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State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL SERVICES

NOV 0 1 2011

GENERAL PERMIT NUMBER: LAG870000
AI 169705
PER20100001

DISCHARGE CATEGORY: DISCHARGE OF PESTICIDES INTO OR NEAR WATERS OF THE STATE

TO: ALL INTERESTED PARTIES

Subject: Final LPDES General Permit for Discharges of Pesticides into or Near Waters of the State

The Department of Environmental Quality (DEQ) has issued the Louisiana Pollutant Discharge Elimination System General Permit Number LAG870000. A copy of the Final general permit is attached for your information.

The Office of Environmental Services (Office) has published a public notice announcing the proposal to issue this general permit one time in the official state journal, THE ADVOCATE of Baton Rouge, and one time each in the following local papers throughout the state: THE TIMES of Shreveport, THE AMERICAN PRESS of Lake Charles, THE TIMES PICAYUNE of New Orleans, THE NEWS-STAR of Monroe, THE TOWN TALK of Alexandria, THE ADVERTISER of Lafayette, and THE COURIER of Houma. Subsequent to publication of the public notice in these newspapers a 30 day public comment period began. A public notice was also mailed to all persons on the mailing list of this Division and placed on the Permits Public Web Page at http://www.deq.louisiana.gov/apps/pubnotice/default.asp. All interested persons were invited to submit written comments to this Office within this 30 day comment period. Comments were received during the comment period. After careful consideration of the issues addressed in the comments on the draft general permit, we have made a determination to issue the permit.

Discharges covered under this general permit include pesticides used for mosquito and other flying insect control; aquatic weed and algae control; aquatic nuisance animal control; forest canopy pest control, right-of-ways, and other uses as indicated. Coverage under this general permit shall be limited to operators applying pesticides in accordance with the Louisiana

Pesticide Law (L.R.S 3:3201-3310), state pesticide regulations (LAC7:XXIII) and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

Authorization to discharge is granted by the issuance of this general permit and only after all requirements described therein are satisfied. Discharges which meet the eligibility requirements of Part I.A are automatically regulated under the permit without submitting a notice of intent, in accordance with LAC 33:IX.2515.B.2.e, and all conditions and requirements of the permit are applicable to these discharges. If the LDEQ determines that coverage under the permit is inappropriate, submittal of an application for an individual LPDES permit may be required.

No annual maintenance and surveillance fee will be assessed for coverage under the permit.

Should you have any questions concerning any part of the general permit, public notice requirements or procedures, please contact Bruce Fielding, Water Permits Division, at the address on page one of this letter, by telephone at (225) 219-3189, or by e-mail at bruce.fielding@la.gov.

Sincerely,

Sam L. Phillips
Assistant Secretary
Office of Environmental Services

bf

Enclosures: Final Permit, Memorandum of Agreement Between LDEQ and LDAF

c: IO-W

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State Historic Preservation Officer
Dept. of Culture, Recreation & Tourism
Office of Cultural Development/Division of Archaeology

OFFICE OF ENVIRONMENTAL SERVICES
Water Discharge Permit

MASTER PERMIT NUMBER LAG870000
AI 169705
GENERAL PERMIT FOR
APPLICATION/DISCHARGES OF PESTICIDES INTO OR NEAR WATERS OF THE STATE

Pursuant to the Clean Water Act, as amended (33 U.S.C. 1251 et seq.), and the Louisiana Environmental Quality Act, as amended (La. R. S. 30:2001 et seq.), rules and regulations effective or promulgated under the authority of said Acts, this Louisiana Pollutant Discharge Elimination System (LPDES) General Permit is issued. This permit authorizes all dischargers who meet the requirements of Part I.A herein discharge pesticides in accordance with the Louisiana Pesticide Law (La.R.S. 3:3201-3310), state pesticide regulations (LAC 7:XXIII) and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) which includes all instructions on the pesticide label and in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I and II of this permit.

This permit shall become effective on October 31, 2011

This permit and the authorization to discharge shall expire five (5) years from the effective date of the permit.
Issued on October 31, 2011

S L Phillips

Sam L. Phillips
Assistant Secretary

PART I

SECTION A. APPLICABILITY

This permit authorizes all dischargers of pesticides in accordance with state laws and regulations and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) which includes all instruction on the pesticide label. Specific applicable (unless exempted by LAC 33:IX2315) Louisiana Department of Agriculture and Forestry (LDAF) regulation Subchapters under LAC 7:XXIII are listed below:

Subchapter F. Certifications

Subchapter H. Licensing Requirements

Subchapter I. Regulations Governing Application of Pesticides

Subchapter J. Bulk Pesticides

Subchapter K. Mechanically Powered Pesticide Application Equipment

Subchapter L. Monitoring of Commercial Applicator Operations

Subchapter N. Record Keeping Requirements

Subchapter P. General Requirements for Pesticide Waste

Subchapter Q. Handling Spills by Commercial Applicators

Subchapter R. Handling of Pesticide Containers

Subchapter S. Unused Portions of Pesticides and/or Rinsate of Pesticides Classified as Hazardous Waste

Subchapter U. Surface Impoundments of Hazardous Wastes

Subchapter V. Surface Impoundments by Commercial Applicators

Subchapter W. Emergency Procedures Related to Pesticides

Subchapter X. Water Protection

Subchapter Y. Pesticide WastesThese subchapters are incorporated by reference into this permit and are fully enforceable permit conditions. See Appendix A.

This permit covers applicators/dischargers who discharge any substance fitting the definition of a pesticide. 'Pesticide' is defined in the Louisiana Pesticide Law (L.R.S 3:3202) as meaning any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest and any substance or mixture of substances intended for use as a plant regulator, defoliant, desiccant, or any substance the commissioner

[Commissioner of the LA Department of Agriculture and Forestry (LDAF)] determines to be a pesticide. So, throughout this permit, 'pesticide' will include a wide range of substances.

This permit authorizes all dischargers to discharge pesticides in accordance with the use categories indicated below. In accordance with LAC 33:IX.2515.B.2.e, they are not required to submit a Notice of Intent (NOI) and are automatically covered upon the effective date of this permit. However, they are required to maintain all records and information required under LAC 7:XXIII.167. Additionally, permittees covered under this permit shall have a records retention time of 3 years.

This permit covers categories of authorization to include the following, unless exempted by LAC 33:IX.2315.A:

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

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

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

A printed hard copy of this permit may be obtained by contacting LDEQ's Office of

Environmental Services, Water Permits Division at (225) 219-3181, or a copy can be downloaded from the LDEQ website at http://www.deq.louisiana.gov/portal/tabid/243/Default.aspx .

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

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

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

This general permit shall not apply to:

1. discharges which have limits assigned to them in the Louisiana Water Quality Management Plan or an approved Waste Load Allocation;

2. discharges containing pesticides to waterbodies which have suspected causes of impairments listed which include that pesticide as identified in the 303(d) list;

3. discharges containing restricted use pesticides to waterbodies which have suspected causes of impairments listed which include any pesticide as identified in the 303(d) list;

4. discharges which are likely to have unauthorized adverse effects upon threatened or endangered species, or on the critical habitat for these species as determined in conjunction with the U.S. Fish and Wildlife Service (USFWS);

5. discharges which adversely affect properties listed or eligible for listing in the National Register of Historic Places, unless they are in compliance with requirements of the National Historic Preservation Act and any necessary activities to avoid or minimize impacts have been coordinated with the Louisiana State Historic Preservation Officer (for questions, the operator

should contact the Section 106 Review Coordinator, Office of Cultural Development, P. O. Box 44247, Baton Rouge, LA 70804-4247 or telephone (225) 342-8170);

6. discharges, as indicated by evidence, indicating the reasonable potential to cause or contribute to a violation of a water quality standard;

7. coverage under this permit if any of the following circumstances apply; the discharges are covered by another LPDES permit or the discharges were included in a permit that within the last five years has been or is in the process of being denied, terminated, or revoked; and

8. discharges of pesticides to Outstanding Natural Resource Waters (ONRWs). However, there may be unusual situations where pesticide application may be allowed in order to maintain use and status of the water body. An example of this would include application of a pesticide to control an invasive aquatic plant species that is having a deleterious effect on the dissolved oxygen and other parameters of the ONRW. Other examples would include application of a pesticide for the protection of human health and safety.

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

SECTION B. EFFLUENT LIMITATIONS

This permit authorizes all persons to handle, use, or apply pesticides in accordance with state laws and regulations and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) which include all instruction on the pesticide label.

Discharge must be controlled as necessary to meet applicable state water quality standards.

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

No pesticide may be applied unless that pesticide in registered by the LA Department of

Agriculture and Forestry (LDAF).

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

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

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

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

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

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

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

1. An unauthorized release or discharge associated with the application of pesticides e.g., spill, leak, or discharge not authorized by this or another LPDES permit occurs;

2. You become aware, or the State permitting authority concludes, that your control measures are not adequate/sufficient for the discharge to meet applicable water quality standards;

3. An inspection or evaluation of your activities by a state official, reveals that modification to the control measures are necessary to meet the non-numeric effluent limits in the permits; or,

4. You observe, for example, during visual inspection or monitoring that a modification is required or are otherwise made aware of an adverse incident, as defined in Part II, Section A.

This permit also authorizes the discharge of storm water runoff from facilities which handle pesticides provided the pesticides are handled and stored in accordance with the label and there has been no spillage or leakage which has not been cleaned up. Storm water coverage under this permit is not applicable to facilities which qualify for coverage under the Multi-Sector General Permit, LAR050000.

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

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

Monitoring

In accordance with LDAF regulations (see LAC 7:XXIII.161) commercial applicators of pesticides are subject to semi-annual monitoring (or more frequently at the discretion of the Commissioner of LDAF). Monitoring shall include:

1. inspect the physical surroundings of the site to determine that all requirements of these regulations have been complied with;
2. inspect the records required under §§167, 169 and 171 of LDAF regulations;
3. take samples, as determined by the Commissioner of LDAF, at any of the following locations:
    a. any site where an application of pesticides has been made by the applicator;
    b. any base storage;
    c. any containment tank for pesticides which, upon disposal, are classified as hazardous wastes;
    d. any surface impoundment;

e. any wash pad;

f. any soils or water, flowing or still, at any location on or adjacent to the base operation; or

g. any application equipment (i.e., hopper tanks and connections, mixing tank, etc.).

Even though the specified monitoring (inspections) listed in LAC 7:XXIII.161 are from the LA Pesticide Regulations of the LDAF, authorized representatives of LDEQ shall have the same monitoring (inspection) authority plus all right of entry and inspection authority in accordance with the LA Environmental Quality Act.

Record Keeping

Fee and commercial applicators shall maintain, for a period of three years, records of pesticide applications. Records must be available within 3 days of the application at the physical address of the employer or the physical address of the licensee. A copy of these records shall be provided to any employee of the department upon request at a reasonable time during normal working hours. The following information shall be recorded:

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

Non-fee commercial applicators described below shall accurately maintain, for a period of three years, records of applications of all pesticides on the appropriate record

keeping form as described above. Records described herein shall be maintained, within seven days of the application, at the physical address of the employer. A copy of these records shall be provided to any employee of LDAF or LDEQ upon request, at a reasonable time during normal working hours.

a. applicators who apply or supervise the application of restricted use pesticides on a non-fee basis in, on or around institutions, motels, hotels, hospitals and like places as the owner or in the employ of the owner and for persons applying or supervising the application of any pesticide for grass and weed control and rodent and general pest control in, on, or around structures or grounds of government subsidized and administered housing and multiplex housing.

b. applicators who apply, or supervise the application of, restricted use pesticides on a non-fee basis in, on, or around commercial grain elevators and other grain handling establishments, feed mills, flour mills, food processing plants, and other places where processed or unprocessed foods are stored, as the owner or in the employ of the owner.

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

Reporting

Routine reporting is not required by this permit.

All uncontained spills of more than 1 gallon liquid or 4 pounds dry weight must be reported to the director of Pesticides and Environmental Programs of LDAF within 24 hours by telephone and by written notice within three days. Applicators are responsible for the cost of cleanups resulting from pesticide spills in their operations. (see LDAF regulation LAC 7:XXIII.177 A.).

Part II
Other Requirements

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

SECTION A. DEFINITIONS

For definitions of monitoring and sampling terminology see Part II, Section F.

Additional definitions:

1. "Act" means Act 449 of the 1979 Louisiana Legislature which established Section 2001, et seq. of Title 30 of the Louisiana Revised Statutes of 1950 and any subsequent amendment to these Sections.

2. "Active ingredient" means:
    a. In the case of a pesticide, other than a plant regulator, defoliant, or dessicant, an ingredient which will prevent, destroy, repel, or mitigate any pest.
    b. In the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the product thereof.
    c. In the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant.
    d. In the case of a dessicant, an ingredient which will artificially accelerate the drying of plant tissue.

3. "Adverse Incident" means an incident that you have observed upon inspection or of which you otherwise become aware, in which:
    a. A person or non-target organism may have been exposed to a pesticide residue, and
    b. The person or non-target organism suffered a toxic or adverse effect.

    The phrase "toxic or adverse effects" includes effects that occur within waters of the U.S. on non-target plants, fish or wildlife that are unusual or unexpected (e.g., effects are to organisms not otherwise described on the pesticide product

label or otherwise not expected to be present) as a result of exposure to a pesticide residue, and may include:

- Distressed or dead juvenile and small fishes
- Washed up or floating fish
- Fish swimming abnormally or erratically
- Fish lying lethargically at water surface or in shallow water
- Fish that are listless or nonresponsive to disturbance
- Stunting, wilting, or desiccation of non-target submerged or emergent aquatic plants
- Other dead or visibly distressed non-target aquatic organisms (amphibians, turtles, invertebrates, etc.)

The phrase, "toxic or adverse effects," also includes any adverse effects to humans (e.g., skin rashes) or domesticated animals that occur either directly or indirectly from a discharge to waters of the U.S. that are temporally and spatially related to exposure to a pesticide residue (e.g., vomiting, lethargy).

4. "Agricultural consultant" means a person who, for a fee, provides technical advice, supervision, or recommendation in one or more of the categories under which agricultural consultants are licensed.

5. "Commercial applicator" means an individual who is certified to apply or supervise the application of restricted and general use pesticides in the course of his employment.

6. "Commissioner" means the commissioner for agriculture and forestry or his duly authorized representatives acting at his direction.

7. "Department" means the LA Department of Environmental Quality (LDEQ).

8. "Discharge" when used without qualification means the "discharge of a pollutant".

9. "Division" means the Division of Pesticide and Environmental Programs within the Office of Agricultural and Environmental Sciences within the LA Department of Agriculture and Forestry.

10. "Effluent limitations" means any applicable state or federal quality or quantity limitation which imposes any restriction or prohibition on quantities, discharge rates, and concentrations of pollutants which are discharged into the waters of the state.

11. "EPA" means the US Environmental Protection Agency.

12. "Facility or Activity" means any LPDES point source or any other facility or activity (including land or appurtenances thereto) that is subject to regulations under the LPDES program.

13. "FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act, P.L. 92-516, as amended.

14. "General use pesticide" means a pesticide which is classified for general use by the commissioner or by EPA under FIFRA. *(L.R.S 3:3223 describes 'general use' as the use of the pesticide, when applied in accordance with its directions for use, warnings, and cautions, and for the uses for which it is registered, or for one or more of those uses, or in accordance with a widespread and commonly recognized practice, will not generally cause, without additional restrictions, unreasonably adverse effects on the environment, or injury to the applicator.)*

15. "Impaired Water" – A water is impaired for purposes of this permit if it has been identified by the State or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting applicable State water quality standards (these waters are called "water quality limited segments" under 40 CFR 130.2(j)). Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established TMDLs, and those for which a TMDL has not yet been approved or established.

16. "General Permit" means an LPDES permit authorizing a category of similar discharges within a geographical area.

17. "Inert ingredient" means an ingredient which is not active.

18. "Label" means the written, printed, or graphic material on, or attached to the pesticide or any of its containers or wrappers.

19. "Labeling" means all labels and all other written, printed, or graphic matter accompanying the pesticide at any time or to which reference is made on the label or in literature accompanying the pesticide.

20. "LPDES" means those portions of the Louisiana Environmental Quality Act and the Louisiana Water Control Law and all regulations promulgated under their authority which are deemed equivalent to the National Pollutant Discharge Elimination

System (NPDES) under the Clean Water Act in accordance with Section 402 of the Clean Water Act and all applicable federal regulations.

21. "Manufacturer" means the person who owns or holds the rights to any brand under which a pesticide is sold.

22. "Non-target organism" means a plant or animal other than the one against which the pesticide is applied.

23. "Office" means the Office of Environmental Services within the Department of Environmental Quality.

24. "Operator" means the person or legal entity responsible for the operation and/or maintenance of a facility with a discharge covered by the Title 33 regulations.

25. "Owner" means the person or legal entity holding legal title to a facility with a discharge covered by the Title 33 regulations.

26. "Package" means any parcel, bag, bottle, can, or other container which contains a pesticide.

27. "Person" means an individual, municipality, public or private corporation, partnership, firms, the United States Government and any agent or subdivision thereof, of any other juridical person.

28. "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest and any substance or combination of substances intended for use as a plant regulator, defoliant, dessicant, or any substance the commissioner determines to be a pesticide.

29. "Pesticide dealer" means a person who is licensed to own or operate a business which engages in the sale of restricted use pesticides.

30. "Pesticide salesperson" means an individual who is certified to sell or supervise the sale of restricted use pesticides.

31. "Pesticide waste" means any pesticide or substance containing a pesticide or any container thereof when it is discarded or is meant to be discarded.

32. "Pesticide waste generation" means the act or process of producing pesticide wastes.

33. "Pesticide with restricted uses" means any pesticide for which the commissioner has established restrictions on the application of the pesticide during certain times or in certain locations.

34. "Pests" means any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other microorganism, except viruses, bacteria, or other microorganism in living humans or other living animals, which the commissioner declares to be a pest.

35. "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest and any substance or mixture of substances intended for use as a plant regulator, defoliant, desiccant, or any substance the commissioner [Commissioner of the LA Department of Agriculture and Forestry (LDAF)] determines to be a pesticide.

36. "Private applicator" means an individual who is certified to apply or supervise the application of any restricted use pesticide for the purpose of producing any agricultural commodity on land owned or leased by the private applicator or for the purpose of applying or supervising the application of any restricted use pesticide on lands owned by another without compensation. Producing an agricultural commodity shall include related aspects of production, such as storage or transportation of an agricultural commodity produced by the private applicator.

37. "Reportable quantity (RQ) release" as specified at LAC 7.XXII.177.A, means "All uncontaminated spills of more than 1 gallon liquid or 4 pounds dry weight must be reported to the Director of Pesticides and Environmental Programs, LDAF at 225-925-3763 within 24 hours by telephone and by written notice to the Director of Pesticides and Environmental Programs, Post Office Box 3596, Baton Rouge, LA, 70821-3596, within three days.

38. "Restricted use pesticide" means a pesticide which is classified for restricted use by the commissioner or by the E.P.A. under the F.I.F.R.A. (*L.R.S 3:3223 describes 'restricted use' as the use of the pesticide, when applied in accordance with its directions for use, warnings, and cautions, and for the uses for which it is registered, or for one or more of those uses, or in accordance with a widespread and commonly recognized practice, may generally cause, without additional restrictions, unreasonably adverse effects on the environment, or injury to the applicator.)*

39. "Sanitary wastewater" means treated or untreated wastewater which contains human metabolic and domestic wastes.

40. "Secretary" means the Secretary of the Louisiana Department of Environmental Quality.

41. "State Administrative Authority" means the Secretary of the Department of Environmental Quality or his designee or the appropriate assistant secretary or his designee.

42. "Storm Water Pollution Prevention Plan (SWPPP)" means a plan that describes a process whereby a facility thoroughly evaluates potential pollutant sources at a site and selects and implements appropriate measures designed to prevent or control the discharge of pollutants in storm water runoff.

43. "Waters of the State" means both surface and underground waters within the state of Louisiana including all rivers, streams, lakes, estuaries, ground waters and all other water courses and waters within the confines of the state, and all bordering waters and the Gulf of Mexico. "Waters of the state" does not include waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act, 33 U.S.C. 1251 et seq.

SECTION B. COMPLIANCE SCHEDULE

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

SECTION C. OTHER DISCHARGES

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

SECTION D. FACILITY CHANGES

The authorization to discharge in accordance with this general permit may be terminated at

the discretion of this Office if a change or alteration of the permitted facility, or process(es).

SECTION E. COVERAGE UNDER SUBSEQUENT PERMITS

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

SECTION F. TERMINATION OF AUTHORIZATION TO DISCHARGE

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

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

2. the permittee is not in compliance with the terms and conditions of this general permit;

3. conditions or standards have changed so that the source or activity no longer qualifies for this general permit; or

4. the discharge limitations contained in this permit are not in accordance with the Water Quality Management Plan.

SECTION G. SURFACE WATER QUALITY STANDARDS

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

Louisiana Surface Water Quality Standards (LAC 33:IX.Subpart I. Chapter 11.1109.E)

provide for short-term activity authorization. It says, "The administrative authority may exempt from water quality standards certain short-term activities that the state determines are necessary to accommodate activities, emergencies, or to protect the public health and welfare. Such activities shall not cause long-term or permanent impact on designated water uses. These activities may include, but are not limited to, mosquito abatement projects, algae and weed control projects, and fish eradication projects."

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

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

1. The State Administrative Authority may require any person authorized by this permit to apply for and/or obtain either an individual LPDES permit or an alternative LPDES general permit. Any interested person may petition the State Administrative Authority to take action under this paragraph. Where the State Administrative Authority requires a discharger authorized to discharge under this permit to apply for an individual LPDES permit, the State Administrative Authority shall notify the discharger in writing that a permit application or alternative general permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the discharger to file the application, and a statement that on the effective date of issuance or denial of the individual LPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. The State Administrative Authority may grant additional time to submit the application upon request of the applicant. If a discharger fails to submit in a timely manner an application as required by the State Administrative Authority under this paragraph, then the applicability of this permit to the permittee is automatically terminated at the end of the day specified by the State Administrative Authority for application submittal.

2. Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee shall submit an individual application in accordance with the requirements of LAC 33:IX.2515.B.3.c., with reasons supporting the request, to the State Administrative Authority at the Louisiana Department of Environmental Quality, Office of Environmental

Services, P. O. Box 4313, Baton Rouge, LA 70821-4313, ATTN: Water Permits Division. The request may be granted by issuance of an individual permit or an alternative general permit if the reasons cited by the permittee are adequate to support the request.

3. In order to appropriately cover all discharges that might occur at a facility, a permittee authorized to discharge under this LPDES permit might also need coverage under an individual LPDES permit or other LPDES general permits for discharges that occur at the facility/site that are not authorized by this general permit. The permittee shall maintain appropriate permit coverage for the permitted facility/site and shall maintain compliance with all effective LPDES permits issued to the facility/site.

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

SECTION I. PROPERTY RIGHTS

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

SECTION J. PERMIT REOPENER CLAUSE

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

SECTION K. REMOVED SUBSTANCES

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

SECTION L. SEVERABILITY

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

SECTION M. POLLUTION PREVENTION ACTIVITIES

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

1. Clean up and dispose of all spilled product and other spilled wastes immediately according to all applicable regulations, Spill Prevention and Control (SPC) plans or Spill Prevention Control and Countermeasures (SPCC) plans. Perform initial cleanup of spilled product by physical removal and minimize the use of chemicals. Use of detergents, emulsifiers, or dispersants to clean up spilled product is prohibited except where necessary to comply with state or federal safety regulations.
2. Recycle or contain for proper disposal all waste fuel, lubricants, solvents, or other fluids used in the repair or maintenance of vehicles or equipment. Clean up spills of these materials by dry means whenever possible.
3. Maintain all diked areas surrounding storage tanks or storm water collection basins free of residual oil or other contaminants so as to prevent the accidental discharge of these materials in the event of flooding, dike failure, or improper draining of the diked areas. Diked areas should be sufficiently impervious to contain spills.
4. Equip all drains from diked areas with valves kept in the closed condition except during periods of supervised discharge.

5. Inspect and maintain all check valves, tanks, drains, or other potential sources of pollutant releases on a regular basis to assure their proper operation and to prevent the discharge of pollutants.
6. Maintain all equipment, parts, dumpsters, trash bins, petroleum products, chemical solvents, detergents, or other material exposed to storm water in a manner which prevents contamination of storm water by pollutants.
7. Utilize all reasonable methods to minimize any adverse impact on the drainage system including but not limited to: a) maintaining adequate roads and driveway surfaces; b) removing debris and accumulated solids from the drainage system; and c) cleaning up immediately by sweeping, absorbent pads, or other appropriate methods.
8. Assure compliance with all applicable regulations promulgated under the Louisiana Solid Waste and Resource Recovery Law and the Hazardous Waste Management Law (La.R.S. 30.2151, etc.). Reference management practices required under above regulations in the in the facility's SWPPP (if applicable).

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

OTHER CONDITIONS

SECTION A. GENERAL CONDITIONS

1. Introduction

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

2. Duty to Comply

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

3. Penalties for Violation of Permit Conditions

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

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

4. Duty to Reapply

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

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

5. Duty to Provide Information

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

6. Criminal and Civil Liability

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

7. Oil and Hazardous Substance Liability

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

8. State Laws

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

9. Dilution

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

SECTION B. PROPER OPERATION AND MAINTENANCE

1. Need to Halt or Reduce not a Defense

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

2. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this

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

SECTION C. MONITORING AND RECORDS

1. Inspection and Entry

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

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

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

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

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

SECTION D. PENALTIES FOR VIOLATIONS OF PERMIT CONDITION

1. Criminal

a. Negligent Violations

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

b. Knowing Violations

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

c. Knowing Endangerment

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

d. False Statements

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the LPDES or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the LPDES, shall, upon conviction, be subject to a fine of not more than $10,000, or imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this Subsection, he shall be subject to a fine of not more than $20,000 per day of violation, or imprisonment of not more than 4 years, or both.

2. Civil Penalties

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

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

SECTION F. DEFINITIONS

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

1. Clean Water Act (CWA) means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or the Federal Water Pollution Control Act Amendments of 1972) Pub.L.92-500, as amended by Pub.L. 95-217, Pub.L. 95-576, Pub.L. 96-483 and Pub.L. 97-117, 33 U.S.C. 1251 et. seq.).

2. Administrator means the Administrator of the U.S. Environmental Protection Agency, or an authorized representative.
3. Applicable Standards and Limitations means all state, interstate and federal standards and limitations to which a discharge is subject under the Clean Water Act, including, effluent limitations, water quality standards of performance, toxic effluent standards or prohibitions, best management practices, and pretreatment standards under Sections 301, 302, 303, 304, 306, 307, 308 and 403.

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

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

6. LEQA means the Louisiana Environmental Quality Act.

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

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

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

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

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

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