profile

This profile characterizes key components of the National Pollutant Discharge Elimination System (NPDES) program, including program administration and implementation, environmental outcomes, enforcement, and compliance. EPA considers profiles to be an initial screen of NPDES permitting, water quality, enforcement, and compliance programs based on self-evaluations by the States and a review of national data. EPA will use the profiles to identify program strengths and opportunities for enhancements. For more information, please contact Lenny Young, Louisiana Department of Environmental Quality, (225) 219-3013, Jim Delahoussave, Louisiana Department of Environmental Quality (225) 219-3002, or Gloria Vaughn, EPA Region 6, (214) 665-7535.

Section I. Program Administration

1. Resources and Overall Program Management

The State of Louisiana:

Current program and management: Louisiana was authorized to administer the National Pollutant Discharge Elimination System (NPDES) program on August 27, 1996, and administers it as the Louisiana Pollutant Discharge Elimination System (LPDES) program. As cited in the Memorandum of Agreement (MOA) executed between both parties effective August 27, 1996 and modified on August 2, 2000, EPA is responsible for assuring that Louisiana's discharge permitting program is consistent with all Federal regulations and laws and that it adheres to the requirements agreed upon in the MOA. The Louisiana Department of Environmental Quality (LDEQ) has primary responsibility for implementing the LPDES program in Louisiana in accordance with sections 301, 302, 303, 306, 307, 308, 402, 403, and 405 of the Federal Clean Water Act (CWA), 33 United States Code (U.S.C.) section 1251, et seq., applicable State legal authority, the applicable requirements of 40 CFR parts 122-125 and any other applicable federal regulations, the Multi-Media/Multi-Year Enforcement Memorandum of Understanding (MOU), and the annual program grant. The LDEQ also has the responsibility to establish LPDES program priorities with consideration of EPA Region 6 and national NPDES goals and objectives. The LPDES program applies to individual permits, general permits, stormwater permits, and pretreatment activities. LDEQ is not authorized to administer the sewage sludge use and disposal program as outlined in 40 Code of Federal Regulations (CFR) part 503.

The LDEQ program authorization documents, which include the MOA, Attorney General's Statement, Program Description and Standard Operating Procedures, were updated in 2003, and a Federal Register (FR) notice was published in 2004 allowing for review of the documents by the public. On December 29, 2004, EPA approved the updates to the documents.

Starting in 1999, LDEQ has undergone a period of reorganization. Each of the three major programmatic offices within the Department (i.e., Environmental Services, Environmental Compliance and Environmental Assessment) now has a functional identity along with a multimedia focus. In addition, new appointments have been made for the LDEQ Secretary, Deputy Secretary, Undersecretary, and Assistant Secretaries for the Office of Environmental Services, Office of Environmental Assessment, and Office of Environmental Compliance. There are components of the LPDES program housed in each of these three offices. See the organization charts at the end of this profile for more detail.

The Legal Division's responsibilities are to provide legal consultation and representation to the various offices of the Department. The Office of Environmental Services is responsible for processing permit applications for air, water and solid and hazardous waste. It is also responsible for stakeholder outreach, public participation, mail operations, data management and application verification and small business assistance. The Office of Environmental Assessment is responsible for research and field surveys to acquire information on watersheds and water quality management. The office is also responsible for ensuring that the rulemaking process meets the LDEQ requirements and that current information is reflected on the Web site. The Surveillance group within the Office of Environmental Compliance is responsible for inspecting permitted and un-permitted facilities for all media, including those that have a surface water discharge, responding to environmental incidents, and conducting ambient water quality monitoring. The Enforcement Division of the Office of Environmental Compliance is responsible for generating enforcement actions based on referrals from the Surveillance Division, Permits Division, Permit Compliance Unit, file review activities or other sources. It is also responsible for monitoring and verifying compliance data and ensuring permit compliance through the proper utilization of enforcement options. The Permit Compliance Unit, which is also a part of the Enforcement Division, is responsible for entering LPDES permit and enforcement data into the Permit Compliance System (PCS). It is also responsible for review and evaluation of effluent characteristic data reported on discharge monitoring reports (DMRs) and noncompliance reports, and for the management of PCS and the use of the data for compliance monitoring.

All LPDES permit staff are consolidated within two sections of the Water and Waste Permits Division of the Office of Environmental Services. These are the Industrial and Municipal Sections (the latter including general permits). Both permit sections have a dedicated technical advisor and the Water and Waste Permits Division maintains a third senior technical advisor under the authority of the Division Administrator. Permit support services are centralized in the Environmental Assistance Division (EAD) of the Office of Environmental Services. The Application Verification Group of the EAD processes LPDES applications for administrative completeness and initial database tracking in LDEQ's database - Tools for Environmental Management and Protection Organizations (TEMPO). The Public Participation Group functions in support of the LPDES permitting program by managing the public participation aspects of the process, including public noticing and coordinating public hearings.

The current universe of facilities regulated under the LPDES program is as follows:

Table 1: LPDES Universe in Louisiana

	Major Facilities	Minor Facilities with Individual Permits	Minor Facilities w/ General Permits	Significant Industrial Users (SIUs)	Concentrated Animal Feeding Operations (CAFOs)
No. of Sources	254	1,393	4,699	101 ¹	203 ²

The total universe of individual permits based on November 30, 2004 data from PCS is 1,647 (254 major and 1,393 minor facilities).³ With the exception of 1 facility in Indian Country in Louisiana, all facilities (industrial and publicly owned treatment works (POTWs)) have been delegated to LDEQ.⁴ The number of industrial facilities covered by individual permits is 1,330 and the number of POTWs covered by individual permits is 317.⁵ LDEQ also has 4,699 minor facilities covered by a general permit.⁶

Program resources: The Permitting and Enforcement programs are funded by Environmental Trust Funds (permit fees and administrative penalties) at 83%, federal grant funding under CWA section 106 at 13%, and 4% miscellaneous funds. In fiscal year (FY) 2004, \$4,639,325 in CWA, section 106 grant funds were awarded to LDEQ through the Performance Partnership Grant (PPG). Since the State has a Performance Partnership Agreement/ Performance Partnership Grant (PPA/PPG), LDEQ is not required to provide a budget that specifies the amounts for each program (e.g., total maximum daily loads (TMDLs), NPDES, water quality standards, monitoring, and the like) that will be funded with section

¹ The National Data Sources column of the Management Report, measure #9, shows 58 SIUs discharging to approved pretreatment programs, based on PCS data as of June 12, 2004. At that time, prior to data clean-up by the State, the SIU data for a number of programs was based on inspections that took place several years ago. LDEQ is also conducting a survey to identify potential SIUs discharging to POTWs that are not designated to implement the pretreatment requirements.

² The National Data Sources column of the Management Report, measure #11, shows 103 CAFOs, based on an estimate of CAFOs ultimately requiring coverage under the new federal regulations made in March 2004. The updated estimate as of November 2004 is 200 dry manure poultry facilities, in addition to 3 currently permitted CAFOs.

³ The National Data Sources column of the Management Report, measures #1 and #2, shows 246 major facilities and 1,449 minor facilities covered by individual permits, respectively. These values are based on PCS data as of June 30, 2004.

⁴ The National Data Sources column of the Management Report, measure #2, shows 2 minor facilities covered by EPA-issued individual permits. One of these facilities is an offshore discharge, which will be reissued as a Gulf of Mexico (GM) permit, and therefore should not be included with Louisiana sources.

⁵ The National Data Sources column of the Management Report, measures #6 and #7, show 1,221 industrial facilities and 202 POTWs, respectively, covered by State-issued individual permits (and a total of 283 facilities covered by EPA-issued permits). The data discrepancies are due to the parameter (EPA or State-issued [EPST]) in PCS used to identify the permitting authority for the National Data Sources values. Region 6 uses the parameter EPST to identify whether a permit was issued by the State or EPA at the time of delegation. For NPDES programs in Region 6 that have been delegated for some time, this field does not reflect the appropriate permitting authority.

⁶ The National Data Sources column of the Management Report, measure #3, shows 4,416 minor facilities covered by general permits. This is based on ePIFT data as of March 2004. The 4,699 value mentioned above is based on PCS data as of November 30, 2004.

106 monies. The CWA section 106 funds are used to fund various water quality-related activities that include the ones mentioned above, along with ground water activities (i.e., groundwater monitoring, Source Water Protection, Wellhead Protection Programs/Drinking Water Protection Programs). LDEQ receives the bulk of its funding from its Environmental Trust Fund.

The LPDES permitting program is supported by 24 permit writer full-time equivalents (FTEs); 6.5 for major permits, 10.0 for minor individual permits, and 7.5 for authorization of coverage under general permits. In addition, there are 3 FTEs for pretreatment and biomonitoring activities, 1 FTE for geographic information system (GIS) mapping, 4 environmental scientist section supervisors, 2 environmental scientist technical specialists, and 2 environmental scientist managers who work with the water permit writing staff. Support staff activities provided by the Office of Environmental Services' (OES's) Environmental Assistance Division include public participation, application administrative review, data management and other administrative duties for all media, including water.

There are a total of 23 positions in the Enforcement Division's Air and Water Section dedicated to the LPDES Program. These positions are divided between the Water Enforcement Group staff and the Permit Compliance staff. The Water Enforcement Group and Permit Compliance Unit (PCU) are responsible for the water enforcement and LPDES compliance monitoring activities, respectively. The following chart indicates the breakdown of these positions:

	Water Enforcement Group	Permit Compliance Unit	
Full Time			
Supervisor	1	1	
Environmental Scientist	10	5	
Environmental Project Specialist	0	2	
Environmental Program Analyst	1	0	
Senior Scientist	1	0	
Staff Scientist	1	0	
Administrative Assistant 2	0	1	
Totals:	14	9	23
Part Time			
Environmental Manager (Air/Water/PCU)	1	0	
Senior Scientist (PCU/AIRS)	1	0	
Senior Scientist (Air/Water/Solid Waste/ Hazardous Waste)	1	0	
Totals:	3	0	3

The Surveillance Division provides professional scientific personnel to conduct field-based technical services including compliance inspections, complaint investigations, spill response and ambient water quality monitoring. There are 35 FTEs supporting the six LDEQ Regional Offices.

Staff training is achieved through mentoring, in-house instruction and field sessions, seminars and courses furnished by various State universities, EPA seminars, conferences, and training sessions. On-the-job training is provided to all environmental scientists by a higher level environmental scientist or by a supervisor or manager. Each employee has an individual development plan that provides a training framework for him or her. Permit writers also attend the EPA NPDES Permit Writers' Training Course. Surveillance personnel attend the EPA Basic Inspector Training Class and the annual EPA sponsored NPDES Inspector Workshop class. Appropriate staff attend any necessary hazardous material worker protection training. All appropriate personnel attend PCS training seminars.

Pretreatment personnel, in addition to participating in the appropriate items above, also attend EPA's annual pretreatment workshop, at which training is offered, and the Water Environment Federation course on basic pretreatment. The LDEQ Permits Program, through its Policy for New Employees, has a requirement for the program manager to ensure that an appropriate mentor is assigned to each new employee. The mentor's role is to familiarize the new employee with the organization and serve as an information source and guide for approximately the first six months.

Based on the current permit universe in Louisiana, approximately 50 major and 270 minor individual permits must be issued annually, once the backlog goal is met, to maintain current national permit issuance goals. The permitting backlog is expected to be consistent with the national goals by July 2005.

EPA Region 6:

Louisiana was authorized to administer the NPDES Permit Program on August 27, 1996; the authorization did not include the sewage sludge use and disposal (biosolids) program, discharges to Indian Country waters, or discharges to federal waters (Gulf of Mexico). The permitting and enforcement authority for these categories is EPA Region 6. The Region currently has permitting authority for one minor municipal facility in Indian Country⁷. Under CFR parts 501 and 503, the sludge management program is self-implementing. Sludge permitting and enforcement actions will be closely coordinated with the State, while Indian Country permitting and enforcement actions are closely coordinated with the Tribes. Shared authority for permitting, certifying, and enforcement authority exists in regard to one crude oil transport and storage facility with outfalls to both State and Federal waters. Enforcement is tied to specific outfalls, and whether or not the discharge is to a State or Federal water. The two primary divisions within EPA Region 6 responsible for the Region 6 portions of the NPDES program in Louisiana are the Water Quality Protection Division (WQPD) and the Compliance Assurance and Enforcement Division (CAED).

In FY2004, EPA Region 6 had 0.5 FTEs associated with NPDES permitting activities related to the sludge program and discharges in Indian Country in Louisiana (the two areas for which Region 6 is the permitting authority in Louisiana). The EPA permit writers associated with permits in Louisiana have more than 3 years experience in permit writing. Administration of the program includes permitting,

⁷ The National Data Sources column of the Management Report, measure #2, shows 2 minor facilities covered by EPA-issued individual permits. One of these facilities is an offshore discharge, which will be reissued as a Gulf of Mexico (GM) permit, and therefore should not be included with Louisiana sources.

compliance, enforcement, technical assistance, fish kill and compliance investigations, data entry, monitoring, and legal costs.

At the time of authorization of the State NPDES program, EPA retained enforcement lead over permittees that were subject to ongoing EPA enforcement actions. There are currently 44 facilities remaining under EPA enforcement authority, four of which are municipal separate storm sewer systems (MS4s). The remaining facilities are under formal enforcement orders, with many under long-term compliance schedules from Consent Decrees. These facilities will be retained by EPA until final resolution of the enforcement action. Final resolution can be accomplished by the permittee complying with the requirements of the NPDES permit or enforcement order. EPA's lead can be transferred to LDEQ when a State administrative order is issued covering the same violations included in an EPA administrative order.

Currently there is one active withdrawal petition in the State of Louisiana. A second was recently denied.

The first petition, submitted by Tulane Environmental Law Clinic in 1997, concerned the issuance of "Emergency Rules" to allow discharges of produced waters (oil and gas) by the State. The Petitioner noted this violated the Clean Water Act ban on discharges and rules issued without EPA review or public notice or participation.

A letter was sent to LDEQ by Region 6 on November 10, 1997, requesting specific information on allegations and the State responded on December 3, 1997. LDEQ was very responsive and actively worked to resolve issues of concern. The Region plans to take action on the petition shortly.

The second petition was received from Tulane Environmental Law Clinic (representing a number of local citizen and environmental groups) in October 2001 requesting that EPA withdraw the Louisiana State NPDES program. The petition asserted that LDEQ was not properly implementing the water program as the environmental groups expressed concerns over the number of un-issued permits, public access to information related to the program, timeliness of enforcement actions, and collection of penalties.

In response to the specific concerns raised by the 2001 petition and issues of concern identified during routine Region 6 semi-annual program audits, EPA conducted an informal investigation (as outlined in 40 CFR 123.64(b)(1)) into the allegations contained in the petition to determine whether cause existed to commence State program withdrawal proceedings.

To ensure that LDEQ's program met Clean Water Act requirements and was protective of the citizens and environment of Louisiana, the State and EPA jointly developed seven performance measures aimed at addressing the concerns raised by the petitioners, as well as those concerns noted by EPA. The performance measures identified specific actions to be performed within a specified time frame by LDEQ in the areas of LPDES permitting and enforcement. These actions included drafting and issuing a specified number of permits, improving public access to LDEQ files by enhancing its Electronic Data Management System (EDMS), clarifying certain requirements under LDEQ's Penalty Rule and its Beneficial Environmental Project (BEP) Rule, clarifying and implementing procedures in regard to LDEQ's unilateral enforcement actions, revising all LPDES program authorization documents and providing a legal opinion from LDEQ counsel and the Louisiana Attorney General's Office regarding

the State's ability to enforce penalties against municipalities. (Further discussion of the Performance Measures and the various changes made to the LPDES program can be found in EPA's Federal Register notice of the revised LPDES program authorization documents, FR Vol. 69, No.156, page 50199, August 13, 2004). By letter dated May 12, 2004, EPA Region 6 Regional Administrator Richard Greene informed the Governor of Louisiana that LDEQ had successfully completed all seven performance measures. It is EPA's and LDEQ's belief that the completion of these performance measures will ensure the stability of the State's program and strengthen the public's confidence in LDEQ's ability to implement the program.

In June 2004, EPA staff performed a follow-up review of LDEQ's administration of the LPDES program in order to assess LDEQ's implementation of the processes and procedures outlined in the revised LPDES program authorization documents. As a result of that review, EPA staff determined that LDEQ was implementing the changes agreed to as a result of the performance measures and that the LDEQ's administration of the LPDES program showed marked improvement.

The CWA and the regulations vest EPA with substantial discretion in deciding whether to withdraw a State's authorization to administer the NPDES program. The structure of the CWA provides for primary NPDES authority to rest with the authorized States, and Congress intended for EPA to exercise its oversight capacity in furtherance of appropriate State regulations of point source discharges under section 402(b). Upon receipt of a petition to withdraw a State's NPDES authorization, EPA evaluates the allegations in the petition as well as the State program regulations and performance in making a decision on the petition.

In certain areas identified in the 2001 petition, EPA concluded that improvements were warranted in the State of Louisiana's administration of the program. However, over the next couple of years, the State made substantial improvements in these areas, which related primarily to record keeping, data management and compliance and enforcement. EPA is continuing to work with Louisiana, as EPA works with all State NPDES permitting authorities, to achieve even greater levels of environmental protection. EPA concluded that the LPDES program as it is currently being administered is consistent with the CWA and 40 CFR part 123, so that the commencement of withdrawal proceedings was not warranted. As a result, EPA Region 6 denied the 2001 petition in January 2005. (70 FR 810, January 5, 2005).

2. State Program Assistance

EPA Region 6:

LDEQ has not submitted a formal application for assumption of the sludge program, and currently indicates no interest in assuming that program in the near future.

3. EPA Activities in Indian Country

EPA Region 6:

Status: Region 6 has issued only one individual municipal Indian Country discharge permit in the State of Louisiana for the Chitimacha Tribe of Louisiana. Region 6 has additionally issued 2 general stormwater (construction and multi-sector) permits that are available for use by dischargers in Indian Country. For Indian Country permits in Louisiana, Region 6 uses the LDEQ water quality standards in

development of discharge permits, and provides an opportunity for Tribal review during the public notice of the proposed permit.

To date, the Chitimacha Tribe of Louisiana has not developed water quality standards or contacted Region 6 and requested assistance to assume the CWA section 402 (NPDES) or 404 (permits for dredge and fill material) permitting programs.

Coordination: Region 6 has an assigned Tribal Coordinator in NPDES Permits Branch, who works to coordinate cross media issues with other Water Division and Regional Tribal representatives on issues, meeting schedules and appointments, outreach, and other requested assistance from the Tribes. Tribal representatives are encouraged to contact the Region with any issues, concerns, or questions dealing with the NPDES program.

4. Legal Authorities

EPA is conducting a comprehensive review of the State's legal authorities. This review has not yet been completed. As a result, EPA is reserving this section of the profile; when the legal reviews are complete, EPA will update profiles to include the results of the reviews.

Currently there is one active withdrawal petition in the State of Louisiana. A second was recently denied. The first petition, submitted by Tulane Environmental Law Clinic in 1997, raised issues concerning public notice and participation. The second withdrawal petition was received from Tulane Environmental Law Clinic (representing the Louisiana Environmental Action Network, Louisiana Audubon Council, and the Gulf Coast Restoration Network) in October 2001, and raised issues related to resources, public participation, and legal authorities. This petition was denied in January 2005.⁸

5. Public Participation

An evaluation of the State's legal authorities regarding public participation will be included in the legal authority review. As noted above, the legal authority review section of this profile is reserved pending completion of the legal authority review.

The State of Louisiana:

LDEQ's State regulations (LDEQ Policy 005-90, La. R.S. 30:2030 and 30:2074[D]) and the Louisiana Public Records Law (Louisiana Revised Statute (La. R.S.) 44:441) require public participation in both permitting and enforcement and specify minimum public participation requirements for specific regulatory processes. The Public Participation Group is located within the Office of Environmental Services, Environmental Assistance Division, Stakeholder Outreach Section. This group is responsible for managing the formal aspects of public involvement in the permitting process. The LDEQ Web site (<http://www.deq.state.la.us/>) includes a link to EPA's guidebook entitled "Public Involvement in Environmental Permits." The State has a number of standard operating procedures that address how to correctly publish notices in the newspaper, set up hearings and develop rules. Currently, the Department

⁸ The National Data Sources column of the Management Report, measure #16, shows both withdrawal petitions because it is based on information as of April 12, 2004, before the second petition had been denied.

follows the public participation procedures outlined in 40 CFR part 124, subpart A and notifies the public regarding permit actions through:

The standard public notice process: A notice is placed in a local paper in the area of the permitted facility.

The public hearing process: Public hearings are held in accordance with federal requirements. Additional State requirements ensure that persons residing closest to the facility are allowed the opportunity to speak first.

The permits public notification mailing list: LDEQ maintains a mailing list comprised of public interest groups and individuals that have made a request to receive notice of proposed or draft permitting actions. This mailing list group receives a hard copy of the same public notices that appear in the various newspapers. In addition, the Department has developed a list-serve system, where individuals can request to receive electronic versions of the public notice. Public notices are also available for viewing on the LDEQ Web site. At the time that a permitting decision is issued, commentors receive copies of the responsive summary. Currently, the notification list is composed of about 3,600 people. The Public Participation Group mailed out 60,029 pieces of mail during FY2004, with each piece containing one to fourteen individual public notices.

The public page: The public notice is placed on the Department's Web page and information is updated regarding hearings, permit actions, and the like, as needed. Copies of final general permits can be found on LDEQ's Web site. Copies of individual permits are not posted on the Web site; however, information about enforcement actions and settlement agreements are available on the Web site.

The Public Library Repositories: For those permitting decisions where a public hearing has been scheduled, copies of the public notice and relevant documents are placed in the public libraries in the vicinity of the facility. Permits that generate a significant degree of public interest may have additional repositories designated at local fire stations, City Council Chambers, and the link.

The Public Records Room: All documents on public notice are available in DEQ's Public Record Room. The documents are available in paper format or can be retrieved electronically. LDEQ Records Management Section is responsible for providing access to the public records of the agency, including all permit records, fact sheets, permits, enforcement actions, and correspondence. All files are imaged (optically scanned) into the EDMS, which is accessible to the public. Members of the public can learn about the variety of options for access to public records from a link on the main LDEQ Web page. From this Web page, one can access answers to frequently asked questions, mailing and physical addresses, phone and fax numbers, as well as a dedicated email address (publicrecords@la.gov). Instructions and forms necessary for submitting a public records request are also available from the Web page. Everyone is considered public and there are no restrictions. Current access options include in-person review or public records request for paper copies, faxed copies, or electronic copies written to disk or CD.

In-person review: With the exception of documents that have been declared confidential by the DEQ Secretary, facility records (including Notices of Intent (NOIs)) are accessible to the public through DEQ's Public Records Center. To view public records in the EDMS, the public can visit the Public Records Center, located at 602 N. Fifth Street, Baton Rouge, LA, 70802. Office hours are 8:00 a.m. and 4:30 p.m., Monday-Friday. From this central location, LDEQ visitors access computer workstations

configured to search the LDEQ EDMS. Staff is on duty during business hours to provide personalized help with searching for records and/or completing public records requests.

Request for public records: Individuals that prefer not to visit LDEQ may make a public records request. Those choosing this option can download the public records request form from the LDEQ Public Records Web site or call (225) 219-3168 to have a request packet mailed or faxed to them. In accordance with Louisiana Administrative Code (LAC) 33:I.23, specific copy fees apply. Reduced rate copies are available for those who certify they meet eligibility requirements.

Confidentiality of Information Process: The Louisiana Environmental Quality Act (LEQA) confidentiality provisions may be found at La. R.S. 30:2030 and 2074.D. These statutes state that records and information obtained under this subtitle, any rule, regulation or investigation, shall be available to the public unless nondisclosure is requested in writing at the time of submission and the Department determines that the information may be kept confidential. Nondisclosure will not apply to the necessary use by authorized State officers or employees in carrying out their duties under the Act. Nondisclosure will also not apply to information pertaining to discharges to surface or groundwater. The Department may classify information as confidential if the Secretary makes a written determination that confidentiality is necessary to: prevent impairment of an ongoing investigation or prejudice to the final decision-maker regarding a violation; protect trade secrets; protect proprietary secrets and information or commercial or financial information.

In addition, there are two regular publications about proposed regulations from LDEQ and one from the Office of the State Register. LDEQ provides a monthly electronic notification system for proposed rules, final rules, short notices, and emergency rules published in the Louisiana Register. LDEQ also does a monthly mail-out, which includes the NOI and the Fiscal and Economic Impact Statement for each newly proposed regulation. Citizens can receive this mail out by sending their names and addresses to LDEQ Regulation Development (RD), P. O. Box 4314, Baton Rouge, LA 70821-4314, ATTN: Proposed Regulation Mailing List. There is no charge for either of these services. The Office of the State Register offers the Louisiana Register, published on the twentieth of each month. It contains the NOI, the first page of the Fiscal and Economic Impact Statement, and the proposed regulation. It also includes final rules, emergency rules, and other items of interest to the public. For ordering information, a citizen can contact the Office of the State Register at (225) 342-5015. Anyone who submits written or oral comments to LDEQ receives a mailed copy of the summary report at or near the same time the report is submitted to the Legislative Oversight Committees. The summary report includes the comment summary and response document, including statements reviewing the pros and cons of adopting individual or topical comments, and the proposed regulation if LDEQ has made changes to the regulation as a result of the comments received. The changes to the regulation are highlighted in the summary report. To sign up for electronic notification, a citizen can set the browser to http://www.state.la.us/ldbc/listservpage/DEQ-REGS_listserv.htm.

LDEQ also conducts public meetings with citizen groups and other interested parties to discuss permitting and/or compliance related concerns. LDEQ is not aware of any legal or procedural barriers to obtaining information.

EPA Region 6:

For permits under EPA Region 6 authority in Louisiana, which includes the sludge program and discharges to Indian Country and federal waters in the State of Louisiana, EPA Region 6 follows the public participation procedures outlined in 40 CFR part 124, subpart A.

The NPDES permit public notice procedures include the following:

- Direct mailing of public notice packages to permittees, interested stakeholders, and Tribes on a public notice mailing list maintained by WQPD. Any interested party may request addition of their name to the mailing list and it will remain on that list until the party requests their name be removed. Additionally, WQPD adds attendants to EPA-sponsored meetings on permits in Louisiana to the mailing list.
- Publishing public notices in the closest local newspapers for major and minor permit actions. General permits are noticed in the Federal Register.
- Permits are proposed for a 30-day comment period with a fact sheet or statement of basis.
- Responses to comments are prepared as part of the final permit decision and mailed to those who submitted comments.
- The final permit decision may be additionally public noticed if the final permit includes substantial changes from the originally proposed permit.

EPA Region 6 also fulfills requests to meet with the affected public and has often met with local, State, Tribal and federal agencies to address issues associated with pending permit actions.

Some public notices, fact sheets and permits are made generally available electronically via EPA's Web site at <http://www.epa.gov/npdes/permitdocuments>. Supplemental copies are also provided to interested parties as requested. Permit actions are coordinated with local, Tribal and Federal agencies such as facility operators, municipalities, Tribal leaders, U.S. Army Corps of Engineers (USACE) and the U.S. Fish and Wildlife Service (USFWS) as appropriate for the permit action.

Public Meetings/Hearings: Based on the degree of public interest and complexity of the issues in the draft permit, a public hearing can be conducted at the request of interested parties and/or at the discretion of EPA. The request must be submitted in writing and provide the nature of issues to be raised. The hearings are publicly noticed in local newspapers thirty days prior to the date of the hearing. A presiding officer is appointed to conduct the hearing and the public comment is extended to the close of the public hearing. Prior to the formal public hearing, EPA Region 6 conducts an informal public meeting to allow interest groups to inquire of any conditions established in the draft permit. Verbal communications and exchange of information between EPA staff and the interested parties occur. Written transcripts and tapes of the hearing are available to the public. Comments received from interested parties, local, State and government entities are addressed during the final permitting decision making process.

Outreach activities are performed where appropriate to educate the general public and the affected regulated sector on permitting, compliance and enforcement issues. EPA Region 6 holds educational

workshops and various guidance documents, compliance guides, and educational materials are provided to the public and regulated communities and are often available through the Regional Web page.

6. Permit Issuance Management Strategy

The State of Louisiana:

As of November 2004, 84.6% of major and 82.6% of minor individual LDEQ permits were current and 95.9% of minor facilities covered by individual or general permits were current⁹. The national averages at that time were 84.5% for major and 81.9% for minor facilities covered by individual permits. These numbers reflect a marked improvement in the number of current LDEQ permits. As recently as July 2002, 54% of major and 29% of minor individual permits were current, and 64% of minor facilities covered by individual or general permits were current. Of the current backlogged permits, 28 individual major permits, 177 individual minor permits, and 191 minor facilities covered by general permits have been expired over 2 years. One major individual permit, 24 minor individual permits, and no general permits have been expired over 10 years as of December 31, 2004¹⁰. In addition, there are 37 applications pending¹¹. A tabular summary of permit issuance rates follows.

Table 2: Percentage of Facilities Covered by Current Permits in Louisiana

	2000	Nat'l Avg.	2001	Nat'l Avg.	2002	Nat'l Avg.	2003	Nat'l Avg.
Major Facilities	41%	74%	44%	76%	62%	83%	75%	84%
Minor Facilities Covered by Individual Permits	24%	69%	26%	73%	52%	79%	67%	81%
Minor Facilities Covered by Individual or Non- Stormwater General Permits	N/A	N/A	N/A	N/A	80%	85%	67%	86%

Source: PCS, 12/31/00; 12/31/01; 12/31/02; 12/31/03.

EPA and LDEQ have worked together and developed a strategy to address the backlog of never-issued and expired permits and the timely re-issuance of expired permits. This was a multi-phased process in which EPA assisted LDEQ by drafting LPDES permits, providing technical training, providing a \$1.49 million grant for contractor support to assist the State in drafting LPDES permits, and providing a senior level Inter-Personnel Agreement staff member to LDEQ. An additional part of this process was the development and implementation of a permit issuance strategy by LDEQ. LPDES permit issuance is governed by this permit issuance strategy approved by Region 6, along with several recently adopted permit issuance guidance documents designed to improve the efficiency of permitting procedures. As

⁹ For the State Activity columns of measures #19 and #20 on the Management Report, the value under National Data Sources reflects PCS data as of June 30, 2004, and the Additional Data column reflects PCS/ePIFT data as of November 30, 2004.

¹⁰ The National Data Sources column of the Management Report, measure #21, shows 2 major permits expired for more than 10 years, based on data as of June 30, 2004. One of these permits was reissued on December 28, 2004.

¹¹ The National Data Sources column of the Management Report, measure #18, shows 74 applications pending, based on PCS data as of June 30, 2004. Items may have been removed from this count either by permits being issued or by out-of-date records in PCS being inactivated.

part of the backlog reduction effort, LDEQ has developed a set of general permits that are tailored to address different categories of dischargers, each with a similar type of effluent that can be controlled using a fixed performance standard or treatment technology. Louisiana continues to lead the Region in the issuance of general permits and the authorization of dischargers under these permits.

The permit issuance strategy (which is incorporated by reference into the PPG) is a multi-year plan that includes specific annual projections for major and minor facility permit issuance and backlog reduction, a discussion on program maintenance, and permit issuance priorities. In order to meet the permit issuance goals, each LDEQ permit writer is assigned specific projects that are monitored by his or her supervisor and manager to ensure that target dates are met. Assignments are also linked to the performance ratings of the permit writers. As a measure of productivity LDEQ transmits monthly reports to EPA detailing the number of permits issued by LDEQ permit writers for the month. LDEQ has made a commitment to make the necessary adjustments to ensure that the initiatives and timelines described in the strategy are adhered to and that it reaches the national goal for facilities under current permits.

LDEQ makes priority determinations for permit issuance and reissuance based on environmental significance and backlog reduction imperatives. Some of the criteria that are used to develop priorities for permit issuance include: permit issuance for new facilities, facilities in basins with completed TMDLs, facilities discharging into impaired waterbodies without completed TMDLs, facilities in priority geographic areas, facilities with enforcement issues (major and minor facilities), facilities grouped and targeted based upon expiration dates, major and minor facilities discharging into non-CWA 303(d) listed (unimpaired) waterbodies, and facilities to be covered or likely to be covered under a general permit.

EPA Region 6:

Region 6 permits in the State: Region 6 is responsible for issuance of the following permits in the State of Louisiana:

- Chitimacha Tribe of Louisiana (LA0050971)
- Industrial stormwater multi-sector general permits for Indian Country facilities in Louisiana (LAR050001)
- Construction stormwater general permits for Indian Country facilities in Louisiana (LAR150001)
- Biosolids land application general permit (LAG650000)
- LOOP, LLC (LA0049492) permit for a transport and storage facility for crude oil with outfalls to both State and Federal waters (jointly issued with State)

Regional Prioritization: The Indian Country individual discharge permit, the jointly issued individual transport and storage facility permit for crude oil, and 2 Indian Country-related stormwater general permits are current. The sludge general permit expired at the end of FY2004. Region 6 maintained a

permit backlog of 0% from 1999 to the end of FY2004¹². Since the expired sludge regulations are self-implementing, the Region considers the reissuance of the sludge general permit a low priority.

7. Data Management

The State of Louisiana:

LDEQ uses a combination of PCS and the TEMPO system to manage its LPDES program. The State is working to ensure that all information that is necessary in PCS can be directly uploaded from the TEMPO system to reduce staff resources utilized for data input. Currently, permit level data contained in TEMPO is exchanged by electronic upload to PCS. Most data are uploaded to each system individually and manually. The TEMPO system is an Oracle database that was written by American Management Systems (AMS) for DEQ. It allows DEQ to share common data between media and divisions. It maintains all information on a regulated entity in one place, negating the need for each section to duplicate data. It is used in the tracking of permits, inspections, incidents and enforcement documents, as well as in the drafting of related documents. It is the central data management system to track facilities, people, and organizations that are of interest to the Department of Environmental Quality and to track the activities of the Department. It is designed to be the department-wide source-inventory database.

Under the Program MOA, LDEQ is committed to input Water Enforcement National Database (WENDB) data elements into the PCS for all major facilities, 92-500 minor facilities and significant minor facilities. Minor facilities designated as 92-500 received federal construction grants under the original CWA, Public Law 92-500. Significant minor facilities are identified as those minor facilities mutually agreed upon by both EPA and LDEQ and identified in the annual State program PPG.

In accordance with the Enforcement Permit Compliance Unit Standard Operating Procedure (PCU-SOP), the coding of permit-related information and all formal and informal compliance monitoring and enforcement information is completed within 30 days from receipt of the input material. Compliance inspection information is batch-loaded into PCS twice per week. Information in TEMPO/PCS is compared and reconciled monthly. The Surveillance Division is responsible for entering inspection data into PCS and TEMPO. The Permit Compliance Unit (PCU) enters DMR data, other compliance data, and enforcement actions data into PCS. The Water Enforcement Group enters enforcement action data into TEMPO. The Permits Division enters data into TEMPO for permit process tracking, application inactivation, public notice, and the like. The Office of Environmental Assessment maintains an inventory of priority segments and watersheds.

The Surveillance Division is responsible for assessing procedures used by permittees for supplying self-reported data during compliance sampling inspection (CSI), compliance evaluation inspection (CEI), inspections and determining adherence to LPDES requirements relative to self-monitoring. Data sheets are reconciled with sample measurements.

¹² The National Data Sources column of the Management Report, measure #20, shows 50.0% of minor facilities covered by EPA-issued permits as current. This reflects one of the two facilities shown in measure #2 being expired. The expired permit is for an offshore facility and will be reissued as a Gulf of Mexico (GM) permit and therefore should not be counted as a Louisiana permit.

LDEQ implemented its own lab accreditation program in 1998, which requires laboratories that submit data to the agency to undergo an on-site inspection and accreditation. Compliance inspectors also perform an evaluation of the self-monitoring data at facilities with LPDES permits. Laboratory procedures are evaluated for compliance with 40 CFR part 136 methods, including quality control practices and data reporting. LDEQ discontinued its participation in the discharge monitoring report quality assurance (DMRQA) program at the time this accreditation program was implemented. Details regarding this program can be found at LDEQ's Web site at <http://www.deq.louisiana.gov/surveillance/>.

Data quality: The data contained in TEMPO and PCS are reconciled monthly to assure accuracy. The PCU-SOP, which is included in the updated program document submittal, outlines the process LDEQ follows for PCS data entry, reconciling this data and for ensuring timely and accurate data entry. Once the proposed replacement of the PCS database with the Integrated Compliance Information System (ICIS) is complete, LDEQ intends to proceed with directly linking TEMPO to ICIS.

Latitude and longitude are collected at the facility and pipe level as resources allow. The PCU staff uploads the locational data into PCS for all major facilities and a large number of minor facilities, including domestic facilities funded under Public Law (PL) 92-500. The information supplied by the permit applicant is used to obtain geographic data from ArcView software. The PCU staff inputs this data into PCS. As the amount of geographic data continues to increase, the LDEQ Web site is planning to include links to an internet-based geographic information system, with user-definable map-making capabilities.

LDEQ tracks and manages basic permit and compliance information through TEMPO for separate sewer overflows (SSOs), combined sewer overflows (CSOs), CAFO, stormwater, and pretreatment events. These types of facilities are subject to LPDES requirements, including inspection and reporting. In 2004, LDEQ also began coding specific single event violations into PCS using information contained in the enforcement action.

Louisiana has been quite active in the Water Permits Division PCS clean-up project, making significant progress in a number of the data elements tracked under that effort. Some examples of progress since January 2003 include: FLOW for major facilities went from 44% complete to 99% complete (bringing data for all elements tracked for major facilities to 98-100% complete), issuance and expiration dates for minor facilities went from 66% complete to 96% complete, and pipe level latitude and longitude and all associated metadata for minor facilities went from 2% complete to 84% complete. There is still some work to be done with minor facilities data, notably with respect to facility addresses, but progress has been made in those areas as well and is expected to continue. LDEQ staff regularly participate in the PCS User Workgroups, particularly those related to design and implementation of the modernized system.

EPA Region 6:

Primary Data System: EPA Region 6 WQPD and the Compliance Assurance and Enforcement Division (CAED) enter and maintain all PCS information to manage the portions of the NPDES program not assumed by LDEQ.

Data Elements: EPA Region 6 enters WENDB data elements in compliance with the PCS Policy Statement requirements for the permit and compliance and enforcement programs. The Region enters the latitude and longitude data for each outfall into PCS from the pipe level latitude and longitude data

provided on the permit applications. Since NPDES permit applications do not require latitude and longitude to be reported at the facility level, the EPA Region 6 WQPD has always entered the pipe level latitude and longitude data for the first outfall in lieu of facility level latitude and longitude.

The EPA Region 6 WQPD relies primarily on PCS and the NPDES Information Tracking Application (NITA), an in-house permit tracking database which interfaces with PCS data (see further discussion on NITA under “ancillary” and “support data systems” subsections below) to maintain an inventory of regulated sources. Priority permits and priority segments have historically been tracked and maintained utilizing in-house spreadsheets. The WQPD has initiated an effort to enter water body information, including listing as impaired waters under CWA section 303(d) and TMDL status into NITA to better track and evaluate priority segments.

Ancillary or Support Data Systems: In order to track program progress and accomplishment and to address permit issuance, EPA Region 6 utilizes PCS and other data tracking mechanisms such as NITA which interfaces with PCS data. NITA is an Oracle database that utilizes PCS data along with additional program data entered at the local level (not recorded in PCS). This tool allows Region 6 NPDES permit writers and management to readily and easily generate standard and custom reports related to program measures such as permit backlog, issuance rates, and general permit authorizations.

Quality Assurance/Quality Control: As individuals utilize the data maintained on regulated sources in NITA and inaccuracies are identified, corrective action is taken as appropriate to update the information in PCS. The Region closely coordinates with other State agencies and strives to maintain a complete and accurate list of permitted facilities, including information on priority areas identified within the State.

To date, inventory information available in an automated data system to track priority segments is limited. It is anticipated that additional information to track priority permits would be available in the future via an automated data system. However, it continues to be the intent of Region 6 to track all permits, not just priority segments, in an effort to eliminate the backlog of all permits.

Section II. Program Implementation

1. Permit Quality

The State of Louisiana:

LDEQ utilizes a variety of methods to ensure permit quality and to ensure that the appropriate water quality-based effluent limits (WQBELs) or technology-based effluent limits (TBELs) are used. LDEQ derives limits using procedures detailed in EPA's Technical Support Document and from wasteload and load allocations developed both in-house and by EPA to protect designated uses and the State's water quality standards. EPA approves LDEQ's water quality standards. Also, to ensure consistency and to facilitate the process permit writers must follow to determine when water quality-based limits are needed and to develop those effluent limits, LDEQ developed a software applications program to determine the appropriate limits.

LDEQ requires the most stringent of TBELs or WQBELs for pollutants that are present in the discharge as determined by appropriate sampling or if the pollutants are involved in the manufacturing process. LDEQ's Office of Environmental Services (OES) considers effluent variability in the derivation of permit limits using EPA's Technical Support Document procedures. The Environmental Technology Division in the Office of Environmental Assessment provides technical and advanced scientific support to the LPDES program on a routine basis.

The LPDES program has developed several internal strategies to address the issue of timely permits. One example is the permit application strategy. The purpose of this strategy is to implement a process for facilitating the submission of LPDES applications. Every permit application is assigned to a manager, supervisor technical advisor and a permit writer. All permitting staff enter process tracking data into TEMPO to assist in workflow management. Activity logs are also generated permit by permit so that it's possible for supervisors and managers to determine the status of any permit in process. These powerful features are being used to manage the permit issuance process. One strategy that has been developed to help with permit timeliness is the LDEQ-EPA issue escalation process. The purpose of this strategy is to get issues resolved quickly at lowest possible level for decision-making. Another strategy is to have draft non-controversial minor permits signed at the lowest appropriate level of authority (usually the manager) rather than have both the draft and final signed by the Assistant Secretary.

The Permits Division has developed software applications to assure consistency and facilitate the process the permit drafters must follow to determine when WQBELs are needed and to develop WQBELs when they are needed. In addition, the LDPES program has developed an automated TBEL generator, which is employed as an integral part of the permit drafting process, as technology-based limits are often controlling for discharges in many parts of Louisiana. The Permits Division has developed a process using merge forms, one of the advanced capabilities in Microsoft Word software, as a permit generator tool. This tool allows the permit drafter to fill in blanks, from which a permit may be generated by a merge process with the basic permit form. The use of a word processing-based permit generator approach to permit development, along with custom spreadsheet programming, aids in the development of permit limits and assures WQBELs and TBELs are appropriately incorporated into permits. All minor permits are eligible for generation by TEMPO.

To ensure permit quality, technical advisor positions have been created and three are currently utilized for the technical review of industrial and municipal permits (both major and minor facilities). The technical advisors meet routinely with individuals and groups of LPDES permit staff to discuss issues and ensure consistency and accuracy in permitting. The advisors also coordinate the training of new and existing staff on permitting issues. In addition, staff from other areas may be brought in to provide assistance and training to the permits staff on issues such as LDEQ water quality implementation plans, TMDL interpretation and implementation, and permitting practices on streams listed as impaired under CWA section 303(d). LDEQ's permit staff also attends in-house training developed by senior permit writers at LDEQ, as well as EPA-sponsored training, (i.e., Permit Writers' Training, Water Quality Standards Training, and training on specific issues provided by the Regional office). LPDES permits are consistently issued with appropriate limits as a result of the technical and process controls implemented.

In addition to reviewing all major and general LPDES permits prior to public notice, Region 6 has routinely conducted mid and end-of year reviews of LDEQ's permitting program. Any issues raised during the program review usually are resolved through informal and formal discussion with LDEQ staff and managers. The Region has found that LDEQ's permits are well written and contain the required limits and standard conditions. The fact sheets are detailed and contain previous permit limits, compliance history, biomonitoring and applicable pretreatment conditions. Contact information (permit writer name, telephone number and e-mail address) are also included in the fact sheet. There is also a high degree of consistency in the permits.

The end of year report provided by LDEQ to EPA for the PPG also includes a program assessment component.

LDEQ also maintains an Operations Tracking System, which requires detailed quarterly reporting. The system, with its goal of tracking objective performance measures and quarterly reporting requirements, serves as the central reporting and accountability system for the State of Louisiana. Operational plans are implemented vertically through each functional unit within LDEQ and all other State agencies. The operational plan is the main performance measurement and budget accountability tool employed by the State. As a function of this system, the State has a detailed annual assessment of the performance of its LPDES program.

Whole Effluent Toxicity (WET) Program: LDEQ implements the WET program to meet the requirements established by EPA Region 6 and the State of Louisiana. NPDES permits issued by the LDEQ require life-of-the-permit WET monitoring, including requirements for the permittee to perform a toxicity reduction evaluation (TRE) where significant lethal effects (as compared to a control group) are demonstrated in two out of three tests performed over a 90-day period. Failure to perform either the WET monitoring or a required TRE is a violation of the permit. Where significant sub-lethal toxic effects (e.g., significantly impaired growth or reproduction) are demonstrated over a period of time, the LDEQ may require a TRE. Based on the TRE study results, a WET limit may be required for lethal effects. To date, LDEQ, following EPA Region 6 standard practices, has not required WET limits for sub-lethal effects.

To ensure that water quality standards for the protection of aquatic life are met, the State has designated a person to track violations and refer WET-related violations to enforcement. Other staff track WET test results for facilities, TRE studies, review all new and renewed permits to ensure the proper WET language is included in the permit, and address issues such as frequency of testing, use of proper

species, and other requirements that may apply. Staff work together closely to ensure that all WET limits, compliance schedules, and concurrent testing requirements are addressed.

All permits for major dischargers contain life-of-the-permit monitoring requirements for WET, including lethal and sub-lethal effects for two species (a vertebrate and an invertebrate). If no lethal or sub-lethal effects are demonstrated at or below the critical low flow dilution in any of the first 4 quarterly tests, the permittee may apply for a reduction in frequency to once per six months for the more sensitive species and once per year for the less sensitive species. This frequency applies until the permit expiration date or until a test fails for the lethality endpoint. If a test failure for lethality occurs, two retests are required during the next two months, and the facility must return to quarterly testing for the life of the permit for the affected test species. If sub-lethal effects are demonstrated during the first four quarterly tests, the facility must continue testing until they pass both the survival and sub-lethal test endpoints for 4 consecutive quarters.

While Region 6 and its States do not have a schedule to begin requiring TREs and WET limits for sub-lethal effects, all permits now include a notice that the permitting authority may require a sub-lethal TRE if sub-lethal effects are demonstrated at a magnitude and frequency which indicate that a successful TRE can be performed.

WET limits for lethal effects are required on the basis of multiple test failures at or below the critical low flow dilution. A failure for lethality in a scheduled test and either of the two required retests triggers a 28-month TRE study, which is then followed by a compliance schedule, usually of 36 months duration. If the TRE successfully identifies and confirms a particular toxicant, the permit may be modified to continue WET monitoring and incorporate a chemical-specific limit. If the toxicant is not clearly identified, confirmed and an appropriate control found during the TRE, a WET limit is normally incorporated into the permit. EPA provides assistance as-needed or when LDEQ requests assistance to ensure that TRE findings are accurate and will lead to appropriate controls and compliance.

In cooperation with Region 6, LDEQ has presented WET training to staff on several occasions.

EPA Region 6:

Permit Quality Innovations: EPA Region 6 has utilized a number of methods to improve permitting efficiency and quality. Tools such as permit and factsheet checklists, spreadsheets and permit fact sheet templates have been developed to standardize permit development to address all relevant aspects of permit development.

The NPDES Permits Branch will explore the option of making its permitting tools more easily available to the public on the Region 6 Web page.

WET Program: WET provisions were included in the jointly developed and issued LOOP, LLC permit. Currently, there are no major NPDES permits under EPA permit authority in Louisiana. Minor and general NPDES permits issued by EPA comply with federal regulations, State water quality standards, and WET implementation procedures.

To date, EPA Region 6 and its States have not required a predictive reasonable potential assessment for WET during permit development, nor have they required WET limits to protect against sub-lethal effects such as significant impairment to growth or reproductive ability. In 1990-91, the Region was

concerned that toxicant identification procedures were not adequately refined to result in successfully completing sub-lethal TREs on a consistent basis. Over time, significant advances in toxicant identification have improved success in this area. Region 6 has recently concurred on EPA draft national guidance documents which will establish a predictive Reasonable Potential (RP) approach and WET limits for sub-lethal effects. EPA Region 6 is currently developing a draft strategy to phase in implementation of these significant permitting changes. The final strategy will be developed in coordination between LDEQ and EPA Region 6.

2. Pretreatment

The State of Louisiana:

Louisiana received authorization to administer the pretreatment program on August 27, 1996. There are 14 approved pretreatment programs in Louisiana¹³. Some of the approved pretreatment programs have more than one treatment plant covered under an individual program, and these 14 programs cover 30 individual treatment plants. The LDEQ has approved one new pretreatment program in the last 5 years. There are no pretreatment programs currently being developed. LDEQ assesses the potential need for a POTW to begin the development of a pretreatment program when preparing to reissue an NPDES permit for the facility. If apparent need exists, the permit requires the POTW to first conduct and submit an industrial user survey for review.

There are 101 significant industrial users (SIUs) discharging to treatment plants under approved pretreatment programs. All of the SIUs (including categorical industrial users (CIUs), which are subject to categorical standards) discharging into POTWs with approved pretreatment programs have been well-identified and issued permits by the POTW¹⁴. For SIUs discharging to POTWs without approved pretreatment programs, the LDEQ (as the control authority) has begun a program to identify the CIU segment of the SIU universe. LDEQ's goal is for every SIU to be addressed by control mechanisms that implement applicable pretreatment standards and requirements, and has initially prioritized CIUs. Twenty CIUs discharging to POTWs without approved pretreatment programs have been identified, but because identifying such CIUs is an ongoing process, this number will most likely increase. Once an industrial user (IU) is identified as a CIU, LDEQ assigns tracking ("Agency Interest") numbers to these facilities and the CIU is required to submit semi-annual reports to the LDEQ every June and December to demonstrate continued compliance, as per 40 CFR part 403.12(e). The pretreatment staff reviews the reports to determine compliance with applicable standards and requirements. In order to identify SIUs, all major POTWs (and some minor facilities with suspected SIUs) are required by special conditions in the POTW's NPDES permit to submit SIU questionnaires every 5 years. LDEQ pretreatment personnel review the submitted questionnaires to identify industrial users for possible follow-up for more comprehensive information. In addition, LDEQ conducts an ongoing review (as resources allow) of the "Louisiana Manufacturers Directory," sorting by standard industrial codes (SIC) and cross referencing

¹³ The National Data Sources column of the Management Report, measure #8, shows 13 pretreatment programs, based on PCS data as of June 12, 2004. The approval of one additional program was incorporated into its NPDES permit effective November 11, 2004.

¹⁴ The National Data Sources column of the Management Report, measures #9 and #24, show 58 SIUs discharging to approved pretreatment programs, with 98.3% covered by control mechanisms (permits issued by the POTWs), respectively. These values are based on PCS data as of June 12, 2004. At that time, prior to data clean-up by the State, the SIU data for a number of programs was based on inspections that took place several years ago.

to the effluent guidelines in 40 CFR Chapter I, Subchapter N, and maintains open communication with the public at large via phone and e-mail regarding potential SIUs.

Of the 14 approved pretreatment programs in Louisiana, approximately 20% or 3 pretreatment cities are audited per year and an additional 5 are inspected. During the auditing process, LDEQ visits numerous contributing industries of each city and provides technical guidance as needed. This method helps to ensure that LDEQ audits 100% of the approved pretreatment programs every 5 years. The pretreatment program audits are conducted with skill and knowledge and the reports are well written. The audit reports identify deficiencies, make recommendations to improve the program, and suggest modifications to the pretreatment program to return the POTW pretreatment program to compliance with the pretreatment regulations (40 CFR part 403).

LDEQ's goal is to complete and issue the audit report within 60 days after the field work is complete, but in no case later than the end of the quarter of the inspection year following when the field work was conducted. Pretreatment audit findings (deficiencies with CFR part 403 and/or the city's pretreatment program) are forwarded to the POTW, which has 30 days to address deficiencies with proposed corrective actions. If problems are found during an audit, LDEQ schedules a meeting with the POTW pretreatment authority to provide clear notice that problems were identified that must be addressed, and that failure could potentially result in the imposition of new effluent limits on the POTW.

Most deficiencies identified by the audits are administrative in nature and are resolved within 30 days. For deficiencies that are not administrative in nature, the POTW is still given 30 days by the audit group to address them with corrective actions. Progress reports from the POTW are due in the form of a proposed compliance schedule with no longer than 90 days between reports. To date, no deficiencies have required longer than 90 days to resolve. POTW annual reports are typically reviewed by LDEQ within the inspection year quarter in which they are submitted. When deficiencies are noted, LDEQ contacts the POTW to have simple corrections made immediately, or, in the case of more significant problems, the POTW is given 30 days to submit corrections.

Receipt dates of annual pretreatment reports, pretreatment compliance inspection (PCI) reports and audit reports are inputted into PCS. All audits, PCIs and annual reports are reviewed for compliance purposes by the pretreatment staff and referrals are made to the Enforcement staff for areas of concern. Review of pretreatment annual reports, audits and inspections are a part of the required LPDES facility file review procedure for enforcement. LDEQ uses EPA guidance for determining POTW significant noncompliance. LDEQ uses procedures and time frames set in the Enforcement Response Guide (ERG) of the Enforcement Actions Standard Operating Procedures to resolve deficiencies identified in a pretreatment audit. The procedures for enforcement include provisions for prioritizing violations and include determination of the appropriate enforcement response.

As LDEQ pretreatment personnel continue to implement the pretreatment program, progress in issuing permits to the SIUs discharging to POTWs without pretreatment programs and consistently completing and issuing audit reports in a timely manner will enhance the effectiveness of the pretreatment program. LDEQ managers have agreed to allocate 1 inspector in the north area of the State and 1 in the south area to conduct pretreatment inspections. LDEQ anticipates that 3 audits and 5 PCIs will be conducted during the July 1 - June 30 inspection year.

EPA Region 6:

No POTWs in Indian Country have pretreatment programs. However, Region 6 works with the LDEQ pretreatment program to improve sludge quality throughout the State.

3. Concentrated Animal Feeding Operations

The State of Louisiana:

Louisiana's CAFO program has been consistent with the 1970s CAFO regulations and effluent guidelines. EPA Region 6 issued a statewide NPDES general permit covering Louisiana CAFOs in 1993 based on those federal CAFO regulations and guidelines. The 1993 general permit addressed some of the "nine minimum standards" contained in the 2003 CAFO regulations and the pollution prevention plan required by that permit contained many of the nutrient management plan elements listed in the new CAFO regulations. The 1993 permit expired in 1998, but was administratively continued. In February 2004, Louisiana finalized its CAFO regulations to incorporate the new Federal CAFO regulations. There are approximately 200 dry manure-handling poultry CAFOs, 4-5 horse CAFOs and no swine CAFOs in Louisiana¹⁵. Louisiana is in the beginning stages of drafting a general permit for the CAFOs. They plan to issue that general permit before the February 2006 deadline for "newly defined" CAFOs to seek permit coverage. Louisiana plans to issue individual permits for the 4-5 other CAFOs. The horse CAFOs were regulated under the administratively continued 1993 CAFO general permit. Louisiana is currently on schedule to have their CAFO permits (general and individual) issued in a timely manner.

The Louisiana CAFO regulations require nutrient management plans (NMPs) to be implemented by December 2006. Through a working partnership that LDEQ has with USDA on all agriculture-related issues, the U.S. Department of Agriculture (USDA) will take the lead in assisting CAFOs in the development of their NMPs. Louisiana will require use of the NRCS Technical Standard 590 (Natural Resources Conservation Service (NRCS) Standards for nutrient management) for land application of manure/litter. The Louisiana CAFO regulations require all of the other technical standards for development of the NMPs to comply with the federal CAFO regulations. The Louisiana CAFO regulations, and the permits when issued, will require NMPs to be implemented no later than December 31, 2006.

CAFO facilities are considered to be minor facilities and are inspected with the frequency of other minor facilities, 25% to 33% per year.

EPA Region 6:

LDEQ received authorization to implement the NPDES program, including CAFO permitting, in 1996. To date, there are no CAFO facilities in Indian Country.

¹⁵ The National Data Sources column of the Management Report, measure #11, shows 103 CAFOs, based on an estimate of CAFOs ultimately requiring coverage under the new federal regulations made in March 2004. As of November 2004, the estimated number of dry manure-handling poultry facilities has risen from 100 to 200.

4. Stormwater

The State of Louisiana:

LDEQ has current general permits for Phase I construction activities, industrial activities, Phase II small MS4s and Phase II small construction activities. All Phase I MS4s have received initial permits and the State is in the process of reissuance. As of July 2004, one Phase I permit is expired, but has been drafted and reviewed by EPA and is awaiting proposal. The State has a tracking database for NOIs. Small construction activities, as defined by 40 CFR 122.26(b)15, are not required to submit NOIs. All necessary facility data are tracked in TEMPO. Application requirements for small Phase II MS4 permit is consistent with 40 CFR 122.33(b)(1).

EPA Region 6:

Region 6 issues stormwater general permits in Louisiana for discharges in Indian Country. All stormwater general permits (construction and industrial) are reviewed by the Region, and are current.

Region 6 uses the National NOI Center to track the construction (combination Phase I and II) and industrial stormwater general permits.

5. Combined Sewer Overflows/Sanitary Sewer Overflows

The State of Louisiana:

Louisiana municipalities were not constructed using combined sewer systems. Consequently, Louisiana does not have any combined sewer systems. Therefore, there are no requirements for development of long-term control plans (LTCPs) for CSOs.

In the case of SSOs, there is a notification requirement in the State's regulations that is binding upon the owner/operator of the sewer system. The Department of Health and Hospitals is responsible for issuing public health advisories. LDEQ maintains a hotline to facilitate reports of discharges that could endanger public health. Should there be an event that constitutes a human health emergency, LDEQ may take action authorized by the Emergency Notification Rule.

SSOs are reported to the Enforcement Division and the Surveillance Division. In addition, the owner of a facility, through its responsible individual, must notify appropriate local government officials and the local media whenever SSOs occur. Releases to be reported include, but are not limited to, those that will affect a public or private source of drinking water; or a spill of 100,000 gallons or more. The notice must be issued immediately, but no later than 24 hours after becoming aware of the release.

LDEQ requires facilities to properly operate and maintain collection systems to reduce inflow and infiltration. This is a requirement that is included in permits as a standard condition. LDEQ incorporates standard bypass reporting requirements in permits.

LDEQ permits contain reporting requirements for the permittee to report all overflows in the discharge monitoring report. Overflows that endanger health or the environment shall be orally reported within 24 hours, with a written report to follow in 5 days. For major facilities, receipt of the overflow reports is inputted into the facility's violation summary log. In accordance with LPDES facility file review procedures, the LDEQ enforcement staff review these reports for possible enforcement action. Formal enforcement actions may require facilities to submit a compliance schedule with milestones for the

identification of inflow and infiltration problems and repair of collection system lines. The schedule can then be placed in a formal enforcement action.

The State agency also coordinates with EPA in addressing SSOs. The NPDES Permits Branch developed a guidance document, "Strategy for Permitting Discharges of Wet Weather-Related Peak Flows," dated December 16, 1998. The State of Louisiana, as well as the other Region 6 States, operates in accordance with federal regulations for secondary treatment and with the guidance document.

EPA Region 6:

There are no combined sewer systems in Louisiana.

SSO Reporting: One minor Indian Country permit (LA0050971 Chitamacha Tribe) requires submittal of DMRs and reporting of SSOs. These same provisions are included in all NPDES permits issued by Region 6.

6. Biosolids

The State of Louisiana:

Louisiana has promulgated sludge regulations, but the State has not formally received authority to administer the sludge program. Thus, the regulations will not become effective until the State assumes the sludge program. LDEQ has not submitted a formal application for assumption of the sludge program, and currently indicates no interest in assuming the program in the near future.

However, regulations in the LDEQ solid waste program address proper sludge handling. The following actions have been completed during the development of sludge regulations:

- A preliminary draft of the sludge regulations was submitted for EPA's review and comment on September 7, 1999;
- Draft sludge regulations were published in the Louisiana Register on August 20, 1999;
- Siting, operations, and financial assurance for commercial blenders, composters, and mixers of sewage sludge were incorporated into the proposed regulations; and
- A review for correct citations, spelling, and grammatical errors, as well as fine tuning was completed.

EPA Region 6:

The NPDES sludge (biosolids) program is directly implemented by EPA Region 6 under the federal regulations contained in 40 CFR part 503 biosolids rule. The part 503 rule includes five subparts: general provisions, requirements for land application, surface disposal, pathogen and vector attraction reduction, and incineration. For each of the regulated use or disposal practices, a part 503 standard includes general requirements, pollutant limits, management practices, operational standards, and requirements for the frequency of monitoring, record keeping, and reporting.

EPA Region 6 regulates discharges, including sludge disposal, of Class I facilities (facilities that produce sludge which may adversely impact the environment) by way of EPA-issued NPDES permits.

Other facilities operate in accordance with the self-implementing regulations found in 40 CFR part 503. Region 6's NPDES Permits Branch and Water Enforcement Branch provide assistance to and oversight of all sludge disposers.

In 1998, Region 6 issued a biosolids land application general permit for Louisiana. In Indian Country, where EPA authors NPDES permits, sludge disposal requirements are included as Part 4 in each discharge permit. The NPDES Permits Branch provides assistance to States and individuals with questions regarding interpretation of 40 CFR part 503. The Water Enforcement Branch receives the annual reports required from Class I sludge facilities in February of each year, investigates compliance concerns, and performs inspections. Most regulation interpretation and compliance concerns are discussed jointly between the NPDES Permits Branch and Water Enforcement Branch.

Biosolids requirements are included as part of the individual NPDES permit. The measurement requirements for biosolids are entered into PCS along with all other permit requirements. The information is printed onto DMRs that are provided to the permittee along with instructions for reporting. This information is required to be submitted to EPA on an annual basis. The forms are reviewed for completeness, timeliness and accuracy and the results are entered into PCS for measurement against the requirements. If violations are detected they are addressed by either formal or informal enforcement actions. Facilities that land apply or surface dispose of sewage sludge are responsible for submitting the additional information required in parts 503.18 or 503.28. Facilities that dispose of sewage sludge by incineration are required to provide the information required in part 503.48. This information must be attached to the original copy of the DMR forms when submitted to EPA.

For the calendar year 2003 there were 62,490.67 tons of sludge reported as produced and 10,766.26 tons reported as being land applied. These results showed that 17% of the sludge produced for that year was land applied.

Section III. NPDES Compliance Monitoring and Enforcement Response

In a separate initiative, EPA's Office of Enforcement and Compliance Assurance (OECA), EPA Regions, and the Environmental Council of the States have developed a tool for assessing State performance in enforcement and compliance assurance to ensure that States meet agreed-upon minimum performance levels and provide a consistent level of environmental and public health protection nationwide. OECA will use the State profiles to focus these efforts and identify areas needing further discussion and evaluation.

1. Enforcement Program

The State of Louisiana:

The LDEQ has prepared and utilizes a set of Standard Operating Procedures (SOPs) that describe the various aspects of the authorized program. Included in this group of documents is a section that describes the enforcement program and the process for carrying out the related tasks. Section 1215 of the Enforcement Action SOP includes guidance on how violations are identified, as well as the time frames for and type of actions to be issued for addressing these violations. The documents include violation review action criteria that serve as a screening device to assure that NPDES enforcement resources are concentrated on the most significant violations. The violations are detected from both the quarterly noncompliance report (QNCR) criteria and reviews by the Permit Compliance Unit staff. The Enforcement SOP also includes an enforcement response guide that is used by the enforcement personnel. A goal has been to address violations when major facilities appear as significant noncompliance (SNC)) for two consecutive quarters. This guide is consistent with the EPA Enforcement Response Guide and is used to assist in selecting the most appropriate response or set of responses to instances of noncompliance. When making determinations on the level of enforcement response, the Enforcement staff utilizes this guide in addition to exercising professional judgment, including consideration of factors such as severity of violations, duration, compliance history, deterrent effect, environmental impact, impact on the integrity of the program, fairness and equity, consistency, and the like.

Based on data maintained at EPA, the SNC rate for the facilities under the enforcement authority of the State of Louisiana was as follows: FY2001 - 16%, FY2002 - 19%, and FY2003 - 17%¹⁶. The percent of those facilities addressed by formal enforcement actions over the same time period averaged 70%.

The number of facilities in SNC for effluent violations excluding paperwork and reporting issues was: FY2001 - 18, FY2002 - 27, and FY2003 - 28. The average percent of those violations addressed by formal enforcement action was 82%. The numbers of formal enforcement actions issued over the past three years by LDEQ to major and minor facilities were: FY2001 – 51 to major facilities, 192 to minor

¹⁶ The National Data Sources column of the Management Report, measure #34, shows 23% of major facilities in SNC for FY2003. The 23% includes all major facilities located in Louisiana, while the percentages cited above do not include facilities that were under the enforcement authority of EPA during each of the fiscal years. (Refer to the EPA Region 6 portion of this section for additional information.)

facilities; FY2002 – 40 to major facilities, 199 to minor facilities; and FY2003 – 50 to major facilities, 218 to minor facilities.¹⁷

Penalties are determined in accordance with the Department’s Penalty Regulations found in the LAC 33:I. Chapter 7. These regulations require consideration of the nine factors established by La.R.S. 30:2025(E)(3):

1. history of previous violations or repeated noncompliance;
2. nature and gravity of the violation;
3. gross revenues generated by the respondent;
4. degree of culpability, recalcitrance, defiance, or indifference to regulations or orders;
5. monetary benefits realized through noncompliance;
6. degree of risk to human health or property caused by the violation;
7. whether the noncompliance was immediately reported or if there was intent to conceal;
8. whether the person charged has failed to mitigate or make reasonable attempt to mitigate;
9. costs of bringing and prosecuting an enforcement action.

In the event that the respondent does not achieve compliance within a specified time frame, LDEQ is committed to consider proceeding with escalation through the full range of enforcement authorized by law, including issuing penalty assessment, entering into a settlement agreement, filing for an injunction or temporary restraining order, or a referral for criminal investigation. An example of when the State would not escalate would be when continuing effluent violations occur at a facility in compliance with an enforceable schedule to address the violations. When a file review reveals that a facility has been issued a previous enforcement action or has a history of repeat noncompliance, the subsequent action is escalated in accordance with the Enforcement Division’s SOPs. Consideration of economic benefit is a part of all penalty assessments associated with unilateral orders. If there is an economic benefit, then it is included in the penalty assessment. LDEQ regulations require that economic benefit is recovered in all penalty actions.

Louisiana law provides that a person who has received a compliance order or penalty assessment (a “respondent”) has the right to an adjudicatory hearing on a disputed issue of material fact or of law. This right is exercised by filing a request for a hearing with the secretary of LDEQ no later than 30 days after notice of action. This hearing must either be granted or denied within 30 days unless an agreement is entered into by both parties for a dispute resolution. This dispute should be resolved within a one year

¹⁷ The National Data Sources column of the Management Report, measures #37 and #38, show 41 formal enforcement actions at majors and 219 formal enforcement actions at minors, respectively. The 50 actions at majors cited above includes 7 settlement agreements and two additional enforcement actions that were not included in the national data count due to changes in PCS coding conventions.

maximum. During the period of resolution the violations are considered to be allegations, but in most cases LDEQ continues to work with the facility toward achieving compliance.

LDEQ does not refer enforcement to the State's Attorney General's (AG's) Office. Only settlements and ex parte petitions are sent to the AG's office for approval. LDEQ in-house counsel, through the normal enforcement process, handles all other actions including hearing requests, hearings, dispute resolution, resolution of other actions, and other matters. The in-house legal staff (Legal Division) must get AG office approval to represent LDEQ in civil actions (lawsuits) to enforce the CWA.

During the last 2 - 3 years, a larger number of actions have been resolved through the settlement process, which resulted in a decrease in the amount of penalties assessed and collected and an increase in the amount of settlements.

Both TEMPO and PCS are used to track compliance with enforcement actions such as compliance orders and settlement agreements with compliance schedules and Beneficial Environmental Projects (BEPs). One-hundred percent of required actions are monitored for compliance and regularized retrievals are performed to check responses to the orders. If an order requires physical, operational or administrative changes to a regulated facility, then the Surveillance Division inspects the facility for compliance within six months of the effective date in the order. Any objective evidence of noncompliance with the order would be used for preparing a referral for escalated enforcement action.

The value of injunctive relief for civil enforcement actions is not tracked and not available for the last 3 years.

Penalty Assessments: LDEQ issues penalty assessments in unilateral orders. Penalty amounts are calculated in accordance with regulations found at LAC 33:I.Chapter 7. Penalty Assessments are not negotiated with the respondent.

Table 3: Water Penalty Assessments

Year	Total Penalty Assessed	Amount Collected as of 01/10/05*
2001	\$ 1,771,092.90	\$ 1,162,251.90
2002	\$ 667,951.36	\$ 161,381.26**
2003	\$ 180,451.27	\$ 135,786.64
2004	\$ 13,646.73	\$ 2,400.00**
TOTAL	\$ 2,633,142.26	\$ 1,461,819.39

* The penalty collected and the penalty amount assessed may not be the same for various reasons:

- Respondent may request a hearing for a penalty assessment. If a hearing is requested, penalty payments are not due until the action is final, therefore, the penalty payment is not due. During the hearing process the respondent may offer a settlement to resolve the penalty or go to hearing.
- If the respondent is in bankruptcy, LDEQ pursues payment under bankruptcy laws.
- The Department may have agreed to accept installment payments, and all payments have not yet been received.
- The respondent may fail to respond or pay the penalty, in which case LDEQ files a petition with the court to make the penalty executory. The penalty then becomes an order of the court.
- For penalty assessments issued in late December 2004, the penalty payment is not yet due as of 01/10/05.

**Does not include amount received in settlement. Settlement amounts are listed in table below.

Table 4: Multimedia Penalty Assessments
(Penalty Assessments Include those with a Water Component)

Year	Total Penalty Assessed	Amount Collected as of 01/10/05 *
2004	\$ 139,014.97	\$ 40,173.31
TOTAL	\$ 139,014.97	\$ 40,173.31

* See Table 3.

Settlement Agreements: In recent years, LDEQ has greatly expanded the use of Settlement Agreements to address violations. Many settlements offers are received soon after issuance of the enforcement action that puts the respondent on notice that a penalty is being considered. As such, the number of Penalty Assessments has declined somewhat, while the number of Settlement Agreements has significantly increased. In order to work more efficiently, LDEQ typically incorporates all media violations into settlement agreements when possible, thereby increasing the number of multimedia settlement agreements. The tables below show the value of Settlement Agreements finalized by LDEQ. This table includes settlements of Penalty Assessments.

Table 5: Water-Only Settlement Agreements

Year	Cash Amount	Amount Paid	BEP Amount
2001	\$ 539,863.00	\$ 539,863.00	\$ 1,045,000.00
2002	\$ 80,000.00	\$ 80,000.00	\$ 150,000.00
2003	\$ 179,500.00	\$ 179,500.00	\$ 811,000.00
2004	\$ 123,023.00	\$ 123,023.00	\$ 35,000.00
TOTAL	\$ 922,386.00	\$ 922,386.00	\$ 2,041,000.00

Table 6: Multimedia Settlements with Water Components

Year	Cash Amount	Amount Paid	BEP Amount
2001	\$ 515,730.00	\$ 515,730.00	\$ 4,030,000.00
2002	\$ 1,400,000.00	\$ 1,400,000.00	\$ 2,975,000.00
2003	\$ 2,240,000.00	\$ 2,240,000.00	\$ 7,158,000.00
2004	\$ 1,050,976.00	\$ 800,976.00*	\$ 8,444,000.00
TOTAL	\$ 5,206,706.000	\$ 4,956,706.00	\$ 22,607,000.00

*Balance not yet due as of 01/10/05.

LDEQ may also join EPA as a party in a Consent Decree.

Table 7: Joint Consent Decrees with EPA

Year	Cash Amount	Amount Paid	BEP Amount
2002	\$ 364,750	\$ 364,750.00	\$ 1,012,500.00
2004	\$ 96,200	\$ 70,500.00*	\$ 0.00
TOTAL	\$ 460,950	\$ 435,250.00	\$ 1,012,500.00

*Balance not yet due as of 01/10/05.

Table 8: SUMMARY
Penalty Assessments, Settlement Agreements, and Joint Consent Decrees

Year	Total Cash	Total Collected as of 01/10/05	BEP Amount
2001	\$ 2,862,685.90	\$ 2,217,844.90	\$ 5,075,000.00
2002	\$ 2,512,401.36	\$ 2,006,131.26	\$ 4,137,500.00
2003	\$ 2,599,951.27	\$ 2,715,286.64	\$ 7,969,000.00
2004	\$ 1,422,860.70	\$ 1,037,072.31	\$ 8,479,000.00
TOTAL	\$ 9,362,199.23	\$ 7,976,633.11	\$ 25,660,500.00

EPA Region 6:

EPA retained enforcement lead over permittees that were subject to ongoing EPA enforcement actions. During FY2001, EPA retained enforcement authority for 78 major facilities with 28 in SNC status, in FY2002, 55 major facilities with 20 in SNC status and in FY2003, 43 major facilities with 20 in SNC status. These facilities were on long-term compliance schedules from Consent Decrees and Administrative Orders and were transferred to LDEQ upon final resolution of the enforcement action.

The NPDES sludge (biosolids) program is directly implemented by EPA Region 6 under the federal regulations contained in 40 CFR part 503 biosolids rule. The part 503 rule includes five subparts: general provisions, requirements for land application, surface disposal, pathogen and vector attraction reduction, and incineration. For each of the regulated use or disposal practices, a part 503 standard includes general requirements, pollutant limits, management practices, operational standards, and requirements for the frequency of monitoring, record keeping, and reporting.

Part 503 applies to any person who applies biosolids to the land or fires biosolids in a biosolids incinerator, the owner/operator of a surface disposal site, or to any person who is a preparer of biosolids for use, incineration, or disposal.

The part 503 rule requires reporting for the following type of facilities: all POTWs that service a population of 10,000 or greater, all POTWs with a design flow rate equal to or greater than one million gallons per day (1 mgd), Class I biosolids management facilities that are POTWs and required to have an approved pretreatment program (5 mgd or greater, as per 40 CFR part 403.3.a) and treatment works that EPA or the State have classified as Class I because of the potential to negatively affect public health and the environment.

The part 503 rule is self-implementing (i.e., compliance is required regardless of whether a permit contains the conditions) and must be followed even without the issuance of a permit. EPA can take enforcement actions directly against persons who violate the part 503 requirements. Violations of these requirements are addressed in the same manner as other violations of the NPDES program.

The Region utilizes the information in the Enforcement Response Guide included in the Enforcement Management System (EMS) Manual. The Guide recommends enforcement responses that are timely and appropriate in relationship to the nature and severity of the violation and the overall degree of noncompliance. It also provides guidance to ensure uniform application of enforcement responses to comparable levels and types of violations.

In addition to the Guide, the staff considers the degree of variance from the permit condition or legal requirement, the duration of the violation, previous enforcement actions taken against the violator, and the deterrent effect of the response in similar situations. Other considerations are fairness and equity, national consistency and the integrity of the NPDES program.

The enforcement staff ensures the adequacy and validity of economic, technical, and scientific data and findings by developing and issuing appropriate enforcement actions, which include administrative orders, administrative penalty orders, and initiating and developing enforcement referrals. All enforcement orders that include compliance schedule requirements and progress reports are entered into PCS along with the required completion date(s). Reports are routinely retrieved from PCS to verify that requirements of the compliance schedule have been adequately completed.

During the period beginning January 1999 to June 2004, there have been a total of 27 enforcement actions issued for sludge violations at Louisiana facilities. These enforcement actions were issued primarily for missing DMRs rather than for SNC violations related to failure to meet effluent limits.

2. Record Keeping and Reporting

The State of Louisiana:

LDEQ uses the EDMS approach to records management. This system involves the creation of scanned file images for virtually all paper documents that would otherwise be maintained in manual file systems. Penalty worksheets and settlement rationales are indexed, scanned and stored in this system. Since DMRs do not scan well, they continue to be maintained as paper records in files onsite. In response to concerns raised by the public as well as EPA, LDEQ has reviewed and implemented enhancements to the indexing and accessibility of documents, making the system more user friendly.

Permitting and compliance data is maintained in TEMPO and in the PCS national data system. This data is entered into the PCS system within 30 days from the date of receipt.

EPA Region 6:

Data reported in accordance with the measurement requirements are maintained in the PCS database and is easily accessible. The hard copy documents that are submitted to EPA by the permittees are maintained as paper records in files in the EPA Record Center.

3. Inspections

The State of Louisiana:

The Surveillance Division is responsible for inspecting permitted and un-permitted facilities that have a surface water discharge and for responding to environmental incidents. The Regional Surveillance Division office conducts routine inspections of permitted major and minor dischargers via unannounced visits in accordance with procedures contained in the NPDES Compliance Inspection Manual and the LDEQ "Compliance Inspections Conducted by OEC/Surveillance Personnel" SOP. LDEQ considers minor facilities with individual permits and minor facilities with general permits as equally subject to inspection targeting for compliance assurance interventions. Citizen complaints are a major workload for the Surveillance Division. There are approximately 4,000 - 5,000 calls received from citizens each year. Of those, 500 - 700 involve incidents that require field investigations to determine compliance with LPDES regulations. The goal is to initiate investigation of each complaint within 5 days of notification. Minor facilities not considered to be significant are inspected at the rate of 25 - 33% each year, including CAFO facilities. LDEQ anticipates that approximately 1,500 planned minor inspections will be conducted during the year, in addition to those that will result from spills and complaints. Each facility inspection includes a stormwater component. Industrial stormwater permits are inspected at the same rate as other minor facilities, but due to their short activity period, construction stormwater sites are inspected only in response to complaints.

LDEQ and EPA have agreed and included requirements in the PPG that LDEQ will conduct inspections each year at 90% of the major facilities, 92-500 minor facilities and significant minor facilities. The significant minor facilities have been identified for the current inspection year as those minor facilities included in a Consent Decree (approximately 172 facilities). The LDEQ Compliance Monitoring Strategy is utilized in selecting facilities to be included in the universe of major facilities to be inspected because one of the criteria in the strategy is "Any grant or funding commitments made by the department," which includes the commitment made to the EPA to conduct annual inspections at virtually all major water facilities in the State. Records maintained at EPA indicate that LDEQ conducted inspections at more than 90% of the major and 92-500 minor facilities during the 2002 and 2003 inspection years. In the future, because of national priorities, the percent may be reduced and at that time such factors for selection will be considered as environmental harm, location, and compliance history. LDEQ is required to develop an annual inspection plan in accordance with the inspection frequency criteria. This specific compliance strategy gives LDEQ the latitude to target sectors, geographic locations and specific pollutants to achieve new benefits. When an annual inspection goal is less than all (approximately 90%) of a given universe of facility types, the criteria contained in the LDEQ Compliance Monitoring Strategy are used to determine what portion of that universe will be inspected. From an enforcement perspective, cases involving major facilities in significant noncompliance, citizens' complaints that reveal areas of concern, or instances of measurable harm to human health or the environment are given a high priority.

Before initiating a compliance inspection, regional personnel perform a compliance review of the permitted facility by a file search of previous inspection reports, DMRs and incident reports. File reviews have resulted in the need for an inspection. When an enforcement action is issued for inspection violations, a follow-up inspection is conducted to verify compliance with the requirements of the action for the purpose of determining compliance and closing the action.

EPA Region 6:

Biosolids requirements are included as part of the individual NPDES permit. Inspections relating to the sludge processes are conducted as a part of the facility's inspection. EPA is in the process of establishing a strategy for conducting inspections of the sludge portion of the facility where enforcement authority for the facility is with the State.

EPA enforcement engineers are developing a septic hauler program which is currently in the pilot stage. EPA headquarters has already approved an Expedited Settlement Offer (ESO) document. Region 6 coordinated with the Louisiana Department of Health and Hospitals and LDEQ to conduct septic hauler inspections during August 2004. The Regional staff also planned to conduct a one-day workshop with the Louisiana regulators before conducting the fieldwork. The August inspections were to provide an opportunity for Region 6 to implement the use of the ESO. The Regional staff, in coordination with the State, hosted an informational seminar for the septic haulers during the week of May 16 - 20, 2005, in Mandeville and Lafayette, Louisiana. Major facilities are inspected at the rate of 90% each year and minor facilities are inspected once every 5 years.

4. Compliance Assistance

The State of Louisiana:

LDEQ conducts outreach and compliance assistance in a number of ways. Program staff participate in seminars throughout the State to teach permittees how to properly complete discharge monitoring reports, how and when to report noncompliance with permits, and how to comply with other aspects of the rules and the permit conditions. In addition, seminars are conducted to provide information to targeted industry sectors (construction, oil and gas, community sewage treatment, and the like). Surveillance inspectors are frequently asked to assist in the field. They provide assistance to the regulated community. LDEQ also maintains a Small Business Assistance Program (SBAP) consisting of three major components: Technical Assistance, Small Business Ombudsman and the Compliance Advisory Panel. The core mission of the non-regulatory SBAP is to provide technical assistance to small business owners in complying with State and federal environmental regulations. The SBAP handles the entire process and has a process in place for measuring success.

The assistance provided by the surveillance inspectors and enforcement staff cannot be quantified except through evaluating improvement in the performance of the regulated community.

EPA Region 6:

Each facility that is required to monitor and submit results for sludge have been provided with a document including seven pages of instructions that explain each requirement and specifies how that information should be reflected on the DMR. The document also includes the EPA Region 6 Web site that can be accessed at <http://www.epa.gov/earth1r6/6en/w/sludge> in order to view the updated version of the sludge regulations.

The outcome of this compliance assistance is measured by the improvement in the quality and timeliness of the data provided by the permittees. This results in having more accurate and complete data reflected in PCS and having that data reflected timely.

Section IV. Related Water Programs and Environmental Outcomes

1. Monitoring

The State of Louisiana has implemented a comprehensive statewide water quality monitoring strategy since the early 1970s. The State began ambient monitoring of water quality in 1958 and has maintained an ambient water quality monitoring program since then. The State's monitoring program includes compliance monitoring, fish tissue contaminants monitoring, "toxics" monitoring in the major industrial corridors, reference stream characterization, and surveys for wasteload allocations (WLA) and TMDL development. Since 1998 the State has further expanded its efforts to conduct surveys to support WLAs and TMDL modeling by adding staff to a survey team dedicated to stream surveys and other special studies such as use attainability analyses. This group also conducts special studies on an as-needed basis to support the various permit development activities. This includes instream sampling of receiving streams that are not included in the statewide ambient monitoring network.

LDEQ has developed a large fixed-station network of water quality monitoring locations from which trend information is available over a period of decades. In order to expand its ambient monitoring program to include more waterbodies, the State adopted a rotating basin approach in 1998 based on sampling all basins in the State during a five-year period. In 2004, the State updated the rotating basin schedule to a four-year cycle, which will provide updated ambient water quality basin information on a 4-year frequency. The network includes 483 stations, approximately one quarter of which are sampled monthly over a one-year timeframe with a return frequency of every four years. This is accomplished by prioritized monitoring within each LDEQ Region where 25% of all regional sub-segments within 25% of the basins are sampled monthly for a one-year period with a four-year recurrence interval. A new quarter of the sub-segments are sampled each year. LDEQ maintains 21 long-term fixed station sites on Louisiana's major rivers. These stations are sampled monthly each year. Results from sampling performed at sites within the fixed station network are used to prepare the 305(b) report and to determine waterbody attainment of water quality standards and can be used for assessing trends.

While Louisiana has implemented its comprehensive monitoring strategy for more than 30 years, the strategy has not been formally described in a singular document entitled as such. The State has described its monitoring strategy and various water quality monitoring program activities in its biennial water quality inventory prepared under CWA section 305(b) and other documents throughout the past 20 years. Louisiana is now developing a monitoring strategy document following the EPA's Elements of a State Water Quality Monitoring Program guidance. LDEQ submitted a draft monitoring strategy to EPA in early 2004, as outlined in the LDEQ/EPA PPG. The monitoring strategy is currently being reviewed by Region 6 for consistency with the Elements of a State Water Quality Monitoring Program guidance. LDEQ indicated that it has continued to further develop the document to address the ten elements outlined in the EPA guidance. LDEQ anticipates submitting a revised draft monitoring strategy in 2005. The Monitoring Program document will contain overview information regarding DEQ's monitoring program and will provide a mapping to existing documents that duplicate elements in EPA's guidance document (e.g., quality assurance project plans, 305(b) Report, PPG, and the like).

2. Environmental Outcomes

The State of Louisiana:

Using the data collected through the State's ambient monitoring program, LDEQ assesses water quality conditions every two years and reports the results in the biennial water quality inventory prepared under CWA section 305(b) and list of impaired waters prepared under CWA section 303(d). Based on Louisiana's 2000 Integrated Report (combining the 305(b) and 303(d) lists), as reflected in the Management Report, 40.0% of Louisiana's assessed rivers were impaired for swimming at that time. For Louisiana's lakes and reservoirs, only 8.0% were impaired for swimming. LDEQ has submitted new data that now shows that 38.4% of Louisiana's assessed rivers are impaired for swimming and for Louisiana's lakes and reservoirs, only 6.0% are impaired for swimming.

Environmental outcomes are also monitored as part of the State's nonpoint source program. The CWA section 319 grant program in Louisiana receives approximately \$5 million each year to support nonpoint source management and implementation projects. Since these are 3-year grants, during any given year Louisiana's nonpoint source program staff manages approximately \$25 million in 319 funds and 50 - 75 implementation projects. The majority of these projects include some level of monitoring to determine effectiveness of best management practices (BMPs) and outcomes and success of the project. This is reported in the annual nonpoint source program report that is submitted to EPA.

3. Water Quality Standards

The State of Louisiana:

Louisiana's water quality standards are designed to protect the designated uses (actual existing uses and attainable uses) of the State's surface waters. The designated uses for specific waterbodies are listed in the State's Water Quality Regulations, LAC 33:IX.1123. Louisiana relies on national criteria developed under section 304(a) of the CWA for the protection of aquatic life and human health unless the State has developed independent, scientifically relevant information to support the adoption of different criteria. All proposed water quality standards and revisions to the water quality standards go through a rigorous public review process before adoption as State standards. EPA reviews the proposed water quality standards and must approve them prior to implementation.

Louisiana reviews and revises its water quality standards on an on-going basis, making revisions as needed. The State of Louisiana initiated a triennial review in 2003 and has been reviewing the water quality standards regulations in their entirety since that initiation. The review and revision are continuing, though a public hearing has not yet been held¹⁸. Revision of numeric criteria is crucial to ensure that appropriate water quality criteria are in place, as they form the basis for permit effluent limitations and WLAs and TMDLs. EPA has received LDEQ's nutrient criteria plan and it is currently under review. EPA's review and comments on the plan will be provided to LDEQ by July 2005.

Many of the State's criteria revisions have and will involve criteria for dissolved oxygen. Due to the natural conditions in Louisiana (low flow, no slope, warm temperatures, high organic matter loading from forests, swamps, and marshes), many waterbodies in Louisiana do not attain the existing dissolved

¹⁸ The National Data Sources column of the Management Report, measure #44, shows that Louisiana has completed an on-time triennial review. Though Louisiana has initiated a triennial review, the definition of completing a triennial review for this measure is having held a public hearing, which Louisiana has not done in the past three years.

oxygen criteria during summer months. Several use attainability analyses have been conducted and site-specific criteria developed. However, LDEQ is working toward streamlining the processes for establishing more appropriate water quality criteria for dissolved oxygen.

The technical information base used to determine appropriate standards for revision or addition includes the following:

- Water quality literature (including EPA's Integrated Risk Information System (IRIS) for toxicity data, or SETAC (Society for Environmental Toxicity and Chemistry))
- Water quality data from the State water quality monitoring network (ambient)
- Experience of field personnel
- Special water quality survey data
- Toxics Release Inventory data
- DMR from dischargers from PCS
- Compliance histories or reviews
- Review of data associated with fish kills or spills
- Fish tissue data

Louisiana was recognized for having developed methodologies for calculating State standards for the protection of aquatic life and human health in the absence of national criteria. Louisiana has adopted freshwater and marine aquatic life standards for 20 pollutants (19 priority toxic and 1 organoleptic compound) and human health (HH) standards for 10 pollutants without national criteria recommendations from EPA.

LDEQ has established an antidegradation policy that meets the requirements of 40 CFR 131.12. The LDEQ's antidegradation policy and implementation plan for the antidegradation policy are found in LAC 33:IX.1109.A and LAC 33:IX.1119, respectively. The policy and plan were developed with and approved by EPA Region 6. The department worked in close cooperation with Region 6 staff to develop the antidegradation policies and implementation procedures that are currently in the standards. The basic principle of the antidegradation policy is that water quality criteria specified in the standards shall not be violated, that designated uses will not be adversely impacted, and those waters where existing quality exceeds the standards be maintained at their existing high or outstanding qualities. The implementation plan for the antidegradation policy outlines specific procedures used by LDEQ to implement the policy. Procedures that serve to implement the antidegradation policy are integrated into all water quality-related activities within the department, such as TMDL development, wastewater discharge permitting, and section 401 water quality certifications.

LDEQ is coordinating with the Department of Health and Hospitals in a pilot beach-monitoring program to evaluate the EPA recommended indicator organisms for bacteria criteria. As this study is ongoing,

LDEQ has delayed its promulgation of a new water quality standard using the EPA-recommended indicator organisms pending the results of this study. LDEQ is also waiting for the results of EPA's planned epidemiological studies that will hopefully provide support for the appropriate bacteria criteria.

4. Total Maximum Daily Loads

The State of Louisiana:

The Water Quality Assessment Division (WQAD) in the Office of Environmental Assessment provides technical and advanced scientific support to the LPDES program on a routine basis. This group is responsible for developing TMDLs for waterbodies throughout Louisiana. The TMDL determines the assimilative capacity of receiving waters and establishes wasteload and load allocations necessary to maintain water quality standards and protect the designated uses. The WLA is the basis for many LPDES permit effluent limits. The WQAD also occasionally provides simplified modeling services to assess the impact of specific proposed or modified discharges on waters not scheduled for TMDLs prior to permit issuance. TMDLs are being implemented through the LPDES permitting program and the nonpoint source program. LDEQ's Nonpoint Source (NPS) Unit develops watershed implementation plans for all TMDLs approved by EPA, and this document includes enough information to support selection of BMPs to address all pollutants of concern within the watershed.

TMDLs are currently being prepared for the State's waterbodies listed as impaired under CWA section 303(d), according to a Consent Decree schedule. Based on the Consent Decree agreement dated April 2, 2002, EPA and LDEQ are required to complete 1,382 TMDLs by March 31, 2001 (backstop date). According to the Consent Decree for the Barataria basin, LDEQ and EPA were expecting to address 154 TMDL listings by March 31, 2005. As of the March 31, 2005 date, 149 of the 154 TMDL listings had been addressed. For the 5 remaining TMDL listings, an extension until June 29, 2005 was granted to complete the respective TMDLs. To meet the TMDL schedule, both EPA and LDEQ used contractors to develop TMDLs for the Barataria basin.

The Office of Environmental Services (OES) is responsible for maintaining and enhancing the waters of the State through the permit process. The Permitting Guidance Document For Implementing Louisiana Surface Water Quality Standards (Vol. 3, Water Quality Management Plan) was developed in order to ensure consistency in developing WQBELs for discharges, and contains the LPDES reasonable potential policy and procedures for developing WQBELs in the absence of a TMDL. Permit writers are required to follow this guidance. The document is available on the LDEQ Web site under Permits. OES has plans to hire a TMDL implementation specialist to ensure that permits incorporate all applicable WLAs in TMDLs. In addition, a senior environmental scientist in the WQAD provides assistance to the permits staff, answering questions regarding interpretation and implementation of the TMDLs. The TMDLs developed by LDEQ include recommended permit limits for the pollutant of concern based upon the calculated WLA for affected discharges into the modeled watershed. If the discharge is not addressed in the TMDL, LDEQ may perform a desktop model to justify permit limits. At the present time, permit writers are familiar with the TMDLs that have been written for waterbodies involved in permit discharges and WLAs are taken into account. The LPDES program tracks permits that are implementing TMDLs in the same manner that all other permit requirements is tracked.

EPA Region 6:

Status: EPA Region 6 is developing some TMDLs for Louisiana. The State and the Region negotiate the specific TMDLs to be done by each in a specific year. The TMDL development for Louisiana is controlled by a Consent Decree agreement reached between EPA and the plaintiffs. EPA has agreed to complete specific TMDLs based on the agreed-upon schedule presented below. The court schedule has been met. Of TMDLs completed through FY2003, about half included NPDES point sources.

Table 9: Schedule for Addressing Waterbody/Pollutant Combinations or TMDLs in Louisiana

Basin	Date Work Will Be Initiated	State Target Completion Date	EPA Backstop Due Date
Barataria (154)	March 31, 2002	March 31, 2004	March 31, 2005
Terrebonne (369)	March 31, 2003	March 31, 2007	March 31, 2008
Sabine (10)	March 31, 2005	March 31, 2007	March 31, 2008
Pearl (42)	March 31, 2006	March 31, 2008	March 31, 2008
Atchafalaya (29)*	March 31, 2006	March 31, 2009	March 31, 2010
Red (174)	March 31, 2005	March 31, 2007	March 31, 2008
Pontchartrain (309)*	March 31, 2007	March 31, 2011	March 31, 2012
Mississippi (64)*	March 31, 2006	March 31, 2010	March 31, 2011

* Waterbody/pollutant combinations listed for Toxic Pollutants within the Atchafalaya, Pontchartrain, and Mississippi basins will be addressed within the first two years following the date work is initiated in each such basin. Toxic Pollutants are defined as those pollutants listed in 40 CFR: 401.15.

Waterbody/pollutant combinations generically listed under descriptions that may include toxic pollutants, for example, including, but not limited to those listed for metals, priority organics, or priority inorganics, will be evaluated to establish the individual pollutant(s) of concern within the generic description and treated as toxic pollutants only to the extent that the individual pollutants of concern fall within the definition of toxic pollutants provided above.

TMDLs are submitted as updates to the Water Quality Management Plan (WQMP). The WQMP updates provide WQBELs.

Region 6 has developed an internal TMDL review process, prior to the public comment period on the EPA-sponsored contractor developed TMDLs, for NPDES implementation of TMDL conditions. To date, no Region 6-generated discharge permits for the State of Louisiana have implemented approved TMDL conditions.

5. Safe Drinking Water Act

The State of Louisiana:

Through the permitting process, discharges to receiving waters identified with the designated use of drinking water supply are screened against drinking water criteria established by the State water quality standards. The Department of Health and Hospitals implements the Safe Drinking Water Act (SDWA)

in Louisiana. The SDWA Source Water Protection Program is administered by LDEQ in cooperation with the Department of Health and Hospitals.

EPA Region 6:

Region 6 SDWA staff is seeking to provide input into the development of State water quality standards. In particular, the Source Water Protection Branch (SWPB) is hoping to work with Region 6 water quality standards staff and State staff to incorporate, where appropriate, human health drinking water standards into the water quality standards development process. The SWPB hopes to accomplish this by identifying all stream segments that have surface water intakes for public water supplies and by identifying all public drinking water supply wells that are under the direct influence of surface water stream segments for which standards are being developed.

Region 6 SDWA staff coordinate with the Region's NPDES permitting process primarily through active participation on State teams that have been organized to facilitate coordination between EPA programs and State environmental programs. In addition, protection programs authorized by the SDWA are coordinated throughout the Region by Source Water Protection Branch staff participation on the Region's Ground Water Coordination and Advisory Board. This inter-divisional group meets quarterly to exchange program updates and to discuss coordination needs between EPA programs. Both of these coordination tools will be instrumental in incorporating drinking water human health criteria into the water quality standards development and NPDES permitting processes.

Section V. Other Program Highlights

The State of Louisiana:

LDEQ has developed a list-serve system, where individuals can subscribe (http://www.state.la.us/ldbc/listservpage/ldeq_pn_listserv.htm) to receive electronic versions of public notices. These notices are also listed on LDEQ's Web site at <http://www.deq.state.la.us/news/PubNotice/>. Individuals that sign up for the notification receive regular notices regarding proposed permits, public hearings, and other permitting actions. Region 6 has subscribed to this system and receives regular notices regarding proposed permits, public hearings, and other permitting actions.

LDEQ's Web site also has the following:

- Listing of both permitting and enforcement actions
- Final Settlement Agreements and Settlement sent to the Attorney General's Office for concurrence
- Area for public input or suggestions for BEPs

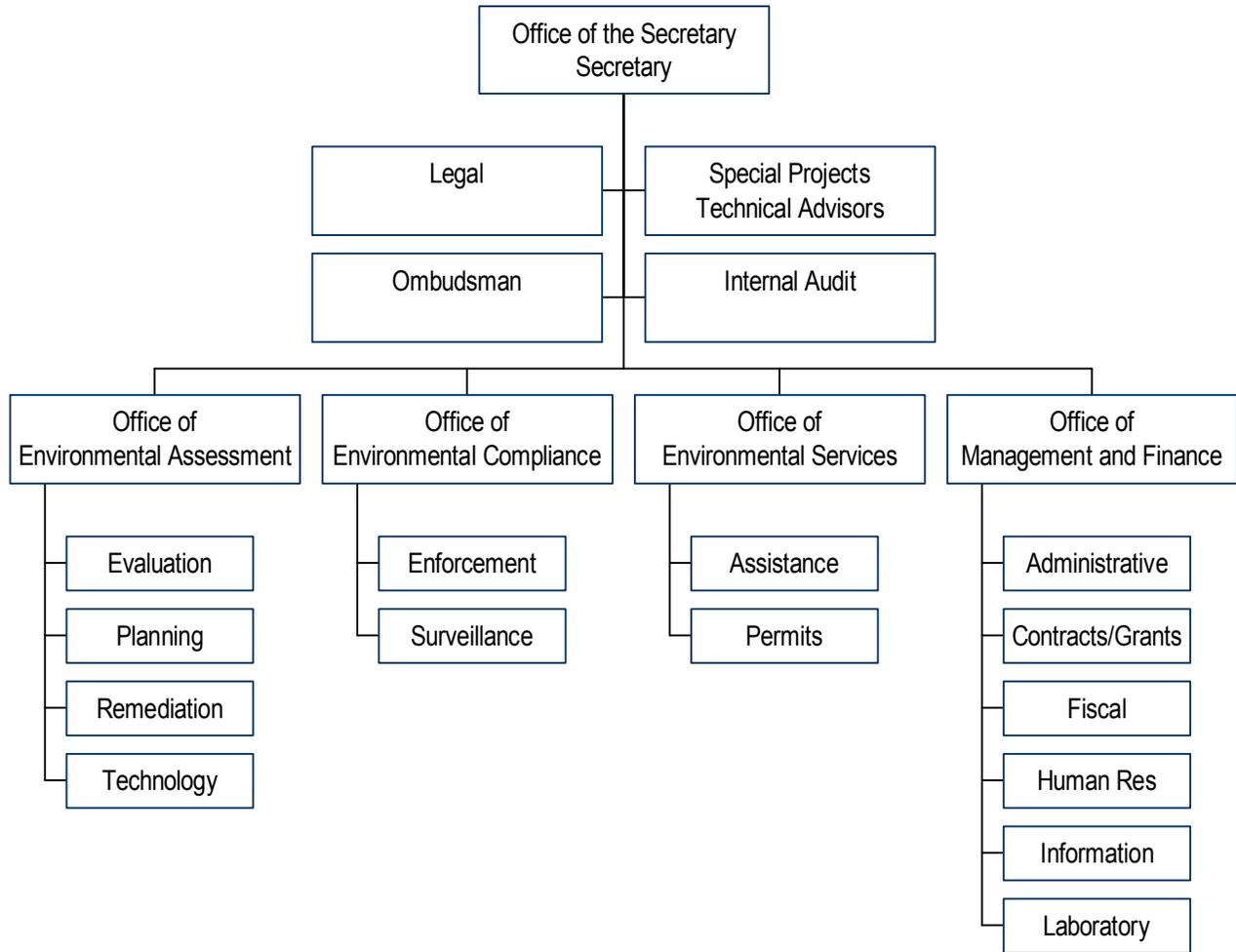
LDEQ has an expedited penalty emergency rule that serves as a pilot program for quickly addressing minor violations. LDEQ is also working on an eDMR project that will allow for electronic submittal of DMR data.

In late 2004, the Enforcement and Records Management staff began a joint effort to develop procedures for scanning DMRs to allow these documents to be accessed by EDMS. It is envisioned that the DMR scanning project will be implemented in phases, with the first phase to include major facilities.

EPA Region 6:

Jointly issued permit: LDEQ and EPA worked together to jointly issue the LOOP, LLC (LA0049492) permit. LOOP is a transport and storage facility for crude oil that has outfalls in both State and Federal waters. The permit contains a total of 14 outfalls, 3 of which are located in Federal waters and are therefore under EPA jurisdiction. LDEQ and EPA agreed to avoid issuance of 2 separate permits to cover the outfalls by issuing the single, joint permit. Issuance of this permit expedited the process of public notice and permit issuance, reduced the reporting burden for the permittee, and enhanced the spirit of partnership and cooperation between the two agencies, among other benefits.

Louisiana Department of Environmental Quality- Organizational Structure



NPDES Management Report, Spring 2005

Louisiana

			Profile Section	GPRA Goal	Nat. Avg.	National Data Sources		Additional Data	
						State Activities	EPA Activities	State Activities	EPA Activities
NPDES Progress									
Universe	1	# major facilities (6,690 total)	I.1		n/a	246	0	254	
	2	# minor facilities covered by individual permits (42,057 total)	I.1		n/a	1,449	2	1,393	1
	3	# minor facilities covered by non-storm water general permits (39,183 total)	I.1		n/a	4,416	0	4,699	
	4	# priority permits (TBD)	I.6			--	--		
	5	# pipes at facilities covered by individual permits (142,761 total)	I.7		n/a	3,864	--		
	6	# industrial facilities covered by individual permits (32,505 total)	I.1		n/a	1,221	152	1,330	0
	7	# POTWs covered by individual permits (15,197 total)	I.1		n/a	202	131	317	1
	8	# pretreatment programs (1,482 total)	II.2		n/a	13	--	14	
	9	# Significant Industrial Users (SIUs) discharging to pretreatment programs (22,158 total)	II.2		n/a	58	--	101	
	10	# Combined Sewer Overflow (CSO) permittees (831 total)	II.5		n/a	0	--		
	11	# CAFOs (current and est. future) (17,672 total)	II.3		n/a	103	--	203	
	12	# biosolids facilities (TBD '05)	II.6			--	--		
NPDES Program Administration	13	State or Region assessment of State NPDES program (none (N)/assessment (A)/profile (P))	I.1	50 states 2004	n/a	A, P	P		
	14	% pipes at facilities covered by individual permits w/ lat/long in PCS	I.7		46.3%	90.2%	--		
	15	State CAFO legal authority expected (mo/yr)	II.3	2005	n/a	2/04	n/a		
	16	# Withdrawal petitions/legal challenges (22 total)	I.4		n/a	2	n/a	1	
	17	DMR data entry rate	I.7		95%	100%	--		
	18	# permit applications pending (1,011 total)	I.6		n/a	74	--	37	
NPDES Program Implementation	19	% major facilities covered by current permits	I.6	90%	83.7%	81.3%	n/a	84.6%	
	20	% minor facilities covered by current individual or non-storm water general permits	I.6	90% 12/04	87.0%	90.8%	50.0%	95.9%	100.0%
	21	# major facilities w/permits expired >10 yrs. (56 total)	I.6		n/a	2	0	1	
	22	% priority permits issued as scheduled (TBD '05)	I.6	95% 2005		--	--		
	23	% pretreatment programs inspected/audited during 5 yr. inspection period	II.2		85.3%	100.0%	--		
	24	% SIUs w/control mechanisms	II.2		99.2%	98.3%	--	100.0%	
	25	% of CSO permittees with long-term control plans developed or required	II.5	75% 2008	82.2%	n/a	--		
	26	% CAFOs covered by NPDES permits	II.3		35%	3%	--		
	27	% biosolids facilities that have satisfied part 503 requirements (TBD '05)	II.6			--	--		
	28	# Phase I storm water permits issued but not current (76 total)	II.4		n/a	1	0		
	29	# Phase I storm water permits not yet issued (5 total)	II.4		n/a	0	0		
	30	Phase II storm water small MS4 permits current (Y/N/D (draft) (35 States)	II.4	100% states 2008	n/a	Y	n/a		
	31	Phase II storm water construction permit current (Y/N/D (draft) (49 States)	II.4	100% states 2008	n/a	Y	Y		
NPDES Compliance Monitoring and Enforcement Response	32	% major facilities inspected	III.3		71%	91%	1%		
	33	(inspections at minors) / (total inspections at majors and minors)	III.3		76%	91%	17%		
	34	% major facilities in significant non-compliance (SNC)	III.1		20%	23%	--	17%	
	35	% SNCs addressed by formal enforcement action (FEA)	III.1		14%	53%	--		
	36	% SNCs returned to compliance w/o FEA	III.1		70%	28%	--		
	37	# FEAs at major facilities (666 total)	III.1		n/a	41	8	50	
	38	# FEAs at minor facilities (1,660 total)	III.1		n/a	219	1	218	

Explanation of Column Headers:

Profile Section: For each measure, this column lists the section of the profile where the program area (including any additional data for the measure) is discussed.

National Data Sources: The information in these two columns is drawn from two types of sources:

(1) EPA-managed databases of record for the national water program, such as PCS, the National Assessment Database, and the National TMDL Tracking System. NPDES authorities are responsible for populating PCS with required data elements and for assuring the quality of the data. EPA is working to phase in full use of NAD and NNTS as national databases.

(2) Other tracking information maintained by EPA Headquarters for program areas such as CAFOs, CSOs, and storm water.

The [definitions document](#) accompanying this Management Report provides a detailed definition of each data element in the National Data Sources columns.

Additional Data: These columns provide additional data in cases where information from other data sources differs from information in the National Data Sources column for reasons such as different timing of the data "snapshot." Additional data should generally adhere to the same narrative definitions as data in the National Data Sources, and should be derived using similar processes and criteria. Our goal is to work with the States on these discrepancies to ensure consistent and accurate reporting. A State contact is available who can respond to queries. The profiles discuss each additional data element.

State Activities: Information in these columns reflects activities conducted by the State program. (Shaded cells in these columns indicate that the work may not be entirely the State's responsibility, but a breakdown of the data into EPA and State responsibilities is unavailable.)

EPA Activities: Information in these columns reflects activities conducted by the EPA Region within the State.

NPDES Management Report, Spring 2005

Louisiana

		Profile Section	GPRA Goal	Nat. Avg.	National Data Sources		Additional Data	
					State Activities	EPA Activities	State Activities	EPA Activities
Water Quality Progress								
Universe	39	River/stream miles (3,419,857 total)	IV.2		n/a	66,294	n/a	
	40	Lake acres (27,775,301 total)	IV.2		n/a	1,078,031	n/a	
	41	Total # TMDLs in docket at end of FY 2003 (52,795 total)	IV.4		n/a	1,653	--	
	42	# TMDLs committed to in FY 2003 management agreement (2,435 total)	IV.4		n/a	13	--	
	43	# Watersheds (2,341 total)	IV.2		n/a	--	--	
Water Quality Administration	44	On-time Water Quality Standards (WQS) triennial review completed (42 States)	IV.3		n/a	Y	n/a	N
	45	# WQS submissions that have not been fully acted on after 90 days (32 total)	IV.3	<25% submissions	n/a	n/a	1	
Water Quality Implementation	46	State is implementing a comprehensive monitoring strategy (Y/N) (TBD)	IV.1	all states 2005	--	--	--	
	47	% river/stream miles assessed for recreation	IV.2		13.8%	14.1%	n/a	
	48	% river/stream miles assessed for aquatic life	IV.2		22.0%	14.2%	n/a	
	49	% lake acres assessed for recreation	IV.2		49.4%	61.2%	n/a	
	50	% lake acres assessed for aquatic life	IV.2		48.5%	61.2%	n/a	
	51	# outstanding WQS disapprovals (23 total)	IV.3		n/a	0	n/a	
	52	WQS for E. coli or enterococci for coastal recreational waters (12 States)	IV.3	35 states 2008	n/a	N	n/a	
	53	WQS for nutrients or Nutrient Criteria Plan in place (13 States)	IV.3	25 states 2008	n/a	N	n/a	
	54	Cumulative # TMDLs completed through FY 2003 (10,807 total)	IV.4		n/a	395	--	
	55	# TMDLs completed in FY 2003 (2,929 total)	IV.4		n/a	13	0	
Environmental Outcomes	56	# TMDLs completed through FY 2003 that include at least one point source WLA (5,036 total)	IV.4		n/a	200	--	
	57	% Assessed river/stream miles impaired for swimming in 2000	IV.2		--	40.0%	n/a	
	58	% Assessed lake acres impaired for swimming in 2000	IV.2		--	8.0%	n/a	
	59	# Watersheds in which at least 20% of the water segments have been assessed and, of those assessed, 80% or more are meeting WQS (440 total)	IV.2	600 2008	n/a	--	--	

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